

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

Monday, April 8, 1929.

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

Prayer by the Rev. Mr. Clark of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

S. P. 453, S. D. 190: An act authorizing the trustees of the charity fund of Hiram Lodge to file its certificate of incorporation in the office of the Secretary of State.

S. P. 775, S. D. 415: An act to amend Chapter 1, Section 6 of the Revised Statutes relative to rules of construction.

From the Senate: Bill an act to regulate the occupation of hairdressers and cosmetologists to register and license persons engaged in such occupation and to create a Board of Hairdressers and Cosmetologists (H. P. 1679) (H. D. 740) which was indefinitely postponed in the House March 27th.

Comes from the Senate, Senate Amendment A offered and withdrawn and the bill passed to be engrossed as amended by Senate Amendment B in non-concurrence.

In the House:

Miss LAUGHLIN of Portland: Mr. Speaker, I move that the House recede and concur with the Senate.

Mr. BOVE of Naples: Mr. Speaker, I wish to say that the last time that the House voted on this bill I voted against it for the simple reason that I did not thoroughly understand it. I did not think that a majority of the public wanted the bill; I did not think there was a demand for it. Today, Mr. Speaker and members of the House, I wish to say that I am strongly in favor of it, and the reason that I have changed my mind it because I am now thoroughly acquainted with the situation. Last Friday afternoon and evening I was in the city of Portland and I interviewed a number of hairdressers, and I am now satisfied that those people who are skilled in their profession, and who have money invested in it, should be protected; and, of course,

this is the place for those people to come for protection. Therefore, I wish to go on record that today I am in favor of the same and I hope the members will see their way clear to vote for the bill and it will be appreciated.

Mr. FARRIS of Augusta: Mr. Speaker, I want to go on record as opposed to the motion to recede and concur. If this motion fails, I shall make a motion to adhere. I have not had reason to change my opinion since last week when I expressed my feelings on the floor of the House, and I hope the motion to recede and concur will not prevail.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, in the Legislature of 1909, there was a gentleman here from Saco named Moore. At that time there was a bill got adrift around the Legislature. It did not have any parent that anyone could identify, and in the course of its unpiloted procedure, it came into great parliamentary difficulty, and at once time in the House there was a grave question how they were going to be able to dispose of this bill to put it out of its misery; and in that emergency Mr. Moore arose and told the House that, if they would leave it entirely to him and pass any vote that he would propose, he would undertake to dispose of this bill. They all thought that was a great idea; so Mr. Moore amended the bill, recommitted the bill, recalled the bill from the committee, moved to insist and have a committee of conference, and in fact went through all the known motions which are supposed to tangle a bill up even more than it has been able to tangle itself. Finally when he had exhausted all of his resources in the matter and the House was beginning to wonder how he could possibly dispose of the bill from the tangle in which he had involved it, he moved that it be indefinitely postponed, and that motion was carried with great gusto. The next morning Mr. Moore arose in the House and said "Mr. Speaker, I move to reconsider the vote of yesterday whereby we indefinitely postponed this bill." He said "I do this for two reasons. One is that I have read the bill, and the other is that I have heard from home." (Laughter)

Now this is the only bill in this

Legislature that my wife thinks really ought to pass, (Laughter and applause) and I sincerely hope that the motion to recede and concur will prevail.

Mr. BISSETT of Portland: Mr. Speaker, I have listened through the corridors and through this House in regard to this bill. Of course having a lady alongside of me all of the time, and others on my right, I sincerely hope this bill will pass.

Mr. PATTERSON of Freeport: Mr. Speaker and members of the Legislature: We have just heard the remarks of the gentleman from Cape Elizabeth (Mr. Chase). Now I wish to go on record as saying that my wife spoke also about that same thing and just exactly opposite to what Mr. Chase told us. (Laughter) I want to substantiate the remarks that I made before on this same thing. As I said before the man with three or four girls cannot afford to pay seven or eight dollars for these things that under the license I understand he would have to do. As I said before they get their hair fixed up now for 25, 35 and 50 cents, whatever it is, and they go around looking pretty well dressed up. You take this the other way, however, and let them go the way they are and they will all look dressed up. There is no man whose average earnings are fifteen or twenty dollars a week who can afford to pay these prices to keep his girls dressed up in that way. I am honest in my belief and I think all of the outsiders in the small towns will confirm what I say in this respect. I have not changed my opinion as has the gentleman from Naples, (Mr. Bove). I did not go looking up the hairdressers in Portland and none have approached me here in the House, and if they know me at all, they know a little bluffing will not change my opinion. I hope that the House will not concur with the Senate.

Mr. BOVE: Mr. Speaker, in addition to what I have said about this cosmetologists and hairdressers bill is this: There is no question that the wife of the gentleman from Freeport, Mrs. Patterson, is very sincere about the bill, but she is not acquainted with the conditions in the city of Portland, and the conditions are these, that a number of the so-called hairdressers and manicurists are doing business in their own home and these skilled ladies have a num-

ber of thousand dollars invested in their business, and I believe they should have protection.

Mr. ALLEN of Camden: Mr. Speaker, I am very much unlike the gentleman from Freeport (Mr. Patterson) or the gentleman from Cape Elizabeth (Mr. Chase). My wife is not over here and consequently she does not know the first thing that I am doing here. Neither has the influence of a nice looking lady at the door changed my mind about this matter, but I hope that the House will recede and concur with the Senate on this bill.

Mr. KITCHEN of Presque Isle: Mr. Speaker, unlike the gentleman from Naples, Mr. Bove, I have not changed my mind. Neither have I heard from home because my wife is here present. I have always been in favor of this bill from the start. If there is anything that we can do to make the ladies more beautiful, I would be in favor of it. I notice that the lady members of the House are in favor of this bill, also. I believe it is worthy of trial. I understand thirty states in the union have adopted this measure and I can see no reason why Maine should not give this matter a trial. I hope the House will concur with the Senate in the adoption of the amendment.

Mrs. DAY of Gorham: Mr. Speaker, I wish to be recorded as in favor of this bill and of the motion of the member from Portland, Miss Laughlin, that we recede and concur with the Senate.

Mrs. GAY of Waldoboro: Mr. Speaker, I wish to say that I am in favor of this bill because I believe it directly benefits women and children. They will be assured of good, clean places and able service in all establishments of this kind and you can appreciate what that means, I understand also that this will prove self-supporting and offer a substantial revenue to the State. I hope that the motion of the member from Portland (Miss Laughlin) to recede and concur will prevail.

Mr. PRATT of Turner: Members of the House: I not only cut men's hair but I also cut the women's hair. I try and fix them up to make them look as nice as they possibly can, and I have no doubt the other barbers try to do the same thing. I think they will do that regardless

of whether this bill passes or not, and I hope we will stand by our former position to indefinitely postpone this bill.

Miss LAUGHLIN: Mr. Speaker, I am most amazed at the attitude of the gentleman from Augusta, Mr. Farris, when we were discussing the undertakers' bill here he made a great speech in the House in which he told you to raise the dues because he and every one else wanted people to look well after they were dead. I say it is a good deal more important to look well while you are living. Therefore I hope that you will vote to recede and concur and pass this bill. (Laughter and applause).

The SPEAKER: Is the House ready for the question

The question was called for.

The SPEAKER: Does the Chair understand that the married members of the House desire to be excused from voting?

Cries of "No" "No" and "Yes."

The SPEAKER: The Chair will put the question. As many as are in favor of the motion of the member from Portland, Miss Laughlin, that the House recede and concur with the Senate will say aye; those opposed no.

A viva voce vote being doubted, A division of the House was had.

Fifty-four voting in favor of the motion and 60 in opposition thereto, the motion to recede and concur failed of passage.

On motion by Mr. Farris of Augusta, the House voted to adhere.

From the Senate: Bill an act to regulate the quality of sardines packed in this State (H. P. 1639) (H. D. 664) which was passed to be engrossed in the House March 19th.

Comes from the Senate with Senate Amendment A offered and withdrawn, and passed to be engrossed as amended by Senate Amendment B in non-concurrence.

In the House, voted to recede and concur with the Senate in the passage of the bill to be engrossed as amended by Senate Amendment B.

From the Senate: Report A of the Committee on Temperance reporting ought not to pass on bill an act to regulate the manufacture and sale of soft drinks, syrups, and non-alcoholic beverages. (S. P. 480) (S. D. 189)

Report was signed by the following members:

Mr. BRAGDON of Aroostook
Mrs. ALLEN of Penobscot
Mr. MINOTT of Cumberland

—of the Senate
Messrs. COMINS of Eddington
PERHAM of Paris

—of the House
Report B of same Committee reporting ought to pass on same bill.
Report was signed by the following members:

Messrs.

STURGIS of Auburn
ANDERSON of So. Portland
VOSE of Cushing
ANDERSON of New Sweden
Webster of Buxton

—of the House

Comes from the Senate Report B read and accepted, Senate Amendment A indefinitely postponed and the bill as amended passed to be engrossed.

In the House:

Mr. VOSE of Cushing: Mr. Speaker, I move that both reports be laid on the table.

By a viva voce vote the motion failed of passage.

On motion by Mr. Vose, Report B was, by a viva voce vote, accepted in concurrence with the Senate.

Mr. PERHAM of West Paris: Mr. Speaker, as a member of the committee who signed the ought not to pass report, I would like to say that we signed this because we felt that there was not the demand that the evidence was insufficient; but since then I have had evidence given me that made me think that possibly I made a mistake so that I am not going to oppose the motion to accept Report B.

Mr. VOSE: Mr. Speaker, I would feel hardly competent to discuss this question as I have given it very little attention. My reason for wishing to have it lie on the table was the fact that Mr. Sturgis, who has given this matter considerable attention and is much interested in it, is absent. My recollection of the bill is, and I read it over at the time of the hearing, that it only makes two changes from the present law. First, it increases the license from ten to fifteen dollars, and second, subjecting these soft drinks that are brought in from outside the State to the same tax as those manufactured within the State. That is my recollection of the difference between this bill and

the old law, and on reading it over at the time I was very much impressed with the desirability of this enactment as I believe it is far superior to the law on the Statute books. I regret Mr. Sturgis' absence for he could tell you a great deal more about it than I can.

The SPEAKER: As many as are in favor of the gentleman's motion to accept Report B of the Committee in concurrence will say aye; those opposed no.

A viva voce vote being taken the motion to accept Report B in concurrence prevailed. Thereupon the bill had its two several readings and tomorrow assigned.

From the Senate: Resolve appropriating money for payment of expenses of Tancerede Morin, an employee of the State Highway Commission, (H. P. 1700, H. D. 767, which was passed to be engrossed in the House March 29th.

Comes from the Senate, passed to be engrossed as amended by Senate Amendment A in non-concurrence.

In the House: Senate Amendment A read.

The House voted to reconsider its action whereby this resolve was passed to be engrossed. Senate Amendment A was adopted in concurrence. and the resolve was passed to be engrossed as so amended.

Order Out of Order

Mr. Hawkes of Richmond presented the following order and moved its passage:

Ordered, the Senate concurring, that bill entitled an act to provide for the building a highway bridge across the Kennebec River, between the towns of Richmond and Dresden, be returned from the Governor to the House.

The order received passage and was sent up for concurrence.

From the Senate: Bill an act to create the Department of Finance (H. P. 1666) (H. D. 735), on which the House voted to adhere to its former action whereby the bill was indefinitely postponed.

Comes from the Senate that body voting to insist upon its former action whereby the bill was passed to be engrossed, and asking for a Committee of Conference, with the fol-

lowing conferees appointed on his part:

Messrs. GREENLEAF of Androscoggin
WHEELER of Oxford
WEATHERBEE of Penobscot

In the House, on motion by Mr. Jack of Lisbon Falls, a viva voce vote being taken, that body voted to adhere.

From the Senate: Bill an act to establish a Park Commission of the city of South Portland (H. P. 321) (H. D. 96) which was passed to be engrossed as amended by House Amendment A in the House April 3rd.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Burkett of Portland, a viva voce vote being taken, that body voted to recede and concur with the Senate in the indefinite postponement of the bill.

From the Senate: An act relating to salaries of public officers, and compensation of members of the government (S. P. 729) (S. D. 381), which was passed to be enacted in the House April 2nd and passed to be engrossed March 29th.

Comes from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: Senate Amendment A read.

The House voted to reconsider its action whereby this bill was passed to be enacted, and also voted to reconsider its action whereby this bill was passed to be engrossed.

Thereupon Senate Amendment A was adopted in concurrence, and the bill as amended was passed to be engrossed in concurrence.

Orders

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

Ordered, that the exclusive use of the hall of the House be granted to the Mock Session Committee this evening, beginning at eight o'clock.

Mr. KITCHEN: Mr. Speaker, perhaps an explanation in connection with that may be well. It is simply that the Committee on Mock Session wish the use of the hall for the purpose of rehearsal, exclusively and uninterruptedly.

Reports of Committees

Mr. Jones from the Committee on Public Buildings and Grounds on re-

solve for the erection of an entrance gate to the State Park in commemoration of the one hundredth anniversary of the laying of the corner stone of the State House (H. P. 877) (H. D. 290), reported same in a new draft (H. P. 1751) under same title and that it be referred to next Legislature.

Report read and accepted and sent up for concurrence.

Mr. St. Clair from same committee on bill an act amendatory of, and additional to existing legislation relating to the State Park and to the Superintendent of Public Buildings (H. P. 1083) (H. D. 346) reported same in a new draft (H. P. 1750) under same title and that it ought to pass.

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

Mr. Milliken from the Committee on Interior Waters reported ought to pass on bill an act relating to the pollution of the waters of Carleton Pond (H. P. 15).

Report read and accepted and the bill ordered printed under the Joint Rules.

Mr. Bisbee from the Committee on Appropriations and Financial Affairs reported ought not to pass on resolve to more fully perfect the records of the Adjutant General's office and to encourage the writing of histories of Maine soldiers in the Spanish War and World War (H. P. 1525) (H. D. 548) as it is covered by other legislation.

Mr. Carleton from same committee on bill an act relating to the payment of succession taxes (H. P. 1148) (H. D. 367) reported that same be referred to next Legislature.

Mr. Kitchen from the Committee on Ways and Bridges reported ought not to pass on bill an act relating to Arrowsic Bridge (H. P. 729), the same being covered by another bill.

Reports read and accepted and sent up for concurrence.

Mr. Carleton from the committee on Appropriations and Financial Affairs on bill an act with reference to the State Budget (H. P. 1522) (H. D. 607) reported same in a new draft (H. P. 1752) under title of an act with reference to the personnel of the State Budget committee and that it ought to pass.

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

First Reading of Printed Bills and Resolves

(H. P. 1745) (H. D. 817) An act to grant a new city charter to the city of Belfast.

(H. P. 1749) (H. D. 821) An act relating to eminent domain for ferries.

(H. P. 1746) (H. D. 818) Resolve to provide for the completion of the raised road between Deer Isle and Little Deer Isle.

(H. P. 1747) (H. D. 819) Resolve in favor of the Townships of T. 1 R. 9, T. 2 R. 9, and T. 3 R. 9.

Passed to be Engrossed

S. P. 751, S. D. 406: An act to create the Port of Portland Authority.

Mr. Chase of Cape Elizabeth offered House Amendment A and moved its adoption, as follows:

House Amendment A to S. P. 751, entitled an act to create the Port of Portland Authority.

Amend said bill by striking out all of section seven.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, Section 7 in the new draft, being S. D. 406, gives the Public Utilities Commission certain power, on behalf of the Port of Portland, to grant to it the use of property of other public utilities in Portland.

As this bill was originally introduced, the right of eminent domain was granted to the Port of Portland. Authority by which it could take any property on the water front for port purposes. It was admittedly aimed at the property of the Grand Trunk Railway Company.

The State Pier is directly west from the property of the Grand Trunk Railway, and the directors of the State Pier, or some of them at least, believe and advocate that they should have the right to take that property away from the Grand Trunk Railway because they say that the Grand Trunk Railway is not making sufficient use of it, and that the property, not being used to its capacity, is lying idle, and that they should use it in connection with the State Pier.

Now without going into the arguments for or against that, my understanding is that on account of objections which were raised to this arbitrary right of eminent domain against another public utility company, the new draft provides that

under certain conditions the State Pier can use the property of railroad carriers into Portland, not only the Grand Trunk, but the Portland Terminal, the Maine Central and the Boston and Maine. Section 7 stands by itself, and striking it out does not impair the rest of the bill, as there are no cross-references that I can see.

The State Pier directors can bring a petition any time, any day in the week that they want to to the Public Utilities Commission, and say that they want to use some of the property of the Grand Trunk Railway Company, or the property of the Maine Central, or of the Portland Terminal Company, and then the Grand Trunk, or whoever it is whose property they are going to take, has to come in and show that they are using it to full capacity.

Of course the right of eminent domain is necessary for the complete development of any port, and the public right should be paramount in connection with property which is not being used. But this proposition of joint use is, in many respects, it seems to me, more objectionable than the eminent domain, because I would rather have somebody take my business away from me and pay me for it than to have them have the right to come in any time the municipal officers of Portland said they could and sit down at my desk and start in doing a bond business or any other kind of business; and I think this proposition of joint use if more objectionable than the other.

Every morning before I go to work, I can look out and see all the shipping that comes into the Port of Portland, it comes right by my front door, and I can see the whole harbor ground of Portland, clear from the upper bridge where the pulpwood docks are, down by the Gaslight Company's wharf, and the whole length of the harbor ground, and it is unusual when I can see a ship lying at those wharves. You can look down perhaps three-quarters of a mile, until you come to the Portland Pier, and just below that is the Grand Trunk. There is plenty of undeveloped property, plenty of wharves, plenty of places where ships can come in, plenty of places

where they can build wharves in Portland now, and the harbor is not crowded with ships.

The Grand Trunk Railway has been in Portland since about 1853, and during the period that they have been there they have done a great deal more for Portland than the Portland Pier has ever done; and while it may be true that now they are not utilizing the Port of Portland to the utmost, they are entitled to consideration by this Legislature.

It is not the fault of the Grand Trunk Railway or its officials that Portland or other ports in Maine cannot get all this Canadian traffic. There are a lot of people who are to blame for that. They are to blame for it in Washington, they are to blame for it in Ottawa. The situation in Canada involves politics with the railroads. We are to blame right here in this Legislature when we bring up the question of the rights of Maine citizens as against Canadian citizens. And this whole proposition which keeps Canada from following an economic law to build up the Port of Portland in Maine comes out of all that mass of controversy which is involved in an international question.

The Grand Trunk are doing a lot of business in Portland now. They may not be doing all they can, or all they should. It is a government-owned road, and to the disadvantage of the road they are having to send traffic to St. John and Halifax, which costs them more money for more mileage. The Canadian roads, whether government owned or privately owned—the Canadian Pacific—if they want to come into this country they have got to meet the political situation in Canada. It seems to me they are trying to work it out. It is a long process, and I think the time has not yet come in Maine where we should deliberately try to turn over their property, of which they are now making considerable use, to some agency of the State of Maine, when there are miles of harbor front in Portland where no ships are docked.

Miss LAUGHLIN of Portland: Mr. Speaker and members of the House, I sincerely trust that this amendment will not pass. The amendment is to strike out the

whole of Section 7. If we strike out Section 7 we might just as well strike out the whole bill, because everything that makes a change is in Section 7.

Since we are to discuss this proposition, we might as well get back to a little history or a little explanation of the situation. At the present time in the harbor of Portland the most available, the most desirable part of the harbor front is occupied by piers that are owned by the government of Canada. I have the kindest feelings toward Canada. My mother was born in Canada. But that does not change the situation that Canada is a foreign country so far as its government, and we are in this position in Maine: That in the one great port of this State all of its most valuable water front is occupied and owned and controlled by a foreign government, because the Canadian National Railway—we call it the Grand Trunk—has been taken over by the government.

Of course it is the proper policy of any country to divert trade to its own ports. Canada has been diverting trade and shipping to St. John and Halifax, and she has every right to do it, and I have no criticism of that. But that of course means that she is doing it at the expense of the Port of Portland, since all that harbor ground is owned by the government of Canada. The ships that used to come into Portland no longer come there; they go to Halifax, they go to St. John.

This bill came before this Legislature first, as the member from Cape Elizabeth (Mr. Chase) has stated, with a provision in it that the Port directors should take over by paramount eminent domain any property, even that of a public utility, so they could take any property in the Port of Portland, they could take these docks and the tracks. We were opposed to that. I personally could not stand for that. The Committee on Judiciary unanimously were against that. They made the amendment which is set forth here in Section 7—and what is that? Just this: That the terminal facilities in Portland and our State Pier may make use of the tracks and piers belonging to the Canadian National Railway to such an extent—and I am

reading now from Section 7, on Page 12—as they can “without substantially impairing the ability of any common carrier owning or entitled to the enjoyment of terminal facilities within the Port of Portland to handle its own business.” In other words, Section 7 says that only insofar as it will not interfere with the use of this property by the Canadian National Railway the other railways of our State here in Portland may use these facilities—just insofar as they do not impair their use by the Canadian National Railway itself.

I believe the officials of the Canadian National Railway as individuals would like to bring more business to the Port of Portland. They are not able to do it, because the people in Canada immediately say that is the National Railway, and those shipments should come to Canadian Ports, and if they should attempt to divert shipping to this port, immediately the political situation would arise where the people in Canada would object to it, because the railway is owned by the government of Canada and they want the business for Canadian ports.

These facilities owned by the Canadian National Railway are not used to their full capacity. If they were, then it would not matter whether we pass Section 7 or not, because we say in that: Only insofar as we do not interfere with the use of that property by the owners of it; so that if the time comes when the Canadian National Railway will bring to Portland sufficient trade to make use of their trackage, to make use of their piers, then there will be no occasion for these other public utilities to make use of their tracks.

This is a matter which concerns the whole State. Something like 85 per cent today of the freight that goes out over our State Pier comes from other parts of the State than Portland. The prosperous history of Maine was in the days when her ships sailed the seven seas and she could send products to every corner of the world it is on her sea traffic that the future prosperity of Maine will largely depend. We have here in the Port of Portland one of the great ports of the world, one of the finest harbors in the world.

What have other people done

with their ports? Take the city of Los Angeles, twenty miles from the sea. It went and acquired land twenty miles in length narrowing down to the sea, because it recognized the value of being down to the sea and getting wharves. After it got to the sea it did not have any harbor, just the open ocean, but it spent millions of dollars to build breakwaters and to build itself a harbor, and because of that Los Angeles has become the second port in the United States, second only to New York. They overcame these obstacles because they realized the value of a port. We have never not got to spend millions to lay out our piers. Now the situation is: Are we going to use it or not. It is not being used at the present time by the Canadian National Railway because of considerations, political considerations, the governmental interests, which means taking back that business to Canada. Shall we let it lie idle, the Port of Portland and block up the State of Maine. I do not believe we should go so far as to take it over. The gentleman said he would rather have that done if we did not take it. Why then, the Canadian National Railway would lose that property forever no matter how much business it had coming in. So in this Section 7 we have said simply, as I said before, they shall have the use of it simply to the extent that the Canadian National Railway is not able to use it—and of course pay a reasonable amount for that.

So it comes just to this: Are we going to let lay idle one of the greatest assets, our State Pier, because it is controlled by a foreign government, or are we going to pass a law which will make use of it insofar as it is not being used now by other terminal companies in the City of Portland. For that reason, I trust the bill will pass just as it has been drawn in the new draft; and I move to indefinitely postpone the amendment offered by the gentleman from Cape Elizabeth (Mr. Chase.)

Mr. ROUNDS of Portland: Mr. Speaker, I don't know hardly what to say here, but it looks to me as though if we want to be dominated by Canada—why, pass this amendment.

Now I want to start right. The gentleman from Cape Elizabeth,

(Mr. Chase) has told you about three-quarters of a mile of harbor. There is three-quarters of a mile that foreign ships cannot get up into where the wharves are not wide enough for these ships to get in, only 8 or 9 feet of water in the wharf, and I think you will allow that 8 or 9 feet of water isn't going to take care of one of those vessels that go across to the old country.

The Grand Trunk was a great asset to Portland. They were a great asset. Now who built the Grand Trunk from here to Montreal? It was our fathers, our forefathers who put in \$100 apiece and built it with the old wooden track and scrap iron, and they worked along until they made a good road of it; and the Grand Trunk leased it for 999 years. They never put a dollar into it. It was the people of the State of Maine and the northern part of New Hampshire that did all this work. Now what are the consequences? The Canadian government has taken over the Grand Trunk, the Grand Trunk has leased the Atlantic and St. Lawrence, which runs from Portland to Island Pond. Now I want to state right here—and I will pay the expenses of any committee to go to Portland—you will see at Grand Trunk Wharf No. 6, the head wharf, 6, 7, and 8,—it is marked dangerous—don't put anything on it. My talk the other day about Sir Meigan—what was it? What were the consequences? They let them rot down. They have let the Great Eastern wharf rot down that the City of Portland paid \$60,000 to build up. Today you will find 3, 4, 5 or 6 piles sticking up and that is all you can see of it. Now No. 6 of the Grand Trunk is going in the same way,—6, 7 and 8 are getting in the same condition. It will only be a few years before they will all be down.

Now they ask you to give them authority—when they are not using it—to let the Public Utilities Commission let them have the use of it. These elevators and wharves were built by the citizens of Portland, so that the Grand Trunk is paying the interest on them. They have got them and they have leased them to a Chicago firm. What are the consequences? Last year one ship left Portland—one ship left Portland all winter with grain; and there were 15 ships at one time

at St. John trying to get their cargoes in. Now are we going to let this grain that comes from Iowa, Nebraska and comes down over the Grand Trunk be hauled way down to St. John and Halifax or let it come into Portland.

Now the Canadian Pacific is bucking. I can remember back in the eighties when I was working in the Eastern yards, Van Horne's car sat there for a week while they were knocking at the door, trying to get the Mayor of the City of Portland to call the board of aldermen together so they could buy the Portland and Ogdensburg Railroad. But what did the Canadian government do the next winter? They said: You can't go into Portland with any subsidy. Now the Canadian National Railway is a national road, and the Canadian Pacific is bucking them. They can come in over the Maine Central and the Boston and Maine and can come to the State Pier and the Grand Trunk wharves with only about 300 feet of trackage. Held by whom? Why, by the farmers and the people of the State of Maine that built that track which is held by the Grand Trunk under a lease of 999 years. Are you going to let them keep on and let the wharves drop down—1, 2, 3, 4, 5, 6 and 8? Are you going to let the wharves drop down and we sit here and see what? Our stuff diverted. We will see some pulp ships coming into the Grand Trunk—I think there are three on the way now that the State Pier could not take care of. What is the consequences? They had to go to the Grand Trunk and the Grand Trunk is taking them. But that is not the grain that is being shipped here, and the liners that will go every week in the year, bringing Canadian shipping in here. What are the consequences? Let the Grand Trunk stay where they are, let the piers rot down, if you put on this amendment which is the whole meat in the bill. It means you will shut down Portland and the State of Maine. Friday afternoon, after this bill had its first reading I saw the pulpwood lobbyists running around here one after another, some of them on the coat-tails of the others they were going so fast, trying to get somebody to vote to postpone the bill. Now, gentlemen, put on this amend-

ment taking out the seventh section and you have taken the meat out of the bill, and it might just as well be indefinitely postponed, the whole bill. I hope the motion of the gentleman from Cape Elizabeth (Mr. Chase) will not prevail.

Mr. ALDRICH of Topsham: Mr. Speaker, I have listened in this session on several occasions to expressions of the gentleman from Cape Elizabeth (Mr. Chase) in favor of the exercise of eminent domain as a result of which property of the private owner in the State might be taken for the use of public utility corporations within this State. And when he arose and offered this amendment I had supposed that his adherence to the policy of the granting of eminent domain was so strong that his objection to this bill was that we had taken out from it the granting of absolute and actual eminent domain to the State Pier. But much to my astonishment I find that he objects—he objects, gentlemen, to the use being made by our State Pier of facilities which are not being used by the people who own them. He objects to our making provisions in the bill which distinctly, decidedly, in every fair method possible, protect the owners of these facilities, and say that we shall not use them except insofar as such use shall not interfere with their use. He objects to that. I could not understand his objection. But after we got down to his real speech, it became obvious that for some reason he appears to have a strange affection for this corporation and apparently a remarkable fear lest we may do something harmful to our neighbor from Canada.

Now I just want to say a word. This new draft was proposed after consideration had been given to it by the Chamber of Commerce of Portland, and is based upon the recommendation of the Chamber of Commerce of Portland after, as I understand, full conference and consideration with all parties involved. Moreover, when this new draft was being read before the Judiciary Committee the attorney representing the Grand Trunk Railroad was there, and I asked him if there was anything in that new draft which was unfair, and I say to you that he was unable to

point out in any particular anything in that new draft which was unfair to his client.

I am not going into what has already been covered, but I submit to you that if the interests of the City of Portland, the State Pier of Portland, require that it shall use—an organization of this kind—which is an organization and an agency of this state,—that it shall use some property which is not being fully used—that it would be the height of absurdity for this Legislature to say that because that property happens to be owned by a foreign corporation we won't do it, when immediately preceding that we have said that we will permit corporations to go through our property and take our property for their use because they are public utilities. Why, the inconsistency would be simply ridiculous. And the statement of the gentleman that he is more opposed to the possible use in common as being more—well, I hardly know what to say—as being more reprehensible than actually taking that property, I leave it for you to consider whether or not it appeals to you as being a very substantial reason for not granting to this organization the right to use the property which is not being used fully, and only so long as it is not being fully used. Everything is governed under this bill by the Public Utilities Commission, so no injustice can be done.

We would be unjust to ourselves if we failed to pass Section 7. Take out Section 7 and you might just as well emasculate the whole bill. And I say now, in my judgment, that is the reason that the amendment is offered, and I sincerely hope that the motion to indefinitely postpone this amendment will prevail.

Mr. CHASE: Mr. Speaker, let us get back to some of the facts regarding this State Pier proposition. The controversy is not in regard to where I stand on eminent domain. Eminent domain has nothing to do with the proposition at all. It was in the original bill and was so referred to by me. I am talking about a good business proposition for the State of Maine. One party to this controversy is the State Pier, in which the State of Maine has invested more than a million dollars through a bond issue, a proposition which has been subsidized and which has been los-

ing money on this basis and probably will continue to lose money but which has done the State of Maine a great deal of good. I am talking, on the other hand, about the Grand Trunk railway, which has done a great deal for the Port of Portland and which is paying into the treasury of the State of Maine a given percentage of its earnings in the form of taxes, and which is, I presume, a large taxpayer in Portland. I haven't these figures at hand. Those are the parties which are involved in this matter.

The whole water front of Portland of the whole harbor of Portland is not owned by the Grand Trunk Railway or the Dominion of Canada. There is three-quarters of a mile—from the State Pier up to the bridge, and I do not know that the Canadian government owns a foot of it. There is half a mile more west from there that they do not own; practically the whole water front of South Portland and Cape Elizabeth, where wharves are a rarity rather than a rule. As far as the depth of water is concerned at these other wharves between the State Pier and the bridge, I don't know why they cannot be dredged out. Large ships certainly come in there with coal and sulphur and lie there near the bridge. I believe there is plenty of water front in Portland, South Portland and Cape Elizabeth which this Port of Portland can use in a perfectly reasonable and sensible manner, and I am willing they should take it by eminent domain or any other way without stepping on the toes of the Grand Trunk Railroad.

Now in regard to the meat in this bill without Section 7. There is this much meat in it. As I get the proposition it results in turning over to the Port of Portland Authority, this State Pier, in which the State of Maine has got I think a million dollars—at any rate, it is a substantial amount of money—to turn over to them that property which they can then mortgage and borrow money on and maybe lose, if the mortgage is foreclosed. Now there is that much meat in the bill.

I think that the Portland Pier is a good thing. It is a benefit—rather indirect, perhaps, but it will be—and it probably is a good thing for the State of Maine as a whole that they put that money in there; but it

should not be made a dominating proposition in Portland to the extent of jumping on the Grand Trunk Railway. They are doing a lot of business in Portland there now. I haven't got the statistics with me. They were put out at the hearing. I think of their several wharves one was not being used.

It is a very important proposition. I have always been hopeful that sometime the Canadian railways would utilize the Port of Portland to a greater extent. They are now trying to get business for the Grand Trunk Railway and their facilities in Portland. They are not laying idle. Perhaps one out of four or five sheds may be, but they are doing a lot of business; and it seems to me perfectly clear that if this State Pier needs room to expand we are going about as far as we should when we turn over to these people this property with the power to mortgage and borrow money on it, and on which the State of Maine has already spent a large sum. I believe this Legislature is doing a lot for Portland when they do as much as they have done. Now I cannot see from any of the arguments that have been presented here why the State Pier cannot go somewhere else. Right on the other side of the State Pier, on the other side from the Grand Trunk, is the Randall-McAllister Coal Company. Now Mr. Merrill, one of the directors of the State Pier is a large owner in that company, and I haven't seen any proposition involved of taking that property over or using it either. That would apparently embarrass the business of that company. I believe such a statement has been made. But nobody seems to have any hesitation about mixing up with this Grand Trunk Railway proposition.

Now the Grand Trunk Railway do not want to do it. That is the proposition. And I do not believe that the State of Maine should, yet, unless the Grand Trunk is agreeable to it. Two years from now or four years from now, if the Canadian railway cannot make utilization of its facilities in Portland, I will say all right; but this proposition has just been brought into this Legislature, the parties have not come to any agreement, and I do not see any emergency requiring action at this time, and I do not believe in Section 7 of this bill.

Miss LAUGHLIN of Portland: Mr. Speaker, the member from Cape Elizabeth (Mr. Chase) has, I think, left this Legislature under a misapprehension as to this bill. We are not giving the directors of the Port of Portland power to mortgage the State Pier. I, for one, would be absolutely opposed to giving them such power so that these men could mortgage State property. That part of it has been taken out of this bill, and they have not that power. I wonder if this House would contemplate for a moment giving them the power to mortgage properties and take over the Pier. The gentleman suggests taking the Randall-McAllister pier. There are plenty of places to be dredged out. Do you realize what it would cost them to dredge that out. The pier we have cost us a million and a quarter. Now he would have us appropriate millions to go and dredge places to build piers so as to keep three piers already there in the best part of the whole harbor front unused, simply because he does not want to interfere with the use of somebody else's property.

Now here is the situation. We have the best harbor front in Portland, and, as I say it is owned by a foreign government—we say Grand Trunk, but it is no longer the Grand Trunk, it is the Canadian National Railway, owned by the Dominion of Canada. They are not using it to its full capacity. Why should we let them lie idle and spend millions dredging out small piers while these lie idle. The gentleman from Cape Elizabeth says they are making considerable use of them. I think they are using about 20 per cent. It doesn't matter how much. The fact is, all this bill provides is that the other railroads of Portland and the State Pier shall use them only to such extent as will not interfere with the use by the Canadian National Railways. If they use those piers 100 per cent, then the State Pier and the other roads cannot under any circumstances have any use of them. The Canadian National Railway comes first, and just so far as it builds up business in the Port of Portland and develops business for the State of Maine it will have the full and exclusive use of its tracks and piers, and just so far as it does not use those tracks, just so far as it does not use those piers, just so

far as it does not use the Port of Portland and the State of Maine, then insofar the other railroads and our own State Pier shall have the right to use those facilities. That is what it does. We are not taking these away from them. We simply say: To the extent you do not use them, we shall be allowed to do so. As I said to the Council, they do not use it every hour of the day. Under the direction of the Public Utilities Commission, the State Pier and the other railroads shall use those facilities when they are not being used by the Canadian National Railway, and when the Canadian National Railway brings sufficient business to Portland to use them they will have the paramount right to the use of these piers.

And so that is exactly the situation here. Are we in favor of going out and dredging and spending millions to build more piers at the expense of the State while we have two or three piers there that are not being used, or are we as a committee going to say: You shall take over the ownership of these facilities from their owners, and you can use them, as far as this bill goes, insofar as that owner does not use them, and just as soon as the owner is ready to use them and bring business to the Port of Portland, then they have the exclusive use of them, but meanwhile our other railroads and the State Pier shall use them in common with you and pay you a proper compensation for that use.

Now that is the exact situation. Shall we use the facilities now in the Port of Portland or shall we let them lie idle? If we wish to build up that port shall we spend millions more to build up other piers while these lie idle? That is the question and that is what this bill is intended to do—to give us the right to use those piers that are now there just insofar as they are now available for use.

As I said before, the amendment that was offered would cut out all that provision, and the only reason for this bill is that we are not agreed to give them the right to mortgage State property and build regardless. Those are exactly the facts. Shall we use the Port of Portland or shall we not?

Mr. ROUNDS: Mr. Speaker, I would like to correct one statement made by the gentleman from Cape

Elizabeth (Mr. Chase) and that is that Randall & McAllister own a wharf. They do own a wharf. It is called the old Maine wharf. Burnham's wharf was in between that and the State Pier. Burnham's wharf has been eliminated, but the Eastern Steamship Company holds a lease of one side of the State Pier, and I think I am right when I say that they cannot get an English ship or an ocean liner in between that and the New York and Boston boat in to Randall & McAllister's wharf. If it should ever come that they should go to the west, Randall & McAllister's wharf would have to go altogether. It would have to be a dock instead of a State Pier. But I want to state here that Randall & McAllister does not want to sell their place, as I have been told, and I have good reason to believe that they tell me the truth when they say they do not want to sell it and would not sell it if they could help it. The right of eminent domain has been taken out of this bill, so I do not see anything wrong there. The State Pier cannot take it, and as long as the Eastern Steamship Company stay there I do not think there is any danger of going the other way.

I will tell you what, gentlemen—in years to come—I am too old to see it, but some of you younger ones who sit here in the House will see it—when the breakwater will be extended to Spring Point. The breakwater that is there now will be taken out, and the wharves on the South Portland side will be built up. The Maine Central owns a lot of land there, as I understand it, a lot of water front. But until they get the breakwater extended by the United States government down to Spring Point there is not room enough for them to build wharves out and then turn a big ship such as goes to Europe today, turn it in that water. It takes two tugs now, and the wheels turning, to get them turned around to point to sea, and then they can only do it during certain times of the day.

Therefore all I want to correct is that Randall & McAllister does not want to sell their wharf; they want to stay right where they are.

Mr. PEAOCK of Readfield: Mr. Speaker and members of the House, it was my privilege a short time ago when we went to Portland to give a hearing upon Brother Rounds' chart-

er, to make some examination regarding the State Pier and to survey the situation regarding the Grand Trunk property. I also talked with the directors of the Port of Portland. The directors of the Port of Portland have made a wonderful success of the pier. They need more room. Just a short distance away are these wharves of the Canadian Pacific that are not being used. It seems to me that we should not discuss the purchase of any other property when there is this Canadian property which is not being very much used.

While I was in the office, in company with Senator Dwinall, who will corroborate my statement if necessary, we were shown Canadian newspapers—the officers of the Port of Portland take Canadian papers, to check up on what the Canadian government is doing and what its attitude is toward the Port of Portland—and our attention was called to a statement in one of those papers. It said that it was the policy of the Canadian government to divert to its own ports all ships which had heretofore been going to Portland.

Now it seems to me that we are here to legislate for the State of Maine and not for the Canadian government, and it seems to me that the measure as proposed, without the amendment, is necessary for the benefit of the Port of Portland and the State of Maine, and for that reason I trust that the motion of the gentleman from Cape Elizabeth (Mr. Chase) will not prevail.

Mr. TAYLOR of Belfast: Mr. Speaker, it strikes me that we can hardly consistently support the motion of the gentleman from Cape Elizabeth (Mr. Chase). I do not understand any has been adopted yet. When, at another time, before this House, we asked that the right of eminent domain, the burden of it, be imposed upon the land owners, which are the farmers of this State, as we expressed it at that time, for the benefit of all, including them. I cannot understand how we can consistently say that the farmers or the land owners should bear the burden of the right of eminent domain as a benefit to all including themselves and that a corporation should go free when the burden imposed upon them is not strictly a denial of their interest in the property, but only for the benefit of the State that we may use it to

such an extent as will not interfere with their rights to the use of it. For that reason, I think that the other members, especially the gentleman from Topsham, Mr. Aldrich, has struck the keynote of the situation when he speaks of the inconsistency of the two as asked and proposed by the Representative from Cape Elizabeth, Mr. Chase, and I hope that this amendment will not be adopted.

The SPEAKER: The question is on the motion of the member from Portland, Miss Laughlin, that House Amendment A, offered by the gentleman from Cape Elizabeth, Mr. Chase, be indefinitely postponed. As many as are in favor of its indefinite postponement will say aye; those opposed no.

A viva voce vote was doubted.

The SPEAKER: As many as are in favor of its indefinite postponement will rise and stand in their places until counted.

Ninety-two having arisen, the Speaker stated that the Chair was no longer in doubt, and the motion for the indefinite postponement of the amendment prevailed.

Thereupon, on motion by Miss Laughlin, the bill was passed to be engrossed.

Mr. LOCKE of Biddeford: Mr. Speaker, I move that this bill be tabled and specially assigned for tomorrow afternoon.

A viva voce vote being doubted, A division of the House was had.

Thirty-nine voting in the affirmative and eight in the negative the motion to table and assign for tomorrow afternoon prevailed.

Passed to be Engrossed Continued

H. P. 1743, H. D. 815; An act relating to finger prints and photographs of criminals.

H. P. 1744, H. D. 816: An act relating to taxes upon mortgaged real estate.

H. P. 1147, H. D. 366: Resolve in favor of an appropriation for the promotion of the welfare and hygiene of maternity and childhood.

(S. P. 761) (S. D. 410) An act to revise the Workmen's Compensation Act.

On motion by Mr. Allen of Camden, the vote was reconsidered whereby the House voted to adopt House Amendment A.

On further motion by the same gentleman House Amendment A

was indefinitely postponed. Thereupon the bill had its third reading and was passed to be engrossed.

(S. P. 707) (H. D. 715) An act relative to the Department of Education.

(H. P. 1742) (H. D. 813) An act relating to interest charged by small loan agencies.

Passed to be Enacted

(S. P. 81) (S. D. 44) An act to provide for the exportation of surplus power.

(S. P. 31) (S. D. 23) An act concerning the licensing of airmen and aircraft, concerning air traffic rules, and to make uniform the law with reference thereto.

(S. P. 272) (S. D. 402) An act relating to hunting with dogs in Verona.

(S. P. 649) (S. D. 300) An act relating to license fees for small loan agencies.

(Tabled by Mr. Rodolphe Hamel of Lewiston pending passage to be enacted, and specially assigned for tomorrow afternoon.)

(S. P. 667) (S. D. 329) An act fixing trial terms of the Superior Court.

(S. P. 675) (S. D. 337) An act to re-establish the town line between the towns of Hancock and Lamoine.

(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. 701) (H. D. 709) An act relative to the State School for Girls.

(S. P. 725) (S. D. 386) An act relating to the protection of children.

(S. P. 735) (S. D. 388) An act relating to marriage.

(S. P. 743) (S. D. 396) An act to authorize the County Commissioners for the county of Washington to create a sinking fund for the purpose of retiring bonds issued in accordance with the terms of Chapter 88 of the Private and Special Laws of 1927.

S. P. 744) (S. D. 397) An act relative to certification of cases to the Law Court.

(S. P. 745) (S. D. 398) An act relating to exemptions from taxation.

(S. P. 763) (S. D. 409) An act relating to application for soldiers' bonus.

(H. P. 770) (H. D. 237) An act to reimburse the Judge of the Caribou Municipal Court for clerk hire.

(H. P. 1285) (H. D. 442) An act relative to guardians and conservators.

(H. P. 1523) (H. D. 546) An act to amend Chapter 162 of the Public Laws of 1927 as applied to war bond sinking fund.

(H. P. 1546) (H. D. 608) An act relative to directional signs located in the highway.

(H. P. 1572) (H. D. 579) An act with reference to tuberculous prisoners.

(Tabled by Mr. Bissett of Portland pending passage to be enacted.)

(H. P. 1660) (H. D. 695) An act to amend the charter of the city of Westbrook, in reference to reducing the number of its aldermen, and increasing the time of their office as well as that of the mayor and the board of assessors.

(H. P. 1671) (H. D. 725) An act relating to an amber light on motor vehicles which are seven feet in width or over.

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

(H. P. 1689) (H. D. 759) An act to regulate the manufacture of bedding.

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

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

(H. P. 1719) (H. D. 772) An act amending the Military Law.

(H. P. 1726) (H. D. 736) An act relating to sealers of weights and measures.

(H. P. 1735) (H. D. 809) An act relating to prohibiting business and recreation on Sunday.

(H. P. 1750) (H. D. 811) An act to require the investment in permanent securities of schools funds and other trust funds held by city, town, quasi-municipal corporations and state officers.

(S. P. 535) (S. D. 212) An act relating to the Department of Public Welfare.

(S. P. 700) (H. D. 708) An act relative to jurisdiction of Prison Commissioners in matter of parole.

(H. P. 1723) (H. D. 785) An act to grant a new charter to the City of Portland.

(S. P. 720) (S. D. 371) An act relating to optometry.

(H. P. 1670) (H. D. 736) An act

for the better protection of lobsters and crabs in the Georges River.

(H. P. 1741) (H. D. 814) An act relative to lien on vehicles.

Finally Passed

(S. P. 137) (S. D. 400) Resolve in favor of establishing a feeding station or rearing pools for fish at, or near, Houlton, in the county of Aroostook.

(S. P. 183) (S. D. 385) Resolve to aid in rebuilding the road in Township Number 10, Hancock County.

(S. P. 198) (H. D. 213) Resolve in favor of the State Reformatory for Men.

(Tabled by Mr. Bissett of Portland pending final passage)

(S. P. 271) (S. D. 401) Resolve appropriating money to aid in the screening of the outlet of Lake Webb, in Franklin County.

(S. P. 318) (S. D. 393) Resolve providing for a State pension for Eva J. Rundlette of Augusta.

(S. P. 741) (S. D. 395) Resolve in favor of Charles F. Boober of Norway, to compensate him for damages sustained in the construction of a certain State Aid Highway.

(Tabled by Mr. Hatch of Lovell pending final passage)

(S. P. 749) (S. D. 404) Resolve in favor of James H. Kerr of Rumford.

(S. P. 762) (S. D. 408) Resolve in favor of memorial at Thomaston, Maine, for Major-General Henry Knox.

(S. P. 766) (S. D. 411) Resolve appropriating money to pay claims allowed by the Committee on Claims.

(H. P. 133) (H. D. 58) Resolve in favor of establishing a feeding station or rearing station for fish at, or near, Machias, in the county of Washington.

(H. P. 148) (H. D. 788) 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. 397) (H. D. 789) 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. 515) (H. D. 790) 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. 665) (H. D. 791) Resolve

appropriating money to aid in the screening of the outlet of Worthley Pond, in Peru, in Oxford County.

(H. P. 824) (H. D. 792) Resolve in favor of establishing a feeding station for fish in Piscataquis County.

(H. P. 825) (H. D. 793) 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. 1467) (H. D. 794) 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. 1536) (H. D. 795) 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. 1539) (H. D. 796) 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. 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. 1702) (H. D. 769) Resolve in favor of H. H. Havey and estate of Bradbury Smith for reimbursement for loss on State Highway contract.

(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. 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. 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 and Canton.

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

(H. P. 1717) (H. D. 782) Resolve

in favor of an armory for the city of Bangor.

(H. P. 1718) (H. D. 773) Resolve in favor of charitable and benevolent institutions, for the care and support of certain persons.

(H. P. 1724) (H. D. 798) Resolve in favor of building and equipping rearing pools in the county of York.

(H. P. 1725) (H. D. 799) Resolve in favor of maintaining a feeding station, or rearing pools for fish at Liberty, in the county of Waldo.

(H. P. 1730) (H. D. 800) Resolve to provide for the printing of the report of the Adjutant-General, including the records of Maine men in the World War.

(H. P. 1731) (H. D. 803) Resolve providing for erection of a statue at Gettysburg in memory of Major-General Oliver Otis Howard.

(Emergency Measure)

S. P. 754, S. D. 407: An act to provide for an issue of State Highway and Bridge Bonds and for authorizing transfer of a portion of the tax on internal combustion engine fuel.

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

A division being had,

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

(Emergency Measure)

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

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

A division being had,

One hundred and twenty-one voting in the affirmative and none in the negative, the resolve was finally passed.

(Emergency Measure)

S. P. 730, S. D. 387: Resolve proposing an amendment to Article IX

of the Constitution authorizing the issuing of bonds to be used for the purpose of building a bridge across the Penobscot river, to be known as the Waldo-Hancock bridge.

The SPEAKER: This being an emergency measure and a constitutional amendment, 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 three voting in the affirmative and none in the negative, the resolve was finally passed.

(Emergency Measure))

S. P. 738, S. D. 391: Resolve proposing an amendment to the Constitution to provide for filling councilor vacancies.

The SPEAKER: This being an emergency measure and a constitutional amendment, 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 the resolve will rise and stand until counted and the monitors have returned the count.

A division being had,

One hundred and eleven voting in the affirmative and none in the negative, the resolve was finally passed.

Orders of the Day

The SPEAKER: Under orders of the day the Chair presents the first matter tabled and today assigned, bill an act relating to deposits in the names of two or more persons, in banks, institutions for savings, trust companies or shares in loan and building associations, S. P. 719, S. D. 377, tabled on April 2 by the gentleman from Portland, Mr. Carleton, pending its passage to be engrossed; and the Chair recognizes that gentleman.

Mr. CARLETON: Mr. Speaker, I offer House Amendment A and move its adoption.

House Amendment A to Senate Document No. 377, an act relating to deposits in the names of two or more persons in banks, institutions for savings, trust companies, or shares in loan and building associations.

"D. The provisions of sub-divi-

sion B. and C. above mentioned apply only to accounts opened in institutions for savings or trust companies, or shares in loan and building associations, made payable to persons or to either or the survivor who are husband or wife, parent or child."

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

On motion by Mr. Clark of Winslow, the House voted to reconsider its action whereby House Paper 1690, H. D. 750 regarding the screening of Whetstone Pond, or Sylvan Lake, was passed to be engrossed. The same gentleman offered House Amendment A and moved its adoption, as follows:

House Amendment A to H. P. 1690, H. D. 750.

Amend said resolve by adding after the word "appropriated" in the second line, the words "the same to be taken from the funds of the Department of Inland Fisheries and Game."

House Amendment A was adopted and on further motion by the same gentleman, the resolve as amended was passed to be engrossed.

On motion by Mr. Hatch of Lovell it was voted to take from the table S. P. 741, S. D. 395, resolve in favor of Charles F. Boober of Norway, to compensate him for damages sustained in the construction of a certain State aid highway, tabled by that gentleman earlier in the session.

Mr. HATCH: Mr. Speaker, I now yield to the gentleman from West Paris, Mr. Perham.

Mr. PERHAM: Mr. Speaker and members of the Legislature: I would like to say at the beginning that I move for the indefinite postponement of this claim. Also I would like to say that I honestly ask every member in the House to stand with me in the indefinite postponement of this claim. Furthermore I would like to state that, by asking for indefinite postponement and asking the backing of the members of the House, I am not in any way trying to slam the Claims committee, I merely state that this claim is not just, and that the Claims committee is giving their decision of \$1,000 on the claim, did

so through lack of sufficient evidence; that is, they received part of the truth and rendered their judgment on that. Therefore, I would like to ask the consideration of the members of the Claims committee of this matter.

In regard to this Boober claim he put in a claim for \$15,000 for damages and was awarded \$1,000. Just taking a few of the leading headlines of this case, I would like to go back and I will not take many minutes of the time of the House.

In the beginning, Mr. Boober sued the road commissioner of the town of Norway for ten thousand dollars damage. That was the first step. The second step, the judge and jury would not allow it. The third step, the law court sustained the ruling of the judge and jury. I may be talking a little bit out of the legal custom by saying that, but that is what it means to me.

I would like to say in the beginning that Mr. Boober went to the attorneys around Norway and Paris and none of them cared to take the case because they knew that he had no ground whatsoever to stand on; so the lawyer which Mr. Boober brought up was Mr. Blanchard of Bangor, from the other end of the State, and they suffered defeat. As I understand it from hearsay, and I understand this is merely hearsay, the statement was passed around

"Well, we have the thing ready for Augusta." Now it seems rather peculiar to me that when people lose out in a good, fair and square battle, the slogan has come to be now "We are ready for the Augusta Legislature. What we can't get honestly, we will pass the buck to them and they will give it to us." I will say that any man who passes in a fifteen thousand dollar claim without the least bit of justice in it, it is time that we shut off on some of this kind of business. We have got enough things here that demand justice in the halls of this Legislature without passing out claims of that amount.

Now to make this matter short! The thing that he claimed for fifteen thousand dollars damage in the beginning, and which the Claims Committee allowed \$1,000 for, was this: That a culvert was placed across a State-aid road, a

ditch running from that culvert down under another road and through another culvert down onto the land of Charles F. Boober. I would like to say, members of the House, that I was there on Saturday and looked this whole matter over when there was no snow on the ground and no ice; and I will say that the road commissioner showed good horse sense in doing his job. In fact if all the road commissioners would do the job he did, we would have much better roads and less washouts and holes.

Furthermore let me state that this water which Mr. Boober claimed did the damage on his land is not going on to his field in any way but is going into an old pasture plastered with grey birch and other trees, and also that water has got to run a good many hundred feet, at least 500 and possibly 700 feet, before it can ever get anywhere near his cultivated field, and before it lands on this field, it strikes a swamp and runs off in another direction.

The claim that Mr. Boober put in in regard to the chickens, I was talking with the Clerk of Courts and he said that according to evidence that was presented, Mr. Boober's chickens died two or three weeks before the culvert was ever placed in. That was common knowledge.

Now I will tell you one thing! I do not care to go back into my own district which borders the town of Norway, and which is Mr. Hatch's district, and stand the laugh and comments of the people around that region; and I can honestly say that I can stand here and ask for indefinite postponement without flickering an eyelash, and I wish you would stand with me on it.

Mr. ROUNDS of Portland: Mr. Speaker, being chairman of the committee on Claims, I have to defend, I find, a good many claims that the man on the other corner of the House does not want to veto. I went up there with one of the committee on claims and we looked this thing over. Originally the water ran down through a culvert and ran down through a drain into the Penessewassee Lake. If I had been born yesterday, I might not have looked at the thing as I do today with my 74 years of age. Somebody got at the road commissioner, I

don't know who it was, and got him to build two culverts instead of one. He built it and went down through that man's pasture, went into his cellar, put his fire out in the cellar, and we went along and run into two wells that had to be cleaned out. To be sure he put in a bill of \$15,000. The other gentleman and myself went up and looked the claim over and saw the thing as we thought it was and we reported to the committee what we found there.

There is a hole up above and the original course where the water washed down on the other side of the second road; but he had got somebody from the Highway Commission, and if I had a boy ten years old that tried to run water up hill, I should think he was pretty thick and that the place for him was across the river here. But that is what happened there. They put a dam in and run it over the other way—two ways—and run it down through this man's pasture and into his cellar. Now if anybody wants the washings of different things in their cellar and has to clean it out, go in there with rubber boots on and then had to clean out a couple of wells as he had to, and as was brought out in the hearing, I do not think that \$1,000 is any too much.

He claims he lost 475 chickens. There was no evidence presented, and I should think that the gentleman from West Paris (Mr. Perham) would have come before the committee if he knew so much about those chickens being killed three weeks before and have told the committee, instead of waiting until this late day and until the resolve got passed the engrossing stage and then come here and say that he had found that the chickens were killed three weeks before. I should have thought he would have come before that committee at that time if he was so much interested in it. The evidence we had there was that this man did lose 475 chickens and that he had to go into his cellar with rubber boots on, and wash out this slush and stuff that had gone down in there. He could not get his cattle out because they had made a swamp. It was lowland to be sure and that water grass grew in through that pasture; so we gave this man that amount of money; but if it has come to pass that we must defend every claim

here for twelve weeks on the floor of this House with my voice as it is today I don't want to do it. Why we had to take that old cow out of the blanket today in the matter of a fifteen dollar claim. We have come to that. They want us to have another meeting and I tell you it is getting pretty rotten (laughter) when we have to defend every claim. I guess they want you to stay here two or three weeks talking on claims. We have 231 claims to talk on and it will take some time to talk on the whole of them. I will now yield to the gentleman from Biddeford, Mr. Stone.

Mr. STONE of Biddeford: Mr. Speaker, I am the other gentleman of the Claims committee who went up to see this Boober claim, as it is claimed, and the situation was very much as Mr. Rounds has described regarding the claim. You could see on the surface of the ground that ice had formed and the water had discharged through this culvert, running down across Mr. Boober's land. However, the land that this ran on to was just on the side of a hill and was only pasture land. We went down to Mr. Boober's house and looked around it a little, and surrounding the farm was more or less swamp grass, I would call it; and I was given to understand that prior to the time that this claim was made that had been filled land, and it was mostly on the strength of this statement that I felt that Mr. Boober was entitled to compensation and I thought that \$1,000 was about right.

Now I would like to ask, through the Chair, of the gentleman from West Paris (Mr. Perham) a question, whether or not he knows of his own knowledge whether that land was swamp land prior to the time this claim was made.

The SPEAKER: The gentleman from West Paris may reply if he desires.

Mr. PERHAM: Mr. Speaker, I have been by this place many times and it has always been swamp. Further than that, talking with two or three men who know that region, they state that it has always been swamp; and now, just simply for information, casting no reflections on Mr. Stone of Biddeford, as I understand he is asking me for information, I would like to ask him if there was snow and ice over the swamp at the time he was up there.

Mr. STONE: Replying through the Chair I will say that there was ice but no snow.

Mr. PERHAM: I would like to state that the reason I spoke as I did in the beginning was that I honestly feel that the thing has been misrepresented to the Claims committee which is sometimes quite an easy thing to do at long distance, and I still hold to my former statement that it is absolute justice that we indefinitely postpone this matter.

Mr. STONE: Mr. Speaker and members: As a member of the Claims committee I felt the difficulty of our position. All claims come to us with only one side presented. Undoubtedly there is another side but it is never presented in any way. I do feel, and I think other members of the committee have felt, that there should be some one representing the State, either an assistant attorney general or at least some investigation of every claim before it comes to a committee, and the other side put in in case there is a meritorious side to it.

Now on the statement of the Representative from West Paris (Mr. Perham), I feel undoubtedly that I have been quite misled in the matter. I never had been up there before and I took the statements made to me at their face value.

Mr. ROUNDS: Mr. Speaker, the prosecuting attorney, the attorney on the opposite side of Mr. Boober, said that he was entitled to something and he hoped we would give him something but not \$15,000.

Mr. KITCHEN of Presque Isle: Mr. Speaker, I rise to support the motion of the gentleman from West Paris, Mr. Perham. This matter, I might say, was brought to my attention as a member of the Ways and Bridges committee, and while we did not have it before our committee, I was interested in this particular claim because it pertained to highways in the State. The information that I received was in substance practically the same as Mr. Perham has stated.

With all due respect to the gentleman from Portland, Mr. Rounds, as well as Mr. Stone of Biddeford, it would seem to me that this is not a first claim against the State of Maine. I understand this was on a State-aid highway, and in no case does the State of Maine pay damages on a State-aid highway as that is a matter that towns must

take care of themselves. I simply make this statement in my feeling that this is not a just claim.

Mr. BURKETT of Portland: Mr. Speaker, as I understand Mr. Stone, and I think I understood Mr. Perham to say, this claim was once in court on a suit brought against the county commissioners, and after a hearing judgment was for the defendant. Now I made myself unpopular the other day, standing up here and talking about legal liability on another claim. I hate to drag the gentleman from Portland, Mr. Rounds, to his feet in defending his claims, but it seems to me that some one needs to defend them and I still insist that the House is entitled on these claims to have somebody from the Claims Committee come in here and tell us whether there is any legal liability on the part of the State before this House votes to pay a claim. I hope that the motion of the gentleman from West Paris, Mr. Perham, prevails.

Mr. PERHAM: Mr. Speaker, just one last word on this matter. I would like to say that had I known about this claim at the time, I should have appeared before the committee; but I find, as a good many other people here, that it would take a super-brain to absorb all of the different articles that we have here, and I went to my friend from Norway, Mr. Hatch, who is the Representative from that district. Mr. Hatch knew nothing about this and this claim was not placed in his hands to be looked out for. I doubt whether they wished to have it in his hands. I have boarded with him and I have been with him and I consider him an honest man and am willing to say so right here, not saying that the man who put the claim in was not an honest man by any means. We sometimes have to put in claims

that we do not believe in, but I will say that the Representative from that section did not know about the claim. He and I found out that this Boober claim came in for \$1,000 at about the same time. Therefore we got busy. I was in Norway Saturday and several of the prominent men said to me that if that Boober claim is a sample of what the House is going to do God pity the Legislature. I told them they need not worry in the least bit about it. I ask for the indefinite postponement of this claim.

Mr. WIGHT of Newry: Mr. Speaker, it was my privilege to hear this case tried in court in Oxford county, and from the evidence I heard there I wish to support the motion of the gentleman from West Paris, Mr. Perham.

Mr. HATCH of Lovell: Mr. Speaker, I will say this: What brought this to my attention, the first of it, was heresay a short time ago; otherwise I should have been looking after it before. As Mr. Perham was going home over the week-end, I asked him to do the investigating for me, which he did, with the report that you have heard.

The question was called for.

The SPEAKER: The question is on the motion of the gentleman from West Paris, Mr. Perham, that S. P. 741, S. D. 395, resolve in favor of Charles F. Boober of Norway to compensate him for damages sustained in the construction of a certain State-aid highway, be indefinitely postponed. 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 prevailed, and the resolve was indefinitely postponed.

On motion by Mr. Burkett of Portland, a viva voce vote being taken, the House voted to adjourn until tomorrow morning at 9:30.