

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Friday, April 8, 1927.

Senate called to order by the President.

Prayer by the Rev. A. T. McWhorter, of Augusta.

Journal of previous session read and approved.

On motion by Mr. Case of Washington, out of order and under suspension of the rules, it was

Ordered, the House concurring, that when the Senate and House adjourn they adjourn to meet Monday, April 11, at four-thirty o'clock in the afternoon.

Subsequently the foregoing order came back from the House, read and passed in concurrence.

On motion by Mr. Speirs of Cumberland, out of order and under suspension of the rules, it was

Ordered, that an invitation be extended to Rev. R. A. MacDonald of Westbrook, to officiate as Chaplain of the Senate on Wednesday, April 13.

From the House: An Act relating to equal school privileges for all pupils. (H. D. 394)

(In the Senate, April 1st, that body voted to insist on its former action whereby the bill was passed to be engrossed, as amended by Senate Amendment A, in non-concurrence.)

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

In the Senate, on motion by Mr. Speirs of Cumberland, that body voted to adhere to its former action.

The following communication was received:

"STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK

Augusta, April 7, 1927.

Royden V. Brown,

Secretary of the State,
Augusta, Maine.

Dear Sir:

The Governor having returned to the House without his approval

Resolve in favor of Charles H.

Cutter Coal Company (H. P. 1209, H. D. 467)

the House, after reconsideration, took a ye a and nay vote on the question:

"Shall the Resolve finally pass notwithstanding the objections of the Governor?"

Fifty-five voted in the affirmative and seventy-nine in the negative, and accordingly, the veto of the Governor was sustained.

Most cordially yours,

(Signed) CLYDE R. CHAPMAN,

Clerk of the House."

Which was read and ordered placed on file.

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. Crafts of Piscataquis, Resolve in favor of the messenger to the Committee on Inland Fisheries and Game of the 83rd Legislature. (S. P. 631)

By the same Senator, Resolve in favor of the clerk and stenographer to the Committee on Inland Fisheries and Game of the 83rd Legislature. (S. P. 632)

By Mr. Maher of Kennebec, Resolve in favor of Goldie Brooks for services to the Eighty-third Legislature. (S. P. 633)

By the same Senator, Resolve in favor of Smith Dunnack for services to the Eighty-third Legislature. (S. P. 634)

By the same Senator, Resolve in favor of Frank H. Treworgy for services to the Eighty-third Legislature. (S. P. 635)

Reports of Committees

Mr. Oakes, from the Committee on Judiciary, on petitions of Albert K. Stetson and 110 others in favor of Act to incorporate Fish River Power and Storage Company, (S. P. 534) reported that the same should be placed on file.

The report was read and accepted.

The majority of the Committee on Education, on bill An Act to provide

state aid for academies, institutes, seminaries, and junior colleges (S. D. 140) reported the same in a new draft, under the title of An Act to provide state aid for maintenance and upkeep for academies, institutes, seminaries and junior colleges (S. P. 636), and that it ought to pass.

(Signed) SPEIRS
ALLEN
GAY
BOOKER
HOLMAN
BREWSTER
FOLSOM

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

(Signed) PINKHAM
EUSTIS

Mr. SPEIRS of Cumberland: Mr. President, I move that the majority report be accepted.

On motion by Mr. Oakes of Cumberland, the bill and report were tabled pending acceptance of the majority report and the new draft was ordered printed.

Mr. Holmes, from the Committee on Legal Affairs, on bill An Act to amend Section 5 of Chapter 95 of the Revised Statutes of 1916, in relation to mortgages of real estate (S. D. 105) reported the same in a new draft, under the same title (S. P. 637) and that it ought to pass.

The report was read and accepted and the new draft ordered printed under the joint rules.

Mr. Buzzell, from the Committee on Agriculture, submitted its final report.

Mr. Miner, from the Committee on Indian Affairs, submitted its final report.

The reports were severally read and accepted.

Passed to be Engrossed

An Act increasing the allowance for clerk hire in the office of the Register of Deeds in the county of Aroostook, Northern District. (S. D. 337)

An Act to increase the salary of the Register of Deeds in the county of Aroostook, Northern District. (S. D. 338)

An Act to increase the salary of the Register of Deeds in Franklin County. (S. D. 339)

An Act to increase the salaries of the clerks in the offices of Clerk of Courts, the Register of Probate and the Register of Deeds for Sagadahoc County. (S. D. 340)

An Act relating to the clerk hire in the office of the Probate Court in Knox County (S. D. 341).

An Act relating to the increase of the salary of the judge of the Houlton Municipal Court (S. D. 342).

An Act to provide for the safety of life and property and to create a Board of Boiler Rules which shall formulate rules and regulations for the safe construction, use and operation of steam boilers; to provide for the enforcement of the rules and regulations of the Board of Boiler Rules; to provide for the inspection of steam boilers and the fees to be charged therefor; and to provide a penalty for the violations of the provisions of this Act (S. D. 343).

Resolve in favor of Murtagh Hughes of Bangor, to reimburse him for loss sustained in construction of state highway at Edgecomb (S. D. 344).

Resolve to reimburse the town of Phippsburg for expenses incurred in fighting forest fires by the state militia (S. D. 345).

An Act relating to the trapping of fur-bearing animals (S. D. 346).

An Act relating to advertising signs upon the public highway (S. D. 347).

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

An Act relating to recording of instruments and conveyances (S. D. 348).

An Act relating to consent required to be given in adoption of children (S. D. 349).

An Act relating to clerk hire in the office of Register of Deeds, southern district, of Aroostook County (S. D. 350).

An Act relating to the salary of the clerks of the Supreme Judicial Court (S. D. 351).

An Act to increase the amount to be paid for clerk hire in the office of the Clerk of Courts in the county of Cumberland (S. D. 352).

An Act relating to the salary of the Clerk and Deputy Clerk of Courts in Cumberland County (S. D. 353).

An Act relating to increase in clerk hire in the office of Register of Deeds, in Franklin County (S. D. 354).

An Act relating to clerk hire in the office of Register of Probate in Franklin County (S. D. 355).

An Act relating to the salary of the Judge of Probate of Knox County (S. D. 356).

Resolve providing for the construction of an international bridge over St. John River between the town of Fort Kent, Aroostook County, and the Parish of St. Francis, Madawaska County, New Brunswick (S. D. 358).

An Act to regulate camping within the limits of game preserves, or sanctuaries (S. D. 359).

An Act to pay certain deficiencies (S. D. 360).

An Act relating to apothecaries and the sale of poisons (S. D. 361).

An Act to ratify, affirm and make valid certain doings of the City Council of the City of Bath (S. D. 362).

An Act to render unlawful all disturbances to the reception of radio waves used for radiotelephony (S. D. 363).

An Act relating to proposed changes in freight rates (S. D. 364).

An Act relating to the use of the proceeds of bonds authorized to be issued for state highways and bridges (S. D. 365).

Passed to be Enacted

An Act relating to the Employment of Children (S. D. 144).

An Act authorizing the State Highway Commission to Designate Certain State and State Aid Highways as Through Ways and to Regulate Traffic at Intersection of Such Through Ways with Other Ways (S. D. 307).

An Act Relating to Continuous Roads Through Three or More Towns (S. D. 309).

An Act Relating to Registration Fees Payable for Jitney Busses (H. D. 386).

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

An Act Relating to Smelts (H. D. 559).

An Act Relating to the Registration of Undertakers (H. D. 569).

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

An Act Providing for the Payment of Losses Under Certain Policies of Liability Insurance (H. D. 576).

Finally Passed

Resolve, in favor of the Northern Maine Sanatorium for the Construction of a Sprinkler System (S. D. 208).

Orders of the Day

The president laid before the Senate Resolve appropriating money to aid in building a highway from Eustis in Franklin County to the boundary line between the State of Maine and the Dominion of Canada at a place near the village of Woburn in said county, (S. P. 585), tabled on April 7th by Mr. Morrison of Franklin, pending final passage, and today assigned.

Mr. MORRISON of Franklin: Mr. President, I move that this resolve be finally passed.

Mr. SMITH of Somerset: Mr. President, it is not one bit pleasing to find myself in a position where I feel it necessary to oppose our genial senator and my seat-mate from Franklin, Senator Morrison. Neither is it one bit pleasant to find myself in the minority, yet it is a position that I have many times occupied and I am frank to admit that as the result of a well planned campaign, I am on the losing side.

This resolve calls for the building of a new road into the Dominion of Canada. I think it is fair to assume that perhaps selfish interest, to some degree, prompts the effort to bring about the enactment of this resolve. The people in Franklin County anticipate that the opening up of this highway will mean more traveling, more tourist business. They have a right to think of this matter in terms of selfishness and I can not criticize. On the other hand, I assume that the people living in the northern part of my county are opposed to this road, likewise because of selfish interests. They anticipate that a new entrance into Canada nearby will mean loss of tourist business and to this point it may be fair to place it upon a fifty-fifty basis.

Now then, let us rise above selfish interests and think of this matter in a broader sense, a higher level, a state wide consideration.

We have, at the present time, approximately 25,000 miles of highways in Maine, 5,000 miles of which have been improved at an expense of nearly

\$69,000,000. We already have three entrances, three main thoroughfares into Canada. On these routes there has been expended almost one half million of dollars. On the avenue on which it is my pleasure to reside, the road leading through northern Somerset, along the Kennebec and by the way of Jackman, there has been spent almost \$250,000 to improve this highway. Our people in those sparsely settled towns and plantations have for a generation looked forward to the time when the road leading into Canada would be improved, would be placed upon an equal in quality to the highway along the other side of the line. Patiently they have waited and it occurs to me, would it not be fair for us to defer making a new entrance into Canada until we could at least improve and make passable, in the broader sense, the highways that we already have leading into Canada.

Would it not be the better part of wisdom when, in view of the fact of the hundreds of demands that are coming to this legislature and to the Highway Commission each year, to improve highways that lead through thickly populated districts, farming communities, larger towns, before we build other highways? Would it not be good business when we are striving and struggling as we are to answer these demands, for us to improve the roads we have before laying out new highways?

We are told that this amount of \$30,000 is all that is going to be asked for.

It is estimated by the proponents of this resolve that \$90,000 will complete the 23 miles leading into Canada. Now, you who have had experience and information in the building of roads, know that not one mile even of state-aid road can be built for less than \$5,000, and that the average in the state has cost something like \$10,000. Information coming from the Highway Commission states that this proposed road will cost more than \$200,000.

I am aware of the fact that our good Senator will answer this argument by promising not to come to this legislature for further assistance. It has been stated by the proponents of this resolve that there were men financially able to guarantee this and that if called for, a bond would be given not to ask for further demands. I want to say in answer to this, and thus save the time of replying later on, that men can not give such a

bond, men can not bond future activities of men in such directions.

There is another resolve coming along asking for a similar contribution and it effects my own county this time, the building of another thoroughfare into Canada by the way of Rockwood and Jackman.

I want to call to your attention that this road was promised some nine years ago and the State Highway Commission laid it out and expended over a hundred thousand dollars. The balance of the trail has already been cut and for ten years our people have been waiting to have it completed, but in order to be consistent and to be fair, I ask that both resolves be voted "ought not to pass" and that we improve the roads already built before we lay out new roads.

I hope that the motion made by the gentleman, Senator Morrison of Franklin, will not prevail.

Mr. MORRISON of Franklin: Mr. President, and Members of the Senate, as has been stated by the Senator from Somerset, Senator Smith, this is a resolve asking for an appropriation of \$30,000 from the state, to be used toward the building of a highway from the north line of the town of Eustis through several townships, a distance of twenty-two and, I think, fifty-nine one hundredths miles in all, to the boundary line between Maine and Canada on condition that an equal amount be raised by Franklin County and an equal amount to paid by the land-owners, making \$90,000 in all and on condition that the location be furnished by the land-owners without any claim for damages and that such building material as may be necessary to use along the right of way also be furnished free of charge. And I will say here that that agreement that no claim for damages shall be made for the right of way and that the building material necessary to be used along that right of way shall be furnished free, has already been entered into and agreed to on the part of the land-owners.

This matter received a full and complete hearing before the committee on Ways and Bridges and the report of that committee to this legislature was nine in favor of this resolve passing one being against it. It has already received its final passage in the House and now comes before this Senate for its final passage here.

Now, I do not believe, Mr. President, that the good people of Franklin County can be rightfully accused

of coming before prior legislatures and asking for or obtaining any unreasonable amount. In fact, and I have studied the figures of history somewhat, I think that the amount which we have received up there in my county from the state in the past has been small indeed compared with the amounts that other counties have received toward the building of permanent roads and the construction of bridges. We have not the slightest complaint to make but we do feel that in this case we are justified in coming before this legislature and asking for this amount in order to help promote such a worthy project, and that it is a worthy project, one not only of vital interest to every inhabitant of Franklin County, but one which if permitted will be of great benefit to the State of Maine. I think that you will be convinced upon learning, if you do not already know them, some of the facts pertaining to this matter. In the first place, this proposed route taps the very heart of the improved highway system of the Dominion connecting that highway system with the highway system of Maine and establishing a direct thoroughfare from the St. Lawrence River down through a prosperous and populated section of the Dominion, down through Franklin County and Androscoggin County to Portland and the sea. It taps the very heart of the highway system of Canada because only one and a half miles from where this proposed route touches the line is the village of Woburn. From there, a distance of 18 miles past the beautiful Lake Megantic, is an improved highway to the prosperous and flourishing town of Megantic and that town has fine communication by improved roads with the city of Three Rivers to the north, Quebec to the East and Montreal to the West. It taps a part of Canada where there are prosperous communities and fertile farm lands and where there are more than 400,000 Canadian people waiting for the opportunity of using this route to come into Maine and into the United States.

Now, Mr. President, that this is not a scheme upon the part of the people of Franklin County alone to try to get something from this

legislature for their own benefit and from which no one else will derive a benefit, let me say to you that the first movement was started, the first proposition was made, not by the people of Franklin County, but by all of those citizens on the other side of the line who could see the great benefit that would be derived in opening up this route to the people on both sides, and I want to ask your indulgence for just a moment in quoting to you from a letter written by a member of the Quebec legislature to our county commissioners of Franklin County in 1922, Dr. G. S. Gregoire.

"I am a member of the Quebec Legislature and have a project in view of opening a roadway for automobiles, a gravelled roadway, which would establish a direct line of communication between Portland, Maine, and Three Rivers, Quebec, which means that it would connect the Atlantic Ocean to the St. Lawrence River, by following the Arnold Trail from Lake Megantic, or more geographically, from Woburn Village, two miles from the boundary line of Maine, to Three Rivers, avoiding every high grade, descending by an easy incline, and leading through the middle of the richest agricultural centers of the Province of Quebec, and successfully opening to the tourists' gaze the most picturesque view of mountains and landscapes. I beg to add that in so far as we are concerned on this side of the 45th parallel, our whole road is for the most part already made through four counties, only waiting to be connected with the roads you may make on your side. Hoping you will kindly send us, at your earliest convenience, your own and our friends' appreciation of the present plan, as we mean to work it out on our side at this very session of the Legislature."

After the people of our county had received this letter they commenced to get interested in the proposition and 1891 of the legal voters of Franklin County had petitioned to the legislature for this road to be laid out and I think that was the largest petition that had ever been presented to a board of county commissioners for the laying out of a road.

Dr. Gregoire wrote again to Honorable H. S. Wing of Kingfield, a prominent citizen of our county, who is very interested in this proposition, and said, "We are very happy on this side of the line to read of you and your friends' sympathetic interest in the proposed thoroughfare through the mountainous gateway, that actually cleaves itself into a titanic gap at the boundary line as though to give us a friendly grasp. Ours is the bee line that Arnold followed in 1775 to the Big River of Canada; the land at that time a virgin forest, and now the best center of cultivated soil throughout. And now we are at your very door. We feel that for us at least, this side of the 45th, there never was yet a more alluring, picturesque and variegated suite of landscapes, lakes, rivers, mountains, towns and villages for a tourist's eye."

The director of the Royal Automobile Club of Canada says, "We are alive to the advantages to us both in the construction of route such as this, not only from its scenery but its historical interest. Our provincial government has advised us that they are gradually completing their end of the route of the main line but states our end will be ready long before that between Eustis and the boundary; so there is no use in pushing our end through with any particular dispatch."

So you can readily see that this is not a proposition by us alone but that it comes from the people who can see the great benefit that will be derived by us all. It does not come from the land owners. It was the land owners who fought this proposition so bitterly from the start and Franklin County went a long way toward the goal of success when they were able to reach this agreement with the land owners that they would contribute the \$30,000 and furnish the right of way and the building material.

But let me say to you that if this proposition is turned down by this legislature, then of course it will mean that that agreement which we have finally reached with those land owners will be of no effect and the result will be that the people of Franklin County will be plunged again into indeterminable litigation,

fighting on and on for what they believe to be a just cause, until success finally comes.

That this road, if constructed, would be a great benefit to us there can be no question. In our county there are 16 townships of wild land through which no road enters. This proposed route traverses four of these townships and near to many others, thereby opening up an inexhaustive supply of hard woods for the principal industries of that section of the state. It would be a benefit to the farmer who, on account of all this increased tourist travel, would have more opportunity to sell his product. It would benefit the merchant, and in fact, I can hardly see where there is one whom it would not benefit in that section of the state. Now to my mind, and I think to yours, it will benefit Maine. It will benefit Maine indirectly because anything that is a benefit to one county can not help but be a benefit to the whole state of which that county is a part. It will benefit our state directly because all of those people who would use this route in traveling into Maine would not come into Franklin County and stop there, they would not come into our county and turn around and go back to their homes, but they would spread out all over the State of Maine. They would travel down through Franklin and Androscoggin to Portland. They would go back and forth through the valley of the Kennebec. They would travel north, they would travel east and at the same time this proposed route would open up a most delightful thoroughfare for the out of state tourist who travels into Canada and who now goes through Vermont by way of the Sherbrook road.

Now the greatest argument that has been made by the opposition and the point which the senator from Somerset, Senator Smith so strongly alluded to is the fact, or the point that he made that this road could not be built for \$90,000 and that this resolve presented to this legislature was but an opening wedge and that in subsequent legislatures we would be back for more money. Now let me say to you, and he anticipated what I was going to say, that nothing is further in the minds of the proponents of this measure. It is true that we do not expect with this amount of money to build a

Macadam road into Canada. We do not expect to construct a boulevard where automobiles can travel abreast at extreme speed without danger of collision. Nothing of the sort. But what we do say is this, that with that amount of money, with the road-way furnished without any claim for damages, with the building material that it is necessary to use furnished us free, that we can and we will build a gravel road, reasonable, convenient and safe for automobile traffic and why can we do this? In the first place, this is a natural roadway for a road to be built. It is the trail that Arnold followed, through the Dead River region back in Revolutionary times on his way to Canada in an attempt to capture the city of Quebec. It is such an ideal and natural location for a road that people who have been up there through the route time and time again have exclaimed that it almost seemed that the Supreme Power had intended for a road to be there.

Now there is a winter route that is traveled all the distance from Eustis to the line. The first ten miles is already used by automobiles now from the Eustis line to the chain of ponds. Then there are three more miles across an open farm and through open country with gravel all the way. I think that the farthest distance that one would have to haul gravel in the construction of this road would be one half mile. On the other end of the route from on to the Canadian boundary a good automobile road is already established, so that men who have had experience in road building, practical men who have traversed this route, time and time again, say that the miles that I have described can be built for \$2000 a mile and that would leave \$60,000 to build the other eight miles. So that we are asking for all that we want, and for all that we need and with that amount of money we shall take it and go through to the finish.

Now, there is just one more point that I would like to make in this matter and then I am through and willing to leave it in your hands, but it does seem to me that the building of this connecting link between these two great systems of highway, through a beautiful country with mountains and lakes and ponds on either side, is right in accordance

with the movement that is on in Maine at the present time and has been going on for several years, the movement of booming our grand old state of Maine and advertising its natural resources. Franklin County has no city within its borders. It is some distance from any large industrial center but we do pride ourselves—and we say it in no boastful spirit—that we believe that we are still quite an important part of the grand old State of Maine. We have our clean towns and our flourishing villages with their little industries, we have our mighty forests abounding with game, we have the scores of beautiful lakes and ponds, we have our silvery rivers, one on each side of the county, winding down through fertile farms on their way to the sea. We have within our borders two of the most noted summer resorts in the country where people come from far away to spend the hot summer months, the Dead River region and the beautiful Rangeley Lakes which have been called the “playground of the nation.” And I say to you, in what better way could we advertise these great natural resources which God has given us that the connecting of this link between the great country on the North and our United States? And I say that the best way for us all to boom Maine, to advertise what we have got is to cultivate the spirit of getting together and of helping each other. And furthermore, the hand of our Canadian neighbor to the north is reaching out to us from a distance of but twenty-two miles away, the out-of-state tourist is waiting to use this route on his travels into the north land and when Franklin County stands ready to bridge the gap with the assistance of the State of but \$30,000, is this Senate going to say to them and to us “you shall not pass?”

MR. SMITH: Mr. President, all that has been so eloquently referred to by the distinguished Senator (Senator Morrison) concerning the picturesque hills of Franklin and the splendid and intelligent people of that county, I hope and trust could be recorded in favor of the people and of the hills and the winding Kennebec in Somerset.

I must, however, take exception to his reference or to the major part of his argument which seemingly has

been that this road is to accommodate people living on the other side of the line. I can subscribe to being kind, helpful and generous to those who live across the borders. I am willing that our people may have a chance as he has suggested to visit the imperial city of that Dominion, Quebec, to go to the historic Three Rivers, and I wish to call attention to this fact, that beginning at Portland, coming through the entire length of our state, the route already established leading to these historic places is 22 miles nearer than by the way suggested, through Eustis, that the route already built by way of Jackman will more conveniently accommodate two-thirds of the people of our state than the proposed route, and I ask the senators from Aroostook to make this a concrete proposition for the moment, would they subscribe to building a parallel line through the wilderness along the side of the one that they now have which goes into Canada for the purpose of accommodating the people on the other side, before improving the roads within their own borders. Would the senators from Washington consider it a business proposition to build another thoroughfare along side 28 or 30 miles of path of their highway that leads along to the other side, before improving the one they now have, or before improving the roads in their county.

Again let me repeat, I want to go as far as any member in this Senate, in being helpful to those who live in the great Dominion. To my mind the people within the state of Maine are entitled to the first consideration, and the money obtained from our taxes, from our people, should first be devoted to improving the roads that will most accommodate the people within the state of Maine.

The PRESIDENT: The question is on the motion of the Senator from Franklin, Senator Morrison, that this resolve be finally passed. Is this the pleasure of the Senate?

A viva voce vote being doubted

A division of the Senate was had.

Twenty senators having voted in the affirmative and three in the negative the resolve was finally passed.

The PRESIDENT: The Chair wishes to state to the senators that there are no further matters today

assigned. The Chair is very desirous of seeing the Senate clean the calendar of all that is possible. The Chair has just come from consultation with the group who do the printing of the state and if we wish for adjournment within a reasonable time it is proper that we should begin to lift matters from this calendar and get them to the printer over Sunday.

On motion by Mr. Maher of Kennebec, the Senate voted to take from the table, Resolve in favor of Augusta State Hospital (S. D. 134) together with the veto message of the Governor thereon, tabled on April 4th by that senator pending consideration.

Mr. MAHER of Kennebec: Mr. President, without debate or argument or other statement than simply that I understand the Committee on Appropriations and those who have in charge the financial direction of the legislature, after consultation with his excellency, have removed and obviated the objections to this resolve, I will move that the resolve be passed notwithstanding the objections of the Governor.

The PRESIDENT: A veto message from the Governor requires a yea and nay vote. As many as are in favor of this resolve becoming a law notwithstanding the objections of the Governor will answer "yes" when their names are called. Those who are opposed to the resolve becoming a law notwithstanding the objections of the Governor will answer "no" when their names are called. Does every senator understand? The Secretary will call the roll.

The Secretary called the roll.

Those voting "yes" were Senators Bragdon, Buzzell, Case, Crafts, Douglas, Drake, Dunbar, Foster, Granville, Harriman, Holmes, Lord, Maher, Miner, Mitchell, Morrison, Nickerson, Oakes, Perkins, Pinkham, Roberts, Smith, Spear, Speirs, Woods—25.

Those voting "no" were—none.

Absent: Senators Allen, Bond, Dwinal and Slocum.

The PRESIDENT: Twenty-five senators have voted in the affirmative and none opposed the resolve becomes a law notwithstanding the objections of the Governor.

On motion by Mr. Maher of Ken-

nebec, the Senate voted to take from the table, Resolve in favor of Lloyd B. Sewall of Bangor (H. D. 510) tabled on March 30th by that senator pending passage to be engrossed.

Mr. MAHER of Kennebec: Mr. President, I move that this resolve be passed to be engrossed, and in support of the motion will say that at another time I may oppose its final passage or may not oppose it, but it is the only matter that I have on the table and I am now taking it off in order to expedite business.

The motion prevailed.

On motion by Mr. Holmes of Androscoggin, the Senate voted to take from the table, An Act relating to fees of jurors (H. D. 535) tabled on April 5th by that Senator pending consideration.

Mr. HOLMES of Androscoggin: Will the Chair please inform me what the pending question is?

The PRESIDENT: In the House the matter was indefinitely postponed and the Senate took non-concurrent action. In this body the bill was read twice under suspension of the rules and passed to be engrossed and then was tabled by the Senator from Androscoggin, Senator Holmes.

Mr. HOLMES: Mr. President, let me state my reason for tabling it and then the Senate can take what the Senate thinks is the right step. There is another bill which is on the table somewhere which is also an act relating to the fees of jurors. This one which I tabled, House Document 535, is a bill to increase the fees of jurors from four to five dollars. One of these bills came from the Salaries and Fees Committee and one from the Judiciary Committee. Which is which, I have forgotten. The other one is a bill, which is on the table somewhere, to increase the fees of jurors further. Now, both of these should not go through. Perhaps neither one of them will. Personally I would be in favor of, and would be glad to vote for, House Document 535, the one that I moved to lay on the table, to increase the fees from four dollars to five and I would be opposed to the other one. So, Mr. President, as this bill has been passed to be engrossed in this body and the committee report was objected to in the other body, the next step will be to ask for a committee

of conference, will it not, if I want it to go further?

The PRESIDENT: The Chair will state that the House is not yet aware of the non-concurrent action of this body because the measure was tabled by the Senator holding it up. The next step—if that is what the senator wishes to know?

Mr. HOLMES: Yes, Mr. President.

The PRESIDENT: The next step is that this matter go from this body to the other for concurrent action with this body or refusal to concur with this body in its action.

Mr. HOLMES: Then, Mr. President, no further motion is needed?

The PRESIDENT: No further motion is needed. It automatically leaves this chamber when released and the Chair will state further for the benefit of the Senator that this bill under discussion comes from the Committee on Salaries and Fees.

On motion by Mr. Crafts of Piscataquis, the Senate voted to take from the table, Resolve to appropriate money for the purpose of operating fish hatcheries and feeding stations for fish, for protection of fish, etc., (S. D. 274) tabled on March 31th by that senator pending final passage.

Mr. CRAFTS of Piscataquis: Mr. President, I move that we reconsider our former action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Piscataquis, Senator Crafts, moves that the rules be suspended and we reconsider our vote whereby this resolve was passed to be engrossed.

The motion to reconsider prevailed and thereupon the same senator offered Senate Amendment A as follows and moved its adoption:—

"Senate Amendment A to engrossed resolve, Senate Document 274. Insert in the twelfth line of the last paragraph after the word 'state' the following: 'And for the payment of damages done by deer, protected animals and birds, to growing crops and orchards not exceeding five thousand dollars for each of said years between June 30th, 1927 and June 30th, 1929, and payment of such damages previously done to growing crops and orchards as are allowed by the present legislature.'"

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

On motion by Mr. Granville of York, the Senate voted to take from the table An Act relating to operation of portable sawmills (S. D. 137) tabled on April 4th by that senator pending passage to be engrossed.

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

Thereupon, on motion by Mr. Roberts of York, the bill was indefinitely postponed.

On motion by Mr. Holmes of Androscoggin, the Senate voted to take from the table An Act to increase the salary of the register of deeds in Androscoggin County (H. D. 520) tabled on April 1st by that senator pending passage to be engrossed; and on further motion by the same senator the bill was passed to be engrossed.

On motion by Mr. Oakes of Cumberland, the Senate voted to take from the table, An Act to provide state aid for academies, institutes, seminaries and junior colleges (S. D. 140), new draft, tabled earlier in today's session by that senator pending first reading.

Mr. OAKES of Cumberland: Mr. President, I yield to the Senator from Cumberland, Senator Speirs.

Thereupon, on motion by Mr. Speirs of Cumberland, the rules were suspended and the bill was given its two several readings.

Mr. SPEIRS of Cumberland: Mr. President, I now yield to the Senator from York, Senator Granville.

Mr. Granville of York then offered Senator Amendment A as follows and moved its adoption:—

"Senate Amendment A to Act to provide state aid for maintenance and upkeep for academies, institutes, seminaries and junior colleges, Senate Document 140, new draft. In line sixth, Section 11, following the word 'equipment,' strike out the word 'four' and insert the word 'six.'"

Thereupon, Senate Amendment A was adopted.

Mr. SPEIRS: Mr. President, I now move that five hundred copies be printed.

The PRESIDENT: The Chair would suggest that if the Senate really wishes to expedite business and get it through to the printer that this matter may be passed to be engrossed without being printed, under suspension of the rules.

Thereupon, on motion by Mr. Speirs

of Cumberland, the rules were suspended and the bill as amended by Senate Amendment A was passed to be engrossed without printing.

Mr. SMITH of Somerset: Mr. President, may I inquire about Senate Document 361, An act relating to apothecaries and sale of poison? It is in "Bill in the Second Reading."

The PRESIDENT: It has had its second reading and was passed to be engrossed this morning.

Thereupon, on motion by Mr. Smith of Somerset, the Senate reconsidered its former action whereby this bill was passed to be engrossed; and on further motion by the same senator the bill was laid upon the table.

On motion by Mr. Bragdon of Aroostook, the Senate voted to take from the table, An Act to provide compensation for justices of superior courts (H. D. 551) tabled on April 7th by that senator pending first reading; and on further motion by the same senator the rules were suspended and the bill received its two several readings and was passed to be engrossed.

On motion by Mr. Smith of Somerset the Senate voted to take from the table House report from Committee on Education "ought not to pass," on Resolve in favor of Somerset Academy for maintenance (H. D. 458) tabled on April 5th by that senator pending acceptance of the report.

Mr. SMITH of Somerset: Mr. President, in as much as this resolve was taken care of in another manner I move the acceptance of the committee report.

The motion to accept the report prevailed.

On motion by Mr. Drake of Sagadahog,

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 relating to pensions for the blind (H. D. 518).

(In the Senate, April 7th, voted to adhere to its former action of April 5th, whereby the bill was indefinitely postponed in non-concurrence.)

In the House, that body again voted to insist, and asked for a committee of conference, the Speaker having appointed as House members of such a committee: Messrs. Bissett of Portland, Brown of Bethel, Bailey of Harmony.

In the Senate:

Mr. SLOCUM of Cumberland: I move, Mr. President, that we insist on our former action and join in a committee of conference.

Mr. SPEAR of Cumberland: Mr. President, I promised one of the other Senators that I would have this matter tabled.

The PRESIDENT: The Senator from Cumberland, Senator Spear, moves that the bill be tabled, which motion takes precedence. Is it the pleasure of the Senate that the matter be tabled pending the motion to insist and join in a committee of conference?

The motion to table prevailed.

From the House: An Act to prohibit plug fishing for square tailed trout and landlocked salmon in Great Pond, of the Belgrade Chain of Lakes, which pond is situated in the county of Kennebec (S. D. 300).

(In the Senate, April 1st, passed to be engrossed as amended by Senate Amendment A.)

In the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Crafts of Piscataquis, tabled pending consideration.

From the House: An Act relating to liability insurance premiums (H. D. 291).

In the House, recalled to that branch from the Committee on Mercantile Affairs and Insurance, and indefinitely postponed.

In the Senate, on motion by Mr. Drake of Sagadahoc, tabled pending consideration.

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

(In the Senate, April 5th, passed to be engrossed in concurrence.)

In the House, indefinitely postponed in non-concurrence.

In the Senate:

Mr. BRAGDON of Aroostook: Mr. President, I move that we concur with the House in indefinite postponement.

Mr. MINER of Washington: Doubted, Mr. President.

The PRESIDENT: A division is called for. As many as favor indefinite postponement in concurrence with the House on bill An Act for the completion of the vital records of the State will rise and stand in their places until counted.

Three senators rose.

Mr. MITCHELL of Aroostook: Mr. President, is there any way to find out the nature of this bill?

The PRESIDENT: The Chair will state that the Senator is in order before the vote is declared but the fact is we are voting. Does the Senator from Aroostook, Senator Mitchell, wish to ask the Senator from Washington, Senator Miner, to withdraw his motion?

Mr. MITCHELL: Yes, Mr. President. There are two of these bills in and I would like to know which one this is.

The PRESIDENT: Does the Senator from Washington, Senator Miner, withdraw his motion?

Mr. MINER: Yes, Mr. President.

The PRESIDENT: Now, will the Senator from Aroostook, Senator Mitchell, make his motion?

Mr. MITCHELL: I would like to know, Mr. President, the nature of this bill, if anybody knows.

The PRESIDENT: The Senator who made the motion may explain.

Mr. MINER: I will say, Mr. President, that this was a bill brought before the health committee relative to vital statistics. As a physician I will say that we have been up against serious problems in finding out the dates of births, marriages and deaths of numbers of people. In conjunction with the health department and the librarian a bill was prepared. This brings no cost whatever to the State it is simply a matter of having the different towns and plantations look into their records and statistics and having them registered and sending them here to the State librarian that this matter may be completed. I do not see the reason why it should be indefinitely postponed. It is a matter of considerable importance. In talking with legal men today I found out that many of them were in hearty accord with having this matter go on. As I said,

it has no expense attached. We are not asking anything from the State. It is the individual towns which look after this matter at an expense to them of five cents per record found either from the local records or from the cemeteries where they can get the facts as they are recorded. The Senator from Aroostook, Senator Pinkham, was on this committee with me and there was another member from the Senate, Senator Spear, I think, and we are all heartily in accord on this matter and would like to see it go through. We therefore ask that you work along that line.

The PRESIDENT: The question is on the motion to indefinitely postpone.

Mr. BRAGDON of Aroostook: Mr. President, while it is true that this does not throw any cost directly upon the State, the bill does provide that the town clerks shall furnish this information and shall receive for their services the sum, I think of five cents per record and in case he does not attend to this duty, or does not do it as fully as someone here in Augusta might feel was proper, it gives the right to send an agent out from a department here in the State House to collect these records to the satisfaction of the Department and charge the expense up to the town where the records are collected.

Now I can see no reason why, if a town clerk is allowed twenty-five cents for the recording and transmitting to Augusta of a record that comes in the regular performance of the duties as a record of a birth or a death that is sent in by the Senator from Washington, if the town clerk is allowed twenty-five cents for simply recording that record and transmitting a copy to Augusta, why should he be expected to go out and hunt in cemeteries and old barns and sheds where original papers and documents of the towns may be stored and ask him to do it for five cents?

The only reason that I can see for such a suggestion as that is to insure the fact that the town clerk will neglect his duty, and then the State Department can send an agent around over the state to collect these records at whatever cost it may be and charge it up to the town. That is the reason that I object to the passage of this bill.

Mr. MINER: Mr. President, in reply I would like to state that I think the senator from Aroostook, Senator Bragdon, misunderstands the bill. I would like to have it tabled in order that I may look into the matter further and explain it more fully next Monday. I might state that there is a definite date assigned there in the bill somewhere.

The PRESIDENT: Will the Senator from Aroostook, Senator Bragdon, withdraw his motion to indefinitely postpone at this time.

Mr. BRAGDON: I will, Mr. President.

Permission was thereupon given to the Senator to withdraw his motion.

Thereupon, on motion by Mr. Miner of Washington, the bill was tabled pending consideration.

From the House: The Committee on Salaries and Fees, on bill An Act to increase the salary of the Secretary of State (H. P. 1144) reported that the same ought not to pass.

In the House, bill substituted for the report, and passed to be engrossed.

In the Senate, on motion by Mr. Perkins of Penobscot, that body voted to concur with the House in the substitution of the bill for the report and the bill was laid upon the table for printing under the joint rules.

The Joint Committee on Ways and Bridges and Taxation, on bill "An Act relating to a tax upon gasoline" (H. P. 981) (H. D. 313) reported that the same ought not to pass, as the subject matter is covered in another bill.

Which report was read and accepted in concurrence.

House Bills in first Reading

(Out of order and under suspension of the rules).

Resolve in favor of establishing a feeding or rearing station for fish at, or near, Jackman, in the county of Somerset. (H. D. 603).

An Act to change the closed time on deer in Hancock and Washington Counties. (H. D. 39).

Resolve in favor of the construction of a fishway at Aroostook Falls on the Aroostook River in the Province of New Brunswick. (H. D. 608).

Resolve for the propagation and distribution of pheasants. (H. D. 605).

An Act relating to fishing in the

tributaries to Upper Shin Pond and in the tributaries to Sebois River, in the county of Penobscot. (H. D. 597).

An Act relating to ice fishing in Cohnewagon Pond, in Kennebec County. (H. D. 604).

An Act relating to ice fishing by non-resident fishermen. (H. P. 602).

An Act to prohibit hunting with dogs in the town of Verona, in the county of Hancock. (H. D. 600).

An Act to establish the legal length limit of square-tailed trout and land-locked salmon in Cumberland County. (H. D. 599).

An Act relating to fly fishing in the tributaries to the South Branch and West Branch of the Penobscot River, in the tributaries to the East Branch of the Penobscot River; and in the tributaries to the Allagash and St. John Rivers. (H. D. 598).

An Act to regulate the trapping of fur bearing animals. (H. D. 607).

An Act relating to protection of fur-bearing animals. (H. D. 609).

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

An Act relating to the possession of forbidden implements for hunting and fishing. (H. D. 606).

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

In the Senate, House Amendment A was adopted and the bill was given its second reading was passed to be engrossed in concurrence.

An Act creating a City Planning Board for the City of Rockland. (H. D. 141).

An Act relating to licensing operators of motor vehicles, tractors or trailers. (H. D. 293).

An Act to amend the charter of the Bangor Gas Light Company by an increase in its capital stock. (H. D. 583).

An Act relating to clerk hire in the office of the Register of Probate in Waldo County. (H. D. 588).

An Act relating to the compensation of Judge of Probate in York County (H. D. 582).

An Act relating to the increase of the salary of the County Attorney for York County (H. D. 589).

An Act to increase the salary of the Judge of Probate for Oxford County (H. D. 581).

An Act relative to the County Com-

missioners of Cumberland County (H. D. 585).

An Act to increase the salary of the Judge of Probate of Hancock County (H. D. 591).

An Act relating to the increase in the salaries of the County Attorney and Assistant County Attorney for Cumberland County (H. D. 586).

An Act relating to the salaries of the County Commissioners of Franklin County (H. D. 587).

An Act relating to clerk hire in the office of the county treasurer of Kennebec County (H. D. 593).

Resolve in favor of the Maine State Prison for maintenance and current expenses (H. D. 594).

Resolve in favor of Forest City International Bridge over St. Croix River between the township of Forest City Washington County, Maine, and the Parish of North Lake, York County, New Brunswick (H. D. 580).

Resolve in favor of a road leading from Long Pond to Rockwood and from Tarrantine to Greenville (H. D. 596).

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

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
(Out of order and under suspension of the rules).

By Mr. Buzzell of Oxford, Resolve in favor of Erlon L. Newdick. (S. P. 638)

By the same Senator, Resolve in favor of M. Beatrice Roderick. (S. P. 639)

By Mr. Perkins of Penobscot, Resolve in favor of Earle R. Hayes for services as Clerk of the Committee on Salaries and Fees, 83rd Legislature. (S. P. 640)

By the same Senator, Resolve in favor of Francis J. Cayouette for services as Messenger to Committee on Salaries and Fees. (S. P. 641)

Bills in First Reading

(Out of order and under suspension of the rules).

An Act to amend Sections 20 and 22 of Chapter 37, Revised Statutes, relating to the capacity of milk bottles and jars. (S. D. 368)

Resolve in favor of a feeding station for fish at the outlet of Sebago

Lake, in the County of Cumberland. (S. D. 369)

Resolve, for screening certain lakes and ponds in the State. (S. D. 370)

An Act relating to primary elections. (S. D. 371)

Reports of Committees

(Out of order and under suspension of the rules).

Mr. Spear, from the Committee on Appropriations and Financial Affairs, on Resolve to celebrate the two hundredth anniversary of the Battle of Lovewells Pond (S. P. 273) reported that the same ought to pass.

The same Senator, from the same Committee, on Resolve in favor of the Commissioners of Pharmacy of the State of Maine (S. P. 167) reported that the same ought to pass.

The same Senator, from the same Committee, on Resolve in favor of General Mark L. Hersey (S. P. 607) reported that the same ought to pass.

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

The same Senator, from the same Committee, on Resolve on the Pay Roll of the Senate of the Eighty-third Legislature (S. P. 624) reported that the same ought to pass.

The report was read and accepted.

On motion by Mr. Foster of Kennebec, the rules were suspended and the resolve given its first reading; on further motion by the same Senator, the resolve was given its second reading and passed to be engrossed without printing.

Mr. Perkins, from the Committee on Salaries and Fees, on bill An Act relating to the compensation of the Judge of Probate for Sagadahoc County (S. P. 159) reported the same in a new draft, under the same title (S. P. 642) and that it ought to pass.

Mr. Case, from the Committee on Ways and Bridges, on bill An Act conferring authority upon municipal officers and road commissioners to enforce the laws and the rules and regulations relating to trucks upon the highway (S. P. 565) reported the same in a new draft, under the title

of An Act conferring authority upon municipal officers to enforce the laws and the rules and regulations relating to trucks upon the highways (S. P. 643) and that it ought to pass.

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

Mr. Perkins, from the Committee on Salaries and Fees, submitted its final report.

The report was read and accepted.

Orders of the Day

Mr. Smith of Somerset, out of order and under suspension of the rules, introduced the following order and moved its passage:

Ordered, the House concurring, that the Secretary of the State Board of Charities and Corrections and the Commissioner of Labor and Industry be authorized and directed to make a survey of the State of Maine with reference to the number of people resident therein who, on the first day of July, 1928, have attained the age of 70 years. Also to collect such data as is feasible and proper regarding the financial conditions of, and such other conditions relative to them as would properly make them eligible for state assistance, should a law relating thereto be enacted. Said Secretary and Commissioner shall make their report to the Governor and Council prior to the Eighty-fourth Legislature, to which shall be transmitted such report during the first week thereof.

Ordered further, that all expenses of such survey shall be audited by the Governor and Council and paid from any funds not otherwise appropriated.

Thereupon, the order received passage.

The PRESIDENT: Is there any business under Orders of the Day? Is there anything that can be removed from the calendar?

On motion by Mr. Perkins of Penobscot

Adjourned until Monday afternoon at four-thirty o'clock.