

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

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**SENATE**

Wednesday, March 30, 1927.

Senate called to order by the President.

Prayer by A. E. Morse, Chaplain of the Maine State Grange.

Journal of previous session read and approved.

From the House: An Act to amend Section 55 of Chapter 2 of the Revised Statutes, relating to the Secretary of State. (S. D. 179)

(In the Senate, March 25th, passed to be engrossed and sent down for 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 if any senator cares to hear it, and it is asked for.

(The Secretary read the amendment.)

The PRESIDENT: The question is shall we reconsider the vote whereby we passed to be engrossed on March 25th, Senate Document 179, under suspension of the rules? The motion to reconsider prevailed.

Thereupon, on motion by Mr. Morrison of Franklin, House Amendment A was adopted in concurrence and the bill as so amended was passed to be engrossed.

From the House: The Committee on Salaries and Fees on bill An Act relating to clerk hire in the office of County Attorney in Penobscot County (H. D. 452) reported that the same ought to pass.

In the House, passed to be engrossed as amended by House Amendment A.

In the Senate:

Mr. PERKINS of Penobscot: Mr. President, I move that the amendment be read.

(The Secretary read the amendment.)

Thereupon, on motion by Mr. Perkins of Penobscot the bill and the report were tabled pending consideration.

**Bills in First Reading**

The PRESIDENT: The Chair will

say that we come now to the so-called First Readers and if there is no objection the Chair would suggest that they be read by title only on their first reading and also that they be given their second reading at this time, under suspension of the rules.

(Under suspension of the rules, these bills and resolves were given their second reading and passed to be engrossed.)

An Act relating to ice fishing in Annabessacook Lake, in Kennebec County. (S. D. 286)

Resolve to reimburse Elliottsville Plantation for support of John Lynch a State Pauper. (S. D. 287)

Resolve, in favor of the town of Oakland for money paid for mother's aid. (S. D. 288)

Resolve, providing for a State Pension for Mabel Armstrong of Lewiston. (S. D. 289)

Resolve providing for a State Pension for Bertha J. Hodsdon of Lewiston. (S. D. 290)

Resolve, providing for a State Pension for Nellie Buck of Lewiston. (S. D. 291)

An Act relating to the issuance of permits to propagate game birds, game and fur-bearing animals. (S. D. 292)

An Act to prohibit the use of more than two lines for trolling at any time in one boat or other vessel or conveyance in the Rangeley Chain of Lakes, so-called, situated partly in the County of Franklin and partly in the county of Oxford. (S. D. 293)

An Act relating to the protection of wild hares or rabbits. (S. D. 294)

Resolve providing for a State Pension for Timothy F. Donovan of Lewiston. (S. D. 295)

Resolve to reimburse the town of Phippsburg for burial expenses of the child of John Murphy, Jr., a former resident of Malaga Island. (S. D. 296)

Resolve, in favor of the County of Somerset, for reimbursement for expenses incurred in the sickness and death of John Stewart. (S. D. 297)

Resolve, to reimburse the town of Littleton for care and burial expenses of Arthur Berube, or Burby, a Spanish War Veteran having no

settlement in the State. (S. D. 298)

#### Reports of Committees

Mr. Dwinal from the Committee on Legal Affairs, on bill An Act relating to the equipment and signalling devices on motor vehicles. (S. D. 186) reported that the same ought not to pass.

Mr. Holmes from the same Committee on bill An Act relating to registration of voters (S. D. 190) reported that the same ought not to pass.

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

The same Senator, from the same Committee, on bill An Act relating to aircraft (S. D. 214) reported that the same ought not to pass.

Mr. Morrison, from the same Committee, on bill An Act authorizing the transfer of the real estate used as a ferry landing at Bath, Maine, from the State of Maine to the city of Bath (S. D. 100) reported that the same ought not to pass.

(On motion by Mr. Drake of Sagadahoc, tabled pending acceptance of the report.)

The same Senator, from the same Committee, on bill An Act to establish a uniform license law for summer camps (S. D. 87) reported that the same ought not to pass.

The same Senator, from the same Committee, on bill An Act relating to registration in optometry (S. D. 191) reported that the same ought not to pass.

Mrs. Allen, from the Committee on Library, on Resolve for the purchase of 300 copies of "History of the Maine State College and the University of Maine" (S. P. 452) reported that the same ought not to pass.

Mr. Bond, from the Committee on Ways and Bridges, on Resolve, in favor of the town of Whitefield, for reimbursement of amount paid in excess of its proportional share of the cost of the bridge at Cooper's Mills (S. P. 344) reported that the same ought not to pass.

The reports were severally read and accepted.

The majority of the Committee on Legal Affairs, on bill An Act relating to marriage certificates (S. D. 79) reported that the same ought not to pass.

(Signed)

MORRISON  
HOLMES  
DWINAL  
McCART  
LITTLEFIELD  
GOODWIN  
BLAISDELL  
FULLER  
SARGENT

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

(Signed LAUGHLIN

(On motion by Mr. Holmes of Androscoggin, the majority report was accepted.)

Mr. Harriman, from the Committee on Labor, on bill An Act relating to the employment of children (S. D. 144) reported that the same ought to pass.

The report was read and accepted, the bill read once and under suspension of the rules was given its second reading and passed to be engrossed.

Mr. Crafts, from the Committee on Salaries and Fees, on bill An Act to increase the amount to be paid for clerk hire in the office of the Clerk of Courts of Piscataquis County (S. P. 349) reported the same in a new draft, under the same title (S. P. 550) and that it ought to pass.

The same Senator, from the same Committee, on bill An Act relating to the salary of the Clerk of Courts of Piscataquis County (S. P. 350) reported the same in a new draft, under the same title (S. P. 551) and that it ought to pass.

Mr. Case, from the Committee on Resolve to aid in rebuilding the Blacks Woods Road in Township No. 10, Hancock County (S. P. 314) reported that the same ought to pass.

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

The same Senator, from the same Committee, on bill An Act to amend Section 92 of Chapter 211 of the Public Laws of 1921, relative to disposition of motor vehicles fees (S. D. 133) reported that the same ought to pass.

The report was read and accepted,

the bill read once and under suspension of the rules was given its second reading and passed to be engrossed.

Mr. Smith, from the same Committee, on bill An Act to provide for the maintenance of highways on which Legislative road resolve appropriations have been expended (S. D. 146) reported that the same ought to pass.

The report was read and accepted, the bill read once and under suspension of the rules was given its second reading and passed to be engrossed.

Mr. Case, from the same Committee, on bill An Act relating to continuous roads through three or more towns (S. P. 352) reported that the same ought to pass.

Mr. Smith, from the same Committee, on bill An Act relating to the apportionment among towns of the third class highway fund (S. P. 353) reported that the same ought to pass.

The same Senator, from the same Committee, on bill An Act authorizing the State Highway Commission to designate certain state and state aid highways as through ways and to regulate traffic at intersection of such through ways with other ways (S. P. 181) reported that the same ought to pass.

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

#### Passed to Be Engrossed

An Act relating to application for license to build or extend wharves and fish weirs. (H. D. 198)

An Act relating to the Oxford County Agricultural Society. (H. D. 320)

An Act amending acts providing for state and county aid in the construction of highway bridges. (H. D. 321)

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

An Act relating to bounty on porcupines or hedgehogs. (H. D. 439)

An Act relating to school moneys of tribe of Indians of Old Town. (S. D. 141)

#### Passed to Be Enacted

An Act relating to Active Retired

Justices of the Supreme Judicial Court. (H. D. 135)

An Act relating to the schools at Pleasant Point and Peter Dana's Point. (S. D. 142)

An Act relating to digging out of Fox Dens. (H. D. 152)

From the House, out of order, the following order:—

Ordered, the Senate concurring, that House Paper 429, Resolve in favor of international bridge over St. John River, Madawaska, Maine-Edmundston, New Brunswick, for a combined immigration and customs office, be recalled to the House from the Committee on Ways and Bridges.

In the House, read and passed.

In the Senate, read and passed in concurrence.

Mr. CASE of Washington: Mr. President, I would like to ask the Senator from Androscoggin, Senator Holmes, if he will assign a date certain to take from the table House Document 321.

Mr. HOLMES of Androscoggin: Mr. President, I will assign Wednesday next.

Mr. CASE: I will say, Mr. President, much of our road program is being held up on account of this bill and in order to complete our program we would like to have this bill come up as soon as possible.

Mr. HOLMES: Mr. President, Friday next.

The PRESIDENT: The Senator from Washington, Senator Case, moves that the rules be suspended and that we act upon a matter now upon the table, House Document No. 321, and that it be assigned for Friday next. Is this the pleasure of the Senate?

The motion to assign prevailed.

#### Orders of the Day

The President laid before the Senate, order relative to welfare conditions in the State of Maine (H. D. 365) tabled on March 23rd by Mr. Bragdon of Aroostook, pending consideration and today assigned.

Mr. BRAGDON of Aroostook: Mr. President, may we be enlightened as to the pending question?

The PRESIDENT: The Chair will state that it was a House order apparently and had been passed in the House and an amendment was offered

and adopted in the House. It comes to the Senate in an amended condition, no action having been taken by this body. The pending question is automatically, then, in this body, adoption or rejection of the amended order.

Mr. BRAGDON: Well, Mr. President, I will move the indefinite postponement of the amendment and if this is done I will offer Senate Amendment A which I consider will cover the same subject matter more completely.

The PRESIDENT: The motion is in order. Does the Senator wish to speak to it?

Mr. BRAGDON: Not at present, Mr. President.

The PRESIDENT: The question is the indefinite postponement of House Amendment A to the so-called Welfare Order. Is this the pleasure of the Senate?

The motion to indefinitely postpone House Amendment A prevailed and Mr. Bragdon of Aroostook offered Senate Amendment A as follows and moved its adoption:—

“Senate Amendment A to House Document 365. Amend said order by adding thereto the following: This committee shall receive no compensation and before said committee makes any engagements or incurs any expense it shall formulate its general plans, obtain estimates of the expense of the investigation proposed, submit its said plans with said estimate to the Governor and Council and if that body approves said committee shall authorize it to make its investigation along the lines it has proposed and to the extent, so far as the expense is concerned, as has been approved by the Governor and Council.”

Thereupon, on motion by Mr. Maher of Kennebec, the order and amendment were tabled pending acceptance of Senate Amendment A.

The President laid before the Senate, An Act to raise an excise tax on corporations organized for making, generating, selling, distributing and supplying electricity (H. D. 246) tabled on March 24th by Mr. Roberts of York pending consideration, and today assigned.

The PRESIDENT: The Chair recognizes that the Senator from York, Senator Roberts, is not in his seat.

Mr. GRANVILLE of York: Mr. President, in the absence of my colleague, Senator Roberts, I would like to have this remain upon the table.

The PRESIDENT: Will the Senator assign a date?

Mr. GRANVILLE: As I do not speak for my colleague who is unavoidably absent today, Mr. President, I would like to have it unassigned at his pleasure.

Mr. CARTER of Androscoggin: Mr. President, if I might be of information to the Senate and to Mr. Granville, I will say that this is a matter over which the Senator from York, Senator Roberts, and myself have had some conference and rather under an agreement with that Senator I had agreed with him that just such disposition should be made as has been made.

The PRESIDENT: The Senator from York, Senator Granville, moves that this matter be retabled and unassigned. Is this the pleasure of the Senate?

The motion to retable without assignment prevailed.

The President laid before the Senate, Senate Report from the Committee on Maine Publicity, new draft, “ought to pass”, on resolve appropriating money for the compilation and publication of data concerning resources of the state (S. D. 2) tabled on March 25th by Mr. Oakes of Cumberland pending consideration and today assigned; and on motion by that senator the resolve was tabled to be taken up as the last item on matters tabled and assigned for today.

The President laid before the Senate, Senate report from the Joint Committee on Public Utilities, Interior Waters and Judiciary, majority report, “ought to pass,” minority report, “ought not to pass,” on An Act to amend charters of all corporations making, generating, selling distributing and supplying electricity (S. D. 6) tabled on March 29th by Mr. Granville of York pending passage to be engrossed and today assigned.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Granville.

Mr. GRANVILLE of York: Mr. President, I yield the floor to the

Senator from Androscoggin, Senator Carter.

The PRESIDENT: The Senate and spectators will be in order.

Mr. CARTER of Androscoggin: Mr. President, in presenting the motion that I am about to present I wish to go on record with a few brief remarks. These remarks and the record thereof I think cover both the matter before the Senate at this time, Senate Document No. 6, and the matter which automatically will be presented to the Senate next in order, Senate Document No. 7, and at this time I will make the motion that Senate Document No. 6 be passed to be engrossed and in support of that motion I will say that the people of Maine, by its Legislature, in 1909 expressed the public policy of Maine in relation to its hydro-electric public utilities by the enactment of the so-called Fernald Law. The public policy of Maine is one of conservation, that it shall preserve to the prior use of its own people the natural resources and asset of the state, the potential and developed water power of Maine by the prohibition of such water power being translated beyond the confines of the state in the form of electric current.

The public policy of Maine relative to hydro-electricity is a declaration of Maine's attitude toward an economic question, local to Maine. The long continued public policy of Maine toward the transmission of electric current beyond the confines of the state justified the belief and assertion that this policy is sound. This belief rests upon business principles which in their very nature are local as distinguished from national.

Engineers state that the country is by natural barriers divided into eight hydro-electric regional districts, of which one regional district is New England. Thus the economic question localizes itself to New England through geographical barriers. New England comprises six states, not separated by geographical barriers. Of these six states, five have developed practically all of their water power, and are using practically all of their hydro-electricity developed or potential. One state, Maine, has large quantities of undeveloped water power, or potential hydro-electric current. This fact again localizes the economic law to Maine, for as a matter of business,

Maine should not participate equally in the region of New England where it is the lone state capable of selling power, and the other five states of the region are all power buying states. Thus, the economic law is again localized to Maine.

Water power is the weight of falling water. Maine has three major rivers, the sources and head waters of which are within the confines of the state of Maine. For example, the Androscoggin River has its source and head waters in the biggest reservoir, the Rangeley Lakes, which are about 1300 feet above sea level. The Androscoggin River has for power the weight of the overflow of the Rangeley Lakes falling 1300 feet to the sea.

This power, the weight of the falling water of the Androscoggin, has its extreme height in Maine, and the tailrace is at its confluence with the Kennebec River at Merrymeeting Bay in the tide waters of that river. This head of water is local to Maine, with the exception of the few miles which the Androscoggin flows through New Hampshire. New Hampshire's use of the Androscoggin River affects Maine's local question only to the extent of the number of feet that the Androscoggin drops in its journey through New Hampshire. The drop of the falling water in New Hampshire is a business question local to New Hampshire.

Water power, in the conditions described has no present worth only as it discounts the future or potential value. In 1854, a structure was built in Lewiston, Maine, which dammed the Androscoggin River. The tail race of the waters from this dam was some forty feet below its crest. Forty feet of the 1300 feet of the falling water of the Androscoggin River had been turned from potential or future value to possible value at Lewiston, of some present worth if that 40 feet head of water power was used by business in industry.

By the use of water mill wheels, the water of the Androscoggin River falling 40 feet at Lewiston, was harnessed and turned into power. By the use of this power, mills and factories were built for producing commercial commodities. By this step more present worth was added to the original potential or future value. The commercial commodities,

business local to Maine, could be produced only by man power intelligently using the horse power created by the falling waters of the Androscoggin. This horse power used upon raw product—cotton, wool and hides—by the man power, produced a commercial commodity and called to Lewiston man power sufficient to absorb the horse power of the falling waters of the Androscoggin.

This man power brought with it, the families. Man power plus families had to be housed, fed, educated, protected from fire and lawlessness, furnished with water and other necessities, given its places of worship, entertained with proper places of amusement, and more particularly, as far as the local business question to Maine was concerned, this man power had to be paid its wage commensurate with the service rendered in transmuted the falling waters of the Androscoggin and its potential value, to its maximum present worth.

This wage, or payroll, made possible the city of Lewiston of nearly 40,000 souls. The development of the water horse power of the Androscoggin, used at the dam site, and there turned to pay roll, is the full value of Maine's water horse power, Maine's natural, local resource.

The business principle or conclusion drawn from this example is that where the power of the falling water is turned to payroll, is where the wealth accruing from the potential value of the falling water is distributed. The falling water of the Androscoggin being in Maine, the wealth, both direct and indirect, from harnessing that water should remain in Maine. Where the commercial commodity is sold, is not Maine's problem. The problem local to Maine is where such goods are made by the use of Maine's falling water!

It should never be forgotten that a natural resource, per se, is not a commercial product, irrespective of whether that resource is in its natural form, water power, or the natural resource has been transmuted to electric current, for the wealth of the natural resource is where that resource, water power, is used to create payroll.

Hydro-electric current, carried to another state, moves the potential

wealth of Maine's water horse power, the local natural resource of Maine, to that state wherein the hydro-electric current is used to turn the wheels of industry, and thereby create payroll and the incidental wealth to the community in which the payroll is distributed.

Maine has the right to have its natural resource, the local river, turned to direct wealth in the locality where the natural resource is.

A local business question which at once presents itself—our railroads. Freight rates of our railroads are increasing tremendously. The raw products for our industries come largely from without the state. The manufactured products of our industries go largely beyond the state. The high cost of transmission of electric current of a few years ago is decreasing startlingly in direct inverse ratio to the increase in freight rates. Many of our industries are subjected to the double freight rates—the rates on incoming raw products, and rates on outgoing finished products.

Recent discoveries have cheapened the generation of electricity, and made possible greater distances to which electricity may be shipped. Frank G. Baum has recently perfected an invention which the Westinghouse Electric and Manufacturing Company has purchased. The press reports state that by the use of this invention, electricity can be shipped 1000 miles!

The center of the market, the center of population, the center of wealth, is in the Mississippi Valley. With the trans-shipment of current beyond the confines of the state, industry can move nearer the market, saving thereby the double freight rate, which saving would be far in excess of the increased cost of Maine's electricity carried to southern New England. Such a condition would impoverish our Maine railroads, and impoverishment of our railroads is certainly a business calamity local to Maine. Prosperous railroads build prosperous communities.

With industry removed from the dam site, and possibly from the state, and our railroads in the hands of receivers, what becomes of real estate values of the land and buildings now situated at the towns which

have grown up at our dam sites. Without real estate values to tax, what will support the public schools, the administration of law and order, the pleasures of the people, their desires for public improvements by ways of roads and bridges, and even the churches wherein they worship God.

The Federal Constitution gives to Congress exclusive jurisdiction of interstate commerce. When hydro-electricity, through the public utilities companies, crosses the state line, this carriage across the line becomes commerce between state and state, and as such, immediately passes under the jurisdiction of the Federal government through the commerce clause of the Federal constitution, which means that our last great public utility developing our last great natural resource, water power, would eventually be administered from Washington the same as the other great interstate public utilities, wherever it is in interstate commerce. Kept in Maine, it is a local thing, never going under Federal jurisdiction, for carriage alone can make interstate commerce. The dangers and intricacies of the Federal control and regulation, if permitted, are many.

The wealth of this country is centralized in the Mississippi Valley; the population of this country is centralized in the Mississippi Valley; the market of this country is centralized in the Mississippi Valley; the raw products of this country are produced in the Mississippi Valley. If Maine water power, through its hydro-electric public utilities, is administered from Washington by the central government, then the centers are built by the addition of Maine's natural resource—Maine is far from the centers with a local natural resource. Whenever laws are so centralized and administered that the centers of population increase, that increase must come from the frontier, which as a result is withered and atrophied. Maine is a frontier state, situated the farthest north and east of any state in the Union, bounded north and east by the Canadian frontier and the Atlantic Ocean.

Maine's natural resource, Water power, developed and used in Maine, calls more man power to Maine to use its resources, brings farmers onto

the land of Maine to supply the necessities of the Maine power using, Maine's natural resource. Maine's water power is local. It should be administered at home for the benefit of those at home, that the wealth, direct and indirect, may remain at home for the purposes of taxation, that our government may be carried on to the highest state of efficiency to its people. If the central government, through its congress—and its congress acts faithfully for the purpose for which it is created—it must use the resources of the entire country for the benefit of the greatest number of its inhabitants, and the greater number of its inhabitants are centralized in the Mississippi Valley. Maine's last natural resource, local to Maine, administered by the Central government, would be administered for the benefit of the Mississippi Valley to the impoverishment of Maine.

The central government perhaps properly administers our interconnecting trans-continental interstate commerce carrying railroads, for eighty per cent of the commerce in commodities is between state and state—interstate commerce—but on the other hand, the central government should not administer hydro-electricity, for less than four per cent of the hydro-electricity generated is in commerce between the states.

The hydro-electric public utility company authorized in Maine, is given a monopoly in a certain limited area, and by this monopoly and in consideration of special privilege granted it by the state as such utility company in the eyes of the law, promises to serve all the inhabitants of the state within the limited area in which it is granted a monopoly, and to serve them all equally in accordance with the class of service given. The public utility under the law is permitted to charge rates high enough to cover its operating cost, plus fair depreciation and reserve, plus a fair percentage (eight per cent) upon a fair value of its property used or useable in giving the service.

Less than half the communities of Maine are served at the present time. More than forty percent of the water horse power of Maine is developed at the present time. Does not this justify Maine's public policy of conser-

vation, at least until all the communities are served by the hydro-electric public utility? Fifty-two per cent of Maine's population lives upon farms. Less than ten per cent of those living upon farms are served with electricity. Have the public utilities of Maine kept faith with the people of the state of Maine until the companies have reasonably served all the farms. Shall the homes of the people of New Hampshire be lighted with Maine electricity when approximately 350,000 Maine farmers retire by candle light because they have no electricity? The existing market in New Hampshire is created by the fact that the developed hydro-electric power of New Hampshire is largely used in Massachusetts.

Decision: of the United States Supreme Court, which has jurisdiction over the commerce clause defined in the Federal Constitution, warrant and uphold the statement that a state which has declared a public policy of conservation in relation to a natural resource can by law conserve this natural resource until its citizens have all had opportunity at least to participate in the enjoyment of this natural resource. Maine's public policy of conservation was announced in 1909 by the so-called Fernald Law.

The United States Supreme Court has also rendered decisions which warrant and uphold the statement that a state which creates a corporation can limit the scope of the business of that corporation to any corporate powers it sees fit. The state of Maine through its constitution, Article 4 Part Third, Section 14, and Section 2 of Chapter 51 of the Revised Statutes, have preserved to Maine the right to alter, amend or repeal all corporations organized by it since March 17, 1831. The prohibition of the Fernald Law, the declaration of the public policy of Maine, added to the charter of every hydro-electric generating company of Maine by amendment by law, by an act of the legislature of Maine, divorces the generating companies from transmitting companies, and places the generating companies under the sole control of Maine for the generating company, a corporation is a local entity engaged in local business; its charter is under the sole jurisdiction of Maine, and never could pass under the jurisdiction of the

central government,—for transmission, which is carriage, could never take place across the state line, and I ask, Mr. President, that the vote on this motion be taken by roll call.

Mr. MAHER of Kennebec: May I ask the Senator from Androscoggin, Senator Carter, through the Chair, if this Senate Document No. 6 is the same as it appears in our record, un-amended?

Mr. CARTER: I will say, through the Chair, that it is.

Mr. MAHER of Kennebec: Mr. President and members of the Senate, the few brief remarks I have to make on this matter are from my own personal standpoint and simply for my own personal satisfaction that I may be clear upon the record. This matter was heard before the three committees, Interior Waters, Public Utilities and Judiciary, of which I was one member. I personally refrained from signing either report because I conceived that it was possible that with an amendment, notwithstanding a certain primary objection that existed in my mind, that I might be willing to sign a majority report or even to vote for the measure. To this date there has been no amendment either proposed or offered. I cannot vote for this bill and I will briefly state why. As the Senator from Androscoggin, Senator Carter, has very truly said, in 1909 there was passed a general statute which has assumed to be declaratory to the policy of Maine with reference to hydro-electric power, commonly termed the Fernald Law, but misnamed because it was introduced into this body, as the record shows, by the former Senator from Cumberland, the former Governor of Maine, Governor Baxter. But down through the years this has stayed upon our statute books and I understand the so-called Senate Document 6, which is at present under consideration is merely an attempt to declare by the way of an amendment of the charters what was stated in that general act. This is so in a certain sense, and it is not wholly so as you immediately perceive if you will examine the Fernald Law. Section 1 of Chapter 60 of the Revised Statutes says: "No corporation, unless expressly authorized so to do by special act of the legislature, shall transmit or convey beyond the confines of the State for the purpose of furnishing power,

heat or light, any electric current generated directly or indirectly by any water power in this State; nor sell or furnish, directly or indirectly, to any person, firm or corporation, any electric current so generated to be transmitted or conveyed beyond the confines of the State for any of such purposes. Nothing in this section, however, shall prevent any railroad corporation, doing business in this State, from transmitting electric-current, however generated, beyond the confines of the State for the purpose of operating its road between some point in this State and any point or points beyond its confines; nor shall this section apply to any corporation engaged on the third day of July, one thousand nine hundred and nine, in conveying or transmitting electric current beyond the confines of the State, or chartered or empowered so to do, nor affect or impair any contracts then existing for the transmission of electric current beyond the confines of the State."

That exception to my mind was a well considered exception by the very distinguished attorney who drew that so-called Fernald Act and who, it has been later bruited about—I know not whether with authority or not—later became a Justice of the Supreme Court of Maine. Whether that is a fact I do not know, but manifestly that exempting clause was drawn with great care. Why? I think the distinguished Senator from Androscoggin (Senator Carter) will agree with me that following the decision of the Supreme Court of the United States in the historical case of Dartmouth College vs. Woodman it was recognized, in the opinion of Justice Marshall, that an act of incorporation or the amending of a charter was the basis of a contract between the state and the incorporators, the corporation, and what the state of New Hampshire attempted to do in the Dartmouth College case, the Supreme Court of the United States said could not be done because it would constitute an impairment of the obligation of a contract. However, in the case of the opinion of Mr. Justice Storey, then a great and distinguished member of the Supreme Court of the United States, there occurred one significant clause which I will not attempt to give with exactitude but which in substance is that if any state desired to make a change

in the charter of a corporation created by it that either that must be reserved in the act of incorporation of the charter itself or else in some general law of the state or else in the constitution. Following that opinion, from one end of the country to the other there were adopted certain statutes among which, we will note, is the statute of 1831 in Maine and that statute, passed in 1831 in Maine, expressly reserved to the state of Maine thereafter the right of altering, amending and repealing the charter of any corporation authorized under the laws of the constitution of Maine or formed under the general law, so that after that case, after the 17th day of March, 1831, on any corporation organized in this state the state of Maine had the power to alter, amend or repeal, notwithstanding the decision in the Dartmouth College case. Well and good! Down comes 1909 and the passage of this so-called Fernald Act. Now what does it do? It acts exactly the same, by general law, in its inhibition, as Senator Carter's act but it expressly says that "nothing herein contained shall prevent any railroad corporation doing business in this state, whether domestic or foreign, from transmitting electric current, however generated, beyond the confines of the state." It leaves that exemption. Senator Carter's act, Senate 6, does not leave that exemption as I see it, unless it would be argued by the senator that this limitation, being upon small corporations organized in the state of Maine, would not affect a corporation such as the Boston and Maine railroad. But this exemption in the Fernald Law is broad enough to affect a railroad corporation organized in the state, such as the Maine Central Railroad and if it should at any time extend its lines by electrification outside of the state of Maine it would be inhibited under this act which is now under consideration, whereas that would not have been reached under the Fernald Law. This section did not apply to any corporation—this Fernald Law section—actually engaged on the third day of July 1909 in conveying electric current beyond the confines of this state. I do not know whether there were any or not but in 1909 when the legislature passed the Fernald Law it took into consideration that there might be. And it went further and said that any corporation that was

authorized to—I don't know whether any were, but if there were any the legislature in 1909 took that into consideration and made those exemptions. None were exempted here. Read the comprehensive language, I think used with significant intent: "each and every act of the legislature passed since March 17th, 1831"—this is the act of the Senator from Androscoggin, Senator Carter—"incorporating any corporation for the purpose of making, generating, selling, distributing and supplying electricity." In other words, in the first four lines he makes by this act a comprehensive attempt to reach every single one of the exempted classes set forth in the Fernald Law. I cannot subscribe to it. And for the further reason—and I am done—I conceive that there is absolutely no need of any such law as this. With a general statute, if the Fernald Law is anything else then a gesture, if it is believed that the Fernald Law is a constitutional measure, why carry coals to Newcastle by the amendment of charters? I fancy there may be some doubt in the senator's mind, as there is in my mind, in regard to whether or not the Fernald Law has any validity, despite the statements of distinguished counsel appearing for utility companies at our hearing who profess confident belief in its constitutionality. To me it is a matter certainly open to very grave argument and I believe that the Senator from Androscoggin (Senator Carter) in perfect candor, attempting to reach the doubt of a general law such as the Fernald Law, accomplishing the economic ends he desires, calls upon the strength of certain decisions of the Supreme Court as he reads them to create a limitation on the powers of corporations by specific amendment. I go aside from the senator there on this thesis. I do not believe that you can do indirectly what you cannot do directly, in the matter of imposing a burden on interstate commerce or entrenching on the power of the nation. I further believe this, that a state has a perfect right in the creating of a corporation to give that corporation such powers within the State, such unlimited powers, as it sees fit, or to withhold and restrain and limit. I agree with that but I conceive a very vast difference between the limitation—if you pardon the expression—

the prenatal influence of the Legislature upon a corporation act in its inception and birth, and a major surgical operation upon a corporation by amendment seeking to limit its powers after that corporation is in existence.

I won't attempt to discuss the economic phases involved in the senator's argument. Properly, any remarks that would apply on that line would be made in connection with another bill, but for the reason stated, personally, unamended, I cannot support Senate 6.

MR. CARTER: Mr. President, as to the unconstitutionality or the possible unconstitutionality of the Fernald Law I am somewhat in agreement with the Senator from Kennebec, Senator Maher, and I have voiced my doubts of the constitutionality of the Fernald Law for the past eighteen months before a great many people. I do doubt very much that the Fernald Law would be upheld were it construed by the United States Supreme Court, and that would be the last place where it would be construed, the court of final resort. I do dislike very much the third section of the Fernald Law in which it does make exemption and says that any company now shipping power out of the State or authorized to do it is not under the act. It seems to me that the third section of the Fernald Law was the complete nullifying joker which was attached to it for there were many charters in existence at that time which did have the authority to ship electricity outside of the State, and it was that very group of charters which my senate bill No. 6 is headed against, the exemptions, the power company already shipping out at the time the Fernald Law was passed. On the second page of Senate 6, starting at line 16, it says "except however that each and every such corporations generating hydro-electricity on any river, stream or other water which said waters constitute any part of the boundary between the State of Maine and any other State or nation shall have the right to transmit so much of the hydro-electricity generated at any station or power plant on such boundary waters to the state or nation immediately abutting such boundary waters as shall be allocated to such abutting state or nation by the public utilities com-

mission of the State of Maine and no more." In this bill it takes care of every boundary company and unless I am very much in error the only companies shipping electricity from the State of Maine today are companies generating on boundary waters and they are excepted and they can ship out only so much electricity as is developed by the generating plant on the boundary river and that should be promptly allocated, and that is fair. If one part of a dam is in New Hampshire and one part in Maine each state should participate in the development of the water power on the boundary waters.

The railroad situation. A terrible bugaboo! The next bill on the calendar to be taken up is Senate Bill No. 7, conceived for just the purpose that no burden should be laid upon industrial development. Senate No. 6 touches only the local manufacturing plant, the shoe plant, the cotton mill, the starch factory, local industries that never could come under Federal jurisdiction unless carriage takes place. The only way that anything can come under interstate commerce jurisdiction is by carriage. Senate No. 6 affects the local, the generating plant, the shoe plant, the cotton mill, if you please. Senate No. 7 touches the transmission lines, carriage, the railroad or what not, and all that the law of Maine, if Senate No. 6 and No. 7 are passed, will say in relation to carriage is that any carriage, any transmitting companies organized under the law of Maine—the only limitation is that it cannot own, operate or control a generating plant, thereby keeping the local enterprise, the cotton mill, if you please, really separate from the common carrier, the railroad, if you please. It is just the same in regard to electricity, its manufacture and shipment, just the same as every law in this land is in regard to the manufacture and shipment of any other commodity. And why is electricity sacrosanct that it should not have the same economic laws applied to it as are applied to shoes or cotton goods? Divide your manufacturing plant, your factory, your generating plant, from your common carrier, your railroad, your transmitting line. And Senate documents number 6 and number 7 do that and the railroad is not prohibited—

Mr. MAHER: Will the Senator yield?

Mr. CARTER: Certainly.

Mr. MAHER: Are we discussing Senate 6 or Senate 7?

The PRESIDENT: Does the Senator from Kennebec, Senator Maher, wish the Chair to rule?

Mr. MAHER: The Senator from Androscoggin, Senator Carter, at my request yielded and I desire to ask the question whether or not we are now discussing Senate 6 or Senate 7.

The PRESIDENT: The Senator from Androscoggin, Senator Carter, may answer through the Chair if he desires.

Mr. CARTER: Mr. President, the matter, as I conceive it before the Senate at this time is Senate Document 6. Senate Document 6 and Senate Document 7 are what you might call complementary bills, were entered together, have been discussed together, heard together and considered together. I think, Mr. President, that possibly on a technicality Senate 6 only is in substance before the Senate but the spirit of Senate 7 is here and I think this Senate will bear with me if I have transgressed on the ground of parliamentary etiquette.

Mr. MAHER: Replying very briefly to the Senator from Androscoggin, Senator Carter, the reason for my interruption was to discover whether or not there had been a possible mistake in the calendar because I did not find here today, even marked for consideration, Senate 7.

Mr. CARTER: Mr. President, simply that I might rise for information. In my opening I said Senate Document 261, which is the new draft of Senate 7, started out originally as Senate 7 and if I have called the original bill Senate 7 instead of giving it the number of the new draft, I did not do it with any idea of abusing the rights of the Senator.

The PRESIDENT: The Senate and spectators will be in order. The Senator from Androscoggin, Senator Carter, has asked that the vote on this question be taken by yeas and nays, the question being the passage to be engrossed of Senate Document 6. As many as favor the yeas and nays will rise. A sufficient number having risen, the yeas and nays are ordered. The Chair will explain, not thinking that it is necessary but will, however, explain, that a vote "yes"

means that you are for the passage to be engrossed, or in other words you are in favor of passing to be engrossed Senate Document No. 6. A vote "no" means that you are against the passage to be engrossed of Senate Document No. 6. Is there any senator who does not understand? The Secretary will call the roll.

The roll was called.

Those voting yea were Senators Bond, Bragdon, Buzzell, Carter, Crafts, Drake, Dwinal, Harriman, Holmes, Lord, Nickerson, Oakes, Perkins, Smith, Spear, Speirs, Woods—17.

Those voting nay were Senators Allen, Case, Douglas, Dunbar, Foster, Granville, Maher, Miner, Mitchell, Morrison, Pinkham, Slocum—12.

Absent—Senator Roberts.

The PRESIDENT: Seventeen having voted in the affirmative and twelve in the negative, the bill was passed to be engrossed.

The President laid before the Senate, Senate report from the Joint Committee on Public Utilities, Interior Waters and Judiciary, majority report "ought not to pass", minority report "ought to pass", on An Act to amend charters of Maine corporations incorporated for transmission of electricity and to limit rights of foreign corporations authorized to do business in Maine for similar purposes (S. D. 261) tabled on March 29th by Mr. Granville of York pending passage to be engrossed and today assigned.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Granville.

Mr. GRANVILLE of York: Mr. President, I yield to the Senator from Androscoggin, Senator Carter.

Mr. CARTER of Androscoggin: Mr. President, the new draft of Senate Document 7 now found under the title of Senate Document 261, I would say that the new draft simply adds to Senate Document 7 in line four of Section 1, a few words intended only for clarification of description. The meat of the bill and the law it puts out is exactly the same. Now, Senate Document 7—and, pardon me, I now move that Senate Document 261 be passed to be engrossed and address myself to the Senate on that

motion—Senate Document 261 says this, simply, that it gives under the laws of Maine the right to organize a transmission company. Now, a transmission company is a carriage company and might become interstate in that it might cross a state line. Such a company if it crosses a state line would at once come under the jurisdiction of the United States government, the Federal courts and Congress, under the so-called Commerce Clause of the Constitution under which Congress has jurisdiction of interstate commerce, and no state can in any way burden interstate commerce. It is unconstitutional. So, the only limitation placed by this law, Senate 261, upon any transmitting company, be it a state organized company or a company organized in another state, the only limitation put upon either class of company is that the transmission company, if organized, shall not be permitted to own, control or operate a generating company, simply so that one huge thing cannot be formed which owns all the generating companies and all the transmission lines. And if I may put a homely illustration before the Senate, the generating companies are the local factories, like any factory in any line of industry, and the transmitting line is comparable to the railroad, the common carrier. Now, no common carrier, no railroad, is permitted, under the federal jurisdiction or state, as far as I know, to enter into the manufacturing business. There was great censure brought against one of our local railroads here a good many years ago when it undertook to develop an hotel business, and of all the other kinds of carriers, practically, that we are familiar with in this section of the country at least, no common carrier owns an industry. Why should the industry of generating electricity and selling it be treated any better than any other industry? In other words, divorce generating, the factory, from transmission, the carriage, and say to the transmission company, the carrier, "You can do anything you want in the way of interstate commerce or anything else but you cannot own, control or operate a generating plant." Now, in these two bills we have kept the generating plant under local control and the transmitting plant, which may be a common carrier, we have placed no burden on, for the minute it

crosses a state line it comes under the federal jurisdiction. Therefore, this Senate 261 is a complementary bill to Senate 6 and the two should go along hand in hand together, not only for the protection of the State but also to show to the public at large that we place no burden of any sort upon interstate commerce. Mr. President, I will ask for a yea and nay vote.

The PRESIDENT: The question is on the passage to be engrossed. Is there further debate? The Senator from Androscoggin, Senator Carter, asks for a yea and nay vote. As many as favor that will rise. A sufficient number having risen, the yeas and nays are ordered. A vote "yes" is for the passage to be engrossed, or in other words, for the bill. A vote "no" is against passage to be engrossed, or in other words, against the bill. The Secretary will call the roll.

The roll was called.

Those voting yea were Senators Bragdon, Buzzell, Carter, Crafts, Drake, Dunbar, Harriman, Holmes, Lord, Nickerson, Oakes, Perkins, Smith, Spear, Speirs, Woods—16.

Those voting no were Senators Allen, Bond, Case, Douglas, Dwinall, Foster, Granville, Maher, Miner, Mitchell, Morrison, Pinkham, Slocum—13.

Absent—Senator Roberts.

The PRESIDENT: Sixteen having voted in the affirmative and 13 in the negative, the bill is passed to be engrossed.

The President laid before the Senate, Report from the Joint Committee on Public Utilities, Interior Waters and Judiciary, majority report "ought to pass," minority report "ought not to pass," on an Act to provide for exportation of surplus power. (S. D. 259) tabled by Mr. Granville of York on March 29th pending passage to be engrossed and today assigned, and recognized that Senator.

Mr. GRANVILLE of York: Mr. President, I yield the floor to the Senator from Somerset, Senator Smith.

Mr. SMITH of Somerset: Mr. President, I have already consumed more than my part of the time in the discussion of these problems and therefore will only, at this time, call to the attention of the members this fact that favorable action on the so-called Smith bill does not settle the question for the provision of this bill calls for a wider consideration by the court of last resort, the citi-

zens of Maine, therefore our action this morning means that we are willing—it comes down to the plain proposition, are we willing to trust the people to settle one of the most important questions of this day and generation? If so, it becomes our plain duty to vote "yes," and in so doing, sanction the referendum asked for in this bill which fixes a date so distant that the people, after careful and thoughtful reflection may settle this matter for themselves. This, my friends, is the issue this morning and when the vote is taken, I wish it to be by yea and nay.

Mr. CARTER of Androscoggin: Mr. President, in addressing myself to the pending question, this bill, the so-called Smith bill is a bill that calls for the exportation of power. This bill is against the well settled, long acquiesced in policy of the State of Maine, that policy of conservation which was announced in 1909 when our late Senator, the Honorable Bert M. Fernald was Governor and this policy of conservation has been the policy of the State of Maine ever since. It not only has been the policy under which I believe the State of Maine has prospered during the general business depression of the last few years—I think Maine is feeling this depression some, at least we are now in good shape for generally poor times, at any rate we are in my community. Conservation is a policy under which the very hydro-electrics themselves have prospered to the extent that if the figures from the Assessors' office and the Public Utilities Commission are right, that in 1909 the total valuation of the hydro-electrics of Maine was about \$2,000,000. At the present time the value of the public utilities of Maine is on record at the Public Utilities Commission as about \$80,000,000.

Any law under which a certain class of business has increased forty times in round figures in about 17 years seems to me a law beneficial to this State.

It not only is a bill against the established public policy but it is a bill against our Republican party platform. I read you two excerpts from it which is the first and last paragraph of the water power plan:

"We recognize that it is the established policy of this State to retain Maine's Hydro-electric energy within

our own borders for the use of our people and our industries, and that our present and future prosperity and development largely depend upon the adoption and maintenance of a wise and far-seeing hydro-electric policy."

That there may be no criticism, I will read the whole plan:

"We welcome unprejudiced and unselfish discussion of this paramount issue. On the one hand are those who believe that Maine's present hydro-electric policy is retarding the State's proper development; on the other are those, equally sincere, who hold that it is to the State's advantage and for the protection of future generations to adhere to our present policy, even though complete development of all our water resources be somewhat delayed.

"Between these conflicting views there is a wide divergence of opinion. Our citizens, however, are united in wishing to encourage reasonable further development of hydro-electricity while at the same time conserving and protecting the rights of present and future generations of Maine people.

"The present State-wide discussion of this problem is wholesome and from it a proper solution, no doubt, ultimately will emerge. Some common ground yet may be found on which all can stand. This issue should be treated calmly and without prejudice and should be kept free from partisan, political or personal bias.

"We believe that all agree that under no circumstances whatsoever should the State of Maine relinquish any portion of its control, jurisdiction and regulation over the hydro electric resources within our borders."

The Smith bill is absolutely against this policy. The Smith bill is absolutely against the last paragraph read, that is "We believe that under no circumstances whatsoever should the State of Maine relinquish any portion of its control, jurisdiction and regulation over the hydro-electric resources within our borders."

And if I read the Smith bill right, if I read the law of this land right, if I listened to the attorneys of the proponents of this bill right, the Smith bill absolutely abdicates Maine's control and jurisdiction. The

minute a company is organized it is under federal jurisdiction and can not be anything else. The minute a company is organized, the company so organized has the power of buying and transmitting in Maine, but it can not sell in Maine. It has the power of transmitting and selling outside the state but it can not sell in Maine, if I read the bill right. And if a company can only buy and carry in Maine and can only carry and sell outside of Maine, that company can function only in one way and that is interstate commerce. That is interstate commerce, buying in one state and selling in another, and by the very terms of it or the company under it, it is against our long established state policy and our party policy established just as long.

It says surplus only shall go and figures are given of 125,000,000 killo-watt hours surplus, but how are they figured? Where is the detail of the figure? Is it all the water that runs in the river? Is it all the potential killo-watt power? Is it prime power? Do we use all power during the day? If so, I believe it is prime power and there is no surplus prime power. Is it secondary power, only that which is available in the hours of the night, for instance from two o'clock to seven. Secondary power is not surplus power unless there is a market for it.

Every plant, steam or otherwise has potential waste power unless it runs full capacity, 24 hours a day, seven days a week and 52 weeks a year.

I have had to depend and I now depend on what is said to me, what is told to me, what I see in the public prints, newspapers and sometimes the papers are at error, as to whether or not surplus exists in such quantities in such a way that it can be shipped out.

The night I introduced into the legislature Senate Document 6, and Senate Document, now 261, I had a long discussion with two very dear friends of mine, one a director in a hydro-electric public utility company and one an attorney of a hydro-electric public utility company and we were discussing this question, the bills which I had introduced, and at that time the three of us stated that under the present development, under the pres-

ent development in Maine, there was no surplus electricity which would warrant shipment. I believe it. It absolutely coincides with my ideas. The figures if right, taken from governmental reports, the governmental tables—I have made none myself, I have neither the time nor the money, nor do I know how. If the figures are right, less than half our communities are served today. Our bigger communities are served. Less than half are served today and less than forty percent of our power is used. I am not stating that with the idea that you Senators will go away with the idea that the other half would take as much power as that, because the bigger communities are served. Nevertheless, these communities and the people in them are not served. If government figures are right, 52 percent of our population live upon farms and less than 10 percent are served. Giving approximate figures: 350,000 go to bed and get up without electricity in their houses. Yet we talk in the Smith bill about sending electricity to light New Hampshire or whatever place it may be or wherever it may be. I am absolutely against this policy of exportation. I am for the policy of lighting Maine first before we light the farm houses of New Hampshire or Massachusetts. The argument is that it will eventually reduce rates. We will see whether it will or not. I do not know. We have not data or proof of it but for some considerable years the power users of Maine have paid 16 mills for their power.

Surplus power, so-called, is being shipped from Lewiston and Auburn from Gulf Island dam to Cumberland County Power and Light Company at Portland, and this surplus power, so called which is shipped from Lewiston and Portland—I do not know if it is intermittent, secondary or prime. Part is prime which goes to the S. D. Warren Company, because they have 24 hour service and a company that has 24 hour service has prime power. It goes there and is sold to the Cumberland County Power and Light Company for three mills, and the president of the company told me he would take more,—he would take all the surplus there was at Gulf Island under the present development if the transmission lines would carry it.

I want to say to you, the rates that Auburn and Lewiston industrially are

paying for power is 16 mills, just as it was before, and just as it has been for years. Now why if selling surplus power to Cumberland County will not reduce the rates in Auburn and Lewiston where Gulf Island is situated, why do we have to represent to them that selling surplus power to New Hampshire would reduce rates? I cannot see the logic.

Our rate is 16 mills. S. D. Warren Company is paying the Cumberland County Power & Light Company five mills.

S. D. Warren Company is getting twenty-four hour power from the Cumberland County Power and Light Company and they from Gulf Island for five mills, and our people are paying 16 mills.

We are only taking during working hours, and a twenty-four hour run, but that power they get for five mills and the Cumberland County Power and Light Company only pays three mills. It transports 12 miles and charges two mills for that transportation from West Falmouth to Westbrook.

I should think the more the boys at home would pay, the less the boys away would pay. But I am not a rate expert.

The amendment as to the putting of so much gross return into the rural electrification, building farm lines—I do not attribute any bad faith to anybody and I am not now going to argue but I am not saying what I am about to say in asking anybody's good faith and I am not going to say anybody ever would do it, but I am going to point out to you a possibility of what they might do under this Smith bill and I think we, as legislators have got to look at a law on the proposition of what might be done under it.

If I carry this law correctly to my head, and if I do not, I believe I will be corrected by someone on the floor of the Senate, if I carry this law correctly to my head, one half of the amount that generating companies receive for exported power is to be used in rural electrification. That is the gist of the amendment. This period was to start and last 10 years from the time the transmission company organized under the bill and first operated—

Let me give a hypothetical case, let us assume for a minute, as far as power is concerned today in Maine, there is no surplus power. Let's take that

assumption for a minute. Suppose we organize, Mr. Smith, Mr. Morrison and myself, a transmission company under the Smith act. We build across the line, and we get a permit from the Public Utilities Commission to ship 100 Killowatt hours a day; and over that line we ship 100 killowatt hours a day for the next 10 years. For those killowatt hours shipped in that way we would get a very little revenue. One half of that revenue under the law, for 10 years would go into rural electrification. There would only be 36,5000 killowatt hours a day and at three mills, so you can see just how much money it would amount to, but it would fill the requirements of the law and after the 10 years had passed, the transmission company would never have to give a nickel more to Maine or never have to spend a nickel in shipping it out, the generating company I mean that had been shipping the 100 killowatt hours. Now, suppose in that time this generating company who had been shipping 100 killowatt hours and it had developed independent bonds and other bonds and after the 10 years had passed, they began to ship out one hundred and twenty-five million killowatt hours a year under the Smith law not one penny would ever have, if the 10 years had expired, not one penny would ever have to be put into rural electrification. I do not say that they will, but that is a part of the present law.

Now the referendum. One would naturally say, would one not, that we, as legislators would submit a policy or economic problems to the people, the greatest court of Maine. If this question were submitted, don't you in this Senate, all of you, think the question that is submitted to the people is the question of exportation of electricity, surplus only, in such a way that the control and jurisdiction stay absolutely in Maine and all Maine's rights are safeguarded?

If that were the question it would be one thing. That isn't it. The so-called Smith bill is not an economic situation. It absolutely bristles with constitutional law and interstate commerce and law of corporations. The Smith bill does not protect, it does come under federal jurisdiction, but as to the protection, let me read to you. You will find this in the stenographer's report of the hearing:

"Mr. Carter: Mr. Merrill, in this bill commonly called the Smith bill, Senate Document No. 40, that bill does not in any way affect the charters of

already existing generating companies, as I understand?"

Mr. Merrill: No, it does not.

Mr. Carter: And if under the existing laws the Smith bill were passed and the local companies, the generating companies did in fact go out of Maine without seeking a permit of the public utilities commission, you would have no protection except the Fernald law?

Mr. Merrill: None except the Fernald Law, which I might state in my opinion is an amendment of each and every charter according to the doctrine laid down by the Supreme Court.

Mr. Carter: But at the present time that is a moot question?

Mr. Merrill: Possibly. It is a moot question because that particular law has not been before the courts. But I cannot see how, in face of the College case the court can do anything else but hold the Fernald Law to be an amendment to charters already passed. To make it directly responsive to your question—there would be nothing but the Fernald Law to prevent it."

In other words, this question you might submit to the people is not a question put out where the people understand it or ever could. The people under submission of this question would feel that the question put up to them was the economic one with all of Maine's rights protected, yet the very proponents of this bill know and say that Maine's rights are not protected under it and it would be under federal jurisdiction the minute it operated. I say to you that question is not a fair question to submit to the voters of Maine.

Oh, I had so hoped that this so called water power issue would come to an end. I have so hoped that we could have the brains and the money of this country in hydro-electrics, developing Maine instead of hearing organizations, and putting on expensive organizations and propaganda to change the law of Maine and spend the money.

I thought the culmination of my hopes had arisen when last Friday afternoon I picked up the Boston Daily Globe and read an interview given the Boston Daily Globe by Martin Insull and also by President Edgar of the Edison Electric Illuminating Company. And I do not

believe the Boston Daily Globe prints fake interviews with those people.

Mr. Insull says, among other things, "The section," speaking of New England, "has a good supply of good labor. For many industries it is ideal, and until they come here, or are brought here, New England," and he refers particularly to Maine, New Hampshire, Vermont and Massachusetts, "will continue to slip."

As for the development of Maine's power sites, he argued that Maine laws are now too unfavorable to power companies to permit any great development of its water power. Under the Maine law, power manufactured within the State must be used within the State. Only one company in Maine has a charter which permits the exportation of power, and this company is now owned by the Insull organization. A bill is now in the Maine House which would remove this restriction.

The Insull organization has recently engaged one of the country's (and this is what I hoped might lead to our development) "foremost industrial engineers. He will join the organization on May 1, and he will concentrate first on Maine, with the object of inducing manufacturers from other parts of the country to establish themselves in that State. There is no market for electricity in Maine now, he said, and since a market cannot be secured by transporting current out of the State, the only other course is to develop a market within the State."

And when I read that, I thought that culmination of my hopes had arisen, that Mr. Insull, with large holdings here, had decided to come to Maine, become a good citizen of Maine, obey Maine laws and develop a Maine market under Maine laws for Maine electricity that Maine might have the benefit of her own natural resource,—the water of Maine falling down to the sea.

And I am against the Smith bill.

Mr. MAHER of Kennebec: Mr. President and members of the Senate, it is probably quite safe to say that—

(At this point the Hon. Frank G. Farrington was escorted to a seat beside the President amidst the applause of the Senate).

Mr. MAHER (continuing): —no question has so engrossed the minds of the people of Maine, engrossed the genuine attention of the people

of this state, as this question of hydro-electric power during the past generation. Further, I think it is quite safe to say that there is no question of really more moment in its immediate significance and in the consequences and effects that flow from the solution, of the same.

(At this point the Hon. Henry Lord of Bangor was escorted to a seat beside the President amidst the applause of the Senate).

At the outset, I want to say that it seems to me that we can all start by divorcing this discussion from anything of a partisan character or nature. It has been kept upon a splendid plane and I am quite ready to concede to every man, as I claim for myself, the one, single, sole idea of doing what in his view is best for Maine and I now frankly say and believe that that has been and is the actuating motive of the gentlemen who have brought thought and labor to this proposition, and there are men here who have done so.

I want at the outset again to say one word, and to say it in no equivocal terms, I think there has been a genuine contribution to the thought on this difficult subject made within the last fortnight by a man who, whatever the counter-irritant, perhaps at the outset of his particular career is now actuated in this matter, as I believe he has been in all public matters by the single, sole purpose of doing the best he can for Maine. I want to now, publicly, here, put myself upon record as voicing approval, admiration and unstinted praise for that energetic, vigilant, active young man who has put more kick into Maine policy than any governor we have had in Maine for a generation—our present chief executive. He contributed real thought to this matter because he showed us that we have turned the corner.

Up to now, the discussion of this question has been confined to one phase, absolute restriction of export of hydro-electric power. That has been the whole argument in the past by those who represent one school of thought. That is even the argument today in this Senate Chamber. But, members of the Senate, the parade has passed on. That issue is over. The Governor of this State recognized that, when in joint convention he intimated that some solution of the problem must be reached, or to

use his phrase, as I recall it, some company would "take the bull by the horns," would go to the bat to settle the constitutionality of this proposition, and any control in Maine might disappear. And he indicated, as I say, a turning of the corner when he suggested the method of compact as a solution. It is a contribution to the thought. Whether it is a solution is another question.

Now since 1909 Maine has been agitating on the proposition of the non-export of power. As I see it, we have right here in this bill a proposition that is not to make Maine a power station, not for the free and unrestricted sending of the hydro-electric power of this State out of the state, not the moving of industries to New Hampshire, Massachusetts or Connecticut. That is not a fair statement of the issue.

The issue is whether or not, under proper legal restrictions this state will permit the export of a waste product, of a by-product, of surplus power, and the prime issue, members of the Senate is this; is there or is there not surplus power? If there is not, argument and effort is futile and footless, and if there is, what shall be done?

I assume, as does the Chief Executive of this state, that the representations that have been made to the committees representing this legislature were made in good faith and that the proposition of surplus power is an economic problem that must be met. How are we going to meet it?

Not to merely assume, let us see what we have in support of the proposition that there is surplus power?

There is developed in the State today approximately 500,000 horse power, of hydro-electric power. Now I have caused to be put on your desk a picture which I saw in yesterday morning's Kennebec Journal, which I had never seen until seven-thirty yesterday morning, but which struck me as being as graphic a portrayal as we could have. This picture was made for the New England Council, as I remember, in the statement setting it forth and I caused these photostat copies, crude though they may be, to be made in order that you might have graphically in front of you an illustration of the power situation as it now exists on the thirtieth day of March, 1927, in the State of Maine and in New England.

And you will notice that the square, the white square, indicates undeveloped hydro-electric sites. The black square indicates developed sites, I ask this Senate to cast eye over that picture of New England and see how many undeveloped hydro-electric sites there are in all New England, and then from the state line where Maine begins and New Hampshire leaves off, clear up to the great north country in our own state. See those squares and squares and squares which represent what? They represent the potential power of Maine, that for a million years has been going to the sea.

We have got 500,000 horse power developed today and engineers tell us that is the equivalent of three billion kilowatt hours. How much is in use? The United States Engineering Survey shows that there is in use in the State of Maine today one billion K. W. H. hydro-electric power, and we have two billion more of the 500,000 H. P. that is now developed.

If you look at that picture do you think that it is far afield from fact to say there is 500,000 H. P. more in Maine that has never been touched? If that is so, you add to the three billion kilowatts now being produced, three billion kilowatts more and that will give you five billion kilowatt hours of hydro-electric energy that there isn't any market for in Maine, and for which there is not any use in Maine, and from which there isn't any return to Maine.

Well now, if there is any such a thing as five billion kilowatt hours of electricity that is of value when translated into dollars and cents, and if those dollars and cents can be had for Maine without loss to Maine, is it good business and good sense to get it, or to hug ourselves with the fancied security and the splendid policy of isolation and insularity?

We have heard a good deal about Maine becoming "Insullized". I say well for Maine if Insull millions come down here and awake us from our lethargy of insularity.

There is an interesting phase of this development, from an economic standpoint, of the hydro-electric power in Maine. When you speak of it, to the bystander, the man on the street, he is likely to think of Insull companies and public utility companies. The actual ownership of power is in whom?

Members of the Senate, the public utility companies own only 30 per cent of the hydro-electric power in Maine, developed and undeveloped. Seventy per cent is owned by private industries and by private individuals, by textile mills, cotton and woolen mills, and by pulp, and paper, and other industries, and by private citizens; 30 per cent alone is controlled by public utilities..

One public utility company, however, of which you have heard quite a bit, has developed approximately 70,000 horse power, not a prodigious amount. That is the Central Maine Power Company, and they have developed 70,000 H. P. They are using today two hundred million K. W. H. which as translated—when you say kilowatt hours you mean it is being translated into money. But over their dams and through their machines there is this very instant, as there has been through the years past and will be every day through the years to come, assuming normal conditions of rain and water, a hundred and twenty-five million kilowatt hours that will be of just as much value as it was in the Stone Age, that will be just as productive of value as it was the day Maine became a state, unless this legislature takes affirmative action.

It is running down that Kennebec to the sea, and out of the state that way, and is of no value to anyone.

Now that same company has upon the Kennebec, undeveloped power to the extent of 200,000 horse power and that 200,000 horse power right here on this Kennebec River, if developed as the development has been made on the Saco River and on the Androscoggin and excellently upon the Penobscot, that development of 200,000 which is now undeveloped, will give a billion and a half kilowatt hours of hydro-electric force to the owners.

Think of it! No surplus powers, and all that is being used in the State of Maine today is a billion, and this one public utility company has undeveloped power right upon this river that can be developed a half billion more kilowatt hours than the State of Maine is using today. What does that mean in dollars? Why, if it were utilized on the mass production idea as advanced by Senator Smith, if that were salable, the waste product usable by exportation under restric-

tion and sold at .003, that would amount to \$3,000,000 a year in money, returned into Maine.

Gradually, as the development went along, and following out the idea which I think was really the whole heart of the Boston interview which the Senator from Androscoggin has referred to, carrying out the natural development along the sensible economic line the gentlemen who control that power will naturally do the best they can to attract industries to the power site, if for no other than purely selfish reasons, because it would be far better for them to sell constant power 24 hours a day at 6 to 16 mills than for them to sell waste by-product at three mills.

And if that billion and a half on the Kennebec River could be utilized it would give \$3,000,000 to this valley now and when brought up to a six mill basis it would give \$6,000,000. Today it is waste. It is a natural asset, one of the assets, one of those heritages upon which we cannot draw very extensively and there is in the State of Maine, estimated by the engineers, undeveloped on the other rivers, an amount conservatively equal—I do not say more—Take the picture—There is on the other rivers in Maine an amount that is equal to that on the Kennebec. Develop that and you add a billion and a half more, a total of three billion kilowatt hours and it means a return of what? If there is a market, a return at three mills would be \$3,000,000 and return at six mills would be \$6,000,000, a total with the Kennebec of \$12,000,000 that will be coming back, back into Maine.

Now of that private power, I speak of the seventy per cent, and it is an interesting phase of the question and it is an important phase of the question—fifty thousand horse power are owned by the textile mills of Maine, cotton and woolen, and I fancy argument isn't necessary at this stage of Maine's business activity to indicate that there is a little bit of uncertainty with reference to the textile industry in this state. The Edwards' Manufacturing Company in the City of Augusta is an illustration, members of the Senate.

I was born and reared on the same street on which I now live, and on one corner just a block away was the old home of the then superintendent. The agent and superintendent of the

then Sprague Mills, now the Edwards, I can remember as if it were yesterday. The wonderful string of horses, and the grooms, the drivers the agent of that mill had! A great big equipment! I can remember that through changing conditions industrially in New England something happened and the Sprague mills closed. I recall that for ten years north of Bridge Street in Augusta grass grew on Water Street. And you talk of industrial depression! We knew it then!

The Edwards Company today, not in any spirit of evasion or trying to fool the people, are out with an ad to meet the impelling conditions, asking for a rebate of their taxes, or reduction of their taxes to permit them to tide over this present situation.

You take the Edwards Manufacturing Company out of the City of Augusta and the only thing we have left of a productive type is the State House and the Central Maine Power Company, and we ask you not to let the State House take away from us the Central Maine Power Company.

Your proposition of your Edwards Company, your textile mill. Right here running over their dam, is going to waste hydro-electric power that might well be the measure of safety, that would be taxes, that would be equipment, that would be that factor that would permit them to compete with the advantageously situated southern cotton mills. It is true of Biddeford and it may be true some day of your prosperous cities by the Androscoggin.

These mills I speak of, they have 50,000 horse power privately owned and they generate two hundred million kilowatt hours.

That is the statement of engineers. All these statements were made before our committees and I am not quoting you anything that was not said and does not appear in that record. Two hundred million kilowatt hours. How much is needed to turn every spindle in Maine? Not more than one hundred million! What about the other hundred million? Is it or is it not surplus?

Members, we have demonstrated that proposition, that there is a surplus. What is the wise use of it?

Recall the changes that have been made along our Kennebec! I doubt not that our genial friend, the Sen-

ator from Sagadahoc can recall with me the days when the Rock Ledge Hotel was at Popham and as we came up that 12 miles from Popham to the city in which he lives, I fancy he can now recall the industry and the prosperity that was the result of the Percys and the Smalls and the Percy & Smalls and the Hyde-Windlass and the Bath Iron Works. And all that was pre-war. I think he would agree with me that the chief industry of that community today is attendant upon the proposal of a bridge. And then he will go up the river with me, and many of you Senators know this, and recall the day when both sides of the Kennebec were lined and when the Penobscot was lined with those great houses that were loaded clear to the rafters with ice, and can not you see the vessels that were plying the Kennebec and taking that frozen water to every section of our Atlantic seaboard?

"New occasions, new duties teach and time makes ancient good uncouth." Electricity made Maine ice just a memory. Fancy anybody of that older generation arguing against the export of frozen water from Maine or the Kennebec to Baltimore. How much more sense is there in the changed economic conditions due to science, asking that "that whose presence is life and whose touch is death," electricity, only another manifestation of that same water, that we, in this day be permitted to use. Another manifestation of it in the shape of electric power being sent from this Kennebec.

Will you picture again for just a moment—We feel it here very intensely. It is not a matter of corporate needs.

I have never in any way, shape or manner been connected with an hydro-electric company but have done some work for a director whose interests were as diverse as mine to this company. Nor am I nor any member of my family interested in a single share of stock, common or preferred, or any bonds of any hydro-electric company.

But here in this community we are interested from a selfish standpoint. Develop Maine, our wonderful heritage! But this heritage gets us little, undeveloped. A generation passes. The water flows on. The heritage is there but we want results.

Picture this hydro-electric situation as contrasted with any other natural resource. Picture it with gold. Picture it with copper. Picture it with oil. Picture it with coal. Check this. Where would California have been under the policy of inaction? Where would Nevada with her copper have been under a policy of retarding. Where would Oklahoma have been under a policy of restriction such as was indicated in West vs Kansas Gas Company case. Pray tell me where would Pennsylvania, the great keystone state have been with a policy of 'keep coal for Pennsylvania.' The effect of the argument is a hundred fold stronger for Maine because every nugget of gold, every gallon of oil, every ton of coal taken away from those states lessens that which is left and brings nearer the day of absolute depletion whereas this hydro-electric is self-renewing. It is of instant value now and if not used is gone forever. You cannot put it into cold storage, you cannot wait for day after tomorrow. It is usable now and unless used now it will never be used—that one particular unit that I am speaking about—and when used there is just as much left and there will be as much as long as the rivers run to the sea.

You come, then, to the proposition of what the law is today. It is absolute restriction. Well now, I do not know whether that law is good or not and I am not going to weary this Senate by attempting to anticipate what any court will say and I do not care whether it is good or not. I say this—and there will not be a man, whether he is an attorney for the hydro-electric company or an attorney for the pulp and paper company, or whether he represents the most extreme opposition to the shipping of power out of Maine—there will not be any one who can dare say that this state can say to Senator Holmes, or to Senator Bragdon, or to any other man: "You, sir, shall not ship power out of Maine."

Now, if there were any mysterious conspiracy, if there were any wicked idea, that these corporations were attempting to exploit Maine, well, I think they must have good enough attorneys to tell them, as your reason tells you, what could be done. They could sell a billion kilowatts, as

well as a hundred kilowatts, to Messrs. Bragdon, Carter and Morrison as individuals, or as associates, or as trustees and Morrison, Bragdon and Carter somehow, if it was such a tremendous proposition, could beg, borrow or acquire the money necessary to build a transmission line of a half mile in length from the state border, and there would not be any authority in the State of Maine, in the Constitution of the State of Maine, in the Constitution of the United States, in the Chief Executive of this state or in the Chief Executive of this nation or in the army and navy that could stop them from shipping power when, where and as they wanted to. Now, that is a fact and nobody will dispute it, and his Excellency, with his clear reasoning and brilliant touch refers to that in his message. Now, what are we going to have? A policy of absolute restriction that sooner or later is going to mean a conflict and mean absolute loss of control, or are we going to have limited export under restriction?

Now, you are not asked to say that there is surplus power here under this bill. Oh, no! If you will take the trouble to read Section 1 of this act you will see that it is a contribution to the Smith act, made by a young man whom I think I would not be doing my duty by if I did not pay tribute to here, and I will say that of all the outstanding contributions to the discussion and solution of this proposition I will name three that have impressed me as being from men who knew what they were talking about and the first was years ago, I think in 1911, when every phase of this question was discussed and analyzed and put before the legislature of Maine in opposition to this traditional policy of Maine by the brightest intellect that this generation may boast, the present justice of the Supreme Judicial Court our own friend and neighbor, William R. Pattangall. A generation ago, with almost prophetic foresight he indicated conditions just as they obtain and opposed any such uneconomic proposition. I will say that another of the contributions made to our thought on this subject, which I will rank very high indeed, is that of our own chief executive, Governor Brewster in his message to the joint convention of these two bodies with-

in a fortnight, and then I will put, as a contribution that is going to stand right down through the years, that of one of our own legislators who has brought to this proposition force and thought and energy—and not noise—and that is the representative from Cape Elizabeth, Representative Chase. (Applause). And, members of the Senate, Section 1 of this act is Mr. Chase's word for word and he says that "surplus power wherever used in this act means hydro-electric power which in the case of a public utility company is in excess of the amount of power required to comply with all the demands for electric power within the territory in Maine in which said company is authorized to do business," and in the case of any other person, firm or corporation is in excess of the amount required to supply all reasonable demands for electric power in the market in Maine, taking into consideration in all events the demand which any public utility company may make upon this private company. That is what is meant by surplus power. You haven't got to say it.

Now, by passage of this act do you permit its export? Not at all. By passage of this act you submit to the people, as Senator Smith has said, for their final decision, this question of whether or not after its adoption a corporation which has in its charter a limitation which the Senator from Androscoggin, my distinguished friend, Senator Carter, wants to write into the charters of all the generating companies of Maine, a limitation which you have voted for this morning. This Smith act provides that a corporation formed under that act shall have a certain limitation to the charter the instant it is born and that that limitation shall be this: That corporation cannot buy any power nearer to the state line than a quarter of a mile and the reason for that is because that corporation, in order to get one single kilowatt of power, must receive it absolutely on Maine territory where Maine's sovereignty is supreme. Now, that corporation is very limited as to what it can do. A corporation organized under the Smith act cannot generate a single kilowatt of electricity. It can buy electricity. It is like a junk dealer. It is like incorporating a junk ped-

ler who will call out, figuratively or actually: "Here, I will buy your waste power," and some corporation or some individual says: "I have got waste power, what will you give me?" And this Smith corporation says: "We will give you so and so." "All right"—and they start to make the trade. "Well, you have your permit, haven't you," the Smith corporation says. "Permit? What do you mean, a permit? It is my power. I have a right to do what I want with it." "Oh, that is all right but I am buying," says the Smith corporation. "You may have all the rights in the world to do what you want to with that power but I haven't any right to touch it until you bring to me that power stamped with the seal of the Public Utility Commission of the State of Maine that says "Sanitary." In other words, says "Surplus."

The Smith Company organized under this act cannot generate power and it cannot buy power except from some owner of power who has applied to the Public Utilities Commission of the State of Maine and says "We have some surplus power" and the Public Utilities Commission of the State of Maine holds a hearing and anybody interested can attend that hearing and the Public Utilities Commission goes over every one of the qualifications contained in Section 1, and says whether or not it is surplus power, and, if there is any demand or market for that power, the Public Utilities Commission can refuse and must refuse—and if it does not refuse it can be made to refuse by court order—to OK the sale of that power. Or, assuming that the court does OK the sale of that power in Maine, the Public Utilities Commission OK's the sale of it—and the Public Utilities Commission of Maine, members of the Senate, is nothing in the world but yourselves. That is all any of these commissions and tribunals and bureaus are. They are the legislature. We cannot stay here for—goodness knows—365 days each year, listening to hydro-electric discussion and hot air. You cannot do it. It is not profitable. But you leave certain commissions to represent you. They are the legislative branch of this government, not the executive. They are the legislative branch of this government functioning 365 days in the year.

Now, that legislative branch, the Public Utilities Commission, says "Surplus power? Yes, you may sell it. And what terms are you selling it on?" "Why, we have been offered so and so." "Well, let's see. No you cannot sell it. The price does not strike us as reasonable. You cannot sell it." They appeal. Where to? Nowhere. Out of luck. That contract must be a conscionable contract, having at all times the interests of the state of Maine at heart. And then they are allowed to sell that surplus power for just as long a period as the Public Utilities Commission finds that it is surplus power and the instant that it is not it ceases to be an exportable commodity.

Now there have been certain things advanced about that and this is the time to talk of them. And I know that it is not necessary for me to keep saying "Excuse me for talking quite a while" because I have kept very quiet during all this session waiting for today.

Now the Senator from Androscoggin, (Senator Carter) has referred to the Warren Company getting power at five mills, I think, and over in Auburn they are having to pay sixteen. I think that most of you heard the whole of his remarks. I know he didn't mean it, I know he didn't intend it, but the answer to his argument was when he dropped his voice and said "To be sure it is not the same grade of power." That is the answer. Why compare a Ford car to a Cadillac? Why compare a Chevrolet to a Cadillac? They are both made by the same company, but they are different cars, and it is different power that is being sold to the Warren Company in great big blocks with the right to stop any minute, with the right to shut off that power in fifteen minutes, and if you don't believe it read the letter of the Honorable Charles Gurney written to Senator Carter and introduced by him at the hearing before our committee which appears on that record, and there Mr. Chairman Gurney, an honorable man and an informed man, calls attention to the fact that that power could be stopped in an instant on fifteen minutes notice. Why talk about that power being sold at five mills as contrasted with what they have to pay, over in Lewiston, fifteen mills for—constant power? And also on the proposition that this power in Lewiston is only

usable during the working part of the day and not through the whole twenty-four hours.

The Senator from Androscoggin used one other argument. He spoke about—he didn't call it but I will—a fanciful evasion of the traditional policy of Maine by one of the fictional companies organized under the Smith act. He says, "Ah-ha, I have discovered the joker! A company may be formed under the Smith act which will build a transmission line over the state line up to Brigham and they will go to the Public Utilities Commission and get permission to sell a hundred kilowatts of surplus power and they will keep on selling that hundred kilowatts of surplus power for ten years and of course Maine wouldn't get anything back out of that and then when the tenth year is up they are going to ship perhaps a billion kilowatts over the line without making any return. Now, can you conceive of a corporation with such a transmission line—you know they are not like cobwebs which you find in the morning but which disappear with the sun—you know you have to plow money into the ground to build a transmission line and before our committee I think Mr. Chase stated, or some reputable engineer stated, anyway, an estimate of the construction of such a line at nine millions of dollars—can you conceive of anybody leaving nine millions of dollars tied up for ten years without any return looking ahead to the time when they might ship out a billion kilowatts of electricity without giving anything back to the state and all the time forgetting that five times during that ten years the great and august general court as represented by this Senate and the other body, the House of Representatives, will be meeting in sessions with all the marvelous powers that the Senator from Androscoggin, resting on the case of the Bank of Augusta vs Earle and the Berea case, cited before our committee, has attributed to this legislature—and which you have voted for this morning—the power to amend charters? No! We will not be scared by this fanciful proposition.

Well, I know that he has come back with an answer and says that the instant that electricity is shipped across the state lines it becomes an interstate commodity. Well, what is the bugaboo about that? What is the matter with this proposition of

interstate commerce and federal control? What is it that the Federal Government controls? Is it the electricity? Is it? Why, just use your heads for a minute. What is it that the government and the Interstate Commerce Commission regulate? What is it that they regulate that comes from Aroostook? I ask any of the senators from Aroostook, have you ever heard of the Interstate Commerce Commission fixing the price of potatoes? No! Oh, no! The Interstate Commerce Commission and the Federal Government regulate the rate of transportation, and electricity is a commodity, a kilowatt hour of electricity is a commodity, intangible, to be sure. As I said, its presence is life and its touch is death! But it is a commodity.

Now, the Federal Government does not regulate the price of the commodity. It regulates the price at which it may be transmitted, and they might say that your company cannot charge for transmission more to A than to B but they cannot say anything about what your company is going to pay me for potatoes—pardon me—electricity. And the United States Government has never yet, even in the trying days of war time, attempted to fix the price of commodities except under the anti-profiteering act, and all this stuff about Federal control of electricity is twaddle. That is my view of it, and I have a right to my view, and I will challenge anyone at anytime to tell me that the Federal Government can come down here into the State of Maine and regulate the price of electricity. They cannot do it. They can say how much it can be transmitted, but not its sale price.

I have tried to cover in a general way this act. I am not going through it but I am going to call attention to one section. I am very proud of it because I drew it up. And I want to be perfectly frank and say that I purloined the language from Senator Carter's bill because I believe in the old theory that what is sauce for the goose is sauce for the gander. Now, in section 14 I provide that any corporation, organized under the provisions of this act which shall either purchase or accept for transmission any electric current or energy from any person, firm or corporation not hav-

ing a permit provided for in this act or whose permit has been revoked by the Public Utilities Commission of Maine, shall forfeit its franchise or right to do business to the state of Maine in quo warranto proceedings upon petitions or information brought in the name of the Governor of the state of Maine, the Attorney General or Secretary of State, or either of them, and that this section shall be made a part of the charter of each and every corporation formed under this act. What is the purpose of that? Suppose we had the reverse of the picture that I spoke of a minute ago, of a concern who wanted to sell electric power, surplus power, to the Smith company and did not have the permit. Suppose we had a crooked company under the Smith act which said, "Never mind, if you cannot get the permit bring along your stuff, we will take it." All right. What will happen? The Governor or the Attorney General or the Secretary of this State, or anybody interested, can petition the Supreme Judicial Court of the state of Maine, expressly authorized by this act to hear this petition, and upon proof of that fact what happens? The charter and the franchise of that Smith company is forfeited and escheat to the state of Maine.

If I read carefully—and I think I did—one section of his Excellency's message I think he was rather fearful of this, because, supposing there were a dissolution, what would become of the property? Well, what would become of the property? It is not likely that any individual would buy the property if there were any danger of such a situation because I fancy that the court by decree, by injunction, could prevent the use of that property in contravention of the charter purpose itself. In other words, to get the idea across, we will suppose that a corporation under the Smith act violates the law and then their charter is forfeited on quo warranto proceedings for violation of the law and a receiver is appointed and the property is sold and it is sold to the Senator from Waterville and then the Senator from Waterville, as an individual, attempts to go ahead and take that property which is in the hands of the court, of a receiver, the

court would never permit any such evasion of the law. It could not be done.

Now, passing hurriedly on. We have had suggested here today two schools of thought, the compact and state control. I have no quarrel with that. It is an experimental proposition. I have no doubt but that Mr. Felix Frankfurter and Mr. James K. Landis, a man of most astounding mental equipment, have contributed a great deal to the thought on this proposition and that legal steps will be necessary to meet the changing conditions arising from this power situation. The compact may be the right way. It may not. Even as those gentleman say, of course, above the compact is the Federal Government and if the state of Maine entered into a compact and proceeded to transmit power outside of the state under and by virtue of a compact arrangement, Congress could day after tomorrow supercede that and then where would Maine be?

Personally, I am very much attracted by the compact idea. I think I signed a minority report. I was more interested in the money that was being expended in the next two years. I rather thought that the compact indicated delay. But from conversation with the distinguished Senator from Cumberland, Senator Oakes, I am convinced that that probably is not so and that the money was an incidental proposition and the compact presents attractive features provided you give it something to go on and provided that you keep our compactors in check.

Now, what better way than the Smith bill? The Smith bill retains for all time state control and if you could have the Smith bill go to the people at a time when the compact proposition would either have been settled or not settled, and if settled affirmatively by concurrent actions of two or three New England states and then ratified by Congress, it should then dovetail in with the acceptance of the Smith act by the people. But why delay and have two or three intervening legislatures? Remember, we want action in Maine to take advantage of present economic conditions and if the legal experimentation works we have given you the vehicle to make a compact on and if the legal experiment falls down we still have got a vehicle to do business on. That is my view on

that, if I make it clear. I think I have disposed of the bugaboo of Federal control.

My friends, we have this vast potential power, this great natural asset which if availed of and utilized to the full should quicken the industrial, commercial, social and civic life of Maine.

It seems to me that the sale of this by-product of this waste power, will make possible the maximum development of our hydro-electric possibilities in Maine. It seems to me that there will be four things result to Maine, millions and millions of outside capital for investment in powers which will make for a tremendous taxable property. Furthermore, it will put the dollars of our neighboring states to work in Maine and for Maine. It will be reflected in our own rates, but above and beyond all that, it seems to me that it will add to the competitive ability of Maine industries, starting, as Senator Carter said, with falling water and reaching a state now where they are falling mills.

Now then, it seems to me that there is a market. If you will look at your picture and see the great coal using centers and coal using industries of New England, it seems to me that it is waste product, it is by-product; when Maine is sleeping and Boston is waking, we have got a chance to have some return.

Things move fast. Conditions change fast. This is not merely a jazz age, but it is a swift age.

Governor Pinchot, with his far-seeing views of giant power, may create carbo-electric power that is developed from waste coal at the mine mouth and will make a development of hydro-electric power up here in Maine, and in our generation, only the thing that might have been.

Niagara, Canada, even the Connecticut river will not long avoid a ready and willing market. It is a highly competitive business and you are being asked to let the people of Maine say whether or not they are willing to permit this by-product to be sent out of Maine.

I want to see this legislature do something to bring back to our tidewater civilization its old-time prestige!

I want to think that Maine is not going to follow the scriptural example of the slothful servant and bury her talents in the ground. I want to think of Maine as an empire state! I want

to think of Maine as a young giant, conscious of power! I want to hear the chiming church and the chiding school bell where the scattered cabins stand. I want to hear the hum of business, the din of traffic, where there is now a silent wood. I want to see back on the abandoned farms the brawny youth and the bonny lass and at sunset, hear the elders praise the Giver of all good.

I ask you Senators, for this state, beloved of the pine tree, to pledge your troth again. Remember that it has been the struggle with her stern nature that has made you women and men. Remember the olden paradox can now brighten, her barrenness has been your health, her granite heart has been your glory, just as her poverty is now your wealth.

Go back to your constituents and say, "We are ready to dip low the old-time well-sweep, hallowed with sun and with rain, because we are going to pledge again one toast that is loyal, and that is 'to the coming and not the going of Maine.'" (Applause)

Mr. HOLMES of Androscoggin: Mr. President, I do not intend to take up the time of the Senate by a detailed argument concerning this bill under discussion but on account of the fact, Mr. President, that I am the only representative of the minority party in the Senate, it seems to me to be not only fitting but a matter of duty that before I vote I should state, at least for the benefit of the record, why I shall vote as I will for the passage of the Smith bill with referendum attached. And I will endeavor to confine myself strictly to an explanation of why I will do so, avoiding all discussion of constitutional law and all discussion of the economic phase of the question, both of which have been gone into rather at length by my colleague from Androscoggin, Senator Carter, and by the learned and eloquent Senator from Kennebec, Senator Maher.

I voted for both of the Carter bills as I shall vote for the Smith bill. I have not been able to perceive any conflict in principle between the essential points of the two measures except that the Smith bill goes further and incorporates all of the essential principles which are constitutional, at least. And, as I said, I do not intend to discuss the constitutional law in the Carter bills. And then I hope that the Smith bill

will pass this legislature and be submitted to the people, for a few reasons which I will discuss briefly, and one is that if this bill does not pass the legislature there is no prospect in sight that the 83rd Legislature will pass any constructive legislation whatsoever upon any subject and that we will go down into history as the legislature that passed bills with regard to bears and porcupines and monkeys, and bills to reimburse somebody for being bitten by a deer or for having an automobile run over by a moose. That fear was in the mind of the Governor, I think, when he addressed the joint convention, although he did not call it that but expressed it as a visage of a harmonious legislature. The Governor, I noticed by reading the legislative record, has been criticized for his address to the joint convention and it has even been called, I think, lobbying. Now, that criticism was very unjust and was passed, I think, upon a misapprehension. The Governor was strictly within his constitutional rights in delivering the message that he gave to the joint convention upon the water power situation on March 23rd. Article 5, Section 9 of the constitution says: "he shall from time to time give the Legislature information of the condition of the state, and recommend to their consideration such measures as he may judge expedient." As I listened to his address in the Hall of the House my thoughts were traveling in imagination into different legislative assemblies of the world and the thought occurred to me of what they call in England, "The Speech from the Throne," after which is delivered, at a fitting and proper occasion, the reply of the representative of the minority party to "The Speech from the Throne."

Now, I would not want to say that the Governor of this state was at all delivering a speech from the throne. He is well known to be too democratic a gentleman for such a thing but one sentence in his address under the heading, "Export and Rates," struck me forcibly at the time and I will call attention to it now as tending to show that the Governor had taken a position which is democratic in another sense of the word, democratic reasoning as applied to politics in the United States. He said:

"The industrial and domestic users of hydro-electric power in the state of Maine may well consider carefully whether with an export market available they are more likely to secure reduction in the cost of power or whether the tendency will be to maintain the market in the state of Maine by charging all that the traffic will bear or all that the Public Utilities Commission will permit and then dumping the surplus abroad somewhat upon the analogy of the results obtaining in certain industries as a result of our protective tariff walls." It sounds like good democratic doctrine and at first thought I would welcome the Governor in democratic reasoning but upon second thought I cannot agree with him because the analogy which he draws does not exist, for the fact is that in national affairs we have no body, corresponding with the public utilities commission in the state of Maine, which has the right to fix the price at which the products which are protected by the tariff shall be sold in the United States, as we have a body in this state called the Public Utilities Commission which can oversee the rates of public utilities in the state of Maine.

However, I am in favor of the passage of the Smith bill for two very strong reasons. One is that it carries with it the referendum. The other is that it comes as near to being what the democratic platform, adopted at the last democratic state convention in Portland a year ago, calls for as I have been able to find presented to this legislature, and, in fact, the only one presented to the legislature which carries into effect the democratic state platform. Now, the Governor in this same speech upon the hydro-electric situation to the legislature, speaking of the referendum says: "The economic and engineering problems involved in regulation and in the policy that it presents are complicated but might well be left to the determination of the people as a whole. It is obvious, however, that whether or not under the proposed measure the State would actually retain control is entirely a question of constitutional and statutory law and any business man would submit that for determination to the most competent counsel that he could find. We

should be recreant to our trust and guilty of a deception of the people of the state if we permitted a proposal to go to them that in appearance gave the state control and yet was considered by competent counsel as very liable to mean an end of any authority which the state might otherwise exercise over the exportation of power to markets outside our bounds."

The Governor is handicapped, as everyone of us is handicapped who have spent our years in practising law in that we have developed a legalistic trend of mind and when any subject is proposed to us for consideration, if there is a legalistic aspect that can be taken the legal question looms in our eyes to the exclusion of every other phase of the question, and the Governor believes that the people of Maine are competent to pass upon the so-called economic aspects and even engineering aspects of the question involved in the referendum in the Smith bill, but that they are not able to pass upon the legal question. Now, I think that the practical result of the referendum would be this: that the people would not try to pass upon the legal questions involved, that they would regard it in this aspect, that the proponents of the measure had been perfectly sincere with the public at the public hearing before the triple-headed committee and in the discussion in the legislature, and that the opponents have been equally sincere, and that the discussions have been carried on, on a high plane, and that the people would say in effect, "The proposition is this: An economic question is proposed to us which carries with it certain uncertain and doubtful questions of law which not only the best talent in the state of Maine cannot answer, but no living man in the United States, lawyer, judge, or whatever he may be, can give the answer to, because it is not simply a question of what decision the Supreme Court of the United States may at some time in the future make upon questions which will involve, perhaps, the question before us, but it is also a question of what Congress of the United States may take at some future time, and however great a constitutional lawyer my colleague from Androscoggin, Senator Carter, is, and in all sincerity I say it, he deserves the highest credit for the study he has

given and the service he has rendered to the state in the last year or two upon the questions involved in this case. But however great a constitutional lawyer he is, I say that if he could foresee a decision by the Supreme Court of the United States he would not have the clairvoyance to foresee an act of Congress that may be put into the Constitution of the United States.

Now, the people of the United States are not to be deceived. They can smell out sincerity as well as they can smell out insincerity and they will be satisfied, I believe, that the legal questions have been taken care of honestly and sincerely and truthfully in so far as they can be foreseen and taken care of, and that an economic question is being submitted to the people and not a legal question.

But now, in certain radio addresses delivered by Percival P. Baxter, former Governor of Maine, which have been printed in document form and laid upon our desks or which have reached us through the mails, the former governor also discusses the question of a referendum. Now, Mr. Baxter is opposed, he says, to the referendum on this question for an entirely different reason and attention should be called to it because I believe it should have an answer and I, at least, as the only democrat in the Senate, believe it is my duty to answer. He says "Imagine what would happen at an Insull Water Power Referendum on the Smith Bill, conducted in the manner of an Insull-Illinois Primary. I know of no law to restrain them. To what extremes, to what expense would the power interests not go in order to take power out of Maine? What chance would there be of saving the Fernald Law? What chance would the people have against the power and resources of the Insull Alliance?"

If that means anything it means that there is danger that the people of Maine are for sale, that the people of Maine can be purchased by capitalists of another state. Now I, for one, and every one of you sitting here, knows that never in the history of Maine, have the people, the voters, the electors of the state of Maine been bought. The question answers itself. And they never can be bought because if they had sunk to so low a point that they would sell their birthright, then any man who has

the price to buy them has the right to buy them because the people of Maine would have ceased to exist as a sovereign people and the state of Maine would be a sovereign in name only. For myself, I have no fear of Insull money affecting the people of Maine, when this question gets to them, as I hope it will.

It is a pity, and it is one of the strange fatalities, and I believe only a fatality, that has pursued us since the year 1899 when the legislature of the state passed the so-called Fernald law, that however good the intentions of the members of those legislatures have been, however patriotic they were and however well intentioned, there have been those who since that time have used that Fernald Law as an argument. It seems to be a strange fatality that it has been used time and again, or aspects of it have been used time and again, as a club to club capital with and that whereas during all these years we have been saying how we want capital to come into the state of Maine, almost every time when an opportunity has arisen and capital has proposed to come in, then in the name of the Fernald Law or in the name of hydro-electricity connected with the Fernald Law, a club is used against it. And as to the great statesman referred to by the Senator from Kennebec, Senator Maher—and I support his statement that he is the greatest statesman that the state has produced in the last fifty years—when that statesman pointed out the mistake being made and foresaw the future, the hard and trivial names that were applied to him and those whom he advocated were such names as "beast" and "octopus." And in the same radio speech, which has been referred to, by our former Governor Baxter, in that very same speech he boasts of the fact that in 1917 when he was a member of the House he scared capital out of the legislature, and he refers to a prominent man—and it is not necessary for me to mention his name because you probably all read it or heard it over the radio. And in 1923 corporations up and down this Kennebec Valley proposed to dam certain storage in the watershed of the Kennebec in order to harness the Kennebec River and they were driven out of the State House like money-changers from the temple

of Jerusalem. And when it is proposed that great capital—and I presume it is great capital—in the state of Illinois is interested in the resources of Maine, at once an attempt is made to tie up the development of hydro-electric power within this state. And you may well draw a lesson from the fact the Russians found it was a very easy matter to club capital out of Russia but utterly impossible to club capital back into Russia.

Now, the Republican platform has been referred to by my colleague from Androscoggin, Senator Carter. It was also referred to by the Governor in his message to the joint convention. On page 14 the Governor says, "It seems possible to take this question upon the very ground upon which it has been urged, viz.—that the state of Maine shall permit the export of surplus hydro-electric power but retain full control within the state of Maine. The people of the State of Maine now assume that this question is entirely within their control and it seems to be agreed by every one participating in this discussion that no measure of export shall be permitted to detract from that control. This formula appears repeatedly in discussions on all sides and was the meaning of the platform solemnly adopted by the majority party in this state as its considered declaration of policy for the coming two years."

I am glad to know from Governor Brewster and from my colleague what the Republican platform means. For myself, I never thought it meant anything and I never thought it was ever intended to mean anything but according to the argument of the Governor's address to the joint convention it means "compact." It has been read "compact" between the states. It has been read by the Senator from Androscoggin, my colleague and therefore I will not read it again but I notice that at the close of it—and I have here the official Republican roster—there is signed the name, "Committee on Resolutions, by Percival P. Baxter, Chairman and Edward F. Merrill, Secretary."

Now, Mr. Baxter in his radio addresses discusses the question and nowhere in his radio addresses does he appear to understand that it means "compact" as the Governor

seems to think it means, and Mr. Merrill was the secretary and the thing that puzzles me is that the secretary would naturally know what it means and it seems strange to me that the secretary, Mr. Merrill, did not tell Mr. Baxter that it means "compact." Now, the democratic platform appears by courtesy of the publishers of the Republican roster in the same book and in Section 13 of the Smith bill on page 8 we have the provision with regard to rural facilities which have been discussed by Senator Carter and therefore I will not read it but you all know that it provides that a sum up to \$250,000 shall be spent. I had, perhaps, better read it: "Provided, however, that no permit shall issue to any public utility authorized to distribute and sell electric current or energy within any portion of the state of Maine, unless said permit contains an express condition that it shall become void unless said public utility shall expend annually, for the term of ten (10) years from the date of its first sale of such electricity to said transmission company, a sum equal to one-half the gross receipts received by it for the energy so sold to said transmission company, up to a maximum expenditure for any one year of two hundred fifty thousand dollars (\$250,000) for the construction of rural electric facilities as hereinafter defined in this section, said expenditure to be under the direction of the public utilities commission of Maine."

Is that the joker in the law? My colleague calls it a joker. Is it another kind of joker, or is it good democratic doctrine as adopted into the platform at the last democratic convention? We believe that what electricity has done for the factory it may do for the farm and the only plan that has been proposed to the legislature that will do it is the Smith bill. If I were not convinced, as a member of the Senate, or as a lawyer, or as a citizen who if the bill passes will have a right to vote on it at the polls, that it is a good measure and ought to be submitted to the people and recommended to the people, if I were not convinced of that I would be doubtful before I voted against it as a democrat after reading what the democratic state platform said to the people of Maine

that the democratic party pledged itself to.

The people can be trusted. It is the doctrine on which I was brought up, that I was taught in my youth, it was the doctrine of Thomas Jefferson and I have never doubted it. The people can be trusted and their policy can be trusted. I hope that we will pass this measure on today, if necessary over the veto of the Governor, pass it on to the people and we need have no fear but that they will understand the issues and will vote intelligently, and whatever the result may be, whatever their vote may be, it will remove from the field of politics in the state of Maine once and for all the most prolific source of political humbug and bunkum that I have seen since the year 1909.

Mr. CARTER of Androscoggin: Mr. President, if the Senate will bear with me for a very few moments, I do not think my colleague, the Senator from Androscoggin, Senator Holmes, meant or intended to accuse the members of the 83rd Legislature, who upon conviction has taken a stand on the water power question, of humbug or bunkum or political tomfoolery of any kind. I think he realizes the sincerity of their decision and the sincerity of Maine's public policy since 1909. He asks at this time—a democrat on a democratic platform—that we abandon a public policy of conservation that has been established since 1909, in the face and eyes of the fact that an investigation of the national situation is being suggested at Washington and the fact that David I. Walsh, a member of the United States Senate, has practically served notice that there will be such an investigation at the convening of the next Congress. We have to answer when we adjourn, to our constituents, the voters of the State of Maine, as senators. I hold in my hand a group of petitions from the Maine State Federation of Labor, sent to me voluntarily, too late to introduce. I think there are 12 Pomona granges who acted upon this question during this legislature. One took no action but the other eleven endorsed the so-called Carter bills as against the Smith bill. We have our constituents to answer to. We have, as you know, something more than the corridors of the State House and the Augusta House and our environment here in Augusta—we have the voters of the State of

Maine, our constituents, to answer to. We may be a do-nothing legislature. I can think of no worse thing than being a legislature which passes unwholesome, detrimental measures to the State of Maine. We may be a legislature that are, with care, trying to preserve to the state a position of progress and one of economy and it is a position to be proud of.

All change is not progress. All jumping about is not progress.

Capital will seek to come here and we ask it to come here. We ask it to come here and obey our laws as it finds them.

It is since foreign capital has come into the hydro-lectric situation that the attempt has been made to repeal the Fernald law. Now, let foreign capital come into our state and abide by our laws and I, for one, if I am a member of another legislature, will vote for every constructive measure that they introduce that develops Maine under our laws and preserves to Maine the payrolls of our natural asset, water power.

The PRESIDENT: The Senator from Somerset, Senator Smith, asks that the yeas and nays be taken. As many as favor the yeas and nays will rise.

Mr. PERKINS of Penobscot: Mr. President, I wish to state that I am paired with the Senator from York, Senator Roberts. If he were here he would vote yes on this proposition. I am voting no.

The PRESIDENT: The Senate hears the Senator and recognizes his right to pair. The question is on the passage to be engrossed of the so-called Smith Bill. The yeas and nays have been called for. Those who favor the yeas and nays will rise. A sufficient number having risen the yeas and nays are ordered. A vote of "yes" is a vote to pass to be engrossed or in other words a vote for the bill. A vote of "no" is against the bill. Is the Senate ready? The Secretary will call the roll.

The roll was called.

Those voting yea were: Senators Allen, Bond, Case, Douglas, Dunbar, Dwinal, Foster, Granville, Holmes, Maher, Miner, Mitchell, Morrison, Pinkham, Smith, Spear, Woods—17.

Those voting nay were: Senators Bragdon, Buzzell, Carter, Crafts, Drake, Harriman, Lord, Nickerson, Oakes, Slocum, Speirs—11.

The PRESIDENT: Seventeen hav-

ing voted in the affirmative and eleven in the negative the bill is passed to be engrossed.

The President laid before the Senate, Senate report from the joint committee on Public Utilities, Interior Waters and Judiciary, majority report "ought not to pass", minority report "ought to pass", on An Act to create a commission to investigate and to negotiate a compact regarding water power and electricity in New England (S. D. 262) tabled on March 29th by Mr. Granville of York, pending passage to be engrossed and today assigned.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Granville.

Mr. GRANVILLE of York: Mr. President, I yield to the Senator from Cumberland, Senator Oakes.

Thereupon Senator Oakes of Cumberland presented Senate Amendment A as follows and moved its adoption: "Senate Amendment A to Senate Document No. 262.

Amend Senate Document Number 262, by striking out the word 'and' in the first line thereof and inserting in place thereof the words 'shall nominate and with the advice and consent of the'; also by striking out the words 'and in New Hampshire, in the fourth line thereof and by inserting the words 'New Hampshire' after the word 'of' in the seventh line thereof."

Mr. OAKES of Cumberland: Mr. President, I will state the purpose of the amendment. The first is to conform to custom and the second is to change the meaning of the bill to this extent, that New Hampshire shall not be essential to the compact but will be invited to join the compact and this amendment brings that about.

The motion to adopt the amendment prevailed and on further motion by the same senator the bill as so amended was passed to be engrossed.

Further papers from the House disposed of in concurrence.

#### (Emergency Measure)

An Act to repeal acts incorporating the Rangeley Village Corporation. (S. D. 198)

This bill carrying the emergency clause required the affirmative vote of two-thirds of the membership

of the Senate on its passage to be enacted.

Twenty-five senators having voted in the affirmative and none in the negative the bill was passed to be enacted.

On motion by Mr. Slocum of Cumberland,

Recessed until five o'clock this afternoon.

#### After Recess

Senate called to order by the President.

Further papers from the House disposed of in concurrence.

From the House: Resolve appropriating \$5,000.00 for monument in France dedicated to C Company, U. S. 14th Engineers Regiment. (H. P. 785)

(In the Senate, March 29th, majority report "referred to next legislature" accepted in non-concurrence.)

In the House, that body having adhered to its former action whereby minority report "ought not to pass" was accepted.

In the Senate, that body voted to adhere to its former action.

From the House: Report "A" of the Committee on Education, on bill an act permitting children to be excused from the public schools to receive religious instruction" (H. P. 516), (H. D. 133) reported that the same ought not to pass.

(Signed) EUSTIS  
ALLEN  
PINKHAM  
BOOKER  
FOLSOM

Report "B" of the same Committee, on the same subject matter, reported that the same ought to pass.

(Signed) HOLMAN  
GAY  
SPEIRS  
CROCKETT  
BREWSTER

In the House, report "A" accepted.

In the Senate, on motion by Mrs. Pinkham of Aroostook, both reports were laid upon the table and assigned for tomorrow morning.

#### House Bills in First Reading

An Act relating to the survey and sale of wood (H. D. 418).

Resolve to reimburse Reed Plantation for support of a State Pauper (H. D. 501).

Resolve to reimburse the town of Kingman for support of Thomas Robichaud, a State Pauper (H. D. 502).

Resolve to reimburse the town of Vanceboro for support of Otis L. Crocker, a State Pauper (H. D. 503).

Resolve to reimburse the city of Old Town for support of Joseph Pelkey, a State Pauper (H. D. 504).

Resolve to reimburse the city of Old Town for support of George Loring and family, Indians (H. D. 505).

Resolve to reimburse the town of Richmond for support of Arthur H. Weeks and family, State Paupers (H. D. 506).

Resolve reimbursing town of Machiasport for medical expenses of Indians (H. D. 507).

Resolve to reimburse the town of Lebanon for support of Mary Mawson and child, State Paupers (H. D. 508).

(Under suspension of the rules the foregoing bills and resolves were read twice and passed to be engrossed in concurrence).

Resolve in favor of Lloyd F. Sewall of Bangor (H. P. 815) reported the same in a new draft, under the same title (H. D. 510).

(Under suspension of the rules the resolve was read twice and on motion by Mr. Maher of Kennebec was tabled pending passage to be engrossed).

An Act relating to the Kennebec County Agricultural Society at Readfield (H. D. 509).

(Under suspension of the rules the bill was read twice and passed to be engrossed in concurrence).

An Act relating to the charter of the city of Waterville (H. D. 446).

In the House passed to be engrossed as amended by House Amendment "A."

In the Senate, under suspension of the rules the bill was read twice, House Amendment A was adopted and the bill as so amended was passed to be engrossed in concurrence.

Thereupon, on motion by Mr. Carter of Androscoggin, the Senate reconsidered its action just taken whereby this bill was passed to be

engrossed in concurrence and on further motion by the same senator the bill and amendment were laid upon the table pending consideration.

The Committee on Salaries and Fees, on bill an Act relating to the pay of Jurors (H. D. 59) reported the same in a new draft, under the same title (H. D. 437) and that it ought to pass.

An Act relating to the use of seines, weirs, nets and artificial flies (H. D. 491).

(Under suspension of the rules the two foregoing bills were read twice and passed to be engrossed in concurrence).

#### Reports of Committees

Mr. PERKINS, from the Committee on Pensions, on resolve providing for a State Pension for John McCarthy of Lewiston (S. P. 155) reported that the same ought not to pass.

The report was read and accepted.

Report "A" of the Committee on Judiciary, on bill an Act to create a Board of Boiler Inspection within the Department of Labor and Industry (S. D. 200) reported that the same ought not to pass.

(Signed) CARTER

Wing of Kingfield  
ALDRICH  
BARTLETT  
HALE

Report "B" of the same Committee, on the same subject matter, reported the same in a new draft, under the title of "An Act for the safety of life and property and to create a Board of Boiler Rules which shall formulate rules and regulations for the safe construction, use and operation of steam boilers; to provide for the enforcement of the rules and regulations of the Board of Boiler Rules; to provide for the inspection of steam boilers and the fees to be charged therefor, and to provide a penalty for the violation of the provisions of this Act" (S. P. 552) and that it ought to pass.

(Signed) MAHER

OAKES  
PATTERSON  
WING of Auburn  
DUDLEY

Mr. OAKES of Cumberland: Mr.

President, I move the acceptance of Report B.

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

The motion to table prevailed.

Mr. CARTER from the same Committee, on bill an Act in relation to filing of complaints against removal of names from list of qualified voters (S. D. 229) reported that the same ought to pass.

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

The same Senator, from the same Committee, on Resolve, authorizing the Treasurer and County Commissioners of York County to procure a loan and issue bonds of said county therefor for the purpose of erecting additions to the Court House (S. P. 327) reported the same in a new draft, under the title of An Act authorizing the Treasurer and County Commissioners of York County to procure a loan and issue bonds of said county therefor for the purpose of erecting additions to the Court House (S. P. 553) and that it ought to pass.

Mr. Perkins, from the Committee on Pensions, on bill an Act providing compensation for Court stenographers upon retiring by reason of disability (S. D. 107) reported the same in a new draft, under the same title (S. P. 554) and that it ought to pass.

The Same Senator, from the same Committee, on Resolve providing for a State Pension for Ivanilla Nute of Lewiston (S. P. 338) reported that the same ought to pass.

Mr. Bond, from the Committee on Ways and Bridges, on bill An Act providing for the upkeep and maintenance of the bridge across Sheepscot River, between Wiscasset and Edgecomb (S. P. 205) reported that the same ought to pass.

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

Mr. Perkins, from the Committee on Pensions, submitted its final report.

The report was read and accepted.

### Passed to be Enacted

An Act Relating to the Jurisdiction of the Probate Court (S. D. 112).

An Act Relating to Facilities to be Furnished Public Utilities Commission by Public Utilities (H. D. 168).

An Act Relating to the Use as Part of Name the Words "Bank," "Savings," "Trust," and Kindred Words (H. D. 371).

An Act Relating to Fishing in Watchic Pond, in the Town of Standish, in the County of Cumberland (H. D. 430).

An Act Relating to Officers of the Senate and House (H. D. 478).

### Finally Passed

Resolve, in favor of the Pownal State School for Additions and Improvements (S. D. 169).

Resolve, in Favor of Myron H. Crocker, Compensating Him for Destruction of Apple Trees by Deer (S. D. 201).

Resolve, in Favor of Richard Jacobson of East Waterford, Compensating Him for Damage Done His Orchard by Deer (H. D. 343).

### Orders of the Day

The PRESIDENT: Under orders of the day the Chair recognizes the Senator from Cumberland, Senator Oakes, on the matter tabled earlier this morning and assigned to be taken up immediately after our action on the power matters (S. D. 2).

Mr. OAKES of Cumberland: Mr. President, I move that it be retabled and assigned for tomorrow morning.

Mr. DOUGLAS of Hancock: Mr. President, I wish that Senator Oakes would include in his motion that it was by agreement with Senator Spear, as he could not be here, that I consented.

Mr. OAKES: I certainly do, Mr. President.

The motion to table and assign prevailed.

Mr. OAKES of Cumberland: Mr. President, out of order and under suspension of the rules I ask to take from the table, Senate Document No. 1, Resolve to appropriate money for compiling and advertising the agricultural, industrial and recreational resources of the state.

The motion prevailed, and on further motion by the same senator the

resolve was retabled and assigned for tomorrow morning.

The President laid before the Senate, House report from the Committee on Judiciary, majority report "ought to pass," minority report "ought not to pass," on An Act relating to advertising signs along public ways (S. D. 11) tabled on March 23rd by Mr. Lord of York pending consideration, and on motion by that senator the report was retabled and assigned for Tuesday next.

The President laid before the Senate, Resolve in favor of Western Maine Sanatorium for maintenance, etc. (S. D. 203) tabled on March 23rd by Mr. Mitchell of Aroostook, pending second reading and on motion by that senator the resolve received its second reading.

Thereupon, Mr. Mitchell of Aroostook offered Senate Amendment A as follows and moved its adoption.

SENATE AMENDMENT "A" to Senate Paper 255, Senate Document No. 203, entitled,

"Resolve in favor of the Western Maine Sanatorium for the maintenance, personal service, repairs and equipment."

Amend said resolve by striking out the words "forty thousand" in the fifth line and inserting in place thereof the words "thirty-eight thousand five hundred"; also strike out the word "forty" in the eighth line and inserting in place thereof the word "thirty-five"; strike out the words "seventy-two thousand five hundred" in the tenth line and inserting in place thereof the words "seventy thousand"; also strike out the word "forty-nine" in the eleventh line and inserting in place thereof the word "forty-eight"; also strike out the words "eighteen thousand" in the twelfth line and inserting in place thereof the words "sixteen thousand five hundred"; also by adding at the end of said resolve the words "and for the fiscal year from July first, nineteen hundred and twenty-seven to June thirtieth, nineteen hundred and twenty-eight the sum of three thousand five hundred dollars shall be applied for the construction of a water tank", so that said resolve as amended shall read as follows:

"Resolved that thereby and hereby is appropriated for the Western Maine Sanatorium for the fiscal year from July first, nineteen hundred and twenty-seven to June thirtieth, nineteen hundred and twenty-eight, one hundred and thirty-eight thousand five hundred dollars, and for the fiscal year from July first, nineteen hundred and twenty-eight, to June thirtieth, nineteen hundred and twenty-nine, the sum of one hundred and thirty-five thousand dollars. Of said sums there shall be applied in each fiscal year for maintenance seventy thousand dollars, for personal services forty-eight thousand five hundred dollars, and for repairs and equipment sixteen thousand five hundred dollars, and for the fiscal year from July first, nineteen hundred and twenty-seven to June thirtieth, nineteen hundred and twenty-eight the sum of three thousand five hundred dollars shall be applied for the construction of a water tank."

Thereupon, Senate Amendment A was adopted and the resolve as so amended was passed to be engrossed.

The President laid before the Senate, Resolve in favor of Western Maine Sanatorium for construction of annex (S. D. 204) tabled on March 23rd by Mr. Mitchell of Aroostook pending second reading and on motion by that senator the resolve received its second reading, and was passed to be engrossed.

The President laid before the Senate, Resolve in favor of Western Maine Sanatorium for water tank (S. D. 205) tabled on March 23rd by Mr. Mitchell of Aroostook pending second reading and on motion by that senator the resolve was indefinitely postponed.

The President laid before the Senate, Resolve in favor of Northern Maine Sanatorium for maintenance, etc. (S. D. 206) tabled on March 23 by Mr. Mitchell of Aroostook pending second reading and on motion by that senator the resolve received its second reading and was passed to be engrossed.

The President laid before the Senate, Resolve in favor of Northern

Maine Sanatorium for construction of men's cottage (S. D. 207) tabled on March 23rd by Mr. Mitchell of Aroostook pending second reading and on motion by that senator the resolve was indefinitely postponed.

The President laid before the Senate, Resolve in favor of Northern Maine Sanatorium for sprinkler system and standpipe (S. D. 208) tabled on March 23rd by Mr. Mitchell of Aroostook pending second reading and on motion by that senator the resolve received its second reading and that senator then presented Senate Amendment A as follows and moved its adoption:

SENATE AMENDMENT "A" to Senate Paper 265, Senate Document No. 208 entitled,

"Resolve in favor of the Northern Maine Sanatorium for the Construction of a Sprinkler System."

Amend said Resolve by striking out the emergency preamble and also by adding at the end of said resolve the words "said sum to be available in the fiscal year from July first, nineteen hundred and twenty-eight to June thirtieth, nineteen hundred and twenty-nine," so that said resolve as amended shall read as follows:

"Resolved: that there be, and hereby is, appropriated for the Northern Maine Sanatorium the sum of thirty-five thousand dollars for the purpose of constructing a sprinkler system and standpipe, said sum to be available in the fiscal year from July first, nineteen hundred and twenty-eight to June thirtieth, nineteen hundred and twenty-nine."

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

The President laid before the Senate, Resolve in favor of Central Maine Sanatorium for laundry (S. D. 209) tabled on March 23rd by Mr. Mitchell of Aroostook pending second reading and on motion by that senator the resolve was indefinitely postponed.

The President laid before the Senate, Resolve in favor of Central Maine Sanatorium for maintenance etc. (S. D. 210) tabled on March 23rd by Mr. Mitchell of Aroostook pending second reading and on motion by that senator the resolve received its

second reading and was passed to be engrossed.

The President laid before the Senate, Resolve in favor of Central Maine Sanatorium for nurses' home (S. P. 211) tabled on March 23rd by Mr. Mitchell of Aroostook pending second reading and on motion by that Senator the resolve received its second reading and was passed to be engrossed.

The President laid before the Senate, Resolve in favor of the Pownal State School for additions and improvements (S. D. 305) tabled on March 23rd by Mr. Mitchell of Aroostook pending second reading and on motion by that Senator the resolve was retabled and tomorrow assigned.

The President laid before the Senate, An Act relating to juvenile institutions (H. D. 296) tabled on March 23rd by Mr. Carter of Androscoggin pending passage to be enacted.

Mr. CARTER of of Androscoggin: Mr. President, I move that this act be indefinitely postponed and in support of the motion will simply say that it contemplates a precedent which the state is not yet ready to follow. The beneficiary in question has been for twenty-five years in the service of the state and it seems to me it is bringing down the limit to too great an extent and that sometime in the future, either in two years or in four years I think undoubtedly the state will so pension these men.

The motion to indefinitely postpone prevailed.

The President laid before the Senate, An Act to exempt from all gasoline tax motor boats, tractros, and machinery (S. D. 137) tabled on March 23rd by Mr. Speirs of Cumberland pending acceptance of the report "ought not to pass."

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Speirs.

Mr. SPEIRS of Cumberland: Mr. President, I yield to the Senator from Hancock, Senator Douglas.

Mr. DOUGLAS of Hancock: Mr. President, I move the indefinite postponement of this act.

Mr. SPEIRS: Mr. President, I move that it be retabled and specially assigned for Tuesday next.

The motion to retable and assigned prevailed.

The President laid before the Senate, Senate report from Committee on Legal Affairs "ought to pass" on An Act to repeal acts incorporating the town of Concord (S. D. 104) tabled on March 24th by Mr. Morrison of Franklin pending acceptance of the report.

Mr. MORRISON of Franklin: Mr. President, I move the indefinite postponement of the bill and in support of that motion will say that it was heard by the Committee on Legal Affairs at which no opposition developed but since then I have been informed that they have had a town meeting there and considerable opposition has developed to this measure and it is now satisfactory to all parties, including the proponents of the bill, that the matter be indefinitely postponed.

The motion to indefinitely postpone prevailed.

The President laid before the Senate, An Act to prohibit bedding, advance baiting, feeding or corning of wild ducks (H. D. 407) tabled on March 23rd by Mr. Dwinal of Knox, pending second reading.

Mr. DWINAL of Knox: Mr. President, I yield to the Senator from Hancock, Senator Douglas.

Thereupon, on motion by Mr. Douglas of Hancock, the bill was indefinitely postponed.

The President laid before the Senate, Senate report from the Committee on Mercantile Affairs and Insurance "ought to pass" new draft on an order relative to workman's compensation and insurance, tabled on March 23rd by Mr. Smith of Somerset pending acceptance of the report.

Mr. MORRISON of Franklin: Mr. President, in the absence of the Senator from Somerset, Senator Smith, I would like to have this matter retabled.

The motion to retable prevailed.

The President laid before the Senate, An Act relating to amendment of criminal process (S. D. 32) tabled on March 23rd by Mr. Holmes of Androscoggin pending passage to be enacted and on motion by that senator the bill was retabled and assigned for Friday next.

The President laid before the Senate, Senate order relative to in-

vestigation of election (S. D. 279) tabled on March 24th by Mr. Carter of Androscoggin, pending passage.

Mr. CARTER of Androscoggin: Mr. President, I would like the indulgence of the Senate in retabling that measure as it is an order introduced by Senator Spear of Cumberland and he is not here at the present time. If he were here I should move to indefinitely postpone but as he is not present I do not like to attempt to make that disposition of an order which was introduced by him. It may be specially assigned for tomorrow morning.

The motion to retable and assign prevailed.

The President laid before the Senate, An Act relating to registration of motor vehicles (S. D. 122) tabled on March 27th by Mr. Slocum of Cumberland pending acceptance of "ought not to pass" report and on motion by that senator the bill was retabled and tomorrow assigned.

The President laid before the Senate, Resolve in favor of the state armory at Portland (H. P. 1101) tabled on March 28th by Mr. Slocum of Cumberland pending passage to be engrossed and on motion by that senator the resolve was retabled and assigned for next Tuesday.

The President laid before the Senate, An Act to extend the charter of Quebec Extension Railway Company (H. D. 331) tabled on March 29th by Mr. Roberts of York pending enactment.

Mr. LORD of York: Mr. President, Mr. Roberts not being present I move that this bill be retabled.

The motion to retable prevailed.

The President laid before the Senate, An Act relating to compensation of members of the legislature (H. D. 450) tabled on March 29th by Mr. Bragdon of Aroostook pending consideration and on motion by that senator the bill was retabled and tomorrow assigned.

The President laid before the Senate, An Act relating to equal school privileges for all pupils (H. D. 394) tabled on March 29th by Mr. Speirs of Cumberland pending motion to recede and concur with the House and on motion by that senator the bill was retabled and assigned for Friday morning.

The President laid before the Senate, An Act relating to the police commission of Lewiston (S. D. 99) tabled on March 29th by Mr. Holmes of Androscoggin pending acceptance of a report.

Mr. HOLMES of Androscoggin: Mr. President, I move that the bill be retabled and I cannot assign a time. This is by an understanding with others.

The motion to retable prevailed.

The President laid before the Senate, An Act providing for improvement of conveyance of pupils to common schools (S. D. 281) tabled on March 29th by Mr. Bragdon of Aroostook pending passage to be engrossed.

Mr. BRAGDON of Aroostook: Mr. President, I now move indefinite postponement of this bill and in explanation will say that this is an amendment to the bill providing for conveyance for school children and as you all will understand that is a matter that is left entirely with the committees of the towns under the present law. The amendment provides that in any instance where a parent or guardian of any child after presenting his case to the superintendent of schools and the superintending school committee is refused transportation he may appeal to the State Commissioner of Education, who after due investigation by himself or his assistants shall decide the merits of the case and his decision shall be final. That is the change that is intended to be made. In speaking on this motion, very briefly, I will say that this law as it exists at present is absolutely just and logical. It assumes that there is a distance beyond which children should not be required to walk to school but this distance cannot be an arbitrary one. It must be decided upon the circumstances and conditions surrounding each particular case and I feel that there is no one better qualified to make a decision as to such circumstances and conditions than the members of the school committee of that town who are right on the grounds. I feel that they can make a more reasonable decision than can some person from a distance of three hundred miles. I also speak, perhaps, out of consideration for the school department. I

do not know that this is a bill which they introduced. I feel that it is not, but I think it would be safe to say that in all five hundred municipalities in the state of Maine that an average of ten dissatisfied parties in each town is normal and there would be five thousand cases a year at the least that the school department would be called upon to decide and I think that it would give them a very limited amount of time to consider each particular case. I hope the Senate will feel disposed to let the law remain as at present.

The motion to indefinitely postpone prevailed.

The President laid before the Senate, An Act to define "storage eggs" and "processed eggs" and to regulate the sale and distribution (H. D. 408) tabled on March 29th by Mrs. Allen of Penobscot pending passage to be engrossed and on motion by that senator the bill was passed to be engrossed.

The President laid before the Senate, An Act to make certain the legal boundaries of the town of Old Orchard (H. D. 230) tabled on March 29th by Mr. Morrison of Franklin pending consideration.

Mr. MORRISON of Franklin: Mr. President, I move that the report of the committee be accepted and will say that the bill provides that the city of Saco convey to Old Orchard certain property, which includes the pier at Old Orchard which is now within the boundary limits of Saco, the Casino which is on the end of the pier and two islands. There is no provision for any compensation to the city of Saco for the property that Old Orchard wants and there was no ten days notice given to the city which I understand the law requires in such cases, before the convening of the Legislature, so it was the unanimous report of the committee on legal affairs that the matter be referred to the next legislature thereby giving Saco an opportunity to defend its rights if it sees fit and with the additional hope that the two towns might get together and agree. I therefore move that the report of the committee referring the matter to the next legislature be accepted.

The motion to accept the report prevailed.

The President laid before the Senate, An Act defining dealers in motor vehicles (H. D. 326) tabled on March 29th by Mr. Maher of Kennebec pending enactment and on motion by that senator the bill was passed to be enacted.

Mr. WOODS of Penobscot: Mr. President, I would like information regarding Senate Document 208. The amendment I hardly understood.

The PRESIDENT: The Chair will ask the Senator from Aroostook, Senator Mitchell to enlighten the Senator from Penobscot, Senator Woods.

Mr. MITCHELL of Aroostook: This resolve calls for the appropriation of \$35,000. The appropriations committee thought best to lay this appropriation over for one year and leave the amount just the same as it is.

Mr. WOODS: Mr. President, do I understand from Senator Mitchell that the proposition is to lay this bill over until next year thereby providing no funds for 1927?

Mr. MITCHELL: That is the idea, not having the money.

Thereupon, on motion by Mr. Woods of Penobscot the Senate reconsidered its action whereby this resolve was passed to be engrossed and on further motion by the same senator the resolve was laid upon the table.

Mr. BRAGDON of Aroostook: Mr. President, if in order I would like to inquire of the Chair in regard to House Document 331 which was tabled on the unassigned list by Senator Roberts and I think that Senator Lord moved to retable without any assignment. As I remember the matter I asked Senator Roberts to assign a date and he assigned Thursday and I find that it is on the list on the calendar with the unassigned bills but over in the margin it is marked "March 31", and I find that the other calendars within reach of me are marked in the same way which would correspond with my recollection of the assignment.

The PRESIDENT: The Chair has no recollection of it and has only the calendar and there being no printed date on the calendar the Chair auto-

matically presented the matter to the Senate. The Chair will state that according to the Assistant Secretary the date of March 31st should have appeared in the printing. The matter, however, in the opinion of the Chair will be off the table on March 31st. By unanimous consent the Chair assumes that it is understood by the Senate that this matter comes off the table tomorrow, there being no objection.

Mr. CARTER of Androscoggin: Mr. President, I move that we take from the table House Document 188, new draft having the number House Document 1198, being An Act relative to the charter of the city of Waterville.

The motion prevailed.

Mr. CARTER: Will the Chair please inform the Senator of the parliamentary situation.

The PRESIDENT: The Chair will state that the bill was read twice, House Amendment A was adopted in concurrence and the bill was passed to be engrossed and on motion by senator from Androscoggin, Senator Carter, the vote was reconsidered and the matter was tabled and is now taken off the table. The pending question is now passage to be engrossed as amended.

Mr. CARTER: Mr. President, I move that the bill be passed to be engrossed as amended.

Mr. FOSTER of Kennebec: Mr. President, being absent when the matter was considered later I move that it be tabled as I have no idea as to the amended form of the measure.

The PRESIDENT: The Chair is of the opinion that the Senator from Kennebec, Senator Foster, is in order and entertains the motion.

The motion to retable prevailed.

Mr. SLOCUM of Cumberland: Mr. President, I move that we reconsider our action in accepting an "ought not to pass" report on Senate Document 87, An Act to establish a uniform license law for summer camps, our action being taken earlier this morning.

The motion to reconsider prevailed and on further motion by the same senator the bill was recommitted to the Committee on Legal Affairs.

On motion by Mr. Oakes of Cumberland,

Adjourned until tomorrow morning at ten o'clock.