

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, April 3, 1929

Senate called to order by the President.

Prayer by the Rev. W. R. Wood of Augusta.

Journal of yesterday read and approved.

From the House: Resolve in favor of H. E. Houdlette, Administrator of the estate of Benjamin Owen Emmons, late of Richmond, county of Sagadahoc, deceased (H. P. 1696) (H. D. 756) which was indefinitely postponed in the Senate April 2nd.

Comes from the House, that body insisting on its former action whereby the resolve was passed to be engrossed, and asking for a Committee of Conference, the Speaker having appointed as members of such Committee on the part of the House:

Representatives

ROUNDS of Portland
HAWKES of Richmond
ALDRICH of Topsham

In the Senate, on motion by Mr. Carlton of Sagadahoc, that body voted to insist and join the House in a Committee of Conference and the President appointed as members of such Committee on the part of the Senate:

Senators

OAKES of Cumberland
PINKHAM of Aroostook
DOUGLAS of Hancock

Papers from the House disposed of in concurrence.

House Bills in First Reading

Resolve in favor of building and equipping rearing pools in county of York. (H. P. 1724) (H. D. 798)

Resolve in favor of maintaining a feeding station, or rearing pools for fish at Liberty, in the county of Waldo (H. P. 1725) (H. D. 799)

Resolve Appropriating money to aid in the screening of the outlet of Lake Messalonskee, in the town of Oakland, in the county of Kennebec. (H. P. 148) (H. D. 788)

Resolve in favor of establishing a feeding station or rearing pools for fish at, or near, Presque Isle, in the county of Aroostook. (H. P. 397) (H. D. 789)

Resolve appropriating money to aid in the screening of the outlet of Lower Wilson Pond, in the town

of Greenville, in the county of Piscataquis. (H. P. 515) (H. D. 790)

Resolve appropriating money to aid in the screening of the outlet of Worthley Pond, in Peru, county of Oxford. (H. P. 665) (H. D. 791)

Resolve in favor of establishing a feeding station for fish in Piscataquis County. (H. P. 824) (H. D. 792)

Resolve appropriating money to aid in the screening of the outlet of Wytopitlock Lake, in Glenwood, and in Township 2, Range 4, in the county of Aroostook. (H. P. 825) (H. D. 793)

Resolve appropriating money to aid in the screening of the outlet of Long Pond in West College Grant, in Piscataquis County, north of Elliottsville Plantation. (H. P. 1467) (H. D. 794)

Resolve appropriating money to aid in the screening of the outlet of Lovejoy Pond, in the town of Albion, in the county of Kennebec. (H. P. 1537) (H. D. 795)

Resolve appropriating money to aid in the screening of the outlet of Pierce's Pond, in the town of Penobscot, in the county of Hancock. (H. P. 1539) (H. D. 796)

Resolve to provide for the printing of the report of the Adjutant General, including the records of Maine men in the World War. (H. P. 1730) (H. D. 800)

From the House: Report of the Committee on Salaries and Fees, on bill "An act relating to sealers of weights and measures" (H. P. 1450) (H. D. 505) reported the same in a new draft under the same title (H. P. 1726) (H. D. 786) 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 and on motion by Mr. Leland of Piscataquis was tabled pending second reading.

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

Appropriations and Financial Affairs

By Mrs. Allen of Penobscot: Re-

solve in favor of the clerk, stenographer and messenger of the Library Committee. (S. P. 768)

By Mr. Bragdon of Aroostook: Resolve in favor of Erlon L. Newdick for services to the eighty-fourth legislature as clerk of the committee on Agriculture. (S. P. 769)

By Mr. Dunbar of Hancock: Resolve in favor of Grace M. Frost, clerk to Committee on Claims. (S. P. 770)

By the same Senator: Resolve in favor of Claridel Bradstreet, stenographer to Committee on Claims. (S. P. 771)

By Mr. Slocum of Cumberland: Resolve in favor of Francis J. Cayouette, clerk, stenographer and messenger of the Military Affairs Committee. (S. P. 772)

By the same Senator: Resolve in favor of Arthur M. Ashmore for services as clerk of the Committee on Aeronautics and Radio Control. (S. P. 773)

Sent down for concurrence.

Bills in First Reading

An act to revise the Workmen's Compensation act. (S. P. 761) (S. D. 410)

Resolve appropriating money to pay claims allowed by the Committee on Claims. (S. P. 766) (S. D. 411)

Reports of Committees

Mr. Slocum, from the Committee on Aeronautics and Radio Control, on bill An act to amend chapter 215 of the Public Laws of 1927 relative to radio reception (S. P. 608) (S. D. 342) reported that legislation thereon is inexpedient.

Mr. SLOCLM of Cumberland: Mr. President, it was with regret that the Committee on Aeronautics and Radio Control could do nothing at this session to improve radio reception. We received a number of petitions opposed to the forming of the department of radio control and a number of petitions in favor of it but the committee felt that at this time the legislation was inexpedient.

Thereupon the report was accepted.

Sent down for concurrence.

Mr. Crosby, from the Committee on Legal Affairs, on bill An act to provide for the appointment of an Assistant County Attorney for the

county of Penobscot (S. P. 231) (S. D. 96) reported that the same ought not to pass.

The reports were severally read and accepted.

Sent down for concurrence.

Mr. Weatherbee, from the Joint Committees on Public Utilities, Judiciary and Interior Waters, on Order of the Legislature relating to certain phases of Water Power Development submitted the report to the Committees in compliance with the Murchie order.

The report was read and accepted and placed on file.

Mr. Slocum, from the Committee on Aeronautics and Radio Control submitted its final report.

Mrs. Allen, from the Committee on Library, submitted its final report.

Mr. Dunbar, from the Committee on Manufactures, submitted its final report.

Mr. Wheeler, from the Committee on Mercantile Affairs and Insurance, submitted its final report.

Mrs. Pinkham, from the Committee on Public Health, submitted its final report.

Mr. Bond, from the Committee on State Prison, submitted its final report.

The reports were severally read and accepted.

Sent down for concurrence.

The majority of the Committee on Military Affairs, on bill "An act to provide for the payment of a bonus to Maine soldiers and sailors in the War with Spain" (S. P. 626) (S. D. 339) reported that the same ought not to pass.

(Signed)

CROSBY
MANSFIELD
KING
BURKETT
FRIEND
CHASE
WILLIAMSON
SMALL
WEEKS

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

(Signed)

SLOCUM

(On motion by Mr. Slocum of Cumberland, the bill and accompanying reports were tabled pend-

ing acceptance of either report and tomorrow assigned)

The majority of the Committee on Military Affairs, on bill an act to provide for the completion of the payment of a bonus to Maine Soldiers and Sailors in the War with Spain (S. P. 627) (S. D. 340) reported that the same ought not to pass. (Signed)

CROSBY
KING
MANSFIELD
BURKETT
FRIEND
CHASE
WILLIAMSON
SMALL
WEEKS

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

(Signed) SLOCUM

(On motion by Mr. Slocum of Cumberland, the bill and accompanying reports were tabled pending acceptance of either report and tomorrow assigned.)

The majority of the Committee on Military Affairs, on resolve proposing an amendment to Article IX of the Constitution to provide for a bond issue for the purpose of paying a bonus to Maine soldiers and sailors in the War with Spain (S. P. 625) (S. D. 341) reported that the same ought not to pass.

(Signed) CROSBY
MANSFIELD
KING
SMALL
BURKETT
FRIEND
WILLIAMSON
WEEKS
CHASE

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

(Signed) SLOCUM

(On motion by Mr. Slocum of Cumberland, the bill and accompanying reports were tabled pending acceptance of either report and tomorrow assigned.)

Mrs. Pinkham, from the Committee on Education, on the following resolves:

Resolve in favor of Anson Academy. (H. P. 792)

Resolve in favor of the Bluehill George Stevens Academy. (H. P. 723)

Resolve in favor of Bridgton Academy. (S. P. 204)

Resolve in favor of the Eastern Maine Institute for maintenance. (H. P. 291)

Resolve in favor of the Erskine Academy, in China.. (S. P. 83)

Resolve in favor of East Corinth Academy. (H. P. 794)

Resolve in favor of the Corinna Union Academy. (H. P. 99)

Resolve in favor of the Freedom Academy for maintenance and repair. (H. P. 298)

Resolve in favor of Fryeburg Academy. (S. P. 35)

Resolve in favor of Gould Academy. (H. P. 795)

Resolve in favor of Greely Institute of Cumberland. (H. P. 797)

Resolve in favor of Hampden Academy. (S. P. 94)

Resolve in favor of Hartland Academy for maintenance. (H. P. 100)

Resolve in favor of Leavitt Institute. (H. P. 295)

Resolve in favor of the Lebanon Academy. (H. P. 232)

Resolve in favor of the Lee Academy for maintenance. (H. P. 293)

Resolve in favor of Limington Academy. (H. P. 591)

Resolve in favor of Lincoln Academy. (H. P. 793)

Resolve in favor of the Litchfield Academy. (H. P. 296)

Resolve in favor of Maine Central Institute for maintenance, repairs and improvements. (H. P. 392)

Resolve in favor of Mattanawcook Academy, at Lincoln. (S. P. 205)

Resolve in favor of Nasson Institute. (H. P. 297)

Resolve in favor of the trustees of North Yarmouth Academy." (S. P. 14)

Resolve in favor of the Oak Grove Seminary. (H. P. 790)

Resolve in favor of Parsonsfield Seminary. (H. P. 592)

Resolve in favor of Ricker Classical Institute (H. P. 663.)

Resolve in favor of Somerset Academy for maintenance. (H. P. 130.)

Resolve in favor of St. Joseph's Academy and College for Women. (S. P. 203.)

Resolve in favor of Westbrook Seminary, Portland for maintenance. (H. P. 593.)

Resolve in favor of Trustees of Wilton Academy. (H. P. 369) re-

porting the same in a new draft, under the title of "resolve in favor of several academies, institutes and seminaries" (S. P. 774) and that it ought to pass.

Mr. Dwinall, from the committee on Legal Affairs, on bill an act authorizing the trustees of the charity fund of Hiram Lodge to file its certificate of incorporation in the office of the Secretary of State. (S. P. 310) reported that the same ought to pass.

Mr. Murchie, from the committee on Revision of Statutes, on bill an act to amend chapter 1, section 6, of the Revised Statutes relating to rules of construction. (S. P. 446) (S. D. 176) reported the same in a new draft, under the same title (S. P. 775) and that it ought to pass.

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

Passed to Be Engrossed

Resolve in favor of establishing a feeding station or rearing station for fish at, or near, Machias, in the county of Washington. (H. P. 133) (H. D. 58.)

An act relating to directional signs located in the highway. (H. P. 1546) (H. D. 608.)

Resolve in favor of a teacher's pension for E. E. Colbath of Exeter. (H. P. 1708) (H. D. 774.)

An act requiring teachers and janitors to file a health certificate (H. P. 1709) (H. D. 771.)

Resolve, appropriating money to be used in repair and betterment of Bangor State Arsenal property in Bangor, which is a State Park. (H. P. 1710) (H. P. 775.)

Mr. Spear of Cumberland offered the following amendment and moved its adoption: "Senate Amendment A to House Document 755. Amend said resolve by adding at the end thereof the words 'the above amount to be taken from the fund for old military reservations and care of old forts.'"

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

Resolve for pay and expenses of wardens of Sea and Shore Fisheries and purchase of seed lobsters. (H. P. 1711) (H. D. 776.)

Resolve in favor of Nordica

Memorial Association. (H. P. 1712) (H. D. 777.)

Resolve in favor of the Bath Military and Naval Orphan Asylum. (H. P. 1713) (H. D. 778.)

Resolve in favor of the State Board of Mothers' Aid. (H. P. 1714) (H. D. 779.)

Resolve providing for the expenses of the contest over the election as representative to the Legislature from the towns of Dixfield, Hebron, Hartford, Sumner, Bucksfield, Canton. (H. P. 1715) (H. D. 780.)

Resolve in favor of Maine School for the Deaf. (H. P. 1716) (H. D. 781)

Resolve in favor of an Armory for the city of Bangor. (H. P. 1717) (H. D. 782)

Resolve in favor of charitable and benevolent institutions for care and support of certain persons. (H. P. 1718) (H. D. 773)

An act amending the Military Law. (H. P. 1719) (H. D. 772)

Resolve in favor of memorial at Thomaston, Maine, for Major General Henry Knox. (S. P. 762) (S. D. 408)

An act relating to application for soldiers bonus. (S. P. 763) (S. D. 409)

Passed to be Enacted

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

An act to provide for the forfeiture of lobster traps and other gear and vehicles and other contrivances used in the several branches of the lobster industry. (S. P. 722) (S. D. 373)

(On motion by Mr. Littlefield of York, tabled pending passage to be enacted.)

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

An act to establish the territorial limits of the South Paris Village Corporation (S. P. 728) (S. D. 383)

An act relating to salaries of public officers, and the compensation of members of the government. (S. P. 729) (S. D. 381)

(On motion by Mr. Murchie of Washington, tabled pending passage to be enacted)

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

An act to make Fort William Henry at Pemaquid a State Park. (H. P. 421) (H. D. 134)

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

An act to revise, arrange and simplify the "Mill Tax Highway Fund" Laws. (H. P. 1445) (H. D. 500)

An act relating to county jails. (H. P. 1622) (H. D. 640)

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

An act to provide for the building of a highway bridge across the Kennebec River between the towns of Richmond and Dresden. (H. P. 1682) (H. D. 741)

Finally Passed

Resolve to reimburse the town of Benton for expenses of a person in quarantine. (H. P. 657) (H. D. 198)

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

(Emergency Measure)

An act relating to the powers of the State Highway Police. (S. P. 674) (S. D. 365)

This bill, carrying the emergency clause, required the affirmative vote of two-thirds of the membership of the Senate on its passage to be enacted.

Twenty-nine Senators having voted in the affirmative and none opposed, the bill was passed to be enacted.

Orders of the Day

Under Orders of the Day, tabled and especially assigned for today, the President laid before the Senate, an act to create the Department of Finance. (H. D. 735), tabled on April 1st by Mr. Harriman of Kennebec, pending passage to be engrossed, in non-concurrence.

Mr. HARRIMAN of Kennebec: Mr. President, I wish to move the indefinite postponement of this bill, and in support of that motion, I want to bring to the attention of the members of the Senate, a few facts which seem to me to be pertinent to the question. In the first place, I can't see in any way how the Banking Department and the Insurance Department are anything

similar. It seems to me they are entirely different and require an entirely different training for the heads of the different departments, and it is my opinion that if the departments are consolidated it will add just one more to the state officials and instead of reducing the expense it will increase the expense.

I have here a list of the various insurance commissioners of the forty-eight states, and I find that in just four of those states are the departments of Insurance and Banking combined. In the other forty-four the insurance commissioner is entirely separate from the banking commissioner. It also seems to me that the departments require an efficient head who is familiar with those special departments, and I think that a few facts in regard to the Insurance Department and the way it has been conducted for the past ten years might be of interest.

It is possible that several of you may have seen these figures. The Insurance Commissioner during the last five years has saved the State of Maine over ten thousand dollars in addition to his own salary, from the receipts of the department, notwithstanding the fact that the department has increased very materially during the last five years. The receipts under former commissioners, and this doesn't relate in any way to any commissioner, simply figures that have been taken from the Insurance Department, it shows that in the five years preceding 1923, the income to the department was \$1,482,000. The receipts for the five years to 1928 were \$2,251,000. The number of insurance companies in Maine in 1923 was 379. In 1928, 451. So you can see right there that the business of the department is increasing very rapidly. The casualty premiums in 1923 were \$2,460,000. In 1928 it was \$5,276,000, or nearly \$2,000,000 increase. The life insurance risks in Maine amounted to \$329,000,000 in 1923; and in 1928 amounted to over \$471,000,000. The fire risks in Maine written in 1923 were \$824,000,000. In 1928 it was \$916,000,000, showing that the insurance business in Maine is increasing very rapidly from year to year, and no doubt the Banking Department in increasing

just as fast, although I haven't the figures for that department.

The expenditures by former commissioners for five years amounted to \$82,000. The last five years the expenses amounted to \$58,000—these are in round numbers,—making a reduction in cost to the State of Maine of \$23,000. When you deduct the Commissioner's salary for five years out of that it leaves a net saving for the State of over \$10,000.

Now with the increase of business in the State along insurance lines, it certainly seems to me that it needs someone that is thoroughly familiar with the business, and an expert in that line. Some may say that the head of the Department of Finance and Insurance may appoint a suitable deputy; and that may all be very true, and yet when you do that and appoint deputies you are going to increase the expense, and it would not be an economical move—it would be a more expensive move.

I have been looking over the list of twenty-two departments we have here in the State House and it seems to me that there are none of the twenty-two, in view of the growth of affairs of the State in all directions, that can be economically consolidated. It seems to me that each one of them has very special duties, and needs specially trained men in those various lines, and therefore, I cannot see any valid reason for the consolidation of those two departments. I therefore move, Mr. President, the indefinite postponement of this bill.

Mr. GREENLEAF of Androscoggin: Mr. President, this bill is presented to effect a consolidation of these two departments in an effort to cut down the number of departments which the State has to transact its business. In the federal government, there are nine or ten departments which take care of the business of the federal government, and here in Maine we have forty-five, or around forty-five, different departments. The great state of New York carries on its business with about thirty-six departments.

Now I don't understand that there is any fault found with the conduct of either department—Insurance or Banking—but it is felt

that these two could be consolidated to the advantage of the State. It would be more business-like to have them under one department, and there is a possibility of economy in this measure. There certainly cannot be any great added expense because, as I understand now, the salary of the Bank Commissioner is \$5000, the Deputy Bank Commissioner \$3,250, and the Insurance Commissioner receives \$2500 from the Insurance Department and from the Industrial Accident Commission he gets an added salary of \$1000, making a total of \$11,750.

This bill provides for a Commissioner of Finance and Insurance, who shall appoint two deputies, experts in their line—an expert in banking and an expert in insurance. The Finance Commissioner receives a salary of \$6000. The Bank deputy and the Insurance deputy each receive \$4000. Those are the maximum salaries provided in the bill. In all probability these commissioners will not be hired at the maximum salary. Now provided they are paid the maximum, the total set-up, the maximum fee that can be expended is \$14,000. The difference between this amount and the present salaries is only a matter of \$2,250.

It is easy to conceive that this additional money, if paid, could be readily saved in the combining of the two departments in clerical work, also in the rent of the quarters required, because of course that has a value, and we all know the crowded condition of the State House and where it could be combined in one Department there would be a certain rental saved, and office equipment and that sort of thing would easily mount up to that figure. The measure is not for economy in combining these two departments, but more efficiency where we have so many departments. I therefore hope the motion will not prevail.

Mr. CROSBY of Penobscot: Mr. President, as a member of the committee which heard this bill, nine of which reported "ought to pass," only one man reporting against, I wish to go on record as opposed to the motion of the Senator from Kennebec, Senator Harriman. I think this bill has merit. It is in line with the generally accepted

belief that a number of state departments should be cut down. It should be given a trial. I hope that the motion will not prevail.

Mr. HARRIMAN: Mr. President I might add that prior to 1870 Maine's Bank Commissioner and Insurance Commissioner were the same person, but for the last fifty-nine years they have been separated and have seemed to be getting along very nicely. The Senator from Androscoggin, Senator Greenleaf, mentioned that they might economize in clerk hire in the different departments. If anybody can show me how departments consolidating can save in clerk hire, with business in all departments growing, I would like to have them show me. I cannot see where there will be any economy, in any way, shape or manner.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Harriman, that the bill be indefinitely postponed.

A division of the Senate was had.

Eight having voted in the affirmative and nineteen in the negative the motion to indefinitely postpone was lost.

Thereupon, the bill was passed to be engrossed in non-concurrence.

The President laid before the Senate, An act to create a Commissioner of Highways, (S. D. 363), tabled on March 27th by Mr. Minott of Cumberland, pending consideration.

Mr. MINOTT of Cumberland: Mr. President, I would like to retable this bill for this reason. I understand that the bill regarding the bond issue is to be again tabled as the highway situation is still very much in the air, and for the same reason I would like to ask permission to retable, and I so move.

The motion to retable prevailed.

The President laid before the Senate, House Report from the Committee on Judiciary, Majority Report, "Ought to Pass in New Draft," Minority Report, "Ought Not to Pass," on An act relating to declaration upon a contract in writing, (H. D. 123), tabled by Mr. Oakes of Cumberland on March 27th pending acceptance of either report; and on motion by that Senator, the minority report "Ought not

to Pass" was accepted in non-concurrence.

The President laid before the Senate, An act to simplify civil procedure (H. D. 727), tabled by Mr. Weeks of Somerset on March 27th pending second reading; and on motion by that Senator, the bill was given its second reading, and passed to be engrossed, in concurrence.

The President laid before the Senate, Senate Report from the Joint Committee of Public Utilities, Judiciary and Interior Waters, Majority Report "Ought Not to Pass," Minority Report, "Ought to Pass," on act to repeal the Fernald Law so-called, (S. D. 77), tabled on March 27th by Mr. Oakes of Cumberland, pending acceptance of either report; and on motion by that Senator, the bill and accompanying reports were retabled.

The President laid before the Senate, Senate Report from Joint Committee on Public Utilities, Judiciary and Interior Waters, Majority Report "Ought Not to Pass," Minority Report "Ought to Pass" on an Act to investigate and negotiate a compact regarding water power and electricity in New England, (S. D. 118), tabled on March 27th by Mr. Oakes of Cumberland, pending acceptance of either report; and on motion by that Senator, the bill and accompanying reports were retabled.

The President laid before the Senate, Joint Order Relative to investigation of Workmen's Compensation Act, tabled on March 27th by Mr. Spear of Cumberland, pending passage; and that Senator offered Senate Amendment A and moved its adoption: "Senate Amendment A to Joint Order Relative to Investigation of Workmen's Compensation Act. Amend said order by adding thereto the following: 'The entire expenses of such investigation other than expense in the Departments of Insurance, Labor and Industry, and Industrial Accident Commission, not to exceed five hundred dollars, which amount is hereby appropriated therefor.'"

Senate Amendment A was adopted, and the order as so amended was passed.

The President laid before the Senate, Resolve in favor of Lloyd W. Hickey, (H. D. 670,) tabled on March

27th by Mr. Weatherbee of Penobscot, pending final passage in concurrence.

Mr. WEATHERBEE of Penobscot: Mr. President, I yield to the Senator from Kennebec, Senator Harriman.

Mr. HARRIMAN of Kennebec: Mr. President, this is one of those claims that the Claims Committee listened to with much interest and voted "ought to pass in new draft." Now this is a case where a member of the Highway Department—not a member of the Department, but a laborer for the Department, contracted a disease while working up there under the direction of the Highway Department. This is one of the cases where the Department could not legally pay the bill out of highway funds, and the matter was put up to this committee, and after listening to the case we felt it was a meritorious case and should pass, and so voted. I move it have its final passage.

Mr. WEEKS of Somerset: Mr. President, I would ask for a division.

Mr. WEATHERBEE of Penobscot: Mr. President, as the Senator from Kennebec has stated, this matter had a very complete and thorough hearing before the Committee on Claims, and after careful consideration of the evidence there introduced, the committee unanimously reported that this bill ought to pass. The resolve is in favor of Lloyd W. Hickey who is a young man who lives down in Gardiner, a young fellow about 21 years of age. He was a strong, husky robust boy and was very active in athletics and was quite a star in football contests, and he hired out with the Highway Commission and went up into Aroostook County and worked for the State, and the State had boarded all of its employees upon that road and boarded them in a camp near the work. They had difficulty in getting proper water for their men and did give them poor water to drink so that nearly the entire crew were sick, had bowel trouble attributed to the water. This young man was afflicted with typhoid fever and was dangerously sick for some time and had pneumonia with it, so today he is in a very critical condition, very bad condition indeed, and that bright, young ambitious boy appeared before the Committee and could speak hardly above a whisper and I had a great deal of sympathy for that lad and I believe the State of Maine ought to do something to reimburse him. My fellow Senator has stated that one reason

why the bill came before our committee, was because there was no other method provided by the law to prosecute this claim. That was the opinion of the lawyer who presented the claim but he may have been mistaken in that because there has been a case decided in Maine similar to this one and the Law Court stated that the claim could be prosecuted before the Accident Commission. That decision, however, does more or less violence with decisions in similar matters throughout the country, and the Court, I believe, before very long in the cases now pending, will change its opinion. But that is neither here nor there. The award to be appropriated this young lad is not excessive. It is reasonable and it is law, and the only objection to this claim is if he were to proceed anew before the Accident Commission, he might get a similar award. Somebody is evidently afraid a precedent will be established which in the future would inconvenience the State to some degree. Now I am not afraid of a precedent. I believe that every legislature is perfectly capable of determining every fact that comes before it in the light of all the surroundings pertaining to that fact and they are not disturbed because someone got a claim through once upon a time and don't consider that necessarily every claim must follow in the same channel. Legislatures are able to distinguish between right and wrong. They do not blindly follow precedents.

The only question is whether you want to give this lad compensation now or do you want to compel him to go before the Accident Commission, employ an attorney and perhaps wait a long time for what we ought to give him right now. That is the only question. Do you want to give some hope, some encouragement to that lad who, when reciting his injuries before our committee, had to weep? Do you want to discourage him so that he will have to try some other sort of action so that he can get what he is justly entitled to? Is there any right or reason in that? Is there any sense or logic in that? Let's be reasonable. Let's do something as men. Let's give this lad this thousand dollars which he is entitled to.

Mr. OAKES of Cumberland: Mr. President, may I ask the Senator from Penobscot, Senator Weatherbee, one question?

The PRESIDENT: The Senator

from Cumberland, Senator Oakes, wishes to ask a question of the Senator from Penobscot, Senator Weatherbee. The Senator may reply if he desires.

Mr. OAKES: The Statement of Facts says, "It was anticipated that compensation would be paid him and that his expenses would be taken care of as his superior advised the hospital and doctor who furnished him treatment." Did that come out in evidence to be a fact?

Mr. WEATHERBEE: I do not know, but I do not consider that of importance, anyway.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Harriman, that the resolve be finally passed. The Senator from Somerset, Senator Weeks, has asked for a division.

A division of the Senate was had.

Twenty-three having voted in the affirmative and six in the negative, the resolve was finally passed, in concurrence.

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 27th by Mr. Minott of Cumberland, pending acceptance of report.

Mr. MINOTT of Cumberland: Mr. President, I understand that an amendment is to be offered here this morning. I do not know who is to offer it, but I yield the floor.

Therefore, on a motion by Mr. Murchie of Washington, the report of the committee "Ought to Pass in a New Draft" was accepted; and on further motion by the same Senator, the rules were suspended and the bill was given its two several readings.

Mr. Murchie of Washington then offered Senate Amendment A, and moved its adoption: "Senate Amendment A to House Document 664: Amend the seventh section of House Document 664 by striking out the words 'other adequate gasket' in the third line thereof and inserting in place thereof the following words 'such other adequate device as will hermetically seal the container.'"

Senate Amendment A was adopted.

Thereupon, on motion by Mr. Minott of Cumberland, the bill as amended by Senate Amendment A

was passed to be engrossed 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 27th by Mr. Dwinall of Knox, pending passage to be enacted; and on motion by that Senator, the bill was retabled.

The President laid before the Senate, an act protecting muskrats in the town of Orrington, (H. D. 76), tabled on March 27th by Mr. Douglas of Hancock, pending consideration; and on motion by that Senator, the bill was retabled.

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 27th by Mr. Slocum of Cumberland, pending acceptance of report.

Mr. SLOCUM of Cumberland: Mr. President, I introduced Senate Document 116 and not having had legal training in the drafting of the bill, certain errors crept in. These were brought out at the hearing before the Public Utilities Committee, and I agreed with the opponents of the measure, the legal counsel of the Portland Water District, that it would cause inequities. The bill as originally drafted would have caused the trustee of the Portland Water District, who is elected every fifth year from South Portland to be elected at a different time from the trustees of the City of Portland. This, of course, would have caused difficulty in the management of the Portland Water District. The purport of the bill—the desire of the proponents is to change the election of the trustees from a special election which is held now in the spring before the date of the regular election in the fall in the city of Portland, and as the bill was originally drawn, it would have caused the trustee who is elected every fifth year to be elected in the spring in the municipal election in the city of Portland. The argument brought out against the bill, the principal argument, was that we do not want politics to enter into the management of a water district and the only answer to that is that in the city of Port-

land they have a non-political form of government.

The Chairman of the Committee on Public Utilities suggested that if this bill had been drafted by a competent legal adviser that these difficulties which entered into the original draft would not have crept in. I therefore went to the Attorney General and asked him to re-draft the bill so as to remove the difficulties that crept into the original draft. He furnished me with a copy of a draft which would cause the trustees of the Portland Water District to be elected at the date of the municipal election in Portland, which election is non-political, and the fifth trustee who is elected every fifth year from the city of South Portland, to be elected on the same day of the year in which he would be elected, as the election in Portland, which would mean that the fifth year there would be a special election in South Portland. South Portland has a political form of government. The Chairman of the Public Utilities Committee suggested that this new draft was acceptable to a number of members of that committee and that if the Senate should allow a substitution of the bill for the report, and understanding that an amendment would be introduced to strike out these portions or to change these portions which were put into the original bill inadvertently, that it would not meet with the objections of the members of that committee. I therefore move, Mr. President, that the bill be substituted for the report, that I may have the opportunity of introducing Senate Amendment A, and I yield to the Senator from Penobscot, Senator Weatherbee.

Mr. WEATHERBEE of Penobscot: Mr. President, I just wish my position in the matter to be clearly understood. The measure before our committee was very improperly drafted and was very dangerous in its provisions. We realized that it was somewhat of a delicate matter to be interfering too much with a corporation the size of the Portland Water District's, having outstanding bonds up into millions, bonds which mature in a short time and have to be reissued, and we suggested to the gentleman that owing to the importance of the matter and the intricacies too, that some capable attorney should draft the proper bill, and one was drafted,

and for that reason we reported it "ought not to pass". I am not in a position to say that all the members of the committee would accept the proposed amendment. So far as form goes, I should say that they would, but so far as policy for the Portland Water District, that is another matter. That matter pertains exclusively to Portland and nearby cities. I do not know how I should vote on the matter. I should undoubtedly be governed to some extent by the sentiment of Cumberland County.

Mr. SLOCUM: Mr. President, I might say that the present procedure is costing the people of the district in the neighborhood of sixteen or seventeen hundred dollars a year for elections in the city of Portland. This would be saved to the district, the election in South Portland being a special election. The expense of a special election in South Portland is not large. In the fifth year they would not save that money. It would also bring that matter more forcibly to the attention of the people who are voting for the trustees of the District and it would mean that more people would exercise the right of franchise in the selection of the trustees.

Mr. MINOTT of Cumberland: Mr. President, I would like to say a word as one who resides within the district, merely as one who is a user of the water furnished by the district, and as one of the committee. I have not been opposed to the extent that I have read the amendment. There has been sufficient time for the amendment to be produced to the committee. I therefore, would ask if it would be proper to table the amendment and have it printed.

The PRESIDENT: The Chair will state that the amendment is not before the Senate at this time. The pending question is the motion of the Senator from Cumberland, Senator Slocum, to substitute the bill for the report.

Mr. MINOTT: I would rather object to that, Mr. President, and hope it does not prevail because I think there has been plenty of time for the committee to have this presented to them, and I would hate to see this body have presented to it a bill that is not supported by the committee and has not had an opportunity to know what it is providing.

Mr. WEATHERBEE: It is agreeable to the Senators, Mr. President, that this matter may well be disposed of by recommitting the bill to the committee.

The PRESIDENT: Does the Senator from Cumberland, Senator Slocum wish to withdraw his motion?

Mr. SLOCUM: I should like to withdraw my motion, Mr. President.

Unanimous consent to withdraw the motion was given.

Thereupon, on motion by Mr. Weatherbee of Penobscot, the bill was recommitted to the Committee on Public Utilities.

The President laid before the Senate, resolve relating to the removal of Highway Commissioners, (S. D. 333), tabled on March 27th by Mr. Spear of Cumberland, pending consideration; and on motion by that Senator the bill was retabled.

The President laid before the Senate, an act relating to the registration of non-resident trucks, (S. D. 111), tabled on March 27th by Mr. Oakes of Cumberland, pending passage to be enacted; 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 an act relating to voting by persons physically incapacitated, (H. D. 411), tabled on March 27th by Mr. Martin of Kennebec, pending acceptance of minority report.

Mr. MARTIN of Kennebec: Mr. President, I yield to the Senator from Somerset, Senator Weeks.

Mr. WEEKS of Somerset: Mr. President, the parties who are interested in the passage of this bill have prepared an amendment which was handed to me late last night and which I looked over and which I think does not take care of the situation. In order for them to have plenty of time to do it, I would like to retable it and assign especially for tomorrow morning. I so move. The motion to retable and assign prevailed.

The President laid before the Senate, House Report from the Committee on Judiciary, Report A, "Ought Not to Pass"; Report B, "Ought to Pass in a New Draft" (H. D. 740, on an act to regulate the occupation of hairdressers and cosmetologists, (H. D. 327), tabled on March 28th by Mr. Oakes of Cumberland, pending acceptance of Report B, in non-concurrence.

Mr. OAKES of Cumberland: Mr. President, I move the acceptance of Report B, "Ought to Pass in a New Draft." We had a similar matter before the Senate yesterday. All the arguments presented in favor of the matter before the Senate yesterday apply to this matter and in addition thereto, one other argument appeals to me as worthy of consideration by this body. The hairdressers and cosmetologists deal with the semi-medical treatment of women. They desire a board that will provide for a limitation of the people who are allowed to do this type of work. It seems to me that the men who largely go to barber shops can, in a way, take care of themselves. I think that there is an added argument in favor of this bill that does not apply to a bill regulating the work that would be done by the men, and that is, that the cosmetologists do more difficult work. They do more intricate work and they do work that requires a greater knowledge of the use of appliances and medicines and materials that can cause complications, than the barbers do. I think for that reason there is a real question of protection that may be involved in this bill, and I feel sincere in supporting the report "ought to pass" on this bill for a board to regulate the occupation of hairdressers and cosmetologists. There may be changes in the bill that I would like to have made to conform to one or two arguments, but I think they are minor and I think the bill is well drafted.

Mr. SLOCUM of Cumberland: Mr. President, I hope the motion of the Senator from Cumberland (Senator Oakes) will prevail. It seems that this is a very necessary bit of legislation. I have been in contact with the proponents from the inception of the idea of having such a measure introduced. I believe that in the interests of safety and health,

because as the Senator from Cumberland, Senator Oakes, has said, the complicated work that these cosmetologists and beauty culturists do, they are liable to injure not only the beauty but the health of the ladies of our fair State if they are inexperienced or if any hairdresser should be so unethical as to practice when not physically clean, I believe it would cause a great deal of damage. A bill like this would be in the interests of public health.

The PRESIDENT: The Chair will state that the question before the Senate is on the motion of the Senator from Cumberland, Senator Slocum, that Report B "Ought to pass in a new draft" be accepted, which is the same motion as was made by the Senator from Cumberland, Senator Oakes.

Mr. WEEKS of Somerset: Mr. President, may I ask for a division.

Mr. SLOCUM: Mr. President, I ask that the vote be taken by yeas and nays.

Mr. MARTIN of Kennebec: Mr. President, is it proper at this time for a member to say a few words on this matter?

The PRESIDENT: It is.

Mr. MARTIN: Before the vote is taken I just wish in behalf of a number of people in this county, to say that I trust the motion of the Senator from Cumberland, Senator Oakes will prevail. I agree with what the previous Senator (Senator Slocum) said, that this is a health measure and there is unquestionably a great deal more danger in connection with the practice of hairdressing than in the practice of barbering. I know that as an attorney, I have had a number of cases where people have suffered through the work of inexperienced operators and the cases have been rather severe and the damages are large.

Another reason that influences me in this matter is the fact that as I understand it, the ladies who are in the Senate are all in favor of this bill. I know that if any measure came up that related to cooking, we would be guided largely by what they say and what they desire. Now this is a matter that they know much more about than any of us who patronize the barber shops, and because of their desires and because of their knowledge, I believe we can safely follow them in this matter.

Mr. OAKES: The question was just asked me if there was any expense involving the State in this bill. The bill provides that the organization will pay the expense, and not the State.

Mr. WEATHERBEE of Penobscot: Mr. President, the Senator from Cumberland, Senator Oakes, in his remarks in favor of the bill suggested that a similar bill was before the Senate yesterday and the same arguments advanced upon that occasion might be advanced upon this occasion. That being true, that really looks to me as if we had inevitably reached the same conclusion upon this bill and vote against any passage of such a bill. I confess that the gentlemen who espouse and support this bill are very able men and very young men and good looking young men, too. Perhaps the difference between them and me is I am a little older than they and perhaps not quite as susceptible to the good looks of the proponents of the measure. I confess I have had no conversational contact at all. They have not moved me beyond my reason. I am against the bill.

Mrs. ALLEN of Penobscot: Mr. President, I would like to say just a few words regarding the statement of the Senator from Penobscot, Senator Weatherbee, that he didn't think he was to be compared with the other two young senators. In advocating this bill we want protection and as it is now any person can hire a room and go into this business. Now, there is a great deal of danger in that. One of the things the Senator from Penobscot, Senator Weatherbee, said about looking old reminds me of the story of the woman who told her husband that she was getting very gray and didn't know what she was going to do about it and her husband said, "Do what you did before."

I wish to be on record as favoring the bill.

The PRESIDENT: The Senator from Cumberland, Senator Slocum, moves that when the vote is taken it be taken by the Yeas and Nays.

A division of the Senate was had.

A sufficient number having risen the Yeas and Nays were ordered.

The PRESIDENT: The question before the Senate is now on the motion of the Senator from Cumberland, Senator Slocum, that Re-

port B of the committee "ought to pass in a new draft" be accepted. Those in favor of the motion will vote Yes when their names are called. Those opposed will vote No when their names are called. Is the question plain and is the Senate ready? The Secretary will call the roll.

The Secretary called the roll.

Yea—Allen, Bond, Carlton, Carter, Crockett, Dwinal, Harriman, Martin, Mitchell, Noyes, Oakes, Page, Pinkham, Slocum, Spear—15.

Nay—Boulter, Bragdon, Campbell, Crosby, Douglas, Leland, Littlefield, Murchie, Nickerson, Weeks, Weatherbee, Wheeler—12.

Absent—Dunbar, Greenleaf, Minott—3.

Fifteen having voted in the affirmative and twelve in the negative, Report B of the committee "ought to pass in a new draft" was accepted.

Thereupon the bill received its first reading and tomorrow assigned for second reading.

The President laid before the Senate, Senate Report from the Committee on Judiciary "ought not to pass" on an act to provide for aid to the dependents of soldiers, sailors, and marines killed or disabled in the World War (S. D. 292) tabled on March 28th by Mr. Oakes of Cumberland pending acceptance of the report; and on motion by that senator the report was retabled.

The President laid before the Senate, Senate Report from the Committee on Taxation, "Ought not to pass" on an act to amend the charter of the Portland Water District (S. D. 105) tabled on March 28th by Mr. Slocum of Cumberland pending acceptance of the report.

Mr. SLOCUM of Cumberland: Mr. President, this bill is to require the Portland Water District to pay taxes in the town of Standish. It was heard before the taxation committee and received an unfavorable report.

I move to substitute the bill for the report and in support of my motion will state that the Portland Water District gets water from Sebago Lake in the town of Standish, it gives no service to the town of Standish, it has bought considerable property and has taken some by right of eminent do-

main, and owing to the general law it is exempt from taxation on its dam, gate houses structures, pipe lines, buildings, etc., and owing to a provision in the law whereby reforested land is exempt from taxation the Portland Water District is exempted on practically all their property in the town of Standish. The council of the Portland Water District in appearing in opposition to the bill stated that they were exempt from taxation in the town of Standish but that they had agreed to pay the town of Standish—an agreement between the legal council and the Board of Selectmen two years ago—a small sum of money—\$7,000 a year—in lieu of taxes. They are not required to do this and if they should ever have another legal council he might decide that they should not pay taxes, or pay what you might say was in lieu of taxes.

Since the bill was heard I have talked with different members of the committee and two of the members on the part of the Senate have said that now that they understand the bill more fully they are in favor of this bill. The town of Standish does not want charity and if the Portland Water District were supplying water to the town of Standish it would be in a different class altogether. They are not receiving any benefits from the Portland Water District which controls a considerable portion of property within the town. The town has never taken a formal vote on whether the selectmen should make this agreement. An informal vote was taken this year after the regular town meeting and at that time the vote was 33 to 2 in favor of this bill requiring the Portland Water District to pay taxes in the town of Standish. The bill would also, in a way, assist the town in that there has been a loss of revenue due to the taking out of property—for instance a mill and the summer cottages—that was bringing revenue to the town. This bill would require the Portland Water District to pay taxes in the town of Standish the same as other property in the town is taxed and I move, Mr. President, to substitute the bill for the report.

Mr. DOUGLAS of Hancock: Mr. President, as a member of the Committee on Taxation who heard this bill and listened to the arguments

pro and con I wish to make a statement. We had a full hearing on this matter and both sides were allowed to present their arguments. The only one appearing against the measure was our esteemed Senator from Cumberland (Senator Slocum) and he presented practically the same argument that he is using here today except that he at that time said that there was further evidence that he would like to present to the committee. The committee granted him that privilege and we waited two or three weeks for him to present the evidence that he had. He came before the committee again and told the same story exactly except that he had this informal vote from the town meeting, 383 to 2. He was asked by members of the committee if anything was said in the town meeting and he said, no, it was an informal vote taken after the town meeting. We conceded that he had plenty of time to insert an article in that warrant and have it acted upon by the town of Standish. Apparently he did not see fit to do that and the committee went into executive session and again reported unanimously that it ought not to pass.

The arguments were stated at length by him and by the proponents and then by him again on his side of it and we feel that we are right in our attitude in reporting that bill out. He states that two members of the Senate on that committee have told him since that if they had known the circumstances as they are they would have voted differently. I don't know. I am not one of them. I feel just the same as I did at the time we took the vote, that the town of Standish is being used fairly in the matter and that they have plenty of chance for redress against the Portland Water District.

I hope that the report of the committee will be accepted.

Mr. SLOCUM: Mr. President, I fear that my honorable colleague from Hancock County (Senator Douglas) is a little in error. I appeared before the committee in proponency of the bill and not as an opponent.

Mr. DOUGLAS: That is what I meant, Mr. President.

Mr. SLOCUM: I further would like to state Mr. President, that

the unfavorable report from the committee was not received in time for an article to be inserted in the warrant of the town of Standish and therefore no formal action could be taken by the town. The matter can be summed up, in my humble opinion, that the town of Standish merely wants the legal right to assess taxes rather than to continue on an agreement which if any citizen of the district should bring injunction proceedings against the officers of the Portland Water District they could have that agreement nullified because the Portland Water District trustees are, if they are true to their office, doing only that which is legal and if, as their legal counsel testified before the committee, they are not required to pay taxes to the town of Standish then why are they doing so?

Mr. DOUGLAS: Mr. President, I still insist that I am right and that the dates can be verified and that the Senator from Cumberland (Senator Slocum) did have a chance had he cared to use it. In regard to the taxes in Standish, as we understand it, they are being paid at the present time on a piece of pipe that runs under the ground, and they are being paid \$7,000. He says that is charity and they are not compelled to do it. Perhaps not, but they have accepted it for a number of years.

Mr. SLOCUM: Mr. President, I see now why the Senator from Hancock (Senator Douglas) signed the "ought not to pass" report. The town of Standish receives no money from any pipe line for taxes, or in lieu of taxes, on any pipe line. I fear that he is mistaken. They are receiving money from the Portland Water District with reference to land that they have reforested and on which they can, according to the legal counsel of the water district, claim exemption. I hope that my motion will prevail.

Mr. MINOTT of Cumberland: Mr. President, I really hate to rise and speak in opposition to my colleague, Senator Slocum. I feel that he intends to be fair. As a resident of this so-called Portland Water District I merely want to say that it is my understanding that the Board of Selectmen of Standish are perfectly satisfied as is.

Mr. SLOCUM: Mr. President, I fear that my colleague from Cum-

berland (Senator Minott) is also in error in that they are not satisfied. A past board of selectmen is, but not the present board.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Slocum, that the bill be substituted for the report. Those in favor of substituting the bill for the report will say Aye—

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

The PRESIDENT: The Senator from Cumberland, Senator Slocum, asks for a division.

A division of the Senate was had. Seven having voted in favor of the motion to substitute the bill for the report and eleven opposed, the motion was lost.

Thereupon, the report of the committee "ought not to pass" was accepted.

The President laid before the Senate, Senate Report from the Committee on Temperance, Report A "ought not to pass", Report B "ought to pass", on act to regulate the manufacture and sale of soft drinks, etc. (S. D. 189) tabled on March 28th by Mr. Bragdon of Aroostook pending acceptance of either report.

Mr. BRAGDON of Aroostook: Mr. President, I wish to move the acceptance of Report A "ought not to pass", and I will take up only a very small amount of your time in explaining my position.

I think that you will understand that the members of a legislature when serving on a committee are quite apt to take one of two positions. One group of our legislators seem to have a feeling that when a bill is referred to a committee it ought to go through final enactment unless some one can give a good and sufficient reason for its not going through. The other group takes the opposite position, that when anyone has had a measure referred to a committee it ought not to pass unless there is a good reason given for its passage. I think that was the reason why five members of that committee signed this report "ought not to pass"—because there were certainly no reasons advanced for its passage.

The bill may have some merit but it wasn't indicated at the hearing. It is made up of two distinct propositions. One is to provide that

bottlers out of the state shall pay a license fee if they sell their goods here in Maine and the other one is to provide for inspection of their manufacturing plant by our Department of Agriculture, and the representative of that department who appeared before our committee admitted that that was something that could not be done. So far as the license fee is concerned I know nothing about its desirability but those were the reasons that impelled the five members of the committee to report that the bill ought not to pass and unless some good reason can be advanced here on the floor for the passage of the bill I hope that that report will be accepted.

Mr. HARRIMAN of Kennebec: Mr. President, it seems to me that the committee report "ought to pass" should be accepted here and then possibly the bill amended striking out the second section. It certainly seems to me that the first section of this bill is meritorious and should pass because it seems to me very strange that out-of-the-State bottling companies can come in here and sell their bottled products without paying any license when our Maine concerns are penalized—if you have a mind to put it that way—by having to pay a license fee. It seems to me that there is merit in the first section of this bill and that the report "ought to pass" should be accepted and then the bill properly amended. I hope the motion of the Senator from Aroostook, Senator Bragdon, will not prevail.

Mr. MINOTT of Cumberland: Mr. President, as a member of the committee I feel that I ought to rise and support the Senator from Aroostook, Senator Bragdon. I quite agree with all that he says, and the only good reason that I can see for passing the bill is that it was introduced by our good friend from Oxford, Senator Wheeler.

Mr. MURCHIE of Washington: Mr. President, I agree so thoroughly with the statements of the Senator from Aroostook, Senator Bragdon, that I feel I should say a word as to why I have reached an opposite conclusion. I am one of those, not on this committee, but one of those members of this body who is always opposed to any bill for which I cannot see a good reason. I think that is the only proper attitude that a mem-

ber of any legislative body can take. We should not encumber our statutes with a lot of laws that are meaningless or with a lot of laws that are destined to serve no good purpose.

I understand, however, that it is a fact today that bottlers in the State of Maine are required to pay a license fee in certain other New England States and as the law stands today bottlers in those other states may come into the State of Maine and compete freely without the payment of any fee. This act—and I am referring now entirely to the first section as the Senator from Kennebec (Senator Harriman) has referred to it—this act is designed to put the Maine bottlers on an equal footing with the bottlers of other states and it seems to me that it is a very small amount of protection to them to see to it that the bottlers from outside the State have to register their product as they do in all other cases that come under the Maine Pure Food Law.

I hope, therefore, that the motion will not prevail, that the other report may be accepted and that ultimately the seventh section may be stricken out by amendment.

Mr. MINOTT: Mr. President, as a matter of information I say that only fourteen out of the seventy-one concerns in Maine signed a petition for this bill. I merely make that as a statement.

Mr. WHEELER of Oxford: Mr. President, I have something that I would like to say about this bill. Mr. Weeks, who is the manager of the Mt. Zircon Company of Rumford, had this bill introduced through a member of the Agricultural Department. As to the fact that the Maine Bottlers Association, as our most distinguished Senator from Cumberland County, Senator Minott, related, had only fourteen signers out of seventy-one bottlers, I will say that it is true, but the fourteen bottlers who signed that petition are the leading bottlers of this State and I wish to call the attention of this honorable body to the fact that Mt. Zircon people are leaders in their line. They have established a New York and Boston market for their product, they have placed their ginger ale on the pullman cars everywhere throughout this section of the country and the middle west, they have tried to meet the competition of the Canada Dry and the Cliquot people, and I

don't see anything vicious in this bill.

This bill simply offers to the State of Maine bottlers the same opportunity that other bottling concerns in the New England States are having. I believe it is worth while to enact a law for the protection of our own bottlers where we have at least half a dozen bottlers of high grade beverages in the State of Maine and I should like to see them protected. I thank you.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Bragdon, that Report A of the committee "ought not to pass" be accepted.

A division of the Senate was had

Four having voted in the affirmative and twenty-four in the negative the motion to accept the "ought not to pass" report was lost.

Thereupon, on motion by Mr. Harriman of Kennebec, Report B of the committee "ought to pass" was accepted; the bill received its first reading and tomorrow assigned for second reading.

The President laid before the Senate, Senate Report from the Committee on Ways and Bridges Majority report "ought to pass in a new draft," Minority report "ought not to pass," on resolve providing for an additional issue of highway and bridge bonds (S. D. 76) tabled on March 23 by Mr. Dwinall of Knox pending acceptance of the majority report; and on motion by that Senator the bill and the accompanying reports were retabled.

The President laid before the Senate, Resolve in favor of Emmerston J. Hills and Alice S. Hills (S. D. 361) tabled on March 23rd by Mr. Spear of Cumberland pending final passage; and on motion by that senator the resolve was retabled.

The President laid before the Senate, an act to consolidate the superintendence of state prison and reformatories (H. D. 729) tabled on March 29th by Mr. Crosby of Penobscot pending passage to be engrossed in non-concurrence; and on motion by that senator the bill was passed to be engrossed in non-concurrence.

The President laid before the

Senate, an act relating to the Department of Public Welfare (S. D. 212) tabled on March 29th by Mr. Oakes of Cumberland pending passage to be engrossed.

Mr. Oakes of Cumberland presented the following amendment and moved its adoption: "Senate Amendment A to Senate Paper 535, Senate Document 212. Senate Paper 535, Senate Document 212, is hereby amended by striking out the first six lines of Section Two as far as the words "as follows" and inserting in place thereof the following: 'Section Two. Section Two of Chapter 147 of the Revised Statutes of 1916 as amended by Chapter 80 of the Public Laws of 1917 is hereby further amended by striking out the words "not exceeding \$2500" in the ninth line and by striking out the words "agreed upon by the Commission with the approval of the Governor and Council" in the sixth and seventh lines, and inserting in place thereof the following words: "determined by law," so that said section as amended shall read as follows."

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

The President laid before the Senate, an act relating to the supervision of motor transportation by Public Utilities Commission (S. D. 278) tabled on March 29th by Mr. Weatherbee of Penobscot pending passage to be engrossed; and on motion by that Senator the bill was retabled and tomorrow assigned.

The President laid before the Senate, an act relative to State School for Girls (S. P. 701) (H. D. 709) tabled on March 29th by Mrs. Allen of Penobscot 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 relative to the Department of Education (S. P. 707) (H. D. 715) tabled on March 29th by Mr. Bragdon of Aroostook pending passage to be engrossed; and on motion by that senator the bill was retabled and tomorrow assigned.

The President laid before the Senate, an act with reference to the permanent funds of the State

(S. D. 305) tabled on March 29th by Mr. Spear of Cumberland pending passage to be enacted.

Mr. SPEAR of Cumberland: Mr. President, I understand that there is something wrong with the drafting of this bill and for that reason I would like to retable this bill until I can file an amendment.

The motion to retable prevailed.

The President laid before the Senate, resolve in favor of D. B. Cornish (S. D. 141) tabled on March 29th by Mr. Spear of Cumberland pending passage to be enacted; and on motion by that senator the resolve was retabled.

The President laid before the Senate, resolve in favor of H. H. Havey (H. D. 769) tabled on March 29th by Mr. Spear of Cumberland pending second reading.

Mr. SPEAR of Cumberland: Mr. President, this is a claim against the state which, as I understand it, has no legal status and is simply a moral claim, if there is any claim at all, because a certain road was poorly constructed and because the man's contention is that he paid for labor on account of the conditions at that time that he did not plan under the contract. It doesn't seem to me that this claim is a meritorious one and I move that the resolve be indefinitely postponed.

Mr. DOUGLAS of Hancock: Mr. President, not knowing just what the Senator has in mind, I wonder if it would be in order for me to retable this resolve and assign it for tomorrow morning?

The PRESIDENT: The motion to retable is in order. The Senator from Hancock, Senator Douglas, moves that the resolve be retabled pending the motion of the Senator from Cumberland, Senator Spear, that the resolve be indefinitely postponed, and that the matter be assigned for tomorrow morning. Is this the pleasure of the Senate?

The motion to retable and assign prevailed.

The President laid before the Senate, House Report from the Committee on Legal Affairs, "ought not to pass" on an act relating to the registration of motor vehicles (H. D. 280) tabled on March 29th by Mr. Dwinall of Knox pending acceptance of the report in concur-

rence; and on motion by that senator the report was retabled.

The President laid before the Senate, an act relating to motor vehicles on highways (S. D. 399) tabled on April 1st by Mr. Littlefield of York pending second reading.

Mr. LITTLEFIELD of York: Mr. President, I move that this matter be retabled. I thought I was going to go through it but it was so lengthy that I didn't.

The motion to retable prevailed.

The President laid before the Senate, an act to create the Port of Portland Authority (S. D. 406) tabled on April 1st by Mr. Minott of Cumberland pending second reading.

Mr. OAKES of Cumberland: Mr. President, in the absence of the Senator from Cumberland, Senator Minott, I move that this matter be retabled.

The motion to retable prevailed.

The President laid before the Senate, Senate Report from the Committee on Salaries and Fees "ought not to pass" on an act relative to the salary of the State Highway Commission (S. D. 264) tabled on April 1st by Mr. Carlton of Sagadahoc pending acceptance of the report.

Mr. CARLTON of Sagadahoc: Mr. President, I feel that this is quite an important matter and as the highway situation seems to be still in the air I move that the report be retabled.

The motion to retable prevailed.

The President laid before the Senate, an act relating to War Bonds Sinking Fund (H. D. 546) tabled on April 1st by Mr. Oakes of Cumberland pending second reading.

Mr. OAKES of Cumberland: Mr. President, as this matter is waiting for an amendment I will have to move that it be retabled.

The motion to retable prevailed.

The President laid before the Senate, resolve in favor of Edward J. Carroll and Alice Janet Carroll (H. D. 766) tabled on April 1st by Mr. Martin of Kennebec pending second reading; and on motion by that Senator the resolve was retabled.

Mr. HARRIMAN of Kennebec: Mr. President, I move that we recess until four o'clock.

Mr. SPEAR of Cumberland: Mr. President, I ask for a division on that.

The PRESIDENT: The Senator from Cumberland, Senator Spear, asks for a division. The question before the Senate is on the motion of the Senator from Kennebec, Senator Harriman, that the Senate recess until four o'clock.

A division of the Senate was had. Three having voted in the affirmative and fifteen in the negative the motion to recess was lost.

The President laid before the Senate, resolve in favor of Frank E. Downes (H. D. 768) tabled on April 1st by Mr. Oakes of Cumberland pending second reading; and on motion by that Senator the resolve was retabled and tomorrow assigned.

The President laid before the Senate, an act relating to the establishment of residence for certain purposes (H. D. 763) tabled on April 1st by Mr. Crosby of Penobscot pending passage to be engrossed in concurrence.

Mr. CROSBY of Penobscot: Mr. President, I tabled this matter for the purpose of obtaining logical arguments showing the necessity for the passage of this bill, doing so with an open mind. I understand that the Senator from Cumberland, Senator Oakes, has those logical arguments on his desk and I now yield to him.

The PRESIDENT: The Senator from Penobscot, Senator Crosby, yields to the Senator from Cumberland, Senator Oakes.

Mr. OAKES of Cumberland: Mr. President, the Senator from Penobscot, Senator Crosby, has put the responsibility on my shoulders. The bill is very short and I will read it. (Senator Oakes read House Document 763).

Mr. President and members of the Senate, this bill is along the line of the modern procedure whereby women have equal rights with the men, with equal suffrage, equal contractual rights, and privileges accorded to men. It is a step forward in the general procedure. This is in accord, as I understand it, with a ruling that has been made by a previous attorney gen-

eral or deputy attorney general but it is not in general practice although it is in practice in some parts of the state today.

"The domicile of a party in any particular locality is acquired by the union of intent and of presence—the being there with the then present intent to remain for an unlimited time," as stated in one of the Maine cases. In another case it says, "Domicile depends on residence and intention." Another case says, "Residence required by the statute means the same thing as having his home there." Now, under the common law the wife was not allowed contractual rights; she was limited more to the control of her husband. At the present time the wife, or many wives—and I am not going so far as to advocate companionate marriage—many wives are doing many things in business; their lives are different from the life of the good-wife mentioned in the Bible. A different statute exists today than existed before the separate contractual rights were allowed. The domicile of the wife following that of her husband "results from the general principal that a person who is under the power and authority of another possesses no right to choose a domicile." That is quoting from a New Hampshire case. Quoting from a corpus juris decision: "Following out the theory of an identity of person the law fixes the domicile of the wife by that of her husband." But under the present procedure, the wife living under a different status with freedom of contract and many other types of freedom which did not previously exist, the need for a woman to establish a separate domicile has frequently come up in the question of voting and office holding, and I have nothing to do with any instances regarding service on a jury but I am informed that that question has also arisen. An illustration which has been brought to my attention of a specific case is that of the wives of soldiers at the forts. The soldiers at the forts acquire a domicile wherever they may have been before being assigned to military duty. They come to Portland, for example, or to the forts near Portland, and are assigned to those forts for military duty and their wives come with them and live in the city and wish to have a resi-

dence there so that they may vote in the State of Maine. If the domicile of the husband remains in some other place from which he was assigned and the wife lives in the city of Portland and the domicile of the wife does necessarily follow that of her husband she is prevented from having a right to vote in the State of Maine. This does not seem to be right and this bill would correct that. It seems to me that in general this is along the line of progress and is a bill that should be passed.

Mr. MURCHIE of Washington: Mr. President, considering this measure I am reminded of the statement made this morning by the Senator from Aroostook, Senator Bragdon, that on one of his committees a division was five to five, those who could not see any good reason why the bill should be enacted voting one way and those who could not see any good reason why it should not be enacted voting the other way. I suppose this much can be said for the present bill, that if it is passed it cannot do any great amount of harm because out of the approximately eight hundred thousand people living in the State of Maine I was unable, on inquiry yesterday from some ten or a dozen people, to find anyone who could name any one instance where this bill would have any effect and if it has no effect I assume it can do no harm.

On the other hand, I believe as the Senator from Aroostook believes that where a bill can do no material good it is too bad to encumber our statutes with it and for that reason I would be opposed to the passage of the bill even if it were in proper form. I am puzzled, however, a good deal in reading the bill. It says that for the purpose of voting, etc., a husband and wife may be deemed each to have a separate residence. I don't know what the word "each" means there because if one of them may be deemed to have a separate residence from the other, the other must necessarily follow. But it says "may be deemed." Now I submit that if we are going to have any legislation separating the residence of husband and wife we had better pass an act that will provide specifically that where husband and wife in fact have separate homes their residences shall be at their

separate homes, rather than to pass an act using the word "may" which does not provide when the "may" is to take effect. Presumably it means that on demand of the wife she may be considered to have a separate residence.

I am interested also in the last few words of the bill. It says that such residence when it is deemed to be a separate one shall be determined as in the case of other persons. I wonder if there is any other way that it could be determined.

Therefore on the ground that the bill can do no possible good and on the ground that there can be no real demand for it and on the further ground that it is a very poorly drafted document, I hope that the motion for its passage, if that is the pending motion, will not prevail.

Mr. MARTIN of Kennebec: Mr. President, I dislike to oppose my brother from Washington County, Senator Murchie, but this bill, I believe, is in line with legislation in many states and it is also in line with modern progress and particularly with regard to legislation relative to women. There was a time, of course, when a woman was considered more or less of a slave and where the husband was there the wife must be also, but by statute that is changed as to property and in many other ways, and properly so.

As I understand this relating to voting particularly, it provides an opportunity for a man who is in business in one part of the state and living there and whose wife is working in another part of the state and living there, that the wife can vote where she is living. They can establish separate residences. And while the attorney general has so ruled in the past it is more or less doubtful whether in many parts of the state that ruling is known. This will clarify the law and the same provisions apply as to holding office and other provisions of the bill.

I think the intent of the Legislature as expressed in this bill is clear. The exact wording may not be exactly perfect but if there is ever any need of interpretation I believe that any court would interpret the language as the Judiciary Committee unanimously considered the language and reported, and I trust that the motion of the Senator from Cumberland (Senator Oakes) will prevail.

Mr. SLOCUM of Cumberland: Mr. President, after the session I would be very glad to give definite assurance to the Senator from Washington, Senator Murchie, that a bill of this kind will be beneficial. I hope it will pass.

Mr. BRAGDON of Aroostook: Mr. President, I am deeply gratified that my friend, the Senator from Washington (Senator Murchie) approves of the argument that I made earlier in this session but I have come to the conclusion that it was an ill-considered argument because it produced a different effect on the Senator from Washington (Senator Murchie) from what I had hoped it would, and I am further convinced now that he has tried the same argument, that it has produced the opposite effect on me. I hope that the bill will be passed.

Mrs. CARTER of Androscoggin: Mr. President and members of the Senate, in supporting this bill I would like to speak of a situation which has occurred in my town where a certain man actually living in Auburn who formerly lived in Rockland still maintains his legal residence in Rockland and votes in Rockland. His wife married him after he moved away from Rockland and she never lived there. Nevertheless, the Board of Registration has ruled that her legal residence and place of voting must be in Rockland and that she must vote in that place if she votes at all—a city in which she has never lived and of whose political situation she knows nothing. Could anything be more contrary to fairness? That woman is in effect deprived of the right of suffrage granted to her by the United States Constitution and by the law of Maine.

It seems to me that we should have our right of suffrage which has been granted to us and I thoroughly support the passage of this bill.

Mr. OAKES: Mr. President, I think I should say just a word in answer to my friend from Washington County, Senator Murchie. This word "each" in the second line, it seems to me, clarifies the intent of the bill and I think makes the argument stronger than it would to simply say that they should have separate residences. I don't think it does any harm and it is an advantage to the people.

As to the last sentence, that wasn't in the bill in the original draft. The original draft included taxation and

the committee determined that it wasn't wise to attempt to include taxation at this time. This last sentence was put in believing that although it is the present interpretation of the law, if it were so stated in the bill there would be no complication so we felt it was just as well to put it in there and make the matter entirely clear and that it would be less likely to be misinterpreted by people who do not have an opportunity to consider the various intricacies of the law as well, perhaps, as we do here.

Just one more word. This is also the law in New York, Pennsylvania, New Jersey, Massachusetts, Ohio, Wisconsin, Virginia and Nevada.

The PRESIDENT: The question before the Senate is the passage of this bill to be engrossed.

A division of the Senate was had. Twenty-four having voted in the affirmative and one in the negative, the bill was passed to be engrossed in concurrence.

The President laid before the Senate, an act to provide relief for needy dependents of World War veterans (S. D. 389) tabled on April 1st by Mr. Spear of Cumberland pending passage to be engrossed.

Mr. SPEAR of Cumberland: Mr. President, I took this matter up this morning with one of the Senators who wished to get in touch with one of his constituents and therefore I move that this be retabled.

The motion to retable prevailed.

The President laid before the Senate, an act relative to soliciting rides in motor vehicles (S. D. 390) tabled on April 1st by Mr. Bragdon of Aroostook pending passage to be engrossed; and on motion by that Senator the bill was retabled.

The President laid before the Senate, an act with reference to tuberculous prisoners (H. D. 579) tabled on April 1st by Mr. Mitchell of Aroostook pending passage to be engrossed in concurrence.

Mrs. PINKHAM of Aroostook: Mr. President, in the absence of Senator Mitchell, my colleague, I am authorized to offer Senate Amendment A, which has his approval and also has the approval of the author of the bill, the Representative from Milo, and move

its adoption: "Senate Amendment A to House Paper 1572, entitled 'An act with reference to tuberculous prisoners,' Amend Section Two by striking out the last sentence in said section, to wit: 'A sum not exceeding five thousand dollars is hereby appropriated for the purpose of such construction.'"

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, Resolve in favor of Tancerede Morin (H. D. 767) tabled on April 1st by Mr. Spear of Cumberland pending passage to be engrossed in concurrence; and on motion by that Senator the resolve was retabled.

The President laid before the Senate, an act relating to the Blue Sky Law (S. D. 403) tabled on April 2nd by Mr. Crockett of York pending passage to be engrossed.

Mr. Crockett of York offered the following amendment and moved its adoption: "Senate Amendment A to Senate Paper 748, entitled 'An act to amend the act defining the term securities under the Blue Sky Law.' Amend by adding in the ninth line of section three thereof after the word 'securities', the word 'issued'."

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

The President laid before the Senate, an act relating to state aid to academies (S. D. 405) tabled on April 2nd by Mr. Spear of Cumberland pending passage to be engrossed.

Mr. SPEAR of Cumberland: Mr. President, this bill will involve a new departure, also a large sum of money by direct taxation. It is late and I therefore move that the bill be retabled.

The motion to retable prevailed.

The President laid before the Senate, an act relating to the apportionment of state aid to agricultural societies (H. D. 160) tabled on April 2nd by Mr. Wheeler of Oxford pending passage to be enacted in concurrence.

Mr. WHEELER of Oxford: Mr. President, I wish to clear up the

question that was brought up the other day in regard to the distribution of this stipend amongst the fairs. Every fair in the State of Maine that pays from \$400 up to a \$3,000 maximum will receive the pro rata distribution of this stipend of money. I move that it be passed to be enacted.

Thereupon the bill was passed to be enacted in concurrence.

Passed to be Enacted

(Out of Order)

An act granting the right of eminent domain to electric power companies doing a Public Utility business (H. P. 1644) (H. D. 673)

On motion by Mr. Noyes of Kennebec

Adjourned until tomorrow morning at ten o'clock.