

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

Friday, March 29, 1929

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

Prayer by the Rev. Mr. Wood of Augusta.

Journal of previous session read and approved.

Orders

On motion by Mr. Kitchen of Presque Isle it was

Ordered, that commencing on Tuesday, April 2, under Orders of the Day all matters, tabled and unassigned, shall be taken up without motion each day in the order in which they were placed upon the table and disposed of.

Reports of Committees

Mr. Rackliff from the Committee on Inland Fisheries and Game reported ought not to pass on resolve for the purpose of screening Little Big Wood Pond in Dennistown Plantation in Somerset County (H. P. 804)

Mr. Williamson from the Committee on Judiciary reported same on bill an act relating to set-off (H. P. 1542) (H. D. 560)

Same gentleman from same Committee reported same on bill an act relating to workmen's compensation (H. P. 1470) (H. D. 529)

Reports read and accepted and sent up for concurrence.

Mr. MacKinnon from the Committee on Inland Fisheries and Game on resolve in favor of maintaining a feeding station or rearing pools for fish at Liberty, in the county of Waldo (H. P. 669) reported same in a new draft (H. P. 1725) under same title and that it ought to pass.

Same gentleman from same Committee on resolve in favor of building and equipping rearing pools in the county of York (H. P. 827) reported same in a new draft (H. P. 1724) under same title and that it ought to pass.

Mr. Morse from the Committee on Salaries and Fees on bill an act relating to Sealer of Weights and Measures (H. P. 1450) (H. D. 505) reported same in a new draft (H. P. 1726) under same title and that it ought to pass.

Mr. Locke from the Committee

on Taxation on bill an act to provide equitable and uniform taxation for motor vehicles (H. P. 340) (H. D. 101) reported same in a new draft (H. P. 1727) under same title and that it ought to pass.

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

Mr. Angell from the Committee on Inland Fisheries and Game reported ought to pass on resolve appropriating money to aid in the screening of the outlet of Long Pond, in West College Grant, in Piscataquis County, north of Elliottsville Plantation (H. P. 1467)

Same gentleman from same Committee reported same on resolve appropriating money to aid in the screening of the outlet of Worthley Pond, in Peru, county of Oxford (H. P. 665)

Same gentleman from same Committee reported same on resolve appropriating money to aid in the screening of the outlet of Lovejoy Pond in the town of Albion in the county of Kennebec (H. P. 1537)

Mr. Rackliff from the same Committee reported same on resolve appropriating money to aid in the screening of the outlet of Wytopitlock Lake, in Glenwood, and in Township 2, Range 4, in the county of Aroostook (H. P. 825)

Same gentleman from same Committee reported same on resolve appropriating money to aid in the screening of the outlet of Pierce's Pond, in the town of Penobscot, in the county of Hancock (H. P. 1539)

Mr. MacKinnon from same Committee reported same on resolve appropriating money to aid in the screening of the outlet of Lower Wilson Pond in the town of Greenville in the county of Piscataquis (H. P. 515)

Same gentleman from same Committee reported same on resolve appropriating money to aid in the screening of the outlet of Lake Messalonskee in the town of Oakland in the county of Kennebec (H. P. 148)

Mr. Clark from the same Committee reported same on resolve in favor of establishing a feeding station or rearing pools for fish at, or near, Presque Isle, in the county of Aroostook (H. P. 397)

Same gentleman from same Committee reported same on resolve

in favor of establishing a feeding station for fish in Piscataquis County (H. P. 824)

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

Same gentleman from same Committee reported same on resolve in favor of establishing a feeding station or rearing station for fish, at, or near, Machias, in the county of Washington (H. P. 133) (H. D. 58)

Mr. Holman for the Committees on Judiciary and Maine Publicity jointly reported same on bill an act relating to directional signs located in the highway (H. P. 1546) (H. D. 608)

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

Majority report of the Committee on Ways and Bridges on bill an act to authorize the Treasurer of State, under the direction of the Governor and Council, to issue bonds for State highway and bridge construction, conditional on the adoption by the people of a Constitutional Amendment authorizing such bonds (H. P. 451) (H. D. 142) reporting same in a new draft (H. P. 1728) under same title and that it ought to pass

Report was signed by the following members:

Messrs. LELAND of Piscataquis
BOND of Lincoln
DUNBAR of Hancock
—of the Senate.
JONES of Winthrop
BACHELDER of St. George
HAWKES of Standish
MERRILL of Dover-Foxcroft

—of the House

Minority Report of same Committee reporting ought not to pass on same bill.

Report was signed by the following members:

Messrs. KITCHEN of Presque Isle
LOWELL of Lincoln

—of the House.

On motion by Mr. Merrill of Dover-Foxcroft, the bill and accompanying reports were tabled, pending acceptance of either, and 1000 copies of the new draft ordered printed.

First Reading of Printed Bills and Resolves

(H. P. 1709) (H. D. 771) an act requiring teachers and janitors to file a health certificate.

(H. P. 1719) (H. D. 773) an act amending the Military Law.

(H. P. 1718) (H. D. 772) Resolve in favor of benevolent and charitable institutions for care and support of certain persons

(H. P. 1708) (H. D. 774) Resolve in favor of a Teacher's pension for E. E. Colbath of Exeter.

(H. P. 1710) (H. D. 775) Resolve appropriating money to be used in repair and betterment of Bangor State Arsenal property in Bangor, which is a State Park.

(H. P. 1711) (H. D. 776) Resolve for pay and expenses of wardens of Sea and Shore Fisheries and purchase of seed lobsters.

(H. P. 1712) (H. D. 777) Resolve in favor of Nordica Memorial Association.

(H. P. 1713) (H. D. 778) Resolve in favor of the Bath Military and Naval Orphan Asylum.

(H. P. 1714) (H. D. 779) Resolve in favor of the State Board of Mothers' Aid.

(H. P. 1715) (H. D. 780) Resolve providing for the expenses of the contest over the election as representative to the Legislature from the towns of Dixfield, Hebron, Hartford, Sumner, Buckfield, Canton.

(H. P. 1716) (H. D. 781) Resolve in favor of Maine School for the Deaf.

(H. P. 1717) (H. D. 782) Resolve in favor of an armory for the city of Bangor.

(H. P. 1722) (H. D. 784) Resolve in favor of Jennie E. Smith for Teacher's Pension.

Passed to Be Engrossed

(S. P. 722) (S. D. 373) An act to provide for the forfeiture of lobster traps and other gear and vehicles and other contrivances used in the several branches of the lobster industry.

(H. P. 865) (H. D. 761) An act relating to Penobscot Council Incorporated, Boy Scouts of America, Bangor and Brewer, Maine.

(H. P. 1042) (H. D. 333) An act providing for the distribution of national forest funds received from the United States.

(H. P. 1691) (H. D. 751) An act relating to the regular sessions of County Commissioners of Hancock County.

(H. P. 1692) (H. D. 752) An act relating to the time and place of holding the Commissioners' Court in York County.

(H. P. 1693) (H. D. 753) An act relating to the consolidation of corporations.

(H. P. 1703) (H. D. 762) An act in relation to the Maine School for the Deaf.

(H. P. 1704) (H. D. 764) An act in relation to the State Military and Naval Children's Home.

(H. P. 1705) (H. D. 765) An act to simplify procedure in Municipal or Police Courts.

(H. P. 1706) (H. D. 763) An act relating to the establishment of residence for certain purposes.

(H. P. 1690) (H. D. 750) Resolve in favor of screening Whetstone Pond, or Sylvan Lake so called.

(H. P. 1694) (H. D. 754) Resolve to modify the conditions of the gift from B. C. Jordan to the State of Maine for the purpose of encouraging cultivation of forests.

(H. P. 1695) (H. D. 755) Resolve to pay certain deficiencies.

(H. P. 1697) (H. D. 757) Resolve in relation to the completion of the seventh revision of the general and public laws and appointing a commissioner therefor and a commission.

(H. P. 1698) (H. D. 766) Resolve in favor of Edward J. Carroll and Alice Janet Carroll.

(H. P. 1700) (H. D. 767) Resolve appropriating money for payment of expenses of Tancerede Morin, an employe of the State Highway Commission.

(H. P. 1701) (H. D. 768) Resolve in favor of Frank E. Downes.

(H. P. 1702) (H. D. 769) Resolve in favor of H. H. Havey and estate of Bradbury Smith in reimbursement for loss on State highway contract.

(S. P. 157) (S. D. 382) An act to increase the salary of the County Commissioners of the county of Washington.

(S. P. 674) (S. D. 365) An act relating to the powers of the State Highway Police.

(S. P. 728) (S. D. 383) An act to establish the territorial limits of

the South Paris Village Corporation.

(S. P. 729) (S. D. 381) An act to amend Section 31 of Chapter 117 of the Revised Statutes, relating to salaries of public officers and compensation of members of the government.

(H. P. 1707) (H. D. 770) An act relating to the appointment of public administrators.

Orders of the Day

The SPEAKER: The Chair presents the first matter today assigned bill An act to re-establish the town line between the towns of Hancock and Lamoine, (S. P. 675) (S. D. 337) tabled yesterday by the gentleman from Cape Elizabeth, Mr. Chase, the pending question being passage to be engrossed as amended by Senate Amendment A; and the Chair recognizes that gentleman.

Mr. CHASE: Mr. Speaker, I yield to the gentleman from Easport, Mr. McCart.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase yields to the gentleman from Eastport, Mr. McCart.

Mr. McCART: Mr. Speaker, this bill has certain features connected with it which have not been brought to the attention of the House. I personally feel that if this were passed by the Legislature with the referendum attached, it would never be accepted by the town.

Back in 1921 the Maine Legislature created a Bridge District down in Hancock county, known as the Hancock-Sullivan Bridge District. In this district were five towns, Hancock, Sullivan, Sorrento, Gouldsboro and Winter Harbor, the town of Lamoine being out of that Bridge District. For the past three or four years these people within the Bridge District have been assessed tax both on their property and on their polls to pay off the bonds of the Bridge District. The proposed act in this Legislature is to take the village of Marlboro out of the Bridge District and place it in the town of Lamoine, and take part of the town of Lamoine over into Hancock within the Bridge District.

Now I realize that you members, most of whom are laymen, will say "Well he is a lawyer and he brings up the question of constitutionality

ty", and I admit that sometimes this is so; but on this point I am sincere. Here is a case where the Legislature of 1921 defined the limits of the Bridge District and placed within the powers of the trustees of that District the right to assess the people within it.

Now at some trouble to myself I have looked up some law on the matter and have studied the act which created the Bridge District, and I would like to say right here that the only interest I have in this matter is to try and set this House aright so that we may not pass an act which the Supreme Judicial Court, or the Law Court, is going to say is unconstitutional, and those fellows did not know what they were doing.

In Section seven of the act creating the Bridge District gives the trustees—and I believe there are ten trustees—sets out their duties and says that they shall annually set up or determine what amount of money will be required annually to be paid into the sinking fund, "or if the bond or notes authorized by this act shall be issued to mature serially, what amount of money will be required each year to meet the said notes or bonds falling due." At the present time they are determining annually how much money shall be raised by each town in the District to pay off the bonds. The mechanics of the Bridge Act are so framed, I think you will agree with me, that if the division is authorized by this Legislature without an amendment to the Bridge Act, it is going to be impossible to assess those people of the village of Marlboro for their share of the bond, and it is also going to bring those other people in the town of Lamoine into the Bridge District who must be assessed, and I say assessed illegally. The act says "The said trustees shall determine what proportional part of said amounts shall be assessed on the property and polls within the limits of each town that make up said bridge district; the same to be divided between said towns in proportion to their valuations last made by the board of State assessors."

I presume that every member of this House knows that the State Assessors value each town as a whole. They do not value any district of any section of a town, so

that the State Assessors will never place a valuation upon the hamlet of Marlboro, nor will they place a separate valuation on the section of Lamoine coming into Hancock; so that the town of Hancock in its establishment of a valuation by the State Assessors is going to have a valuation placed on it which is going to include this new territory which it acquires while the valuation of Lamoine, which cannot be assessed, as you will see by this act, will be increased by the valuation of Marlboro.

Further the act says "Each year thereafter before the first day of April the said trustees of said bridge district shall issue their warrants in the same form as the warrant of the State treasurer for State taxes with proper changes, to the assessors of said towns comprising said bridge district requiring them to assess their respective proportional part of the total sum so determined and to commit their assessment to the constable or collector of their respective towns who shall have the authority and powers to collect said tax as is vested by law in them."

Now consider that fact! The trustees of the Bridge District will perhaps determine that the town of Hancock owed a certain tax to retire these bonds as determined by their valuation which is placed on it by the State Assessors. Now the proportional part of the town of Hancock is going to be cut down if this act becomes effective; and if our act dividing these towns is ineffective, how are the assessors of the town of Hancock going to assess the people of Marlboro after they become a part of the town of Lamoine? The assessors of Hancock have no authority to assess property over in Lamoine.

To carry it a little farther, these bridge trustees cannot issue a warrant to the assessors of the town of Lamoine to collect a tax because Lamoine is not in the Bridge District, and the statute specifically says that they shall issue a warrant to the assessors of taxes within the towns comprised in the Bridge district.

Now these bonds outstanding are held by our savings banks and the property under the act is subject to seizure if the bonds are not paid, but you cannot assess them. If you are going to take away a certain portion of taxable property

in Marlboro, which they say is growing every year, that valuation must be proportioned among the other four towns of the Bridge District.

I talked with the Senator from Hancock some time ago in regard to this matter, and he said I have seen the Attorney-General about this bill and he says it is constitutional. Well, I questioned him a little further. He said that the Attorney-General told him that these fellows cannot escape their liability, and that is just the point that I am going to argue. They cannot escape it. This Legislature cannot pass an act which will permit them to escape it. The act in effect would permit them to do it, but I do not think the court would uphold it. Of course our division act does not mention these bonds. It mentions who shall take care of the expenses for the care and maintenance of schools, roads and bridges and who shall take over the unpaid taxes. Now every act we pass is supposed to be passed in contemplation of all previous acts of any Legislature, and a previous Legislature has passed an act which makes it impossible to assess these people after a division. Now simply as a straightforward, thinking proposition, does that sound square and does it sound constitutional?

The gentleman from Hancock county also told me to amend the division act. Well, I looked it over and I cannot see how it can be amended. The only amendment I can see that might be made would be to go back and amend that private and special act of 1921, and that would be running into further difficulties. We cannot interfere with the rights of the bondholders. The Constitution clearly says that the Legislature cannot pass an act with this in contemplation.

I do not care to get into a Hancock county fight, but I do not want to pass an act which is unfair to the people of any section and which may, although I may be wrong, be declared unconstitutional by our court. At any rate it is going to get those people down there into hot water and it is going to cost money to hire lawyers to take care of this in court.

I do not know what to move in this matter, but I feel that this Legislature should let those people try to work this matter out among themselves as to how these bonds shall be taken care of. Things have

been as they are down there for over one hundred years, and I do not think it will work any great hardship if they wait two more years, and I move to indefinitely postpone this matter and refer it to the next Legislature.

Mr. SARGENT of Brewer: Mr. Speaker and members of the House: This is not really a Penobscot county matter and perhaps I presume a great deal in taking the matter up; but sometime ago I agreed to speak on it and that is my only interest in it. I have suspected right along that this matter of the Hancock-Sullivan Bridge would be injected into this thing, and the gentleman from Eastport, Mr. McCart, has given the impression that there is a joker in this bill; that there is a desire by the inhabitants of the hamlet of Marlboro to escape a tax. Now there is no such desire on their part and they know that they cannot escape it. They are a part of that Bridge District, and, as my brother from Eastport has said, the inhabitants of the village of Marlboro are liable for that tax and there is no question about it.

In the forming of a bridge district or school district oftentimes the part of another town, or district, incorporated therein is not necessarily the part of one town. Oftentimes it comprises the whole of one town and part of another so they cannot escape the tax. I agree as to the incurring of an obligation that if these people should come here and by act introduced into the Legislature set off a part of the school district that they would still be liable for taxes and we know they would be liable; and there is no desire on their part to escape their liability. The inhabitants of Marlboro are taxed as a part of the District, and the act creating the Hancock-Sullivan Bridge District says that the trustees in that District shall issue their warrant within the limits of that District. Well, so far as the village of Marlboro is concerned for the purpose of the Hancock-Sullivan Bridge act, it will still remain in that District and be liable for taxes. It seems to me this is only an attempt to inject something here and begot the minds of the members of this Legislature. I hope the gentleman's motion will not prevail.

Mr. RODOLPHE HAMEL of Lewiston: Mr. Speaker, I am the last man in this House who should have

anything to say on this measure. I believe it is a matter that should be locally fixed up. Yesterday some of us voted in that famous contest between father and son, with the father, though not altogether on the merits of the measure, but because, as you know, as we get older it is easy for old men to hang together. The proponents of this measure have not made clear how the people in that particular locality may be affected by this measure and I would like to know how the majority of them feel about being taken away from Hancock and going with Lamoine. Referring to the referendum, as I am informed, Hancock has nearly four hundred voters and Lamoine less than two hundred. I would like to know how these people who are affected by this want this to go.

Mr. McLEAN of Bar Harbor: Mr. Speaker, I do not think anything that occurred in regard to the eminent domain bill has anything to do with the question before us. I would like to answer the gentleman from Lewiston, Mr. Hamel, as to the voting population of the town of Hancock and the town of Lamoine. It is a fact that there are 245 polls in the town of Hancock, but you cannot always tell by the number of polls how many people are interested in voting. Last fall the vote for Governor in the town of Hancock was 183 and in the town of Lamoine 135.

(At this point Mr. Jacobs of Auburn assumed the Chair, amid the applause of the House, the members rising)

Mr. McLEAN continuing: In the town of Hancock I, as their representative, received if I remember correctly 130 votes and my Democratic opponent received 20. I think perhaps this will clear up the misrepresentation of the fact that there are 400 votes in Hancock and not half that many in Lamoine.

Mr. RUMILL of Tremont: Mr. Speaker and members of the House: It occurs to me that this matter should devolve upon the wishes of the people of Marlboro. The speakers, my predecessors in the legal fraternity, have gone into depths that I am not qualified to delve into. I believe that the proceedings should be legal; but I confine myself, Mr. Speaker, to the point that the people whom this act affects are the people who should be consider-

ed. Here in Marlboro, a little section by themselves, which adjoins the town of Lamoine, and is separated from the rest of the town of Hancock by the turbulent waters of Skillings Bay. Now the residents themselves. Now the residents both non-resident and resident people of that section, should have weight,—I believe that their wishes are what should prevail in this matter. Now what are their wishes? It has been shown by the fact that, before the committee, there appeared from Marlboro out of the 59 real estate owners there, 48 on the petition in favor of annexation. Now what better expression of the people do you want than the expression of 48 out of 59. That 59, ladies and gentlemen, includes non-residents and the non-resident taxes are substantially two-thirds of this section of Marlboro. Of the resident voters there are eight—by the way on some of their papers twelve voters appear in opposition to this measure, but it is shown that four of those twelve are aliens, un-naturalized. Therefore the voting power is reduced to eight out of twenty-eight. In other words, eight of the resident voters opposed the annexation bill as it passed the Senate and 20 favored it.

I have before me the letters, and one of the gentleman is within the sound of my voice, the largest taxpayer in Marlboro, Mr. L. L. Brown. Also, I do not know that he is next largest taxpayer, but certainly the next largest business man,—O. W. Ford of Marlboro, is in favor of the act. I also have before me the names of 47 non-resident owners who are interested in the annexation of Marlboro. Why? Because Lamoine, not getting taxes from their neighbors there in Marlboro naturally have not kept up the roads by which the Marlboro people must go to the outer world. Therefore, the non-resident population is very anxious to become a part of Lamoine, their interest will be in common with the rest of Lamoine and their road out will be put in as good condition as the rest of the Lamoine roads which are among the best.

Now just as soon as anything pops up in the Legislature I have noticed that there is always something snapped in as unconstitution-

al and it befalls a great many of us. I believe the legal fraternity can take care of that matter, and narrowing it down to the will of the people affected by this act, which in voting power is twenty to eight, twenty in favor and eight opposed, and in the tax power forty-eight to twelve.

Perhaps I ought not to say it, but I conscientiously believe, in fact I am sure, that all these eight or twelve who are opposed are not opposed so much to annexation as they are opposed to the gentleman who introduced the bill. I sincerely hope that the gentleman's motion, from Eastport, will not prevail.

Mr. McLEAN: Mr. Speaker, may I state the fact that the gentleman who has just spoken, Mr. Rumill, is a Representative from the town of Tremont, and Lamoine is not in his class. There is no reason why he would not be glad to welcome \$22,000 increased valuation in that town. I am the Representative from the town of Hancock which includes the town of Lamoine, and I take the position that I am not representing the capitalists of that section of the town the same as he admits he is. I represent the poor people in that village who do not want to be moved without having something to say about it. I told this House day before yesterday the position that I took and it is written in the record. I read into the record a letter and a petition with a good many names on it. That petition, to my mind, does not mean a thing, and I think the people in that little village should be allowed to decide what they want to do.

The question has been raised as to the legality of it but we will lay that aside. After our discussion of this matter here in the House the other day. I went and called those people there, on the telephone and there was no man who misunderstood the vote then taken. I told them that the House of Representatives had voted in their favor. Last night they were sitting in their little homes listening to the radio and what did they hear? They heard that the Legislature had reversed its decision and that father and son had almost come to blows—something like that. (Laughter)

I believe that these people should

have something to say in regard to their own affairs, and I would like to be able to go back there and look these people in the eye and say "I have done all I could for you."

Mr. REA of LaGrange: Mr. Speaker and Members: As a member of the Towns committee before whom this hearing was held, I feel that I should say a word. We heard all the testimony on both sides pro and con, and have had plenty of time to think it over. When we had our executive session, I had made up my mind how I was going to vote. It happened on that day, the day that we had our executive session, that it was about twenty minutes of one and everybody wanted to get this matter cleaned up and go to dinner. They were all hungry. I am not saying this disparagingly of any of the members of the committee at all. A good many of them expressed the opinion that they were opposed to separating towns on general principles, but they said stick on a referendum and let it go along. While I believe in the referendum, I do not, in this particular instance, because I think that little bunch of people down there would not receive their just dues.

I am frank to confess that I did not sign the minority report as I should have done. Furthermore, the report was not unanimous, as stated yesterday. There was one member who refused to vote for the reason that he did not have proper information on the subject. I contended at that time, and do now, that those people down in Marlboro, if a referendum is granted, it should apply to them only, as they are the ones vitally interested.

Mr. McCART: Mr. Speaker, I have no desire to talk on the merits on the division, and I think the sentiment which has been shown by the speakers both for and against this measure indicates that there is certainly a doubt in the minds of the committee on Towns as to whether there should be a division. There is a doubt down in Hancock and Lamoine as to whether there should be a division and there is a doubt in this Legislature. My motion, if it prevailed, would carry this thing over to the next

Legislature and give these people an opportunity to work the thing out. I would not like to see this Legislature pass this bill and make a mistake and have the thing declared unconstitutional afterwards. It has been said that, I am trying to befof the issue. Have they cleared it up any by telling you how they are going to make this assessment? To make an assessment, you have got to have a valuation, and to get a valuation you have got to have someone to make it. The act says that the valuation, or the proportional part, shall be based on the valuation as last made by the State Assessors. How are they going to value the village of Marlboro as a separate proposition?

Mr. PERHAM of West Paris: Mr. Speaker, I think the last Legislature passed the buck to this Legislature and we are trying to straighten it out. I do not see any necessity of passing the buck to the next Legislature, and I believe with a good many others here, that the people of Marlboro would like to have something to say about it themselves. Why not give them a referendum and let them settle their own affairs without passing the buck again?

Mr. RUMILL: Mr. Speaker, the only thing about having a referendum to Hancock is this: It would be reasonable to suppose that the vote of the whole town of Hancock might be in doubt. We have a letter here from the Treasurer of Hancock and letters from several of the leading men in Hancock who say that while they would be sorry to lose their neighbors, still they can see the consistency of their desire to be annexed to Lamoine; but I contend with the last gentleman who spoke that this matter should be settled by Marlboro, and, as I stated before, it is narrowed down to a vote in Marlboro. Now the voters in Marlboro number 28 so that necessarily 15 would decide the referendum, and here is all of that non-resident property, which pays two-thirds of the taxes, and would be put to the embarrassment and inconvenience of being a part of the town which is isolated from its mother town. I sincerely hope that the motion of the gentle-

man from Eastport, Mr. McCart, will not prevail.

Mr. ROBLE of Westbrook: Mr. Speaker, the gentleman from La-Grange, Mr. Rea, has questioned my statement of yesterday that this report of the committee on Towns was unanimous. I still insist that it was unanimous. The report from the committee was that it ought to pass in a new draft. Personally, I cannot for the life of me see why anybody should object to a referendum on this matter. Certainly those people down there know what they want better than we do. But since the gentleman from Eastport, Mr. McCart, has made some legal point here that raises some doubt in my mind, I will support his motion that it be referred to the next Legislature.

The Speaker pro tem: Is the House ready for the question.

Mr. St. CLAIR of Rockland: Mr. Speaker, I ask for a division of the House.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Eastport, Mr. McCart, that this matter be referred to the next Legislature, and a division has been requested. All those in favor of referring this to the next Legislature will rise and stand in their places until counted and monitors have returned the count.

A division being had,

Forty-eight voting in the affirmative and 71 in the negative the motion to refer to the next Legislature failed of passage.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I offer House Amendment A and move its adoption.

The SPEAKER pro tem: The Clerk will read the amendment.

House Amendment A to Senate Paper 675.

Amend Senate Paper 675 by adding the following section:

"Sect. 7. The town of Lamoine is hereby included and made a part of the Hancock-Sullivan Bridge District." (Laughter and applause)

The SPEAKER pro tem: You have heard the amendment presented by the gentleman from Cape Elizabeth, Mr. Chase, all in favor of the motion will say aye; contrary minded no.

A viva voce vote was doubted.

The SPEAKER pro tem: As many as are in favor of the amendment as presented by the gentleman from Cape Elizabeth, Mr. Chase, will rise and stand in their places until counted, and the mon-itors will return the count.

Mr. BLAISDELL of Franklin: Mr. Speaker, I cannot believe that that amendment is being offered seriously. There is too much involved for this House to vote on a proposition like this on such short notice. The town of Lamoine is no part of the Hancock-Sullivan Bridge District. You raise the question at once of whether or not they shall have any voice in the amendment being offered. It is a very serious thing to all of a sudden add to a Bridge District a town which has no part in it and which would incur tremendous expense for it. I cannot believe this is being offered seriously. If it is, steps need to be taken so that everybody can understand what the whole thing means. It is certainly a very drastic amendment.

Mr. CHASE: Mr. Speaker, putting in an amendment was the best I could do with the information that has been presented to this Legislature. A statement was made to me relative to the original bill, and I believe it was made to the committee on Towns, that neither the town of Hancock nor the town of Lamoine had any debt. That is not so. The debts of this Bridge District are obligations and in effect liens against this property in the village of Marlboro. Nobody has raised the point of this obligation. It is true in one sense that the town of Hancock as a town has no debts, but this Bridge District debt is against this property. Possibly this amendment does go too far but it is the best we can do with the information we have. If the House does not want to refer it to the next Legislature, we have got to do the best we can, and this is the best I can do to take care of that.

Mr. FARRIS of Augusta: Mr. Speaker, I should think the thing to do would be to amend the charter creating the Bridge District. The gentleman from Eastport, (Mr. McCart) seemed to think it would be unwise to do that and run the risk of getting in to further complication. I for one

am opposed to the adoption of this amendment on legal grounds.

Mr. KITCHEN of Presque Isle: Mr. Speaker, it seems to me that the action of this Legislature in regard to this matter is childish, and I move that the amendment lie upon the table.

A viva voce vote to table the amendment being counted,

A division of the House was had, Seventy-five voting in the affirmative and 14 in the negative, the motion of the gentleman from Presque Isle, Mr. Kitchen, to table the amendment, prevailed.

The SPEAKER: The Chair now presents the second matter today assigned, Resolve in favor of H. E. Houdlette, Administrator of the Estate of Benjamin Owen Emmons, late of Richmond, county of Sagadahoc, deceased, (H. P. 1696) (H. D. 756) tabled on March 28th by the gentleman from Presque Isle, Mr. Kitchen, the pending question being motion of Mr. Burkett of Portland to indefinitely postpone, and the Chair recognizes the gentleman from Presque Isle, Mr. Kitchen:

Mr. KITCHEN: Mr. Speaker, I asked permission yesterday to table this matter for the purpose of getting more information. I was not sure in my own mind but what, in some way, the State of Maine might be legally involved in this matter.

We find that this ferry was being operated under a charter—

(At this point Speaker Hale assumed the Chair, Mr. Jacobs retiring amid the applause of the House, the members rising.)

Mr. KITCHEN continuing: We find that this ferry was being operated under a charter, a revocable charter, granted by the county of Sagadahoc, and that in no way was the State involved. The parties who were operating this ferry were entirely responsible in the whole matter.

Last night, immediately after adjournment, the different members of the committee on Claims came to me and said that they voted this report ought to pass purely through sympathy, and, if I am not much mistaken, the gentleman from Portland, Mr. Rounds, intimated that in his speech.

Now it seems to me that if the

State of Maine is going to be entirely swayed in these matters by sympathy, and establish a Claims Committee whereby any person in the State who has received injuries, regardless of whether the State is involved or not, may come here and be reimbursed, then I tremble for the future of the State of Maine.

I yield to no man in my spirit of sympathy and fair play, and I will give, and gladly give until it hurts, of my own money and my own time; but when it comes to a matter of the State of Maine, as a sworn representative of the people of the State of Maine, I feel it my duty to stand here in my seat and register my objection to this resolve.

It is not a claim; it is a benevolent contribution. There is no question but what it is an unfortunate case, but I, for one, seriously object to the granting of this gift, and I wish at this time to support the motion of the gentleman from Portland, Mr. Burkett, for the indefinite postponement of this resolve.

Mr. ROUNDS of Portland: Mr. Speaker and Members of this House: I will say one thing: I think the gentleman is wrong. This ferry was not operated by a charter; it was operated by a license, which is a great deal different from a charter. This is what I have to say about that.

Now, what is the consequence here? The State of Maine has licensed that man. I have a charter myself, and they didn't ask me to file a bond with the State of Maine. I will admit that the bond was lost for a number of years, but it showed up, and is now in the Treasurer's office of the State of Maine.

The State of Maine did have some obligation, or it would not have licensed that man, or it would not have had him go under a bond. I want to cite some things that might occur. Now I will read a few of these:

**"Ferry a Continuation of Highway
12 American & English Ency. of
Law 1087-1088**

When a public highway crosses a stream of water, crosses any body of water, it is not interrupted, but the water and the soil beneath it, within the limits of the road, are a continuous part of the road; when necessary for the proper use

and enjoyment of the highway by the public, the ferries and bridges are also parts and parcels of the road." (Mills vs. Learn, 2 Ore. 215)

"A ferry has often been spoken of as a public highway of a special description, and it has been held that it can only exist in connection with some highway or place where the public have rights. It is impossible to specify in a general way the distance over which ferries may be operated. When the intervening waters are not wide, and can be traversed at regular and brief intervals by boats adapted to a ferry business, there can be no question that ferries may be established and operated, and a ferry need not be operated merely from one place on one side of the water to a single place on the other side, but may run from one place on one side of the water to several places on the other side." (Ibid)

"Legally considered, a ferry is nothing more than the continuation of a road; and, as far as regards the authority of a state, it does not differ from a toll-bridge." (Gilman vs. City of Philadelphia, 70 U. S. (3 Wall.) 713)

"It is often termed a floating bridge." (Oliff vs. Shreveport, 52 La. Ann. 1203.) People vs San Francisco, A. R. Co. 35 California, 606, 615.

Now I could go on and state—I have nine books here that show that the State of Maine has done this in five different places—anybody can go to the Library—I don't want to take the time of the House to read all of them; but if they have got to be read, I will read them, because here is this poor woman with five children that is dependent on this Legislature to give her justice. Now, it is not a legal question, but we must have justice.

We have a hundred and forty odd claims in the Claims Committee, and the gentleman from Presque Isle (Mr. Kitchen) has got a claim in almost as big as that for one of his constituents in Presque Isle, and we passed it,—we let it get into this House. But he says not a word about that.

Here is this poor woman with five children. If this man had lived, he would have paid every cent of it. But what are the consequences? He was taken away, and there it was. He had to pay part of this

bill, but if he had taken it into the United States Court, he would not have had to pay one cent.

If anybody wishes me to read these books to them—I am not in a position to read—but I will read if anybody wants me to, the different decisions in the State of Maine, five of them, right in the State of Maine. I have the books right here.

Now I ask that we do justice to these heirs. What is the consequence? If we turn this woman down, we turn these children down and they have nowhere to go but the Poor House. It is time that we do justice to the people of the State of Maine. As I say, if anybody wants me to read them, I will have the Clerk read the different decisions.

Mr. PATTERSON of Freeport: Mr. Speaker and Ladies and Gentlemen of the Legislature: It is evident from the looks of this resolve that the committee is part of the Legislature, and presumably, if we go by sentiment, we will pass it up to the Governor. Now I cannot really see one justifiable reason why we should.

I came here from my town, representing my constituents, and I presume every other gentleman came for that same purpose. It seems unfortunate that I have to get up in cases of this kind. My sympathy was all with the lady—I was willing to pay my share and I am willing to pay my share now—but when you get through with these kind of claims, everybody who has got a bus line in the State of Maine, and has a license, if somebody gets hurt, they come on to the State of Maine.

If I understand this thing correctly, from what information I did get, and your committee has not given us the information, that ferry was run by a man in Richmond, and that day—when this car went on to that ferry—there was not a trig put up, as I understand it, to protect that car at all. There was criminal negligence by the boy who was driving that car. He didn't even put on his brakes. There was not even a chain in front of the ferry to keep the car from running off. If we persist in that, if I come up here and fall over a car, if I am on someone else's land, or in some-

one's territory, I will have a claim. To be honest, I do not think there is a man or woman in this Legislature who can vote on the merits of that. I am willing to pay my share out of my pocket to help them, if these other gentlemen and ladies wish to, anywhere up to \$25, and it would not take but mighty little if they all want to chip in that way.

Now I want to say to you that my sympathy is with this woman and her children. Now when Mr. Burkett, the member from Portland, brought this up—I have known Mr. Burkett for seven years and I have never known him to carry a case into Court, when he knew the man was guilty from the start. Under these sentiments that we have here every criminal will be walking around your streets free, if we let our sentiments sway us—and are we going to blame our Judges for passing judgment on these things?

Now I will repeat what I said before; I will chip in up to \$25, with any of the members of this Legislature, if they feel that we should help that woman. But, under the circumstances, I hope, for the State of Maine, that you will indefinitely postpone this resolve, and I will pay my part personally, out of my pocket.

Mr. PEACOCK of Readfield: Mr. Speaker, I yield to no member of the Legislature in having the greatest sympathy for the poor and afflicted. I presented to this body, at the beginning of the session, a claim which you did not see fit to grant. You had no legal right to do it, and I accepted it in that spirit.

I wish to present to you the facts in relation to this claim, coming from the Supreme Court of the State of Maine, reported in 124 Maine, on page 156, two cases; F. A. Danforth, Admr. of Estate of Leonard E. Goodall vs. Owen Emmons. Same, Admr. of Estate of Violet M. Goodall vs. Same.

There were four people in an automobile who desired to cross the river. They drove on to this ferry boat which was operated by Mr. Emmons, a man who was operating the boat for his own private benefit, being simply licensed by the State of Maine, and giving a bond therefor that he would do the work in a proper manner. He had not provided proper arrangements on

the boat, so that when this boat rocked in the water, the auto went off and these four people were drowned. If this man had exercised due care, as he would be bound to do in caring for people who patronized his ferry, this would never have happened, and there would be four people alive today probably who have gone to an untimely death through his negligence.

These cases were ably tried in our court by eminent counsel upon both sides. The jury found a verdict against Mr. Emmons. That verdict was based on the fact found by the jury that Mr. Emmons, in the operation of his ferry boat, did not exercise due care. I am not going to read you the whole case, but I will just read you four or five lines, the rescript of which was written by one of our eminent jurists, Judge Morrill of Auburn. He says "they," meaning the jury, "were fully warranted in finding that the defendant was lacking in due care, in not providing chains or other appliances for the prevention of such an accident as happened; whatever may be the measure of due care in the case of horsedrawn vehicles, with the advent and general use of automobiles, new conditions exist to which the standard of due care must be applied." That is the verdict of our highest court in the State of Maine, and it seems to me that while our sympathies are with the children, these orphans, yet we must also think of the dead who are gone through the negligence of this man; and while I regret that he had not taken proper precautions to reimburse himself financially through insurance or otherwise, it seems to me that this Legislature cannot let its spirit of sympathy go over its good judgment and pay this claim of \$3,600 which this State does not legally owe.

The gentleman from Portland, Mr. Rounds, has quoted the law with reference to ferries, but he has reference to ferries which are not operated by private individuals. I hope that the motion of the gentleman from Portland (Mr. Burkett) prevails.

Mr. HAWKES of Richmond: Mr. Speaker, I would like to ask the gentleman to give us the decision of the courts of Sagadahoc county, seeing he has gone to the trouble of looking this matter up.

The SPEAKER: The gentleman from Readfield, Mr. Peacock, may reply if he desires.

Mr. PEACOCK: I have the report of the Kennebec county cases. I haven't any other reports. Both reports would emanate from the Supreme Judicial Court, and if there are any decisions contrary to that, I shall be pleased to have the gentleman from Richmond produce them.

Mr. KITCHEN: Mr. Speaker, I would just like to refer to a statement made by the gentleman from Portland, Mr. Rounds, in regard to claims. He says there are no legal claims. If I am not mistaken, we have a law which provides that the State will reimburse farmers for loss of sheep killed by dogs, and we approve bills, legal claims. We also have a law that provides that Indians, who can never be town charges, will be provided for by the State. And the claim which he refers to in my town is in regard to a family of Indians, who, under the State law, can never be town charges. I simply want to correct his statement, so that the House may not be misinformed in the matter.

Mr. HAWKES: Mr. Speaker and members of the Eighty-fourth Legislature: This gentleman, Mr. Peacock, seems to have gone into this matter very thoroughly in opposition, but he does not know about the other side of this case.

Now the fact is that when this case was tried in Sagadahoc county, the decision was the reverse of the one tried in Kennebec county. The gentleman from Freeport (Mr. Patterson) mentions the fact that the boy who was operating this automobile was not exercising due care. That is true, and that is one of the reasons why this claim should be favored by this House. The evidence was not presented in Kennebec county, but other evidence was presented in Sagadahoc county that reversed the decision. Therefore I claim that if the courts made a wrong decision, and it was reversed, and Mr. Emmons was put to all of the expense of this trial and lost every dollar that he had in the world, and now he has passed away, and his children will become paupers upon the State, it will cost the State as much money to take care of them as it will if you recognize this claim and let the mother keep her children and educate them and

give them the home and comforts they should have.

Mr. PEACOCK: Mr. Speaker, I want to add if this case was reported in any other of the Maine reports, I have only the interests of all of us at heart, and in order that we may investigate and learn as to the other facts, I move that this matter be tabled.

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

Mr. BURKETT of Portland: Mr. Speaker, just to clear up that situation as to what happened in Sagadahoc county: In Sagadahoc county, the case of the Estate of Henry R. Goodall—ana without any information being in the statement of facts—I assume he was the driver of the car and he probably would be himself barred, because of his own negligence, in not putting on his brakes, from recovering anything himself. I may be mistaken about that. At any rate, the other case in Sagadahoc county, the Estate of Fay M. Goodall was settled by payment of \$500. In any event, that was tacit recognition of the fact there was some liability on the part of the defendant.

Mr. JACKSON of Bath: Mr. Speaker, I have no disposition to incite the sympathies or emotions of this House by reference to the terrible details of that tragedy in 1923. The committee on Claims, ten men of this assembly, have in committee rooms, heard the pros and cons of this matter and calmly and dispassionately signed their recommendation. The gentleman from Portland, Mr. Burkett, objects to the passage of this resolve on purely legal grounds, as I understood him yesterday.

Mr. Speaker, I do not know of any statutes on the books of Maine making it illegal for a young man, even a member of the Maine Legislature to refer to his father as "the old man," but such an expression I have heard used around this Capitol, and although perhaps not strictly illegal, it is certainly distasteful and abhorrent to everyone who loves the name of Father and Mother.

I prefer, Mr. Speaker, in voting on this matter, to take the judgment of the Claims Committee, two members of which are lawyers, rather than the legal opinion of the gentleman from Portland, Mr. Burkett.

Mr. ALDRICH of Topsham: Mr. Speaker, I might say just a few words in connection with this matter. I think we should keep clearly in our minds the fact that we as a Legislature are in the nature of a high court, and we are not in any way bound in the matter of claims which are presented here by the question as to the strict legality of the same, or the question as to whether or not, in a court of law, the claim would be sustained. We make laws here, we act here in the name of the State of Maine, and I submit to you that in the matter of passing upon claims we do not confine ourselves to the strict question of the legality of the matter from the standpoint of the ordinary court, but consider it from all standpoints, including the equity of the matter. That being so, I could cite you members case after case of claims which have come before this Legislature in the last two sessions and have come out of the committee on Claims, which could never be sustained on the technical proposition. If they had been submitted to a court of law, they would not have been recognized or passed.

The sole question in this matter, so far as I can see, and I think that is largely so with respect to most of the matters which may go before the Claims Committee, is whether or not those gentlemen to whom all of this evidence has been presented have been guided solely by the equity in the matter. I am frank to say to you, as the gentleman from Bath (Mr. Jackson) has just said, where the committee has had the opportunity of receiving all of the evidence and evidently has considered that evidence from every viewpoint, and are of the opinion that it would be just for the State to pay the claim, I am prepared to accept the judgment of the committee.

The SPEAKER: Is the House ready for the question?

Mr. PATTERSON: Mr. Speaker, I will say just one more word, with your permission. I will say that I talked with some of that committee and I will tell you straight, without any reference to the gentlemen of the committee who said so, that they voted on just the personal thing, on their sympathy, and

they told me so themselves. I will simply say that.

Mr. HOLMAN of Farmington: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Farmington, Mr. Holman, moves the previous question. As many as are in favor of the Chair entertaining the previous question will rise and stand in their places until counted and the monitors have returned the count.

A sufficient number arose.

The SPEAKER: The question now before the House is shall the main question be now put? As many as are in favor of the Chair putting the main question now will say aye; as many as are opposed will say no.

A viva voce being taken, the motion that the main question be now put prevailed.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Burkett, for the indefinite postponement of this resolve in favor of H. E. Houdlette.

Mr. ROUNDS: Mr. Speaker, I move that when the vote is taken, it be taken by yeas and nays.

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

Mr. KITCHEN: Mr. Speaker, I ask for a division of the House.

The SPEAKER: The gentleman from Presque Isle, Mr. Kitchen, asks for a division. As many as are in favor of the indefinite postponement of the resolve will rise and stand in their places until counted and the monitors will return the count.

A division was had,

Thirty having voted in favor of the indefinite postponement of the resolve and 61 in opposition, the motion for indefinite postponement did not prevail.

On motion by Mr. Rounds, the resolve received its second reading and was passed to be engrossed.

The following bills on their passage to be enacted and resolves on their final passage were taken up out of order under suspension of the rules:

Passed to be Enacted

(H. P. 422) (H. D. 135) An act to incorporate the town of Rumford School District.

(H. P. 1637) (H. D. 655) An act

to increase the salaries of the Judge and the Recorder of the Bangor Municipal Court.

(H. P. 1643) (H. D. 668) An act to incorporate "Madawaska Water Company".

Finally Passed

(H. P. 135) (H. D. 663) Resolve in favor of the State Reformatory for Women for the erection of a house for mothers and babies.

(H. P. 772) (H. D. 239) Resolve in favor of Lena F. Cummings, widow of Henry F. Cummings.

(H. P. 1662) (H. D. 697) Resolve in favor of additional room for State Departments.

(H. P. 1667) (H. D. 700) Resolve in favor of the town of Enfield.

(H. P. 1668) (H. D. 701) Resolve in favor of the town of Howland.

(Emergency Measure)

(S. P. 692) (S. D. 368) Resolve appropriating money for the study and contro of the birch saw-fly leaf miner and the birch case bearer.

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

A division being had,

One hundred and twelve having voted in the affirmative and none in the negative, the resolve was finally passed.

The following report was taken up out of order under suspension of the rules:

Majority Report of the Committees on Judiciary and Maine Publicity reporting ought not to pass on bill an act for the regulation and control of outdoor advertising (H. P. 1211) (H. D. 403)

Report was signed by the following members:

Messrs. SPEAR of Cumberland
MARTIN of Kennebec
WEEKS of Somerset
OAKES of Cumberland
—of the Senate

McCART of Eastport
HAMEL of Lewiston
CLIFFORD of Garland
FARRIS of Augusta
HOLMAN of Farmington
ALDRICH of Topsham

Mrs. GAY of Waldoboro
—of the House

Minority Report of same Committees on same bill reporting same in a new draft (H. P. 1729) under same title and that it ought to pass:

Mrs. CARTER of Androscoggin
Mr. BOULTER of York

—of the Senate

Miss LAUGHLIN of Portland
Messrs. STERLING of Caratunk
WILLIAMSON of Augusta
WING of Kingfield
McLEAN of Bar Harbor
TOWNE of Kennebunkport
BOYNTON of So. Portland

—of the House

(On motion by Mr. Williamson of Augusta, both reports tabled pending acceptance of either, and 500 copies of the new draft ordered printed)

The SPEAKER: The Chair presents what should have been the third matter today assigned, H. P. 321, H. D. 96, bill an act to establish a Park Commission of the City of South Portland, tabled on March 28th by the gentleman from Portland, Mr. Burkett, the pending question being third reading, and the Chair recognizes the gentleman.

Mr. BURKETT: Mr. Speaker, this measure, House Document 96, has had somewhat erratic progress in this Legislature, without any explanation from the Legal Affairs Committee, which reported unanimously ought not to pass.

The bill was introduced by one of the three representatives from South Portland and calls for a Park Commission for the city of South Portland consisting of seven persons elected, one from each ward, and for a tax of one mill on the taxable property of South Portland for park purposes. It was advertised and heard, and several very reputable citizens from South Portland came and spoke in favor of it; but it was apparent to the committee that South Portland has no parks, and there never has been any agitation for parks there that was called to the attention of the committee. It is, as you know, a beautiful residential city, with no industrial section at all, no congested tenement section. The houses sit on large lots. There never has been, as far as was called to the attention of the Legal Affairs Committee, any demand or desire for parks in the city of South Portland up to this time.

Three representatives from South Portland came to the hearing. No one of them spoke in favor of it, and one of them presented a remonstrance against it. After the hearing was over I talked, as did several other members of the committee, with the representatives from South Portland, and got the impression that as far as they were concerned they were willing that the bill should be reported ought not to pass, especially in view of the fact that a tax of one mill on the taxable property of South Portland would amount to \$17,000 a year taken out of the taxable revenue and set up as a park fund when there are no parks.

The unanimous report of the Legal Affairs Committee came into this House ought not to pass. No one of the Representatives from South Portland objected to it or moved to substitute the bill for the report or take any other action, and it went to the Senate. Some weeks afterwards, I think, a movement was started here in the House to recall the matter from the Senate, it being tied up in some sort of a complication between the two Houses. It was several days before it got back.

I have no objection to the city of South Portland having a park commission if they want one. I do not represent that city. The bill as it originally came in had no referendum provisions on it, and it has not got any now, and no member from South Portland has ever offered to put one on it up to this time. I am simply stating these facts to the House for the purpose of relieving myself of the responsibility as the only member of the Legal Affairs Committee from that section of the State, in an effort, if I can, to get the three gentlemen from South Portland on record on this matter, either by themselves speaking to this House or some one member of the delegation speaking for them, so that the responsibility will be theirs, and the matter will go back to the people of South Portland to vote on, if the amendment is put on it, with the support of the delegation from that city. In order to bring the matter before the House so that the situation may work itself out, I move the indefinite postponement of the bill.

Mr. STURGIS of Auburn: Mr. Speaker, I notice the gentleman from South Portland, Mr. Richardson, who is responsible for the bill, is absent this morning. Mr. Richardson is a

new member of this House and did not know exactly the rules to go on, and I am taking the liberty, being born in South Portland, of moving that it be retabled and specially assigned for Tuesday morning, then Mr. Richardson will probably be here.

The SPEAKER: The Chair will call the attention of the House to the fact that when matters are on the calendar specially assigned, the members who are interested in those matters should be present to attend to them, otherwise the House may not transact business.

As many as are in favor of the motion of the gentleman from Auburn. Mr. Sturgis, that the bill lie on the table, will say aye; as many as are opposed will say no.

A viva voce vote being doubted,

A division was had,

Forty-eight having voted in favor of the motion to table and eight in opposition, the motion prevailed.

The SPEAKER: The Chair presents the fourth matter today assigned, (H. P. 1223) (H. D. 468), bill An act relating to the removal of snow from highways and town ways, tabled on March 28th by the gentleman from Topsham, Mr. Aldrich, the pending question being passage to be engrossed, and the Chair recognizes the gentleman.

On motion by Mr. Aldrich, the bill was passed to be engrossed.

On motion by Mr. Perham of West Paris, it was voted to take from the table the third unassigned matter (H. P. 1076) (H. D. 342) new draft (H. P. 1658), House report ought to pass in new draft, committee on Agriculture, on resolve in favor of Poultry Husbandry, tabled on March 26th by the gentleman, the pending question being motion of Mr. Sturgis of Auburn to indefinitely postpone.

Mr. PERHAM: Mr. Speaker, I find here in the Legislature that we have many friends. I also find that we all do not agree on the same thing. If we did, there would not be any necessity for our coming down here.

One matter where Mr. Sturgis and I radically disagree,—due to the fact that I think Mr. Sturgis has made a misrepresentation of the Agricultural Committee,—and I will

say at this time that I will leave it to the members of the Agricultural Committee to speak for themselves; also he has misrepresented the connection of the University of Maine with the poultry proposition that is mentioned in this bill.

I would like to say this much, that being a member of the University of Maine and interested in it, I do not like any insinuations that this matter is something sponsored by the University of Maine to put something across on the Legislature, after the Legislature has used the University of Maine the way it has this year in straightening out a matter which has been a bone of contention for years in the Legislature in regard to school matters. I would like to say that the only part that the University of Maine has taken in regard to this is to offer to the poultry industry, a \$10,000,000 industry of this State, the use of some of their grounds at Highmoor Farm as a matter of co-operation.

Now, gentlemen, I do not believe that any man should rise in his seat here and try to make a crime out of a little matter of good will, and try to connect something else with it. Mr. Speaker, if I may be allowed, I would like to yield the floor at this time to the gentleman from Winterport, Mr. Carleton, a member of the Agriculture Committee.

Mr. CARLETON: Mr. Speaker and members of the Eighty-fourth Legislature: As a member of the Agricultural Committee who represented this resolve, I will say in my own defense as well as in defense of other members of the committee, that this resolve, House Document 342, House Paper 1658, had its proper hearing before the committee on Agriculture. It was thoroughly discussed in executive session and all details pertaining to this matter were brought to light.

Let me say that several thoroughly reliable and capable business men, among them some of the larger poultry raisers in the State, appeared in favor of this measure. The matter of location was gone over very carefully. We were told, by the proponents of this bill, that a committee of six from the Maine Poultrymen's Association had made

a thorough investigation of the matter before having a bill presented to this honorable body. They chose men from different parts of the State who seemed to us to be well qualified to deal with this matter. One man serving in that committee I am personally acquainted with, in fact, I have known him all his life and, Fellow Members of the Legislature, I can honestly tell you that he knows how to figure—can do business—knows how to make every dollar count; and he also knows how to raise poultry. When he tells me that this resolve, if at all passed, would be a good thing, I believe it. If it benefits him, I insist that it will be of benefit to the agricultural interests of the State of Maine inasmuch as he is an individual who is vitally interested.

Mr. Sturgis, when opposing this measure, told you there were six or seven members present at the executive session and that he voted in opposition. The fact is that there were eight members at that meeting; seven voted for the passage of the resolve; one other member, Senator John Leland, tells me that he would have voted for the measure had he been there. Mr. Sturgis alone opposed it.

Now, there might have been a misunderstanding; I do not look at it that way. I asked him if he wanted to present a minority report and I understood him to say "No, I will handle it in another way." Apparently our clerk understood it the same way preparing the report, and I signed it. It was presented to the House ought to pass.

Mr. Sturgis tells you he thinks that when this is granted, if ever, it should be located at Orono, while the committee from the Poultrymen's Association chosen for that purpose, after due consideration, said that Highmoor Farm ought to be the location. Eight of our committee agree with them. Mr. Sturgis tells you of the wonderful hens they have at Orono. Also the roosters that sell for a big price. Now, I am wondering if he is trying to sell you the idea that he is a better rooster than all the rest of us on the committee.

Gentlemen, I submit that this is a sound, sensible, straight-cut, clean

proposition. The poultry and by-products have a third highest cash value among our farm crops. This is the first time they have come here asking for consideration at our hands, and I think they are entitled to some consideration.

Now, as I understand it, this resolve is before us upon the motion of Mr. Sturgis to indefinitely postpone. Therefore, I wish to oppose this motion and sincerely hope that the motion to indefinitely postpone will not prevail.

Mr. STURGIS: Mr. Speaker, I do not pretend to be much of a rooster, but I do sometimes crow a little. (Laughter.) The gentleman from West Paris (Mr. Perham) insinuates that I made a misstatement. I have got a record going back sixty years, and I will stake my reputation that I did not make a misrepresentation at this time. Now we are getting down to brass tacks.

We are not, all of us, from one part of Maine. The Poultry Association has stated they did not want to go beyond Highmoor Farm because it was handy, on a good road. I got information from the county agent, through a member of our committee, that he said it would be inconvenient, and they would not attend from down in Washington County. I said they raise nothing in Washington County but blueberries and hardtacks. It got into the report "Hardtacks," and I had an idea that the man who wrote that had been a seafaring man, and he did not know that they did raise hardtacks in the State of Maine; he thought it was hardtacks. As you gentlemen might know, some of you bred upon farms, blueberry bushes sometimes do grow among hardtacks, and not hardtacks.

Now in that committee,—I don't remember—I may be right, there may have been nine or ten, but I am fearful it was counted possibly the same as sometimes at the end of the session members are counted in the House when it is hard to get a quorum. Now I told them in that committee that I would not favor that bill. The Chairman of that committee said "Would you sign a minority report?" I said "Yes, sir," and raised my hand.

Rooster or no rooster, hen or no hen. It takes a rooster and a hen to raise chickens. (Laughter.)

Now it is immaterial to me whether this goes through or not. I have made my statement, and I will go down on record. At that time there were eight or ten measures that came in in executive session, and we worked along on those, and there seemed to be a disposition on the part of that committee to get away. We worked, if I remember rightly, up to nearly five or six o'clock. We all have been in committees, and we know that they like to be in unison; they don't like to have any roosters in there. The Chairman of the committee asked that question and I said "Yes, sir."

Immediately when this was brought up, I went down in the Agricultural Department to see the clerk of our committee. Where was he? He was down to Orono looking after the interests of the State Agricultural Department. Well and good. I saw him later, and he said "I am glad you did vote against that," but somehow it got by. Now I made the statement, if you remember, that through some oversight it might have gotten by. Sometimes when the clerk has so many, eight or ten matters, coming before the committee, it would be courteous, if he thought there was an oversight, if he knew there was a member who was against it, if he permitted him to sign that report. Who signed that report? Every single one but one man. When it came in, I said to this man "I understood there was to be a majority and a minority report. He said "I hope I haven't made any mistake." He said "Fix it up when it comes into the House." Those are the facts of the case, and you can take my word for it or not.

Mr. PERHAM: Mr. Speaker, I would like to say that Mr. Sturgis and I do not agree. The Agricultural Committee can look out for themselves. It has been before them two or three times this year, and I think they are a body of men capable of handling their own affairs, and I am going to let them handle their own arguments on their own side, but I still stick to what I said in regard to the University of Maine; and I would like

to have the members of the House please remember that there is no connection between the University of Maine and this project, only they tried to cooperate by helping them out.

As I understand, this is the first time that the poultry industry, a \$10,000,000 industry in the State of Maine, has come before this Legislature asking for cooperation, and I would like to state at this time that I hope Mr. Sturgis' motion to indefinitely postpone the re-resolve will not prevail.

Mr. STERLING of Kittery: Mr. Speaker, I thought this was a hen measure, but it kind of looks to me as if it was getting into the rooster class. Now this location—I do not want to take up any time on that, because I think Mr. Sturgis has covered the ground very thoroughly. This committee went over that ground and selected Highmoor because it is in the central location of the hen industry of the State, and that is what we wanted to do.

Now in years gone by we have set up in this State an official test for the cows, and we also have for the potato men a seed test, and we are asking nothing more than what is right when we give the hen the same privilege. Now the object of this egg-laying contest, as you all know, is to put these birds in there and get an efficiency test, so that we can breed from the best layers to increase their egg production.

Now I would like to state a few figures at this time. The average egg production for these ordinary farm flocks is 75 eggs per year, those are flocks kept on the farms and in old pig pens and part of them are roosting up in the trees. Now take these birds in a year or two and put them in a good building and take care of them and you immediately step them up from 75 eggs per year to 140. Now that is worth while, gentlemen. If you go a step farther and take those same birds and trap-nest them and breed from the good layers, you step them up to 235 eggs per year.

Now those birds, gentlemen, that laid 75 eggs last year produced nearly \$10,000 worth of property. Supposing those birds had produced 235 eggs per bird, what would have been the result? Immediately you increase your production to three

times the amount at no more cost. That would be practically profit.

Just a word in regard to the advantages of this branch of poultry industry over a number of the different branches of farming. In the first place this is an industry that is much easier for the young men in the State to get into. For instance, it does not require the capital that it does to get into the dairying business, or to buy the tools to get into the potato business and buy fertilizer. We are taking these old barns and sheds and making them over into hen-houses and doing a wonderful job. Another point: With a flock of hens you have got an all-the-year-round business; you have got something to sell every week. It is not like the potato crop, which you have only once a year; you have got a steady income. And then, it is an industry that appeals to the young men and women, and I say women because some of our most successful poultry raisers are women. It is a business that is not only much lighter in labor, but it is also very interesting. It works in very nicely with orcharding and fruit-growing. This matter is a State-wide proposition, gentlemen, and I want to state right here that I am the only man in this whole Legislature who really represents the commercial poultrymen. It seems a funny thing that we are only shipping to the Boston markets four per cent of the eggs that are consumed, and how many eggs are being shipped into Maine I do not know. I hope and pray that this matter will not be indefinitely postponed.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, I simply wish to go on record against the indefinite postponement of this bill because I wish to vote in support of the bill. I have very little practical knowledge but I have gained considerable knowledge regarding the advantages of this business to the State of Maine, and I am for it. Connected in my mind always with this question of egg producing is, of course, the matter of chicken producing, and that is in line with the conundrum which I would propound to you. The question is "Why are we as men particularly like worms?" The answer: "We come out and wiggle around a little and some chicken gets us." (Laughter) So I believe the chick-

en and the egg should get us on this question.

Mrs. GAY of Waldoboro: Mr. Speaker, I do want to voice my approval of this egg-laying contest as a Representative from one of the largest poultry raising communities in Maine.

Several weeks ago one of my constituents, who runs a large farm in my town, moving there from Connecticut, told me in glowing terms of the advantages of these contests to the farmers of the State. He had belonged for thirty years to such an organization in Connecticut, and still retains his membership.

Another of my constituents who is a graduate of the University of Maine and now owns a large and successful poultry farm in my town, told me that such a contest could not be conducted satisfactorily at Orono.

When this matter came up for hearing, I attended, and was further impressed with the importance of it. It seems to me that such a project cannot fail to help our farms and must be of benefit to the entire State. I hope that the motion of the gentleman from Auburn, (Mr. Sturgis) to indefinitely postpone this matter will not prevail.

Mr. CRAWFORD of Houlton: Mr. Speaker, I would just like to state that I am a member of the Committee on Agriculture before whom this matter was heard. We heard all the evidence and talked the matter over very freely, and as a member of that committee, I voted for the passage of the bill, and I believe it to be good advertising for this branch of agriculture.

The SPEAKER: Is the House ready for the question?

Mr. CARLETON of Winterport: Mr. Speaker, I move that when the vote is taken, it be taken by the yeas and nays.

(Cries of "No, No.")

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

Mr. VARNUM: Mr. Speaker, I ask for a division.

The SPEAKER: A division is called for. The pending question is on the motion of the gentleman from Auburn, Mr. Sturgis, that this bill, being in the new draft House Paper 1658, resolve in favor of Poultry Husbandry, be indefinitely postponed. As many as are in favor of the indefinite postponement of resolve

will rise and stand in their places until counted, and the monitors will return the count.

A division was had,

One member of the House, Mr. Sturgis of Auburn, voting in the affirmative, the motion was lost.

On motion by Mr. Sturgis, the vote against the indefinite postponement was made unanimous.

On motion by Mr. Perham of West Paris, the report of the committee of Agriculture ought to pass in new draft was accepted.

From the Senate: Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Monday afternoon, April 1, at 4 o'clock.

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

On motion by Mr. Taylor of Belfast, it was voted to take from the table the fourth unassigned matter, (H. P. 1642) (H. D. 677), 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, tabled on March 26th by that gentleman, the pending question being passage to be engrossed, as amended.

On motion by Mr. Taylor, the bill was recommitted to the committee on Legal Affairs.

On motion by Mr. Robie of Westbrook, the House voted to reconsider its action whereby it specially assigned for Wednesday, April 3rd, S. P. 726, S. D. 379, bill an act relating to the protection of children, tabled March 28th by the gentleman from Biddeford, Mr. Locke, the pending question being third reading.

Mr. ROBIE: Mr. Speaker, I have been requested by the gentleman from Biddeford, Mr. Locke, who tabled this bill, to send the bill along in its regular course, as the objection he has to it has been taken care of.

Thereupon, on further motion by Mr. Robie, it was voted to take S. P. 726, S. D. 379, from the table; and on further motion by the same gentleman the bill received its

third reading; and on further motion by the same gentleman the bill was passed to be engrossed.

On motion by Mr. Kitchen of Presque Isle, it was voted to take from the table 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 that gentleman on March 26th, the pending question being passage to be enacted; on further motion by the same gentleman the bill was passed to be enacted.

The SPEAKER: Is there any further business under Orders of the Day? If there is no further business, the House may be at ease for a few moments pending receipt of papers from the Senate, which will be here very shortly.

After Recess 12.10 P. M.

Papers from the Senate taken up out of order, under suspension of the rules, disposed of in concurrence.

From the Senate: Final report of the committee on Pownal State School.

Comes from the Senate, the report read and accepted.

In the House, read and accepted in concurrence.

Senate Bills in First Reading

S. P. 599, S. D. 271: An act to amend Chapter 76 of the Revised Statutes as amended, relative to sales of real estate by license of Probate Court.

S. P. 696, H. D. 704: An act to amend Chapter 68 of the Revised Statutes relative to executors and administrators.

S. P. 697, H. D. 705: An act relative to order of court prohibiting restraint of wife pending libel.

S. P. 698, H. D. 706: An act to re-enact Chapter 132, Public Laws 1913, relating to the title of islands belonging to the State, repealed through an error by the General Repealing Act of the 1916 Revised Statutes.

S. P. 699, S. D. 707: An act relative to dissolution of attachments and release of attachments.

S. P. 700, S. D. 708: An act relative to jurisdiction of Prison Commissioners in matter of paroles.

S. P. 704, S. D. 712: An act relative to historical documents.

S. P. 706, H. D. 714: An act to repeal Section 53 of Chapter 127 relative to publication of disposition of appealed cases and indictments in intoxicating liquor prosecutions.

S. P. 710, H. D. 718: An act relative to hearings and judgments in vacation.

S. P. 712, H. D. 720: An act relative to penalty for making false affidavit of application for pension for the blind.

S. P. 714, H. D. 722: An act relative to the share of a child or his issue having no devise under a will.

S. P. 715, H. D. 723: An act relative to the sale of intoxicating liquors, definition.

S. P. 716, H. D. 724: An act relative to affidavits of plaintiffs in actions in account annexed.

S. P. 566, S. D. 237: An act relating to State aid for academies.

From the Senate: Majority report of the Committees on Public Utilities, Judiciary and Interior Waters jointly on bill an act to incorporate the Fish River Power and Storage Company (S. P. 178) (S. D. 78) reporting same in a new draft (S. P. 734) (S. D. 384) under same title and that it ought to pass.

Report was signed by the following members:

Messrs.

OAKES of Cumberland
WEEKS of Somerset
MINOTT of Cumberland
DOUGLAS of Hancock
CARLTON of Sagadahoc
MARTIN of Kennebec
GREENLEAF of Androscoggin

Mrs.

PINKHAM of Aroostook
—of the Senate.

Messrs.

WEATHERBEE of Penobscot
BOSTON of Gardiner
WING of Kingfield
CHASE of Cape Elizabeth
HUBBARD of Plymouth
ADAMS of Linneus
QUINT of Limerick
MILLIKEN of Old Orchard
TUCKER of Sanford
COMINS of Eddington
WEBSTER of Auburn
HOLMAN of Farmington
BISHOP of Boothbay Harbor
ROBIE of Westbrook

FARRIS of Augusta
McCART of Eastport
WILLIAMSON of Augusta
HATHAWAY of Milo

Miss

LAUGHLIN of Portland
—of the House.

Minority report of same Committees reporting ought not to pass on same bill.

Report was signed by the following members:

Messrs. POWERS of Caribou
HUGHES of Mapleton
ALDRICH of Topsham
—of the House.

Comes from the Senate the majority report read and accepted and the bill passed to be engrossed.

In the House, on motion by Mr. Seavey of Sherman, both reports tabled, pending acceptance of either, and specially assigned for Tuesday, April 2.

Reports of Committees taken up out of order and under suspension of the rules.

Mr. Wright from the committee on Public Health reported ought not to pass on bill an act relating to control of pollution of sources of public water supply and other inland waters, H. P. 1026, H. D. 315.

(On motion by Mr. St. Clair of Rockland, tabled pending acceptance of report.)

Mr. Mansfield from the committee on Military Affairs on resolve for printing Maine's record in the World War (H. P. 80) reported same in a new draft (H. P. 1730) under title of "Resolve to provide for the printing of the report of the Adjutant General including records of Maine men in the World War" and that it ought to pass.

Report read and accepted and the new draft printed under the Joint Rules.

On motion by Mr. Kitchen of Presque Isle it was voted to take from the table House Amendment A to Senate Paper 675, tabled by him earlier in the session.

Mr. KITCHEN of Presque Isle: Mr. Speaker, I now yield to the gentleman from Dover-Foxcroft, Mr. Merrill.

The SPEAKER: The gentleman from Presque Isle, Mr. Kitchen, yields to the gentleman from Dover-Foxcroft, Mr. Merrill.

Mr. MERRILL: Mr. Speaker, a conference has been held by the interested parties regarding this Hancock-Lamoine town line. The result of that conference was a perfect agreement to the course of procedure which I will institute by moving the indefinite postponement of Amendment A.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Merrill, moves the indefinite postponement of House Amendment A. Is this the pleasure of the House?

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I offer no objection. Thereupon the House voted to indefinitely postpone House Amendment A.

Mr. MERRILL: Mr. Speaker, I now yield to the gentleman from Franklin, Mr. Blaisdell.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Merrill, yields to the gentleman from Franklin, Mr. Blaisdell.

Mr. BLAISDELL: Mr. Speaker, as the gentleman from Dover-Foxcroft says, the guns and the swords have been laid away, and the armistice has been signed, and I offer House Amendment B to Senate Paper 675 and move its adoption.

The SPEAKER: The Clerk will read the amendment.

House Amendment B to Senate Paper 675.

Amend by adding at the end thereof the following section.

"Sec. 7. This act shall take effect when approved by a majority of the legal voters and tax payers, both resident and non-resident, within that portion of said town of Hancock commonly known as Marlboro and bounded as follows, to wit: on the east by Skillings river, on the south by the waters of Frenchman's bay, on the west by the east line of the town of Lamoine, who are present and vote at a special meeting of said legal voters and tax payers, both resident and non-resident within said described area, to be called by the selectmen of said Hancock on some convenient day in the month of August in the year of our Lord, one thousand nine hundred and twenty-nine at the usual voting place in said Hancock or at such other place therein but within said described area. Said special meeting shall be called, warned and conducted according to the law relat-

ing to municipal elections and the selectmen of said Hancock shall prepare and post a list of voters and of the taxpayers, both resident and non-resident within said area. For the purpose of registration said board of selectmen shall be in session at its office the secular day next preceding said special election. The clerk of the town of Hancock shall reduce the subject matter of this act to the following question: "Shall the act to re-establish the town line between the towns of Hancock and Lamoine be accepted?" And the voters shall indicate by a cross placed over the word "Yes" or "No" their opinion of the same. The result of the balloting shall be declared by the selectmen of Hancock and a certificate thereof shall be filed by the clerk of said town with the secretary of state."

Thereupon House Amendment B was adopted, and the bill was passed to be engrossed as so amended.

The SPEAKER: Is there any further business under orders of the day? There are still several unassigned matters on the calendar, which, if taken up, would relieve the calendar for next week.

There being no further business under Orders of the Day, the Chair will make the following statement with reference to the status of legislative business at the close of this, the thirteenth legislative week.

There are approximately 125 matters remaining to be separately reported. A small number of these matters will doubtless be extensively debated but the great majority may be acted upon expeditiously. Yesterday alone the House acted upon no less than 100 reports, so that there appears good reason to believe that the Legislature can conclude its routine work by the end of next week. The time of final adjournment manifestly depends upon the ultimate decision with respect to the Highway Commission and the highway program.

The pendency of these questions makes definite statements impossible, but the Chair has been acting upon the theory that, whatever course is decided upon, the despatch of other legislative business should proceed as rapidly as pos-

sible. Only one committee hearing is advertised for next week.

Over three hundred bills and resolves have now been signed by the Governor, which must comprise a half of the total legislative output, and many other bills and resolves will be started on towards executive signature.

Sessions will be held on afternoons and evenings next week, as occasion may demand.

The Chair will particularly state

that any member who is not in his seat next week will be absent therefrom at his own risk, as it is impracticable for the Legislature to hold up its work for any great length of time out of consideration for absentees.

On motion by Mr. Mansfield of Jonesport,

Adjourned until Monday, April 1, at 4 P. M.