

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fourth Legislature

OF THE

STATE OF MAINE

1929

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, April 10, 1929.

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

Prayer by the Rev. Mr. Manning of Augusta.

Journal of the previous session read and approved.

A Communication from a Highway Commissioner

STATE HIGHWAY COMMISSION
STATE OF MAINE
AUGUSTA

Petition of Right

To the Honorable Members of the Eighty-fourth Legislature:

I, Charles Murray, one of the members of the State Highway Commission of the State of Maine, respectfully represents:

1. That on the sixth day of March, 1929, Honorable William Tudor Gardiner, Governor of Maine, presented to the joint session of the Legislature a message pertaining to the State Highway Commission, incorporated in which was a letter from the Honorable William Jardine, Secretary of Agriculture for the United States of America, in which the said Secretary of Agriculture made certain charges of inefficiency and corruption against the State Highway Commission. In said message the Governor stated that he had asked for the resignation of the several members of the Highway Commission.

2. That on the same day, to wit, the sixth day of March, 1929, the Governor of the State of Maine demanded of the several members of the Highway Commission their immediate resignations.

3. That on the sixth day of March, 1929, each of the said commissioners notified the Governor of the State of Maine that they would not resign their official positions.

4. That on the seventh day of March, 1929, the members of the Highway Commission sent to the Governor of the State of Maine a joint communication, in which they set forth their position in regard to the Highway controversy, declaring their innocence of any wrong doing, and asking the Governor to present any further evidence he had of their alleged wrong doing to the Legislature.

5. That the Governor has not presented any further evidence to the Legislature.

6. That the Governor has informed the members of his Council that he has no further evidence against the Highway Commission than that contained in his joint message hereinbefore referred to.

7. That on the fifteenth day of March, 1929, a joint order was passed by the Legislature authorizing a committee to be appointed for the purpose of investigating the affairs of the Highway Commission and presenting their findings with recommendations to the Legislature.

8. That on the same day, to wit, the fifteenth day of March, 1929, a joint committee, consisting of three members of the Senate and seven members of the House, was appointed by the respective presiding officers.

9. That said committee from the date of appointment to the eighth day of April, 1929, continued their investigations and summoned many witnesses to give evidence at secret hearings before said committee.

10. That on the ninth day of April, 1929, said committee made a report to the Legislature, in which they found "no sustainable charges against any member of the Commission," also that "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."

11. That in said report the committee made the further finding that "There has been under it an evident lack of harmonious cooperation 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."

12. That your petitioner says that since Clyde H. Smith became a member of the Commission there has been harmonious cooperation on the part of all members of the Commission, that there has been no disorganization, friction or

turmoil throughout the Highway Commission, and that there has been no incompatibility among the members of the Commission. Your petitioner further says that no one member of the Commission has exerted any undue domination over the Commission, nor has any one member of the Commission attempted to use such domination.

13. That during the session of the Eighty-Third Legislature a committee was appointed to investigate and hold hearings in connection with the Highway Commission; that said hearings were held by said committee in public.

14. That said committee reported to the Legislature that there was no evidence of wrong doing on behalf of any member of the Commission, which report was accepted by the Legislature.

15. That regardless of this investigation and public hearing by a committee of the Eighty-Third Legislature, certain members of the House of Representatives have at the present session publicly charged on the floor of the House that the said committee of the Eighty-Third Legislature "whitewashed" the members of the Highway Commission. This report of "whitewashing" the Commission has been echoed by several newspapers in the State and belief in the same is shared by many citizens.

16. That in view of this situation it is the belief of your petitioner that if the Report of the Spear Committee is accepted and no further hearing held the same will be most unsatisfactory to the public and the stigma of suspicion will remain upon him.

17. That it is the belief of your petitioner that the only method by which this matter can be satisfactorily handled from the viewpoint of the Legislature, the Highway Commission and the citizens at large, is to have a full and complete hearing of all the facts.

NOW, THEREFORE, in the exercise of his ancient right of petition to redress a wrong, your petitioner respectfully petitions and prays that this Honorable Body may grant a public hearing, at which evidence may be presented by any person concerning or pertaining to the communications from the Department of Agriculture in Washington, and concerning any acts of dishonesty or inefficiency on the part

of the Highway Commission, at which time any member of the Highway Commission may have a right to appear and defend such charges as have been made against them by the Secretary of Agriculture or in the report of the Spear Committee.

Respectfully submitted,
(Signed) CHARLES MURRAY,
Member, State Highway Commission.

Inasmuch as this was a printed communication, the House voted to dispense with its reading, and further voted that it be placed on file.

Mr. Jacobs of Auburn presented the following order:

Ordered, the Senate concurring, that in view of the charges still pending before this Legislature, contained in a letter from Honorable William Jardine, former Secretary of Agriculture for the United States of America, and in view of the charges made against the Commission in the report of the Spear Committee, the members of the Eighty-Fourth Legislature, sitting as a committee of the whole, convene in the hall of the House of Representatives on Thursday, the eleventh day of April, 1929, at eight o'clock P. M., for the purpose of hearing all evidence any person has to offer in substantiation of the charges incorporated in the letter of the said William Jardine and in substantiation of the charges made in the report of the Spear Committee.

And it is further ordered that the Secretary of Agriculture be immediately notified by the Secretary of the Senate, by telegraph, of the time and place of said hearing, and that proper public notice be given to the newspapers advising of the time and place of said hearing.

And be it further ordered that the Secretary of the Senate is hereby authorized and empowered to issue summonses to compel any person to attend said hearing and give testimony thereto, and that the said Secretary of the Senate shall summon any witnesses that any member of the State Highway Commission may desire, upon request of any member of the Highway Commission or either of their attorneys.

And it is further ordered that the members of the Highway Commission shall have an opportunity

to be present and be heard, either by themselves or their attorneys, with such witnesses as they desire to present.

And be it further ordered that said hearings shall be continued from day to day by said Legislature until such convenient time as they shall determine until they are satisfied that all who desire to testify are fully heard.

And be it further ordered that the Spear Committee be requested to furnish to the Legislature forthwith whatever evidence they have received from Washington bearing on the subject matter;

Mr. KITCHEN of Presque Isle: Mr. Speaker, I move that the order lie on the table.

A viva voce vote being doubted, A division of the House was had, Sixty voting in the affirmative and 41 in the negative the motion to table prevailed.

Reports of Committees

Mr. Holman from the committee on Revision of Statutes on bill an act relative to acknowledgment and record of deeds and other instruments (H. P. 1282) (H. D. 439) reported same in a new draft (H. P. 1756) under same title and that it ought to pass.

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

Mr. Rackliff from the Committee on Inland Fisheries on resolve in favor of setting aside a tract of land as a Game Preserve, H. P. 1540, H. D. 558, reported that the same ought to pass.

Report read and accepted, and the resolve having already been printed, the rules were suspended, and received its first reading and tomorrow assigned.

First Reading of Printed Bills and Resolves

(H. P. 1755) (H. D. 825) Resolve to modify the conditions of the gift from B. C. Jordan to the State for the purpose of encouraging cultivation of forests.

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

By Mr. Wing of Kingfield: Resolve in favor of Carl F. Fellows.

Passed to be Engrossed

(S. P. 750) (S. D. 405) An act to amend Section 98 of Chapter 16 of the Revised Statutes of the State of Maine on State aid to academies (S. P. 779) (S. D. 416) An act relative to injuries to certain public property

(S. P. 780) (S. D. 417) An Act relative to appeals from trial justices and municipal courts

(S. P. 781) (S. D. 418) An act abolishing the office of coroner

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

(H. P. 1748) (H. D. 820) An act to provide for the appointment of a commission to recommend changes in the Sunday law

(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

(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 penalty therefor

(S. P. 783) (S. D. 421) An act to permit cities and towns to lay out bridle paths and bridle trails

(S. P. 785) (S. D. 423) An act relative to certificates of incorporation

H. P. 863, H. D. 236: An act to provide a town manager for the town of Winthrop in the county of Kennebec.

Mr. Peacock of Readfield offered House Amendment A and moved its adoption, as follows:

House Amendment A to H. P. 863.

Amend by striking out the whole of Section 4 and inserting in place thereof the following:

"Sect. 4. This act shall not become effective until it is ratified by said town of Winthrop at an annual town meeting called by a warrant containing an appropriate article for the purpose within two years from the passage of this act, and when so ratified it shall become effective on the second Monday of March next following."

House Amendment A was adopted, and on motion by Mr. Peacock

the bill as so amended received its third reading and was passed to be engrossed.

(S. P. 774) (S. D. 414) Resolve in favor of several academies, institutes and seminaries

(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.

Orders of the Day

The SPEAKER: Under orders of the day the Chair presents the first matter tabled and today assigned, 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 highways, H. P. 1235, H. D. 409, tabled on April 9 by the gentleman from Presque Isle, Mr. Kitchen, pending acceptance of either report; and the Chair recognizes that gentleman.

On motion by Mr. Kitchen this bill was retabled in order to take up the second matter today assigned first.

The SPEAKER: The Chair presents the second matter today assigned, 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 9, by the gentleman from Presque Isle, Mr. Kitchen, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. KITCHEN: Mr. Speaker, we have been putting off from day to day the discussion of highway financing until we have reached the point where we are all anxious to get through and get home, and so far as I am concerned I am not going to delay any longer. I move the acceptance of the minority report, ought to pass, and I would like to address the House briefly at this time.

(At this point Mr. Peacock of Readfield assumed the Chair, the members rising and applauding.)

Mr. KITCHEN continuing: Discussing the question of gas tax, the whole matter of highway financing is so closely associated as to the

different methods of providing the funds that I trust you will bear with me if I in some small way allude to the bond issue. I assure you I will try to confine my remarks as closely as possible to the question before the House.

This bill provides for an increase of one cent tax on gasoline from four cents, the present tax, to five cents a gallon, and is a part of the pay-as-you-go program which is called the Kitchen program. This is my own idea. I claim the whole responsibility for it, and, judging from the number of petitions of remonstrance which have been received, it is probably not a very popular measure. However, there is no question of taxation that is popular with the people back home. We all wish money for the highways but we do not wish any further increase in taxation. I know that there are a large number of remonstrants named in here and I am satisfied that if I had the time and means at my disposal, I could have no doubt received as many protests against the bond issue as have been received against the gas tax. I say I claim the whole responsibility for this, but I do not know but I should retract a bit in that line. This program is the result of an inspiration given me by the Ways and Bridges Committee. At the first or second meeting of that committee, after we had organized, we were discussing the matter of highways and a sub-committee of that committee was appointed to see if some ways and means could not be devised other than a bond issue. I happened to be a member of that committee, and, of course, as I live a long way from the capitol, I was forced to spend my week-ends here. Consequently I scouted around in several departments and got together several facts and this program that I presented was the result of my efforts.

This pay-as-you-go program provides for a twenty-five year continuing program, and it sets up a three million dollar fund for State construction. That provided for a two cent gas tax. I am sorry I have not got more of these because I have, at my own expense gotten out three or four hundred of them and passed them to the members and it may be that some of you have them

tucked away in your desks. I would like to go through this list and explain to you the different departments and the sources of income. It provides for three million dollars for State road construction, two cents of the gas tax to go to State road construction. There is a special appropriation of \$300,000 according to the paper, \$100,000 auto fees and \$800,000 Federal aid, making up \$3,000,000.

Now comparing that with the program as set up for the bond issue, we find that to be \$3,800,000 a difference of \$800,000 in favor of the bond issue.

Now going on down to the State aid road, we set up an amount of \$3,000,000. The funds derived for that department of State aid roads are as follows: Auto fees, \$700,000; gas tax, one cent \$900,000. Special appropriation—that is a special appropriation that has been set up from year to year for State aid roads, \$300,000, and \$200,000 mill tax. I presume you are all familiar with the existing mill tax, and in connection with highways this one mill on the valuation of the State which is set up for State aid purposes, \$200,000 of that fund goes into the State aid department. \$150,000 a year of that goes into special resolves and the balance third-class highways. Adding to that also the amount received from municipalities of \$900,000, which is the estimated amount which the towns will contribute to the State in the interests of the State aid roads, makes \$3,000,000 under the pay-as-you-go plan, whereas the bond issue plan calls for \$3,250,000, an increase of \$250,000.

There is practically no difference between my plan and their plan for third class money. It provides for \$332,000. That is derived from as I said, a part of the mill tax and one-half cent tax on gasoline.

The maintenance problem is, of course, going to be tremendous in the State of Maine. As we increase the building of highways, of course the maintenance increases, and, we have set up in estimating that on the pay-as-you go plan a fund of \$2,063,000 against their recommendation of \$2,000,000. This I have divided, towns and cities, \$200,000, virtually assessed for patrolling and maintaining the improved highways, an additional one and one-

half cent gas tax, which provides for the entire proposed five cent tax on gasoline. The balance of that maintenance comes from auto fees, \$513,000.

Your special resolve money it is of course not necessary to allude to.

The funds for the bridges are derived, and have been for years, from bond issue. There is already existing funds to the extent of \$1,000,000 of bonds unissued, but they are authorized so that they will be available for each year.

Going further down the program, provision is made for the heads of the different departments, police \$140,000, departmental expenses, \$150,000, registration department, \$110,000. Those are the three departments at the present time financed by money received from the registration of automobiles. In addition to that we have interest on bonds, \$552,000; retiring old bonds \$631,000; making in all a total of \$1,583,000 that must be provided. That all comes from the registration of automobiles.

In addition to what I have stated, I have set up a bond issue of \$5,000,000 for bridges. That bill has not yet been reported from the committee because of the fact that the \$20,000,000 bond issue has been reported and is in the Senate at the present time, and I thought it would be well to hold that back until we learned the fate of the gas tax and the other bond issue. In all it provided for a twenty-five year continuing, expanding program, rather than a five-year program as outlined by the proponents of the bond issue. In connection with that, as I said before, it will be necessary to issue bonds for bridges.

Now the State of Maine has been operating for the last two years on the pay-as-you-go basis. There has been considerable criticism of that plan in that not enough funds have been provided to furnish a good working program; but I want to say to you that it is my understanding that in the last two years nearly \$25,000,000 has been spent on the highways of the State under the pay-as-you-go plan, and it seems to me that that is about as much as the State can well afford to spend from year to year and keep on building highways.

It seems to me that the State of Maine has reached the point where

it can well consider seriously its situation as to whether we are going to continue to build highways in the State of Maine on borrowed money, or whether we have reached the point where we wish to pay each year for what roads we build.

Now I have practically no knowledge of the temper of this House. As I say, this is my bill, I have not done much of any canvassing on it and I do not know how you feel. I do know that there are many members on both sides who will probably talk. You probably all are convinced in your own minds at the present moment just how you will vote on this matter. I am not going to take very much more of your time. I thoroughly believe in the pay-as-you-go program.

One fact in connection with the whole thing is that the advocates of the bond issue have not brought out the serious situation confronting this State concerning bridges. The bridge problem is certainly serious, and there is no question in my mind but that in the next twenty years there will be required thirty million dollars of bonds or more to finance the bridges, especially in view of the fact that at this session of the Legislature you have passed a bill providing that the State take over all bridges on Trunk Lines in towns up to four thousand inhabitants, which will largely increase the burden and the requirements of the State in that line, I believe that it is proper and right to finance the building of bridges by a bond issue. A properly constructed bridge will last many years, whereas those who know the most about the building of highways are in doubt as to whether the best road that they can build will last longer than twenty-five or thirty years.

Now I believe that some of the best financiers of the State will agree with me that to continue to build highways in the State of Maine with borrowed money is wrong; that we should look the matter squarely in the face and provide sufficient funds to build highways from year to year if we do not wish to saddle on the coming generations the burdens that we are not willing to carry and meet and pay for ourselves from day to day as we go along. We are facing the situation that we

should meet squarely here. We have today in the State of Maine, as I look at it, nearly reached the saturation point as to automobiles. At the present time there is one automobile to four and a half persons, men, women and children, enough automobiles in the State of Maine to take every inhabitant out at one time on a pleasant Sunday afternoon. That is one thing that I think we should consider seriously. We cannot look for a much greater increase in the amount of money received from the registration of automobiles unless you are willing that the price of registration fee should be increased. I believe that this is a most excellent tax. I have gone through the history of the gasoline tax from its inception. I was a member of this House when the first one-cent tax was placed on gasoline and I remember the hue and cry that went up at that time that we did not want to tax gasoline. In 1925 that was increased to three cents and in 1927 we increased it one cent more, when the cry was that it would keep the tourists from coming in the State, that we must not place any increased burden on those people, that we must finance the highways in some other way.

I do not believe there is a man in the House who for a moment would consider repealing the four cent gas tax. It is true that we may be a little in advance of many states but we have conditions peculiar to ourselves alone. We must work out our own problems. We are confronted with severe frosts conditions in winter time, and seasonal changes. We are a tremendously large State with 25,000 miles of highway and we are a poor state, comparatively speaking, as compared with other States.

I will not take any more of your time at present, but if there are any questions that anybody wishes to ask as the discussion proceeds, if I can answer them I will be glad to do so. I move the acceptance of the minority report, ought to pass.

Mr. LOWELL of Lincoln: Mr. Speaker and Members of the House: I wish to go on record at this time as being among those who believe in a pay-as-you-go policy, even if we do not go quite so fast. This matter under discussion at this time came before the Ways and Bridges Committee

and the Committee on Taxation jointly for its hearing, and I, a member of that committee, was one of the small minority who signed the ought to pass report, and I did so from the fact that I honestly believe a gasoline tax to be the most logical, reasonable, fair and equitable method of taxing our people for the carrying on of our highway program.

I am conscious of the fact that in these closing hours of this Legislature, with the large amount of business yet before us, that short speeches will be appreciated at this time. Therefore I will not take up any of the time of this House by discussing the merits or the demerits of the gasoline tax. You have all heard it discussed, and I believe everything has been said that can be said for and against it. It is needless for me to draw your attention to the fact that the citizens of this State must necessarily be taxed in some manner or by some method for the building of our highways, and I repeat that I can think of no method quite so fair as the gasoline method of taxation,—pay-as-you-use, pay-as-you-go, each one contributing his little bit, placing no great burden upon any one individual, and placing the responsibility, to my mind, where it belongs. In the majority of cases it places the burden upon those who are the better able to assume the burden.

One more fact that I wish to draw to your attention is this: That not only the citizens of Maine, through the gasoline tax, are contributing to building our highways, but the citizens of these United States, and we should offer them no apologies while driving over our highways, the highways of this State, which offer them so many varied attractions and privileges; they do not object—It is those who object to the gasoline tax who are making the objections for them.

It has been my desire as a member of the Ways and Bridges Committee to be helpful in formulating some kind of a practical road program and to advise or suggest some means or method whereby the money would be available to carry on. Now the issue is before this House. There are different methods of raising road money and

there is more than one method before this Legislature at this time for your consideration and determination. Which will it be? Will it be the adoption of the one cent increase in tax upon gasoline, which is a part of a practical constructive pay-as-you-go road program, one that will steadily increase and carry on from year to year, or will it be the other method of placing a second mortgage upon this State of ours, which is already staggering under one mortgage, which, to my mind, means the shirking of our responsibilities and placing the burden upon those who come after us. I hope the motion of the gentleman from Presque Isle, (Mr. Kitchen) will prevail. (Applause)

Mr. CARLETON of Winterport: Mr. Speaker and members of this Legislature: I being the member from this House who appeared before the committee on Ways and Bridges in favor of this gas tax, I want to say to you that I have not changed my mind, and I want to appear here in favor of the bill as presented, and I am going to give you my reasons why I am. The first one is that I believe the fellow who is wearing out the most road should pay the most for its support.

I have travelled over this State some in the last few weeks. I have travelled from here to Bangor, down through my county, down to Stockton; I have travelled from here to Brunswick, Bowdoinham, Topsham and Lewiston, and I find a great majority of the traffic is by automobile. This is evidence to me that that is what is wearing out the roads, therefore I believe it should be placed upon those who are doing it.

Now I am here to state how it affects me. I am a user of gas to some extent. I use about 400 gallons per week. At the present rate of four cents, that means \$16 per month for the seven months I use my trucks. That means about \$448 that I pay. If one more cent is added, it will mean that I will pay about \$560. And in addition to that I am paying \$155 for licensing my cars and trucks, which means a total of \$715, that I will pay if the other cent is added.

We have received several pro-

tests against the raise of the tax on gasoline. Where do they come from? Does the majority come from the fellow who is using a lot of cars or do they come from the fellow who is using one car and paying no other tax except on his car and on gasoline? I believe that is true. I want to say to you that in my district that I represent I have had no one say to me how I shall vote. I have had several of them say to me "Don't raise the gas tax, for God's sake; don't vote for the bond issue; but give us something which will give us more roads." Now if we are to have more roads and better roads, we have got to have money from somewhere; therefore, I being a user of gas, being the heaviest user of any man in the district which I represent, and I honestly believe using as much as any man in the county where I come from, I believe nobody can come back on me when I stand here and tell you I am in favor of another cent raise on gas tax. (Applause)

Mr. BURNS of Eagle Lake: Mr. Speaker, I have no car. I don't know how soon I probably will have one, by somebody chipping around and getting me one. But the way, I understand my people up home are in favor of Mr. Kitchen's pay-as-you-go plan, so I am going to support the motion of Mr. Kitchen of Presque Isle.

Mr. ASHBY of Fort Fairfield: Mr. Speaker, this being a kind of a revival meeting where we are supposed to give our testimony, and so forth, I just want to say that like Representative Carleton I use a little gas myself. I own two cars and two tractors, and use over 1,000 gallons a year, but I certainly am in favor of the gas tax because I realize this—that we must have money for our road program anyway, and I do not see as it makes any difference which pocket we take the money out of. If we are not taxed for gas, we have got to be taxed directly. Moreover, I fully agree with the gentleman who mentioned the fact that under the gas tax we will get a little tax out of the out-of-State cars which so freely use our roads. I do not believe that the tourists who come here every year with the intention of spending \$1,000 or so will object to another \$10 as a gas

tax. Therefore I fully hope and trust that the minority report will be accepted.

Mr. CLIFFORD of Garland: Mr. Speaker, we have before us today probably one of the most important matters of legislation to come before this body. It is necessary, as has already been stated, to take into consideration another matter which provides for a \$20,000,000 bond issue for the State of Maine.

We all recognize the fact that the people in the State of Maine are demanding more money for road purposes than that which is provided for under any form at present. In order to get the necessary revenue, we have got to pay an additional tax upon something. I was among those who received remonstrances from the people in my district against the further increase in the gas tax. A few days after that I was back home and talked with over one-half of those who signed this remonstrance, and they said in case of the choice between a gas tax and a bond issue, they would prefer the gas tax; so that I think it is safe to throw the remonstrances—as was said in the mock session last night—out of the window, because I think the people who signed them did not understand the full conditions of them.

In regard to the gas tax, the program which we have before us provides for the first year, \$11,578,980. For the second year there will be an additional revenue on account of the fact that the revenue from gas and the revenue from registration increases each year.

The communication we had from the Maine Automobile Association, on page three says that the estimated four cent gas tax for 1930, based on an increase of \$200,000 per year, would be \$3,800,000. They recognize the fact that it is safe to assume an increase of \$200,000 per year on the gas tax on a four cent basis. We put this on a five cent basis and it makes an increase of \$250,000 a year, which, in five years' time, would be an increase in revenue per year of \$1,250,000. They also, in their communication, estimate the increase in registration fees per year for the five year period would be at least six per cent. This amounts to \$978,834. They estimate, with the increase of the gas

tax, that we will have an increased revenue at the end of five years of \$2,228,843, which, with the revenue provided for next year in the gas tax, would make a revenue for 1934 of \$13,807,814, which is more than the estimated revenue provided under the bond issue.

Mind you, I do not say that the average revenue for the five years would be more, but this year the revenue would appear to be more under the bond issue than under a gas tax. To this can be added, if we wish to trace it out, the fact that a little less each year had to be taken out to provide for the interest on the bonds at the present time. Against this we have the fact that if we authorize the bond issue, it will be an additional amount taken out of our revenue each year to pay interest and retire bonds. So that we have, under the program, a choice between a bond issue which will provide a revenue of something over \$13,000,000 for the next five years, and at the end of that time there will be so much required for the retirement of the bonds that I claim there would not be a revenue of over \$9,000,000 after the five years' time. Against that we have the gas tax which will provide a revenue of from \$11,578,000 up to \$13,807,000 in the next five years, and after this next five years there is no question but what the revenue from the gas tax is much larger. For that reason I favor the gas tax.

Mr. TAYLOR of Belfast: Mr. Speaker, I wish to favor the motion of the gentleman from Presque Isle, Mr. Kitchen. We are all interested in the progress of our State. We are all interested in the progress of the highway construction of our State. As the highway construction is now constituted, the main arteries which carry the products and business of our State over roads to the market, the only question before us is which shall serve us the best, the bond issue or an increase of a gas tax. It must have changed in this last ten years as well as in the last twenty. The price of a car ten years ago was perhaps more than it is today and trucks likewise, and the mileage per gallon at that time was less than it is today. Gasoline was practically the same price, if not

higher. Therefore, with your increased efficiency in your cars and their mileage per gallon of gasoline, I cannot see why an increase of one cent more in the gas tax would be any great burden upon those who drive the cars. It seems to be the proper method of reaching out for a just taxation for the building of our highways because if we tax them on the basis of the total per mile of those who use the road, it could hardly be more equally distributed than to tax it on the gasoline.

There are other factors which enter into it, which of course do not directly touch upon the gasoline tax. One of these factors is the efficiency of the building of the cars themselves which gives them a greater mileage at the present time and which all speaks for the economy of the operation of the automobile which is less than would be required by a tax of one cent more on the gasoline to take care of the building of the road, and which seems to me a better plan than for the State to go on mortgaging itself for the sake of a few more miles of road.

Further than that, as this increased efficiency goes on, the cost of operation of the car will be still decreased, maintenance be decreased. Also there is another phase which we can look at, and that is that the cost of construction of our highways is becoming less each year, and, with this in view, it seems as if it is better for the interests of the State that we who operate our cars and who can afford to operate our cars should reach down and pay one cent more on a gallon of gasoline in order that we may have better roads and that we may not find it necessary to bond our State to accomplish the same purpose.

Argument has been offered that it would be an objection to the tourist. It seems strange that any tourist from out of the State—and we welcome them—should make an objection to one cent more on a gallon of gas in order that he may drive on good roads and whose resources are sufficient for him to come into our State and spend money for luxuries hundreds of times more than what he spends for the small amount of gasoline that he uses.

I also hope that the motion of

the gentleman from Presque Isle, Mr. Kitchen, that the minority report ought to pass will be accepted.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, throughout this discussion so far, allusion has been made simply to an increase in the gas tax. Personally, I believe in a gas tax. The question remains, so far as the gas tax alone is concerned, as to the wisdom of adding to our present gas tax at this time. We are at the present time, with a four cent gas tax, one-fourth of a cent above the average tax assessed by the States in the Union. Whether it would be wise for us to place another one cent tax at this time, placing ourselves a cent and a quarter above the average of the United States, is a question for this Legislature, and possibly a referendum on the gas tax question, to be settled by this Legislature or by the people in a referendum.

However, the gas tax increase cannot stand alone in this discussion. I think everyone will agree that a gas tax of one cent, whatever that might bring in, would not be adequate to carry on a road program such as has been carried on for the past two years. We find that in this past season there has been a shortage of over \$500,000 in meeting the requirements of the municipalities which have applied under our law for State aid which had to be made up by a shifting of accounts and came from the contingent fund. We are facing under the present conditions of a four cent tax, with present revenues, a shortage of over \$800,000 this year in meeting the demands of the municipalities for State aid roads. You have just passed a bill, an emergency measure, authorizing the issuing of bonds to the extent of one and three quarter millions of dollars with which to meet that emergency. Providing you put on a one cent increase in the gas tax, it would only add to your revenue very little more than enough to take care of the deficiency this year. It would not increase your funds permitting work to go on as it has been going on; but coupled with this gas tax in the so-called pay-as-you-go program is an appropriation of \$300,000 which is to come from direct taxation on the property of the State of Maine. That means a little more than one-third of a mill direct taxation

which, if added to the one mill or one and three quarters mills or possibly one and one-half mills, which must of necessity be added to the State tax this year to meet already past legislation would be something that I doubt very much would be passed by the Governor, and none of us could blame a Governor for not wishing to increase the tax rate to that extent.

Even assuming that it did pass and that you had your cent gasoline tax additional and your \$300,000 on top of that, you still would fall short nearly \$1,000,000 of what has been expended by our Highway Department the past year.

The question is, do the people of the State of Maine wish to keep up with the speed or the pace in road work that has been kept up? Do they wish to increase its road program, building its roads, acquiring good roads a little more rapidly, or does it not?

I do not like to discuss the bond issue at all in connection with this proposition. If this bill does not pass, it will become my privilege to show you some of the provisions of the bond issue wherein I believe that it is a preferable measure at this time. The interest on bonds will not be lost. It will not be wasted money because every mile of road built, of the type of road that will be built of the bond money, decreases by nearly \$1,000 per mile the cost of maintenance of those roads so built which can be credited against the interest charges on the money with which they are built. Your maintenance costs are going to steadily increase as we build more and more State roads.

My whole objection to this program at the present time, the proposed pay-as-you-go program, is that even if you should vote an extra one cent gas tax, and even if you should vote for the \$300,000 increase in direct tax appropriation, and even if that should pass the Governor and be approved by the people, you still have an inadequate sum of money with which to carry on the highway department's work up to the standard at which it has been kept for the past two years. The principle of a gas tax in itself and the principle of a property tax with which to build highways is not objectionable to me; but it is because that I believe it impractical

at this time that I am against this proposition and favor the bond issue method of raising money for highway purposes.

Mr. DAIGLE of Madawaska: Mr. Speaker, I will take but a few moments of your time in order to express my sentiments on this proposition. I am thoroughly opposed, and I am voicing the sentiments of my district and I think the northern section of Aroostook on the St. John river, to the increase in the gasoline tax; but as the members supporting the minority report have advocated it, we have had considerable talk in regard to the matter before I came here and I knew that it was to be one of the great questions of the day. After deliberation and looking at the thing at different angles the people in our section have come to the conclusion, which is of course not binding to the rest of the State, that the present is a hard time, especially in our section, on account of the low price of produce, and so forth, that any increase of property tax or gasoline tax would be a detriment to that section of the State, and I have not changed my opinion in this regard. That is about all I have to say. I thank you.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, supporting the motion of the gentleman from Presque Isle, Mr. Kitchen, I wish to state that I am in favor of a part of his program and a part of the other and by my vote on this matter I do not wish to be considered as definitely hostile to the bond issue program.

Mr. WING of Kingfield: Mr. Speaker, I am somewhat in the same situation: as the gentleman who has just spoken. If it were only a question of an additional gas tax or a bond issue, the situation would be simple as compared with what it is now; but if we vote in a way for the additional one cent gas tax we vote for the program as outlined by Representative Kitchen. If we vote for the bond issue, we practically vote for the other proposition.

As far as I am concerned, I believe in the gas tax. I believe in it to the extent that I would vote for it in addition to the bond issue, but my main care is that we have under one program or the other an adequate program. I believe that the Legislature is entitled to have

placed before it by the advocates of these different policies a program which is workable and which will work in case neither of the others are accepted by the people.

Under the bond issue we have no program for the present year. That does not attempt to work until next year; therefore we have the same proposition that we have had for the last two years. A bill has been introduced which will take care of the State aid proposition for this year, but nothing has been done in regard to the maintenance proposition for this year, and neither program provides adequately for maintenance in future years. I am going to make broad statements now, because this proposition will, I assume, not end with this discussion.

Each year the Maintenance Division of the Highway Department takes over practically 250 miles of State aid road and something like fifty miles of State road. The expense to the town after it is taken over by the State is very small compared with the cost of upkeep, \$30 a mile, I believe, in the case of State aid road and \$60 in the case of the State road. Now those 300 miles taken over by the State probably cost an average of \$500 a mile to maintain, a total of \$150,000 a year increase in maintenance simply from taking over State and State aid roads.

That figure is practically what the increase of maintenance funds has been per year for the last six years. It makes no allowance for the increased demand for tar on the road and for calcium and for the breaking up of the roads which we have at this season and in the fall. I have heard it estimated this last Monday that the unseasonable weather of Sunday produced a damage to the roads which probably would cost the State \$50,000 for that one day.

Now if I am anywhere near correct, you can come somewhere near the conclusion that we are not providing money enough for maintenance. If we have money to build expensive State roads, and we have provided or will provide for the building of State aid roads, I ask the question, have we not enough money to maintain what roads we have built and should be provided for? It is simply a business proposition to every man in the State,

whether he is interested in one locality or the other, that the State of Maine provide adequately for the putting back into the roads of the State of Maine each year what part of them has been washed out, and thus protecting them and not letting them go to pieces, for you all know that when a road gets run down about so far, it is a case of reconstruction and not maintenance. Incidentally, I think the way the law is working that a good part of the money spent for maintenance at the present time should be for reconstruction, because if the bases of the State roads which we have built had been put in as they should have been,—of course, as you know, the old roads were not—there would not be the holes in the roads in the spring and fall that we find.

Mr. EATON of Calais: Mr. Speaker and Members of the House: I feel that this is a matter of vital importance to the city of Calais, which I represent in this Legislature. We are far removed from the larger centers of the State, and it is vital to us that the trunk lines across the county leading to Calais should be completed. I have received during the last four weeks many petitions remonstrating against any addition to the gas tax. Apparently the people of the city of Calais feel that under a bond issue our chances of having the trunk lines completed would be far better.

I believe the following figures are correct: We have in the county, roughly, 1,800 miles of first, second and third-class highways. At the present time I think we have only sixteen miles of hard surface road or tarvia roads in the county, and I hope some program will be adopted which will give us trunk lines across the county into the city of Calais.

Mr. TUCKER of Sanford: Mr. Speaker and Members of the House: This is the first time I have risen to my feet to take any part in speaking for anything before this body. Now I feel we are not discussing the bond issue; that is coming to us a little later. As the gentleman from Presque Isle, Mr. Kitchen, has said, at our last session we raised the tax a cent. Where are we going to stop? I say we ought to stop now, and I

am in favor of the majority report ought not to pass.

Mr. KITCHEN: Mr. Speaker, I would like to answer a question raised by Representative Wing of Kingfield, in regard to maintenance. In preparing the two programs set up, one by myself and one by the Highway Commission, the pay-as-you-go program provides more than the program set up by the Highway Commission. Evidently they figure that a \$2,000,000 fund was sufficient for maintenance. That is all I have to say on that question. In setting up the program on a standard scale, if more was needed for maintenance, it certainly would be provided for.

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

Mr. HAWKES of Richmond: Mr. Speaker, I wish to make my position clear on this matter. I have always been in favor in the town and in the State of paying our bills as we go, but I think at the present time we are facing a condition where we have got to make a different provision.

I am heartily in favor of increasing the gas tax one cent, and I believe it is the tendency of the majority of the States of the Union to increase their gas tax. I do read where people are advocating less gas tax. Now if this gas tax is not enough to provide an adequate program for maintaining our highways and bridges, I believe that we should issue bonds to the extent that we can take care of those things, and I think there is a chance there where we can all agree and put over a program that will be satisfactory to all concerned.

Mr. RODOLPHE HAMEL of Lewiston: Mr. Speaker, it is very evident that the House has heard all it wishes to hear on this question. However, one point I think the previous speakers have failed to bring out in regard to the proposed increase in the tax to which I am opposed. I think four cents is ample on an article costing twenty or twenty-two cents.

As has been said by a previous speaker, it is higher than the average for the whole United States. I would like to ask through the Chair of the gentleman, I believe it was Mr. Merrill of Dover-Foxcroft, what the average price of gas is in the

United States and do we pay more than the average than they do in Massachusetts, New Hampshire and perhaps New York State,

The SPEAKER pro tem: The gentleman from Lewiston, (Mr. R. Hamel) asks the gentleman from Dover-Foxcroft (Mr. Merrill) through the Chair, a question which the gentleman may answer or not as he chooses.

Mr. MERRILL: Mr. Speaker, I did not quite understand the question.

Mr. R. HAMEL: Is the price of gas any more than in other states regardless of the tax.

Mr. MERRILL: The retail price of gas?

Mr. HAMEL: Yes, sir.

Mr. MERRILL: I am not able to answer that question. I am able to answer the question as to the tax rate but not the price of gas.

Mr. HAMEL: Mr. Speaker, the point I want to bring out is that we are paying a great deal more for our gas than they are in several other states that I travel through, and it seems to me that the imposition of an additional gas tax would be an extra burden which our constituents would not like to pay. I listened to Mr. Kitchen when he said that he had seen the gas tax go from two cents to three and four cents, now they are talking about five cents and that we would not feel it. I think five cents is too much; at least I am opposed to this five cent gas tax.

Mr. INGRAHAM of Bangor: Mr. Speaker, somewhat answering the question of my friend from Lewiston (Mr. R. Hamel) he must take into consideration that Maine is way off in the northeast corner of the United States. We have no gas wells here as there are in the middle part of the United States. When you take into consideration freight rates from the gas-producing states to the State of Maine, I do not think we are paying any more tax than the average over the country; and I feel quite sure that if we had no tax on gas, we would pay considerably more than the price we are paying now plus the tax.

I brought this up two years ago as a piece of legislation that I was going to introduce. I will admit that I got stepped on and the first one to do it was my wife when it was taken up at some of our whist parties. After this tax was passed everybody saw the advisa-

bility of taxing the out-of-state automobiles rather than a tax on their own homes. They have entirely changed their mind now and I feel that this tax is the very best method of solving our highway situation.

I left the State House last Friday and in going down to the Augusta House I saw several out-of-the-State cars. I saw one from Ohio, one from Connecticut, one from New Hampshire, one from New York, and several from Massachusetts, all right along in a row. Now I am going to vote for the increase in the gas tax as I did before. If we have a bond issue, we will have something to retire with on this additional tax.

Mr. ROY of Lewiston: Mr. Speaker, I move the previous question.

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

A sufficient number arose.

The SPEAKER pro tem: The question now before the House is, shall the main question be now put.

A viva voce vote being taken, the motion for the previous question prevailed.

The SPEAKER pro tem: The question before the House is on the acceptance of the minority report of the committee on Ways and Bridges and Taxation jointly on bill an act relating to a tax on gasoline, H. P. 1234, H. D. 412, and the gentleman from Presque Isle, Mr. Kitchen, has moved that when the vote is taken, it be taken by the yeas and nays.

Mr. BISSETT of Portland: Mr. Speaker, will you explain the motion again, please.

The SPEAKER pro tem: The Chair will announce the question. The question is upon the motion of the gentleman from Presque Isle, Mr. Kitchen, to accept the minority report ought to pass of the committee on Ways and Bridges and Taxation jointly on bill an act relating to a tax on gasoline. All those in favor of the motion of the gentleman from Presque Isle will vote yes; and all those opposed will vote no. The Clerk will call the roll.

YEA—Adams, Aldrich, Allen, Sanford; Anderson, New Sweden; Angell, Ashby, Bailey, Blaisdell, Blanchard, Bove, Briggs, Burkett, Portland; Burkett, Union; Burns, Burr, Buzzell, Campbell, Carleton, Winterport; Chase, Clark, Clifford, Comins, Crawford, Dudley, Fogg, Gillespie, Hamel, George; Harrington, Hatch, Hawkes, Richmond; Heath, Holbrook, Holman, Hughes, Hunt, Hurd, Ingraham, Jackson, Bath; Jackson, Portland; Jacobs, Auburn; Jones, Corinna; Jones, Waterville; Jones, Windsor; Kane, Kitchen, Laughlin, Lenfest, Leonard, Lewis, Libby, Lowell, MacKinnon, Mansfield, McKnight, Milliken, Morse, Oakland; Palmer, Patterson, Peacock, Potter, Powers, Pratt, Quint, Rackliff, Rea, Rogers, Yarmouth; Roy, Sargent, Saucier, Seavey, Small, Freedom; Stanley, Sterling, Kittery; Stetson, Stuart, Sturgis, Taylor, Towne, Ward, White, Dyer Brook; Wight, Newry; Wing—82.

NAY—Allen, Camden; Anderson, South Portland; Bachelder, Belleau, Bisbee, Bishop, Bissett, Boston, Boynton, Butler, Carleton, Portland; Daigle, Day, Eaton, Farris, Ford, Friend, Gagne, Gay, Hamel, Rudolphe; Hammond, H a t h a w a y, Hawkes, Standish; Hill, Hubbard, Jack, Jacob, Wells; Jones, Winthrop; King, Littlefield, Farmingdale; Littlefield, Monroe; Locke, Lombard, McCart, McLean, Melcher, Merrill, Morin, Morse, Rumford; O'Connell, Perham, Perkins, Picher, Richardson; Roach, Robie, Rounds, Rumill, St. Clair, Small, East Machias; Sterling, Caratunk Plantation; Stone, Sturtevant, Thatcher, Tucker, Varnum, Vose, Webster, Auburn; Webster, Buxton; Williamson, Wright—61.

ABSENT—Blodgett, Couture, Folsom, Foster, Pike, Rogers, Greenville—6.

Eighty-two having voted in the affirmative and 61 in the negative, the minority report ought to pass was accepted.

Thereupon the bill had its three several readings under suspension of the rules.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, before the bill is passed to be engrossed—because there does not seem to be any available copies of it here—I would like to inquire of the gentleman from Presque Isle, Mr. Kitchen, if the bill in its present form could be reconciled with the terms of any bond issue? Does the bill prescribe the manner in which this money is going to be used or does it just levy the tax?

Mr. KITCHEN: Mr. Speaker, the bill provides the different percentages of taxes for the various departments in connection with the

Highway Department. If it were going to be considered in connection with the bond issue, it would probably need to be changed somewhat.

Mr. CHASE: Mr. Speaker, would the gentleman from Presque Isle (Mr. Kitchen) object to the tabling of the bill, pending passage to be engrossed until this afternoon.

Mr. KITCHEN: I certainly would not.

Thereupon the bill was tabled to be taken up later in the day.

The SPEAKER pro tem: The Chair lays before the House the third matter today assigned, an act with reference to tuberculous prisoners, H. P. 1572, H. D. 579, tabled on April 9th by the gentleman from Portland, Mr. Bissett, the pending question being passage to be enacted; and the Chair recognizes the gentleman.

Mr. BISSETT: Mr. Speaker and Members of the Legislature: I move that this bill be referred to the next Legislature, and my reasons for doing so I will explain. We have just this year appropriated \$45,000 to build a new industrial building at the Men's Reformatory at South Windham, which it will take those men two years to construct. This bill calls for \$5,000 to build a building at South Windham for tuberculous prisoners. Five thousand dollars—that would only build the cellar, and there is nothing for maintenance in the bill, nothing to say how it shall be taken care of. In view of the fact that it will take the men at South Windham two years to build the building provided for in the resolve which has already been signed by the Governor, I move that this bill be referred to the next Legislature.

Thereupon, the bill was referred to the next Legislature.

Order out of Order

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

Ordered, that when the House rises this morning, it be to recess until 3 o'clock this afternoon.

The SPEAKER pro tem: The Chair now lays before the House the first matter tabled and unassigned, House report ought to pass in new draft, 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, H. P. 1468, H. D. 511, new draft H. P. 1699, tabled on April 9th by the gentleman from Kingfield, Mr. Wing, the pending question being acceptance of report; and the Chair recognizes the gentleman.

Mr. WING: Mr. Speaker, I will state that the bill which we have before us is in a new draft, printed and on our desks this morning, H. P. 1699, which was formerly Senate Document 429. The bill which I have tabled is incorporated in this bill on page 13, sections 72 and 73. I move that this bill be retabled until the House has had the other bill before it for consideration.

Thereupon, the bill was retabled.

The SPEAKER pro tem: The Chair lays before the House the second matter tabled and unassigned, House reports, majority report ought to pass in new draft, minority report ought not to pass, committee on Ways and Bridges, on bill an act to authorize the treasurer of State, under the direction of the Governor and Council, to issue bonds for State Highway and Bridge Construction, conditional on the adoption by the people of a constitutional amendment authorizing such bonds, H. P. 451, H. D. 142, new draft H. P. 1728, H. D. 801, tabled on April 9th by the gentleman from Dover-Foxcroft, Mr. Merrill, the pending question being acceptance of either report; and the Chair recognizes the gentleman.

Mr. MERRILL: Mr. Speaker, in order that there may be no confusion regarding the question of bond issue or the action of this House further on the other bill, I will move that this matter be retabled.

Thereupon, the reports were retabled.

The SPEAKER pro tem: The Chair lays before the House the third matter tabled and unassigned, 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.

On motion by Mr. Clark, the bill was retabled.

The SPEAKER pro tem: The Chair lays before the House the fourth matter tabled and unassigned, resolve in favor of Lloyd W. Hickey to reimburse him for injury and expense incurred while in the employ of the State of Maine, tabled on April 8th by the gentleman from Presque Isle, Mr. Kitchen, the pending question being motion of Mr. Boston to indefinitely postpone; and the Chair recognizes the gentleman from Presque Isle, Mr. Kitchen.

Mr. KITCHEN: Mr. Speaker, in connection with this claim, I have only investigated it to the extent that Representative Boston moved yesterday the indefinite postponement of the resolve. I want to say to the House that it was a resolve that he introduced himself, and when I learned he was moving for the indefinite postponement, I went no further; so I wish to sustain him in his motion for indefinite postponement.

Mr. FARRIS of Augusta: Mr. Speaker, in the absence of Mr. Boston, I will explain that this matter has been taken care of in another way, as the damage occasioned to this man Hickey who is named in this resolve was caused by reason of drinking water with typhoid germs in it while working for the State Highway Commission. At the time this resolve was presented the gentleman from Gardiner, Mr. Boston, did not know this man could recover under the Workmen's Compensation Act. There is a case in 124 Maine where the Law Court decided that these typhoid cases in the course of employment came under the Workmen's Compensation Act.

This matter has been taken care of, as I understand, by conference between the Governor, the Chairman of the Industrial Accident Commission, the Attorney General and counsel for the petitioner. Mr. Boston introduced the resolve, and therefore, in his absence, I want to go on record as in favor of the indefinite postponement of this resolve.

Thereupon, a viva voce vote being taken, the resolve was indefinitely postponed.

The SPEAKER pro tem: The Chair now places before the House the fifth matter tabled and unassigned, report of the joint select committee appointed to investigate

the State Highway Commission, tabled on April 9th by the gentleman from Topsham, Mr. Aldrich, the pending question being consideration; and the Chair recognizes the gentleman.

Mr. ALDRICH: Mr. Speaker, I have no intention of making any motion which will delay the acceptance of the report of this committee, but I feel that in any action which is taken with reference to the report of the committee, we should at least recognize that this committee was appointed for the sole purpose of considering and reporting to the Legislature the advisability of proceeding by address to the Governor and Council or otherwise, and in my judgment the extent of the authority of that committee was limited by that order.

Now I would call to your attention the fact that in the report which has been submitted the committee has not only advised us, very properly, that there is no basis for an address to be formulated to the Governor, but in addition, as it seems to me—and I do not intend to intimate here that there is anything deliberately or intentionally improper in the action of the committee—they have, however, seen fit to report to this Legislature, and I say, in my judgment, beyond the scope of their authority, as follows:

"There has been under it" (the Highway Commission) "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."

I may say you are acquainted with the fact that two of the three members of this Commission have resigned. I hold in my hand a statement written by one of the most eminent gentlemen in this State, a former President of the Senate in this State, made yesterday after this report had been issued and after a conference with all the members of that Highway Commission, which states the following: "Smith, Murray and Clifford, April 9th, 1929, all say that the four last propositions in com-

mittee's report are untrue and without foundation."

Were it not so late in the session, I should move, Mr. Speaker, that this report be recommitted to the committee for the purpose of having it conform to the authority and the only authority conferred upon it by the Legislature, but in view of the lateness of the session, with this explanation, I move that the report be accepted and that the committee be discharged.

Thereupon, the House concurred with the Senate in the acceptance of the report of the joint select committee appointed to investigate the State Highway Commission.

On motion by Mr. Tucker of Sanford, the House extended a vote of thanks to this joint select committee for their work.

Reports of Committee of Conference

Report of Committee of Conference on the disagreeing action of the two branches of the Legislature on resolve in favor of Edward J. Carroll and Alice Janet Carroll, H. P. 1698, H. D. 66, reporting that they are unable to agree, the report being signed by all of the members of both committees.

Report accepted.

Report of Committee of Conference on the disagreeing action of the two branches of the Legislature on resolve in favor of H. E. Houdlette, Administrator of the Estate of Benjamin Owen Emmons, late of Richmond, Sagadahoc County, State of Maine, deceased, reporting that the Senate recede and that the resolve have passage provided that the amount named therein, to wit, twenty-five hundred dollars, be amended to read two thousand dollars.

Report accepted.

On motion by Mr. Bove of Naples, the House reconsidered its action whereby this resolve was passed to be engrossed.

On motion by Mr. Hawkes of Richmond, the amendment as contained in the report of the committee of conference was adopted.

On motion by Mr. Potter of Bangor the resolve as amended was passed to be engrossed.

(At this point Speaker Hale resumed the Chair, Mr. Peacock re-

tiring amid the applause of the House, the members rising)

Passed to be Enacted Out of Order

Senate Paper 751, Senate Document 406, An act to create Port of Portland Authority.

The SPEAKER: Is there any further business to come before the House under Orders of the Day?

Mr. KITCHEN of Presque Isle: Mr. Speaker, I would like to take from the table the first today assigned matter, the one that I tabled earlier in the session, relating to the gasoline tax.

Thereupon, House Paper 1225, House Document 409, was taken from the table.

Mr. KITCHEN: Mr. Speaker, this is an act which accompanies the gas tax and the pay-as-you-go proposition, and we have already accepted the gas tax in the House. This act provides for a direct appropriation of \$300,000 that shall accompany it. Those are the facts of the situation and the facts of the bill. I move the acceptance of the minority report ought to pass.

A viva voce vote being taken, the minority report ought to pass was accepted; and on further motion by the same gentleman, this being a printed bill, the rules were suspended and the bill received its two several readings and assigned for this afternoon at 3 o'clock.

On motion by Mr. Kitchen of Presque Isle,

The House recessed until 3 P. M.

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.

Mr. WILLIAMSON of Augusta: Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER: The gentleman may state his point of personal privilege.

Mr. WILLIAMSON: The members of this House —

Mr. ROUNDS of Portland: Mr. Speaker, I object to its being personal privilege.

The SPEAKER: The gentleman may state his objection, if any.

Mr. ROUNDS: Mr. Speaker, I think the time has come now when

we should do business instead of talking here on trifling matters, and therefore I object to his having personal privilege or any other gentleman. (Applause)

Mr. PEACOCK of Readfield: Members of the House: I have a lot of faith in the gentleman from Portland, Mr. Rounds, and I am willing to follow him almost anywhere except his charity committee, but I want to stand by him in this. I think it is wrong for us to grant members of this House special privileges when there is so much important business to be done.

Mr. ALDRICH of Topsham: Mr. Speaker, I likewise join in this dissent. I see no reason why at this time in the session the gentleman from Augusta (Mr. Williamson) should be given any special privilege, and I therefore join with the gentleman from Portland (Mr. Rounds) in asking that he be denied it.

Mr. KITCHEN of Presque Isle: Mr. Speaker, I am astonished and amazed that the gentleman from Portland, Mr. Rounds, the gentleman from Readfield, Mr. Peacock, and the gentleman from Topsham, Mr. Aldrich, should be so unfair and discourteous to a member of this House at this time as to deny him the right of personal privilege. We have gone through this session and we have agreed and disagreed on several matters; but when it comes to a matter of courtesy and fair dealing, I sincerely hope that the House will pay no attention to the statements of these gentlemen and will grant the gentleman from Augusta, Mr. Williamson, a few moments of personal privilege.

The SPEAKER: The gentleman from Augusta, Mr. Williamson, has the floor.

Mr. WILLIAMSON: Mr. Speaker and members of the House: The matter which I bring to your attention is more meritorious than the staunchest claim ever launched by the gentleman from Portland (Mr. Rounds) on the stormy seas of this Legislature and piloted by him into the safe harbor of the Governor's office. It will bring more tears than would the speeches of the gentleman from Readfield, Mr. Peacock, and will soothe the jangled nerves of the gentleman from

Topsham, Mr. Aldrich, more even than an excise tax. (Laughter and applause) May I express my thanks to the gentleman from Fish River—I beg your pardon—Presque Isle. (Laughter)

The members of this House have been greatly disturbed by an editorial in the Press Herald. The editor writes: "The Maine Legislature is rapidly approaching the time when it will be compelled to take some action which will prove that it is not the most worthless Maine ever knew." This editorial has so disturbed us that we decided to have a Republican caucus on the roof of the Augusta House. The gentleman from Biddeford, Mr. Locke, heard of it and cried "Politics" so we let the Democrats in for all the trouble there was. The genial gentleman from Portland, Mr. Rounds, moved to table everything including nine or ten law books and a poem he had prepared. The distinguished and able gentlemen from Topsham and Cape Elizabeth discussed the matter backwards and forwards and then forwards and backwards again. We got nowhere but into a state of happy disagreement. We decided on the subject of this editorial to let the people decide whether or not we should be legislated out of office.

There was one thing, however, that we discussed at great length, very fully and very frankly and that was this: What do we think of you, Mr. Speaker? We all recognize your intellect. Some of us shuddered at the thought of all you may have learned at Oxford, where you represented your State with honor as a Rhodes scholar. I think more of your ability as a teacher than I do of your ability as a driver of a Ford (Laughter and applause). I am reliably informed that had not the gentleman from Manchester, Mr. Lenfest, extricated you from the mud last evening, you would not be here to take us out of parliamentary tangles this afternoon. We are agreed that you have presided over this body with fairness, dignity and ability. But more than that, sir, you have, in what I shall term an unconscious and charming manner, been the friend and counselor of each one of us. You have been, not merely a good Speaker, but a great Speaker, and we are proud of you. (Applause) There is one page of our record to which

we can turn with comfort, and that is our selection of you as our leader; and now, not as the gentleman from Augusta to the Speaker of this House, but as one of your one hundred and fifty friends, I present to you, Bob, in behalf of the House, this gift in appreciation of your real worth. (Prolonged applause, the members rising.)

SPEAKER HALE: Mr. Williamson, and fellow members of the Eighty-fourth Legislature: It is much more difficult to express gratitude than you realize, I went through this afternoon a number of the Oregon cases to see if there was any language which would assist me. I really appreciate from the bottom of my heart all that you have said. You have been more than kind to me this winter, and, if I have had any success at all as a Speaker of this House, it has been due entirely to your charity, your cooperation and your consideration of me.

Four winters in this House have given me a great store of very pleasant memories. I feel now like one of the oldest among you. I look about me and I see only those members who have been here for four consecutive sessions with me. Three of them are from the county of Aroostook, and there seems to be something in the wide expanses of that county which lends many lovable characteristics to its sons. To my three companions from Aroostook, your popular floor leader, Mr. Kitchen, that genial and ever charming gentleman Haley Hammond of Van Buren, and that legislative veteran from the town which is soon to cease to be, Mike Burns, I look with an especial feeling of comradeship, and the three others who have also served these four years—that sturdy dissenter, John Sturgis of Auburn, that noisy and tumultuous gentleman from Damariscotta, Dan Bisbee (Laughter), and my friend, Rich. Melcher of Rumford, than whom there is no better citizen among you. For these, and for all of you, you may be assured I shall ever bear very affectionate memories.

I have several confessions to make. I have a feeling, as some of my predecessors I think have had, a feeling of some uncertainty and doubt about these long-tailed habiliments of statesmanship. I

confess that I have been prompted more than once to appear before you in a blue coat with brass buttons, white cotton gloves, a helmet and a staff of rather a different type, for, after all, the analogy between the Speaker and a traffic "cop" is very close. (Laughter.) Instead of the more traditional modes of parliamentary business, the House might well proceed by a green light, to indicate the acceptance of a report or the passage of a bill to be enacted, and by a red light the acceptance of an ought not to pass report or the passage of a motion to indefinitely postpone.

These reflections set me to thinking a little about the Legislatures of the future, and while I do not wish to discourage any who may have ambitions to succeed me in this office, it occurs to me that the office may not be for long. It occurs to me that not many years hence the Clerk of the House in yonder office, after he has sent the Calendar down to the printer, will read the calendar on to a phonograph disk which will be placed there, will read a carefully synchronized disk for a phonograph to be placed on the Speaker's desk, and the Calendar will go off by phonograph, and the motions will be put by the Speaker's phonograph above. A motion to table can be effected by the pressing of a button on the desk of each member, and a mechanical device registering on the Speaker's phonograph will very readily show how many votes have been cast for and against a given motion. If that time ever comes—and though my remarks may sound fantastic, something of the sort may very likely come—it will be a great help to Clyde Chapman's voice, tireless though it is. If that time ever does come, government itself will change vastly with the mechanics of government, and I for my part am extremely glad to have lived in the human regime when we actually met face to face. It may well be that even the debates in the future may be done by radio, with possibly a television accompaniment, so that the members will never leave home. (Laughter and applause.) In that way, they will at least be in touch with their constituents, but I think they will miss many of the pleasures which

our present system given us. I am sure that my relations, in particular with the Clerk of this House, have been more agreeable than the relations of the two phonographs could possibly be. (Laughter.)

I thought when I assumed this office that I was well acquainted with the gentleman who sits below me here. I have learned in the last three months to value more than ever his qualities and the capacities, which he brings to his office. In all seriousness I wish to say that no man has ever stood in this Chair since 1919 I think for even not so much as ten minutes, without feeling a great personal indebtedness toward Clyde Chapman. (Applause.) As I say, I always thought well of his qualities, but I have experienced new kindness from him. Only the other day, for example, I saw an instance of his extraordinary tolerance. There was brought to the desk a motion, House Amendment A to a certain bill, and my friend took it, as is his manner, held it at arm's length—it was a very long amendment—and my friend said "Who for—" and then used a word or words which I cannot quote correctly (Laughter) and added: "Who drafted this amendment?" (Laughter.) Well, it happened to be a very long verbal amendment and it happened that I had drafted it myself. (Laughter.) Unlike the young Washington, I was unwilling to attempt to escape responsibility for what I had done, and I said, very timidly: "I drew it, Clyde." (Laughter.) He turned about, his face wreathed in smiles and said "Did you, Bob?." (Laughter) and that was the end of that incident. (Laughter.) But I say to you that, if you had no other evidence, that would prove that Clyde Chapman was a good Clerk. (Laughter.)

This House sets, after all, a sort of stamp upon its members. As I go into a home in Maine, I can generally tell whether the owner of that home has had service in this House. I can sometimes tell it by a statesman-like ring of the voice. I can sometimes tell it by a brow deep furrowed by thought, but I can more often tell it by the waste paper basket or fountain pen. (Laughter and applause.)

Well, this pleasant winter is drawing to a close and I realize

with no little sadness that there are not many more occasions when I can peer about these shoulders below me and discover, if I may, how many more "whereases" my friend from Topsham can get into one small order. (Laughter.) I think it is well, perhaps, that the winter is drawing to a close. I hate Civil War; I believe in peace; and I hope that when this House adjourns there will be peace in the Burkett family. (Laughter.) I suggest to the newspaper men that a fitting illustration in the papers for the motion of adjournment sine die would be a photograph of the gentleman from Union, Mr. Burkett, and the gentleman from Portland, Mr. Burkett, shaking hands. I submit to you, members of the House, that after all blood is, or should, be thicker even than the town line between Hancock and Lamoine. (Laughter.)

I have said enough, I think. I thank you most sincerely for this gift. I shall never forget you, and this gift will mean more to me, that means that you will really remember me. I thank you from my heart. (Prolonged applause, the members rising.)

Mrs. FOLSOM of Norridgewock: Mr. Speaker, I too rise to a point of personal privilege.

The SPEAKER: The member may state her point of personal privilege.

Mrs. FOLSOM: Mr. Speaker and members of the Legislature: Were I to say to the wife of our Speaker all the complimentary things that I might say to her, very truthfully, she would be a very embarrassed lady. In her modesty she would have much ado to know herself. She would be very much in the condition of the little old woman in the nursery rhyme who went to sleep on the highway and when she awoke she found that a mischievous rascal had cut off her very lengthy and voluminous petticoat up to her knees. Amazed and distressed she cried: "Lawk a mercy on us, this can't be I.

If this be I as I hope it be
I have a little dog at home and
he knows me;

If this be I, he will wag his little
tail;

If it be not I, he will loudly bark
and wail.

Forth went the old woman all in
the dark;

Up jumped the little dog and be-
gan to bark.

Down sat the old woman and be-
gan to cry

'Lawk a mercy on us, this is none
of I.'

Therefore, leaving much unsaid that might be said, I will say that we have learned to love the wife of our Speaker for the merry twinkle in her eye, for her keen sense of humor, for her ever ready laugh, but most of all for the never-failing kindness with which she has always met each and every one of us; and so in behalf of the men and women of the House of Representatives of the Eighty-fourth Legislature, I am delighted to present these flowers to Mrs. Hale as a token of our friendly feeling for her. (Applause, the members rising.)

(Mrs. Hale rose and bowed her acknowledgments)

From the Senate: Final reports of the committees on Counties and Temperance.

Come from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Senate Bills In First Reading

S. P. 795, S. D. 427: Resolve pertaining to the construction or purchase of a new motor boat for the Sea and Shore Fisheries Commission.

S. P. 320, S. D. 425: Resolve in favor of the State Park Commission.

S. P. 794, S. D. 426: An act to amend Section 107 of Chapter 51 of the Revised Statutes relative to resident attorneys for foreign corporations.

S. P. 736, S. D. 389: An act to provide for relief of needy dependents of disabled veterans of World War.

From the Senate: Resolve in favor of the adoption of an address of the Governor for the removal of Clyde H. Smith, Charles Murray and Edwin T. Clifford, S. P. 673, S. D. 333.

Comes from the Senate indefinitely postponed.

In the House, indefinitely postponed in concurrence.

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

which was passed to be engrossed as amended by House Amendment A in the House March 6th.

Comes from the Senate passed to be engrossed as amended by House Amendment A and 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. The House thereupon concurred with the Senate in the adoption of Senate Amendment A and the resolve was passed to be engrossed in concurrence as amended by Senate Amendment A.

From the Senate: Bill an act to exempt certain non-resident motor vehicles from registration while in the State exclusively for display or demonstration purposes; also non-resident passenger busses chartered and used exclusively for private conveyance of non-residents (H. P. 1736) (H. D. 808)

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. The House thereupon concurred with the Senate in the adoption of Senate Amendment A, and the bill was passed to be engrossed in concurrence as amended by Senate Amendment A.

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

Passed to be Enacted

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

(S. P. 729) (S. D. 381) An act relating to salaries of public officers, and the compensation of members of the Government.

(S. P. 748) (S. D. 403) An act to amend the act defining the term "securities," under the "Blue Sky Law."

(S. P. 761) (S. D. 410) An act to

revise the Workmen's Compensation Act.

(H. P. 1727) (H. D. 787) An act to provide equitable and uniform taxation for motor vehicles.

H. P. 1733, H. D. 806: An act relating to amusements on Memorial Day.

Finally Passed

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

(Emergency Measure)

H. P. 1639 H. D. 664: An act to regulate the quality of sardines packed in this State.

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 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 thirty-four voting in favor of same and none against the bill was passed to be enacted.

Mr. KITCHEN of Presque Isle: Mr. Speaker, out of order and under suspension of the rules, like the gentleman from Augusta (Mr. Williamson I, too, wish to refer to a matter of personal privilege.

The SPEAKER: The gentleman from Presque Isle, Mr. Kitchen, may state his point of personal privilege.

Mr. KITCHEN: Mr. Speaker, there is a matter that I wish to bring before the House, but because of my extreme modesty as Republican floor leader, I hesitate to do so. For that reason, I wish to yield the floor at this time to the Democratic floor leader, the gentleman from Biddeford, Mr. Locke. (Applause) the members rising.

The SPEAKER: The gentleman from Presque Isle, Mr. Kitchen, yields to the gentleman from Biddeford, Mr. Locke.

Mr. LOCKE: Mr. Speaker and members of the Eighty-fourth Legislature, ladies and gentlemen: While the gentleman from Augusta, Mr. Williamson, was speaking and not having in mind the object of his address, it recalled to my mind since he ceased speaking a story which I think is apropos this afternoon. I was attending a baseball game at

the Giant's Park in New York last summer, and as the game was progressing the catcher, pitcher and manager of the New York team had a conference and the result of that conference was announced by the announcer there "Cohen now batting for Kelley," "Cohen now batting for Kelley," "Cohen now batting for Kelley." Away down in the pavilion at the other end of the Park a big six-footer arose and said 'Yes, and Murphy now lavin' the ball park.'" (Laughter)

If the address of the gentleman from Augusta, Mr. Williamson, had been given in the ages long ago, it would have been time for the members of the opposition party to leave the ball park; but great changes have occurred since that time and we are here this afternoon with you, as members of the Eighty-fourth Legislature, to pay what we consider a deserving tribute to our amiable, efficient and genial Speaker, Bob Hale. I had occasion this last summer when having an automobile ride with a member now in this House, but of the opposite political faith from myself,—the question was asked me what kind of a Speaker will Bob Hale make. At that particular moment we were going by a sign and apropos of the gentleman from Augusta (Mr. Williamson) it was a billboard. (Laughter) That sign read "If it is from the House of Kuppenheimer, it's good." I said he is from the House of Hale and he is good. (Applause)

We are fast approaching the time, members of this House, when our steps will take us in opposite directions. We have got along pleasantly here since the convening of this Legislature. We have been as one family. We have legislated, I think, for what we have considered the best interests of this State, and, although we have differed at times, the difference was not material because time will tell whether or not we were right or wrong. As time will have taken its toll, when the furrows grow deeper in our cheeks, and when the steps that now tread so lightly will be faltering, our minds will come back to this afternoon when we as members of the Eighty-fourth Legislature presented to the gentleman from Portland that timepiece, and, as we look down through the corridors of the years, we will think of this day and of the friends we made, and we will

think of those who sent us here that we have been here for the purpose of being a part of this affair this afternoon. We will be thankful for the friends we have made because I feel, and I am not saying this in a boastful manner,—I feel that every man and woman in this House is my friend (Applause), and I want to assure you that that feeling of friendship is mutual. Should that time occur when that friendship will be put to the test all you can do is to ask and I am sure that you shall receive.

When we consider this young man who is our Speaker here today, it is no wonder that he has achieved honors because he has been a gentleman, and he could not be otherwise because he came from a house that brought forth nothing but gentlemen. (Applause) His forebears' voices have echoed within these halls and echoed within the halls of the National Congress, and I am sure that you will agree with me that when any public honors are thrust upon this Speaker he will bear them as well as has every member of the Hale family within the history of this country. The only thing that I can think of now to say is a short poem written by Sam Walter Foss, which our Speaker typifies, to my mind in every line.

"He lives in a house by the side of a road,
Where the race of men go by,
The men who are good, the men who are bad,
As good or as bad as I.
He does not sit in the scorner's seat,
Nor hurl the cynic's ban;
He lives in a house by the side of a road
For he is a friend to man"—Bob Hale.

(Applause, the members rising)

The SPEAKER: Mr. Locke and fellow members, and above all my friends of the Democratic party: You have imposed upon me a double debt of gratitude by your kind words. I have never been, except perhaps on the very day of election, particularly impressed with the distinction between Republicans and Democrats; and in particular as I look back upon the years which I spent upon the floor of this House, I preserve a very lively and a very cordial memory of days when the Democratic minority saved my skin. (Laughter) They did, very often, and I appreciate it. There has never been, certainly

within the time of my knowledge, any unwholesome or embittered relation between the two parties. They have dealt courteously, perhaps sometimes almost too ineffectively. The Republicans would not suffer from a critical opposition by the individuals who have come here representing the Democratic party. I think no member of the minority party has ever had anything but the kindest and warmest sentiments. I believe that whatever changes may come about in this Legislature, the change in the personal relations between the two parties is not to be foreseen. I thank you. (Applause)

Mr. KITCHEN: Mr. Speaker, if I might be permitted to go a step further in the matter of personal privilege—

The SPEAKER: The gentleman has already gone very far. (Laughter)

Mr. KITCHEN: I feel that there is a duty that I personally should attend to. You recall that a few days ago I arose from my seat and moved that the rules be suspended and the ladies be permitted to smoke. Immediately, the member from Portland, Miss Laughlin, came back with the retort: "Have you the makings?" I replied that I had not at that time but that they would be forthcoming. I know that I have been rather dilatory in furnishing them but I have them here at this time, and it is with great pleasure that I present to the lady members of this House, the makings. (Laughter and applause)

Miss LAUGHLIN of Portland: Mr. Speaker, far be it from me to represent the ladies of this House for I am only one; but I will say that I do occasionally read the ads and, as I look at the makings which the gentleman from Presque Isle (Mr. Kitchen), has presented to the ladies, I am sure that he has been reading one of the ads that I occasionally see only he does it in reverse English. You know it is said that "when you want a sweet, reach for a Lucky"; but the gentleman has said it in reverse English, "When you want a smoke, reach for a sweet"; so he has presented us with these sweets. Of course it is perfectly evident why he should present sweets to the ladies of the House, we know that; and if we do not learn to smoke anything stronger than these maple candy cigars with which he has supplied us, I do not believe that he will ever have to make a motion

again to suspend the rules for the ladies to smoke. (Laughter and applause)

Reports of Committees

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

Majority Report of the Committee on Ways and Bridges reporting "ought not to pass" on resolve proposing an amendment to the Constitution to provide for an additional issue of bridge bonds (H. P. 1301) (H. D. 446)

Report was signed by the following members:

Messrs. BOND of Lincoln
DUNBAR of Hancock
LELAND of Piscataquis
—of the Senate
JONES of Winthrop
BACHELDER of St.

George

HAWKES of Standish

MERRILL of Dover-Foxcroft
—of the House

Minority Report of same Committee reporting "ought to pass" on same resolve.

Report was signed by the following members:

Messrs. KITCHEN of Presque Isle
LOWELL of Lincoln
—of the House

On motion by Mr. Kitchen of Presque Isle, both reports tabled and specially assigned for tomorrow morning.

Majority Report of the Committee on Ways and Bridges reporting "ought not to pass" on bill "An act to authorize the Treasurer of State, under the direction of the Governor and Council, to issue bonds for bridge construction, conditional on the adoption by the people of a constitutional amendment authorizing such bonds" (H. P. 1300) (H. D. 445)

Report was signed by the following members:

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

George

HAWKES of Standish

—of the House

Minority Report of same Com-

mittee reporting "ought to pass" on the same bill.

Report was signed by the following members:
Messrs. KITCHEN of Presque Isle
LOWELL of Lincoln

—of the House

On motion by Mr. Kitchen of Presque Isle, both reports tabled and specially assigned for tomorrow morning.

Mr. Thatcher from the Committee on Appropriations and Financial Affairs on resolve in favor of a memorial for William Pitt Fessenden (H. P. 755) reported that same be referred to next Legislature.

Report read and accepted and sent up for concurrence.

Mr. Holbrook from same Committee on resolve providing for a statue of Hannibal Hamlin to be placed in the National Statuary hall at Washington (H. P. 758) (H. D. 225) reported same in a new draft (H. P. 1759) under same title and that it "ought to pass."

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

Passed to be Engrossed

(Out of order, under suspension of the rules)

H. P. 1225, H. D. 409: An act to provide funds for the construction of State highways.

Report of Committee

(Out of order, under suspension of the rules)

Mr. Merrill from the Committee on Ways and Bridges on bill an act to establish a State Highway Commission with a full-time Chairman, H. P. 1598, H. D. 610, reported the same in a new draft under title of bill an act to establish a State Highway Commission, H. P. 1758, and that it ought to pass.

On motion by Mr. Merrill, tabled and specially assigned for tomorrow morning, and 500 copies of the new draft ordered printed.

The SPEAKER: The Chair has before it House Paper 1224, H. D. 412, an act relating to a tax on gasoline, tabled this morning by the gentleman from Cape Elizabeth, Mr. Chase, until later in the day; and the Chair recognizes that gentleman.

Mr. CHASE: Mr. Speaker, in regard to this bill, it makes no differ-

ence to me what disposition is made of it at this time. If the House wishes to consider tomorrow, as is apparently intended, the various matters relating to the Highway Commission and to the financial highway program, it is possible that they may desire also to debate this measure. If, on the other hand, it is felt that the business of the Legislature would be expedited by having the bill passed to be engrossed and sent to the Senate for such action as that body may see fit to take, I offer no objection and will make no motion at this time.

On motion by Mr. Kitchen of Presque Isle, a viva voce vote being taken, the bill was passed to be engrossed.

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

Mr. KITCHEN of Presque Isle: Mr. Speaker, I wish to take from the table at this time an order relative to the investigation of the Highway Commission, tabled by me earlier in the day.

The SPEAKER: The gentleman from Presque Isle, Mr. Kitchen, moves to take from the table the order offered this morning by the gentleman from Auburn, Mr. Jacobs, and tabled this morning by the gentleman from Presque Isle.

Thereupon, the order was taken from the table.

Mr. KITCHEN: Mr. Speaker and Members of the House: I feel that perhaps I am owing the gentleman from Auburn, (Mr. Jacobs) a bit of an apology in my haste this morning in tabling this order. I supposed that the reading of the order had been completed, but I found later that there was a paragraph unread, and in order to make it clear to him and the other members of this House that there was no thought in my mind of being unfair in the matter, I would like to move at this time that the order be read again in its entirety before we proceed.

Therefore the order was read by the Clerk.

Mr. KITCHEN continuing: Mr. Speaker, I have no statements to make at this time relative to this order, but in order to bring it before the House for discussion and for a vote, I move the indefinite postponement of the order.

Mr. JACOBS of Auburn: Mr.

Speaker, preceding the order presented this morning, a communication was received in this House from the State Highway Commission, signed by one of the Commissioners, Mr. Charles Murray. He feels that justice has not been done to him as a member of this Commission.

In the order which was received from the Federal Government at the time that the Government communicated with this Legislature, not all of the Commission was mentioned in this communication, but one, perhaps, in particular. The fact that Mr. Murray was on the Commission at the time of the investigation two years ago, and later reappointed by the last Governor—he feels that this insinuation—whatever you might call it—was aimed directly at him; and that justice may be done to him, and to make him feel right in this matter, he has presented this petition to this body at this time. You have all had this before you on your desks. It was not read this morning, but in the last three or four paragraphs of the communication, the fifteenth, the sixteenth and the seventeenth, it states as follows:

"That regardless of this investigation and public hearing by a committee of the Eighty-third Legislature, certain members of the House of Representatives have at the present session publicly charged on the floor of the House that the said committee of the Eighty-third Legislature 'whitewashed' the members of the Highway Commission. This report of 'whitewashing' the Commission has been echoed by several newspapers in the State and belief in the same is shared by many citizens.

"That in view of this situation it is the belief of your petitioner that if the Report of the Spear Committee is accepted and no further hearing held the same will be most unsatisfactory to the public and the stigma of suspicion will remain upon him."

And the last one: "Now, therefore, in the exercise of his ancient right of petition to redress a wrong, your petitioner respectfully petitions and prays that this Honorable Body may grant a public hearing, at which evidence may be presented by any person concerning or pertaining to the communications from the Depart-

ment of Agriculture in Washington, and concerning any acts of dishonesty or inefficiency on the part of the Highway Commission, at which time any member of the Highway Commission may have a right to appear and defend such charges as have been made against them by the Secretary of Agriculture or in the report of the Spear Committee

This Spear Investigating Committee has held its meetings behind closed doors; the public has not had an opportunity to hear any of the evidence: it has been a one-sided affair; the Highway Commission, as I understand it, have not been called before them, and they feel that they have not had the right use of their side of the case presented before this Committee, and I believe, in justice to these men, that we should give them the right of a public hearing so that they may be fully satisfied in their own minds, and to satisfy the general public that we are trying to do right by them.

Mr. CARLETON of Winterport: Mr. Speaker, as I understand the matter at the present time, this came from a section in the report of the Committee where his Committee did report and recommend "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.

It does state in this report, however, that "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. Now who that man is I do not know, but it is presumed that it is Charles Murray.

Now I have known Charles Murray for about twenty-four years. I know him to be an able and an efficient man in his profession. I believe that he has been an able man on the Board of the Commission, and I understand from two of these members that the only desire is to bring this particular point; therefore I feel it is only justice to this man, Mr. Murray, to grant this request.

Miss LAUGHLIN of Portland: Mr. Speaker and Members of the House: There is more than one question involved in this matter, as

I see it. There is involved the right of a public official, against whom serious charges have been publicly made, to have a full public hearing in reference to those charges. There is involved the right of the State to know what those charges are, what the evidence is, what the defense is; the right of the State, not the right merely of a Committee from this Legislature; not merely the right of this Legislature, but the right of the people of this State; and that involves the clearing of the good name of the State of Maine before the people of this country; and to me that is the greatest thing involved though the others are important.

It is a fundamental principle of the Government and the laws under which we live, it is a principle established more than seven hundred years ago, that every person accused of any misdemeanor should have a public hearing and an opportunity to defend himself. These charges have been made publicly; the only jury is the public and its opinion—they are the only ones that can give the verdict; and so I think we should have the facts and the evidence in defense in such way that the public, which is the jury, may know it and may give their verdict in accordance with that knowledge.

Unlike the gentleman from Winterset, (Mr. Carleton) I do not even know the member of the Highway Commission who asks for this hearing; I have never even spoken to him, so much as to say "Good Morning." I have no interest in that; I have only the interest in the principle which is involved for the people of this State.

It has been said about the corridors that the report has exonerated him. It certainly has not exonerated him before the only jury that counts, nor has it condemned him before the only jury that counts, and that is the public. Last Sunday a prominent man in Portland with whom I was talking said "What are you going to do about the Highway Commission—another whitewash I suppose?" One of the prominent papers of the State talked about it being a whitewash. I think we all realize that is what everybody is going to say—and they have the

more reason to say it since the matters were not made public. We do not even know them here, not even in this Legislature.

Perhaps one man does not count so much, as one paper has said, but the principle which underlies this counts. The principle which we are to adopt here as Representatives of the State is whether or not an accused person shall have a full and public hearing, but as I said, far more important is the question of the good name of this State before the country. The papers of every State in this Union published the report that because of corruption in Maine the Highway Commission of Maine had been refused by the Government further funds.

I had clippings sent to me from Texas and other states. I do not suppose there is one of us who will go outside of our State in the next few years who will not be met with accusations of corruption in Maine, and what can we answer? The statement of a Committee of this Legislature will not exonerate these men before the country, and certainly not when all the hearings were not made even public to the people of the State. They will want something more than what a Committee created by this Legislature will say. That will not exonerate the State; the only thing that will clear the name of this State before the country is a public hearing and a demand for evidence on the part of anybody that has any charges to make, and on the part of the Department of the Government which has said it would withhold money because of things occurring in this Commission of the State. It is only by spreading it all out before the public that the good name of this State can be cleared; otherwise the country will say "a whitewash for Maine," even as the people of this State are saying a "whitewash" for these individuals.

The whole basis of this investigation comes out of charges made by a Bureau, a Department of the United States Government, and they claim so serious were those charges, that they would withhold money from the State of Maine; that they would take back money from the State of Maine. Has that charge ever been withdrawn? Does

it not still stand so far as we know or so far as the public knows? It certainly does.

I hold in my hand an afternoon paper, published today, in which the head of that Bureau says that unless we do exactly as he says he will still demand back from Maine the \$101,000; that he does not accept the report of this Committee; that the situation has not been in the least changed. That is a fore-runner of what other parts of the country are going to say. That is the position that Maine is going to have before the public, while that charge does not stand withdrawn and publicly withdrawn. The good name of this State is blackened before the country.

It has been said practically in the report that there is no evidence to support the charges. We have never heard anything from the Government in substantiation of them. Our Attorney General went to Washington but we do not even know what he was told. We have never had any report to this Legislature, much less to the people of the State as to what was said, and here the Commissioner's statement in this paper shows that the head of that Bureau has not changed his opinion in any way. The report of this Committee refers to statements on which these charges were made. We do not know what these charges were. We ought to know them; the public ought to know them; the country ought to know them if it is possible to know them.

There is another principle involved here. We have here a Department of the United States Government which says: "We will withhold funds from this State; we do not have to explain why; we just say we will withhold them because we are not satisfied with the way that the Department spending those funds has been conducted. Other than that they don't have to say anything. There is no appeal from us." Why, that might sound familiar if we were in Italy listening to Mussolini, but it is hardly in point in a free government; it is hardly in point to be said by the head of a Bureau to this Sovereign State of Maine that it will withhold funds, and "do as I say or you won't get them." The money that is being withheld, remember, is money paid

in taxes, and Maine pays a part of it. And if we are to have withheld from us our money, without explanation, merely on the statement of the head of a Bureau, if we would sit down and take that without substantiation, without demanding the facts or without a demand by our Representatives in Congress that the charge be withdrawn, then the spirit of our Pioneers has fled.

So what is involved here is not Mr. Murray, not a man, but fundamental principles, the principle, first, as I said, that any citizen is entitled to a public hearing and a public defense. Secondly, the good name of this State and, thirdly, the question of whether we are still a Sovereign State with rights, or simply a dependent of the Bureau of the Department of Agriculture.

We, the members of this Legislature, the elected Representatives of this State, should cherish its good name so highly that we certainly should not leave here until we have cleared up these charges and proven to this country that they are baseless, and cleared the name of this State before the world. (Prolonged applause.)

Mr. McCART of Eastport: Mr. Speaker, a short time ago, when the so-called Spear Order was introduced, I spoke in favor of the proceedings under the Spear Order and against a hearing before a Committee of this Legislature. The present proceedings call for a hearing before this Legislature as a committee of the whole.

Now the member from Portland, Miss Laughlin, has delivered a very able address and brought up the matter of principle. Now I wonder if the principle here is so high that if we get into a further hearing, there will not be a great deal of muckraking and political slander at such a hearing which will further blacken the name of the State.

Consider this matter. I know Charles Murray and I consider him a friend of mine, a friend of the people down our way, in fact, we have always considered him as the only friend that we had on the Commission, and I still consider him my friend; but I cannot feel that I should stand here and say that Charles Murray should have a further hearing before this Legislature. I do not believe he wants it. I think Charles Murray has

been ill advised. I think there are certain parties behind this matter who would like to attack the administration of government in this State under our present Governor. There are certain parties, I feel, who would like to further their own political ends. They do not care about Charles Murray. After it was all over, that would be the end as far as Charles was concerned. I do not know, if there is a bill in this House to legislate Charles Murray out of office, that I would vote for it, unless it is such a bill as I favored two years ago. I do not know whether or not we would get any additional evidence if we had a hearing before this House as a committee of the whole, and I do not believe we would.

Here is a committee that has been working nearly three weeks, holding *ex parte* hearings, hearing only one side of the case, and they come out and say they could not find any evidence to warrant the removal of Charles Murray or any of the Commissioners. Now two of these Commissioners have resigned; Charles Murray has not. I wonder if Charles Murray would not like to resign if he had not been ill advised.

I really cannot add much to what I have already said, but I hope when you vote on this matter, if you are going to consider the matter of principle, won't you please consider that if a hearing is held before this Legislature that the newspapers are going to play it up for all it is worth?

Mr. JACKSON of Bath: Mr. Speaker and Fellow Members: It appears to me that the last speaker has made out an exceedingly weak case. When a man or woman is brought into court for trial for a crime or a misdemeanor, I have never heard it advocated that the hearing and the taking of evidence should be shut off for fear of muck-raking and bringing out in evidence what might hurt one side or the other. I think he is going very far indeed to make a case.

I feel that the honor of the State of Maine has been attacked in the two communications received from Washington, and I believe it is our sacred duty, as representatives of our constituents at home, to do what we can to clear the fair name of the State of Maine that we all love.

The distinguished member from Portland, Miss Laughlin, has expressed my sentiments in so much better language than I can ever hope to express them that I will not ask the indulgence of this House further. I simply want to endorse everything she has said in defense of the principle she has enunciated.

Mr. ALDRICH of Topsham: Mr. Speaker, all winter we have been hearing about Augusta insidious charges against our Highway Commission, and I may say that I do not know but that during the last two years at times similar suggestions have been emanating from someone. If you will recall what went on this winter, you will remember that after a time the charges and comments ceased. Then, on the 6th day of March, I think, it was, we were suddenly presented with a letter from the ex-Secretary of Agriculture which contained, considering the fact that it was addressed to the Governor of a Sovereign State, very serious statements, and I would, for a moment, refresh your recollection as to what was said. I will quote only in part: "Not until recently did anything transpire to suggest a doubt as to the official integrity of any member of the state highway department personnel." Now I ask you to recall and remember that language—"the official integrity"—of someone on the Highway Commission of this State. "It is a matter of deep regret"—in other words there has been established to the satisfaction of the Department in Washington that official integrity of someone on this Commission is wanting—"therefore, that I find it my duty in connection with the administration of the Federal Aid road legislation, to bring to your attention certain matters"—and then he refers to this cement business which our Highway Commission has recently had investigated and which the report of an expert says is absolutely without criticism.

Further, he says: "The integrity of the State Highway Department personnel which discharges any duties in connection with the construction of Federal Aid projects thus becomes a matter of serious concern to the Federal Government." That is true—and it becomes a matter of serious concern

to the State of Maine. "If such personnel should be corrupt, dishonest, inefficient, the interests of the Federal Government are certain to suffer." And I may add that if that be so, the interests of the State of Maine will likewise suffer.

Further, after referring to the investigations by the investigators up here, he says: "Subsequent investigations conducted and now in progress by the Department and other agencies of the Federal Government, however, have brought to the Department information of such nature that I deem it my duty, as Secretary of Agriculture, to refuse to approve any further Federal Aid road projects in the State of Maine until the personnel of the State Highway Department, by reorganization or such other method as the State may adopt, shall be so changed that this Department can have such confidence in the organization as a whole as, in its judgment, will justify the resumption of the expenditure of Federal Aid road funds within the State." Then, apparently to make the latter more enigmatical, he adds "I feel that I should state, however, that the information against the State Highway Department personnel does not involve the whole membership of the State Highway Commission nor of the engineering personnel."

Then we were advised by the message accompanying this letter as follows: "From this action there is no appeal. To obtain a reversal of this decision there is no course but to fulfill the directions indicated in this letter." Further: "This Federal action implies a criticism on the conduct of part of our State affairs, but resentment or protest is of no avail. A situation is squarely presented which we must squarely face. We can either deny ourselves the financial and administrative cooperation of the United States Government or we can conform to its suggestion and continue our policy of co-operating in road construction." That, my friends, is what forms the basis of what confronts us today.

As has been stated by previous members, here is an indictment by a Department of the Federal Government of certain officials of the State of Maine. Unfortunately, and

I am sorry for them, two of these men have seen fit, in the face of that indictment, to resign, but I thank God for the State of Maine that one of these men stands as a bulwark demanding that the integrity and honesty and fair name of the State of Maine shall be maintained. The only bulwark we have, I say to you, is this man who has refused to resign. Why, to think that the gentleman over there would talk about that when you have a situation of that kind where the Federal Government—no, not the Federal Government—a Department—no, not a Department—a subordinate in the Department by the name of MacDonald—writes us that letter, and my friend from Eastport (Mr. McCart) says we should submit rather than run the chance that in any investigation there may be, as he says, muckraking. Who is going to do any muckraking? If we stay here we are going to get the facts, and I say to you, from what I know of the people of the State of Maine, they want the facts, and it is time we had the facts. Talk about muckraking! For over two years this slander, this scandal has gone on, and I say to you, in my judgment, it is slander, and if you have any doubt about it, read the report of the engineer and read the report of your own committee.

The time has come when we are entitled to know the facts. Charles Murray is an incident only in this matter. Are we going to receive dictation from Washington or are we not? If so, I say to you, my friends, let us change the word on our shield, let us strike from that shield the word "Dirigo" and put in its place "Abdico." Let us put that before the world if we refuse to get these facts. If we refuse to insist that justice be done, if we refuse to have justice done to ourselves, then I hope this Legislature will write across the shield of this State "Abdico." And I say to you that if we do refuse, in my judgment, notwithstanding the very efficient work which this Legislature has done we will go down in history as the most discredited body that has ever sat here.

Now let us have all these men come in here and tell us what, if anything, has been wrong; let us invite Washington to send its investigators or anyone else up here

and tell us what is wrong, and if we, as a Legislature, sitting here, find by our vote that there is nothing wrong, then I say to you that if we are men we will demand that our Representatives in Washington take charge of this matter if we cannot have it taken charge of anywhere else, and see that the State of Maine receives the treatment which as a Sovereign State it is entitled from the Federal Government, and if it is necessary to carry this matter to the floor of Congress, let us carry it there and see whether the rest of the United States is prepared to say that a subordinate in the Agricultural Department will dictate to any State in this Union.

I say to you—maybe you can realize it—I feel deeply in this matter and I ask that the order be passed. Permit me to say one other word:

The argument is being used here that this investigation will keep you and I here for a few days. I am not saying that it will not, but I do not think it will. I think you will hear all that we need in the course of a day or two. But I want to leave this thought with you: That if the fair name of the State of Maine demands that you and I shall make a still further sacrifice than we have made during the last three months in being here, I hope that no one will be so oblivious to his duty to his State as to be unwilling to make that slight additional sacrifice. Let us not only see that justice is done, but, as the member from Portland (Miss Laughlin) has said, let it go forth across this country that here Maine stands, and if we are right, we will continue to stand, and no threat of the withholding of \$1,400,000, and no demand for \$100,000 repayment will keep us from standing. And I say to you in all my best judgment that if we take that position and if we as a Legislature, after listening to the facts, are convinced that there is nothing to this, as I believe there is nothing, in view of what has transpired, we will not, as representing the Sovereign State of Maine, have any difficulty whatever in getting a withdrawal of the order of the Agricultural Department.

I wish it were not so late in the session and I wish it were not so

late now, because there are certain facts in connection with this matter which I happen to know which I would like to lay before you, and which I believe would influence you, but I cannot—time will not permit. But I ask you, if you are desirous of securing and maintaining and protecting the interests of this State, do not, for Heaven's sake, let the possibility of having to remain here a day or two prevent you from taking action that shall protect the State of Maine and which ought to finally lay this ghost of scandal which we have had throughout this State for over two years. (Applause)

Mr. WILLIAMSON of Augusta: Mr. Speaker, it seems to me we should go at this matter rather coolly and carefully. I think our answer to the Federal Government has been made clearly by the Spear Committee Report. The Committee has investigated and no charges have been found. The Federal Government knows that Maine now makes no charges against these Commissioners. I cannot see that an investigation by the Legislature would add strength to our position. The three Commissioners have been investigated. One of them was on the Board at the time of the previous investigation was made. No sustainable charges were made against Mr. Murray two years ago or against either Mr. Murray or against the other members now. His record is clear. I cannot see that a further investigation by this Legislature would add more to this situation. I do not clearly understand from the order as read what the charges are before the Legislature or what charges were made by the Spear Committee. I wish merely to lay these thoughts before the members.

The SPEAKER: Is the House ready for the question?

Mr. HOLMAN of Farmington: Mr. Speaker, Ladies and Gentlemen: I do not wish to take your time to discuss this question at any serious length. I want to say to every one of you members here that I was born in this good old State of Maine of ours, that I have always lived here, and that I hope I always will live here. Certain things might transpire which would call me to a distant state, but I love this great old State of Maine of mine so much that I would not move out

of it, no money, no force of any kind could make me leave this State; and I say to every one of you members, from my heart, that I would not be a party to a single thing that would attempt to bring this good old State of Maine of ours into disgrace. I go further and say that if I thought that any element in this State was attempting to bring our State into disgrace, I would be the first one to rise up and defend this good old State of ours.

I appreciate the remarks of our honored member, Miss Laughlin, from Portland, but what has she brought out? She has referred to a paper that has come out today, in sum and substance that the Government will not stay with us if one member of this committee still remains on the Board. Am I right, Miss Laughlin, that that is your statement?

Miss LAUGHLIN: No, that is not my statement. My statement is that the situation is unchanged and they still demand the \$100,000.

Mr. HOLMAN continuing: I had not the privilege of reading that paper, but that is the real keynote. The situation today between the State of Maine and the Government is just the same as it has been during this whole period.

Now what is the question here? There is just one question before this House that we have got to honestly and conscientiously consider, and that is this: I remember the remarks of our honored member, Mr. Farris, when he said before this House that he respected the vote of every member of this House. Further than that I do not only respect the vote of every member of this House but I respect the honor and the integrity of every member of this House, and I say to you members here that when you vote I know your votes will be conscientious votes. You will not be swayed by biased influence or matters which should not be brought here into this legislative body to influence us in any way.

Now I am going to take up first the paper that was put in here this morning, headed "Petition of Right," and what is that paper? You have all read it. I ask you, members of this House, what that paper is? In the first instance, this is what it says: It goes on and refers to the communication that this Legisla-

ture had through its Governor from the Department at Washington. What about that proposition? Our Spear Committee has told you that that proposition is a matter for the court to decide. That Spear Committee has gone further and has said to you that there is nothing in that report for this legislative body to act upon. Our Committee has given Charles Murray a clean bill of health because the facts warranted it, because there was absolutely nothing to connect him in this matter with any shortage if there was any shortage there. He has been vindicated by that body. I want to recall the remarks made by Mr. Aldrich of Topsham. He has used the words "corrupt," "dishonest," "inefficient," and "indictment." He is attempting by these remarks to get away from the real issue in this case. What was your Spear Committee for? Your Spear Committee was just to keep the good name of this State, and not only the good name of the State but the good names of the members of the Highway Commission. What was their purpose? Their purpose, as the order called for, was to take the situation, all the facts, to diligently study them, as they have, and to find out if there was any member of this Highway Commission whose conduct was such that he should be investigated by this Legislature; and they have come here and they have reported that there was no corruption, no dishonesty and no inefficiency. They have not found fault with either one of those three, as Mr. Aldrich would attempt to bring out and get you away from the issue in this case. They have brought out only one point and that is this: That under the order they were advised to bring in, if there was any reason to bring in any charge, a charge against those three men by address or otherwise. However, under the last proposition they have gone through the whole system and have told you that the system is inefficient in itself. They have confined themselves to the order. They have diligently done what they should. They have vindicated every man on that Board.

Now what happens? When these people started out, one member of this Commission hired an attorney and what did his attorney do? He commenced to try the case from the

beginning in the newspapers. He was attacking the form of the Commission and the whole course of procedure, but paying no attention to the mode of procedure started by the attorney for one member. This committee followed that course to a conclusion and found no evidence to sustain the charges and brought in none. Now what does that same man do through his attorney? Without doubt that paper is brought in here by his attorney and now he finds fault, after the case has been tried, and tried by the parties, the papers say that this is a whitewashing report by the Committee, and this belief is shared by many citizens who started trying this case in the newspapers, not us members of the Legislature, but the attorney for one member of this Commission. Now if they started there and after the thing is over the newspapers have said something following out their attacks that they do not like, that is not up to the members of this Legislature. The members of this Legislature have handled this thing in a fair and honorable way and come to a conclusion and the good old name of the State of Maine has been whitewashed—I do not mean whitewashed, (laughter and applause), I mean it has been cleared up and whitewashed from any dishonesty because there was none there. It has been cleared up by an honorable board, and now what do these people want to do? After that man's reputation has been proved to be honest, he wants to come in here and say that until the proposition has been cleared up to the satisfaction of everybody, his attorney wants to bring him here and keep this Legislature going and see if they cannot find something against him. Why? Just for one purpose. There is only one reason under the heavens why this paper is in here—just two reasons. The first may be this, and I am looking at this as a cold, hard, business proposition, and the reason is this: That if there is no investigation, the attorneys who are back of him of course cannot get fees for a long drawn-out hearing. The second proposition is this: That if there is an investigation, it gives someone a chance to make a political issue out of this matter, and what is the result? It means just this; That we people have been made the tools of somebody who wants to make a political issue out of this matter. There is only just this one

issue, and that is what is best for this good old State of Maine of ours and is it right, is it proper, after this matter has been handled in a logical manner, that we should take a step backward and take a course which is inconsistent with justice and right to ourselves as individuals or as a State at large or as members of this body? What does it mean? What is the real fundamental principle of this petition that has come in here? It is a hard-boiled business proposition.

If you listen to this petition and give it any consideration, it would seem that this petition does one thing: It fixes it so that it throws a red flag in the face of this Government of ours, just the same as a red flag is thrown before a bull to stir up trouble. What we want here is harmony between the State and the Federal Government, so we will get that money, so that our good road program will go on, and so that when we go home we can say that we have done our duty conscientiously by ourselves as individuals, by ourselves as a body, and by every man, woman and child who wants good roads. If this matter is stirred up, it means just this, that the Government is stirred up. It means a long, drawn-out contest between the State and the Government and we will not have any program. We will not have any good roads. We will not have our Federal Aid money.

Miss Laughlin may say, in her good judgment, that it is not right that any man's name should be stained for the benefit of the public good. I say that no man's name was stained here; but if it were stained, if there were any insinuations to the contrary, there is evidence day in and day out where the rights of an individual have to be sacrificed for the good of the State. But it has not come to that. No rights of any individual are being sacrificed for the good of the State here.

I want to comment at this time, after this thing is through, on the men who have conscientiously resigned from the Board. After this charge came, before it was investigated by the Legislature, no man resigned from that Board, but after it had been investigated by the Legislature through its duly constituted committee, then was the time when they did resign, and for the good of this great State of ours they resigned. They thus estab-

lished themselves as honorable men. I do not know whether they took the advice of their attorneys, or whether they followed their own advice; and when you consider this question about it being an enforced investigation, who will be the jury? It will be just the same jury that has decided this question, and it has been brought out by one member that the same facts—I can argue what has been brought here—the same facts were brought out by this Committee two years ago, and, if that is the case, it goes to show that this body is the body that will finally decide this question.

I for one feel this way: I feel that if I were a member of the State Highway Commission, where this system has grown from a \$200,000 proposition at the time of its inception to a \$10,000,000 proposition at the present time. I should not want to take the responsibility of handling that on part time for a salary of \$1,000, as our present system calls for. I say here that after a man's character has been vindicated by a proper board representing this honorable body, there can be no insinuation by any single person against any one of the members, and that our own proposition right here today is a proposition that we have got to meet when we get home, and that is this: If we do something to get a road program for the State, after we go back our people will feel that we have been down here and that we have done something for them rather than being cogs in the wheel of Justice. I say the only thing a further investigation will do is to delay us, not for any good, but, if for anything, for two evil motives as I have explained to you, and further just a delay that will prevent us from getting any reasonably good administration of our road program.

I say that I cannot as an individual, or as a member of this Legislature, conscientiously vote to prolong the agony that we have had here in discussing this matter, and I say that it has been fully handled by a competent committee, that there is nothing here for us and that all these records are open for the public to look at if they want to look at them, and that there is

no further investigation that would do anybody and good, that nobody's rights can be hindered by the indefinite postponement of this order; and I am very glad to second the motion of the gentleman from Presque Isle, Mr. Kitchen, for the indefinite postponement of this order.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, I move that when the vote is taken on this question, it be taken by the yeas and nays.

The SPEAKER: Is the House ready for the question. As many as are in favor of taking the vote by the yeas and nays will rise and stand until counted, and the monitors have returned the count.

A sufficient number arose, and the yeas and nays were called for.

The SPEAKER: The question before the House is on the indefinite postponement of the order offered this morning by the gentleman from Auburn, Mr. Jacobs, which is not printed. A vote of yes will be for indefinite postponement and against the order. A vote of no will be against indefinite postponement and for the order. Is the question clear to the House? The Clerk will call the roll.

YEA—Adams, Allen, Camden; Allen, Sanford; Anderson, New Sweden; Bachelder, Belleau, Bishop, Bissett, Blanchard, Boston, Bove, Briggs, Burkett, Portland; Burkett, Union; Burns, Butler, Buzzell, Campbell, Carleton, Portland; Chase, Clark, Day, Dudley, Eaton, Farris, Fogg, Folsom, Ford, Foster, Gagne, Gay, Gillespie, Hamel, George, Hammond, Harrington, Hatch, Hathaway, Hawkes, Richmond; Hawkes, Standish; Heath, Hill, Holbrook, Holman, Hubbard, Hughes, Hurd, Jacobs, Wells; Jones, Waterville; Jones, Windsor; Jones, Winthrop; Kane, King, Kitchen, Lewis, Libby, Littlefield, Farmingdale; Littlefield, Monroe; Lombard, Lowell, McCart, McLean, Melcher, Merrill, Milliken, Morse, Oakland; Morse, Rumford; O'Connell, Patterson, Peacock, Perham, Perkins, Pike, Quint, Rackliff, Roach, Rogers, Greenville; Rogers, Yarmouth; Seavey, Small, Freedom; Small, East Machias; Stanley, Sterling, Kittery; Sterling, Caratunk Plantation; Stetson, Stuart, Sturtevant, Taylor, Thatcher, Towne, Tucker, Varnum, Vose, Ward, Webster, Auburn; Webster, Buxton; White, Dyer Brook; Wight, Newry; Williamson, Wing, Wright—100.

NAY—Aldrich, Anderson, South Portland; Angell, Bailey, Bisbee,

Blaisdell, Boynton, Burr, Carleton, Winterport; Clifford, Comins, Crawford, Daigle, Friend, Hamel, Rodolphe; Hunt, Ingraham, Jack, Jackson, Bath; Jackson, Portland; Jacobs, Auburn; Jones, Corinna; Laughlin, Lenfest, Leonard, Locke, MacKinnon, Mansfield, McKnight, Morin, Palmer, Picher, Potter, Powers, Pratt, Rea, Richardson, Robie, Rounds, Roy, Rumill, St. Clair, Sargent, Saucier, Stone, Sturgis.—46.
 ABSENT—Ashby, Blodgett, Couture—3.

One hundred having voted in favor of the motion for indefinite postponement and 46 in opposition

thereto, the motion for indefinite postponement prevailed.

Passed to be Enacted

(Out of order, under suspension of the rules)

H. P. 1682, H. D. 741; An act to provide for the building of a highway bridge across the Kennebec river, between the towns of Richmond and Dresden.

On motion by Mr. Wight of Newry,

Adjourned until 9.30 o'clock tomorrow morning.