

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Friday, March 18, 1927.

Senate called to order by the President.

Prayer by the Rev. Stuart B. Purves of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House the following order:

Ordered, the House concurring, that all petitions and remonstrances presented after four o'clock in the afternoon, March 25th, shall be referred to the next Legislature.

(In Senate, March 17, read and passed.)

In the House, passage refused.

In the Senate:

Mr. CARTER of Androscoggin: Mr. President, I move that we recede and concur with the House on the grounds and for the reasons set forth in the House, that the inhabitants of the State of Maine, the citizens thereof, have a right always to be heard in the general court which is this Legislature. They have that right of petition and I do not feel that a legislative body should curtail that right of the citizens of Maine.

The motion to recede and concur prevailed.

From the House the following order:

Ordered, the Senate concurring, that a committee of three, joined by two on the part of the Senate, be appointed to examine the conditions, with reference to existing welfare laws, including the operation of the laws, concerning dependent mothers, wards of the State, charities and corrections, patients at the insane hospitals, the School for Feeble Minded at Pownal, State Reformatory for Women, State Reformatory for Men, the State School for Boys, the State School for Girls, giving particular attention to the laws governing such dependents and institutions and to make recommendations, if any, with regard to the laws concerning the same. Also ordered that the committee shall make its report to the eighty-fourth Legislature and make

its recommendations as to the welfare legislation for the State.

In the House, passed as amended by House Amendment "A."

In the Senate, on motion by Mr. Bragdon of Aroostook, tabled pending consideration.

From the House: Resolve, proposing an amendment to Section Eight of Article Nine, of the Constitution of the State of Maine, providing that no taxes on intangibles be levied. (S. D. 213.)

(In Senate, March 9, referred to the Committee on Judiciary.)

In the House, referred to the Committee on Taxation in non-concurrence.

In the Senate, on motion by Mr. Roberts of York the Senate voted to recede and concur with the House in the reference of this bill.

From the House: An Act defining dealers in motor vehicles, (H. D. 326.)

(In Senate, March 11, passed to be engrossed in concurrence.)

In the House, passed to be engrossed as amended by House Amendment "A" in non concurrence.

In the Senate:

The PRESIDENT: The Secretary will read the amendment.

(The Secretary read House Amendment A.)

On motion by Mr. Case of Washington the bill was tabled pending consideration.

From the House: The majority of the Committee on Judiciary, on bill An Act relating to expenditures and returns of candidates for public office. (H. D. 31) reported that the same ought to pass.

(Signed) MAHER

OAKES

WING of Kingfield

BARTLETT

ALDRICH

HALE

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

(Signed) CARTER

WING, Jr, of Auburn.

DUDLEY

PATTERSON

In the House, majority report ac

cepted, bill passed to be engrossed as amended by House Amendment "A."

In the Senate:

Mr. OAKES of Cumberland: Mr. President, I move that we accept the majority report.

Mr. CARTER of Androscoggin: Mr. President, I move that the matter lie on the table pending acceptance of the report.

The motion to table prevailed.

From the House: The Committee on Education, on bill An Act relating to equal school privileges for all pupils (H. D. 394) reported that the same ought to pass.

In the House, report accepted, and bill subsequently indefinitely postponed.

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

The following communication was received:

"STATE OF MAINE

Office of Secretary of State
Augusta, Maine,
March 17, 1927.

To the Senate and House of Representatives in Legislature assembled:

I have the honor to transmit herewith initiative petitions, filed in the office of the Secretary of State on March 11 and 15, 1927, proposing to the Legislature for its consideration, under the provisions of Article XXXI of the Constitution of Maine, a bill titled as follows:

'An Act to Repeal Sections One to Thirty-Six of Chapter Six of the Revised Statutes relative to Primary Elections.'

Of said petitions one purporting to contain 71 names was filed March 11, 1927, and one petition purporting to contain 38 names was filed on March 15, 1927, as appears by the "Received" stamp on the back of said petitions.

Respectfully,

EDGAR C. SMITH,
Secretary of State."

Which was read, and, together with accompanying petitions, was referred to the Committee on Judiciary.

Sent down for concurrence.

The following bills, resolves, peti-

tions, etc., were received and on recommendation of the committee on reference of bills were referred to the following committees:

Appropriations and Financial Affairs

By Mr. Miner of Washington, Resolve, to reimburse the Committee on State Sanatoriums for Expenses. (S. P. 512)

Sent down for concurrence.

Reports of Committees

Mr. Buzzell from the Committee on Agriculture, on bill An Act relating to the duties of Commissioner of Agriculture in the Regulation of Sale of Milk (S. D. 166) reported that the same ought not to pass.

Mr. Carter, from the Committee on Judiciary, on bill An Act to incorporate the Rumford and Bethel Branch Railroad Company (S. P. 322) reported that legislation thereon is inexpedient.

The same Senator, from the same Committee, on bill An Act to incorporate the Kennebec Lake and Megantic Railroad Company (S. D. 115) reported that legislation thereon is inexpedient.

Mr. Maher, from the same Committee, on bill An Act relative to enforcement of motor vehicle laws (S. D. 113) reported that the same ought not to pass.

Mr. Oakes, from the same Committee, on bill An Act to amend Section Seven of Chapter One hundred seventeen as amended by Chapter Forty-seven of the Public Laws of 1923, relating to active retired justices (S. D. 30) reported that the same ought not to pass.

The same senator, from the same Committee, on bill An Act regulating moving of household goods, chattels, and personal effects of residents of Maine (S. D. 72) reported that the same ought not to pass.

The same Senator, from the same Committee, on bill An Act relating to the probation officer and assistant for the County of Cumberland (S. D. 89) reported that the same ought not to pass.

The reports were severally read and accepted.

Mr. Roberts, from the Committee on Taxation, and Mr. Bond, from the Committee on Ways and Bridges, on bill An Act to exempt from all gasoline tax motor boats, tractors and

machinery (S. D. 197) reported that the same ought not to pass.

(On motion by Mr. Speirs of Cumberland, tabled pending acceptance of the report.)

Mr. Carter, from the Committee on Judiciary, on bill An Act to incorporate the Maine Casualty Company (S. D. 123) reported that the same ought to pass.

Mr. Oakes, from the same Committee, on bill An Act relating to the Jurisdiction of the Probate Court (S. D. 112) reported that the same ought to pass.

The reports were severally read and accepted, the bills read once and tomorrow assigned for second reading.

The same Senator, from the same Committee, on bill An Act to incorporate the Union Terminal Company (S. D. 114) reported the same in a new draft, under the same title (S. P. 513) and that it ought to pass.

The report was read and accepted and the bill laid upon the table for printing under the joint rules.

Mr. Miner, from the Committee on Public Health, on Resolve for aid to typhoid carriers, to be expended under the State Department of Health (S. D. 156) reported that the same ought to pass.

The report was read and accepted, the resolve read once and Tuesday, March 22, assigned for second reading.

Mr. Perkins, from the Committee on Salaries and Fees, on bill An Act relating to the salary of the Commissioner of Agriculture (S. P. 255) reported that the same ought to pass.

The report was read and accepted, and the bill laid upon the table for printing under the joint rules.

Mr. SMITH of Somerset: Mr. President, I wish to announce the presence in this Senate Chamber of those good old-fashioned citizens, "Mellie" and "Gram."

The PRESIDENT: The Senate hears the announcement and wishes to extend to this grand old couple a cordial welcome, and the Chair appoints the Senator from Somerset, Senator Smith, to escort to the chair on the right of the President, Mrs.

Dunham, and the Senator from York, Senator Roberts, to escort to the chair on the left of the President, Mr. Dunham. The Senators will attend to their duties.

Thereupon, Mr. and Mrs. Dunham were escorted by the two senators appointed to their respective seats on the left and right of the President amidst the applause of the Senate, the members rising.

Passed to Be Engrossed

An Act relating to the Brownville and Williamsburg Water Company (S. D. 76).

An Act in favor of Frank J. Durgin of West Forks Plantation (S. D. 239).

(On motion by Mr. Oakes of Cumberland, tabled pending second reading.)

Resolve, providing for a State Pension for Grace Griffin, of Lewiston (S. D. 240).

An Act for purchase of Books for Kennebec County Law Library (S. D. 241).

Resolve for State Pension in favor of Rena Cooley. (S. D. 242).

An Act to incorporate Lemon Stream Log Driving Company. (S. D. 243).

An Act to provide for establishing grades and standards for farm products. (S. D. 244).

An Act relating to the apportionment of state aid to agricultural societies. (S. D. 245).

An Act relating to the establishing and administration of a public debt amortization fund in the city of Waterville. (S. D. 246).

Resolve, providing for a State Pension for Adelbert B. Baker of Lewiston. (S. D. 247).

An Act to empower the Governor and Council to lease the right to gather and harvest kelp on the submerged lands and reefs within the jurisdiction of the State. (S. D. 248).

An Act relating to the digging of clams in Wells in the county of York. (S. D. 249).

An Act to extend the charter of the Patten Water and Power Company. (S. D. 250).

(On motion by Mr. Carter of Androscoggin, tabled pending passage to be engrossed.)

An Act relating to the operation of portable sawmills. (S. D. 252).

An Act to establish a Game Preserve in the towns of Wells and Kennebunk. (H. D. 118).

An Act relating to active retired justices of the Supreme Judicial Court. (H. D. 135).

An Act to amend the charter of the Maine Real Estate Title Company. (H. D. 201).

An Act to extend the charter of the Penobscot Lumbering Association for Fifteen Years. (H. D. 202).

An Act to extend the charter of the Penobscot Boom Corporation for fifteen years. (H. D. 204).

An Act relating to the establishment of town forests. (H. D. 275).

Resolve, in favor of Richard Jacobson, of East Waterford, compensating him for damage done his orchard by deer. (H. D. 343).

An Act to legalize the acts, doings and proceedings of the town of Otisfield and the assessment of taxes thereof, for the years nineteen hundred twenty-four, twenty-five and twenty-six. H. D. 370).

An Act relating to the use as part of name the words banks, savings, trust and kindred words. (H. D. 371).

An Act relating to pensioning members of the Police Department of the City of Brewer. (H. D. 372).

An Act relating to teacher's pension for Fannis S. Marble. (H. D. 393).

An Act relating to the Harrison Fire Insurance Company. (H. D. 395).

An Act relating to a superintending school committee for Turner. (H. D. 396).

An Act relating to the Penobscot Tribe of Indians. (H. D. 397).

Resolve, for the laying of the county taxes for the year Nineteen hundred and Twenty-seven. (H. D. 399).

Resolve, for the laying of the county taxes for the year Nineteen hundred and Twenty-eight. (H. D. 398).

An Act to confer the power to issue subpoenas to the city council and civil service commission of the city of Portland. (H. D. 400).

Passed to be Enacted

An Act relating to the Excise Tax on Railroads. (H. D. 23)

Mr. SPIERS of Cumberland: Mr. President, I move that this matter lie upon the table and be specially assigned for next Tuesday afternoon.

Mr. ROBERTS of York: Mr. President, this bill has been tabled and retabled and it seems to me as though it has been delayed long enough and I wish to doubt the motion and ask for a division.

Mr. HARRIMAN of Kennebec: Mr. President—

The PRESIDENT: The Senator from York, Senator Roberts asks for a division of the Senate. Does the Senator from Kennebec, Senator Harriman wish to debate the assignment?

Mr. HARRIMAN: I do, Mr. President.

The PRESIDENT: The Senator is in order.

Mr. HARRIMAN: Mr. President, if Senator Spiers had not moved to table this measure I was going to do the same thing and for this reason, that it seems to me that this bill should be held with the rest of the appropriation bills. The appropriation committee is tabling a large number of appropriation bills wishing to get them together and decide upon them at the same time and if you can tell anything by the figures from the budget report and also from the report of the estimated income, etc., for the railroad for the next two years, there seems to be a discrepancy of about \$455,000 that has got to be made up from some source. Now, if these bills can all go in together and we can get a general reduction in taxation—

The PRESIDENT: The Chair wants to be very lenient with every Senator and to allow all the latitude possible and will do so, and the Chair recognized the Senator from Kennebec, Senator Hariman, and suggested to him that he debate the date of assignment which is only debatable when a motion to table is pending, and the Chair is of the opinion that the Senator from Kennebec, Senator Harriman, is drifting slightly from the assignment debate. The Chair has no desire to be arbitrary in the matter and wants to allow every senator all the latitude possible but must insist, on matters being tabled, that the senators confine themselves to the assignment of the matter to be tabled.

Mr. HARRIMAN: Mr. President, possibly I was wrong, then. It was the matter of tabling that I was arguing.

The PRESIDENT: The matter of tabling is not debatable.

Mr. HARRIMAN: If I am wrong, Mr. President, I will stand corrected.

Mr. SPEIRS: Mr. President, matters came up so late yesterday afternoon that it was impossible to state them this morning and I wish to as-

sign this matter to Tuesday next in order that I may be able to state those facts to the Senate.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Speirs, that this bill be tabled and argued for next Tuesday. The Senator from York, Senator Roberts, has asked for a division.

A division of the Senate was had. Eighteen having voted in the negative and 7 in the affirmative the motion to table failed of passage.

The PRESIDENT: The question is now on the passage of the bill to be enacted. Is it the pleasure of the Senate that the bill now be passed to be enacted?

Thereupon the bill was passed to be enacted.

Mr. ROBERTS: Mr. President, I voted against the bill being tabled. Is it in order for me now to move to reconsider the vote whereby this bill was passed to be enacted?

The PRESIDENT: There being no record vote on the passage of the bill the Chair rules that any senator may move for reconsideration, the point being a matter of personal conscience with the senator so moving as to whether he voted against the bill or not. The motion is in order.

Mr. ROBERTS: Mr. President, I move that we reconsider the vote whereby we passed this bill to be enacted and I hope my motion will not prevail.

Mr. SPEIRS: Mr. President, I think it is a most unusual thing not to allow the privilege of laying on the table a measure, and I second the motion to reconsider.

The PRESIDENT: The question is on the motion of the Senator from York, Senator Roberts, that the vote be reconsidered.

A viva voce vote being taken the motion to reconsider failed of passage.

Finally Passed

Resolve, in favor of Mrs. Eddie Fitzgerald, Seven Islands, Maine. (H. D. 261).

Orders of the Day

The President laid before the Senate, Resolve to appropriate money for the erection of a new State library, (H. D. 21) tabled on March 17th by Mr. Holmes of Androscoggin,

pending consideration and today assigned.

Mr. HOLMES of Androscoggin: Mr. President, I will ask the Chair to inform me of the exact parliamentary situation including what the record shows as to action of the House, whether or not the House voted to accept the report of the Committee on Library and then indefinitely postponed the bill or whether they voted to indefinitely postpone the bill before accepting the committee report.

The PRESIDENT: The Secretary may very properly read the record.

(The record was read by the Secretary.)

Mr. HOLMES: Then Mr. President, I move that the Senate accept the report of the Committee on Library, "ought to pass" and that the resolve be given its first reading and I wish to address myself to the motion.

The PRESIDENT: The Senator is in order.

Mr. HOLMES: This resolve asks for \$500,000, call it a half million if that sounds easier, to erect a new and suitable State Library. We have no State library now. It was referred to the Committee on Library and by them considered carefully and conscientiously. We had before us not only the State Librarian, Dr. Dunnack who knows the condition, but we also had before us certain other citizens who were able to give the Committee valuable information and worth-while advice, and after careful consideration we voted unanimously to report this resolve back in the Legislature "ought to pass." We knew that if it was accepted and the resolve passed along through the legislative course in both branches it would still have to run the gauntlet of the Appropriation Committee because all that we could do would be to recommend it and ask the House and Senate to pass it. The question of whether or not the Legislature would consider that the State could afford it at the present time would be decided I presume on the advice of the Appropriation Committee.

The House in its wisdom has seen fit to throw this resolve out of the window I am going to ask the Senate to treat it more respectfully and I want to take a few minutes of your time to give you some reasons why the need is pressing, and I want

to say in the beginning that I, personally, as one member of the Senate am just as much in favor of economy in State government as any member of the Legislature or anybody connected with the executive department, but economy, as the old saying is, does not consist in saving money but in the wise and prudent expenditure of money.

Let me briefly relate to you the history of our State Library. It was originally founded by a resolve approved February 3, 1836. For a number of years it existed under the control and management of the Secretary of State; a part of it was in his office, a part of it was in the Senate Chamber and a part in the Hall of the House of Representatives. This was in the old State House, of course.

Now from 1839 to 1859, a period of 20 years the State Legislatures appropriated in all, covering the 20 years only \$8,015.00. By that time it began to be plain that a State library was a very important matter even for the departments of government and the Legislature alone, to say nothing of the public, so by law enacted March 13, 1861, the library was put under the governor and executive council as a board of trustees and the first State librarian was appointed and from that time on, the State library has existed as an independent institution under the charge and management of a State librarian. It has grown from the small beginnings of nearly a hundred years ago to now a number of 200,000 volumes. How are they housed? Well, you all know that since the remodeling of the State House in 1910, the State library proper is situated on the north end of the second floor of the State House and of those 200,000 valuable books 75,000 cannot be kept in that library room proper and its connecting rooms but are now stored in that, to my mind, nothing but a temporary store house, erected in 1925, if I remember correctly, in the Baxter administration, out of the contingent fund. It is inaccessible and inconvenient and it is not good for the books themselves which are valuable documents, not used every day but which may be required to be referred to at any time. The other books, the books the State librarian must keep in the library proper have daily use. How are they stored? You

know. You all use them,—try to use them.

You have all tried to work in that library room and you know you can get no privacy and you know if you are a member of the Legislature this year and have located certain works of reference in one part of the room, if you come back two years from now you have got to get the librarian or his assistant or the clerks to re-locate the books for you for they have moved. It is a revolving library, as one might say, in the strained effort of the State Librarian to find room to put the accessions of new books. And if you want books of reference, you cannot find them, you must have help. And many other people are also working at the same time upon different subjects and they are in your way. Now this State library is not simply a reference library for the members of the legislature to use during the sessions of the legislature, but there it is from year's end to year's end and it is resorted to, not only by lawyers working on cases of great moment involving large sums of money, but by business men and other people of other states and other parts of this State, who go there to look up questions in the valuable reference works we have got.

Let me say to you, I believe we have the most valuable, and I think the largest library east of Boston and it is famed throughout New England for its fine selection and for being so well balanced.

Now the State of Maine has been reasonably generous in the maintenance of the library. In the last two years the legislature appropriated for each year for maintenance \$8,500. Of course all that does not go into the purchase of books. Some of it is spent for traveling libraries.

In recent years the legislature has appropriated \$6,500. If I recall, in Governor Plaisted's administration, the appropriation was somewhat different, there being appropriated a larger sum for permanent books and a smaller sum for traveling libraries. As you know the traveling libraries fill a very worthy purpose, which I intend to refer to in a moment.

The State has also been generous with the citizens of the various towns and cities throughout the State. We encourage the people of

the cities and towns to build libraries, public libraries. You can go to Portland, Augusta, Bangor, Lewiston and Auburn and find fine library buildings, ornaments to the municipalities, but the State of Maine is too poor or too economical or too imprudent or short-sighted to build a library building for its own library, while it points with pride to the library of Augusta, Bangor or Portland.

Now the State, by law, by statute existing for some time, will give to every town which has not a library, if the town will start a free public library, \$100 worth of books, provided the town will appropriate money enough by taxation or otherwise to duplicate that with \$200 worth of books.

That is one thing the State does. Another thing, the State, by law existing for some time will give and does give annually to any and every municipality ten percent of the amount appropriated by the town for public library purposes; that ten percent out of the State treasury.

Now that is what we think of libraries and of course the time has gone by when you have got to answer such arguments as I have heard in the past in the House, in past legislatures, before I was a member, myself, but was only a spectator, such arguments as this; I heard a member in the House, years ago, say, discussing some appropriation of the State Library, that if he could have his way he would set fire to the library and burn it down, it was an unnecessary expense to the people of Maine.

That day has gone by and we recognize libraries, public libraries, free libraries, as part of the educational system of the State. Now we appropriate and spend millions of dollars upon good roads, and well and wisely that we should, and we expend hundreds of thousands and with municipalities added millions of dollars for schools and it is well and wise that we should, but we cannot afford to house this valuable library, which is bursting its bounds from the state house; we cannot afford to house it in a way that it will be an honor to the people of the State of Maine.

What does it do? I spoke of traveling libraries. It is not only here, this library, for every citizen of the State of Maine to resort to and do

research work in, but under law and custom it is the duty of the State librarian, and he performs it, to answer every letter that anybody from any corner of the State writes, asking information upon any subject the library may contain. It is his duty and he does it, to send books that are ordered by anybody by mail, telegram or telephone, to any part of the State and all that is asked is that transportation charges shall be paid. In addition to that, the traveling libraries, we have in this state a peculiar situation, which you members of committees like Ways and Bridges know only too well, that handicaps us.

We have a large area with a sparse population widely scattered. We have in Maine 520 municipalities. Of that number, members of the Senate, there are 300 without libraries of any kind whatever. In other words, considering the population of the State, which was estimated to be on July 1, 1927, about 793,000, there are living in those 300 towns without libraries and in other parts of the State where there is a library in the town but the town is so large it is inaccessible to the large part of the population, we have living there in those districts without library facilities one third of the people of Maine and that one third of the people must depend upon this State Library for its books.

Now, we appropriate as we did two years ago, \$6,500 a year for the traveling libraries; they are sent out as you know, without expense at all, in boxes of 100, and transportation charges are paid and only a nominal charge is made to clubs or a collection of a small number of people who form a club to get a traveling library.

Those are some of the important duties of this library. Can we afford it?

While, of course, the learned and business-like chairman of the Appropriations Committee, the Senator from Kennebec, Mr. Foster, is better able to answer that question than I am and I gladly defer to his judgment upon questions of finance, knowing not only that he is thoroughly and well informed on state governmental finance for years back, but he is, himself an excellent business man, with excellent business judgment, but I would say that if this is true, and I certainly would be the last to dispute anybody's verac-

ity especially from the floor of this body, if it is true, as the governor of the state stated in the last political campaign and has been stated and referred to by the Budget Committee in their report to this legislature, that a million dollars has been accumulated and saved and there is that surplus, why not take a half of it and build a state library building that will be an honor and credit to the state and will once and for all obviate the danger of a terrible conflagration which threatens us every day under the present condition of the library in this building and every one of us knows that after the legislature is gone, the departments are packed in almost like sardines. In the Secretary of State's office there are stenographers with desks set back to back and the same is true in the Auditor's office and a similar condition exists in the Department of Education. When the legislature is in session the condition is almost terrorizing in this condition.

If there were a building to house the library in, there would be room in this state house for departments and their growth for an indefinite time to come.

Mr. Dunnack told us, told the committee, that if no appropriation were made by this legislature for the purchase of new books in the coming two years, yet there would be an annual increment by accession of books which he receives by exchange with other states and by reason of laws in the statute books existing and by reason of contracts which still have a period of years to run, an accession of 3,000 volumes per year without a dollar to be provided and with the sum of money that we probably will appropriate he will have to care for 6,000 volumes more each of the next two years and so on for the future if this condition is permitted to exist. Where can he put them?

He is at his wit's end. The shelves are all filled. He has them on the floor, on the tops of cases, on the windows, on the chairs. What kind of a condition is that to have in a library where the public and members of the government, like yourselves, come in to study on serious problems?

Some may reply that it is possible to double stack the library, put an-

other series of stacks on top of the present stacks. It is, but it is problematical what the cost would be. It would be at least \$20,000 and not satisfactory. They are now too high to be double-stacked and they would have to be cut down. The new stacks would of course be built of metal and stacked upon top of them and then the lighting arrangement would have to be changed and then an unsatisfactory arrangement would be had and Mr. Dunnack told us the relief would not be for more than six or seven years, when the State would again be faced with the problem of building a state library.

From what little I know about the financial condition of the State today, laying aside consideration of questions of highway bonds and sums that are allocated to certain purposes and are provided for in certain ways, which would give the impression that we are hard put to it for money to get by, and considering the regular running expenses of government and the sums that will probably be appropriated,—although perhaps I am trespassing on the province of the Appropriations Committee, but I am a member of the Senate and when the question comes up will have the right to vote and a duty to perform myself,—it is my opinion that there never was a time in the history of the state of Maine, and there probably never will be a time in the history of the state, when the state was better able to build a state library building, or at least, to consider the beginning of such a building. And considering the economic condition of the state, even allowing for the textile depression which worries us in Lewiston and in Biddeford and in Waterville and other places, and in little towns where there are woolen mills,—which are now trembling,—and allowing also for the fact that the shoe industry has not been of recent years, as good as we wish it might be, yet I say,—and I am not borrowing Republican campaign thunder of prosperity from the last political campaign but I am talking facts and sense as I understand them, to you men and women,—I say that the economic condition of the state is sound and there never was a time,—outside of the war period when there was a hectic flush of prosperity,—and there probably never will

be a time, at least in our lifetime, under the economic condition of the state of Maine and its people, a better time to build a state library or start the building of a state library than at the present time.

I am not going to argue it further. I am not going to undertake to insult your intelligence by stressing further the great good that a library does, but I want in closing, to say just one word of praise, deserving praise, for the present state librarian, Dr. Dunnack. I think that the state has been fortunate in years past, from the beginning, in always having men who would take the position at a small salary, much less than they could earn in life outside of the state house, men who have been devoted souls to the cause of education in that particular branch, just as we have them and always have had them in the field of history, preserving the wonderful and romantic history of our state, men like the good and dearly beloved John Francis Sprague, who died within a year or two.

We have been unusually fortunate in having men inspired by such lofty motives, men like that, who would take charge of the library and devote the best there is in them, worth and experience and service and brains to the work of making a successful state library and have done it at low compensation, and the compensation today is a pittance compared with what such a man as Dr. Dunnack could earn in civil life outside. Although I will say, as you know, he is a clergyman, but as a business man,—and he is a business man along with many of his other qualifications, as a business man it is a mere pittance with what he could earn in business life.

I do not mean when he dies or when he resigns it would be impossible to fill his place. Oh no. There are plenty of other men in the state who love the state and who love the coming generations and are willing to work for less than they are worth, but I do believe this is the time and a fitting occasion, Mr. President, for me to say that I am speaking as I do about Mr. Dunnack, not because of the long friendship that has existed between him and me, a friendship which might be considered strange to one who does not know human nature, a man who thinks it might be strange that a Methodist minister

whose denomination is so informal and unritualistic, should be so intimately friendly with a member of an ancient faith, which is so highly ritualistic as that of which I am a humble member. It is not because of that friendship but because I know of the good work he is doing and he charged that committee to carry the message to this legislature of the pressing need of starting the building of a library, and I am here to carry that message to you as chairman of that committee and to urge you to heed it.

Mr. President, I repeat my motion. (Applause.)

The PRESIDENT: The question is on the motion of the Senator from Androscoggin, Senator Holmes, that we accept the report of the committee "ought to pass." Is this the pleasure of the Senate?

Mr. FOSTER of Kennebec: Mr. President, I rise to inquire of the Chair just the parliamentary standing of the matter. It was my impression that in the House after the matter was voted to be indefinitely postponed a motion was made to reconsider which failed of passage. Am I correct?

The PRESIDENT: Does the Senator from Kennebec (Mr. Foster) wish to be enlightened on the matter of reconsideration by the House?

Mr. FOSTER: It was my impression, Mr. President, that a motion to reconsider, after a motion to indefinitely postpone had passed, was made and that that motion failed.

The PRESIDENT: The bill does not so stand.

Mr. FOSTER: It was so reported, Mr. President.

Mr. MAHER of Kennebec: Mr. President, if I may answer the Senator from Kennebec, Senator Foster, through the Chair, I will say that I was present in the House when the vote was taken and whether the record shows it or not, Mr. President, on the back of the bill, that is the fact, but that has no bearing here. The reconsideration of one branch of the legislature and its attempt to shut off further action on the matter would of course have nothing to do with what this branch would do.

Mr. FOSTER: I think I understand that point exactly, Mr. President, but is it not a fact that the action of the House precludes any action by this body which might carry the resolve successfully through?

The PRESIDENT: The action of

the House has absolutely nothing to do with the action of this body on this bill, the bill never having been in this body except for reference to a committee and that committee was the committee on library. The motion of the senator from Androscoggin, Senator Holmes, is in order and we are debating that motion which is the acceptance of the report of the committee "ought to pass".

Mr. FOSTER: Well, Mr. President, without encroaching on the time of the Senate but for just a moment I wish to say that I have followed most closely the remarks of the senator from Androscoggin, Senator Holmes, listened to every word with the greatest of interest. His argument to my mind is unanswerable, the greater part of the argument, at least. He does, however, intimate that there is a question, and quite a question it seems to me, whether or not this is the opportune time for the State of Maine, under the existing industrial conditions and with the State tax facing us, to appropriate for this object one half million dollars. It seems to me the senator is well qualified from his own connection with that department to speak as authoritatively as he has because I believe that most of us understand this morning that he was at one time the State librarian and a most successful one. However, it seems to me that in view of the pressing needs of the State of Maine today, the institutions that we are obliged to take care of, the State institutions like the hospitals and the reformatories, practically all of which are calling for increased amounts this year, it does seem to me that this is a most inopportune time to appropriate money for this purpose. I believe that the matter ought to be seriously considered in the near future and just as soon as the finances of this State will warrant it without allowing anything else more pressing to suffer I believe this Legislature will go on record as endorsing everything that has been said this morning and doing a generous thing for the library, but to my mind this is not the time to do it and I hope the motion will not prevail.

Mr. CARTER of Androscoggin: Mr. President, as a member of the library committee of the 82nd Legislature who tried to assist the other members of the library committee in double stacking the library two years ago, I will say that that committee listened to the same argument as those of the recent speaker, the senator from Ken-

nebec, Senator Foster, arguments of a like nature that some future succeeding generous Legislature would look with great favor upon taking those valuable volumes off the library floor, the library chairs, off the tops of the bookcases in stacks where the dust is sifting through, but I say that if that library is not worth preserving, stop wasting money by buying books. If that library, in these days of education, if a State library, is not worth having in such condition so that we of this State can have the opportunity of reaching the works of research that there are in that library, it is not worth keeping. We know it is valuable. We know it should be there. We know that the library cannot be and is not in politics. But the library suffers and something should be done. It should have been done two years ago to take care of the situation which exists down there. As I said, I listened to the same argument two years ago, but not by the same senator, but the same line of argument, and I heartily endorse at this time the motion of the senator from Androscoggin, Senator Holmes.

The PRESIDENT: The question is on the motion of the senator from Androscoggin, Senator Holmes, that we adopt the report of the committee, which is "ought to pass". Is this the pleasure of the Senate?

A viva voce vote being doubted

A division of the Senate was had.

Six having voted in the affirmative and 20 in the negative, the motion to adopt the report of the committee failed of passage.

Mr. FOSTER: Mr. President, is a further motion on the resolve in order?

The PRESIDENT: Any motion is in order.

Mr. FOSTER: Mr. President, I move that the matter be indefinitely postponed.

Mr. MAHER: Mr. President, is that motion debatable?

The PRESIDENT: The motion to indefinitely postpone is debatable.

Mr. MAHER: Promising not to take up but a minute of the Senate's time but desiring to put myself on record in this highly important branch of the education of the youth of Maine, I will say that I trust the motion of the chairman of the committee of appropriations will not prevail, although I firmly believe it will. The argument against affirmative action is simply the argument of dollars—expense. I sat in this body two years ago and

heard then another chairman, another colleague, another friend of mine, urge the inopportuneness of expenditures from the standpoint of economy, inopportuneness of expenditure for State institutions, for those wards of the State to whom and for whom this State in conscience and in honor was obligated to take care of and there then came a slogan, "no new construction"—we could not afford it. Time rolled on and the dire prophecies of financial stringency seemed to vanish like mists before the rising sun, and we are now told of a substantial surplus in the treasury of the ability to come out from this session with diminution of the tax rate. Is it possible that real education in the State of Maine must attend and depend upon the policy of showing a diminished tax rate until back of real education in Maine, as voiced in a measure such as this, there is an actual lobby?

Mr. SLOCUM of Cumberland: Mr. President, I also hope that this motion will not prevail, in the interests of economy. I appreciate that it will cause considerable trouble and work for the Committee on Appropriations and Financial Affairs to find out how they can arrange to pay for a state library but I do believe, in the interests of economy, that where at some time we will have to build such a building and where if those volumes are not taken care of in the library we will have to stack them in the halls, and in the interests of safety for our State House where books at present are being stacked in the aisles of the library and in view of the fire menace caused thereby, that we should do something to relieve the present condition. I hope the motion will not prevail.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Foster, that this bill be indefinitely postponed.

A viva voce vote being doubted

A division of the Senate was had.

Mr. MAHER: Mr. President, I desire to change my vote just given and to vote affirmatively for indefinite postponement.

Twenty-three having voted in the affirmative and six in the negative the motion to indefinitely postpone prevailed.

Mr. MAHER: Mr. President, I desire to give notice that upon the next legislative day I will move for a reconsideration of the vote just taken.

The PRESIDENT: The Senate hears the notice.

Mr. FOSTER: Mr. President, if it is insisted upon cannot the reconsideration take place at this time?

Mr. MAHER: It could if I so moved but I do not move it.

The PRESIDENT: The Senator is speaking to no motion, the matter having been disposed of. If the Senator wishes to make a motion upon some other matter—

Mr. FOSTER: Mr. President, is a motion to immediately reconsider this matter allowable at this time?

The PRESIDENT: It is not.

On motion by Mr. Carter of Androscoggin, the Senate voted to take from the table An Act to extend the charter of the Patten Water and Power Company (S. D. 250) tabled earlier in today's session by that senator pending passage to be engrossed.

Mr. CARTER of Androscoggin: Mr. President, may I inquire of the Chair what the parliamentary situation is on this matter?

The PRESIDENT: The Chair will have to take time to look it up.

Mr. CARTER: I think it is pending second reading but I want to be sure.

The PRESIDENT: It was tabled pending its passage to be engrossed, the Chair is of the opinion.

Thereupon, on motion by Mr. Carter of Androscoggin the bill was passed to be engrossed.

On motion by Mr. Holmes of Androscoggin, the Senate reconsidered its action of yesterday whereby Resolve in favor of the Maine Agricultural Society for the State Stipend for 1926 (S. P. 510) was laid upon the table for printing under the joint rules and the same Senator offered Senate Amendment A and moved its adoption—

"Senate Amendment A to Senate Paper 510. Amend Senate Paper No. 510 by striking out all the words after the word 'resolve' and by substituting in place thereof the following words: 'that there be paid to the Maine State Agricultural Society from the current appropriation for aid to agricultural societies and farms the sum of two thousand dollars.'"

Mr. HOLMES of Androscoggin: Mr. President, the Committee on Claims

reported this resolve "ought to pass" and in the sum of two thousand dollars but did not designate the appropriation out of which it would come and although I had to change all the words in order to get that, the real and only change is that it designates the appropriation, the current appropriation for agricultural fairs and societies, and therefore it would not come out of the contingent fund. I will say that there is a balance left in the current appropriation for agricultural societies and fairs \$3566.66 and that will be carried over if necessary for six months after the first of July.

The PRESIDENT: The Senator from Androscoggin, Senator Holmes, moves the adoption of Senate Amendment A to Senate Paper No. 510. Is this the pleasure of the Senate?

The motion prevailed and the bill as amended by Senate Amendment A was laid upon the table for printing under the joint rules.

On motion by Mr. Foster of Kennebec, the Senate voted to take from the table Resolve in favor of Joseph L. Paquin for salary as secretary of the Board of Prison Commissioners

(H. D. 167) tabled on March 16th by that senator ending final passage.

Mr. FOSTER of Kennebec: Mr. President, in the absence of my distinguished colleague (Mr. Maher of Kennebec) on March 16th I tabled this matter and as he is now present I will yield the floor to him.

Mr. MAHER of Kennebec: Mr. President, I will yield the floor to the Senator from York, Senator Granville.

Mr. GRANVILLE of York: Mr. President, this is a measure which came before the Committee on Salaries and Fees relative to the salary of Joseph L. Paquin. By law he is entitled to receive a salary of three hundred dollars a year. Unfortunately it seems that two years ago it was left out of the budget and also left out of the appropriations so the sum called for in this resolve is due him by statute law and I now move that it have its final passage.

The motion for final passage prevailed.

On motion by Mrs. Allen of Penobscot

Adjourned until next Tuesday afternoon at four-thirty o'clock.