

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

Tuesday, March 31, 1925.

Senate called to order by the President.

Prayer by Rev. A. Francis Welch of Augusta.

Journal of previous session read and approved.

On motion by Mr. Allen of York, under suspension of the rules it was

ORDERED, that 1000 copies of the stenographic record of the Senate for March 25th be printed for the use of the Legislature.

On motion by Mr. Hinckley of Cumberland, under suspension of the rules, it was

ORDERED, that when the Senate adjourn, it adjourn to this afternoon, at four o'clock.

Papers from the House disposed of in concurrence.

From the House: An Act relating to kindergartens as part of the common school course. (H. D. 450).

In Senate, March 27, passed to be engrossed in concurrence.

In the House: that branch reconsidered its action whereby this bill was passed to be engrossed, adopted House Amendment A, and passed the bill to be engrossed as amended by House Amendment A.

In the Senate: House Amendment A was read by the Secretary, and then on motion by Mr. Allen of York, the bill was tabled.

From the House: The Committee on ways and bridges, on An Act relating to a tax upon gasoline (H. D. 89) reported that the same ought not to pass

In the Senate, tabled on motion by Mr. Clarke of Hancock, pending acceptance of the report.

Subsequently, on further motion by the same Senator, the Senate reconsidered its vote whereby this bill was tabled, and on further motion by the same Senator, the report was accepted.

From the House: The same Committee, on An Act to amend Sections 2, 5, 6 and 8 of Chapter 224 of the Public Laws of 1923, relating to a tax upon gasoline (H. D. 214) re-

ported that the same ought not to pass.

In the Senate: On motion by Mr. Clarke of Hancock, tabled pending acceptance of the report of the committee.

House Bills in First Reading

An Act to regulate the sale of filled milk. (H. D. 469).

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

Resolve in favor of the Secretaries of certain committees of the Eighty-second Legislature for expenses of said committees in performing legislative duties. (H. D. 480).

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

An Act to repeal Chapter 389 of the Private and Special Laws for the year 1905 entitled An Act to grant certain powers to the town of Eden (H. D. 464).

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

Resolve for the purchase of 125 copies of the history of the town of Dresden (H. D. 132).

(On motion by Mr. Foster of Kennebec, under suspension of the rules, the resolve was given its second reading, and on further motion by the same Senator was then tabled pending its passage to be engrossed).

Resolve for the purchase of 150 copies of the history of the town of Lee. (H. D. 482).

(On motion by Mr. Carter of Androscoggin, under suspension of the rules, the resolve was given its second reading, and on further motion by the same Senator was then tabled pending its passage to be engrossed).

Resolve, providing for the purchase of selections from the Autobiography of Elizabeth Oakes Smith edited by Mary Alice Wyman (H. D. 19).

(On motion by Mr. Wadsworth of Kennebec, under suspension of the rules, the resolve was given its second reading, and on further motion by the same Senator was then tabled pending its passage to be engrossed).

An Act to amend an Act relating to taking of clams in the town of Machiasport (H. D. 463).

(On motions by Mr. Case of Washington, under suspension of the rules the bill was given its second

reading and passed to be engrossed).
 Resolve in favor of Trustees of Juvenile Institutions (H. D. 471).

(On motions by Mr. Chalmers of Penobscot, under suspension of the rules, the resolve was given its second reading and passed to be engrossed.)

Resolve in favor of State School for Boys. (H. D. 470).

(On motions by Mr. Walker of Knox, under suspension of the rules, the resolve was given its second reading and passed to be engrossed.)

Resolve in favor of State School for Girls (H. D. 467).

(On motions by Mr. Miner of Washington, under suspension of the rules the resolve was given its second reading and passed to be engrossed.)

Resolve, An Act making available funds for the State's share of reconstruction under the Bridge Act of the substructure of the Gardiner and Randolph Bridge (H. D. 478)

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

On motion by Mr. Hinckley of Cumberland, under suspension of the rules, the following three resolves were introduced out of order, and referred to the committee on appropriations and financial affairs.

Resolve in favor of Florence L. Parody for services to the 82nd Legislature.

Resolve in favor of John C. Carey for services to the 82nd Legislature.

Resolve in favor of Leslie E. Norwood for services to the 82nd Legislature.

Bills in First Reading

An Act relating to the attorney general (S. D. 271)

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

Reports of Committees

Mr. Hinckley, from the Committee on Judiciary, on An Act to prevent illegal interference with the business of another (S. D. 85) reported that the same ought not to pass.

The same Senator, from the same Committee, on An Act relative to inciting, inducing, or persuading another to commit crime (S. D. 123) reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

Final Report

Mr. Walker, from the Committee on State Prison, submitted its final report, having acted on all matters referred to them.

The report was accepted.

Passed to be Engrossed

An Act to amend Sections 9, 10 and 11 of Chapter 5 of the Revised Statutes relating to lists of persons to be made by the assessors of cities and transmitted to Boards of Registration (S. D. 151)

Passed to be Enacted

An Act to Amend Section 5 of Chapter 122 of the Revised Statutes, Relating to Common Thieves. (S. D. 80)

An Act to Amend Section 18 of Chapter 51 of the Revised Statutes, as Amended by Chapter 23 of the Public Laws of 1919, Relating to Proxies. (H. D. 203)

Orders of the Day

On motion by Mr. Allen of York, bill, An Act relating to kindergarten in the public schools, was taken from the table.

This bill having been passed to be engrossed.

On motion by the same Senator the vote was reconsidered whereby the bill was passed to be engrossed.

On further motion by the same Senator House amendment A was adopted in concurrence.

The bill was then passed to be engrossed as amended by House amendment A.

On motion by Mr. Maher of Kennebec, S. D. 161, resolve in favor of the Augusta State hospital for maintenance for the fiscal years 1926 and 1927, was taken from the table.

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

The same Senator then offered Senate amendment A, to amend by striking out the figures "\$44,500" in two places where they occur in the third paragraph of said resolve, and substituting in place thereof the figures "\$52,000" in each of said two places, and further amend said resolve by striking out all of the last paragraph thereof.

The question being on the adoption of the amendment.

Mr. WADSWORTH: Mr. President, perhaps I had better briefly ex-

plain the reason for this amendment from \$44,500 to \$52,000, which is an increase of \$7500 for each of these two years, and I will say that it is intended to take care of the repairs on the heating plant. There is another resolve introduced here which called for \$10,000, which will not be necessary, and we have added the sum of \$7500 for each of these two years in order to take care of this matter. I will further say that there has been an investigation made over there within a few days and it has been decided by the people connected with the hospital and by those making the investigation that \$15,000 or \$7500 a year, will do the job, and so we have added that amount to the repairs.

The amendment was adopted.

On further motion by the same Senator the resolve was passed to be engrossed, as amended by Senate amendment A.

On motion by Mr. Hinckley of Cumberland, S. D. 269, Senate reports from the committee on judiciary, report "A" reporting "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; report "B" reporting "ought not to pass" on the Oakes-Anthoine Bill, "An Act relating to the method of nominating candidates for office"; also S. D. 270, Senate order relating to the Oakes-Anthoine Bill, were taken from the table.

Mr. Hinckley then yielded to the Senator from Cumberland, Senator Anthoine.

MR. ANTHOINE: Mr. President, in moving the adoption of Senate report "A", "ought to pass", and the joint order, I wish to make a few remarks to this body. I do not propose to discuss the merits of these proposed measures or the proposed measure now known as the Oakes-Anthoine bill, or the demerits of the primary. There is much that can be said in support of this bill which proposes a change in the method of nominating candidates for office; there is much that might be said in opposition to our present method, but that is not the question which is before this body at this time, on the adoption of this order.

The initiated bill must, under the provisions of our constitution, go to the people to be either accepted or

rejected. This is something that the constitution provides. The constitution of this state, however, provides that the legislature if it does not enact an initiated measure verbatim, must submit that to the people of the state together with such recommendations as they may see fit to make, or an alternative bill which may be passed upon by the people at the same time.

Now this joint order from the judiciary committee, signed by a majority of the committee, by seven members out of the ten members of the committee, proposes simply this, that this legislature shall, without passing on the merits of the two bills, submit these bills to the people on one ballot so that the people of the state may pass upon these bills at a general or special election which will be held sometime this coming fall. All we say to you Gentlemen, is to submit these bills, the initiated bill and the Oakes-Anthoine bill to the people on one ballot in order that they may have the opportunity to accept either or reject both, and to retain the direct primary as it is if they do reject both.

This order does not call for an indorsement by this body of either of these bills; it simply says that without any indorsement by this body, that we feel that under the constitution the people of this State should have an opportunity to pass on this bill as well as on the initiated bill which they must pass upon under the provisions of the constitution. By this method you do not indorse it and you do not obligate yourselves in any way, shape or manner by passing this order; you are simply saying that this should be submitted to the people of our State to be voted on at the same time, without any indorsement and without any recommendation. I therefore move, Mr. President, that the order of the judiciary committee, which I think is report "A," reporting "ought to pass" be now given a passage.

MR. CARTER of Androscoggin: Mr. President—

The PRESIDENT: The Chair will state that either the Chair is in error or this calendar is wrong. Senate Document 269, according to the calendar, report "A" is "ought not to pass," and report "B" is "ought not to pass," and the Chair is wondering whether or not there is a clerical error in the calendar.

Mr. ANTHOINE: Mr. President, I will withdraw my motion. I do not know just what the parliamentary situation is, but there was an order that was introduced into this body by the majority of the judiciary committee ordering that the bill be referred to the people, and that is Senate Document No. 270, I think.

Mr. HINCKLEY of Cumberland: Mr. President, I think perhaps I can explain the situation.

The PRESIDENT: If the Senator from Cumberland, Senator Hinckley, will yield for just a moment. Then your motion, Senator Anthoine, was in relation to Senate Document No. 270?

Mr. ANTHOINE: My motion was with reference to the passage of the order of the committee on judiciary.

The PRESIDENT: Your motion was with reference to report "A," reporting "ought to pass," and there is no such report, according to the calendar.

Mr. ANTHOINE: Then, Mr. President, I will withdraw my motion.

The PRESIDENT: Now what is your motion?

Mr. ANTHOINE: My motion is that the order of the committee on judiciary be given a passage.

The PRESIDENT: And that is "ought to pass."

Mr. ANTHOINE: That report is that it ought to be referred to the people. As I understand, Mr. President, the Senator from Cumberland, Senator Hinckley, states that he can explain the parliamentary situation which is perhaps a little tangled.

Mr. HINCKLEY: Mr. President, I am not surprised that the way in which this appears on the calendar is misleading, but I will say also that it is correct. There are two reports from the committee on judiciary, report "A" which is "ought not to pass," meaning that this legislature should not adopt or pass an Act which is known as the Anthoine Act relating to primary, but that same report recommends that it be submitted as a competing measure with the initiated primary bill; so that the report "ought not to pass" is correct, stating that it should be stated as a competing measure is correct. So that the acceptance of report "A," which is "ought not to pass," but that it should be submitted to the people as a competing measure means that this legislature does not agree to enact it, but that it does agree to submit it to the people.

Report "B" which is signed by the other members of the committee, reporting "ought not to pass," means that the matter is dead and that it will not be submitted as a competing measure to the people.

Mr. ANTHOINE: Mr. President, in view of the explanation made by the Senator from Cumberland, Senator Hinckley, I will now move the adoption of report "A," that the bill "ought not to pass," but that it be referred to the people as a competing measure.

The PRESIDENT: The Chair will state that this body can act upon only one bill at a time, on one motion at a time.

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

The PRESIDENT: The Senator from Cumberland, Senator Hinckley, may state his point of order.

Mr. HINCKLEY: Mr. President, Senate Document 270, should not be numbered 270, but it should be part of Senate Document No. 269, and should be a part of the report in No. 269. The report "A" in No. 269 embodies the order as part of it, so that the acceptance of the report carries the order.

Mr. CARTER of Androscoggin: Mr. President, I rise for the purpose of seeking information, and I would like to ask the Chair whether I am correct in thinking that in submitting to the people the initiative and referendum it takes a majority vote. Is that correct?

The PRESIDENT: The Chair will say yes.

Mr. CARTER: And in submitting the Oakes-Anthoine bill, which is an amendment to the constitution, it takes a two-thirds vote?

Mr. HINCKLEY: Mr. President, may I again explain perhaps, in order to save time—

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

Mr. HINCKLEY: Mr. President, the initiated bill does not require any vote; it goes under the provisions of the constitution as a matter of course; we take no vote upon it; we simply accept the report and beyond that we take no action. The other, of course, is not a constitutional resolve.

Mr. CARTER: The Oakes-Anthoine bill is a constitutional resolve.

Mr. ANTHOINE: Mr. President, with the permission of the Chair I

will answer through the Chair the Senator from Androscoggin, Senator Carter, that the joint bill proposed by Mr. Oakes and myself is not an amendment to the constitution and requires only a majority vote. It is a statute purely and simply. It repeals certain sections of chapter six of the Revised Statutes and substitutes a new method in place of chapter six, and is not an amendment to the constitution.

Mr. Carter: Mr. President, I will say that that answers the question which I had in my mind.

Mr. HINCKLEY: Now Mr. President, having learned the views of certain Senators on the matter, I wish at this time to make a few remarks showing the position of the Senator from Aroostook, Senator Hussey, and myself in behalf of the Senate in reporting amendment "B." A bill has been initiated by 12,000 of the electors of the state of Maine, as provided in the constitution. Under the provisions of that Act it must go to the people, and that is a measure repealing our present law and substituting in place thereof the old convention system. Then what is known as the Oakes-Anthoine bill comes along, and it is the purpose of those interested in those bills to have them submitted as a competing measure with the initiated bill. The Oakes-Anthoine bills are spoken of as a modified convention proposition. They are modified to a considerable extent, but some of us who are much interested in the retention of the direct primary bill and believe in it have come to the conclusion that there is very little difference in the practical workings of the Oakes-Anthoine bill and the old convention method.

It is true that these bills provide for an appeal by a person defeated, provided he has a certain percentage of the votes in the convention; but those of us who know something of the practical workings of politics are aware that it would be nothing more or less than the old convention system, and know that any person defeated would have no chance of a nomination if he should appeal to the people after having been defeated in the convention. It would simply be a case where he would go out and be known as a squealer, bucking the regular Republican or Democratic conventions, and he would have no chance whatever.

Now, interested as we are in the retention of the direct primary bill

or law, we want the people to have a chance to go right to the bat on the question as between the primary law and the old convention system, and then the people will not be misled and they will fully understand the situation. We are afraid if these two bills go out together the people will become confused and they will misunderstand the situation, and that the direct primary bill will in fact be in danger.

It has been suggested by some that the initiated bill is in such a condition that if the primary bill should be repealed then we would have no law to work under, and that it would be necessary to call a special session of the legislature, and I will say that some of us have looked into that phase of the matter carefully and we are somewhat fearful of the result. We do not think that situation will result. We are satisfied if we can go to the people on the direct issue as between the convention and the primary that the primary proposition will win out by an overwhelming majority. We want the people to have a chance to vote on it without being misled or without the people misunderstanding the proposition. We feel it to be the duty under the circumstances of those who are interested in the primary law to stand with us in ending the Oakes-Anthoine bill.

I will say, furthermore, that the women's organizations representing about 15,000 names are against any change in the present primary law, and I know that the leaders of those women in the state who are in favor of retaining the primary law are in accord on the proposition that we should go right to the people on this one thing and not submit the Oakes-Anthoine bill with this measure.

Mr. CARTER: Mr. President, I want to be recorded as being against any attempt at tampering with the primary law at this session of the Legislature. The question which still persists in my mind is this, if I have the matter clearly placed in my mind, with the initiative and referendum which is before us this body can in no way act except under the constitution to pass it along to the people. It goes to the people under the provisions of the constitution. We now have with us and before us a measure which is subject to a majority and minority vote of this Senate, whether it passes or does not pass. Now these two

measures are coupled in an order, if I get the parliamentary situation right, so that we will assume that the order fails of a passage, then we have been voting not to submit under the provisions of the initiative and referendum a matter to the people, something which I understand under the constitution we cannot do. We have also this morning voted "ought not to pass" or accepted the report "ought not to pass" on the Oakes-Anthoine bill; but by voting "ought not to pass" on the Oakes-Anthoine bill, accepting report "A," I do in fact vote to submit the Oakes-Anthoine bill to the people with the initiative and referendum. I do not for a moment question the legal knowledge of the members of the judiciary committee or the carefulness with which they have looked up this matter, but it seems to me that we cannot properly join that which we must submit to the people as a matter of right under the constitution with a bill which we can kill in this Senate if we wish to vote that way. It does not seem to me that these matters are properly joined in the resolve, although I will say that I have not carefully looked the matter up and I have no question but what the judiciary committee is right.

Mr. President and Gentlemen, it seems to me that this is a mongrel, bungling way of handling the situation relative to our constitution, whereby we vote "ought not to pass" and still we do in fact pass the bill under the very proviso of the judiciary committee's report "A," which is "ought not to pass," and to submit the bill. It seems to me in regard to these matters, one of which goes along as a matter of law anyway, and the other is a matter within our jurisdiction, and it seems to me as if these matters should be submitted.

Mr. MAHER of Kennebec: Mr. President, being one of the majority signers of the reports which are being considered relative to this measure, I feel that perhaps I should make myself clear as to what was in the minds of the majority of the committee. Personally, I am absolutely committed to and believe in the principle of the direct primary and I am opposed to any tinkering, any change or substitution or alteration therein, and I think that is the sentiment of the majority of the judiciary committee.

Mr. President, I think that the situation with reference to this particularly involved matter has not been made exactly clear by the chairman of the judiciary committee, the Senator from Cumberland, Senator Hinckley, who signed the minority report. It was certainly in the minds, I think, of the entire judiciary committee that the initiated measure known as the O'Connell bill was so inaptly and so inartificially drawn that its adoption by the people, in the event of the majority voting for it, would leave us in this condition, that we would have no nominating machinery whatever; and I would ask right at this juncture, through the Chair, from the Senator from Cumberland, Senator Hinckley, whether or not that initiated bill appears as a printed document.

The PRESIDENT: The Senator from Cumberland, Senator Hinckley, hears the inquiry of the Senator from Kennebec, Senator Maher.

Mr. HINCKLEY: Mr. President, I will say that the initiated bill does not appear as a printed document, but if the Senators had followed the proceedings last Friday they would have realized that there was a report that it be not accepted by the Legislature, but that it take its course under the constitution. The report was accepted and the initiated bill has already gone to the people. The Senate is now taking up the second proposition.

Mr. MAHER: Mr. President, I will say in reply to the Senator from Cumberland, Senator Hinckley, that the Senator has not answered my query in his reply, and that we are endeavoring to follow the proceedings here, and we know what did happen in the judiciary committee, and we know that there has not been anything that has gone to the people yet.

Mr. HINCKLEY: So far as this Legislature is concerned.

Mr. MAHER: Mr. President, I would like to ask if I might have read the O'Connell measure. And while that measure is being procured and to save time, and I will return to this point when we have that measure in front of us. I wish to assure the Senator from Androscoggin, Senator Carter, and the other Senators—

The PRESIDENT: If the Senator will wait a moment until certain

confusion has ceased. The Chair will say that this is a very important matter and we must have a little order.

Mr. MAHER: Mr. President, with the indulgence of the Senate I will read to you the initiated bill as the judiciary committee had it under consideration. This bill reads as follows:

"State of Maine

Office of the Secretary of State,
Augusta, Me.,
February 26th, 1925.

"To the Senate and House of Representatives in Legislature assembled:

I have the honor to transmit herewith initiative petitions filed in the office of the Secretary of State on February 24th, 1925, proposing to the Legislature for its consideration under the provisions of Article 31 of the Constitution of Maine the following bill:

"An Act to repeal sections one to thirty-six of chapter six of the Revised Statutes, relative to primary elections.

Be it Enacted by the people of the State of Maine as follows:

Article 1. Sections one to thirty-six of chapter six of the Revised Statutes, and Acts amendatory thereof and additional thereto, relating to nominations of candidates for office by primary elections are hereby repealed.

Article 2. All nominations of candidates for any and all state and county offices, including United States Senator, member of Congress, member of state legislature, shall hereafter be made at and by party caucuses and conventions in the same manner as nominations were made prior to the passage of chapter 199 of the Public Laws of 1911 and chapter 221 of the Public Laws of 1913.

Said petitions purporting to bear signatures aggregating more than 12,000 electors."

Now the regular status of it as we saw it was this, when you adopted the direct primary amendment by initiative vote, the present primary law, automatically there was repeal of that part of our nominating machinery applicable to nominations by conventions and caucuses, and there was substituted for it the direct primary. Now then, it was proposed to repeal the direct primary and in place thereof it says "all nominations

shall be made in the same manner as nominations were made prior to —." All Senators here who are familiar with the enacting of legislation will say that is a peculiar way to create a statute. You will find yourself, if that initiative measure becomes a law, and we are bound to consider the possibility that it will, where then is your nominating machinery. The Governor will be obliged to call a special session of the Legislature for the purpose of formulating some sort of a law such as we had prior to the adoption of the primary law.

Now what is the function of the Legislature under this initiative program? I think the Senator from Androscoggin, Senator Carter, inadvertently did not recall the specific provision which applies, that 12,000 signers petition directly for legislation and submit that legislation together with the requisite number of names, as we view the section, Article 31 of the constitution, the direct primary and initiative amendment. The function of the legislature is extremely simple. It is, first, to ascertain if there are 12,000 signers or voters. That was done in this case. That being done, then the legislature can do one of three things. In the first place, it can pass the initiated act without the crossing of a "t" or the dotting of an "i", literally, absolutely as the people have proposed it. If they do that, then the legislature has functioned; it is then a law and a statute taking the place of whatever it was designed to succeed. Should the legislature see fit not to do that, then there is the opposite pole; it must submit that initiated act to the voters of the state without the crossing of a "t" or the dotting of an "i" just as the 12,000 signers demanded it.

Then it can adopt a third course. It must either pass or submit. The legislature functioning as a legislature has not this power, and section 18 of Article 31 says: "Any measure thus proposed by not less than 12,000 electors, unless enacted without change by the legislature at the session at which it is presented shall be submitted to the electors together with any amended form, substitute or recommendation of the legislature and in such manner that the people can choose between the competing measures or reject both."

Now the majority of the judiciary

committee, with all due respect to the chairman, the Senator from Cumberland, Senator Hinckley, were wholly convinced that this legislature would be not acting wisely, that it would not be acting fairly toward the people of the state to submit this initiated bill with no act upon our part when the constitution imposed the duty, or at least left us free to do a duty if we saw that the duty was required. And the majority of the committee, and I think the committee unanimously reported that the Oakes-Anthoine bill "ought not to pass." That is the report of the committee, that this bill "ought not to pass." But inasmuch as it was the only serious proposal before the legislature for a substantive change in the primary law, and confronted by the actual fact that there were those 12,000 signers demanding this change, the majority of the committee felt that the legislature might act wisely and properly without any recommendation to adopt, without any recommendation to reject, other than the acceptance of the majority report on the Oakes-Anthoine bill itself, of "ought not to pass," and thought that properly and wisely the Oakes-Anthoine bill might appear on the same ballot as that, so that in the campaign that is bound to ensue from the opponents of the direct primary it might not ever be advanced by any man in a spirit of captious criticism, no matter what your views may be of the primary law, you cannot vote for this initiated bill because if you do it does not give you anything to take its place; it is not a constructive measure. Whatever a man's view upon the primary itself, he must remember that there are 12,000 signers demanding a change; and we felt that it was the function of the legislature to offer a competing constructive measure, for two reasons—and the first one I have given. The second reason was that when the votes are counted upon this proposition upon which the people must vote the matter will not be left in a nebulous and uncertain and contentious condition that does not reflect the true vote of the people because this was not a constructive measure, the initiated bill.

The situation if this legislature should see fit to adopt the report of the majority of the judiciary committee—and I say here that it is a matter of indifference to me, and I have no personal interest in the matter, and I am simply trying to ex-

plain the matter to you as to the attitude of the committee, but if the legislature should see fit to adopt the majority report and submit the constructive competing measure with an absolutely inept and inartificial report, when the final decision is had I believe the result will be overwhelmingly in favor of the present primary law and the matter will be settled as far as legislative annoyance and initiative petitions are concerned for the next generation. I trust that I have made my position clear.

Mr. BARWISE of Penobscot: Mr. President, I have listened with a great deal of interest to this discussion, and I agree with the legal aspects as laid down by the Senator from Kennebec, but I fail utterly to follow what might be called the horse sense aspect of the situation. I cannot see why we as Senators should submit something to the people that none of us want to pass. We have adopted a report that this mongrel Oakes-Anthoine bill ought not to pass, and it is a mongrel measure. It reminds me of a statement that Uncle Joe Cannon made once as to why the mule was a good symbol of the Democratic party—because it had neither pride of ancestry nor hope of posterity. This bill reminds me of that. Nobody wants the Oakes-Anthoine bill to pass. There was no support for it. These twelve thousand people who have petitioned this referendum, all the leaders have told us round the lobby here that they do not want it submitted. The primary people do not want it submitted. There is nobody wants it submitted apparently except some of this judiciary committee. If this bill is submitted at all it will take a Tallyrand or a Richelieu to explain to the people what they ought to do with this mongrel measure coming up between the other two.

Now there is a straight, clean-cut issue that the people are to vote on. I agree with the Senator from Kennebec that I am very doubtful as to whether we have if the people vote the O'Connell measure in, whether they have re-enacted the other statutes or not. I doubt if they have. But it would be a good deal better to leave a clean cut issue to the people, even if he have to call the Legislature together to enact a law providing the people vote this in; if we have to have a curative act by a special session of the Legislature.

than it would to have the great question of the suffrage of the people of the State of Maine all snarled up by this mongrel measure thrust in between.

I hope the matter will be killed.

Mr. ANTHOINE: Mr. President, after the very able remarks of the Senator from Kennebec, I feel that there is little real need of my addressing myself again to this honorable body. I do, however, want to call attention to one or two phases which have been brought out in this discussion.

At the outset of my remarks some few minutes ago, I said I did not propose to discuss the merits of either of these bills, or the merits or demerits of the primary law. That was not the question, as I conceived it, before us. However, inasmuch as my distinguished colleague from Cumberland, with whom I agree on most matters but disagree on this matter, inasmuch as he has adverted to certain phases of the merits of the bill, and inasmuch as the Senator from Penobscot has also spoken in somewhat disparaging terms of the merits of this bill, I thought that perhaps it might be well to say a few words in support of some of these propositions.

Now first, the Senator from Cumberland said that all the women's organizations of the State were opposed to any change in the primary law, and he called attention to the number of petitions which had been brought in by women's organizations. He also called attention to the people who had spoken in favor of the primary law and were opposed to any changes. As a matter of fact, gentlemen, the very afternoon that we held that primary hearing in this room, and one of the officers of an organization of women got up and said before the judiciary committee that that whole organization was opposed to any change in the primary and very much opposed to the Oakes bill or the Anthoine bill—they were two separate bills at that time—when she got up and said that, there was in this room another officer of that same organization who came to me afterwards and said, "Senator Anthoine, that is not a fact, and had it not been for causing confusion I would have gotten up and said there were as many in our organization in favor of a change in my opinion as there were against a change."

Now I have had that occur repeatedly,—ladies from different organizations come to me and say, "These good ladies who get up here and pledge our organization to this course of action had no right to do that." That is immaterial, however, to the question at issue.

Now the Senator from Cumberland, my colleague, Senator Hinckley, referred to a confusion in the method of appeal. He said that while it was a modified convention, that really it was nothing but the old convention. I deny that absolutely. My original bill provided this, that no candidate could appeal from a convention nomination who had not received forty per cent of the votes of that convention. The original Oakes bill provided that any candidate could appeal from the convention no matter what his vote, provided he got a certain number of petitions.

Now gentlemen, my original bill provided that no candidate could appeal who had not received forty per cent of the vote in the convention. The Oakes bill provided any candidate could provided he got a petition. My bill provided for no petition.

Now this joint bill which the Senator from Penobscot calls a mongrel bill,—and I would call his attention to the fact that a very much more distinguished man than the Senator from Penobscot, a Chief Justice of the Supreme Court of the United States, who has also occupied the high position of President of the United States, in an address stated that he saw future nominations of candidates for office made under a combination of the convention system and the primary system, which would incorporate the best features of both those systems. Now I am quite as well content to abide by the position of the Chief Justice of the Supreme Court of the United States as I am by the opinion of the Senator from Penobscot.

Now this new bill proposes, this consolidated bill proposes, an appeal of any candidate who has received twenty per cent of the votes—in other words, they have dropped my per centage from forty per cent to twenty per cent—and also provides a modified petition, such as Mr. Oakes provided. In other respects, the bill which we propose to submit to the people under the order of the

judiciary so well explained by the Senator from Kennebec, is my original bill absolutely, with that one change.

Now we believe that there is a very strong feeling that some constructive measure should be presented to the people. We do not ask this Legislature to go on record as endorsing this action. But we do feel as the Senator from Kennebec has so ably expressed it, that the people should have an opportunity to pass on this bill as a competing measure with the initiative bill. We believe that it will not be confusing; that the campaign of education will be carried on through this State to explain to the people, and I for one have faith that they will understand this measure fully and understand what they are voting on when they come to vote on it. If you do not do that, it looks to me as if you were saying to the people, "We do not dare to let you vote on anything but that initiative."

Now the senator from Kennebec has said, if you put them both out, you stop the agitation immediately; you allow the people to decide once for all. If you do not do that, just as sure as the sun rises there will be another attempt in the next Legislature to initiate a bill similar to the Oakes-Anthoine bill. So you would only postpone it for two years anyhow. That is the situation. I for one believe that the people are fully competent to determine which one of those two measures to accept, which one is the bill wanted, or to reject both. The senator from Kennebec is absolutely sure they will overwhelmingly reject both. Let us give them a chance to do it. That is all we are asking. We do not ask you to put the seal of your approval on either. We simply say, pass that Senate order which submits these bills to the people and allows the people to pass on them.

The PRESIDENT: Is the Senate ready for the question? Will the senator make his motion again?

Mr. ANTHOINE: Mr. President, under the parliamentary situation as explained by the senator from Cumberland, I understand that the adoption of Report A, ought not to pass on the Oakes-Anthoine bill, carries with the passage an order referring it to the people, and I therefore move the adoption of Senate Report A.

Mr. CARTER: Mr. President, I rise again to a point of information. Wouldn't it be possible to accept the

report "ought not to pass" on the Oakes-Anthoine bill, then with another vote submit it as an alternative with the initiative and referendum? I do not like to see this Senate go on record, or I do not like to go on record in a vote that apparently accepts an amendment to the primary law. On the other hand, I very much feel the force of the argument or statement of the members of the judiciary committee as to carrying along with the initiative and referendum this other matter. I think that the people might as well decide the whole thing at once, but I would like if it is possible under parliamentary procedure to see this Senate go on record as against the Oakes-Anthoine bill. Having gone on record against the Oakes-Anthoine bill in a vote, then send along these matters, but by two separate votes, rather than by one vote which covers both.

Mr. HINCKLEY: Mr. President, if the Senators will just take their calendar and look at S. D. 269 and read it, they will find these words "Senate report from the committee on judiciary, report A, ought not to pass, and a 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. That is the report of the committee. That means we reject the Oakes-Anthoine bill and recommend the passage of an order attached thereto. It seems to me that is as clear as anything can be, and having in mind, as I explained a moment ago, that last Friday the initiative bill was reported and has gone along and passed out of this body and will be submitted to the people, the only question is now, what shall we do here? Report A is in proper form and one vote on it means that this Senate rejects the Oakes-Anthoine bill but agrees to have it submitted to the people. Report B means that it defeats the Oakes-Anthoine bill and does not agree to have it go to the people.

Mr. MAHER: Mr. President, I think that I agree perfectly, although I signed that majority report, with the Senator from Androscoggin, and it is not any more than fair for the record to show that Mr. Oakes, who was a member of the judiciary committee, in order to have unanimous action on his bill so that it would not be confusing, so there would be no report at all in favor of it, joined the majority in reporting "ought not to pass" on his own measure, to which was first coupled the order

submitting is as a competing measure. I think everything that the Senator from Androscoggin has said, not in any sense as a stricture but in proper criticism, is really true with reference to that majority report; I think it is inartificial. I think it would have been better straight "ought not to pass" or "ought to pass" and I apprehend the vote on that would have been in committee something like eight to two "ought not to pass." But as it is, there is no report "ought to pass"—so I think that removes somewhat the difficulty in the mind of the Senator from Androscoggin. Both reports are "ought not to pass" and Report A simply carries with it the order of a competing measure.

Mr. CARTER: Mr. President, I think that by this discussion which has taken place in the Senate the purpose of the action of the Senate is accomplished very fully, and that it puts this Republican Senate on record as being against all bills which change the primary law, but submitting these two bills to the people with their endorsement against the Oakes-Anthoine bill, and if any senator should take it from any remarks I have made that I am against this order, I wish to disabuse their minds. For under the conditions which now exist, with the thorough, clear understanding of the standing of the Senate, the Republicans in the Senate, I am going to support the order when it comes to a vote.

Mr. ALLEN of York: Mr. President, being just an ordinary, common, everyday individual, with just the ordinary amount of common sense and knowledge, it has got beyond me. I have listened to them with a great deal of pleasure and I have got some information out of it, but it has not given me enough information so that I could act wisely on this measure. It seems to me that it is muddled up to that degree that a motion to indefinitely postpone the whole business would clarify the situation and I make that motion.

The PRESIDENT: The Chair will state the motion before the last motion was that of the senator from Cumberland, Senator Anthoine, that Report A, "ought not to pass," be accepted, and as the Chair understands it S. D. 269 as appears on this calendar is merged with S. D. 270—however the merger took place the Chair does not know, and will say he is in doubt about it.

The motion now is the motion of the senator from York, Senator Allen.

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

The PRESIDENT: The senator may state his point of order.

Mr. ANTHOINE: Whether or not that motion is in order prior to the acceptance or rejection of a report. The subject matter, Mr. President, is not yet before the body.

The PRESIDENT: The Chair will rule it is on the acceptance of the report.

Mr. CASE of Washington: Mr. President, I fully agree with the remarks of the honored senator from York. This thing has gotten beyond me at the present time, and I move this matter be tabled for the present.

Mr. ANTHOINE: I will ask the ruling of the President on the matter.

The PRESIDENT: The Chair will state that in the interest of everybody, and for the purpose of trying to be right, we will recess for a short time, subject to call.

AFTER RECESS

The PRESIDENT: The Chair will rule that the motion to lay upon the table takes precedence.

The question being on the motion that the matter be tabled,

The motion was lost.

The PRESIDENT: The pending question is on the motion of the Senator from York, Senator Allen, that Senate Document No. 269 be indefinitely postponed.

A viva voce vote being doubted,

Mr. Barwise of Penobscot called for a division.

A division being had,

The Chair announced that the motion prevailed and that Senate Document No. 269 was indefinitely postponed.

Mr. Barwise then moved an indefinite postponement of Senate Document No. 270.

The PRESIDENT: The Chair will rule that the Senate has already done that. The Chair has been informed that both matters went together, either in an emasculated or some other manner. Is there any other matter to come before the Senate?

On motion by Mr. Wadsworth of Kennebec, S. D. 236, bill, An Act to enlarge the powers of the state highway police and to authorize the Governor and Council to appoint said police and direct them in the perform-

ance of their duties, was taken from the table.

Mr. WADSWORTH: Mr. President, I would like to inquire just what the present position of this matter is.

The PRESIDENT: The Chair will inform the Senator from Kennebec, Senator Wadsworth, that the bill is now ready for its second reading.

On motion by the same Senator the bill then received its second reading, and on further motion by the same Senator the bill was tabled pending its passage to be engrossed.

On motion by Mr. Hussey of Aroostook, S. D. 267, bill, An Act to provide for the completion of the vital records of the State, was taken from the table.

The pending question being the second reading of the bill,

Mr. HUSSEY: Mr. President, I will state that by an error the calendar states that this measure was tabled by me, but it was tabled by the Senator from Aroostook, Senator Powers and I now yield to that Senator.

On motion by Mr. Powers the bill then received its second reading and was passed to be engrossed.

On motion by Mr. Powers of Aroostook, H. D. 115, bill, An Act authorizing the employment of stenographers by justices of the Supreme Judicial and Superior Courts, was taken from the table.

The pending question being the second reading of the bill,

On further motion by the same Senator the bill received its second reading, and on further motion by the same Senator the bill was passed to be engrossed, as amended.

On motion by Mr. Powers of Aroostook, H. D. 308, bill, An Act relating to conveyances not effectual against others unless recorded, was taken from the table.

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

On further motion by the same Senator the bill was passed to be engrossed.

On motion by Mr. Roberts of York, S. D. 213, Senate report from the committee on state lands and forest preservation reporting "ought to pass" on bill, An Act relating to

certain state parks, 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 bill then received its first reading.

The same Senator then offered Senate amendment A, to amend by striking out the words "three thousand" in the second and fourth lines of section three, and inserting in place thereof the words "five thousand."

The question being on the adoption of the amendment,

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.

On motion by Mr. Powers of Aroostook, S. P. 604, Senate reports from the committee on public health, majority reporting "ought to pass" and minority reporting "ought not to pass" on bill, An Act permitting sterilizing operations in certain cases of mental disease and feeble-mindedness, were taken from the table.

The pending question being the acceptance of either report,

The same senator moved that the minority report "ought not to pass" be accepted.

Mr. Speirs of Cumberland, moved that both reports be tabled pending the acceptance of either report.

The motion was agreed to.

On motion by Mr. Morrison of Franklin, S. D. 32, reports of the committee on State prisons, majority reporting "ought not to pass" and minority reporting "ought to pass" on bill, An Act relative to the powers of prison commissioners, were taken from the table.

The pending question being the acceptance of either report,

Mr. Morrison then yielded to the senator from Knox, Senator Walker.

Mr. Walker then moved the acceptance of the majority report.

Mr. Powers of Aroostook moved that both reports, pending the acceptance of either report, be laid upon the table.

The motion was agreed to.

On motion by Mr. Hinkley of Cumberland, S. D. 160, Resolve in favor of the Bangor State Hospital for main-

tenance and other purposes, tabled March 30th, was taken from the table.

Pending question being adoption of Senate Amendment A.

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

On motion by Mr. Wadsworth, Senate Amendment A was adopted.

Mr. WADSWORTH: Mr. President, what is the particular motion now, that it should have its first reading?

The PRESIDENT: The Chair will state that the parliamentary situation of the matter before the last vote was this, the matter was passed to be engrossed. So a motion to reconsider the vote whereby we adopted Senate Amendment A will be in order.

On motion by Mr. Wadsworth of Kennebec, the Senate voted to reconsider its action whereby it adopted Senate Amendment A.

On further motion by Mr. Wadsworth, the Senate voted to reconsider its action whereby it passed S. D. 160 to be engrossed.

On further motions by the same senator, the Senate adopted Senate Amendment A, and then passed the resolve to be engrossed as amended by Senate Amendment A.

Mr. MAHER of Kennebec: Mr. President, in accordance with the notice given yesterday, I move to reconsider the vote whereby we passed to be engrossed S. D. 65, An Act requiring more efficient supervision of brokers selling securities on marginal account, for the purpose of offering an amendment, which I will do tomorrow morning.

The motion was agreed to, and on further motion by the same senator the bill was tabled and specially assigned for tomorrow morning.

On motion by Mr. Hinckley of Cumberland, S. D. 57, Senate Report from the committees on legal affairs and mercantile affairs and insurance jointly "ought not to pass" on an act requiring owners of certain motor vehicles and trailers to furnish security for their civil liability on account of personal injuries and property damage caused by their motor vehicles and trailers, tabled March 30, was taken from the table.

Senator Hinckley then yielded to the senator from Aroostook, Senator Powers.

On motion by Mr. Powers the Senate voted to accept the unanimous report of the committees on legal affairs and

mercantile affairs and insurance of ought not to pass.

On motion by Mr. Maher of Kennebec, S. D. 68, Senate reports from the committee on judiciary, report "A," "ought to pass," and report "B," "ought not to pass," on bill, An Act to regulate the sale of milk or cream in bottles or jars within the town of Bar Harbor, were taken from the table.

Mr. Maher then yielded to the Senator from Hancock, Senator Phillips.

Mr. Phillips: Mr. President, I have no particular interest in this matter, and I don't know that I have any motion to make at this time. The committee, as I understand it, were evenly divided on this matter, and I move that the report "ought to pass" be accepted.

Mr. Hinckley of Cumberland asked that the two reports be read.

(The Secretary then read the two reports).

Mr. HINCKLEY: Mr. President, the Senator from Hancock, Senator Phillips, says he has no particular interest in this matter. I will say that we were told in the committee that a certain milkman from Bar Harbor was a trouble maker, and that all the other milkmen in that community were satisfied with the law as it is, and they wanted the law left alone, and that was generally the feeling of the people in Bar Harbor, and there was something pertaining to the blowing of the name of the party selling milk upon the bottles, and we were informed that somebody had been stealing the bottles and they wanted an officer appointed to look after it, or something of that kind. We were informed that the people of Bar Harbor wanted nothing of this kind, and I therefore move the indefinite postponement of this bill.

Mr. MAHER of Kennebec: Mr. President, it is true that this is not a very weighty measure and I shall take but a moment of the time of this Senate. I tabled this matter in the absence of the Senator from Hancock, Senator Phillips, yesterday, whose measure it is, and then I yielded to him this morning. I have just heard his motion to the effect that the majority report of the committee be accepted. I know nothing about any personal interest that the Senator may have in it. I simply know that it is a measure in regard to

which he has now moved that the report "ought to pass" be accepted. This matter has nothing at all to do with the law in relation to blowing names on the bottles. That is the law, and it has been the law, and the Senator from Cumberland, Senator Hinckley, was a member of the legislature two years ago that made that law with reference to Bar Harbor. I know nothing about their stealing milk bottles. There was a gentleman who journeyed up here from Bar Harbor and appeared before the judiciary committee, and he was questioned by the members of that committee, and this man informed us that a law which this legislature had passed and which was upon the statute books was not being enforced in Bar Harbor, and that nothing was being done, and that the way they were dodging it in regard to the enforcement was up to no one. In other words, it was a splendid illustration of "passing the buck." This measure simply provides that it is the duty of the milk inspector who is appointed in that town to see that this particular act is enforced. I say there is just one position which can be taken consistently, either that law which is now a part of the statutes of this state should be repealed, or it should be enforced. I think this gentleman to whom reference was made is not a troublesome seeker after difficulty, he is not a meddlesome party and the majority of the committee so felt. As I gathered from the discussion before the committee the ground of the opposition of the representative from Bar Harbor was that he felt a sort of personal feeling in the matter because the bill was not introduced by him, and that the man who wanted to have the bill presented drifted a long way over to find a Republican Senator, and as it appears to me he showed proper discretion in so doing. I hope the majority report will prevail.

Mr. HINCKLEY: Mr. President in answer to the remarks of the Senator from Kennebec, Senator Maher, I might say that the report of the committee showed that the committee stood five to five.

The PRESIDENT: The Chair wishes to make an explanation that there is no majority report and no minority report, but that the reports are report "A" and report "B" and there are as many names of the committee on one as on the other.

Mr. HINCKLEY: Mr. President,

two of the three Senators on the committee signed the report "ought not to pass", and the evidence before the committee showed that there was or is a milk inspector, and Mr. Peach, the milkman says he is not performing his duties in that regard properly. I would like to ask the Senator from Hancock, Senator Phillips, through the Chair, if he is particularly interested in this measure and if he has gone into the controversy so as to know about it.

Mr. PHILLIPS: Mr. President, I will say in reply to the question of the Senator from Cumberland, Senator Hinckley, that I understand this is carrying out the law. There is a bill now pending that applies to this matter, and all that they are asking is that the provisions of this act to be fulfilled, and that there may be a penalty put upon them if they do not properly fulfil the provisions of the law. I can see no reasons why it is not a just and proper law, but as I said before, I have no particular interest in the matter.

Mr. HINCKLEY: Mr. President, this measure provides that a penalty will apply to the milk inspector of Bar Harbor that will not apply to any other milk inspector. I will say that I do not like that kind of legislation.

Mr. MAHER: Mr. President, if I may impress upon the laymen of this Senate, in answer to the chairman of the committee on judiciary, what I would consider an absolutely unanswerable argument it is this, that this does impose upon the milk inspector of Bar Harbor a duty that is not suggested or imposed upon any other milk inspector in the State of Maine, because there is not any such statute as this requiring names to be blown into bottles such as obtains in the case of Bar Harbor, and naturally they cannot impose on a milk inspector in Portland to enforce a law with reference to seeing that names are blown in bottles when there is not any such statute as that in Portland. The point is this, there is that statute for Bar Harbor and it evidently was passed for good and sufficient reasons; it was passed by the legislature and two-thirds of the members here sat and voted for it, and it was signed by the Governor, and now this man simply wants it enforced. It does not put any additional burden on that man, simply the enforcement of the law in that particular.

Mr. WILSON of Aroostook: Mr.

President, perhaps I can say a word that will clarify the situation with regard to milk bottles. It does cost a little more to have the names blown into the bottles, and there have been some municipalities that did require that provision because of an ordinance in their municipalities, but since that time they have repealed that particular ordinance and allowed the names of the producers to be on the cap of the bottle, and I personally think that is a very proper thing to do. I am not familiar with the conditions of this particular case, but I want to say to you that if the names had to be blown in all the bottles of a dealer in Bar Harbor or any other summer resort where bottles were returned as promptly as they should be, and if he failed to have those bottles on hand and was caught without having the bottles blown he would be liable under the law. Personally I think it was a very wise law to have, but the bottlers at this time are all using the paper caps and practically all have the dealer's name on the cap, but as I have stated before, I have no particular interest in the matter.

Mr. CLARKE of Hancock: Mr. President, I am satisfied that it does not take a very important matter to precipitate a great deal of debate in this body. I might be slightly interested in this matter merely because it originated in my own county. I had supposed that it was not a very important matter, but I should judge from the line of debate that it was a matter of a Peach and a milk bottle being divided into two equal parts. I move that the matter be now tabled for the purpose of investigation.

The PRESIDENT: There are three motions now before the Senate, and the motion to table takes precedence. Is it the pleasure of the Senate that this matter be tabled?

The motion was agreed to.

On motion by Mr. Maher of Kennebec S. P. 596, Senate report from the committee on judiciary reporting "ought to pass" on bill, An Act relating to driving motor vehicles while under the influence of intoxicating liquor or drugs, and the penalty therefor, was taken from the table.

The pending question being the acceptance of the report.

Mr. MAHER: Mr. President, inas-

much as this seems to be a morning devoted more or less to the discussion of liquid, and I notice that this measure has to do with driving motor vehicles while under the influence of intoxicating liquor, I will see if we can make better success in that regard, and I will move the acceptance of the report.

The motion was agreed to.

The bill was then tabled for printing under the joint rules.

On motion by Mr. Cram of Cumberland, H. D. 440, House report from the committee on legal affairs, reporting "ought to pass" on bill, An Act in relation to the jurisdiction of the municipal court of the city of Portland, 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 bill was then tabled for printing under the joint rules.

On motion by Mr. Powers of Aroostook, the rules were suspended and that Senator was permitted to introduce out of order the following resolves:

Resolve in favor of Kenneth F. Lee for services to the 82nd Legislature.

Resolve in favor of Edna Hoyt for services to the 82nd Legislature.

Resolve in favor of Joseph Stockbridge for services to the 82nd Legislature.

On further motion by the same Senator the resolves were referred to the committee on appropriations and financial affairs.

On motion by Mr. Allen of York, Adjourned until this afternoon at 4 o'clock.

Tuesday afternoon, March 31, 1925.

Senate called to order by the President.

Prayer by Rev. D. H. Fenn of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House:

Resolve, in Favor of the Augusta State Hospital for Renovation of Steam Plant for Fiscal Years 1926 and 1927.

In Senate, March 13, passed to be engrossed.

In the House, indefinitely postponed.

In the Senate: On motion by Mr. Maher of Kennebec, tabled until tomorrow.

House Bills in First Reading

An Act to regulate the manufacture and sale of soft drinks, syrups and non-alcoholic beverages. (H. D. 481).

(On motion by Mr. Hinckley, under suspension of the rules the bill was given its second reading, and on further motion by the same Senator tabled pending passage to be engrossed.)

An Act relating to provision for upkeep, equipment and extensions for the several normal schools and the Madawaska Training School. (H. D. 160).

(On motion by Mr. Allen of York, tabled pending first reading.)

An Act relating to open season on certain game birds. (H. D. 479).

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

An Act to amend Section 37 of Chapter 55 of the Revised Statutes as amended by Chapter 128 of the Public Laws of 1919, relating to the authorization of issue of stocks, bonds and notes by public utilities. (H. D. 474).

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

An Act to incorporate the Personal Finance Company (H. D. 475).

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

Resolve relating to apportionment of representatives among the several counties, cities, towns, plantations and classes in the State of Maine (H. D. 354).

(On motions by Mr. Powers of Aroostook, under suspension of the rules, the resolve was given its second reading and passed to be engrossed.)

An Act relating to the analysis of water used for domestic purposes (H. D. 473).

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

An Act to extend the charter of the

Great Pond Railway Company (H. D. 472).

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

An Act to incorporate the Union River Railway Company (H. D. 484).

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

An Act to incorporate the Richmond Water District (H. D. 476).

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

Resolve, in favor of the town of Hampden (H. D. 477).

(On motions by Mr. Chalmers of Penobscot, under suspension of the rules, the resolve was given its second reading and passed to be engrossed.)

An Act to authorize the construction and maintenance of a bridge across Beach Creek in Bristol (H. D. 483).

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

An Act for the State to acquire the American portion of the International Bridge at Calais in Washington county and to provide for its maintenance (H. D. 185).

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

From the House:

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

In Senate, March 27, passed to be engrossed.

In the House, that branch reconsidered its action whereby the bill was passed to be engrossed, adopted House Amendment A, and passed the bill to be engrossed as amended by House Amendment A.

In the Senate: On motion by Mr. Holley of Somerset, the Senate reconsidered its action whereby this bill was passed to be engrossed.

On further motion by the same senator, House Amendment A was adopted and the bill was passed to be engrossed as amended by House Amendment A.

The following resolves and petitions were received, and on recommendation

by the committee on reference of bills, were referred to the following committees:

Appropriations and Financial Affairs

By Mr. Bond of Lincoln, Resolve in favor of Foster Newcomb, for services as clerk of committee on State Sanatoriums (S. P. 611).

By Mr. Phillips of Hancock, resolve in favor of Josephine B. Marshall, clerk to the Senate committee on Engrossed Bills (S. P. 617).

By Mr. Wilson of Aroostook, resolve in favor of Foster Newcomb for services as clerk of committee on Counties (S. P. 612).

Placed on File

By Mr. Miner of Washington, petition of Leslie French and 36 others of Jonesport (S. P. 613); petition of Rebecca Woodward and 39 others of Jonesport (S. P. 614); petition of Kenneth V. Beal and 16 others of Beals (S. P. 615); petition of Edwin A. Kelley and 12 others of Jonesport (S. P. 616); asking for the division of the town of Jonesport and the incorporation of the town of Beals.

Bills in First Reading

An Act to Authorize the Payment of Retirement Compensation to Treasurers and Assistant Treasurers of Savings Banks. (S. O. 272.)

Resolve, in Favor of the Bangor State Hospital for New Construction and Permanent Improvements. (S. D. 273.)

Reports of Committees

Mr. Bond, from the Committees on Ways and Bridges and Taxation, on An Act to amend Sections 30 and 47 of the Public Laws of 1921, relating to fees of operators and to fees for licensing motor vehicles. (S. D. 58) reported that the same ought not to pass.

The report was accepted and sent down for concurrence.

Final Reports

Mr. Morrison, from the Committee on Mines and Mining, submitted its final report, having acted on all matters referred to them.

Mr. Hussey, from the Committee on Pensions, submitted its final report, having acted on all matters referred to them.

The reports were accepted.

Passed to Be Enacted

An Act Relating to the Portland Gas Light Company. (H. Doc. 43.)

An Act Relating to Travelling Peddlers, Dealers, Salesmen and

Solicitors of Orders for Punch Boards, Seal Cards, Slot Gambling Machines or Other Implements, Apparatus or Materials of Any Form of Gambling. (S. D. 175.)

An Act Relating to Dogs Found Chasing Moose, Caribou or Deer. (S. D. 202.)

An Act Relating to State School Fund Covering Unexpended Balances (S. D. 91.)

(Tabled on motion by Mr. Maher of Kennebec.)

An Act Relating to Retiring and Pensioning State Employees. (S. D. 239.)

An Act Relating to the Appointment of Election Clerks of Polling places. (S. D. 134.)

An Act to Amend Section Twenty-six of Chapter One Hundred and Forty-four of the Public Laws of Nineteen Hundred and Twenty-three, Relating to the Banking Laws. (S. D. 144.)

An Act Relating to the Location of Ways Crossing Railroad Tracks. (S. D. 174)

An Act to Amend Chapter Two Hundred and Sixty-four of the Public Laws of Nineteen Hundred and Nineteen as Amended by Chapter One Hundred and Thirty-four of the Public Laws of Nineteen Hundred and Twenty-one and Chapter Fifty-five of the Public Laws of Nineteen Hundred and Twenty-three, Relating to Soldiers' and Sailors' Bonus. (S. D. 203)

(Tabled on motion by Mr. Smith of Somerset)

An Act Relating to Adjustment of Rate of Interest on Farm Loans Granted by the State. (S. D. 241)

An Act Relating to the Better Protection of Smelts. (H. D. 448)

An Act Relating to Fishing in Certain Waters in Franklin and Oxford Counties. (H. D. 219)

An Act Relating to Fees for the Registration of Vehicles Used for the Transportation of School Children. (H. D. 74)

(Tabled on motion by Mr. Roberts of York.)

An Act Relating to the Issuance of Permits to Propagate Game Birds, Game and Fur-Bearing Animals. (H. D. 474)

An Act to Relieve the State of the Necessity of Alleging and Proving the Non-existence of a Federal Permit in Proceedings for Punishment for Unlawful Transportation of Liquor and Forfeiture of Vehicles, Boats, etc. (H. D. 255).

An Act Relating to the Desecration of Flags. (H. D. 284).

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 to Change the Grades of the Apple Packing Law." (H. D. 442).

An Act Relating to Ice Fishing in Watchic Pond, in the Town of Standish, in the County of Cumberland. (H. D. 450).

An Act Relating to the Ringing of the Engine Bell or Sounding of the Whistle at Grade Crossings. (H. D. 446).

An Act to Regulate Fishing in East Stream, So-called, in Washington County. (H. D. 444).

Finally Passed

Resolve, in Favor of the Maine State Prison for Maintenance and Current Expenses. (S. D. 235).

Resolve, in Favor of F. W. Cunningham and Sons for Contractors' Fees as per Contract with the State Dated October, Nineteen Hundred and Twenty-three, in Connection with the State Prison, Thomaston, Maine, Together with Disbursements. (S. D. 240).

Resolve, in Favor of an Appropriation for the Directors of the Port of Portland, for the Payment of Salaries and Expenses. (H. D. 423).

Resolve, in Favor of Bessie E. King of Belfast, for State Pension. (H. D. 427).

Resolve, Providing for a State Pension for Alice Guptill, of Belfast. (H. D. 426).

Resolve, Providing for a State Pension for George A. McKusick, of Guilford. (H. D. 429).

Resolve, in Favor of Eliza J. Eldridge, of Hampden, for State Pension. (H. D. 428).

Resolve, in Favor of Nancy T. Morrill of Madison, for State Pension. (H. D. 425).

Resolve, Granting Authority to the Maine Agricultural Experiment Station for the Purchase of Land. (H. D. 443).

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).

Orders of the Day

Mr. SMITH of Somerset: Mr. President, I move we reconsider our action whereby we voted to indefinitely postpone S. D. 269, relating to the primary, and wish to explain that while I am absolutely opposed to any change in our primary laws, that there seemed to be no little confusion this morning, and I am given to understand that if this matter can be placed before this body, that a clean-cut issue will be made and an order introduced placing it before us in a way so that the matter can be decided upon its merits.

The PRESIDENT: The Senate hears the motion of the Senator from Somerset to reconsider our action whereby we voted to indefinitely postpone S. D. 269, Senate report from the committee on judiciary, Report A "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. Report B "ought not to pass" on the Oakes-Anthoine bill, an Act relating to the method of nominating candidates for office. And connected with this, as the Chair understands it, is S. D. 270, Senate Order relating to the Oakes-Anthoine bill.

Mr. ALLEN of York: Mr. President, is this debatable—the motion?

The PRESIDENT: It certainly is.

Mr. ALLEN: Mr. President and members of the Senate, I have not changed my mind on this thing since this morning, and I would like to know if the Senate is going to stand on their head one moment and on their feet the next.

I do not think there was a man, woman or child,—if there were any children here—who understood what they were trying to get at this morning. I am sure I didn't, and I do not wish to go back to my constituents and try to make those people understand something that I cannot understand myself. Now I do not claim to be very bright, but I am as bright as the ordinary individual in the place where I come from—there are a few there perhaps that know a great deal more than I do and I take my hat off to them, but outside of them, the general run of the men, women and children in York county, I do not think that they know any more about this thing than I do, and I know nothing about it, and I hope this motion will not prevail.

Mr. POWERS of Aroostook: Mr. President, I hope that this motion will prevail and that the Senate will not take the position of the distinguished Senator from York, which, as I understand it, is that we decide to vote, definitely and finally, to definitely postpone an important measure without knowing what we are doing. Therefore I trust that we will have the opportunity to have the issue put in a clear-cut manner for us. I trust the motion will prevail.

Mr. BARWISE of Penobscot: Mr. President, I think some of us may not have understood the muddle that the judiciary committee got us into, but I think there is nobody in this Senate but what clearly understood when they were voting this morning, that they were voting not to put a third question before the people — they were not putting in what I characterized this morning as a mongrel measure between the clean-cut proposition that the people are to vote on, that is referred by the initiative, and the primary law as it now stands. The doing away of the primary by the initiative and the primary law as it now stands is a clean cut and clear issue. There has been, I may say, almost no demand for this measure—may be a few scattered people; but the people that are behind the initiative measure are not for it, none of those 12,000 people are for it. The people, like myself, who are clearly and squarely standing upon the primary system, are not for it. Any attempt to put a third matter onto this bill before the people will simply confuse them. There is no popular demand for it, and I hope this motion will not prevail.

Mr. ANTHOINE: Mr. President, in talking with a number of the gentlemen of this body since the vote was taken this morning, I find that there was some confusion as to what sort of an order or report was being accepted or rejected. Now it seems to me that we can,—and I have already prepared an order which in the event that the motion of Senator Smith prevails and this matter is reconsidered,—I have an order which I think will clarify the whole situation, and which will, I think, as Senator Smith points out, and as Senator Powers has also suggested, create a clear-cut issue on which we may vote. Now this is all that we ask. I find that there were a number who were confused as to the exact parliamentary situation. That is all that

we can ask, is that it be presented on its merits.

Mr. HINCKLEY of Cumberland: Mr. President, may I inquire through the Chair of the Senator from Cumberland, Senator Anthoine, just what his order is, that we may know whether it is different from the order this morning we voted on?

The PRESIDENT: The Senator may answer. Just a second,—we have a motion before the Senate.

Mr. HINCKLEY: Yes, Mr. President, and before voting on this order, which is to reconsider, I want to know for what purpose I am voting to reconsider. It seems to me proper that I should know it, and for that reason I am asking if the senator from Cumberland will enlighten us and tell us for what real purpose he desires to reconsider.

The senator from Cumberland may answer if he cares to.

Mr. ANTHOINE: I thought we had already explained that. This morning the issue was confused with the acceptance of a report in the form of ought not to pass on the Oakes-Anthoine bill, and also accompanying that an order submitting it to the people. Now it was confusing, some members felt, and the senator from Androscoggin, Senator Carter, who is not in the chamber at this time, thought the matter should be separated. Now I have prepared something which will separate it, and give a clear-cut issue as to what we are going to vote on, and I think it should be presented.

Mr. ALLEN: Mr. President, I would like to inquire of the senator from Cumberland if the order is any different from what it was this morning?

Mr. ANTHOINE: It is.

Mr. ALLEN: It is the same order, isn't it?

Mr. ANTHOINE: No.

Mr. ALLEN: An entirely different order?

Mr. ANTHOINE: It is an order worded considerably differently, making a clear-cut issue.

Mr. ALLEN: May I ask through the Chair if the senator from Cumberland has any objection to telling us what it is so we may know what to vote on?

Mr. ANTHOINE: I certainly have not, Mr. President.

The PRESIDENT: Will the senator from Cumberland, Senator Anthoine, read the order?

Mr. ANTHOINE: I will be very glad to do so, and I will say, Mr. President, that I have submitted it to quite a number of the gentlemen who were not fully conversant with the parliamentary situation this morning, and it does clarify the situation in their mind. This is the order which is offered, simple, and which I think should be readily understandable.

In Senate, March 31, 1925.

Ordered, the House concurring, that as a substitute for all committee reports and orders on Senate Document No. 269, providing a method of nominating candidates for office, known as the Oakes-Anthoine bill, that the said Oakes-Anthoine bill be submitted to the electors to be voted on at the same time as an initiated measure entitled "An Act to repeal Sections 1 to 36 of Chapter 6 of the Revised Statutes, relative to primary elections," and that the said Oakes-Anthoine bill be submitted as a competing measure therewith,—the question on the ballot being "Shall the so-called Oakes-Anthoine bill, being a measure provided for convention nominations with a primary appeal, be the law?"

Now that is a clear-cut issue. I do not propose to discuss the merits at this time. I cannot until the motion of the senator from Somerset is voted upon. But this is a measure which offers a simple, plain, clear-cut issue, to be determined on its merits, after the motion made by the senator from Somerset shall prevail.

The PRESIDENT: Will the senator from Cumberland, Senator Anthoine, explain,—tell the Chair in what way his order differs from the order No. 270?

Mr. ANTHOINE: Mr. President, we were told this morning that order 270 should never have been printed, that that was an error on the docket; we were told there was one report from the committee on judiciary which was ought not to pass on the Oakes-Anthoine bill, but as a part of that bill, attached to it was an order. Now the senator from Androscoggin very clearly saw the difficulties of that.

The Senator from Kennebec, Senator Maher, pointed out some of the legal difficulties, possibly, about that. It was not possible in the form which was suggested this morning that they should be separated. And then a number of the Senators felt it was not the proper way it should be—involved and confused as to the parliamentary situation. This is a

substitute for all reports and orders and presents a clear cut issue on which the members of the Senate can speak. It is only fair and just to those members who felt that the situation was not clear this morning, that they have another opportunity to express their views on it.

Mr. HINCKLEY: Mr. President, the effect of the order is identical. There is no difference between the two. There was no suggestion made this morning by any person to the effect that the order should not have been printed, because the vote last Friday made by me and which is a matter of record, ordered it printed in connection with the report, as a part of the report, the only error made—and it was a most natural one—being whether it be given a separate number. It should not have been given a separate number as it was a part of the report itself.

If I understood the gentleman from Androscoggin correctly, he did not misunderstand this part of it. He understood, when he first spoke, that the initiative bill was to go with it. After he understood that the initiative bill had gone along, then it was clear to him. Now it was the same matter. It simply means that this Senate, if we vote in favor of this order read by the gentleman from Cumberland, Senator Anthoine, the same as the order we voted on this morning, should it be adopted,—that the Oakes-Anthoine bill would go to the people and would be voted on by the people as a competing measure with the initiative bill. It does not mean anything more. It does not mean anything less. It is exactly the same subject matter.

Now if any member of this Senate desires to change his vote on that matter, I shall be very glad to give him a chance to do that, because I certainly do not want anybody to be recorded in favor of the primary law if they are against it. I do not want anybody recorded as desiring to prevent this matter from going to the people and allowing them to have these three matters, if they desire the other; so there is no serious objection to reconsideration, provided the matter is taken up at this time. I do feel however, having once voted upon it, we should stand by it.

The PRESIDENT: Is the Senate ready for the question?

The question before the Senate is on the motion of the Senator from Somerset, Senator Smith, who moves that we reconsider our action whereby we indefinitely postponed S. D. 269, being Senate Reports A and B, in both instances ought not to pass. Is this the pleasure of the Senate? It is a vote unless doubted.

The vote being doubted a rising vote was had, and the motion to reconsider was carried.

Mr. ANTHOINE: Mr. President, I now offer Senate order, which I have just read, and move that it have a passage.

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

The PRESIDENT: The Senator from Cumberland may state his point of order.

Mr. HINCKLEY: The question now before us that must be considered is on the acceptance of reports of the committee which must take precedence of any other action in this matter.

The PRESIDENT: The Senator from Cumberland is right.

Mr. HINCKLEY: Mr. President, I now move the acceptance of Report B from the judiciary committee "ought not to pass" on the Oakes-Anthoine bill.

Mr. MAHER: Far be it from me to attempt to clarify the murky situation, but it does seem to me that the Senate is in very good accord with the Junior Senator from Cumberland in the courtesy of allowing him to get this matter before the Senate in such direct and tangible shape that he might express his views and get an expression of the view of the Senate that would be definite and intelligible. It does seem to me, without any invidious criticism, that the experienced Senior Senator from Cumberland, might very well assist his Junior colleague. I make that suggestion, not that either of them need it. I understand the question is on the acceptance or the rejection of Senate Report B. I offer as an amendment to that motion that the order just presented by the Junior Senator from Cumberland, Senator Anthoine, be substituted for both reports, pardon me, be substituted for the majority report.

Mr. ANTHOINE: Mr. President, I think it is time that we talked on this matter without any parliamentary tactics. I think that was the thing which confused many mem-

bers this morning. I understand the purpose for which certain motions are made, to delay and cause confusion. Now I have presented an order; the Senator from Kennebec has offered an amendment which would permit voting on that order on its merits. Now all we ask is a vote on the merits, without any parliamentary confusion or tangle. Here is a plain simple order which has been presented, which calls for submission to the people, without any recommendation on the part of the Senate, of the so-called Oakes-Anthoine bill, on a ballot to be voted on next fall with the initiative. Now that is a plain clear-cut issue. Do you gentlemen of the Senate want that measure to go to the people? Do you want the people to have an opportunity to express themselves on that measure at the same time that they have an opportunity to express themselves on the initiative? If you do, and you are not afraid to have the people express themselves on that, if you are not afraid of allowing the people to express their own minds on both these matters, then you can accept this order which I have introduced, which is plain and no one can say they do not understand it, and it will go to the people without any endorsement on our part, but with the assurance that the people are going to pass on this matter. I quite disagree with the Senator from Penobscot, who said that there is no substantial—or anything other than a trivial support for this measure. It has a very wide support in certain portions of the State. Many of the persons who signed the initiative would like to have this one submitted also, as the distinguished proponent of the initiated measure himself said before the judiciary committee.

Now all that we ask is that the people have an opportunity to pass on these matters. If they do not want it, if they do not want either of them, they can kill them as dead as a door-nail. Now it is poor policy, it seems to me, to deny the people of the State of Maine an opportunity to pass on this matter at the same time as they pass on the initiative.

Mr. MAHER: Mr. President, I would suggest that the plain, simple way in this matter, if the Senators will pardon, would be for

the Chairman of the judiciary committee, the Senior Senator from Cumberland county, to withdraw his motion in regard to the acceptance of either report, and permit the Junior Senator to offer his order as a substitute for the majority report. That presents the issue.

Mr. HINCKLEY: Mr. President, the issue was presented very clearly this morning, and every member of this Senate knew when we took the vote this morning, regardless of the position now that the question before this body was whether or not we desired the Oakes-Anthoine bill to be submitted to the people or whether we desired to kill it. Now there can be no question upon it. That was voted upon. Now you have reconsidered. I made a motion a few moments ago to accept Report B which, if accepted, would kill the matter here and it could not go to the people. There is no attempt on our part to get into a parliamentary tangle, for the members of the Senate know just what they are doing, and that is what my motion provided for. If the Senate desires to vote in any particular way and any particular form, I do not care. The same subject matter is before us. Every Senator would know, while voting on the motion I made, if he voted in favor it would kill this matter right here and it could not go to the people. I want it killed here because I do not want these two matters to go to the people so that there will be confusion and so that the primary law will be killed because people do not understand the situation. That is my reason, and all there is to it.

Mr. MAHER: Mr. President, I ask unanimous consent to speak a third time.

The PRESIDENT: The Senator from Kennebec, Senator Maher, asks unanimous consent to speak a third time. Does any one object?

The Chair hears no objection.

Mr. MAHER: It is a matter of entire indifference to me what is done on these two reports. I do not care a rap. Personally I am as strong for the primary as the Senior Senator from the County of Cumberland, and I can give the reasons therefor, and I am not anxious to splash the record all up with reiterations to that effect. But I am extremely anxious that this body should proceed in an orderly and in what would appeal to me as a fair

method. Now the Junior Senator in courtesy replied to the Senior Senator from the County of Cumberland upon the motion of the Senator from Somerset that we reconsider the action of this morning and told what his order was and told what his purpose was, and then we went far afield. And now this Senate by a vote of something like 17 to 12 voted upon the motion of the Senator from Somerset to reconsider. Now I fancy you were not doing that as an empty form, as a gesture, a mere waste of time. The Senior Senator from Cumberland now suggests and says that there will be no misunderstanding by moving to accept Report B, the minority report, signed by himself and two others, knowing full well, as the Senate does, that the instant that that is accepted that that is the end of the matter.

Now Mr. President and gentlemen, it does not make any difference how you ultimately vote, but you have just reconsidered your action of this morning for some reason, and I assume it was in order to allow the author—one of the authors of the Oakes-Anthoine measure to state at an appropriate and proper time, in a definite and clear way, his views, whether we agree or disagree with him. Personally I am opposed to the Oakes-Anthoine bill, but whether we agree or disagree with him, let us not stultify ourselves by voting in one breath to reconsider and then in the next to accept the minority report, thereby cutting off the reason for reconsideration. Now I offered an amendment. I withdraw that. I made a suggestion that the Senior Senator would withdraw his motion and allow the Junior Senator to make a substitute of his order for the report on the measure. He does not see fit. I trust, now that the issue is raised, simply in the interests of fair play and just and orderly procedure, that the motion of the Senior Senator to accept the minority report will not prevail.

Mr. HINCKLEY: Mr. President, may I have just one word. I readily understand the position of the distinguished Senator from Kennebec Senator Maher. He says that he is not in favor of the Oakes-Anthoine bill, but that he is in favor of playing with fire and putting us in danger of losing our direct primary law. Most inconsistent, from my position. Now I am going to meet the Senator

from Kennebec, Senator Maher, on his own ground, and I will withdraw my motion. It is the same matter whichever way we vote. It is a question of whether you are willing to submit this matter to the people and take chances by playing with fire or not. But I want to ask the Chair as a parliamentary question whether or not if we accept this order at this time this does not definitely settle the matter in the Senate; or, in other words, whether there will be any first or second reading on the matter, or whether this vote is final and ends any action we can take in future.

The PRESIDENT: The Chair will inform the Senator from Cumberland, Senator Hinckley, if this order as read is passed that is the final wind-up of that order in this branch.

Mr. HINCKLEY: And it goes to the people?

The PRESIDENT: And it goes to the people.

Mr. ANTHOINE: Mr. President, I want to express my appreciation of the action of the senior Senator from Cumberland, Senator Hinckley, in withdrawing his motion, and I will now offer this order which I move may be substituted for Senate reports "A" and "B", and that it be given a passage.

Mr. BARWISE: Mr. President, is the question now definitely upon whether we shall submit the Oakes-Anthoine bill to the people—has it assumed now that stage in the discussion?

The PRESIDENT: The Chair will state that it is in that stage, substituting, as the Chair understands it by an order which while not in the same words means the same thing that the joint order in Document No. 269 relates to and means.

Mr. BARWISE: As I understand it, Mr. President, if we vote "yes" on that order we have voted to send the Oakes-Anthoine bill to the people.

The PRESIDENT: Yes, you have voted to send it to the people and substituted it for those reports.

Mr. BARWISE: Mr. President, then I wish simply to reiterate what I have said previously, that we must not be confused by the very insinuating way in which the junior Senator from Cumberland, Senator Anthoine, has put this matter up before us; that this is a very simple and harmless little kitten that he wishes to submit to the people. The question for us here in Maine is whether we shall retain the primary

law, strengthened as it has been by the Hamilton bill just passed a few days ago and signed by the Governor, requiring universal enrolment in the small towns as well as in the large, or whether we shall return to the convention system of the old days, whether we shall take the question of nominating our candidates out of the hands of the people and put it back into the hands of the quacks and politicians and the ringers in the various counties or not.

Now I say that this innocent looking Oakes-Anthoine proposition is a very dangerous matter. Nobody who failed to receive the indorsement of the convention would stand as much show towards getting on to the ballot as the proverbial snow ball that we used to hear about in the nether regions. It is put up in such a way that it looks verbally there would be an opportunity for people to put candidates on, but a candidate who went before the people without having the indorsement of the convention would be branded by all the leaders and all the subservients of those leaders as being a squealer, and you would practically do away with our primary system. Mr. President, I hope this hyphenated mongrel will fail to be given a passage.

The PRESIDENT: Is the Senate ready for the question?

Mr. SMITH of Somerset: Mr. President, through my attempt to be fair to every senator in this body and towards every measure there has revolved around this motion that I have made more or less confusion and eloquence. Now in order that there may be no misunderstanding I wish to again state that it was solely for the purpose of being fair that I made the motion, but that I still remain against any change in our primary law.

The PRESIDENT: The question before the Senate is on the motion of the senator from Cumberland, Senator Anthoine, on his motion that the order receive a passage.

Mr. HOLLEY of Somerset: Mr. President, as I understand the situation now we are actually voting on the proposition of referring the Oakes-Anthoine bill to the people. The order if passed refers this bill to the people.

The PRESIDENT: It does.

Mr. HOLLEY: Mr. President, as I understand it, if the order is rejected it is not referred, so far as this body is concerned. I hope there is no misunderstanding now, and that we will not again have to creep over the

ledges. I sincerely hope this order will be defeated and permanently defeated.

Mr. MAHER: Mr. President, I shall not inflict myself upon the Senate any further than simply to say that I am delighted to have heard all the eloquent words expressed in these varying views. Now I trust that the O'Connell measure will be beaten at the polls. I doubt very much whether it is. You all know that a determined movement for a thing is sometimes more effective than talkative and inactive friends. Now I wish that if the O'Connell measure is not defeated and we are at that instant confronted by a legal situation, that it will not be forgotten that it was called to the attention of senators in this body that they had a ready, easy way of obviating the expenditure of from \$50,000 to \$75,000 for a special session of the Legislature.

The PRESIDENT: Is the Senate ready for the question? The Chair is going to take just a few seconds at this time to put the question and try to explain the motion. The question before the Senate is on the motion of the senator from Cumberland, Senator Anthoine, who moves the passage of the order just read, and that it be substituted for Senate Document No. 269, and the Chair will state that if all senators will refer to their calendars they will see that is Senate report from the committee on judiciary, report "A", reporting "ought not to pass", and reporting 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; report "B", reporting "ought not to pass" on the Oakes-Anthoine bill, "An Act relating to the method of nominating candidates for office". As the Chair understands it, this is in the report, and perhaps we may understand it better by saying that report "B" is the Anthoine bill, and that it was reported "ought not to pass"; and that report "A" was reported "ought not to pass", by report "B", but signed by seven members referring the matter to the people. Now you are voting on the proposition to substitute the last order as read for those several reports. All those in favor of substituting this order as read for the reports, will say yes; those opposed will say no.

A viva voce vote being doubted,

The PRESIDENT: All those in favor of substituting the order for the

reports will rise and stand in their places until counted.

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

The PRESIDENT: The senator from Hancock, Senator Clarke, will state his point of order.

Mr. CLARKE: Mr. President, the senator from Aroostook, Senator Powers, is not in his accustomed seat.

(Mr. Powers resumed his seat.)

Mr. Hinckley moved that when the vote is taken it be taken by the yeas and nays.

Mr. MAHER: Mr. President, speaking again to this motion in order to get my position in the record, I wish to say that I signed the majority report. I think the majority report is preferable to the order of the junior senator from Cumberland, Senator Anthoine, and I will state briefly why. The majority report carrying with it an order to submit this as a competing measure expressly reported on the Oakes-Anthoine bill "ought not to pass" and put upon it the seal of its disapproval. This order if adopted would give the tacit approval of this Legislature to his measure.

Mr. POWERS: Mr. President, I beg to state that I differ with the senator from Kennebec, Senator Maher, and that when I vote I shall vote for the passage of this order, and I do not consider that in so voting any member is expressing any opinion as to the merits of the Oakes-Anthoine bill; but I do wish to go upon record as being one who thinks that the people of this State will be able to decide on the merits of the three questions submitted.

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

A sufficient number having arisen, The yeas and nays were ordered.

The PRESIDENT: All those in favor of substituting the order as read for the several reports as appear in Senate Document No. 269 will vote yes; those opposed will vote no; the Secretary will call the roll.

Those voting yes were Senators Anthoine, Bond, Cram, Lane, Morrison, Maher Phillips Powers, Wadsworth and Walker; Those voting no were Senators Allen Barwise, Buzzell, Carlton, Case, Chalmers, Clarke, Foster, Hinckley, Holley, Hussey, Lord, Miner, Perkins, Roberts,

Smith and Speirs; absent, Senators Carter, Crafts and Wilson.

The PRESIDENT: Ten having voted yes and seventeen having voted no, the motion fails.

Mr. Hinckley then moved for the acceptance of report "B".

The motion was agreed to.

The PRESIDENT: The Chair will ask if there are any further reports in connection with this matter that should be accepted.

Mr. HINCKLEY: Mr. President, I think the acceptance of report "B" ends the matter, and the other reports go as a matter of course.

On motion by Mr. Wadsworth of Kennebec, S. D. 236, bill, An Act to enlarge the powers of the state highway police and to authorize the Governor and Council to appoint said police and direct them in the performance of their duties, was taken from the table.

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

On further motion by the same Senator the bill was passed to be engrossed.

On motion by Mr. Lane of Androscoggin, H. D. 27, bill, An Act relating to the armory of the city of Lewiston and fixing the rental thereof, was taken from the table.

Mr. LANE: Mr. President, I would like to inquire the present status of this measure.

The PRESIDENT: In the House this bill was indefinitely postponed, and in this branch it was tabled for consideration.

Mr. Lane moved that the Senate concur with the House in the indefinite postponement of the bill.

The motion was agreed to.

On motion by Mr. Cram of Cumberland, the vote was reconsidered whereby in this branch this morning the report of the committee, reporting "ought not to pass" on H. D. 122, bill, An Act providing for the use of the English language in this state, was accepted.

On further motion by the same Senator the report was tabled, pending its acceptance.

On motion by Mr. Clarke of Hancock, S. D. 68, Senate report from the committee on judiciary, report "A", "ought to pass," and report "B", "ought not to pass," on bill,

An Act to regulate the sale of milk or cream in bottles or jars within the town of Bar Harbor, was taken from the table.

Mr. Clarke then yielded to the Senator from Penobscot, Senator Chalmers.

Mr. CHALMERS: Mr. President, do I understand that there is no amendment that can be offered to a bill until either one report or the other is accepted?

The PRESIDENT: The Chair will rule that a bill may be amended at any time up to its passage to be engrossed, although usually bills are given their first reading after the report is accepted.

Mr. CHALMERS: I would state, Mr. President, that I have an amendment which I think would clarify the situation. It seems that this morning the Senator from Kennebec, Senator Maher, thought there was little enforcement in this bill, and I think the amendment I wish to offer will make the situation clear.

The same Senator then offered Senate amendment, to amend by striking out all of section one of said Act and inserting in place thereof the following:

"Chapter 115 of the Private and Special Laws of 1917 entitled 'An Act to regulate the sale of milk in bottles or jars within the town of Eden, Hancock county, is hereby repealed.'

Mr. MAHER of Kennebec: 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: Mr. President, the point of order briefly is this, first, that any amendment must be germane, and secondly, that no new legislation can be introduced at this session of the legislature which will not be referred to the next.

The PRESIDENT: The Chair will rule on the amendment.

Mr. CHALMERS: If there is a motion to accept that, then I would be willing for the matter to go over to the next legislature.

Mr. MAHER: I do not think, Mr. President, that the Senator from Penobscot, Senator Chalmers, in company with his adviser, the chairman of the judiciary committee, the senior Senator from Cumberland, Senator Hinckley, did not get the force of my remark. It is not the Act that would be referred to the

next legislature; it is the Senator's amendment.

The PRESIDENT: The Chair will rule that is so, if it got as far as that.

Mr. CHALMERS: Mr. President, this is special legislation for the town of Eden, as I understand the matter.

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

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

Mr. MAHER: I will ask the ruling of the Chair on the point of order raised by the Senator from Kennebec.

The PRESIDENT: The Chair will rule that there is no question before the Senate, and the Senator from Penobscot, Senator Chalmers, is out of order.

Mr. HINCKLEY of Cumberland: Mr. President, I move that unanimous consent be granted to the Senator from Penobscot, Senator Chalmers, to speak.

The PRESIDENT: The Senator from Cumberland, Senator Hinckley, moves that unanimous consent be granted to the Senator from Penobscot, Senator Chalmers, to speak. Is this the pleasure of the Senate?

Mr. MAHER: Mr. President, I desire to offer an amendment to the motion of the senior Senator from Cumberland, Senator Hinckley, to this effect, that the gentleman's remarks be confined to the past, present and future of the State of Maine.

Mr. HINCKLEY: Mr. President, I hope the Senator from Kennebec, Senator Maher, will be courteous enough to allow the senior Senator from Penobscot, Senator Chalmers, to speak relative to this matter.

Mr. MAHER: Mr. President, I felt that my suggestion ament the Senator's discussion was sufficiently comprehensive for the senior Senator from Cumberland, Senator Hinckley, and if the Senator can think of anything proper to talk upon I will be content.

The PRESIDENT: The Chair will state that the question before the Senate is on the motion of the Senator from Cumberland, Senator Hinckley, granting unanimous consent to the Senator from Penobscot, Senator Chalmers, to speak. The Chair hears no objection.

Mr. CHALMERS: Mr. President, what I started to say when I was interrupted was that there was legislation passed in 1917, special legislation for the town of Eden and that no

other town or city had any such legislation? When I offered this amendment I thought it was perfectly proper to make such an amendment, and I will say that if this amendment is permitted to be adopted then the town of Bar Harbor will be perfectly willing to enact for themselves an ordinance which will not permit anybody to bring milk in bottles without their names being blown into the bottles. If this amendment is not permitted then I would ask this legislature for permission to introduce tomorrow morning under a suspension of the rules this bill to repeal this measure of 1917. I believe that the people of Bar Harbor do not specially care for this legislation.

The PRESIDENT: The Chair will have to rule under the provisions of Senate Rule No. 11, which is as follows: "No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; nor shall an amendment proposing to ingraft a general provision of law upon a private bill be in order." The Chair will rule that there is no question before the Senate.

Mr. MAHER: Mr. President, perhaps I can simplify the difficulty. I would ask of the Chair if these reports "A" and "B" are evenly divided.

The PRESIDENT: The Chair will state that they are.

Mr. MAHER: May I ask the Chair which report the Senior Senator from Cumberland, Senator Hinckley, signed?

The PRESIDENT: The Chair will state that the Senator from Cumberland, Senator Hinckley, signed Report "B."

Mr. MAHER: Mr. President, I will move that we adopt Report "B."

Mr. HINCKLEY: Mr. President, I have no objection to that.

The PRESIDENT: Is that the pleasure of the Senate?

The motion was agreed to.

Mr. MAHER: Mr. President, in order that the matter may be definitely closed, so that there will not be any misunderstanding, I move that the vote be reconsidered whereby the Senate voted to adopt Report "B," and I hope that I will be voted down.

The question being on the motion to reconsider the vote whereby re-

port "B" was adopted. The motion was lost.

On motion by Mr. Hinckley of Cumberland, S. D. 142, bill, An Act relating to the purposes for which corporations may be organized, was taken from the table.

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

Mr. HINCKLEY: Mr. President, I will simply say that Senator Anthoine was just called to the telephone and asked me to offer for him an amendment.

The same Senator then offered

Senate amendment A, to amend by adding after the words "trust companies" in the fourteenth line thereof the words "loan and building associations."

The question being on the adoption of Senate amendment A.

The amendment was adopted.

On further motion by the same Senator the bill, as amended by Senate amendment A, was then passed to be engrossed.

On motion by Mr. Hinckley of Cumberland,

Adjourned until tomorrow morning at 9.30 o'clock.