

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Second Legislature

OF THE

STATE OF MAINE

1925

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Wednesday, April 1, 1925

Senate called to order by the President.

Prayer by Rev. E. W. Webber of Hallowell.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: The Committee on sea and shore fisheries, on an Act for the better protection of smelts in the Passagassawaukeag river (H. P. 561) reported that the same ought to pass.

In the House: Passed to be engrossed as amended by House Amendment A.

In the Senate: The report of the Committee was accepted and House Amendment A was read by the Secretary.

On motion by Mr. Case of Washington, House Amendment A was adopted and the bill was given its first reading.

On further motions by the same Senator, under suspension of the rules, the bill was given its second reading and passed to be engrossed.

On motion by Mr. Carter of Androscoggin, the following order was presented out of order, and passed.

Ordered, that an invitation be extended to Rev. Nelson B. Gildersleeve, of St. Michael's, Auburn, to act as Chaplain of the Senate on Thursday, April 2.

Bills in First Reading

An Act in relation to the jurisdiction of the Municipal Court of the City of Portland. (H. D. 440).

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

An Act to incorporate the Sandy River and Rangeley Lakes Railway Company and to authorize certain towns to grant assistance thereto. (S. D. 275).

(On motion by Mr. Crafts of Piscataquis, under suspension of the rules, the bill was given its second reading, and on motion by Mr. Morrison of Franklin, under suspension of the rules, the bill was passed to be engrossed)

Resolve in favor of the Western Maine Sanatorium, for additional facilities. (S. D. 276).

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

Reports of Committees

Mr. Case, from the Committee on Ways and Bridges, on Resolve, in favor of the Hancock-Sullivan Bridge District (S. P. 263) reported that the same ought not to pass.

The report was accepted and sent down for concurrence.

The majority of the Committee on State Lands and Forest Preservation, on Resolve in favor of the President and Trustees of Bates College (S. D. 37), reported the same in a new draft, under the same title (S. P. 618), and that it ought to pass.

(Signed) ROBERTS
HAMMOND
PIPER
CURTIS
HOUGHTON
BOND

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

(Signed) LUNT
BROWN
BUZZELL
MITCHELL

On motion by Mr. Wadsworth of Kennebec, tabled pending acceptance of either report.

Mr. Allen, from the Committee on Education, on Resolve, in favor of the University of Maine (S. D. 6), reported the same in a new draft, under the same title (S. P. 619), and that it ought to pass.

On motion by Mr. Perkins of Penobscot, tabled pending the acceptance of the report.

Mr. Hinckley, from the Committee on Judiciary, on An Act to incorporate the Piney Heights Beach and Country Club Village Corporation. (S. D. 71), reported the same in a new draft, under the same title (S. P. 620), and that it ought to pass.

Mr. Hussey, from the same Committee, on An Act relating to recording of instruments of conveyance. (S. D. 148) reported the same in a new draft, under the same title (S. P. 621) and that it ought to pass.

Mr. Maher, from the same Committee, on An Act to amend Chap-

ter 204, Public Laws of 1917, authorizing the Treasurer of State to negotiate a temporary loan (S. D. 49), reported the same in a new draft, under the same title (S. P. 622) and that it ought to pass.

Mr. Morrison, from the Committee on Legal Affairs, on An Act to provide for an Assistant County Attorney for the County of Androscoggin (S. D. 53) reported the same in a new draft, under the same title (S. P. 623) and that it ought to pass.

Mr. Powers, from the same Committee, on An Act to amend Section one of Chapter 169, as amended, relating to the support of dependents of soldiers, sailors and marines (S. D. 209) reported the same in a new draft, under the same title, (S. P. 624) and that it ought to pass.

Mr. Barwise, from the Committee on Library, on An Act to amend the law relating to municipal aid for public Libraries (S. P. 135) reported that the same ought to pass.

Mr. Phillips, from the Committee on Public Health, on An Act to amend Section 129 of Chapter 201 of the Public Laws of 1917, as amended by Chapter 61 of the Public Laws of 1923, relating to the care and treatment of certain infectious diseases (S. D. 211) reported the same in a new draft, under the same title (S. P. 625) and that it ought to pass.

Mr. Case, from the Committee on Ways and Bridges, on Resolve in favor of Mattawamkeag Bridge in the town of Mattawamkeag (S. P. 124) reported the same in a new draft, under the same title (S. P. 626) and that it ought to pass.

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

Final Reports

Mr. Case, from the Committee on Sea and Shore Fisheries, submitted its final report, having acted on all matters referred to them.

Mr. Phillips, from the Committee on Public Health, submitted its final report, having acted on all matters referred to them.

The reports were accepted.

Passed to be Engrossed

Resolve, in favor of Western Maine Sanatorium for maintenance, personal services, repairs and equipment (S. P. 101)

An Act to authorize the payment of retirement compensation to treasurers and assistant treasurers of savings banks (S. D. 272)

Resolve, in favor of the Bangor State Hospital for new construction

and permanent improvements (S. D. 273)

(Tabled on motion by Mr. Wadsworth of Kennebec, pending passage to be engrossed.)

Mr. Hinckley, from the committee on judiciary, presented out of order, report of that committee on bill, An Act to amend chapter '211 of the Public Laws of 1921, relating to motor vehicles, reporting that the same ought not to pass.

The report of the committee was accepted.

Mr. HINCKLEY of Cumberland: Mr. President, I desire to introduce out of order, and move its reference to the committee on appropriations and financial affairs.

Resolve in favor of the clerk and the stenographer of the committee on salaries and fees.

The motion was agreed to.

On motion by Mr. Foster of Kennebec, the Senate voted to reconsider its action whereby it accepted the report of the judiciary committee of "ought not to pass" on S. D. 81, An Act to amend chapter 211 of the Public Laws of 1921, relating to motor vehicles, and on further motion by the same Senator the bill was tabled pending acceptance of the report.

On motion by Mr. Holley of Somerset, the rules were suspended and that gentleman introduced out of order the following order:

ORDERED, that a message be sent to the House proposing a joint convention to be held forthwith in the Hall of the House for the purpose of extending an invitation to the Governor to attend the convention and present such communication as he may be pleased to make.

The order received a passage.

The Secretary was then instructed to convey the message to the House.

Subsequently the Secretary reported that he had delivered the message with which he was charged.

Message From the House

Mr. THOMPSON of Rockland: Mr. President, I am charged with a message from the House of Representatives, that we have received your announcement of a desire to join us in joint convention, and will say that the House will be pleased to receive

the Senate in joint convention forthwith.

The PRESIDENT: The Senate hears the message.

Thereupon the Senate proceeded to the Hall of the House for a joint convention.

(The proceedings of the joint convention will be found in the House record.)

Mr. ALLEN of York: Mr. President, I have an order which I wish to introduce out of order and move its passage:

ORDERED, that 2000 copies of the Governor's communication of today be printed for the use of the Legislature.

The order was given a passage.

Orders of the Day

Mr. CARTER of Androscoggin: Mr. President, I move that H. D. 482, Resolve for the purchase of 150 copies of the history of the town of Lee, be taken from the table, and I will say that I make this motion for the purpose of gathering together four or five matters of similar nature.

The motion was agreed to.

Mr. Carter than yielded to the Senator from Penobscot, Senator Barwise.

On motion by Mr. Barwise the resolve was retabled until this afternoon for the purpose of offering an amendment.

On motion by Mr. Barwise of Penobscot, S. D. 263, resolve authorizing the State librarian to purchase copies of the history of Winthrop, was taken from the table.

On further motion by the same Senator the resolve was retabled for the purpose of offering an amendment.

On motion by Mr. Barwise of Penobscot, S. D. 265, resolve authorizing the State librarian to purchase copies of the history of Aroostook, was taken from the table.

On further motion by the same Senator the resolve was retabled for the purpose of offering an amendment.

On motion by Mr. Barwise of Penobscot, H. D. 19, resolve providing for the purchase of selections from

the autobiography of Elizabeth Oakes Smith edited by Mary Alice Wyman, was taken from the table.

On further motion by the same Senator the resolve was retabled for the purpose of offering an amendment.

On motion by Mr. Barwise of Penobscot, H. D. 132, resolve for the purchase of 125 copies of the history of the town of Dresden, was taken from the table.

On further motion by the same Senator the resolve was tabled for the purpose of offering an amendment.

On motion by Mr. Hinckley of Cumberland, under a suspension of the rules that Senator was permitted to introduce out of order the following order:

"Ordered, That when the Senate adjourn it adjourn until this afternoon at four o'clock.

On further motion by the same Senator the order was given a passage.

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

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

The PRESIDENT: The Chair lays before the Senate, S. D. 157, resolve in favor of the Maine school for feeble minded for maintenance for the fiscal years 1926 and 1927, tabled pending its final passage, and recognizes the Senator from Cumberland, Senator Speirs.

On motion by Mr. Speirs the resolve was retabled for the purpose of offering an amendment.

The PRESIDENT: The Chair lays before the Senate S. D. 231, bill, An Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes, tabled pending its passage to be engrossed, and recognizes the Senator from Penobscot, Senator Chalmers.

Mr. CHALMERS: Mr. President, I move that this bill be indefinitely postponed, and I will state briefly my reasons for making the motion. The purport of this measure, as I understand it, is to accept the provisions of the so-called Smith-Towner bill, although it does not mention that act, and if we accept the provisions of that act we will have to submit to a board in Washington our program of work, and if we comply with that program of work and appropriate certain amounts of money then we will receive certain amounts of money in return, and we will get this money with another provision. That is to say, if we have not performed any work according to the views of the board at Washington then the money is not allowed to us except on appeal to the president; if the president allows it we will get it, otherwise not.

Our budget committee report has a recommendation for the State department of health for the sum of \$114,000 for each of the years 1926 and 1927. Of that amount \$10,000 each year is recommended for the maternity and child welfare work. There was expended in 1924 for this work only the sum of \$7548.81. I cannot see why we should wish to appropriate up to \$10,000 more and perhaps get \$15,000 from the federal government, when in one year, 1924, we used only \$7548.81. If we get this sum of \$25,000 it means only more expense to handle it, and if this measure is passed it would seem to me derogatory to the ability of our own doctors in our State to handle such matters. It is for these reasons that I have made the motion that the bill be indefinitely postponed.

Mr. PHILLIPS of Hancock: Mr. President, this matter has been laid upon the table quite a while for some purpose, for two weeks it seems, and it seems to me that the purpose is to have it die a natural death or have it killed in some way. In regard to this amount of \$7548 that was expended during the fiscal year of 1924, you all understand that was a special appropriation that was made by the State, and it does not come from this fund at all. You all remember that Governor Baxter vetoed the bill and in place of it he had a measure introduced raising the sum of \$15,000 for those two years. Now there is no bill before this Legislature that will give a cent for this work, so that unless this measure is passed we do not get anything for this work.

We have been curtailing in all our departments of public health especially, and there is not a matter but what has been cut down to the lowest amount possible. No extra appropriation has been made, and if we do not pass this measure we are going to lose not only the additions that we ought to have, but we also are going to lose all of this money that will be available for this kind of work. Now I will say that I am not really acquainted with the nature of the work that has been done in the past two years and why the full amount was not spent, but I do know that the last administration was not in accord with the public health department, and I know that we have had very unsatisfactory results from the work. The work has not been carried on as it should have been and it was solely because the department was hampered by a good many restraints. I do not need to talk to you relative to the merits of this bill. There is nothing against the bill, as far as I can see, and nothing that anyone can object to, other than that one hobby that has been mentioned, that we are being bound down by a federal law. Now there is no more federal law in regard to this matter, and no more restrictions than there are in regard to any other appropriations that we get from the federal government, and as I understand the matter, it is only because of feeling against these federal appropriations that anyone can oppose this measure. Mr. President, I do hope in the interest of our children and in the interest of the mothers of our State, because there is plenty of need of this kind of work in our State, that this motion will not prevail.

Mr. HINCKLEY of Cumberland: Mr. President, I presume that the members of this Senate have in mind that this matter has already been debated and has been voted upon favorably by a substantial number of this Senate. We have not hesitated to act upon matters pertaining to the relief of animals and vegetables, and I hope this Senate will not adjourn without doing something for the benefit of the children of our state. I am for the children of our state. The women all over the state of Maine are interested in this measure and want it, and I believe that they are in a position to know as much about this matter as we do, and we should stand by them.

Mr. POWERS of Aroostook: Mr.

President. I should like to say through the Chair in reply to the Senator from Cumberland, Senator Hinckley, that all of the women of the state of Maine are not in favor of this measure. When the vote was so close in the Senate a few days ago I immediately heard from many of the women of our state, and one prominent woman in particular, one who is vitally interested in the welfare of our state in public matters, and she stated to me that the women of our state are being misrepresented. I will say to you, Mr. President and members of the Senate, that women think about these matters just the same as men do, and there is a great division of opinion among them.

It has been stated here that the previous administration was not favorable to the public health policy. I do not know just what "favorable" or "unfavorable" may mean in the mind of a Senator, but I will state that if a state administration is unfavorable to any policy and the people of the state wish a change, then it is a very simple and easy thing to change it. We can always in our state administration have whatever the majority of the people may desire. A few days ago, as you will all remember, Brigadier General Lord paid the state of Maine a high compliment, calling her the most American of all the states. What did he mean by that? As I take it, it was just this, with the great influx of people from Europe during the last generation we have at the present time in our national body politic a vast number, far beyond the majority, of people who up to the present time have not observed our traditions. We hope that they will in the future, but it is very evident that they have not up to the present time, owing to many reactions that have come about recently.

This very morning our Governor addressed us in regard to one of the state's greatest natural resources, one of the state's sources of wealth; but Mr. President, to my mind the greatest resource of this state is its children. I should like to have all this work done by the state and controlled by the state, just as we want to have it done. I will say that I am willing, and I believe we are all willing to pay taxes in order to see that it is done. I urge upon you, Gentlemen, that we should not turn over this important function to the majority of the country as a whole, be-

cause while our voice here is potent, our voice in Washington is very, very small. I hope that the motion of the Senator from Penobscot, Senator Chalmers, will prevail and that this measure will be indefinitely postponed.

Mr. BARWISE of Penobscot: Mr. President, regretting to feel obliged to disagree with my colleague from Penobscot, Senator Chalmers, I see no reason why all of the very fine arguments that were made here in the Senate the other day, and which were convincing to the Senators then, should not be equally convincing now. I merely wish to point out whether we accept this money or not we have to pay our proportional part of it just the same. We are not starting any proposition, and we are not advocating any proposition and we are not setting out upon any new departure. We must pay our part of what the federal government expends whether we receive any benefits from it or not. If we contribute as proposed by this measure \$10,000, we get back from the federal government the sum of \$15,000. The proposition of Governor Baxter was that we turn down this money and appropriate \$15,000 of our own money. I see no sense in that proposition, when this work is so well organized now by men who have been interested in it for years and who know how to do it. I see no reason for trying to run a little issue of our own when the federal government and all the states united for this purpose are doing this work in a thorough and systematic manner. Mr. President, I see no reason for having any bugaboo about our federal government.

Mr. CARTER of Androscoggin: Mr. President, perhaps I am not fitted to speak upon this subject from my lack of knowledge of the affairs of the department to which this pertains. I have listened with great interest to the discussion of this matter in this Senate when the matter was before this body before. I have listened to the discussion relative to this matter here today, and there is only one argument that I have heard as yet with any force for this bill, and that is that we would get money from Washington. It does not seem to me that the money end should be the controlling spirit in matters of legislation for the best interests of our state and I sincerely hope that the motion of the Senator from Penobscot, Senator Chalmers, will not prevail.

Mr. MINER of Washington: Mr. President, I have a very few remarks to make upon this subject. It is very well known to every member of this Senate that the Child's Bureau in Washington was established in 1912, and that the division of that bureau known as the Maternity and Child Welfare Department was established in 1921. The sole purpose of the Act and the establishment of the Board was for the benefit of maternity and child welfare work, and to this end federal aid was given to the amount of \$480,000 annually, to be equally distributed among the various states which accepted the provisions of the Act.

At this time we find that 42 states have accepted the provisions of the Act and are receiving the federal aid. Probably you are all aware from what has been said, and as was very clearly stated by Dr. Howard of the Johns Hopkins University that "the prevention and the control of illness and death of mothers and children are among the most neglected and potentially the most fruitful domain of public health administration." This will give you one of the reasons why such an Act went through and such a fund established, and the work that is to be accomplished.

One of the principal arguments that has been put forward, as was expressed by the Senator from Androscoggin, Senator Carter, has been that federal control is not a pleasant thing for the people of the State of Maine to consider. I have before me the plan of work, and it states emphatically that the plan of work shall originate in the State and be carried out by the State.

My three years experience in the public health council of this state brought me in close contact with the work that is being done through this federal aid. As you all know, two years ago \$10,000 was granted for this work. The acceptance of the money from the federal government was negatived. We could not agree to that, and consequently the only money that was at the disposal of the department for this work was our \$10,000.

Now to answer the objection of the Senator from Aroostook, Senator Powers, that only \$7500 of that money was expended—or it might have been one of the other Senators who made that statement—I might say that we found it impossible to get nurses to carry on that work

properly. As you may know, the work of that department is carried on largely by the nurses, and they must be graduate nurses of three years' training from a well-recognized hospital and they are to have their state degree. It is also necessary that they shall have had public health training to fit them for service along that line. Nurses at that time and even up to the present time are rather hard to get, but I am glad to say that they are more procurable at this time than they were two years ago. We did at that time find three nurses to do that work, and as a result of that we had a considerable amount of money left. I will assure you that it is not an easy matter to get nurses who are so equipped, and the government is taking special pains at the present time to educate nurses along that line in order to carry on this work, and I believe that it will not be so difficult in the future.

You understand that this money is not expended in building or any constructive work of that kind; it is to be entirely expended for the service of nurses and physicians, according to the dictates of the State department of health. The federal government does not have a representative to carry on this work in any state at the present time; in fact, the federal government does not send representatives unless they are invited to do so by the state department, and then does it only in a supervisory way to assist in the method or in the modus operandi of expending the money in question. The salaries of these people are being paid by the state. There is a nurse in Aroostook county, and if the Senator from Aroostook, Senator Powers, is alive in regard to health measures in his county, as he should be, I believe he will understand that a most valuable work is being there accomplished. These nurses get into the rural districts, and as you know, we have lost our medical school in this State, and that simply means that physicians in this State are scarce, and particularly in the rural districts.

I am very sorry that the legislature of our State, either two or four years ago, allowed our medical school to slip out of our hands. It certainly was a great loss to our State, but we must take the situation as it is and supply as best we can the deficiency in our medical service, especially in

the rural districts, by nurses; and what better argument have we for the passage of this measure? \$15,000 comes from the federal government, and it will not cost you one cent more to receive it than to reject it, if I understand the matter of taxation properly. The money is already there, and you can accept it or not, just as you wish. I would like to submit for the inspection of those of you who have good eyesight a chart which I have here. In this chart you will see that the black part shows the six states that have rejected the provisions of this measure, and the white space shows all the other states which have accepted it. I am very sure from my knowledge of the plan of work and the wonderful effects of it, especially in the rural districts among the mothers, the matter of pre-natal and post-natal care, and especially of the work among infants—and I think you all know that the infant mortality in the State of Maine is very high, I am sure that this is a great benefit to the people of our State, and I make this plea that you do not vote for the indefinite postponement of this measure.

Mr. POWERS: Mr. President, in reply to the remarks of the Senator from Washington, Senator Miner, I wish to state that I have heard nothing but the highest praise for the work of our State department of health nurse in Aroostook county. The work done there is recognized by everyone as being of a very high character. Since this session began I have received letters from many women in my county who are actively interested in this matter, and all of them praise the work of our State nurse there. It is for that very reason that I want this thing to continue under the control of the State of Maine. I do not wish to have it turned over to a political group, but whether the majority sentiment may be governed by the South or by the West or some other section of our country which is not acquainted with our needs, it is just that point and that alone which I urge. Then in regard to the amount of money, we only get the \$15,000 provided that the work we do is satisfactory to the federal bureau. It is not a certain thing.

Mr. MINER: May I ask the Senator from Aroostook, Senator Powers, through the Chair, who the Senator referred to as a political group?

The PRESIDENT: The Senator from Aroostook, Senator Powers, may answer if he desires.

Mr. POWERS: Mr. President, I should like to reply to the Senator from Washington, Senator Miner, the United States of America.

Mr. MINER: Mr. President, it seems to me that the answer needs no reply from me. I think I cleared that matter up in the course of my previous remarks. The United States government in no way dictates to the state the program, and the program of work is made up entirely by our own State officials and carried out by them.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is on the motion of the Senator from Penobscot, Senator Chalmers, that this bill be indefinitely postponed.

A viva voce vote being doubted.

The PRESIDENT: All those in favor of the indefinite postponement of this bill will please rise and stand in their places until counted.

A division being had,

Nine voted in the affirmative and nineteen in the negative,

So the motion was lost.

On motion by Mr. Hinckley of Cumberland, the bill was then passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate, S. D. 185, An Act establishing a State contingent fund and a surplus revenue account and regulating the same, tabled March 26 pending its passage to be engrossed, and recognizes the Senator from Kennebec, Senator Maher:

Mr. MAHER: Mr. President, I tabled this measure for the purpose of having it amended and conferred with Senator Holley, and I found his mind working along to that same end and that he was preparing an amendment. He has shown it to me and I am wholly convinced that he has an amendment which is a very forward-looking step financially to the State of Maine, and I yield to the Senator from Somerset, Senator Holley.

Mr. HOLLEY: Mr. President, I offer Senate Amendment A to S. D. 185, and move its adoption.

The Secretary read the amendment.

Senate Amendment A to S. D. 185.
Senate Document No. 185 entitled,

"An Act establishing a State Contingent Fund and a surplus revenue account and regulating the same," is hereby amended by striking out the words "surplus revenue account" in the title and in the fourth line of section two thereof and inserting in place thereof the words "sinking fund reserve," by striking out the word "account" in the last line of said section and inserting in place thereof the word "reserve" and by adding at the end of said section the following sentence: "Said sinking fund reserve shall, upon the first day of July in each year or as soon thereafter as the amount thereof be ascertained, be set aside as a sinking fund, to be added to from year to year like manner to be applied to the payment of outstanding obligations of the State, and to the purchase of outstanding, unmatured bonds of the State in the manner provided in Section 72 of Chapter 2 of the Revised Statutes," so that said section as amended shall read as follows:

Section 2. Sinking fund reserve; sources from which accumulated. The State auditor and treasurer of State shall also open on their books an account to be known as the sinking fund reserve to which shall be transferred and credited all sums of money at any time found in the State contingent fund in excess of three hundred thousand dollars (\$300,000) plus the amount of special legislative appropriations. All sums derived from all the sources mentioned in the preceding section which may not be credited to said State contingent fund because of the limitation recited in said section shall also be credited to said reserve. Said sinking fund reserve shall, upon the first day of July in each year or as soon thereafter as the amount thereof can be ascertained, be set aside as a sinking fund, to be added to from year to year in like manner to be applied to the payment of outstanding obligations of the State, and to the purchase of outstanding unmatured bonds of the State in the manner provided in Section 72 of Chapter 2 of the Revised Statutes.

Said Senate Document No. 185 is hereby further amended by striking out the words "surplus revenue account" in the tenth and eleventh lines of section four thereof and inserting in place thereof the words "sinking fund reserve."

Mr. ALLEN of York: Mr. Presi-

dent, I move to have this lie on the table pending the adoption of Senate Amendment A.

Mr. HINCKLEY: Mr. President, may I ask the Senator from York to incorporate in his motion, printing, while lying on the table.

Mr. ALLEN: I have no objection to that, Mr. President. I think it would be a very good idea to have it printed.

The motion to table, including printing, was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 143, An Act relating to the definition of banking, tabled March 26, pending its passage to be engrossed, and recognizes the Senator from Cumberland, Senator Anthoine.

Mr. FOSTER of Kennebec: Mr. President, in the absence of the gentleman from Cumberland, Senator Anthoine, I move you, as he would if present, that this matter be passed to be engrossed.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 51, House report from committee on inland fisheries and game, majority report "ought to pass," minority report "ought not to pass," on an act relating to the one deer law, tabled March 26, pending the acceptance of either report, and recognizes the Senator from Somerset, Senator Holley.

Mr. HOLLEY: Mr. President, I tabled this matter in the absence of the Senator from Piscataquis, Senator Crafts. He is now present and I yield to that Senator.

Mr. CRAFTS: Mr. President, I move that the majority report be accepted.

Mr. HINCKLEY: Mr. President, I notice the absence of the Senator from Aroostook, Senator Wilson, and I would like to inquire from Senator Hussey if he thinks he is interested in this matter.

Mr. HUSSEY: Replying to the Senator from Cumberland through the Chair, I will say it is a matter he is vitally interested in. He, however, has been taken to the hospital this morning, and whether or not he will be able to get out in a day or two I do not know. I would very much like to have this tabled until tomorrow and see what his condition

is. If there is no objection, I move it lie on the table.

Mr. CRAFTS: There is no objection. I am very sorry to hear of Senator Wilson's illness.

The motion was agreed to and the bill was tabled.

The PRESIDENT: The Chair lays before the Senate H. D. 445, House report from the committee on inland fisheries and game "ought to pass" on resolve appropriating money for repairs and improvements to State fish hatchery buildings, ground and equipment at Lake Megunticook, in Camden, County of Knox, tabled March 26, pending the acceptance of either report, and recognizes the Senator from Kennebec, Senator Wadsworth.

On motion by Mr. Wadsworth, the report "ought to pass" was accepted and the bill was given its first reading.

On further motions by the same Senator, under suspension of the rules, the bill was given its second reading and passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate H. D. 420, Senate report from the committee on State sanatoriums "ought to pass" on resolve in favor of the Central Maine Sanatorium, tabled March 26, pending acceptance of report, by the absent Senator, Senator Wilson.

Mr. HINCKLEY of Cumberland: Mr. President, in the absence of the Senator from Aroostook, I move this matter be retabled.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 105, An Act to amend Section 47 of Chapter 14 of the Revised Statutes relating to Schools of the Passamaquoddy tribe of Indians, tabled March 26, pending second reading, and recognizes the Senator from Kennebec, Senator Maher.

On motion by Mr. Maher, the bill was given its second reading and passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate S. D. 103, Senate report from the committee on town majority report "ought to pass," minority report "ought not to pass," on an Act to divide the town of Jonesport and incorporate the town

of Beals, tabled March 27, pending acceptance of either report.

The Chair withdraws laying this before the body, because it is assigned for April 2nd.

The PRESIDENT: The Chair lays before the Senate S. D. 102, Senate report from the committee on judiciary "ought not to pass" on an Act to establish the municipal court of the town of Skowhegan, tabled March 27, pending acceptance of report, and recognizes the Senator from Somerset, Senator Smith.

Mr. SMITH: Mr. President, I move to retable it that I may have an opportunity to offer an amendment this afternoon.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 259, Senate report from the committee on judiciary, majority report "ought to pass" minority report "ought not to pass" on An Act to incorporate Dexter P. Cooper to develop and utilize the power of the tides in the Bay of Fundy and waters adjacent thereto, tabled March 27, pending the acceptance of either report, and recognizes the Senator from Androscoggin, Senator Carter.

Mr. CARTER: Mr. President, I will say in relation to this that in accordance with an understanding with the Senator from Cumberland county who has some amendments which he wishes to propose to this bill, I now move to table this matter until this afternoon, at which time it will be taken through its necessary steps so that the amendments may be proposed, and it may be then tabled for printing over night.

The motion was agreed to and the matter was tabled.

The PRESIDENT: The Chair lays before the Senate H. D. 449, bill, An Act to permit taking of pickerel and smelts through the ice from the Belgrade chain of lakes, tabled pending consideration, and recognizes the Senator from Somerset, Senator Smith.

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

Mr. WADSWORTH: Mr. President, I do not know anything in particular in regard to this matter. I do, however, want to represent the people of Kennebec county to the best of my ability.

There are a great many people who are, as I understand it, in favor of this bill, and there are some who are opposed. I have here some facts which have been prepared and given to me to present to this body by a man who is vitally interested in this matter, and I will read to you this statement.

Ice fishing in Belgrade Lakes was discontinued in 1896. Since that time it has been closed. The reason these lakes were closed was because as many trout were killed as were pickerel. This matter has been brought before several Legislatures up to 1923. It is now before you again.

Those who are familiar with the conditions know that it would be a serious menace to the fishing in these lakes. It would require a large number of wardens to see that this law, if it should pass, was enforced, there being seven lakes in this chain.

At Belgrade Lakes there is an Association called the Belgrade Lakes Association, who have purchased bass for the past three years to the amount of \$2500 a year, from out of the state for the purpose of perpetuating the fishing in these lakes. Should this amendment become a law this Association would never spend another dollar for that purpose. There is also a hatchery on these lakes, owned and supported by the State of Maine. It would be a grievous error to pass this amendment in the opinion of a great many people who know.

If this Senate believes that they should open these lakes, why not make it covering all the lakes of the State of Maine. In Lake Cobbossecontee, within six miles of this State House, they fish one day each week for two months. In this amendment it states no particular time so that from the time the lakes have frozen over, they could fish until the ice went out.

Mr. CRAFTS of Piscataquis: Mr. President, I move that this bill be indefinitely postponed.

Mr. FOSTER of Kennebec: Mr. President, I will only take the time of this Senate for a moment. My distinguished colleague from Kennebec county, Senator Wadsworth, said that he had no particular interest in this matter and that he only wished to represent the people of his county. Originally this measure was presented as House Paper 747. House Document 449, and it provided for ice fishing in the Belgrade chain of lakes, in any of them, one day in each week. That was a very drastic measure, and I believe

that the committee acted wisely in turning it down. However, from the general public sentiment in the matter an amendment was offered which overwhelmingly passed the other branch which provided that through the ice in this chain of lakes just one day a week people living near those lakes might have the opportunity, or others who saw fit, to fish for pickerel and smelts.

Now I want to say that the contiguous towns of Sidney, Belgrade, Rome and Oakland have in open town meeting practically unanimously expressed themselves as being in favor of this measure, and from my own city of Waterville where there is an organization of some 450, they also go on record as being in favor of just this one day's fishing each week. There is pending, I think, before this Legislature a measure increasing the license fee for fishing, making it fifty cents a year instead of twenty-five cents as heretofore. It seems to me that this is a measure which would bring in considerable revenue, and that revenue might very properly be expended for the purpose of better patrolling and safeguarding the interests of the people under the law.

I have great respect for the gentleman whose statement was read to you by my colleague, Senator Wadsworth, and I believe that his industry at Belgrade has built up very materially that section of our State. I do, however, believe that this gentleman is more scared than hurt by this particular measure. If the pickerel could be taken from the lakes of our State I think we would all admit that it would be for the interest of trout fishing the year round, and I believe that those who violated the law could be brought to the Bar of Justice and no great injury would be done. I therefore trust that this body will vote to pass this measure in justice to the people of the towns contiguous to the lakes and to those who believe in fair play.

Mr. POWERS of Aroostook: Mr. President, I should like to inquire through the Chair of the Senator from Kennebec, Senator Foster, how is one to know what fish are taken out, and how are we going to be sure that they are just going to take pickerel and smelts?

The PRESIDENT: The Senator from Kennebec, Senator Foster, can reply if he desires.

Mr. FOSTER: Mr. President, in reply to the Senator from Aroostook,

Senator Powers, I will say that a good sportsman does not take fish that it is illegal to take; if he happens by mistake to hook a wrong one, he immediately puts it back into the water. We are all good sportsmen in our vicinity.

Mr. MAHER of Kennebec: Mr. President, the only reason why I should refrain from saying anything relative to this matter is for fear that the attitude I might take might injure the cause which I think is important. I hope it will not be so. Of course the old proverb of "the house that is divided against itself must fall" applies to politics in Kennebec county, and I realize that we are hopelessly divided on this matter, my distinguished colleague and myself. However, I coincide with the views of the Senator from Kennebec, Senator Wadsworth, and I desire to reinforce his statement by two brief comments, first prefacing those remarks by this, that I am well aware that if one were to consider merely the political aspect of this particular section it would be very much easier to follow the line of least resistance. This is a matter, as it seems to me, of more moment than the mere political aspect of the matter, not that that in any way affects the view of my colleague, but reference has been made to the action of various towns in their town meetings, and also the attitude in his own city of Waterville.

Since 1891 those lakes have been closed, and they have been kept closed for very good reasons, despite the repeated attempts that have been made to open them. Relying upon that there has been built up there at Belgrade one of the most charming and beautiful resorts in the State of Maine or any part of our country, largely dependent upon the fishing and the opportunities that are offered to people who come here with large means, and whom we welcome, to spend their money. The easiest and most conclusive way of stopping those people from coming is to let it be known that in addition to the ordinary hazards of fishermen's luck—and I know that they very often don't get fish, these ponds have been opened up to everybody from the north end of the county down here during the days of the winter, and the result will be that they will denude the lakes of

fish, and that means to my mind the beginning of the end of Belgrade, and the State of Maine has invested a lot of money up there for the purpose of stocking that beautiful chain of lakes; and while I can well see that the argument might be advanced that we are not here legislating for out-of-the-State people or legislating for any particular interests, and that the lakes ought to be opened up to the toiler and the villager and the natives, and all that—and as I say I am not much of a fisherman, or much of a sportsman, and my mind has been more along other lines, but still I do not think there is very much in the ice fishing proposition in the winter that appeals to the proposition of sporting instinct, they are coming out there to get all the fish they can get, whatever they may be, and it will require an army of wardens to watch them, and they are going to strip that lake or that chain of lakes and they are going to offer an explanation of why the fish did not bite, and you are going to kill an industry up there that should not be killed. I think we should adhere to the policy which has been in existence since 1891.

Another reason which impresses me is that if a committee reports unanimately I am going to follow the committee, and as I understand that it what happened here. I like to follow the majority report of a committee, and if I am not in error this was a unanimous report of the committee, which after hearing the matter said it "ought not to pass." Am I right?

Mr. FOSTER: I will answer through the Chair that the committee did not pass on this. It comes to us in an amended form.

Mr. MAHER: I think I am still right. The bill was presented to the committee and was heard and threshed out by the committee and the committee unanimately reported that it "ought not to pass." In the House the colleague of the senator from Waterville offered an amendment, and that amendment was substituted for the unanimous report, and I think it was passed by one vote, or something like that. I ask that this Senate adhere to the action of that committee, and support the motion of the Senator from Piscataquis that this bill be indefinitely postponed.

Mr. FOSTER: Mr. President, just one word. If it is so disastrous to trout fishing to open any of these lakes for ice fishing, and it is done

in various places in this state, why do they do it? The beautiful lake of Cobbosseecontee in Winthrop is open to ice fishing, and lake after lake in this state is open to ice fishing under proper regulations. For twenty years the Belgrade chain of lakes have been an exception to this rule and have been closed the year round. I still reiterate my former statement that in my humble opinion the people living in the vicinity of these lakes who want the privilege should have it.

Mr. CRAFTS of Piscataquis: Mr. President, for three sessions of the legislature I have been privileged to be a member of the committee on fish and game. I believe each year this same question has been debated in our committee as to the opening of the Belgrade chain of lakes to ice fishing. We all know that when they go fishing in the winter they seldom ever put back any of the trout or salmon that are caught. The people at Belgrade lakes have devoted a great deal of effort towards stocking that lake, and I believe it was brought out before the committee that each year the people in that vicinity have expended \$2500 towards stocking that lake. Our committee after careful consideration voted unanimously that this bill "ought not to pass," and it was so reported. If the members will consider the amendment they will see it is purely a joker, and it opens one lake Monday and another one Tuesday and another Wednesday and the next one Thursday, and then fish for Friday, and another one for Saturday. I hope that my motion will prevail.

Mr. FOSTER: Mr. President, may I have unanimous consent for just a word in reply?

The PRESIDENT: The Senator from Kennebec, Senator Foster, asks for unanimous consent to speak once more. The Chair hears no objection.

Mr. FOSTER: Mr. President, I think it must be apparent that the original amendment is not before this body that asked for a day a week for each lake. Now they simply ask that people may be permitted to go fishing in the Belgrade lakes one day, and I think it is on Thursday. So let's not be confused.

The PRESIDENT: The pending question before the Senate, if the Senate is ready for the question—

Mr. WADSWORTH: Mr. President, I am not going to offer any ar-

gument, I am just going to make a brief statement, and that is if this winter fishing through the ice in the Belgrade lakes is going to require many wardens it is going to put quite a burden on the department, and from what I have seen and the appeals that have been made for money for warden service it will be very hard to supply the service. We are really in this program for economy and we are unable to do many things that we would like to have in that regard, but the commissioner will not have the funds and he will be unable to put on all the wardens that he wants to.

The PRESIDENT: The pending question is on the motion of the Senator from Piscataquis, Senator Crafts, that this bill be indefinitely postponed. Is this the pleasure of the Senate?

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

Mr. HOLLEY of Somerset: Mr. President, we have been here since 9.30 this morning—I move that the rules prohibiting smoking be suspended and we be allowed to have a smoke.

The PRESIDENT: From now on?

Mr. HOLLEY: Today.

Mr. POWERS of Aroostook: Mr. President, might I amend the motion "from now on?"

The PRESIDENT: You have listened to the motion of the Senator from Somerset, Senator Holley, who moves that we have a smoke.

Mr. ALLEN of York: Mr. President, I am not a smoking man, I have not smoked for seven years, but I have no objections to the other people smoking in my presence.

Mr. HINCKLEY: Mr. President, do I understand the motion "we all have a smoke" means we all be required to smoke?

The PRESIDENT: Just permissive, the Chair will rule.

Mr. HINCKLEY: Not mandatory but directive.

The PRESIDENT: There has been an amendment to that motion. All those in favor of the amendment will say "aye."

Mr. HINCKLEY: Mr. President, I rise to a point of order. We could suspend for today, but I think it must be a joint order to have it read "from now on."

The PRESIDENT: I think the Senator is right.

Mr. POWERS: I withdraw the amendment.

The PRESIDENT: Will the Senator from Somerset withdraw the motion?

Mr. HOLLEY: My motion is, Mr. President, that the rules be suspended for today and that we be allowed to smoke.

The motion was agreed to.

Mr. MAHER of Kennebec: Mr. President, in order to take something from the table out of order—

The PRESIDENT: Have you any particular reason, Senator Maher, for taking it up out of order?

Mr. MAHER: Yes, I desire to absent myself from the room because smoking stuffs me up. I move to take from the table S. D. 65, An Act relating to more efficient supervision of brokers selling securities on marginal account, tabled by me pending passage to be engrossed.

The motion was agreed to, and the same senator then offered Senate Amendment B and moved its adoption and that it lie on the table for printing.

Senate Amendment B to Senate Document 65

Strike out Section 2 and substitute the following:

Section 2. All persons now engaged or hereafter engaged in the business of selling stocks, bonds or other securities, shall be subject to examination by the bank commissioner, as hereafter provided.

The motion was agreed to and Senate Amendment B was adopted and tabled for printing.

Mr. MAHER: Instead of taking anything further from the table at this time, I will simply say that when the two matters which I tabled are reached, if I should not be in the Chamber, it is perfectly indifferent to me what becomes of them. They may pass or anything.

The PRESIDENT: The Chair lays before the Senate H. D. 196, House report from the committee on education, majority report "ought not to pass," minority report "ought to pass" on an Act permitting children to be excused from the public schools to receive religious instruction, etc., tabled March 30, pending acceptance of either report, and recognizes the Senator from York, Senator Allen.

Mr. ALLEN: Mr. President, I now move the adoption of the majority report "ought not to pass" and in support of that motion, as I understand there will be some opposition to it, I would like to say a few words.

The committee on education having heard this bill thoroughly threshed out and reporting a majority report, if I am not mistaken of seven to three in favor, I oppose the adoption of the "ought to pass" on the ground that the public schools of the State of Maine today have, as I understand it, thirty-six weeks of schooling. They go to school somewhere right around nine to twelve and two to four, and this bill provides that one hour a week shall be set aside that the children of the State of Maine may—it does not say they shall—may go to their respective churches and receive religious education.

Now I have no objection to the children receiving religious education, as their parents see fit, but I do object to their taking the hour out of the regular school hours. I think that the school time has been encroached upon to that extent that it is hardly possible at the present time to do all the work in the schools that they should do. Now this is the only ground that I oppose this bill on, the ground that we haven't time now to do the work that we should do, letting alone taking an hour off for religious education. I understand also that this bill does not make it imperative—that they shall—that they may in certain localities. But be that as it may, I think the time has come when we should protect ourselves against the encroachment upon our school time. We have so many things now—we have different days, holidays, and the reading of this and the reading of that, and all that sort of thing in the public schools, and to my mind it is almost a crime to bring these things up before the thinking people of the State of Maine, and without any further remarks at this time, I move that the majority report "ought not to pass" have a passage.

Mr. SPEIRS of Cumberland, Mr. President: This bill if passed would only give permission for the scholar to leave his regular school work to attend a class of like grade in a religious school.

The object is to revive the seemingly growing indifference to Christianity.

The act would give the scholar permission to be absent one hour of each week at some stated time agreeable to the Supt. of public schools, for religious teaching. It does not fix any form or creed. The Catholic child will go to the school where his religion is taught. The Protestant child will go to the school teaching whatever doctrine his parent selects, and the same with the Jew or any other form of religious faith that may establish a school. The idea is not a new one, it is being successfully carried out in over five hundred communities.

In Gary, Indiana, it is a great success and hundreds of children who never before looked into a Bible, nor heard its wonderful teachings, have taken a great interest in religious matters. They have learned how to live clean, wholesome, moral lives and were saved by the Bible study from becoming moral and physical outcasts. A well conceived plan is followed in these schools.

The child in the first grade of secular schools is put into grade one of the religious school and then advancing the same as in public schools from grade to grade.

The text books are gotten up by experts in religious teaching and just as much care is taken in their selection as there is in the secular school. They are well balanced, grade for grade with the public schools and seems to the child to be part of his school studies the same as is the manual training or domestic science. They are taught that truth, honesty and morality are great assets in life. They will be taught that the Golden Rule is worth obeying. They will be taught to shun all things that tend to degrade the spiritual and physical body. It will eliminate all sectarianism, all religions will have the same opportunity to attend religious schools.

The argument that there is plenty of time outside of school hours is true, but we know very well that it is not taken advantage of and not 50 per cent of the children attend church or Sunday Schools. Many children never saw the inside of a church. This hour given to religious teaching will arouse their curiosity in religious matters. The novelty of it and the fact that their playmates are going will cause them to go at first and after that, they will associate it with their regular school studies and life. Many are kept away

from Sunday School for lack of Sunday clothes and the pride of the parents. They will be able to go without giving the matter of clothing any thought. For they and their school-mates will attend in their regular day school clothes.

We believe that the more religious training they have the better men and women they will make. We all know that without christianity there would be no civilization. It is the foundation of all that is best and good in the world today and we can not do too much to foster and encourage it in every legitimate way.

We believe that every religion should be respected, Catholic, Protestant or any other form and all be taught to worship God in the way their conscience directs and we should put no trigs in the advancement of more religion.

I trust, Mr. President, that the motion will not prevail.

Mr. FOSTER of Kennebec: Mr. President, it seems to me that here is a matter of pretty far-reaching and vital importance and a high-grade measure. The time of this Senate this morning has been given over to some frivolous matters; we have talked about fishing and smoking, and now our attention is called to some fundamental matters, matters which to my mind we should give careful consideration. There is nothing sectarian whatever in this measure. It is optional entirely with the parents or guardian whether the children are excused for religious education. What objection can there be to making it optional and giving the boys and girls of our State an opportunity to have these instructions, and that too when their regular routine of school work will not be interfered with, as provided in this measure? This measure provides that the courses of study shall be so adapted that this will not interfere with their regular course. I believe that it is a lamentable fact that too little attention is given by the parents in this State, and I speak particularly of Protestants, about the religious education of their children. I do hope that this Senate when it has the opportunity will put into the hands of the parents the opportunity to give the children this little religious training. I believe if it is given to the

parents they will do it. This seems to be a most meritorious measure, and I am heartily in favor of the proposed bill.

Mr. BARWISE of Penobscot: Mr. President, I find myself between the Devil and the deep sea on this question. I shall vote for this measure reluctantly. I do not want to vote against anything that will be for the up-building of the youth of the State of Maine, but I cannot help stating to you the considerations that are in my mind, and I think in the minds of some other members of the educational committee, when I signed the majority report that this measure "ought not to pass." Baptists and Presbyterians and Episcopalians all over the country are now in the midst of a genuine tangle as between fundamentalism and modernism. They don't know themselves which party is going to prevail. If the boys and girls of our schools were going to be taught on Friday afternoon that the Garden of Eden was a literal fact, and then on Monday morning go to the public schools and take up their geographies and find out that the geological age of the world goes back perhaps a hundred million years, and all sorts of fossil remains show conclusively that this Jewish story, was borrowed from Babylonian sources during the Jewish Captivity, and was not really Jewish at all, is part of the genuine Word of God—if I thought that was the sort of teaching we were going to get, and if I thought that these young minds were going to be crammed with things of that sort that they might find out afterwards were not true, I think instead of my feeling that we ought to do something for the children, I should be constrained to vote against this measure.

Mr. HINCKLEY of Cumberland: Mr. President, I can hardly figure out how any person can vote in favor of this bill, if they believe in the modern doctrine of separation of church and State as recently demonstrated in this State. This measure means to take an hour from the time in the public schools for which the State is paying and take that hour for the purpose of religious instruction; and in many instances it will mean that the same teachers will go to another building and will instruct the children in matters of religion. But being a disciple of the

old order of things, the principles as laid down by our fathers who knew what separation of church and State meant, and who were not afraid to have religion taught even in the schools, I certainly am going to vote for this bill and can do it most consistently. I am not interested in this measure, as was stated by one Senator, for the purpose of teaching morals and ethics; I am interested in the hope that it will teach to these boys and girls the old-time religion, and that is what we need in the State of Maine today, and for that reason I shall vote for it.

The PRESIDENT: Is the Senate ready for the question?

The pending question is on the motion of the Senator from York, Senator Allen, who moves the acceptance of the majority report, "ought not to pass."

A viva voce vote being doubted,

A division was had, and twelve voted to accept the report and thirteen against.

So the motion was lost.

Mr. HINCKLEY: Mr. President, I now move that we reconsider the vote whereby we voted against the measure, and I hope that my motion will not prevail.

The question being on the motion to reconsider,

A viva voce vote being doubted,

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Hinckley, who moves that we reconsider our action whereby we voted not to accept the majority report, "ought not to pass." All those in favor of the motion will rise and stand in their places.

A division was had.

The PRESIDENT: It is a vote to reconsider our action whereby we have voted not to accept the majority report, fourteen having voted in the affirmative and thirteen in the negative.

Mr. Hinckley then moved the acceptance of the minority report, "ought to pass".

A viva voce vote being doubted,

The same senator then called for the yeas and nays.

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

A sufficient number having arisen,

The yeas and nays were ordered.

The PRESIDENT: The question before the Senate is on the motion of

the senator from Cumberland, Senator Hinckley, who moves that the minority report "ought to pass" be accepted. The Secretary will call the roll.

The roll was called and the following voted yes: Senators Anthoine, Barwise, Bond, Carlton, Clarke, Cram, Foster, Hinckley, Hussey, Phillips, Speirs, Wadsworth and Walker; those voting no were Senators Allen, Buzzell, Carter, Case, Chalmers, Crafts, Holley, Lane, Lord, Miner, Morrison, Perkins, Powers, Roberts; absent, Senators Maher, Smith and Wilson.

The PRESIDENT: Thirteen having voted no and fourteen having voted yes, the motion is lost.

Mr. Powers of Aroostook moved the indefinite postponement of both reports and the bill.

The PRESIDENT: Is the Senate ready for the question?

Mr. HINCKLEY: Mr. President, I raise a question of order. Having voted "ought not to pass" does that not have the effect of indefinite postponement, and are we not bound by that?

Mr. CARTER of Androscoggin: Mr. President, I ask for information if neither report had been accepted, and it seems to be a parliamentary question whether it was—

The PRESIDENT: The Chair does not get the force of the remark of the senator from Androscoggin, Senator Carter. The pending question is on the motion of the senator from Aroostook, Senator Powers, who moves the indefinite postponement of the measure.

Mr. HINCKLEY: Mr. President, may I inquire again through the Chair—he said that neither report had been accepted. The Senate has just voted—or I will withdraw my remarks.

The PRESIDENT: The pending question is on the motion of the Senator from Aroostook, Senator Powers, who moves the indefinite postponement of House Document 196.

A viva voce vote being doubted, a division was had, and fifteen having voted in favor and twelve against,

The motion prevailed, and the bill was indefinitely postponed.

On motion by Mr. Clarke of Hancock, Adjourned until this afternoon at four o'clock.

Wednesday Afternoon, April 1, 1925. Senate called to order by the President.

Prayer by the Rev. H. H. Brown of Augusta.

Journal of previous session read and approved.

House papers disposed of in concurrence.

From the House: An Act to provide for the completion of the vital records of the State.

In Senate, March 31, passed to be engrossed.

In the House: Indefinitely postponed in non-concurrence.

In the Senate: On motion by Mr. Barwise of Penobscot, the Senate voted to insist on its former action and ask for a committee of conference.

The Chair appointed as members of such committee of conference on the part of the Senate, the senator from Piscataquis, Senator Crafts, the senator from Penobscot, Senator Barwise, and the senator from Somerset, Senator Holley.

From the House: The committee on taxation, on an Act requiring an excise tax to be paid on all cigarettes sold in this State (H. D. 363) reported that the same ought not to pass.

In the Senate: On motion by Mr. Speirs of Cumberland, tabled pending acceptance of the report.

From the House:

The majority of the Committee on Judiciary, on An Act relating to a bridge between Orr's Island and Bailey's Island (H. D. 168) reported that the same ought to pass.

(Signed)

HINCKLEY
HUSSEY
MAHER
MARTIN
WING
HOLMES
HAMILTON

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

(Signed)

NICHOLS
HALE
OAKES

In the House: the majority report was accepted, and the bill passed to be engrossed.

In the Senate: Mr. Hinckley of Cumberland: Mr. President, I move the acceptance of the majority report.

Mr. Clarke of Hancock: Mr. Presi-

dent, I move it be tabled pending acceptance of either report.

The motion to table was agreed to.

From the House:

The majority of the Committee on Judiciary, on An Act relating to granting of licenses for operating motor vehicles (H. D. 43) reported that the same ought not to pass.

(Signed)

HINCKLEY
HUSSEY
WING
HALE
HOLMES
NICHOLS
OAKES
HAMILTON

The minority report of the same Committee, on the same subject matter, reported that the same ought to pass.

(Signed)

MAHER
MARTIN

In the House: the majority report was accepted.

In the Senate:

On motion by Mr. Hinckley of Cumberland, the majority report was accepted in concurrence.

House Bills in First Reading

An Act relating to the care and support of paupers and other dependent persons having no settlement within the State (H. D. 353)

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

The following resolve was received, and on recommendation by the committee on the reference of bills was referred to the committee on Appropriations and Financial Affairs.

By Mr. Lord of York, Resolve in favor of the clerk and stenographer and messenger of the committee on inland fisheries and game.

Bills in First Reading

An Act relating to driving motor vehicles while under the influence of intoxicating liquor or drugs and the penalty therefor. (S. D. 281).

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

Resolve, in favor of Northern Maine Sanatorium. (S. D. 282)

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

Reports of Committees

Mr. SMITH, from Committee on Labor, on An Act providing for the benefit and assistance for aged persons under certain conditions in the State of Maine and prescribing penalties for violation of the provisions hereof and making an appropriation for carrying out of its purposes (S. D. 38) reported the same in a new draft, under the same title (S. P. 629) and that it ought to pass.

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

The Committee of Conference on the disagreeing action of the two branches of the Legislature on bill An Act to amend Section 11 of Chapter 117 of the Revised Statutes, as amended by Chapter 249 of the Public Laws of 1917 and Chapter 198 of the Public Laws of 1919 and Chapter 104 of the Public Laws of 1921, relating to the salary of stenographer of Kennebec Superior Court (S. D. 47) reported that the House recede and concur with the Senate.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on An Act to amend Chapter 260 of the Public Laws of 1917, as amended by Chapter 160 of the Public Laws of 1921, increasing the salary of the stenographer of the Androscoggin Superior court (S. D. 45) reported that the House recede and concur with the Senate.

The reports were accepted and sent down for concurrence.

Resolve on its Final Passage

Resolve, proposing an amendment to the Constitution Prohibiting the Use of Public Funds for Other than Public Institutions and Public Purposes. (S. D. 31.)

Mr. MAHER of Kennebec: Mr. President, at the suggestion of the Senator from Cumberland, Senator Hinckley, I ask to have the matter tabled until tomorrow morning and specially assigned.

The motion was agreed to, and the matter was tabled, pending final passage.

Orders of the Day

The PRESIDENT: The Chair will state that at the forenoon session we had gotten as far with our calendar as H. D. 380, and the Chair would like to lay these matters before the body from that one on.

The Chair lays before the Senate H. D. 380, House Report from the committee on Agriculture "ought to pass" on an Act to regulate the sale of oleomargarine or any other substitute for butter, tabled March 30, by the Senator from Cumberland Senator Cram, pending acceptance. What is the pleasure of the Senate?

Mr. SPEIRS of Cumberland: Mr. President, in the absence of Senator Cram, I move it be retabled for the present.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 34, Senate report from the committee on taxation "ought to pass" on resolve providing for a commission to investigate and make report to the Governor and Council to be transmitted to the Legislature not later than February 1, 1927, relative to the necessity or advisability of changing the existing method of taxing railroads and railroad corporations operating in the State of Maine, tabled March 30, by the Senator from Kennebec, Senator Wadsworth, pending acceptance of the report.

Mr. HINCKLEY of Cumberland: Mr. President, the Senator from Kennebec, Senator Wadsworth, is absent; for the present, I move it be retabled pending his return.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. P. 85, Senate report from the committee on State school for boys, State school for girls and State reformatories, "ought to pass" on resolve in favor of the reformatory for women for new construction and permanent improvements, tabled March 30, pending acceptance of the report, and recognizes the Senator from Somerset, Senator Smith.

On motion by Mr. Smith, the matter was retabled pending action of the budget committee.

The PRESIDENT: The Chair lays before the Senate H. D. 122, House report from the committee on educa-

tion "ought not to pass" on an Act providing for the use of the English language in this State, tabled March 31, pending acceptance of report, by the Senator from Cumberland, Senator Cram.

On motion by Mr. Hinckley of Cumberland, retabled pending Senator Cram's return to the Chamber.

The PRESIDENT: The Chair lays before the Senate S. D. 274, Senate report from the committee on public health, majority report "ought to pass," minority report "ought not to pass" on an Act permitting sterilizing operations in certain cases of mental disease and feeble-mindedness, tabled March 31, pending acceptance of report, and recognizes the Senator from Cumberland, Senator Speirs.

Mr. SPEIRS: Mr. President, I move this be retabled and assigned for Friday morning.

The PRESIDENT: The Chair will rule that that cannot be done. I think there is an order to come off each session.

Mr. SPEIRS: I move to retable it at this time.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 214, House report from the committee on ways and bridges "ought not to pass" on an Act relating to tax upon gasoline, tabled March 31, pending acceptance of report, and recognizes the Senator from Hancock, Senator Clarke.

On motion by Mr. Clarke, the report "ought not to pass" was accepted.

The PRESIDENT: The Chair lays before the Senate S. D. 32, Senate report from the committee on State prisons, majority report "ought not to pass," minority report "ought to pass" on an Act relative to the powers of prison commissioners, tabled March 31, pending acceptance of either report, and recognizes the Senator from Aroostook, Senator Powers.

Mr. POWERS: Mr. President, I wish to move the acceptance of the minority report "ought to pass." As I know that others present are going to speak on this measure, I merely say that my reason for doing this is that in my opinion this is progressive legislation. The original attitude of society toward the wrong-

doer was one simply of punishment and revenge. In the last generation, in the comparatively last few years, advanced criminologists have decided that that is not the correct attitude; that the attitude of the present should be not unlike the hospital; that every effort should be made to make the inmate of the prison as good a member of society as possible when he comes out. It is a well-established fact that a man who works without wages is a slave. Therefore this act which provides for slight compensation as the recognition of good work in the State prison seems to me to be a measure that would tend to rehabilitate the prisoner morally, tend to re-establish his damaged sense of self-respect, and in every way make him come nearer to a citizen that society can use.

The PRESIDENT: Is the Senate ready for the question?

Mr. WALKER of Knox: Mr. President, I am a member of the prison committee, and it might be of interest to the Senators present to know from those who have already been there as to what is being done for the prisoners. This committee a few weeks ago paid a visit to the prison in Thomaston, arriving there about noon time. We at once went to the prison and the whistle blew and the prisoners filed in to their dinner. After they had been seated the warden and his officers conducted us to the dining room. We mingled among the prisoners, inspected the food to see if they were being properly fed, and asked them if they were satisfied with what they were getting. They said they were. I will say that the food that they were getting was first-class and there was a lot of it, enough for any man to receive, I care not what occupation he may be in. We stayed there during the noon hour and watched the prisoners file out. They went from there to their cells, or some of the rooms in the prison to have their smoke and talk. We were then conducted to the kitchen of the prison and we carefully noted that everything in the kitchen was clean, everything was in good order, with all the modern appliances used for cooking. We went into the commissary department and looked at the meats and vegetables and flour and everything was of number one quality. From there we went to the hospital and we found I should say a dozen

beds in this hospital. They were clean and well kept and the rooms were splendidly equipped, everything in apple-pie order. Connected with this room where the beds were there was an operating room, a medical room. There was only one patient in the hospital at the time of our visit. It was a fine hospital and as well kept as any hospital that I ever visited. From there we visited the laundry, and there we found all the up-to-date appliances for taking care of the laundry of the prisoners. Everything was clean, and the laundry was all done up in small bundles, in separate bundles and put into pigeon holes for each prisoner.

Then after that we went into a room where there were shower baths and bath tubs. Here, as we understood it, the prisoners were obliged to go to have their shower baths and where they do have their baths. The clean clothing was passed out to the prisoners as they went in there and the cast-off clothing was passed back to the laundry as they came out.

We then went to the blacksmith shop or the carriage factory where they make carriages, sleighs and bodies for Ford cars. We walked around in there for a considerable time watching the different operations. Everything was in order and everyone seemed to be busy. The ventilation was good and everything about that department was what you might call first-class. We talked with some of the prisoners about their work, and they seemed to be cheerful. After that we went into the paint shop where they do the painting of the carriages, and where some automobiles come in for painting. In each of the rooms we talked with some of the prisoners and they all seemed to be cheerful and apparently quite contented. Then we went to the broom factory, and here we found a very busy place. I don't know how many there were employed in there, but there were a good many. It was interesting to watch the prisoners at their work. They were doing good work and quite a lot of it. We then went to the different departments, the store room, the storehouse and the boiler house. We went to every section of the prison and gave it a thorough inspection.

Then we went back to the administration room and were taken through the corridors of the prison where the cells are located. In the

old prison the cells were four feet wide and a little over six feet high and seven feet deep. The only aperture to that cell was a steel or iron door 18 inches wide, that is, in the old prison. In this new and modern state's prison of ours we found the cells six feet wide, seven feet deep and seven feet high, and the whole front of that cell is a steel grating. The ventilation, I should say, was perfect. Everything is painted a light color and it really looks very attractive, as compared with the old prison. I remember the old prison very well because it was near to my home town and I used to pay visits occasionally to the old prison.

We then visited the assembly room where the prisoners congregate for religious services and for entertainments, moving pictures and vaudeville shows which they have occasionally. The next place we visited was the school room in which there were seats the same as in our modern school buildings, blackboards, and we inquired of the chaplain how many of the prisoners availed themselves of the opportunity of going in to that school, and he told us there were some 35 or 40 in the evening school.

We went back to the administration room, I want to say that in each cell there is a complete lavatory located in a little alcove in the cell, with running water. The cells are large enough so that sometimes the prisoners have desks and pictures on the wall. We found this condition to exist, that there are not enough cells in the prison to take care of the prisoners. I was down there a few days afterwards and I found that there were 16 cots in one room. That was on account of every cell being full, and I really don't know what they are going to do if things keep on as they are. Since the fall of 1924 the number of prisoners has increased from 200 to 270. I happened to be there one day when the warden came in with 16 prisoners. He came down from one of the northern counties of the state. I asked him where he got all those prisoners. He told me up in the northern part of the state from a jail that was supposed to house about 45 prisoners, and he said at the time he took these 16 prisoners out there were 92 in that jail.

Now with this prison there are two large farms which were bought a few years ago. These farms happened to be located in my town, and

I know they are large farms and good farms. At these farms they keep a large number of cows, and they have a good many of the prisoners working on the farms. These prisoners of course get good fresh milk and they get good fresh vegetables from these farms. I don't know how many were being employed on the farms, but on the first farm that they bought the keeper and his wife live in the house on that farm and the prisoners live across the street on the other farm. I should say there were ten or fifteen of the prisoners who worked on these farms, and as I understand it, they are not obliged to go back to the prison at night, and they stay there with the keepers.

In the fall of 1923 there was a fire which destroyed the old state's prison. I think this occurred on the 15th of September. I was there at the time. I happened to be in Thomaston at the time and I stood on the wall of the prison and watched the flames lap up those old buildings which had been there for a great many years. That fire was really a blessing in disguise. I think great credit is due to the officials of the prison that nobody was hurt, neither any of the prisoners nor anybody else during that fire.

Mr. President and members of the Senate, we are doing a great deal for that prison down there. It is a model institution. I question if there is a better institution of that type anywhere in the eastern states. The prisoners are well cared for. They have permission to talk among themselves to a reasonable amount, a thing which never was allowed before. They have a chaplain who looks after the interest of the prisoners, and Father Flynn comes over from Rockland and looks after the interests of the Catholics, of which I think there are about 100 in the prison. Everything is being done that can be done for the comfort of these prisoners.

A short time ago there were 269 prisoners at the prison, 260 males and nine females. There are out on parole something like 50 or more prisoners. Every prisoner who is out on parole, before he is allowed to be out on parole is taken before the parole officer, Mr. Fish, and he finds and locates a place for this prisoner to go to work. They cannot go out without that being done. Any prisoner at the expiration of his term may apply to the parole commissioner to find work for him. That is the duty of the parole commis-

sioner, and I presume that he finds a great many places for these prisoners to work as soon as they get out of prison.

Now, Mr. President, I have here a copy of the menu which is served to the prisoners, and I would like to read it so that you may get some idea of how these prisoners are being cared for.

Monday: Breakfast—fried bacon, potatoes, Johnny Cake, coffee. Dinner—beef stew with vegetables, pie or pudding, tea. Supper—boiled rice with sugar and milk, two cookies or ginger bread, tea.

Tuesday: Breakfast—cream of wheat, macaroni and potatoes, one doughnut, coffee. Dinner—corned beef and cabbage, turnip, potatoes, tea. Supper—meat hash, ginger bread, tea.

Wednesday: Breakfast—sausage, potatoes, two doughnuts, coffee. Dinner—roast beef with gravy, vegetables, bread pudding, tea. Supper—cold corned beef, potatoes, one doughnut or two cookies, tea or milk.

Thursday: Breakfast—fried or cold boiled ham, potatoes, two doughnuts, coffee. Dinner—roast pork, potatoes, boiled onions, tea. Supper—large portion of bread pudding, prunes or equivalent, tea or milk.

Friday: Breakfast—fried bacon, potatoes, two doughnuts, coffee. Dinner—fish, turnip, potatoes, rice pudding, tea. Supper—meat loaf, applesauce, cookies or doughnut, bread, tea.

Saturday: Breakfast—fish hash, oatmeal, two doughnuts or two cookies, coffee. Dinner—vegetable soup, pie, tea. Supper—baked beans, cookies or doughnut, tea.

Sunday: Breakfast—fried ham, fried potatoes, two doughnuts, coffee. Supper—baked beans, cookies or doughnut, bread, coffee.

Mr. President, that is the menu of the prisoners for one week at the prison. The appropriation for the next two years for the prison budget was \$50,000 each year for personal services, for maintenance, etc, \$20,000, and for pensions \$3800, making a total of \$73,800.

Now during this last year before six months had passed this money was gone, the maintenance money, and I find here a resolve appropriating moneys for the payment of certain claims and departmental overdraft for which no legislative appropriation has been made. Now I do not object to what we are doing for those prisoners down there. You can readily see that they are being cared for very proper-

ly, and we are spending money lavishly upon them. The cost of the new prison was something over half a million dollars, and all of this money has come from the taxpayers of the State of Maine. This measure, which is An Act to amend Chapter 195 of the Public Laws of 1917, relative to the powers of the prison commission, asks that they may pay from the profits of the prison to the prisoners a wage not to exceed fifty cents per day. I have made some inquiry as to the profits of the State prison, and I can't find where they show one cent of profit, not one copper. On the other hand, it costs more to maintain the prison than is turned back into the State treasury. If we were to pay those prisoners thirty cents a day it would amount to something like \$29,000 a year.

During the months of October, November and December through an order of Governor Baxter's during the month of April, it was ordered that the prison commissioners hereby are authorized and directed to establish a system of pay for the prisoners, said pay not to exceed the sum of fifty cents per day, the amount so paid to be at the discretion of said commissioners; and it is further ordered that a certain portion of said pay in the discretion of the prison commissioners be sent to the dependents of the prisoners, if any, another portion to be given to the prisoners and the balance to be retained for him and paid over to him upon his discharge, the details to be left to the judgment of the board.

No attention was paid to that order for the reason that the warden if he did pay anything was liable for every cent that he paid out to those prisoners? It went along until the month of October, and at that time a second order was made by Governor Baxter, supplementing the Council order of April 1, 1924, and that order provided as follows: "The warden acting on authority of the prison commissioners be and hereby is authorized and directed monthly to take from the receipts and income of the prison a sufficient sum to pay the prisoners in accordance with said Council order, the balance of said receipts and income to be transmitted to the State auditor, together with a proper accounting for all moneys withheld or expended by said warden. This order to remain in effect until the Legislature shall otherwise provide."

This order, Mr. President, was carried out. And we find in paying these prisoners thirty cents a day for three months that the amount totalled \$5697.85. We are all acquainted with the ruling of the Attorney General on this matter, that it was unlawful to do this very thing. What was the result? Of course, the warden was the man that was held for that amount of money, \$5,697.85. Did Governor Baxter or anybody else come to the support of the warden? No. At the hearing which was held in this room some two or three weeks ago the warden came here and plead his own cause. I introduced a resolve into this Legislature to reimburse Warden Eaton for this amount of money. We realized that the Legislature if it was so disposed could have told Warden Eaton to find his money where he could. This resolve was introduced and passed the Senate, passed the House, and went to the Governor and has been signed, and in consequence Warden Eaton will be reimbursed for the money which he had to go to the bank and draw. He did not have money enough for the full amount and he and his wife signed a note which was presented at the bank to make up the balance.

Mr. President, I feel that the prisoners at Thomaston are being treated better, perhaps, than in any other institution we have in this State, any other State institution. I feel that everything is being done for those prisoners that can be done. They have a chaplain who is working with them all the time. I can see no good reason for any prisoner who is confined within those four walls, if he chooses, not being a better man when he comes out from that prison. Otherwise, it is the fault of the men themselves. It will be stated to you that this paying thirty to fifty cents a day to the prisoners will be taken care of by the prisoners working harder and giving a larger production and a better production. I talked with some of the officials at the prison in regard to this, and they said they got a reasonable amount of work from the men who worked there, all that they could reasonably ask for every day they worked.

I am opposed to this measure. The amount of money that each prisoner is allowed when he goes from the prison after he has served

his term is a minimum of five dollars and a maximum of ten dollars, with a suit of clothes. In the winter when he goes out he is given the choice of an overcoat or a mackinaw. As to this proposition of paying the prisoners from the profits of the prison, there are no profits from the prison, so I cannot see how they are going to gain anything by that. It seems to me it would be a poor precedent to establish for this measure to become a law. From the fact that there is no appropriation for that purpose it may happen that two years hence they would come before the Legislature and ask for an appropriation for payment to these prisoners. Such a thing as that might happen. As I have already said, I believe these prisoners are being well cared for, and I think at the present time the taxpayers of this State are assuming about as much of a burden as they possibly can bear relative to our State institutions.

Mr. President, I was greatly surprised, and I think everyone would be surprised to learn how many there are who are dependent on the State and on the taxpayers of the State to be taken care of. I understand in the home for feeble minded there are between five and six hundred and a waiting list of perhaps a thousand, and some say even two thousand. The amount of money that we have to raise for these different institutions is very large, and I feel that we are doing for these prisoners everything that we should do. I am opposed to paying thirty to fifty cents a day to these prisoners for a day's work.

At this time I would like to call to the attention of this Senate a few petitions or remonstrances which I have received. They are the remonstrance of Grace Andrews and others, against the passage of bill relating to power of prison commissioners; also remonstrance of E. Fred Albee and others of Wiscasset and vicinity against the payment of wages to the prisoners at the State prison; also remonstrance of Levi Seavey and others against the same measure; also the remonstrance of F. L. Emery and 17 others of Rockland against the passage of the same measure; also another remonstrance of Simpson Staples and ten others of Rockland against the passage of Senate Document No. 32 which pro-

poses payment of wages to prisoners.

Now, Mr. President, as there are others who wish to speak upon this matter I will not take up any more of the time of this Senate.

Mr. MAHER of Kennebec: Mr. President, I have followed as closely as possible the argument of the Senator from Knox, in an endeavor to find just why he was opposed. It may be wholly clear to him, and it may be entirely clear to the Senate, but I confess that he has not made clear to me the reason why he is opposed. (If I might see your remonstrances, Senator.)

As I get his argument it was three-fold. In the first place, that the act was of no value because it could never do anything. Well, then, if it is perfectly harmless, why the alarm? It is a permissive act and its terms should be well considered. It says "from the manufacturing profits of the prison" the commissioners may allow prisoners such wages as they may from time to time determine. The manifest fallacy of the gentleman's argument with reference to profit, I will not take advantage of. No one ever assumed that the workshop and the work of those men at that prison was ever going to carry it into a self-sustaining, profit-making venture for the State of Maine.

The words "manufacturing profits" are aptly used, and mean the profits that accrue from that branch of the prison discipline. But if he insists that there will not be any manufacturing profits, then I say the act is purely permissive, giving the power to the commissioners to pay therefrom a limited amount, and if there isn't any wherewithal in the shape of manufacturing profits with which to pay no harm can be done to these overburdened tax-payers for whom the Senator is so solicitous.

The second part of his argument was that the people of the State of Maine were paying a very large sum for the maintenance of this Institution and that they could not be burdened any more with taxation.

This act does not pretend to put a penny of expense on to any person in Wiscasset, or Rockland, or Thomaston, or anywhere within the confines of this State. It will not cost any man, woman, or child a mill more because it is still permissive and there must still be manufacturing profits, or else it is of no effect.

Another branch of his argument was that the warden, acting pursu-

ant to an order of the Governor and Council, had complied with that order, and that subsequently another source of authority had decreed that there was not authority, and he pictured the warden here in a poor and sympathy-impelling position, unable to pay this large amount, and the State passing an order at his, the Senator's, behest. While it was perfectly manifest to any one exactly what was in the offing, it was not necessary, as I viewed it, for any one to interfere with well-running programs, but move along, let them make appropriations to repay the warden, because there isn't an intelligent man within the reach of my voice but knows that the absolute warrant and protection for any subordinate officer of the State of Maine, whether he was a warden of a State prison or what he was, was the written mandate of the Governor and Council to him when he was subordinate to them. If the State of Maine wishes to make presents, go ahead. I was wont on a time to differ very frequently with the late Executive, and I never was accused of being at all mealy mouthed or uncertain in anything I had to say with reference to him, but I am quite delighted to say that I said it when he had an opportunity to speak back, and no man can say that ever I hitched any hoping destiny to the tail of his chariot and then cut the string.

Now sufficient answer for Warden Eaton, to Senator Walker and to this Legislature, would have been the mandate of Governor Baxter and his Council, approved by a then attorney general. But I do not see why this poor man ought to suffer, or why this Legislature should be directed in its policy, because a Chief Executive and his august Council and his Attorney General were guilty of a dereliction of law themselves. What argument is that upon the question before us, assuming that every word of the contention of the gentleman is sound, and that you are not satisfied that a Council order and the Executive signature of Percival P. Baxter was sufficient for Warden Eaton.

The third branch of his argument was the condition of things there at Thomaston, and that argument I subscribe to in every detail. I am glad that you had it put before you and put in such a clear, terse manner as the Senator could, and did.

Assuredly that to my mind would be a moving consideration to show that the new prison commissioners were endeavoring to function in accordance with what I understand the Senator from Knox approves, certainly in a manner that I believe all civilized communities give approval to. He spoke of the cleanliness, he spoke of the modern cells, he spoke of the decent food, and he certainly would not, and I would not for an instant think that he by picture to the contrary favored any other program, because if he does I think that he stands unique, he stands alone. I wish that he might have drawn very briefly and in an impressionistic manner a sketch of conditions there before the intercession of the fire and before the choice was made of this prison commission.

And right here it will not be amiss to refer to two of those prison commissioners by name, because I believe they are known from one end of this State to the other and known for their worth. One of them, the chairman I believe, Mr. Hastings, Mr. Henry Hastings, whose name is identified with the most forward-looking legislation in this State upon a subject wherein the whole Nation has followed Maine. Because when there went into effect the Hastings act which put teeth into the prohibitory law, Mr. Hastings was looking down into the days ahead, and he didn't do a thing that was popular with sheriffs and deputy sheriffs when he gave the power through legislative act, the Hastings act, to Governor and Council to remove delinquent sheriffs and depose for dereliction of duty. He was looking ahead. His act, I think, was in accordance with the forward-looking desires of forward-looking men and women in Maine.

To the other member of the Commission, with whom I have personal acquaintance, I pay no particular eulogy because he needs none. Everybody here in Augusta and most of the legislators in Maine know him as one of the State's great men, and I do not know that we could give him any better tribute than the one I heard the other day. He was the head of a commission having to do with the erection of a very, very important public structure, and he has the unique distinction in the State of Maine of having been in charge of a commission, the only commission that ever built a build-

ing within the appropriation, and that is the State House that we are now in. I do not believe any one will charge the Hon. Charles S. Hitchborn of Augusta with being a waster or a spendthrift. And it is the first time that I have heard since January 1, that I have ever heard in the twenty years that his name has been more or less familiar to me, that either in public or private matters, a man of whom we might say late politically but still alive individually, Percival P. Baxter, was accused of being a spendthrift.

Now the money end of it, my friends. There is nothing to that. Unless there are manufacturing profits, it costs no one a penny. They have done this work, there and it has met with approval. I wish that he might have drawn the picture, however, of that institution when it did not have the ventilated cells, and when there were not the conditions for cleanliness, when the toilet facilities were confined to a bucket in a close cell in the dark where the light did not reach. I wish that he had told you of the old prison and that in that institution there was one place worse than the Black Hole of Calcutta,—a dog hole not over five feet in height. Not susceptible of proof because the records have been burned, but there is highly credible testimony substantiating the report that one individual languished in that dark, five-foot dog hole for one hundred and ninety-two days. I do not believe the people of the State of Maine care for that type of penology.

He said these men were all comfortable and that they seemed cheerful. Good! Good! I agree to it, and I ask you not to do that that will "give hardness to their heart because it will mean to them that a curse is upon them."

Punishment for crime as lawyers understand it is three-fold; it is retributive, it is medicinal, it is deterrent. Its retributive aspect dates back to the very beginning of organized society. It, as the school men tell us, is the lex talionis, which the children will tell us is tit for tat. That is what it is. I will try to make it so that any one will understand. A school man will say "lex talionis," and your youngster will say "tit for tat." That spirit of vengeance, that spirit which says "what a man hath done that shall

be done to him, and that is the straight course of justice." That is the sense of retributive punishment. That was the spirit of Draco, of whom it is said his mandates were written in blood and not in ink." That was the spirit down through the years. Not so many years ago either, men. Right up at the other end of this street, in front of that court-house, in 1806, there was a deaf and dumb man put into the stocks, then put upon a gallows with a rope around his neck, and held there for three hours, and then while the high sheriff stood with his sword there was administered upon his bare back fifty-nine lashes—Timothy Hill, a deaf and dumb man, and he stole what? Fifteen dollars! That is the spirit of retributive punishment. Your statutes at that time permitted the court to brand that man "T". Had he been guilty of burglary the statutes of your State permitted him to be branded upon either cheek with a "B". It brings us back to that retributive idea, to Hester Prynne, who had branded upon her breast, so when she went out the bright sunlight struck it, the "A." God grant there never will return the time when in the eyes of the public we stand for branding with a particular sign for what happens to be our own particular offense. Retributive punishment went out of vogue. "Vengeance is mine, saith the Lord," and the vengeful idea went out. It went out when that Master upon a cross, with two thieves beside him, when he gave up the ghost and said "Father, forgive them for they know not what they do." That retributive aspect again came. It has come back and it is here more or less,—it is manifest even now more or less, but modern scientific treatment of this matter deals more with the medicinal and the deterrent. It tries to do something to help the particular individual, and that for two reasons, first, economic, and that is what this bill largely is. It says, aside from theory, it is not good business to take a man who has offended against society and to put him away for a term of years, and then right there in that cankerizing, since localized place of crime let him go out with a hardened heart to be what we know in medical parlance as a carrier of disease. And that is one of the reasons that modern scientific methods have attempted medicinally to do something for the man. They do

not always succeed. They do not always cure. That is no argument against the attempt.

Now a further reason upon the economic side is that there have been numerous instances that warrant the conclusion that, as one man who has had the experience of it says, "Stone walls do not a prison make, Nor iron bars a cage." There have been illustrious instances of men who have been stamped with the felon's garb and yet have made history. The most illuminating character in modern fiction, the men within the sound of my voice will recall is in Hugo's *Les Miserables*—you can see a man out of the galleys, and going through the sewers of Paris, and out from the prison, that dominant and inspiring character Jean Valjean! And I am not remitted to fiction for it. We will find that as dominant and intellectual a character as the English speaking race possesses was a felon. The man who was the greatest lawyer of his time, as he was one of the greatest litterateurs of all time, as he was the greatest essayist in English, the man to whom the authorship of Shakespeare by many is attributed, Francis Bacon, was a felon! Many there are like like him.

"Who breaks his birth's invidious bar
And grasps the skirts of happy chance,
And breasts the blows of circumstance
And grapples with his evil star."

Nor do we have to go to fiction, nor do we have to go back to Bacon, right here in this country, there is not any more beloved short story writer nor a man who has had more potent effect upon the literature of our day than O'Henry, and he was in the ordinary view, from the retributive angle, an ordinary thief, a convict in a southern penitentiary for embezzlement.

The economic aspect recognizes the injustice of those circumstances, that there is something of the divine in every man, and calls on the medicinal, and says that the deterrent element will be handled by apportioning the punishment to fit the crime. By making the opportunity for that man to profit by the lesson, not to have a heart hardened by society against him, but punished so that he will be punished and yet so put to use, his time, in labor and with some measure of reward so that when he comes out he will have more than a five dollar bill, even more than a ten dollar bill and a winter coat. A man who is laboring, producing a manufacturing profit for

one to five or ten years, and comes out from that institution,—God knows he has paid on the retributive end his punishment, and how much better is he when you turn him loose against society, not with a brand on his cheek, not with a brand on his breast, but with a calloused heart and a branded soul and five dollars and an overcoat, and you expect him to “carry on.” Men, that is not sense.

And then, think, supposing that when he went in there he had a wife and children. You know full well then that the burden of his iniquity has rested with a withering hand upon the innocent wife, or the absolutely ignorant and innocent little ones. Why should not society, who is punishing him, making him stay there for years, and making him work as it ought to, why should not society say, If there is any profit from your work, man, a measure of that profit will enure to you and some of it will go to those that you, and not we, are responsible for.

Why it is the law in every New England state except Massachusetts— it is the law of the great mass of the states of this country north of the Mason and Dixon line. It is recognized by every advanced penologist in America. It has been supported by every forward-looking man and woman familiar with this question. Today the governor of Ohio, a young man who has come right up from the ranks, has as his chauffeur on his car a man in prison theoretically for life for murder. The Governor of Ohio looked at the proposition and thought he would see what was back of the crime, and when he found that that chauffeur, the husband of a wife, found himself cruelly wronged and in the passion of the moment saw red, and by the verdict of a jury was guilty of murder, he did not think that he was unsafe, he was not unwilling for that man to negotiate the car. I suggest it merely not that it has any particular bearing on this issue, but that this is not anything that is novel in the State of Maine.

Mr. President and gentlemen, those men down there, I am somewhat familiar with them—I too have been there, I too have seen the old institution. I am able to draw you a different picture and of different conditions, but it is not meet, other than as I have done. But I have seen those men go out of there, and I have seen them again and again

and again come into the toils and back. Now we have had plenty of experience in spending all through the years thousands and thousands and thousands of dollars of the people's money, and you have sent back to that prison men again and again and again, and what harm, I ask you, is there possibly in borrowing the precedent of every forward looking state in America, every forward looking commonwealth of the earth, and following at this particular period the very spirit of the Master? And what possible harm can there be for the State of Maine to say “If there be manufacturing profits, this commission is authorized to pay. It is an incentive to the men, it is an endorsement of that cheerful spirit he speaks of. It will take them away from that spirit which is possible that I referred to at the outset, “not to give them hardness of heart with thy curse upon them.” (Applause).

Mr. MORRISON of Franklin: Mr. President, I would much prefer not to say a word upon this subject, but as I am a member of the committee on state prison of this legislature and also one of the eight members of that committee who signed the majority report on this bill, “ought not to pass,” after listening to what has been said in relation to this measure I do feel that perhaps it is my duty to state briefly to this Senate some of the reasons why I took the position which I did relative to this matter. Probably those reasons are the same reasons that actuated the other seven members who signed the majority report.

We do not all think alike on matters great or small, and honest differences of opinion harm no man. In fact, a fair discussion of honest difference of opinion aids in bringing the facts to light and is of great help in arriving at a proper determination of the matter that is involved. Since we had the hearing before the committee I have heard more or less comment made that no opposition appeared against this proposed measure before the committee. There might have been a reason for that. Gentlemen, but be that as it may, that was no reason why this matter should not have received proper attention; it was no reason why this matter could not be considered carefully and conscientiously and from every viewpoint by the committee as it certainly was.

I think there is not a Senator pres-

ent who will say but that the reports represent the fair and honest opinions of those men whose signatures appear thereon. I am well aware, and the other seven members of the committee who signed this report were well aware also that their side was not the side that appeals to those who look at this question from the standpoint of sympathy or sentimentality, but we do sincerely believe that it is a side that, when the calm rule of reason is applied, will appeal to the judgment and the common sense of a great majority of the citizens of the state of Maine.

Now Mr. President, I do not stand on the floor of this Senate opposed to any reform that will bring about good results. I am in favor of the doctrine of prison reform, but I certainly believe that that doctrine like anything else may be carried to an extreme. I have nothing but sympathy for those unfortunate men who are confined within the walls of our state prison at Thomaston, but my sympathy does not go so far as to lead me to believe that every one of those men, as I have heard one gentleman who has been high up in public life say that every one of those men might well be pardoned after they had served a few years. My sympathy does not go so far as to lead me to believe that it is wise or practical that our state institution at Thomaston should be transformed into such an attractive place that to the class who go there it will be no punishment. Until the time shall come, fellow Senators, when crime shall be no more—and I think you will all agree with me when I state that that time is still far in the future, when every law forbidding the commission of criminal acts, from the slightest offense to the most serious, even to the taking of human life, is being violated every day that the sun rises in the east and sets in the west, punishment to offenders must be meted out. And while I believe that those who have wantonly violated our laws should be treated humanely, yes, even with kindness and with consideration, yet I say that it has come to be realized in other states, if not in this one, that this modern hobby of coddling the guilty, and the activities of reformers, honest and conscientious though they may be, who for some unexplainable reason feel the weight of the world upon their shoulders and the responsibility in their hearts for the saving of all

human kind, I say that this is interfering seriously with the enforcement of law. It is interfering with those laws which we and those who have gone before us have placed upon the statute books for the protection of society.

The primary purpose of that branch of the law known as the criminal law and its enforcement is not to punish for the sake of punishment. Neither is the reformation of the criminal the primary purpose, although that is indeed important. Punishment is not the remedy for crime that is already committed; it does not bring the murdered victim back to life; it does not restore the happy home that may be destroyed by some atrocious and criminal act. But it does prevent many, many crimes that would be committed if it were not for the knowledge upon the part of those would-be violators that a penalty must be paid, and that is the primary purpose of the law. It is not so much the punishment of the already guilty as it is to deter others, those who but for the existence of the law would follow in their footsteps.

Now if you will permit me, Mr. President and Gentlemen, to draw a picture. There have been more or less pictures drawn, and this is not one that draws upon the imaginative fancies, but it is one that is being constantly enacted in human experience upon the screen of life as the reel of time unrolls. A man who has arrived at the full years of understanding, perfectly sane—and I don't understand that there are any insane inmates at Thomaston—having full knowledge of what is right and what is wrong, being his own free moral agent, chooses the wrong and commits a crime. Perhaps it is some heinous offense that may bring tremendous suffering and distress upon the helpless and the innocent. What do you say about it, Gentlemen? What does the public say about it? What about public sentiment? Public safety demands that that man be apprehended and prosecuted. You have provided officers to do that work, prosecuting officials and courts for that very purpose. And also, as is proper and right, there is thrown around the accused every possible safeguard of protection, to the end that an innocent man may not suffer. He can only be tried upon an indictment found by a grand jury. He is then placed on trial before a

jury of his peers. Every right that that man has, and he has many under the law, is carefully guarded throughout those proceedings by a fair, just and impartial court. He must be proven guilty, as every lawyer in this body knows, beyond all reasonable doubt by that jury of twelve men, by the State that has no right of appeal. He is found guilty; he is guilty; he is sentenced by a court that has no feeling of vindictiveness whatever towards that man, a court that is simply doing its duty as a public service for the people; it is a solemn duty and yet it is a duty that must be performed, else the whole bulwark of security that the people of this country have thrown up around themselves for the protection of their lives, their persons and their property topples and falls. That man commences to serve his sentence. Then I say to you, Gentlemen, is it right, is it fair to society that must depend upon the law for its protection, to exploit through the press and by public utterances before the very eyes of that man, saturated though he may be in crime, the idea that he is a slave, placing him upon a pedestal where he no longer sees his writhing victim but thinks only of himself, as a murderer under an unjust system of law's enforcement?

Is it right for the hard working, law abiding citizens of the State of Maine, already burdened with excessive taxes, to be obliged to go down deeper into their pockets to pay more taxes, in order for these men to be paid wages while serving the sentence the court has imposed?

But it is said by the proponents of this bill that those wages are to be paid out of the profits of the shops. What are the profits of the shops? I do not know, but I do know that there are no profits to the institution; that the State prison at Thomaston has never been a paying institution, and is not supposed to be. It is not at the present time and it never will be, and if these men are paid wages out of the profits of the shops it will mean that the tax-payers of the State of Maine will have to go down into their pockets just the same to pay more taxes for maintenance charges for that institution, and while the proponents of this bill say that it will not amount to very much, it will amount to several thousands of dollars every month, to many thousands of dollars each year.

Pass this bill and it is but paving the way for the door to be pushed open farther in trying to get the amount raised in Legislatures that are to follow this one; in trying to have the inmates of the other institutions paid. And there is just as much argument for paying them as there is the inmates of this institution, the prisoners in all the working jails. So I say it is but opening the door for a tremendous expense which will later come to the State of Maine if this bill is passed.

Another picture: Just a few days ago, on the street in the city of New York, a notorious criminal lay dead, halted in his career by a policeman's bullet. That man in 1919 was convicted of grand larceny, in 1920 of being a pick-pocket, in 1921 of violating the narcotic law, in 1922 of violating the same law, in 1923 as a fugitive from justice, in 1924 as a pickpocket again, and during all of this time this man, through the indeterminate sentence system, the parole law, and various other devices that reformers have caused to be written into the law, had been allowed to prey upon society. Judge Knott of the criminal court of sessions in New York said that "the prison should be a place where men may labor and have proper conditions to labor in. It should not be a place of amusement and recreation."

I will not attempt to go over the conditions in our State prison at Thomaston, because they have been very well covered indeed by the Senator from Knox. But I was one of the committee who visited that place and I will say that everything that he has told you is true. The prisoners are treated with kindness and consideration in every respect. They have good, comfortable airy quarters to sleep in and the same may be said of the shops they work in. They have the opportunity of church and school. They have the baseball games and other recreational sports. And a parole officer is furnished by the State of Maine, drawing a salary of \$2500 a year, and, as I understand it, every man sentenced to that institution is sentenced under the indeterminate sentence system; that is, there is a minimum sentence and a maximum sentence, and every prisoner who properly behaves himself—it is up to him—is entitled to parole when he

has served the minimum sentence. The name of every prisoner who is entitled to parole is given to the parole officer, and when that man's sentence terminates he is given not only this amount of money that you have heard and a new suit of clothes and an overcoat if it is cold weather, but a job is waiting for every prisoner who is paroled from that institution. And those men who are not paroled are men who on account of their own conduct while there are not entitled to it. But the same opportunity is given them for a job, that is, the parole officer finds a job and they can go right to it if they want to. But the most of them say that they do not want the job, that they will look out for themselves.

Now I just mention these few things, gentlemen, to show you what the people of the State of Maine are doing for the inmates of the institution now. And not one comfort, not one privilege that they are now enjoying would I wish to take away from them. But it seems to me, Mr. President, that the important question is, the vital question is, how much farther and beyond all that the people of the State of Maine are doing now for the inmates of that institution can they go and still practically protect society? For there are two sides to this question, as I intimated in the beginning. There is the side, as you have listened to it from the lips of the eloquent Senator from Kennebec, the side of tender-hearted sympathy for the guilty man. But gentlemen, should the Senate of the 82nd Legislature, representing all the people of the State of Maine, entirely forget the other side, the side of justice to the rest of humanity? I thank you. (Applause.)

The PRESIDENT: Is the Senate ready for the question?

The pending question is on the motion of the Senator from Aroostook—

Mr. MAHER: Mr. President, I move that the vote be taken by the yeas and nays.

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

A sufficient number having arisen, the yeas and nays are ordered.

The pending question is on the motion of the Senator from Aroostook, Senator Powers, who moves that this body accept the minority

report "ought to pass." A vote "yes" will be in favor of the acceptance of this report. A vote "no" will be against it.

Mr. MAHER: Mr. President, in order that there may be no confusion, would the President inform the body that the minority report is in favor of the pay and the majority report is against it?

The President: I think the Senate, with that instruction is in a position to vote. The Secretary will call the roll.

The Secretary called the roll.

Mr. HINCKLEY: In listening I am confused with the statement here. The motion was what? I will ask the Chair.

Mr. SMITH of Somerset: Mr. President, I would like to have my name called. I wish to vote on this matter.

(The Secretary called his name.)

The PRESIDENT: The pending question before the Senate is on the motion of the senator from Aroostook, Senator Powers, who moves the acceptance of the minority report, "ought to pass."

Mr. HINCKLEY: I vote "yes." I will change my vote.

Those voting "yes" were Senators Carter, Foster, Hinckley, Holley, Lane, Lord, Maher, Phillips, Smith, Speirs—10; those voting "No" were Senators Allen, Barwise, Bond, Buzzell, Carlton, Case, Chalmers, Crafts, Cram, Hussey, Miner, Morrison, Roberts, Wadsworth, Walker—15; absent, Senators Anthoine, Clarke, Perkins, Powers, Wilson—5.

The PRESIDENT: Ten having voted yes, fifteen having voted no, five absent, the motion is lost.

Mr. MORRISON: I move, Mr. President, that the majority report "ought not to pass" be accepted.

The motion was agreed to.

Mr. LANE of Androscoggin: Mr. President, I move that we reconsider our action of this morning whereby we voted to indefinitely postpone House Document No. 196.

Mr. Allen of York moved that the Senate adjourn.

Mr. MAHER of Kennebec: 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: Under the rules of this Senate a motion to reconsider can only be made upon the next legislative

day. I would ask through the Chair whether or not the senator from Androscoggin, Senator Lane, voted upon the affirmative with reference to the measure now concerned and in regard to which he has made the motion that we reconsider our action.

The PRESIDENT: The senator from Androscoggin, Senator Lane, can answer if he desires.

Mr. LANE: I did.

Mr. MAHER: My point of order is, Mr. President, that a motion to adjourn is not in order until the motion made by the senator from Androscoggin, Senator Lane, is put.

The PRESIDENT: The Chair will rule that that is right.

Mr. HINCKLEY of Cumberland: Mr. President, I move that the matter pertaining to reconsideration be tabled until tomorrow.

The PRESIDENT: The question before the Senate is on the motion by the senator from Cumberland, Senator Hinckley, who moves that the consideration of reconsideration be tabled. Is that the pleasure of the Senate?

Mr. MAHER: Mr. President, I beg to differ with the Chair, as I understood the motion of the senator from Cumberland, Senator Hinckley, it was to table the motion.

The PRESIDENT: For reconsideration.

Mr. MAHER: Yes.

The PRESIDENT: That is right. Is that the pleasure of the Senate?

Mr. ALLEN of York: Mr. President, I would like to inquire if House Document No. 196 is now in the possession of the Senate?

The PRESIDENT: The Chair will inform the senator from York, Senator Allen, it is in the hands of the House.

Mr. ALLEN: Then, Mr. President, I raise the point of order that the motion to reconsider is out of order.

Mr. MAHER: Mr. President, addressing myself to the motion of the senator from Cumberland, Senator Hinckley, or the point of order raised by the senator from York, Senator Allen, I will state that it is my contention and my position that simply for the matter of convenience and in order to expedite business, when there is no objection, papers are forwarded from one body to the other until the expiration of the legislative day within which under the rules the right of reconsideration obtains, and that theoretically and as far as the rules go all papers are before this body for one legislative day following action

thereon; otherwise the rule means nothing.

Mr. BARWISE of Penobscot: Mr. President, the contention was this morning when I was talking with some members here to the effect that we had adjourned and made another legislative day when we should have recessed. Now tonight it is a different day than this morning, so that the papers are legally out of our hands and in the House, and it is another legislative day.

Mr. MAHER: Mr. President, evidently the senator from Penobscot, Senator Barwise, does not understand the rule. As I understand the rule, and I would ask for a ruling as to whether I am in error or not, the rule is this, that reconsideration must be made on the next legislative day or any part thereof.

The PRESIDENT: The Chair will so rule.

Mr. CARTER of Androscoggin: Mr. President, I would like to call the attention of the members of the Senate to the fact that but a short time ago I found myself in the same predicament as the maker of this motion, and I was placed in the position of having an order passed through the Senate to have the papers returned from the House in order to act upon them.

The PRESIDENT: The Chair will state that may be done now, if you desire.

Mr. ALLEN of York: Mr. President, being an ordinary sort of a man and in a somewhat awkward position of not being able to follow the Senator from Kennebec, Senator Maher, in his legal phraseology, as I understand it, this bill is not in the possession of the Senate in legislative parlance, and so far as I know we cannot act upon this measure because the papers are not in our possession, and I personally will be content with the ruling from the Chair as to whether or not the paper is in the possession of the Senate or not.

Mr. MAHER: In order to remove any possible doubt and to restore this matter to a status concerning which there will be no dispute, I will ask the privilege of introducing a Senate order out of order, and move its passage.

The same Senator then introduced out of order the following order:

"Ordered, that House Document

No. 196 be asked returned to the Senate."

The pending question being the passage of the order,

A viva voce vote being doubted,

The PRESIDENT: All those in favor of having House Document No. 196 returned to the Senate will rise and stand until counted.

A division was had, and sixteen voting against the motion and five in favor,

The motion to give the order a passage was lost.

Mr. MAHER: Mr. President, I rise to a question of personal privilege.

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

Mr MAHER: Mr President, I regret very exceedingly that I was not present this morning when this very important administration measure was up for consideration, relating to the giving of religious instruction in the public schools, a measure that has been advocated from one end of the state to the other by our esteemed Governor, Governor Brewster. The Act, as I understand it, being simply an enabling Act and making it permissive upon the varying school boards to permit children to be excused from school for the purpose of religious instruction in their various religious homes. If I had been present I should have voted in the affirmative, in favor of the measure. I do not know what the report of the committee was. My sole desire was to help the Senator from Androscoggin, Senator Lane, in this regard, in order that the courtesy of the return of the papers might be accorded. The Senate has now seen fit not to grant that courtesy, and to the Senate I wish to express my thanks; but I wish to have it spread upon the record that I vote with Governor Brewster and in favor of the proposition of permitting the in-

nocent children in the public schools to have the opportunity for religious instruction in their own religious homes, in their own religious faith.

Mr Allen of York moved that the Senate adjourn.

The PRESIDENT: The Chair is pretty nearly ready to rule upon the motion that is before the Senate.

Mr. ALLEN: I move that we now adjourn, Mr. President. And I ask for a ruling of the Chair as to whether or not that motion comes ahead of anything else before the Senate at this time.

The PRESIDENT: no measure is going to be unfairly treated by the Chair, with undue haste, and in just a moment the Chair will put the question. There is a motion before the Senate and the Chair does not want more than twenty-four hours to go by on this measure.

Mr. ALLEN: Does the Chair rule that a motion to adjourn is out of order at this time?

The PRESIDENT: The Chair does not.

Mr. ALLEN: Mr. President, I move that we adjourn.

The PRESIDENT: The Chair will state that if you wish to wait for a few seconds—The Senator from York, Senator Allen, moves that we do now adjourn. Is that the pleasure of the Senate?

Mr. HINCKLEY: May I inquire through the Chair of the Senator from York, Senator Allen, if he will name the hour at nine o'clock in the morning as we have a lot of business.

Mr. ALLEN: That will be all right. I am satisfied to adjourn until nine o'clock.

The PRESIDENT: Is that the pleasure of the Senate?

The motion was agreed to, and the Senate adjourned until tomorrow morning at nine o'clock.