

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

AUGUSTA
KENNEBEC JOURNAL PRINT
1919

SENATE

Friday, March 14, 1919.

Senate called to order by the President.

Prayer by T. J. Winslade of Gardiner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act to amend section 7 of chapter 307 of the Public Laws of 1917, relating to the farm lands loan commissioner.

In the Senate this bill was referred to committee on legal affairs.

In the House it was referred to committee on judiciary in non-concurrence.

In the Senate on motion by Mr. Davies of Cumberland, the Senate voted to insist upon its former reference.

THE PRESIDENT: Does the Senator ask for a committee of conference.

MR. DAVIES: No, Mr. President.

From the House: An Act to amend section 39 of chapter 59 of the Revised Statutes relating to the increase or decrease of capital stock or stock and bonds or script dividend.

In the Senate this bill was passed to be engrossed.

In the House, House Amendment A was adopted.

On motion by Mr. Davies of Cumberland, bill and amendment was tabled.

From the House S. D. 142: An Act to authorize the appointment of the Deering High school commission in the city of Portland, Maine.

In the Senate this bill was passed to be engrossed.

In the House, House Amendment A was adopted.

In the Senate on motion by Mr. Gurney of Cumberland, the bill and amendment was tabled.

From the House: Report of the committee of conference on resolve in favor of S. M. Giles, reporting that the bill be referred to the committee on legal affairs.

The report was accepted in concurrence.

House Bills in First Reading

H. D. 371: An Act to provide for co-operation between the United States Department of Agriculture and the Maine Department of Agriculture in the collection and publication of statistics.

H. D. 72: An Act for better protection against adulterated, misbranded or inferior fertilizers.

H. D. 264: An Act providing for the perpetuation of the State Budget; creating a committee on budget; prescribing its powers and duties; making an appropriation to defray the expenses of this committee; and repealing sections 92, 93, 94 and 95 of chapter 2 of the Revised Statutes of Maine.

H. D. 367: Resolve reimbursing plantations because of reduction in the rate of interest paid by the State to plantations on their wild land school funds.

H. D. 268: An Act to amend section 12 of chapter 127 of the Revised Statutes relating to tools and implements for gambling, counterfeiting and burglars' tools.

H. D. 269: An Act to incorporate the Calais Power Co.

H. D. 375: Resolve in favor of Mary F. Fernald.

H. D. 376: Resolve providing a pension for Julia E. Adams.

H. D. 379: Resolve in favor of Jennie Hayford Tilley.

H. D. 378: Resolve in favor of Andrew Egan.

H. D. 377: Resolve granting a pension to Katherine Nelligan of Brewer.

H. D. 374: Resolve in favor of Rena Cooley.

H. D. 347: An Act to provide for the removal of electric wires and poles when necessary for the repair of streets or removal of buildings.

(Tabled on motion by Mr. Googin of Androscoggin, pending acceptance of the report in concurrence.)

Resolve in favor of the Bangor Anti-tuberculosis association.

In the House this resolve was committed to the committee on appropriations and financial affairs.

In the Senate on motion by Mr.

Walker of Somerset, the Senate concurred in the action of the House.

H. D. 370: Resolve continuing unexpended balance of appropriations provided by chapter 321 of the resolves of 1913, entitled "Resolve in favor of aid in construction of a highway bridge across the St. John river between Ft. Kent, Maine, and St. Francis, N. B.

H. D. 257: An Act to amend sections 53, 54 and 55 of chapter 8 of the Revised Statutes, requiring a permit for the burning of brush or slash near woodlands and providing for the better enforcement of the "slash law."

The following bills, petitions, etc., were presented and on recommendation by the committee on reference (if bills were referred to the following committees:

Placed on File

By Mr. Gannett of Kennebec, petition of Eugene S. Philbrook and 18 others of Augusta, favoring an act prohibiting the manufacture and sale of cigarettes within the State of Maine.

Appropriations and Financial Affairs

By Mr. Butler of Franklin, Resolve in favor of Ralph W. Farris for services rendered as clerk of the Senate committee on bills in the second reading.

Education

By Mr. Walker of Somerset, An Act to establish the State University of Maine and to provide for its maintenance. (500 copies ordered printed)

By the same senator, An Act to provide an equalization fund for secondary schools.

By the same senator, An Act to amend Section 137 of Chapter 16 of the Revised Statutes, relating to the maintaining of evening schools, and to provide for Americanization and the reducing of illiteracy.

By the same senator, An Act to provide Americanization education for persons engaged in industrial occupations.

By the same senator, Resolve in favor of the Farmington State Normal School at Farmington for the

construction of a dormitory and equipment for same.

By the same senator, Resolve in favor of the Western State Normal School at Gorham for an addition to the recitation building.

Judiciary

By Mr. Gurney of Cumberland, Resolve amending the Constitution so as to provide for a bond issue for the development of water storage upon the Saco river in the State of Maine.

By the same senator, An Act for the development of water storage upon the Saco river and for other public purposes. (1000 copies ordered printed.)

Legal Affairs

By Mr. Gurney of Cumberland, An Act to amend Section 3 of Chapter 84 of the Revised Statutes, relating to clerks of the judicial courts. (500 copies ordered printed.)

By the same senator, An Act to amend Section 7 of Chapter 117 of the Revised Statutes, relating to compensation of judges upon retirement.

Military Affairs

By Mr. Gurney of Cumberland, Resolve to promote patriotism by displaying the American flag at polling places during election. (500 copies ordered printed.)

Sea and Shore Fisheries

By Mr. Gordon of York, An Act to establish the Maine Fisheries Biological Station. (500 copies ordered printed.)

By Mr. Holt of Hancock, An Act additional to Chapter 45 of the Revised Statutes, relating to sea and shore fisheries, and prohibiting the transportation of lobsters beyond the limits of the State, except by common carrier, until a permit for said purpose is issued by the commission of sea and shore fisheries. (500 copies ordered printed.)

Bills in First Reading

S. D. 199: Resolve in favor of the State Tuberculosis Sanatoriums for maintenance and other purposes for the years 1919 and 1920.

Reports of Committees

Mr. Gurney for the committee on claims, on Resolve in favor of the

town of Castine for correcting an error in amount paid for State road work in the years 1917 and 1918, reported same ought to pass.

Mr. Googin for the same committee, on Resolve in favor of the Madigan Memorial Hospital on account of the care of certain persons during the year 1917, reported same ought to pass.

The same senator for the same committee, on Resolve reimbursing the town of Norridgewock for money expended for State paupers, reported same ought to pass.

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

Mr. Walker for the committee on education, on An Act to amend Section 66 of Chapter 16 of the Revised Statutes, relating to the attendance of children at school (Senate No. 68) reported same ought to pass.

The report was accepted, and on motion by Mr. Thombs of Penobscot, the bill was given its first reading.

The same senator for the same committee, on:

Resolve, in favor of Plantation Number Thirty-three, Middle Division in the county of Hancock, for reimbursement of Reduction in rate of interest on wild land school funds.

Resolve, in favor of Plantation Number twenty-one, Middle Division, in the county of Hancock, for reimbursement of reductions in rate of interest on wild land school fund.

Resolve, in favor of Mayfield Plantation for reimbursement of reduction in rate of interest on wild land school funds.

Resolve, in favor of The Forks Plantation, for reimbursement of reduction in rate of interest on wild land school funds.

Resolve, in favor of Carratunk Plantation, for reimbursement of reduction of interest on wild land school funds.

Resolve, in favor of West Forks Plantation, for reimbursement of reduction in rate of interest on wild land school funds.

Reported the same ought not to pass, as the same has been included in another resolve.

The report was accepted and sent down for concurrence.

Mr. Holt for the committee on insane hospitals, on An Act additional to Chapter 145 of the Revised Statutes, relating to the observation and care of persons to the state hospital (Senate No. 150) reported same ought to pass.

The report was accepted, and on motion by Mr. Davies of Cumberland, under suspension of the rules the bill was given its first reading.

Mr. Emerson for the committee on interior waters, on An Act to amend section 16 of chapter 59 of the Revised Statutes, relating to compensation of inspectors, submitted the same in a new draft under the same title, and that it ought to pass.

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

The same senator for the same committee, on An Act relating to appropriation for aid in navigation on various lakes, rivers and Thoroughfares in the State of Maine, reported that legislation is unnecessary.

The report was accepted and sent down for concurrence.

Mr. Deering for the committee on judiciary, on An Act to regulate the practice of the system, method or science of healing known as osteopathy, creating a board of examination and registration for those desiring to practice the same, and providing penalties for violation of this act (Senate No. 66) submitted the same in a new draft under the same title, and that it ought to pass.

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

The same senator for the same committee, on An Act defining, prostitution, lewdness and assignation and providing punishments therefor (Senate No. 119) reported same ought to pass.

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

Mr. Thombs for the committee on legal affairs, on An Act to amend section 4 of chapter 126, of the Revised Statutes, relating to polygamy,

its punishment and place of trial, reported same ought not to pass.

The same senator for the same committee, on An Act relating to fees payable to registers of deeds, reported same ought not to pass.

The same senator for the same committee, on An Act relating to the assignment of real estate mortgages for the purpose of removing a cloud from the title, reported same ought not to pass.

The same senator for the same committee, on An Act to extend the charter of the Lincoln Sewerage Company, reported same ought not to pass.

The same senator for the same committee, on An Act to amend section 14 of chapter 65 of the Revised Statutes, relating to divorce, reported same ought not to pass.

Mr. Walker for the committee on temperance, on An Act to amend sections 17, 18 and 21 of chapter 127 of the Revised Statutes, relating to the manufacture and sale of intoxicating liquors, reported same ought not to pass.

The reports were accepted and sent down for concurrence.

The same senator for the same committee, on An Act to amend section 21 of chapter 127 of the Revised Statutes, relating to sale of intoxicating liquors prohibited, submitted the same in a new draft under the same title and that it ought to pass.

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

Passed to Be Engrossed

H. D. 323: An Act to amend section 21, chapter 83, Revised Statutes, as amended by chapter 56 of the Public Laws of 1917, relative to temporary loans by the county commissioners.

H. D. 345: An Act to revise, consolidate and amend the charter and laws of the city of Augusta.

S. D. 1988: Resolve, in favor of the Bath Military and Naval Orphan Asylum for maintenance for the years 1919 and 1920.

Finally Passed

Resolve, making appropriations for the Passamaquoddy Tribe of Indians for the years 1919 and 1920.

This resolve carrying an emergency clause required a two-thirds vote of the members of the Senate; 22 senators voting for the passage of the bill it was finally passed.

Resolve, to reimburse the People's Ferry Company of Bath.

Resolve, in favor of the Sagadahoc Agricultural and Horticultural Society.

Passed to Be Enacted

An Act to provide for physical education in the public schools.

An Act to amend chapter 429 of the Private and Special Laws of 1901, as amended by chapter 356 of the Private and Special Laws of 1903, with reference to the Winthrop Municipal court.

An Act to amend chapter 195 of the Public Laws of 1917, creating the board of prison commissioners.

An Act to amend paragraph 4 of section 60 of chapter 8 of the Revised Statutes, relating to Oxford county, Maine forestry district.

An Act to amend section one of chapter 8 of the Revised Statutes, relating to the tenure of office of the land agent.

An Act to amend sections 128 and 130 of chapter 16 of the Revised Statutes, relating to the certification of teachers.

An Act to amend section three of chapter 102 of the Public Laws of Massachusetts of 1819, as adopted by the State of Maine in 1820 and amended by section one of chapter 152 of the Public Laws of Maine of 1823, relating to ministerial funds in the town of Bridgton.

Mr. STANLEY of Oxford: Mr. President, I move that the bill, An Act to amend Sections 128 and 130 of Chapter 16 of the Revised Statutes, relating to the certification of teachers, be laid on the table.

The motion was agreed to.

The PRESIDENT: The Chair will state that the following is an act that comes from the House indefinitely postponed; An Act to amend Sections 11 and 13 of Chapter 6 of the Revised Statutes, relating to the enrollment of voters of primary elections.

Mr. DAVIES of Cumberland: Mr. PRESIDENT, I move that the bill lie on the table.

The motion was agreed to and the bill was tabled.

Mr. Gannett of Kennebec: Mr. President, I move that we reconsider the vote whereby we finally passed Resolve in favor of the Peoples' Ferry Co. of Bath.

The motion was agreed to and on further motion by the same senator the resolve was tabled.

The PRESIDENT: The Chair lays before the Senate, Resolve appropriating money for the erection of a fish screen at the outlet of Sebago lake. This was recalled from the Governor by a Senate order.

Mr. METCALF of Piscataquis: Mr. President, I have an amendment I wish to offer and I move we reconsider the vote whereby this resolve was finally passed.

The motion was agreed to and on further motion by the same senator the vote was reconsidered whereby the resolve was passed to be engrossed.

The same senator then offered Senate Amendment A to H. D. 137.

Senate Amendment A to H. D. 137

Amend H. D. 137 by inserting after the word "appropriated" the words "to be taken from the license fees of non-resident fishermen."

The amendment was adopted and the resolve as amended was passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate, recalled from the Governor, an Act to amend Section 36 of the Revised Statutes as enacted in Chapter 158, Public Laws of 1917, to provide for the construction of third class highways.

Mr. PEACOCK of Washington: Mr. President, last Thursday we passed this bill to be enacted. Prior to the vote Senator Butler had moved to table the bill, and he understood that the act provided only for the years 1919 and 1920, whereas as a fact it provided money, 1-6 of a mill, each year until the law was repealed. Knowing of this misunderstanding I have had the Act recalled, and now yield to Senator Butler.

Mr. BUTLER of Franklin: Mr. President, fellow senators, I have not had much time to consider this matter. I had been unaware of the bill until I noticed it in the final reading, and as there was a misunderstanding in regard to what this bill called for, Senator Peacock recalled the bill, which I am very grateful to him for doing.

This is in relating to money which the ways and bridges committee have appropriated, which I understand to be around \$193,000. As far as the appropriations go, I feel no objection along that line, although it has not been reported. I have no means of knowing anything about how they went—but that is immaterial; I have confidence in the committee to do justice in that line.

When it comes to the paying of this money, this measure calls for taking the funds from the trunk line appropriations. The present law that we have in my opinion deals very leniently with the small places. You remember it was only a few years ago when roads were constructed all through this state on the European plan,—each town and city paid for what they had. In 1913 we framed a bill assisting the small towns with small valuation, and it seems to me that they were very liberally treated at that time. Towns of \$100,000 to \$200,000 valuation were allowed to raise \$200 and were given two dollars for one. In 1917, as it seemed to me, this Legislature made a will. The ways and bridges committee remember very well that I opposed that will at the time, but I was unable to change their views in the matter, and when it came up for passage I very graciously kept still. No senator heard my voice in this room in regard to the matter. They willed to these small towns—you will understand where they have money from the state that a certain amount according to the statute has to be appropriated—I do not take that into consideration in what I state in regard to any of these places, for the reason that they raise money in their own town and expend it on their own road—I merely consider it from the point of what their state tax is in each case, which to produce the re-

quired amount of money takes practically 1.6 mills on every dollar of valuation. Now in a town of \$100,000 valuation this would cost them \$160 that they would have to pay into the State treasury in order to receive from the State \$798. Every town and plantation in this state is entitled to \$798 from the State treasury no matter whether they have a valuation of \$50,000 or \$200,000,—for any of the points between they draw this \$798. Now to my mind that is treating the small places very leniently, where up to a few years ago all the way they had ever known of getting money was to raise it by taxation. It seems to me that they have no reason to come at this time and ask for anything further.

The money that it takes to carry on this State aid work is \$500,000. There was \$300,000 that was appropriated prior to 1917; then from the mill tax \$200,000 was added to this \$300,000, making the \$500,000, leaving about \$300,000, and I guess at the present valuation \$350,000 to \$375,000 to be expended on trunk line roads. As I stated, I raised no objection when this law was passed, I forgave the committee and have tried to forget the occurrence. I would forgive them in this instance, coming in after another \$100,000 of this trunk line money, if I wasn't fearful that in two years from now they or some other committee would come in after the remaining \$287,000 that we have left for trunk line work and want to put that out on the ends of the roads beyond where this reaches. I think the matter has gone far enough.

It will be argued in behalf of these small places, as it has been a good many times, that there is no provision made for the 21,000 miles of road outside of trunk lines and the state aid road. True. There has been none. This bill was framed after much consideration two years ago, and if there was any error in distributing the state aid money and not letting it reach out far enough, it must be the fault of the committee, and while the Legislature is in session they are at liberty to rear-

range that schedule and distribute this \$500,000 in any way they see fit. What I object to is reaching over this \$500,000 of state aid money and reaching into the trunk line money. That is a very sensitive spot with me. I think that it is essential for the welfare of the state that these lines be built. If we commence on that part of our roads and build them first, we will live, some of us, long enough to see the time when we can travel on some roads through this state, where from any section they could come out on to the main line, and have a ride out of the state on a good road, and people could come into it in the same manner. If we begin out on the outside ends and build in, we will be gone many years before the roads can ever be built in that way. If there was not a dollar put on to the trunk line roads, and every dollar that we raise or have provided for at the present time was expended annually on the state aid and third class roads so termed, it would take more than 100 years to build these outside roads. Now is it wisdom to draw the money that is seriously needed to continue the work this present season and delay this important piece of work? It does not seem so to me.

We were taught, some of us at least, that to him that hath shall be given, and from him that hath not shall be taken away. True, we did not put that into practice in framing this state aid law. From him that hath is taken in abundance and given liberally to him that hath not. Ordinarily you will notice the dog wags the tail; in this instance the function is reversed, the tail is wagging the dog. I will submit to this course of procedure as graciously as I did two years ago after I have expressed my opinion and been forced to submit. Otherwise I shall continue in the ring. But I surely hope that this money will not be taken out of the trunk line fund.

I will state in the first place that this trunk line, as some of you know, was laid out through the state so that it convenes 547,000 of the population out of 742,000; that is, these towns are hit by the trunk line road

running through the state, which is 73.7 per cent. of the population. The valuation at the time this table was taken was \$364,062,000 out of a total of \$498,487,000—72.3 per cent. And you will bear in mind that this trunk line road, when completed, will carry double the amount of farm products—this road being practically 1300 miles in length, will carry double the amount of farm products of any 2600 miles of road that will or can be laid out in the state in other places.

Now we will come to the point of who pays the fiddler. The city of Auburn with a valuation of \$11,026,000 pays a tax—this was taken in 1914 or 1915—of \$17,641, being 1.6 mills on a dollar of the valuation. Under the present law all they can draw back from state aid is \$2397, making an annual loss that Auburn contributes of \$15,244. The city of Lewiston on a valuation of \$18,907,000 is taxed for this road work \$30,251. They can draw back under this scheme \$3328 only. They are contributing \$26,925 towards roads and only a small part of this can be put on the trunk line. Mind you, this money is all going back, practically all, the large places receiving very little according to the terms of this law, and the small places receiving \$2.66 for every dollar contributed, making up these amounts; and the county, when they settle up, pays \$49,368 annually. That is what it costs them to carry on the road work. And now they are asked to go without money for the trunk line road and pass this on to the ends of the road beyond where the state aid money reaches. I will submit, as I said, that there are 21,000 miles of road that there is no provision for. But when you give a little town of under \$200,000 valuation their \$798, if you have not tied them down with any restrictions that prohibit them from using this money except in the best way for their own interest, it is the business of this Legislature to change it. It seems to me the amount is very generous.

We come to Aroostook county which is one of the beneficiaries under this will. If there is any fault to

be found with the construction of the roads in Aroostook county, or with the amount of money that is expended to construct them, while it is proper and right to talk it over with your friends, give the road all the criticism necessary, and the management, but do not forget to say to whomever you mention it to, that not one penny of the money to construct state aid roads or trunk line roads is paid by the county of Aroostook. They can pay their 1.6 mill tax on their property, receive back these amounts for the small places, and they have quite a few of them—they have 20 of these little plantations of less than \$100,000 valuation, 42 towns and plantations with \$200,000 and less—so you see that through no fault of theirs they are winners in this proposition, and they can have their money for their tax all passed to them, and are handed also \$11,575 to put in the bank.

Washington county figures practically the same as Aroostook. I haven't the figures for Washington here, but I have Aroostook all worked out where anyone can see where the money comes and where it goes. Washington county has 31 towns and plantations with less than \$200,000, all of them drawing this \$798, and costing them anywhere from \$75 to—not any of them over \$320, that would be the limit of their tax. The \$200,000 valuation would pay \$320, and many of these places have less than \$100,000 valuation—in that case their tax would be \$160 or less, and the difference between that and the \$798 is net gain to them. So that Washington county—they may not like the management of the trunk line system, but they need to bear in mind it is not costing them anything. Their taxes are paid back to them and they get right around \$10,000 that they can put in the bank.

When we strike Cumberland county we find the tide going out.

Mr. DAVIES of Cumberland: It generally goes out there, Senator.

Mr. BUTLER: The little city of Portland pays a tax of \$114,948. All they can get back for state aid under this present law is \$10,244. They

contribute every year more than it takes to pay this little amount of 1-6 of a mill that we are haggling over here. If that could be turned over to the city of Portland they could keep it paid and have some money left on what they annually pay to carry on this road work. Cumberland county has a net loss of \$141,007 annually.

I have not figured York county but they have good valuation in that county and they pay liberally to carry on this work.

I am situated in a small county with a small amount of capital. It is handy for me in this case to feel that if this money is taken from the trunk line proposition, my county will not be called on to make up the payment. What I do feel grieved about is the fact that we have no way out of the country. There has no road been built up to us yet where we can get out with comfort.

I attended a meeting of the automobile association, last December I think it was. There were many of the citizens of Auburn and Lewiston there. They carried banners, some of them, trying to impress upon the people there either the necessity or their wish for work on the trunk line between their place and Portland. Everybody is agreeable to the trunk line work, but, fellow senators, you take out this \$100,000 and I will guarantee you will get no roads until there is some money provided. The highway commission build roads with money. You frequently hear that mentioned. You stop that money, they build no roads.

I think I have explained in detail my ideas of the matter and the way it will affect me if this bill goes through. If there are any senators here from York, Cumberland, Kennebec, Androscoggin—and, by the way, the city of Augusta contributes a little item for roads above what they can get back of \$12.133—the city of Gardiner above what they can get back \$4542; Skowhegan, a small town up here in Somerset county, pays \$4036 more than they can get back—now if the senators from those sections want to pay out their money and build roads from the back ends of the town down to where people live before they build the others—mind you, I don't

object to building roads, but I object to commencing on that end. You would not approve of a farmer who had some fields away from his buildings who went part way on a road, if he should go up to the upper end and build down on his roads and then leave a section in between. He ought to commence, if he would succeed in farming, he surely would commence at the buildings and build out. But it is up to you, fellow senators, to build in either direction you see fit.

Mr. PEACOCK of Washington: Mr. President and fellow senators, I understand that Senator Butler is not opposed to the money that would be appropriated for special resolve to help the poor towns. He is opposed to the method of raising the money. In explanation I will say that when the session first began the ways and bridges committee took this question of providing funds for the special resolves up with the Governor. At that time he asked us if we had provided any method of providing funds to meet those appropriations. We informed him at that time that we thought that was up to the appropriations committee and the Governor himself.

We went before the appropriations committee and requested them to insert at the time in their budget \$200,000. We found when the budget was reported that there was no provision made to cover those resolves. Naturally we were looking for some way to finance this bill without disturbing the budget. The budget system calls for seven mills each year and we believed it was high enough, and we believed it was our duty, if we could, to suggest some way to finance this matter without disturbing the budget.

We looked up the general law in reference to building good roads, and we found we believed that under the existing circumstances this year we would not injure the trunk line by taking one-sixth of a mill of the good roads fund for the years 1919 and 1920. The act does not stop there, because it goes on further unless repealed by the next Legislature.

I yield to no man in my interest in the trunk lines. I am as much interest-

ed as Senator Butler, and I want to quote to you, or cite to you, how the trunk lines will be handled this year. There is \$192,000 due from the federal government from an appropriation made three years ago. There is at the present time waiting for the State of Maine to match \$480,000. This leaves \$672,000 available for trunk lines from the federal government, providing the State of Maine is in a position to match it. If they are, this leaves \$1,344,000 available under this item. The federal government already owes the State of Maine \$100,000 for work done. This would mean \$1,440,000. In addition, if this bill goes through there will be left of the mill fund tax \$280,000 available for trunk line work. That would mean \$1,724,000. In addition to this there will be from automobiles \$625,000. This would mean that there would be available this year \$2,349,000 for trunk line work, even if this bill goes through.

Now I do not believe that the trunk lines are being robbed or worked to hamper them in any way.

Mr. DAVIES of Cumberland: Mr. President, I do not understand the figures which the senator stated would be available for trunk line work provided this bill went through.

Mr. PEACOCK: If the State of Maine is in a position to match the federal government money that is now waiting for us, there will be \$2,349,000 for trunk line work.

Mr. DEERING of York: Mr. President, I would like to ask the senator from Washington, through the Chair, about those figures. You arrived at the figures by adding the automobile fund to your State funds?

Mr. PEACOCK: Yes; that would be for good roads building and maintenance.

Mr. DEERING: May I ask if the automobile fund can be used for anything except maintenance?

Mr. PEACOCK: I understand so, yes. That is, \$625,000 will be used for maintenance and for keeping the trunk lines in repair, or if there is anything left after the trunk lines are put in repair it can be used for construction work.

It seems to me as if this system of highways might be well illustrated by

a tree, and in order to have it work we must take care of all parts of the tree. The trunk of the tree is the essential part and I would be the last one to advocate anything that would injure the trunk line, or the trunk of this tree. Now in addition to that trunk line we have the branches spreading out and there are two kinds of branches. There are State aid branches. Now there are three thousand miles of these State aid roads. They reach out into 500 different towns. That means that there are practically six miles of State road in each of the 500 towns that take advantage of the State aid. Now those same towns have an average of 50 miles of road. That would leave 41 miles of road for which there is no provision made, and these resolves are made with the object of taking care of any bad pieces of road that are in these 41 miles of road in each town on an average, for which we have no other provision made.

To take care of the State aid road the government provides \$500,000 each year, and that is to be matched by practically \$500,000 from the towns. That means that there will be a million dollars spent on our State aid roads the coming year. And we would have then, if the senator from York objects to putting in the automobile fees, we would at least have \$1,724,000 for trunk lines, and that is more money than we have ever spent by our commission on trunk lines since the commission has been in effect. I do not feel that by passing this act we would be in any way hampering the building of trunk lines, and it would provide for financing these special resolves without increasing our regular tax. There is something that we ought to consider. We admit that these small roads, or back roads are less important than the trunk lines, but from a commercial standpoint and the point of the farmer, a piece of road is no better than the poorest portion of that road. If a man has a load to haul from Castine to Belfast, from Castine to Bangor, he can only make his load in comparison with the poorest part of that road. And these small resolves in these different

places very often fix a bad piece of road.

Senator Butler claims that we made a will last year. Now I agree with him there, but if I understand the proposition the State of Maine is not dead. Therefore they have the right to change their will. We find that some of our children are not quite as well provided for as we think they ought to be. So we are asking you to take from one child, the trunk line, or the oldest child, a little money and give to one of our smaller children.

Now, Mr. President, I feel that these resolves are ready to be reported. We have given the question a lot of study. Until this bill is decided we are holding up the resolves because if this bill becomes a law it tells us how we shall get the money. If not, we shall put the resolve in and ask for an increase of whatever the amount of the resolve is over the seven mills. I hope the Senate will decide to accept this bill and thereby assist in holding to the recommendation of the budget system while still providing for the poor roads.

The PRESIDENT: Has the senator from Franklin, Senator Butler, a motion that he desires to make?

Mr. BUTLER: Mr. President and fellow senators, I would like to inquire through the Chair of the senator from Washington, in regard to this federal money of \$478,000 that is in waiting for the State of Maine, where the fund is coming from to match that? I understood him to state that if we matched that we had so much money, but what means is there of matching it?

Mr. PEACOCK: Mr. President, there is the bond issue pending now that will provide \$8,000,000 for the building of good roads and bridges. Of course I realize that that has got to be submitted to the people and that bond money may not be available in the early part of the season. But we do have this: The State of Maine has the authority to borrow \$300,000, that is their debt limit. They also have, I understand, over \$300,000 in the contingent fund. Now it is fair to suppose that they will col-

lect at least \$300,000 from automobile fees, and Mr. Deering has suggested as to whether that is available for trunk line construction; but I feel confident that there would be no question but what they would have a right to use that money temporarily while they were waiting for this bond issue to become available. In addition to this, there is a bill that authorizes counties to borrow money on their credit to be loaned to the State for the use of road building with the express understanding and agreement that that money will be returned to the counties as soon as the money is available from the bond issue. For example, if the highway commission wanted to build a piece of road in Androscoggin county and they were short of funds they could say to the county, "If you will temporarily let us have the money for two or three months we will replace it as soon as the funds from the sale of bonds are available."

Mr. DEERING: Mr. President, there have been so many figures used in this discussion that I am not quite sure I am correct, and I would like to ask Senator Peacock through the Chair if the \$192,000 due not from the federal government, and the \$480,000 to be obtained if we passed the bond issue, and the \$100,000 now due, and the \$280,000 from the mill fund tax, are all the means which we receive for the year 1919 for the trunk lines system?

Mr. PEACOCK: As far as I know.

Mr. DEERING: I make that \$1,052,000, instead of \$1,700,000 as the Senator stated.

I may be mistaken in the figures. I take this in thousands: 192, 480, 100, 280.

Mr. PEACOCK: I think my figures are correct. If they are not I will correct them later. If I can add correctly they are all right.

Mr. DEERING: I feel in the same position in regard to the addition that the Senator does.

I would not want to vote on this particular measure where two such good mathematicians as Senator Peacock and myself are \$750,000 apart.

The PRESIDENT: If the Senators will get together we will abide by the result.

Mr. DAVIES: Mr. President, can we take a recess while the mathematicians get together?

The PRESIDENT: The Chair will rule that it is not necessary, the Senators being such rapid calculators that I think they will soon finish.

Mr. DAVIES: Mr. President, this is a question of unusual interest. There has been no question thus far before the Senate which is any more far reaching in its limitations than the question now pending.

Good roads have a direct bearing upon our educational, industrial and religious life. They have a bearing on our educational life, of course, for if the roads are good it is a comparatively easy matter to get our children to school. They have a direct bearing upon our religious life, of course, for if the roads are good, Mr. President, it is easy to get to the places of worship and to get home. They have a direct bearing upon our industrial life, of course, if the roads are good it gives an opportunity for the farmer to get his produce to market and get home and do some work about the farm.

I was very much interested in the presentation of the subject by Senator Butler. His remarks were not only clear and instructive, but they were even more, they were illuminating for he gave the Senate some information which I feel reasonably sure I may safely say they were not in possession of before.

Then, too, the reply of Senator Peacock was of the utmost value. I have said this privately and desire to say it publicly, Mr. President. I doubt if there is any man in the Senate so well qualified to be chairman of the ways and bridges committee, one of the most important committees of any in the Legislature, as Senator Peacock himself.

But we must remember this, it occurs to me, that this plan suggested by the ways and bridges committee for the purpose of building small pieces of road in the country off the trunk lines, is the only plan that has thus far been presented, and something must be done. About that

there can be no doubt, and you cannot measure, Mr. President, dollar for dollar and yard for yard in this question, as suggested by Senator Butler. It is necessary to take the State as a whole, and to take the entire road building system as a whole. While it may appeal to us and appeal strongly that certain towns contribute certain sums and do not receive back as much as they pay in, nevertheless, the only consideration, as it seems to me, is the consideration of the State as a whole.

I hope that the recommendation made by the committee on ways and bridges, which has given many hours to the consideration of these matters, may have the favorable consideration of the Senate.

Mr. PEACOCK: Mr. President, I move that the acts be returned to the Governor.

The motion was agreed to.

Mr. BUTLER: Doubted.

Mr. DEERING: Mr. President, it seems to me that we are arriving at some particular method of obtaining money for special resolves that are to be reported by the ways and bridges committee. Now there are absent this morning I think six or seven senators who are vitally interested in this particular matter, two from York are not here, and when anything as important as this comes up I really want to consult the two men from York county who are here with me, and I do not like to ask for any particular delay, but it seems to me necessary or advisable in this matter to wait until everybody is here.

I would like to ask the senator from Washington, Senator Peacock, through the chair, if he would object to laying this bill on the table until next Tuesday so that we may all be present?

Mr. PEACOCK: I have no objection. The only object I had in desiring to have it returned to the Governor at the present time was that we would know what kind of a resolve to prepare to cover these blanket resolves that we propose to report, whether it should be an appropriation provided for by this act, or whether it should be an appropriation to be assessed on the State. Of course I am willing,

but as long as this is delayed it may delay the adjournment of the session.

Mr. DEERING: I will say that I will not make the motion if the Senator objects to it.

Mr. PEACOCK: I desire to accommodate the senator and will move to lay the matter on the table.

Mr. DAVIES: May we not have it assigned for some day next week? I do not think the senator from York desires to lay the matter over indefinitely.

Mr. DEERING: Not at all. I said if the Senator from Washington objects to it I would not make the motion.

The PRESIDENT: Does the senator desire to withdraw his motion?

On motion by Mr. Peacock the vote whereby the bill was to be returned to the Governor was reconsidered, and on further motion by the same senator the bill was tabled and was assigned for consideration next Tuesday.

The PRESIDENT: The Chair would call the attention of the Senate to two emergency measures; An Act to authorize the city of Oldtown to raise money for highway purposes by popular vote, and An Act to amend an act entitled An Act to incorporate the city of Oldtown.

Perhaps it would be well for the Chair to state that these two bills were made emergency measures on account of the fact that it seemed to be in the nature of a necessity, and further that notice for the election upon which the people must act contains a referendum clause may be posted next Monday and the election will be one week from that date. It is necessary that the bills receive a two-thirds vote of the senators.

Twenty-four senators voting in favor of the passage of the bills they were passed to be enacted.

Today Assigned

The PRESIDENT: S. D. 193 Resolve providing for the care, support and the medical or surgical treatment of dependents in or by certain charitable and benevolent institutions and organizations not owned or controlled by the state, and for other purposes,

tabled by the senator from Cumberland, Senator Grant, pending its passage to be engrossed, and especially assigned for today.

Mr. GRANT: Mr. President, in view of the action taken yesterday regarding going beyond the budget, I find a great number wish to offer amendments to this measure, and for this reason that I want to give them their opportunity, I move this lie on the table until next Wednesday.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 164, Resolve in favor of the town of Eagle Lake to reimburse said town for a part of the excessive expenses incurred in the influenza and smallpox epidemics, tabled by the senator from Somerset, Senator Folsom, pending its final passage, and specially assigned for today.

Mr. FOLSOM: Mr. President, I do not know that I have anything particular to add to the statement which was made yesterday by the senator from Aroostook, Senator Thornton, except to say—perhaps it is simply a repetition of what he said, that this small town is located in the midst of a large lumbering district, and that the hospital which is there takes care of people over a large section. And at the time of the outbreak of the epidemic the hospital was not able to take care of the number of patients which had to be attended to; that these people were some of them woods people working in neighboring plantations. And it would seem to be a meritorious measure to my mind, and that the town alone, that small town, should not be asked to take care of all the expense to which they went on this account. I therefore hope that the resolve will receive a final passage.

Mr. GRANT: Mr. President, I think this is a very important matter, if we open this up and vote favorably, and I move that when the vote be taken it be taken by yeas and nays.

A rising vote was taken, and a sufficient number having arisen the yeas and nays were ordered.

The PRESIDENT: Those voting yes vote for the final passage of this bill; those voting no vote against it.

The secretary called the roll. The following senators voted yes—Messrs. Ames, Chick, Cobb, Davies, Deering, Folsom, Googin, Lewis, Parent, Peacock, Stanley and Thornton; those voting no were Messrs. Babb, Butler, Clement, Dearth, Gannett, Grant, Gurney, Holt, Metcalf, Ricker, Thombs and Walker.

Twelve senators having voted in the affirmative and 12 in the negative, the motion was lost.

Mr. FOLSOM: Mr. President, in view of the fact that there are other matters involving the same principle which are to be considered before a full attendance, I move that this matter be tabled at this time and considered next Tuesday.

Mr. GRANT: Mr. President, if it is proper, I would move the indefinite postponement of the bill.

The PRESIDENT: The Chair will rule that the motion of the senator from Cumberland, Senator Grant, to indefinitely postpone the bill is in order.

The motion was agreed to.

Mr. FOLSOM: Doubted.

Mr. WALKER: I move when the vote is taken it be taken by the yeas and nays.

A rising vote was taken, and a sufficient number having arisen the yeas and nays were ordered.

The PRESIDENT: Those voting yes vote for the indefinite postponement of the bill; those voting no vote against indefinite postponement.

Mr. DAVIES: Mr. President, I think it must occur to the senator from Cumberland, Senator Grant, that several of the senators are out of their seats at the present time and he has well said that this is a matter which opens the door to others which will lead to very important questions. Therefore perhaps there would be no objection on his part to letting the matter go over until Tuesday when there would be a full attendance.

Mr. GRANT: There is a great deal of business coming along and I feel we ought to clean these matters up as rapidly as possible. I think this is the time to dispose of it if we can.

Mr. DAVIES: What is the question before the Senate?

The PRESIDENT: That it be indefinitely

postponed, and the yeas and nays have been called for, and the secretary is about to call the roll. Those voting yes vote for indefinite postponement; those voting no vote against it.

The secretary called the roll. The following senators voted yes: Messrs. Ames, Babb, Butler, Clement, Dearth, Deering, Gannett, Googin, Grant, Gurney, Holt, Metcalf, Parent, Ricker, Thombs and Walker; those voting no were Messrs. Chick, Cobb, Davies, Folsom, Lewis, Peacock, Stanley and Thornton.

Sixteen senators having voted in the affirmative and eight in the negative, the motion was carried and the bill was indefinitely postponed.

Mr. GRANT: Mr. President, I now move the reconsideration of the vote whereby this bill was indefinitely postponed.

A viva voce vote being taken, the motion to reconsider was lost.

Orders of the Day

Mr. PEACOCK of Washington: Mr. President, I move we reconsider the vote whereby we tabled H. D. 309, An Act to amend Section 36 of the Revised Statutes as enacted in Chapter 253 of the Public Laws of 1917, and to provide for the construction of third class highways.

The motion was agreed to, and on further motion by the same senator the Senate voted to return the bill to the Governor.

Mr. THOMBS of Penobscot: Mr. President, I move that when the Senate adjourns that it adjourns to meet at 8 o'clock tomorrow morning.

The motion was agreed to.

Mr. DEARTH of Penobscot: Mr. President, I move that H. D. 283, Resolve providing for the compilation, printing and distribution of an index to the Private and Special Laws and to the Resolves of the State of Maine, be taken from the table.

The motion was agreed to.

Mr. DEARTH: I will state that arrangements have been made for the providing of the necessary funds in order to carry out the purposes of the

resolves, having recourse to a special appropriation for that purpose, so that the amendment may be adopted, thus eliminating the special appropriation without affecting the purposes of the resolve.

I now yield to Senator Ricker of Hancock, who has the matter in charge.

Mr. RICKER of Hancock: Mr. President, I move the adoption of Senate Amendment A to H. D. 283.

The PRESIDENT: The senators are familiar with the amendment. Shall it be read again?

Mr. DAVIES: Mr. President, the amendment was read yesterday.

The amendment was adopted and the resolve as amended was passed to be engrossed.

Mr. GURNEY of Cumberland: Mr. President, I move to take from the table the bill tabled by me this morning in relation to Deering High school.

The motion was agreed to, and on further motion by the same senator House Amendment A was adopted to correct a clerical error.

The bill as amended was then passed to be engrossed.

Mr. STANLEY of Oxford: Mr. President, I move to take from the table the bill tabled by me this morning in regard to State certification of teachers.

The motion was agreed to, and on further motion by the same senator the bill, An Act to amend Section 128 and 130 of Chapter 16 of the Revised Statutes relating to the certification of teachers, was passed to be enacted.

Mr. THORNTON of Aroostook: Mr. President, I move to take from the table H. D. 354, An Act authorizing the American Reality Co. to locate, erect and maintain piers and booms in the Aroostook river.

The motion was agreed to and on further motion by the same senator the bill was given a second reading and was passed to be engrossed.

On motion by Mr. Thornton adjourned until tomorrow morning at 8 o'clock.