

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

Tuesday, March 26, 1929.

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

Prayer by the Rev. Mrs. Knowlton of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

S. P. 694, S. D. 369: An act relating to the protection of silver, silver black and black foxes and providing a penalty.

S. P. 690, S. D. 366: An act to acquire the property of the Arrow-
sic Bridge.

S. P. 692, S. D. 368: Resolve appropriating money for the study and control of the birch saw-fly leaf miner and birch case bearer.

S. P. 145, S. D. 66: An act relating to optometry.

S. P. 371, S. D. 158: An act relating to mothers with dependent children.

From the Senate: Resolve in favor of Bangor State Hospital, additional equipment (S. P. 455) (S. D. 174) which was finally passed in the House, March 21.

Comes from the Senate recommit-
mitted to the Engrassing Department.

In the House, recommitting to the Engrassing Department in concurrence.

Orders

On motion by Mr. Kitchen of Presque Isle, it was

Ordered, the Senate concurring, that there be returned from the Engrassing Department to the House

H. P. 533, H. D. 679—Resolve in favor of the towns of Gardiner and Randolph for painting and maintenance of bridge.

H. P. 481, H. D. 678—Resolve in favor of the town of Fort Fairfield for repairs and maintenance of bridge.

H. P. 192, H. D. 676—Resolve in Favor of Trustees of bridge between Machias and Machiasport for repairing bridge for the purpose of amending to designate funds to be taken from.

The above order was sent up for concurrence.

Mr. Jacobs of Auburn presented the following order and moved its passage:

Ordered that, the Senate concurring, in order that the business of the Legislature may be expedited and that a reasonable time for adjournment be made possible, the committee appointed under the Spear order in connection with the State Highway Commission controversy be requested to report to the Legislature their findings, with such recommendations as they care to make, on or before Monday, April 1, 1929.

Mr. JACOBS: Mr. Speaker, we all realize that much depends upon expediting the work of the Legislature, especially relative to the Highway Commission proposition. It has been rumored among us that we have a recess in order that this Committee may go more fully into details in regard to this Commission. Many of us believe that they have had ample time, or will have ample time between now and Monday next, to make their investigation in order that they may report to this Legislature their findings. Many of us believe, too, that they have all the information now that they can possibly obtain. We do not wish to mark time. We do not wish to have a recess, go home and then come back later in the year. Many of us feel that this matter of business should be done here and settled and then we can go home and attend to our own special business. Therefore, I hope this order will have passage.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, it hardly seems wise to me after having appointed that committee, that we should pass such an order as this. The composition of that committee is such that I think it merits the confidence of every member of the Legislature. I can conceive of no reason why that body of men should withhold a report if it felt that it had received all the information possible to receive. I believe it is hardly courteous to that committee to demand of it a report when the committee itself is not ready to render such report. I believe that such a move would simply be hampering instead of expediting. I believe that everyone

wishes that that committee may get all the facts regarding the case possible to get for the purpose of enabling us to feel, when that committee has reported, that it has gone to the bottom of this affair. Consequently, in behalf of absolute justice to that committee, and the rendering of absolute justice to those whose acts may be investigated by this order, I sincerely hope that the gentleman's motion will not prevail.

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Auburn, Mr. Jacobs, that the order introduced by him, and just read by the Clerk, receive passage. As many as are in favor of the passage of the order will say aye; those opposed will say no.

A viva voce vote being doubted,

A division of the House was had. Fifty-seven voting in favor of the passage of the order and 58 against its passage, the order failed of passage, and was sent up for concurrence.

Reports of Committees

Mr. Clark from the Committee on Inland Fisheries and Game reported ought not to pass on bill an act relating to the protection of wild hares or rabbits. (H. P. 937)

Report read and accepted and sent up for concurrence.

Mr. McKnight from the Committee on Salaries and Fees on bill an act relating to the Western Washington Municipal Court (H. P. 643) reported same in a new draft (H. P. 1687) under same title and that it ought to pass.

Mr. Lombard from same Committee on bill an act relating to the salary of the Sheriff of Oxford County (H. P. 622) reported same in a new draft (H. P. 1684) under same title and that it ought to pass.

Mr. Lombard from same Committee on bill an act relating to the salary of the County Commissioners in Oxford County (H. P. 619) reported same in a new draft (H. P. 1685) under same title and that it ought to pass.

Mr. Melcher, from the same Committee on bill an act relating to the salary and clerk hire of the Register of Probate in Aroostook County. (H. P. 675) reported same in a new draft (H. P. 1686) under

same title and that it ought to pass.

Mr. Hawkes from the Committee on Ways and Bridges on bill an act making it unlawful for depositing sawdust in the limits of the highways. (H. P. 1599) (H. D. 604) reported same in a new draft (H. P. 1683) under same title and that it ought to pass.

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

Mr. Bishop, from the Committee on Salaries and Fees reported ought to pass on bill an act increasing the salary of the County Attorney of Waldo County. (H. P. 1441.)

Mr. Lombard, from same Committee reported same on bill an act relating to the salary of the Municipal Court Recorder of Sanford. (H. P. 695.)

Mr. Melcher, from the same Committee reported same on bill an act relating to the salary of the Judge of Probate in the Aroostook County. (H. P. 618.)

Reports read and accepted and the bills ordered printed under the Joint Rules.

Mr. Clark, from the Committee on Inland Fisheries and Game reported same on bill an act relating to bounty on porcupines or hedgehogs. (H. P. 135) (H. D. 60.)

(Tabled by Mr. Wight of Newry pending acceptance of report.)

First Reading of Printed Bills and Resolves

(H. P. 1682) (H. D. 74) An act to provide for the building of a highway bridge across the Kennebec River between the towns of Richmond and Dresden.

Passed to be Engrossed

(S. P. 571) (H. D. 238) An act with reference to the Attorney General and to the arrest and apprehension of criminals.

(S. P. 610) (S. D. 305) An act with reference to the permanent funds of the State.

(H. P. 328) (H. D. 97) An act relating to mutual insurance risks.

(H. P. 1569) (H. D. 577) An act to amend Section 1 of Chapter 231 of the Private and Special Laws of 1909 relating to the Aroostook Mutual Fire Insurance Company.

(H. P. 1671) (H. D. 725) An act relating to a green light on motor

vehicles which are seven feet in width or over.

(H. P. 1672) (H. D. 726) An act to establish a game sanctuary in the town of Standish in the county of Cumberland.

(H. P. 1673) (H. D. 727) An act to simplify civil procedure.

(H. P. 1674) (H. D. 728) An act to amend the act establishing the Caribou Municipal Court and the amendments thereto.

(H. P. 1676) (H. D. 730) An act in relation to the Ellsworth Municipal Court.

(H. P. 1677) (H. D. 731) An act relating to legal holidays.

(H. P. 1680) (H. D. 732) An act relating to declarations upon a contract in writing.

(H. P. 1681) (H. D. 733) An act relating to laying out and assessing damages on State and State aid highways.

(S. P. 265) (S. D. 141) Resolve in favor of D. B. Cornish to reimburse him for road construction in Phippsburg, Maine.

(S. P. 526) (S. D. 214) Resolve to appropriate moneys for the payment of certain claims for which no legislative appropriation has been made and to provide for carrying on the activities of departments and institutions for the remaining months of the fiscal year ending June 30th, 1929, and for other purposes.

S. P. 628) (S. D. 303) Resolve providing for a State pension for Frances J. Libby of Augusta.

(H. P. 1678) (H. D. 734) Resolve in favor of the town of Alfred for reimbursement.

Passed to be Enacted

(S. P. 152) (S. D. 68) An act to authorize the Treasurer and County Commissioners of York County to procure a loan, and issue bonds of said county therefor, for the purpose of refunding temporary loans of said county existing under the provisions of the Bridge Law and to provide funds for subsequent payments to be made under the provisions of said law.

(S. P. 211) (S. D. 343) An act relating to the annual payments to the Aroostook Law Library.

(S. P. 212) (S. D. 344) An act for the purchase of books for the Aroostook Law Library.

(S. P. 254) (S. D. 106) An act to

remove the limit on expenditure of Third Class Highway funds upon a section of road where buildings are nearer than two hundred feet apart.

(S. P. 458) (S. D. 185) An act relating to the transportation of board of children in places of temporary residences.

(S. P. 460) (S. D. 187) An act relating to the temporary closing of schools.

(Tabled by Mr. Allen of Sanford pending passage to be enacted)

(S. P. 533) (S. D. 209) An act relating to the qualification of public officers.

(S. P. 594) (S. D. 259) An act to regulate the plotting of private lands for streets or ways and imposing conditions for recording maps or plans of private land with streets or ways therein.

(S. P. 604) (S. D. 265) An act relating to a State Entomologist.

(S. P. 615) (S. D. 286) An act relating to lights on vehicles.

(S. P. 654) (S. D. 313) An act to incorporate the Monroe Loan Society of Maine.

(S. P. 664) (S. D. 325) An act relating to dental hygienists.

(S. P. 668) (S. D. 330) An act to incorporate The Maine Foundation.

(S. P. 676) (S. D. 338) An act to set off certain land from the town of Glenburn to be annexed to the city of Old Town.

(S. P. 678) (S. D. 346) An act relating to the expenses of the Justices of the Supreme Judicial Court.

(S. P. 679) (S. D. 347) An act relating to bonds of licensed detectives.

(S. P. 682) (S. D. 350) An act relating to easements.

(S. P. 684) (S. D. 353) An act to amend and extend the charter of Kennebec Reservoir Company.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, for the purpose of correcting a clerical error by amendment I move that the House reconsider its action whereby this bill was passed to be engrossed.

Thereupon the House reconsidered its action whereby S. P. 684, S. D. 353 was passed to be engrossed; and Mr. Chase of Cape Elizabeth offered House Amendment A as follows:

House Amendment A to S. P. 684,

bill an act to amend and extend the charter of the Kennebec Reservoir Company.

Amend said bill by striking out in the fourth line of the third section thereof the word "be" and insert in place thereof the words 'are hereby.'

House Amendment A was adopted, and the bill as amended was passed to be engrossed.

(H. P. 620) (H. D. 636) An act relating to the salary of the Sheriff in Penobscot County.

(S. P. 683) (S. D. 351) An act to prohibit the erection of any dam on the public waters in the State unless and until all bushes, trees and stumps within the area to be flowed shall have been removed.

(On motion by Mr. Foster of Ellsworth, tabled pending passage to be enacted)

(H. P. 854) (H. D. 281) An act to create the Portland High School Athletic Field Commission.

(H. P. 855) (H. D. 278) An act relating to wards in the city of Portland.

(H. P. 1028) (H. D. 324) An act relating to the incorporation of a Council of the Boy Scouts of America.

(H. P. 1166) (H. D. 373) An act relating to the collection of a fee from persons visiting the State Prison.

(H. P. 1181) (H. D. 387) An act relating to deductions from State School Fund.

(H. P. 1255) (H. D. 427) An act relating to vacancies in town offices.

(H. P. 1275) (H. D. 432) An act to place the administration of the affairs of the Indian Tribes under the Department of Forestry.

(Tabled by Mr. Kitchen of Presque Isle pending passage to be enacted.)

(H. P. 1281) (H. D. 438) An act relative to Probate Courts.

(H. P. 1381) (H. D. 448) An act to amend Chapter 201 of the Private and Special Laws of 1911, entitled An act to incorporate the Guilford Water District.

(H. P. 1404) (H. D. 466) An act relating to the funds of the Maine Forestry District.

(H. P. 1469) (H. D. 512) An act for the purchase of books and to provide for cataloging the Androscoggin County Law Library.

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

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

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

(H. P. 1534) (H. D. 555) An act relating to fishing in Kewayden Lake in the town of Stoneham.

(Tabled by Mr. Clark of Winslow pending passage to be enacted.)

(H. P. 1536) (H. D. 557) An act relating to the protection of fur-bearing animals.

(H. P. 1562) (H. D. 571) An act to increase the time in which to appeal from Municipal and Police Courts, Trial Justices.

(H. P. 1564) (H. D. 572) An act providing for the fencing and care of burying grounds in unincorporated places.

(H. P. 1568) (H. D. 603) An act relative to the hours of employment of women.

(Tabled by Mr. Kitchen of Presque Isle pending passage to be enacted.)

(H. P. 1574) (H. D. 580) An act relating to taking of land of railroad corporations for streets or ways.

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

(H. P. 1631) (H. D. 654) An act relating to the compensation of Judge of Probate in Penobscot County.

(H. P. 1638) (H. D. 662) An act relative to the extermination of mosquitoes.

(Tabled by Mrs. Day of Gorham pending passage to be enacted.)

(H. P. 1640) (H. D. 665) An act relating to designation of through ways.

(H. P. 1641) (H. D. 666) An act to incorporate the South Orrington Cemeteries Association.

(H. P. 1642) (H. D. 667) An act relating to the investment in permanent securities of school funds and other trust funds held by City, Town, Quasi-Municipal Corporations and State Officers.

On motion by Mr. Taylor of Belfast, the House voted to reconsider its action whereby this bill was passed to be engrossed, and that gentleman offered House Amend-

ment A to said bill, and moved its adoption, as follows:

House Amendment A to bill an act relating to the investment in permanent securities of school funds and other trust funds held by city, town, quasi-municipal corporations and State officers is hereby amended by adding Section 2 to read as follows:

Section 2: Section 2 of Chapter 222 of the Public Laws of 1923 be and hereby is amended by inserting after the word "State" in the ninth line of said section the words "or banks organized under the laws of the United States and having a principal place of business in the State of Maine".

Thereupon House Amendment A was adopted, and the bill and amendment were tabled pending passage to be engrossed as amended.

(H. P. 1645) (H. D. 672) An act relative to highways through towns of less than five thousand inhabitants.

Finally Passed

(S. P. 192) (S. D. 320) Resolve in favor of the Commissioners of Pharmacy.

(S. P. 256) (S. D. 355) Resolve in favor of the towns of Sangerville and Guilford.

(S. P. 463) (S. D. 188) Resolve in favor of the State Prison.

(S. P. 644) (S. D. 352) Resolve in favor of the town of Lyman.

(S. P. 680) (S. D. 348) Resolve providing for moving pictures of Maine's Wild Life for recreational advertising purposes.

(Tabled by Mr. Foster of Ellsworth pending final passage)

(S. P. 681) (S. D. 349) Resolve in favor of the Pownal State School.

(S. P. 686) (S. D. 357) Resolve in favor of the Passamaquoddy Tribe of Indians for the general care, maintenance and education thereof.

(S. P. 688) (S. D. 359) Resolve in favor of the Central Maine Sanatorium for the construction and equipment of an additional building for patients.

(S. P. 689) (S. D. 360) Resolve in favor of the Western Maine Sanatorium for the construction of a Superintendent's Home.

(H. P. 736) (H. D. 212) Resolve in favor of John M. Eastman.

(H. P. 1584) (H. D. 587) Resolve in favor of the Maine State Prison

for maintenance and current expenses.

(H. P. 1621) (H. D. 634) Resolve to improve the Road to Fort William Henry.

(H. P. 1646) (H. D. 669) Resolve in favor of the town of New Sharon.

(H. P. 1647) (H. D. 670) Resolve to reimburse him for injury and expense incurred while in the employ of the State of Maine.

(H. P. 1648) (H. D. 671) Resolve in favor of the town of Salem, for a new bridge.

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair presents the first matter tabled and today assigned, the ought not to pass report, committee on Ways and Bridges on bill An act relating to Mill Tax Highway Fund, (H. P. 1095) (H. D. 353), tabled on March 21st by the gentleman from Kingfield, Mr. Wing, the pending question being acceptance of the report, and the Chair recognizes the gentleman.

Mr. WING: Mr. Speaker and Members of the House: In order to bring this matter before the House for discussion, I move that the bill be substituted for the report. This amendment which is offered to the Mill Tax Highway Fund bill refers specifically to what is known as the special legislative resolve. This bill proposes to do away with this method of apportioning that fund and substituting another.

I believe that this law, which we have at the present time, was passed by the Legislature of 1919 over the veto of Governor Milliken, and I desire to read part of the veto message. You will understand that the situation then was that they did not have this fund of \$100,000 or \$150,000 a year for special legislative resolves, and that this bill was to provide for it; but the argument of the Governor is against the present system.

"In answer to the first objection it is said that to continue the present method of distributing highway money would be to surrender some of the prerogatives of the Legislature. If this is true, it

is only one of many instances in which the Legislature has restricted its own field of action in making appropriations by authorizing some commission or department to administer funds within certain general limits prescribed by statute. As late as 1911 the argument was made in the Legislature that if bonds were to be issued and large sums of money expended for the construction of State highways the Legislature itself should designate where the trunk lines should go and how much money should be spent in each locality. The attempt was even made to mark out by legislative act the main trunk lines across the State. The unwisdom of this course was perceived, however, and the authority was delegated to a State Highway Commission within certain general restrictions. In the same way a general bridge law was enacted to supercede the former practice of making special appropriations to aid cities and towns in the construction of large bridges. Following the same policy the Legislature of 1917 added \$200,000 to the amount available for State aid roads and provided that the Highway Commission might use \$50,000 of this amount as an equalization fund to provide for the sort of cases that formerly had been handled by special resolves. This arrangement took effect in 1918 in accordance with what I suppose was a thorough understanding with the committee on ways and bridges in the Legislature of 1917 that the old arrangement should prevail for the year 1917 and an agreed amount spent for special resolves with the understanding that the equalization fund should be expected to take care of such cases beginning with 1918. It may be that such a law unduly restricts the function of the Legislature, but it was adopted in accordance with the theory which now prevails in some other departments and in the rest of our highway work, namely, that a commission devoting its entire time to the problem can apportion the supplementary aid beyond the general law more accurately than a committee of the Legislature in the brief time available to them with only the information introduced at ex-parte hearings and

without opportunity to examine the actual roads which are under discussion."

He goes on further to comment upon the unfavorable effect on the general legislative program as a result of the consideration of this large number of special resolves, and he states that a good many of the important measures are left until the last of the Legislature because the first part of the Legislature is largely taken up in the consideration of special resolves.

Four years ago, one of the methods which is used by committees to distribute this money was explained to me. The report of the Ways and Bridges Committee, which came out as a blanket resolve the very last day, late in that day, four years ago, was very unsatisfactory to me, and I believe I can fairly state it was unsatisfactory to the majority of the Legislators.

I went to one of the members of the committee, a prominent member of the committee, and asked him the method of apportioning this money. He explained that each Representative and each Senator was allowed to a larger or lesser degree to say where their proportion of the money should go—that a Representative,—for instance, in my district there are four Representatives and one Senator,—each Representative might be able to place a little less than one-fifth of the money which was apportioned to that county by the committee, and the Senator would have the right to apportion a little more than one-fifth, as he was more important.

It seemed to me, and he told me, in fact, that my district had received one-fifth of this money, and that I should be satisfied. I admitted that I should, under this method, but I felt the method was political rather than scientific or equitable.

The effect of this system upon the people of this State, upon the members of this Legislature, and upon the committee, I think is bad. In the first place, up to last year there was \$150,000 a year which was apportioned for special legislative resolves. That necessitated people from all over this State coming here in the dead of the winter to urge the committee to give them these special resolves. The expense and the trouble it puts

them to, it seems to me, are altogether unnecessary, considering the results they might or might not get by so doing.

As far as we members of this House go, we know that nine-tenths of the people who send us here come from rural communities—they send us here for one purpose, and so far as they know that is the only purpose they send us here for; that is to bring back as much as we can of these Legislative resolves. We come here and in various manners sell ourselves in anything else that is requested, take back a large amount of these resolves, and we are all right. If we come here and take part in the general business of the State, interested in all the larger legislation, and for some reason or other make a mistake and do not get what we are supposed to have in these special legislative resolves, you cannot convince those people back home that you are any good; you might as well give up.

Now just a word about the committee: It seems to me that with a committee of that sort, hearing as many as forty resolves a day, about 350 in the aggregate, the pressure that is brought to bear upon them from all sides and the responsibility of determining what ones of these resolves are the equitable ones, is quite a serious affair.

I have proposed this amendment to substitute another method for the present method. As stated in the bill, this fund is now taken care of by special legislative resolves which constitute a special road fund, known as the equalization fund, apportioned by the State Highway Commission on recommendation of the County Commissioners of the several counties or towns having an excessive highway burden to eliminate specially bad sections of road. I have suggested that this be apportioned by the Highway Commission in spite of the message which I have just read, as the agency of the State to build roads, and which knows what roads are the ones that merit help, on recommendation of the County Commissioners. That is to save people from coming from all over the State of Maine to Augusta and using their several influences upon anybody whatsoever. The people of the State can more easily commun-

icate with their County Commissioners who have to do in general with the roads, the general business of the county, and who know what roads are the most worthy.

Now in the second place it says they shall designate to a certain extent where this money shall be spent. It shall be spent in towns having an excessive highway burden to eliminate specially bad sections of the road.

This bill is wholly in the interests in the poor towns that have through roads. It is not in the interests of the back roads; it is not in the interests of the town which is wealthy enough to build its own roads; it is for the poor town that is between you and I and the station, between your town and my town where we have to lay up for a month and a half in the spring and fall until the roads dry out before we can get through that town. In my opinion, that is the only case where special resolves are necessary to take care of the situation.

We have a State Aid law which provides for State Aid money, the five times act, and the three-town act. For instance, to quote the most generous, the three-town act: A town with a valuation of \$200,000 may come in under the three-town act and by raising \$1,500 receives \$10,950 from the State with which to build roads. A town with a valuation of from \$200,000 to \$800,000, by appropriating \$2,665, they have a fund of \$12,259 with which to build roads. Now I say, it is only the exception, and there are very few exceptions, that really need this special resolve money. There are very few towns that cannot raise \$1,500 where they get back almost \$11,000. If they are that poor, they can afford to raise that amount of money simply for the purpose of working on the roads, whether they want any roads built or not.

I believe that this fund, which is known as, and I think, generally admitted to be, simply a pork-barrel proposition, should receive the attention of this Legislature.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, inasmuch as I am a member of the committee referred to, I feel that perhaps it might be well for me to take a few moments to express my feelings in regard

to this resolve money, and I believe the feeling of the committee.

The gentleman who has just spoken has alluded to the large number of requests for aid from this fund and the large number of people who come here to attempt to prove to this committee the necessity for granting resolves in their particular localities, which seems to me a very strong argument in favor of such an elastic fund. He says that it is a hardship to compel these people to come from all over the State of Maine in mid-winter. There is another way of looking at that phase. They do not need to come; their representative, one selectman, is all that is necessary to give the committee any figures or details which it already has not. They come because they desire to come, and very largely, I believe, they come because it affords them an opportunity to see in a small way the operation of their Legislature. I do not believe they feel forced to come in any instance.

Speaking of this measure, as a member of the committee on Ways and Bridges during the last session and this session, and having been mindful of some criticism of the handling of this type of road money, I have earnestly sought other methods of handling it, but we have not yet had presented to us what we believe is a better method than the one now in force. The bill that the gentleman proposes, or the amendment, if you will notice carefully the wording of it, entirely deprives the sections which are very largely benefited by this elastic fund from receiving any of the equalization fee, as he alludes to it, because, as the amendment says, "these moneys shall be spent under the direction of the Highway Commission, and the location shall be fixed by the county commissioners on a town's principal highways."

We have had, all through the session here, members of the Third House, lobbyists, who are representing the important moneyed interests of the State, but we have no one coming here as a lobbyist for the poorer people of our State, the rural sections, the small towns. The small towns are taking advantage as rapidly as may be of the State Aid proposition, the third

class proposition, the five times act, etc. They are devoting so much of their effort to getting good roads under those acts that they have none left with which to patch up and make serviceable the by-ways and the cross-roads, which, if half a mile perhaps of them could be fixed, would make a very serviceable highway. Consequently, those sections of our rural highways are absolutely neglected unless they are attended to by something like this elastic fund.

Under the present method of handling this matter, I submit to you that I have been a member of this House—this is the second term—and I give you my word that I never have known of the least bit of log rolling. I never have known of a member of the committee using whatever power he may have had to designate the allotment of that money for the purpose of securing strength for any measure of his own. I believe that that word "pork-barrel" is a word that is used without thorough knowledge of the functioning of the committee in applying this type of road. I submit that we cannot believe that the County Commissioners are in any better position to know all the needs of the little back country roads than are the Selectmen of the towns in which those roads exist. These funds are divided as equitably, taking all things into consideration, as it is possible to divide them. To my way of thinking, this fund gives more genuine relief and more satisfaction to the poorer sections of the State of Maine than any other type of road money provided by the State or towns. I wish—showing you my belief in the benefits derived from this—that the fund might be a million dollars instead of three hundred thousand dollars.

What interest would the Highway Commission of this State have in looking after the little by-roads where this money is applied? They are looking after our trunk lines, and the towns are looking after their needs on the third class roads, and the State Aid roads, and there are no lobbyists ready to look out for the poorer sections except those who come here asking for aid, representing their districts, who come here and

ask for some help from this fund. And what is the result of the application of this fund in another way? In almost every instance a town asking for money from this resolve fund agrees to match whatever the State may allow them, or agrees to furnish material. They do their best to take advantage of this fund, and place it where it is most needed.

I will take no more of your time. I am firmly convinced of the benefits derived from the present system of handling this fund. I would welcome and support any measure which seemed, to my judgment, an improvement on the present one, but let us not put the entire control of every mile of road in the State of Maine under the control of the Highway Commission, even in conjunction with the County Commissioners. I believe you would have more politics injected into the handling of that elastic fund through any other method than exists at the present time.

The SPEAKER: The question before the House is on the motion of the gentleman from Kingfield, Mr. Wing, that the bill be substituted for the ought not to pass report. Is the House ready for the question?

Mr. WING: Mr. Speaker, I just want to comment upon one or two things that were said. The gentleman from Dover-Foxcroft (Mr. Merrill) made the broad statement that this money was to go along the towns' principal ways. I want to make that clear,—that it is the principal roads of the poor towns, not the towns that can afford to build their own roads, but the poor towns; and I believe the principal roads of these poor towns should be taken care of before, as he suggests, and as his committee has taken care of, the by-ways.

Now he says in a good many cases the towns agree to match this money. What is the need of their coming up and agreeing to match this money when we have a law on our statute books which says that the State will more than match practically any money which the towns wish to raise under the general law? It does not need any committee to raise that money when they can come under

the general law and get this money on better terms. The trouble is—they agree to match money because, up to four years ago, the Legislature never provided enough money so the State Aid resolve would work. I say if the Legislature would do that, we have general laws on our statute books which will take care of practically all the conditions which this committee is taking care of. I will say further that the last Legislature, due to the fact this fund was increased—I think the result was very satisfactory to the members of the House at that time, as much so as it was unsatisfactory the time before. But how are you going to know whether it is going to be satisfactory or unsatisfactory? It all depends on who is on the committee, whether they are the right kind of fellows or not.

Furthermore, he says no method has been devised. The committee admits the present method is not right, but they hang on to the statement that no better method has been devised so far. I would like to know what amendment could be devised which would influence this committee to give up three quarters of the authority, the power they have here, the power that over one hundred out of every Legislature that meets here wants to get. It is the most sought-after committee in this Legislature, and for what reason? For the purpose of arranging a program for our roads in general? I submit that these special legislative resolves have an influence in that, and I believe it is a bad influence.

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Kingfield, Mr. Wing, that the bill be substituted for the ought not to pass report. As many as are in favor of the gentleman's motion will say aye; as many as are opposed will say no.

A viva voce vote being taken, the motion was lost.

On motion by Mr. Kitchen of Presque Isle, the report of the committee ought not to pass was accepted.

The SPEAKER: The Chair presents the second matter today as—

signed House Amendment B to bill an act relating to the sale of intoxicating liquors, H. P. 1587, H. D. 590, tabled on March 22 by the gentleman from Dyer Brook, Mr. White, the pending question being the adoption of the amendment; and the Chair recognizes the gentleman.

Mr. WHITE: Mr. Speaker, and members of the House: I held this matter up for two reasons. First, you will notice that the amendment does away with the whole bill substituting the amendment in place of the original bill. This left me a little mite suspicious. Secondly, I was afraid it might work a hardship on the people using it for legitimate purposes. Since then, however, I have been informed by our Attorney-General, and by other legal lights of the State of Maine, that this amendment has no effect on those using it for legitimate purposes. Therefore, I move that the amendment be adopted.

The motion prevailed, and the bill as amended by House Amendment B received its third reading and was passed to be engrossed as amended.

The SPEAKER: The Chair presents the third matter today assigned, being House report ought not to pass from the committee on Claims on resolve to reimburse the town of Benton for expenses of a person in quarantine, H. P. 657, H. D. 198, tabled on March 22, by the gentleman from Portland, Mr. Rounds, the pending question being the acceptance of the ought not to pass report; and the Chair recognizes the gentleman.

Mr. ROUNDS: Mr. SPEAKER, I now yield to the gentleman from Albion, Mr. Libby.

Mr. LIBBY: Mr. Speaker, I will try to explain this resolve as I understand it. The person in question, Mrs. George A. Cates, who was quarantined, lived in the town of Benton but was not a legal resident of that town or the State of Maine. Therefore, the town of Benton does not feel that it should be called on to pay this bill. They seem to be afraid of establishing a precedent but I do not see that that could be so, as there are only a few cases where people are quarantined who are not residents of the State of

Maine, or of the town in which they are quarantined. I hope you will all see this as I do and vote favorably on it. I move to substitute the resolve for the report, and hope that you will vote in favor of that motion.

The SPEAKER: The gentleman from Albion, Mr. Libby, moves to substitute the resolve for the ought not to pass report. Is the House ready for the question?

Mr. ROUNDS of Portland. Mr. Speaker and members of the House. We had in the city of Portland practically the same thing some-time ago and it was then brought to my attention. There was a poor family in 1926 in which there was a child with scarlet fever. They pay a man five dollars a day to run around and get a dollar out of these poor families; so four or five months ago I took it up with the Board of Health and Overseers of Poor. In this particular case this family did not belong to the town of Benton, it was a State affair. The one in Portland was not a State affair but belonged to the city of Portland to look after. What was the consequence? This man was a fisherman. He went down in ships to catch fish to supply your tables, and this man at five dollars a day has been on that vessel inside of a week and was going to arrest him because he could not pay a dollar, and that man got five dollars for going down to get that one dollar.

Now I don't know but what it is all right for the town or the State to pay, but it seems to me that the poor people should not have to pay for the time they are shut up in the isolation hospital. Therefore, I want to support the motion of the gentleman from Albion, Mr. Libby.

The SPEAKER: Is the House ready for the question, The question is on the motion of the gentleman from Albion, Mr. Libby, that the resolve be substituted for the ought not to pass report. As many as are in favor of the gentleman's motion will say aye; those opposed no.

A viva voce vote being taken, the motion to substitute the resolve for the ought not to pass report prevailed; and on further motion by the same gentleman the resolve

received its first reading and tomorrow assigned.

The SPEAKER: The Chair presents the fourth matter today assigned bill an act to create a Commission of Highways, being Senate Paper 693, Senate Document 363, tabled on March 22 by the gentleman from Cape Elizabeth, Mr. Chase, the pending question being reference to the committee on Ways and Bridges under suspension of the Joint Order in concurrence; and the Chair recognizes the gentleman.

Mr. CHASE: Mr. Speaker, I am conscious of the fact that the hour is near when we are to rise in memory of General Foch, and I hope the Chair will interrupt me as the hour approaches if I do not keep my eye on the clock.

I move for the reference of the bill to the committee, dispensing with the order placing the time limitation on the introduction of bills. In the debate on this question last Friday, the gentleman from Topsham, Mr. Aldrich, made certain statements which I would like to correct. He said that the Governor is responsible for the tangle in the highway situation in which this Legislature now finds itself, and that is right; but it is not this Governor, not William Tudor Gardiner. The source and origin of this trouble goes back to the Klu Klux Klan, that organization which has brought into disgrace the good name of every State in which it has put its foot, and to its guardian angel, Ralph O. Brewster; he is the Governor.

I want to review here a little history on this highway tangle with which some of you ladies and gentlemen may not be familiar. There are other gentlemen who are responsible for the situation in which we find ourselves today. In the last Legislature, after an investigation was held of the highway proposition, a bill known as the Granville bill, which would have created a new commission, was up for consideration. The question was raised at that time whether it might not be desirable to make a change; and if there is any one man in this House who should feel his responsibility deeply for the present situation, it is the gentleman from Topsham, who at that time, to the extent of his power

and influence, tried to persuade us and persuaded some of the members successfully not to have a new Highway Commission.

The SPEAKER: The hour has now arrived when pursuant to the order of yesterday the House will stand out of respectful memory to the career and achievements of Ferdinand Foch, late Marshal of France.

Thereupon the members of the House stood for one minute with bowed heads.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, has the floor.

Mr. CHASE continuing: After the investigation had been held in the last Legislature, and when this Granville bill was under consideration, those who represented themselves to be the emissaries of that Governor were going up and down the corridors of this State House saying this: "Don't put a blot on the good name of the State of Maine. Let time cure this situation. Mr. Innes' term will expire in six months and Mr. Murray's term will expire in a year. Do not legislate them out of office. Time will cure everything." That argument was used successfully in many instances which I know of because friends of mine came to me swayed by that argument. Now what has happened since? Mr. Innes' term did expire and Clyde Smith accepted the appointment in his position. Clyde Smith had been a member, I think the Chairman, of the investigating committee which had investigated the Highway Department. The testimony and the report of the committee on that investigation I will not attempt to interpret to you. You can read it for yourselves; but if any man ever took an appointment, knowing that he was getting into hot water, Clyde Smith knew, when he went on that Commission with Charles Murray, and Clyde Smith knew that many members of that Legislature had been led to believe that Murray would not be reappointed when his term ran out. In a year or less Murray was reappointed and Clyde Smith stayed on the Commission. Now I am sorry for Clyde Smith, but I say this—that if any man ever deliberately let himself into hot water, he did it when he took that appointment and when he stayed on the Commission

when Mr. Murray was reappointed.

And now comes on the scene this Governor, William Tudor Gardiner. His coming into this State House was like a high, clean wind blowing through a foul, smoky room. You could feel the tense feeling here when he was inaugurated. How many people expressed their satisfaction that now we had a Governor who could be trusted to act with courage and who would consider the interests of the State of Maine as superior to his own private and political interests. That is the man whom Mr. Aldrich said is responsible for this tangle,—a man whose friendship I value more than most things in life, who served with me under that flag eleven years ago. At that time he was under my orders and he never failed me, and now that the citizens of this State have placed him over me I shall not sit here in my seat while statements like that are made about him in an effort to pin upon him the thing for which another Governor is responsible; and in that responsibility the gentleman from Topsham (Mr. Aldrich) shares.

When we came down to this Legislature, and before Secretary Jardine wrote that letter, it was known that the people had no confidence in the present Highway Commission. It did not need that letter to raise that proposition. It was discussed up and down the corridors of this State House long before that letter was received.

Now the Federal Government has refused Federal aid to the State of Maine, and every man here is entitled to his opinion. My opinion is that if the Federal Government had no evidence except that which the last investigation produced, no other evidence of any description, in my opinion, it would be justified in the action which it has taken; but that is a matter of opinion, and I respect the opinion on that subject of every man here.

The proposition was put up to the Governor. He acted according to his constitutional authority and the matter naturally comes before the Legislature; it is not dumped into our laps; it is not any proposition of "passing the buck"; it is up to us.

When Secretary Jardine made these charges, it was at once said by everybody that there ought to

be a hearing, that there ought to be some investigation. Everybody agreed to that and that has been arranged for under the Spear order and is now going on. We trust that committee, we trust the reputation of the members of the Highway Department with that committee and know that they will be dealt with fairly. If all they wanted was a hearing, it seems to me that they are still pretty noisy, or their attorneys are. In the Portland Press Herald of this morning appear these headlines: "Hinckley gives politician rap in his statement." "Cliques seeking highway control back of present scandal," he charges. "Followers want to obtain 7000 jobs." Members of the House, that is too contemptible for comment.

Now this proposition of a hearing under the Spear committee is, in my opinion, entirely separate and distinct from the problem of getting a new Highway Commission. That hearing has been arranged for. There is no reason why our action in getting a new commission depends on that hearing, that I can see; and here we are and where do we go from here? I stand with the Governor in his position that the Commission should go. There is a rock on which you can put your feet, where you can stand with honor, with courage and with intelligence, with the best public opinion behind you. We have got to deal now in this Legislature with the highway program, with the bond issue, gas tax, mill tax, the whole road construction job. We cannot deal with it effectively, probably we cannot pass any legislation at all, without being assured that a Commission in which the people of this State have confidence will administer the expenditure of these funds.

The gentleman from Topsham (Mr. Aldrich) said that he did not want to receive the Minott bill because he was afraid the people might think that the Legislature was considering legislating the present Highway Commission out of office. I will meet the gentleman on his own ground. I will say here and now that I will do everything possible to create a new Highway Commission. I am ready to act today and from now on. I press for the consideration of this Minott bill which is before you because it is

a constructive suggestion, a means by which we may escape from the present tangle. I believe that the people of the State want this proposition to be considered. I am not arguing upon the merits of the bill at the present time, but I do say that it is a constructive suggestion for the solution of this highway program and that it ought to be considered.

Mr. Speaker, when the vote is taken on this motion, I move that it be taken by the yeas and nays. (Applause)

Mr. KITCHEN of Presque Isle: Mr. Speaker, I consider the question before this House is on the suspension of the rules rather than at the present time a reference of the bill. In connection with that matter I can only repeat what I said last Friday, that inasmuch as we are operating under certain rules, I believe that those rules should be followed as closely as possible unless it is shown that a real emergency exists. I do not believe at the present time in connection with this matter that there is an emergency. There is already a bill before the committee on Ways and Bridges, known as the Gillespie bill, relative to a change in the personnel or law relative to the Highway Commission. This bill I might say could be drafted in any form that was thought advisable. Now if you suspend the rules and allow more bills to be considered here, it will only confuse the minds of the members of the Legislature, also the minds of the committee. Also if you allow this Minott bill to be introduced, we must also, I believe, in order to be fair, allow Representative Quint to introduce his bill, which would make three in all, and there might be more to follow. Personally, I do not believe that there is any need of the introduction of any other bill at this time, and for that reason I oppose the motion.

The SPEAKER: The gentleman's motion was for reference to the committee on Ways and Bridges under suspension of the Joint Order.

Mr. KITCHEN: I oppose the motion for the suspension of the rules. I believe there should be a motion to suspend the rules before the motion to refer the bill.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase,

moved, as the Chair understood him, that the order be dispensed with for the purpose of referring the bill to the committee on Ways and Bridges, and the Chair is of the opinion that such a motion is proper, that the motion for reference in suspension may be made in one motion, and that it is not necessary to first make a motion for suspension and then for reference; and the Chair believes that that ruling is founded upon precedent.

Mr. KITCHEN: Do I understand Mr. Speaker, that this motion requires a two-thirds vote?

The SPEAKER: The gentleman is correct that it will require a two-thirds vote.

Mr. ALDRICH of Topsham: Mr. Speaker, I had not intended to say anything further in connection with this matter; but in view of the remarks of the gentleman from Cape Elizabeth (Mr. Chase), I feel that in justice to myself, in justice to the Eighty-third Legislature, and in justice to the Highway Commission, I should be exceedingly remiss if I remained in my seat and permitted any such impression to go forth as might be gained from the statements made here.

I am sorry to go into ancient history, but we might as well know what happened. Many of you were not here two years ago one afternoon when a gentleman from Portland came into this House at a hearing and made charges in which he practically condemned one of the highway commissioners as a criminal, and immediately he was haled before the Governor and Council and there he retracted his charges and said he had nothing upon which to base them except rumor and hearsay; but before he had gotten in to the Governor and Council permit me to say that a man who was a friend of his prepared an order for a member of this House which was submitted to this House, and, while we were asleep, it was passed, calling for an investigation of the Highway Commission. That is the way we were led into that investigation two years ago. It was no part of our business then any more than this order is now. It was the business of the Governor and Council and would have been taken care of by the Governor and Council except

for the order then presented in that House which was precipitately passed by us. The difference in the situation then and today is this, that the Governor has passed this matter to us without submitting it, so far as I know, to his Council at all; and therefore, although it was not our matter, we have to take it so far as I can see.

Now with respect to my responsibility in connection with this Highway Commission investigation of two years ago, permit me to tell the gentleman from Cape Elizabeth (Mr. Chase) that I am prepared right here and now to assume the full responsibility for everything I did, and my record is to be found in the Legislative Record of the Eighty-third Legislature (Applause) and I am glad to refer anyone to that record, and I say to you that I stood then, and I stand now, for justice. I sat here two weeks or more, and I will say that when I came into that investigation two years ago, I came with a prejudiced mind, prejudiced against the Highway Commission. I sat here and I listened and I listened and I hope you were there (referring to Mr. Chase). I do not know whether you were or not, but I was there and I heard it all, and as I listened to the evident efforts which were being made to condemn two men against whom they had nothing I will say to you that my indignation began to rise until on the night of Good Friday, the night before we adjourned the Legislature, when we finally came to vote upon the question as to whether we should legislate those men out of office, I will admit that I used every effort in my power to convince that House that a gross injustice would be done, if upon the flimsy stuff which was offered here we should legislate them out of office; and permit me to say that the Senate by an overwhelming vote, notwithstanding the impassioned speech which was made there by the Senator from Kennebec in which he attempted to trace oil to the Highway Commission, exonerated all those men by an overwhelming vote, and we in this House did likewise. I now say to the gentleman from Cape Elizabeth (Mr. Chase) that when he tried to place that responsibility on me, he

is bringing on indictment in my judgment against the members of the Eighty-third Legislature; and I don't know how you voted, but I know how the majority voted. They voted by a large majority and you know it. There is no question about that.

I could if I wanted to go into this present situation and I could show you similarities between the condition of two years ago and the condition that you have now. A week ago last Friday I asked you to pass an order under which yesterday you would have begun doing something. You saw fit, because it was represented to you that by passing the other one, you would get quicker action, you saw fit to adopt it, and I do not complain about that. Stay here six weeks more if you want to and see if anybody can go around the State of Maine and find something. There does not appear to have been anything found in Washington. Stay as long as you want to, but I reaffirm to you what I said the other day that this matter has been dumped into our lap where it does not belong. I say to you now that in my judgment when that letter came from Washington the Governor and Council should have called this Highway Commission in before them and done their own investigating. Why shouldn't they? Why shouldn't they? These men are their subordinates, they are not ours; but the matter, as I say, was dumped here upon us.

The gentleman from Cape Elizabeth (Mr. Chase) shows where he stands. He would legislate these men out of office tomorrow without a hearing. He practically said so. If that is your temper, then all I can say is that in my judgment it is not the temper of the people of this State. I refer you to interviews which have been printed with prominent men of this State concerning this matter, and every one of them said that these men are entitled to a hearing.

I did not mean to talk thus long and I hope you will pardon me, but my objection to this matter is this: That while this situation is as it is, this Legislature should not do anything which can possibly be construed as prejudging this matter. The gentleman from Cape Elizabeth (Mr. Chase) does not

care; he is willing to prejudge it right now and he wants you to do the same. Well, I am not. I will leave the issue right on that with you, whether we prejudge it or whether we do not. If we are going to have a hearing, let's have a fair one. Do not let us take any action here which can be construed by anybody as indicating that we consider this Commission is guilty or otherwise. Let's keep in the position where we are. You have a so-called Gillespie bill before you. My friends, there is no need of anything else if these men are guilty. Do you want to legislate them out of office? That Gillespie bill can be amended in any way you want to, but you do not need a lot of other bills, and therefore give the impression to the people of this State that you are prepared to take action against these men before you know whether they are honest or guilty; and I will go on record right here now and say that, in my judgment, if it appears that this Highway Commission is honest, if they have been conducting the affairs of that Department with integrity, if they have been conducting them with efficiency, I do not care how many rumors there may be around emanating from certain sources, I for one do not believe they should be legislated out of office just because someone sees fit to start dirty rumors about them.

That is all there is to this matter and I am opposed to the proposition solely for the reason that in my judgment this Legislature should do nothing which can be construed as inimical to these men until they have had a chance to be heard. (Applause)

Mr. FARRIS of Augusta: Mr. Speaker, I hope the motion of the gentleman from Cape Elizabeth, Mr. Chase, will prevail. We have a matter here relating to the Highway Commission, and we have another matter on the table of the committee on Ways and Bridges, and I believe this matter can be sent along under suspension of the rules.

I have here in my hand the Legislative Record of the Eighty-third Legislature, and the Chairman of the present Highway Commission was Chairman of the Joint Committee which investigated certain affairs of the Highway Commission in

1927, and here is a part of the recommendation on Page 1089 of the 1927 Legislative Record:

"Testimony was presented to the effect that the Highway Department involves an annual expenditure approximating \$9,000,000, which represents a sum nearly equal to the expenditures of all other State Departments. Inasmuch as it seems to be the State's policy, that full-time service is desirable in other departments, the Committee is of the opinion that the Legislature would do well to consider the feasibility of a full-time Highway Commission." That is from the present Chairman of the Highway Commission when he was Senate Chairman of that committee which white-washed this investigation in 1927.

Reading further from the Record: "Testimony has been introduced indicating sales of machinery, gasoline, etc., to a road contractor by a member of the Commission, as to whether this was a violation of law is not within the province of the Committee to decide. It is, however, the judgment of this Committee that sales of commodities or supplies by a Highway Commissioner or any State official to contractors or other persons performing work for the State are distinctly against public policy and should not be tolerated or countenanced under any condition."

That is taken from the report of the Committee in 1927, and inasmuch as an order was introduced this morning trying to hurry up the Spear committee which was appointed last week, I want to read further from the Legislative Record of 1927: "It is obvious that it would require months instead of days to fully conduct the investigation authorized by the Legislative order." That was two years ago, and now they want to hurry it up and have this Committee report within one week. Reading further from the Record: "However, as the order requires the Committee to make its report to the Legislature now in session, the inadequacy of said report may be to some extent accounted for by the limitation of time given it."

Now I do not see why we are not doing well to go along as we are going with this investigation. There is some criticism by the opponents

of this order that we are not informed as to what is going on. I believe the Committee is doing the right thing in having secret sessions and finding out the evidence before they report to this House. When they do report, we will know what to do. I am not worrying about the report of that Committee and I think the Highway program will go along just the same; but I hope and trust that this bill will be referred to the committee on Ways and Bridges with the Gillespie bill and that they can be taken up together. (Applause)

Mr. WILLIAMSON of Augusta: Mr. Speaker, it seems to me that the various speeches have gone rather far afield. I do not think this is the time to discuss the guilt or innocence of the Highway Commission. As I understand it, the proposition is whether a bill fairly presented to the Legislature in an attempt to bring a constructive suggestion to bear upon this proposition should be referred to a committee. The matter is of such great importance that I feel that all matters so presented should be given a fair and complete hearing, and so I believe that we should not at this time consider particularly the merits of the so-called Minott bill, or whether or not an emergency exists, but solely whether this bill should have a fair hearing; and for this reason I hope the rules will be suspended and the bill referred to the committee.

The SPEAKER: Is the House ready for the question. The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Chase, that under suspension of the Joint Order this Minott bill, so-called, being Senate Paper 693, Senate Document 363, be referred to the committee on Ways and Bridges. The gentleman from Cape Elizabeth, Mr. Chase, has moved that when the vote is taken, it be taken by the yeas and nays. As many as support the gentleman's motion for the yeas and nays will rise and stand in their places until counted, and the monitors have returned the count.

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

Mr. MELCHER of Rumford: Mr.

Speaker, as you all know very well, I was appointed and I accepted the appointment with an open mind. I want to continue in that way as long as I am in this committee, and therefore I would appreciate it very much if I can be excused from voting.

Thereupon the gentleman from Rumford, Mr. Melcher, was excused from voting.

Representatives Foster of Ellsworth, Holbrook of Vanceboro, Holman of Farmington, Bishop of Boothbay Harbor, Small of Freedom and Wright of Bath were also excused from voting for the same reason.

Mr. BISSETT of Portland: Mr. Speaker, I rise to a point of information. Does a vote of yes mean that the bill would go to the committee and a vote of no mean that it would not?

The SPEAKER: A vote of "yes" is for a reference to the committee on Ways and Bridges under suspension of the rules. A vote of "no" withholds the bill from the committee. In order for the motion to be carried a two-thirds vote is necessary. Is the question clear to the House. The Clerk will call the roll.

YEA—Adams, Allen of Camden, Allen of Sanford, Angell, Belleau, Bissett, Blanchard, Boston, Briggs, Burkett of Portland, Burkett of Union, Burns, Butler, Buzzell, Carleton of Portland, Chase, Clark, Couture, Day, Farris, Folsom, Ford, Gagne, Gillespie, Hamel (George), Hammond, Hatch, Hawkes of Richmond, Hawkes of Standish, Hill, Jackson of Portland, Jacobs of Wells, Jones of Waterville, Jones of Windsor, Kane, King, Lewis, Libby, Littlefield of Farmingdale, Littlefield of Monroe, Lombard, Mansfield, McLean, Merrill, Milliken, Morin, Morse of Oakland, Morse of Rumford, O'Connell, Patterson, Perham, Quin, Robie, Rogers of Greenville, Rogers of Yarmouth, Roy, Saucier, Seavey, Small of East Machias, Stanley, Sterling of Kittery, Sterling of Caratunk Pl., Stone, Stuart, Sturtevant, Taylor, Thatcher, Towne, Tucker, Webster of Auburn, White of Dyer Brook, Williamson—73.

NAY—Aldrich, Anderson of New Sweden, Anderson of South Portland, Ashby, Bachelder, Bailey, Bisbee, Blaisdell, Bove, Boynton, Campbell, Carleton of Winterport, Clifford, Comins, Crawford, Fogg, Friend, Gay, Hamel (Rodolphe), Hathaway, Hubbard, Hughes, Hunt, Hurd, Ingraham, Jack, Jacobs of Auburn, Jones of Co-

rinna, Jones of Winthrop, Kitchen, Laughlin, Lenfest, Leonard, Locke, Lowell, MacKinnon, McKnight, Palmer, Peacock, Perkins, Potter, Powers, Pratt, Rackliff, Rea, Richardson, Roach, Rounds, Rumill, St. Clair, Sargent, Stetson, Sturgis, Varnum, Ward, Webster of Buxton, Wight of Newry, Wing—58.

ABSENT—Blodgett, Burr, Daigle, Dudley, Eaton, Harrington, Heath, Jackson of Bath, Picher, Pike, Vose—11.

EXCUSED—Bishop, Foster, Holbrook, Holman, Melcher, Small of Freedom, Wright—7.

Seventy-three having voted in favor of the motion and 58 having voted in opposition, the motion, requiring a two-thirds vote, failed of passage.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, under the Joint Order what is the position of this bill? Does it automatically go to the next Legislature?

The SPEAKER: Under the Joint order the bill is automatically referred to the Eighty-fifth Legislature.

The SPEAKER: The Chair presents the fifth matter today assigned, House report ought not to pass, committee on Legal Affairs, on bill an act relating to finger prints and photographs of criminals, (H. P. 1471) (H. D. 513), tabled on March 22nd by the gentleman from Saco, Mr. Angell, the pending question being the acceptance of the report, and the Chair recognizes the gentleman.

On motion by Mr. Angell, the report of the committee ought not to pass was accepted.

The SPEAKER: The Chair presents the sixth matter today assigned, bill an act to establish a State Reservation at Fort William Henry, at Pemaquid, and for the appointment of Commissioners and a Custodian for said reservation, (H. P. 421) (H. D. 134) tabled on March 25th by the gentleman from Boothbay Harbor, Mr. Bishop, the pending question being third reading, and the Chair recognizes the gentleman.

Mr. Bishop offered House Amendment A and moved its adoption.

House Amendment A to House Paper 421.

Amend said House Paper 421 by striking out the title thereof and inserting a new title to read as follows:

"An act to make Fort William Henry at Pemaquid a State Park."

Also by striking out all of said bill subsequent to the enacting clause and substituting thereafter the following:

"Chapter 183 of the Public Laws of 1925 is hereby amended by inserting after the word "Phippsburg" in the fifth line of Section 1 thereof the words 'Fort William Henry of Pemaquid, including all the property in Pemaquid to which the State now has title,' so that said Section 1 as amended shall read as follows:

"Sec. 1. CERTAIN STATE LANDS CREATED STATE PARKS. All that portion of the state lands comprising Fort Machias at Machiasport; Fort Knox at Prospect; Fort Edgecomb at Edgecomb; Fort St. George's at St. George; Fort McClary at Kittery; Fort Baldwin, Fort Popham and the North and South Sugar Loaf Islands at Phippsburg; Fort William Henry at Pemaquid, including all the property in Pemaquid to which the State now has title, are hereby created public parks."

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

Order out of Order

On motion by Mr. Morin of Brunswick it was

Ordered, that the use of the Hall of the House of Representatives be granted to the committee on Aeronautics and Radio Control for the afternoon of Wednesday, March 27th.

On motion by Mr. Allen of Sanford, it was voted to take from the table S. P. 460, S. D. 187, an act relating to the temporary closing of schools, tabled by that gentleman earlier in the session; on further motion by the same gentleman the House voted to reconsider its action whereby this bill was passed to be engrossed; and the same gentleman offered House Amendment A.

House Amendment A to S. P. 460, Amend said bill by striking out in the first line thereof the word "that."

And further amend said bill by striking out the word "be" in the

second line, and inserting in place thereof the words "is hereby amended."

Thereupon House Amendment A was adopted and the bill as amended was passed to be engrossed.

On motion by Mr. Rounds of Portland, it was voted to take from the table the fifth unassigned matter, bill an act to amend Sections 1 and 29 of Chapter 29 of the Revised Statutes relating to paupers, their settlement and support, S. P. 618, S. D. 285, tabled by that gentleman on March 20th, the pending question being third reading; and the same gentleman offered House Amendment A.

House Amendment A to S. P. 618, S. D. 285.

Senate Paper 618, Senate Document 285, entitled an act to amend Sections 1 and 29 of Chapter 29 of the Revised Statutes relating to paupers, their settlement and support, is hereby amended by striking out all of Section 2 and substituting therefor the following:

'Section 2. Section twenty-nine of said chapter is hereby repealed.'

Mr. ROUNDS: Mr. Speaker, This is a matter where the Governor and Council could, only after so many days, settle pauper claims. This makes it now so they can settle them any time within the year. We have over fifty claims, and we are in hopes to reduce a good many of them by this being put in this way. I therefore move the adoption of this amendment.

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

On motion by Mr. Holman of Farmington, it was voted to take from the table the sixth unassigned matter, House Amendment A to bill an act relating to county jails, H. P. 1622, H. D. 640, tabled by that gentleman on March 20th, the pending question being adoption of the amendment; and on further motion by the same gentleman House Amendment A was adopted, and the bill as amended was given its third reading and was passed to be engrossed.

On motion by Mr. MacKinnon of Mexico, it was voted to take from the table the seventh unassigned

matter, House Amendment A to bill an act to incorporate the Mexico Water District, H. P. 332, H. D. 104, tabled by that gentleman on March 20th, the pending question being adoption of the amendment.

Mr. MacKINNON: Mr. Speaker, I would like to get the consent of the House to withdraw House Amendment A.

The SPEAKER: The gentleman from Mexico, Mr. MacKinnon, asks leave of the House to withdraw House Amendment A. Is there any objection on the part of the House to such withdrawal? The Chair hears no objection and the gentleman is allowed to withdraw House Amendment A.

On further motion by Mr. MacKinnon, the bill was given its third reading and was passed to be engrossed.

On motion by Mr. Sturgis of Auburn, it was voted to take from the table the third unassigned matter, House report ought to pass in a new draft, committee on Agriculture, on resolve in favor of Poultry Husbandry, H. P. 1076, H. D. 342, new draft H. P. 1658, tabled by that gentleman on March 19th, the pending question being acceptance of report.

Mr. STURGIS: Mr. Speaker, in the executive session of the committee there were six or seven present in the taking of the vote, and I voted in the minority, and so expressed my wish that a minority report might be brought in. Through some oversight a majority report, that is, a unanimous report, came before this House.

At this time I move for the indefinite postponement of this bill. It is with some reluctance that I advocate this matter, for I have some good friends who disagree with me, but to my mind experimental work of this kind should be conducted at Orono, and should be constructive, giving the students in poultry husbandry the advantage of the experiments there. We have just given the University of Maine a tax of one mill, \$750,000, approximately one dollar apiece for every man, woman and child in Maine, for experimental work, and work carried on by the University of Maine.

I feel that this thing should be conducted at Orono, that within the next two years the University

of Maine, the Agricultural Department and the Maine Development Commission might work together, and if in their wisdom it is found feasible to undertake this egg-laying contest, they could go ahead.

They say it benefits the farmer. This is so to some extent, but more especially about one hundred men who want to advertise their stock and carry on an egg-laying contest at the expense of the rest.

The State has been doing good work at Orono. I got a bulletin the other day stating that they had one hen down there now that laid 305 eggs in the year. Pretty good! This does benefit the State of Maine and the farmers. But who does it benefit most? One hundred men who want the State to put over a good advertising scheme sponsored and conducted by the Agricultural Department here in Augusta, something that has never been done to my knowledge here in the United States. This puts these few men on the map. They breed a good class of roosters and create a good market for those roosters at a big price. It also gives these few men a chance to sell their eggs at a big profit, which is well and good. And some of us poor old farmers can probably buy some of these eggs and get by.

Now I have heard it stated that the poultry industry, or the poultry association, do not wish to go to Orono. I do not know whether it is the water down there or what it is. If I had to live there I should want to go to Highmoor on account of the water. They can get to it so much easier at Highmoor.

Now this morning I got information from down in Washington County. Washington County is quite a large county; they raise blueberries down there and hard-tacks and a few potatoes, but they have quite an industry in poultry. They say it would be unwarranted to come clear to Highmoor for experimental purposes; they could come to Orono, but Highmoor would be too far.

As I said before, this is sponsored by the University of Maine, and is to be conducted by the Agricultural Department. I feel that it is a polite way of ducking, get-

ting \$25,000 more out of the State on top of this \$750,000, and I wish you would think it over before accepting this report.

Mr. PERHAM of West Paris: Mr. Speaker, I had the good fortune to attend this hearing that was held before the Agricultural Committee, and I would like to say at this time that this subject had a thorough hashing over. I would also like to say that I do not believe Mr. Sturgis is giving the correct impression in regard to this minority report. As I understand the members of the committee, he had his chance to make out the minority report, and none was returned.

Now it is getting to be about twelve o'clock, and I believe that the Agricultural Committee and other members interested in this project should have a chance to talk it over, and I move, and ask the indulgence of the House, that this matter lie on the table until we can have a chance to discuss it and give the House an accurate report of what the wishes and judgment of the Agricultural Committee are in regard to this matter.

The SPEAKER: The gentleman from West Paris, Mr. Perham, moves that this bill lie upon the table. As many as are in favor of the bill lying on the table will say aye; as many as are opposed will say no.

A viva voce vote being taken, the bill was tabled pending the motion of Mr. Sturgis to indefinitely postpone.

The SPEAKER: Is there any further business under Orders of the Day?

Mr. BURNS of Eagle Lake: Mr. Speaker, I would make a motion that we adjourn until tomorrow morning at 9:30.

The SPEAKER: The gentleman from Eagle Lake, Mr. Burns, moves that the House adjourn until tomorrow morning at 9:30. As many as are in favor of the gentleman's motion will say aye; as many as are opposed will say no.

A viva voce vote being taken, the motion prevailed and the House adjourned until tomorrow morning at 9:30.