

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fourth Legislature

OF THE

STATE OF MAINE

1929

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Tuesday, April 9, 1929.

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

Prayer by the Rev. Mr. Walker of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Final reports of the committee on

Banks and Banking
Public Building and Grounds
Public Utilities
Taxation

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Senate Bills in First Reading

S. P. 781, S. D. 418: An act abolishing the office of coronor.

S. P. 780, S. D. 417: An act relative to appeals from trial justices and municipal courts.

S. P. 779, S. D. 416: An act relative to malicious injuries to certain public property.

From the Senate: S. P. 774, S. D. 414: Resolve in favor of several academies, institutes and seminaries.

Comes for the Senate report read and accepted and the resolve passed to be engrossed as amended by Senate Amendment A.

In the House, report read and accepted in concurrence, and the resolve received its first reading.

Senate Amendment A read and adopted in concurrence, and tomorrow assigned for its second reading.

From the Senate: Bill an act relating to auxiliary State forests, H. P. 1403, H. D. 465, which was passed to be engrossed in the House April 4th

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 engrossed, Senate Amendment A was adopted in concurrence, and

the bill as so amended was passed to be engrossed in concurrence.

From the Senate: Report of the Committee on Education on bill an act to amend Section 98 of Chapter 16 of the Revised Statutes of the State of Maine on State aid academies (S. P. 567) (S. D. 240) reporting same in a new draft (S. P. 750) (S. D. 405) under same title and that it ought to pass

Comes from the Senate report read and accepted and the bill passed to be engrossed as amended by Senate Amendments A and B.

In the House, report read and accepted in concurrence, and the bill read twice. Senate Amendment A and B read and adopted in concurrence, and tomorrow assigned.

From the Senate: Bill an act to modify the practice of pleas in abatement (H. P. 1688) (H. D. 758) which was passed to be engrossed in the House April 4th

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

In the House, Senate Amendment A read, that body voted to reconsider its action whereby this bill was passed to be engrossed. Senate Amendment A was adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

From the Senate: Bill an act relating to voting by persons physically incapacitated (H. P. 1213) (H. D. 411) which was passed to be engrossed in the House March 25th

Comes from the Senate referred to the next Legislature in non-concurrence.

In the House that body voted to recede and concur with the Senate.

From the Senate: Bill an act to make valid copies of records of instruments affecting or conveying title to real estate in the county of Knox and recorded in other counties (H. P. 864) (H. D. 287) which was finally passed in the House March 19th, and passed to be engrossed March 12th

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

In the House, Senate Amendment

A read, and that body voted to reconsider its action whereby said bill was passed to be enacted; and also voted to reconsider its action whereby it was passed to be engrossed. Senate Amendment A adopted in concurrence, and the bill as so amended was passed to be engrossed.

From the Senate: Majority Report of the Committees on Public Utilities, Judiciary and Interior Waters, jointly, reporting ought not to pass on bill an act to create a commission to investigate and to negotiate a compact, regarding water power and electricity in New England (S. P. 323) (S. D. 118)

Report was signed by the following members:

Messrs. DOUGLAS of Hancock
 MINOTT of Washington
 WEATHERBEE of Penobscot
 WEEKS of Somerset
 GREENLEAF of Androscoggin
 CARLTON of Sagadahoc
 MARTIN of Kennebec
 Mrs. PINKHAM of Aroostook
 —Of the Senate
 Messrs. CHASE of Cape Elizabeth
 HATHAWAY of Milo
 HUGHES of Mapleton
 POWERS of Caribou
 BISHOP of Boothbay Harbor
 TUCKER of Sanford
 COMINS of Eddington
 FARRIS of Augusta
 HOLMAN of Farmington
 WING of Kingfield
 QUINT of Limerick
 WEBSTER of Auburn
 HUBBARD of Plymouth
 ADAMS of Linneus
 MILLIKEN of Old Orchard
 WILLIAMSON of Augusta
 McCART of Eastport
 ROBIE of Westbrook
 ALDRICH of Topsham
 Miss LAUGHLIN of Portland
 Mr. BOSTON of Gardiner

—Of the House
 Minority Report of same committees reporting ought to pass on same bill.

Report was signed by the following member:

Mr. OAKES of Cumberland
 —Of the Senate

Comes from the Senate the majority report read and accepted.

In the House on motion by Mr. Comins of Eddington that body voted to accept the majority report in concurrence with the Senate.

From the Senate: Majority Report of the Committees on Public Utilities, Judiciary and Interior Waters, jointly, reporting ought not to pass on bill an act to repeal Sections 1 and 2 of Chapter 60 of the Revised Statutes of 1916, known as the Fernald Law. (S. P. 177) (S. D. 77)

Report was signed by the following members:

Messrs. DOUGLAS of Hancock
 MINOTT of Washington
 WEATHERBEE of Penobscot
 WEEKS of Somerset
 GREENLEAF of Androscoggin
 CARLTON of Sagadahoc
 MARTIN of Kennebec
 Mrs. PINKHAM of Aroostook
 —Of the Senate
 Messrs. CHASE of Cape Elizabeth
 HATHAWAY of Milo
 HUGHES of Mapleton
 POWERS of Caribou
 BISHOP of Boothbay Harbor
 TUCKER of Sanford
 COMINS of Eddington
 FARRIS of Augusta
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 WEBSTER of Auburn
 HUBBARD of Plymouth
 ADAMS of Linneus
 MILLIKEN of Old Orchard
 WILLIAMSON of Augusta
 McCART of Eastport
 ROBIE of Westbrook
 ALDRICH of Topsham
 BOSTON of Gardiner
 Miss LAUGHLIN of Portland

—Of the House
 Minority report of same committees reporting ought to pass on same bill.

Report was signed by the following member:

Mr. OAKES of Cumberland
 —Of the Senate

Comes from the Senate the majority report read and accepted.

In the House, on motion by Mr. Comins of Eddington that body voted to accept the majority report in concurrence with the Senate.

The following resolve was received and upon recommendation of the committee on Reference of Bills was referred to the committee on Appropriations and Financial Affairs:

By Mr. Foster of Ellsworth: An act providing money for the expenditures of the government for the remaining months of the fiscal year ending June 30th, 1929. (H. P. 1753.)

Orders

On motion by Mr. Jackson of Portland, it was

Ordered, that for the Mock Session this evening seats on the floor of the House in front of the rear rail be reserved up to 7.30 P. M. for Senators, Representatives and their friends.

(H. P. 15) (H. D. 822) An act relating to the pollution of the waters of Carleton Pond.

(H. P. 1750) (H. D. 824) An act amendatory of, and additional to existing legislation relating to the State Park, and to the Superintendent of Public Buildings.

(H. P. 1752) (H. D. 823) An act with reference to the personnel of the State Budget Committee.

Passed to be Engrossed

(S. P. 310) (S. D. 413) 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. 480) (S. D. 189) An act to regulate the manufacture and sale of soft drinks, syrups, and non-alcoholic beverages.

(S. P. 775) (S. D. 415) An act to amend Section 6 of Chapter 1 of the Revised Statutes relating to rules of construction.

(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.

Finally Passed (Emergency Measure)

H. P. 1711, H. D. 776: Resolve for paying the expenses of wardens of Sea and Shore Fisheries and the purchase of seed lobsters.

The SPEAKER: This being an emergency measure it requires a two-thirds vote of the membership of this House. As many as are in favor of the final passage of this resolve will rise and stand in their places until counted and the monitors have returned the count.

A division being had,

One hundred and nineteen 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 item of unfinished business of yesterday, House report ought to pass in new draft from the committee on Judiciary on bill an act relating to licensing operators of motor vehicles after their conviction of operating the same while under the influence of intoxicating liquor, the new draft being House paper 1699, which has never been printed, tabled on April 5th by the gentleman from Kingfield, Mr. Wing, pending the acceptance of the report; and the Chair recognizes that gentleman.

Mr. WING: Mr. Speaker and members of the House: The general revision of the motor vehicle laws is as you might say on the operating table and is merged in bill that may be expected in House, I believe, today, and if that is correct, there will be no need of passing this bill. Therefore, I move that it be retabled.

Thereupon the bill and report were retabled, pending acceptance of the report.

The SPEAKER: The Chair presents the second item of unfinished business of yesterday, majority report ought not to pass and minority report ought to pass from the committee on Ways and Bridges on bill an act to provide funds for the construction of State highway, H. P. 1225 H. D. 409, tabled on April 5th by the gentleman from Presque Isle, Mr. Kitchen, pending the acceptance of either report; and the Chair recognizes that gentleman.

On motion by Mr. Kitchen, these

reports were retabled and tomorrow assigned.

The SPEAKER: The Chair presents the third matter of unfinished business of yesterday, majority report ought not to pass and minority report ought to pass from the committees on Ways and Bridges and Taxation jointly on bill an act relating to a tax on gasoline, H. P. 1224, H. D. 412, tabled April 5th by the gentleman from Presque Isle, Mr. Kitchen, pending acceptance of either report; and the Chair recognizes that gentleman.

On motion by Mr. Kitchen, these reports were retabled and tomorrow assigned.

The SPEAKER: The Chair presents the fourth matter of unfinished business of yesterday, majority report ought to pass in new draft and minority report ought not to pass from 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, the new draft being H. P. 1728, H. D. 801, the reports having been tabled on April 5th by the gentleman from Dover-Foxcroft, Mr. Merrill, and the Chair recognizes that gentleman.

On motion by Mr. Merrill, these reports were retabled.

The SPEAKER: The Chair presents the fifth item of unfinished business of yesterday majority report in new draft and minority report ought not to pass from the committee on Legal Affairs on bill an act barring professional Sunday sports and allowing recreation that does not disturb and annoy the nearby public, the new draft being numbered H. P. 1748, H. D. 820, tabled on April 5th by the gentleman from West Paris, Mr. Perham, pending acceptance of either report, and the Chair recognizes that gentleman.

On motion by Mr. Perham, the majority report ought to pass in new draft was accepted; and on further motion by the same gentleman, this being a printed bill, the rules were suspended and the bill

had its two several readings and tomorrow assigned.

The SPEAKER: Under tabled and today assigned, the Chair presents the first assigned matter, House report ought to pass, committee on Inland Fisheries and Game, on bill an act relating to bounty on porcupines or hedgehogs, H. P. 135, H. D. 60, tabled on April 3rd by the gentleman from Newry, Mr. Wight, the pending question being acceptance of report; and the Chair recognizes the gentleman.

Mr. WIGHT: Mr. Speaker, I yield to the gentleman from Kingfield, Mr. Wing.

Mr. WING: Mr. Speaker and Members of the House: This bill, House Document 60, was introduced by Representative Kitchen and, as I understand it, for the Executive Department and Councilor Wilson appeared for the bill. He stated, I believe, practically three reasons why the so-called porcupine or hedgehog bounty bill should be repealed. The first reason was that the last Legislature made no provision to pay the bounty. I think you will most all remember that the Representative from Ellsworth, Mr. Foster, explained why that was and that the bill relating to the bounty did not come to the attention of the committee on Appropriations and Financial Affairs.

The second reason given was that because of the provisions of the bill for collecting the hedgehogs' toes and nose, so to speak, was left to town clerks, and in a good many cases the town clerks or the deputy town clerks were ladies, and they objected to counting parts of hedgehogs, and for that reason they took the word of whoever brought them, and paid for the number which they said they brought. In some cases, through certain sections of the State, it almost appeared as though there was some collusion between the town clerks and the people who were to a great extent interested in killing porcupines, they being in the pauper class in general, and it was thought by the town clerks if they got their living from this means, it might help the State.

At the hearing those opposed to the bill got together and asked me to draw an amendment to the present bill to take care of this situation. The amendment was drawn and

went to the committee, and I was told over a week ago that that bill would come before the Legislature at once. It has not come, but I was told it would come; so it is just as well, perhaps, to consider this bill as to go any farther.

The provisions of the amendment are to the effect that instead of bringing the parts of the hedgehog to the town clerk, you go to the regularly paid game warden of the district, and he does the counting and gives you a receipt, which you present to the clerk, and the rest of it is just the same. The third objection which he brought up was that he did not believe there was any demand or any need for any bounty. That, in my estimation, is the only argument which is left for us to consider, because I think that the others agree that the Appropriations Committee this year will make provisions for paying the bounty if there is any law that calls for it, and, secondly, that by having them go to the game warden instead of to the town clerk, that there will be no chance that the State will be defrauded.

Now the third point is: Do we want a bounty or not? That is the question. I think we will have to admit that hedgehogs do a serious injury in the State to the forests and farm crops, which, I think, was the direct cause of this last bill being passed. I think it was most strongly supported by the sweet corn growers of the State, who claimed that the hedgehog does a great deal of damage to this crop. We all know that they do damage to other crops, that they are a menace in certain ways to the forests and to all kinds of domestic animals. I have myself laid away three dogs that I couldn't get out of the habit of chasing hedgehogs. I have two more that I have to pull quills out of about every so often. In past years I have known of cases of horses and cows in pastures, especially back pastures, being injured seriously—some of them might just as well have been killed, because of getting hedgehog quills in their noses, and in some cases other parts of the body, where the quills worked into the joints.

In regard to the amount that has been paid, or would have to be paid if this bill was kept on the statute books, I believe a year ago, five or six thousand dollars was paid for

bounties. This past year up towards twenty-five or thirty thousand dollars was paid. I do not think there is any reasonable man, anyone who understands the situation, who believes that any number of hedgehogs were killed that would come to that amount. It is estimated, I think fairly, by those who know the situation, that it would cost the State from five to six thousand dollars per year to keep the hedgehog bill on the statutes, as we have it now, or if amended. It seems to me that is a better proposition than to have one for two or three years, as we always have had in the past, then it is taken off the books, and another is put on, and in the course of two or three years that allows hedgehogs to get another start, and we pay another big bounty. It is the best policy, if we want any bounty at all, or ever expect to have one, to keep the present law on the books, and I do not think it will ever cost the State over five or six thousand dollars a year.

Mr. INGRAHAM of Bangor: Mr. Speaker, the cost to the State cannot be taken care of by repealing any bounty on porcupines. They are a serious menace to our forests, and it would be very foolish at this time to repeal this act and let them increase again and we have to face the situation.

I think most everybody here who knows anything about the porcupine recognizes that we have got to meet this situation. If we do not meet it in dollars and cents out of the treasury of the State, we meet it at the expense of our forests and other damages which I do not know anything about.

I do know they do a tremendous amount of damage to our forest land. I know it has cost me a good many thousand dollars in years past to pasture these birds. Had we continued the bounty on porcupine when they were nearly extinct, we would be paying very little today, and as near as I can find out the principal objection to the present bill is the fact that no department wants to father the expenditure of this money.

Now we have a situation with us, and we have got to face it. Why not leave this act as it is, and in the end save considerable money for the State of Maine? I am against repealing this act un-

less something better is substituted than the present bill we have. It was really intended in the committee to report in a new bill. Now they seem unwilling to do so, therefore I am opposing the repealing of this law.

Mr. WIGHT of Newry: Mr. Speaker, I move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Newry, Mr. Wight, moves the indefinite postponement of the bill. Is the House ready for the question?

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

The SPEAKER: The Chair presents the second assigned matter, bill an act relating to fishing in Kewayden Lake in the town of Stoneham, H. P. 1534, H. D. 555, tabled on April 3rd by the gentleman from Winslow, Mr. Clark, the pending question being passage to be enacted; and the Chair recognizes the gentleman.

Mr. CLARK: Mr. Speaker, I regret the necessity of asking the indulgence of the House to retable this matter until after the passage of the general bill, and I would name Friday next as the day for final consideration.

The SPEAKER: The Chair would suggest to the gentleman that an assignment so late as Friday might not be desirable. If the gentleman will, he may move that the bill lie upon the table.

Mr. CLARK: Mr. Speaker, that is satisfactory to me, and it may be tabled from day to day.

Thereupon the bill was retabled, pending passage to be enacted.

The SPEAKER: The Chair presents the first tabled and unassigned matter, a resolve in favor of the State Reformatory for Men, S. P. 198, H. D. 213, tabled on April 8th by the gentleman from Portland, Mr. Bissett, pending final passage, and the Chair recognizes that gentleman.

On motion by Mr. Bissett the resolve was finally passed.

The SPEAKER: The Chair presents the second matter tabled and unassigned, an act with reference to tuberculous prisoners, (H. P. 1572) (H. D. 479) tabled by Mr.

Bissett of Portland April 8th pending its passage to be enacted; and the Chair recognizes that gentleman.

On motion by Mr. Bissett, the bill was retabled and specially assigned for tomorrow morning.

The SPEAKER: The House has in its possession H. P. 1682, H. D. 741, bill an act to provide for the building of a highway bridge across the Kennebec River, between the towns of Richmond and Dresden, recalled from the office of the Governor by a joint order.

On motion by Mr. Hawkes of Richmond, the House voted to reconsider its action whereby this bill was passed to be enacted; and on further motion by the same gentleman the House voted to reconsider its action whereby said bill was passed to be engrossed. The same gentleman offered House Amendment A and moved its adoption as follows:

House Amendment A to H. P. 1682.

Amend said bill by striking out in the third line of the tenth section thereof, the words "already issued".

House Amendment A was adopted, and on further motion by Mr. Hawkes the bill as so amended was passed to be engrossed.

The SPEAKER: The House has in its possession H. P. 1647, H. D. 670, resolve in favor of Lloyd W. Hickey to reimburse him for injury and expense incurred while in the employ of the State of Maine, recalled from the office of the Governor by joint order; and the Chair recognizes the gentleman from Gardiner, Mr. Boston.

Mr. BOSTON: Mr. Speaker, I move that this resolve be indefinitely postponed as the matter is taken care of in another way.

Mr. ROUNDS of Portland: Mr. Speaker, this is one of our famous claims which have been heard here for the last twelve or thirteen weeks, and I understand now that the wires have got crossed and they could not kill it in the House and Senate; so they are going to give the Industrial Accident Commission a chance to see what they can do. I am perfectly willing if the man gets his pay quickly because he comes from the town where the Governor belongs.

The SPEAKER: Is it the pleasure of the House to reconsider the vote whereby this resolve was finally passed?

The House thereupon voted to reconsider its action whereby this resolve was finally passed.

Mr. ALDRICH: Mr. Speaker, may I ask what the number of that resolve is?

The SPEAKER: The resolve is H. P. 1647, H. D. 670. Is it the pleasure of the House that said resolve be indefinitely postponed? Does the gentleman from Topsham (Mr. Aldrich) wish to comment?

Mr. ALDRICH: I would like to make an inquiry, Mr. Speaker whether or not it is a fact that instead of passing this resolve by the Legislature, this claim is actually going to be paid by the State in some other way?

The SPEAKER: The gentleman from Topsham. Mr. Aldrich, inquires whether if this resolve is indefinitely postponed it has been definitely decided that the claim will be attended to in some other manner. Can any gentleman answer the gentleman from Topsham?

Mr. BOSTON of Gardiner: Mr. Speaker, it will be cared for in another manner.

The SPEAKER: The gentleman from Gardiner, Mr. Boston, asserts that the matter will be cared for in another manner.

Mr. ALDRICH: Now Mr. Speaker, if I may ask another question through the Chair, possibly the gentleman can advise us in what manner the claim will be taken care of.

The SPEAKER: The gentleman from Topsham, Mr. Aldrich, inquires in what manner the claim will be cared for.

Mr. BOSTON: Through the Industrial Accident Commission, Mr. Speaker.

Mr. ALDRICH: Now I do not like to keep asking questions, but according to the statement of facts on the back of this resolve, Mr. Speaker, it is stated that as a matter of law such sums would not be payable under the compensation act, and I assume that refers to the Workmen's Compensation Act. I should like to make a further inquiry of the gentleman whether or not this claim is to be presented to the Industrial Accident Commission, if he so understands, as a claim un-

der the Workmen's Compensation Law?

The SPEAKER: The gentleman may reply if he desires.

Mr. BOSTON: I do not know.

Mr. ALDRICH: Now if I may ask one further question through the Chair: What assurance has this House or this Legislature, if this gentleman is in a position to advise us, that this claim will be taken care of by the Industrial Accident Commission, or by what authority?

Mr. KITCHEN of Presque Isle: Inasmuch as there seems to be some question about this resolve, Mr. Speaker, I move that it be tabled in order that it may be investigated.

A viva voce vote being taken, the motion prevailed and the resolve was retabled.

Mr. INGRAHAM of Bangor: Mr. Speaker, I move that the rules be suspended and the ladies be allowed to smoke for the remainder of the session, and as many of the gentlemen as care to. (Laughter.)

Thereupon, the motion prevailed and the members were permitted to smoke.

The SPEAKER: Is there further business under orders of the day?

On motion by Mr. Kitchen of Presque Isle, it was voted that when the House finally recesses this morning, it be until three o'clock this afternoon.

The SPEAKER: Is there further business under orders of the day? The Chair has been requested to announce that the Committee on Mock Session has gone to considerable pains to make up a fairly elaborate program for the session this evening, and the Committee is of the opinion that if the program is adhered to strictly the members will be more amused than if extemporaneous hilarity is indulged in as has been the case in former sessions; and the Chair would bespeak for the Mock Session Committee careful attention to its program.

The House may be at ease to respond to the sound of the horn, as there will probably be papers from the Senate shortly.

After Recess, 10.40 A. M.

The Speaker in the Chair.

Paper out of order from the Senate.

The Joint Committee, appointed and acting under the Legislative Order printed as House Document numbered 657, (appointed to consider and report to the Legislature the advisability of a proceeding by address to the Governor and Council, or otherwise, for the removal of Clyde H. Smith, Charles Murray and Edwin T. Clifford, members of the State Highway Commission) asks leave to report as follows:

The Committee, consisting of three members on the part of the Senate, appointed by the President, and seven members on the part of the House, appointed by the Speaker organized on March 15, 1929, with Senator Spear of Cumberland County as Chairman and Representative Holbrook of Vanceboro as Clerk. Ralph M. Ingalls, Esquire, of Portland was employed in association with the Attorney General as counsel for the Committee, and Fred L. Wilson was secured as shorthand reporter.

The Committee has held sessions daily since its organization. It has conducted an exhaustive inquiry into charges of official malfeasance, misfeasance and unfitness for office of the present members of the State Highway Commission, namely Clyde H. Smith, Charles Murray and Edwin T. Clifford. Nearly four hundred (400) pages of testimony have been taken, and this, together with the exhibits, documents and data submitted to the Committee, and its records, will be available for filing in due course.

The Committee has inquired with particular care into the so-called cement shortage, and submits its conclusions based on the facts presented to the Committee.

This cement shortage having been specially referred to in the original letter from the United States Department of Agriculture to the Governor, which he reported to the Legislature, and later forming the basis of a second similar letter of the Department making claim on the State for a large sum of money, is evidently the precipitating cause of this investigation.

Immediately on the receipt of the second letter from the Depart-

ment the Attorney General conferred at Washington with the Chief of the Bureau of Public Roads, the Secretary of Agriculture and the Department of Justice. They courteously outlined to him the information in their possession and subsequently forwarded a complete abstract which has been of great assistance to the Committee. This consisted of the report of an investigator of the United States Department of Justice, summarizing statements made to him by various persons, and was confined almost wholly to the cement matter.

The cement shortage occurred, if at all, in the construction of Federal Aid Road Projects 102A,—102B,—and 103A.

It appears to the Committee that there is no evidence tending to prove any criminal intent to defraud the State of Maine or the Federal Government either on the part of any of the members of the State Highway Commission or on the part of anyone else connected at any time with the contract for the constructing of these roads.

Moreover, the Committee is unanimous in reporting that no misfeasance or malfeasance in office in any respect can be laid against any member of the Commission in connection with these three road projects.

The contract carries two specifications,—one for cement proportion in the concrete mixture, the other for cement content in the finished road. It is conceded even by the contractor that less cement was in fact used than is required by the contract specification for concrete content in finished road surface. The committee believes that the legal effect of this fact is peculiarly a matter for the legal departments of the State and Federal Governments to adjust between these two governments and with the contractor. The contractor maintains that the alternative specification of cement to use in the concrete mixture was in good faith strictly adhered to and that the specification is inconsistent with the other specification, so that he is legitimately entitled to such profit as may have resulted to him from using in his mixture a less quantity of cement than conforms to the test of the finished

road. He relies also on the quality of the finished product produced by following as he says the specification which he says ruled the actual mixing.

Whether there is such an inconsistency seems to be a matter upon which experts do not agree,—but in any event, whether or not there was a breach of contract by the contractor, forming a basis for civil as distinguished from criminal proceedings, it is clear to the Committee that no intentional or improper deflection of funds can be traced to any member of the State Highway Commission.

Commissioner Clyde H. Smith became a member of the Commission approximately at the time of the completion of the construction of these three road projects; and his subsequent diligence in investigating a suggestion of cement shortage that was brought to his attention, and in withholding for the protection of the State and Federal Governments the balance due the contractor on other contracts, served a sound purpose. Only the most favorable comment can be made on his official conduct in respect to the whole cement matter.

The solution of the cement question depends upon another tribunal than this. Whether any shortage exists and in such case whether there is any liability on the State of Maine to refund to the Federal Government, and on the contractor to refund to the State or to reimburse it in civil process or otherwise, this Committee does not attempt to say. Duly constituted officials of the State and Federal Governments can well determine this.

In the time at its disposal, the Committee has also examined, as far as practicable, into other details of administration by the State Highway Commission. The Committee finds no sustainable charges against any member of the Commission.

The Committee is satisfied, however, that the present system, comprising a part time Highway Commission of three members, is imperfect and altogether inadequate for the important future needs of Maine. There has been under it an evident lack of harmonious co-operation on

the part of the members of the Commission. There has been throughout the whole Highway Department a disorganization, friction and turmoil, there has been undue domination by one member of the Commission, and an incompatibility among the members of the Commission inevitably leading to an ineffective administration of the whole department.

It appears to the Committee that further to permit the same system to obtain, is to invite conditions which tend to minimize the benefits reasonably to be expected from such a department properly constituted and managed.

To summarize—it is the opinion of the Committee that the present form of Commission has outlived its usefulness and that a new system should be inaugurated which can better cope with modern conditions and methods and adequately supervise the expenditures of many millions of dollars annually, and provide a greater benefit to the entire State than is reasonable to expect under the present system. The Committee, therefore, definitely recommends a reconstitution of this system by legislation.

The Committee recommends that no process for removal by address to the Governor and Council be instituted against either of the present Commission, Clyde H. Smith, Charles Murray and Edwin T. Clifford.

Itemized bills covering the expenditures of the Committee in connection with the investigation will be filed.

April 8, 1929.

Respectfully submitted,

Z. M. DWINAL,
FREDERICK W. MITCHELL,
GEORGE S. FOSTER,
RICHMOND L. MELCHER,
ARTHUR G. SPEAR,
Chairman,

CURRIER C. HOLMAN,
H. W. BISHOP,
A. M. SMALL,
HENRY C. WRIGHT,
E. H. HOLBROOK,
Clerk,

Committee

This report comes from the Senate, read and accepted and ordered placed on file, the committee discharged and 1500 copies of the report ordered printed.

In the House:

Mr. ALDRICH of Topsham: Mr. Speaker, I move you, sir, that the report lie upon the table until we may have an opportunity to peruse the same and give more consideration to it than we can from hearing it read. There is a serious question in my mind—

The SPEAKER: The gentleman may not debate the motion to table. As many as are in favor of the report lying on the table will say aye; those opposed no.

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

Mr. ALDRICH: Mr. Speaker, may I inquire whether we need to concur in the order for printing.

The SPEAKER: There is no necessity for concurring in the order. Is there any further business under orders of the day.

Mr. ALLEN of Camden: Mr. Speaker, I have an order and I move its passage.

The SPEAKER: The gentleman from Camden, Mr. Allen, asks leave to present an order out of order, and moves its passage.

Permission was granted.

Ordered, that there be printed 2,000 additional copies of Engineer Voss' report on investigation of concrete on highway projects.

Mr. KITCHEN: Mr. Speaker, may I inquire how many were printed in the first place?

Mr. ALLEN: Five hundred, Mr. Speaker, and they are all used up.

Mr. KITCHEN: Mr. Speaker, this is quite a lengthy document and it seems to me that if it were made 1,000 copies that might be sufficient, and I move to so amend the order.

Mr. INGRAHAM of Bangor: Mr. Speaker, there will be a great many people who will want these reports. We are getting calls for them and it will not cost very much to print two thousand copies.

A viva voce vote being taken, the order received passage.

The SPEAKER: The House may be at ease for a few moments pending the receipt of further papers from the Senate.

After Recess 11.10 A. M.

The Speaker in the Chair.

The House voted to take up out

of order a message from the Executive.

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

April 9, 1929.

To the Honorable President of the Senate and Speaker of the House:

I transmit herewith for your information letters of resignation from the Highway Commission of Edwin T. Clifford and Clyde H. Smith.

Respectfully submitted,

(Signed)

WM. TUDOR GARDINER.

The two letters are as follows:

STATE HIGHWAY COMMISSION
STATE OF MAINE
AUGUSTA

April 9, 1929.

Hon. William Tudor Gardiner,

Governor of Maine,

Executive Offices,

State House, Augusta, Me.

Dear Sir:

In view of the report of the special committee appointed by the Legislature to investigate the charges made by the Department of Agriculture against the conduct of the affairs of the Maine Highway Department, I herewith tender to you my resignation as a member of the State Highway Commission, the same to become effective at your pleasure.

My only desire in this matter, now that my conduct in office has been vindicated, is to forward the best interest of the State of Maine. If in your opinion the acceptance of my resignation will aid in a solution of the present unfortunate situation I am only too glad to have the same accepted.

Respectfully yours,

(Signed) CLYDE H. SMITH.

STATE HIGHWAY COMMISSION
STATE OF MAINE
AUGUSTA

April 9, 1929.

Honorable Wm. Tudor Gardiner,

Governor of Maine,

Augusta, Maine.

My dear Governor:

In view of the complete vindication of my honor and integrity by the Legislative Committee appointed to investigate the activities of the State Highway Commission, I hereby tender my resignation. My only desire has been to be exonerated from any and all charges

made or implied in Ex-Secretary Jardine's letter to you, and having been so exonerated and desiring only the best interests of the State of Maine, I am taking this action, to be effective at your discretion.

Respectfully yours,

(Signed) EDWIN T. CLIFFORD
Member, State Highway Commission.

On motion by Mr. Kitchen of Presque Isle, the above three communications were accepted and placed on file.

On motion by Mr. Kitchen of Presque Isle, the House recessed until three o'clock this afternoon.

After Recess, 3 P. M.

The Speaker in the Chair.

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

From the Senate: Final report of the committee on Maine Publicity.

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Senate Bills in First Reading

S. P. 782, S. D. 420: Resolve appropriating money to screen the outlet of Syladobsis Lake, commonly called Lower Dobsis Lake, in Township 5, North Division, in the county of Washington.

S. P. 737, S. D. 390: An act making it unlawful for any person while upon any public highway, to endeavor by words, gestures or in any other way, to beg, invite or secure transportation in any motor vehicle not engaged in passenger carrying for hire, and providing a penalty therefor.

S. P. 783, S. D. 321: An act to permit cities and towns to lay out bridle paths and bridle trails.

S. P. 785, S. D. 423: An act to amend Section 9 of Chapter 51 of the Revised Statutes as amended, and Section 115 of said Chapter 51 as amended by Chapter 144 of the Public Laws of 1917, as amended, relative to certificates of incorporation.

From the Senate: Resolve in favor of D. B. Cornish to reimburse him for road construction in Phippsburg, Maine (S. P. 265) (S. D. 141) which was finally passed in the House March 28th and passed to be engrossed March 25th.

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 vote was reconsidered whereby this resolve was finally passed; the vote was also reconsidered whereby this resolve was passed to be engrossed.

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

From the Senate: Resolve in favor of Poultry Husbandry (H. P. 1658) (H. D. 797) which was passed to be engrossed in the House April 3rd.

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

In the House, Senate Amendment A read. That body voted to reconsider its action whereby this resolve was passed to be engrossed.

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

From the Senate: Report of the Committee on Legal Affairs on bill an act to regulate expenditures in connection with matters of legislation submitted to the people under the provisions of Article 31 of the Constitution providing for an initiative and referendum (S. P. 595) (S. D. 262) reporting same in a new draft (S. P. 784) (S. D. 422) under same title and that it ought to pass.

Comes from the Senate the report and bill indefinitely postponed.

In the House, that body voted to concur with the Senate in the indefinite postponement of this bill.

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) on which the House voted to adhere.

Comes from the Senate that body voting to insist upon its former action and asking for a committee of conference, with the following conferees appointed on its part:

Messrs. OAKES of Cumberland
MARTIN of Kennebec
Mrs. PINKHAM of Aroostook
In the House:

Mr. PATTERSON of Freeport:
Mr. Speaker and members of the Legislature: I think we have taken up the subject and discussed it very thoroughly, and as we have twice indefinitely postponed this measure, I do not think it right to waste time any longer, and I move that the House adhere.

Miss LAUGHLIN: Mr. Speaker, I move that the House insist and appoint a committee of conference to join with the conferees appointed on the part of the Senate.

The SPEAKER: The motion to insist takes precedence to the motion to adhere. Is the House ready for the question?

Miss LAUGHLIN: Mr. Speaker, the Senate has appointed a committee of conference and asks the House to join. It seems only courteous that this House should meet the committee from the Senate.

The SPEAKER: As many as are in favor that the House insist and join in the committee of conference 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 to insist and 62 in opposition thereto, the motion failed of passage.

On motion by Mr. Patterson, the House voted to adhere.

Reports of Committees

The following Reports were taken up out of order under suspension of the rules:

Mr. Hammond from the Committee on State Lands and Forest Preservation on 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. 1694) (H. D. 754) reported same in a new draft (H. P. 1755) under same title and that it ought to pass.

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

Mr. Peacock from the Committee on Legal Affairs reported ought to pass on bill an act to provide a Town Manager for the town of Winthrop in the county of Kennebec. (H. P. 863) (H. D. 236)

Report read and accepted and

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

Passed to be Enacted

(Out of order)

S. P. 630, S. D. 278: An act relating to the supervision, regulation and conduct of the transportation of persons over the public highways of the State of Maine by automobile, jitney busses and auto stages by the Public Utilities Commission.

The SPEAKER: Is there any further business to come before the House? There are two matters assigned for this afternoon; the first is House Paper 174, House Document 813, bill an act relating to interest charged by small loan agencies, tabled yesterday by the gentleman from Biddeford, Mr. Locke, the pending question being third reading; and the Chair recognizes the gentleman.

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

The SPEAKER: The Chair presents the second matter assigned for this afternoon, being the fourth assigned matter on this morning's calendar, Senate Paper 649, Senate Document 300, an act relating to license fees for small loan agencies, tabled on April 8th by the gentleman from Lewiston, Mr. Rodolphe Hamel, the pending question being passage to be enacted; and the Chair recognizes the gentleman.

On motion by Mr. Hamel the House voted to reconsider its action whereby it voted to pass this bill to be engrossed; and on further motion by the same gentleman the House voted to reconsider its action whereby it adopted Senate Amendment A; and the same gentleman offered House Amendment A to Senate Amendment A and moved its adoption, as follows:

House Amendment A to Senate Amendment A to bill an act relating to license fees for small loan agencies.

Amend said amendment by striking out the words "one hundred" in the tenth and the thirty-first lines thereof, and inserting in place thereof the word 'fifty.'

The SPEAKER: Is it the pleasure of the House to adopt House Amendment A to Senate Amendment A to Senate Paper 649?

Mr. SEAVEY of Sherman: Mr. Speaker, the bill as originally drawn calls for \$100 as a license fee for small loan agencies. It seems now it has been changed to \$50. The reason for this change, the proposed change, on the part of the Banking Committee, under whose direction this matter came, was the statement of the profit being made by small loan agencies over the State.

I have here from the Banking Department of the State figures on four agencies, and I will take the first one, showing the interest received as 41.42 per cent, and the expense is 19.5 per cent, and the balance, net profits, are 21.92 per cent. These follow right down through, until the average of these four companies represent in their balance net profits of 20.12 per cent, over 20 per cent in net profits.

A business of that nature, obtaining that amount of profit above all expenses, it seems to us that the license fee might reasonably be made more.

Now the question was raised in connection therewith as to expenses, and what these expenses consist of. This was a matter taken up with the Banking Department, and here is a statement furnished by them of an agency operating in Maine—and this is typical of others. The interest income amounted to \$54,173, and the interest to \$25,548. The expense, the larger part of it, was as follows: Advertising and publicity \$2,500—Those are round numbers—rent \$1,142; salaries \$9,050; supervision and auditing \$6,274. After paying these various amounts for auditing and salaries and publicity, they still made a net profit of 21.62 per cent.

Another item: A partnership operating a loan agency in Maine for 1928. Invested capital, \$100,000; average amount loans, \$211,000; income, \$85,000—those are round numbers; expenses, \$45,000; net profit for partners \$40,378 or 19 per cent. The partners actually received in distribution of profit in 1928 \$40,000, equal to 40 per cent on their investment.

With a business paying this sort of percentage, it seemed to us that they could reasonably be expected to pay something for the privilege of doing that business.

There are twelve states in the Union now charging these small loan agencies \$100 as a license fee, and it seemed to us only fair, and our Amendment A which has been spoken of means that the first \$20,000 worth of business pays a license fee of \$100; for each additional \$20,000, or fraction thereof, \$50 more. In other words, any agency doing a business from \$20,000 up to \$40,000, the license fee is \$150. In view of these profits as shown here, we thought, in common with the other twelve states of the Union, we should have more in the way of license fees.

Mr. RODOLPHE HAMEL of Lewiston: Mr. Speaker, the last speaker has explained to us the profit made by concerns loaning \$54,000 and \$40,000, and so forth. This bill would readily apply to them. I had in mind when I presented this amendment the very small loan agencies. I had in mind the pawn shops, for instance. I am wondering how many of you are acquainted with the pawn shop business! (Laughter) Well, I am. (Laughter.)

The law on our books at present calls for a license fee of \$50, licensing so-called small loan agencies, and they may loan as much as they can, providing any one loan does not go over \$300. They can loan hundreds of thousands of dollars for a \$50 license fee. The same license fee applies to the pawn shops as to that man who did a few thousand dollars' worth of business. It seems to me the fee which applies to concerns doing \$50,000 dollars' worth of business should not apply to ones doing a great deal less business.

There is an agency in this State that I do not suppose you are acquainted with, and that is the loan shark, and I readily believe that should this law be enacted, it would be a God-send to loan sharks. It would drive out of business the small loan agencies, the pawn shops, loaning \$10,000 or \$15,000 or \$20,000 a year, who would get out of business and go into the so-called loan shark business—and you know what they are.

This bill originally was presented

in the Senate by Senator Page. There were four lines in the bill. It came back to the Senate April 1st, amended this way: Striking out the entire bill and substituting in its place one of about fifty lines. I will quote from the files of the Kennebec Journal of April 2, and I will quote Senator Page's remarks, and I will ask you to adopt my amendment which is his quotation in the Senate April 1st: "Mr. PAGE: Mr. President, I might explain, perhaps. The bill as drawn in the first instance, Senate Document 300, called for a license fee on small loan agencies of \$150, regardless of the size. At the hearing before the Banks and Banking Committee the question was discussed as to whether or not it would be advisable to make a license fee on a sliding scale depending upon the total loans outstanding, and this amendment is drawn to accomplish that purpose. Instead of having a fixed \$150 fee, as the original Senate Document called for, it starts with \$50 and works up according to the loans outstanding; the larger the loan agency, the more license fee they have to pay."

Senator Page said that this amendment called for a sliding scale of from \$50 up. When you read the amendment, it does not. I would like to have it comply with Senator Page's remarks in the Senate, and I think \$50, meaning anyone earning below \$20,000 is fair. I do not think we should want to drive those fellows out of business.

You smiled a while ago when I referred to pawn shops, but when you do need a pawn shop, they are mighty handy. (Laughter)

I was speaking a while ago of the loan shark. I do not want to hold up this meeting, but I might tell you the difference between the loan shark and the pawn shop. It has happened more than once that I have sat in a pawn shop Saturday night after my work is over—I am not in the pawn business—I have to go out to see one. Somebody comes in there, well dressed—the last train leaves at eleven o'clock, and he lives in some adjoining town from Lewiston—and he is all dressed up and has a place to go but no money to go with. (Laughter) Now that fellow wants five or ten dollars on his suit. He goes to

this pawn shop and asks for a reliever. That is a second-hand suit, pretty well used up. (Laughter) Now the pawnbroker gives him \$10 and takes the new suit. The fellow goes home and he comes back in a month, pays a matter of thirty-five or forty cents, gives back the reliever, and gets his suit, and the reliever is good enough to be used again by the next fellow. (Laughter) Now in a case like that—it happens in many instances—I understand in the best of families. (Laughter) The pawnbroker renders this service to the community.

Now let us compare the loan shark and see what he does, and I know him too. (Laughter) He has relievers, but he cannot give you a check on the suit; he has to buy it. He tells you to come back in a week or two and he will sell you a suit just as nice as yours at a very small profit. He makes that profit, and it is more than the licensed pawn shop would charge. I think, in the enactment of this law, this \$100 fee would drive out of business a good many pawn shops that really render service and I hope and pray that you will stick with me and that this amendment will be adopted.

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Lewiston, Mr. Rodolphe Hamel, that the House adopt House Amendment A to Senate Amendment A. As many as are in favor of the gentleman's motion will say aye; those opposed no.

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

Forty-six voting in favor of the motion and 71 in opposition thereto, the motion for the adoption of House Amendment A to Senate Amendment A failed of passage.

On motion by Mr. Seavey, the House voted to adopt Senate Amendment A in concurrence; and on further motion by the same gentleman the bill as so amended was passed to be engrossed in concurrence. On further motion by the same gentleman the bill was passed to be enacted.

The SPEAKER: Is there further business to come before the House? The Chair has been asked to suggest to the members that the books and documents which are lying

about beneath the members' desks on the floor of the House might well be put in positions of greater safety for the evening session. (Laughter)

On motion by Mr. Adams of Lincoln,

Adjourned until 9.30 o'clock tomorrow morning.