

# 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**

Friday, March 27, 1925.

Senate called to order by the President.

Prayer by Rev. Dan H. Fenn of Augusta.

Journal of previous session read and approved.

On motion by Mr. Morrison of Franklin, the rules were suspended, and on further motion by the same Senator, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet Monday afternoon, March 30th, at 4.30 o'clock.

Sent down for concurrence.

Subsequently the foregoing order came back from the House, read and passed in concurrence.

Mr. Wadsworth of Kennebec, under suspension of the rules, presented the following bill out of order:

An Act to appropriate moneys for the expenditures of the government for the remaining months of the fiscal year ending June 30, 1925.

On motion by Mr. Hinckley of Cumberland, the Senate voted that it be accepted and printed under the joint rules.

Papers from the House disposed of in concurrence.

From the House: The Committee on Agriculture, on An Act relating to old, diseased or disabled animals (H. D. 114) reported that the same ought not to pass.

In the House: that branch, on March 23, expunged from their records vote of February 27 whereby report "ought not to pass" was accepted on this bill, and on March 26th, passed the bill to be engrossed.

In the Senate:

Mr. FOSTER of Kennebec: Mr. President, if I understand the status of the matter, I move that we insist upon our action and ask for a committee of conference.

Mr. POWERS: Mr. President, I suggest that lie upon the table until the chairman of the committee on agriculture returns to the Chamber, and so move.

The motion was agreed to.

**House Bills in First Reading**

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

An Act relating to fishing in certain waters in Franklin and Oxford Counties. (H. D. 219).

Resolve, in favor of the Gardiner Fish and Game Association, to reimburse same for one-half the cost of the screen installed by said association on Cobbosseecontee Stream, at the New Mills, so-called, in the city of Gardiner in the county of Kennebec. (H. D. 451).

An Act relating to State of Maine Building at West Springfield, Massachusetts. (H. D. 355).

An Act relating to appropriations for advertising by cities and towns. (H. D. 341).

An Act relating to State Pensions. (H. D. 357).

An Act relating to the better protection of smelts. (H. D. 448).

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

**Appropriations and Financial Affairs**

By Mr. Holley of Somerset, Resolve, in favor of Joseph F. Young, Jr., Clerk of the Committee on Maine Publicity. (S. P. 588).

By Mr. Phillips of Hancock, Resolve, in favor of Julian Croxford, Clerk of the Committee on Public Health. (S. P. 589).

Mr. HINCKLEY of Cumberland: Mr. President, may I inquire whether or not there will be an effort made to exchange papers? It might make a difference in some of our motions.

The PRESIDENT: I have no doubt we will hear from the other body and recess from time to time for the purpose of expediting the business of the session.

**Bills in First Reading**

Resolve. Appropriating Money for the Purpose of Operating Fish Hatcheries and Feeding Stations for Fish, for the Protection of Fish, Game and Birds and for Printing the Report of the Commissioner of Inland Fisheries and Game, and for

Maintenance of the Maine State Museum and for Other Expenses Incident to the Administration of the Department of Inland Fisheries and Game. (S. D. 244).

An Act Relating to the Disposition of Money Collected Under the Provisions of the Inland Fish and Game Laws. (S. D. 245).

Resolve, Appropriating Money to Aid in the Screening of Certain Lakes and Ponds. (S. D. 246).

An Act to Define Certain Grades of Milk Offered for Sale Within the State. (S. D. 247).

An Act to Repeal Chapter 57 of the Private and Special Laws of 1923. (Relating to smelt fishing in the waters of Pennamaquam and Cobscook Bays.) (S. D. 248).

An Act Amendatory of and Additional to Chapter 148 of the Revised Statutes, Relating to State Pensions, Creating a Field Agent for Blind, and Guide; and Defining the Duties and Compensation of Such Field Agent and Guide. (S. D. 249).

#### Reports of Committees

Mr. Maher, from the Committee on Judiciary, on An Act to amend Section 10 of Chapter 64 of the Revised Statutes relating to marriage. (S. D. 79) reported that the same ought not to pass.

Mr. Hinckley, from the same Committee, on An Act relating to taxation of corporations. (S. D. 182) reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

Mr. Maher, from the same Committee, on An Act to amend Chapter 485 of the Private 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. D. 102) reported that the same ought not to pass.

On motion by Mr. Smith of Somerset, tabled pending acceptance of the report of the committee.

Mr. Smith, from the Committee on Labor, on Joint Resolution proposing an amendment to the Constitution of the United States relating to Child Labor reported that the same be placed on file.

Mr. Carter, from the Committee on Public Utilities, on An Act grant-

ing to the State Highway Commission control of pipe and pole lines, conduits, dams and other similar constructions, and flowage on the rights of the way of public highways (S. D. 210) reported that the same ought not to pass.

Mr. Roberts, from the Committee on State Lands and Forest Preservation, on An Act to authorize the University of Maine to acquire land for reforestation. (S. D. 194) reported that the same ought not to pass.

Mr. Bond, from the Committee on Ways and Bridges, on Resolve providing for snow removal investigations. (S. D. 127) reported that the same ought not to pass.

The same Senator, from the same Committee, on An Act amending Chapter 15, Section 25, Revised Statutes, relating to State Highway Commission. (S. D. 128) reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

Mr. Lord, from the Committee on Agriculture, on An Act to amend Section 4 of Chapter 34 of the Revised Statutes, relating to the duties of the Commissioner of Agriculture. (S. D. 172) reported that the same ought to pass.

The report was accepted and on motion by Mr. Cass of Washington, the rules were suspended and the bill was given its first reading.

The Committee on Inland Fisheries and Game, on An Act relating to ice fishing in Lovewell's Pond (S. P. 15) reported the same in a new draft, under the title of An Act to amend Section 18 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 196 of the Public Laws of 1919, and as amended by Chapter 73 of the Public Laws of 1921, relating to fishing in Upper Kezar Pond and Lovewell's Pond, in Oxford County, and in Lower Kezar Pond, in Oxford and Cumberland Counties. (S. P. 590) and that it ought to pass.

Mr. Hussey, from the Committee on Judiciary, on An Act reimbursing towns for supplies furnished certain Indians. (S. P. 162) reported that the same ought to pass.

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

Mr. Maher, from the same Committee, on An Act to amend Section 34 of Chapter 211 of the Public Laws of 1921, relating to non-resident motor vehicles. (S. D. 98) reported that the same ought to pass.

On motion by Mr. Carter of Androscoggin, under suspension of the rules, the bill was given the first reading.

The same Senator from the same Committee, on An Act relating to the Attorney General. (S. D. 183) reported the same in a new draft, under the same title (S. P. 593) and that it ought to pass.

On motion by Mr. Holley of Somerset, under suspension of the rules, the bill was given its first reading.

The same Senator, from the same Committee, on An Act making uniform the registration of married women as voters. (S. D. 11) reported the same in a new draft, under the same title, (S. P. 594) and that it ought to pass.

On motion by Mr. Foster of Kennebec, under suspension of the rules, the bill was given its first reading.

The same Senator, from the same Committee, on An Act to amend certain acts relating to corporations (S. D. 184) reported the same in a new draft, under the same title (S. P. 595) and that it ought to pass.

On motion by Mr. Hinckley of Cumberland, under suspension of the rules, the bill was given its first reading.

Mr. Hinckley, from the same Committee on An Act Providing Penalty for Operating Motor Vehicles while under influence of intoxicating liquor or drug (S. D. 28) reported the same in a new draft, under the title of An Act relating to driving motor vehicles while under the influence of intoxicating liquor or drugs and the penalty therefor. (S. P. 596) and that it ought to pass.

On motion by Mr. Maher of Kennebec, tabled pending acceptance of the report.

The majority of the Committee on Judiciary, on An Act to incorporate Dexter P. Cooper to develop and utilize the power of the tides in the Bay of Fundy and waters adjacent thereto (S. D. 110) reported the

same in a new draft, under the title of An Act to Incorporate Dexter P. Cooper, Incorporated, for the purpose of developing and utilizing the power of the tides in the Bay of Fundy and waters adjacent thereto (S. P. 597) and that it ought to pass.

(Signed)

HINCKLEY  
HUSSEY  
MAHER  
NICHOLS  
HALE  
OAKES  
HAMILTON  
MARTIN  
HOLMES

The minority of the same Committee, on the same subject matter, reported ought not to pass.

(Signed)

WING

Mr. CARTER of Androscoggin: Mr. President, I move the matter be tabled, pending the acceptance of either report.

Mr. HINCKLEY of Cumberland: Mr. President, before the motion is put, may I inquire through the Chair of Senator Carter if he is willing to amend his motion by incorporating the words that the bill is the new draft may be printed?

Mr. CARTER: Through the Chair, I will inform the Senator from Cumberland, Senator Hinckley, that my next motion is an order to have the new draft printed.

Mr. HINCKLEY: That covers it. May I again inquire through the Chair of the Senator from Androscoggin, whether or not he will assign a day certain.

Mr. CARTER: Replying through the Chair to the Senator from Cumberland, I will assign next Wednesday as a day certain, and the reason for assigning Wednesday is that our calendar for Tuesday was very well loaded yesterday, it seems to me.

The motion that the matter be tabled and assigned for next Wednesday was agreed to.

Mr. CARTER of Androscoggin, under suspension of the rules presented out of order the following order:

ORDERED, that 500 copies of the new draft of S. D. 110, An Act to incorporate Dexter P. Cooper, be printed for the use of the 82nd Legislature.

The order received a passage.

Mr. Barwise from the Committee on Library, on An Act to provide for the completion of the Vital Records

of the State of Maine (S. P. 81) reported the same in a new draft, under the title of An Act to provide for the completion of the Vital Records of the State (S. P. 591) and that it ought to pass.

Mr. Allen, from the same Committee, on Resolve, authorizing the State Librarian to purchase copies of The History of Winthrop (S. P. 238) reported that the same ought to pass.

Mr. CARTER, from the same Committee, on Resolve, authorizing the State Librarian to purchase copies of The History of Aroostook (S. P. 280) reported that the same ought to pass.

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

Mr Buzzell, from the Committee on State Lands and Forest Preservation, on An Act relating to certain state parks (S. D. 213) reported that the same ought to pass.

The report was accepted, and on motion by Mr. Roberts of York, the bill was tabled pending first reading.

Mr. Roberts, from the same Committee, on An Act to ratify transfers of certain real estate to the State of Maine (S. D. 214) reported that the same ought to pass.

The report was accepted and the bill was given its first reading under suspension of the rules.

Mr BUZZELL, from the Committee on Towns, on An Act relating to the purposes for which cities and towns may raise money. (S. D. 44) reported the same in a new draft, under the same title (S. P. 592) and that it ought to pass.

The report was accepted and the bill tabled for printing under the joint rules.

Th majority of the Committee on Towns, on An Act to divide the town of Jonesport and incorporate the town of Beals (S. D. 103) reported that the same ought to pass.

(Signed)

FRIEND  
COLE  
MEARS  
ROBINSON  
HARRINGTON  
BUZZELL  
LEWIS

The minority of the same Commit-

tee, on the same subject matter, reported ought not to pass.

(Signed)

CASE  
MAHER  
MITCHELL

Mr. CASE of Washington, Mr. President, I move that this matter be tabled, pending the acceptance of either report.

Mr. HINCKLEY of Cumberland: Mr. President, may I inquire of the Senator from Washington, Senator Case, if he will assign a special day.

Mr. CASE: Mr. President, replying to the Senator from Cumberland, I will specially assign it for next Thursday.

Mr. HINCKLEY: Mr. President, it seems to me that that is a long way ahead if we are going to adjourn in time to plant our crops this spring. I wish the gentleman would consider an earlier date because our farmers must get home.

Mr. CASE: Mr. President, I am not here Monday, Tuesday is pretty well crowded as Senator Carter has suggested, and I am quite sure that Wednesday is pretty well crowded, but I will guarantee to take it up Thursday.

Mr. HINCKLEY: May I suggest again through the Chair, that we will be having all day sessions Tuesday and Wednesday and we should be able to get at this matter very easily either Tuesday or Wednesday.

Mr. MAHER of Kennebec: Mr. President, I understand the pending question is on the assignment to a day certain on the motion of the Senator from Washington. The Senator from Washington most courteously acceded to the suggestion of the Senator from Cumberland, Senator Hinckley, and assigned a day, Thursday. It would seem to me that this body could well accord to the Senator from Washington the courtesy that he asks, because nothing will be gained. If he does not in courtesy assign a day certain then it is temporarily tabled until Wednesday, and I think we all know that Wednesday will be fairly well engrossed so that the result will be that it will be upon Thursday, not specially assigned.

Mr. HINCKLEY: Mr. President, if the Senator, for his own convenience, desires Thursday, that is one question, but I understood him, to say that on account of the condition of the calendar—Now I know very little about this matter, but if it should

pass, then there is a good deal of work to be done on it after that time, and Thursday is a late hour. I haven't any doubt but that Tuesday will give us ample opportunity to take up this matter and many others. But if the Senator advises or suggests that for his own convenience he prefers Thursday, I will withdraw the question.

The PRESIDENT: The question is on the motion of the Senator from Washington, Senator Case, that this matter lie upon the table, pending the acceptance of either report, and be specially assigned for next Thursday.

The motion was agreed to.

### Final Reports

Mr. Wilson from the Committee on Agriculture, submitted its final report, having acted upon all matters referred to them.

The report was accepted.

Mr. Buzzell, from the Committee on Towns, submitted its final report, having acted upon all matters referred to them.

The report was accepted.

### Passed to Be Engrossed

An Act to amend Section 2 of Chapter 113 of the Public Laws of 1919, relating to Indians voting. (S. D. 101).

An Act to amend Chapter 176 of the Public Laws of 1921, to regulate certain internal affairs of the Passamaquoddy Tribe of Indians. (S. D. 111).

An Act relating to the purposes for which cities and towns may raise money. (S. D. 193).

An Act to provide for building a bridge across the Kennebec River between the city of Bath and the town of Woolwich. (S. D. 242).

Resolve, proposing an amendment to Article IX of the Constitution, authorizing the issuing of bonds to be used for the purpose of building a bridge across the Kennebec River between the city of Bath and the town of Woolwich. (S. D. 243).

### Passed to Be Enacted

An Act to authorize the County Commissioners of the County of Hancock to locate, lay out and establish a county way in Tide waters of Eggemoggin Reach in said County. (S. D. 230).

An Act to restrict hunting on Dry Pond, in Cumberland County. (S. D. 229).

An Act Relating to the Protection of Fur-Bearing Animals. (S. D. 228).

An Act to Close Hunting in Certain Territory in Sagadahoc County, to be Known as the West Bath Game Preserve. (H. D. 424).

An Act Relating to Abolishment of Grade Crossings. (H. D. 134).

An Act Relating to the Taking of Smelts in Casco Bay. (H. D. 125).

An Act to Amend Section 5 of Chapter 113 of the Revised Statutes as amended by Chapter 222 of the Public Laws of 1919 and by Chapter 244 of the Public Laws of 1919 and by Chapter 112 of the Public Laws of 1923, Relating to the Salaries of Deputy Sheriffs of Cumberland County. (H. D. 421).

An Act to Amend Chapter 174 of the Public Laws of 1923, Known as the Military Law. (H. D. 418).

An Act Relating to the Taking of Smelts, Suckers, Bait Fish, White Fish and Cusk. (H. D. 417).

Mr. HINCKLEY of Cumberland: Mr. President, I have here an order which I ask permission to introduce out of order, and I will read it.

"Ordered, the House concurring, that all matters tabled hereafter shall be taken from the table at the following session," and I move for its adoption.

Mr. MAHER of Kennebec: Mr. President, I move that the order be tabled and specially assigned for consideration tomorrow morning.

Mr. HINCKLEY: Mr. President, I rise to a point of order, that there will be no session tomorrow.

The PRESIDENT: The Chair thinks the position is very well taken.

Mr. MAHER: Mr. President, not questioning the ruling of the Chair, I will simply say that I was speaking in parliamentary language and that tomorrow morning is the next day's session under the rules.

Mr. HINCKLEY: Mr. President, I will say that I do not know of any such rule, and I will say further that I for one—

Mr. MAHER: Mr. President, I rise to a point of order.

The PRESIDENT: The senator from Kennebec, Senator Maher, may state his point of order.

Mr. MAHER: My motion is not debatable.

The PRESIDENT: Quite right.

Mr. HINCKLEY: Mr. President, I am speaking on the question of a day certain.

The PRESIDENT: The Chair will rule that the senator does not have to do that. The Chair will rule that the

senator from Kennebec, Senator Maher, is right in his position in relation to that.

Mr. HINCKLEY: Mr. President, I am speaking not to the motion to lay upon the table, but the senator having designated a day certain upon which this matter was to be considered, that was debatable under the rules.

Mr. MAHER: Mr. President, I will respectfully withdraw my point of order, because the senator from Cumberland is correct, if he is debating of course my motion. I had understood that he had raised the point that my motion was not in order. If the senator is now recognizing when I made the motion to table and assign it for consideration tomorrow morning I was speaking in parliamentary language and it meant the next day of the session, of course I concede that is debatable.

Mr. HINCKLEY: That, Mr. President, was my question. And now may I ask the Senator from Kennebec, Senator Maher, through the Chair, whether or not the Senator asked to have it considered on a day certain.

Mr. MAHER: Mr. President, answering the Senator from Cumberland, Senator Hinckley, my esteemed colleague, through the Chair, I will say that I have asked to have it assigned for a day certain, to wit, tomorrow morning.

Mr. HINCKLEY: Now, Mr. President, having asked for a day certain, I wish to address this body on the question of assigning it for a day certain, which under the rules is debatable.

The PRESIDENT: The Senator from Cumberland, Senator Hinckley, may proceed.

Mr. HINCKLEY: Mr. President and members of the Senate. I have a feeling that some of us who do not live as near to the State House and have an opportunity to visit their own homes at any time during the day and night as they may wish, are very much interested that this session of the Legislature should conclude its work within a reasonable time. It has been the custom during sessions in the past, at periods anywhere from ten days to two weeks before the final adjournment of the session, to invoke such an order as this in order to expedite matters. If a matter comes off the table on the following day then, of course, for good reason the Senate always cour-

teously extends that time. But I feel certain that if we are going to get home and close the work of this session within a reasonable time it is very important that these matters should come off of the table the following day; and for this reason I hope that the motion for this matter to go over until next week before it can be voted upon will not prevail.

Mr. MAHER: Mr. President, I will state that there are certain new matters suggested by the remarks of the Senator from Cumberland, Senator Hinckley, that are slightly different from the stereotyped arguments that I have heard advanced at the few sessions during which I have been here, and if the remarks of the Senator had been confined to the usual I would have no difficulty in answering them. Inasmuch as the Senator has suggested matters which seemed to me to require some little consideration. I am not prepared to debate the important thought contained in his remarks, and I certainly would ask the indulgence of this body for the short period until the next legislative day.

Mr. HINCKLEY: Mr. President I cannot resist the appealing eloquence of my distinguished colleague, and for that reason I will yield until Monday of next week.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Maher, that this matter be laid upon the table, pending consideration, until the next legislative day.

The motion was agreed to.

#### Orders of the Day

The PRESIDENT: Are there any matters on the calendar that may be taken from the table and disposed of at this time, in the best interest of all those living near and far?

On motion by Mr. Maher of Kennebec, H. D. 437, House report from the committee on judiciary, reporting "ought to pass" on bill, An Act relating to the taking of additional land by railroad corporations, proceedings before public utilities commission, was taken from the table.

The pending question being the adoption of Senate Amendment A,

Mr. MAHER: Mr. President, I tabled this matter yesterday, when the senator from Androscoggin, Senator



Carter, introduced the amendment in order to examine the same. That amendment simply provided for a change of punctuation in the bill, and realizing that at times a change of punctuation, by the change of a comma or a period, might wholly change the purport of a bill, as viewed from the position of those who passed upon it and reported it, I simply wanted an opportunity to glance at the amendment. This change is simply grammatical and not textual, and certainly not legal, and I therefore yield to the senator from Androscoggin, Senator Carter.

On motion by Mr. Carter, Senate Amendment A was adopted, and on further motion by the same senator the bill was tabled for printing as amended, under the joint rules.

Mr. HINCKLEY: May I state through the Chair that it is important, as I have been informed by our printers, that we should get as many matters as possible in position for printing and engrossing so that the work can be done during the interim before the legislature reconvenes next week, and I hope that this body will take from the table as many matters as possible and get them to that state where they can be delivered to the printer.

Now Mr. President, in order to facilitate the business of this session I will move to take from the table S. D. 160, Resolve in favor of the Bangor State Hospital for maintenance and other purposes.

The motion was agreed to.

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

On motion by Mr. Wadsworth the resolve was retabled and specially assigned for consideration on Monday afternoon of next week.

On motion by Mr. Allen of York, H. D. 430, bill An Act relating to kindergarten as part of the common schools, was taken from the table.

The pending question being the passage of the bill to be engrossed.

Mr. ALLEN: Mr. President and Senators, I would like to state at this time that this bill was reported to the Senate from the Committee on Education with a unanimous report "ought to pass." It was tabled in the Senate by the Senator from Aroostook, Senator Wilson, and afterwards taken from the table by that Senator

and a motion made that it be indefinitely postponed. I immediately asked to have the bill tabled, and the Senator withdrew his motion. The Senator stated at the time of making his motion to indefinitely postpone that this bill called for certain things.

The bill provides among other things, as follows: "Provided, however, that the superintending school committee of any city or town may, and upon the filing with the municipal officers of such city or town of a petition not less than one month before the annual town meeting by the parents or guardians of thirty or more children between four and six years of age living within a mile of a public elementary school, shall, unless otherwise instructed by the town or city, maintain a kindergarten or kindergartens as a part of the common school course.

The Senator from Aroostook, Senator Wilson, was mistaken in his remarks. This is the law as it stands in the statute books of our state today and it is not the case as he stated it. This bill requires an amendment, and the amendment reads that this shall be amended by inserting after the word "training" in the 29th line thereof the words "or an equivalent."

I will say that the Senator from Aroostook, Senator Wilson, has just whispered in my ear to let the bill go along, and as I have no particular interest in the measure, I have no further remarks to make concerning the bill.

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

On motion by Mr. Smith of Somerset, S. P. 340, bill, An Act relating to the salary of the county attorney of Somerset county, was taken from the table.

On further motion by the same Senator the bill received its first reading.

The same Senator then offered Senate amendment A, to amend by striking out in the 16th line thereof the words "Somerset county, fifteen hundred dollars," and by inserting in place thereof the words "Somerset county, twelve hundred dollars."

The amendment was adopted.

On further motions by the same Senator the rules were suspended and the bill received its second read-

ing and was passed to be engrossed, as amended.

On motion by Mr. Allen of York, H. D. 229, bill, An Act relating to the salary of the county attorney for York county, was taken from the table.

On further motion by the same Senator the bill received its first reading.

The same Senator then offered Senate Amendment A, to amend by striking out in the 19th line the words "York County, eighteen hundred dollars." and by inserting in place thereof the words "York county, fourteen hundred dollars."

The amendment was adopted.

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

On motion by Mr. Perkins of Penobscot, S. D. 260, Senate report from the committee on State school for boys, State school for girls and State reformatories, reporting "ought not to pass" on resolve in favor of the State reformatory for men for new equipment, was taken from the table.

The pending question being the acceptance of the report,

On further motion by the same Senator the report was accepted.

On motion by Mr. Perkins of Penobscot, S. P. 587, Senate report from the committee on state school for boys, state school for girls and state reformatories, reporting "ought to pass" on resolve in favor of the State Reformatory for Men for maintenance, personal services, repairs and equipment, was taken from the table.

The pending question being the acceptance of the report.

On further motion by the same Senator the report was accepted.

The resolve then received its first reading, and on further motions by the same Senator the rules were suspended and the resolve received its second reading and was passed to be engrossed.

On motion by Mr. Perkins of Penobscot, S. P. 84, Senate report from the committee on state school for boys, state school for girls and state reformatories, reporting "ought to pass" on resolve in favor of the re-

formatory for women for new construction and permanent improvements, was taken from the table.

The pending question being the acceptance of the report.

On further motion by the same Senator the report was accepted.

The resolve then received its first reading and on further motions by the same Senator the rules were suspended and the resolve received its second reading and was passed to be engrossed.

On motion by Mr. Perkins of Penobscot, S. P. 85, Senate report from the committee on state school for boys, state school for girls and state reformatories, reporting "ought to pass" on resolve in favor of the reformatory for women for new construction and permanent improvements, was taken from the table.

The pending question being the acceptance of the report,

On further motion by the same Senator, the report was retabled and specially assigned for consideration on Monday afternoon of next week.

On motion by Mr. Perkins of Penobscot, S. P. 586, Senate report from the committee on State school for boys, State school for girls and State reformatories, reporting "ought to pass" on resolve in favor of the State reformatory for men for the erection of a building, was taken from the table.

The pending question being the acceptance of the report.

On further motion by the same Senator the report was accepted.

The resolve then received its first reading, and on further motions by the same Senator the rules were suspended and the resolve received its second reading and was passed to be engrossed.

On motion by Mr. Holley of Somerset, H. D. 127, bill, An Act providing for the protection of moose, was taken from the table.

The pending question being the passage of the bill to be enacted.

The same Senator further moved that the bill be passed to be enacted.

**THE PRESIDENT:** This being an emergency measure requires the vote of two-thirds of the Senators elected to this body. All those in favor of the passage of this bill to be enacted will rise and stand until counted.

A rising vote being had, 25 voted in favor and none opposed,

So the bill was passed to be enacted.

On motion by Mr. Hinckley of Cumberland, S. D. 41, bill, An Act to amend Section 2 of Chapter 95 of the Public Laws of 1917, as amended by Section 2 of Chapter 7 of the Public Laws of 1923, relating to the giving of checks and drafts on banks where the maker has not sufficient funds, was taken from the table.

The pending question being the passage of the bill to be enacted,

On further motion by the same senator the bill was passed to be enacted.

On motion by Mr. Hinckley of Cumberland, S. D. 8, bill, An Act to establish the Fort Fairfield municipal court, was taken from the table.

The pending question being the passage of the bill to be enacted,

Mr. Hinckley then yielded to the senator from Aroostook, Senator Hussey.

On motion by Mr. Hussey the bill was retabled and specially assigned for consideration on Monday afternoon of next week.

Mr. HINCKLEY of Cumberland: Mr. President, Senate Document No. 166, bill, An Act to change the personnel of the budget committee comes from the table today specially assigned for consideration on Monday state that there is a clerical error in this bill, and I have not yet had time to correct it, but I will agree to do it between now and Monday afternoon of next week, and for that reason I move that this bill be retabled and be specially assigned for consideration on Monday afternoon of next week.

The motion was agreed to.

On motion by Mr. Smith of Somerset, H. D. 178, Senate report from the committee on state school for boys, state school for girls and state reformatories, reporting "ought to pass" on bill, An Act relating to the payment of the costs in transporting persons to the state school for girls, the Maine school for feeble minded, the reformatory for women and the reformatory for men, was taken from the table.

The pending question being the acceptance of the report.

Mr. Smith then yielded to the Sen-

ator from Penobscot, Senator Perkins.

On motion by Mr. Perkins the report was accepted.

The bill then received its first reading and on further motions by the same Senator the rules were suspended and the bill received its second reading and was passed to be engrossed.

On motion by Mr. Smith of Somerset, S. P. 121, Senate Reports from the Committee on Labor, majority reporting "ought not to pass" and minority "ought to pass" on resolve ratifying proposed amendment to the constitution of the United States, relating to child labor, was taken from the table.

Mr. SMITH: Mr. President, I move the adoption of the minority report of the committee, reporting "ought to pass," and I wish to address the Senate upon that motion.

Mr. FOSTER of Kennebec: Mr. President, does the Senator from Somerset, Senator Smith, take from the table the proper measure? Is he not speaking upon Senate Paper 125, instead of Senate Paper 121?

The PRESIDENT: The Senator from Somerset, Senator Smith, says not; he says Senate Paper 121, majority and minority reports of the committee on labor.

Mr. FOSTER: Mr. President, as I understood the Senator he said he wished to speak on the report "ought not to pass," which is Senate Paper No. 125 instead of No. 121.

Mr. SMITH: Mr. President, I will say that I am very much satisfied to speak upon Senate Paper No. 121, on the report of the committee, reporting "ought to pass" I regret very much the seeming necessity of taking the valuable time of this body to discuss a subject that is already decided. It, however, seems to be a plain duty for those favoring this amendment to plead its cause when the opportunity presents itself.

As an outstanding feature of this discussion I desire at the beginning to make it plain that Maine manufacturers, generally speaking, encourage rather than prevent legislation protecting child laborers, and no man acquainted with these captains of industry will challenge this statement.

The gentlemen from Knox and Kennebec, Senators Walker and Wadsworth, are typical of the class of manufacturers who employ our boys and girls, and no child labor

restrictions are necessary to obtain from such men a square deal for the children that toil.

Since we are considering a national issue, an amendment to the Federal Constitution, I will not take your time to discuss our statutes governing this subject other than to state that while Maine's Child Labor laws may need strengthening, the standard as compared with other states of the nation is above the average. Our children are protected against hazardous employment, they enjoy reasonable working hours and are provided with a limited education before going to work, a condition to be proud of and especially so when compared with other sections of our country.

The problems pertaining to national child labor regulation are well defined, representing no experimental legislation, yet we learn that all Federal consideration of this subject has come within the past ten years.

Prior to this time, every state in the Union had followed its own pleasure in restricting the employment of children. State standards varied all the way from none at all to limited protection, leaving the way open in various sections of the country, many states in the union for thousands of children, from ten to fourteen years of age, to work in mines, factories and canneries from nine to twelve hours per day, whose only fault was that of being born in the wrong part of America.

To remedy this condition Congress passed its first Federal Child Labor Law in 1916 and attempted to enforce its provisions by preventing inter-state commerce transportation of products of mills and mines whose owners had employed children contrary to the Act.

The United States Supreme Court in 1918 held that this law was unconstitutional on the ground that the power given Congress to regulate interstate commerce does not include the power to prohibit the transportation of commodities for the purpose of regulating child labor, which comes under state authority.

The second Federal Law, termed the Child Labor Tax Act, was passed February 24, 1919. The measure imposed a tax on the net profits of industries whose owners had violated the law. This measure was also declared unconstitutional by the courts of our land, it being held that it was not a proper use of the excise power but an attempt to impose,

thru taxation, certain standards as to the employment of labor, the regulation of which belongs to the states.

This brings us to the present time and to the question, "How can we obtain fair, ample and uniform child labor regulation for the entire nation?"

Many are of the opinion that the answer is an amendment to the Federal Constitution giving Congress the power to regulate the labor of children.

Such an amendment has been submitted by Congress to the states, the resolution passing both the House and Senate about six months ago overwhelmingly, it having the endorsement of both political parties, but in order for the amendment to become a part of our Constitution it must be ratified by the Legislatures of at least thirty-six states.

Temporarily, the cause is lost; for more than enough states to defeat the amendment have voted to reject, but there is no reason for discouragement. Other reforms have met the same fate only to conquer in succeeding years the same spirit of opposition that now obstructs progress and justice.

The courts have held that eight years is a reasonable time for states to act on a proposed change in the constitution. Judging the future by the past we have a right to expect that within this period the pendulum of public opinion will return just as emphatically for ratification, as has been the history of almost every one of the nineteen amendments.

Many of those who are opposing this legislation try to befog the issue, belittle its importance by attempting to make it appear that Socialistic and Communistic influences are behind this proposition. Therefore, it may be well to pause for the moment and ascertain whether such propaganda is well founded. We find that Israel M. Foster of Ohio introduced the resolution calling for this amendment; that Maine's six Congressmen voted for it; that all Northern Senators and Representatives with the exception of 16 endorsed this legislation.

Ex-President Roosevelt—"It is unthinkable that a great nation should not have authority to protect its children. Child labor prevents physical, mental, moral and economical development. Its horrors are a blot on our civilization."

Ex-President Harding in his mes-

sage to Congress December 8, 1922, said:

"Closely related to this problem of education is the abolition of child labor. Twice Congress has attempted the correction of the evils incident to child employment. I recommend the submission of such an amendment."

Ex-President Wilson, when signing the first Federal bill spoke as follows:

"I want to say that with real emotion I sign this bill because I know how long the struggle has been to secure legislation of this sort and what it is going to mean to the health and to the vigor of this country, and also to the happiness of those whom it affects."

President Coolidge, August 14, 1924, in accepting the presidential nomination, gave his endorsement in the following words:

"Our different states have had different standards, or no standards at all, for child labor. The Congress should have authority to provide a uniform law applicable to the whole nation which will protect childhood. Our country cannot afford to let anyone live off the earnings of its youth of tender years. Their places are not in the factory but in the school, that the men and women of tomorrow may reach a higher standard of citizenship."

The Republican platform of 1924 contained this reference to child labor:

"The increasing stress of industrial life, the constant and necessary efforts because of world competition to increase production and decrease costs, has made it especially incumbent on those in authority to protect labor from undue exactions. We commend Congress for having recognized this possibility in its prompt adoption of the recommendation of President Coolidge for a constitutional amendment authorizing Congress to legislate on the subject of child labor and we urge the prompt consideration of that amendment by legislatures of the various states."

The Democratic platform read:

"We pledge the party to co-operate with the State governments for the welfare, education and protection of child life and all necessary safeguards against exhaustive, debilitating employment conditions of women. Without the votes of Democratic members of the Congress the Child Labor Amendment would not have been submitted for ratification."

Governor Ralph O. Brewster in his message to this Legislature:

"The thousands of dependent children now under the care of the State of Maine constitute mute testimonials to the irresponsibility of many parents in their relation to their child. The implication of many arguments would lead us to the conclusion that the control of the parent is always wise, although every court in our State will testify to the abuses that they have been obliged to redress in the care of parents for the young."

"If you are not able to resolve these controversies satisfactorily to yourself by the thorough investigation that you shall make, and are thus compelled to take the opinion of someone as to the wisest course to pursue, you may consider whether or not Calvin Coolidge is in an excellent position to know what are the conditions of child labor throughout the United States, and also whether or not he is in a position to pass as disinterested and dispassionate a judgment as anyone upon the merits of this proposal and its relation to our needs."

And besides this dignified, respectable and incomparable support we find the churches, the Federation of Teachers, the Womanhood of America, the Mothers of our country and practically every organization having for its purpose the welfare of this country and its people supporting this humane effort.

And if we have any regard for the recommendation of our President, for the advice of our Governor, any respect for the judgment of our Congressmen, any reverence for party pledges, promises and platform, then every member of this Senate stands morally and politically bound to support this demanding and deserving cause.

It is also equally interesting to know who and what interests appeared in Congress against the amendment. From the official records we find that the active opposition consisted of the Moderation League organized to oppose the Volstead Act, the Woman's Constitutional League of Maryland organized by anti-suffragettes, the Southern Textile Association, the Pennsylvania Manufacturing Association and the National Manufacturing Association.

In all fairness I ask you, my fellow members, if the character of the opposition does not give us the right to inquire, "Are such efforts inspired to assist and educate our children or

is it the spirit of greed and gain that permeates the soul of it all?"

Owing to a misunderstanding and an unfair interpretation of the purposes of the amendment there is no little confusion and, I believe, unintended opposition. That we may come to a clearer understanding of the issue, I wish to call to your attention the phraseology of the resolution:

"The Congress shall have power to limit, regulate and prohibit the labor of persons under eighteen years of age."

You will note that the amendment in itself, would not prohibit or regulate the employment of children at any age, it being merely an enabling act, becoming effective only when Congress, acting under this authority, shall have passed a Federal Child Labor Law establishing uniform minimum standards for the entire country, with the result that the children of backward states would be protected by the government at Washington while the more progressive states, like our own, would continue making and enforcing their own laws.

Now, assuming that we are all agreed that some kind of child labor regulation is necessary the question resolves itself into two phases, the extent of restriction, that is, the age limit, educational provisions, and working conditions; and the medium through which to obtain it, this legislation whether from the Congress or by the way of the State Legislatures.

Children may work wholesomely and profitably as the most of us know by experience. Thrifty boys and girls make industrious, self-supporting men and women, but child employment under unfair and improper conditions is nothing short of an economic waste, a social crime.

And it is because of the indiscriminate practice to commercialize the school days of children, depriving them of that physical development, education and opportunity required; the subjecting of them at unfit ages to unreasonable hours and excessive burdens, that have caused thoughtful, unselfish men and women throughout our nation to demand universal and uniform protection for the play time of youth.

According to the 1920 census, taken while the second Child Labor Act was in operation, there were nearly 400,000 child workers between the ages of ten and fourteen, or one out of every twelve; more than 1,000,000

under the age of sixteen, or one in every ten gainfully employed.

Which means that ten per cent. of our nation's children before reaching the age of fifteen leave school and become laborers; and in many states the proportion is astoundingly higher, as for instance in Alabama, Georgia, South Carolina and Mississippi more than twenty-five per cent. of their boys and girls are child workers.

The census also disclosed that 43 per cent. of the children working in the beet fields of Colorado and Michigan were under eleven years and many of them began to work before reaching the age of six, that in the shrimp and oyster canning industries of the gulf states more than twenty-five per cent. of the boys and girls employed were under eleven years of age.

And in these very states of unrestricted child labor, we find absence from school and illiteracy existing in about the same proportion, a condition demanding thoughtful attention.

All the leading countries of the world, except the United States, have, by enacting child labor and compulsory educational laws, greatly reduced illiteracy.

For example, in Germany the percentage is less than two-tenths of one per cent.; Norway one per cent.; Scotland one and one-half; England one and three quarters; France four and one-half per cent.

But, with 1,437,783 children between the ages of seven and thirteen out of school in the United States we find our nation at the bottom of the list with six and one-half per cent. of our citizens unable to read and write, largely because about one-third of our states refuse to give their children the advantage of an education, the protection of child labor regulation, thereby leaving the way open for the mercenary hand of unrestricted industry to pick up their boys and girls wherever it chooses and to use those children in any way it pleases.

But, we need not confine the evils of child labor to illiteracy, for it is hardly possible to measure the influences that deteriorate the physical life if young children are permitted to work with scant clothing, insufficient food and excessive hours, stunting their growth and retarding natural advancement.

In childhood the foundation of health is laid. During these years of growth, permanent injury may result

from excessive strains, long periods in certain positions, the dust in mines, the lint in textile mills, poisonous fumes in tobacco establishments, overheated paint and dye shops and wet floors in laundries.

All contrary to the order of nature but in order with modern industrial conditions, with the lamentable result and immeasurable penalty that over 200,000 children in the United States are mentally defective; 250,000 handicapped by organic heart disease; 1,000,000 have, or have had tuberculosis; 5,000,000 afflicted with imperfect joints such as weak foot arches and spines.

In short, more than seventy-five per cent. of our 40,000,000 children are afflicted with physical defects which are, or may be detrimental to health. Still they tell us this is not a humanitarian issue.

Ah, my friends, a thousand times better for us to strengthen and cultivate the bodies and minds of our boys and girls, than in the words of President Coolidge, "profiteer the earnings of their tender years."

They tell us that Child Labor Legislation is a matter for individual states but whenever a State Legislature proposes to raise its standard of labor, as in a recent campaign in this state for a shorter work day for women and minors, these same people rush in and proclaim that any such regulation is a discrimination against local industries and that it puts them at a disadvantage in competition with similar industries of the South.

And as a result of this competition, manufacturers and the press have pictured a gloomy future for New England, industrially. They tell us that machinery is being dismantled by the wholesale, preparatory to transferring our industries to that section of our country where longer working hours and unrestricted child labor reduces production costs. I hold in my hand statements recently appearing in the daily papers substantiating this exodus of our enterprises. (Read newspaper clippings.)

You will note that these reports are authentic, that we have a right to be gravely concerned.

Now, then, the proponents of this amendment under these conditions are willing to waive those rights that children may have to an education; disregard that protection which childhood may be deserving of; cast aside those inalienable privileges

that every child is entitled to and place this issue on the cold blooded basis of dollars and cents and ask for ratification in order to obtain uniform working conditions between the North and the South and thereby preserve and perpetuate the industries of New England.

On general principles we would expect our manufacturers to welcome this proposition. But they do not, and the nigger in the woodpile is in the fact that more than eighty per cent. of the southern industries are controlled by northern capitalists, thus they oppose raising the standard of education and of child employment, even in the southern states. Thus they are willing to compromise and destroy the industrial hope of the state that nourished and protected these men in their united investments.

Industry is never justified in thriving on the labor of children. That thing America indicts. The civilization of the twentieth century indicts it. When we permit selfish parents and grasping manufacturers to work the little ones under conditions that exist in various sections of our country we disregard the principles of economy, the laws of conservancy, by depriving children of school days and play time, restricting their ability, compromising their chances to become industrious American citizens.

We are told that child labor restriction and educational requirements throw children onto the streets to become idlers and criminals. But, who makes this argument? Is it the man of moderate means, the father who wants his boy to play his part in life's achievements? No. Is it the woman of average circumstances, the mother who wants her daughter to take her place in the circle of society? No.

Where then do we find the active proponents of child employment, the outspoken opposition to this amendment? Among those who employ children for profit, men and women whose boys and girls never work in factories and on the farms but whose children are given every opportunity that wealth can provide, that institutions of learning can offer for an education: an inconsistency that challenges the liberties of man, a condition that should arouse the innate feelings of every unselfish human being to the support of this amendment of universal protection to

every boy and every girl irrespective of his station in life.

Recently there appeared in a southern newspaper these items:

"Merkel, Nov. 2. Clayton, five year old son of D. D. Coats has picked 20,002 lbs. of cotton since August 29th. His best day's work was 81 lbs."

"Roten, Nov. 2nd. Ernest, five year old son of Mr. and Mrs. E. W. Cleveland picked 72 lbs. of cotton before sun-down on October 27th. He has averaged over 50 lbs. a day all the fall."

When I read these accounts of infants toiling all through the season, working on the same cotton fields where older human beings toiled under the master's whip, I pray to God for another Lincoln to liberate childhood from such drudgery, from the material things, that the "jewels of the home" may have the right to play and to dream, the right to sleep when the night steals over the day, the right to be educated, to pursue and enjoy the happiness of childhood, the association of other children.

Delinquency is twenty-seven per cent. more common among working than non-working children. Eighty-three per cent. of the inmates of our jails and reformatories are without a common school education. No wonder the warden of Sing Sing Prison recently stated that the greatest cause of crime in this country is lack of education.

It is claimed that parents, because of poverty, need the wages of children. But, child labor does not lessen poverty, it merely reproduces it by divesting future generations of that strength and vigor so essential to motherhood and to mankind.

Those arguing the necessity of child employment to support a widowed mother or invalid father are advocating a serious social disease, and a remedy worse than the disease itself, for it has been scientifically established that the employment of children creates a vicious circle of ignorance and poor physical development.

Society no longer deals with the dependent child in this way; laws providing state aid for needy children have been passed by most states to meet this situation.

Since it is an amendment and not a law that is being presented to the people of this nation, it is general in its terms, and neither agricultural nor domestic service is exempt; the

proper place for exemptions being in the statute Congress may enact.

But opponents to this amendment are making much out of the lack of exemptions and those who employ children in mills and factories are talking loudly and worrying much about the farm boy.

It is true that more children are gainfully employed in agriculture than in any other vocation, but no one advocates control of boys on the farm or of girls in the home. Congress could have included this industry in the first and second Federal Child Labor Laws, but it was never even suggested, much less voted, and there is no intention of including it in a statute now.

But so long as manufacturers can obtain the farmers' support through deception, by making them believe that this amendment would prevent boys doing chores, girls washing dishes, just so long will the profiteers of child labor control legislation.

The eighteen year provision is being used by many as an excuse for opposing this amendment, while in reality this argument, with its hundred variations, does not offer a reasonable reason for any man desiring to meet the issue squarely, as the age limit of eighteen does not create a new standard of restriction, involve a new principle of government, for every state in the union possesses the power to legislate on the labor of children to the age of twenty-one, and thirty-two states availed themselves of this authority to protect their older children. And there is no reason why Congress should not be given the same power as is possessed by the states, if the government is to assume the same responsibilities, and instead of the amendment stopping at eighteen it should have reached up to twenty-one.

Yet it is not by any stretch of imagination expected that a federal law would be passed prohibiting children at sixteen and seventeen from working on the farm or in the factory under proper conditions.

And we have no right to assume that legislation would be anything else but a sentiment of the people of various states expressed through their representatives in Congress.

But, if a lower standard had been established, many children needing most of all the protection of federal regulation would have been forgotten; for only eighteen states measure



up to a conservative standard; nineteen states allow children to go to work without any provision for an education; twenty states do not make physical fitness for work a condition of employment; four states allow their girls of twelve and fourteen to be employed nights on the streets; three states work their boys and girls sixty hours per week.

Let us assume that the amendment called for an age limit of sixteen, as so many times proposed by the opposition. In what way could we protect the children of sixteen and seventeen of the twenty-two states that do not forbid their employment where dangerous or poisonous acids, liquids, dyes or gases are used; how could we help the boys and girls of sixteen in eleven states who are compelled to work nine to eleven hours per day?

If parents will not and states refuse to give children their inherent rights, what alternative is there but for the government to zealously protect its citizens whenever and wherever they are abused and neglected. But they say this would be an invasion of state's rights.

And thus year after year humanity battles inhumanity. When states have sought to end the curse of child labor, inhumanity has said: "If this state merely ends it here, other states will flood you with their child labor products; the only way to end it is by National Law." Now, when humanity seeks a National Law, inhumanity appears and cries: "This violates states' rights." Is it not time to forever destroy such deception and duplicity?

I do not know, I cannot say how you Senators regard a system that should have for its purpose a square deal for the children of every state, that is as unfair, unpatriotic and inadequate as is our present method of state regulation, especially in this day and generation when state lines are but lines upon the map, when the sacred rights of a child are the same in every clime.

But, I do know that you do not want your daughters of seventeen toiling by night in the highway and byways, your boys working eleven hours per day, your children of twelve toiling in the factory and the cannery.

While such conditions do not exist in our state, yet the standard of citizenship of other communities has its influence upon our people and our homes. Furthermore, those lads

of the south are entitled to the same chance in life as are the boys of the north.

Yet, there are those who ask, "Why not leave it to the states to make their own laws?" Yes, to those states that have failed to give their children the right to become American citizens, unhampered by the exploitation of youth.

In sixty-one there were men in the north who were willing for human beings to be sold from the auction block in those states that fostered slavery. In later years citizens throughout the nation who believed that woman suffrage and prohibition should be limited to the states that were demanding those reforms. And so today we find men who want wholesome child labor laws for Maine but are unwilling that neglectful states be compelled to protect and educate their children and they are asking, "Why not leave child labor regulation to the states?"

We have no right to confine this great humane problem to any one section. It is a question, national in scope, national in its importance, national in its effects, calling for a constitutional amendment broad enough in its terms to meet ever changing conditions and the inconceivable problems of the passing years.

Lastly, there is a group of earnest, conservative people who proclaim that the constitution is a sacred document handed down to us by the fathers, and that any amendment strikes at the very structure of our government. While it is a significant fact that not once has there been a demand to change an amendment nor a single instance whereby the principles of self government have been compromised, yet every attempt to compass the onward march of civilization has been met with the same old subterfuge, centralization of power, usurpation of state's rights.

If we are going to hesitate to repose power in any Legislative body because that power may be abused we should stop legislating altogether. We can refer to numerous provisions of the Federal Constitution under which most serious results could be obtained. By way of illustration: we repose in Congress the power to tax without limit.

Congress has the power to make treaties and with the President could cede Maine to the British Empire and attach it to the Dominion of Canada. It also has the power to

prohibit transportation of food between states, which if enforced, would starve the people of Maine, since we only produce a small part of what is consumed. But, these consequences never ensue because any such legislation is never enacted.

The cry of Bolshevism is being made by the powerful interests working against this amendment. It is their weapon of abuse, their method of defeating all humanitarian issues. The dangers from the doctrines promulgated under the Red Flag of Russia are only comparable to those arising from the efforts to defeat the amendment with propaganda that seeks to destroy the people's faith in Congress, their confidence in the government, that label our President and Congressmen as unfit, untrustworthy and incapable to legislate on child employment.

We have no right to take any person seriously who is opposed to this amendment because he is afraid to trust Congress. It is either ignorance of the proposed amendment or else an attempt to defeat it through deception. If the Congress can be trusted with the power to declare war, levy taxes and borrow money, it is reasonable that Congress can be trusted to legislate on the labor of minor children. If the people of the United States cannot trust their own government to carry out the wishes of the people the government of the United States is in grave danger of falling.

In conclusion, Mr. President, there comes a nationwide demand, not from Bolshevists, Socialists, Anarchists or Communists, but from the men and women who constitute the patriotic citizenship of this country, for this amendment, for protection to those whose childish laughter will make the holiest day more sacred still.

For we know not what discoveries, what inventions may leap from the brain of man; we know not what garments of glory may be woven in years to come; we cannot dream of the victories to be won upon the fields of thought; but we do know that coming from the infinite sea of the future there will never touch this "bank and shoal of time" a richer gift, a rarer blessing than justice for every child.

(Applause).

(At this point Mr. Holley of Somerset assumed the Chair).

Mr. FOSTER of Kennebec: Mr. President: At the outset I do

not wish to question the sincerity of a large majority of those who champion this amendment. I believe, however, that they are entirely wrong in their conclusions, and should the proposed measure become a part of our constitution the by-products would be even more significant than the main purpose.

I am apposed to the amendment because it delegates to National control the inherent rights of state and parents. In this connection I have profound respect for the wisdom of President Coolidge when he said "Efficiency of Federal operations is diminished as their scope is unduly enlarged. Efficiency of state governments is diminished as they turn over to the Federal government responsibilities which are rightfully theirs."

It is a wrong conception, I believe, that the care and education of the child is a fundamental duty of the State or Nation. The primary duty is that of the parent, who in turn is responsible to the State. Should there be failure here or abuses, then the State interposes and either compels the proper care and education, or itself assumes the burden. To me this seems the logical and reasonable course. There are some states where the law permits children to labor in factories and mines, when they should be allowed, yes, compelled to attend school. These conditions, however, are rapidly improving. In fact, several states and sections of our country seem to vie with each other as to which shall lead in the matter.

Our emotions, Mr. President, I believe have for years played a controlling part in our conception of moral, industrial, political and economic life. The question should be viewed as to its immediate and ultimate results. Delegating to Congress the rights of parents over their children, as this amendment would do, brings about the nationalization of the youth, and this through a National Bureau, the operation of which would be disappointing, repulsive and expensive. It is my opinion that if one-half the time, money and effort now being misguidedly spent to secure the ratification of this amendment were directed to the controlling of public opinion and the Legislatures of the few states that are still backward in respect of child labor legislation, the problem would be quickly and wisely solved.

Aside from the Federal control feature of this amendment, I am emphatically opposed to the age limit of 18 years, and believe it would defeat

rather than accomplish the end desired. Idleness is a curse, and labor a blessing, to the youth of our land.

Countless examples could be cited of those who have been thrown on their own resources at a much earlier age than 18, and who have through such discipline developed the traits and characters we so much admire. As a State, I am convinced we shall continue to be with those who lead in real welfare work for our youth. This amendment would not, however, in my honest judgment, be a forward step, and I shall vote against its adoption.

In this connection, I will say that it has been my privilege for a number of years to be associated with an institution in our State, the head of which I think we are all acquainted with, and the practical workings of the institution. I refer to the Good Will Association of Hinckley, Maine. For some 12 years I have been a director in that institution, and I have had a wonderful opportunity to see it in its practical operation. For 35 years George W. Hinckley has devoted his life to the study of the child problem. The other morning I met Mr. Hinckley and asked him his attitude on this proposed amendment. Very emphatically he told me that he thought it was decidedly wrong, and he emphasized so plainly to me what he had learned and what he had seen after 35 years of study of this question, that I believe, Mr. President and Senators, that the by-products, as I said to begin with, of any such movement would defeat the purpose intended. (Applause)

Mr. HINCKLEY of Cumberland: Mr. President, I had no idea when I came into the Senate Chamber this morning that I would say anything on this question. Impulse compels me to say a few words. No person has any idea what my position is on this question. No question since I have been a member of the Maine Legislature has given me as much concern as this particular matter. Conflict of emotions for months has been my lot on account of this particular matter. I have thought of it from all angles, I have considered it from all sides, and I do want now in a few words to express to you my conclusions

I believe that this matter is misunderstood by the people of the State of Maine. I believe that the people of the State of Maine have been educated to believe along certain lines by misrepresentation of the true situ-

ation. I believe that the industries of Maine have nothing to fear if this resolution should be adopted.

(At this point the President resumed the Chair.)

Mr. HINCKLEY: (continuing) I know, Mr. President, that the farmers of Maine have nothing to fear if this resolves should be adopted, because, gentlemen, the people of the State of Maine will always demand of its Legislature, as it has in the past, the enactment of laws for the benefit of children much higher in standard than any law could ever have been enacted by the Congress of the United States. We have led and we will continue to lead the world in this as in other humanitarian efforts. Then why should labor or capital, at least, be disturbed? There can be but one conclusion—and I am speaking to you plainly and squarely, and that has been answered very emphatically by my distinguished colleague, the Senator from Somerset, Senator Smith, when he tells you that the capital that controls the great mills in the State of Maine and in the State of Massachusetts are controlling the great mills of the South.

I have heard repeatedly in the lobby in the State of Maine, the remark made, that when it comes to the question of regulating hours of employment for women and children in our mills and factories, if this should become a National law, we would be safe, but don't penalize us in the State of Maine by making the requirement higher than in other states. Now that is a fair statement of it: it is an honest statement of it. Oh, Mr. President and Gentlemen, that the people of the State of Maine would think faster! However, perhaps in the life of nations as we think of it in looking over the past, it is better that we do not. But when we realize—who thought twenty-five years ago matters which were proposed along humanitarian lines were considered revolutionary and socialistic, many, many of them are today in the organic law of our country, and are indorsed in the platforms of the two great parties as being sound and safe.

This law, or this constitutional amendment will not be passed by this legislature this year. That is immaterial; that is of no moment. Some day the Maine Legislature will pass such a resolution. Gentlemen, when any state under the doctrine of state rights adopts laws or refuses to

adopt laws which are undermining our civilization, then it is the duty of the United States government to act in the protection of our entire country, and that I am convinced is the situation today in reference to this matter. I am not disturbed, as I said, about the industries; I am not disturbed about the farmer who has been misled in this matter and in a few years at the most will come to a realization of the true situation. But I do recognize, Gentlemen, that we are a part of the United States of America; we are citizens of this great country as well as being citizens of the State of Maine. I like to think of it in this way. I am not worried about the question of state rights. Why, Gentlemen, we have yielded our state rights in behalf of highways; we have yielded our state rights in behalf of the plant life of our state; we have yielded our state rights in behalf of breeding and caring for the animal life of our state. And I ask you, is it fair and is it square to stop and say we will go no further when it comes to the question of our children? Do they mean as much to us as our roads? Do they mean as much to us as our plant life? Do they mean as much to us as our animal life?

Gentlemen, thirty-three years ago this very week, in a little town in Maine, a boy of thirteen years of age left his school and went to work in a cotton mill, trudged more than a mile to reach that mill, worked there for eleven hours a day for the sum of twenty-five cents a day. He continued his labors there for several years, and the heat and the labor are still fresh in his mind; sickly and tired he had ambitions of better days in the future. He has since then grown to manhood, and to some extent he has overcome those handicaps, and Mr. President and Gentlemen, he stands before you today to say a word in behalf of the children not only of Maine but the children of the entire country. (Applause.)

Mr. MAHER of Kenebec: Mr. President, I also occupy a unique position here, not materially different from that of the Senator from Cumberland, Senator Hinckley, in that there is no matter that has come before this body this session or during the time that I have been connected in any capacity with the Legislature of the State of Maine that has given me more concern. I also occupy a unique position, an

unusual position in this regard, that I am entirely confident that there is no man in this Chamber who possesses the slightest idea of how I am going to vote upon this matter. I shall be extremely brief in my remarks, and shall simply give the reason for the faith that is in me in a few sentences. "Consistency, thou art a jewel!" I was charmed to hear my associate, the Senator from Kennebec, Senator Foster, residing in Waterville, advance as the chief argument against an affirmative vote on this amendment the perfectly sound premise that the state possessed no patent right to monopoly in education, and I cannot but recall that within 72 hours the Senator's vote upon another constitutional amendment was absolutely the other way.

Mr. President, all the arguments that have been advanced, and we have heard a great many of them, against this amendment have struck me as ephemeral, specious, absolutely without weight, except—the somewhat bothersome one of the apparent invasion of State rights by the Federal sovereignty. But you just think that over for a moment, and your mind goes back to those years immediately prior to '61, and you find that they are borrowing now literally the words of Alexander Stephen of Georgia, of Stephen A. Douglas of Illinois, and they are standing upon the platform that that state stood upon when the guns rung out at Sumpter.

State rights! That is fixed for all time, and also for all time by the heroic achievements from the year 1861 to 1865, culminating at Appomattox Court House, is there demonstrated the supremacy and the integrity of this Federal union; and I cannot but recall that you may pass all the laws you wish with reference to the restriction of immigration; you cannot prevent by law migration. And it is just exactly as important that the health and happiness and the usefulness of the youth south of the Mason and Dixon line shall be maintained and preserved as it is for any northern-born, for any Nordic-born. That flag knows neither North nor South, and in 1917 it knew no state lines.

In a word, Mr. President, my attitude is this. I by my vote shall not yield perhaps to a little natural tendency to be led away by the over-zeal of some friends of the amendment. Then when they discuss the implications of the amendment I shall try, if

ever the situation arises when I have to meet the proposition of the implications of this amendment, to meet them. I am dealing now with what this amendment truly means, and I want to go out from this chamber and feel that futile though it may be, my one vote shall be recorded in order that the boys and girls today may have those school days which to them will be golden-rule days, and when they come to manhood's estate they will apply that golden rule. I want to think that now in 1925 it is not any different than it was in '61, and that the question is broader than any question of boundaries and it is deeper than any accidental question of circumstance. It was not then the right merely of an African slave upon a Carolina plantation to be free, but it was the right then as it is the right now of every man and woman to stand and look at the rising sun, a man and woman in the image of their Maker and the equal of every other man and woman under the sun. Mr. President, I shall vote for the adoption of this amendment. (Applause)

Mr. MORRISON of Franklin: Mr. President and fellow Senators, I feel that it is my duty to say a few words upon this subject, and I want to assure you in the beginning that I shall take but a few moments of your time. This, it seems to me, is a very important matter. It is a matter that asks for an amendment to our federal constitution. I am reminded of the words of our beloved Chief Justice who so recently retired from that office after giving to the state of Maine many, many years of honorable and faithful service, when he said in a speech that he was making, "Changes are not always improvements; nor is movement always progress".

Mr. President, while I am well aware that before this proposed amendment can prevail it must be ratified by the resolutions of three quarters of the states of this Union, and that 27 state legislatures out of 30 that have now passed upon it have voted against it; while, if I understand the question clearly, it is a matter that may come up again and again in subsequent legislatures, I am opposed to such an amendment, and I am opposed to it for three reasons. Any one of these reasons I deem sufficient to warrant my opposition to this measure. I believe that such a change in our constitution is unnecessary, is unwise and is dangerous.

I believe that it is unnecessary. Every one of the 48 states of this Union has at the present time and has had for a long period of time some kind of child labor legislation upon its statute books, placed there for the protection of and to prevent the abuse of child labor in the various employments in this country. Every state of those 48 states of this Union has at the present time a minimum age labor law, and the states are not standing still, by any means, Gentlemen, in regard to this class of legislation. The very purpose of this amendment so far as local conditions warrant and make necessary, are being met more and more each year by the legislatures of the several states; and if I am informed correctly, every one of the states with the exception of three have within very recent years passed progressive child labor legislation. I say, so far as local conditions warrant and make necessary. It is not necessary for a state like the State of Maine, or for a state like the state of Massachusetts to enact legislation in regard to children laboring in mines when those states have no mining industries within their borders. It is not necessary for some of the western states that have no textile industries to pass legislation concerning the labor of children in factories. But yet, because those states do not have that kind of legislation which I say is entirely unnecessary on their statute books, they are being pointed at by the proponents of this measure as horrible examples of the abuse of child labor. I say that local conditions should be met by state laws. Conditions are entirely different in the southern states, in states like Georgia or Alabama, than they are in the state of Maine, and I believe that the people of the state of Maine acting through the state legislature are perfectly capable of dealing with conditions here.

If there are children in this state of Maine that are being abused and mistreated, and if we have not already enough laws upon our statute books today to protect them, then I would be the first to raise both hands for the enactment of any and all laws that might be necessary to remedy the evil. But Mr. President and fellow Senators, what I do object to is a federal bureau at Washington having the right to say to the people of the State of Maine and to the fathers and mothers of our children "We have not only the control

over your small children but we have control over the youth of your land, and we have the right to say whether they shall have a right up to the time they arrive at the age of eighteen years to do a stroke of work or not". Eighteen years, Mr. President, is a long period of time cut of anyone's life, and the longer one lives the faster time goes.

I have no doubt but that the first eighteen years of a person's life seem as long to them as the next 25, or 30, or 36 years, and the boys and girls of today make the men and women of tomorrow. Their future lives are largely shaped by the moulding received during their youth; and I will venture to say, Gentlemen, in a great many places there are more children being abused and mistreated unconsciously by their parents by being allowed to live through those important stages of childhood and youth in idleness, without any idea of responsibility, furnished with plenty of money to spend to their own detriment than there are children being abused on account of any laxity of the child labor laws. We are bound to witness many such things in this world. I have seen it stated somewhere where it was said that one of the saddest things was a wasted life. A boy or a girl arriving at the age of manhood or womanhood and stepping out on to the broad highway of life, beset as it is with its many obstacles, not knowing how to do any kind of work because they never did any, not knowing the meaning of the word "responsibility" because they never had any, not realizing the value of a dollar because they never earned one—that, I say, presents almost as pitiful a spectacle to me as some of the pictures that have been drawn to appeal to your sympathies by the proponents of this amendment.

Secondly: I say that such an amendment is unwise. It is a measure that if passed would affect nearly one third of the entire population of this country, for I believe that it is estimated that one-third of the population is under the age of eighteen years. It is a measure that, if it prevails, would not only affect the youth of this land who are engaged in gainful occupations for hire, but it would affect newspaper boys, office boys, errand boys; it would affect children who, because they desire to do so themselves, want to work a little after school or in vacation time in order to earn

a little money, spending money for themselves, but you say by this measure to that boy who has arrived at the age where the law no longer compels him to go to school, and we all know many boys who just as soon as they arrive at the age where they are no longer compelled to go to school by law, that wild horses could not draw those boys to a school house, and it will say to them "We cannot make you go to school, you may live off of your parents, you may go hungry on the streets, you may loaf on the street corners or in pool rooms, because we cannot help that, but the important point to us here in Washington is that you don't do this or that or any kind of work until you have arrived at the age of eighteen years". They could say to the farmer's boy who was perhaps seventeen years of age and weighing 175 pounds, robust and rugged "Let your father work longer hours and harder if necessary, we don't think it is best for you to work on the farm until you are a year older", and it could say the same thing to the daughter who was helping her poor, tired mother in the kitchen.

Now I hear the proponents of this resolve saying that such an argument is absurd, and that the Congress of the United States would never go to that extreme. How does this measure read? It says "Congress shall limit, regulate and prohibit". Prohibit what? The employment? No. The labor of all persons up to the age of eighteen years. Now did Congress mean what it said when we find that Congress turned down amendment after amendment that was offered to this proposition? Four amendments in one day, one amendment providing that children working on farms should be excepted; two amendments providing that children in the employ of their parents should be excepted, and one reducing the age limit. When Congress turned down those proposed amendments just as fast as they appeared then we must evidently come to the conclusion that it did mean what it said.

Now it seems to me that it is unnecessary to grant to Congress a power that it will never exercise, and Fellow Senators, is it not unwise, to say the least, to grant to Congress a power that we do not want it to exercise? Just a word

more and I am through, and that is in regard to the third reason why I am opposed to the amendment, and that is because it is dangerous.

My mind goes back a few weeks to a meeting of the Maine State Bar Association that was held in this very chamber, and the program for that meeting as arranged by the able secretary of that association was built up around one great subject, the constitution of the United States, the text being "Impair not the ancient landmarks that our fathers have reared", and as we listened to the speeches that were made on that occasion, and as we saw re-enacted upon the screen those historic scenes of the signing of the Declaration of Independence and of the meeting of the first Continental Congress, I am sure that we were all filled with that same spirit of love of country, and freedom and loyalty to its traditions, the same spirit that fired the hearts of the men of those days who long since have passed, but who in passing left for the ages the magnificent result of their efforts, the constitution of the United States, containing those great principles of liberty and of good government that have been the rock foundation upon which a mighty nation has been reared, and which comes down to us as a rich heritage from the past and commands us to do our duty to preserve it carefully so that it may be transmitted to the generations that come after us as pure and unimpaired and as strong, so far as those great principles are concerned, as when it came into our keeping.

I say, fellow Senators, can we do this if we give to a federal bureau at Washington the right that parents have enjoyed over their own flesh and blood ever since the dawn of the human race? Can we do this if we say to Congress "You shall have the right, rather than our own people, speaking through our state legislatures to limit and regulate and prohibit the labor of all persons up to the age of eighteen years"? Can we do this if by any act of our own we are instrumental in placing a federal agent from Washington over the fathers and mothers of the state of Maine?

Mr. President, it has truly been said that the truth that was planted in freedom's soil, not by plowshares but by the swords of our fathers, is being menaced by such legislation. My message to this Senate is "Im-

pair not; weaken not; destroy not those ancient landmarks that have been the guiding light through all these years of progress." (Applause)

Mr. BARWISE of Penobscot: Mr. President, I had no idea of saying anything upon this question when it was raised, but my feelings might be somewhat parallel to an Irish immigrant who landed in New York a number of years ago in the good old days, and he dropped into one of the old-time bar rooms, in which there was a card game going on in one of the back rooms, and soon through some misplay or something there developed a general scrap in which eight or ten men were pomelling each other. Mike went along and looked in the door, came back, looked in again. Finally he turned to the bartender and said, "Is this a private fight or can anybody get in?"

Now, Mr. President, I am not in this private fight between the manufacturers and these humanitarian organizations. I take, I think, the very same view, however, that the distinguished Senator who last spoke, did. I wish to say a word upon this question from the standpoint of a lawyer who is interested in our constitutional development and in preserving the ancient landmarks.

Before I proceed to that point, I wish to emphasize what the distinguished Senator from Kennebec has said—"Consistency, thou art a jewel!" This distinguished Senator from Kennebec, and the distinguished Senator from Somerset, and the distinguished Senator from Cumberland, were very loud and emphatic in their denunciations of a resolution that I had before this Legislature four years ago, a very innocent thing that called upon our Congress, Senate and House, to support the Smith-Towner bill, which provided for Federal aid in educational matters, and they conjured up some bugaboos and fantastic creatures of their lurid imagination as to the danger that there was in Federal interference in education, in Federal interference with the child's study for an hour or two or whatever few hours a day for a few weeks in the year, and now these three gentlemen come here and they advocate an amendment to the Constitution of the United States; not a Federal statute that we could change easily, but they come here and advocate an amendment to the Constitution of the United States,

which turns over the entire life of our people from the cradle to their eighteenth birthday to the Federal government. The shades of Hamilton and Marshall must be smiling, if they are looking over the heavenly ramparts this morning, at the talk of some of these lawyers as to what the meaning of our Constitution is. The distinguished Senator from Somerset, the distinguished Senator from Cumberland county, said that Congress never would use this power if they had it, they never would use this power so as to extend it to agricultural matters or other things. How in Heaven's name do they know what Congress will do twenty years from now? Does any one of us know—could any one of us have said twenty years ago—could we have prophesied by the wildest leaps of imagination what Congress has done in the last twenty years? They do not know any more about what Congress won't do or will do in the next twenty years than I do, and I don't pretend to know anything about what Congress may do in the future.

Now the test of a law is not what the advocates say is the purpose of the people that are passing it. The purpose of the people in passing a law does not govern the intent of the law. The Constitutional amendment must be construed in what its language means. And this is an absolutely unlimited grant of power. It is an awful power—I am using "awful" advisedly, that it is awesome to turn over to Congress the absolute power over all of the boys and girls in America up to eighteen years of age. You say they will not use it. Whether they use it or not, if this power is granted, the boys and girls of America are not free. Mr. President, let me make clear what I mean by that statement. If you have the absolute power by just the twist of the wrist to commit me to Thomas-ton, I am not free whether you ever exercise that power or not. When we grant a power to any body of people, we have granted away our liberties, whether it is exercised or not.

Now our Federal government is strictly a limited government. Legislators coming to this Senate and House may, if they do not stop to think about it, get confused between the two theories of government. Our state government is absolutely unlimited except as it may be modified by our written constitution. But our Fed-

eral government is limited absolutely by our written constitution. Just the reverse of our State government. And as you know, that came about historically clearly enough that when we became thirteen independent nations after the American revolution, when we were thirteen independent nations, then we succeeded to all of the sovereignty which the British empire had, an absolute sovereignty succeeded to each one. So we were thirteen independent nations and limited only by our state constitutions and what we may have granted over to the Federal Constitution.

Now the Federal government is absolutely a limited government, and Congress is limited in those eighteen paragraphs that you all learned when you were in school.

The powers of Congress are limited to those 18 paragraphs, and to what other laws may be necessary and proper for carrying those powers of the 18 paragraphs into effect. But listen to the distinguished Senator from Kennebec, and the distinguished Senator from Somerset, and the distinguished Senator from Cumberland! If their theory were put into practice, we should be reverting to the British Constitution, an unwritten constitution, on the ground that Congress could always be trusted to do the right thing at the right time. But the American people do not agree with these three distinguished Senators. The American people have insisted from the beginning that their Federal government be strictly limited by a written Constitution. And this wide expansion of power has very well been pointed out by the distinguished Senator from Franklin, Senator Morrison, as a getting away from our ancient landmarks. And I hope that this Senate, whether our action may be futile immediately or not, I hope that this Senate will not be so charmed away, their judgments will not be so charmed into a comatose condition by the very suave and wonderful eloquence of the Senator from Somerset, that they will allow their emotions to carry them farther than their brains do.

Mr. HINCKLEY: Mr. President, I was thinking, while listening to the distinguished gentleman from Penobscot who has just spoken, what old Thomas Jefferson would think if during the past two years he had been reading the Barwise resolutions for the amendment of the Constitution, and I have been wondering what old



Thomas Jefferson would think if he had heard his remarks after reading those resolutions just referred to, the remarks of the same distinguished gentleman when he pleads to retain in its integrity the old landmarks, namely, the Constitution. And I was wondering what the Senate thought when he said that if a law were on the statute book providing that a person for a certain offense could be committed to State prison, whether any person would be disturbed in regard to such a criminal statute unless his conscience was bothering him. I can't get the point. I don't understand it.

Mr. BARWISE: Mr. President, I fail to see any point in what the Senator has been trying to say at all.

Mr. HINCKLEY: Mr. President, as I have once before remarked—not in the Senate—if the distinguished gentleman would spend more time communing with the living and less with the dead, he would understand us better.

Mr. BARWISE: The distinguished Senator from Cumberland reminds me of some of our ancient trees here in Maine—we frequently notice them in the fall—they begin to die at the top first.

The PRESIDENT: Is the Senate ready for the question?

Mr. SMITH: Mr. President, I am only going to take just a moment of your time. Since the Senator from Kennebec has quoted Mr. Hinckley of that Institution, I am wondering, since his associations are so closely related, if he has not ascertained the opinion of the son, who is slowly taking possession of that Institution, upon this question. If he has not, I then would like the liberty of saying that the son of that distinguished gentleman whom the Senator has quoted, said to me the other day on the train that he and his father did not agree. He had come to learn, as he had taken charge of that Institution, the necessity of a child labor amendment.

I too have been wondering, like the Senator from Cumberland, whether the distinguished Senator from Penobscot would not be just as willing to leave the question of child labor legislation to the President and to the Congress as he would to a Legislature which had so recently and so hastily buried his amendment.

The 18 year reference, as made by the gentleman from Franklin, I only have hope was not made in all seriousness because it is a continuation of the propaganda that has misled and

confused people upon this issue. He said to you that during the past few years a large majority of our states had become progressive upon this matter of legislation, and like those with whom he has been associated I am afraid he neglected to tell you that improvement, that progression took place practically all during the year 1921 and 1922 when they were compelled to do it under the second child labor act, and like those with whom I am afraid he has been associating here, he neglected to tell you that since that time, 18 of the 21 states that progressed because they were obliged to do it have destroyed practically the entire effect of their progression by subsequently enacting permit laws which give the children of those Southern states a chance to work as they did prior to the enactment of those laws. He also forgot to tell you that in 12 of those states which he referred to, during the second year after this system was destroyed by permit law, 15,900 children under the age of 14 applied for work, and less than 10% could sign their own application blanks. Yet he says to us, that after we have waited 154 years for these states to protect those children, we should keep on asking.

As before said, the eighteen year limit has nothing to do, so far as this issue is concerned, in its true sense. He may state what may be the result of Congressional action, and we may also guess, but what better criterion is there than to fix the future by the past in this matter. Congress has enacted two child labor laws within ten years, and at neither time did the limit reach to fourteen. We have no right, my friends, to assume that legislation would be anything else but the sentiment of the people expressed through their representatives in Congress.

Mr. MAHER: Mr. President, I assure the Senate that I will be just a moment, and it is simply a reply not in a facetious vein because of anything the Senator from Penobscot, Senator Barwise, made in his argument with reference to inconsistency on my part. The Senator is quite in error, and I will endeavor in just two minutes to make my position clear to this body, and I trust clear to him.

I am not inconsistent in the slightest in my opposition to the Sheppard-Towner measure, not in the least, and in support of this amendment. I see

a very vast difference between conferring upon a federal bureau the power of directing the thought and education and sentiment by propaganda by any who happened to be in the particular bureau at that time and under that particular administration and control, than I do from a uniform definite law regarding the health and the safety of the people of this country and of the children of this country, and if that distinction is not obvious to every member of this body and to the Senator from Penobscot, Senator Barwise, it is simply due to my inability to make a very clear statement of what to me is a perfectly marked distinction.

The Senator from Penobscot, Senator Barwise, has got in his argument a splendid illustration of the consistency of getting the cart before the horse. In the Sheppard-Towner bill, or the Smith-Towner bill, and other hyphenated legislation for federal control you are indulging in some of the alleged implications of this amendment, and as I said in the very brief and unprepared remarks I made at the outset, whenever you collaborate unrelated implications of this amendment as they have been referred to in this building, then I pray that I will have the help of the Senators to distinguish and state my position. I am not interested in implications. The Senator from Penobscot, Senator Barwise, is interested in the correlated implications of federal control. I am interested in just what this measure means, a uniform law regulating the hours of employment for children in this country.

The PRESIDENT: Is the Senate ready for the question.

Mr. Smith moves that when the vote is taken it be taken by the yeas and nays.

The PRESIDENT: All those in favor of the yeas and nays being called will rise and stand until counted.

A sufficient number having risen the yeas and nays were ordered.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Smith, who moves that the minority report of the committee, reporting "ought to pass" be accepted. A vote yes will be in favor of the acceptance of the minority report; a vote no will be against the acceptance of the minority report. The Secretary will call the roll.

Those voting "yes" were Senators Bond, Carlton, Hinckley, Maher, Miner, Perkins, Speirs; those voting "no" were Senators Allen, Barwise, Buzzell, Carter, Case, Chalmers, Clark, Crafts, Foster, Holley, Lord, Morrison, Phillips, Powers, Wadsworth, Walker; paired: Anthoine, yes; Cram, no; Smith, yes; Hussey, no.

The PRESIDENT: Seven Senators having voted yes, and sixteen having voted no, the motion fails.

Mr. Morrison of Franklin moved that the majority report of the committee, reporting "ought not to pass" be accepted.

The motion was agreed to.

Mr. Smith of Somerset: Mr. President, I now move to take from the table Senate Paper 125, Senate reports from the committee on labor, majority reporting "ought to pass" and minority reporting "ought not to pass" on resolve rejecting the proposed amendment to the constitution of the United States, relating to child labor.

The pending question being the acceptance of either report,

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

On motion by Mr. Wadsworth the reports were retabled, pending the acceptance of either report.

Mr. HINCKLEY of Cumberland: Mr. President, I have several reports here from the judiciary committee pertaining to the direct primary law, and I would like to present them at this time out of order, that they may go along for printing.

The PRESIDENT: Does the Senator care to make a motion?

Mr. HINCKLEY: I thought perhaps they might be read and I would make my motion.

The Secretary read as follows: "Senate Report. Committee on Judiciary.

The Committee on Judiciary to which was referred the bill, entitled An Act to repeal sections one to thirty-six of Chapter six of the Revised Statutes relative to primary elections, have had the same under consideration and ask leave to report that this bill having been proposed by not less than twelve thousand electors, to the Legislature, pursuant to their constitutional right by written petition presented to the Senate of this Legislature; and the Constitution of the State of Maine providing, "Any measure thus

proposed by not less than twelve thousand electors, unless enacted without change by the Legislature at the session to which it is presented, shall be submitted to the electors together with any amended form substituted or recommendation of the Legislature and in such manner that the people can choose between the competing measures or reject both," the undersigned members of the committee on judiciary to which the petition and measure was referred beg leave to report that the said petitions have thereon the required number of names and recommend that no action be taken by the Legislature with reference to said bill in order that the same may be submitted to the electors in accordance with the provisions of the Constitution of Maine, and the Governor is hereby requested to issue a proclamation referring the said action to the people at a special election to be held not less than four or more than six months after such proclamation in accordance with the petition proposing such act.

Mr. HINCKLEY: Mr. President, I move that this report of the committee be accepted, and may I say that it means, in a word, this: That the committee recommends that no action be taken by this Legislature. Then this initiative bill takes its course, as must be done under the Constitution, and goes to the people to be voted upon.

The PRESIDENT: Is it the pleasure of the Senate to accept the report of the committee.

The motion was agreed to, and the report was accepted.

Mr. HINCKLEY: Mr. President, I have a report from the judiciary committee to which was referred the bill entitled An Act to provide the method of nominating candidates for office, that they have had the same under consideration and ask leave to report that the same ought not to pass, and to report further that a joint order relating to an act entitled, An Act to provide the method of nominating candidates for office, reported herewith, have a passage.

(Signed) MAHER  
OAKES  
WING  
HALE  
NICHOLS  
MARTIN  
HOLMES

And together with this report, and

as a part of it, an order which I will read:

ORDERED, the House concurring, that the Oakes-Anthoine bill, being an act entitled, An Act to provide the method of nominating candidates for office, hereto attached, the same being a measure combining the features of primary elections and the convention system so-called be printed for public distribution.

Be it further ordered that the following question be submitted to the electors at any election called for by the provisions of an initiated measure entitled, An Act to repeal sections one to thirty-six of chapter six of the Revised Statutes, relative to primary elections. And that the said Oakes-Anthoine bill shall be a competing measure therewith; Shall the so-called Oakes-Anthoine Bill, being a measure embracing the features of primary elections and a convention system so-called be law?

There also is another report from the same committee, the committee on judiciary, to which was referred the bill, entitled An Act to provide the method of nominating candidates for office, that they have had the same under consideration and ask leave to report that the same ought not to pass.

(Signed)

HINCKLEY  
HUSSEY  
HAMILTON

These reports mean in substance that the majority as read recommend that the Oakes-Anthoine bill in a new draft be submitted as a competing measure with the initiative primary bill, and both be voted upon at the same time. The minority report just read means that they recommend that neither the Oakes-Anthoine bill be either accepted or passed by this Legislature or referred to the people.

Mr. President, I move that these matters be received out of order, and that they lie on the table, and that the order, together with the bill in the new draft, and the two reports of the committee be printed.

The motion was agreed to.

Mr. CRAM of Cumberland: Mr. President, I have a Senate order to present and move its passage:

ORDERED, that the Governor be requested to return bill, An Act to amend section 7 of the Revised Statutes of 1916, relating to elections and permitting the use of ballot boxes with devices for registering and en-

dorsing ballots deposited therein, for the further consideration of the Legislature.

The order was given a passage.

Mr. CRAM: Mr. President, I wish to make the necessary motions to offer an amendment.

On motion by Mr. Cram, the Senate voted to reconsider its action whereby it passed to be enacted, An Act to amend section 31 of chapter 7 of the Revised Statutes of 1916, relating to elections and permitting the use of ballot boxes with devices for registering and endorsing ballots deposited therein. (S. D. 48.)

On further motion by the same Senator, the Senate reconsidered its action whereby it passed this bill to be engrossed.

Mr. CRAM: Now, Mr. President, if in order, I would like to present an amendment, Senate Amendment A, and perhaps I can explain it briefly to the Senate and take less time than to have it read.

I will state that whereas the act, as heretofore before this body, provides that with the approval of the secretary of State, cities and towns may at their own expense provide ballot boxes, that this amendment as offered provides that the approval also of the attorney general and one member of the Governor's Council to be designated by the Governor, is necessary in order for the ballot boxes to be provided; that is, that the approval must be obtained of the secretary of state, the attorney general, and one member of the Governor's Council to be designated by the Governor.

Mr. HINCKLEY of Cumberland: Mr. President, I move this matter lie on the table.

The motion was agreed to.

Mr. CRAM: Is it in condition so it can be printed over the week-end to save time.

The PRESIDENT: The Chair will state the Senator might make a motion to that effect.

Mr. CRAM: I so move. Mr. President, that Senate Amendment A be printed.

The motion was agreed to.

The PRESIDENT: The Chair will state that he understands that committee hearings have been advertised for this room at 1.30, and that we have a few papers that have come from the House that we might dispose of very quickly, if the Senate cares to, and then after that adjourn, if such is the pleasure of the Senate.

Further papers from the House disposed of in concurrence.

### Passed To Be Enacted

An Act relating to the salary of the Judge of the Kennebunk Municipal Court (S. D. 233).

An Act to amend an act entitled, "An Act to incorporate the Cupsuptic Stream Improvement Company (S. D. 237).

An Act relating to taking herring in the Sheepscoot river (H. D. 350).

An Act to incorporate the Caribou Sewer District (H. D. 147).

An Act relating to motor vehicle laws (H. D. 165).

An Act to authorize the city of Belfast to pay its bonded indebtedness and to issue new bonds for that purpose. (H. D. 432).

An Act to amend Section 130 of Chapter 16 of the Revised Statutes, as amended by Chapter 69 of the Public Laws of 1919, relating to certification of teachers (H. D. 202).

An Act to amend Section 127 of Chapter 87 of the Revised Statutes relating to affidavits of plaintiffs being received as prima facie evidence (H. D. 224).

An Act relating to land taken for parks, squares, public libraries and playgrounds (H. D. 233).

An Act to require the teaching of American history and civil government in the public and private schools (H. D. 413).

An Act to grant a new charter to the city of Saco (H. D. 406).

An Act to incorporate Old Town Herbert Gray School District (H. D. 431).

An Act to provide for notice to mortgagees in case mortgaged real estate is sold for taxes; to provide for redemption by a mortgagee if notice is not given; and to provide for redemption in case real estate is sold for taxes when same are assessed against the name of a person not the true owner (H. D. 436).

An Act relating to the Rumford and Mexico Water District, authorizing said district to take water from Walker Brook in the towns of Roxbury and Weld (H. D. 435).

An Act to extend the powers of Western Maine Power Company, formerly Limerick Water & Electric Company (H. D. 434).

### Finally Passed

Resolve in favor of the Directors of the Port of Portland (H. D. 416).

Resolve in favor of the Directors of the Port of Portland (H. D. 415).

On motion by Mr. Smith of Somerset,

Adjourned until Monday, March 30, at 4.30 P. M.