

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Tuesday, April 5, 1927

Senate called to order by the President.

Prayer by the Rev. H. F. Aldrich, of Winthrop.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act relating to the fees of jurors (H. D. 535).

(In the Senate, April 1, passed to be engrossed in non-concurrence.)

In the House, that branch voted to adhere to its action of March 31 whereby the bill was indefinitely postponed.

In the Senate, on motion by Mr. Holmes of Androscoggin, tabled pending consideration and specially assigned for tomorrow.

From the House: The Committee on Education on Resolve in favor of Somerset Academy located at Athens, for maintenance (H. P. 458) reported that the same ought not to pass.

In the House, report read and accepted.

In the Senate, on motion by Mr. Smith of Somerset, tabled pending acceptance of the report.

From the House: The Committee on Salaries and Fees, on An Act relating to the salary of the County Treasurer of Androscoggin County (H. P. 740) reported that the same ought not to pass.)

In the House, report read and accepted.

In the Senate, on motion by Mr. Holmes of Androscoggin, tabled pending acceptance of the report.

House Bill in First Reading

(Under suspension of the rules the following bills and resolves also received their second reading and were passed to be engrossed.)

An Act to enable trust companies to discontinue branches or agencies. (H. D. 549)

Resolve in favor of Olmstead Brothers, Landscape Architects (H. D. 547)

(On motion by Mr. Holmes of

Androscoggin, tabled pending passage to be engrossed).

Resolve in favor of the town of Castine, for reimbursement of money paid out for the care of state paupers. (H. D. 546)

An Act to incorporate the Howland Sewerage and Water District. (H. D. 541)

An Act relating to registration fees payable for jitney busses. (H. D. 386)

Resolve in favor of the State Park Commission. (H. D. 548)

(On motion by Mr. Foster of Kennebec, tabled pending second reading.)

An Act relating to clerk hire in the office of Register of Probate of Penobscot County. (H. D. 550)

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

An Act relative to clerk hire in the office of Registry of Deeds, of Penobscot County. (H. D. 545)

Came from the House, passed to be engrossed as amended by House Amendment "A".

(On motion by Mr. Holmes of Androscoggin, House Amendment A was adopted in concurrence and the bill as so amended was tabled pending passage to be engrossed.)

The following resolve was received and on recommendation by the committee on reference of bills was referred to the following committee:

Appropriations and Financial Affairs

By Mr. Case of Washington, Resolve in favor of Ellis F. Baker for services as Clerk of the Committee on Sea and Shore Fisheries. (S. P. 602)

Orders

Mr. Foster of Kennebec presented the following order and moved its passage:

Ordered, That the Senate Reporter and Assistant Senate Reporter receive the same compensation for reporting the Eighty-third Legislature as is received by the House Reporter and Assistant House Reporter.

Mr. CARTER of Androscoggin: Mr. President, I rise simply for information. Shouldn't that sum be stated in the order?

The PRESIDENT: The Chair can only state that it is not stated.

Mr. CARTER: It is simply to have

the order right. I would suppose that a definite sum should be mentioned in the order.

Mr. FOSTER of Kennebec: Mr. President, replying to the Senator from Androscoggin, Senator Carter, I would say that this is simply the usual order that is customary at this time which makes the pay uniform in the two branches.

Mr. CARTER: Exactly, Mr. President. I simply want to make sure that they get it, that is all.

Thereupon, the order received a passage.

Reports of Committees

Mr. Dwinal, from the Committee on Legal Affairs on bill an act defining various words used in Chapter 20 of the Revised Statutes of Maine relating to apothecaries and the sale of poisons (S. D. 155) reported that the same ought not to pass.

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

The same Senator, from the same committee, on bill An Act to authorize the State Board of Dental Examiners to issue their certificate, to practice dentistry in Maine, to Horace B. Damon (S. D. 64) reported that the same ought not to pass.

The report was read and accepted.

Mr. FOSTER of Kennebec: Mr. President, I move that this report be tabled.

The PRESIDENT: The report has been accepted. The senator may move for a reconsideration and then table it.

Mr. FOSTER: I so move, Mr. President.

Mr. CARTER of Androscoggin: Doubted, Mr. President.

The PRESIDENT: The Chair will explain the situation in order that the senators may understand. This is a report from the Committee on Legal Affairs on bill An Act to authorize the state board of Dental Examiners to issue their certificate to practice dentistry in Maine, to Horace B. Damon, the report being "ought not to pass." The question before the Senate is on the motion of the Senator from Kennebec, Senator Foster, that we reconsider the vote whereby we accepted the report and a division is asked for. As many as favor reconsideration of the vote will rise and stand in their places until

counted. Those opposed will then rise.

A division of the Senate being had Nine senators having voted in the affirmative and fourteen in the negative the motion to reconsider failed of passage.

Mr. Morrison, from the same committee, on bill An Act to adopt the uniform criminal extradition act (S. D. 66) reported that the same be referred to the next Legislature.

The report was read and accepted.

Mr. Dunbar, from the Committee on Claims, on Communication from the State Auditor relating to certain deficiencies also supplemental statement from the State Auditor relating to certain deficiencies, reported an accompanying resolve, entitled Resolve, to pay certain deficiencies (S. P. 603) and that it ought to pass.

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

The majority of the Joint Committees on Public Utilities, Interior Waters and Judiciary, on bill "An Act to amend Section 1 of Chapter 97 of the Revised Statutes relative to right to erect and maintain mill dams and to divert water by a canal for mills" (S. D. 62) reported that the same ought not to pass.

(Signed) MAHER
OAKES
DOUGLAS of Hancock
GRANVILLE
DRAKE
PAGE
COMINS
DUNBAR
DOUGLAS of Chelsea
HUGHES
TUCKER
PIPER
CHASI
BARTLETT
ALDRICH
GREENLEAF
RICHARDSON
HALE
LORD
CRAFTS
WING of Kingfield
BISHOP
MILLIKEN

The minority of the same Commit-

tee on the same subject matter, reported the same in a new draft, under the same title (S. P. 604) and that it ought to pass.

(Signed) CARTER
PATTERSON
WING
of Auburn
BRIGGS
DUDLEY
POWERS
THURSTON

(On motion by Mr. Carter of Androscoggin, the bill and reports were tabled pending acceptance of either report).

Passed to Be Engrossed

An Act relating to forest land exempted for taxation. (S. D. 171)

(On motion by Mr. Roberts of York, tabled pending passage to be engrossed.)

An Act relating to the employment of guides by non-residents. (S. D. 180)

An Act to amend the Revised Statutes, relating to employment of children. (S. D. 318)

An Act in relation to tax on internal combustion engine fuels. (S. D. 319)

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

Resolve in favor of Mrs. Katie Jesseman of Monroe for damages. (S. D. 320)

Resolve, in favor of St. Louis' Home for Boys, at West Scarborough. (S. D. 321)

An Act to amend Chapter 209 of the Public Laws of 1925, relating to Zoning Ordinances. (S. D. 322)

Resolve, in favor of Henry A. Day, Bangor, compensating him for loss sustained in road construction on the State highway in Orono. (S. D. 323)

An Act relating to qualification and licensing of insurance companies. (S. D. 324)

An Act relating to transfer from one sub-division of a department appropriation to another. (S. D. 325)

An Act relating to State school fund and especially relating to high school tuition by non-resident students. (S. D. 326)

An Act relating to clerk hire in the office of the Register of Probate of Aroostook County. (S. D. 327)

An Act to increase the salary of the Clerk of Courts in Franklin County. (S. D. 328)

(On motion by Mr. Holmes of

Androscoggin, tabled pending passage to be engrossed.)

An Act relating to the salary of the Register of Probate of Franklin County. (S. D. 329)

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

An Act relative to the salary of the Clerk of Courts of Knox County. (S. D. 330)

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

An Act to increase the salary of the County Attorney for Sagadahoc County. (S. D. 331)

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

An Act relating to the Salary of the Treasurer of Knox County. (S. D. 332)

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

An Act relating to the salary of the Register of Deeds for Sagadahoc County. (S. D. 333)

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

An Act relative to the abolishment of grade crossings. (S. D. 334)

Passed to Be Enacted

An Act to amend Section 92 of Chapter 211 of the Public Laws of 1921, relative to Disposition of Motor Vehicle Fees. (S. D. 133)

An Act relating to School Moneys of Tribe of Indians of Old Town Island. (S. D. 141)

An Act to provide for the maintenance of Highways on which Legislative Road Resolve Appropriations have been expended. (S. D. 146)

An Act regulating Speed at Intersecting Ways. (S. D. 174)

An Act in relation to Filing of Complaints against removal of Names from List of Qualified Voters. (S. D. 229)

An Act relating to the Apportionment of State Aid to Agricultural Societies. (S. D. 245)

An Act to regulate the Sale of Cider. (S. D. 267)

An Act to Incorporate Somerset Woods Trustees. (S. D. 273)

An Act relating to Ice Fishing in Annabessacook Lake in Kennebec County. (S. D. 286)

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 of Conveyance in the Rangeley Chain of Lakes. (S. D. 293)

An Act relating to the Protection of Wild Hares or Rabbits. (S. D. 294)

An Act in relation to the Breaking of Roads in Winter. (H. D. 38)

An Act relating to the construction of a Raised Road across the Bar between Deer Island and Little Deer Isle, in the town of Deer Isle, in the County of Hancock. (H. D. 48)

An Act to obtain the benefit of Credit allowed under Federal Estate tax. (H. D. 58)

An Act to create the office of Deputy Treasurer of Cumberland County. (H. D. 117)

An Act relating to the South Portland Sewerage District. (H. D. 231)

An Act amending Acts providing for State and County Aid in the construction of Highway Bridges. (H. D. 321)

An Act relating to Notice in Divorce Actions. (H. D. 338)

An Act relating to State Highways. (H. D. 359)

An Act making the Clerk of Courts of Waldo County Recorder of the Belfast Municipal Court. (H. D. 391)

An Act to define and regulate the Sale of Oleomargarine. (H. D. 392)

An Act relating to pay of jurors. (H. D. 437)

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

An Act relating to the Charter of the City of Waterville. (H. D. 446)

An Act relating to Clerk Hire in Offices of County Attorney of Penobscot County. (H. D. 452)

An Act relating to the Conveyance of Pupils of High School Grade. (H. D. 459)

An Act relative to the Fees of Sheriffs and their Deputies. (H. D. 465)

An Act relating to Fees of Deputy Sheriffs in attendance upon the Courts. (H. D. 466)

An Act relating to Diplomas to be issued by State Normal Schools. (H. D. 473)

An Act to provide for compensation of Justices of the Supreme Judicial Court. (H. D. 499)

(On motion by Mr. Carter of An-

droscoggin, tabled pending passage to be enacted.)

An Act to increase the Salary of the Sheriff of Piscataquis County. (H. D. 513)

An Act relative to the Salary of the Judge of the Municipal Court of Brunswick. (H. D. 514)

An Act to Increase the Salary of the Register of Deeds in the County of Oxford. (H. D. 516)

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

An Act relating to Pensions for the Blind. (H.D. 518)

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

An Act to increase the Salary of the Clerk of Courts for Oxford County. (H. D. 519)

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

An Act relative to Clerk Hire in the office of the Clerk of Courts, Penobscot County. (H. P. 521)

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

An Act relating to the Salary of the County Attorney for Oxford County. (H. D. 522)

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

An Act relating to Clerk Hire in the Registry of Deeds for Oxford County. (H. D. 523)

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

An Act to increase the Salary of the County Treasurer of Oxford County. (H. D. 524)

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

An Act relating to the Salaries of the Judge and Recorder of the Bangor Municipal Court. (H. D. 525)

An Act relating to State Aid apportioned to Cities and Towns for improvements of Highways. (H. D. 531)

An Act relating to the town of Gorham. (H. D. 532)

An Act relating to Fees of Witnesses. (H. D. 534)

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

An Act amending the Charter of the Belfast Water District so as to

authorize the Refunding of Bonds. (H. D. 536)

An Act to create a Game Sanctuary in the town of Kennebunk, to be known as the Bragdon Wild Life Sanctuary. (H. D. 538)

An Act to prohibit the Trapping of Muskrat in Ward Stream, in the towns of Newburg, Hermon and Hampden, in the county of Penobscot. (H. D. 539)

(On motion by Mrs. Allen of Penobscot, tabled pending passage to be enacted.)

An Act amending an Act relating to the Care and Support of Paupers and other dependent persons having no settlement within the State. (H. D. 540)

An Act to create the Kennebec Reservoir Company and define the Powers thereof. (H. D. 552)

Finally Passed

Resolve in favor of the Western Maine Sanatorium for the maintenance, personal services repairs and equipment. (S. D. 203)

Resolve in favor of the Northern Maine Sanatorium for maintenance, personal services, repairs and equipment. (S. D. 206)

Resolve in favor of the Central Maine Sanatorium for maintenance, personal services, repairs and equipment. (S. D. 210)

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 Mothers' 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)

Resolve providing for a State pension for Timothy P. Donovan of Lewiston. (S. D. 295)

Resolve to reimburse the town of Phippsburg for burial expense 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)

Resolve in favor of George E. Sparrow of Pittston for reimbursement for damage done his fowl by foxes. (H. D. 517)

Resolve in favor of Frank Tozier for reimbursement for money expended while working as constable in small-pox quarantine. (H. D. 526)

Resolve in favor of the town of Surry. (H. D. 530)

Resolve in favor of the town of Sherman to assist in support of pauper. (H. D. 537)

(Emergency Measure)

Resolve in favor of Western Maine Sanatorium for the construction of an annex to reception room (S. D. 204).

(On motion by Mr. Mitchell of Aroostook, tabled pending final passage.)

(Emergency Measure)

Resolve in favor of the Central Maine Sanatorium for the construction and equipment of a nurses' Home (S. D. 211).

(On motion by Mr. Mitchell of Aroostook, tabled pending final passage.)

(Emergency Measure)

An act to incorporate the city of Belfast School District (H. D. 512).

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-eight senators having voted in the affirmative and none opposed the bill was passed to be enacted.

Orders of the Day

The President laid before the Senate resolve in favor of the State Armory at Portland (H. P. 1101), tabled by Mr. Slocum of Cumberland on March 30th pending passage to be engrossed, and today assigned.

Mr. SLOCUM of Cumberland: Mr. President, this resolve in favor of the State Armory in Portland is for the purpose of rebuilding the roof of the State Armory. The roof is in very bad condition and so are the walls, and I find that the military department of the State has taken this into consideration and is having the walls and roof repaired so that it will be unnecessary that this resolve go through. Therefore I move that we indefinitely postpone it.

The motion to indefinitely postpone, prevailed.

The President laid before the Senate, Senate Report from Joint Committee on Ways and Bridges and Taxation, "Ought not to pass" on An Act to exempt from all gasoline tax motor boats, tractors and machinery, (S. D. 197) tabled by Mr. Speirs of Cumberland on March 30th pending motion to indefinitely postpone, and today assigned.

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

Mr. DOUGLAS of Hancock: Mr. President, I wish to withdraw my motion to indefinitely postpone this matter.

Permission was given Senator Douglas to withdraw his motion to indefinitely postpone.

Thereupon, on further motion by the same Senator, this bill was retabled.

The President laid before the Senate, House Report from the Committee on Judiciary "Ought not to pass," An Act relating to advertising signs along public ways, (S. D. 11) tabled on March 30th by Mr. Lord of York, pending consideration and today assigned and upon motion by the same Senator, the report was retabled pending consideration and assigned for Tuesday next.

The President laid before the Senate, House Report from the Committee on Inland Fisheries and Game, Report A "Ought not to pass," Report B "Ought to pass," on An Act relative to ice fishing in the Belgrade Lakes, (H. D. 216) tabled on March 31st by Mr. Crafts of Piscataquis pending acceptance of Report B and today assigned.

Mr. CRAFTS of Piscataquis: Mr. President, I have served on the Committee of Fish and Game for four terms and have listened to the argument each time, I believe, to the opening of Belgrade Lakes to ice fishing. I intended to make a few remarks this morning as to what had occurred in our committee but I have a letter from one of the most prominent business men of Kennebec County, the county in which the principal parts of these lakes are located and I want to read certain sections of it which cover what I

have felt and the ideas of a large portion of the committee:

"For twenty years I have spent time and money, with you and others, in an effort to advance the interests of this State and broadcast her attractions,—and among them, of course, her fishing interests,—and I look with a feeling akin to horror upon any movement which might impair her prestige, or take away one of her glories.

"In the case at hand, it seems to simmer down to a matter of opinion. There are good citizens who think the opening of the lakes, as provided in the bill, would not injure the summer fishing. There are others of us,—equally good citizens, I hope—who fear that it will affect it, very materially. Nobody is wise enough to know; but why take the chance, with no possible profit to accrue from the taking?

"Our opponents may be right. If, then, their opinion is taken and acted upon and no harm comes, we shall remain just as we were; but if harm does come, then we shall have attacked the thing for which there has been given 25 years of labor and expense; we shall have severely injured our reputation, and we shall have done that from which it will take another 25 years to recover, because I assume that if this bill is passed it will not be repealed in two years, as was suggested by one of the speakers as an inducement to secure its present passage. Laws are not thus easily repealed.

"If this were a game in which there was reasonable ground to hope that the State might profit, it might be permissible to take the hazard; but, with every chance set against us, I do not know of any reasonable business rule which would warrant us in accepting it.

"I was struck with what one of the proponents said—that what hurt was 'plug fishing'. He criticized that very severely. If plug fishing in the summer has been injurious, I do not see how it would improve conditions by giving them eight or 10 days more of plug fishing in the winter."

The Belgrade Lakes Fish and Game Association have spent, I believe, over \$20,000 in improving fishing and fishing conditions at the lakes at Belgrade. They have invested in fish, alone, over \$7000. There are a large number of cottages. There is an investment of a large amount. These

people come there and employ guides, employ our citizens; and those who do not have homes stay at our hotels. It has been told to me that there are over 450 of our State people who are given employment during the summer. I do not think that we want to take the chance of injuring this business, and therefore I move—and I believe the motion is to accept—

The PRESIDENT: The Chair will state for the benefit of the senators that the question is on the acceptance of Report B "ought to pass" and if you accept that report, it means you open the lakes to ice fishing.

Mr. CRAFTS: I hope, gentlemen, you will vote "no" on this question.

Mr. HARRIMAN of Kennebec: Mr. President, as the senator from Piscataquis, Senator Crafts, has just stated, this is a matter which has come up in the Legislature for several years past in the interests of the common people who live in the vicinity of Belgrade Lakes. As the senator stated, it is undoubtedly true that the summer people coming there do give employment to a large number of the people in this immediate vicinity and it has helped them out, but those people do not get a chance to go fishing in the summer time because they are busy entertaining or assisting or working for the summer people. Now it seems to me this matter of ice fishing in the winter has been very largely misunderstood and misconstrued by the summer people who want the lakes kept closed to winter fishing. One of our prominent fishermen here in Augusta who has this matter at heart, who has a camp at Cobbosseecontee, says in the last four years since Cobbosseecontee has been opened to ice fishing in the winter, it has been better for the summer fishing. Now some people may take exception to this on first thought but practically all the fish caught in the winter are pickerel, which are a cannibal fish, and destroy many of the young fish, the little fish with which the lakes are stocked and, as I say, the prominent fisherman says that the summer fishing in Cobbosseecontee is better today than four years ago when there were so many pickerel in that lake. It has been said, I think, at the hearing that 90 per cent. of the people of the towns surrounding the towns of Belgrade Lakes have been trying to get the lakes open to ice fishing simply one day a week for two months, the months of February and March, for a number of years and through the influence

of the summer people, they have been kept closed. Now, it seems to me that the people who live here the year around who just want the privilege of catching a mess of fish to eat in the winter for eight days, or one day a week for two months, should have that privilege.

It has been said, although I can not prove it, that summer fishing is simply a sport. The rich summer people want to come here just for the fun of catching fish and I have been told that there are cottages around these lakes where you can actually pick up bushels of fish that have been caught merely for the sport of catching them and that is all.

There is no particular sport in winter fishing, as I understand it. It is just a case of people around here who want to go there and catch a mess of fish to eat. This bill provides for fishing one day a week during the months of February and March and further provides that they shall take only seven fish. They can not go there and drain the pond for simply a few days in the winter as some of the proponents of the bill would have you understand.

It is simply a case of where the people who live around here feel that they have been deprived of some of the privileges and rights that they should have in enjoying this sport.

There is a large fish and game association in Waterville with something over 400 members and I understand they are unanimous in this proposition and they go further. They say that they want the lakes opened to ice fishing and are willing to go the limit and prevent this bill from abuse and their members want the privilege to catch a few messes of fish to eat and they will assist in every way to see the law is not abused as we are told it would be and if it is found working a disadvantage to the Belgrade Chain of Lakes, they will be the first to come back here in two years and urge the repeal of this law. They certainly have the interest of the Belgrade Lakes at heart as much as the summer people and if those who live around there and have to entertain the summer people think the Belgrade Lakes is a resort it would certainly work a great disadvantage to the people who own property in that

vicinity and so they have only the best interest of that Belgrade Chain of Lakes at heart and they feel that this one day a week for two months, in the winter, when they can catch seven fish apiece, is not working a hardship on the people will not work at any way to the disadvantage of summer people and I certainly hope in the interests of the people in Kennebec County that this report will be accepted and I hope the bill will pass.

Mr. President, I simply want to say this, further, that the delegation, the representatives in the Legislature from Kennebec County have had several meetings on different subjects and they have voted unanimously in favor of this bill and of its acceptance.

Mr. CRAFTS of Piscataquis: Mr. President, may I have the privilege of replying to one or two of Brother Harriman's statements?

The PRESIDENT: The Senator has the privilege.

Mr. CRAFTS: Mr. President, at the time of the hearing, it was brought out these bushels of fish were taken in the winter time before the lake was closed to ice fishing. They were caught through the ice.

And I have a signed letter, signed by some of the members, I believe they were not at the meeting, and so I don't want them to say that Senator Harriman has said anything that was not so, but some of the members of the Kennebec County delegation are not in favor of this bill.

Mr. HARRIMAN: Mr. President, Of the Kennebec delegation, Senator Foster was elected chairman and I was elected secretary, and of course anybody would have a right to change their minds, but at the time this matter was discussed—I have all the records of those meetings here and of those present and I am quite sure that they were present that day with one exception. There was one vacancy on the delegation which has since been filled by Representative Staples of Waterville but he has told me since that he heartily coincides with the views of the members of the committee. Some may have changed their minds but at the time of the meeting, they were unanimous.

Mr. FOSTER of Kennebec: It

hardly seems necessary, Mr. President, and Senators, at his time to prolong the discussion of this matter. I can add but little to the remarks of my colleague, Senator Harriman. My position on this matter is exactly as it was two years ago, when in the face and eyes of tremendous opposition, I voted for the measure. I believe that the opposition to this measure is not well taken. The fear of depleting our lakes from ice fishing is over-estimated, I believe, as has been said, it would be a decided advantage to the interests of trout and salmon fishing if we allow ice fishing and the catching of pickerel and wall-eyed pike which are so decided a menace to better sport in these lakes.

I believe too, that the request for this law is a reasonable one, coming from a very large majority of the people of Central Maine, who have as much at heart the real interests of our section as anyone else. It comes from the inhabitants contiguous to these lakes, who live there, the farmers, the laboring classes who reside on the farms as they do, where their ancestors for two or three generations have resided, and who simply ask the privilege of catching a mess of fish from these lakes. It also comes from a large number of people who own summer property on these lakes who live in the cities. They see the propriety of this request. And I renew my position on the matter which is exactly as it was two years ago, that this is a reasonable and logical request and I hope it will be granted and I second the motion of Senator Harriman, of the acceptance of Report "B."

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Harriman that Report B, be accepted. The Chair will explain for the benefit of the Senators, that if Report B is accepted, it means that Belgrade Lakes are open for ice fishing.

A viva voce vote being doubted

A division of the Senate was had Thirteen having voted in the affirmative and fifteen in the negative, the motion to accept Report B failed of passage.

Thereupon, on motion by Mr. Crafts of Piscataquis, Report A "ought not to pass" was accepted.

The President laid before the Sen-

ate An Act relating to bounty on bears killed in the state, (H. D. 350), tabled on April 1, by Mr. Perkins of Penobscot pending passage to be engrossed, and today assigned, and on motion by that Senator, the bill was retabled and tomorrow assigned.

The President laid before the Senate An Act repealing certain inheritance laws as to non-resident decedents, (H. D. 136), tabled on April 1, by Mr. Oakes of Cumberland, pending motion to indefinitely postpone, and today assigned.

Mr. OAKES of Cumberland: Mr. President, I present Senate Amendment B, and move its adoption.

The PRESIDENT: The Chair will state that the motion to indefinitely postpone is in order but the motion to amend takes precedence. The Senator from Cumberland, Senator Oakes offers Senate Amendment B and moves its adoption. The Secretary will read the amendment:

The Secretary read the following amendment:

“Senate Amendment B to House Document 136.

Amend House Document No. 136 by striking out all after the enacting clause and inserting in place thereof the following:

Sec. 1 Chapter 69 of the Revised Statutes of 1916 as amended by Section 3 of Chapter 266 of the Public Laws of 1917 is hereby amended by inserting and adding as Section 24 of said Chapter the following:

Sec. 24. The tax imposed by Section one shall not be payable in respect of intangible personal property if the decedent is a resident of a resident of a state or territory of the United States which at the time of his death did not impose a legacy or succession tax or a death tax of any character in respect of intangible personal property within said state or territory on residents of this state, or if the laws of the state or territory of residents of the decedent at the time of his death contained a reciprocal provision under which non-residents were exempted from legacy or succession taxes or death taxes of every character in respect of intangible personal property providing the state or territory of residence of such non residents allowed a similar exemption to residents of the state or territory of residence of such decedent. For the purpose of this Sec-

tion the District of Columbia shall be considered a territory of the United States. The provisions of this section shall apply only to the estates of non residents who die after July 1, 1928.”

Mr. CARTER of Androscoggin: Mr. President,—

The PRESIDENT: Does the Senator from Cumberland, Senator Oakes, yield the floor?

Mr. CARTER: I was about to ask if he would yield for just a moment.

Mr. OAKES: Yes, gladly.

Mr. CARTER: This bill, first tabled by me and the motion to indefinitely postpone coming from me, I wish to state at this time, if this amendment is adopted, it is what we want, reciprocal law, I believe it would be much better for the state than the present law, that is, if this amendment is adopted, and if it is, then I shall make a motion to pass the bill.

Thereupon, on motion by Mr. Oakes of Cumberland, Senate Amendment B was adopted.

The PRESIDENT: Is it the pleasure of the Senate that Senator Carter be allowed to withdraw his motion to indefinitely postpone?

Thereupon, permission was given to Senator Carter to withdraw his motion to indefinitely postpone.

Mr. CARTER: Mr. President, I now yield to the Senator from Cumberland, Senator Oakes.

Mr. OAKES: I would like to ask what the present status is.

The PRESIDENT: The question is automatically passage to be engrossed, as amended.

Thereupon, on motion by Mr. Oakes of Cumberland, the bill as amended was passed to be engrossed.

The President laid before the Senate, An Act to accept the provisions of the Act of Congress of the United States, approved November 23, 1921, as amended and approved January 22, 1927, entitled an act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes (H. D. 310) tabled on April 1st by Mr. Slocum of Cumberland pending first reading and today assigned.

Mr. SLOCUM of Cumberland: Mr. President, I move the indefinite postponement of House Document 310, and in opposing this measure I feel in a somewhat similar position to the members of that “little band of irreconcilables” in the U.

S. Senate that so consistently opposed the entrance of our country to the League of Nations. They were not opposed to the beautiful idealistic dream of a superstate that would end all war. They were as much opposed to war as any of the proponents of the League. But there were certain practical considerations that made the theoretical structure one to which they did not believe we should adhere. Subsequent developments in America would tend to show that they represented the will of the majority. There is no denial on the part of the majority even at this time that the theory is not a step toward the millenium.

The same holds with reference to the Shepard-Towner Maternity Act. Fathered by the sincerest of idealists to awaken the backward states to the necessity of teaching benighted mothers the proper care of themselves and their children.

I understand from one of the earnest advocates of the measure before us that Maine was one of the states most in need of this assistance when the Shepard-Towner Act was first enacted some five years ago. But owing to the discussions in Washington incident to the passage of the act, Maine took stock of the conditions within its borders and Maine, unassisted, has so rectified these conditions that she now ranks among the leaders in the country. It would appear therefore that Maine does not need awakening.

What then is the necessity for the bill under consideration? Proponents tell me that it has resolved itself to a case of, shall we or shall we not accept \$15,000 a year for the next two years? That should not be hard to answer. But the state of Maine cannot get something for nothing any more than can an individual. What then the cost? First, we must appropriate a sum for Child Welfare and Maternity work. Personally I hope we can and will appropriate many times the \$15,000 which we shall receive. Secondly we accept Federal supervision over the work done in our state. Thirdly, our expectant mothers will be flooded with pamphlets that the unintelligent will construe to be gospel truth for many of them be-

lieve every thing they see in print, particularly that which bears the seal of the U. S. Government. A study of the pamphlets issued by the Children's Bureau shows that the booklets dealing with illegitimacy both here and abroad as compared with booklets on birth registration, prenatal and infant care is in the proportion of about 4½ to 1. The former booklets have much matter that is not endorsed by the patriotic citizens of Maine.

To quote briefly from the Children's Bureau Publication No. 60, page 146: ". the first step in such a campaign of education for the improvement of obstetrical conditions must consist in the compulsory registration of pregnancy, through the local health officer. In this event, it will be possible for every pregnant woman throughout the entire country to be supplied gratis with certain of the publications of the Children's Bureau."

(At this point Judge Albert M. Spear was escorted to a chair beside the President, amidst the applause of the Senate.)

We all appreciate, of course, that the \$15,000 we would receive comes from the taxes collected from the several states. Collected from us, and overhead subtracted and the rest returned. We passed an enabling act last week permitting the state of Maine to receive 80 per cent of the inheritance taxes collected by the Federal Government. It is apparent here that the overhead is 20 per cent. This is pretty high, it would seem, and if it is a fair sample, we must give the Federal Government \$20,000 and receiving back \$15,000. It is admitted we are accepting Federal Aid for roads, but only for Federal Roads. We receive Federal aid for many other purposes also but I believe that in cases of purely interstate matters the state of Maine can do reasonably well without Federal Bureaus subtracting their overhead expenses.

I have received an equal number of communications from various of my constituents advocating and opposing this measure. Those opposing the measure seem to have studied the matter very deeply, while in several instances the pro-

ponents have considered it from the theoretical angles. But sides are equally sincere.

I have served as a member of the Military Intelligence Division of the General Staff and while there and subsequently have studied the work of certain subversive forces who prefer Internationalism to America. They have succeeded in deluding many honest Americans and using them as agents of their infamous schemes. It would appear that several of the leaders in our Federal Children's Bureau are, knowing or otherwise, being made the tools of those more interested in Socialism, and Internationalism in preference to American Principles. I shall continue to align myself on the side of unqualified Americans and trust this bill will not become a law.

Mrs. PINKHAM of Aroostook: Mr. President and members of the Senate, believing that this is a matter which is very fully and rather completely understood by all the senators, I will confine myself entirely to a rebuttal of the statements and declarations of the Senator from Cumberland, Senator Slocum.

I wish first to call attention to the fact that the report of the committee on this bill was nine in favor and one opposed.

The first point taken up by the Senator from Cumberland (Senator Slocum) is in regard to the League of Nations. As I understand it, we are not now discussing the League of Nations. We are, however, discussing a practical matter, and not a theoretical matter. We are discussing a further extension of work which has been done for the past four years by our Public Health Department in the state with a small appropriation of \$10,000. I believe that there is now no question but what the health department will obtain that \$10,000 for the next two years. We are not asking—and there is no necessity—that another cent be appropriated. The Senator from Cumberland (Senator Slocum) has stated that Maine was most in need, of all the states, four years ago, of some action toward improving our conditions in regard to health. That is quite true. Maine had an extremely high death rate a few years ago. At that time the infant mortality rate was 102 per thousand. It is now 76 per thousand. If our State De-

partment of Health can make such a reduction as that, representing a saving of about five hundred children a year, I think they can do equally as well, and no doubt much better, with an addition of \$15,000 a year. The Senator says that Maine is now one of the leaders in the death rate. That is not true unless he means that we lead in having a high death rate. There are still 27 states which have a lower infant mortality rate than we have.

I think it is unnecessary to discuss the necessity of this bill. The question of whether we are getting something for nothing I have already dealt with. We certainly must appropriate \$10,000 a year if we are to receive this \$15,000 a year from the government.

Federal supervision is a matter which we may very properly consider. Our State Commissioner of Health has attended various conferences in different sections of the United States at which he has met other supervisors of health in other states and every one of them has said that there has been no Federal interference and no Federal supervision in the administration of this act.

The question of whether expectant mothers shall be flooded with pamphlets or not is not worth talking about. I understand that our State Department of Health has a number of pamphlets which they will send to mothers who request them and the fact that about three thousand mothers in our state have sent for those and for their series of prenatal letters has had a great deal to do with our splendid reduction in the death rate of infants. I have a list of the bulletins of the Children's Bureau which our state department has and which they distribute upon request. I will read them to you: "Pre-natal Care", "Infant Care", "Child Care", "Breast Feeding", "What Builds Babies", "Sunlight and Babies", "Child Management", "Daily Time Sheet". Gentlemen, if that be socialism, make the most of it!

In regard to the question of illegitimacy, I know that the Children's Bureau has made an exhaustive study of that matter and it seems to me that it is a very important study to make. However, they are not sending any of those bulletins to this state. I understand that if you want to get bulletins from the Children's

Bureau you have to send for them and pay ten cents.

In regard to compulsory registration, of course, that is perfectly absurd, but we have had in the past four years several nurses working in the rural sections of the state and in cities where the infant mortality rate was very high and those nurses have come into close contact with the mothers and have been able to do a great deal for them, but not through compulsion. I know that in my own section we had one of those nurses for about a year and a half and the work she did was perfectly marvelous. This is not a matter of theory. It is a matter of practical experience. This nurse came to the town—I don't want to take up too much of your time but, as I said, this is not a matter of theory only and it may be well to tell you what has happened. The section of the state which I represent had a very high death rate. This nurse came to the town and met with the physicians and talked with them and with leading citizens of both sexes and started a series of clinics which the doctors addressed and gave practical talks on health.

The first week about forty attended, the next week the attendance was about sixty and the third week about eighty, and so on. We heard not one word of criticism and nothing but the highest praise for the work of that nurse in our section and I see no reason to believe that work of any different character will be done anywhere else.

In regard to the share of the expense which we pay to the Federal Government we pay about \$7,500 a year. We pay that whether we accept this tax or not. Forty-three states have accepted it and it looks like a case of "All out of step but Jim."

The overhead was another thing that the Senator mentioned. The overhead of this act is \$50,000 a year. That is what the Children's Bureau has for administration and for general information which they give out at the request of the different commissioners of public health all over the United States. That is a very small percentage.

In regard to "subversive forces deluding honest Americans, knowingly or otherwise," I fear that is a very sad indictment of our various state legislatures and also of our Congress, where everyone of the representatives

of this state have always voted for this act. I rather think they expect us to get some of the benefit from it.

In regard to the statement that there are—as I believe the senator said—people in the different bureaus of the government who may be socialistic, that might occasionally happen. I don't know, but I do know that all the employees of the Children's Bureau are civil service employees and they must be citizens of the United States, and loyal citizens.

In conclusion, it is hardly necessary for me to say that I hope the motion of the Senator from Cumberland, Senator Slocum, will not prevail.

Mr. SLOCUM: Mr. President, I understand from the Senator from Aroostook, Senator Pinkham, that mothers and expectant mothers of Maine have been receiving certain periodicals. I am very glad to know that they are receiving only those with reference to child care. It is quite interesting to note from the congressional record of Saturday, July 3rd, 1926, the proportions of the periodicals that are issued by this department.

With reference to the statement on compulsory registration, I agree with the Senator from Aroostook, Senator Pinkham, that it is preposterous but it is so reported in the congressional record and is taken from Publication No. 60 of the Children's Bureau.

Mrs. PINKHAM: Mr. President, may I say that I have the permission of at least one of the Senators from Congress to say that a great many of us take the congressional record but very few of us take it seriously. (Laughter.)

Mrs. ALLEN of Penobscot: Mr. President, I wish to place myself in accord with my colleague, Senator Slocum, on his motion, and I will state my reasons, if I am in order. This bill of Federal Bureaus will oust the state from authority over the public health department. This act has not been fought for by the real mothers of Maine. I do believe in clubs. I belong to clubs, but I do not believe a few women should say I represent such a club, and endorse every measure that is read or that has been taken up. But I do believe that it is my duty to stand up and try to defend and represent the people of Maine, and what I firmly believe is this, that this bill is undesirable legislation for the state of Maine.

From the 44 states who have ac-

cepted Federal aid, no evidence (where so many lives have been saved) has been produced to show that this act has prevented sickness or death. But it does show increased appropriations for sanitary purposes are above normal. Maryland had a bill last session in Congress, asking to be released from this act. Congress at her last session had very hard work to get this act through. If the members of this Senate had read upon their desks one morning the 18 different things that the state of Maine is doing through its health department, I am quite sure you could agree with me that we have a good Public Health Department. Today we are seeing laws and laws made which we all break. Today we are seeing encroachment after encroachments on the regime of private property in the means of life and every time a utility is taken over and made public by nationalization, even with a capitalistic government in control, so much does it limit the area of private ownership.

I will quote what 90,000 physicians of the American Medical Association have adopted for a resolution against this bill: "Whereas, this so-called Shepard-Towner law is a product of political expediency and is not in the interest of public welfare.

Whereas this Sheppard-Towner act is an imported socialistic scheme unsuited to our form of government.

Whereas this Shepard-Towner act unjustly, and inequitably taxes the people of some of the states for the benefit of the people of other states for purposes which are lawful charges only for the people of the said other state and

Whereas, this act does not become operative in the various states until the states themselves have enabling legislation."

I for one heartily endorse this resolution. I believe we are already receiving Federal Aid for our roads and other departments. A state must appropriate money to receive federal aid. State taxes must be increased or funds withdrawn from other state activities, I believe, if this act were put before the people to vote upon, I believe it would be voted down 3 to 1.

The state of Maine is not to be compared with New York state or Utah state. We do not need the same laws. The state of Maine, with the motto *Dirigo*, means more to me than a few Federal dollars. If we can-

not raise enough money to take care of our own welfare without Federal Aid in the state of Maine, there must be something the trouble with us. I want to go on record as being against this measure.

Mr. MINER of Washington: Mr. President and members of the Senate, I wish to be heard as occupying the same position today that I did two years ago on this question. Two years ago we argued this matter before the Senate and some called it the Miner bill. It was not a minor matter. When I studied the health problems of the state of Maine I hardly considered it a minor problem. I considered it a major matter and a matter deserving of the closest attention of every member of this Senate. I have looked into the bill as drawn by the Federal authorities and I see nothing in that bill whatsoever that is an infringement upon state rights. They do not supercede, try to cover up or in any way change our policy or attitude on health matters.

As a member of the Public Health Council of the state up to the time I came into the Senate, I had a chance to study, along with our health department, many questions of interest in this regard and without equivocation along any line of matter I say that these nurses that this bill provides for are seriously needed, particularly in our rural districts. You know as well as I do, members of the Senate, that physicians are scarce in this state. If that were not so I would be glad to say it and tell you the truth, but it is a fact that we have towns, large towns in Washington County, which formerly had physicians of répute ministering to their needs and in many of those towns there is at present no physician.

Now, if we can assist those people with the aid of the Federal Government, why shouldn't we do it? I believe there is a feeling—I hate to say it—but I believe there is a feeling against Federal control that might help our mothers and our children in this state, and I cannot see the consistency of a Senator—especially a senator with a family—who will say that it is all

right to use money for our roads, for our agricultural department, for our educational interests, but who does not think it necessary to properly assist in the health problems of the State. That is certainly, Mr. President, an inconsistency, to my mind, that cannot be explained by any member of this Senate.

I did not intend to say a word on this matter except to state my position but I want it distinctly understood that this is an important matter. This is a major matter and I wish to go on record as favoring it.

There was one other question that I might mention and that is that it would seem to be inferred from the remarks of the Senator from Penobscot, Senator Allen, that the medical profession as a whole are against this measure. That is not true. I hope the sentiment of the Senate will be to adopt this bill, House Document 310.

Mrs. ALLEN: Mr. President, I think my colleague, Senator Miner did not hear or did not correctly understand what I said with regard to Federal Aid. I am opposed to Federal Aid on all branches, road construction and other matters. I think he did not understand what I said in my remarks.

Mr. CARTER of Androscoggin: Mr. President, two years ago as a member of the Senate of the 82nd Legislature I was opposed to this bill and I argued against it. In order that my position at this time may be clear I wish to go on record this morning as reaffirming absolutely my belief in the principle that the state should govern itself, that the state should not encourage the centralization of power and control by the Federal Government or the central government. However, I am making an exception at this time and I am substituting the apparent wish of a very large number of my constituents in voting, as I shall, differently this year than I did two years ago. But I do want it clearly understood that I, too, am a believer in the state managing its own business but owing to the attitude of my constituents, including members of the medical profession, I am in the situation that I substitute for my own judgment the judgment and will of what I

believe is a large majority of my constituents and when the question is put I shall support the measure this year, taking an entirely opposite stand from what I took last year but not changing my principles.

Mr. SPEAR of Cumberland: Mr. President, I had not intended to speak on this matter but so many of the members have stated their positions that I want to state mine. Two years ago I was on the Committee of Public Health that heard a similar bill and I signed a report, I think, which was the minority report "ought not to pass". As has been stated by others, I am against all Federal and centralized control where money is collected and expended under equalization schemes. I shall vote this morning against indefinite postponement. I want the bill to be launched. I hope that a compromise can be effected whereby we can accept the money and not the principle. If I have to vote on the principle I shall vote against it.

Mr. SLOCUM: Mr. President, I appreciate that the congressional record is not an authority for me to quote to this body but I note in that same congressional record of July 3rd, 1926 a reprint of Section 12 of the Shepard-Towner Act which says: "No portion of any moneys appropriated under this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any buildings or equipment, or for the purchase or rental of any buildings or lands, nor shall any such money or moneys required to be appropriated by any State for the purposes and in accordance with the provisions of this act be used for the payment of any maternity or infancy pension, stipend, or gratuity."

It would almost appear to me that it would be difficult for them to do other than to collect, correlate and distribute information under the Shepard-Towner Act.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Slocum, that the bill be indefinitely postponed.

A viva voce vote being taken, the

motion to indefinitely postpone failed of passage.

The PRESIDENT: The question is now automatically on the first reading of the bill.

Thereupon, on motion by Mrs. Allen of Penobscot the bill received its first reading, and on further motion by the same senator the rules were suspended and the bill received its second reading.

Mrs. Allen of Penobscot then offered the following amendment:

"Senate Amendment A to House Document 310. Amend by adding the following section: Section 6. The acceptance by the state of Maine of the act of Congress named in Section 1 shall be for a period of two years only and the provisions of this act shall not be in force after June 30th, 1929."

Mrs. ALLEN: Mr. President, I move that the bill and the amendment lie upon the table.

The PRESIDENT: The Senator from Penobscot, Senator Allen, moves that the bill and amendment lie upon the table, the pending question being the adoption of the amendment.

Mrs. PINKHAM: Mr. President, I ask for a division on the question of tabling.

The PRESIDENT: A division on the question of tabling is asked for. A division of the Senate was had

Six senators having voted in the affirmative and nineteen in the negative, the motion to table failed of passage.

The PRESIDENT: The question is now on the adoption of Senate Amendment A.

Mrs. PINKHAM: The Federal Act which was approved February 2, 1927 extending the original Shepard-Towner Bill says in Section 2, "That said Act entitled 'An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes,' approved November 23, 1921, shall, after June 31, 1929, be of no force and effect." I therefore see no reason for adopting this amendment and I hope the amendment will not be adopted.

Mrs. ALLEN: Mr. President, I do not see why there should be any objection to adopting this amendment. As Congress has an amendment to this effect I do not see why there should be any objection.

The PRESIDENT: The question is on the adoption of the amendment.

A viva voce vote being doubted, A division of the Senate was had Eight Senators having voted in the affirmative and twenty in the negative the motion for the adoption of the amendment failed of passage.

Thereupon, the bill, having received its two several readings was passed to be engrossed.

The President laid before the Senate, Senate Report from the Committee on Temperance, majority report, "ought to pass" in a new draft, minority report, "ought not to pass," on An Act to prevent the purchasing of intoxicating liquors, (S. D. 161), tabled on April 1st by Mr. Foster of Kennebec, pending acceptance of minority report, and today assigned.

Mr. FOSTER of Kennebec: Mr. President, this report was tabled by me on the first of the month that I might have an opportunity to examine the bill in its new draft. It was tabled by Senator Allen of Penobscot. Out of courtesy to the Senator, I now yield to her, but will state that I am opposed to the bill.

Mrs. ALLEN of Penobscot: Mr. President, my colleague, Senator Foster, and Members of this body, you may think it queer that a woman member should take the floor against Senate Document 161. I was born in the State of Maine fifty years ago and have been elected to this Senate by the people of Penobscot County and I took my oath of office to assist or prevent the passage of any fair or unfair laws. Don't forget, I stand for temperance and for the enforcement of all laws on the statutes. We have too many laws. They are all broken. Why pass a law so drastic that it will make many more criminals? It would be almost impossible to convict a buyer in court. It is very hard to convict the seller. Under this bill if I should buy a bottle of flavoring extract, unless I state what it is for, I have committed a crime. Do you think it fair that I should go to jail or pay a fine of \$100 or \$500? I call it poor legislation. We have plenty of liquor laws. What we need most are men of backbone to enforce these laws. I have letters from tourists from New York and Massa-

chusetts who own large summer estates in Maine, saying that if this law goes through they are not coming to Maine. We are advertising Maine. We are trying to get a bill through now for advertising Maine. What is the use of advertising Maine and then making more laws to keep people out? I hope this minority report will be accepted.

Mr. FOSTER of Kennebec: Mr. President, I had not intended to make any remarks on this matter; merely to vote right on the question that I believe involves a vital principle, and is entirely right to sustain in relation to the liquor question and the enforcement of the Volstead act.

I will, however, ask your indulgence for just a few moments. The bill as before us, and printed, is not the new draft of the measure. It was changed in three vital parts, amended so that federal officers are excepted in the transaction of their business and that druggists are excepted in certain particulars in which they are related to the measure.

Now this measure, Mr. President, is exactly as the title indicates, an Act to prevent the purchasing of intoxicating liquors. Now this, after all, is the purpose of the Eighteenth Amendment to the Constitution of the United States, which prohibits the manufacture, sale, illegal possession, transportation, the saloon, tipping shop, pocket peddler and the traveling salesman. The object was to protect the man who would buy and use the liquors that the other class was handling.

This whole subject has been approached from the selling end of the question, because the buyer was in many cases in the grip of an appetite seemingly beyond his control and therefore needed protection. But the old time drunkard is nearly a thing of the past. In a nearby city, I am informed by the municipal judge, there were taken into custody in the year 1912, 618 persons for drunkenness and last year, in 1926, for the same cause, only 29, but the number of persons arrested for driving automobiles while under the influence of liquor would seem to indicate that an entirely different class are using the beverage today. In fact, it used to be the poor man, the laboring man, who was the chief patron of the saloon, but it now appears that people of means who are able to pay, and

do pay, \$10.00 or \$15.00 a quart and from \$50.00 to \$100.00 a case for liquors, are the purchasers. It is the buyer who is the bootlegger. The buyer furnishes the money to support the business, to send the smuggler out to bring the contraband ashore, to buy the trucks to transport it, and still have enough left as a fund to tempt the officers to wink at the whole business. The buyer bribes the law breakers to do what he has not the courage to do himself. If there were no buyers there would be no liquor question.

It seems to me, Mr. President, that the measure is logical and entirely in harmony with the intent of the Volstead Act. Just why should we forbid the sale of an article which we permit any one to buy? What is the purpose in all these laws which we now have, if it is not to prevent the purchasing of intoxicating liquors?

Why should all those connected with the illegal sale of liquor be punished, and the one who is accessory to the law breaking go "scott free"?

It is a principle in law that the receiver is equally guilty with the thief. The one who knows of crime, either before or after the fact, may be punished for his knowledge if he does not reveal it to the officers.

Now, if the buyer of liquor could see himself likely to be standing before the Court and, perhaps, going to jail, instead of being able to bribe someone else to do it for him, I am thinking there would be less buying and consequently less breaking of liquor laws.

Indiana and Arkansas have laws similar to this one and recently in the legislature of the state of New Hampshire the House, by a large majority, reported favorably on a similar bill.

I have referred to what I believe was the intent of the prohibitory law.

Science has demonstrated the injurious effect of alcohol on the human system and our government has undertaken to prevent, so far as possible, the using of intoxicating liquors as a beverage. The purpose of our government, I believe, in enacting and enforcing the prohibitory laws, is the protection from

the injury that alcohol does to the individual, to society and to the State. That purpose, all must agree is a worthy one. Every citizen who is loyal to his country and to his state will respect that purpose and prevent as far as possible the use of liquor as a beverage and will stand with his government in the efforts to accomplish that purpose.

The bootlegger, everyone will admit, treats that purpose with contempt and the Constitution of the United States with contempt. His patron, the buyer, is equally disloyal to his government. Both bootlegger and buyer are equally guilty and I believe should be given the same status before the law.

Since this measure was introduced early in the session, I have received letters from all over this state, a great many of them endorsing the measure and only from one person have I received any criticism of it.

The Maine Retail Druggists Association has gone on record as favoring the measure. The League of Women Voters, the heads of several church organizations, were all represented at the public hearing and in favor of the law and no one appeared in opposition to it.

In his Inaugural address, Governor Brewster referred to the matter as follows: "The patron of the bootlegger should be legally recognized as an accessory to the crime."

As I said before, Mr. President, I believe this is in the spirit of the Volstead Act, in harmony with the existing laws and I believe there is nothing contradictory. It is entirely logical and reasonable and I hope the motion to accept the minority report will not prevail.

Mr. CARTER of Androscoggin: Mr. President, the question of temperance I shall not discuss. If the Volstead law were to be voted upon today, a long time after the war and its accompanying conditions have passed away, I don't know what the outcome would be on this question and none of us do and it is not from the proposition of temperance that we approach this question here in this Senate today, if I see it rightly. We, as Senators, took our oath of office in January, with certain laws on the United States Statute books and in

the federal constitution, with certain laws in the state constitution and on the state statute books. Those laws, we swore to uphold. Those laws we swore to enforce. My argument, if it is an argument, is based on one ground, the enforcement of law and order. It is not the discussion of the moral question or the temperance question. As a member of the 83d Legislature, under our oath of office, I believe, as I think my course has indicated in the past, that the law should be enforced in this state, no matter what the law is. If it isn't a right law, repeal it, change it, but as long as it is on our books, I believe we should enforce that law and that order should be preserved. If the laws are all wrong, change them.

Now we have a law here, that to my mind I am approaching from one proposition. Does this law, this tentative law that is before us help the officers sworn to do their duty? And those who are efficient, does it help them in enforcing the law under which we live? If it does, I am for this bill. If it does not, I lose interest in it. From what I can learn, talking with enforcement officers in whom I have confidence, the new draft of this bill will be helpful to the enforcement officer in preserving and enforcing that law which is now on the books. That is a matter of procedure. If that is true, this Senate, this legislature should be helpful to the honest, efficient officer who is carrying out his sworn duty of enforcing the law.

There are certain crimes relative to the contraband dealing in liquor which one person, man or woman can commit alone, but certainly the crime of selling liquor can not be committed alone. There must be two guilty parties, the seller and the purchaser, the vendor and the vendee.

Not arguing temperance, but arguing enforcement—if you have two that you can convict equally guilty on the establishment of a sale, you have just doubled the club which the enforcement officer has got to enforce the law. On the argument that a law-breaker cannot be convicted in Maine, I take exception with the Senator from Penobscot County, Senator Al-

len. I believe, and I have faith enough in the very large portion of Maine's inhabitants that do jury duty, that they would fearlessly find the facts in accordance with the evidence presented against them and they would fearlessly, irrespective of the person brought in, if they found an evidence of sale, bring in a verdict of guilty against the vendee as well as the vendor.

I have love, courage and belief in the inhabitants of the State of Maine, who are interested, and in their integrity.

I further believe that with this law on the books, the percentage of youngsters who are buying a flask of whiskey or moonshine or alcohol, or whatever it may be, to go to a dance, would hesitate long if that youngster in high school or college ran himself into the possibility of a criminal record for a glass of moonshine. If that is done that is a social economy. It has preserved the young man or the young woman and assisted them in taking up their duties of life. I believe more than that, it would avoid a situation which came under my observation some years ago when the Volstead Act was new. A group of thoughtless chaps, possibly, who had been in the habit of using liquor to some extent, friends of mine, and now friends of mine, wanted to get some liquor. They didn't want to break the law of buying and selling from bootleggers around town. They put together a sum of money and hired a very decent young chap of Androscoggin County to take a car and go to Canada and bring down this load for them. The youngster was not a bootlegger. The youngster was not in the booze business. The youngster, full of adventure, money attractive to him, not a bad boy himself at all, took the chance and he got caught, though not in the business himself. There was never a sorrier set of boys, citizens in the State of Maine, than those boys, friends of mine, honest fellows and good citizens, who woke up to the fact that in thoughtless moments, they had loaded this nice young chap with a criminal record.

If this law which I speak of had been in effect those boys would never have held the lure out in the world, because they are law abiding citizens.

The adventure of running the customs has appealed to the adventur-

ous since customs were established. The thought of criminal record and the actual breaking of law is very different.

So I say to you, I am going to vote for this bill, not even discussing temperance but on the one ground that I stand absolutely for the enforcement of our law as it is and the preservation of order in this State of Maine.

Mr. MAHER of Kennebec: Mr. President and Members of the Senate, I appreciate very well that one must be venturesome in these days of inflamed virtue, who will venture to say one word against an act of this sort, but as one who has had some practical experience both with the punishment for violation of the prohibitory law and in the defense of those who are violating the law and has some little warrant for saying he is not opposed to temperance inasmuch as he has yet to know the taste of intoxicating liquors or even of beer or cider, I may be pardoned for paying my compliments to this act.

How are you going to convict anybody? What is the proposition? The presence of the liquor in the man's pocket or in his house? If you don't prove he bought it by intrinsic evidence, what evidence is there he didn't get it as the distinguished Senator has indicated, through some of those venturesome boys who went to Canada and brought it down? Must you catch him in the actual purchasing of it? Who has the rule of proof? Are you doing to have one more attempt to make people good by law? Possibly you will go one step further and say that you do not even need to find liquor. You can proceed as they do upon automobile conviction cases for driving while under the influence, and a smell will be sufficient and then unless there is clear proof on the part of the government that the accused, who has a breath that has an alcoholic suggestion, has been within the State a sufficient time so as to preclude the fact of his having gone over the line, why, what chance of conviction is there in that?

How unfair it is, as against the people living in the western and southern part of the State as opposed with those upon the border. Fancy getting a conviction of a man who lives in Van Buren, Fort Kent, Grand Isle or Calais or even down the river! Fancy getting a conviction of

odor upon that man who has come across the bridge from St. Stephen or possibly has journeyed over the new bridge that the Senator from Aroostook hopes to have in the very near future. I am sure not with any intention of making it a vessel for invaders of the old or of this new law.

I have not heard a word about high-jackers. Allow me to tell this Senate in all seriousness that the most urgent supporters and most consistent supporters of the Volstead Act and the Eighteenth Amendment are bootleggers and high-jackers. Allow me to say seriously that within the sound of my voice is a young man who has told me that he knows of a million and a half made in one year by bootleggers out of the illegal sale of intoxicating liquor, and they are not against the Volstead Act.

Mr. HOLMES of Androscoggin: Mr. President, after listening to the Senator from Penobscot, Mrs. Allen and the arguments of the Senator from Kennebec, Senator Foster, I am in favor of the position of the Senator from Penobscot, Senator Allen, for the reason stated by Mr. Foster. I believe in temperance in all things but in the matter of strong drink, not temperance, total abstinence, but when it comes to the enforcement of the prohibitory laws, the question of temperance and total abstinence is not involved.

It is a practical question just as the distinguished Senator from Kennebec, Mr. Maher, has stated to the Senate. I was much interested in the statement made by Senator Allen, if I understand her correctly, that this law might work a hardship upon visitors from out of the state, whom we want in the state so much, that they might not come if they learned that we had a law which would prevent them from purchasing liquor. At first thought I was much impressed by that because, of course, we don't want to commit a hardship upon those people who come into Maine and spend their money, but on second thought, perhaps they can buy their liquor in some other state before they come to Maine.

I was much impressed by the argument of the Senator from Kennebec, Senator Maher, because I have also had in the past some experience in both sides of the trial of cases involving infractions of the prohibitory law. I have not had in the last few years much practice in that, but still

a recollection remains with me quite distinctly, and let me take his argument where he left it, as I understand it—let me assume a hypothetical case. Now what we want is something practical, I think we are all agreed. We do believe in the prohibition law and the enforcement of the same. Something practical, we want.

Let us assume that John Doe is found at his place of business in possession of a pint of whiskey or other alcoholic poison by the government, and a deputy sheriff or other enforcement officer says to him, "Where did you get it?" "I refuse to answer." "Very well, you are arrested." He goes to Court. First, perhaps, he has to give bail. The next morning the deputy sheriff swears out a complaint against him for violating this new law, for the purchasing of liquor and the deputy sheriff goes on the witness stand and testifies that he found this pint of whiskey, and he stops there. He can not make the defendant take the stand because the Constitution of Maine and the Constitution of the United States protects him, and the defendant refuses to testify—what is the practical result? Of course the defendant must be discharged.

Now, let us enforce the prohibitory law by laws that are practical. Do you want to enforce it?

I have been saying to friends of mine who are strong for the enactment of laws to carry the prohibitory amendment to the Maine Constitution and the United States Constitution into effect. I have been saying to them for years, "Then get the legislature to pass a law which will make the possession of liquor a crime, and then you have got them, except under such restrictions as, for instance, written permission from the federal enforcement director.

This law does not do that, but the last section has the teeth in it. I think: "Any person called on behalf of the state to testify concerning any violation of this act, who shall give freely and truthfully any testimony tending in any way to incriminate himself, shall be immune from prosecution as to any violation of this act growing out of or pertaining to the particular transaction concerning which he testified."

Is not that what they want, really,

but are not they getting at it in the wrong way, or in an impractical way, attaching it to a law which will never produce a conviction? Some say it is difficult to get juries to convict, and some say it is not, but I will say, in my experience and my observation it has been difficult to get juries to convict solely upon the evidence of an 'agent provocateur,' in other words, what is commonly called a 'spotter,' he is a man who commits a crime in order to induce another man to commit a crime, and that is what juries are reluctant to convict upon but when you give them the kind of evidence you would expect that the state would rely upon in the prosecution of any other criminal offense, they are not reluctant as a rule, to convict.

As I said before, I agree with the position of the Senator from Penobscot, Senator Allen, and I base it upon a profound belief in the doctrine of total abstinence, which I practice myself, and a profound belief that as an economic proposition prohibition is right and sound but as a practical matter you can not enforce it by impractical laws.

Mr. MAHER: Mr. President, I had not read the Act carefully and if I may, I will call attention again to something that comes to my notice after remarks of the Senator from Androscoggin, Senator Holmes. The clause that he has referred to, "any person, called on behalf of the state," etc., suggests another thing which I think will be the practical result of this act if adopted.

That will be the most prolific source of blackmail that one can picture. Any man who has a weakness with reference to intoxicating liquor, any man who is in his community known, to have been a man, either in the past, or in the present, who takes a drink, if that man is a well situated man, a man of standing, a man of respectability, a man of any standing in his community, that man is at the mercy of any blackguarding blackmailer who would seek to impose upon him, because, that being a matter where an individual could not take the stand in regard to his own sobriety of habits at all times, and another man stating that he would charge this man with having bought a certain quantity of liquor within the statutory period, I prophesy that that will be a source of lucrative income to the chief evaders of the law today. Another phase of it

was that nobody could go back home and say that they have not understood it. It is as absolutely illegal in the State of Maine to sell a glass of cider today as it is to sell a glass of whiskey for beverage purposes and yet you will go up and down the boulevards of this State and you will see "Cider, 5c a glass" at the wayside places, at the farms—sweet cider—and there is no distinction between sweet cider and hard cider under the law today. Cider, that which is the juice of the apple, the moment it is cider, under the law in this State today, if for beverage purposes, is just as much intoxicating liquor as whiskey. All right. I am sounding my law and can not be disputed on it. Now then, any person who buys a glass of sweet cider or a gallon of sweet cider or a quart of sweet cider is at the mercy of any individual who sees it bought and is guilty under this law and amenable to two months in jail.

Mr. FOSTER: Mr. President, I may be in error, but in my copy of this measure I find nothing whatever referring to cider. It says, "to prevent the buying of intoxicating liquor" . . . "by himself, clerk, servant or agent," and through the Chair I would like to ask for information.

Mr. MAHER: If the Chair will wait a moment, I will be glad to give the information.

The PRESIDENT: The Chair assumes that the Senator from Kennebec, Senator Foster, is asking the Senator from Kennebec, Senator Maher, a legal question and the Senator is now sending for the Statute.

Mr. MAHER: Precisely, Mr. President. Answering the Senator from Kennebec, Senator Foster, is asking his attention and the attention of the other Senators, to Section 21 of Chapter 127 of the Revised Statutes of the State of Maine which reads as follows: "No person shall at any time, by himself, his clerk, servant or agent, directly or indirectly sell any intoxicating liquors of whatever origin; wine, ale, porter, strong beer, lager beer and any other malt liquors, and cider when kept or deposited with intent to sell the same for tipping purposes, or as a beverage, as well as all distilled spirits, are declared intoxicating within the meaning of this chapter."

Mr. FOSTER of Kennebec: Mr. President, I had thought that this Legislature had already this session passed the so-called cider law which defines under the law, what is intoxicating liquor. So far as cider goes, it

would seem to me that this was not contradictory at all to the act that we are passing this session.

The PRESIDENT: Is the Senator asking another question of the Senator from Kennebec, Senator Maher?

Mr. MAHER: I will say that I am not familiar with the Act he has referred to. I do not know that any such act was passed and if any act was passed which takes cider from out the purview of intoxicating liquor my remarks do not apply, and I will say that it was very wise legislation.

Mr. SLOCUM of Cumberland: Mr. President, believing very strongly in temperance and knowing as we do, that the prohibitory law is not perfect as yet and we should do everything possible to reinforce and assist in the enforcement of the prohibitory law as it is on our books and I feel we should be careful not to pass any laws which will be so radical as to cause a step backward by a tendency toward a repeal of the whole prohibitory set of laws. It would appear, if this bill becomes an act, that it will be possible for the bootlegger who is apprehended, to use the name of a large number of innocent people, although he cannot prove he has sold liquor to them, he nevertheless could say he had sold to them and they would have to go in and prove their innocence, with a corresponding unpleasant publicity.

The PRESIDENT: The question is on the motion of the Senator from Penobscot, Senator Allen, that the minority report, ought not to pass, be accepted.

Mr. HARRIMAN: Mr. President, I ask for yeas and nays.

The PRESIDENT: The Senator from Kennebec, Senator Harriman, asks for the yeas and nays. As many as favor the yeas and nays will rise.

A sufficient number having arisen the yeas and nays were ordered.

The PRESIDENT: The Chair will state that those who wish to accept the report "ought not to pass" will answer "yes" when their names are called. Those who wish not to accept the report "ought not to pass" will answer "no" when their names are called. Is there any senator who does not understand? The Secretary will call the roll.

The Secretary called the roll. Those voting "yes" were Senators Allen, Buzzell, Crafts, Douglas, Dunbar, Dwinall, Granville, Holmes, Lord, Maher, Miner, Morrison, Pinkham, Roberts, Smith, Slocum, Spear, Woods—18.

Those voting "no" were Senators Bond, Bragdon, Carter, Case, Foster, Harriman, Mitchell, Nickerson, Oakes, Perkins, Speirs—11

Absent, Senator Drake.

Eighteen senators having voted in the affirmative and eleven in the negative, the motion to accept the report of the committee "ought not to pass" prevailed.

The President laid before the Senate, Resolve in favor of the Pownal State School for additions and improvements (S. D. 169) recalled from the Governor.

On motion by Mr. Mitchell of Aroostook, the rules were suspended and the Senate reconsidered its action whereby this resolve was finally passed; and on further motion by the same senator the rules were suspended and the Senate reconsidered its action whereby this resolve was passed to be engrossed.

Thereupon, that senator presented Senate Amendment A as follows and moved its adoption: "Senate Amendment A to Senate Paper No. 138, Senate Document No. 169, entitled, Resolve, in Favor of the Pownal State School for Additions and Improvements. Amend said resolve by striking out the words or figures 'nineteen hundred and twenty-seven' wherever they appear in said resolve and inserting in place thereof the words 'nineteen hundred and twenty-eight', also by striking out the words or figures 'nineteen hundred and twenty-eight' wherever they now appear in said resolve and inserting in place thereof the words or figures 'nineteen hundred and twenty-nine', also by striking out the words 'nineteen hundred and twenty-nine' in the last line of said resolve and inserting in place thereof the words 'nineteen hundred and thirty', so that said resolve shall read as follows:

"Resolved, That there be and hereby is, appropriated for the Pownal State school for new construction and improvements for the period from July first, nineteen hundred and twenty-eight to June thirtieth, nineteen hundred and twenty-nine the sum of eighty thousand dollars, to be spent by the trustees of the institution under the direction of the Governor and council.

Provided further, that the sum herein appropriated shall be expended as follows: 1928-1929, build one administration building, \$80,000.00.

Provided that any balance of the sum above appropriated for the year nineteen hundred and twenty-nine which may remain unexpended, shall be available for expenditure during the period July first, nineteen hundred and twenty-nine to June thirtieth, nineteen and thirty."

Mr. SPEIRS of Cumberland: Will the Senator from Aroostook, Senator Mitchell kindly explain the amendment?

Mr. MITCHELL: I will say, Mr. President, that under the original bill the money was appropriated for the years 1927-1928 and under an arrangement with the appropriations committee this amount is placed in the years 1928-1929. It is simply changing the year.

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 the Bangor State Hospital (S. D. 152) recalled from the Governor.

Mr. WOODS of Penobscot: Mr. President, I was not able to be in the Senate yesterday and I would ask the indulgence of the Senate to allow me to table this matter until tomorrow morning as I want to get some data with reference to it.

The PRESIDENT: The Senator from Penobscot, Senator Woods, moves that this resolve be tabled and specially assigned for tomorrow. Is this the pleasure of the Senate?

The motion to table and assign prevailed.

The President laid before the Senate, Resolve appropriating money for maintenance of the Augusta State Hospital (S. D. 153) recalled from the Governor; and on motion by Mr. Woods of Penobscot the resolve was tabled and specially assigned for tomorrow.

The PRESIDENT: The Chair presents a bill which has come from the House, introduced under suspension of the rules, to amend Chapter 25 of the Revised Statutes and to establish a new State Highway Commission. Is it the pleasure of the Senate that the rules be suspended and this bill be received?

Thereupon, the rules were suspended and the bill was received.

The PRESIDENT: Is it now the pleasure of the Senate that this bill

be referred to the Committee on Judiciary in concurrence with the House action?

The motion to refer in concurrence prevailed.

Mr. MAHER of Kennebec: Mr. President, I move with reference to the last named act which was introduced under suspension of the rules, that the Judiciary committee be authorized to hear it tomorrow afternoon without advertising.

The PRESIDENT: The Senator from Kennebec, Senator Maher, moves that it be a matter of record in this Senate that the Judiciary Committee be authorized to suspend the rules and call a hearing on this last named act, introduced under suspension of the rules, for tomorrow. Is this the pleasure of the Senate?

The motion prevailed.

On motion by Mr. Granville of York

Recessed until five o'clock this afternoon.

After Recess

Senate called to order by the President.

Additional papers from the House, out of order and under suspension of the rules, disposed of in concurrence.

From the House: An Act to make certain the legal boundaries of the town of Old Orchard and set off to the town of Old Orchard from the city of Saco any right, title or interest which the city of Saco may have within said boundaries (H. D. 230).

(In the Senate, March 30th, report "referred to next Legislature" accepted in non-concurrence).

In the House, that branch insisted on its former action whereby the bill was recommitted to the Committee on Legal Affairs, and asked for a committee of conference, the Speaker having appointed as House members of such a Committee, Messrs. Milliken of Old Orchard, Littlefield of Kennebec, and Hale of Portland.

In the Senate:

Mr. GRANVILLE of York: Mr. President, I would like to ask you if it is good parliamentary procedure to recede and concur with the House in the reference of the bill to the Committee on Legal Affairs, they having

appointed a committee of conference?

The PRESIDENT: The Chair will state that in the opinion of the Chair it is always good parliamentary procedure to get the two bodies of a legislature together on some common ground. Does that answer the question?

Mr. GRANVILLE: Yes, Mr. President, and I move that we recede and concur with the House in re-reference of this measure to the Committee on Legal Affairs.

The PRESIDENT: The Chair will state that the House has asked for a committee of conference and the Chair assumes that it was for the purpose of recommitting that the House asked for the Committee of Conference.

Mr. GRANVILLE: I so understand it, Mr. President.

The PRESIDENT: And the Senator from York, Senator Granville, may make the motion that we concur with the House in the committee of conference or he may make the motion that we recede and concur in the recommitment of the bill and in that case the conferees appointed by the House do not function.

Mr. GRANVILLE: And they would be discharged, Mr. President?

The PRESIDENT: They would be. The Chair is of the opinion that the motion to recede and concur with the House in the recommitment of the bill is the better motion. Is it the pleasure of the Senate that we recede and concur with the House in the recommitment of the bill to the Committee on Legal Affairs?

The motion to recede and concur prevailed.

From the House: An Act relating to continuous roads through three or more towns (S. D. 309).

(In the Senate, April 1, 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, under suspension of the rules, that body reconsidered its former action whereby this bill was passed to be engrossed on April 1st, House Amendment A was adopted and the bill as so amended was passed to be engrossed in concurrence.

From the House: An Act relating to the employment of children (S. D. 144).

(In the Senate, March 30th, 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, under suspension of the rules, that body reconsidered its former action whereby this bill was passed to be engrossed on March 30th, House Amendment A was adopted and the bill as so amended was passed to be engrossed in concurrence.

House Bills in First Reading

Resolve to appropriate funds for the construction of and preparation for the use as an Air Port a portion of Muster Field, Augusta, Kennebec County, Maine. (H. D. 567)

(Under suspension of the rules the resolve also received its second reading and on motion by Mr. Carter of Androscoggin was tabled pending passage to be engrossed.)

Resolve in favor of the town of Caribou, for reimbursement of moneys expended in defending five actions at Law. (H. D. 553)

(Under suspension of the rules the resolve also received its second reading and on motion by Mr. Carter of Androscoggin was tabled pending passage to be engrossed.)

Resolve in favor of the town of New Vineyard, for reimbursement for damage done by bears in killing sheep. (H. D. 554)

(Under suspension of the rules the resolve also received its second reading and on motion by Mr. Carter of Androscoggin was tabled pending passage to be engrossed.)

Resolve in favor of B. E. Lurchin, compensating him for storage of dynamite and exploders in his building. (H. D. 563)

(Under suspension of the rules the resolve also received its second reading and on motion by Mr. Carter of Androscoggin was tabled pending passage to be engrossed.)

Resolve in favor of Malcolm E. O'Brien for compensation due him for labor performed for the State of Maine. (H. D. 564)

(Under suspension of the rules

the resolve also received its second reading and on motion by Mr. Carter of Androscoggin was tabled pending passage to be engrossed.)

Resolve to reimburse the town of Webster for support of Paul Pomeroy and wife, State Paupers. (H. D. 556)

(Under suspension of the rules the resolve was also given its second reading and on motion by Mr. Carter of Androscoggin was tabled pending passage to be engrossed.)

Resolve in favor of the town of Hiram for refund of taxes erroneously paid. (H. D. 557)

(Under suspension of the rules the resolve was also given its second reading and on motion by Mr. Carter of Androscoggin was tabled pending passage to be engrossed.)

Resolve in favor of George Grant of Bangor, compensating him for personal injuries in a collision with a moose. (H. D. 566)

(Under suspension of the rules the resolve was also given its second reading and on motion by Mr. Carter of Androscoggin was tabled pending passage to be engrossed.)

Resolve in favor of the town of Robbinston, for reimbursement for money expended on road. (H. D. 561)

(Under suspension of the rules the resolve was also given its second reading and on motion by Mr. Carter of Androscoggin was tabled pending passage to be engrossed.)

Resolve in favor of the town of Kennebunkport, for reimbursement for services and money expended in caring for James Ford. (H. D. 562)

(Under suspension of the rules the resolve also received its second reading and on motion by Mr. Carter of Androscoggin was tabled pending passage to be engrossed.)

Resolve in favor of the town of Leeds, for reimbursement for money expended in rebuilding bridge. (H. D. 565)

(Under suspension of the rules the resolve also received its second reading and on motion by Mr. Carter of Androscoggin was tabled pending passage to be engrossed.)

Resolve in favor of the Trustees of the University of Maine. (H. D. 555)

(Under suspension of the rules the resolve also received its second reading and on motion by Mr.

Carter of Androscoggin was tabled pending passage to be engrossed.)

An Act relating to School Supervisory Unions. (H. D. 575)

(Under suspension of the rules the bill also received its second reading and was passed to be engrossed.)

An Act relating to smelts. (H. D. 559)

(Under suspension of the rules the bill also received its second reading and was passed to be engrossed.)

An Act relating to the registration of undertakers. (H. D. 569)

(Under suspension of the rules the bill also received its second reading and was passed to be engrossed.)

An Act relating to the registration of trucks. (H. D. 384)

(Under suspension of the rules the bill also received its second reading and was passed to be engrossed.)

An Act providing for the payment of losses under certain policies of liability insurance. (H. D. 576)

(Under suspension of the rules the bill also received its second reading and was passed to be engrossed.)

An Act to provide for the completion of the vital records of the State. (H. D. 568)

(Under suspension of the rules the bill also received its second reading and was passed to be engrossed.)

An Act relating to the salary of the County Attorney for Franklin County. (H. D. 574)

(Under suspension of the rules the bill also received its second reading.)

Mr. CARTER of Androscoggin: Mr. President, in the absence of the Senator from Androscoggin, Senator Holmes, and for him I move that this matter lie upon the table pending passage to be engrossed.

The motion to table prevailed.

An Act to make the chairman of the Androscoggin County Commissioners a full time office with the duty of superintendence of buildings and to increase his salary to fifteen hundred dollars. (H. D. 515)

(Under suspension of the rules the bill also received its second

reading and on motion by Mr. Carter of Androscoggin was tabled pending passage to be engrossed.)

An Act relating to increasing the salary of the recorder of the Western Hancock Municipal Court. (H. D. 573)

(Under suspension of the rules the bill also received its second reading and on motion by Mr. Carter of Androscoggin was tabled pending passage to be engrossed.)

An Act relating to the salary of the County Attorney for the County of Hancock. (H. D. 572)

(Under suspension of the rules the bill also received its second reading and on motion by Mr. Carter of Androscoggin was tabled pending passage to be engrossed.)

An Act to increase the salary of Register of Deeds, Oxford County, Western District. (H. D. 560)

(Under suspension of the rules the bill also received its second reading and on motion by Mr. Carter of Androscoggin was tabled pending passage to be engrossed.)

An Act relative to an increase in the salary of the Judge of the Presque Isle Municipal Court. (H. D. 558)

Came from the House, passed to be engrossed as amended by House Amendment "A".

The PRESIDENT: The Chair will state for the benefit of the senator who is about to make a motion to table that there is an amendment which might well be taken up at this time.

Thereupon, under suspension of the rules the bill also received its second reading and on motion by Mr. Carter of Androscoggin, House Amendment A was adopted in concurrence and the bill as so amended was tabled pending passage to be engrossed.

Under suspension of the rules the following resolves were received and on recommendation by the committee on reference of bills were referred to the following committee:—

Appropriations and Financial Affairs

By Mr. Slocum of Cumberland, Resolve in favor of Francis J. Cayouette as clerk and stenographer of Aeronautics and Radio Control Committee. (S. P. 605)

By Mr. Granville of York, Resolve in favor of Paul Giddings for services during the eighty-third Legislature. (S. P. 606)

By Mr. Lord of York, Resolve in favor of General Mark L. Hersey. (S. P. 607)

By the same Senator, Resolve in favor of C. P. Lyford. (S. P. 608)

By Mr. Smith of Somerset, Resolve in favor of Josephine Marshall for services to the eighty-third Legislature. (S. P. 609)

Reports of Committees

Out of order and under suspension of the rules.

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

Mr. Dunbar, from the Committee on Public Utilities, on bill An Act relating to contracts by corporate public utilities with holding corporations and with associated subsidiary corporations. (S. D. 132) reported that the same ought not to pass.

Mr. Buzzell, from the Committee on Towns, on remonstrances of Fletcher Wood and 95 others of Gouldsboro against setting off Bar or Rodick's Island and Burnt or Sheep Porcupine Island from Gouldsboro and annexing the same to Bar Harbor, (S. P. 518) reported that the same be placed on file, as the subject matter to which it refers has previously been reported.

The reports were severally read and accepted.

Mr. Slocum, from the Committee on Aeronautics and Radio Control, on bill An Act to render unlawful all disturbances of the bands of radio waves used for radio-telephony and radio-telegraphy (S. D. 68) reported the same in a new draft, under the title of An Act to render unlawful all disturbances to the reception of radio waves used for radiotelephony (S. P. 612) and that it ought to pass.

Mr. Morrison, from the Committee on Legal Affairs, on bill An Act relating to apothecaries and the sale of poisons (S. D. 154) reported

the same in a new draft, under the same title (S. P. 610) and that it ought to pass.

The same Senator, from the same Committee, on bill An Act to ratify, affirm and make valid certain doings of the City Council of the City of Bath (S. D. 51) reported the same in a new draft, under the same title (S. P. 611) and that it ought to pass.

Mr. Dunbar, from the Committee on Public Utilities, on bill An Act to amend Section 2, Chapter 44 of the Public Laws of 1917, relating to proposed changes in freight rates (S. D. 90) reported the same in a new draft, under the same title (S. P. 613) and that it ought to pass.

Mr. Smith, from the Committee on Ways and Bridges, on bill An Act relating to the use of the proceeds of bonds authorized to be issued for State highways and bridges (S. P. 486) reported the same in a new draft, under the same title (S. P. 614) and that it ought to pass.

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

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

Mr. Holmes, from the Committee on Library, submitted its final report.

Mr. Miner, from the Committee on State Sanatoriums, submitted its final report.

The reports were severally read and accepted.

Sent down for concurrence.

Passed to be Enacted

Out of order and under suspension of the rules.

An Act Relating to the Taking of White Perch in Certain Waters in Washington and Kennebec Counties. (H. D. 464)

Orders of the Day

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An Act relating to pensions for the blind (H. D. 518) tabled by that senator earlier in today's session.

Mr. SPEAR of Cumberland; Mr. President, Mr. William Ryan of Portland, a blind man who is well known

throughout the State, having been for a great many years distributing Farmer's Almanacs and who is well known to a great many people, called me up yesterday morning and asked me to see to it that this bill was indefinitely postponed, and I so move.

The motion to indefinitely postpone prevailed.

On motion by Mr. Mitchell of Aroostook, the Senate voted to take from the table, emergency measure, Resolve in favor of the Central Maine Sanatorium for the construction and equipment of a nurses' home (S. D. 211) tabled by that senator earlier in today's session pending final passage; and on further motion by the same senator, the rules were suspended and the Senate reconsidered its action whereby this resolve was passed to be engrossed.

Thereupon, the same senator offered Senate Amendment A as follows and moved its adoption:

"Senate Amendment A to Senate Paper 268, Senate Document 211, entitled, Resolve in favor of the Central Maine Sanatorium for the construction and equipment of a nurses' home. Amend said resolve by striking out the first paragraph of said resolve, said paragraph constituting the emergency preamble; also by adding at the end of said resolve the following: Said sum to be available during the fiscal year from July 1st, 1928, to June 30th, 1929, so that said resolve as amended shall read as follows: Resolved that there be and hereby is appropriated for the Central Maine Sanatorium the sum of forty thousand dollars for the construction and equipment for a nurses' home, said sum to be available during the fiscal year from July 1st, 1928 to June 30th, 1929."

Thereupon, Senate Amendment A was adopted and on motion by Mr. Carter of Androscoggin the resolve as so amended was tabled pending passage to be engrossed.

On motion by Mr. Mitchell of Aroostook, the Senate voted to take from the table emergency measure, Resolve in favor of Western Maine Sanatorium for the construction of an annex to reception room (S. D. 204) tabled by that senator earlier in today's session pending final passage and on further motion by the same senator the rules were suspended and the Senate reconsidered its former ac-

tion whereby this resolve was passed to be engrossed.

Thereupon, the same senator offered Senate Amendment A as follows and moved its adoption:

"Senate Amendment A to Senate Document 204, entitled, Resolve in favor of Western Maine Sanatorium for the construction of an annex to reception room. Amend said resolve by striking out the first, second and third paragraphs, said paragraphs constituting the emergency preamble of said resolve; also by adding at the end of said resolve the following: Said sum to be available during the fiscal year from July 1st, 1928 to June 30th, 1929, so that said resolve as amended shall read as follows: Resolved that there be and hereby is appropriated for the Western Maine Sanatorium the sum of ten thousand dollars for the construction of an annex to the reception room, said sum to be available during the fiscal year from July 1st, 1928 to June 30th, 1929."

Thereupon, on motion by Mr. Spear of Cumberland, the resolve and amendment were tabled pending adoption of Senate Amendment A.

On motion by Mr. Perkins of Penobscot, the Senate voted to take from the table, House report from the Committee on Claims "ought not to pass" on resolve in favor of Fred A. Budge of Mattawamkeag (H. P. 550).

Mr. PERKINS of Penobscot: Mr. President, I wish to move the acceptance of the committee report "ought not to pass" and I wish to make a brief statement of facts.

The PRESIDENT: The Senator is in order.

Mr. PERKINS: I will say at this time, Mr. President, that I believe that had the Committee on Claims, at the time it considered this resolve, been in possession of the facts in regard to the claim of Fred A. Budge of Mattawamkeag that their report instead of being "ought not to pass" would have been "ought to pass."

It is too late at this time in the session to move for recommittal of this claim. They have slipped a cog in the House and I wish to say at this time that Fred A. Budge of Mattawamkeag had a gravel pit on his farm located on the Lincoln Road which was within ten rods of the main highway and he entered into a verbal contract with the representative of the State Highway Department. After having hauled

gravel for some fifteen days and every day expecting that a formal contract would be made he received a payment of 7½ cents per yard for this gravel located within ten rods of the road as I have stated. Now, in the midst of his field rocks have been placed to make a road over the ten rods which has, in fact, spoiled his field. But the same engineer was also purchasing gravel from another party and putting it on the same road and hauling it a distance of four miles and paying 15 cents a yard for that gravel. At the end of the fifteen day period Mr. Budge informed the engineer that he would not accept 7½ cents per yard for the gravel and he was informed at that time that the State would enter into a contract with him sometime during the month and all would be peace and harmony as far as the representative of the commission and Mr. Budge were concerned. Before the month was up they had stopped hauling gravel, having completed the road and Mr. Budge was left high and dry with 7½ cents per yard as the purchase price of his gravel and the other party whose gravel was four miles away was getting fifteen cents per yard.

I simply wish to make this statement at this time because I believe the claim was a just one. I haven't any criticism at all to make of the Committee on Claims because I believe they have given fair treatment to all matters that have been properly brought to their attention but I believe at this time, as I said before, that if they had received the correct statement of facts the report would have been "ought to pass."

Mr. SMITH of Somerset: Mr. President, I move that the matter be retabled in order that I may have time to obtain some data which we had before the committee.

The PRESIDENT: The Senator from Somerset, Senator Smith, moves that the matter be retabled, the pending question being on motion of the senator from Penobscot, Senator Perkins, that the report of the committee "ought not to pass" be accepted. Is this the pleasure of the Senate?

The motion to retable prevailed.

On motion by Mr. Douglas of Hancock

Adjourned until tomorrow morning at ten o'clock.