

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

## Seventy-Ninth Legislature

OF THE

## STATE OF MAINE

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1919

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AUGUSTA  
KENNEBEC JOURNAL PRINT  
1919

## HOUSE

Wednesday, February 12, 1919.

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

Prayer by the Rev. Mr. Walch of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

### Senate Bills in First Reading

Senate 58: An Act to amend Section 2 of Chapter 194 of the Private and Special Laws of 1915, amending the act establishing a municipal court for the city of Auburn.

Senate 59: An Act to amend Chapter 636 of the Private and Special Laws of 1871 establishing a municipal court in the city of Lewiston.

From the Senate: Report of Committee on Legal Affairs on bill, An Act to amend Chapter 485 of the Private and Special Laws of 1901, as amended by Chapter 331 of the Private and Special Laws of 1909, that it "ought to pass."

On motion by Mr. Barnes of Houlton, the report and accompanying bill were tabled for the purpose of correcting a clerical error.

The following bills, resolves and petitions were presented and, upon recommendation of the Committee on Reference of Bills, were referred to the following committees:

#### Agriculture

By Mr. Alden of Gorham: An Act to amend Chapter 218, Public Laws of 1917, providing for the establishment of a Bureau of Markets.

By the same gentleman: An Act to amend Chapter 141, Public Laws of 1917, providing for the improvement and certification of seed.

By Mr. Austin of South Berwick: Resolve making an appropriation to support the Bureau of Horticulture.

By the same gentleman: Resolve making appropriation for support of Bureau of Weights and Measures.

## Education

By Mr. Leathers of Hermon: Petition of F. A. Grant and seven others of Hermon, urging the passage of a law amending the school law so that all contracts for school supplies shall be approved by the superintending school committee and board of selectmen before the town is liable for payment.

By the same gentleman: Petition of M. I. Wallace and 17 others of Hermon, urging same.

By Mr. Putnam of Danforth: Petition of Alton E. Pray and seven others of Forest City, urging same.

### Inland Fisheries and Game

By Mr. Flint of Monson: An Act to amend Chapter 215 of the Public Laws of 1917, relating to payment of bounties on bears killed in the Maine Forestry District.

### Judiciary

By Mr. Maher of Augusta: An Act to reenact Section 24 of Chapter 69 of the Revised Statutes, relating to when no succession tax shall be assessed on the stock, bonds or evidences of debt of Maine corporations.

By the same gentleman: An Act to amend Section 41 of Chapter 51 of the Revised Statutes so as to provide for the amendment of corporate purposes.

By Mr. Varney of Windham: An Act to amend Section 12 of Chapter 127 of the Revised Statutes, relating to tools and implements for gambling, counterfeiting and burglar's tools.

By Mr. Lausier of Biddeford: An Act to amend Section 12 of Chapter 76 of the Revised Statutes, concerning sale of estates of deceased non-residents or of minors out of the State. (500 copies ordered printed.)

By Mr. Baxter of Portland: An Act relating to lands reserved for public uses, commonly called public lots, and the water powers and storage reservoirs and basins located thereon and in connection with same. (500 copies ordered printed.)

### Sea and Shore Fisheries

By Mr. Perkins of Boothbay Harbor: Petition of Everett Sargent and 46 others of Boothbay Harbor for the repeal of Chapter 75 of Private and

Special Laws of 1915, prohibiting the seining of herring in Sheepscot river within 2000 feet of any weir or trap.

By the same gentleman: Petition of Seth J. Wingren and 73 others of Boothbay Harbor, for the same.

**Towns**

By Mr. Stanley of Dixfield: Petition of D. A. Bisbee and 13 others of Canton urging the passage of House Bill No. 2, providing for election of road commissioners of towns.

**Ways and Bridges**

By Mr. Ridlon of Corinna: An Act to provide for a highway equalization fund. (1000 copies ordered printed.)

By the same gentleman: An Act to amend Section 36 of Chapter 25 of the Revised Statutes, as provided in Section 8 of Chapter 258 of the Public Laws of 1917, providing for the creation of a mill tax highway and the expenditure thereof. (1000 copies ordered printed.)

**Reports of Committees**

Mr. Cunningham, from the committee on state lands and forest preservation, reported ought not to pass on Resolve to authorize the land agent to convey certain ledges in Penobscot bay.

Mr. Flint, from the committee on inland fisheries and game, reported same on bill an Act to repeal as much of Section 6 of Chapter 33 of the Revised Statutes as applied to the Presumpscot river in the county of Cumberland.

Reports were accepted and sent up for concurrence.

Same gentleman, from same committee, on Resolve in favor of a fish screen at the outlet of Sebago lake, reported same in a new draft, under same title, and that it ought to pass.

Report was read and accepted and resolve ordered printed under joint rules.

**First Reading of Printed Bills and Resolves**

House 131: An Act to amend Paragraph 1 of Section 57 of Chapter 16 of the Revised Statutes as amended

by Chapter 188 of the Public Laws of 1917 relative to the payment of State aid to superintendents of unions of towns.

(Tabled by Mr. Barnes of Houlton, pending third reading.)

House 132: An Act amending Sections 20 and 21 of Chapter 8 of the Revised Statutes, as amended by Chapter 261 of the Public Laws of 1917, relating to moneys received from the sale of timber and grass on reserved lands.

House 130: An Act to amend Section 23 of Chapter 78 of the Revised Statutes, relating to the acknowledgment of deeds.

House 129: An Act to extend an Act entitled An Act to incorporate the Odd Fellows' Home of Maine.

House 125: An Act to amend Section 5 of Chapter 83 of the Revised Statutes relating to regular sessions of county commissioners of Hancock county.

House 29: An Act to secure information relating to the yearly cut of timber from the wild land townships.

(Tabled by Mr. Granville of Parsonsfield, pending third reading.)

**Passed to Be Engrossed**

House 113: An Act to change the name of Sand pond in Denmark to Walden pond.

House 114: An Act relating to damage by flowage of public lands and highways on the islands in Penobscot river within the limits of the Indian reservation of the Penobscot Tribe of Indians.

House 115: An Act to provide for conducting scientific investigation bearing upon the agriculture of Aroostook county.

House 116: An Act to provide for the collection of agricultural statistics by assessors.

(Tabled by Mr. Allan of Portland pending passage to be engrossed.)

House 117: An Act to amend Sections 3 and 5 of Chapter 37, Revised Statutes, regulating the sale of milk.

House 118: An Act to amend Section 35, Chapter 37, Revised Statutes, relating to unclean milk and unclean cream containers.

House 120: An Act to amend Section 39 of Chapter 14 of the Revised Stat-

utes relating to leasing the shores of the Penobscot river belonging to the Penobscot Tribe of Indians.

House 121: An Act to amend Section 48 of Chapter 14 of the Revised Statutes relating to the Passamaquoddy Tribe of Indians.

House 122: An Act relating to sale of standing wood and timber on islands within the limits of the Indian reservation of the Penobscot Tribe of Indians.

House 119: Resolve appropriating money for the continuation of agricultural investigations by the Maine Agricultural Experiment Station on Highmoor Farm.

House 123: Resolve in favor of the Penobscot Tribe of Indians to aid in the purchase of a hearse.

House 124: Resolve in favor of George A. Phillips for expenses incurred to establish his claim to seat in the 79th Legislature.

House 125: Resolve in favor of Charles P. Barnes, chairman of the committee on elections.

House 27: Resolve in favor of Westmanland Plantation for the payment of school funds forfeited by failure to file returns.

#### Passed to Be Enacted

Resolve in favor of William R. Roix for services rendered the Speaker and clerk in organizing the House of Representatives of the 79th Legislature.

#### Orders of the Day

On motion by Mr. Allan of Portland, House voted to reconsider its action whereby it referred to the committee on judiciary an Act to re-enact Section 24 of Chapter 69 of the Revised Statutes, relating to where no succession tax shall be assessed on the stock, bonds or evidences of debt of Maine corporations; and on further motion by the same gentleman the bill was tabled for printing, pending reference.

The SPEAKER: The Chair at this time will recognize the gentleman from Westbrook, Mr. Gilmour, who presents resolve in favor of the city of Westbrook, for the consideration of the House. The Chair will state that the gentleman from Westbrook (Mr. Gilmour) asks for a suspension of the rules, but the order limiting the time

for private and special legislation is not embodied in the rules. The matter comes up purely on the question of consideration which requires simply a majority vote; otherwise a two-thirds vote would be necessary. The question before the House is the question of the consideration of this resolve.

Mr. GILMOUR: Mr. Speaker, I would say that it is a resolve in favor of the dependents of soldiers, relating to that—special business. I would ask for a suspension of the rules, and a two-thirds vote if necessary of the House I think would be granted. I have no question about that.

Mr. BARNES of Houlton: Mr. Speaker, may I inquire through the Chair whether this is a bill to reimburse the city of Westbrook for money expended under the dependents of soldiers and sailors act of 1917

Mr. GILMOUR: It is, Mr. Speaker.

Mr. BARNES: Mr. Speaker, the fixing of the date for the reception of private and special matters is of more or less importance, it being the well considered decision of the Legislature, and should not, therefore, be lightly set aside—only for compelling reasons. Personally, I do not wish to be captious or over-particular in such matters, but taking down the bars to the juicy clover field that is adjacent in one case, makes it likely that about 146 of us will request a similar duplication. Now since the only loss possible to anybody is a loss of interest perhaps to the city of Westbrook for a term of two years for the dependents that have been cared for, it seems to me that we should not admit the resolve, and I hope the vote of the House will be no.

Mr. GILMOUR: Mr. Speaker, I would say that if the gentleman from Houlton, Mr. Barnes, wishes to put up the bars for all aid to the soldiers' needy dependents, I hope that this Legislature will have honor enough, considering what the boys over there have accomplished, to vote that the rules be suspended, and the the resolve be admitted at this time.

Mr. ROUNDS of Portland: Mr. Speaker, I do hope that the rules will be suspended in this case. You know

that of this million dollar fund some \$488,000 was left in that fund on the 31st day of December. As I understand it, not being a lawyer, on the 30th day of June that fund disappears from the roll. Therefore, to get these dependents in it seems to me that it should be acted on by this Legislature in this way, or it would have to go to the committee on claims, and be taken out of some other fund. Therefore, I hope the rules will be suspended and that the gentleman will be permitted to put in his resolve.

Mr. BARNES of Houlton: Mr. Speaker, I do not wish to trespass upon the time of the Legislature an instant, and I wish to be distinctly understood. I assume that the gentleman from Westbrook (Mr. Gilmour) is mistaken and that the dependents of the soldiers and sailors have been cared for—I know it is so—out of the treasury of Westbrook. It is not a question of whether the dependents of soldiers and sailors have been cared for, and Westbrook should have put in its resolve earlier. To me it is simply this: Shall Westbrook wait two years to get her money back? There is no question but the State of Maine will refund it; but the danger—it may be nothing to you—is that letting in such a resolve will let in 146 more. It may not be so, and it may pass through this House without any objection and fail in the next one. It is not an idle form that we go through in fixing a date for these matters. I have no personal feeling in the matter whatever, but I do hope that the rules we have adopted for the session will not be suspended save in cases of grave import and emergency. Where the city of Westbrook merely loses the interest on her money for two years by reason of her laxity in this regard, it is not a matter to my mind of very grave import.

Mr. LAUSIER of Biddeford: Mr. Speaker, it strikes me that in these dependent cases of soldiers and sailors, that the rule may well be broken, and it strikes me that it has already been broken in this House. The time for resolves was up Jan. 30, but resolves were received in this House after that date. This matter here is

not simply a question of two years' interest. It is a question of whether or not the State of Maine has the honor to pay to the municipalities that which it owes to them—not waiving any technicality of procedure, but paying what is honestly due without regard to technicality. If Maine owes Westbrook, or any other city in Maine, any money, why don't she pay it? This is a meritorious case, and whether it be five, ten or one thousand dollars, Maine ought to pay its debts at the proper time when they come to maturity. In this case they have so come, and I can see no reason why the rules should not be suspended and this resolve introduced into the House.

Mr. Wilson of Portland: Mr. Speaker, it seems to me that what we are hearing has no bearing on the matter before the House. The simple question is whether unanimous consent should be given for the introduction of this special resolve at this time. It seems to me that the proper inquiry is, whether or not there is a reason or just excuse why this resolve was not presented before the expiration of the time limit; and I would like, Mr. Speaker, to inquire through you of the gentleman from Westbrook (Mr. Gilmour) what reason there was why this resolve was not presented before January 31st.

The SPEAKER: Does the gentleman from Westbrook (Mr. Gilmour) wish to reply?

Mr. GILMOUR: Mr. Speaker, the names, I believe, have to be sent into the State Department and through some delay there, it was not returned to Westbrook in time. For that reason it was delayed in coming in here. The State Department is partly to blame for not returning it in time.

Mr. WILSON: Then I understand, Mr. Speaker, that the city of Westbrook made application in regular course as provided by the act of two years ago for its refund for the aid furnished dependents of the city, and through some error in that application it was referred back to the city authorities by the proper committee of the Governor and Council, who handle those matters. I would now

like to inquire, Mr. Speaker, why this matter cannot be taken up in the regular way that the other dependency matters during the two years have been, and why a special resolve is necessary?

The SPEAKER: Does the gentleman from Portland, Mr. Wilson, wish to make that inquiry through the Chair, or the gentleman from Westbrook, Mr. Gilmour?

Mr. WILSON: If he knows why a special resolve is necessary for this dependent. I think Mr. Berry of Waterville is prepared to answer this.

Mr. BERRY: Mr. Speaker, I have in my hand two resolves in favor of Westbrook for soldiers' and sailors' dependents. I understand that the gentleman from Westbrook, Mr. Gilmour, has a resolve that changes these in some measure. My understanding of the matter is that the Committee on Military Affairs has the right to consider at the hearing these two resolves and to incorporate such corrections as are necessary in the amount due Westbrook. I do not think it requires a special resolve, and, as I have said, I think that the Committee on Military Affairs has the authority to make such changes as are necessary. If not, we will have to accept these bills as correct, and if incorrect they certainly would not report them "ought to pass" in correct form or in correct amount.

Mr. WILSON: Do I understand, Mr. Speaker, from the gentleman from Waterville (Mr. Berry) that it is necessary to have special resolves in order to make up the amounts necessary to be paid by the State to dependents in addition to the amounts appropriated two years ago?

Mr. BERRY: We have had several resolves before us this year, Mr. Speaker; but many times two years ago we found errors in the subject matter, or rather they were brought to the attention of the committee afterward, and were properly taken care of by the committee by resolve covering those matters which was reported in and passed in an omnibus bill.

Mr. WILSON: Mr. Speaker, perhaps I do not make myself clear. Two years ago, if I remember correctly, a million dollars was especially appropriated to be applied so far as necessary upon these dependent bills to reimburse towns for the money paid out for dependents or soldiers and sailors; and my last question was whether or not that had been entirely expended so that it was now necessary, in order to reimburse the towns, to introduce special resolves in addition to the million dollar resolve of two years ago. Can the gentleman from Waterville (Mr. Berry) state as to that?

The SPEAKER: Will the gentleman from Waterville, Mr. Berry, reply to the question?

Mr. BERRY: So far as I know it does not require any additional money—simply a matter of procedure.

Mr. WILSON: Then I understand, Mr. Speaker, that it is simply a matter of bookkeeping?

Mr. HINCKLEY of South Portland: Mr. Speaker, I think we are wasting a good deal of time over a very small matter. I feel that the gentleman from Westbrook (Mr. Gilmour) has given sufficient reason why the House should consider this matter. This is a people's court, and if the State of Maine owes the city of Westbrook any money, it should pay it and pay it now. If the State does not owe it, this House will take care of that at the proper time; and I hope we will not be so finicky this morning as to shut out a matter of this importance, and I call for the question.

The SPEAKER: The Chair wishes to state again, so that there may be no misunderstanding, that the order passed by the Legislature limiting the time of private and special legislation was purely an order. It did not in any way amend the rules, either of the House or the joint rules. If it had, it would be necessary to suspend the rules and a two-thirds vote would be required. However, we do not have to consider it, and the matter comes up purely on the question of consideration as to whether you shall receive this resolve or not, and a

majority vote is all that is necessary.

The question before the House is the consideration of the resolve in favor of the city of Westbrook, presented by the gentleman from Westbrook, Mr. Gilmour, as to whether or not you will receive this and refer it to a committee.

Mr. BAXTER of Portland: Mr. Speaker, would it be in order to have the resolve read before the question of consideration is brought before the House?

The SPEAKER: The Chair feels that it is purely a question of reception and that until you have received it, it should be read simply by title. It has been fully explained in the various remarks.

A viva voce vote being had, the motion of the gentleman from Westbrook, Mr. Gilmour, prevailed; and on further motion by the same gentleman, the resolve was referred to the Committee on Military Affairs.

On motion by Mr. Cowan of Winterport, it was voted to take from the table Senate Document, No. 48, An Act to extend the Charter of the Lincoln County Railway; and on further motion by the same gentleman, the bill was given its first reading.

Mr. Cowan of Winterport offered House Amendment A, and moved its adoption, to amend Section 2 by striking out in the fifth line in said section the word "sixty" and inserting in place thereof the word "fifty-five", and by adding to the sixth line of said section the words "and acts amendatory thereof and additional thereto."

The amendment was adopted and the bill as amended by House Amendment A was given its second reading.

On motion by Mr. Barnes of Houlton, it was voted to take from the table Senate Document No. 20, An Act to amend Section 26 of Chapter 70 of the Revised Statutes relating to the time of payment of legacies; and on further motion by the same gentleman the report of the committee was accepted in concurrence, and the

bill received its first and second readings.

On motion by Mr. Barnes of Houlton, it was voted to take from the table Senate Document No. 22, An Act to amend Section 4 of Chapter 72 of the Revised Statutes, relating to the appointment of guardians to married persons.

On motion by Mr. Maher of Augusta, it was voted that the bill be recommitted to the committee on judiciary.

On motion by Mr. Barnes of Houlton, it was voted to take from the table House Document, No. 126, An Act to amend Chapter 50 of the Revised Statutes, entitled, "Compensation for personal injuries to employees."

Mr. BARNES: I yield to the gentleman from Skowhegan, Mr. Smith.

On motion by Mr. Smith of Skowhegan, it was voted to refer the bill to the joint committees on judiciary and labor.

On motion by Mr. Barnes of Houlton, it was voted to take from the table a bill not numbered on the calendar, entitled, An Act relative to salaries of members of Industrial Accident Commission.

On motion by Mr. Maher of Augusta, the bill was referred to the joint committees on judiciary and labor.

On motion by Mr. Smith of Skowhegan, it was voted to take from the table House Document, No. 69, An Act to amend Section 10 of Chapter 50 of the Revised Statutes, relating to the Workmen's Compensation Act; and on further motion by the same gentleman it was referred to the joint committees on judiciary and labor.

On motion by Mr. Barnes of Houlton it was voted to take from the table House Document No. 55, An Act to amend Chapter 50 of the Revised Statutes, relative to compensation for personal injuries to em-



ployees; and on motion by Mr. Smith of Skowhegan, it was referred to the joint committees on judiciary and labor.

On motion by Mr. Washburn of Perry, it was voted to take from the table House Document No. 66, an Act to amend Sections 9 and 10 of Chapter 50 of the Revised Statutes, relating to compensation of personal injuries to employes; and on further motion by the same gentleman it was referred to the joint committees on judiciary and labor.

On motion by Mr. Wilson of Portland it was voted to take from the table House Document No. 99, an Act to provide for election of road commissioners by towns, and the same gentleman offered House Amendment A and moved its adoption.

Mr. WILSON: Mr Speaker, perhaps it would save the time in the House if I stated that there are some clerical errors in the bill as laid on the table, and this amendment simply corrects those errors. It is a provision for the removal of an incompetent or inefficient commissioner on a petition and public hearing by the selectmen.

The SPEAKER: The Chair would inquire of the gentleman from Portland, Mr. Wilson, if he wishes to have this amendment tabled for printing, inasmuch as it strikes out everything after the enacting clause and is practically a new bill?

Mr. WILSON: I think it would be well, Mr. Speaker, and I make that motion.

The amendment was then tabled for printing.

On motion by Mr. Rounds of Portland it was voted to take from the table statement of receipts and expenditures of all public moneys from the treasury of the State; and on further motion by the same gentleman the communication and statement were placed on file.

On motion by Mr. Smith of Skowhegan it was voted to take from the table House Document No. 67, an Act to amend Sections 9, 10, 12, 13, 14, 15 and 16

of Chapter 50 of the Revised Statutes, relating to compensation for personal injuries for employes.

Mr. ALLAN of Portland: Mr. Murray of Portland, who had this bill tabled, is not present today.

The SPEAKER: The Chair would inquire of the gentleman from Skowhegan (Mr. Smith) if he takes this off with the consent of Mr. Murray?

Mr. SMITH: I will state, Mr. Speaker, that he requested that this bill be referred to the same committee as the other bills along this line.

On motion by Mr. Smith of Skowhegan the bill was referred to the joint committees on judiciary and labor.

Mr. BARNES of Houlton: Mr. Speaker, calling the attention of the House again to Senate Document No. 20, I would inquire whether it is now in such status that it can be recommitted to the committee on judiciary?

The SPEAKER: The Chair will state that this report was accepted and the bill given its two readings and tomorrow morning assigned for its third reading.

On motion by Mr. Barnes of Houlton it was voted to reconsider the action whereby Senate Document No. 20 was assigned for its third reading tomorrow; and on further motion by the same gentleman the bill and accompanying papers were recommitted to the committee on judiciary.

On motion by Mr. Barnes of Houlton it was voted to take from the table House Document No. 127, communication from the Governor relating to appropriations for ways and bridges.

The SPEAKER: Does the gentleman from Houlton, Mr. Barnes, have any further motion?

Mr. BARNES: Not at this time.

Mr. CLASON of Lisbon: Mr. Speaker, I would like to speak a few moments in reference to this message.

The SPEAKER: Does the gentleman from Lisbon, Mr. Clason, make any motion to which he would address himself?

Mr. CLASON: I move that the communication be given consideration at this time.

Mr. Speaker and Gentlemen:

I believe it is my duty as Chairman on Ways and Bridges Committee on

the part of the House to address you for a few moments upon the Message of Governor Milliken as read in this House last Friday morning by the clerk.

In order to bring out certain facts I must ask your indulgence while I refer to events which happened during the 78th Legislature. In that Legislature I was a member of the ways and bridges committee. The usual number of special resolves for road work came to this committee; they were assigned for hearings and hearings were held. When the budget appeared no appropriation was found in it for special road resolves. The committee met in executive session and requested the Governor to be present and he complied with our request. We asked him to allow us a certain sum of money to be used for special road resolves and our request was granted.

Gentlemen, The budget and special road resolves appropriation lived very comfortably together in the 78th Legislature and to my knowledge there was no direct criticism of the financial administration during the past two years.

Gentleman, I am going to repeat this clause: The Budget and the Special road resolve, which was called in the Governor's Message, the Pork Barrel, lived very comfortably in the 78th Legislature, and to my knowledge there was no direct criticism of the financial administration during the past two years.

Now, gentlemen, I come to a most interesting question. Were the special road resolves passed two years ago fair and just or were they done by log rolling methods? They were passed in a fair and just manner and I believe I can rightfully say that no committee tried to be more fair or more just. In proof of this let me say that at a meeting of the directors of the automobile association a short time ago the special road resolves were under consideration. I asked the chairman of the highway commission, who was present, the following question: "Of the 70 special road

resolves passed during the 78th Legislature how many towns failed to accept the money granted to them?" He replied, "I do not recollect just how many, but there were less than half a dozen, and was due to the labor problem on account of the war."

I then asked him, "Do you think any of these resolves which were passed were unworthy and were not passed upon their merits alone?" He replied most emphatically that there were none and also stated that the money was as judiciously expended as any road money in the State. Gentlemen, so much for the justice of special resolves.

In regard to the equalization fund which the Governor refers to in his message, I will explain. Gentlemen, that is a clause in the mill tax bill which was passed two years ago. It was at the request of the ways and bridges committee that I redrafted this bill so I believe that I can rightfully speak upon this bill with some degree of knowledge.

The purpose of the equalization fund as the committee understood it—and it was inserted at the request of the Governor—was to take care of such roads as the special road resolves now take care of from cases that might arise during the year 1918. If this fund proved to be successful during the year 1918 we might add to this fund and eventually take care of all special road resolves under this head.

Now, gentlemen, how was this equalization fund used during the past year? Every cent of this money was used for the five times clause and the three town act and not one cent was used for special cases, although I know of one concrete instance where there was an application for some of this money and there would have been many more applications if this fund had been generally known.

What assurance have we as members of the ways and bridges committee that this equalization fund will be used in the future as we understood it was to be used when the clause was inserted in the mill tax bill?

Some one asked me a few days ago, "Where did the money come from to pay for the special road resolves passed two years ago?" I replied "that I did not know unless it was taken from the money received from the automobile registrations." I asked the chief engineer in the highway department and he did not know.

Immediately after the committee on ways and bridges was named at the beginning of this session we held a meeting to organize and at that time we discussed the rumor that the Governor was not in favor of granting any money for special road resolves. Gentlemen, we took no stock in rumors. We wished to know the facts. The chairman of the committee, Senator Peacock, and myself were selected to interview the Governor upon this question. We waited upon the Governor and explained our purpose. From him we learned that he was not in favor of granting money for special road resolves and wished to see the committee as a whole. On the following Wednesday morning he met the committee and the result of that meeting was the same.

Last Wednesday morning the ways and bridges committee was summoned before the Governor. After certain bills of importance, which were in the hands of the committee, were discussed, the Governor referred to the special road resolves. Senator Peacock suggested as a solution—that we expend one third of a mill, which is in round numbers, \$192,000 and have this sum go before the people to be known as the one-third mill special road resolve fund.

The Governor refused to do this and stated frankly that he would veto any special resolves that would come to him. We stated just as frankly that we believed that the interest of the whole road program was at stake, that if the usual number of road resolves were not passed we might fail in any other appropriation deemed essential and therefore we were very sorry to say that we felt it our duty to pass the ordinary amount of special road resolves over his veto if possible.

The Governor said that if we persisted in our action that we would destroy his budget, which he said was really his second message to the Legislature, and I replied that we had no desire to harm his budget, that if any harm should come to it, it would be done by himself. I asked him what was the purpose of the appropriations committee, and he stated that he did not desire to discuss the question.

In closing I wish to say a word for myself as I was personally mentioned in this message. I challenge any man to say that I have not been perfectly sincere and honest in every act and deed, both in this Legislature and in the last. I believe the passage of the usual number of special road resolves is necessary to deal justly with the outlying sections which do not have the direct benefit of our trunk lines where the bulk of the highway money is expended and the people living in these outlying sections now will have passed away before the direct benefit of the trunk lines comes into their town, and why should we living in or near the centers and having the advantage of the trunk lines say to the people on the outskirts we want this money for ourselves and you shall have practically nothing in return in spite of the fact that they are paying their proportional part of the taxes.

Gentlemen, I thank God that I have the courage of my convictions and when I no longer possess that qualification I trust that I may pass on to that distant country from whose bourne no traveler returns. (Applause.)

Mr. WASHBURN of Perry: Mr. Speaker, since the discussion this morning has to do with the affairs and the troubles of the committee on ways and bridges I believe that every member of that committee should be heard from in self-defence. This committee entered upon its work at the opening of this session with the idea that it had two general duties to perform. First, to consider and report upon such matters of general legislation as were necessary to the maintenance and improvement of Maine's highway system; and, secondly, to receive and investigate such special

matters as might be presented to us. In the performance of this duty we became early convinced that at least a part of these special matters were meritorious and that in order to provide for them we must ask for an appropriation. That situation has given rise to the controversy which has resulted in the hearing before you of a special message from the Governor. We ought to acknowledge, all of us, that to both parties the controversy is entirely sincere, and that the Governor is entirely honest in his belief that no money should be allowed for special resolves; but the members of this committee feel that their position has not been plainly set forth in this message and that some explanation is necessary.

I desire to refer to one or two paragraphs of the message. On page 2, at the bottom of the page, and extending on to page 3, we read: "How many of the total number of special resolves now before that committee would be included in this program, I am not informed. If it includes them all, the amount directly involved would be up toward a million dollars." Members of the Legislature know, what unfortunately the people of the State at large, do not know, that this committee has never asked for any such sum of money; that we have never planned or contemplated the expenditure of more than \$200,000, and that we have pledged to keep ourselves within that mark, if possible.

On pages four and five of the message, we are confronted with a startling display of figures regarding the effect that certain legislation would have upon the taxes of the various counties and classes there named. I regret exceedingly that the impression should have gone forth into the far corners of this State that by reason of the attitude of this committee such great sums are likely to be added to the tax burdens of the class of towns represented by its members, and I have been at some pains to determine exactly what would be the effect upon the taxes of our various classes if this \$200,000 should be raised by direct taxation. I find that the Lisbon class, represented by

Mr. Clason, would pay \$1,303.00, and not \$51,478 as the careless reader of this message might infer. The Boothbay class, represented by Mr. Love, would pay \$1,237.00, the Dixfield class, represented by Mr. Pattee, \$955.00, the Perry class, which I have the honor to represent, \$404.00, and the Wells and York class, represented by Mr. Williams \$1,994.00.

Another unhappy feature of the document before us is the repeated allusion to our House chairman. I want to say a word in his defense. I have served with Mr. Clason at a previous session. I have sat by his side through many long hearings, and through many executive sessions lasting far into the night hours, and I have never yet known him to ask for a dollar for himself or for any of his constituents. I have never known him to ask special consideration for anyone who might be a friend of his. I know of no one better acquainted with the road problems of Maine through actual contact with them than he. He has always taken the ground that whereas his class was benefited by direct contact with the trunk line, he believed that other less fortunate sections should be remembered. Neither House nor Senate chairmen have ever tried to dictate the policy of our committee. The only word we have ever had from them was that we must keep these appropriations down.

Now just a word as to the merit of some of the propositions that come before us for special resolves. We have appeals by the dozen from poor and remote towns, towns that come to us with tales of death and disaster, with tax rates ranging very high, towns with no trunk line and where the State aid seems a slow cure for their troubles. We have appeals from towns and plantations for the maintenance of roads that are of no real value to the towns themselves—simply thoroughfares where automobile traffic passes through; and I have in mind one resolve for the maintenance of a road across the Indian lands of this State. That road was first provided for by a special resolve in the Legislature of 1863, and we have the record. It has been the

subject of special resolves by every Legislature from that day to this and there is no other way to provide for it. It is true that we have an equalization fund, but I have yet to learn where a single dollar of that fund was expended as the committee and the Legislature intended it should be. It was established as an experimental measure, and from the point of view of our committee, the experiment was a failure.

Nor do I believe that all needs and emergencies of Maine's great system of bridges can be provided for under the provisions of the General Bridge law. I want to name one or two specific instances, and I may enlarge upon one just a little bit because I happen to be familiar with the conditions. I refer to the Eastport bridge, so-called.

This bridge forms the only bridge to the city of Eastport accessible to the farmers of Washington county, the automobiles of the State at large, or the touring parties making visits to the coast of Maine during the summer. It is twelve hundred feet long with thirty-five feet of water under it at high water—water driven with the whole force of the Bay of Fundy tide. The harbor ice crashes against it in the winter time and it is practically certain death to the occupants of any team or automobile that break through it. Very well, you say, Eastport should take care of the bridge. But consider the condition! The city has a debt almost to its limit, carrying \$25,000 of Civil War debt and \$25,000 incurred at the time of its great local calamity, has the highest tax rate of any city in the State. It has lately discarded all its old school buildings, and by means of generous private subscriptions, and by taxing itself and borrowing money has established a fine system of modern school buildings, where the children of the city and the neighboring towns can receive up-to-date advantages. It is manifestly unfair and impossible for that city to undertake the erection of a \$200,000 bridge on any fifty-fifty basis. Is it the part of wisdom or justice or good business for this State to grant a modest sum from

year to year for the maintenance of that bridge, or should we let it drop into the tide?

Six years ago, as a member of this House, I listened to a distinguished member from Penobscot county, who arose in his seat and proved conclusively to the satisfaction of a most unwilling legislator that a certain bridge across the Penobscot river was the property of the State, and the State only, and had been for fifty years; and today we have been considering a resolve for necessary repairs and maintenance of that bridge.

These are some of the propositions that come before us, and in considering them we have established certain rules of procedure. We determine first the financial ability of the town. Secondly, what it has done for itself through local taxation, and then we consider whether the road or bridge in question is of value to the citizens of the town itself or whether it is a public thoroughfare for people from other sections of the State. In practically every instance we require the town to match, wholly or in part, the appropriation made by the State, thus giving them a local interest in the work. The proposition that comes before our committee, backed by the eloquence of an attorney and half a dozen county and town officials, receives no more consideration than does the lone representative who comes to our table with a plain statement of fact; and in the piling down of these million dollar resolves to fit a \$200,000 appropriation, you will agree with me that most of the unworthy features must be eliminated; the fat will be thoroughly taken out of the pork.

So much for the justice of the resolves which we have before us. Now just a word as to policy. The State of Maine has adopted a great policy of system of highway construction. If you will go with me down into Room 7, on the lower floor, into the plunder house of this committee, you will see there on the wall a fine large map loaned us by the Highway Commission. On that map you will see the main trunk line coming into the State from New Hampshire. It be-

gins to branch slightly in York and Cumberland counties, going onward and upward, branching and ramifying into every important section of the State.

That map exemplifies Maine's system of highway construction, and it is a great system—I believe the best that could be worked out under the conditions, though it will be years before it can be completed. Legislators and Governors will come and go and many large appropriations are needed before we can aid all the branches and divisions. After all the trunk lines and State-aid lines now under process of construction are completed, Maine will still have 100,000 miles of unimproved highway. Is it not right and just that some of these sections should have some consideration?

There is, unfortunately, in some sections of the State a growing feeling of dissatisfaction with the way the highway funds of the State are administered. Discard, if you will, all these special resolves, dismiss them without consideration of their merits, and you will increase that feeling of dissatisfaction and disappointment. You will have many men coming into the 80th Legislature pledged to strike at something connected with the highway department, and strike vigorously though probably not wisely. Is it wise to jeopardize the very existence of our highway department, with all its fine plans, all its valuable experience, and all its talented engineers?

We must disclaim any attempt to retard the presentation of the Budget. Our committee was one of the first to organize. We early announced our policy and our needs. We have been at all times ready to meet with the Executive or the Committee on Appropriations, and I see

no reason why the constructive work of this session should be delayed through any action of ours. We regret this controversy, but it is after all only an honest difference of opinion between, on the one hand, ten men who are trying to do their duty as they see it, and on the other the Chief Executive, whom we know to be honest and fearless, and whom we have delighted to honor and follow in all things which seem to us just and reasonable. It appears now that the controversy will have to be settled by the Legislature, and until it is settled we can do nothing. The committee has no policy opened to it but to continue with its program, and we shall continue until such time as the Legislature, by vote or otherwise, indicates to us a desire for a change in our policy. (Applause.)

The SPEAKER: The communication which is the subject under discussion has been taken from the table. What is the pleasure of the House to do with it? In the Senate it was ordered placed on file and sent to this Branch for concurrence.

Mr. BARNES of Houlton: Mr. Speaker, I move that the message of the Governor and the discussion be placed on file in concurrence with the action of Senate.

The motion prevailed.

On motion by Mr. Rounds of Fortland, it was voted by a viva voce vote that two thousand copies of the remarks made by the different members of the ways and bridges committee on this subject be printed for the use of the Legislature.

On motion by Mr. Small of Brewer, Adjourned until tomorrow morning at ten o'clock.