

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fourth Legislature

OF THE

STATE OF MAINE

1929

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Wednesday, March 27, 1929

Senate called to order by the President.

Prayer by the Rev. N. W. Bryant of Gardiner.

Journal of previous session read and approved.

From the House, the following order:

Ordered, that, the Senate concurring, in order that the business of the Legislature may be expedited and that a reasonable time for adjournment be made possible, the Committee appointed under the Spear order in connection with the State Highway Commission controversy be requested to report to the Legislature their findings, with such recommendations as they care to make, on or before Monday, April 1, 1929.

Comes from the House, having failed to receive a passage in that branch.

In the Senate on motion by Mr. Spear of Cumberland the order was indefinitely postponed.

From the House: An act relating to the temporary closing of schools (S. P. 460) (S. D. 187) which was passed to be engrossed in the Senate March 18.

Comes from the House, passed to be engrossed as amended by House Amendment A in non-concurrence.

In the Senate, that body voted to reconsider its action whereby this bill was passed to be engrossed, House Amendment A was read and adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

From the House: An act to amend and extend the charter of Kennebec Reservoir Company (S. P. 684) (S. D. 353) which was passed to be engrossed in the Senate March 19.

Comes from the House, passed to be engrossed as amended by House Amendment A in non-concurrence.

In the Senate, that body voted to reconsider its action whereby this bill was passed to be engrossed, House Amendment A was read and adopted in concurrence, and the bill as so amended was

passed to be engrossed in concurrence.

From the House: An act relating to paupers, their settlement and support (S. P. 618) (S. D. 285) which was passed to be engrossed in the Senate March 18.

Comes from the House, passed to be engrossed as amended by House Amendment A in non-concurrence.

In the Senate, that body voted to reconsider its action whereby this bill was passed to be engrossed, House Amendment A was read and adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

From the House: An act to create a Commissioner of Highways (S. P. 693) (S. D. 363) which was referred to the Committee on Ways and Bridges in the Senate, March 21.

Comes from the House, reference to a Committee under suspension of the rules denied in that branch, and the bill referred to the eighty-fifth Legislature in non-concurrence.

In the Senate, on motion by Mr. Minott of Cumberland, tabled pending consideration.

Papers from the House disposed of in concurrence.

From the House: Report of the majority of the Committee on Judiciary, on bill "An act relating to declarations upon a contract in writing" (H. P. 412) (H. D. 123) reporting the same in a new draft, under the same title (H. P. 1630) (H. D. 732) and that it ought to pass.

(Signed) MARTIN
LAUGHLIN
WILLIAMSON
ALDRICH
HOLMAN

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

(Signed) OAKES
McCART
WEEKS
FARRIS

Comes from the House, majority report accepted and the new draft passed to be engrossed.

In the Senate, on motion by Mr.

Oakes of Cumberland tabled pending acceptance of either report.

House Bills in First Reading

Resolve in favor of the town of Alfred, for reimbursement. (H. P. 1678) (H. D. 734)

An act to establish a game sanctuary in the town of Standish. (H. P. 1672) (H. D. 726)

From the House: Report of the Committee on Judiciary, on bill "An act relating to County Jails" (H. P. 1199) (H. D. 392) reporting the same in a new draft, under the same title (H. P. 1622) (H. D. 640) and that it ought to pass.

Comes from the House, report read and accepted and the bill passed to be engrossed as amended by House Amendment A.

In the Senate, report read and accepted in concurrence, the bill received its first reading, House Amendment A was read and adopted in concurrence, and the bill as so amended assigned for tomorrow for second reading.

An act to simplify civil procedure. (H. P. 1673) (H. D. 727)

(On motion by Mr. Weeks of Somerset, tabled pending second reading.)

An act to amend the act establishing the Caribou Municipal Court and the amendments thereto. (H. P. 1674) (H. D. 728)

An act in relation to the Ellsworth Municipal Court. (H. P. 1676) (H. D. 730)

An act relating to legal holidays. (H. P. 1677) (H. D. 731)

From the House: Report of the Committee on Legal Affairs, on bill an act to establish a State Reservation at Fort William Henry, at Pemaquid, and for the appointment of Commissioners and a Custodian for said Reservation (H. P. 421) (H. D. 134) reporting that the same ought to pass.

Comes from the House, report read and accepted and the bill passed to be engrossed as amended by House Amendment A.

In the Senate, report read and accepted in concurrence, the bill received its first reading, House Amendment A was read and adopted in concurrence, and the bill as so amended assigned for tomorrow for second reading.

An act relating to a green light on motor vehicles which are seven feet in width or over. (H. P. 1671) (H. D. 725)

An act relating to the Aroostook Mutual Fire Insurance Company. (H. P. 1569) (H. D. 577)

An act relating to mutual insurance risks. (H. P. 328) (H. D. 97)

An act to incorporate the Mexico Water District. (H. P. 332) (H. D. 104)

From the House: Report of the Committee on Temperance, on bill an act relating to the sale of intoxicating liquors (H. P. 1587) (H. D. 590) reporting that the same ought to pass.

Comes from the House, report read and accepted and the bill passed to be engrossed as amended by House Amendments A and B.

In the Senate, report read and accepted in concurrence, the bill received its first reading, House Amendment A and House Amendment B were read and adopted in concurrence, and the bill as so amended assigned for tomorrow for second reading.

An act relating to laying out and assessing damages on State and State aid highways. (H. P. 1681) (H. D. 733)

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

Appropriations and Financial Affairs

By Mr. Weatherbee of Penobscot: Resolve in favor of E. F. Baker, Clerk of Indian Affairs Committee. (S. P. 731)

By Mr. Wheeler of Oxford: Resolve in favor of Melbourne H. MacFarlane. (S. P. 732)

By the same Senator: Resolve in favor of Arthur H. Ashmore. (S. P. 733)

Sent down for concurrence.

Orders

On motion by Mr. Weatherbee of Penobscot, it was

Ordered, the House concurring, that Senate Paper 198, House Document 213, "Resolve in favor of the State Reformatory for men", be re-

called from the files and recommit-
ted to the Committee on Claims.

Bills in First Reading

An act to increase the salary of
the County Commissioners of the
County of Washington. (S. P. 157)
(S. D. 382)

An act to establish the territor-
ial limits of the South Paris Vil-
lage Corporation. (S. P. 728) (S. D.
383)

An act to amend section 31 of
chapter 117 of the Revised Sta-
tutes, relating to salaries of public
officers, and the compensation of
members of the government. (S. P.
729) (S. D. 381)

Reports of Committees

Mr. Crockett from the Committee
on Education, on bill an act to
amend sections 98, 99, 100, 101, 102,
103 and 104 of the Revised Statutes
relating to state aid for academies
(S. P. 530) (S. D. 219) reported
that the same ought not to pass.

Mr. Oakes, from the Committee
on Judiciary, on bill an act relative
to that which shall constitute "do-
ing business" in this State by a
foreign corporation (S. P. 487) (S.
D. 195) reported that the same
ought not to pass.

Mr. Leland, from the Committee
on Ways and Bridges, on resolve
in favor of the town of Hampden
(S. P. 641) (S. D. 294) reported
that the same ought not to pass.

The reports were severally read
and accepted.

Mr. Bond and Mr. Douglas, from
the Joint Committees on Ways and
Bridges and Taxation, on bill an
act relative to exemption from
gasoline tax paid on fuel used in
internal combustion engines not
operated on the public ways (S. P.
639) reported that the same ought
not to pass.

Sent down for concurrence.

Mr. SLOCUM of Cumberland:
Mr. President, I wish to express my
opposition to the acceptance of that
report. I feel that it is most un-
fair that citizens of the State of
Maine who are using motor boats,
farm tractors, stationary engines,
should pay even one cent gasoline
tax. At present they pay four cents,
and three cents of the tax is re-
bated. I believe the whole four
cents of the tax should be rebated.
I appreciate that it is practically
impossible to upset the report of

the committee but I want to go on
record as being opposed to the
present situation of their paying a
one cent gasoline tax to build
roads while they are using motor
boats, farm tractors, and station-
ary engines.

The PRESIDENT: The question
before the Senate is on the accept-
ance of the report of the commit-
tee "ought not to pass".

A viva voce vote being had
The report of the committee
"ought not to pass" was accepted.

The majority of the Joint Com-
mittees on Public Utilities, Judi-
ciary and Interior Waters, on bill
an act to repeal sections 1 and 2
of Chapter 60 of the Revised Sta-
tutes of 1916, known as the Fernald
law (S. P. 177) (S. D. 77) reported
that the same ought not to pass.

(Signed) WEATHERBEE
CHASE
DOUGLAS
MINOTT
HATHAWAY
HUBBARD
HUGHES
POWERS
BISHOP
TUCKER
COMINS
FARRIS
PINKHAM
WEEKS
HOLMAN
GREENLEAF
WEBSTER
CARLTON
QUINT
BOSTON
MILLIKEN
ADAMS
WILLIAMSON
McCART
MARTIN
ROBIE
WING
ALDRICH
LAUGHLIN

The minority of the same Com-
mittees, on the same subject mat-
ter, reported that the same ought
to pass.

(Signed) OAKES

(On motion by Mr. Oakes of
Cumberland, tabled pending ac-
ceptance of either report.)

The majority of the Joint Com-
mittees on Public Utilities, Judi-
ciary and Interior Waters, on bill
an act to create a Commission to
investigate and to negotiate a com-
pact, regarding water power and

electricity in New England (S. P. 323) (S. D. 118) reported that the same ought not to pass.

(Signed) CHASE
DOUGLAS
MINOTT
HATHAWAY
HUGHES
POWERS
BISHOP
TUCKER
WEATHERBEE
COMINS
FARRIS
WEEKS
HOLMAN
WING
GREENLEAF
QUINT
CARLTON
WEBSTER
HUBBARD
ADAMS
PINKHAM
MARTIN
MILLIKEN
WILLIAMSON
McCART
BOSTON
ROBIE
ALDRICH
LAUGHLIN

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

(Signed) OAKES
(On motion by Mr. Oakes of Cumberland, tabled pending acceptance of either report.)

The majority of the Joint Committees on Public Utilities, Judiciary and Interior Waters, on bill "An act to provide for the exportation of surplus power" (S. P. 81) (S. D. 44) reported that the same ought to pass.

(Signed)

WEBSTER
CHASE
BOSTON
ADAMS
MARTIN
BISHOP
TUCKER
HOLMAN
WEATHERBEE
CARLTON
PINKHAM
DOUGLAS
WEEKS
MINOTT
QUINT
WING
FARRIS
MILLIKEN

LAUGHLIN
GREENLEAF
HATHAWAY
WILLIAMSON
McCART

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

(Signed)

OAKES
HUBBARD
ALDRICH
ROBIE
HUGHES
POWERS
COMINS

Mr. WEATHERBEE of Penobscot: Mr. President, I move that the majority report be accepted and I also move that the bill and accompanying reports lie upon the table pending my motion, and be specially assigned for tomorrow morning.

The PRESIDENT: The Senator from Penobscot, Senator Weatherbee, moves that the majority report of the committee "ought to pass" be accepted, and the same Senator further moves that the bill and accompanying reports be laid upon the table pending his motion to accept the majority report, and be specially assigned for tomorrow morning.

The motion to table prevailed.

The majority of the Joint Committees on Public Utilities, Judiciary and Interior Waters, on bill, "An act to incorporate the Fish River Power and Storage Company" (S. P. 178) (S. D. 78) reported the same in a new draft, under the same title (S. P. 734) and that it ought to pass.

(Signed)

BOSTON
OAKES
WING
CHASE
MINOTT
CARLTON
WEEKS
HUBBARD
ADAMS
DOUGLAS
QUINT
MILLIKEN
TUCKER
WEATHERBEE
COMINS
PINKHAM

WEBSTER
HOLMAN
MARTIN
GREENLEAF
BISHOP
ROBIE
FARRIS
LAUGHLIN
McCART
WILLIAMSON
HATHAWAY

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

(Signed)

POWERS
HUGHES
ALDRICH

(On motion by Mr. Mitchell of Aroostook, tabled pending acceptance of either report and five hundred copies of the new draft ordered printed.)

Mrs. Allen from the Committee on Education, on bill an act relating to state aid for academies (S. P. 566) (S. D. 237) reported that the same ought to pass.

The report was read and accepted, the bill read once and tomorrow assigned for second reading.

Mr. Martin, from the Committee on Judiciary, on Joint Order relative to investigation of the Workmen's Compensation Act, (S. D. 254) reported the same in a new draft, under the same title and that it ought to pass, the new draft reading as follows:

ORDERED, the House concurring, that the Insurance Commissioner of the State of Maine with the assistance of the Commissioner of Labor and the Chairman of the Industrial Accident Commission are hereby authorized and directed to make an investigation of the Workmen's Compensation Law of the State since its enactment and make full report in writing to the Governor on or before October 1, 1930

Authority is hereby given to summons witnesses and require the production of papers, documents and reports, any witnesses so summonsed to receive the same attendance fees as are paid in the Supreme Judicial Court.

Among the matters which are to be inquired into are the following—(1) Are the present rates adequate and fully compensatory to

the insurance carriers, or are they too high or too low?

(2)—What are the reasons why mutual insurance companies at regular manual rates can return to their clients 20% or more of premiums paid, while stock companies claim to be losing money?

(3)—What has been the experience of self-insurers?

(4)—Is the so-called "loading charge" of 40% justified or not?

(5)—Are the insurance carriers properly or improperly expending money in audit, inspection, investigation and adjustment?

(6)—What is the experience in those states which have either a monopolistic state fund in its plan, or a competitive state fund and carrier plan?

The investigators here provided for are to serve without compensation except actual expenses, said expenses not to exceed such sum as may be fixed by the Governor and Council.

(On motion by Spear of Cumberland, tabled pending passage of the new draft.)

Mr. Weeks, from the Committee on Judiciary, on bill An act relating to marriage licenses (S. P. 4) (S. D. 4) reported the same in a new draft, under the same title (S. P. 735) and that it ought to pass.

The same Senator, from the same Committee, on bill An act to provide for relief of needy dependents of disabled veterans of World War (S. P. 15) (S. D. 8) reported the same in a new draft, under the same title (S. P. 736) and that it ought to pass.

The same Senator, from the same Committee, on bill An act making it unlawful to solicit rides in motor vehicles (S. P. 613) (S. D. 299) reported the same in a new draft, under the title of An act making it unlawful for any person while upon any public highway, to endeavor by words, gestures or in any other way, to beg, invite or secure transportation in any motor vehicle not engaged in passenger carrying for hire, and providing a penalty therefor (S. P. 737) and that it ought to pass.

Mr. Martin, from the same Committee, on Resolve proposing an amendment to the Constitution to provide for filling Councillor vacancies (S. P. 575) (S. D. 244) re-

ported the same in a new draft, under the same title (S. P. 738) and that it ought to pass.

Mr. Bond, from the Committee on Ways and Bridges, on Resolve to aid in rebuilding the road in township No. 10, Hancock County (S. P. 183) reported that the same ought to pass.

The reports were severally read and accepted and the bills and resolves laid upon the table for printing under the joint rules.

Mr. Weatherbee, from the Committee on Indian Affairs, submitted its final report.

The report was read and accepted.

Sent down for concurrence.

Passed to be Engrossed

An act relating to fishing in inland waters in York County. (H. P. 1045) (H. D. 336)

An act relating to small loan agencies (H. P. 1237) (H. D. 414)

An act relative to pledges. (H. P. 1251) (H. D. 423)

An act relating to weights and measures. (H. P. 1520) (H. D. 545)

An act relating to the giving of checks and drafts on banks where the maker has not sufficient funds. (H. P. 1528) (H. D. 600)

An act relating to validating certain acts and deeds (H. P. 1561) (H. D. 570)

An act to provide better government for the town of Mount Desert. (H. P. 1565) (H. D. 573)

An act relating to fusible plugs in steam boilers (H. P. 1637) (H. D. 661)

Mr. DUNBAR of Hancock: Mr. President, I think that this legislation is neither necessary nor desirable. I move the indefinite postponement of this bill.

Thereupon on motion by Mr. Slocum of Cumberland the bill was laid upon the table pending the motion to indefinitely postpone.

An act relating to payment of damage by dogs and wild animals to domestic animals. (H. P. 1656) (H. D. 687)

(On motion by Mr. Weatherbee of Penobscot, tabled pending passage to be engrossed.)

Resolve in favor of additional room for state departments. (H. P. 1662) (H. D. 697)

An act relative to sea and shore fisheries commission (H. P. 1663) (H. D. 698)

An act relating to the recovery of estates by writ of entry; mode of service. (H. P. 1664) (H. D. 696)

An act relative to recording certificate of decree barring husband or wife of rights in real property. (H. P. 1665) (H. D. 699)

Resolve in favor of the town of Enfield (H. P. 1667) (H. D. 700)

Resolve in favor of the town of Howland. (H. P. 1668) (H. D. 701)

Resolve in favor of the Jackman-Rockwood Road (H. P. 1669) (H. D. 702)

(On motion by Mr. Spear of Cumberland, tabled pending passage to be engrossed.)

An act relating to damage suits brought against towns and counties on State and State aid highways. (S. P. 373) (S. D. 157)

An act concerning financial responsibility for damages caused by the operation of motor vehicles. (S. P. 622) (S. D. 291)

Resolve providing for a State pension for Charles Brown of Liberty. (S. P. 629) (S. D. 376)

An act relating to license fees for small loan agencies. (S. P. 649) (S. D. 300)

(On motion by Mr. Page of Somerset, tabled pending passage to be engrossed.)

An act relating to deposits in the names of two or more persons, in banks, institutions for savings, trust companies or shares in loan and building associations. (S. P. 719) (S. D. 377)

An act to make uniform the method of computing interest on savings accounts, in trust companies, savings banks and national banks. (S. P. 724) (S. D. 378)

An act relating to the protection of children. (S. P. 726) (S. D. 379)

Passed to Be Enacted

An act to authorize the Treasurer and County Commissioners of York County to procure a loan, and issue bonds of said County therefor, for the purpose of refunding temporary loans of said County existing under the provisions of the 'Bridge Law' and to provide funds for subsequent payments to be made under the provisions of said law. (S. P. 152) (S. D. 68)

An act relating to the annual payments to the Aroostook Law Library. (S. P. 211) (S. D. 343)

An act for the purchase of books

for the Aroostook Law Library. (S. P. 212) (S. D. 344)

An act to remove the limit on expenditure of third class highway funds upon a section of road where buildings are nearer than two hundred feet apart. (S. P. 254) (S. D. 106)

An act relating to the transportation or board of children in places of temporary residences. (S. P. 458) (S. D. 185)

An act relating to the qualification of public officers. (S. P. 533) (S. D. 209)

An act to regulate the plotting of private lands for streets or ways and imposing conditions for recording maps or plans of private land with streets or ways thereon. (S. P. 594) (S. D. 259).

An act relating to a State Entomologist. (S. P. 604) (S. D. 265)

An act relating to lights on vehicles. (S. P. 615) (S. D. 286)

An act to incorporate the Monroe Loan Society of Maine. (S. P. 654) (S. D. 313)

An act relating to Dental Hygienists. (S. P. 664) (S. D. 325)

An act to incorporate the Maine Foundation. (S. P. 668) (S. D. 330)

An act to set off certain land from the town of Glenburn to be annexed to the City of Old Town. (S. P. 676) (S. D. 338)

An act relating to the expenses of the Justices of the Supreme Judicial Court. (S. P. 678) (S. D. 346)

An act relating to bonds of licensed detectives. (S. P. 679) (S. D. 347)

An act relating to easements. (S. P. 682) (S. D. 350)

An act relating to the salary of the sheriff in Penobscot County. (H. P. 620) (H. D. 636)

An act to create the Portland High School Athletic Field Commission. (H. P. 854) (H. D. 281)

An act relating to wards in the City of Portland. (H. P. 855) (H. D. 278)

An act relating to the incorporation of a Council of the Boy Scouts of America. (H. P. 1028) (H. D. 324)

An act relating to the collection of a fee from persons visiting the State Prison. (H. P. 1166) (H. D. 373)

An act relating to deductions from State School Fund. (H. P. 1181) (H. D. 387)

An act relating to vacancies in town offices. (H. P. 1255) (H. D. 427)

An act relative to Probate Courts. (H. P. 1281) (H. D. 438)

An act to amend chapter two hundred and one of the private and special laws of nineteen hundred and eleven, entitled "An act to incorporate the Guilford Water District." (H. P. 1381) (H. D. 448)

An act relating to the funds of the Maine Forestry District. (H. P. 1404) (H. D. 466)

An Act for the purchase of books and to provide for cataloging the Androscoggin County Law Library. (H. P. 1469) (H. D. 512)

An act to validate the organization of Bangor Bridge District and continue its charter. (H. P. 1505) (H. D. 535)

An act relating to the purposes of the Milo Water Company. (H. P. 1507) (H. D. 537)

An act to grant a charter to the town of Sanford. (H. P. 1514) (H. D. 618)

An act relating to the protection of fur-bearing animals. (H. P. 1536) (H. D. 557)

An act to increase the time in which to appeal from Municipal and Police Courts, Trial Justices. (H. P. 1562) (H. D. 571)

An act providing for the fencing and care of burying grounds in unincorporated places. (H. P. 1564) (H. D. 572)

An act relating to taking of land of railroad corporations for streets or ways. (H. P. 1574) (H. D. 580)

An act relating to salary of register of probate for Oxford County. (H. P. 1611) (H. D. 621)

An act relating to the compensation of judge of probate in Penobscot County. (H. P. 1631) (H. D. 654)

An act relating to designation of through ways. (H. P. 1640) (H. D. 665)

An act to incorporate the South Orrington Cemeteries Association. (H. P. 1641) (H. D. 666)

An act relative to highways through towns of less than 5,000 inhabitants. (H. P. 1645) (H. D. 672)

Finally Passed

Resolve in favor of the Commissioners of Pharmacy. (S. P. 192) (S. D. 320)

Resolve, in favor of the towns of Sangerville and Guilford. (S. P. 256) (S. D. 355)

Resolve in favor of the State Prison. (S. P. 463) (S. D. 138)

Resolve in favor of the town of Lyman. (S. P. 644) (S. D. 352)

Resolve in favor of the Pownal State School. (S. P. 681) (S. D. 349)

Resolve in favor of the Passamaquoddy Tribe of Indians for the General Care, Maintenance, and Education thereof. (S. P. 686) (S. D. 357)

Resolve, in favor of the Central Maine Sanatorium for Construction and equipment of an additional building for patients. (S. P. 688) (S. D. 359)

Resolve, in favor of the Western Maine Sanatorium for the construction of a superintendent's home. (S. P. 689) (S. D. 360)

Resolve, in favor of John M. Eastman. (H. P.-) (H. D. 212)

Resolve, in favor of the Maine State Prison for maintenance and current expenses. (H. P. 1584) (H. D. 587)

Resolve to improve the road to Fort William Henry. (H. P. 1621) (H. D. 634)

Resolve, in favor of the town of New Sharon. (H. P. 1646) (H. D. 669)

Resolve, in favor of Lloyd W. Hickey to reimburse him for injury and expense incurred while in the employ of the State of Maine. (H. P. 1647) (H. D. 670)

(On motion by Mr. Weatherbee of Penobscot, tabled pending final passage.)

Resolve, in favor of the town of Salem, for a new bridge. (H. P. 1648) (H. D. 671)

Orders of the Day

The President laid before the Senate, House report from the Committee on Sea and Shore Fisheries, "Ought to Pass in a New Draft" on an act to regulate the quality of sardines packed in this State, (H. D. 664), tabled on March 20th by Mr. Spear of Cumberland, pending acceptance of report.

Mr. SPEAR of Cumberland: Mr. President, I tabled this measure on account of a constituent firm in Portland that said that this legislated them out of business. I now yield to the Senator from Cumberland, Senator Minott.

Mr. MINOTT of Cumberland: I move this be retabed, Mr. President.

Mr. MURCHIE of Washington: Mr. President, may I inquire of the Sen-

ator from Cumberland (Senator Minott) if he will assign a day for consideration?

The PRESIDENT: Will the Senator assign a date?

Mr. MINOTT: Mr. President, I do not see how I can. It all depends upon information that is necessary before I can.

Mr. MURCHIE: I ask for a division, Mr. President.

The PRESIDENT: The Senator from Washington, Senator Murchie, asks for a division. The question before the Senate is on the motion of the Senator from Cumberland, Senator Minott, to retabed.

A division of the Senate was had. Twenty having voted in favor of the motion and five against, the motion to retabed prevailed.

The President laid before the Senate, an act relating to removal of snow from highways and town ways, (H. D. 660), tabled on March 20th by Mr. Murchie of Washington, pending passage to be engrossed as amended by House Amendment A in concurrence and that Senator offered Senate Amendment A and moved its adoption: "Senate Amendment A to House Document 660. Amend House Document 660 by striking out the second paragraph of Section four on pages two and three of the printed document."

Senate Amendment A was adopted. On motion by Mr. Leland of Piscataquis, the bill was tabled pending passage to be engrossed as amended in House Amendment A and Senate Amendment A in non-concurrence.

The President laid before the Senate, an act to make valid the copies of records of instruments affecting or conveying title to real estate in the County of Knox and recorded in other counties, (H. D. 287), tabled on March 20th by Mr. Dwinal of Knox, pending passage to be enacted in concurrence.

Mr. DWINAL of Knox: Mr. President, I am trying to get that matter adjusted in Knox County and I move that the matter be retabed.

The motion to retabed prevailed.

The President laid before the Senate, Senate Report from the Committee on Public Health, "Ought not to pass," bill, an act relating to a filtering plant for the Portland Water District, (S. D. 102), tabled on March 20th by Mr. Spear of

Cumberland, pending motion to substitute the bill for the report; and on motion by that Senator, the bill and report were referred to the next Legislature.

The President laid before the Senate, an act protecting muskrats in the town of Orrington, (H. D. 76), tabled on March 20th by Mr. Douglas of Hancock, pending consideration; and on motion by that senator, the bill was retabed.

The President laid before the Senate, Senate Report from the Committee on Public Utilities "Ought not to pass" on an act relating to the Portland Water District, (S. D. 116), tabled on March 20th by Mr. Slocum of Cumberland, pending acceptance of report; and on motion by that Senator, the bill was retabed.

The President laid before the Senate, Resolve for a Teacher's Pension for Sadie Cummings, (S. D. 310), tabled on March 20th by Mrs. Pinkham of Aroostook, pending passage to be engrossed.

Mrs. PINKHAM of Aroostook: Mr. President, I move this resolve be indefinitely postponed as it will be taken care of by an amendment to the Teachers' Pension Law regarding rules and regulations, and I would like to add that this motion has the approval of the Senator who introduced the resolve, Senator Nickerson of Waldo.

The motion to indefinitely postpone prevailed.

The President laid before the Senate, Senate Report from the Committee on Inland Fisheries and Game, "Ought not to pass" on an act making it lawful to kill foxes and skunks, (S. D. 88), tabled on March 20th by Mr. Douglas of Hancock, pending acceptance of report; and on motion by that senator, the report of the committee "ought not to pass" was accepted

The President laid before the Senate, resolve relating to the removal of the Highway Commissioners, (S. D. 333), tabled on March 20th by Mr. Spear of Cumberland, pending consideration; and on motion by that senator, the resolve was retabed.

The President laid before the Senate, an act relating to the registration of non-resident trucks, (S. D. 111), tabled on March 20th by Mr. Oakes of Cumberland, pending enactment.

Mr. OAKES of Cumberland: Mr. President, that matter will be included in other legislation that will come out of the committee today. It should be kept alive in case the other legislation should not pass. I move that this bill be retabed.

The motion to retabed prevailed.

The President laid before the Senate, resolve in favor of the Charles H. Cutter Coal Company, (H. D. 642), tabled on March 20th by Mr. Dunbar of Hancock, pending adoption of Senate Amendment A in non-concurrence.

Mr. DUNBAR of Hancock: Mr. President, I move the indefinite postponement of Senate Amendment A, and I yield to the Senator from Penobscot, Senator Weatherbee.

Mr. WEATHERBEE of Penobscot: Mr. President, I ask that the Secretary read Senate Amendment A.

The Secretary read Senate Amendment A.

Mr. WEATHERBEE: Mr. President, when this subject matter first came to my attention and I gave casual consideration of it, I was impressed as a lawyer, with the belief that the Charles H. Cutter Coal Company had no legal claim against the State of Maine and would not be entitled to any reimbursement for its losses, but after I had given the matter more careful consideration, there were reasons that actuated me, as a lawyer, to believe that notwithstanding that the Charles H. Cutter Coal Company had no legal claim against the State of Maine which it could enforce in a court of justice in this state, there were moral reasons that far transcended any legal rights, and those reasons dominated me in believing that in all fairness and all equity, the people of the State of Maine ought to reimburse the Charles H. Cutter Coal Company for its losses in the delivery of coal in 1922 to a hospital here in Augusta.

Now the facts are very few, very brief and are not disputed, and there is no necessity for a law suit to determine this question. This Senate can determine it more quickly and much better than any jury that could be selected, or even any court that might determine the matter. It is so plain,—no controversy whatever—the only question that exists at all is the question of justice, man to man.

Now, in the early part of April,

1922 there was a great coal strike throughout the United States and all of the anthracite mines were closed and all the union bituminous mines were closed and conditions became so critical and so threatening that the Federal Government found it advisable to appoint a fuel administrator, and every state in the Union that used coal did likewise. All the coal mines of the country excepting the non-union mines in the South were tied up and there was very little prospect of getting the coal needed for the coming winter, that fall.

Now while conditions thus prevailed, upon July 17th of that year the Charles H. Cutter Coal Company made a proposition to the State of Maine in this form: "We submit for your approval quotations on Pocahontas or New River Pool 1 Navy Standard coal for Bangor State Hospital, Foster's siding, 3000 to 3500 tons at \$9.92 per gross ton. Augusta State Hospital 4000 to 4500 tons at \$9.70 per gross ton alongside the Hospital Wharf. The size cargoes available for Augusta will be approximately 1200 tons each. This would call for 3600 tons for 3 cargoes or 4800 tons for 4 cargoes. Inasmuch as your tonnage required are from 4000 to 4500 tons we would desire that our figures apply on tonnage which may be used on three cargoes, namely three or four, your option. On the above quotation, the delivery is either New River or Pocahontas, our option. The above quotation subject to fairly immediate acceptance."

Now this was in July. The strike had been on from April first and conditions were getting alarming. Notwithstanding those critical conditions, the State of Maine did not see fit to reply to this proposition, this offer dated July 17th, until August 10th nearly one month elapsed before the State of Maine replied, when it then accepted the proposition, turning the offer into a contract.

Now, immediately after that, a government agency appointed by the federal government to inquire into the coal situation in the United States, had determined that the coal miners, the union coal miners were working for an inadequate wage and that they were justly entitled to the sum of \$1.12 per gross ton in addition to the salary they had been getting, and immediately after

that the miners in non-union mines who had been loyal to their duty, who had worked and done their best to provide the country with coal, and the extra amount of coal that would be diverted from the other mines to them, said "This is not fair to us. We have been loyal all this time. If union miners are to have an increase, we should have an increase." Whereupon the federal agency determined that their claim was just and they should also have an increase,—that all miners producing coal should have an increase of \$1.12 per gross ton.

Immediately after that the Charles H. Cutter Coal Company wrote to the State of Maine, "Referring to coal for the Augusta State Hospital, priority orders, diverting coal from the mines have interfered with fulfillment of contracts to such an extent, that all contract shipments have been delayed. Settlement in the union field, necessitates an advance in wages, to non-union field miners, the amount of which is approximately \$1.12 per gross ton, which amount must necessarily be added to all contracts, government interference having made it impossible for operators to complete shipments before wages were advanced."

That letter was dated September 1. Now the overseers of the Hospital were desirous to get their coal in at the earliest moment because there was great difficulty in getting cars to ship coal and it was with great effort that cars—a few of them—were obtained from time to time. But Maine did not reply to this letter of the Charles H. Cutter Coal Company dated September 1, until October 9th. They allowed over one month to elapse before making any reply whatever to that letter, and in their reply they insisted that they had a contract and they should hold the Charles H. Cutter Coal Company to a fulfillment of that contract.

Now, during the interim, the Charles H. Cutter Coal Company, believing that Maine would deal justly with it, and appreciating the necessity of making shipments whenever it was possible to get a car, began the fulfillment of this contract, began the shipment of coal, and Maine allowed the coal to come and be received, and upon October 9th nearly two thirds of

the entire contract of coal had been received, and Maine refuses to pay the additional \$1.12 per ton.

To my mind this matter resolves itself to this proposition, that the State of Maine entered a contract with the Charles H. Cutter Coal Company for a definite sum for coal, and then the State of Maine, a party to the contract, appreciating the terrible condition in the coal field, appointed an agency to investigate, and the State of Maine, after that investigation, determined that in all fairness and justice, the miners should receive \$1.12 per ton more for the coal which they were mining. The State of Maine thereby, in the interests of all the people, insists that every buyer of coal shall pay \$1.12 per ton more for his coal, that these miners may have that additional wage. It says that you shall pay and I shall pay and every buyer shall pay that extra price because it shall go to those miners and the strike will be ended, and the communities will get the coal that is so necessary for the winter. Now after the State of Maine has taken that position, asking and insisting that all her citizens shall pay \$1.12 more per ton than they have been paying, is it fair or in good grace for the State of Maine to say, "This does not apply to me as a governmental body because I have a fixed contract and I will stand upon the letter of that contract."

Now, to be sure someone may say, "the State of Maine did not intervene. The State of Maine, a party to the contract did not change conditions and thus enhance the value of that coal. The Federal government did that." But that is a condition without any distinction at all. Maine is part and parcel of the Federal government. What the Federal government did, it did for the welfare of all the states in the Union, and we accept the act of the Federal government as our act, and in all fairness and all justice, I believe the Charles H. Cutter Coal Company should be given the extra \$1.12 per ton.

Now, I think the resolve calls for \$4000. If the amendment is indefinitely postponed, then I shall offer an amendment to the bill, reducing the amount of the claim to \$3,613.61. That will give the

Charles H. Cutter Coal Company exactly the \$1.12 per ton, but would take from it the profit of twenty-nine cents per ton which it expected to make under the original contract, and then the Charles H. Cutter Coal Company will be a great loser because it has lost the interest upon this claim for about seven years, which would be a matter of somewhere around sixteen or seventeen hundred dollars.

Now, in an emergency of this kind, Maine was very fortunate to have received her coal at all, and owing to her neglect in replying to the Charles H. Cutter Coal Company upon those two occasions, I feel that we ought to pay this claim. Two Legislatures have so voted.

Some people might say the coal company could cover themselves by buying upon the market at that time, but that it could not do because all contracts entered into at that time were depending upon strikes or government intervention. There was no way it could protect itself unless it owned the coal at the time it entered the contract. It did not. It bought it from the open market and had to pay \$1.12 per ton additional, owing to government intervention, and I believe Maine should do the same, and I move that Senate Amendment A be indefinitely postponed.

Mr. PAGE of Somerset: Mr. President, the matter of the contract between the State of Maine and the Charles H. Cutter Coal Company strikes me was nothing but a business proposition. It was unfortunate, but the Charles H. Cutter Coal Company entered into that agreement when a strike was in process. Whether or not the State in writing accepted the proposition of the price quoted by the Charles H. Cutter Coal Company, they did it by accepting the coal which was delivered to them. The Charles H. Cutter Coal Company did what a man does when he sells a stock short in the market. He perhaps didn't have the coal on hand but he intended to buy in and cover, and he had to cover at a loss. Now that has been done in the stock market. It is a legitimate business, selling short and covering. He might have been fortunate in being able to cover at \$1.00 or \$1.12 per ton less, and in that instance, I

don't believe he would have been down here with a check for the State for \$4,000. I cannot see, looking at it in a business-like way, that we should reimburse him where he made a contract with the State of Maine. Therefore, I am opposed to the indefinite postponement of Senate Amendment A.

Mr. WEATHERBEE: Mr. President, the distinguished Senator, from Somerset, Senator Page, bases his argument upon the possibility that maybe the Charles H. Cutter Coal Company could have entered into a contract for the procurement of its coal at \$1.12 per ton less than the contract price. His argument, based upon such a slimy proposition as that, falls very heavily to the ground. The State well knew every element of cost that entered into the price of that coal upon the day that the contract was accepted. They knew that the Charles H. Cutter Coal Company was to make but twenty-nine cents per ton, and you tell me, with a coal strike that had been pending from April first, whether there was any human possibility of the Charles H. Cutter Coal Company getting coal for \$1.12 a ton less than the market price. That is very, very absurd. Let's not determine this question upon the possibility that the Charles H. Cutter Coal Company might have bought for \$1.12 less, when every intelligent man and boy and girl knows better than that, and then say that possibly the Charles H. Cutter Coal Company wouldn't have given us any rebate. That is too suppositious for a Senate to determine. Let's meet the issue fairly and squarely. Let's give the Charles H. Cutter Coal Company its just demand, or flatly turn them down.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Dunbar, that Senate Amendment A be indefinitely postponed.

A division of the Senate was had. Twenty-four having voted in the affirmative and none in the negative, the motion to indefinitely postpone Senate Amendment A prevailed.

Mr. SPEAR of Cumberland: Is that step completed, Mr. President?

The PRESIDENT: The Chair

will state that it is completed so far as the amendment is concerned.

Mr. SPEAR: Mr. President, I am going to move the indefinite postponement of the bill. I believe that the Senator from Somerset, Senator Page is entirely right. I do not think that this company has a legal claim. That is why I didn't vote either way on the indefinite postponement of the amendment. I agree with the Senator from Penobscot, Senator Weatherbee, that we should either allow the claim or kill it. This company entered this contract in good faith, I presume, and so did the State. They lost money. They are whining now. I purchased sugar during that period at twenty-three cents. When I took the last of the sugar, it was nine cents—a loss of fourteen cents. I had to pay the company. I am not complaining. And now this company comes around and asks me, after paying my personal loss, to contribute a few cents more in order to pay them for a loss which they made in a legitimate way. I don't think that they have a case. I move the indefinite postponement of the bill.

Mr. WEATHERBEE: Mr. President, I hope the motion will not prevail.

The PRESIDENT: The Chair will state that the Senator from Penobscot, Senator Weatherbee, would be in order to offer an amendment if he desires.

Mr. WEATHERBEE: I offer Senate Amendment B and move its adoption.

Mr. SPEAR: I hope that the motion to amend will not prevail.

The Secretary read Senate Amendment B:

Senate Amendment B to House Document 642, Resolve in favor of the Charles H. Cutter Coal Company. Amend said resolve by striking out in the first line thereof the words, "four thousand dollars" and inserting in place thereof, "three thousand six hundred thirteen dollars and sixty-one cents."

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment B.

A viva voce vote being taken, Senate Amendment B was adopted in non-concurrence.

The PRESIDENT: The question now before the Senate is on the

motion of the Senator from Cumberland, Senator Spear, that the bill be indefinitely postponed.

Mr. SPEAR: I ask for a division, Mr. President.

A division of the Senate was had.

Five having voted in the affirmative and twenty in the negative, the motion to indefinitely postpone was lost.

The PRESIDENT: The question now before the Senate is on the passage of the bill, as amended by Senate Amendment B, to be engrossed.

Thereupon the bill as amended was passed to be engrossed as amended by Senate Amendment B in non-concurrence.

The President laid before the Senate, an act relative to Mill Tax Highway Fund Laws, (H. D. 500), tabled on March 21st by Mr. Leland of Piscataquis, pending passage to be engrossed, in concurrence, and that Senator offered Senate Amendment A and moved its adoption:

"Senate Amendment A to House Paper No. 1445, (H. D. 500) entitled 'An Act to Revise, Arrange and Simplify the Mill Tax Highway Fund Laws.' Amend said House Paper No. 1445, (H. D. 500) by striking out in the fifth, sixth and seventh lines of Section two after the word 'commission' the following: 'provided that such towns shall have ten miles of third class roads. It is further,' Also by striking out in the sixth to the eleventh lines of said section the following words: 'for state aid work for the current year the maximum amount allowed under Section eighteen of Chapter twenty-five of the Revised Statutes, and further provided that such towns shall have appropriated for the current year.' Also by striking out all after the word 'commission' in the fourteenth line of Section three and substituting the following: 'taking into consideration the width and type of construction suited to the conditions there existing. Work shall be completed before the thirtieth day of October annually.'"

Senate Amendment A was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

The President laid before the Senate, An act relative to snow removal from State and State Aid

Highways, (H. D. 498), tabled on March 21st by Mr. Oakes of Cumberland, pending motion to indefinitely postpone.

Mr. OAKES of Cumberland: Mr. President, in view of the tabling of House Document 660 I yield to the Senator from Washington, Senator Murchie.

Mr. MURCHIE of Washington: Mr. President, I made the motion to indefinitely postpone, but I made it because this bill, coupled with the provisions of House Document 660 which was stricken out by the adoption of Senate Amendment A this morning, made it appear that the smaller places might be deprived of their snow removal funds, but with the amendment to House Document 660 adopted, I see no objection to House Document 498, and if in order, I would like to withdraw my motion to indefinitely postpone.

The PRESIDENT: The Senator from Washington, Senator Murchie, asks the unanimous consent of the Senate to withdraw his motion to indefinitely postpone this bill. Is this the pleasure of the Senate?

Unanimous consent to withdraw the motion was given.

Mr. MURCHIE: Mr. President, what is now the pending question?

The PRESIDENT: The Chair will state that the pending question is on the passage of this bill to be engrossed.

Thereupon, on motion by Mr. Murchie of Washington, the bill was passed to be engrossed in concurrence.

The President laid before the Senate, An act to amend the fees for registration of motor vehicles, (H. D. 102), tabled on March 21st by Mr. Littlefield of York, pending passage to be engrossed in concurrence.

Mr. LITTLEFIELD of York: Mr. President, this simply is the law as it is today with this added in Line 8 of House Document 102: It begins, "Any vehicle maintained to convey working men or workmen to and from his work and not in competition with any public utility for the transportation of persons and not charging over two cents per mile for such service, are not subject to the double registration fee." Here is a clause simply put in here that may effect each little

town in the State where there isn't a public utility, and I have talked with several or a great many of the members, and also with the Secretary of State and other officers and they are all of the same opinion that this would be bad legislation, so I move the indefinite postponement of the bill.

The motion to indefinitely postpone in non-concurrence prevailed.

The President laid before the Senate bill, An act relating to Pilots for the Port of Portland, (H. D. 285), tabled on March 22nd by Mr. Crosby of Penobscot, pending consideration.

Mr. CROSBY of Penobscot: Mr. President, I move the Senate insist and join in a committee of conference, as suggested by the House.

The motion prevailed, and the President appointed as members of such committee on the part of the Senate, Senator Murchie of Washington, Crosby of Penobscot, Minott of Cumberland.

The President laid before the Senate, bill, An act relating to the powers of the State Highway Police, (S. D. 365), tabled on March 22nd by Mr. Littlefield of York, pending second reading.

Mr. LITTLEFIELD of York: Mr. President, I yield to the Senator from Kennebec, Senator Martin.

Mr. MARTIN of Kennebec: Mr. President, after the bill is given its second reading, I wish to offer Senate Amendment A and move its adoption.

The bill was given its second reading, and Senator Martin offered Senate Amendment A:

Senate Amendment A to bill "An act relating to the powers of the State Highway Police", (S. P. 674) (S. D. 365). Amend said bill by striking out the word 'deputy' in line eleven of section one and line eleven of section two, and by striking out in lines eighteen, nineteen, twenty and twenty-one of section two the following words: "Shall immediately report by telephone or other expeditious means to the proper authorities all information and complaints by them received concerning the commission of any crime, and"

Senate Amendment A was adopted

Mr. SLOCUM of Cumberland: Mr. President, I move this bill lie on the table pending passage to be engrossed as amended by Senate Amendment A, and especially assigned for Friday morning.

Mr. MURCHIE of Washington: May I ask through the Chair, if the Senator from Cumberland, Senator Slocum, would not be willing to assign for tomorrow morning?

The PRESIDENT: The Senator from Cumberland, Senator Slocum may reply, if he desires.

Mr. SLOCUM: I am willing to change the assignment for tomorrow morning, Mr. President.

The motion to table the bill as amended by Senate Amendment A, and assign for tomorrow morning (March 28) prevailed.

Mr. SPEAR of Cumberland: Mr. President, I move we have five dred copies of An act relative to Mill Tax Highway Fund Laws, House Document 500, and the amendment printed.

The motion prevailed.

The President laid before the Senate, resolve providing for the purchase of "Music and Musicians of Maine," (S. D. 367), tabled on March 22nd by Mr. Harriman of Kennebec, pending second reading; and on motion by that senator, the resolve was given its second reading and passed to be engrossed.

The President laid before the Senate, Report from the Committee on Judiciary, report A, "Ought not to Pass", report B, "Ought to Pass in a New Draft," on act to register and license Persons engaged in the practice of barbering, and to create a board of Barber examiners, (S. D. 1), tabled on March 22nd by Mr. Weeks of Somerset, pending acceptance of either report.

Mr. WEEKS of Somerset: Mr. President, I move the acceptance of Report A, "Ought not to Pass" and I yield to the Senator from Cumberland, Senator Slocum.

Mr. SLOCUM of Cumberland: Mr. President, I move this report lie on the table pending an opportunity to prepare an amendment to make the bill satisfactory.

The PRESIDENT: The Senator from Cumberland, Senator Slocum, moves that the matter lie on the

table, the pending question being on the motion of the Senator from Somerset, Senator Weeks, to accept Report A of the committee "Ought not to pass."

Mr. WEEKS: Mr. President, I would like to ask through the Chair, if the Senator from Cumberland, will especially assign a date for this bill?

The PRESIDENT: Does the Senator care to assign a date?

Mr. SLOCUM: I cannot at this time, Mr. President.

The motion to retable prevailed.

The President laid before the Senate, an act relating to the capacity of milk bottles and jars, (H. D. 543), tabled on March 22nd by Mr. Slocum of Cumberland, pending passage to be engrossed, in concurrence.

Mr. SLOCUM of Cumberland: Mr. President, I yield to the Senator from Aroostook, Senator Bragdon.

On motion by Mr. Bragdon of Aroostook, the bill was passed to be engrossed, in concurrence.

The President laid before the Senate, Resolve in regard to the National Encampment of the G. A. R. (H. D. 643) tabled on March 22nd by Mr. Spear of Cumberland pending motion to indefinitely postpone House Amendment A, in non-concurrence.

Mr. SPEAR of Cumberland: Mr. President, there are two or three other military matters coming along and I would like to retable this for that reason.

The motion to retable prevailed.

The President laid before the Senate, Joint Order relative to recalling from the files "An act establishing a Park Commission for the City of Portland, House Document 96", tabled on March 25th by Mr. Martin of Kennebec, pending motion to recede and concur with the House.

Mr. MARTIN of Kennebec: Mr. President, I yield to the Senator from Knox, Senator Dwinal.

Thereupon, on motion by Mr. Dwinal of Knox, the Senate voted to recede and concur with the House in the passage of the order.

The President laid before the Senate, Senate Report from the Committee on Judiciary "ought to

pass in a new draft" on bill an act relating to the protection of Children (S. D. 196) tabled on March 25th by Mr. Crockett of York pending acceptance of the report.

Mr. CROCKETT of York: Mr. President, I move that this matter be retabled.

The motion prevailed.

Mr. OAKES of Cumberland: Mr. President, may I ask the number of the new draft?

The PRESIDENT: The Chair will state that the new draft has not been printed.

Mr. OAKES: Will it be printed in due course, Mr. President?

The PRESIDENT: The Chair will state that if the report of the committee "ought to pass in a new draft" were accepted the new draft would automatically be laid upon the table for printing under the joint rules.

Thereupon, on motion by Mr. Crockett of York, the Senate voted to reconsider its action just taken whereby the report was retabled.

On motion by Mr. Oakes of Cumberland, the report of the committee "ought to pass in a new draft" was accepted.

Mr. CROCKETT of York: Mr. President, I would now like to have this matter retabled.

The PRESIDENT: The Chair will state that the bill will automatically be laid upon the table for printing under the joint rules.

The President laid before the Senate, an act relating to a bounty on bears (H. D. 682) tabled on March 25th by Mr. Spear of Cumberland pending passage to be engrossed in concurrence; and on motion by that senator the bill was retabled.

The President laid before the Senate, House Report from the Committee on Judiciary, majority report ought to pass, minority report ought not to pass on bill an act relating to voting by persons physically incapacitated (H. D. 411) tabled on March 26th by Mr. Martin of Kennebec pending acceptance of the minority report.

Mr. MARTIN of Kennebec: Mr. President, I yield to the Senator from Cumberland, Senator Oakes.

Mr. OAKES of Cumberland: Mr. President, those of the Judiciary Committee who voted "ought not to

pass" did so primarily, I think, for the reason that throughout the history of the primary law it has been generally felt that to extend the absent voting privilege, either to the primary law or to the general election law beyond the point where it refers only to absentee voters, and to include any other class, would open up the possibility of fraud, which would be a danger to the election law. In addition to that we have felt that it would make a serious possibility of political workers interfering with and disturbing people who were sick, disturbing also hospital arrangements, and in that way would be an unwise extension. I personally have had considerable to do with organization work in my own locality and I realize that it is hard for people to see why an absent person should be allowed to vote and a person who is ill at home should not be able to vote, and many people have felt that they were not given equal opportunities when they were sick or old and unable to get to the polls.

At the same time, however, it opens up a field that is dangerous and I do not believe that we want to enter into it at this time. I think that is all I care to say rather than to get into any argument or details in the proposition.

Mr. MARTIN: Mr. President, as one who signed the majority report I trust that the motion of the Senator from Cumberland, Senator Oakes, that the minority report be accepted, will not prevail and in the event that the Senator's motion does not prevail I will then move the acceptance of the majority report. We have had absentee voting in Maine since 1921 and it has worked well. I have never heard of any instances of fraud. People have been given the right to vote, and have cast their votes, who otherwise would have been unable to have voted. It is also, I believe, in accord with the right principle of voting which is that every person who is entitled to vote should vote, and by giving those who are sick or physically incapacitated the right to vote we will simply obtain a fair expression of the voice of the people and get nearer the ideal of our government, which is to have every person vote who can vote. The absentee law would not be changed any from its present state except that it would merely

add that those who are physically incapacitated could vote.

As you know, under our present law a man who is going away simply obtains the ballot, goes before some justice of the peace or notary public and executes his ballot without that official knowing how it is executed and returns it to the city clerk's office or to the town clerk. The same provision, under the legislation now proposed, would still be in effect except that it would require that anyone who is sick must obtain a physician's affidavit that he or she would be unable to attend the polls, and then upon request for a ballot with such an affidavit the ballot would be given to the applicant and he could execute it and return it in the usual way and it would be counted upon election day.

A few days ago I happened to run across the record of the beginning of the absentee ballot. I realize that it is getting late and I will be very brief, but it is somewhat interesting because it would appeal to us here as Republicans and also appeals to those who are interested in government because the first absentee ballots were used back in 1864. At that time you may recall that in the summer there was grave doubt whether Abraham Lincoln would be re-elected and some fourteen northern states passed absentee voting laws and upon the field of battle those ballots were cast and had a material effect in the re-election of Abraham Lincoln. Out of the ballots cast some 32,000 were cast against Lincoln by those who believed the war was unfair and some 152,000 were cast for Lincoln. That was the birth of absentee voting. It has been continued throughout our country. The World War hastened it in many states and today some forty-five states in the Union have it in some form or other.

Now, giving those who are unable to be at the polls because of sickness an opportunity to exercise their right to vote is merely an extension of legislation which we already have adopted in this state, and which, incidentally, was adopted by the people of the state, and is simply carrying out in a logical way their wishes. Under our present law if a person goes to a hospital, we will say for appendicitis,—and this case was given me yesterday by the young lady in front who is busy taking notes—that two years ago she

happened to have appendicitis shortly before election and had to go to a hospital and she regretted that she could not cast her vote and tried to make arrangements to do it and she was advised that the law was that if she should happen to go to Hallowell or Gardiner to the hospital she could cast her vote but because she preferred to stay in Augusta she couldn't cast her vote. Of course, that seems to me to be absurd. It means that if you are going to be sick, if you move to an adjoining town you can vote but if you stay at home you can't.

My Brother Oakes states that he feels it might open the door to fraud and also that those who were sick would be harrassed in hospitals and elsewhere by political workers. I do not believe that would be the effect. I cannot conceive of any man or woman who is a good politician endeavoring to harrass anyone who is ill. Hospitals, of course, do not allow such visitors. Visitors have to state what their business is, and there are only a few hospitals in the State of Maine. As far as fraud is concerned, I believe that any man or woman who casts his or her vote in his or her home, where are found the best associations and memories in the world, would not cast a vote where fraud would be for a minute entertained. Home and fraud have never been associated together and of course never will.

It seems to me that the fireman who in line of duty is injured while serving us and wants to vote but cannot because of his injuries should be entitled to vote. It seems to me that our policemen injured in the line of duty while serving us should be also able to vote on election day. It also seems to me, Mr. President, that the women in a great many cases that we know about where they are unable to vote on election day, many times because, possibly, of a new born baby, and who have just gone through the valley of death and pain, should not be deprived of their right to vote. In behalf of those who, through no fault of their own but because of physical infirmities, are unable to vote I simply wish that the privilege may be extended to them to exercise their prerogative at the polls, the right of every American citizen, to

vote. I trust that the minority report will not be accepted.

Mr. WEEKS of Somerset: Mr. President, as a member of the committee who signed the report "ought not to pass" I want to state my reasons for doing so. I want you to follow with me, if you will, that bill as it has been reported back by the committee, House Document 411. It provides on page two—and this is a change—that an absentee voter is defined as one who, "being physically disabled, first files with the clerk of the town wherein he is a legal voter, a certificate signed by a reputable physician, duly licensed to practise the art of healing, setting forth the nature of such physical disability." To that I object. On page three the only change is that it must be stated in the affidavit that the person "shall be absent from said town" or that he shall be "physically unable from attending the polling place, for the following reasons," the reasons then to be stated. On pages four and five the only changes are that the ballot may be sent by messenger, to which I do not object. And the same proposition is taken up on page six and page seven where the fine is reduced from \$1,000—near the top of the page—to \$500 and the penalty from two years to eleven months—to which I have no objection. The next change, on page seven, is—near the bottom of the page—that "any physician wilfully giving a false certificate or any magistrate administering the oath to any person subscribing to a false statement shall be punished", etc.

Now, I am opposed to the change in this law for three specific reasons. My first reason is based on the change on page seven relative to the magistrate taking affidavits. I want to call your particular attention to the section which says that any magistrate administering the oath to any person subscribing to a false statement shall be punished by a fine of not more than \$500 or not over eleven months imprisonment. I call that particularly to your attention because if I interpret that section correctly it means that the person taking that oath must be absolutely sure that every statement made by the person making the affidavit is correct or he subjects himself to this penalty. It doesn't say a thing about

his doing it knowingly or wilfully. He has got to go to work and find out absolutely that the facts stated by the applicant are absolutely correct. Now, what does he have to find out? On page three of the bill is stated in full the exact wording of what the applicant has to sign. It says first that he is a legally registered voter "in the city or town of blank." That means, as I interpret it, that the magistrate who takes that oath has got to determine absolutely, first that the man is a legally registered voter in the town in which he is voting. Now, it goes on to say, second, that he is unable to cast his ballot on election day because he will be absent from the town. Can you tell me how a magistrate is possibly going to take a statement of that kind and know that it is bound to be true? Then it states further that he is physically unable to attend. That means that it is impossible, until the particular day of voting, for a magistrate to determine whether or not a voter is physically incapacitated to go to the polling place. And the reasons that are stated in there have got to be absolutely determined by that magistrate before he can possibly take the oath. The next provision is that the applicant has carefully read the instructions. Now that means that the magistrate has got to find out, has got to have read in his presence the instructions which are given by the voter. The next provision is that he show the ballot unmarked to the undersigned person taking the oath. That is perfectly all right and easily to be done. But the next provision is that the ballot be marked and sealed in the envelope, "all in his presence and in the presence of no other person but without his seeing" how the ballot is marked. How is the magistrate going to determine whether that ballot has been marked when the law provides in here that he shall not see it marked? And if he does not comply with this he becomes subject to this penalty of \$500 or eleven months in jail. Now, that is my first specific objection.

The second specific objection is that no matter whether you pass this law or not it is impossible for any physically disabled person in any town in which he is a voting resident to vote; and why? Evidently

in the drafting of this law the drafters forgot entirely about one other section, Section 145, which provides, "Nothing herein contained shall prevent a voter, who has undertaken to vote at any election in accordance with the provisions of this act, from voting at said election in person." Now it goes on and states, "In case such voter"—and I take that to mean an absent voter as defined, physically incapacitated—"In case such voter shall be present on the day of said election in the city or town where he is entitled to vote for (so long) after the opening or (so long) before the closing of the poll therein as to give him time so to do he shall go in person to the polling place where he is entitled to vote and cast his ballot or offer to cast his ballot in person." I take that particular section to refer to physically incapacitated persons just exactly the same as it does to absent voters, so that a person can be sick out of town and vote under the act. He can do that at the present time. So that if you pass the law in this present form you are not giving the relief which the proponents of this bill have sought.

Now, my third specific objection goes back to the section on page two which says that a certificate signed by a reputable physician must be filed with the clerk of the town in which the voting is done. One of the chief objections to the primary law has been the fact that the larger places have the advantage over the smaller places. Now, in my county we have a number of places where there are no physicians. In the larger places physicians can be readily and easily obtained. In the smaller places it means that you would have to spend probably ten or fifteen dollars to get a physician to go there and give this certificate which must be filed with the town clerk. Now, I claim that that provision is unfair to the smaller communities which are now in such a position that they cannot compete with the larger communities. And for that reason I am opposed to the passage of this bill.

I am opposed to the bill generally for the reasons that have been stated by my brother, the Senator from Cumberland, Senator Oakes. I

can see all kinds of harm coming from this proposition. You have first established the act as applying only to voters absent from the town in which they are entitled to vote. Now you are trying to get it so that it will cover physically disabled persons. What will be the next move? Are you going to say that any person over sixty years of age can vote by absentee ballot? Are you going to keep making these steps until finally any person who wants to can vote by absentee ballot? I believe the time has come to stop, without the further enactment of any such legislation as this and I hope that the motion of the Senator from Kennebec (Senator Martin) will not prevail.

Mr. MARTIN: Mr. President, this is on the motion of the Senator from Cumberland (Senator Oakes) for the acceptance of the minority report. This bill comes from the House, was introduced by a member of the House, and I confess that I have been speaking entirely on the principal involved and had not noticed the first objection which has been raised by my brother from Somerset, Senator Weeks, as to the provision on page seven. As to that, I believe that his position is absolutely sound and the bill should be changed. Of course it is absurd to have the magistrate liable in the case of a false certificate which he knows nothing about. The words "knowingly or wilfully" or words to that effect should be put in that section.

As to section two I do not agree, I am sorry to say, with my brother from Somerset (Senator Weeks), and as to this third objection as to a physician, that I do not think is very material. Of course, in the smaller towns it would only mean, perhaps, a vote or two. Because, however, of the objection to the provision on page seven, which it seems to me is very apt, and for the purpose of offering an amendment, I move that this matter lie upon the table.

The PRESIDENT: The Senator from Kennebec, Senator Martin, moves that the matter lie upon the table pending the acceptance of the minority report. Is this the pleasure of the Senate?

The motion to retable prevailed.

The President laid before the Senate, Senate Report from the Committee on Ways and Bridges "ought to pass in a new draft" on "Resolve authorizing the issuing of bonds to be used for the purpose of building a bridge across the Penobscot River (S. D. 221)", tabled on March 26th by Mr. Crosby of Penobscot pending acceptance of the report.

Mr. CROSBY of Penobscot: Mr. President, I yield to the Senator from Waldo, Senator Nickerson.

Thereupon, on motion by Mr. Nickerson of Waldo the report of the committee "ought to pass in a new draft" was accepted.

The President laid before the Senate, Resolve in favor of Lena F. Cummings (H. D. 239) tabled on March 26 by Mr. Spear of Cumberland pending passage to be engrossed; and on motion by that Senator the resolve was passed to be engrossed in concurrence.

The President laid before the Senate, an act relative to the forfeiture of lobster traps, etc., used in the lobster industry (S. D. 373), tabled on March 26 by Mr. Boulter of York pending passage to be engrossed; and on motion by that Senator the bill was passed to be engrossed.

The President laid before the Senate, an act fixing trial terms of the Superior Court (S. D. 329) tabled on March 26th by Mr. Oakes of Cumberland pending passage to be engrossed as amended by Senate Amendment A.

Mr. OAKES of Cumberland: Mr. President, the amendment which I offered yesterday is printed as Senate Document 380. There are a great many details and a great many people are interested in this matter. The printing has just come through today and I think it would be well for everyone to have an opportunity to examine it carefully before we pass it on, and so that we can vote as accurately as possible before it leaves the Senate. I therefore move that it lie on the table.

The PRESIDENT: The Senator from Cumberland, Senator Oakes, moves that this matter be retabled. Is this the pleasure of the Senate?

The motion to retable prevailed.

On motion by Mr. Leland of Piscataquis the Senate voted to take from the table, an act relating to the removal of snow from highways and town ways (H. D. 660) tabled by that Senator earlier in today's session pending passage to be engrossed as amended by Senate Amendment A in non-concurrence; and on further motion by the same Senator the bill was passed to be engrossed as amended by Senate Amendment A, in non-concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, resolve in favor of the Jackman-Rockwood Road (H. P. 1669) (H. D. 702), tabled earlier in today's session by that Senator pending passage to be engrossed.

Thereupon, Mr. Spear of Cumber-

land offered Senate Amendment A and moved its adoption: Senate Amendment A to House Paper 1669 (H. D. 702) entitled 'Resolve in favor of the Jackman-Rockwood Road.' Amend said resolve by adding at the end thereof the following, 'The funds for this work to be taken from the Highway Construction and Reconstruction Fund.'

Thereupon, on motion by Mr. Leland of Piscataquis the bill was laid upon the table pending adoption of Senate Amendment A and tomorrow assigned.

On motion by Mrs. Carter of Androscoggin

Adjourned until tomorrow morning at ten o'clock.