

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

Thursday, April 14, 1927.

Senate called to order by the President.

Prayer by the Rev. W. F. Greenman, of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: 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 violation of the provisions of this Act. (S. D. 343)

(In Senate, Apr. 13, voted again to insist and ask for a Committee of Conference.)

In the House, that body again voting to adhere to its former action whereby it accepted report "ought not to pass."

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

Mr. SLOCUM of Cumberland: Mr. President, I now move that we reconsider out vote whereby we placed this matter on the table.

The PRESIDENT: The Chair will state that we cannot reconsider a vote whereby a matter has been tabled but by unanimous consent this body can take the matter from the table.

Mr. SMITH of Somerset: Mr. President, I do not think I understand the situation.

The PRESIDENT: The Chair will state for the benefit of the Senator from Somerset, Senator Smith, he being the father of the bill, that in the Senate on April 13th we voted again to insist and ask for a committee of conference on the so-called boiler bill, we having previously asked for a committee of conference. The matter then went to the House for concurrent or non-concurrent action and now comes from the House that body having voted to adhere to its former action whereby it accept-

ed the report "ought not to pass". In other words, the House has twice voted to accept the report "ought not to pass" and this body has twice voted to ask for a committee of conference which each time the House has failed to grant.

Mr. SMITH: Mr. President, I would still like to table the matter for a short time in order that I may confer with the Senator from Cumberland, Senator Slocum.

The PRESIDENT: The Senator from Somerset, Senator Smith, moves that this matter be tabled and assigned for later in today's session.

The motion to table and assign prevailed.

From the House: "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)

(In Senate, April 8, passed to be engrossed.)

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

In the Senate, on motion by Mrs. Pinkham of Aroostook, the rules were suspended and the Senate reconsidered its former action whereby on April 8th this resolve was passed to be engrossed; and on further motion by the same senator House Amendment A was adopted and the resolve as so amended was passed to be engrossed in concurrence.

Thereupon, on motion by Mr. Foster of Kennebec, the resolve was tabled and assigned for later in today's session.

From the House: Bill "An Act relating to the Police Commission of Lewiston, requiring the Commissioners to be appointed by the Mayor, and providing a referendum to the electors of Lewiston." (S. D. 299)

(In Senate, April 13, minority report of the Committee on Legal Affairs, "ought not to pass", accepted.)

In the House, majority report, "ought to pass in new draft," accepted in non-concurrence, and the bill

passed to be engrossed, in non-concurrence.

In the Senate:

Mr. HOLMES of Androscoggin: Mr. President, I shall move that the Senate recede and concur and without taking time to argue my motion I simply want to call to the attention of the Senate that we now have an opportunity to correct one of two injustices which I think we committed yesterday and I therefore move that the Senate recede and concur with the House.

Mr. MORRISON of Franklin: Mr. President, I move that we adhere.

The PRESIDENT: The Chair will state that the motion to recede and concur takes precedence over the motion to adhere and in order that the question may be plain to the senators, the Chair will state that the motion to recede and concur if it prevails, means that we adopt the bill providing for a police commission in the city of Lewiston to be appointed by the mayor. Is the question plain?

A viva voce vote being doubted

A division of the Senate was had.

Six senators having voted in the affirmative and fifteen in the negative, the motion to recede and concur failed of passage.

Mr. HOLMES: Mr. President, I think there is one other motion that takes precedence over the motion to adhere.

The PRESIDENT: The Senator may make it.

Mr. HOLMES: I move, Mr. President, that the Senate insist and ask for a committee of conference.

The PRESIDENT: That motion takes precedence over the motion of the Senator from Franklin, Senator Morrison, to adhere.

A division of the Senate being had

Eight senators having voted in the affirmative and fourteen in the negative, the motion to insist failed of passage.

The PRESIDENT: The question is now on the motion of the Senator from Franklin, Senator Morrison, that the Senate adhere. Is this the pleasure of the Senate?

The motion to adhere prevailed.

From the House: The majority of the Committee on Judiciary, on bill An Act Providing for the Appointment of a Deputy Secretary of State to be Designated a Registrar of Motor Vehicles and to Place the Administration of the Several Motor Vehicle

Provisions of Law Under His Jurisdiction and Administration (H. D. 374) reported the same in a new draft, under the same title (H. P. 1331) and that it ought to pass.

(Signed) MAHER
OAKES
BARTLETT
PATTERSON
WING of Kingfield
HALE

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

(Signed) ALDRICH
DUDLEY
WING of Auburn

Came from the House, majority report accepted and the bill passed to be engrossed.

In the Senate:

Mr. SLOCUM of Cumberland: Mr. President, I move that we accept the majority report in concurrence.

A viva voce vote being doubted

A division of the Senate was had.

Four senators having voted in the affirmative and twelve in the negative the motion to accept the majority report failed of passage.

Thereupon, on motion by Mr. Granville of York, the minority report "ought not to pass" was accepted.

House Bills in First Reading

An Act relating to non-resident hunting licenses. (H. D. 643)

An Act relating to trial terms of the Supreme Judicial Court, in the county of Hancock. (H. D. 220)

An Act relating to trial terms of the Supreme Judicial Court. (H. D. 362)

Resolve, in favor of Oldtown-Milford Bridge, City of Old Town and Town of Milford, Penobscot County. (H. P. 1330)

(Under suspension of the rules the foregoing bills and resolve were also given their second reading and passed 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. Harriman of Kennebec, Resolve in favor of James E. Harvey, for making index. (S. P. 666)

Bills in First Reading

Resolve, to aid the town of Hope in

the construction of a bridge. (S. D. 387)

Resolve, in favor of the town of Skowhegan. (S. D. 388)

Resolve, in favor of the town of Starks, for a bridge. (S. D. 389)

Resolve, in favor of Lower Village Bridge in the town of Phillips, Franklin County. (S. D. 390)

Resolve, in favor of Stanley Bridge in the town of Hampden, Penobscot County. (S. D. 391)

Reports of Committees

The majority of the Committee on Judiciary, on bill An Act to provide for a full time State Highway Commission, amending Chapter 25 of the Revised Statutes relative to State Highways (S. D. 282) reported that the same ought not to pass.

(Signed) ALDRICH
DUDLEY
BARTLETT
WING of Auburn
WING of Kingfield
HALE

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

(Signed) MAHER
OAKES

Mr. WOODS of Penobscot: Mr. President, I move that we accept the majority report "ought not to pass" and in support of that I wish to say that I think we are all aware that the members of the Highway Commission come from different locations in the state, one living near the eastern part, another coming from the central part and another from the western part. I know you will agree with me that results show that this commission has built good roads and more roads for less money than any commission that we have ever had and the same results show that this commission is a commission of integrity and honesty in whom the people of Maine can put trust. And I hope, Mr. President, that my motion prevails.

Mr. GRANVILLE of York: Mr. President and fellow Senators, I think I explained this act at the time I introduced it. Any idea that the senator from Penobscot, Senator Woods, may have as to this measure being directed against anyone is entirely erroneous. It has been my belief for many years that in the

management and spending of so many million dollars each year for the state of Maine that it required the time of three able men. Of course, we have been through an investigation and being a member of that committee who heard and reported on the testimony I will say that that report is exactly what we found without fear or favor and I do not see how the Senator can believe that this bill is directed against anybody. And it is my firm belief that if we want to properly administer the affairs of the road department we should have a full committee. And I hope the motion to accept the "ought not to pass" report will not prevail.

Mr. PERKINS of Penobscot: Mr. President, as I believe that the major portion of the citizens of this state are aware at this time, we have had an investigation and that investigation has dealt with the affairs of the State Highway Commission of this state. I want to say to you at this time that I do not hold any brief against any member of the State Highway Commission. I do not hold any brief against any engineer in that department and I have nothing but the greatest respect and admiration for that committee which so ably heard that case and returned a verdict which was honest and just. I also want to say at this time that I also have the greatest respect and admiration for those members of the Legal Committee which have returned this majority report "ought not to pass". In my way of thinking this is just a culmination of the events of the last two weeks. I want to say to you at this time without fear or favor that I believe that if we should pass this bill that it would simply be an indirect slap at those men who have been cleared of the charges which were brought against them.

It is one of the blackest charges that has ever been preferred against any commission that has existed in this state and I believe at this time, with all deference to the State Highway Engineers, with all due deference to the State Highway Department, that this legislature would be doing the state of Maine a rank injustice if they allowed this bill to pass calling for a full time

State Highway Commission. As I understand it this commission would be composed of two members who would receive the salary of \$4500 a year and those two members would employ a chief engineer and that engineer would receive the princely salary of \$5,000 a year. I just want to ask you at this time if it is the general concensus of opinion that the chief engineer of the State Highway Department would consider for one moment dropping \$1,000 of his salary—and where would we look for an engineer to take the place of Paul D. Sargent? It would simply mean that he would either have to accept the \$1,000 decrease or we would have to lose him.

I want to say on behalf of the people of eastern Maine that we have received in that section good roads since the existence of this commission. We have roads in eastern Maine under process of construction and we believe they are being constructed cheaply and well and I want to say to you at this time that the people of eastern Maine stand squarely and fairly behind this present State Highway Commission because they believe in them. They believe that those men have functioned well, that they have given unsparingly of their time and energy in this state and it has not been a position that has called for large money—we pay them the princely salary of \$1,000 a year and their expenses.

Now, everything that could be raked up and scraped up has been preferred against that commission. I believe the thing to do is to let them alone and let them get together and clean up their little differences in the State Highway Department. I believe that we should legislate only for the good of the state of Maine and that we should forget matters of petty differences. I sincerely hope that the motion of the Senator from Penobscot, Senator Woods, will prevail and that we will accept the majority report of this committee.

Mr. MAHER of Kennebec: Mr. President, may I inquire through the Chair whether we are discussing the majority and minority report on the so-called Granville bill.

The PRESIDENT: The question of the senators is in order. We are discussing acceptance of the majority re-

port "ought not to pass" from the Committee on Judiciary. We are, however, automatically discussing both reports as the acceptance of the minority report also enters into the question of the majority report. The motion has been made by the Senator from Penobscot, Senator Woods, that the majority report "ought not to pass" be accepted.

Mr. MAHER: And, Mr. President, may I inquire through the Chair of the chairman of the special joint committee having to do with the investigation of the highway department, whether or not the evidence taken so painstakingly and at great expense has been prepared so that it may be examined by the legislators?

The PRESIDENT: The Senator from Somerset, Senator Smith, being the chairman of that committee, may reply through the Chair if he wishes.

Mr. SMITH of Somerset: Mr. President, I will state that our report together with all the evidence has been submitted to the House and it is my belief that it is being printed.

Mr. MAHER: Does the Chair know anything further?

The PRESIDENT: The Chair will state that we have only the original documents in the possession of the Secretary of the Senate.

Mr. MAHER: Well now, Mr. President and members of the Senate, it, to me, is a very serious matter that is confronting this legislature and not a matter that calls for stump speeches or oratory that would be more appropriate at a state convention. I think that this legislature, having gone to the expense of thousands of dollars in an investigation of this type, should, before we take any hasty action, having in view our duties to our various constituents and the state of Maine, and the fact that we have expended thousands of dollars here on an investigation, we should wait awhile until we see what this testimony is so that the members may read it. And if the conclusion which the Senator from Penobscot, (Senator Perkins) has drawn that there is a complete vindication of the members of the present Highway Commission, is arrived at by this body, well and good. But I will say that if that is the conclusion that he draws, I, for one, draw a very different inference from the reading of plain English.

I do not care to discuss the merits of this matter now but I shall discuss them somehow, sometime, somewhere, after I have read the evidence and I am going to ask that this matter be tabled.

There isn't a member of this body that is familiar with the testimony. We don't even know where it is and I will ask that it be tabled until tomorrow morning and during that time I will see if the testimony is in the House and I will read it and familiarize myself with it.

The PRESIDENT: Does the Senator add to his motion assignment for tomorrow morning?

Mr. MAHER: Yes, Mr. President.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Maher, that both reports together with the bill be tabled and specially assigned for tomorrow morning, the pending question being the acceptance of the majority report. Is this the pleasure of the Senate?

The motion to table and assign prevailed.

Mr. OAKES, from the same Committee, on bill "An Act to create a circuit court and determine its jurisdiction and assign the terms of said court, and also the terms of the Supreme Judicial Court at nisi prius and as a court of law (S. D. 35) reported the same in a new draft, under the title of "An Act relating to the trial and law terms of the Supreme Judicial Court and to amend Section 98 of Chapter 82 of the Revised Statutes relating to the exchange of Justices of the Superior Court" (S. P. 665) and that it ought to pass.

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

Mr. Douglas, from the Committee on Maine Publicity, on Resolve for the advertising of Maine's Wild Life. (S. P. 335) reported that the same ought not to pass.

The report was read and accepted.

Mr. Maher, from the Committee on Judiciary, submitted its final report.

Mr. Lord, from the Committee on Maine Publicity, submitted its final report.

The reports were severally read and accepted.

Passed to be Engrossed

An Act to amend the Workmen's Compensation Act. (S. D. 383)

An Act validating acts and deeds valid except for certain irregularities and omissions. (S. D. 384)

An Act relating to marketmen's licenses. (S. D. 385)

Resolve in favor of several academies, institutes, seminaries and colleges for maintenance, repairs and improvements. (S. D. 386)

Mr. GRANVILLE of York: Mr. President, is the parliamentary situation on this matter the second reading?

The PRESIDENT: It is.

Thereupon, on motion by Mr. Granville of York, the resolve received its second reading and that senator offered Senate Amendment A and moved its adoption:—

"Senate Amendment A to Senate Document N. 386. Amend the line on page three of the printed bill 'Nasson Institute for Maintenance \$4,000' so that same shall read 'Nasson Institute for Maintenance \$6,000' and amend the line of page four of the printed bill 'Nasson Institute for Maintenance \$4,000' so that same shall read 'Nasson Institute for Maintenance \$6,000'."

Mr. SPEIRS of Cumberland: Mr. President, the committee on Education gave careful consideration to every bill that was presented to it. They didn't hurry. They carefully considered the merits as they were presented and made unanimous report covering some forty institutions. Two years ago there was appropriated \$62,000 for these institutions and after careful consideration this year we had to appropriate \$72,000 and if now you add \$2,000 more to this appropriation of course it will make it that much more. The Committee heard the Nasson Institute proponents and we found that this is an institution for the teaching of domestic science. It does not in any way come under the educational department of the state. It is a splendid institution and a prosperous one and we would like to see it succeed. It has \$150,000 to \$250,000 of real estate and a large endowment fund and we thought that as it was a prosperous institution we could take some from it and give it to others who are not quite so prosperous. And with that I am going to leave it in the hands of the Senate. I don't propose to oppose this measure nor will I be for it.

Mr. FOSTER of Kennebec: Mr. President, I hesitate somewhat to say anything on this matter but in justice to the statements and in fairness to all concerned it does seem to me that the remarks of the Senator from Cumberland, Senator Speirs, are very apt at this time. This is a blanket resolve covering, as we all know, the appropriations of the 83rd Legislature for schools and academies. You have heard what the senator said. Once this resolve goes through as presented by this committee we all know the result on the general program and if the way is opened to changing this or that or the other no one knows where we will land. I hope that the motion to amend this resolve will not prevail.

Mr. GRANVILLE: Mr. President and Senators, I think it is necessary for me to explain my position. I am well aware that we have to have a financial program and that it has to be assented to and lived up to by this Senate and this Legislature, and as the Senator from Cumberland, Senator Speirs, has admitted there is a material increase this year in the amounts allowed to academies. I assented to that financial program and my understanding at that time was that there were two measures under consideration, one a general law and the other this blanket resolve and that if the general law did not go through this blanket resolve would and that the academies would be taken care of in the usual manner but to my surprise when this bill appeared before the Senate, Nasson Institute was not in it. Everybody will have to admit that Nasson Institute is a worthy institution and is doing a very valuable work and it has been allowed in the last six years an amount of \$6,000 a year and this year while several other institutions have been increased Nasson Institute has been cut down two thousand dollars and that is the reason for my amendment and I think it is no more than just.

The PRESIDENT: The question is on the motion of the Senator from York, Senator Granville, for the adoption of Senate Amendment A. Is it the pleasure of the Senate that Senate Amendment A be adopted?

A viva voce vote being doubted

A division of the Senate was had.

Twelve having voted in the affirmative and ten in the negative the motion to adopt Senate Amendment A prevailed.

Mr. NICKERSON of Waldo: Mr. President if I am in order I wish to offer another amendment to the bill, Senate Amendment B, and move its adoption:

"Senate Amendment B to Senate Document 386. Amend Senate Document 386 by striking out on page two the line 'Freedom Academy for maintenance, fifteen hundred dollars' and making it read 'Freedom Academy for maintenance, two thousand dollars,' and striking out on page four 'Freedom Academy for maintenance, fifteen hundred dollars' and making it read 'Freedom Academy for maintenance, two thousand dollars.'"

Mr. NICKERSON: Mr. President, I regret very much at this time to feel called upon to offer an amendment to this bill. I realize the situation fully and during my four terms of service in the Legislature this is the first time that I have offered such an amendment, but I am speaking now for a little academy down in the county of Waldo, thirty miles from here, situated there among the hills in the town of Freedom, a town which has a small population and with a tax rate of 58 mills. This town is surrounded by other towns which send their students to Freedom Academy, such as Montville, Morrill, Knox, Liberty, Thorndike, Palermo and others.

After being chosen to the Senate I became interested in this academy and I inquired into its needs, and I conferred with the trustees of that institution even before I came up here and by request of the trustees I introduced the resolve for two thousand dollars for maintenance a year for that institution, not one penny more than they had been receiving. The bill was advertised before the committee, two of the trustees came up here and I went to the committee with them and it was near the close of a busy day with that committee. I introduced the chairman of the board of trustees and he told about the situation of the institution and its needs. I felt at that time that it wasn't necessary for me to do anything.

We are asking nothing in addition to what we have already received but when I received notice that this institution had been reduced five hundred dollars a year I rose from a sick bed and came to this Senate. I believe that the situation down in

Waldo county deserves your consideration. We have recently taken over and operate a railroad there and every member of this Senate knows that during the last few months that county has met with disaster in the failure of the Waldo Trust Company which affects that immediate vicinity vitally because two of those branch banks were located near this institution. I have been told by one high in authority in the educational matters of this State that if there was an institution that needed help it was Freedom Academy and I fully believe it. I do not believe that the members of this Senate want to go home and say that they helped to cut off the appropriation for this academy at this time.

There is one more matter that I wish to speak of. It has been circulated around the corridors of this State House that the amount required by law had not been paid to this institution and I have been advised that the committee acted upon that matter and felt that they were not justified in receiving their annual appropriation on this account. I went immediately to the office of the State Superintendent of Schools and he told me that the amount charged was sixty dollars, the amount required by law.

I said before that I regret very much to bring this matter to the attention of the Senate. I do hope that the Senate at this time will consider this matter fairly and squarely and will adopt the amendment.

Mr. SPEIRS: Mr. President, I can only repeat what I said before that it is the unanimous report and has the support of the committee on these resolves.

Mr. FOSTER: Mr. President, I, too rise merely to repeat in substance what I previously said on this matter. There are covered by this blanket resolve between forty and fifty schools and academies. Now, if this Legislature is to ignore the work of as important a committee as our educational committee when in every instance they have given public hearings, brought to the consideration of each matter their best judgment, it is for this Legislature so to do, but, for one, I am asking myself where it will end. When we had our agreement in regard to the financial program, when this matter was thoroughly understood and dis-

cussed, this body went on record un-animously endorsing and approving the report of this committee because it materially affected our financial program and I merely—after discussing the merits of this individual academy—call your attention to where we will land if the method already started is pursued.

Mr. BRAGDON: Mr. President, when the vote on this other matter was taken the argument of the Senator from Kennebec, Senator Foster, appealed to me. I believed that we should stand by the committee in supporting this resolve as it came from the committee but now that we have made an exception in favor of a comparatively rich institution I feel that we would be making a mistake in not extending the same courtesy to the poorer academy in the town of Freedom and I hope this amendment will be adopted.

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

A viva voce vote being doubted.

A division of the Senate was had. Sixteen senators having voted in the affirmative and five in the negative the motion to adopt the amendment prevailed.

Mr. SPEAR of Cumberland: Mr. President, I move that the matter lie on the table.

The PRESIDENT: The Chair recognizes the right of the senator to make the motion and the Chair is out of order in discussing tabling but here is a long measure which must necessarily be engrossed sometime if we are going to adjourn this Legislature. Does the senator insist upon his motion to table?

Mr. SPEAR: Yes, Mr. President.

Mrs. PINKHAM of Aroostook: Mr. President, I rise to ask if there is any way of making a suggestion without debating.

The PRESIDENT: The Senator from Aroostook, Senator Pinkham, there being no objection, is accorded the personal privilege by the Senate.

Mrs. PINKHAM: It has occurred to me, Mr. President, that since this resolve has been amended it will be necessary to amend the first section in which the total amounts are stated and perhaps it would be well to take care of that.

The PRESIDENT: Does the Sen-

ator from Aroostook, Senator Pinkham, second the motion to table?

Mrs. PINKHAM: Yes, Mr. President, I second the motion to table.

The PRESIDENT: And will the senator assign it for today?

Mrs. PINKHAM: Yes, Mr. President.

The PRESIDENT: Is it the pleasure of the Senate that the resolve be tabled and assigned for later in today's session?

The motion to table and assign prevailed.

Passed to be Enacted

An Act relating to the protection of moose. (S. D. 382.)

(On motion by Mr. Crafts of Piscataquis, tabled pending enactment.)

An Act to regulate the hunting of wild birds in the waters of Merry-meeting Bay. (H. D. 623.)

An Act to increase the salaries of the county Commissioners of York County. (H. D. 635.)

An Act to increase the salary of the treasurer of York County. (H. D. 634.)

An Act relating to the salary of the clerk of courts of Sagadahoc County. (H. D. 633.)

An Act to provide funds for topographical survey. (H. P. 1314.)

Finally Passed

Resolve, in favor of International Bridge over St. John River, Madawaska, Maine-Edmundston, New Brunswick, for a combined Immigration and Customs Office. (H. D. 632.)

Resolve, in favor of procuring testimonials for the purpose of marking the unmarked graves of the soldiers of the Revolutionary War. (H. D. 628.)

Resolve, in favor of the Bath Water District, a public Municipal Corporation located at Bath, in the County of Sagadahoc. (S. D. 367.)

Resolve, in favor of Opportunity Farm for assistance in obtaining a supply of pure water. (H. D. 627.)

Resolve, in favor of the University of Maine. (H. D. 624.)

Resolve, in favor of the State Reformatory for Women for the erection of a detention building. (S. D. 381.)

Resolve, in favor of the Reformatory for Women for maintenance and other purposes. (S. D. 379.)

(On motion by Mr. Smith of Somerset, tabled pending final passage.)

Orders of the Day

The President laid before the Senate, An Act to provide State Aid for Maintenance and upkeep of Academies, Institutes, etc. (H. D. 630) tabled on April 3rd by Mr. Speirs of Cumberland, pending consideration and today assigned; and the President recognized that senator.

Mr. SPEIRS of Cumberland: Mr. President, I move that we insist and ask for a committee of conference.

Mrs. PINKHAM of Aroostook: Mr. President, this is a new academy aid bill which in the House was indefinitely postponed and then on motion to reconsider that motion did not prevail. I can see no possibility of coming to any agreement with the House and I therefore wish to oppose the motion of the Senator from Cumberland, Senator Speirs, to insist.

Mr. SPEIRS: Mr. President, I can see no reason why the Senate should not insist and ask for a committee of conference. This was, as has been stated, indefinitely postponed in the House but we believe there has been quite a change in sentiment there and we ask that it go back to the House.

Mrs. PINKHAM: Mr. President, I move that we recede and concur.

The PRESIDENT: The motion to recede and concur takes precedence over the motion to insist.

A viva voce vote being taken

Fifteen senators having voted in the affirmative and four in the negative the motion to recede and concur prevailed.

The President laid before the Senate, An Act establishing fares on passenger boats plying between Peaks Island and Portland (H. D. 223) tabled on April 13th by Mr. Morrison pending passage to be engrossed and today assigned; and the President recognized that senator.

Mr. MORRISON of Franklin: Mr. President, I yield to the Senator from York, Senator Granville.

Thereupon, on motion by Mr. Granville of York the bill was passed to be engrossed.

The PRESIDENT: The Chair is proceeding along an unparliamentary line and realizes it in presenting this opinion from the Chair but we are reaching the stage in the

session whereby the Chair thinks it wise to ask the unanimous consent of the Senate to continue along that line. Does the Senate give consent? Is there any objection? If not the Chair will proceed.

Mr. MAHER of Kennebec: Mr. President, is the next matter House Document 350?

The PRESIDENT: It is.

Mr. MAHER: I understand, Mr. President, that it automatically comes off the table and the pending question is the motion to reconsider the vote whereby it was passed to be engrossed.

The PRESIDENT: The Senator is correct.

Mr. MAHER: Speaking very briefly, Mr. President, to that motion, I trust that the Senate will reconsider its action whereby this bill was passed to be engrossed. We have had various arguments here all of which have been from one angle or another but no one has said anything from the standpoint of the bear. It seems to me that it is an ill-advised thing to create this bounty which will result in one of two things: Either a slaughter of these animals or no practical change from today. We hear about certain sections of the state being over-run with bear to the destruction of the sheep and in that particular locality is where there is sought to be alleviation. Now, I cannot believe that the forehanded and capable people who are living in those sections stand meekly by and allow their flocks to be slaughtered by the predatory bear. Undoubtedly they may do some damage but how will a bounty accomplish anything? Won't those people try to protect their flocks without a bounty and without any stipend from the state? It seems to me that they will. I have been particularly intrigued with the history of the bear. I think it would be absolutely too bad to wipe them out in this state. This is their natural habitat. Differing from most animals, I am informed on credible authority, they breed but once in two years and the black bear which we find in bear is not a vicious animal. As a matter of fact he serves very useful purposes aside from merely being game. I am not at all sure from information which I have tried to glean from reading up a little on natural history—of course it is debatable—but I am not

at all sure but what the bear averts many pestilential attacks which would be more serious, even, in their effect upon the flocks than the ravages of bruin himself. I won't take time at this juncture but I really would like to be able to put the trenchant argument that could be devised from a real, sane standpoint of animal life in this state. If I had my way it probably wouldn't meet with the approval of anybody and it certainly would not be in the interests of the sportsmen or summer camp people—I am not interested in them except as the ordinary citizen—but if I had my way I would make a closed time on all wild animals in Maine. I would make Maine a sanctuary. I like the spirit of sanctuary that has been spreading more and more all over the state and I would like to see the youth of our state brought up with more respect for these most useful denizens of this state. I hope the motion will not prevail.

Mr. WOODS of Penobscot: Mr. President, the farmers in Maine since this legislature started have asked for very little legislation. Evidently the distinguished and eloquent Senator from Kennebec (Mr. Maher) could never have been a farmer for I know that although he may have sat up a good deal at night the farmers have to sleep and that is the time that bears do the damage. Now then, these farmers are unable to lug around a great big bear trap on their shoulders all the time to catch these bear and furthermore there are times in the year when the bear live in holes and are inaccessible. Now then, this morning I saw a letter that was mailed from a person who lives in northern Penobscot and who stated that in his town during the past year the bear had destroyed sixty-two sheep.

Now, I will not follow on with this argument any further but I know that the bear are a detriment and an injury to the farmers of Maine and that the farmers in Maine have only come here with this one matter of legislation and I hope it will be the sentiment of the Senate that the Senate will be willing to accord them this privilege and allow a bounty on bear.

Mr. ALLEN of Penobscot: Mr. President and members of the Senate, I do not wish to take up very much of your time here, but there are two questions that I think of:

first, whether we are going to raise bear or raise sheep and second, whether we are going to protect the farmers or protect the sportsmen.

Now, for the last two weeks the bears have been on the table. Every time a bear was about to be taken from the table somebody would go out and then it would be retabled again. Now, I think it is about time that we did something about these bears that have been out in the corridors here in the State House. They say that bears are roamers but it seems to me that our senators are worst roamers. (Laughter)

Now, I have come down here to protect the people of our state and I really think we should protect them, the people who live here, and if a man can raise only sheep on his farm we should protect that man.

I have a letter here from a man who lives in Kingman and only last year he lost 76 sheep by bear. Now, there is no question but what you can tell the difference between bear-killed sheep and dog-killed sheep. There are a lot of people that say that dogs kill the sheep. Now dogs tear sheep and leave them in the field. They do not eat them and the bear takes the sheep and carries him away.

For my part I hope that we do not reconsider this vote. I want this bounty placed upon bear to protect the farmers who live in this state.

Mr. MAHER: Mr. President, I will be extremely brief in addressing myself to the serious argument of the Senator from Penobscot, Senator Allen. I will say that I think this matter of the saving of sheep is grossly over-estimated as to its importance and grossly exaggerated. Maine fifty years ago was one of the five largest sheep growing states in this union and at that time there was no bounty on bear and at that time there certainly were fully as many wild animals in Maine as there are today. Maine, however, gradually slipped from her economic position as a strong sheep growing state and it is a regrettable thing and if anything could be done that would genuinely encourage that industry I would be one of the first to do it in order to see Washington county, for instance, occupy the position that it once did as one of the foremost sheep-raising counties in America. But this diminution of sheep has other very important contributing causes, such as tariff and non-tariff, etc., which has had very

much more effect upon the depletion in the state of Maine than bear.

Now, the argument of my associate senator, Mr. Woods from Penobscot, interests me but it is not sound. He indicates the lack of familiarity with bear and the catching of bear when he talks about going around with a bear trap on his shoulder. The gentleman must know, living in the midst of that section—which whatever else we may say about it certainly in recent years has shown that it is a bear—(laughter) he must know that the way to catch a bear with a bear trap is to erect a building. As I understand it they put up a building. They do not leave the old fashioned trap out loose. That is not the way it is done, just leaving a trap out for bears to walk into. It is not done. There may be some few instances—in Oxford county that may be the way they trap bears—but the correct and approved methods, as I understand it, is to protect the public and other animals from the terrible bear trap and in order to do that they erect a structure. Of course, they are not going to carry that around. But it brings me to this—and this is “much ado about nothing”—I am surprised that the animosity to the bear shows itself from Penobscot county. Down here in this part of the state most of our acquaintance with the bear, our ocular acquaintance, is confined to “Bananas.” We realize that one of the great agricultural institution of Maine is the University of Maine, which is a monument to the agricultural interests of this state and which has produced some of the most distinguished men in our state—and even in this country—one of those men within three weeks having earned a prize from one of the great foundations as being one of the six distinguished educators of all the world—from the University of Maine—and yet the particular mascot, so to speak, the thing that is identified in the mind of the outsider who throngs the sidelines to see the University of Maine prance down the field and make light of the feeble resistance from the effete central and western part of the state—always out in front leading aggressively the charging cohorts is bruin—“Bananas.” (Laughter)

Mr. WOODS: Mr. President, I have been very much interested in the remarks of the distinguished Senator from Kennebec (Mr. Maher) rel-

ative to bear traps but I know that his knowledge of bear traps must have been gotten from a book because I haven't seen one of those bear traps—although I spend much time in the woods and have in recent years—I haven't seen one of those bear traps such as he describes for many years. The bear traps we have now are made of iron. They are heavy. They have long fangs to their jaws and to them is attached a chain and on this chain is a clog and that is what the senator is trying to do with our bear bill. I very much regret that anyone in the Senate should try to clog our bear bill.

Now, the Senator speaks of the predatory animals. He dislikes very much to see any of them destroyed. I would sympathize with the senator if he were in a locality where there were as many hedge-hogs as I have seen in some places and which the Senator from Piscataquis, Senator Crafts, has tried so hard this winter to destroy.

I still feel that the senator (Senator Maher) has the wrong conception of bear traps and the lumbermen of the state of Maine would be very much averse to the old sort of bear trap because it requires the destruction of so much timber to make one of those traps and economy of timber has reached such a stage that we now use the steel bear trap.

Mr. BUZZELL of Oxford: Mr. President and Senators, I am not going to discuss bears much. You all know my attitude but I do wish to thank the Senator from Kennebec, Senator Maher, for the information that I can take back to the bear-trappers of Oxford county and I do hope that while we do not expect to kill all the bears, we may be able to lay low the one that has been chasing certain senators here lately.

Mr. PERKINS: Mr. President, in order that the bear may know its fate I move the previous question.

The PRESIDENT: There is no such motion in order in this Senate.

Mr. PERKINS: I withdraw my motion, Mr. President.

The PRESIDENT: The question is on the reconsideration of the vote whereby the Act relating to a bounty on bears was passed to be engrossed. Is it the pleasure of the Senate that the vote be reconsidered?

A viva voce vote being doubted.
A division of the Senate was had.
Eighteen having voted in the af-

firmative and ten in the negative the motion to reconsider prevailed.

Mr. MAHER: Mr. President, I move that the bill be indefinitely postponed.

The motion prevailed.

Mr. MAHER: Mr. President, I now move that we reconsider our vote whereby we just voted to indefinitely postpone and I hope my motion will not prevail.

Mr. ALLEN: Mr. President, I ask for a yea and nay vote.

The PRESIDENT: The Senator from Penobscot, Senator Allen, asks for a yea and nay vote upon reconsideration. The Chair will explain the situation as the Chair understands it. The question is on the motion of the Senator from Kennebec, Senator Maher, that we reconsider the vote just taken whereby this bill was indefinitely postponed and the Senator from Kennebec, Senator Maher, says that he hopes his motion will fail. In other words all those who do not wish to put a bounty on the bear will vote against reconsideration. Is the question plain? The Secretary will call the roll.

The Secretary called the roll.

Those voting "yes" were: Senators Allen, Bragdon, Buzzell, Harriman, Holmes, Mitchell, Morrison, Nickerson, Pinkham, Woods—10.

Those voting "no" were: Senators Bond, Case, Crafts, Douglas, Drake, Dunbar, Dwinall, Foster, Granville, Maher, Miner, Oakes, Perkins, Roberts, Smith, Slocum, Spear, Speirs—18.

Absent: Senator Lord.

The PRESIDENT: Ten having voted in the affirmative and eighteen in the negative the motion to reconsider fails of passage.

Mr. BRAGDON of Aroostook: Mr. President, now that the roaming bear has been definitely disposed of in this Senate, if in order I will move that our messenger be authorized to instruct our roaming senators that have been mentioned that it is safe for them to return.

The PRESIDENT: The motion is not in order.

The President laid before the Senate, House Report from the Committee on Ways and Bridges on An Act to amend distribution of tax on gasoline (H. D. 24) tabled on April 13th by Mr. Oakes of Cumberland pending acceptance of the report and today assigned; and the President recognized that senator.

Thereupon, on motion by that senator the bill was retabled pending the acceptance of the report.

The President laid before the Senate, An Act to consolidate the general superintendence, management and control of State Prison, Reformatory for Men and Reformatory for Women (S. D. 185) tabled on April 13th by Mr. Morrison of Franklin pending consideration and today assigned; and the President recognized that senator.

Mr. MORRISON of Franklin: Mr. President, I move that the Senate adhere and speaking very briefly to the motion I would say that this is a matter that provides for the abolishment of the board of trustees of the Women's Reformatory of Skowhegan, the Men's Reformatory at South Windham and the Board of Prison Commissioners and Superintendent of the State Prison at Thomaston and it provides for the creation of a new board of trustees having the superintendents of all those institutions and this new board of course will be appointed by the Governor and will be appointed, if this law passes, all at one time.

Now, this matter was given a very thorough hearing before the committee on state prison and after careful consideration there was a divided report sent out from that committee. The majority of the committee which included all three of the members of the committee from this body reported that the bill ought not to pass because while this consolidation scheme might seem to be all right as a matter of theory yet it seemed to us that it wasn't practical to make such a radical change in those institutions at that time. In the first place, all of those institutions are running along smoothly and economically. I have never heard a single word of complaint against the Women's Reformatory at Skowhegan or the Men's Reformatory at South Windham. In fact, I have heard nothing but words of highest praise concerning the management of those institutions. There have been sort of underground rumblings and complaints in regard to the State Prison at Thomaston and the State Prison Commission but I can sincerely say before this Senate that from what investigation I have made and what I have been able to learn that those complaints are not well grounded. They come

from dissatisfied employees within the walls of the prison and they also come from some citizens down in that vicinity who for some reason seem to be prejudiced against this commission.

Now, this State Prison Commission is composed of three men whom you probably all know. Mr. Hastings, is the Chairman, Mr. Hichborn and Mr. Gay. They are all honorable men, men whose honesty and integrity I do not believe has ever been questioned, and they have had the best interests of this institution at heart all the time and they have given unsparingly of their time and of their energy and in some cases of their money in an effort to raise the standard of this institution as a penal institution. And I think that their efforts along this line have met with success for I surely believe that so far as economy and efficiency are concerned, so far as progressiveness along most lines is concerned that this institution down there at Thomaston ranks with the highest institutions of its kind in the country and while I hope that the purpose of this bill is not aimed at this prison commission, still I think its discharge would reflect upon this honest, faithful board of public officials.

The matter came up before this Senate once before and the majority report of the State Prison Committee "ought not to pass" was accepted and I surely hope that the Senate at this time will not see fit to reverse its decision.

Mr. PERKINS of Penobscot: Mr. President, at the time this Senate received the committee report I was not in the Chamber. I want to say to you that I introduced this bill calling for a board of five to replace a board of thirteen in the management in those different institutions. I want to say to you at this time that it does not in any way reflect upon the prison commission as some of our senators would have you believe. I just simply believe it is along the line of good business. I believe it would be better for the interests of the state of Maine and the interests of the tax payers and I believe it would be far better for the management of those institutions and I have received a great many letters supporting this bill, and I wish to move at this time that the Senate recede and concur with the House.

The PRESIDENT: The motion to recede takes precedence over the motion to adhere. The question is on the motion of the Senator from Penobscot, Senator Perkins, that we recede and concur.

Mrs. PINKHAM of Aroostook: Mr. President, I wish to support very briefly the position of the Senator from Franklin, Senator Morrison, and oppose the motion of the Senator from Penobscot, Senator Perkins. I was present at the hearing of the State Prison Committee as one of the committee and I want to confirm what the Senator from Franklin (Senator Morrison) has said. There was no evidence that the management of any of those institutions was not of the very best and most efficient sort and it seems to me a pity to scrap two boards of trustees and one commission without a very good reason. I would like to read to you the list of the trustees of the State Reformatory for Men: Leslie Boynton, President; Austin H. MacCormick, Secretary; David E. Moulton, Henry F. Merrill and Vincent W. Canham. It seems to me that if there were no other reason for failing to pass this bill that that list would be a good reason.

Of course it is possible that the commission of five which would be appointed could do the work just as efficiently and just as carefully but it seems to me that five men of even very superior ability would be very unlikely to manage the institutions in a better way than they are managed at present.

On the question of economy it is possible that there might be a small saving to the state but that was not proven at the hearing and although it is possible I do not believe it is probable that there would be any saving. It seems to me it is a very wise provision in the case of most of our boards of trustees that appointments are made every one or two years. But this would require five new appointments at the same time and I hope that the motion to recede and concur will not prevail.

Mr. HOLMES of Androscoggin: Mr. President, I have not paid much attention to this measure as it has traveled along through the Legislature and I do not intend to discuss it. I want to ask through the Chair a question of the Senator from Penobscot, Senator Perkins, and the question is this: Is it a fact that if this bill should become a law that

it will automatically legislate men out of office.

The PRESIDENT: The Senator from Penobscot, Senator Perkins, may reply if he wishes to.

Mr. PERKINS: I will say, Mr. President, that if this bill should become a law five men would automatically replace thirteen as the trustees of those different institutions.

Mr. HOLMES: Mr. President, I understand the senator's answer to be in effect that my view is right that it would legislate those men out of office. I want to say, and want to go on record, that I am opposed to any such proceedings in any instance whatever. The Constitution provides a means for removing from office, office holders whom the legislature believes should be removed. One is an impeachment trial for misdemeanors and the other is a joint convention and resolution to the Governor. One or the other is the proper method to pursue in every instance.

Mr. PERKINS: Mr. President, I wish to say at this time that I think the issue is being befogged just slightly. The impression seems to have arisen that this bill is aimed at some certain members of these different institutions. I wish to correct that impression. I believe that if there were anything against the different directors that they could be removed as prescribed by law. The purpose of this bill is simply that we believe we can concentrate and that five members will replace the thirteen and it will work out for the better interests of this state and for the better interests of the institutions. This bill is not aimed at any one particular man or at any particular board. It is just simply a bill along the lines of good legislation as I understand it.

The PRESIDENT: The question is on the motion of the Senator from Penobscot, Senator Perkins. Is this the pleasure of the Senate?

A viva voce vote being doubted

A division of the Senate was had. Seven senators having voted in the affirmative and seventeen in the negative the motion to recede and concur failed of passage.

Mr. PERKINS: Mr. President, I move that we insist and ask for a committee of conference.

The PRESIDENT: That motion also takes precedence over the motion to adhere.

A division of the Senate being had Seven senators having voted in the affirmative and fifteen in the negative the motion to insist failed of passage.

The PRESIDENT: The question is now on the motion of the Senator from Franklin, Senator Morrison, that we adhere. Is this the pleasure of the Senate?

The motion to adhere prevailed.

The President laid before the Senate, Resolve in favor of the Prison Commission (H. D. 615) tabled April 13th by Mr. Maher of Kennebec pending first reading and today assigned; and the President recognized that senator.

Mr. MAHER of Kennebec: Mr. President and members of the Senate, my remarks will be extremely brief and whether of avail or not I can not say. This calls for an expenditure of \$1,441.64 for pay to employees who have made affidavits against their superiors and were discharged or suspended and later were taken back as the result of requests from very high sources. If there is any such a thing as recognition of authority in this state, it seems to me that it is about time that the legislature of this state should put a seal of disapproval upon striking employees. I think we have had examples, both state and national in other commonwealths, notably our sister state at the time when our present chief magistrate of this nation was the governor thereof and there was no patience shown with the striking state employees. These men were strikers. If the Senate desires to pay them and add that much to our constituents' expense, very well. As for me, I think it is wrong in policy, wrong in economy and very very conducive to a want of authority and want of discipline in the state, itself. I move the resolve be indefinitely postponed.

(At this point Senator Dwinal of Knox assumed the Chair).

The PRESIDENT pro tem: The question is on the first reading of the bill. Mr. MAHER; Mr. President, I move it be indefinitely postponed.

The PRESIDENT pro tem: The question is on the motion to indefinitely postpone. Is there any further discussion? If not, is it the pleasure of the Senate that the resolve be indefinitely postponed?

The motion to indefinitely postpone prevailed.

Mr. MAHER: Mr. President, I move that we reconsider our vote and I hope that it will be quickly voted down.

The motion to reconsider failed of passage.

The President pro tem laid before the Senate, Joint Order relative to Maine Development Commission tabled on April 13th by Mr. Spear of Cumberland, pending passage, and today assigned.

Mr. SPEAR of Cumberland: Mr. President, I move that this order be retabled until Senator Lord returns to his seat.

The motion to retable prevailed.

The President pro tem laid before the Senate, Resolve in favor of Willis Myrick, compensating him for damage done to a piece of oats by porcupines, (H. P. 829), tabled on April 13th by Mr. Smith of Somerset, pending consideration, and today assigned.

Mr. WOODS of Penobscot: Mr. President, Senator Smith is not in his seat and I move this resolve be retabled until he returns.

The motion to retable prevailed.

The President pro tem laid before the Senate, An Act relating to mill tax highway fund, (H. D. 592), tabled on April 13th by Mr. Holmes of Androscoggin, pending enactment and today assigned.

Mr. HOLMES of Androscoggin: Mr. President, I tabled that bill by mistake, thinking that it was the half mill tax for highways and therefore I take myself out of the way.

The PRESIDENT pro tem: The question is upon enactment.

Thereupon, on motion by Mr. Case of Washington, the bill was passed to be enacted.

The President laid before the Senate, An Act relating to war bond sinking fund, (H. D. 611), tabled on April 13th by Mr. Holmes of Androscoggin, pending enactment, and today assigned.

Mr. HOLMES: Mr. President, I want an opportunity to discuss this as briefly as I can and as briefly as its importance demands and the question is on enactment. Therefore, no motion is necessary. I understand, for one to hold the floor. My desire would be to move to indefinitely postpone but I take it that all that I have to say will place myself

on record in opposition to this measure.

I voted for the bill for bounty on bears but after it was voted, I was inclined to think that perhaps I was mistaken and that it was just as well that that measure was obtained and that it might be the desire to put a bounty on democrats judging by some of the votes in the Senate.

Now the legislature has in its power to pass to be enacted and make a law of this act relative to the war bond sinking fund, but I hope that they will understand what it is and what it does and if I make mistakes and if I draw wrong inferences as everybody is liable to do, of course the Chairman of the Committee on Appropriations and Financial Affairs, as he was present, will correct my mistakes for your benefit as he very well can do because I have had no opportunity to make a study of this question and perhaps if I had an opportunity I would not be able to profitably avail myself of it from the lack of financial training.

(At this point President Holley resumed the Chair.)

But I think I can form a fair idea of what a law in existence means by what it says and likewise a fair idea of what a proposed law means and what it will accomplish. As to whether or not the finances may be different from what I suppose, I will have to frankly say that the distinguished senator from Kennebec, Senator Foster, does know better than I and ought to know better than I.

Now, House Document 611 is an act relative to the war bond sinking fund, that is all of its title and it undertakes to amend the law of 1921, Chapter 221 by striking out the whole of the section which is the only section of any importance and substituting these new clauses as a new section. My recollection is that the rest of the law is merely an emergency clause or some other formal matter. It was passed as an emergency measure in 1921, I believe.

(On motion by Mrs. Pinkham of Aroostook, the rules were suspended and the Senators were allowed to smoke.)

Chapter 221 of the laws of 1921 was and is an act to provide a sinking fund for war bonds issued by the state of Maine and it bore the emergency preamble and it became a law as an emergency and probably was I believe, although I was not a

member of the legislature at the time and have no personal knowledge.

Now this proposed amendment says, quoting from House Document 611, on the first page of House Document 611, Section 1: "A tax of one mill on a dollar shall annually be assessed upon all the property of the state according to the value thereof, to be known as the War Bond Sinking Fund. The proceeds of this fund shall be used for the following purposes in the following order:" Now, those words which I have just read are the words, I think, of the law of 1921, so far, word for word, but now begins the changes. No, the first clause under Section 1 in the law of 1921 is left the same. Reading from House Document 611, it says, "First: to pay the interest on all bonds issued under authority of chapter one hundred and eighty-seven of the public laws of nineteen hundred and seventeen."

That is the same as the law of 1921 and then the second clause is the same except that it leaves off the last words of the second clause in the law of 1921 which words are "and all bonds issued under authority of Chapter 189 of the public laws of 1921." That, I think, is properly left off. That refers, as one will find by going back to Chapter 189 at the end of this volume of the Laws of 1921, to paying the interest on the special war soldiers' bonus fund, which was killed by the people when it was referred to the people so that there is no further need of that in the law. So far, so well.

The third clause of Section 1 of House Document 611 accomplishes a similar purpose by changing the law of 1921 just enough to leave out the provision for the Spanish War bonus sinking fund which of course, is not needed because the people of Maine killed the Spanish War bonus under the referendum.

Now the fourth clause under Section I in House Document 611 considerably changes around the wording but I do not believe that any harm will come from it. It will effect, eventually, if it becomes law, the bookkeeping of the state auditor as to the payment of pensions for every reason except old war pensions but it will not make any difference in pensions that the legislature may, by special resolve vote.

Now the fifth clause in the laws of 1921, the fifth clause under Section

1 is dropped out of this proposed amendment, House Document 611.

The bond clause in the law of 1921 is the clause which provides for reimbursing cities and towns for aid furnished to dependents of soldiers, sailors, marines, etc., and I inquired of the State Auditor whether or not he understood the reason for dropping out that clause to mean that cities and towns have now been reimbursed. He could not be certain about that but he said that no claims from them had been coming in of late. Whether or not there are more to be reimbursed is totally beyond me. I do not know and do not know of any way of finding out. I am going to leave that to the Chairman of the Committee on Appropriations to answer, because I should think that it was a part of the duty of the Committee on Appropriations to make certain that no further claims would come in from cities and towns for reimbursement but they reported out this bill, leaving out the fourth clause of Section 1, and I assume that they did their duty so that the fifth section being dropped out of the law of 1921 the last section of this document 611 is numbered "fifth" and it reads as follows: "Fifth: To set aside in the fiscal year ending June thirtieth, nineteen hundred and thirty-three, and in each of the fiscal years thereafter to and including the year nineteen hundred and thirty-seven, the sum of one hundred thousand dollars each year, the same to be used to pay the bonds maturing on May first, nineteen hundred and thirty-seven, said bonds having been issued under authority of chapter one hundred and eighty-seven, of the public laws of nineteen hundred and seventeen."

Now that radically changes the law of 1921, Chapter 221, the act to provide for a sinking fund upon the war bonds and bonus bonds issued by the State of Maine which House Document 611 is amending.

The last clause under Section 1 in Chapter 221 of the Laws of 1921 which is entitled, as I said, to provide for a sinking fund, reads as follows: "Sixth: Any balance of said tax remaining in the state treasury in any year shall be set aside as a special sinking fund to retire at maturity all bonds issued under the provisions of chapter one hundred and eighty-seven of the public laws of nineteen hundred and seventeen. Of course everybody knows those were war bonds.

Now the Legislature of 1921 considering in my opinion that sixth clause to be of so much importance out-wording all the other clauses in the law that entitled Chapter 221 is an act to provide a sinking fund for the war bonds and bonus bonds. Now it became the duty of the State of Maine having solemnly pledged itself to the people, and by the State of Maine, I now mean the State government, to set up the war bond sinking fund.

Now you will notice, as I have read, that the last section which in House Document 611 is numbered the fifth because of the dropping out of the old fifth in the old law, you will notice that that radically changes the constitution of the war loan sinking fund and what it amounts to is that beginning on June 30th in the year 1933, a war bond sinking fund shall begin to be created, not now but in 1933, to take care of bonds which will mature May 1, 1937.

Now we are supposed to have this minute and we are supposed to have been having since 1921, in July, a sinking fund reserve which is supposed to have been growing from July,—yes, earlier, as it was an emergency act, from 1921 to the present date.

Now, I want to read a quotation from the Legislative Record of 1925, the very last session, on page 1017. Mr. Wing of Auburn, and this is what he said on the floor of the House, "There is another matter which the Legislature up to this time has not been confronted with, and I bring it to your attention. Chapter 161 of the Private and Special Laws of 1923, which was an act similar in title, provides a mill tax for a war bond sinking fund. The provisions of these Chapters which I have read to you provide for the assessment of a mill tax, the proceeds to be used to pay interest on war bonds, to pay interest on World War and Spanish War bonus bonds, to provide funds for a sinking fund for World War and Spanish War bonus bonds, to pay pensions for soldiers and sailors and their dependents and to reimburse towns for soldiers' and sailors' dependents, and the balance of each year's tax was to be set aside for the retirement of these bonds.

Now to my astonishment, whereas these taxes for 1921 and 1923 were properly assessed, there has been no report made to this Legislature of the disbursements for the pur-

poses set forth in these chapters which I have read to you nor is anything of that nature set up on the books of the State; so that you cannot go through the books of the State Auditor today and find this balance set up for which our citizens and our property have been taxed. There have been paid various items under this act or against these bonds in 1921 and 1923, which estimates carried through to the 30th of June, 1925, which is the fiscal year, will leave an overdraft or an un-set up balance of about \$270,000. In other words, this balance of the proceeds of these bonds has not been set aside as a sinking fund in accordance with the act of 1921 and that of 1923, and there will exist on the 30th of June, 1925, a discrepancy, a balance or an overdraft, or an undescribed balance, as I say of about \$270,000."

That is not myself speaking. He is not a Democrat, or any kind of a radical speaker. That is the gentleman who was the Republican leader in the House in 1925 and he said at that time that not only had the sinking fund reserve been set up, but there was an overdraft amounting to \$270,000.

Now following the adjournment of the legislature of 1925, I learned from consultation with the State Auditor that a sinking fund was then at last set up as required by law and the doing of which was so severely criticised by Mr. Wing, as I have quoted, but the State Auditor informs me this morning in answer to my request for information as to the present amount in the sinking fund reserve which he started since the legislature adjournment of 1925 to set up is \$116,176.56.

Now if Mr. Wing was correct in his figures, and I do not know myself but I know he is a careful man and probably made certain at that time, but if in April 7, 1925 there was an overdraft of \$270,000 then there may be a bookkeeping balance of \$116,176.56 as the present amount of the war bond sinking fund on the books—bookkeeping—but there can not possibly be any such cash in the possession of the State deposited in banks.

But now let us assume for the sake of argument that Mr. Wing may have been mistaken, and let us assume that either through a mistake or by some other financing and financial procedure during the past two years, that it is true that the State of Maine possesses somewhere

something in addition to a bookkeeping balance, in addition to a bookkeeping sinking fund reserve of \$116,176.56 and because they ought to have vastly more than that if this law of 1921 had been obeyed, but assuming that we have that in cash and not a bookkeeping balance, what will become of it?

Now I wanted to know when I had my conversation with the State Auditor, and I presumed and I advanced this theory to him as to interpretation of law and he said that it was right—I presumed that when it comes to interpreting the law in regard to the finances of the State, enacted by this or any other legislature, that the State Auditor, himself, is the first judge of what it means and if he is in doubt and if he wants advice then it is his right and duty to go to the attorney general and get an interpretation of it and he is not bound at the present time to give an interpretation of what Section 1, Clause 5 of House Document 611 will mean and what it will do to that balance, either bookkeeping balance or \$116,000.00. Does it repeal the last section, or the last clause of section 1 of the Law of 1921 and arrange for a new sinking fund reserve and a sinking fund reserve which this legislature proposes to say shall remain until June 30, 1933—but any words if changed, is it to repeal them? If it was the intention to repeal that sinking fund reserve law of 1921, would it not be better and would it not be more frank and honest to say to the people, "We are repealing," and draft and pass a law which distinctly repeals it and not do it by indirection?

It is my own view of the meaning of the fifth clause in Section 1 of House Document 611, that it repeals by indirection the sinking fund reserve as created by law in 1921 and it leaves \$116,000 if the State has it, and I do not know if it has, it leaves it in a position where it can be spent for other purposes than for the purpose which the legislature of 1921 solemnly dedicated it.

For those reasons, without making a motion to indefinitely postpone, I want to record myself when the vote comes, as voting "no" on the final enactment of this act.

Mr. FOSTER of Kennebec: Mr. President, I hardly think it is necessary to take any extended time in bringing to your attention this

matter. Your committee gave it a most careful consideration and to refresh my own memory and that possibly you might have a little clearer explanation of the matter I have obtained some figures and a statement from our State Auditor, Mr. Hayford, whom I believe you all recognize as a most efficient official and one who can very concisely sense the intrinsic matters to our attention.

The distinguished Senator from Androscoggin, Senator Holmes, in the opening of his remarks, plainly said he had had no opportunity whatever to study this question. I have not had the opportunity in detail to study it, perhaps as much as I should, but I am thoroughly convinced, as intimated before, that our State Auditor is thoroughly competent to explain this matter to us and I believe, Mr. President, and Senators, that there is nothing he should do, nothing of political weight, in anything this body does in relation to this proposed measure.

Now Chapter 221, as has been stated, of the Public Laws of 1921 did impose a tax of one mill of the valuation of this state to pay our obligations on account of the World War. Of this, \$300,000 in maturing soldiers' bonus bonds are payable on the first day of December and \$50,000 a year on the million dollar war debt of 1917, referred to by the Senator. Now the interest, annually payable on account of these bonds amounts to about \$80,000 a year. The one mill assessed on the property in this state was not sufficient to meet all the expenses for a number of years, with the result that the legislature continued to prepare, in the regular appropriation bill, for the reduction of this debt and the interest. Two years ago, or 1925, this was established upon the books of the state and the sinking fund, now available to meet matured bonds, exactly as the Senator says, to \$116,176.56. There has, however, been paid on the war bonds four maturities of \$200,000 each. The first \$500,000 will all be paid by 1932. Now the purpose of this amendment is to provide a sinking fund to be set aside beginning in 1933 for \$100,000 each year. This will be available to meet the remaining half million due in 1937.

Now if you will refer to your Budget Committee's report on Page 33 you will find additional details in regard to this whole matter present-

ed to this legislature by that committee.

The entire issue of bonds of \$3,300,000 known as the Military Service Bonds will be matured in 1932. Now the Senator raises the question as to what has become of the accumulation from these war bonds and the tax of a mill for the purpose. In the estimated income for the next two years this was a very vital matter that was taken into consideration and on pages 10 and 11 of the same report there should be added to the budget figures as given, the war bond mill tax for the first year of \$179,188.00 and the second year of \$202,688.00. It is there. It is going to be used. We are mighty lucky to have it. I see nothing but the best of financial management in asking for the passage of this measure. I have thorough confidence in the bookkeeping in the auditor's office and the accounts as kept and the reports as given to the public and to this legislature, and for one, I would feel safe in taking the recommendation of the Budget Committee on this matter and I move you that this measure, if there is no motion before the Senate, take its regular course, passage to be enacted.

Mr. HOLMES: Mr. President, may I ask, through the Chair, a question of the distinguished Senator from Kennebec, Senator Foster?

The PRESIDENT: The Senator may.

Mr. HOLMES: Mr. President, I should like to be clearer on this point: Have we or have we not any cash, not by mere bookkeeping, \$116,000 as money in the sinking fund reserve for war bonds?

Mr. FOSTER: Replying, Mr. President, to the Senator from Androscoggin, I will say that that very question, almost word for word, I propounded to the State Auditor this morning and he said we had, and if I wished, he could give me the detail just where it was. Does that answer the question?

Mr. HOLMES: Do I understand the Senator to mean that this balance of whatever there may be in the sinking fund war bond reserve is now going to be used for general purposes of state government?

The PRESIDENT: The Senator may reply if he desires.

Mr. FOSTER: Possibly. I do not get his question and would ask him to repeat it.

Mr. HOLMES: In other words, trying to make myself clearer, in this way, just what is going to be done with it since the Senator is convinced that we have it in cash?

Mr. FOSTER: It is to be available to meet the remaining half million dollars due in 1933. Does that answer?

Mr. HOLMES: If I understand correctly, it does. If I understand the Senator correctly, that money is to be held charged with a trust. If so, that is just what should be done, but then House Document 611 ought to be amended so as to make it clear, so that there won't be any financial juggling after this legislature adjourns. I, as well as the Senator from Kennebec, Senator Foster, may be interested and concerned to find financial judgment used in the conducting of the finances of the state and in the conduct of the State's bookkeeping, but I take it for granted that it is true without argument and goes without saying that the distinguished Senator from Kennebec is just as much opposed to financial juggling as I am and just as much opposed to leaving the door open so that after we leave the State House financial juggling may be done and it is my opinion that under Clause 5 as it stands today, we are not safe and that trust fund is not protected and unless, and I do not believe under the circumstances that it is my duty to offer an amendment, having called it to the attention of the distinguished financial experts who sit in these seats, that my duty is ended then and that it is the duty of the Committee on Appropriations to redraft Section 5 so that whatever money is today in the sinking fund, will remain there in that trust which the legislature in effect pledged itself to the people that it should, in 1921 waiting for June 30, 1933 when the sinking fund reserve will begin to function.

Mr. FOSTER: Just a word, Mr. President, I see no intimation from any source whatever by the State Auditor or the chairman on the part of the Governor's Council who drew this measure, of any attempt whatever to juggle the figures as given out by this legislature. I have implicit confidence in the ability and the high integrity of both of those men and if the conscience of my distinguished brother senator, after having made the statement he has, is clear, I move you that this mat-

ter take its course and the resolve be passed to be enacted.

The PRESIDENT: The question is on the enactment of the resolve. Did the Chair understand the Senator from Androscoggin, Senator Holmes, to say that he wished to vote "no," and did he wish to ask for a roll call?

Mr. HOLMES: No, I do not care to make myself so conspicuous.

The PRESIDENT: The question is, shall this bill be passed to be enacted?

The motion to pass to be enacted, prevailed.

The President laid before the Senate, An Act to apply surplus funds toward state construction, (S. P. 647), tabled on April 13th by Mr. Holmes of Androscoggin, pending enactment, and today assigned.

Mr. HOLMES: Mr. President, I will move to table and assign for the first thing this afternoon, and speaking to the question of the time of assignment I will state as my reason that I am waiting for certain figures and if the President and the Senate think that thereby delay will occur and that we will not be doing all the work that we could, in place of it I am willing to take up the consideration now of a measure I have now tabled at the bottom of the list, Senate Document 360, which is independent, but on this matter of Senate Paper 647, I must ask your indulgence until afternoon.

The PRESIDENT: The question is on the motion of the Senator from Androscoggin, Senator Holmes, to retable Senate Paper 647 and assign for this afternoon. As many as favor retabling will say "aye" and those opposed will say "no."

A viva voce vote being doubted

A division of the Senate was had.

Thirteen having voted in the affirmative and two in the negative, the motion to retable and assign, prevailed.

The PRESIDENT: The Chair will now present, by unanimous consent, the matters as they appear upon the calendar which are unassigned.

The President laid before the Senate, Senate Report from the Committee on Judiciary, majority report "ought to pass," minority report, "ought not to pass," on An Act relating to advertising signs on public highways, (S. D. 11), tabled on

April 13th by Mr. Lord of York pending consideration; and on motion by that Senator, the reports and bill were retabled pending consideration.

The President laid before the Senate, Joint Order relative to final reports of committees, tabled on April 13th by Mr. Maher of Kennebec, pending passage; and on motion by that Senator, the order received passage.

The President laid before the Senate, House Report from the Committee on Judiciary, "ought to pass in new draft" on An Act relating to support of insane patients, (H. D. 620), tabled on April 13th by Mr. Oakes of Cumberland, pending consideration.

Mr. OAKES of Cumberland: Mr. President, this matter is very complicated and very hard to explain, and at the same time it is very important and I think that it is a matter that this Senate should act upon favorably. The measure was drafted and introduced at the request of a member of the board of one of the insane hospitals, Mr. Daniel Fields of Phillips, and it was Mr. Fields' theory that the adoption of this bill would reduce the number of unnecessary patients in the insane hospitals thereby partially reducing the expense and reducing the number of inmates unnecessary there and leaving more space in the hospitals for the urgent cases. That is the fundamental and primary reason for the bill, as I understand it. The purpose is this; first I will state that of the patients in the hospital some days ago when these figures were made up, figured at a basis of \$6.00 a week each, there would be a total of five hundred thirty-one thousand odd dollars annual expense to the state under the present law. I would also state that one-half mill on the state tax amounts to approximately \$362,000 or a little less than \$200,000 less than the total expense of taking care of these patients.

Now this proposal is to say to the towns, "We will not in the first instance tax you one-half mill or the total expense for the care for insane patients if the expense of the care of the insane patients from your town does not amount to one-half mill," or whatever may be saved by the town, and "if the number of patients from your town makes the expense in excess of one-half mill,

you will pay your one-half mill which has been charged off in the regular course and in addition will pay your proportionate part of the balance."

In other words, the theory is this, as for example, in the town to which I now refer there are two patients. A half mill is \$747.00 on that town. The two patients cost \$624.00, therefore if the town can keep the number of patients in the insane hospital down to two, it will save \$123.00. Now this gives an incentive to the towns to keep the number of patients in the hospitals below the half mill expense and reduce the possible temptation on the towns to put people in the insane hospital who can be taken care of at home and are not emergency patients and leave the space in the insane hospital for the more important cases, many of which are not taken care of because of lack of space.

I think that the measure is economical, sound, and I think it is a valuable measure to pass.

The PRESIDENT: The Chair will state that the bill was indefinitely postponed in the House and comes to the Senate "ought not to pass in new draft," never having been accepted.

Mr. OAKES: Mr. President, was that the unanimous report of the Judiciary Committee?

The PRESIDENT: That is what appears on the calendar.

Thereupon, on motion by Mr. Oakes of Cumberland, the report of the Judiciary Committee "ought to pass in new draft" was accepted; and on further motion by the same Senator, under suspension of the rules, the bill was given its two several readings and was passed to be engrossed.

The PRESIDENT: For the purpose of expediting business, the Senator recognizes the Senator from Cumberland, Senator Spear.

Mr. SPEAR of Cumberland: Mr. President, the academy bill I tabled a short time ago, I now move to take from the table, and to expedite business I yield to the Senator from Aroostook, Senator Pinkham.

Mrs. PINKHAM of Aroostook: Mr. President, I offer Senate Amendment C and move its adoption, and will say to the motion that if the other amendments pass, this amend is necessary but if they do not pass, they are not necessary.

The motion to adopt the follow-

ing amendment prevailed. "Senate Amendment C to Senate Document 386. Amend Senate Document 386 by striking out in lines three and four the words seventy-one thousand, nine hundred dollars and inserting in place thereof the words seventy-four thousand three hundred; and by striking out in lines six and seven the words seventy-two thousand nine hundred dollars and inserting in place thereof the words seventy-five thousand, three hundred dollars."

Thereupon, on further motion by the same Seantor, the bill as amended by Senate Amendments A, B and C was passed to be engrossed.

On motion by Mr. Granville of York, recessed until two-thirty this afternoon.

After Recess

Senate called to order by the President.

Passed to be Enacted

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

An Act relating to the Employment of Guides by Non-residents. (S. D. 180)

An Act relating to the State Department of Health. (S. D. 225)

An Act relating to qualification and licensing of Agents of Insurance Companies. (S. D. 324)

An Act relating to the taking of square-tailed trout in the county of York. (S. D. 380)

(On motion by Mr. Roberts of York, tabled pending enactment.)

An Act providing compensation for Court Stenographers upon Retiring by reason of Disability. (S. P. 554)

An Act to Incorporate the Railroad Workers Credit Union of Maine. (H. P. 1316)

An Act to amend an Act to Incorporate the Stockton Springs Water Company. (H. D. 584)

An Act to provide Equitable and Uniform Taxation for Motor Vehicles. (H. D. 625)

(On motion by Mr. Bragdon of Aroostook, tabled pending passage to be enacted.)

Finally Passed

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

Resolve in favor of the Maine School for the Deaf. (H. P. 1317)

Resolve in favor of the Bath Military and Naval Orphan Asylum. (H. P. 1318)

Resolve in favor of Frank R. Ches-

ley, B. W. Blanchard and Gilien & Gillen. (H. P. 1319)

Resolve in favor of Bridge in the Town of Clinton. (H. P. 1320)

Resolve in favor of Depot Bridge between the Towns of Baldwin, Cumberland County and Cornish, York County. (H. P. 1321)

Resolve in favor of Old Toll Bridge in the town of Bethel, Oxford County. (H. P. 1322)

Resolve in favor of Piscataquis River Bridge in the Town of Howland, Penobscot County. (H. P. 1323)

Resolve in favor of Molunkus Bridge in Macwahoc Plantation, Aroostook County. (H. P. 1324)

Resolve in favor of Sebec Village Bridge, Sebec, Piscataquis County. (H. P. 1325)

Resolve in favor of Hiram Bridge in the Town of Hiram, Oxford County. (H. P. 1326)

Resolve in favor of Upper Bridge in the Town of Frankfort, Waldo County. (H. P. 1327)

Resolve in favor of Murtagh Hughes of Bangor to reimburse him for loss sustained in construction of State Highway at Edgcomb. (S. D. 344)

Resolve to reimburse the Town of Phippsburg for Expenses incurred in Fighting Forest Fires by the State Militia. (S. D. 345)

Resolve in favor of H. H. Havey and Bradbury Smith to reimburse them for loss under Highway Construction Contract. (H. D. 595)

Resolve to compensate Augustus A. Gilbert, a farmer of Brewer, for a Cow shot by a Hunter. (H. D. 601)

Resolve appropriating Money for the Purchase of Additional Real Estate for the State School for Girls. (H. D. 636)

Resolve in favor of State School for Girls. (H. D. 637)

Resolve in favor of the State Reformatory for Men for the Completion of a Building, now in process of erection. (H. D. 638)

Resolve in favor of the State School for Boys. (H. D. 639)

Resolve in favor of the State School for Girls at Hallowell. (H. D. 640)

Resolve in favor of the State Reformatory for Men for Maintenance, Personal Services, Repairs and Equipment. (H. D. 641)

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

From the House: An Act to establish small claims procedure. (S. D. 74)

(In Senate, April 13, voted to insist on its former action whereby the bill was passed to be engrossed, as amended by Senate Amendment "A," and asked for a Committee of Conference.)

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

In the Senate:

Mr. HOLMES of Androscoggin: Mr. President, at this late date in the session I do not believe it would do any good to ask the House again and therefore I am willing to let it die and move to adhere.

The motion to adhere prevailed.

From the House: An Act relating to the practice of osteopathy. (S. D. 366)

(In Senate, April 13, the Senate voted to adhere to its former action whereby the bill was indefinitely postponed.)

In the House, that branch voting to insist on its former action whereby the bill was passed to be engrossed, and asking for a Committee of Conference, the Speaker having appointed as House members of such a Committee:

Messrs. CARLETON of Portland,
VARNUM of Westbrook,
ALDRICH of Topsham.

In the Senate:

Mr. FOSTER of Kennebec: Mr. President, I move that we join in a committee of conference.

A viva voce vote being doubted

A division of the Senate was had.

Eight senators having voted in the affirmative and twelve in the negative the motion to join failed of passage.

Thereupon, on motion by Mr. Mitchell of Aroostook, the Senate voted to adhere to its former action whereby the bill was indefinitely postponed.

Mr. MITCHELL of Aroostook: Mr. President, I now move that we reconsider our vote whereby we voted to adhere and I hope my motion will fail.

The motion to reconsider failed of passage.

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

(In Senate, April 13, Committee of Conference report accepted, said re-

port recommending the acceptance of House Amendment "A.")

In the House, Committee of Conference report accepted in concurrence, indefinite postponement reconsidered and bill passed to be engrossed, as amended by House Amendment "A" in non-concurrence.

On motion by Mr. Morrison of Franklin, the Senate voted to suspend the rules and reconsider its former action whereby the bill was passed to be engrossed; on further motion by the same Senator, House Amendment "A" was adopted in concurrence, and the bill passed to be engrossed, as amended by House Amendment "A," in concurrence.

From the House: The Committee of Conference, on the disagreeing action of the two branches of the Legislature, on bill An Act relating to pensions for the blind (H. P. 1226) (H. D. 518) report that the Senate recede and concur with the House.

Which report was read and accepted in concurrence.

On motion by Mr. Slocum of Cumberland, the report of the committee was accepted.

Mr. SPEAR of Cumberland: Mr. President, I want to ask if this is the "blind" bill that I indefinitely postponed in a previous session?

The PRESIDENT: It is.

Mr. SPEAR: I want to explain, Mr. President, why. The blind man from Portland whom I have previously referred to, Mr. Ryan, has been communicated with and I also got in touch with Mr. Leadbetter and everybody seems satisfied now that this bill should have passage.

Thereupon, the bill was passed to be enacted.

Mr. ROBERTS of York: Mr. President, the bill that I tabled a short time ago in regard to the square-tailed trout in York county. Will the Chair advise me what the parliamentary situation is?

The PRESIDENT: It is An Act relating to the taking of square-tailed trout in the county of York (S. D. 380) tabled by the Senator from York, Senator Roberts, earlier in this session pending enactment. In the House, the Chair is of the opinion, it has been indefinitely postponed and comes into this branch as an enactor.

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

House Bills in First Reading

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

Resolve in favor of Masardis Bridge in the town of Masardis, Aroostook County (H. P. 1313).

Resolve in favor of the trustees of the bridge between East Machias and Machiasport (H. P. 767.)

Resolve in favor of the town of Medway (H. P. 1333).

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

The following resolves were received, out of order and under suspension of the rules, and on recommendation by the committee on reference of bill were referred to the following committee, Appropriations and Financial Affairs.

By Mr. FOSTER of Kennebec, Resolve in favor of the Chaplains of the Senate of the Eighty-third Legislature (S. P. 667).

By Mr. LORD of York, Resolve in favor of John Leighton, Clerk of Committee on Public Buildings and Grounds (S. P. 668).

By Mr. CASE of Washington, Resolve in favor of Paul Giddings as Messenger for Ways and Bridges Committee (S. P. 669).

By the same Senator, Resolve in favor of Ruth Jordan as stenographer for Ways and Bridges Committee (S. P. 670).

Orders

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

ORDERED, the House concurring, that the State Librarian furnish to each member and officer of the Eighty-third Legislature one copy of the session laws of 1927, and one copy of the new revision of the Revised Statutes of this State, when issued.

Reports of Committees

Mr. CRAFTS, from the Committee on Inland Fisheries and Game, on bill An Act relating to deer (S. D. 168) reported that the same ought not to pass.

The same Senator, from the same Committee, on bill An Act relating to the protection of moose (S. D. 126) reported that the same ought not to pass, as the subject matter

has been incorporated in another bill already reported.

Mr. CRAFTS, from the Committee on Inland Fisheries and Game, submitted its final report.

The reports were severally read and accepted.

Passed to be Engrossed

Resolve to aid the Town of Hope in the construction of a bridge (S. P. 387).

Resolve in favor of the Town of Skowhegan (S. D. 388).

Resolve in favor of the Town of Starks for a bridge (S. D. 389).

Resolve in favor of Lower Village Bridge in the Town of Phillips, Franklin County (S. D. 390).

Resolve in favor of Stanley Bridge in the Town of Hampden, Penobscot County (S. D. 391).

Orders of the Day

The PRESIDENT: The Chair presents at this time a bill recalled from the Governor by joint order, An Act to render unlawful all disturbances of the bands of radio waves used for radio-telephony and radio-telegraphy (S. D. 68) and the Chair recognizes the Senator from Washington, Senator Miner.

Mr. MINER of Washington: Mr. President, I wish to have that matter laid upon the table until tomorrow morning and in support of my motion I will say that we are after information and if the wire does not fail us we will have such information tomorrow.

The motion to table and assign prevailed.

Mr. BRAGDON of Aroostook: Mr. President, if it is in order I would move that we take from the table the bill tabled by me just a few minutes ago, An Act to provide equitable and uniform taxation for motor vehicles (H. D. 625).

The motion to take from the table prevailed.

Mr. BRAGDON: Mr. President, I now yield to the Senator from York, Senator Roberts.

Mr. ROBERTS of York: Mr. President, this is a bill which was considered by the committee on taxation and I had the bill on the table for some weeks and during that time it was between the office of the Secretary of State and the Attorney General's office. It has been pre-

sented in new draft and still I find myself unable to agree with its provisions. As I understand it at the present time all automobiles are taxed as of April 1st and if this bill receives a passage before we can get our registration we will have to go to our local town treasurer and pay our tax and we will get two receipts one of which we would mail to the Secretary of State in order to get our registration.

The statement will be made that there are a great many cars now that escape taxation and that there are some millions of dollars worth of property in cars for which the state receives no benefit. There are a great many arguments about the way the local assessors arrive at their just taxation but it seems to me in considering this bill that there are two or three things about it which should be explained. It seems to me that the benefit derived would not be enough to offset all the trouble the owners are put to. I have some figures here in regard to the city of Bangor which were given to me this morning and while this provides the first year for a 25 mill tax—25 mills on the original purchase price of a car—the next year it would be 18 mills on the original price and then it goes down to six mills and then to four. On a \$4,000 car under this bill, by figures sent to me by the Bangor mayor, I think, this morning, on the tax on a car in six years the city of Bangor would lose \$93. If this bill goes through it does not seem to me that it applies equitably on a high priced car in comparison to a low priced car. On a Packard that cost \$9,000 when it got to be six years old it would be worth possibly two or three hundred dollars. A Ford car or Chevrolet or Star that cost from four to five hundred dollars, when it was four or five or six years old might be worth two hundred dollars. The Ford or Chevrolet car owner under this bill of four mills would pay about \$1.60 while a high priced car like a Cadillac or a Buick would pay from twenty to twenty-five dollars and they both would have a selling price, we would say, of from one to three hundred dollars. The same high priced car, of course, is paying its way in the gasoline tax at the present time.

It would doubtless be stated that a great many cars in the hands of

dealers at the present time are escaping taxation on account of the purchasers taking them after the first of April and somewhere in the Revised Statutes I am told—I tried to find it but I couldn't—there is a law saying that a merchant shall pay taxes on the first of April for the average amount of his stock in trade the first of April and I am told that the courts have rules that that would apply to automobiles in the dealers' hands the first of April and they have allowed the automobile dealers a valuation of about the average number of cars that they have.

Now, it seems to me that the old law could be amended to take care of these cars and they could be taxed in the hands of the dealer much easier than to force this inconvenience onto the whole public of having to pay the tax locally before he can get his registration. I move that bill be indefinitely postponed.

Mr. DOUGLAS of Hancock: Mr. President, I have had not much else to do this winter but listen to words of oratory and I have had not much else to do but vote to increase the salaries of almost every person holding an office in the state of Maine except the selectmen of the small towns. In the committee of which I was a member we thrashed this measure out completely and we got out a large majority report. To my mind—and I am only a layman—before you today on its final passage is a bill carrying with it the easiest collected and the largest amount of income to the small towns and to the cities of this state of any bill that we have had before us this winter. Last year over two million dollars worth of cars were not taxed in this state. In the city of Portland over \$8,000 in taxes was lost that way.

Now, this bill is simple in its effect, simple in its working. It simply puts on a solid price that the assessors can go by, the list price valuation of a car exclusive of its Federal tax and the dealer's profits and it graduates down in effect as our esteemed chairman of the committee the Senator from York (Senator Roberts) says, until the fellow who owns the ten or fifteen dollar Ford only pays \$1.65. That is true. But the man who is able to buy the \$9,000 Packard is able to pay a larger tax on that because his car is worth

more at six years of age. The only thing you have to do is to go to the treasurer of your county and pay him your tax on your car that year. There is no double taxation or assessment. Then that receipt showing you have paid your taxes on your car that year given you a right to apply for your license and pay for your license under ordinary circumstances. I can see not harm and I can see lots of good arising from this. Your town treasurer in January will get the taxes from the cars in your town and he has that money with which to pay the teachers and other bills of his town, and the funds often times are low. It will also bring to the attention of the people the fact that 38,000 cars last year came into the state after the first day of April and were not taxed anything. The dealers are taxed, perhaps, on their second-hand cars that they have had stored all winter. They are taxed on an average price on their cars. But those dealers want this bill. A number of them have told me so. It is a little inconvenient to them, perhaps, to have their cars go on the second day of April. They would like to have them to show but now they turn in a car in the fall and trade it tentatively into a new car coming after the first day of April, so in this state neither the town nor anyone else receives one cent of taxes from that car.

As I say, this bill has been reported out from the committee and given its two several readings and been passed to be engrossed and is now here on its final passage to be picked up by a man with whom I cannot compete in oratory. I am not in his class as a financier but it seems to me that he is in error. I am going to say that to my mind he is in error and to my mind I do not think that he is going to ardently oppose the final passage of this bill. I hope that his motion to indefinitely postpone at this time will not prevail.

Mr. SMITH of Somerset: Mr. President, I regret to advise that I have not even read this bill and am seeking information. I am wondering whether the price is uniform. For instance, does a Packard car such as has been referred to that has been used and nearly worn out—is it taxed at the same valuation as one would be that was practically new?

The PRESIDENT: The Senator from Hancock, Senator Douglas, may answer through the Chair if he wishes.

Mr. DOUGLAS: The valuation graduates from 25 mills the first year gradually down until in six years it will have a four mill valuation on all cars.

Mr. SMITH: Mr. President, I do not think the senator understood my question. I will try to make it more concrete. Does a Packard car that has been used two years and nearly worn out obtain the same valuation as a Packard car that has been used two years but little?

Mr. DOUGLAS: Mr. President, answering through the Chair, I will say that as I understand it they are classed the same.

Mr. ROBERTS: Mr. President, I think I can answer that question satisfactorily. If you pay \$9,000 for a Packard car the valuation would be 25 mills the first year. The second year you would pay 18 mills on the same valuation and the third year you would pay 14 mills on the same valuation until you got down to a Packard car that might be worth two hundred dollars when it is several years old and you would be paying \$36 tax on it, but on a Ford car worth one hundred or two hundred dollars you would be paying from four to eight dollars.

Mr. SMITH: Or in other words, no consideration is given to the condition of the car.

Mr. DWINAL of Knox: Mr. President, I have been trying to find this bill in the index and I haven't yet found it but I would like to inquire through the Chair of those who have been considering it whether this is a tax on property or an excise levied by the state. It would seem to me that if it is an excise tax and nothing is put in the bill with regard to local taxation you would still have a tax as a local proposition and if you paid that at a different rate than other property to your town treasury you would be running against the constitution provision that all property shall be taxed the same way.

The PRESIDENT: Does the Senator from Hancock, Senator Douglas, volunteer a reply?

Mr. DOUGLAS: The Attorney General who has had this bill reports that it is all right and that it

is not a double taxation. It is an excise tax on property but the provisions are such that there is no double taxation or double assessment in the town.

Mr. OAKES of Cumberland: Mr. President, I would like to ask the Senator from Hancock, Senator Douglas, a question through the Chair. If there is a tax, under this law, to the state, is there any tax also paid to the town?

Mr. DOUGLAS: Mr. President, replying to that, the tax is not paid to the state. The tax is paid to the treasurer of the town or city without any bother with the tax collector or any assessment and no other tax on it is paid to the town.

Mr. ROBERTS: Mr. President, I want to make a statement, in answer to a statement by the Senator from Somerset, Senator Smith, that there are something like 2500 jitney cars in the state of Maine that are run from twenty to twenty-five thousand miles annually. There would be several thousand other cars, we will say, run by drummers that go from twenty to twenty-five thousand miles a year. Now, we will say that a two thousand dollar car, run twenty to twenty-five thousand miles, is worth the second year something like seven to nine hundred dollars and we will say that a two thousand dollar car run three thousand miles and taken good care of is worth around fifteen hundred dollars. Under this bill you would be obliged to pay the same tax. I want to say that if you want to pass a bill in benefit of the automobile dealer at the expense and inconvenience of all the people that run cars I advise you to vote for this bill.

Mr. DOUGLAS: Mr. President, if I may be excused from speaking once more I will close by saying that this bill is the outcome of seven years of meetings of the town assessors at the State House each year trying to study out some way to reach the cars that are not taxed and to get at an equitable valuation on the cars in the towns through a graduated valuation. The state assessors claim that this is the best one so far that we have got. To my mind it does not cause any inconvenience. It is not for the dealer. It is for the town and I will close by saying that the average valuation of the cars in the

state of Maine last year was \$242 and the average valuation of the cars in the different counties of which I can remember just one, Aroostook county, the valuation of all cars is \$156. I am not at this minute physically able to defend the bill any longer.

Mr. BRAGDON: Mr. President, one of the reasons that has been given all this winter for this method of taxation, and I think it has been mentioned here, was that a great many cars escaped taxation. I think there is an error in regard to the computation. The proponents of this measure reason that there are a certain number of cars taxed in the state of Maine, a certain number registered in the state of Maine, and they find that the difference between the two numbers is somewhere from thirty to forty thousand and they assume that those cars, all new ones, are escaping taxation the first year. I think that any of you can turn back to your home towns if you haven't been away from them so long that you have forgotten all about it, and will recall that in a great many instances on cheap cars in the spring no assessor would ever place a valuation on, just the same as we have old horses ready to go into the discard and we do not tax them because we do not know but what they will die the next day, and some time in the course of the summer some boy of a mechanical turn of mind or some laboring man with a job a little way from home will get one of those cars for a song and take it home and work on it holidays and Sundays and get it so that he can run it and then he doesn't dare to run it until he gets it registered, and I think you will agree with me that that class of cars accounts for a greater number of these cars that escape taxation than those that are bought in the spring and escape taxation the first year.

In regard to what the towns would get out of this I am taking the case of the Ford car in the year when it would cost \$500—so as to have an easy number to work on—and 25 mills on that would make a tax of \$12.50. Taxed at the legal valuation—and I have been on the board of assessors in these small towns—I think such a car would be valued at around \$400 and a tax of 45 mills which would be about the average tax rate would give that town \$18

in taxes on it. And I think that the town really needs the extra \$5.50 on that.

Another thing that occurs to me is that on the first day of April a tax payer might have some money in the bank and if my interpretation of the matter is correct that money is taxable and I think that in some towns the assessors tax it although I will admit that they do not in a great many. But anyway, in those towns where that does happen the man could take his money the second day of April and he would come pretty near paying for it twice. This bill, in fixing the tax on cars, fixes it with regard to the age of the car rather than the value. I believe that it is an inequitable method of taxation and I hope that the motion of the Senator from York, Senator Roberts, will prevail.

Mr. NICKERSON of Waldo: Mr. President and members of the Senate, as a member of the Taxation Committee, I want to support the motion of the Senator from York, Senator Roberts. I believe this bill presents a great many complications and I think that a great many boards of assessors in the spring of the year will find themselves in difficulties and nearly all of them will have to employ an attorney before they make out their tax lists. I therefore hope that the motion of the Senator from York, Senator Roberts, will prevail.

Mr. ROBERTS: Mr. President, rising a third time I wish to say that I assure you that the Committee on Taxation have had a very good winter and we have reported unanimous reports on all the bills but this one and in a friendly way we agreed that we should settle this on the floor of the Senate. I'm very sorry that the Senator from Hancock, Senator Douglas, is not here to enjoy the fun. I am very sorry that he has retired.

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

A viva voce vote being doubted,

A division of the Senate was had.

Fifteen having voted in the affirmative and eight in the negative the motion to indefinitely postpone prevailed.

From the House: Out of order and under suspension of the rules, the majority of the Joint Committees on Was and Bridges and Taxation, on

bill "An Act relating to a mill tax" (H. P. 748) (H. D. 206) reported the same in a new draft, under the same title (H. P. 1303) (H. D. 626) and that it ought to pass.

(Signed) SMITH
 CASE
 BOND
 MERRILL
 KITCHEN
 MARDEN
 AYER
 LOWELL
 METCALF
 PIKE
 PIPER
 CARLETON
 GOODWIN
 HOLBROOK
 CRAM
 DOUGLAS
 NICKERSON
 HATHAWAY

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

(Signed) ROBERTS
 HAMMOND

Came from the House, the bill and both reports indefinitely postponed.

In the Senate, on motion by Mr. Case of Washington, tabled pending acceptance of either report.

The PRESIDENT: Does the Senate wish to give unanimous consent to the Chair to continue to present matters which were tabled and unassigned? Is there any objection?

Mr. HOLMES of Androscoggin: Mr. President, not to object but I asked to have tabled until this afternoon Senate Paper 647 and promised that I, as far as I was concerned, was willing to take it up first and I simply want to say to the Chair that any time the Chair is ready I am ready.

The PRESIDENT: Does the Senator wish to take it up now?

Mr. HOLMES: Unless there is something else that the Chair would prefer to take up at this time

The PRESIDENT: The Chair had in mind cleaning some of the matters off the calendar that might possibly expedite engrossing and printing and the Chair at this time recognizes the Senator from Washington, Senator Case, on 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) that resolve having been recalled from the Governor.

On motion by Mr. Case of Washington, under suspension of the rules, the Senate voted to reconsider its action whereby this resolve was finally passed; and on further motion by the same senator the senate voted to reconsider its action whereby the resolve was passed to be engrossed.

The same senator then offered Senate Amendment A and moved its adoption:

"Senate Amendment A to House Document 580. House Document 580 is hereby amended by inserting after the word 'appropriated' in the first line the words 'out of the proceeds of bonds issued to provide funds for the building of bridges.'"

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

The President laid before the Senate, An Act in relation to tax on internal combustion engine fuel (S. D. 319) tabled on April 13th by Mr. Speirs of Cumberland pending passage to be engrossed; and the President recognized that senator.

Mr. SPEIRS of Cumberland: Mr. President, this is an amendment to Section 11 of Chapter 212 of the Public Laws of 1925. There is an error in the reference in this and not only that but they are now debating a bill over in the House that has this same section in it and if that goes through this bill will be useless and if not then this bill should be passed, and I move that it be tabled until the other matter in the House is settled.

The motion to retable prevailed.

The President laid before the Senate, An Act relating to forest lands exempted from taxation (S. D. 171) tabled on April 13th by Mr. Roberts of York pending passage to be engrossed; and the President recognized that senator.

Mr. ROBERTS of York: Mr. President, that bill relates to and has to do with the next bill which was tabled by me this morning because the Senator from York, Senator Granville, was absent and if he will take the other bill off the table I will be very glad to make a motion on this bill, whatever happens to that

one, but I would like to lay it on the table for a few moments longer.

The motion to retable prevailed.

The President laid before the Senate, An Act for the preservation, etc., of forest lands of the state (S. D. 357) tabled on April 13th by Mr. Roberts of York pending passage to be engrossed; and the President recognized that senator.

Mr. ROBERTS of York: Mr. President, I yield to the Senator from York, Senator Granville.

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

On motion by Mr. Roberts of York, the Senate voted to take from the table, An Act relating to forest lands exempted from taxation (S. D. 171) tabled by that senator earlier in today's session and on further motion by the same senator the bill was passed to be engrossed.

The President laid before the Senate, Joint Order relative to investigation of the hydro-electric powers of the state (H. D. 351) tabled on April 13th by Mr. Oakes of Cumberland pending consideration; and the President recognized that senator.

Mr. OAKES of Cumberland: Mr. President, I move that this matter be retabled.

A viva voce vote being doubted,

A division of the Senate was had.

Five senators having voted in the affirmative and twelve in the negative the motion to table failed of passage.

Mr. MAHER of Kennebec: Mr. President, I would like to ask the Senator from Cumberland, Senator Oakes, through the Chair, whether this is Senate Document 351 the so-called Merrill order?

Mr. OAKES: I will say, Mr. President, that it is.

Thereupon, on motion by Mr. Maher of Kennebec, the bill was indefinitely postponed.

The President laid before the Senate, An Act relating to corporations making, generating, selling, etc., electricity (S. D. 6) tabled on April 13th by Mr. Oakes of Cumberland pending consideration; and the President recognized that senator.

Mr. OAKES of Cumberland: Mr. President, I move that the Senate

insist and ask for a committee of conference.

A viva voce vote being doubted,

A division of the Senate was had.

Eleven senators having voted in the affirmative and sixteen having voted in the negative the motion to insist failed of passage.

Thereupon, on motion by Mr. Granville of York, the Senate voted to recede and concur with the House in the indefinite postponement of the bill.

The President laid before the Senate, An Act to amend charters of Maine corporations incorporated for transmission of electricity and to limit rights of foreign corporations authorized to do business in Maine (S. D. 261) tabled on April 13th by Mr. Oakes of Cumberland, pending consideration; and the President recognized that senator.

Thereupon, on motion by the same senator the Senate voted to recede and concur with the House.

The President laid before the Senate, An Act to create commission to investigate and negotiate compact regarding water power and electricity in New England (S. D. 262) tabled on April 13th by Mr. Oakes of Cumberland pending consideration; and the President recognized that senator.

Mr. OAKES of Cumberland: Mr. President, I would like to ask the status of this bill.

The PRESIDENT: The Chair will state that the bill has been passed to be engrossed in this body, having been passed to be engrossed in the House as amended by Senate Amendment A in concurrence with this body and having failed upon final passage in the House.

Mr. OAKES: Mr. President, may I ask if this is Senate Amendment A or House Amendment A?

The PRESIDENT: It is marked Senate Amendment A. The Chair cannot vouch for the House endorsement. The Chair will state that there is also a House Amendment A which was adopted by the House and which has never yet been adopted by the Senate.

Thereupon, on motion by Mr. Oakes of Cumberland, under suspension of the rules, the Senate voted to reconsider its action whereby this bill was passed to be engrossed,

House Amendment A was adopted in concurrence and the bill as so amended was passed to be engrossed.

Mr. OAKES: Mr. President, I now move that the Senate insist and ask for a committee of conference.

Mr. MAHER of Kennebec: Mr. President, I second the motion of the Senator from Cumberland, Senator Oakes.

The PRESIDENT: The Senator from Kennebec, Senator Maher, supports the motion of the Senator from Cumberland, Senator Oakes. Is it the pleasure of the Senate that the Senate insist upon its affirmative action and ask for a committee of conference?

The motion to insist and ask for a committee of conference prevailed and the President appointed as members of such committee on the part of the Senate, the Senator from Cumberland, Senator Oakes, the Senator from Kennebec, Senator Maher, and the Senator from Piscataquis, Senator Crafts.

The President laid before the Senate, An Act to apply surplus funds toward state construction (S. P. 647) tabled earlier in today's session by Mr. Holmes of Androscoggin pending enactment; and the President recognized that Senator.

Mr. HOLMES of Androscoggin: Mr. President, Senate Paper 647, An Act to apply surplus funds toward state construction, is on its passage to be enacted and therefore in order for me to discuss the measure it is necessary to offer no motion and I will say, as I did this morning on another measure, that I do not intend to move indefinite postponement but merely want to record myself on the vote and now in the record in opposition to enactment, for what I believe to be good and sufficient reasons, and if in the course of the discussion I should be so fortunate to convince the Senate, or a majority thereof, that I am right and the proponents of this measure are mistaken, and thereby bring about the result that this bill should be finally killed by adverse vote, I would be pleased because I believe that I would be doing a public service. And I shall discuss the matter from a point of view of performance of my duty as a member of this Senate, as I understand my duty, and a performance of

a public service, as I believe, after some consideration of the bill.

This is not a printed document as, of course, everybody knows by the fact that it bears the initials S. P.—Senate Paper, instead of S. D.—Senate Document. And I have here to go by—which I think is correct—a copy that I made from the type-written copy of the bill after it was introduced, and the bill now of course appears here in the hands of the Secretary of the Senate as an engrossed bill, and printed as an engrossed bill, but you can refer to your Senate or House Papers and find it. Therefore, unless each one of you has taken the trouble to read it carefully so that each one of you has in mind its terms and its purposes you will have to trust to your recollection from my reading, and I now want to read it. It is under the emergency clause of the Constitution and the first part of it of course, is the emergency preamble and it is not necessary to read that. The main body of the bill about which we are concerned as a matter of public policy reads as follows: "Sec. 1. The amounts by which the actual income of the state for each of the years ending June 30, 1927, and June 30, 1928, exceeds the current expenses of the said two years, together with balances of unexpended appropriations in non-continuing accounts which exist on July 1, 1927 and July 1, 1928, except so much thereof as may be required to pay then outstanding bills for which said appropriations were made, and except such appropriations as relate to the issue and payment of bonds, loans or special funds, shall, soon as ascertained, and after provision for contingent fund, be carried to special accounts designated for the respective purposes of said several resolves, to be used for new construction by the state authorized by this legislature as follows: First, for the complete construction of a new wing for the Bangor State Hospital; second, for the complete construction of a nurses' home at the Augusta State Hospital; third, to complete the construction of an administration building and dormitory at the State reformatory for men; and thereafter, to be apportioned for the purposes named in the several resolves in accordance to the amounts appropriated."

Mr. President and members of the Senate, as you know, there was no public hearing on this bill. It might have been and could have been in-

troduced early in the session or at least earlier than this week in the last days of an expiring session of the legislature. There was no public hearing. The bill was introduced by the chairman of the Committee on Appropriations, the distinguished Senator from Kennebec, Senator Foster, and as I remember, when he announced that he asked for a suspension of the rules under which to introduce this bill and to have it have its first reading and pass to be engrossed without reference to a committee and without printing he said—and I am quoting now only from the best of my recollection—he said the bill was that of the Governor, or approved by the Governor, or wished for by the Governor and by the Committee on Appropriations, and nobody in this Senate called for a reading of the bill and whatever may have taken place at caucusses I do not think it is probable that anybody had read the bill and nobody then asked to have the bill read except myself.

Now, of course I knew that it would be useless to interpose opposition at that time if, indeed, I could make up my mind suddenly after listening to a reading of it whether or not I should, but at least I think that my action at that time for a reading of it was more consistent with public service than the action of members who sat and permitted this measure to be railroaded through without a word. And therefore, feeling that way as I do, I naturally resent and naturally will resent any intimation, innuendo or insinuation that I was, either this morning on the discussion of the loan sinking fund question or now in the discussion of this, actuated by any political motives whatever. I think that the positions that I have taken in this session and the position and situation that I have been—I can fairly say—forced into, are positions that will square exactly with public policy. If there was any discussion in a Republican caucus of this measure and any chance to read it, I had none. You can remember and I can remember a caucus that was called here in this Chamber immediately following a session when the gavel had hardly fallen adjourning the Senate when I was directed in effect to leave the room.

Now, if the Republican majority,

overwhelming majority, intends to make a measure of such great moment a party measure, why, indeed should they consider it necessary that such a small and helpless Democratic minority in the Senate and even in the House should be excluded from where I was supposed to be, as chairman of the Committee on Library, one of the committees which has bills before it which carried appropriations of money? I was supposed to be, according to custom then, one of what has been called elder statesmen for the lack of a better term, and no harm is done, one of the older statesmen and I was invited as Chairman of the Committee on Library to meet at the first meeting, with the Chairmen of other committees that had bills before them which carried appropriations of money. I was invited at the first meeting to meet with them and the Committee on Appropriations and having arrived there, I wanted to know something and I asked some questions. Perhaps I asked too many because I was never invited again.

So that financial program of the administration—and I mean by that, not the executive, the Governor and Council, but the majority party which controls the legislature—whatever the administrative financial policy is, I have been unable to find out, but only when a bill like this, and this is a part of the policy, understand, is presented and no opportunity to discuss in advance. Therefore, I say to you, in addition to the fact that I am no public accountant, I am no financier and this is entirely outside of my usual occupation in life, in addition to that fact, if I make mistakes in the course of the discussion of this important measure in its financial aspects—and it opens up, in my opinion, the whole question of the finances of the state, at least a large part of it—if I make such mistakes then truly and fairly I would deserve to receive indulgence for the reason that I never was given an opportunity to know what the plans were or to know what kind of a bill of such importance would be introduced until it was in.

Like the Germans, at Versailles at the time of the making of the treaty, when the allied powers had finally put the treaty together and type-written the dotted line and then said to them "Sign here." I find myself in that position and as one of the

Senate I am told to "sign here." I will sign and vote to pass for enactment, provided I can be shown now or any other time when anyone representing the Committee on Appropriations or the Administration can show me, as one of the Senators elected by the people of the County of Androscoggin, that this is a good measure and should be passed.

The purpose of this bill, if I understand the unusual language is to repeal the sinking fund reserve established in 1925, the sinking fund reserve for the two years, one ending June 30, 1927 and one ending June 30, 1928. That is as far as it goes, and then of course the purpose is to gobble that money and use it for these construction purposes that are set out in this bill which we are discussing.

Now I presume of the large number of Senators who were interested enough in this important question to remain here to listen to my modest remarks, I presume that they are fully as familiar and perhaps more familiar with the law relating to the sinking fund reserve as I am and than I am, but in order to refresh your recollection, I will read the one section in the law of 1925 and will say in passing that, as you know, the contingent fund was established by law in the administration of Governor Curtis, the last Democratic Governor. Before that time there was in effect, but not in law, a contingent fund. As a matter of fact, as a matter of practical working, one existed but it was not known to the law. Now it is a good thing to have a contingent fund. Many people were carried off from good judgment following the administration of Governor Baxter, when the contingent fund had been abused to such an extent, and were carried off from good judgment to the extreme view that the contingent fund was such a danger and such a menace that it ought not to exist at all. That would be a mistake. It is useful. In 1925, upon the recommendation of Governor Brewster, we passed, as well as I can remember, by unanimous vote, and I think the Democrats in the legislature as well as the Republicans endorsed his position and believed that it was sound that there was no opposition. We passed then, without opposition, at least I will say, a law called Chapter 164 of the Public Laws of 1925

and the provision for the sinking fund reserve is contained in Section 2.

Section 1 provides for the contingent fund to be limited to \$300,000. Now I will read Section 2, to be found on page 147 of the Public Laws of 1925: "Sinking fund reserve established; how made up; fund to be applied to the payment of outstanding obligations of the state. The state auditor and treasurer of state shall also open on their books an account to be known as the sinking fund reserve to which shall be transferred and credited all sums of money at any time found in the state contingent fund in excess of three hundred thousand dollars plus the amount of special legislative appropriations. All sums derived from all the sources mentioned in the preceding section which may not be credited to said state contingent fund because of the limitation recited in said section shall also be credited to said reserve. Said sinking fund reserve shall, upon the first day of July in each year or as soon thereafter as the amount thereof can be ascertained, be set aside as a sinking fund, to be added to from year to year in like manner to be applied to the payment of outstanding obligations of the state, and to the purchase of outstanding, unmatured bonds of the state in the manner provided in section seventy-two of chapter two of the revised statutes."

Section seventy-two of Chapter two of the Revised Statutes is merely that statute which permits the treasurer, with the consent of the governor and council to buy up bonds before they have matured.

Now that law was a good law and if I remember correctly, when Governor Brewster went before the people in the last campaign, last summer, he took credit to himself for recommending that law and obtaining by fair means the passage of it by the legislature of 1925 and he deserves credit for that and I give it to him.

Now when a sinking fund reserve is created by law, there is of course a real and important need for it and the need can not disappear in two years' time and if it is proposed to make the sinking fund reserve disappear in two years' time, or in fact, after it has been working but a year, there is naturally a suspicion aroused in the minds of men who at least have not been taken into the confidence of the proponents of

such a move and had a face to face and heart to heart consultation upon the subject so that doubt is removed.

Well, when the bill was introduced, or at about that time—to be exact on April 11, 1927, but a few days ago—word having gone out through the state by the route of the newspaper correspondents who keep the people informed of the workings of this legislature and properly try to keep the people informed of what is proposed to be done and even perhaps of the purposes and motives behind, as they understand them—when the word went out that something similar to this was going to be done, the Lewiston Journal, published in the city of Lewiston, an old established, sound, conservative newspaper, wrote it up and in the course of the writing up, they discussed it in such a way as to amount, I think, to an expression of opinion, and it is so conservatively expressed, and to my mind such a serious warning is conveyed that I will take a moment or two to read it. It is very brief. It is dated April 11, 1927. After some discussion in the columns of the Journal in which the Journal writer explained how money accrued during the past two years and spoke of this sinking fund reserve of 1925 and of the unexpected increase in the inheritance tax revenue and the ten percent saving on all appropriations by all departments and institutions for the past two years, and you all remember the talk about that, the Journal writer went on to say, "Unquestionably the money which has accrued from the last two sources are easily available in the manner suggested. The first, however, is quite different." (I will pause from the quotation long enough to interject in order that I may be followed, that the Journal means by "the first," the sinking fund reserve which we are discussing now.) I proceed: "The first, however, is quite different. It can no more be, legally, used for a purpose other than specified by the statute of 1925, than can the highway bond fund be used to build a new wing at the State Hospital in Bangor."

Mr. FOSTER of Kennebec: Mr. President, may I arise to a point of order?

The PRESIDENT: The Senator may.

Mr. FOSTER: It lies this: This resolve under discussion has nothing

to do with the sinking fund reserves upon which my brother is basing his remarks. It shows that he is entirely confused on the whole subject. Not in any way does it have anything to do with sinking fund reserve, but with the contingent fund.

Mr. HOLMES: Will the Senator from Kennebec, Senator Foster, tell me what this fund is if it is not the fund provided by the law of 1925?

Mr. FOSTER: May I answer, Mr. President?

The PRESIDENT: The Senator may answer through the chair.

Mr. FOSTER: Answering the Senator through the Chair, I will say that this has to do solely and purely with the contingent fund, that amount that is over \$300,000. It has nothing whatever to do with the sinking fund account on which he is basing his remarks.

Mr. HOLMES: It seems to me, Mr. President, the Senator says it has to do with the amount over the \$300,000 contingent fund and I say that this is the money set up by the legislature by the law of 1925 to create a sinking fund reserve and then he says that it does not relate to the sinking fund reserve. Now, Mr. President, there is evidently a difference of opinion between him and me as to what money this act will get, and my contention is that it is to gobble the sinking fund reserve and that is what I am talking about. Now, Mr. President, the Senator has a right to reply to me when I am finished and I think that I have a right to state what my opinion is on this bill.

The PRESIDENT: The Chair will protect the Senator in relation to his continuing to have the floor and will only listen to a point of order which was raised by Senator Foster. Senator Holmes has the floor.

Mr. HOLMES: Now to proceed with my quotation, to demonstrate that the Lewiston Journal regards this proposition exactly the same as I do. "To make this available, as a tax rate reducer, the act of two years ago must be repealed. There is much hesitancy to make this move. The reason for this hesitancy is: It is a robbing Peter to pay Paul proposition and once it became known, as it must, it would be only natural for the tax payers to ask, Why? Answering would not be so simple as many other things. If there was a grave need of enacting

this statute in 1925 and building up this part of the surplus, does it not exist this year? Undoubtedly it does. Were it not so the money would have been used for the purpose designed. As it has not been so used, then the liability must exist. This being so, the average man would naturally want to know where the benefit came from spending it to keep down the tax rate these two years. Members of the legislature, who are familiar with this situation, are asking themselves how they could explain such a course when they get back home and foregather with their constituents around the stove at the 'store' to discuss State affairs. It might be awkward for them, they agree."

This act is entitled, "An Act to Apply Surplus Funds Toward State Construction" and it says it is the surplus fund over and above the contingent fund of \$300,000. That is the meaning of it. Now I do not contend that it gobbles all of the amount, whether it is a bookkeeping surplus or a cash surplus. Assume that it exists as a cash surplus. I do not mean to claim that I understand that it gobbles up all of the amount that there may be in the surplus, but I do say that it says that it will take all that there is for the year which will end June 30, 1927, which is the fiscal year that we are now in and then it will go on to take all that there is in the year that will end June 30, 1928. Now how much that will be, we do not know. We have no way of knowing, but I presume that it can be estimated, but that is of no importance to my argument and I will not try to estimate it.

Now on the next day, April 12th, the Lewiston Evening Journal again discussed the question of what they called 'using the surplus.' Now it no longer criticises the proposition but it is, on April 12th, a sort of an explanation and I want to read it. It is on the first page of the Lewiston Evening Journal of April 12th under the heading "Tax Reduction of Half Mill is Expected" and under the sub-head "Will use the surplus." It is as follows: "As said, the million dollar surplus is to be utilized. When the act of 1925 creating this fund was studied by those upon whom developed the job of working out the financial program, some interesting facts were brought to light. They decided it wasn't so much of a

sinking fund law, as supposed. 'It was a different kind of a contingent fund and nothing else,' is the way the discovery is described." And jumping to another place where the Journal describes it, "It now appears that this differs from the other contingent fund only as an important essential. The Legislature, not the Governor and Council, has the authority to say how it shall be disbursed. Convinced of the accuracy of this interpretation of the law, it is said, the Legislature decided to use the money."

That is to say, I am not interested in the explanation of the Lewiston Journal nor their argument but I was so struck with an entirely new idea to me that if that view is correct, we have now two contingent funds, one created by law for the governor and council to work under, and the other contingent fund is a legislative contingent fund and it is the first time in my life that I ever heard of a legislature having a contingent fund. Now, when such explanations are offered as that, there is again, as I said before, good, sound cause for one to be suspicious that all is not right and to demand the proper consideration of this measure before it is passed to be enacted, a full and complete explanation of all that is proposed to be done and the reasons for it. This is a question of financing the state government. It is a part, as I take it, of the proposed way of financing the state government for the coming two years and every measure introduced concerning the financial management of the state government for the coming two years, in its last analysis, is a tax measure, for the reason that it results either directly or indirectly in taxing the people because the government gets no revenue, of course, except what it extracts from the people, either by property tax or by indirect revenue such as inheritance and the new estate tax.

Now gentleman, how does it appear to one like myself who has had no opportunity to consult with the Appropriations Committee, who had no opportunity to attend a public meeting before the Appropriations Committee, because none was held. How then, does it strike one in the position that I am?

Well, there was laid on our desks—I found it on mine and I saw it on other desks—some typewritten or mimeographed statements, a two

page document, one page entitled "First Year Tax" and the other page entitled "Second Year," and which I take it to be a statement of the plan of which this measure is a part, that this measure is intended to bring about the result of this plan and that the result of this plan is to produce a tax rate of probably six mills and eighty-six-one hundredths the first year and six mills and ninety-three-one hundredths the second year.

Now there is no member of the Senate who is any more anxious for a low tax rate than I am and I think that if I could have had an opportunity to discuss with the Appropriations Committee in a round table discussion, I could, although I am no financier and no accountant, I could right on the face of this document entitled on one page "First Year Tax" and on the other "Second Year," show them that it ought to be possible to have a direct property tax the first year of not over five mills and forty-eight one hundredths. Right upon this statement and without going into details—stepping aside for a moment from the main question involved here, I will just say the way I would do it would be by adding to the—

The PRESIDENT: The Chair has been very lenient and wants to show every courtesy possible, but asks the Senator to kindly keep within the bounds of the discussion of the bill, and this is not, in the opinion of the Chair, being discussed at this time as it should be.

Mr. HOLMES: Well Mr. President, I shall certainly endeavor to do so.

The PRESIDENT: The Chair appreciates the Senator's position and will protect him in every way possible.

Mr. HOLMES: The Chair will of course understand that if this proposed measure which we are now discussing is part of the scheme—I use the word for lack of a better and in the best sense—for financing the State for the coming two years, it is impossible in my mind, to discuss it without going into side issues as I have now. I can not make myself clear—

The PRESIDENT: The Chair sees the Senator's point and the Chair again states that it wishes to show every courtesy possible and be lenient, but again requests the Senator

to keep within the bounds of parliamentary procedure.

Mr. HOLMES: Well, Mr. President, I will proceed, as I have been trying to do, to discuss this measure within the measure itself, as I think is right, but when the Chair gets ready to interrupt me and rule me out of order, the Chair has a right to do it, and will do it. That is the best that I can say.

Now then, if the purpose of this measure is to make available, as I believe and understand and as evidently the Lewiston Journal so understood is the purpose, to make available for the coming two years for the purpose of new construction, and certain other resolves, the amount of money over and above the \$300,000 which the law of 1925 intended to be a sinking fund reserve, if the purpose of that or a part of the purpose is to bring about the very laudable result of a tax rate below seven mills, all I say is that I by all means, am for a low tax rate and I think I could show how to make one.

Now how much money, if this bill becomes a law, will be realized for new construction and other purposes stated in the bill, special resolves and the like? How much money will it probably realize? Now that question to my mind is vitally important because if it will realize, so that that money can be used and thereby keep down the direct property tax below seven mills—but if it will not realize enough money, it isn't worth while passing it anyway. It would be far better to leave the money in the surplus fund as created and contemplated by the law of 1925, than to gamble for the purpose of deducting from the obligations of the state, and in that way, in the end, the purpose that we are all working for, to gradually bring down the tax rate, would be accomplished.

Now, according to the Auditor's report to the legislature, a statement of assets and liabilities as of June 30, 1926, there was then in the Sinking Fund Reserve, \$1,121,395.20. Now of course we all know that there are two different systems of bookkeeping used for the state finances. One is the system used by the state auditor which has been built up to comply with various laws at different times. The other is the system used by the state treasurer, which is much more simple because the law is very simple and brief relating to the state treasurer. Therefore, one can never be certain

that there is any cash over and above all funds dedicated to special purposes and for special appropriations, that there is for instance, in the sinking fund reserve that amount of over a million dollars merely because the books of the auditor show it and that does not mean at all to intimate that the auditor's books are anything but all right and correct under the system of bookkeeping that is used.

One of the great troubles which has been criticised, and was included in the last inaugural address, is that there should be a reform in the method of bookkeeping.

Now if it should turn out that there was not at that time, June 30th last, that sum of over a million dollars, there would not be June 30, 1927, any substantial amount in that surplus fund called "sinking fund reserve" to be of any use for new construction. It would be much better, just on that alone, to indefinitely postpone this bill because in that case we would be passing a useless bill and in my opinion that would be another and stronger argument for leaving alone this sinking fund reserve which the legislature in its wisdom, after careful deliberation and under the advice of the governor two years ago, created for the purposes stated and dedicated the money to those purposes. It would be far better to leave it there.

Well now, this auditor's report for the period ending June 30, 1926, in a statement of assets and liabilities states, as I have said, that at that time the sinking fund reserve amounted to that sum of \$1,121,395.20. Now that statement should be compared with another statement issued by the auditor. On June 5, 1926, which is only a few days before June 30, 1926, the auditor issued a statement at the request of Major Arthur L. Thayer and it was published and I have it here from the Bangor Commercial and I want to read the items without reading the amounts because they are not important now, but after I have finished I will refer to the amounts. The statement includes Maintenance of Highway Department, Highway Loan Fund, Memorial Bridge Fund, Soldiers' Bonus Fund, War Loan Fund, County Taxes, Land Reserved for Public Uses, Public Administrators' Fund, Receivers' Funds for Defunct Banks, Federal Rehabilitation of Industrial Cripples, Maine Forestry District, Highway Reconstruc-

tion Fund, Dog Licenses to be Refunded, and War Bond Sinking Fund which I was discussing. These amount to the cash balance on May 31, 1926, of \$4,676,000 and Cash over Reserves of \$99,894.56 at that time.

Now in that statement at the close of business June 5, 1926, the sinking fund reserve was not mentioned, was not included, but December 31, 1925, the sinking fund in the statement issued at that time is to be found stated as \$387,585.61. Now then, comparing the two statements given December 31, 1925, by the State Auditor showing a sinking fund reserve of \$387,585.61 at that time and the statement of June 5 which includes no sinking fund reserve at that time—I will go back to that later as there are other figures I must have.

At the present moment only, I will refer to the fact that the sinking fund reserve is figured in December 31, 1926, but not figured in June 5, 1926, but is again figured in June 30, 1926.

Now I have some figures from the state auditor, which is a statement of cash reserves ending as they stated, December 31, 1926, and they included State Highway Commission Maintenance and Administration, \$313,902.93; Highway Loan Fund, \$874,116.63; Reconstruction Fund, \$124,063.40; Bath State Ferry, \$19,848.85 and State Highway Police, \$29,380.38. Now I know the Senators can not remember those figures but I will say that those relating to the State Highway Commission add to \$1,361,312.19, and from the State Highway Commission I have a statement showing the amount as they kept it, showing the Highway Loan Fund, Improvement of State Roads, Maintenance, Third Class roads, Bath State Ferry, Special Resolves, Reconstruction fund and Kennebec Bridge (but the Kennebec Bridge in this instance is not important). And in the figures given by the State Highway Commission of items of Improvement of State Roads, Third Class Roads and Special Resolves are not to be found in the statement of the Auditor which I have just referred to and read and which in a moment when I have finished I will hand to the distinguished Senator from Kennebec, who is Chairman of the Appropriations Committee. Now then, the State Auditor's statement does not show that there is on his books the items for Improvement of State Roads, \$3,213.55; Third Class

Roads, \$292,646.73 and the Special Resolves, amounting to \$17,388.88. Now those three items added together will make \$313,249.16. Now that sum must be deducted from what we call the million dollar reserve because those items amounting to \$313,249.16 do not show on the auditor's statement of December 21, 1926, and if that sum of \$313,249.16 must be deducted from what we have been taught and what we have learned to call the Million Dollar Reserve, there is not going to be a great deal of it left to be used for new construction of the sum that must be figured under this bill for the year ending June 30, 1927, and if so, it is hardly worth while to pass such a law which in my opinion destroys the work of the legislature of 1921.

It is hardly worth while to pass such a law to get hold of that surplus for the year ending June 30, 1927, if in all probability there is not going to be much of any surplus because also, if the Highway Department is right in their figures that there is still due to them the sum of \$292,646.73 which I have read is the item for third class highways, and if the auditor is also right in his statement, then there is no such money for third class highways for this year. That is to say, it would turn out that the Highway Department was short that amount of money and that that amount of money in the end would have to come out of this surplus.

Now I have taken considerable time, as I feared that I would, because in discussing figures, especially where one is not a trained accountant, an unnecessary amount of ground is covered, so that I will not take longer to discuss the bill from the point of view of figuring, but I want to say that not only in my opinion, as stated several times in the course of arguing this matter, not only in my opinion, would it be a grave error to destroy the work of the legislature of 1925 in creating that sinking fund reserve which was to take the surplus over the \$300,000 contingent fund, but also I have what is, if I can interpret the English language correctly, the best of authority bearing upon that question, the authority of no less a man than Governor Brewster himself, as reported in the Kennebec Journal in a speech delivered on August 20, which the Kennebec Journal summarized, without quoting him exactly, to the effect that

millions can be saved next year, this year, 1927, which will mean an appreciable reduction in the state tax. A saving of one million dollars was over and above all reserve funds. It is funds provided by law for a specific purpose and are raised in a specific manner for such purposes, such as highway money from sales of bonds. And speaking again, the same Governor as reported in the Kennebec Journal, this time having given to the newspapers advanced copy of his speech so that they are apparently quoting his exact words, "The last legislature believed it the part of prudence to make sufficient provisions for carrying out the obligations which the state had assumed and to take a period of two years to digest the implications of the tremendous expansions that had been carried out. During the next two years it should be possible to carry out certain new construction which the legislature may deem necessary and wise and still have every reason to expect the tax reduction which will mean so much to our state at this time. The million dollar surplus in the State Treasury with our constantly improving revenues from the new investments in our state seem to afford ample warrant for tax relief this coming year without failing adequately to provide for all the activities which a Christian people have come to consider the responsibility of the state."

I think that Governor Brewster had at that time the same idea that I now have, that with proper consideration, a tax rate can be worked out materially below seven mills without having to touch that surplus which was set up and deducted by the legislature of 1925 as a sinking fund reserve. For those reasons, Mr. President, I record myself as opposed to the passage of this measure, as unnecessary and unwise and breaking faith with the people of our state.

Mr. FOSTER: Mr. President, I have listened for almost two hours to the distinguished Senator in his wanderings through the last fifteen years with reference to financial matters and I still go back to the point of order which I raised a few minutes ago, that I firmly believe he does not understand the exact situation. He stated that he knew nothing about the contingency fund. Now in 1915, under a Democratic administration, which I hope he has

not forgotten, there was instituted the general contingency fund unlimited as to the amount that might be placed there. For years that fund was drawn from by succeeding administrations until as high as a million dollars a year was used from the general contingency fund, under the direction of the governor and council. Two years ago this legislature passed a law which took from that fund at the close of the fiscal year on June 30, everything in excess of \$300,000, setting it up as a sinking fund reserve. That is one account. The general contingency fund of \$300,000 is another account. This measure before us has to do entirely with the latter account, has nothing to do whatever with the sinking fund reserve, and the articles read, clippings from several newspapers are all dated prior to the introduction of this measure so that the distinguished Senator with some others is concerned as to what might become of the sinking fund reserve.

The matter before us has wholly to do with the excess income from our general contingency fund, that is, that part of that fund which at the close of the fiscal year, exceeds \$300,000. Later it was found that the \$30,000 first considered necessary for the pauper account would be taken care of out of next year's. For that reason there is no need whatever of this amendment.

Mr. HOLMES: Mr. President, just a word. I fear that the Senator from Kennebec, Senator Foster, does not understand my point. It is my fault, of course, in not making myself clear. I am not at all in opposition to the passage of this resolve. It is very necessary. I understand that the Committee on Appropriations found they could cut it down. Very good. We don't care. The deficit has got to be paid. The appropriations resolve has got to be passed but the State Auditor must not deduct the particular claim which is in this resolve of the State Department of Education from the permanent school fund because it is a liability and not an asset and I think it is important enough to attach this amendment as a rider to it.

Mr. FOSTER of Kennebec: Mr. President, I take it for granted that all of us know the situation and that from the state auditor your Governor and financial committee are convinced that there will be from

general revenues of this state for the next two succeeding years sufficient money to take care of the new construction provided for in this measure and it is in anticipation of those receipts that the general program of new construction has been made up. Nine months of that has already passed and the state auditor has given me the figures covering that and an estimate for the other three months based on an average for the last five years. Figures that are conservative and we believe correct. They provide ample funds between now and June 30th to take care of this general new construction program that this legislature is asked to adopt. In the first year there are \$375,152 called for; in the second year \$340,000.

Now, I cannot quite get the purport of the distinguished senator's arguments. Is there any question in his mind as to the right of this legislature to say what there is unused or unexpended in this contingency fund of \$300,000—as it exists, I mean from that time to the close of the fiscal year?

Mr. HOLMES: Mr. President, will the senator yield?

The PRESIDENT: Does the Senator from Kennebec, Senator Foster, care to yield the floor to the Senator from Androscoggin, Senator Holmes?

Mr. FOSTER: Certainly, Mr. President.

Mr. HOLMES: Mr. President, does the senator ask me the question with the intention of having me answer it now or is it simply a rhetorical question?

The PRESIDENT: The Senator from Kennebec, Senator Foster, may answer through the Chair, if he wishes.

Mr. FOSTER: I would rather, Mr. President, that he would not take time to answer it now.

The PRESIDENT: The Senator from Kennebec, Senator Foster, may proceed.

Mr. FOSTER: Reading from Chapter 164, Section 3 of the Public Laws of 1925, it says: "The Governor and Council may draw warrants on the contingent fund. When authorized by the Governor with the advice and consent of the council, warrants may be drawn upon, charged to and paid out of said state contingent fund for the purposes and to the extent of any special appropriation thereto made by the Legislature, and to pay outstanding bills

or accounts that were properly chargeable to the several appropriations for the previous fiscal year ending the thirtieth day of June preceding the time of payment." That covers the whole thing. Any appropriations that this Legislature makes can be paid out of that contingency fund, if there is in excess of \$300,000 enough to take care of it.

I do not quite understand whether or not the senator is familiar with the way this contingency fund is built up. It seems to me immaterial, Mr. President, to discuss it at this time. There is a tremendous increasingly large accumulation in that fund and it was in the face and eyes of that that two years ago this sinking fund resolve was set up and, as I said before, in no way, shape or manner does this resolve or this measure relate to the sinking fund account. It is entirely distinct and separate. Immediately after the close of the fiscal year whatever there is in excess of \$300,000 in the general contingency fund goes into the sinking fund reserve—another account, charged for different purposes. And it might be interesting for the senator to read Section 2 of Chapter 164, which would give him just the purposes and just the objects—and only the objects—that that fund can be used for.

Now, it seems to me that we are taking a great deal of time on this matter that has been so very carefully gone over and thought out. Your appropriation committee has tried to bring into the consideration of the matter the very best counsel and advice that we have and has explained to this Senate, when the measure was introduced, the whole thing. I see no reason, Mr. President, for prolonging this discussion. I hope that the matter is clear in the minds of the senators here and if the distinguished senator from Androscoggin (Senator Holmes) has done his duty and the records of this Senate read to his satisfaction, he has accomplished, perhaps, part of the object he had.

I have, however, in connection with this matter an amendment to offer if it is in order.

The PRESIDENT: The Chair will state that the amendment is not in order until the vote has been reconsidered whereby this bill was passed to be engrossed.

Mr. FOSTER: Then, Mr. President, if the motion is in order, I move that

we reconsider our former action whereby this matter was passed to be engrossed.

The PRESIDENT: Is it the pleasure of the Senate that the rules be suspended for the purpose of reconsidering?

The motion to reconsider prevailed.

The PRESIDENT: The amendment is in order.

Mr. FOSTER: I would like to say just a word of explanation, if in order. It is anticipated that in excess of the funds required for this new construction there may be moneys left over and it simply says that after all new construction of buildings and equipment for state institutions has been completed, any amount remaining may be used, in the discretion of the Governor and Council, for maintenance or construction of highways.

Or, in other words, gentlemen, this provides for using, above the \$300,000, the money in the general contingency fund before you go over into the other account that my distinguished colleague, the Senator from Androscoggin (Senator Holmes) has been talking about all the afternoon. I move adoption of Senate Amendment A.

Mr. HOLMES: Mr. President, I—

The PRESIDENT: Does the Senator wish to discuss the amendment?

Mr. HOLMES: Oh, Mr. President, is that the question now?

The PRESIDENT: That is the question now.

Mr. HOLMES: I think not, Mr. President, but I would like to have it read.

The Secretary read the amendment as follows:

"Senate Amendment A to An Act to apply surplus funds toward state construction. Amend Section 1 of said act by adding at the end thereof the following sentence: 'After all new construction of buildings and equipments for state institutions which may be authorized by this legislature has been completed any amounts remaining may be used in the discretion of the governor and council for maintenance or construction of highways.'"

The PRESIDENT: The question is on the adoption of Senate Amendment A, on the motion of the Senator from Kennebec, Senator Foster.

The motion to adopt the amendment prevailed.

The PRESIDENT: The question is now automatically, unless the senator has another motion to make,

on the passage to be engrossed as amended, and it is debatable.

Mr. HOLMES: Mr. President, the bill is now amended and I want to reply to one or two of the arguments of my distinguished colleague, Senator Foster.

The PRESIDENT: The Chair is of the opinion that the entire bill is now debatable on its passage to be engrossed, it having been amended.

Mr. HOLMES: In my opinion, Mr. President, the bill is not made any more virtuous by that amendment but it only makes it all the more certain that the last of all the surplus money for the years ending June 30th, 1927, and June 30th, 1928—all of that surplus money which the act of 1925 had in view—will certainly go, to the last dollar. That seems to be all that the amendment will accomplish. The Senator from Kennebec, Senator Foster, asked me to read Section 2 of Chapter 164 of the laws of 1925. In the beginning of my remarks I not only read it but I read it to the Senate. He discusses, then, Section 3, which is the Section headed by this title: "Governor and Council may Draw Warrants on Contingent Fund—Conditions and Limitations." Of course so! The Governor and Council, the law says, shall have the right to dip into—if I may use that expression—this contingent fund up to \$300,000 and there they stop.

Now, it seems to me—and I could not understand at first why the Senator from Kennebec (Senator Foster) thought that I did not understand the bill. Now, I think I do see why he thinks so. It is merely the old, old rule in logic, "First define your terms," because unless two parties who are arguing a matter agree upon the same definition for a thing they never can come to an issue because each is trying to convince the other by a different idea of terms. Now, it seems to me that the difficulty between the senator and myself is that—as I take it from his argument—he regards all the money as a contingent fund over and above the \$300,000 as well as under; not that he thinks for a minute that the Governor and Council can spend anything beyond the \$300,000 but that the purpose of the law of 1925 was to create a contingent fund. Now, the thought in my mind is that the purpose of the law of 1925 was to create a contingent fund and a sinking fund reserve and that this law

goes after that sinking fund reserve, the money in the sinking fund reserve, the surplus.

Now, my distinguished friend, Senator Foster, says, as a part of his argument, I take it, for this kind of a bill which is proposed here, he says words to this effect, that there is a tremendous accumulation in this fund. Well, now, I presume he has the state auditor's report and I would refer him to page 291—I mean the auditor's report, Mr. President, for the year ending June 30, 1926.

Mr. FOSTER: I have the figures here, Mr. President.

Mr. HOLMES: The statement of assets and liabilities, I mean, Mr. President, and I will ask the Senator from Kennebec, Senator Foster, through the Chair, if he can refer to the statement of assets and liabilities from his papers?

The PRESIDENT: The Senator from Kennebec, Senator Foster, may reply if he wishes.

Mr. FOSTER: I have the same figures, Mr. President, the auditor's report. I have also the figures that specifically relate to this matter before us.

Mr. HOLMES: Well then, I would like to ask, through the Chair, of the Senator from Kennebec, Senator Foster, if he is convinced that the state has in case as of June 30, 1926, the sinking fund reserve of \$1,121,395.20?

The PRESIDENT: The Chair will state that the Senator from Kennebec, Senator Foster, may reply if he wishes but the Chair takes the point that that is a matter which does not exactly concern this bill as it was in 1926, far previous to the time the bill was introduced.

Mr. HOLMES: Mr. President, I am replying to an argument offered by the Senator from Kennebec, Senator Foster, which the Chair did not interrupt with a ruling, and as he has opened the door I think I should be allowed to show, in a very few words, where the Senator from Kennebec, Senator Foster, is very much mistaken in his idea of a tremendous accumulation in this fund and I will show it by adding together four items on that very page.

The PRESIDENT: The Chair wishes again to state, with the desire to show all possible courtesy, that we have been drifting—and the Chair has allowed it—from the subject. And the Chair would suggest that the senators settle this one point, and the Chair will allow it,

but the Chair will call to order any further deviation from the question now under discussion.

Mr. HOLMES: Yes, and that is quite satisfactory, Mr. President, to me. And instead of questioning the Senator from Kennebec, Senator Foster—because I know his answer would be "Yes" because he would take his figures from the statement of assets and liabilities from the auditor's report, page 291, as I am taking them—instead of asking him the question I will take these items here and add them up as answering what I think is a satisfactory answer to the argument of the senator in regard to the tremendous accumulation in this fund. Adding the item of the sinking fund reserve, \$1,121,395.20, which we assume the state has in cash and the figure just above it, of the tax on bank stock for 1926, \$205,183.87, and the item a little further above of the war bonds sinking fund, \$98,779.83—which was the figure when I argued it this morning but which the auditor now says is larger—and the item a little above that of accounts continuing by law, \$2,402,419.25—and of course that is in cash because it must be in cash—adding together those four items makes the total of \$3,823,472.48. Now, on the asset side of the statement on the same page the statement of assets begins with this item: "Cash General Fund, \$2,992,965.62." That is to say, almost a million less, right on that statement, of cash in a general fund than the total of those four items on the liability side which must be cash. Let the distinguished chairman of the Appropriations Committee account for that if he can.

Mr. FOSTER: I will take no time, Mr. President, in replying to that for I think it is uncalled for. The figures that the senator has used are not the figures today in regard to the sinking fund reserve or the general deficiency account, as they exist today, and as we are considering them with relation to this subject before us the auditor's figures are correct. The figures I have given the Senate are correct and the whole thing stands on the facts as I believe I have presented them.

The PRESIDENT: The question is, shall the bill be passed to be engrossed as amended?

Thereupon, Senate Paper 647, An Act to apply surplus funds toward state construction, was passed to be

engrossed as amended by Senate Amendment A.

The PRESIDENT: The Chair presents, under orders of the day and by unanimous consent, unless there is objection, Senate Document 360, Resolve to pay certain deficiencies, tabled on April 13th by the Senator from Androscoggin, Senator Holmes, this being the next matter on the calendar which we have not acted upon; and the Chair recognizes the Senator from Androscoggin, Senator Holmes.

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

"Senate Amendment A to Senate Document 360. Amend said resolve by adding after the last sentence thereof the following sentence: 'The state auditor shall not deduct the amount of the deficiency claim of the State Commissioner of Education from the permanent school fund.'"

Mr. HOLMES: Mr. President, I, of course, have no opposition to the passage of that deficiency resolve. It is quite necessary.

The PRESIDENT: The pending question is the adoption of Senate Amendment A and that is debatable.

Mr. HOLMES: Yes, Mr. President, and my only purpose in tabling it was to offer this amendment. And now, as explanation of the amendment I will say that after reading the communication from the state auditor dated February 15th, 1927, transmitting to the legislature the deficiency claims I was much struck and surprised by a recommendation that he makes and I think the legislature should take care that what he recommends is not done but that quite the contrary is done in the course of the communication toward the bottom of the first page the state auditor says the following: "Therefore no claims incurred after June 30, 1925, have been included except \$139.43 for the Commissioner of Education. Inasmuch as lapsed balances of that Department accrue to the school fund and not to the State Contingent Fund, I suggest that in acting upon these, authority to pay, if granted, should require this amount, as well as all other amounts on account of this department, to be deducted from the permanent school fund." Then in the lists we find that the amount of the deficiency claim of the Commissioner of Education is \$2,979.85. It is of no im-

portance, however, what the amount is but whatever it is the legislature wants to provide by the deficiency resolve the means to pay it, the time fixed under the appropriation laws of the last two years having expired.

(At this point the Honorable Clyde R. Chapman, Clerk of the House of Representatives of the 83rd Legislature, was escorted to a seat at the right of the President, amidst the applause of the Senate.)

But, we don't want the state auditor to deduct the claim in his bookkeeping, of the State Department of Education from the permanent school fund because the permanent school fund is a liability to the state and not an asset. Now, as I said before in this Senate Chamber I do not claim to be an accountant nor even a bookkeeper but as long as one keeps clearly in his mind that all bookkeeping, in the last analysis, comes right down to a question of the difference between debit and credit he won't go far astray.

Now on page 18 of the auditor's last report you will find the heading: "Statement of Assets and Liabilities—concluded—Permanent Properties and Permanent Funds." At the head of the Liability side of the page you will find: "Permanent School Fund \$546,090.07." If the state auditor or if the state government undertook to deduct from that liability this deficiency claim, all that the state government would have to do—having established that precedent—would be to keep on year after year and they would wipe out the liability as a matter of bookkeeping. Now, of course there ought to be securities set up against that fund but there are not. The auditor has more than once called the attention of the legislature to that fact but as I think, Mr. President, that the point is so important that although the deficiency appropriation resolve does not give that authority to the state auditor, although the state auditor asked for it, I fear that that thing might be done and that bad precedent would be established, I think it is important enough to attach that amendment to it.

Mr. FOSTER: Mr. President, this matter was taken up very carefully with the state auditor and the resolve taking care of certain deficiencies was amended. It read originally, as I recall, approximately \$55,000. Later an amendment was pre-

sented and adopted reducing it to \$30,000. Now, this very item that my distinguished friend, the Senator from Androscoggin, refers to is included in the list of the sixteen items that the state auditor says are deficiencies and the only amounts that he asks this legislature to take care of. I think we all understand that matter, the deficiencies. When any bill is received by the state auditor dated prior to July 1st, 1925, he is required to report that to the legislature under the provisions of Section 84, Chapter 2 of the Revised Statutes which I will read as follows: "whenever any appropriation or fund is expended, all bills and accounts presented to said auditor and drawn on said expended appropriation or fund shall not be approved by him, but shall be reported by him to the next session of the legislature, and he shall not approve any bill or account against any appropriation unless said bill or account was incurred during the time for which said appropriation was made."

Now, the deficiencies which had accumulated to February 15th, 1927, could not be paid by reason of the above limitations. Therefore, this resolve was presented. Later it was found that the \$30,000 fund considered necessary for the pauper account would be taken care of out of next year's management. For that reason there is no need whatever for this amendment.

Mr. HOLMES: Mr. President, just a word. I fear that the Senator from Kennebec, Senator Foster, does not understand my point. It is my fault, of course, in not making myself clear. I am not at all in opposition to the passage of the deficiency appropriation resolve. It is very necessary. I understand that the Committee on Appropriations found they could cut it down. Very good! We do not care whether they cut it down or not. The deficiency has got to be cared for and the resolve which we call the deficiency appropriation resolve has got to be passed but the state auditor must not deduct this deficiency claim from the permanent school fund because it is a liability and not an asset and I think it is important enough to put that rider on it.

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

A viva voce vote being taken, the

motion to adopt Senate Amendment A failed of passage.

Thereupon, the bill was passed to be engrossed.

The PRESIDENT: The Chair now presents, by unanimous consent, An Act relating to Primary Elections, (S. D. 371), and recognizes the Senator from Cumberland, Senator Oakes.

Mr. OAKES of Cumberland: Mr. President, may I ask the status of the measure? Has it been passed to be engrossed?

The PRESIDENT: The Chair will state that the bill was passed to be engrossed in this branch and sent to the House and there engrossed with the adoption of House Amendment A. The question is automatically on the adoption of House Amendment A, at this time, and the motion may properly be made to reconsider the vote whereby it was passed to be engrossed.

Mr. OAKES: Mr. President, may I first ask that House Amendment A be read.

The PRESIDENT: The Secretary will read the amendment.

(The Secretary read House Amendment A.)

Thereupon, on motion by Mr. Oakes of Cumberland, the Senate, under suspension of the rules, reconsidered its former action whereby the bill was passed to be engrossed, and on further motion by the same Senator, House Amendment A was adopted.

Mr. OAKES: Mr. President, I now offer Senate Amendment A and move its adoption.

The Secretary read the following amendment:

"Senate Amendment A to Senate Document 371. Amend by striking out all of Section 1, and by renumbering the sections so that they may be numbered one, two and three instead of two, three and four."

The motion to adopt Senate Amendment A prevailed.

Thereupon, on further motion by the same Senator, the bill as amended by House Amendment A and Senate Amendment A, was passed to be engrossed.

Mr. FOSTER of Kennebec: Mr. President, earlier in today's session, I tabled Senate Document 358, a resolve providing for the construction of an international bridge over St. John River between the town of Fort Kent, Aroostook County, Maine, and

the Parish of St. Francis, Madawaska County, New Brunswick. I move now that the matter take its regular course.

The PRESIDENT: The Chair will state that the matter automatically now leaves this body without any motion.

On motion by Mr. Crafts of Piscataquis, the Senate voted to take from the table, An Act relating to the protection of Moose, (S. D. 382), tabled by that Senator earlier in today's session; and on further motion by that Senator, the Senate, under suspension of the rules, reconsidered its action whereby this bill was passed to be engrossed.

Mr. CRAFTS of Piscataquis: Mr. President, I now offer Senate Amendment A and move its adoption.

The Secretary read the following amendment:

Senate Amendment A to Senate Document 382. 'Amend by striking out the word 'Lincoln' after the word 'Knox' in the third line of the third

paragraph, also amend said document by inserting after the word 'Somerset' in the third line in the fourth paragraph, the word 'Lincoln'."

The motion to adopt Senate Amendment A prevailed.

Thereupon on further motion by the same Senator the bill as amended was passed to be engrossed.

The President laid before the Senate, An Act to provide for the safety of life and property and to create a Board of Boiler Rules, etc. (S. D. 343), tabled earlier in today's session by Mr. Smith of Somerset, pending consideration; and in the absence of that Senator, on motion by Mr. Morrison of Franklin, the bill was retabled pending consideration and tomorrow morning assigned.

On motion by Mr. Maher of Kennebec

Adjourned until tomorrow morning at ten o'clock.