

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fourth Legislature

OF THE

STATE OF MAINE

1929

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**HOUSE**

Wednesday, March 6, 1929.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Greenman of Augusta.

Journal of the previous session read and approved.

Unanimous consent was given Mr. Wing of Kingfield to introduce the following order, out of order:

Ordered, that the House attest its affection for its former member, Bert H. Farrington of Jay, who died suddenly on March 5th., by suspending all routine business after the opening of the session on Thursday, March 7.

The order received passage.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill an act for the regulation and control of outdoor advertising, H. P. 1211, H. D. 403, which was referred to the committee on Judiciary in the House February 19th.

Comes from the Senate referred to the committee on Judiciary and Maine Publicity jointly in non-concurrence.

In the House:

Mr. WILLIAMSON of Augusta: Mr. Speaker, I move that the House concur with the Senate in the reference of this bill to the two committees jointly.

Mr. HAMMOND of Van Buren: Mr. Speaker, I move that the bill lie on the table pending the motion to refer.

A viva voce vote being taken the motion to table pending reference prevailed.

**Senate Bills In First Reading**

S. P. 228, S. D. 94: An act relating to the protection of children.

S. P. 230, S. D. 92: An act to amend the charter of Lee Academy.

S. P. 445, S. D. 177: An act relating to highway crossings of railroads.

S. P. 495, S. D. 202: An act to amend Section 2, Revised Statutes, Chapter 34 as amended, relative to

the duties of the Commissioner of Agriculture.

S. P. 165, S. D. 75: Resolve in favor of the Northern Maine Sanatorium for maintenance, personal services, repairs and equipment.

S. P. 163, S. D. 73: Resolve in favor of the Western Maine Sanatorium for maintenance, personal services, repairs and equipment.

S. P. 164, S. D. 74: Resolve in favor of the Central Maine Sanatorium for maintenance, personal services, repairs and equipment.

S. P. 384, S. D. 163: An act for the better care of inmates of the Reformatory for Women.

S. P. 581, S. D. 249: An act relating to the salary of the Register of Probate in Knox County.

S. P. 582, S. D. 250: An act relating to clerk hire in the office of the Register of Probate for Knox County.

S. P. 583, S. D. 251: An act relating to clerk hire in the office of Clerk of Courts for Knox County.

S. P. 584, S. D. 252: An act relating to the salary of Register of Deeds for the county of Knox.

S. P. 454, S. D. 176: Resolve in favor of Augusta State Hospital.

S. P. 455, S. D. 174: Resolve in favor of Bangor State Hospital, additional equipment.

**Communication From the State Auditor****STATE OF MAINE**

Department of State Auditor  
Augusta

January 14, 1929.

To the Honorable House of Representatives:

A House Order dated January 10, 1929 reads as follows:

Ordered, That the State auditor be requested to furnish to the House:

(1) An itemized statement of all receipts derived from the registration of motor vehicles, licenses for the operation of motor vehicles and for the excise tax imposed upon internal combustion engine fuels sold within the State;

(2). An itemized statement of the disbursement of all such receipts; all being for the year nineteen hundred twenty-eight.

Enclosed herein are tabulations

showing that a total of \$2,733,174.61 was received in the calendar year 1928 for automobile fees, and that \$3,424,114.77 was received in that period from the tax on internal combustion engine fuels; a total from these two sources of \$6,157,289.38. These have been fully itemized by months. The purposes for which such disbursements have been made also appear in detail.

Of the fees for registration of motor vehicles and for the licenses of drivers of such vehicles approximately 86 1-2 per cent is used for strictly highway purposes; 5 per cent for the cost of the State Highway Police; 4 1-2 per cent for the cost of the automobile registration bureau which includes cost of plates; and 4 per cent for administration requirements of the State Highway Commission.

Of the tax on internal combustion engine fuels approximately 96 1-2 per cent was used for strictly highway purposes; about 3 per cent was refunded, as the fuel was used for exempt purposes; while not much more than one-half of one per cent was used for salaries, traveling expenses, postage, telephone stationery, etc.

For a more detailed list of disbursements it would be necessary to analyze the 36,350 approved vouchers forwarded to this office by the State Highway Commission in the year 1928.

Respectfully submitted,  
(Signed) ELBERT D. HAYFORD  
State Auditor.

Was read and ordered placed on file.

#### Orders

On motion by Mr. Daigle of Madawaska, it was,

Ordered, the Senate concurring, that there be printed one thousand additional copies of the transcript of testimony taken out at the hearing on bill an act to create the Fish River Power and Storage Company.

Sent down for concurrence.

#### Reports of Committees

Mr. Wight from the Committee of Agriculture reported ought not to pass on bill an act to amend Section 110, Chapter 4 of the Revised Statutes, relating to payment of damages done by dogs and wild

animals to domestic animals (H. P. 1204) (H. D. 398)

Miss Laughlin from the Committee on Judiciary reported same on bill an act relative to the service of process upon non-residents (H. P. 34) (H. D. 14)

Mr. Peacock from the Committee on Legal Affairs reported same on bill an act to grant a new charter to the city of Old Town (H. P. 859) (H. D. 303)

Reports read and accepted and sent up for concurrence.

Mr. Bisbee from the Committee on Appropriations and Financial Affairs on resolve to improve the road at Fort William Henry (H. P. 118) (H. D. 47) reported same in a new draft (H. P. 1621) under same title and that it ought to pass.

Mr. Williamson from the Committee on Judiciary on bill an act relating to the service of process on non-residents involved in automobile accidents (H. P. 164) (H. D. 67) reported same in a new draft (H. P. 1616) under same title and that it ought to pass.

Mr. Aldrich from same Committee on bill an act to change the name of Cumberland Agricultural and Horticultural Society; to enlarge the Board of Directors and to increase the amount of property the society may hold (H. P. 599) reported same in a new draft (H. P. 1617) under same title and that it ought to pass.

Mr. Jack from the committee on Legal Affairs on bill an act relating to the charter of the city of Saco (H. P. 860) (H. D. 283) reported same in a new draft (H. P. 1618) under same title and that it ought to pass.

Mr. Gillespie from the Committee on Salaries and Fees on bill an act relating to clerk hire in Piscataquis County (H. P. 677) reported same in a new draft (H. P. 1619) under title of an act relating to amount allowed for clerk hire in the office of the Register of Deeds in Piscataquis County and that it ought to pass.

Same gentleman from same Committee on bill an act to increase the salary of the Treasurer of Androscoggin County (H. P. 621) reported same in a new draft (H. P. 1620) under same title and that it ought to pass.

Reports read and accepted and the new drafts ordered printed under the Joint Rules.

Mr. Bisbee from the Committee on Appropriations and Financial Affairs reported ought to pass on resolve in favor of the Maine Institution for the Blind for experimental work in home teaching (H. P. 281)

Mr. Holbrook from same Committee reported same on resolve in favor of the Maine Institution for the Blind for repairs to buildings (H. P. 282)

Mr. Butler from the Committee on Salaries and Fees reported same on bill an act relating to the salary of the Register of Deeds in Piscataquis County. (H. P. 676)

Mr. Merrill from the Committee on Ways and Bridges reported same on bill an act relating to closing of ways in winter. (H. P. 979)

Reports read and accepted and the bill and resolves ordered printed under the Joint Rules.

Mr. Sargent from the Committee on Legal Affairs reported ought to pass on bill an act to create the Portland High School Athletic Field Association. (H. P. 854) (H. D. 281)

Report read and accepted and the bill having already been printed was read twice under suspension of the rules and tomorrow assigned.

Mr. Jack from the Committee on Legal Affairs reported ought to pass on bill an act to establish the Fort Fairfield Municipal Court, (H. P. 9) (H. D. 5)

Mr. JACK of Lisbon: Mr. Speaker, would this be a proper time to offer an amendment to the bill?

The SPEAKER: The gentleman is advised that the amendment may be offered today or may be offered when the bill is in order for its third reading on Friday next.

Mr. JACK: Mr. Speaker, perhaps I might avoid the risk of forgetting it if I offered it today. I offer House Amendment A to H. P. 9, H. D. 5, an act to establish the Fort Fairfield Municipal Court and move its adoption.

The SPEAKER: The Clerk will read the amendment.

House Amendment A to bill an act to establish the Fort Fairfield Municipal Court.

Said bill is hereby amended by striking out Section 19.

Thereupon House Amendment A was adopted, and the bill assigned

for its third reading on Friday, March 8.

Mr. Blaisdell from the Committee on Legal Affairs, reported ought to pass on bill an act relating to the incorporation of a Council of the Boy Scouts of America (H. P. 1023) (H. D. 324)

Mr. Burkett from same committee reported same on bill an act to provide a town council and manager form of government for the town of Freeport, in the county of Cumberland. (H. P. 319) (H. D. 94)

Reports read and accepted and the bills having already been printed were read twice under suspension of the rules and tomorrow assigned.

#### First Reading of Printed Bills and Resolves

(H. P. 886) (H. D. 619) An act relating to clerk hire in the Register of Probate's Office, Oxford County.

(H. P. 891) (H. D. 620) An act increasing the salary of the Judge of the Rumford Falls Municipal Court.

(H. P. 1514) (H. D. 618) An act to grant a charter to the town of Sanford.

(H. P. 1611) (H. D. 621) An act relating to salary of the Register of Probate for Oxford County.

(H. P. 1612) (H. D. 622) An act to incorporate the Home Finance Corporation.

(H. P. 1613) (H. D. 623) An act relating to Building and Loan Associations.

(H. P. 1615) (H. D. 624) An act to establish a game sanctuary in the towns of Mapleton and Chapman in Aroostook County.

#### Passed to be Engrossed

(S. P. 115) (S. D. 242) An act relating to the salary of the Sheriff of Knox County.

(S. P. 217) (S. D. 89) An act to amend the charter of Maine Central Institute.

(S. P. 287) (S. D. 121) An act to authorize the erection of a dam across the East Branch of Spruce Creek, sometimes called Barter's Creek, in the town of Kittery.

(S. P. 303) (S. D. 111) An act relating to the registration of non-resident trucks.

(S. P. 362) (S. D. 147) An act to repeal the organization of the plantation of Long Pond.

(S. P. 413) (S. D. 172) An act

relative to penalties by imprisonment.

S. P. 492, S. D. 199: An act to repeal Section 27 of Chapter 37 of the Revised Statutes, relative to semi-monthly payments for milk and cream.

S. P. 494, S. D. 201: An act to amend Section 6, Chapter 33, Public Laws of 1927, relating to the sale and exchange of town forests and the location of public ways therein.

S. P. 580, S. D. 248: An act relating to amount to be paid for clerk hire in the office of Register of Probate for Kennebec county.

Mr. MORSE of Oakland: Mr. Speaker, I offer House Amendment A to Senate Paper 580, Senate Document 248, an act relating to the amount to be paid for clerk hire in the Register of Probate for Kennebec county and move its adoption.

The SPEAKER: The Clerk will read.

House Amendment A to Senate Paper 580, an act relating to amount to be paid for clerk hire in the office of Register of Probate for Kennebec county.

Amend by adding at the end thereof the following: "and said sum shall cover the cost of indexing all documents, papers and records of his office."

Thereupon House Amendment A was adopted, the bill had its third reading as so amended and was passed to be engrossed.

H. D. 541: An act relating to the Hancock-Sullivan bridge.

On motion by Mr. Chase of Cape Elizabeth, tabled pending third reading.

H. P. 511, H. D. 149: An act establishing a Game Preserve on Swan Island in Kennebec River, county of Sagadahoc.

H. P. 605, H. D. 612: An act relating to the Maine Wesleyan Seminary and Woman's College.

(H. P. 810) (H. D. 261) An act to establish a game preserve in the town of Windham, Cumberland County.

H. P. 884, H. D. 532: An act to amend Section twenty of Chapter four of the Revised Statutes, relating to the appointment of deputy town clerks.

(H. P. 977) (H. D. 533) An act to correct a clerical error in Section 1 of Chapter 222 of the Public Laws of 1923.

(H. P. 1505) (H. D. 535) An act to validate the organization of Bangor Bridge District and continue its charter.

(On motion by Mr. Kitchen of Presque Isle, tabled pending third reading)

(H. P. 1506) (H. D. 536) An act to amend the certificate of organization of the Damariscotta-Newcastle Water Company.

(H. P. 1507) (H. D. 537) An act relating to the purposes of the Milo Water Company.

(H. P. 1508) (H. D. 538) An act to incorporate the Franklin Water Company.

(H. P. 1509) (H. D. 539) An act relating to State Juvenile Institutions.

(H. P. 1511) (H. D. 613) An act to provide pensions for the regular drivers of the Fire Department of the city of Westbrook.

(H. P. 1512) (H. D. 614) An act relating to the registration of nurses.

(On motion by Mr. Rodolphe Hamel of Lewiston, tabled pending third reading.)

(H. P. 1513) (H. D. 615) An act to amend Section 117 of Chapter 7 of the Revised Statutes relative to military parades on election days.

(H. P. 1515) (H. D. 616) An act to provide pensions for the regular policemen of the city of Westbrook.

(H. P. 1516) (H. D. 617) An act to authorize the town of South Bristol to raise money for the purpose of helping keep in repair the cemeteries in said town.

(S. P. 121) (S. D. 56) Resolve in favor of State School for Boys.

(S. P. 260) (S. D. 235) Resolve in favor of the G. A. R. Cemetery Association of Lewiston.

(S. P. 328) (S. D. 120) Resolve in favor of the State Reformatory for Men.

(S. P. 414) (S. D. 166) Resolve in favor of State School for Girls.

(H. P. 84) (H. D. 530) Resolve in favor of Reformatory for Women for maintenance, etc.

(H. P. 217) (H. D. 611) Resolve in favor of Eagle Lake.

(H. P. 632) (H. D. 531) Resolve relative to compensation of Clarence W. Peabody, Commissioner of the Revision and Consolidation of the Public Laws.

(H. P. 1504) (H. D. 534) Resolve

providing for a State pension for Charlotte Hill of Biddeford.

(H. P. 1510) (H. D. 540) Resolve in favor of the town of Peru.

**Passed to be Enacted**

(S. P. 147) (S. D. 182) An act relating to the Portland Terminal Company.

(S. P. 148) (S. D. 183) An act to dissolve the Somerset Railway Company and the Washington County Railway Company.

(S. P. 162) (S. D. 72) An act to repeal Section 34 Chapter 142 of the Revised Statutes, relating to the employment of convicts in the State Prison.

(S. P. 210) (S. D. 217) An act to change the name of Birch Island in Sebago Lake to Grey Boulder Island.

(S. P. 288) (S. D. 122) An act to change the name of Ward Pond in the town of Sidney, Maine, to Ward Lake.

(S. P. 322) (S. D. 117) An act relating to the location of ways crossing railroad tracks and station grounds.

(S. P. 543) (S. D. 216) An act relating to appropriations for public and private hospitals.

(H. P. 134) (H. D. 59) An act to regulate the trapping of fur-bearing animals.

(H. P. 180) (H. D. 449) An act to increase the amount to be paid for clerk hire in the office of the Clerk of Courts in the county of Cumberland.

(H. P. 237) (H. D. 78) An act to regulate fishing in Bent's Pond in New Sharon and Vienna.

(H. P. 299) (H. D. 88) An act for the better protection of trout in Lake Cobbossecontee in the county of Kennebec.

(H. P. 335) (H. D. 450) An act relative to the salary of the Judge of the Ellsworth Municipal Court.

(H. P. 338) (H. D. 451) An act regulating the taking of shad in the Nonesuch River in Scarborough.

(H. P. 428) (H. D. 138) An act relating to the taking of additional land by railroad corporations; proceedings before Public Utilities Commission.

(H. P. 431) (H. D. 140) An act relating to the destruction of fish in East Machias Waters.

(H. P. 680) (H. D. 452) An act to regulate the taking of clams in the town of Phippsburg.

(H. P. 738) (H. D. 454) An act

relating to the salary of the Treasurer of Kennebec County.

(H. P. 739) (H. D. 455) An act relating to deputy Clerk of Courts of Kennebec County.

(H. P. 895) (H. D. 295) An act increasing the amount of the exemption from taxation of household furniture.

H. P. 1154) (H. D. 368) An act relative to examination papers of applicants for admission to the bar.

(H. P. 1168) (H. D. 358) An act relating to the regulation of the practice of the system, method or science of healing, known as Osteopathy.

(H. P. 1201) (H. D. 394) An act relating to rules of construction signatures.

(H. P. 1202) (H. D. 395) An act relating to rules of construction; corporate seals.

(H. P. 1302) (H. D. 431) An act relating to classifications of stock.

(H. P. 1303) (H. D. 430) An Act relating to the formation of corporations having stock without par value.

(H. P. 1379) (H. D. 457) An act relating to the lobster industry within two miles of the shore of Monhegan Island.

**Finally Passed**

(S. P. 48) (S. D. 28) Resolve in favor of the Bangor State Hospital.

(S. P. 127) (S. D. 58) Resolve for the giving of the State's assent of the Act of Congress of May Twenty-second, Nineteen Hundred and Twenty-eight (Capper Ketchum Act)

(S. P. 544) (S. D. 215) Resolve providing for an honorarium for Otis O. Roberts of Dexter.

(H. P. 450) (H. D. 458) Resolve authorizing the Forest Commissioner as Land Agent to convey a certain lot of land to W. Asahel Darling.

(H. P. 735) (H. D. 383) Resolve authorizing the Forest Commissioner to convey to the Gould Electric Company the right to flow a certain piece of land on the Public Lot in Township 10, Range 4, West of the East Line of the State, Aroostook County.

(H. P. 1203) (H. D. 396) Resolve in favor of the town of Orono to assist in the support of pauper.

(Tabled by Mr. Kitchen of Presque Isle pending final passage)

(H. P. 1228) (H. D. 413) Resolve

in favor of Fred A. Budge, of Mat-tawamkeag.

(H. P. 1380) (H. D. 460) Resolve authorizing the Forest Commissioner to release the State's Interest in Lots Numbered 3, 4 and 6 in Township 15, Range 6, West of the East Line of the State, Aroostook County, Maine, to Clara E. Hodgkins of Farmington, Maine.

**Passed to be Enacted**

(S. P. 361) (S. D. 146) An act providing for inspection, registration and safety of vessels engaged in inland navigation under the jurisdiction of the Public Utilities Commission.

(S. P. 368) (S. D. 218) An act to incorporate the Big Black River Dam Company.

(S. P. 562) (S. D. 226) An act making it unlawful to fish for smelts in certain parts of Washington and Hancock Counties.

(S. P. 563) (S. D. 227) An act relating to the digging of clams in the town of Wells.

(H. P. 726) (H. D. 429) An act relating to the jurisdiction of the Eastport Municipal Court.

(H. P. 727) (H. D. 453) An act to empower the Westfield Electric Company to sell its property to Gould Electric Company, and for other purposes.

(H. P. 1172) (H. D. 364) An act concerning the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto.

**(Emergency Measure)**

H. P. 883, H. D. 302: An act to create the Gray Water District.

The SPEAKER: This being an emergency measure, it is necessary under the Constitution that it have the affirmative vote of two-third the entire membership of this body. All those in favor of the passage of the bill to be enacted will rise and stand until counted and monitors will return the count.

A division being had,

One hundred and thirty-one voting in the affirmative and none in the negative the bill was passed to be enacted.

**Orders of The Day**

The SPEAKER: The Chair pre-

sents the first matter tabled and today assigned, H. P. 63, H. D. 30, an act relating to a tax upon gasoline, tabled on February 28 by the gentleman from Presque Isle, Mr. Kitchen, the pending question being the adoption of House Amendment A; and the Chair recognizes the gentleman.

Mr. KITCHEN: Mr. Speaker, I move the adoption of House Amendment A.

The SPEAKER: The gentleman from Presque Isle, Mr. Kitchen, moves the adoption of House Amendment A, which the Clerk will read.

House Amendment A

Amend said bill by striking out of the last paragraph thereof the words "it being the intention of the Legislature to make this appropriation available for the fiscal year of 1928."

Thereupon, the House voted to adopt House Amendment A, and on further motion by the gentleman from Presque Isle, Mr. Kitchen, the bill as amended by House Amendment A was given its third reading and passed to be engrossed.

The SPEAKER: The Chair presents the second matter tabled and today assigned, S. P. 46, S. D. 26, an act relating to the appointment of trustees of Normal Schools, tabled on Feb. 28 by the gentleman from Presque Isle, Mr. Kitchen, the pending question being the motion of the gentleman from Biddeford, Mr. Locke, to indefinitely postpone, and the Chair recognizes the gentleman from Presque Isle, Mr. Kitchen.

Mr. KITCHEN: Mr. Speaker and Members of the Eighty-fourth Legislature: The question before the House is the indefinite postponement of Senate Paper 46, an act relating to the appointment of trustees of Normal Schools. The gentleman from Biddeford, Mr. Locke, in his speech of last Friday, at which time he moved the indefinite postponement of this bill, expressed himself in no uncertain terms as to his feeling that this bill might be a direct thrust at the members of the minority party. In fact, using his own words, he said it provided



for "an open season on Democrats." Whether this is true or not, I do not know. I do know, however, that the law in regard to the Board of Trustees of State Normal Schools has been working in a satisfactory manner for a number of years, and I can see no good reason at the present time for this change. I think it is only fair to the Senator from Aroostook who introduced this bill to say it is my feeling that she introduced this bill in good faith, little thinking that she would be the cause of having any member of this House think that she was endeavoring to inject politics into the Educational Department; in fact, she has expressed herself as feeling it would safeguard the Department against such a feeling, but rather than have any member of this law-making body feel that she was attempting anything of that sort, she would much rather have her bill indefinitely postponed, and I want to go on record at this time as supporting the motion of the gentleman from Biddeford, Mr. Locke, for the indefinite postponement of the bill. (Applause)

The SPEAKER: The gentleman from Presque Isle, Mr. Kitchen, supports the motion of the gentleman from Biddeford, Mr. Locke, for the indefinite postponement of this bill. Is the House ready for the question? As many as are in favor of the indefinite postponement will say aye; as many as are opposed will say no.

A viva voce vote being taken, the motion prevailed, and the bill was indefinitely postponed.

The SPEAKER: The Chair presents the third matter tabled and today assigned, H. P. 1573 H. D. 609, an act relating to provisions for safety, tabled on March 1 by the gentleman from Bangor, Mr. Ingraham, the pending question being reference to a committee, and the Chair recognizes the gentleman.

On motion by Mr. Ingraham, House Document 1573 was referred to the committees on Labor and Public Utilities jointly.

The SPEAKER: Under matters tabled and unassigned which come from the table under the House Or-

der, the Chair presents the first unassigned matter, bill an act relating to Board of Registration in Optometry, S. P. 144, S. D. 65, tabled on February 26 by the gentleman from Augusta, Mr. Williamson, the pending question being assignment for third reading, and the Chair recognizes the gentleman.

Mr. WILLIAMSON: Mr. Speaker, it has come to the attention of the proponents of this measure and also the Judiciary Committee that the matter is cared for by present statute. Accordingly, I move that this matter be indefinitely postponed.

The SPEAKER: The gentleman from Augusta, Mr. Williamson, moves that Senate Paper 144, Senate Document 65, an act relating to Board of Registration in Optometry, be indefinitely postponed. As many as are in favor of the motion will say aye; as many as are opposed will say no.

A viva voce vote being taken, the motion prevailed and the bill was indefinitely postponed.

The SPEAKER: The Chair presents the second unassigned matter, H. P. 1381, H. D. 448, bill an act to incorporate the Guilford and Sangerville Water District, tabled on February 26 by the gentleman from Guilford, Mr. Heath, the pending question being first reading, and the Chair recognizes the gentleman.

On motion by Mr. Heath, the bill received its two several readings, and assigned for third reading Friday next.

The SPEAKER: The Chair presents the third unassigned matter, H. P. 175, H. D. 362, resolve for the purchase of "A History of Pemaquid," tabled on February 27 by the gentleman from Boothbay Harbor, Mr. Bishop, the pending question being passage to be enacted, and the Chair recognizes the gentleman from Farmingdale, Mr. Littlefield.

On motion by Mr. Littlefield, H. P. 175, H. D. 362, resolve for the purchase of "A History of Pemaquid" was retabled and unassigned.

The SPEAKER: The Chair presents the fourth unassigned

matter, H. P. 245, H. D. 363, resolve for the purchase of one hundred copies of the "History of the Town of Lincoln," tabled on February 27 by the gentleman from Damariscotta, Mr. Bisbee, the pending question being passage to be enacted, and the Chair recognizes the gentleman.

Mr. BISBEE: Mr. Speaker, on the fourth unassigned matter, tabled February 27th, I yield to the gentleman from Farmingdale, Mr. Littlefield.

The SPEAKER: The Chair recognizes the gentleman from Farmingdale, Mr. Littlefield.

On motion by Mr. Littlefield, H. P. 245, H. D. 363, resolve for the purchase of one hundred copies of the "History of the Town of Lincoln" was retabled and unassigned.

The SPEAKER: The Chair presents the fifth unassigned matter, H. P. 336, H. D. 99, an act regulating the catching of smelts in the waters of Casco Bay and mouth of the Presumpscot River in Cumberland County, tabled on February 28 by the gentleman from Portland, Mr. Bissett, the pending question being assignment for third reading, and the Chair recognizes the gentleman.

Mr. BISSETT: Mr. Speaker, I now yield to the gentleman from South Portland, Mr. Boynton.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Boynton.

Thereupon, on motion by Mr. Boynton the rules were suspended, and the House reconsidered the vote whereby it adopted House Amendment A; on further motion by the same gentleman, House Amendment A was indefinitely postponed; and on further motion by the same gentleman the bill was assigned for its third reading on Friday next at ten o'clock.

The SPEAKER: The Chair presents the sixth unassigned matter, Senate report ought to pass in new draft—the committee on Public Utilities on bill an act to create Sabattus Water and Sewer District, S. P. 238, S. D. 108, reporting same in a new draft, S. P. 525, S. D. 206, under same title and that it ought to pass, tabled on March 1 by the gentleman

from Presque Isle, Mr. Kitchen, the pending question being adoption of Senate Amendment A in concurrence, and the Chair recognizes the gentleman.

Thereupon, on motion by Mr. Kitchen Senate Amendment A was adopted in concurrence; and on further motion by the same gentleman the bill was assigned for its third reading on Friday next at ten o'clock.

The SPEAKER: The Chair presents the seventh unassigned matter, an act relating to directional signs located in the highway, H. P. 1546, H. D. 608, tabled on March 1 by the gentleman from Presque Isle, Mr. Kitchen, the pending question being reference to a committee, and the Chair recognizes the gentleman.

MR. KITCHEN: Mr. Speaker, may I inquire the committee recommended?

The SPEAKER: The Committee on Reference of Bills suggested that this bill be referred to the committee on Judiciary, the companion bill having gone to the committees on Judiciary and Public Utilities jointly.

Mr. KITCHEN: Mr. Speaker, I move that this bill be referred to the committees on Judiciary and Public Utilities jointly.

The SPEAKER: The Chair is in error. The similar measure was referred to the committees on Judiciary and Maine Publicity jointly.

Thereupon, on motion by Mr. Kitchen, the bill was referred to the committees on Judiciary and Maine Publicity jointly.

The SPEAKER: The Chair presents the eighth unassigned matter, bill an act to grant a new charter to the city of Belfast, H. P. 1557, tabled on March 1 by the gentleman from Belfast, Mr. Taylor, the pending question being reference to a committee, and the Chair recognizes the gentleman.

On motion by Mr. Taylor, the bill was retabled and unassigned.

The SPEAKER: The Chair presents the ninth unassigned matter, an act relating to selling and dispensing electric power, H. P. 1575, tabled on March 1 by the gentle-

man from Bangor, Mr. Potter, the pending question being reference to a committee, and the Chair recognizes the gentleman.

Mr. POTTER: Mr. Speaker, the reasons for presenting this bill have now been adjusted, and I move that it be indefinitely postponed.

The motion to indefinitely postpone prevailed.

The SPEAKER: The Chair presents the tenth unassigned matter, bill an act to establish a State Highway Commission with a full time chairman, H. P. 1598, H. D. 610, tabled on March 1 by the gentleman from Topsham, Mr. Aldrich, the pending question being reference to a committee, and the Chair recognizes the gentleman.

On motion by Mr. Aldrich, the bill was retabled and assigned for Friday morning next.

The SPEAKER: The Chair presents the eleventh unassigned matter, House report ought not to pass—committee on Legal Affairs—on bill an act relating to the Department of Public Welfare, H. P. 1157, H. D. 371, tabled on March 1 by the gentleman from Cape Elizabeth, Mr. Chase, the pending question being acceptance of report, and the Chair recognizes the gentleman.

Mr. CHASE: Mr. Speaker, I yield to the gentleman from Portland, Mr. Burkett.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, yields to the gentleman from Portland, Mr. Burkett.

Thereupon, on motion by Mr. Burkett the bill was recommitted to the committee on Legal Affairs.

The SPEAKER: The Chair presents the twelfth unassigned matter, bill an act to incorporate the Sanford Water District, H. P. 1447, H. D. 492, tabled on March 1 by the gentleman from Fort Fairfield, Mr. Ashby, the pending question being third reading and the Chair recognizes the gentleman.

Mr. ASHBY: Mr. Speaker, I yield the floor to the gentleman from Sanford, Mr. Allen.

Mr. ALLEN: Mr. Speaker, I wish to present House Amendment A to House Paper 1447, which is to

correct a clerical error, and move its adoption.

The SPEAKER: The gentleman from Sanford, Mr. Allen, presents House Amendment A to House Paper 1447, and moves its adoption. The Clerk will read the amendment.

House Amendment A to House Paper 1447, entitled an act to incorporate the Sanford Water District.

Amend Section seven by adding after the word "such" in the one hundredth line thereof, the words "justice shall, upon motion of either party, after notice and hearing, take".

Thereupon, House Amendment A to House Paper 1447, was adopted, and on further motion by the same gentleman, the rules were suspended and the bill received its third reading and was passed to be engrossed, as amended by House Amendment A.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard, Mr. Milliken.

On motion by Mr. Milliken, the House voted to reconsider its action whereby House Document 300, an act to change the name of the town of Old Orchard to Old Orchard Beach, be recommitted to the committee on towns; and on further motion by the same gentleman, the bill received its third reading and was passed to be engrossed.

Mr. KITCHEN of Presque Isle: Mr. Speaker, I move that the House reconsider its action whereby Senate Paper 368 was passed to be enacted.

The SPEAKER: Will the gentleman give the title to the measure?

Mr. KITCHEN: Big Black River Dam, to be enacted, Mr. Speaker.

Thereupon, on motion by Mr. Kitchen, the House reconsidered its vote whereby S. P. 368, S. D. 218, an act to incorporate the Big Black River Dam, was passed to be enacted; and on further motion by the same gentleman, the bill was tabled, pending passage to be enacted.

Mr. FOSTER of Ellsworth: Mr.

Speaker, may I take up the sixteenth unassigned matter?

The SPEAKER: The gentleman is informed that the printed calendar is in error, that the sixteenth unassigned matter is not as printed, but should be the ought to pass report of the committee on Library on resolve to purchase copies of Embden, town of York. Does the gentleman withdraw his motion?

Mr. FOSTER: Mr. Speaker, my point was simply to take from the table.

The SPEAKER: The matter which is on the printed calendar as the sixteenth unassigned matter has received its third reading this morning.

On motion by Mr. Chase of Cape Elizabeth, the House voted to take from the table House Document 541, an act relating to the Hancock-Sullivan Bridge, tabled by that gentleman earlier in the session; and on further motion by the same gentleman the bill had its third reading and was passed to be engrossed.

Mr. LOCKE of Biddeford: Mr. Speaker, I move that the House reconsider its action taken this morning on H. P. 859, H. D. 303, entitled an act to grant a new charter to the city of Old Town.

On motion by Mr. Kitchen of Presque Isle, a viva voce vote being taken, it was voted to table the motion to reconsider.

The SPEAKER: The Chair has been asked to make a statement with reference to the time and manner of offering amendments to bills. While an amendment may, as a matter of parliamentary practice, be offered at almost any time in the course of the bill, it will facilitate the work of our efficient clerical force if it is offered after the third reading prior to passage to be engrossed. The Chair would like particularly to emphasize that amendments should be made, not to the printed documents, but to the original bills which are designated by paper numbers. The original bills designated by paper numbers are the only documents that have any official standing. Amendments should therefore be made to the papers, and where an amendment is made to such and

such a line, the person offering the amendment should count the lines in the House Paper and not in the printed document. Observance of that rule will save a considerable amount of trouble and confusion and, incidentally, delay.

At this point a communication was received from the Senate, through its Secretary, proposing a joint convention of both branches of the Legislature to be held forthwith in the hall of the House for the purpose of extending an invitation to His Excellency, the Governor, to attend the Convention and make such communication as he sees fit to make.

On motion by Mr. Kitchen of Presque Isle, the House voted to concur with the Senate in its proposal for a joint convention of both branches to be held forthwith in the hall of the House and that the House signify its concurrence through its Clerk.

Thereupon the Clerk conveyed to the Senate the concurrence of the House as above, subsequently reporting that he had performed the duty with which he was charged, which report was accepted.

At this point the Senate came in and a Joint Convention was formed.

#### In Convention

The President of the Senate in the Chair.

On motion by Senator Spear of Cumberland, it was ordered that a committee be appointed to wait upon Honorable William Tudor Gardiner, Governor, and inform him that the two branches of the Legislature are in convention assembled in the hall of the House of Representatives, and extend to him an invitation to attend the Convention and present such communication as he may be pleased to make.

The Chairman thereupon appointed as members of that committee on the part of the Senate: Senators Spear of Cumberland, Leonard of Piscataquis and Carter of Androscoggin; and on the part of the House. Representatives Kitchen of Presque Isle, Chase of Cape Elizabeth, Gillespie of Meddybemps, Foster of Ellsworth, Laughlin of

Portland, Boston of Gardiner and Wright of Bath.

Subsequently Senator Spear for the committee reported that the committee had discharged the duty assigned to it and that the Governor was pleased to say that he would attend forthwith.

The report was accepted and the committee discharged.

Thereupon the Honorable William Tudor Gardiner, Governor, entered the hall, amid applause, the Convention rising, and the Governor addressed the Convention as follows:

Members of the 84th Legislature:  
I have received the following letter from the Honorable Secretary of the Department of Agriculture of the United States:

Department of Agriculture,  
Washington, D. C.,  
March 2, 1929

Hon. William Tudor Gardiner,  
Governor of Maine,  
Augusta, Maine

Dear Governor:

Since the passage of the original Federal aid road act of July 11, 1916 (39 Stat. 355), this Department and the State highway department of Maine have constructed cooperatively a great many miles of highway within the State of Maine. The relations of this Department with the State highway department have been most cordial, a fine spirit of cooperation prevailing at all times, and not until recently did anything transpire to suggest a doubt as to the official integrity of any member of the State highway department personnel. It is a matter of deep regret, therefore, that I find it my duty, in connection with the administration of the Federal aid road legislation, to bring to your attention certain matters growing out of the handling of work by the State highway department on certain Maine Federal aid road projects, particularly projects Nos. 102-A, 102-B, and 103-B.

Under the provisions of the Federal highway act of November 9, 1921 (42 Stat. 212), which amended the act mentioned above, each State is required to have a highway department, which the statute (Sec. 2, 4th par.) defines to include "any

State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required." The duties required include the initiation and submission of project statements; the making of surveys and the preparation of plans, specifications, and estimates; the advertisement for bids and award and execution of contracts for the construction of projects; and the immediate supervision and direction of all construction work undertaken on a cooperative basis between the State and the Federal Government. In this connection, I think it well to bring to your attention the provisions of Section 12 of the Federal highway act which reads, as follows:

"That the construction and reconstruction of the highways or parts of highways under the provisions of this act, and all contracts, plans, specifications, and estimates relating thereto, shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture. The construction and reconstruction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations pursuant to this act."

From the foregoing, it will be observed that the initiation of projects, their engineering development, and the supervision of their construction under the Federal statutes is by the highway departments of the several States, through State employees, with the right of inspection and approval reserved to the Secretary of Agriculture. Since the highway departments have direct control and supervision of the work, this Department maintains only a limited inspection force in each State and pays their salaries and expenses out of the 2 1-2 per centum which the Federal highway act (Sec. 21, 1st par.) authorizes to be deducted for administrative purposes. The limited number of engineers em-

ployed by this Department makes it possible to inspect projects only about once each thirty days, but necessary State highway employees, the salaries and expenses of whom are permitted under the Federal statutes to be included in vouchers and the Federal pro rata share thereof paid, subject to the restriction that items included for engineering, inspection and unforeseen contingencies shall not exceed 10 per centum of the total estimated cost of a project, are on each project and in charge of the construction thereof during the whole period from the beginning to the completion of the work. It, therefore, follows and is the underlying theory of the cooperative plan of the Federal aid road legislation, that the Federal Government, in a large measure, looks to the State highway departments for the proper and economic expenditure of the funds appropriated to aid the States in road construction work. The integrity of the State highway department personnel which discharges any duties in connection with the construction of Federal aid projects thus becomes a matter of serious concern to the Federal Government. If such personnel should be corrupt, dishonest, or inefficient the interests of the Federal Government are certain to suffer.

In connection with the projects mentioned above, evidence before this Department would seem to establish beyond doubt that several thousand barrels of cement which under the specifications should have gone into their construction were omitted therefrom with apparent intent to defraud the State and Federal Governments. Federal payments on these projects have been made on the basis of vouchers which included claims for cement in excess of that which actually went into the projects. The construction of the projects with the omission of a portion of the cement called for by the specifications occurred during the years 1926 and 1927.

The Department is not unmindful of the fact that some of the circumstances surrounding the construction of these projects, along with other matters, was made the subject of an investigation in 1927 by a committee of the Maine Legislature and that apparently no ac-

tion was deemed necessary, or at least none was taken, as a result of the disclosures made at that investigation. Subsequent investigations conducted and now in progress by this Department and other agencies of the Federal Government, however, have brought to the Department information of such nature that I deem it my duty, as Secretary of Agriculture to refuse to approve any further Federal aid road projects in the State of Maine until the personnel of the State highway department, by reorganization or such other method as the State may adopt, shall be so changed that this Department can have such confidence in the organization as a whole as, in its judgment, will justify the resumption of the expenditure of Federal aid road funds within the State.

I feel that I should state, however, that the information against the State highway department personnel does not involve the whole membership of the State Highway Commission nor of the engineering personnel.

Sincerely,  
(Signed) W. M. JARDINE,  
Secretary.

It will be noted that definite and final action has been taken by the Federal Department of Agriculture under the provision of the Federal Highway Act which entrusts said Department with broad powers of supervision and discretion in the grant of Federal money to the several states. From this action there is no appeal. To obtain a reversal of this decision there is no course but to fulfill the directions indicated in this letter.

The Federal Highway Act affords the use of approximately \$700,000 a year of Federal Aid in the construction of Maine roads. That Act left the several states free to accept or reject its terms. Since Maine accepted the benefits of the Act the State has drawn from the Federal Government and expended on Maine roads over \$6,000,000.

There are now Federal funds to the amount of \$1,400,000 awaiting expenditure on the part of the State. It would seem disastrous to the continuance of any substantial road program to refuse to accept these funds or to continue a situa-

tion under which the Federal Government withholds these funds.

This Federal action implies a criticism on the conduct of part of our State affairs but resentment or protest is of no avail. A situation is squarely presented which we must squarely face. We can either deny ourselves the financial and administrative cooperation of the United States Government, or we can conform to its suggestion and continue our policy of cooperating in road construction.

Article 5 of the Constitution of Maine vests in a Governor the supreme executive power of this State and further provides that he shall take care that the laws be faithfully executed. It seems to me that the present situation is one in which I must assume the responsibility for immediate action. I have therefore by letter this morning requested the resignation of the three members of the State Highway Commission.

Commissioner Clifford has sent word that he is submitting his resignation.

I am submitting this information to you that you may be advised at once of what has transpired. (Applause, the convention rising)

The Governor then retired.

The purpose for which the Convention was assembled having been accomplished, the Convention was dissolved, and the Senate retired to the Senate Chamber, amid the applause of the House, the members rising.

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**In the House**

The Speaker in the Chair.

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On motion by Mr. Dudley of  
Castle Hill

Adjourned until ten o'clock to-  
morrow.