

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

AUGUSTA
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HOUSE

Wednesday, February 19, 1919.

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

Prayer by the Rev. Mr. Taylor of Westbrook.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills In First Reading

Senate 74: An Act to amend Chapter 37 of the Private and Special Laws of 1917, entitled An Act to provide a police commission for the city of Lewiston and to promote the efficiency of the police department thereof.

From the Senate: Report of committee on legal affairs on bill, An Act to amend Section 79 of Chapter 82 of the Revised Statutes, relating to the superior court for the county of Cumberland.

In the Senate read and accepted.

The House voted to concur with the Senate in accepting the report of the committee.

On motion by Mr. Wilson of Portland, tabled pending first reading.

Senate 76: An Act to amend Section 3, Chapter 134, of the Public Laws of the State of Maine for 1895, in relation to the judge and recorder of the municipal court of the city of Portland acting as counsel or attorney.

Senate 77: An Act to amend Chapter 67 of the Revised Statutes, as amended by Section 1 of Chapter 133 of the Public Laws of 1917, relating to notice of appointment given by registers of probate.

Senate 73: An Act to authorize the construction of a weir in the tide waters of Pembroke river in the town of Pembroke.

Mr. Fuller of Rockland introduced a bill from the floor to make valid the municipal elections of the city of Rockland.

Mr. FULLER: Mr. Speaker, referring to the bill pertaining to the municipal elections of 1916-17-18, the

polls were closed at four o'clock, old time, instead of five o'clock as the change in the law requires now.

On motion by Mr. Barnes of Houlton the bill was tabled pending reference to a committee, and specially assigned for tomorrow morning.

The following bills, resolves and petitions were presented and, upon recommendation of the committee on reference of bills, were referred to the following committees:

Appropriations and Financial Affairs

By Mr. Varney of Jonesboro: Resolve in favor of Benjamin H. Varney, secretary of the committee on education.

Education

By Mr. Crane of Whiting: Petition of Irving Kelley and 28 others, regulating the method of purchasing school supplies.

By Mr. Smith of Skowhegan: Petition of L. B. Wheeler and 20 others, urging amendment of the school law relating to school supplies.

Inland Fisheries and Game

By Mr. Forbes of Paris: Petition of W. H. Barker and 31 others, residents of West Paris, in favor of resident hunters' law.

By Mr. Gray of Troy: Petition of E. T. Bessey and 35 others, residents of Thorndike and vicinity, in favor of same.

By Mr. Mason of Ellsworth: Petition of John Johnston and 32 others, residents of Amherst and vicinity, in favor of same.

By Mr. Swift of Greenwood: Petition of King Bartlett of Locke's Mills, Oxford county, and 12 others, in favor of same.

By Mr. Wyman of Milbridge: Petition of Lincoln A. Haycock and 73 others, residents of Cherryfield and vicinity, in favor of same.

By Mr. Leathers of Hermon: Remonstrance of Charles H. Blagden and 63 others of Carmel and Etna against safe.

By Mr. Dunning of Charleston: Remonstrance of John Whitney and 56 others of East Corinth and vicinity against same.

By Mr. Wilson of Presque Isle: Remonstrance of G. W. Mooers and

25 others, residents of Aroostook county, against removal of protection on fox, skunk and raccoons.

By Mr. Flint of Monson: An Act to amend Section 55 of Chapter 33 of the Revised Statutes, as amended by Chapters 219 and 244 of the Public Laws of 1917, relating to the protection of game birds.

Interior Waters

By Mr. Wyman of Milbridge: Petition of John C. Campbell and 37 others, residents of Washington county, in favor of An Act to amend Section 32 of Chapter 33, Revised Statutes, as amended, relating to the pollution of the waters of the State by sawdust and other mill waste.

A message was received from the Senate, through its secretary, proposing a joint convention of the two branches of the Legislature to be held in the hall of the House of Representatives at 11 o'clock this forenoon, for the purpose of receiving a communication from his Excellency, the Governor.

On motion by Mr. Barnes of Houlton, the House voted to concur in the proposal for a joint convention.

On further motion by Mr. Barnes of Houlton, the clerk of the House was charged with a message to the Senate, signifying the concurrence of the House in the proposition for a joint convention.

The clerk of the House subsequently reported that he had discharged the duty assigned him.

(Reception of bills, resolves, etc., resumed.)

Judiciary

By Mr. Smith of Skowhegan: Petition of A. E. George and nine others of Hebron, urging the passage of bill, providing for the registration of legislative counsel and agents.

By Mr. Pattee of Harmony: An Act to amend paragraph VII of Section 55 of Chapter 91 of the Revised Statutes, relating to trustee process.

Legal Affairs

By Mr. O'Leary of Bangor: An Act to amend Section 4 of Chapter 40 of the Revised Statutes, relating to the filing of examination questions with the State librarian for public reference.

By Mr. Mason of Ellsworth: An

Act to amend Section 127 of Chapter 87 of the Revised Statutes, relating to affidavits of plaintiffs. (On motion by Mr. Allan of Portland, tabled for printing)

Public Health

By Mr. Adams of Searsmont: Petition of Elwin A. Dinslow and 41 others of Liberty and vicinity, urging the passage of bill prohibiting the manufacture and sale of cigarettes in the State of Maine.

By Mr. Dunning of Charleston: Petition of Andrew Craig and 40 others of Charleston, urging same.

By Mr. Macomber of Jay: Petition of A. P. Adams and 24 others of Jay urging same.

By Mr. Marr of Somerville: Petition of C. E. Tilley and 17 others of Jefferson, urging same.

By Mr. Plummer of Benton: Petition of Arthur S. Phelps and 28 others of Waterville, urging same.

By Mr. Weatherbee of Lincoln: Petition of G. Herbert Jewett and 14 others of Springfield, urging same.

Public Utilities

By Mr. Wilson of Presque Isle: An Act to provide for the removal of electric wires and poles when necessary for the repair of streets or removal of buildings.

(On motion by Mr. Rounds of Portland, 500 copies ordered printed)

Sea and Shore Fisheries

By Mr. Perkins of Boothbay Harbor: Petition of J. W. Hanna and 32 others of Bristol for the repeal of all present lobster laws and amendments thereto.

By Mr. Wyman of Milbridge: Petition of Robert A. Davis and 29 others of Steuben, for An Act prohibiting the taking of smelts and tom-cods other than by hook and line in Tunk river.

By Mr. Foss of Hancock: Remonstrance of Henry Lawrie and 46 others of Sullivan, Franklin and Hancock, against any change in the present smelt law as applies to Frenchman's Bay and its tributaries.

By the same gentleman: Remonstrance of Frank Clark and 55 others of Sullivan, Franklin and Hancock, against same.

Towns

By Mr. Smith of Skowhegan: Petition of A. E. George and nine others of Hebron, urging the passage of bill providing for the election of road commissioners by towns.

Orders

Mr. Miller of Auburn presented the following order:

Ordered, the Senate concurring that the following bills, An Act to amend chapter 50 of the Revised Statutes, relating to compensation for personal injuries to employees, House Document, No. 55, An Act to amend sections 9 and 10, chapter 50 of the Revised Statutes, relating to compensation for personal injuries for employees, House Document No. 66, 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 employees, House Document No. 67, An Act to amend section 10 of chapter 50 of the Revised Statutes, relating to the workmen's compensation act, House Document No. 69, An Act to amend chapter 50 of the Revised Statutes, entitled compensation for personal injuries to employees, be recalled from the joint committees on labor and judiciary.

Mr. MILLER of Auburn: Mr. Speaker, I wish to say a few words in support of this order. My object in recalling these bills is to ask for a reconsideration of the vote whereby they were referred to the committees on judiciary and labor. I believe this to be a most important matter and that it deserves our most careful consideration. The Workmen's Compensation Law is primarily an insurance law. In effect it provides an accident policy for a large percentage of our employees. In support of my contention that this is an insurance law allow me to say that this law is administered by the Industrial Accident Commission composed of the chairman, who is appointed by the Governor, the Insurance commissioner and the commissioner of labor. The operation of the law is very largely conducted by insurance men. Now, because this is

true, and because the workings of this law is of such vital interest to insurance and to labor, what is more fitting than that the making and changing of this law be considered by the committees on insurance and on labor? If not, what may I ask is the insurance committee for? I admit, however, that these bills involve many legal, as well as insurance and labor problems, and because the employers are also vitally interested. I hope that these bills may finally be referred to a joint committee composed of three members from each of the following committees: Judiciary, labor, insurance and manufacturers. I understand that when the compensation law was originally introduced, it was referred to such a committee as I now suggest. I thank you.

Mr. PIKE of Eastport: Mr. Speaker, I think that the Workmen's Compensation legislation is probably the most important that will engage the attention of this Legislature. This is now the eighth week and these measures have been referred by the action of this Legislature to the committee on judiciary and the committee on labor, and it seems to me that that committee is wholly competent to discharge its duties. If I mistake not, the original measure to create a workmen's compensation law was referred solely to the judiciary committee and a sub-committee of that committee formulated the law and presented it for the consideration of the complete committee. Now, Mr. Speaker, we are getting very far advanced in this session, and I do not want to have so many dilatory tactics. I remember in a preceding Legislature that the great measure which is now a law of this State—the Public Utility measure—was through dilatory tactics dragged along through the entire session almost, and finally at its close the argument was that the measure had not received proper consideration, and in the late days of the session, with the hustle and bustle of the business of the Legislature, that we could not properly consider such an important measure. I take it, gentlemen, that this motion here now is in part for that purpose. A committee composed of twenty men,—six

senators and fourteen representatives of this Legislature—is surely large enough and the men appointed are able enough to make the proper amendments and report it back for the consideration of this Legislature, and then you may take such action as you see fit upon it. The idea of making a committee of 30 men appears to me to be ridiculous. I hope, gentlemen of the House, that the motion of the gentleman from Auburn will not prevail.

Mr. MILLER of Auburn: Mr. Speaker, the gentleman is mistaken as regards my motion. My motion was to refer it to a committee of twelve, three from each of the four committees named; not a committee of thirty.

The SPEAKER: Does the Chair understand that the gentleman (Mr. Miller) has any motion at the present time except that the order be given a passage.

Mr. MILLER: That is all.

Mr. WILLIAMS of Auburn: Mr. Speaker, I hope the members of this House will remember that this bill was first referred to the committee on labor and the committee on insurance, and it was afterwards transferred without any explanation. If there is any dilatory measure it was due to this action. This bill as has been said by my friend from Auburn, is an insurance bill and I assure every member of the House that he is sincere in his request to have it transferred to a committee to which no one could object, and he wishes the bill to go through as promptly as possible.

Mr. BARNES of Houlton: Mr. Speaker, may we have the order read?

(Order read).

The SPEAKER: The question before the House is the motion that the order received a passage. All those in favor of the passage of the order will say aye, those opposed no.

The Chair doubting the viva voce vote the yeas and nays were called for.

The SPEAKER: All those in favor of the motion that the order receive

a passage will stand until counted and the tellers will make the count.

The Chair will state that on these rising votes it is obligatory upon the members of the House to vote unless otherwise excused. All those in favor of the passage of the order will rise and stand until counted.

Forty having voted in the affirmative, and 93 in the negative, the order was refused a passage.

Reports of Committees

Mr. Baxter, from the committee on judiciary, reported ought not to pass on bill An Act to amend Section 17 of Chapter 24 of the Revised Statutes, relating to town and private ways.

Report was read and accepted and sent up for concurrence.

Mr. Berry, from the committee on Indian affairs, reported ought to pass, on Resolve in favor of John L. Mitchell, representative Passamaquoddy Tribe of Indians.

Same gentleman, from same committee, reported same on Resolve in favor of Mitchell N. Nicolai, representative of the Penobscot Tribe of Indians.

Mr. Barnes, from the committee on judiciary, reported same on bill An Act to make valid the organization of the Second Christian Society of Kittery, Maine, under the Revised Statutes, in the year of our Lord 1843.

Same gentleman, from same committee, reported same on Resolve in favor of Ida E. Heath of Chelsea, Maine.

Mr. Buzzell, from same committee, reported same on bill An Act relative to the tenure of office of county treasurers.

Same gentleman, from same committee, reported same on bill An Act to amend Section 10 of Chapter 117 of the Revised Statutes, as amended by Chapter 216 of the Public Laws of 1917, relating to stenographers of the supreme judicial court.

Mr. Chaplin, from same committee, reported same on bill An Act to amend Section 54 of Chapter 82 of the Revised Statutes, relating to adjournment of court.

Mr. Conary, from same committee, reported same on bill, An Act to authorize the town of Presque Isle to raise money to pay the purchase price of the lot of land conveyed to the State of Maine as a site for the erection of the buildings of the Northern Maine Sanatorium.

Mr. Murchie, from same committee, reported same on bill, An Act to amend the charter of South Portland.

Same gentleman, from same committee, reported same on bill, An Act to permit the town of Southport to obtain a supply of pure water.

Mr. Williams of Auburn, from the committee on public health, on bill, An Act amendatory to the Public Laws of the State Department of Health, reported same in a new draft, under title of An Act amendatory and additional to Chapter 197 of the Public Laws of 1917, relating to the State Department of Health, and that it ought to pass.

Same gentleman, from same committee, on bill, An Act relative to syphilis, reported same in a new draft, under title of An Act relative to the marriage of persons having syphilis, and that it ought to pass.

Mr. Allan, from the committee on public utilities, reported "ought to pass" on bill, An Act to provide for the reconstruction of the bridge between Portland and South Portland. (Tabled by Mr. Rounds of Portland pending acceptance of report.)

Mr. Cowan, from same committee, reported same on bill, An Act to authorize the merging of the corporate existence of Aroostook Northern Railroad Company with and into the corporate existence of Bangor & Aroostook Railroad Company.

Mr. Mathews, from same committee, reported same on bill, An Act to authorize Northern Seaport Railroad Company to merge with and into the Bangor & Aroostook Railroad Company.

Mr. Wilson, from same committee, on bill, An Act to extend the charter of the Penobscot Valley Gas Company, reported same in a new draft, under same title, and that it ought to pass.

Same gentleman, from same committee, on bill, An Act to incorporate the Steep Falls Water Company, reported same in a new draft, under same title, and that it ought to pass.

Reports were read and accepted and bills ordered printed under the joint rules.

Mr. Maher from the committee on judiciary reported "ought to pass" on bill, An Act relating to the signing of proxies.

The report was read and accepted.

Mr. BARNES of Houlton: As a matter of economy, in order that the bill may not be printed again and be on our files with two numbers, I move that the rules be now suspended and that it have its first two readings at the present time.

A viva voce vote being taken, the motion prevailed and the bill received its first two readings under suspension of the rules and was specially assigned for tomorrow for its third reading.

House 174: An Act for the rating and standardization of schools.

House 181: An Act relating to the education of deaf or dumb children.

House 176: Bill An Act to amend section 11 of chapter 135 of the Private and Special Laws of 1917, entitled An Act to establish the Mount Desert Bridge district for the purpose of acquiring, freeing and reconstructing the Mount Desert toll bridge in the town of Trenton in Hancock county.

House 178: Bill An Act to repeal chapter 72 of the Private and Special Laws of the State of Maine, of 1915 relating to the care and maintenance of the Mount Desert bridge in the town of Trenton.

House 180: Bill An Act to legalize and make valid the proceedings of the town meeting of the town of West Gardiner, held on the 12th day of March, A. D. 1917.

House 179: Bill An Act empowering the county commissioners of Penobscot county to sell surplus heat.

House 175: Resolve, making an appropriation for co-operative agricultural work between the college of agriculture of the University of Maine

and the United States department of agriculture.

House 182: Resolve, making an appropriation for the control of contagious diseases among domestic animals.

(Tabled by Mr. Bean of Minot pending its second reading.)

House 177: Resolve, in favor of the town of Washington.

Passed to Be Engrossed

Senate 41: An Act to authorize the county of Androscoggin to enlarge and repair the county buildings at Auburn in said county and erect new buildings and enlarge and construct safety vaults.

(Tabled by Mr. Sullivan of Lewiston, pending its third reading.)

Senate 70: An Act to establish a superior court in the county of Penobscot.

Senate 71: An Act amendatory of and additional to Section 27 of Chapter 84 of the Revised Statutes relating to examination of applicants for admission to the bar.

Senate 72: An Act to amend Sections 1, 2, 3, 5 and 11 of Chapter 222 of the Public Laws of 1917 entitled An Act to provide for Mothers with dependent children.

House 152: An Act to extend the provisions of Chapter 155 of the Private and Special Laws of 1917 entitled An Act to authorize the town of Yarmouth to supply gas and electricity and to amend same.

House 153: An Act to extend the charter of the Salisbury Cove Water Company.

House 154: An Act to extend the provisions of Chapter 214 of the Private and Special Laws of 1915, as extended by Chapter 50 of the Private and Special Laws of 1917, authorizing the town of Lisbon to supply gas and electricity.

House 155: An Act to amend Section 82 of Chapter 115 of the Revised Statutes, as amended by Chapter 136 of the Laws of Maine of 1917, relating to support of debtors in jail.

House 156: An Act additional to Chapter 349 of the Private and Special Laws of 1864, entitled An Act to incorporate the officers and members of Monument Lodge.

House 157: An Act to change the name of Whetstone pond in Abbot and Blanchard in the county of Piscataquis to Sylvan lake.

House 158: An Act authorizing and empowering the Passadumkeag Lumber Company to erect and maintain booms and piers in the Penobscot river.

House 160: An Act to incorporate the Wesserunsett Stream Dam and Improvement Company.

House 161: An Act to extend the authority of the American Thread Company to erect a bridge across Sebec river in the town of Milo.

House 165: An Act to extend the charter of the Quebec Extension Railway Company.

House 159: Resolve in aid of navigation on Sebec lake in Piscataquis county.

House 162: Resolve appropriating money for lighting the Narrows between Upper and Lower Richardson lakes.

House 163: Resolve reimbursing Jacob Astle for fine and costs paid in case prosecuted for violation of the trapping laws.

House 164: Resolve in favor of the town of Eagle Lake to reimburse said town for a part of the excessive expenses incurred in the influenza and smallpox epidemics.

IN CONVENTION

The President in the Chair.

The CHAIRMAN: The Senate and House having organized a joint convention, the Chair would appoint the senator from Kennebec, Senator Gannett, the representative from Piscataquis, Mr. Owen of Milo, as a committee to inform his Excellency that we are now in joint convention and await his pleasure.

The committee retired and subsequently reported that they had attended to the duty with which they were charged and wished to report that the Governor will appear forthwith.

Thereafter the Governor and suite came in.

The CHAIRMAN: His Excellency, the Governor. (Applause)

Governor MILLIKEN:

Gentlemen of the Seventy-ninth Legislature:

I am to address you briefly in conformity with Section 95 of Chapter 2 of the Revised Statutes, which reads:

"The Governor and Council shall submit to each Legislature not less than 15 days after it convenes, an estimate in detail, or a general estimate in any instance where it is impracticable to give specific items, sub-divided under appropriate headings, of such sums as may be deemed necessary to defray the several charges and expenses of the public service for the current and succeeding year. This estimate shall also include such sums as may be deemed necessary for charitable and benevolent institutions, new buildings, or the renovation of old buildings of State institutions, and for such other purposes for which public money may be properly appropriated. It shall be accompanied by a statement showing the total valuation of taxable property in the State as compiled by the Board of State Assessors and the rate of taxation necessary to produce approximately the revenue required to meet such expenditures. It shall also show the estimated income of the State for said two years from sources other than direct taxation."

The figures submitted herewith are not, however, the expression of the unaided judgment of the Governor and Council; they are, as you are aware, the result of a careful and detailed study of the whole financial program by the legislative committees that deal with appropriations, working with the Executive Department.

Cash Resources

It is proper to start with the statement of current assets and liabilities, Dec. 31, 1918, and you will note that this list properly excludes trust funds held in the treasury, also the balance remaining from the sale of war bonds because it is expected that the whole of this balance will be required to complete the payments by

the State to cities and towns for amounts paid to dependents of soldiers, sailors and marines, prior to January 1, 1919. These claims by cities and towns are presented under the law after January 1 for the six months' period ending December 31, and are paid as soon as they can be checked up and found correct. It is not yet apparent what the total amount will be.

I call your attention also to the fact that out of the total \$1,218,309.-44 listed as current assets, only \$325,496.73, the State contingent fund or surplus, can be regarded as available for the expenditures of government during 1919-20. The remainder, amounting to \$892,612.71, is required to meet existing appropriations. There will be some cases where the total amount authorized in existing appropriations will not be actually expended and the unexpended balances will lapse into the contingent fund June 30. If the total of these amounts exceeds the total by which actual collections fall short of items listed as due for taxes, the contingent fund will be correspondingly increased, perhaps to a total of \$400,000.

I pointed out in the Budget message two years ago that a considerable part of the apparent contingent fund balance of \$106,614.68 would be required to meet additions to existing appropriations where the appropriations themselves proved inadequate, and that turned out to be the case. Instances of that sort are very few this year, but it is probable that some reduction of the balance will occur from necessary additions to 1918 appropriations.

Small Working Balance

But even a contingent fund of \$500,000 is too small a working balance with which to begin a year's business amounting to \$8,000,000 or \$9,000,000 when you recall that more than half the revenue of the State comes from direct taxation which does not reach the treasury until the month of December, the very end of the fiscal year, and that by constitutional limitation we are prevented from borrowing more than

\$300,000 in anticipation of taxes. We have changed the former method by which bills against the State incurred during a given month were usually not paid until the end of the following month, and are paying State employes weekly and all bills for materials and supplies every two weeks. In order to permit the continuance of this policy without carrying an unwieldy cash balance over the end of the fiscal year, I recommend a constitutional amendment increasing to one million or two million dollars the limit of the temporary loan which may be borrowed in anticipation of taxes. In the year 1847 when this constitutional limitation was fixed, the total appropriations for expenditure of government were \$403,735.62. It is apparent that a temporary borrowing capacity which was adequate at that time has become absurdly low for a financial program twenty times as great. The customary margin of safety between probable resources and proposed expenditures has been omitted in figuring this budget on the assumption that this amendment would be proposed and adopted by the people that it will, therefore, be unnecessary to carry over the end of the fiscal year a cash balance greater than is required to meet existing appropriations.

Department Appropriations Rearranged

You will note from the detailed statement of appropriations and recommendations that the items have been rearranged so as to unite in each department under the head of "Salaries and clerk-hire" all payments for personal services rendered by officials or employes in the office of the department, and under the head of "Office expenses" all other expenditures of the office including traveling expense of officials and employes. All expenditures incurred for services performed or material furnished for work carried on outside the office would be charged under the corresponding special appropriation, but no part of the appropriation made for a designated project outside the office would be

absorbed by clerk-hire or other office expense. This arrangement if carried out will greatly simplify the bookkeeping of the Treasurer of State and State Auditor and will enable the Legislature to analyze with better understanding the appropriations made for each department. In examining the proposed appropriations for salaries and clerk-hire and for office expenses, you will need to remember that the apparent increases are in large measure accounted for by transfers from other appropriations out of which some of these items have been paid heretofore. The estimates do not provide for increasing the salary of the head of any department; the actual increases in clerk-hire are due chiefly to increased responsibilities which the department has either actually assumed or is expected to assume. The maintenance cost of State institutions has been figured very closely, in some instances, perhaps, too closely, and has taken into account on the one hand the expected increase in number of inmates and on the other hand some probable decrease in prices of food and materials.

Without taking too much time. I cannot discuss with you in detail the merits of each case in which new construction has been recommended. Those of you who attended the Budget hearings are familiar with the facts. We have felt compelled to confine our recommendations to the projects that seemed most urgent. Further building appropriations are really needed at the Normal Schools, the tuberculosis sanitoriums, the Reformatory for Women, the State prison, the State hospitals, and the School for Feeble Minded. Most of you realize the crowded condition of the State House and the extent to which valuable documents and files of correspondence are stacked in the attic and other unsuitable places. In the near future a commodious building must be erected probably west of the present State House and connected with it by a subway. This will provide room for some of the crowded departments, and especially should include sufficient

vault space to provide for all the correspondence and other documents which necessarily accumulate. The expense involved in this proposal forbids its being undertaken at present. We have partly met the situation by recommending a fireproof addition to the present building occupied as a storehouse by the Adjutant General. This will provide quarters for the Adjutant General's department and the pension Agent and will afford fireproof storage for the valuable records we have no right to leave longer in their present insecurity.

New Projects

Chief among the new projects recommended which require additional expenditure but no new buildings are the following:

Investigation of ownership and development of undeveloped water powers.

State Board of Children's Guardians.

Part payment by the State of the board and care of neglected children.

Equalization of traveling expenses of superintendents of towns comprising school unions.

Training and part payment of model teachers in rural schools.

Vocational and physical education.

Medical and dental inspection in schools.

Reformatory for young men.

Additional district health officers and encouragement of towns to form health unions.

In some instances the proposed increase of expenditure has been deferred until 1920 and often the appropriation has been much reduced below the original request. It is felt, however, that all these projects are important enough to warrant their being undertaken even at the cost of some additional charge upon the public treasury.

Some bills of a public nature as, for example, the bill establishing a superior court in Penobscot county, now pending before committees or before the Legislature, would involve small additional expenditures if finally passed. Failure to include these items in the budget does not necessarily indicate disapproval of the projects themselves. It is hoped that the total required for these purposes and for such claims

against the State as may be approved by the Legislature will not exceed the margin between appropriations and revenue in the budget estimates.

Highways and Bridges

In discussing before the 78th Legislature the relative merits of a bond issue or direct taxation as sources of revenue for highway construction, I suggested that a bond issue was only justifiable to provide for a permanent improvement requiring extraordinary expenditure. Any proper expenditure for road construction is of course a permanent improvement and therefore fulfills the first of these conditions. The last Legislature wisely levied a tax of one mill upon the property of the State for road construction on the theory that this amount would represent our normal annual expenditure and therefore should be provided for by direct taxation.

The federal government is very likely to propose within a few weeks an extraordinary program of road construction which might require the State of Maine to find funds to match a federal appropriation of \$2,000,000 in 1919-1920. In the case of the proposed Portsmouth-Kittery bridge the combination of many favorable circumstances seems to make it our plain duty to authorize an appropriation for Maine's share of the necessary cost. Furthermore the present bridge law by which the State joins with counties and towns in the construction of large bridges should be radically changed along lines similar to those which have been successfully followed in the so-called State-aid road law; that is, the percentage of the joint bridge fund furnished by the State should increase in proportion to the cost of the bridge as compared with the resources of the towns in which the bridge is located. In other words, a sliding scale should be devised so that a small town that through the accident of natural location has an expensive bridge to build will receive from the State a very much larger percentage of the cost than the invariable 20 per cent. provided by the present law. These combined necessities create a situation requiring extraordinary expenditures in the next few years for highway and bridge construction, and,

therefore, in my judgment justify the issuance of additional bonds.

I therefore propose a constitutional amendment including bridge construction as well as highways in the purposes for which bonds may be issued, increasing the total amount to at least \$10,000,000 and removing the restriction which now limits the rate of interest to 4 per cent.; this, with the purpose of providing the additional funds required to match the federal money, furnishing the amount needed for Maine's share of the cost of building the Portsmouth-Kittery bridge and authorizing the payment from the sale of bonds of the amount in excess of the regular annual appropriation of \$100,000 which may be necessary to meet the State's share of bridge construction under the proposed sliding scale.

Authority should also be granted for re-issuance of outstanding highway bonds as they mature and for investment of trust funds in these bonds or any other obligation of the State.

Dependents of Soldiers

You will notice that the amount which may be required for reimbursement to towns for payments made to dependents of soldiers and sailors is not included in the Budget estimates. It is not yet apparent what action the Legislature will take in regard to this matter and even if the proposed law had already been passed it would be impossible to estimate closely the amount required to meet its provisions. I suggest that, after the law has taken final form, a special tax be assessed for the years 1919-20, the proceeds to be used for this purpose with the understanding that any balance remaining be set aside as a fund to be applied to the same purpose in succeeding years or used for the retirement of war bonds.

Taxation

There seems to be an impression in some quarters that an appropriation from the public treasury is a net gain to the institution or locality that becomes the fortunate recipient and involves no corresponding expenditure or obligation. We cannot remind

ourselves too often that the public treasury has no sources of revenue except the pockets of the people. All funds raised for public purposes are collected from the people by direct or indirect taxation. In accordance with the Statute I have indicated the rate required to produce the necessary revenue for the proposed list of expenditures exclusive of soldiers' dependents and the items for which authority to issue bonds is requested.

You will note that the necessary rate is seven mills, an increase of only one mill over the rate prevailing during the past two years.

I shall make no suggestion regarding changes in our taxation laws except to renew the general recommendation that you take some definite steps towards correcting the glaring inequalities created by our present method of taxing, or rather failing to tax, intangible property. Property of this class to the extent of several hundred millions of dollars is entirely escaping State taxation. By vote of the people on September 8, 1913, an amendment to the Constitution was adopted which gives the Legislature special authority to "levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property." The people plainly intended by this amendment to make possible action by the Legislature to provide and enforce a just tax upon property of this class. The situation has grown worse rather than better in the last few years because the mortgage exemption law passed in 1911, instead of exempting the owner of the property to the extent of the mortgage, releases the money lender entirely from the payment of taxes provided his loan is secured by a mortgage on property within the State.

If the influence of wealthy holders of intangible personal property continues to be sufficient to prevent successive Legislatures from taking appropriate action under the constitutional amendment, the people will undoubtedly avail themselves of another recent constitutional amendment and

secure by the process of initiative partition the enactment of a law covering this subject.

Responsibility for Expenditures

A strong feature of the Budget system as it exists in England is the constant presence in the Legislative body of the executive officials immediately responsible for the expenditure of appropriations. This system allows every member of the Legislative body through direct personal questions to hold every executive branch of the government directly responsible for all the funds with which it is entrusted. We have secured some of the benefits of this system by holding Budget hearings and giving not only the committees immediately concerned but every member of the Legislature an opportunity to hear the requests made by the various heads of departments and institutions and to question them in detail about their proposed expenditures.

You might very well carry the process further by devoting considerable time in committee of the whole or in joint convention to careful study and discussion of the Budget proposals with full opportunity for questioning the Legislative committees that have considered those proposals in detail. So far as my knowledge goes I should be glad personally either now or at any future time to answer frankly and fully any questions that may occur to any of you. (Applause.)

The CHAIRMAN: The purposes for which this convention was called having been performed, the Senate will now retire to its chamber.

Thereupon the Senate retired.

IN THE HOUSE

(The Speaker in the Chair.)

Orders of the Day

On motion by Mr. Lanpher of Sebec the resolve directing the manner of engrossing the acts and resolves and for the preservation of the same, was taken from the table.

Mr. LANPHER: I move that the

rules be suspended and this resolve be given its two several readings at this time, and that when we vote on it, we vote by yeas and nays.

Mr. MAHER of Augusta: I would like to inquire if this is the same matter that we voted on yesterday?

The SPEAKER: The Chair will state that it is the same matter, and will rule that it is perfectly proper to renew the motion after the intervention of other business.

Mr. MAHER: By reconsideration?

The SPEAKER: Not by reconsideration; simply because of a renewal of the motion. The Chair will make that ruling.

Mr. MAHER: What was the status of the matter?

The SPEAKER: The Chair will state that the bill was accepted under a suspension of the rules, and the motion was then made that it be given its two several readings and passed to be engrossed, at the time the resolve was introduced.

That motion failed, and the resolve was laid on the table on the motion of the gentleman from Sebec, Mr. Lanpher, and has just been taken from the table.

Mr. MAHER: Was that the proposition we voted upon yesterday under suspension of the rules?

The SPEAKER: The Chair will state that it separated the motions; that the motions were put yesterday and the bill was accepted under suspension of the rules by the House, and then a separate motion was made for the suspension of further rules in order that the two readings might be given and the resolve might be passed to be engrossed. Upon that a vote was taken and the motion failed.

Mr. MAHER: And the Chair now rules—

The SPEAKER: The Chair rules that you cannot reconsider a motion under suspension of the rules and that a renewal of the motion is in order.

Mr. MAHER: The Chair now rules that you can proceed to a new vote on the same subject matter without a reconsideration

The SPEAKER: The Chair rules

that a motion to reconsider is not in order, and that a motion to renew, as has been made, is in order. The gentleman can appeal from the ruling of the Chair if he desires.

Mr. BARNES of Houlton: Mr. Speaker, it occurs to me we might as well meet this issue on its merits, and now as well as any other time. It is said that once upon a time an individual, hearing that the crow would live to be 100 years old, bought a crow to find out. Now in the order of nature, one or the other of these two creatures would have to die, and whichever one died would not establish the question as to whether a crow would live 100 years or less. I am interested as a citizen of Maine in this proposition solely on the question of permanency—not of records, gentlemen; but the permanency and continuance of the acts of the Legislature of Maine. Now the acts of any given Legislature may be, many of them, irrelevant and of slight value. Some acts of a sovereign state are of such value that they should be retained in permanent form so that posterity may read them—read them as they were enacted. Acts and doings of a sovereign state by some have been considered mere scraps of paper, and when those scraps of paper were kindled a conflagration arose that lighted the world. We are a young people. We have existed here 100 years. That was a long time to the creature who bought the crow, but to a sovereign state it is a day in its infancy, and there are bits of paper in Europe of priceless value, legibly decipherable, wherein the thought of men were committed to white parchment by ink. The use of the typewriter to write or print is new; so new in the history of the nation as to have no age or trial at all. I am not satisfied as to whether typewriting is printing or whether it is writing. You can test that as far as the federal government is concerned sometime when you offer a roll of typewritten stuff to the postmaster. You will find out then, if you do not know now, whether you have to pay first class postage or second class postage. If you are practicing the profession I am practicing and have to go before the supreme court of the State, you can find out whether

the supreme court rules it is writing or printing, when you look up the rule that requires you to furnish a brief either in print, in legible writing or in typewriting. The supreme court of the State has not yet said whether typewriting is printing or not. Many bits of misinformation were given to you yesterday to the effect that the findings of our supreme court are committed to typewriting and hence are perishable, and that all heads of departments reports are in typewriting and hence are in this same class. I am not interested to follow Massachusetts. My ancestors followed Massachusetts for a few years and then they quit. I do not know why we should necessarily take it up after 100 years, but I am interested that the acts of the Legislature of Maine 100 years hence, 1000 years hence, down all the ages to the millennium, shall be decipherable and legible.

Now I have attempted to find out what this substance is by which we commit to writing by means of the typewriter. The best information I can get is, that graphite, the same substance that is in your lead pencil, is ground to the very finest powder, and that by means of the mixture therewith of a little grease of some kind, either animal or vegetable, the powder is affixed to paper. I do not need to tell you what printer's ink is, or that printer's ink is different from the fluid with which we write with a pen, or that the printer's ink is different from the substance on a typewritten paper. You know that printer's ink is permanent so far as any substance or means which have yet been used to make any permanent record can be found. But here is our proposition. We are not directing the secretary of State to make copies of our acts and keep them in his office. We are asking him to make the original paper, and then we ask the printer to circulate through the newspapers and through the volumes which we call the Public Laws of the State of Maine, copies of the original. Now 10 years hence or 50 years hence or 500 years hence, someone will be moved to find out what is the law on a certain point. He picks up the

volume in his office and he sees that it was printed thus and so, and he does not for the minute assume that that is the law. He goes down to the secretary of State's office and there he finds the words on the original, different from the recording of your deed, with which you are familiar. In the most progressive counties, the deeds are recorded by typewriter on the book and you take home the original. It is only the copy that is there in typewriting. Suppose many years hence a man searching for truth goes to the secretary of State and takes out an ancient paper which has been engrossed by the typewriter. Now, gentlemen, some day the oily substance, which I called grease, which affixes the ashes of graphite onto the body of the paper along certain lines, some day that vegetable or animal matter will disappear; it will utterly disappear. Are you satisfied that the little powder that the grease held to the paper will stay on the paper after the grease has disappeared or may it not shake off? After 50 years' trial, we may be satisfied that a record by typewriter is practically permanent. We do not know that writing by pen and ink is absolutely permanent and permit me to suggest there is nothing that man does that is absolutely permanent. In my great interest that the acts and resolves of the State of Maine shall exist in the form that is most widely recognized to be nearly permanent, I hope that the Legislature will not be stampeded by the story that a couple of thousand dollars, out of the sixteen million that we are going to spend this year, can be saved and the acts and resolves jeopardized. Until we are older in typewriting as a method of permanent recording, I hope the Legislature of Maine will require the engrossing of its bills to be done either by printing or by writing, and when the time comes to vote on this resolve, as a lawyer, as a citizen—you may call me conservative if you wish—well and good—I want to conserve in their original form the acts and resolves of the State of Maine, I hope the Legislature will vote against this resolve.

The SPEAKER: The question before the House is the motion of the gentleman from Sebec, Mr. Lanpher, that the rules be suspended and that the resolve be given its two readings at the present time.

Mr. BERRY of Waterville: Mr. Speaker, may I inquire if that resolve carries an emergency measure?

The SPEAKER: The Chair will state that it does.

Mr. BERRY: Mr. Speaker and gentlemen of the House: I do not wish to criticize, but I am astounded almost at the ruling. I thought we voted on the same subject matter yesterday and that it was settled. I supposed it had to come back by reconsideration of the vote of yesterday. I fail personally to see why we are not voting on exactly the same question that we did yesterday, and I have understood that it required a notice of three days to bring up the same subject matter to be voted on. If the Chair can explain to me why we are not voting on exactly the same question that we voted on yesterday, I will stand corrected.

The SPEAKER: The Chair will state to the gentleman from Waterville, Mr. Berry, that the matter was received by the House and the vote was taken, which was refused, and the matter was then laid on the table, and comes off the table this morning on the renewal of the motion to suspend the rules. The Chair has taken the trouble to look up very carefully, and it is satisfied beyond question that it is perfectly proper to renew the motion at the time. More than that it is a settled rule of parliamentary law that a motion to reconsider a suspension of the rules is never in order. The Chair has given an opportunity to appeal from its ruling. If the gentleman from Waterville (Mr. Berry) desires to appeal from that ruling, he may do so now, and the House will vote on it.

Mr. BUZZELL of Belfast: Mr. Speaker, I feel that all has been said perhaps that ought to be said upon this question, but I do want to add just one word to what the gentleman from Houlton has said.

There is such a thing as being "penny wise and pound foolish." The gentleman from Houlton (Mr. Barnes) said nothing about the emergency measure connected with this bill. Gentlemen, there is no emergency in connection with this bill within the meaning of the statute which provides for emergencies. There may be merit, but to my mind, there is no emergency; therefore I do not want to take part and share in voting for a bill under such conditions, in view of the facts and the light that has been shed upon this measure. Our present system of engrossing bills has been enduring and I, for one, hope that the motion of the gentleman from Sebec (Mr. Lanpher) will not prevail.

The SPEAKER: Is the House ready for the question? The gentleman from Sebec, Mr. Lanpher, moves that when the vote is taken it be taken by the yeas and nays. As many as are in favor of that will rise and stand until they are counted.

A sufficient number having arisen, the yeas and nays were ordered:

The SPEAKER: The question before the House is that the rules be suspended and that the resolve be given its two readings at the present time and be passed to be engrossed. It being suspension of the rules, a two-thirds vote is required. The clerk will call the roll. All those in favor of the motion will say yes when their names are called, those opposed will say no.

YEA—Adams, Alden, Allan, of Portland, Anderson, Austin, of Milford, Austin, of South Berwick, Baxter, Brewster, Brown, Burns, of Madison, Carey, Carlton, Clason, Cowan, Crane, Daigle, Davis, of Freeport, Davis, of Old Town, Dunning, Flint, Foss, Fowles, Garcelon, Grav, Grinnell, Hatch, Hinckley, Hiler, Holley, Jillson, Lanpher, Leathers, Macomber, Marr, Mason, Millett, Murch, Off, Overlock, Owen, Pattee, Phillips, Pike, Putnam, Ridlon, Rowe, Rowell, Sanborn, Sawyer, Stacey, Stanley, Stevens, Thomas, of Harpswell, Thomas, of South Portland, Varney, of Jonesboro, Varney, of Windham, Washburn, Weatherbee, Wyman—59.

NAY—Allen, of Sanford, Audibert, Barnes, Bean, Berry, Bowie, Brackett, Bradford, Bragdon, Buzzell, Case, Cates, Chamberlin, of Lebanon, Chamberlain, of Winslow, Chapin, Chellis, Clifford, Cochrane, Colecord, Cole, Conary, Corliss, Crabtree, Cunningham, Dain, Dolloff, Doyle, Dunn, Dutton, Eaton, Fagan, Forbes, Fuller, Furbish,

Gilmour, Granville, Greeley, Hammond, Houghton, Hussey, Jones, Jordan, of Cape Elizabeth, Jordan, of New Gloucester, Laurier, Mace, Maher, Mathews, McLeary, Miller, Morin, Murchie, O'Connell, O'Leary, Peabody, Perkins, of Boothbay Harbor, Perkins, of Orono, Plummer, Porter, Reed, Ring, Roberts, Rounds, Savage, Simons, Small, Smith, Storm, Sullivan, Swift, Tilder, Warren, Williams, of Auburn, Williams, of Wells, Wilson, of Presque Isle, Wilson, of Portland—75.

ABSENT—Arthur, Brann, Burns, of Eagle Lake, Casey, Coulombe, Farnsworth, Hanson, Langelier, Leonard, Love, Mitchell, Mulligan, Murray, Nelson, Ricker, Sweatt—16.

The SPEAKER: Seventy-five having voted no and 59 having voted yes, the motion failed of passage.

On motion by Mr. Maher of Augusta, a viva voce vote being had, the resolve was indefinitely postponed.

Mr. MAHER of Augusta: I move that we reconsider the vote whereby the resolve was indefinitely postponed.

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

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

Mr. ROUNDS of Portland: Mr. Speaker, I would like to ask if the Portland bridge bill tabled by me, House Document 45, has been printed?

The SPEAKER: The Chair will state that it is unable to give the gentleman from Portland (Mr. Rounds) the information he desires.

Mr. ALLAN of Portland. Mr. Speaker, I think I can answer the gentleman. This bill has not been printed.

Mr. BARNES of Houlton: Mr. Speaker, among the unfinished business is the bill that the newspapers call "the skim milk bill"; and I move, Mr. Speaker, that the House insist upon its action.

The SPEAKER: The Chair will state the situation of this bill so that it will be perfectly clear. It is the bill to amend Section 3 of Chapter 130 of the Revised Statutes, relating to the sale of milk. This was indefinitely postponed by the House, and by the Senate was recommitted to

the committee on agriculture. It was acted upon yesterday here, the House voted not to recede and concur, and the matter was left in the air. Now the motion is that the House insist upon its former action. The Chair will inquire of the gentleman from Houlton, Mr. Barnes, if he wishes any committee of conference?

MR. BARNES: I do not make that motion.

MR. BEAN of Minot: Mr. Speaker, would it be in order to debate this matter at this time?

The SPEAKER: The Chair will rule that it is in order.

MR. BEAN: Mr. Speaker, I desire to say, Mr. Speaker and gentlemen of the House, that I cannot quite understand the statements given out here by the brother from Houlton, (Mr. Barnes), when he states the position that the Department of Agriculture is not behind this bill. I think it is an incorrect idea; an incorrect impression. I also believe that the organized dairy industries, in other words, the N. E. M. P. A., through its branch in the State of Maine is also in favor of this bill. I think the gentleman conveyed the idea that neither was in favor of it. As stated in the gentleman's remarks here the other day, cow's milk might be either three per cent. or 2.8 per cent. or it might be as high as 8 or 9 per cent. butter fat. While this is true, I do not know of any reason why the farmer should not have some established measure by which to sell his milk, as well as the man selling produce by the peck or bushel. If 3 or 5 per cent. milk is all that a customer wishes to pay for, why is it a necessity to require more? It would be as reasonable to require five or eight pecks to the bushel. I think it is in justice to the farmer that this measure have a passage. It may not be in perfect form and that is why we want it recommitted, so we can remedy the matter. I do not think this measure should be turned down.

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

On motion by Mr. Berry of Waterville it was voted to take from the

table House Document No. 87, An Act to amend the charter of the city of Waterville; and on further motion by the same gentleman it was referred to the committee on judiciary.

On motion by Mr. Berry of Waterville it was voted to take from the table House Document No. 101, An Act to grant a new charter to the city of Waterville; and on further motion by the same gentleman it was referred to the committee on judiciary.

On motion by Mr. Wilson of Portland it was voted to take from the table House amendment A to Act to provide for the election of road commissioners by towns; and on further motion by the same gentleman the amendment was adopted.

On further motion by Mr. Wilson of Portland the bill as amended by House amendment A was given its first two readings and specially assigned for tomorrow morning for its third reading.

On motion by Mr. Dutton of Bingham, it was voted to take from the table House Document 149, An Act to amend Section 21 of Chapter 7 of the Revised Statutes, relating to the time of opening and closing the polls at elections; and on further motion by the same gentleman, the bill was passed to be engrossed.

MR. ALLAN of Portland: Mr. Speaker, a few moments ago the gentleman from Portland, Mr. Rounds, stated that House Document No. 45, to which he referred, had not been printed. I find it is printed, and with the consent of the gentleman from Portland, (Mr. Rounds), I move that we take it from the table.

The motion was agreed to.

MR. ROUNDS: Mr. Speaker, I made the motion this morning to have copies printed of it, and I want to save the expense of printing. I would like to have it lie on the table and assigned for some day next week.

The SPEAKER: Does the gentleman from Portland (Mr. Rounds) wish to assign it for a certain day?

On motion by Mr. Rounds of Portland House Document No. 45, An Act

to provide for repairing and maintaining Portland bridge, was retabled.

On motion by Mr. Allan of Portland it was voted to take from the table House Document No. 116, An Act to provide for the collection of agricultural statistics by assessors; and on further motion by the same gentleman

it was recommitted to the committee on agriculture.

On motion by Mr. Hinckley of South Portland,

Adjourned until tomorrow morning at 10 o'clock.