

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

AUGUSTA
KENNEBEC JOURNAL PRINT
1921

HOUSE

Thursday, April 7, 1921.

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

Prayer by the Rev. Mr. Quimby of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

Resolve in favor of George A. Dow and Francis C. Colburn, Document Clerks for extra services in preparing weekly cumulative index to Senate and House Documents.

(On motion by Mr. Wadsworth of Winthrop the rules were suspended, the resolve given its two several readings and passed to be engrossed in concurrence.)

Senate 222: Resolve in favor of James H. Burgess of Bangor, Penobscot County, State of Maine, for civil pension.

(On motion by Mr. Barwise of Bangor, the rules were suspended, the resolve given its two several readings and passed to be engrossed in concurrence.)

Senate 223: An Act to amend Chapter 2, Section 57, of the Revised Statutes, relating to bond of State Treasurer.

(On motion by Mr. Bragdon of Perham, the rules were suspended, the bill given its three several readings and passed to be engrossed in concurrence.)

An Act to apportion representatives to Congress.

On motion by Mr. Buzzell of Belfast, received its two several readings under suspension of the rules, and on motion by Mr. Rounds of Portland, the rules were further suspended, and bill received its third reading, and passed to be engrossed in concurrence.)

From the Senate: Bill, An Act additional to Chapter 33 of the Revised

Statutes, as amended, relating to ice fishing in China Lake, including that portion of said Lake known as Mud Pond.

This was passed to be enacted in the House April 4, and passed to be engrossed on March 30.

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

In the House, on motion by Mr. Weeks of Fairfield, the rules were suspended, and the action of the House whereby heretofore this bill was passed to be enacted and passed to be engrossed, was reconsidered. On further motion by the same gentleman, Senate Amendment "A" was adopted in concurrence, and on further motion by the same gentleman, the bill as amended by Senate Amendment "A" was passed to be engrossed in concurrence.

From the Senate: Bill, An Act to establish the Commission of Foreign and Domestic Commerce.

Comes from the Senate, given its readings under suspension of the rules, and passed to be engrossed as amended by Senate Amendment "A."

In the House, on motion by Mr. Story of Washburn, the rules were suspended, and the bill was given its first and second readings.

Mr. WING of Auburn: Mr. Speaker, I move that the bill lie on the table.

The SPEAKER: If the amendment were now offered, then the whole matter would be before the House.

Mr. WING: Mr. Speaker, may I inquire if it is an amendment to the Portland Pier Act?

The SPEAKER: It does not appear to be. The gentleman from Auburn, Mr. Wing, moves the adoption of Senate Amendment "A" in concurrence.

Senate Amendment "A" read and adopted in concurrence; and on further motion by Mr. Wing, the bill was tabled pending third reading.

From the Senate: Bill, An Act to amend Chapter 164 of the Private and Special Laws of 1915, providing for the establishment of a Board of Re-

creation for the city of Portland. This was passed to be engrossed in the House April 4.

Comes from the Senate, passed to be engrossed as amended by Senate Amendment "A."

In the House, on motion by Mr. Rounds of Portland, that body reconsidered its action heretofore taken whereby this bill was passed to be engrossed. On further motion by the same gentleman, Senate Amendment "A" was adopted in concurrence; and on further motion by the same gentleman, the bill was passed to be engrossed as amended by Senate Amendment "A" in concurrence.

From the Senate: Resolve authorizing Austin W. Jones Company to bring a suit at law against the State of Maine. This was passed to be engrossed in the House as amended by Senate Amendment "A" April 2.

Comes from the Senate passed to be engrossed as amended by Senate Amendment "A" and Senate Amendment "B."

(Senate Amendment "B" read by the Clerk.)

On motion by Mr. Barwise of Bangor, the rules were suspended and the action of this House whereby heretofore this resolve was passed to be engrossed was reconsidered. On further motion by the same gentleman, Senate Amendment "B" was adopted in concurrence; and on further motion by the same gentleman, the resolve was passed to be engrossed as amended by Senate Amendments "A" and "B" in concurrence.

Mr. WING of Auburn: Mr. Speaker, I move that the rules be suspended and that we take from the table the bill which I just tabled, Senate Document 199, Bill An Act to establish the Commission of Foreign and Domestic Commerce, and I further move that this bill be indefinitely postponed.

Mr. ROUNDS of Portland: Mr. Speaker, there may be some good in the bill, and I would like to have it tabled for printing.

Mr. HINCKLEY of South Portland: Mr. Speaker, I can hardly understand the reason for indefinitely postponing this bill.

The SPEAKER: Does the gentleman from South Portland (Mr. Hincley) second the motion of the gentleman from Portland (Mr. Rounds)?

Mr. HINCKLEY: No, I am speaking to the motion to indefinitely postpone. I understood the gentleman from Portland (Mr. Rounds) to say that he would like to have it tabled.

The SPEAKER: Those in favor of tabling the measure will say aye, contrary minded, no.

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

From the Senate: Resolve providing for the purchase of Reports of the Centennial Celebration of the Maine State Bar Association. This was finally passed in the House March 29, and passed to be engrossed March 24.

Comes from the Senate passed to be engrossed as amended by Senate Amendment "A."

In the House, on motion by Mr. Owen of Milo, that body voted to reconsider its action heretofore taken whereby this resolve was finally passed and passed to be engrossed.

(Senate Amendment "A" read.)

On further motion by Mr. Owen of Milo, Senate Amendment "A" was adopted in concurrence; and on further motion by the same gentleman, under suspension of the rules, the resolve as amended by Senate Amendment "A" was passed to be engrossed in concurrence.

From the Senate: Bill, An Act conferring certain additional powers on the city of Portland, namely, the power to establish a Municipal Ferry at Peaks Island in Portland Harbor. This was passed to be engrossed in the House April 4.

Comes from the Senate indefinitely postponed.

Mr. DODGE of Portland: Mr. Speaker, I move that the House recede from its former action and concur with the Senate.

Mr. ROUNDS of Portland: Mr. Speaker, I hope that the gentleman's motion will not prevail. The city government has passed a bill asking that they have a right to the establishment of a ferry, and I hope the gentleman's motion will not prevail because I think as you turn down every measure that they have asked for that you should now let them have one as they ask for it.

Mr. HINCKLEY of South Portland: Mr. Speaker, inasmuch as this act also carries with it a referendum to the voters of the city of Portland, I most heartily join with the gentleman from Portland (Mr. Rounds) in hoping that this House will insist upon its action. It seems to me, having in mind that the city government of the city of Portland by unanimous vote, as I understand, authorized its corporation counsel to prepare a bill providing for the establishment of a Municipal Ferry between Portland and another part of its city, known as Peaks Island, and also providing that the bill should not become a law until accepted by a majority of the voters of the city of Portland, that it is only fair that this Legislature should allow Portland to determine that matter; and I cannot understand why anybody in Portland would take the position that the people should not have a right to determine this for themselves. I certainly hope that we do not recede, but that we later insist upon our action.

Mr. McILHERON of Lewiston: Mr. Speaker, coming from a city where the Legislature will not allow the people to determine their own affairs, I hope they will give Portland—at least one city—the right to determine their own affairs. For that reason I plead for Portland, and I hope that you will be just enough to see that Portland has her wishes in this matter,—at least one city.

Mr. WISEMAN of Lewiston: Mr. Speaker, the same on this end.

The SPEAKER: The gentleman from Portland, Mr. Dodge, moves that the House recede and concur with the Senate in the indefinite postponement of the bill. All those in favor will say aye, contrary minded, no.

A viva voce vote being taken, the motion to indefinitely postpone was lost.

On motion by Mr. Hinckley of So. Portland, the House voted to insist upon its former action, the bill having passed to be engrossed in the House on April 4, and call for a committee of conference.

The Chair appointed as conferees on the part of the House, Messrs. Rounds of Portland, Hinckley of So. Portland and McIlheron of Lewiston.

From the Senate: Bill, An Act to provide additional funds for the maintenance of State and State aid highways. This was passed to be engrossed as amended by House Amendment "A" in the House on April 4.

Comes from the Senate indefinitely postponed.

In the House, on motion by Mr. Buzzell of Belfast, the bill was tabled.

From the Senate: Bill, An Act to regulate the payments of appropriations for the care, treatment, support, and education of persons in charitable or benevolent institutions not wholly owned or controlled by the State.

The report of the committee on Legal Affairs on this bill, having been ought not to pass, was read and accepted in the House in non-concurrence with the Senate, the Senate substituting the bill for the report, and passing it to be engrossed.

Comes from the Senate that body insisting on its former action, and asking for a committee of conference with the following conferees appointed on its part: Senators Parent of Androscoggin, Sargent of Hancock, and Spencer of York.

Mr. MAHER of Augusta: Mr.

Speaker, in order to save time I move that we adhere.

Mr. WING of Auburn: Mr. Speaker, I move that we insist and join in the committee of conference.

The SPEAKER: The gentleman from Auburn (Mr. Wing) moves that we insist and join in the conference. This motion has precedence.

The motion to insist and join in the committee of conference prevailed.

The SPEAKER: The Chair will appoint as conferees on the part of the House, Messrs. Murray of Portland, Weeks of Fairfield and Wadsworth of Winthrop.

From the Senate: Report of the committee of conference on Bill, An Act relating to the protection of wild birds, reporting that the House recede from its former action in indefinitely postponing the bill and concur with the Senate in passing the bill to be engrossed.

Comes from the Senate, report read and accepted.

In the House, accepted in concurrence.

Thereupon on motion by Mr. O'Connell of Millinocket, the bill received its third reading, and was passed to be engrossed in concurrence.

The SPEAKER: The Chair will present at this time for reconsideration, Bill, An Act to amend Section 12 of Chapter 117 of the Revised Statutes, relating to mileage of members of the Legislature, with a message of veto from the acting Governor, which the Chair will read:

OFFICE OF THE GOVERNOR
STATE OF MAINE

Augusta, April fifth,
1921.

To the Honorable House of Representatives:-

I return herewith without my approval "An Act to Amend Section 12 of Chapter 117 of the Revised Statutes Relating to Mileage of Members of the Legislature."

Under the present law the total mileage paid to members of the Legislature is \$3,916 and the Act which

I return would increase this total mileage to \$19,580. While it is generally admitted that the salary of members of the Maine Legislature is inadequate for the services rendered and that the members make a financial sacrifice, the State at the present time is not in a position financially to increase the pay or mileage of its legislators. In my opinion if the salary of the members of the Senate and House is to be increased it is better to do so directly rather than in an indirect manner as is provided in the Act returned herewith. Every item in the appropriation bill must be carefully scrutinized and as this Act will increase the State's expenses by \$15,664,

I believe it is unwise to pass it at the present session for it would add \$15,665 to the item of legislative expenses.

Respectfully,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

The SPEAKER: And the question comes: Shall the act be enacted notwithstanding the veto of the Governor?

Mr. WILSON of Presque Isle: Mr. Speaker and gentlemen of the Eightieth Legislature: This bill was not presented as an increase in salary. It was a measure that was figured out here in the Seventy-Ninth Legislature by one of the Senators and one of the Representatives. After considering it for a long time, it became so late in the session that it was not presented to that Legislature. It is made on an equitable basis for every member who does business, as most of the members here do. By increasing the mileage to one dollar per mile, every member of the House of Representatives and Senate could at the week-end return to his home and come back at the expense of the State. That is all there is to it. It figures out 15 round trips to any part of the State where the member may reside. The man in Aroostook or the man in Oxford has the same advantage as the man who lives in Hallowell, Gardiner or Waterville. It figures exactly the same all over the State.

Mr. HINCKLEY of So. Portland: Mr. Speaker, might I inquire through somebody who could tell, whether or not this becomes effective for the present Legislature or becomes effective in two years from now. (Laughter).

The SPEAKER: The Chair regrets to state that it can discover in it no evidence that any member of the present House would profit thereby unless after a subsequent election. (Laughter). The attention of the members of the House on reconsideration of An Act to amend Section 12 of Chapter 117 of the Revised Statutes relating to mileage of members of the Legislature. The question is: Shall the act become a law notwithstanding the veto of the Governor? A yea vote enacts the act notwithstanding the veto; a nay vote sustains the veto and kills the bill. The Clerk will call the roll.

YEA—Audibert, Austin, Baker, Barney, Barwise, Bean, Blanchard, Boothby, Bragdon of Westbrook, Bragdon of Franklin, Brewster of Orland, Brown, Buzzell, Carroll, Chadbourne, Chalmers, Chamberlain, Chandler, Chase, Clarke, Cordwell, Cole, Crafts, Daigle, Dain, Downing, Downs, Dunning, Eastman, Elmore, Emery, Fagan, Farnsworth, Finnell, Forbes, Gagne, Gardiner, Gerrish, Hammond, Harriman, Hayes, Heal, Hinckley, Hodgkins, Holley, Houghton, Hunton, Hussey, Kimball, Landers, Leighton, Luques, Maher, Maine, Mason, Maxwell, McGlaufin, Morneau, Murchie, Murray, Myrick, Newcomb of Scarborough, O'Connell, Owen, Peabody, Peaslee, Pennell, Perkins, Phillips of Bar Harbor, Plummer, Poore, Ricker, Roberts of Vinalhaven, Roberts of Lyman, Rogers of Rockland, Rounds, Small, Smith of Ludlow, Snipe, Spear of Limestone, Story, Tilden, Towne, Trefethen, Twombly, Viles, Warren, Washburn, Weeks of Fairfield, Wight, Williams, Wilson, Wing, Wiseman, Wood, Woodruff—96.

NAY—Adams, Atherton, Bartlett, Belliveau, Bennett, Bragdon of Perham, Carney, Cherry, Cram, Croxford, Davis, Dodge, Doyle, Jordan, Larrabee, Lowe, Masse, McIlherson, Moody, Nadeau, Newcomb of Newburg, Nickerson, Oram, Patterson, Phillips of Orrington, Reed, Savage, Sawyer, Smith of Waterboro, Teague, Varney of Windham, Wadsworth, Weeks of Dresden, Wentworth, Winter, Witham—36.

ABSENT—Belmore, Brewster of Portland, Burns, Case, Conant, Crabtree, Gipson, Granville, Kerswell, Porter, Rogers of Jonesport, Spear of

Rockport, Thomas of Chesterville, Thomas of South Portland, Varney of Jonesboro, Weatherbee, Willard—18.

Mr. WING of Auburn: Mr. Speaker, was the gentleman from Portland, Mr. Brewster's name registered as voting.

The SPEAKER: The Chair recalls hearing the name of the gentleman from Portland (Mr. Brewster), called and hearing a response.

Mr. WING: I think Mr. Brown responded to Mr. Brewster's name.

The SPEAKER: The messenger may present Mr. Brewster if he can find him.

(Thereupon a short recess was taken, until Mr. Brewster was found.)

The SPEAKER: The Chair now inquires of the gentleman from Portland Mr. Brewster, whether he was in his seat on the reconsideration of an Act to amend Section 12 of Chapter 117 of the Revised Statutes, relating to mileage of members of the Legislature.

Mr. BREWSTER: I was not, sir.

The SPEAKER: The Clerk will then strike out from the roll call the vote recorded in the name of the gentleman from Portland, Mr. Brewster, and the House will observe the necessity of following the rule of voting in their seats,—not that this has any application to the gentleman from Portland. He was not in the room and the Chair understands perfectly how the confusion arose.

The total number voting being 132, 36 voting in the negative and 96 in the affirmative, the act becomes a law, so far as the House is concerned, notwithstanding the veto of the Governor.

The Chair presents out of order for reconsideration resolve authorizing Michael Burns to bring a suit at law against the State of Maine with accompanying veto message of the acting Governor.

STATE OF MAINE
OFFICE OF THE GOVERNOR

Augusta, April Fourth, 1921.

To the Honorable House of Representatives:

I am returning to you without my

approval Resolve Authorizing Michael Burns to Bring Suit at Law Against the State of Maine.

In this resolve it provides that "if it appears that such prosecution was begun and carried on by the order of the Executive" that suit may be brought against the State for damages.

The Executive, under the terms of the Constitution, is charged with the duty of instigating prosecutions if in his opinion the laws of the State are being violated. I am of the opinion that the passage of this Resolve might create a dangerous precedent, and if the doctrine were extended the State might be compelled to respond in damages if a judge should issue a Bench Warrant under which a person is arrested and compelled to defend himself.

In 1919 a Resolve was passed by the Committee on Judiciary and later by the Legislature, of which I was a member, authorizing Michael Burns to bring suit at law against the State of Maine but that Resolve did not contain the provision that suit might be brought "if it appears that such prosecution was begun and carried on by the order of the Executive." Nothing should be done to hamper the Executive in the enforcement of law and for this reason I cannot approve the Resolve presented to me.

Respectfully,
PERCIVAL P. BAXTER,
Governor of Maine.

The SPEAKER: The question comes to the House in this form: Shall the resolve authorizing Michael Burns to bring a suit at law against the State of Maine be finally passed notwithstanding the veto of the Governor? A vote yes is a vote in favor of the resolve. A vote no in effect kills the resolve.

Mr. MAHER of Augusta: Mr. Speaker, I am not going to ask the members to override the Governor's veto; that is not my purpose but I do purpose to make a statement of facts with reference to this in order that it may be a part of the Record; and in order that there may be no possible misunderstanding of my statement

I shall do the unusual and refer to manuscript. This much mistaken and much discussed Burns resolve is not anything that is unusual or new nor is it any attempt to aid a violator of law in accordance with the veto message of two years ago.

In 1887, Michael Burns was engaged in the sale of original, unbroken, imported packages of alcoholic liquors in the City of Augusta. Mr. Burns had a license, under the United States Internal Revenue Laws, authorizing him to sell the liquors.

This business was then, and always had been, a legitimate business under the statutes of this State and according to three published opinions of the Supreme Court of Maine.

See: State against Robinson, 49 Maine, 285 in 1862.

State against Blackwell, 65 Maine, 556 in 1875.

State against Intoxicating Liquors, 69 Maine, 524 in 1879.

The law in these cases had been followed by a long line of rulings at nisi prius.

The County Attorney and Sheriff of Kennebec County both knew that Michael Burns was conducting a legal business. The Judge of the Municipal Court knew that the business was legal. The Attorney General knew that the business was legal.

In 1887, it was common knowledge in the State of Maine, among the legal profession and all well informed citizens, that original, imported, unbroken packages of alcoholic liquors were an article of merchandise, that could be legally sold in this State. This was being openly carried on in the City of Portland, and in the town of Houlton, like any other legitimate business.

In June, 1887, the Governor, by proclamation, directed the Attorney General and the County Attorney to prosecute Michael Burns, as for illegally selling liquors.

The Sheriff of Kennebec County upon a warrant issued upon the complaint of the County Attorney acting under the direction of the Governor, seized of Michael Burns 56 cases of

rum and 13 cases of whiskey, all being in original, imported, unbroken packages. These liquors were worth in the market at Augusta, \$483.

Mr. Burns was obliged to employ counsel at great expense to defend the prosecution against himself and also against the liquors. The litigation was prolonged for nearly three years. Finally, the law court of the State in the decision of State against Burns, and State against Intoxicating Liquors, 82 Maine, 558, decided May 29, 1890, sustained the contention of Mr. Burns that his business was a legal business.

In 1890, at the September term of the Superior Court of Kennebec County, the presiding Judge ordered these liquors to be returned to Mr. Burns. Previous to that, on August 8, 1890, the President of the United States approved An Act of Congress which made these liquors contraband goods in the State of Maine. The goods were shipped to Boston and sold at a loss of \$300.

Mr. Burns' actual loss on the merchandise seized and expenses for attorney's fees, and other items in his defense was as follows:

H. M. Heath, services in Municipal and Superior Courts	\$ 111.50
Paid witnesses	28.44
Paid for transcript of testimony	10.00
John H. Potter, services in Municipal and Superior Courts	50.00
H. M. Heath, for argument in law court	50.00
Judge J. W. Symonds counsel fee and retainer	300.00
Patrick A. Collins of Boston, counsel fees and retainer..	200.00
Wm. Henry Clifford of Portland, retainer and counsel fees	200.00
Paid clerk in congressional library for briefing federal statutes	50.00
Loss on liquors, seized	300.00
<hr/>	
Total	\$1,279.94

The total expenses incurred in defense of prosecutions being \$1,279.94; the interest on this sum for 31 years

amounts to \$2,380.49, making a total of \$3,660.43.

The law court decided in the Burns case that Burns was right and Sheriff McFadden was wrong, yet the Legislature of 1895, by Chapter 91 of the Resolves, voted to pay Sheriff McFadden his expenses in the litigation growing out of the seizure, to the amount of \$483.60.

This claim does not include, approximately, \$1500 expended in trips to Washington, Liverpool, and for department and custom house expenses and counsel fees in establishing the business illegally broken up and destroyed, nor does it include, approximately \$500 expended in litigation in the United States Court in an action against Charles R. McFadden, nor approximately \$600 loss on a shipment of goods in the custom house at the time of the seizure by Sheriff McFadden.

I quote also from an editorial following the veto of two years ago:

"In a recent issue of the Journal an associate of the writer commended the Governor's veto of the Michael Burns resolve. His brief comment was based on the Governor's evident assumption that the claim of Burns grew out of his transactions in an illegal business. But such was not the fact.

"The Supreme Court of this State, following a decision by the United States Supreme Court, expressly held that the sale of liquor by Mr. Burns in the original packages was not a violation of the Maine law, as such packages were subjects of interstate commerce, as to which Congress alone at that time had the power to legislate. The fact that subsequently Congress did legislate, making such packages subject to State law, merely emphasized the legal property rights of Mr. Burns at the time his liquors were seized by the State.

"The question before the Maine Legislature, therefore, was simply that of reparation by the State for the invasion of a legal right. The bill merely asked that Mr. Burns be given permission to bring an action in our Maine courts to test the legality of his claim. An adverse deci-

sion would have ended the case, while a decision favorable to Mr. Burns would have imposed upon the State the obligation of repaying him for the liquors it had illegally seized.

"Through what seems to the writer an unjustifiable assumption on the part of the Governor, the unanimous decision of the principal committee of the Legislature was reversed, and the State of Maine is placed in the position not only of refusing to make restitution to a citizen for the invasion of an admittedly legal property right, but of refusing even to let its own judicial courts pass upon the question. Such action is unworthy of a sovereign State, and the writer hopes that Mr. Burns will live to see justice done him by a future Legislature."

I take the time now to read this into the Record, because it is very doubtful if the Burns resolve will ever again bother a Legislature of Maine. Michael Burns, broken in health, now at the Togus Home, where he is by virtue of his rights as probably the youngest enlisted man in the Civil War,—four weeks ago this man saw his only sister to the grave, the week following his wife, and I feel confident that ere two years have passed Michael Burns will be beyond seeking reparation from a Maine Legislature. But in justice to Mr. Burns, and in order that this may be upon the Record permanently, and not asking this Legislature to override the solemn judgment of our Governor, I make this statement.

The SPEAKER: The question before the Legislature is: Shall the resolve authorizing Michael Burns to bring a suit at law against the State of Maine become a law notwithstanding the objections of the Governor? A yea vote upholds the resolve; a nay vote finally disposes of it. The Clerk will call the roll.

YEA—Bartlett, Belliveau, Buzzell, Carroll, Doyle, Forbes, Gardiner, Gerish, Larrabee, Maher, Main, McIlherson, Morneau, Murchie, Murray, Pennell, Rogers of Rockland, Small, Spear of Limestone, Wing, Wiseman—21.

NAY—Adams, Atherton, Audibert, Austin, Baker, Barney, Barwise, Bean, Bennett, Blanchard, Boothby, Bragdon of Perham, Bragdon of Franklin,

Brewster of Portland, Brewster of Oriand, Brown, Carney, Case, Chadbourne, Chalmers, Chamberlain, Chandler, Chase, Cherry, Cordwell, Cole, Crafts, Cram, Croxford, Daigle, Dain, Davis, Dodge, Downing, Dunning, Eastman, Elmore, Fagan, Finnell, Gagne, Granville, Harriman, Hayes, Heal, Hineckley, Hodgkins, Hunton, Hussey, Jordan, Kimball, Landers, Leighton, Lowe, Luques, Mason, Masse, Maxwell, McGlauffin, Moody, Myrick, Nadeau, Newcomb of Scarborough, Newcomb of Newburg, Nickerson, O'Connell, Oram, Owen, Patterson, Peabody, Peaslee, Perkins, Phillips of Orrington, Phillips of Bar Harbor, Plummer, Poore, Reed, Ricker, Roberts of Vinalhaven, Roberts of Lyman, Rounds, Sawyer, Smith of Waterboro, Smith of Skowhegan, Smith of Ludlow, Snipe, Spear of Rockport, Story, Teague, Tilden, Towne, Trefethen, Twombly, Varney of Jonesboro, Varney of Windham, Viles, Wadsworth, Warren, Weatherbec, Weeks of Dresden, Weeks of Fairfield, Wentworth, Wight, Williams, Wilson, Winter, Witham, Wood, Woodruff—107.

ABSENT—Belmore, Bragdon of Westbrook, Burns, Clarke, Conant, Crabtree, Downs, Emery, Farnsworth, Gipson, Hammond, Holley, Houghton, Kerswell, Porter, Rogers of Jonesport, Savage, Thomas of Chesterville, Thomas of South Portland, Washburn, Willard—22.

The SPEAKER: One hundred and twenty-eight having voted, 21 in the affirmative and 107 in the negative, the resolve fails to become a law.

The SPEAKER: The Chair presents for reconsideration An Act to amend Section 14 of Chapter 34 of the Revised Statutes, increasing the annual appropriations for scientific investigation in animal husbandry, with the accompanying veto message:

OFFICE OF THE GOVERNOR
STATE OF MAINE

April Fifth, 1921.

To the Honorable House of Representatives:

I return herewith without my approval "An Act to Amend Section 14 of Chapter 34 of the Revised Statutes Increasing the Annual Appropriation for Scientific Investigations in Animal Husbandry."

Under the existing law the sum of \$5,000 per year is appropriated for scientific investigations in animal husbandry. This work is done in connection with the Maine Agricul-

tural Experiment Station and a large herd of cattle is maintained for the purpose. There is a wide divergence of opinion among cattle breeders of the State upon the desirability of maintaining the herd in question. The work is experimental and its value has not yet been established. Some of the Trustees of the University of Maine are of the opinion that this herd is a needless expense to the State and they have advocated disposing of it. Since the time these experiments were begun the State has expended approximately \$100,000 on this work, and if interest is figured upon the annual appropriations that have been made by the Legislature, these figures would be increased by several thousand dollars.

In view of the great expense involved in and the doubtful value of this experimental work, I am of the opinion that at least for the present the appropriation should be limited to \$5,000 a year if not wholly discontinued. I believe that the proposed appropriation of \$10,000 is unwarranted. It is the policy of the State of Maine to aid and encourage its agricultural interests and I am of the opinion that the total amount called for by this Resolve can be spent to better advantages if it is used in connection with the regular agricultural courses at the University.

Respectfully,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

THE SPEAKER: The question is: Shall an Act to amend Section 14 of Chapter 34 of the Revised Statutes increasing the annual appropriation for scientific investigations in animal husbandry be passed notwithstanding the objections of the Governor? A yea vote passes the Act despite the objection of the Governor; a nay vote terminates the consideration of this bill so far as this House is concerned. The Clerk will call the roll.

YEA—Chandler, Chase, Gerrish, Houghton, Kimball, Maxwell, Perkins, Spear of Limestone, Williams, Wilson—10.

NAY—Adams, Atherton, Audibert, Austin, Barney, Barwise, Bean, Belliveau, Bennett, Blanchard, Boothby, Bragdon of Perham, Bragdon of Frank-

lin, Brewster of Portland, Brewster of Orland, Brown, Buzzell, Carroll, Carney, Chambers, Chamberlain, Cherry, Cordwell, Cole, Crafts, Cram, Croxford, Daigle, Dain, Davis, Dodge, Doyle, Dunning, Eastman, Elmore, Fagan, Farnsworth, Finnell, Forbes, Gagne, Gardiner, Hammond, Harriman, Hayes, Heal, Hinckley, Hodgkins, Hunton, Hussey, Jordan, Landers, Larabee, Leighton, Lowe, Luques, Maher, Main, Mason, Masse, McGlaulin, McIlheron, Moody, Murchie, Murray, Myrick, Nadeau, Newcomb of Scarborough, Newcomb of Newburg, Nickerson, O'Connell, Oram, Owen, Patterson, Peabody, Peaslee, Pennell, Phillips of Orrington, Phillips of Bar Harbor, Plummer, Poore, Reed, Ricker, Roberts of Vinalhaven, Roberts of Lyman, Rogers of Rockland, Rounds, Sawyer, Small, Smith of Waterboro, Smith of Skowhegan, Smith of Ludlow, Snipe, Spear of Rockport, Story, Teague, Tilden, Towne, Varney of Jonesboro, Varney of Windham, Viles, Wadsworth, Warren, Weatherbee, Weeks of Dresden, Weeks of Fairfield, Wentworth, Wight, Wing, Winter, Wiseman, Witham, Wood, Woodruff—114.

ABSENT—Baker, Belmore, Bragdon of Westbrook, Burns, Case, Chadbourne, Clarke, Conant, Crabtree, Downing, Downs, Emery, Gipson, Granville, Holley, Kerswell, Morneau, Porter, Rogers of Jonesport, Savage, Thomas of Chesterville, Thomas of South Portland, Trefethen, Twombly, Washburn, Willard—26.

THE SPEAKER: One hundred and twenty-four having voted, 10 in the affirmative and 114 in the negative, the consideration of this matter is closed, and it fails of passage.

Recess.

AFTER RECESS

The following remonstrances were presented out of order:

By Mr. Trefethen of Wilton: Remonstrance of H. H. Allen and 86 others against An Act regulating the sale of liquor in Maine.

By Mr. Teague of Waldoboro: Remonstrance of Mrs. Evie S. Studley and 20 others against same.

The remonstrances were read and ordered placed on file and sent up for concurrence.

Mr. Fagan of Portland presented out of order Resolve in favor of H. G. Smallidge for extra services as assistant messenger of the House of Representatives of the Eightieth Legislature.

On motion by Mr. Fagan, this resolve was referred to the committee on Appropriations and Financial Affairs, and sent up for concurrence.

Reports of Committees

Majority Report of the Committee on Taxation reporting "ought to pass" 'on Bill "An Act to amend Section 27 of Chapter 9 of the Revised Statutes as amended by Chapter 42 of the Public Laws of 1917 relating to the taxation of steam railroads."

Report was signed by the following members:

Messrs. ALLEN of York,
MORISON of Penobscot,
ADAMS of Kennebec,
—of the Senate.
RICKER of Poland,
VILES of Augusta,
SPEAR of Limestone,
—of the House.

Minority Report of the same Committee reporting "ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. NICKERSON of Swanville,
CHERRY of Eastport,
THOMAS of Chesterville,
BEAN of Bethel,
—of the House.

Mr. WADSWORTH of Winthrop: Mr. Speaker, I move that we accept the majority report, and I would like to say a few words in regard to this proposition. It is a question that interests everybody in the State of Maine. We here in the House and in the Senate are interested perhaps as much in the Budget as in anything. The Budget was made up originally for a tax of about six mills. It has been revised by the committee and the Governor and it looks to me as though it would be quite a little under a six mill rate. When we approach this railroad taxation problem, we individually think of the budget, but I think we should also consider the interests of the whole State of Maine, as well as simply budget figures.

As I understand this bill, its purpose is to help the Maine Central and the other railroads in Maine to a

small extent; we are to place their tax the same as for the year 1920, and this will continue during the years 1921 and 1922, so that it will amount to about a half mill in 1921 and about a mill in 1922. The question for the people in the State of Maine or for this Legislature to decide is whether the people of the State of Maine are willing to contribute this money to help out these corporations which now come to us in distress.

At the present time, the situation is such that the shippers have already made a large contribution to these corporations in the shape of an increase in rates; labor has already made some contribution by reason of the fact that the roads have dropped all they possibly could, and they are out of jobs today, and they have curtailed in the matter of labor. The owners of the roads, that is, the stockholders have paid their tribute, and they have paid handsomely; they have paid every cent of income, and they do not receive a cent in dividends either on the common or on the preferred stock of the Maine Central Railroad.

Now, as I look back and as I understand the proposition and see it, the State of Maine has developed along the lines of our railroads according to their policy. I can remember 30 years ago when the Maine Central Railroad through my town had a single track, and as you looked up the line it looked a little bit like a snake's track; it was crooked and the rails were light, and the locomotives were light, and the cars were small, and the trains ran only about twice a day; the rates on freight were low and that brought industries into the State and that helped to develop your agricultural sections. Today, they have heavy rails and heavy locomotives, large freight cars and long trains, until recently, which run often.

I have as yet failed to explain to myself just how this change has come about. The population of the State of Maine has not increased to any great extent, and how it is that there has been so much more traffic? It is

the development of our industries and of our agricultural resources. I do not agree with some of the things that are said in regard to agriculture in Maine. I think the farms of our State are shipping much more of their products today than they used to ship, and there are more apples and potatoes shipped, and all kinds of products. In regard to the manufactured articles of our State the same thing is true. I am going to say that I believe this has come about through the policies of the Maine Central and the other Railroads to hold their rates down low. We are up here in the northeastern part of our country who manufacture and bring materials into the State, pay the increased rate of freight; we ship out these articles and pay an increase again, and that is a double increase. A few years ago there was a point not far from Augusta from which the rate to Boston was 12 cents a hundred; today it is 52 1-2 cents a hundred. There is no inducement for industries outside of the State of Maine to come in and locate at points like that; they are all figuring on the freight rates, and it something that we need to figure.

Now, we have reached a point, I think, where we are going to stop new industries from coming into our State, and in order to relieve these railroads, this committee of the Governor was appointed to see if it was advisable to advance freight rates ten per cent. again. If they do so, that is so much more against the interest of the industries of the State of Maine, not only against the manufacturers but against the farmers and against the farms of our State, and we want to realize that. The manufacturers and the farmers are contributing their part; labor is contributing its part, as far as it is able. And I will say for labor that I believe as soon as the matter is adjusted so that they can do so, they will accept a larger part than they are accepting today, and there is no one of us who wants to see labor cut down so that they cannot make a decent living. We are willing that they should receive an honest wage for an honest day's work; we want them to

receive that, and the railroad owner wants them to receive it too.

As I stated before, the stockholders have contributed their share, and we want to consider the matter somewhat in that respect before we vote upon this question. Who are the stockholders of the Maine Central Railroad, for instance? They are citizens of our State, a large part of them. Probably in almost every town of the State there are some shares of stock in the Maine Central Railroad owned; they are owned not only by individuals, but they are owned by the banks. Now, it is necessary, it seems to me, or it is good judgment, it seems to me, that we should take into consideration the situation of our banks. Where do you go to borrow your money? You go to the banks. Where do you go to deposit your money but to the banks? We may say that they are in good condition, but they are paying there for this condition on the railroads today.

I am not going to give you a lot of figures, and I am not going to say anything about the bookkeeping of these railroads. I believe they are able to keep their books right, and I think they keep them honestly; I do not think they have any two sets of books, and I take their figures for granted. There may be some few little mistakes made, but we all make those, and I am going to say further in regard to the management of our railroads that I do not consider all the people connected with the management of the railroad to be crooked or anything of that kind.

They are honorable citizens and they are citizens of Maine in whom I should hate to lose confidence. We have in the Maine Central some of the highest type of our citizenship represented on the board of directors. We question their methods of bookkeeping and we question the physical value of their railroads. I do not intend to go into that to any length; they have a plant and a very good plant; it may be valuable, but it is only valuable so far as they can earn money. The question for us to decide is whether they can earn money and pay their expenses, and

they show us that they cannot do it under their present conditions. It is one of the largest institutions in the State of Maine, and what are we going to do about it? Are we going to help them and try to push the whole thing onto the railroads, or are we going to try to push the whole thing onto the owners? If we do that, we are facing a condition that I do not think any of the members of the House will want to see.

This is a big and a vital question which has been considered by our President and by our big men in Washington. Are we facing national ownership? Do you want that? Today we have a large percentage of the labor on the railroads in favor of national ownership. You are driving the security holders of the railroads into that position if we persist in this treatment which we have started.

In regard to the matter of taxation, as an illustration of how the State of Maine faces the railroad proposition as compared with states in New England, I will call your attention to the figures which were given to this committee appointed by the Governor, in regard to the situation on the Boston and Maine. The railroad has 6.99 per cent of its mileage in the State of Maine, and what percentage of its taxes are paid in the State of Maine? It is 21.69 per cent, according to their figures, and I do not question them. That shows that we are taxing them more than any other state in New England. And I will say further that I think it was the president of the Delaware and Hudson or the D. L. and W. that made the remark that if they passed the hat and made a contribution to the railroads in Maine, that on that contribution they would have to pay a tax of five and a half per cent. Now, let me see what position that puts the other railroads in. If that means anything to the railroads of Maine and New England, or to Maine especially, they figure that the State of Maine is going to take out of whatever is granted five and one half per cent. for taxes, and it is a fact. Now, do we want to force that thing along in that method?

I would like to call your attention to a report of the Fidelity and Deposit Company of Maryland, and I think they issue one of the bonds of our State Treasurer and they have made a canvass of the business conditions of the United States, and they have given answers to several questions. One of those questions is this: "What problem has the greatest bearing on business prosperity?" The answer to this question for the State of Massachusetts is "taxation and railroads," and for the other New England states it is the same; in fact, it is pretty nearly the same answer for the whole country.

I would like, in taking care of the taxation problem here, to consider the extent of the appropriations which we have made. The next question for us to decide is, what are we going to do with the railroads? It seems to me that we should not ask any one class of people to assume this whole burden. It seems to me that it is nothing more than fair for all the citizens of the State to assume a small portion of this, and there is only one way to do that and that is to abate their taxes to some extent; and for these reasons I hope the majority report will be accepted, and that this resolution will pass.

Mr. NICKERSON of Swanville: Mr. Speaker and gentlemen of the House, as a member of this House who signed the minority report of the committee on taxation, I feel it is my duty to rise in my place here and say a few words at this time, and I assure you that I will be very brief in my remarks.

At the beginning of this session, or nearly at the beginning, there was a bill presented before our committee for a rebate of taxes on the railroads of this State, which amounted, I think, to the sum of about \$3,300,000. After an exhaustive hearing and after due consideration by the members of that committee for two or three weeks they made a unanimous report to this legislature, and that report was accepted without a whisper of opposition from any member of either the House or the Senate.

Last Friday another bill was presented to this legislature, similar to the one which was presented before, and after an exhaustive hearing there appeared before that committee a committee that had been appointed by the Governor to investigate the conditions of the railroads in this State. They said in the beginning that they did not recommend any bill, they did not favor any legislation but simply presented the facts before the committee so that the committee might take such action as they deemed expedient. After taking this matter into consideration, or I may say first—the first bill which was drawn was to reduce the rate of taxation upon the gross receipts of the railroad from five and one-half to four per cent, and the bill which you have before you will not vary much from that bill in the new draft, that is to say the bill in the new draft will not vary much from the first bill. The bill in new draft, as I understand it, does not change the rate from five and one-half per cent, but it bases the taxation upon the gross receipts of the year 1919 for the years 1921 and 1922.

As I said before, this committee that appeared before the legislature appeared in behalf of the Governor of this State, and they were not supposed to recommend any action, but after being questioned by the gentleman from Augusta, they did recommend that the bill which we had before us be passed. There was no question at that time in their minds but what the Maine Central Railroad or the railroads were perfectly solvent, and that their borrowing capacity had not been exhausted from the national government. Gentlemen, we are standing at the close of a great war. The period of reconstruction is at hand. Labor is obliged to take less for its work; they are taking a very sharp reduction everywhere. The great agricultural interests of the State are in the throes of a great struggle for their very existence. Town after town is badly in debt, and the tax rate in the different towns of this State has risen, I think, more than the rate upon the

railroads. The municipalities of this State cannot come here for abatement in their taxes, nor do they ask to have them abated. In the closing hours of this session, when the basis upon which the taxes of this State are to be raised have been almost made up, we are asked to make an abatement for what seems to be a tax upon a great corporation of an amount of about \$1,000,000. This, gentlemen, I think, will make a difference in your State tax of very nearly one mill. Now do we want to go back to our homes and say to our people that we have lessened the burden upon a great corporation and shifted it to the shoulders of the people of this State while they say, "Well done, good and faithful servants." I think not.

This committee which appeared for the Governor examined no books; they took their figures from the railroad officials, and there is nothing to show that any one was under oath at the time. There are large sums of money due from the national government, and those sums may go very far towards wiping out that deficit. The State of Maine may pass this act, but it will not relieve the situation. The place to find a thing is where you lost it, and they must go to the United States government in order to get relief. You may disturb the financial condition of the State of Maine, but you are not helping the railroads. I believe that in time to come they will adjust their business as everyone else must do, and the railroads will go on and prosper in the future as they have in the past. Gentlemen, I thank you.

Mr. HOLLEY of North Anson: Mr. Speaker, I assume that the best way to vote intelligently upon any subject is to get all the facts. It has been impossible for the committee on appropriations and financial affairs or the ways and means committee to get all the facts relative to what this bill intended in its new draft. I personally should not feel that I could cast my vote either in favor or against until I knew what the cost would be to the State of Maine, to the taxpayers of the State of

Maine. I assume that many of the members of this House would like to know how much extra tax will be assessed upon every home and upon every white faced steer in the counties that they come from if this request is granted.

We all realize, of course, that there are only two methods of taxation in the State, indirect and direct. Any concessions made to those paying indirect taxes must be necessarily made up from the other avenue of taxation, viz., the direct tax, which means a tax against your home and against mine. We will soon be able to get the figures based on the new draft of this bill, which will give every man an opportunity to know exactly what it will cost the State and perhaps his county. For this reason, Mr. Speaker, I move that this matter be laid upon the table until we are able to make that report to this House.

Mr. VILES of Augusta: I would like to ask the gentleman from North Anson, Mr. Holley, if he would be able now to assign a day for its hearing?

The SPEAKER: The gentleman from Augusta, Mr. Viles, inquires of the gentleman from North Anson, Mr. Holley, through the Chair, whether he can suggest an hour at which this matter can be taken from the table.

Mr. HOLLEY: Of course, Mr. Speaker, it depends upon how many sessions we have during the day. I can say this, that I think we will be able to get the figures some time during the day, and I assure the gentleman from Augusta, Mr. Viles, that there will be no advantage taken, so far as I am concerned, relative to taking it off the table in his absence.

The SPEAKER: Is it the pleasure of the House that this matter be laid upon the table?

The motion was agreed to.

Mr. Granville from the Committee on Ways and Bridges reported "Ought not to pass" on bill "An Act to amend Chapter 25 of the Revised Statutes as amended, relative to the State aid roads granting certain powers to municipal officers now

held by the state highway commission".

Same gentleman from same Committee reported same on bill "An Act providing that all State and State Aid roads shall be constructed only of stone and gravel."

Mr. Case from same Committee reported same on bill "An Act to amend Section 3 of Chapter 212 of the Public Laws of 1919, relating to ferry boat".

Reports were read and accepted and sent up for concurrence.

Mr. Case from same Committee on resolve for aid in repair of Gardiner and Randolph Draw Bridge reported same in a new draft under title of "Resolve in favor of the Gardiner-Randolph Draw Bridge" and that it "Ought to pass."

The report was accepted.

On motion by Mr. Granville of Parsonsfield, the rules were suspended and the resolve received its two several readings and was passed to be engrossed.

Mr. Story from same Committee on resolve in favor of Wiscasset-Edgcomb Bridge reported same in a new draft under same title and that it "Ought to pass".

The report was accepted.

On motion by Mr. Story of Washburn, the rules were suspended and the resolves received its two several readings and was passed to be engrossed.

Mr. Case from the same Committee reported "Ought to pass" on bill "An Act to amend Section 7 of Chapter 263 of the Public Laws of 1919, relating to third class highways."

The report was accepted.

On motion by Mr. Granville of Parsonsfield, the rules were suspended and the bill received its three several readings.

Mr. Rounds of Portland moved that the bill be tabled for printing.

Mr. GRANVILLE: Mr. Speaker, perhaps I can satisfy the gentleman by making a short statement. This is no change in the present law, but under peculiar conditions where

third class highways are constructed on State aid roads, there is no way that the State can expend patrol money upon that piece of road. In some places they construct third class highways on second class roads, on the end of a second class piece of road, and the State had to keep extra accounts of the patrolling for perhaps a thousand or two thousand feet of road, and this is merely to provide that the State can spend the patrol money on third class roads when constructed on second class roads.

The SPEAKER: On the motion of the gentleman from Portland, Mr. Rounds, the bill will be tabled in order to make clear the wording of the bill.

Passed to be Enacted

An Act to amend Chapter 51 of the Revised Statutes as amended by Chapter 144 of the Public Laws of 1917, relating to the formation of corporations having stock without par value.

An Act regulatory of the operation of portable sawmills and providing for the licensing thereof.

An Act to amend Section 14, Paragraph 1 of Chapter 10 of the Revised Statutes, relating to the taxation of personal property.

An Act providing a labor lien on manufactured lumber.

(Tabled for the purpose of amendment on motion by Mr. Willard of Sanford.

An Act to amend Chapter 246 of the Private and Special Laws of 1909, relating to the salary of the Judge of the Farmington municipal court.

An Act to re-enact Section 24 of Chapter 69 of the Revised Statutes relating to when no succession tax shall be assessed on the stock, bonds and evidences of debt of Maine Corporations.

An Act to amend the charter of the city of Lewiston relating to the office of city clerk.

An Act to promote the efficiency of the Fire Department of the city of Lewiston.

An Act to abolish the Board of Public Works of the city of Lewiston and to provide for a Highway commission.

An Act to amend Section 29 of Chapter 68 of the Revised Statutes, relating to the appointment of Public administrators.

An Act to amend Section 10 of Chapter 137 of the Revised Statutes, as amended by Chapter 203 of the Public Laws of 1917, and by Chapter 76 of the Public Laws of 1919, relating to the appointment of Probation officers.

An Act to amend Section 77 of Chapter 82 of the Revised Statutes, relative to clerk hire for reporter of decisions.

An Act to amend Sections 6 and 14 of Chapter 59 of the Revised Statutes, relating to appointment of Steamboat Inspectors.

An Act to amend Section 21 of Chapter 83 of the Revised Statutes, relating to temporary loans by Cumberland and Kennebec counties.

An Act to amend Section 7 of Chapter 117 of the Revised Statutes.

An Act to amend Section 65 of Chapter 126 of the Revised Statutes, as amended by Chapter 221 of the Public Laws of 1917, relative to the designation of persons appointed to enforce the laws relative to the prevention of cruelty to animals.

An Act to amend Section 19 of Chapter 5 of the Revised Statutes, as amended by Chapter 69 of the Public Laws of 1917, relating to sessions of boards of registration.

An Act to increase the salary of the judge of the municipal court in Gardiner.

An Act to amend the charter of the city of Lewiston and to provide for a city Auditor.

Mr. Winter of Auburn moved that this bill be tabled for the purpose of making an amendment.

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

Mr. WINTER of Auburn: Mr. Speaker, I move that this bill be indefinitely postponed. My purpose in

making this motion is to give this House an opportunity to kill this bill in accordance with the wishes, as I believe, of practically every citizen of the city of Lewiston. I received a telegram day before yesterday from the mayor of the city of Lewiston, asking me to do everything I possibly could to have a referendum attached to these measures relative to the city of Lewiston, signifying that the people as a whole were opposed to them. As this House well knows, these four bills, amending the city charter of the city of Lewiston, have been before the people of that city for many weeks. They have been discussed in the public press and on the public platforms of that city. They have been before the people in the campaign for the non-partisan city government which is now in power there, and they have been repudiated by the voters of the city of Lewiston by a very large majority.

Now, after receiving this telegram from Mayor Newell, a very estimable gentleman, with whom I am well acquainted, and who I can assure the gentlemen of this House is the very soul of honor, an eminent attorney, a successful business man and banker, who has the support of the Republican party and who has the support of the Democratic party, and who has the support of every thoroughly wide-awake and interested citizen of the city of Lewiston—I therefore took occasion to get in communication with many of the leading business men of the city of Lewiston, and I failed to find a single man who was in favor of these measures, and I submit that if you pass these measures without a referendum and send them to the city of Lewiston, that they feel so strongly upon this matter that they will secure the 10,000 signatures and demand a special State referendum which will cost this State from \$20,000 to \$25,000, besides being an imposition upon that city. I challenge any man in this House to find any considerable number of the citizens of the city of Lewiston who are not opposed to this measure.

Mr. McILHERON of Lewiston: Mr.

Speaker and gentlemen of the House, I was unaware of the fact that my neighbor, the gentleman from Auburn, Mr. Winter, was about to take this matter up at this time, and I hope that the members of the House will co-operate with the gentleman from Auburn, Mr. Winter, in a spirit of justice and fairness to a city that would give you in return the same treatment. I have already told you about the qualities of the city of Lewiston, and I do not believe that there are any better people in the State of Maine than the people of the city of Lewiston; and if the members of this House will honestly and sincerely represent their constituents in this House of Representatives, justice will be done to the city of Lewiston.

As I have told you before, the city of Lewiston does not send its representatives here to ask you for any special favors; they simply ask justice at your hands, and, gentlemen, I have confidence that you will not, down in your hearts, want to do them any injustice; and with these few words I will leave the matter regarding the city of Lewiston in your hands with the utmost confidence that your intentions will be right to treat us fairly.

Mr. BUZZELL of Belfast: Mr. Speaker and gentlemen of the House, I am rather surprised at this time at this move on the part of the gentleman from Auburn, Mr. Winter. This proposition has been threshed out thoroughly several times before this, and now the action and the attitude of this House and the sincerity of this House has just been questioned. You have had a hearing before a committee. The House has acted and the Senate has acted, and you have had a conference committee and that committee has acted, and here we are again with this matter before us. Let us stand by our former action and not allow a telegram from one man to keep baffling us back and forth in this House. It seems as if the stand we have taken is right, and if so, let us stand by it if nothing new has happened to change our

opinions. And there is nothing new. I thing I am safe in saying that—a telegram from some gentleman who came here a few years ago and told us about the conditions in Lewiston, and we acted for him. He did not come before the committee at this time to say aught against these bills. I do not believe that our action at this time in indefinitely postponing this bill is warranted.

Mr. McILHERON: Mr. Speaker, I want to offer in evidence, and I would make the request that the clerk read the first editorial in the Lewiston Sun of yesterday so that it will substantiate in part the remarks which I have already made to this House.

The SPEAKER: The gentleman from Lewiston, Mr. McIlheron, moves that a certain editorial in the Lewiston Sun be now read by the clerk. Is that the pleasure of the House?

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

Mr. McILHERON: Mr. Speaker, in speaking on this question for the last time I will simply say that it is hard to suppress the truth. I do not want to insinuate, and as I have told you already, the first time I spoke on the floor of this House, that I intend to refer in any detrimental way to the last speaker, and now at the close of this season if I have said anything that may be offensive or detrimental to any member of this House, I stand here again to sincerely ask his pardon. I wish to leave this House as I came in with the best intention to do justice to each and every member of the House and to treat each one with courtesy and respect. If you reverse the action of this House in regard to these matters, it will necessitate the people of Lewiston going to your several cities and towns and asking that you will sign petitions for a referendum in regard to these matters, so that the final appeal will be made to the people of the State of Maine, and that they will sign enough petitions so that the matter will be brought before them in order to see if we cannot have justice done there.

Mr. WINTER: Mr. Speaker, in

answer to the gentleman from Belfast, I will say that it is very true that Mayor Newell came here backed by the best citizenship of the city of Lewiston, and asked this legislature for progressive legislation in relation to their police commission, and this legislature, or a former legislature representing the State of Maine, granted this request.

It is true, as the gentleman from Belfast, Mr. Buzzell, has told you, that this same gentleman now comes here by letters or by telegrams feeling that you will stand behind the thing that you did before and help him, now that he has the confidence of the whole city, and that you will help him to carry out his policy in which he has been interested for so many years. He is a gentleman whose only object in appearing in this matter is that you may know all the facts and that you may act according to your best judgment.

Mr. MORNEAU of Lewiston: Mr. Speaker, it is quite evident that the gentleman from Belfast, Mr. Buzzell, does not care to hear any new evidence in support of our claim. He stated that a few years ago the gentleman who is now the mayor of that city appeared before a committee seeking from the legislature a way so that we could govern ourselves. I think the gentleman is in error. Since that hearing, it has developed that the people do not want those acts. The Lewiston Journal is a good newspaper and you all know it, and the Lewiston Sun is a fair-minded paper also, and both of those papers have condemned those acts. You should give us a referendum, and by asking this Legislature to grant us a referendum, we are doing only what we think is right. You refused that, and today we are asking for an indefinite postponement of these measures. Let me tell you it is a gross injustice that will be reflected upon the Republican party and it will be reflected for years to come if a measure such as this cannot receive justice at the hands of this legislature.

Lewiston is in the minority and

it is beaten here in this House, and this will be a reflection that will follow you a long ways, gentlemen.

Mr. BARWISE of Bangor: Mr. Speaker, I have the honor of being a member of the committee of conference in the matter of these bills. If there is anything that reads amusingly to the people of the State of Maine, it is to observe the parliamentary and political acrobats that we have developed into since we have been here and the peculiar ease with which we turn somersaults upon questions on a moment's notice. Now these matters were considered as carefully as any matter that was brought before this legislature. At the hearing several gentlemen appeared and they were asked the question by one of the judiciary committee as to whether or not they wanted a referendum, and they said, "We don't know as we do". No objection was made to these bills and the committee reported. The House has disagreed and a committee of conference was appointed, and the whole matter was gone over again in that committee of conference, and every fact bearing on this Lewiston case was considered. I hope that this House will not stultify itself by going back upon its well-considered and mature judgment.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Winter, that this bill be indefinitely postponed.

A viva voce vote being doubted,

Mr. Winter called for a division.

A division being had, thirty-four voted in the affirmative and sixty-one opposed,

So the motion was lost.

Finally Passed

Resolve appropriating money for the purpose of operating fish hatcheries and feeding stations for fish, for the protection of fish, game and birds, and for printing the Report of the Commissioner of Inland Fisheries and Game, and other expenses incident to the administration of the

Department of Inland Fisheries and Game.

Resolve to reimburse the town of Prentiss for sheep and poultry killed by dogs and wild animals in 1919.

Resolve dividing the State into Executive councillor districts.

Resolve providing for the payment to Mrs. Fannie Bradley of aid as a soldier's dependent.

Emergency Measures

An Act to ratify, confirm and make valid the execution of bonds issued under the provisions of Chapter 264 of the Public Laws of 1919, known as the Maine Military Service Loan.

The SPEAKER: This is an emergency bill, and upon its final enactment, requires the vote of two-thirds of the entire membership of this House. All those in favor of the passage of the bill to be enacted will rise and stand in their places to be counted.

A division being had, one hundred and forty voted in the affirmative and none opposed.

So the bill was passed to be enacted.

Resolve in favor of the Augusta State Hospital for furniture and other equipment.

The SPEAKER: This is an emergency measure, and upon its final passage, requires the vote of two-thirds of the entire membership of this House. All those in favor of the final passage of this resolve, will rise and stand in their places to be counted.

A division being had, one hundred and twenty-one voted in the affirmative and none opposed,

So the resolve was finally passed.

Resolve, making appropriations for the Passamaquoddy tribe of Indians for the half year from January 1, 1921 to June 30, 1921 and the years July 1, 1921 to June 30, 1923.

The SPEAKER: This is an emergency measure, and upon its final passage, requires the vote of two-thirds of the entire membership of

this House. All those in favor of the final passage of this resolve, will rise and stand in their places to be counted.

A division being had, one hundred and twenty voted in the affirmative and none opposed.

So the resolve was finally passed.

Resolve in favor of the Bangor State Hospital for maintenance during the years 1921, 1922 and 1923.

The SPEAKER: This is an emergency measure, and upon its final passage, requires the vote of two-thirds of the entire membership of this House. All those in favor of the final passage of this resolve, will rise and stand in their places to be counted.

A division being had, one hundred and nineteen voted in the affirmative and none opposed.

So the resolve was finally passed.

Resolve in favor of the State Reformatory for Women for maintenance.

The SPEAKER: This is an emergency measure, and upon its final passage, requires the vote of two-thirds of the entire membership of this House. All those in favor of the final passage of this resolve, will rise and stand in their places to be counted.

A division being had, one hundred and twenty-two voted in the affirmative and none opposed,

So the resolve was finally passed.

Resolve in favor of the Penobscot tribe of Indians for the general care, maintenance and education thereof.

The SPEAKER: This is an emergency measure, and upon its final passage, requires the vote of two-thirds of the entire membership of this House. All those in favor of the final passage of this resolve, will rise and stand in their places to be counted.

A division being had, one hundred and twenty voted in the affirmative and none opposed.

So the resolve was finally passed.

Orders of the Day

On motion by Mr. Buzzell of Belfast, House Document No. 414, Bill, An Act to provide additional funds for the maintenance of State and State aid highways, was taken from the table.

Mr. Buzzell then yielded to the gentleman from Parsonsfield, Mr. Granville.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, House Document 414 and 415 were introduced by the committee on ways and bridges to take care of what seemed to be an emergency in the maintenance of roads and bridges for the summer of 1921. Now this matter has been taken care of and the fund is available, so that I will move that we concur with the Senate in the indefinite postponement of this bill.

The motion was agreed to and the bill was indefinitely postponed.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, I move that we recall from the Governor, House Document No. 415.

The SPEAKER: The gentleman from Parsonsfield, Mr. Granville, will prepare an order to that effect.

On motion by Mr. McIlheron of Lewiston, Senate Document No. 215, Bill, An Act to fix the salaries of superior court judges, was taken from the table.

On further motion by Mr. McIlheron, the bill received its third reading and was passed to be engrossed.

On motion by Mr. Weeks of Fairfield, House Document No. 466, An Act known as the Military Law, was taken from the table.

On further motion by the same gentleman, the bill was passed to be engrossed.

On motion by Mr. Viles of Augusta, Senate Document No. 179, Resolve for the purpose of obtaining information in regard to wild lands for the purposes of taxation, was taken from the table.

On further motion by the same gentleman, the resolve was passed to be engrossed.

On further motion by the same gentleman, the resolve was then finally passed.

On motion by Mr. Viles of Augusta, House Document No. 300, Report of the committee on taxation on Bill, An Act requiring an excise tax on gasoline, was taken from the table.

The pending question being the acceptance of the report of the committee, reporting "ought not to pass."

Mr. Viles then yielded to the gentleman from Winthrop, Mr. Wadsworth.

Mr. Wadsworth then moved that the bill be indefinitely postponed.

The SPEAKER: The Chair would suggest that the same end would be reached if the report of the committee, reporting "ought not to pass" were accepted.

Mr. WADSWORTH: I will change my motion, Mr. Speaker, and move the acceptance of the report of the committee.

The report was accepted.

The SPEAKER: The Chair would inquire of the gentleman from Portland, Mr. Warren, whether House Document No. 55 on the calendar, report of committee on legal affairs, on resolve proposing an amendment to the constitution to allow towns and cities to adopt or amend charters, can be disposed of?

Mr. WARREN of Portland: I think it can, Mr. Speaker. I made a motion to take it from the table at the session last evening, but the motion was not carried. For the purpose of bringing the matter before the House, I will now move that the bill be substituted for the report of the committee, reporting "ought not to pass." I will say, Mr. Speaker, while I hesitate to question the report of the committee on legal affairs on this matter, that this matter was presented by me on February 7th, and referred to the committee on legal affairs, and they have had it under consideration since

that time. I will say first, at the hearing given the bill there was no opposition whatever, and I was unable to ascertain from any member of the committee on legal affairs that there was any objection to the bill. The only objection, I understand, is in one clause which limits the amount of tax to be assessed in any one year to two and one per cent, and it has been suggested that this might possibly affect the borrowing of money. If that is the case, it is a very easy matter to amend that by striking out that clause.

We have had a great many examples of the folly and the uselessness of bringing these city affairs into the legislature at this time and at previous sessions of the legislatures. You have seen examples of it this morning, and you saw examples of it yesterday, and I know that in this session and in the session of two years ago the same thing occurred. The time of the legislature is taken up upon matters which should be decided by the cities themselves. A similar amendment to this was passed in the session of 1909 of the Texas legislature, and is giving universal satisfaction. I would like to hear this matter discussed as it seems to me it is one of the most important matters that will be passed upon by this legislature. It provides for a referendum to the people; it is an amendment to the constitution and it should be decided by the people, and I would like to hear from some of the other members of this House. I will accordingly yield to the gentleman from Norway, Mr. Carroll, upon this question.

Mr. CARROLL of Norway: Mr. Speaker and gentlemen, I believe that this would be a good matter of legislation. I think it would be wise for us to enact this measure for the reason that it would shorten the sessions of this legislature some weeks, in the case of some succeeding legislature. Many of us will not be back at following sessions, but I think it is something that is due to the coming generations so that we shall not oblige this legislature to come here and listen to factional fights between

members from the same cities or the same counties. I do not believe that the representatives here from Aroostook county should be obliged to listen to disputes and wrangles for an hour or two regarding matters pertaining to other localities or cities, and I think if we enact this legislation at this time, it will save the next legislature a great many hours, and perhaps weeks of deliberation, such as we have lost at this session; and for that reason I hope the measure will pass.

Mr. HINCKLEY of South Portland: Mr. Speaker, there are some matters of more importance than a short session of the legislature. Fundamentally, this proposition is wrong. A city is a sub-division of the State of Maine, and every person is interested in the government of that city and has a right to be interested, and from time immemorial the State has had control of the municipalities within it. Now there are many reasons why this should be so. Consider for a moment corporations, public service corporations which have invested large amounts of money, water companies perhaps, electric light companies possibly, street railroad companies, telegraph and telephone, and others I might cite, and they have invested large amounts of money. Do you believe for a moment that any capital would be safe or any person interested in capital would invest their money in any community in this State if any city government, elected as they are, one this year and another the next year, if they could at the whim and at the fancy or other notion of those men, change the city charter so that their property would be in fact confiscated? And that is what might be done.

Why, gentlemen, under the law of the State of Maine at the present time, a city government cannot even pass an ordinance unless that ordinance is approved by a justice of the supreme court, and that is for the protection of property and the protection of rights. I wish that a great many of these matters that come in here did not come, and that we might not be bothered by them, but that

is fundamental, and fundamentally it is wrong and it is unsafe and it is unsound, and I do not believe that any man here when he seriously considers this matter would for a moment vote in favor of a bill that would leave entirely to the city governments of the several cities in the State of Maine absolute power at their own will to change their charter in any way they wished.

Let me call your attention to how loosely this bill is drawn. It says "Towns and cities having more than 5,000 inhabitants, etc.," and this applies to cities and towns of more than 5,000 inhabitants, and then it says, "but no tax for any purpose shall be lawful for one year which shall exceed two and one-half percent of the taxable property of such cities". Two and one-half percent of the taxable property of that city, and there isn't a city or town with over 5,000 inhabitants in the entire State of Maine but whose tax is more than two and one-half mills or two dollars and a half on a hundred, and we all know who have had any experience and who have investigated the matter, that there is no city or town in the entire state that can do business on two and a half mills, or two dollars and fifty cents on a hundred. It is impossible. The average tax rate of cities in this State is something over thirty-one, instead of twenty-five, thirty-one dollars on a thousand, instead of twenty-five dollars. Why, gentlemen, it is suicidal. Some of our cities are obliged in order to run their municipalities in the proper way to impose a tax of more than forty mills. Now, let us not lose our heads altogether in our desire to get away a week or two earlier, or to permit some other legislature to get away a week or two earlier, because if you do it, there will be things come about that will keep you here for many weeks longer in order to straighten out the questions that may arise from the passage of such a law.

Mr. WARREN: Mr. Speaker, I have House Amendment "A" here which I will offer to this bill and which I think will obviate the ob-

jections of the gentleman from South Portland, Mr. Hinckley.

Mr. Warren then offered House Amendment "A" to amend by striking out in said act the words "but no tax for any purpose shall be lawful for one year which shall exceed two and one-half percent of the taxable property of such city."

The SPEAKER: The amendment is not in order at this time.

The question being on the motion of the gentleman from Portland, Mr. Warren, that the bill be substituted for the report,

A viva voce vote being taken,
The motion was lost.

On motion by Mr. Hinckley of South Portland, the report of the Committee was then accepted.

On motion by Mr. Granville of Parsonsfield, it was ordered that the Governor be requested to return to the clerk of the House, resolve appropriating money for the purchase, maintenance and repair of bridges.

The SPEAKER: The Chair will state that the papers mentioned in this order are now on the Clerk's desk.

On motion by Mr. Granville, the vote was reconsidered whereby this resolve was finally passed.

Mr. Granville then moved that the resolve be indefinitely postponed.

The motion was agreed to.

(On motion by Mr. Croxford of Newport, the House voted to take a recess until 2:30 o'clock this afternoon.)

AFTER RECESS

2:30 P. M.

The SPEAKER: The Chair will present out of order papers from the Senate.

Papers from the Senate disposed of in concurrence.

From the Senate: Final reports of the committee on Federal Relations, Interior Waters, Library, State School for Boys, State School for Girls and State Reformatories.

Comes from the Senate read and accepted.

In the House accepted in concurrence.

Senate Bills in First Reading

Resolve on the payroll of the Senate of the Eightieth Legislature.

(On motion by Mr. Crabtree of Island Falls, the rules were suspended, and the resolve received its two several readings and was passed to be engrossed in concurrence.)

Resolve for the pay of the Chaplains of the Senate of the Eightieth Legislature.

(On motion by Mr. Roberts of Lyman, the rules were suspended, the resolve received its two several readings and was passed to be engrossed in concurrence.)

From the Senate: Bill, An Act to amend Section 110 of Chapter 4 of the Revised Statutes, relating to payment of damages done by dogs and wild animals to domestic animals. This was indefinitely postponed in the House yesterday.

Comes from the Senate passed to be engrossed in non-concurrence.

Mr. CRABTREE of Island Falls: Mr. Speaker, I move that the House recede from its former action and concur with the Senate.

Mr. HUNTON of Oakland: Mr. Speaker and gentlemen: This matter was presented to the House yesterday, and we had a full and complete hearing, and the House acted upon the matter. I believe the House knew what it was doing, and I move you that we adhere to our former action.

The SPEAKER: The motion of the gentleman from Island Falls (Mr. Crabtree) has precedence under the rules of this House. The gentleman from Island Falls moves that the House recede and concur with the Senate, which passed to be engrossed, bill, An Act relating to payment of damages done by dogs and wild animals to domestic animals. All those in favor will say aye, contrary

minded, no.

A viva voce vote being doubted.

A division was had.

Thirty-one voting in the negative and 53 in the affirmative, the motion of the gentleman from Island Falls to recede and concur with the Senate prevailed.

Majority report of the committee on Inland Fisheries and Game on bill, An Act to repeal Chapter 57 of the Public Laws of 1921, entitled An Act to provide funds for operating the fish hatcheries and feeding stations for fish, reporting ought not to pass.

Minority report of the same committee on the same bill, reporting same in a new draft under title of An Act to amend Section 1 of Chapter 57, of the Public Laws of 1921, entitled An Act to provide funds for operating the fish hatcheries and feeding stations for fish, and that it ought to pass.

Comes from the Senate, minority report read and accepted, and the bill passed to be engrossed.

Mr. HUNTON of Oakland: Mr. Speaker, and gentlemen of the House, I presume that a brief statement of the history of this resolve will be necessary in order for the House to understand on what they are acting.

The SPEAKER: If the gentleman from Oakland, Mr. Hunton, will pardon the Chair,—

Mr. HUNTON: I move to adopt the minority report.

The SPEAKER: Just a moment, please. It is very necessary if we have an idea of adjourning soon to get the automobile bill to the printer. Would the gentleman from Oakland, (Mr. Hunton) make a motion at this time to lay the matter about which he is addressing the House on the table?

Thereupon the matter was temporarily tabled by Mr. Hunton.

The SPEAKER: The Chair announced before recess this noon that at the assembling of the Legislature after recess, the business of the ses-

sion would be unfinished business. The Chair lays before the House, House Document No. 455, a new draft of the automobile bill, the question being the acceptance of House Amendment D.

(House amendment D read by the Speaker.)

Thereupon the House voted to adopt House amendment D.

Mr. HUSSEY of Blaine: Mr. Speaker, I present House amendment E to House Document 455, and move its adoption, as follows:

Section 47 is hereby amended by inserting after the word "dollars", at the bottom of Page 23, the following: 'Tractors not used for hauling or carrying loads on the highways shall be exempt from registration and license.' Said House amendment E also suggests an amendment to Section 50:

Section 50 is hereby amended by striking out the figures "35.00" in the second line of Page 29 and substituting therefor the figures '20.00.'

House amendment E was adopted.

On motion by Mr. Hinckley of So. Portland, the House voted to reconsider its action whereby House amendment C was adopted; and on further motion by the same gentleman, House amendment C was indefinitely postponed.

Mr. HINCKLEY: I now move, Mr. Speaker, that this bill as amended, be given its third reading and passed to be engrossed.

Mr. ROUNDS of Portland: Mr. Speaker, I have just received a letter from the Chamber of Commerce at Portland, which I would like to read, and I would like to make some remarks after I read it.

"April sixth, 1921.

Hon. Edgar E. Rounds:

The fact that recently there has been a large number of automobiles stolen from the streets of Portland has thrown a genuine scare into local automobile owners, as well as those strangers coming into our town who have heard about it.

At our Board of Managers meet-

ing today this condition was pointed out and freely discussed. It was decided that some legislative action should be secured through which a punishment to those stealing automobiles would be decidedly severe.

It might seem an excellent thing to have a law passed which would require the garage men, who discover that the manufacturer's number plate on an automobile has been defaced or changed, to make an immediate report of same to the proper authorities.

If this could be added to the motor vehicle law it would seem an excellent thing to do and we would very much appreciate your looking into this matter with a view to having it brought about.

Respectfully,
(Signed) E. H. McDonald,
Executive Secretary."

Mr. ROUNDS continuing: Mr. Speaker, I would move that this be tabled for a little while that this amendment may be put on, if it be in order.

Mr. MURCHIE of Calais: Mr. Speaker, if the gentleman from Portland, Mr. Rounds, will withhold his motion for tabling a moment, I have an amendment I would like to get on now.

Mr. HINCKLEY: I withdraw my motion.

The SPEAKER: The motion of the gentleman from So. Portland (Mr. Hinckley) is withdrawn.

Mr. MURCHIE: I offer House amendment F and move its adoption:

"Section 98 is hereby amended by striking out the last sentence of the first paragraph and inserting in place thereof the following: 'Provided, however, that all fees for the registration of motor vehicles and for licensing operators including the form of applications, certificates and licenses therefor now provided by State laws shall continue unchanged until the first day of January, 1922; and the fees established for vehicles and operators under this act shall become effective on the first day of January; and that said document be further amended as to Section 16

by adding thereto the following: 'Provided, however, that this act shall not apply to ways open to the public privately owned or maintained or to the use of such ways by those owning or maintaining them.'"

Amendment F was thereupon adopted.

Mr. HINCKLEY: Now, Mr. Speaker, just a word of explanation to the gentleman from Portland (Mr. Rounds). Section 87—

The SPEAKER: The motion of the gentleman from Portland is that the bill be tabled, and it is not debatable.

Mr. HINCKLEY: If I could explain to the gentleman—

The SPEAKER: At this stage of the proceedings the Chair must rule that unless the motion is withdrawn, nothing can be said.

Mr. ROUNDS: I withdraw my motion.

Mr. HINCKLEY: Section 87, I would say for the gentleman's benefit provides a penalty of one thousand dollars or imprisonment for not more than one year for whoever defaces, conceals, or removes any identification mark of any kind.

Mr. ROUNDS: I think that will take care of it.

Thereupon, on motion by Mr. Rounds of Portland, the bill was given its third reading as amended by House amendments B, D, E and F, and passed to be engrossed.

The SPEAKER: The Chair is informed by the Clerk that House Document No. 454, according to the record was passed to be engrossed at the last session.

On motion by Mr. Hinckley of So. Portland, the House voted to reconsider its action whereby bill, An Act to provide for a full time State Highway Commission, amending Section three and Section four of Chapter 25 of the Revised Statutes, relative to State Highways, and also amending Section 34 of Chapter 117 of the Revised Statutes, relating to salary of the State Highway Com-

mission, was passed to be engrossed; and on further motion by the same gentleman, the House voted to reconsider its action whereby House Amendment A was adopted.

Mr. HINCKLEY: Mr. Speaker, I now move that the bill be passed to be engrossed.

The SPEAKER: The gentleman from So. Portland (Mr. Hinckley) moves that the bill, shorn of this amendment, be passed to be engrossed. All those in favor will say aye, contrary minded, no.

A viva voce vote being taken, the motion to pass the bill to be engrossed prevailed.

The SPEAKER: The House returns to the motion of the gentleman from Oakland, Mr. Hunton, and more of the wild animals having returned, the Chair will state the question. (Laughter). The Chair apologizes to the House. This is not "wild animals", it is "wild fish". The motion before the House is the motion of Mr. Hunton of Oakland to adopt the minority report on bill an act to repeal Chapter 57 of the Public Laws of 1921, entitled an act to provide funds for operating the fish hatcheries and feeding stations for fish. The majority report, ought not to pass, was signed by Senators Sprague and Putnam, and Representatives Wilson, Crafts, Landers, Varney and Gipson; and the minority report was signed by Senator Cobb and Representative Hunton. The gentleman from Oakland, Mr. Hunton, moves the adoption of the minority report, and has the floor.

Mr. HUNTON: Mr. Speaker, and gentlemen of the House: I will attempt a brief statement of the situation that we find ourselves in with this public act. It appears that this Legislature passed a public bill, which was signed by the Governor on March 15th last, increasing the non-resident fishing license fees from \$2.15 to \$5.15. In this House on Friday, March 25th, an emergency measure appeared re-enacting the same statute with the emergency clause, thereby making the provisions of that bill

effective upon the signing by the Governor. It was signed by the Governor on March 26th. It was only by accident that I discovered that any such legislation had been enacted by this Legislature on Saturday morning, March 26th; and knowing that some of my constituents were summer resort owners and guides, largely interested in the summer business in the State of Maine in Kennebec county, I immediately got in communication with them. There was a storm of protest, coming not only from Kennebec County, but from the surrounding counties of Somerset, Franklin, Oxford, Waldo, Washington and Aroostook. The first act was given a public hearing, and I will admit that the notice published thereon was sufficient to give information to any party who was particularly observing the Department of Inland Fisheries and Game that something was to be done with the non-resident license fee. However, I did not see that notice, nor do I know of a single camp owner in Kennebec County, nor a single guide in any of the counties, who did see it, nor was there any opposition at that hearing to the measure, although it was said that there were proponents here. The emergency measure was introduced under suspension of the rules and given its several readings and passed. In its title there was not one word that would indicate that it was a measure to increase these non-resident fishing license fees. Consequently, no one discovered what this measure meant. Immediately a bill was drafted to repeal both of these measures in view of the protest that was emphatic from all parts of the State of Maine that are involved in this great business. Kennebec county is particularly interested in this industry because a large amount of capital has been invested in it, and a large number of our citizens are in a measure dependent upon it for their prosperity.

I believe, gentlemen, that the increasing of this fee at a single session of the Legislature one hundred and fifty per cent from three dollars to five dollars is not warranted, and

there was no demand for it by the citizens of the State of Maine, even if there was demand from non-residents for such a fee at the first hearing. Upon this bill due notice was given and a hearing was held before the committee, Tuesday afternoon, and at that hearing was a very large attendance of owners of summer camps, cottage owners and guides, all of them protesting against this act as one that would be injurious to their interests. A full and complete hearing was given to those present, and the universal opinion of every man who testified before that committee, with the exception of the chairman of the committee and the commissioner of Inland Fisheries and Game, registered a most emphatic protest against the measure.

This measure is a measure designed for the propagation of fish. Our Department of Inland Fisheries and Game is not a burden upon the State of Maine because the revenue derived from license fees and fines of that department makes it more than self-supporting; and before the department can have a single dollar to pay for its expenses, it turns into the treasury of the State of Maine under the provisions of our Statutes fifty thousand dollars. This measure, gentlemen, is a measure of taxation of the people and not a measure to provide funds for the propagation of fish.

The statement of the Commissioner of Inland Fisheries and Game may enlighten the members of this Legislature somewhat of the emergency of this act from his viewpoint. He made the frank and open statement before the committee that he made the showing he did last year by economizing and saving in various departments,—he made a saving of twenty thousand dollars for the purposes designed under this act; but when the budget committee made up its estimate, it concluded that if the Department could be economically managed for twenty thousand dollars less the year previous, with the same management and the same economy it was not necessary to raise the additional twenty thousand dollars;

and in their wisdom they decided that there was more than that that could be saved—that twenty-seven thousand dollars could be saved. With this before the Commissioner, he sought a means by which more revenue could be raised, and this bill was the result,—placing a tax upon every non-resident fisherman of \$5.15 for the privilege of fishing in our inland waters. It is necessary gentlemen, for us to give ample funds to this Department in order to support it, to propagate our fish, to screen the outlets of our lakes; and after due consideration, taking into account that there was a resolve before this Legislature calling for the sum of about sixteen thousand dollars for the purpose of screening outlets, the opponents of this registration fee in their generosity provided the means by which this sixteen thousand dollars, or thereabouts, could be raised, and suggested that instead of returning to the old license fee of \$2.15, we compromise and make it \$3.15. This additional fifty per cent upon the basis of the number of licenses sold last year will yield over fifteen thousand dollars, which can be used under the provisions of this screening act; and with the economy that the Department exercised last year, it will be amply protected and have ample funds with which to function. It may be argued that a non-resident license of \$5.15 is not extravagant or exorbitant, and that a fisherman coming from without the borders of the State of Maine, should be made to contribute to the support of this department. I will admit, gentlemen, that for the true sportsman, who with his expensive outfit comes to our inland lakes simply for the sport of flicking our waters with a fly and enjoying the sport of landing the speckled beauties and our active salmon, it is no burden upon him; yet that element constitutes but a very small minority of the men, the women, and the children who come to Maine to spend their vacation, and the burden would fall very heavily upon many who are not able to bear it.

To illustrate: Our summer hotels, our sporting camps, and the camps that are located around the various lakes, of which many are located in my own legislative district, are frequented by people of moderate means. They save for the entire year and put away a little sum so that they can come down into the State of Maine and enjoy a little vacation. To illustrate further: A camp owner up here on China Lake, in the town of China, purchased last year eleven non-resident fishing licenses at an expense of \$2.15 each. That camp owner this year would pay into the treasury of the State of Maine \$55.90. Do you think the men and women—there are many of them—who return to the State of Maine year after year, who were residents here in their boyhood and girlhood, and who own cottages on our various lakes, will feel in an easy frame of mind when they come back here and find that we are going to tax them \$5.15 for the privilege of fishing from the shores of land bordering the lakes, which they own, and on which they were born? There is an element of resentment in the nature of man which will assert itself. Gentlemen, there was a time more than one hundred and fifty years ago when they rose as a body to protest against taxation without representation, and in the American mind today that resentment is just as strong as it was more than 150 years ago.

I appeal to you, gentlemen, in behalf of the guides who on these lakes have invested from \$300 to \$800 in a motor boat in order that they may ply their vocation of guiding and who are dependent upon these summer visitors for their livelihood. The question is whether or not we will tax these non-residents to an extent that they will leave the State of Maine, and fail to return to us to entertain them, and whether or not we will not receive more money for a less license fee than we will for the larger one.

In behalf of the tax payers of the State of Maine whose interests out

around these lakes is very large—in many instances going into hundreds of thousands of dollars—who are taxpayers to the State of Maine at the present time upon the property that they own,—in behalf of them I appeal to you that you do justice to them in this matter and that you protect their interests.

I trust, gentlemen, that with this explanation, and with what other gentlemen will say from various parts of the State, you will adopt this minority report as it was adopted this morning in the Senate with but one dissenting vote. (Applause.)

(Mr. Cordwell of Westbrook in the Chair)

The SPEAKER pro tem: The question before the House is upon the acceptance of the minority report. All those in favor of accepting the minority report will say aye, contrary minded, no.

A viva voce vote being taken, the minority report was accepted.

On motion by Mr. Hunton of Oakland, the rules were suspended, and the bill was given its three several readings and passed to be engrossed in concurrence.

From the Senate: Majority report of the committee on Inland Fisheries and Game reporting ought not to pass on bill, An Act to repeal Chapter 23 of the Public Laws of 1921, entitled An Act to amend Section one of Chapter 66 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917, relating to non-resident fishing license fees.

Minority report of the same committee reporting ought to pass on the same bill.

Comes from the Senate minority report read and accepted, and the bill passed to be engrossed.

In the House, on motion by Mr. Hunton of Oakland the minority report was accepted in concurrence. On further motion by the same gentleman, the rules were suspended, and the bill received its three sev-

eral readings and was passed to be engrossed in concurrence.

From the Senate: Bill, An Act to amend Chapter 147, Section two of the Revised Statutes, as amended by Chapter 80 of the Public Laws of 1917, relating to the State Board of Charities and Corrections, the minority report on which bill, ought not to pass, was accepted in the House, April 6.

Comes from the Senate majority report accepted, and the bill passed to be engrossed.

Mr. MURRAY of Portland: Mr. Speaker, I move that we insist and ask for a committee of conference.

Mr. BREWSTER of Portland: Mr. Speaker, I ask for a division. I trust that the House will adhere.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Portland (Mr. Murray) that we insist on our former action and call for a committee of conference. All those in favor will rise and stand until counted, and the monitors will return the count.

A division being had, 27 voting in favor and 39 against, the motion to insist and call for a committee of conference was lost.

On motion by Mr. Brewster of Portland, the House voted to adhere to its former action.

From the Senate: Bill, An Act to amend Chapter 198, Private and Special Laws of 1915, entitled An Act to incorporate the Mutual Loan Society of Lewiston. This was passed to be engrossed in the House April 6th.

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

In the House, on motion by Mr. Plummer of Bridgton that body voted to reconsider its action whereby this bill was passed to be engrossed.

On motion by Mr. Hinckley of So. Portland, Senate amendment A was

adopted in concurrence; and on further motion by the same gentleman, the bill as amended by Senate amendment A was passed to be engrossed in concurrence.

(Speaker Barnes resumed the Chair.)

Mr. VARNEY of Jonesboro: Mr. Speaker I move that the rules be suspended in order that I may introduce out of order a resolve in favor of several academies, institutes, seminaries and colleges for maintenance, repairs and improvements. I will say that this is intended to correct an error in the resolve which was passed a few days ago. There was an error in the figures in the resolve as passed.

The motion to suspend the rules prevailed, and the resolve was introduced out of order. On further motion by Mr. Varney the rules were suspended, the resolve had its two several readings and was passed to be engrossed.

Mr. Maher of Augusta was granted permission to introduce the following order out of order:

Ordered, that act to amend Chapter 132 of the Public Laws of 1919, entitled An Act to create the Maine Water Power Commission be recalled from the Executive Department.

The order received passage.

On motion by Mr. Maher of Augusta, the rules were suspended, and the action of that body whereby the bill was passed to be enacted and passed to be engrossed was reconsidered.

Thereupon Mr. Maher offered House amendment B as follows:

“Amend an act to amend Chapter 132 of the Public Laws of 1919, entitled an act to create the Maine Water Power Commission, by striking out of Section 5 the fourth line, the following words: ‘out of any funds in the treasury of the State not otherwise appropriated’; and by striking out in the thirteenth line of said Section 5, the following

words 'out of any funds in the treasury of the State not otherwise appropriated.' "

The amendment was adopted, and on motion by Mr. Maher of Augusta, the bill as amended by House amendments A and B was passed to be engrossed.

Mr. WOODRUFF of Brunswick: Mr. Speaker, I would move to take from the table the majority and minority reports of committees on Judiciary and Appropriations and Financial Affairs on bill An Act creating a board of movie censors, Senate Document No. 95, tabled by me April 6th, pending the acceptance of either report; and I wish to move the acceptance of the minority report.

Mr. Speaker and gentlemen: As the House has already established the precedent of accepting minority reports, I make bold to ask that that practice be continued in this case.

In order that there may be no misunderstanding of my position with reference to moving pictures, I wish to say at the outset that it is not the purpose of the supporters of this measure to do anything to destroy or to injure that industry in any way, but rather to improve and promote it. I believe that motion pictures are educational, that they are instructive, that they have a very important place, serving as a newspaper for a great many people who do not read newspapers at all. They are the principal means of recreation, entertainment and amusement for a large fraction of our people. It is said that twelve million of our people in the United States attend the moving picture shows every day. It is a big and profitable business, and it will become bigger and more profitable in the future. The possibilities of it have not by any means been exhausted. Further developments are coming. Moving pictures are used in our schools to some extent already. I understand that they

have been introduced into the schools of Augusta. I received only a day or two ago from the Educational Department a report which arrived on March 30 of this year of an interesting experiment in the schools of Evanston, Illinois, showing the economy of time in the use of motion pictures touching some subjects as compared with the use of text books. With the ordinary method the same classes were given instruction in one nature subject for fifteen minutes with the motion picture and in similar subjects for six half hour periods in the usual manner with books, and when the examination test came they showed as clear and full a knowledge of the one as the other. I am not opposed to motion pictures in general. If there is nothing pernicious, demoralizing, indecent, salacious, I should have nothing to utter but praise; but, gentlemen, the bad element does exist. I do not think I need to adduce proof of this for most of you have seen it with your own eyes, and because the motion pictures make so vivid an appeal, because they are so realistic, their influence is tremendous, especially upon those in the formative stage of character and ideals, and even persons of maturer years are not all immune from the corrupting infection. The makers of films have had many years in which to purify their product. There are a great many pictures that are perfectly clean and wholesome and thoroughly enjoyable withal. Those of us who accepted the invitation of the gentleman from Augusta (Mr. Viles) and followed Holman Day's thrilling story as it was enacted on the screen, realize then, if we had not before, that motion pictures may be intensely interesting, yes, fascinating, and at the same time be clean and wholesome. But some film makers seem inclined to go just as far as they dare—and that is sometimes pretty far, gentlemen,—in portraying the criminal, the indecent, the salacious, with an eye simply to the cash receipts. It is money against morals, dollars against de-

gency. A good book may appear as a nasty story on the screen.

Many have read what William Allen White tells of the fate that befell his book entitled "In the Heart of a Fool". He says: "I had nothing to do with the filming of it. I wrote a book which had an entirely different story. I sold the movie rights of the book to the outfit that made the picture. Under the court decision when I sell the movie right, I sell the right to change the plot. They changed the plot and made it a nasty sex thing." Many a good book and many a good play have been filmed into nastiness and putrivity. Some of them use the clean title in their advertising and give the nasty show. Some of you, gentlemen, attended the hearing on this bill. Did you take note of the proposition of the assembly that filled the Senate Chamber? If you did, you will recall that the opponents of censorship were the managers of motion picture theaters and their hired attorneys. We heard yesterday of some of these legislative counsel appearing with tears in their eyes to plead the cause of their clients. I have not seen tears in the eyes of any of the Legislative counsel employed by the moving picture interest. Their faces have always been wreathed in smiles, in anticipation no doubt of the fat fees which they will receive for their services. One of these was imported from Massachusetts. The proponents of the bill, on the other hand, were men and women who came voluntarily at their own expense, representing our state of Maine and various parts of it from Houlton to Kennebunk,—men and women who have an intense interest in the moral welfare of Maine, and are convinced that the moral soundness of our State is menaced and undermined to some extent by the motion pictures as they are seen today. This conviction, I believe, is held by a large majority of the intellectual and moral leaders of Maine, especially by those who deal directly and intimately with the young, namely the clergy, Protestant and Roman Catholic alike, the

teachers in our schools, and the judges in our courts who have to do with youthful offenders. Some say we have law enough on our Statute books already to remedy this evil. For several years this remedy has been available, and, if it had cured the disease, I should not be here today pleading for censorship.

Some local attempts at betterment have been made sporadically and spasmodically, but there has been no permanent improvement insofar as I can learn. There may have been betterment in a very few communities in our State. People when they are offended and disgusted by what they see at moving picture shows will grumble and complain, and criticise and withdraw their patronage, and keep their children at home if they can, but they seldom prosecute, and, if they were willing to prosecute, and if they succeeded in convicting, it would be after the mischief had already been done in their community. This reluctance to prosecute is all the greater because many are aware that the local manager is not wholly responsible, that he is at the mercy of the film exchanges and film producers, and frequently has no opportunity to see a film until it is put on the screen in his own theater. If we are to better the situation in any substantial degree, we must sift out the bad pictures and prohibit their exhibition any where in the State.

The picture men are now advocating Federal censorship—censorship at the source—although hitherto they have persistently opposed all efforts made in Congress to get it, and I would join with them in this most heartily if there were any immediate prospect of success. Federal censorship is no doubt the best solution of this problem; but just as in the fight for prohibition we put state after state into the prohibitory column until we gained strength enough to add the Eighteenth Amendment to the Federal Constitution, so State censorship of motion pictures is a step towards Federal censorship,

every state that adopts censorship will bring us nearer to that goal, and when the sentiment of states enough has crystalized in legislation, we shall get the Federal censorship which the film producers so much desire. At the present time our nearest possible approach to censorship at the source is by some method of State inspection and control to keep improper pictures out of the State, and to prohibit the exhibition of any pictures that have not been approved by the State officials.

But, you may ask, is the problem such a pressing one, is it serious enough to delay us at this late day in the session? Is there any demand for action that to many seems drastic?

In yesterday's Boston Herald there was an interesting dispatch from Albany where a similar bill has been introduced into the New York Legislature, a bill that had the support of the Governor and Lieutenant-Governor there, and an account is given in yesterday's paper of a hearing on that bill the day before. A Mr. Brady, William A. Brady, who said he represented ninety per cent of the producers, and another gentleman who appeared there as a representative of the exhibitors, protested against censorship, but made this strange offer. They said that they would clean up the business and that a year hence if the people there now demanding censorship were not thoroughly convinced that they had cleaned it up, they would join with them in asking for censorship. Now my reason, gentlemen, for calling your attention to that is simply to show you a confession on the part of the producers of films that the business does need cleaning up. As I said a moment ago, I do not think that proof and argument are really very much needed on this question for you gentlemen; but some very interesting testimony has been received since the day of that hearing. A questionnaire was sent out after the hearing, dated March 21st, to all the high school principals and school superintendents in the State of

Maine; and in order to show you the attitude taken in making the inquiries, I will read to you this preliminary statement:

"The question of moving picture censorship is before the Legislature for consideration. We all agree that the moving picture is one of the greatest educational forces of the present day. It is also a means of recreation for practically all of our people. In order that no injustice may be done a great enterprise which is an important factor in modern civilization and also that the character element of the rising generation may be considered, your judgment on several phases is sought."

That was the nature of the inquiry presented, and the specific questions—I will not take your time to read all the statistics—but the most important of the specific questions were these:

"Do you attend moving pictures occasionally?" Replies have been received from 231 school superintendents and principals in the State of Maine. Now out of 231 replies to this first question, 224 answered in the affirmative and seven in the negative; but some of these who said yes qualified the statement by "very rarely"; so that a considerable number might be reported with that qualification.

The second question was: "Have you observed objectionable features on the screen?" 205 answered yes—(89 per cent); 24 answered no.

The third question was: "Are the children with whom you are acquainted frequenters of moving pictures?" 220, yes; 8, no.

The fourth question was: "What in your judgment is the effect of the movies upon these children?" 22 said good without any qualification, 131 said bad, 22 said good and bad, combining the two; some answered in a negative way; eight said not bad; three said questionable, four said exciting and amusing; four said educational; and 12 said no marked influence at all. There were frequent explanatory statements that

I will not take time to read. Some said broadening, but very objectionable; some said most effective for good or evil. Summarizing the results under this question, I find that 42 report that the influence is good, 142 that the influence is bad, 22 combined the two, good and bad, and 12 say that there is no noticeable influence either way.

Now the fifth question is a most important one for all our purposes: "Is it your judgment that a censorship will be advantageous?" 199 out of the 231 answered yes,—86 per cent; 23 answered no; nine were doubtful.

Now these men and women who are in daily intimate association with children and youth, who are entrusted with the responsible work of instruction and character building are not prudes, fanatics, cranks. They are well trained, level headed, profoundly interested in the welfare of their several communities, and living in an environment that makes their judgment worth heeding. Eighty-six per cent, or considerably more than four-fifths, want censorship. The ten per cent who say no, who are opposed to it, live in communities—some of them—where there is very little opportunity to see the effect of moving pictures.

Now under the present conditions, gentlemen, effective local censorship is simply out of the question. The only effective regulation we can provide is state censorship. State censorship is not an experiment. It has been tried for several years in several of our States. Four states have had it for several years,—Pennsylvania, Maryland, Ohio, Kansas, and also the Province of Ontario in Canada. Now in every case the results have been good, and the experiment has been reasonably successful. The most frequent criticism that I have found—and I have received reports from a large number of people from these different states—is that the censorship has not been severe enough. That is pretty clear proof, I think, gentlemen, that the work has not been put into the hands of extremists. All

admit that a great many improper pictures have been excluded. That is one of the good results.

A second feature of special interest to us is the fact that the fees for inspection have paid all expenses. That has been true in every one of these cases; and, thirdly, the motion picture men themselves have adapted their business to the censorship requirement, and in some cases have come to see that as a business proposition censorship is to their advantage.

Now the reports with reference to these States as to the financial success of the experiment are not ancient history. The most of these reports have been received since the date of the hearing. Under date of March 23rd the executive clerk of the Board in Pennsylvania writes: "Censorship in this State is self-supporting." The governor of Pennsylvania says: "After an experience of several years Pennsylvania would not consider being without a censorship of moving pictures."

Mr. Oberholtzer, who is a member of the Board of Censors in Pennsylvania, writes under date of March 28th, 1921: "No one except some in the industry, wishes the law repealed or would tolerate its repeal. For the few months past such an agitation for still stricter and more rigid control has arisen that the Governor has urged the Board to exercise more rather than less supervision."

From Maryland, and this is going back just a little, on March 9, 1921, the Secretary of the Board writes: "The Board's receipts for the current year are greatly in excess of the previous year being approximately \$3,000 monthly." The expenditures for the last year as reported from that State, were a little over \$13,000 and the receipts a little over \$19,000; \$3,000 monthly coming in now in that State.

The report of the Kansas Board is this: "The work is self-sustaining and it does not cost the State a cent to maintain it."

March 25, 1921, the Chairman of the Kansas Board of Review writes: "It is working successfully. It has wrought no harm to the industry, but exhibitors agree it has been an improvement, and for the most part these exhibitors have changed from open opposition to State censorship to a belief that it is working out most effectively." By the way, gentlemen, in that State they call their Board a Board of Review.

Ohio gives the same sort of report that censorship is self-sustaining and satisfactory results are vouched for in these terms: "Censorship of moving pictures not only assures cleaner pictures for the State but also assures a larger patronage. The motion picture men of Ohio are strongly in favor of State censorship, and frankly say their business is better because hundreds of people who refused to attend picture shows formerly are regular patrons now and bring their children with them."

Similar proof comes from the province of Ontario and Nebraska has recently passed a censorship law.

Now with reference to Massachusetts, gentlemen, I wish to say just a word. I presume most of you know that last year a censorship bill was passed which was vetoed by Governor Coolidge, vetoed on Constitutional grounds. A similar bill with the Constitutional objections removed is now before the Massachusetts Legislature. The committee has already reported upon it, and reported favorably, after a hearing which crowded to its fullest capacity the largest room in the State House at Boston.

In New York, as I have just said, a bill is before the Legislature. I would like to quote a sentence from Governor Miller with reference to this. After studying the arguments for and against a motion picture censorship, he said that "there is a situation which requires treatment, and I don't see any way to regulate it except by censorship."

Maine has no doubt been victim-

ized to some extent by the fact that other states have had the censorship for the pictures that do not pass the censorship in those states that have it find their market, of course, in states like Maine that have no control of the business. These states are the dumping ground for the pictures they cannot use in states where censorship exists. If Massachusetts adopts censorship, as it seems very likely to do, we shall be in a worse condition than we have ever been before. You see then, gentlemen, that once more a condition, not a theory, confronts us. The situation demands action and no mere verbal protests. The moral welfare of the State requires that the power of the State be exercised to exclude from the motion picture screen, what is indecent, salacious, demoralizing and perverting. The condition in which we find ourselves today has been well described by a Catholic priest in a recent issue of the Congregationalist: "Every great art and invention," he says, "is begotten for a worthy purpose, but sooner or later certain perverted men, who prefer what is profitable to what is proper, debase the art of invention and prey upon the weakness of human to its undoing. Then arises the restraining power of the State. The need of such restraint is an acknowledgment of human weakness, but the time has come when we must invoke the power of the State to save our youth."

Take the parallel case of the automobile. We have been discussing the motor vehicle law, a pretty voluminous measure as you all know. Now it seems to me, gentlemen, that it would be just as reasonable from the point of view of safety for human life and conservation of the roads of Maine to allow every automobilist to drive where he pleases, and when he pleases, and at whatever rate of speed he pleases, with no rule or prohibitions to control his action, as it is, from the point of view of decency and good morals, to allow the makers of picture films, without any regulation or restriction to do what is

right in their own eyes, to exhibit to the public whatever picture they please, which sometimes means the picture they think will bring the biggest returns. The State has been compelled to lay down strict rules to govern automobile traffic. Is not the menace of the moving picture so apparent that there is a moral compulsion upon the State to take control? Some say, hands off, let things take their course, the stream will run clear, if you give it time enough. They say, some of them, the National Board of Review will eliminate the bad pictures. Now, gentlemen, do not be misled by that title—National Board of Review. It is not a Board that has the authority of any Federal law. It is not an organization with the authority of any law whatsoever behind it. It is a voluntary, self-appointed board, with no power to enforce its decisions. It has no doubt done some good, perhaps a good deal of good—and we ought to be grateful for what good it has done—but the makers of the worst pictures simply snap their fingers at this Board's disapproval. If the bad pictures are to be eliminated, the inspecting board must have the authority of the law behind it.

They say that censorship will destroy the business, that film producers will never establish a film exchange in the State of Maine, and that our over two hundred and seventy moving picture houses will be put out of commission, for they will not be able to get any pictures to show, at least any good pictures. I confess, gentlemen, that I am not worrying over this dismal prophecy. Why only day before yesterday we saw from the Kennebec Journal that Maine's industry in the production of picture film is growing and expanding. We may reach a point, sometime, gentlemen, when we can supply our own demand. Reorganization and readjustment will, of course, be necessary, and this may cause some inconvenience and some loss at first. But this adjustment to the requirements of the law has been successfully carried through in all the states that have censorship. The people of

those states that have censorship are not hanging their hearts upon the willows, because the movies are no more. The moving picture houses in those states have not gone into bankruptcy. Even Judge Brackett, who was at the hearing to assist the opponents of this bill, admits this, and the opponents of this bill will certainly not gainsay his authority. Now, gentlemen, we have pure food laws and forbid the sale of unwholesome and adulterated foods because they are injurious to health. Is it any less necessary to protect the morals of our people by forbidding the public exhibition of pictures that are indecent and vicious? Here the old adage applies, an ounce of prevention is worth a pound of cure. The task of censorship may not be an easy one, but it is easier to inspect pictures in advance and eliminate the bad ones, than it is to counteract the influence of bad pictures after vice and crime have been made familiar, after ideals have been perverted, moral standards blurred, and passions prematurely stimulated, and the only kind of prevention that is at present available and practicable is for the State to organize and administer a reasonable censorship, and shut out the pictures that blight and destroy.

I do not wish today to discuss the details of the present bill. In some respects I think the bill can be improved and ought to be improved. This is not the time to introduce amendments. I think the defects found in it can easily be improved by the introduction of amendments. The question for us today is censorship or non-censorship. Do we favor the State's taking hold of this business and regulating and controlling it, or do we favor letting things go on as they are? If we are in favor of the power of the State being exercised to protect and conserve the moral health of our Maine communities, I hope we shall vote to accept the minority report, because then, gentlemen, the proof, as it seems to me, is incontestable that bad pictures are now exhibited, because the demand for censorship is real and earnest and is opposed

chiefly by those who have a financial interest in the cash receipts, because censorship as tried in other States for several years has not only weeded out bad pictures, but has worked to the advantage of the motion picture business itself, and that without any drain upon the State treasury because censorship has been self-sustaining, because the probable passage of a censorship law in Massachusetts will make conditions in Maine worse than they have ever been unless we protect ourselves by similar legislation, and lastly because the strength of the State is in the character of its citizenship, its manhood and its womanhood, and because it is infinitely more important to safeguard moral welfare than it is to protect from physical disease, and therefore this is a grave, moral issue, transcending in its bearing upon Maine's prosperity and continued leadership the claims of any business enterprise, however powerful. I hope, gentlemen, you will vote to accept the minority report. (Applause.)

Mr. HUSSEY of Blaine: Mr. Speaker and gentlemen of the House. Although I am indirectly and in a small way connected with the moving picture business, I am not necessarily opposed to censorship; but I am opposed to this bill, Senate Document No. 95, because I believe that the bill is impracticable. I believe that the proponents of the bill understand that if we should have a Board of Censorship, that Board should be established in Portland; and yet Section 3 of bill says that the Board shall be provided with suitable accommodations for office work at the State House and with necessary clerical assistance. The bill also provides that each censor shall receive five dollars per day, or approximately fifteen hundred dollars per year. It does not seem to me that if we should have a board of Censorship, we would be able to get the men that we ought to have for such a position to serve for five dollars per day and live in the city of Portland.

Another reason I have for oppos-

ing the bill is that there has been no provision made for the equipment to establish the business. I have talked with some moving picture men, and they claim it would cost approximately four thousand dollars for machines, booths, generators, screens, and all that sort of thing. I also believe that for years at least it would not be self-sustaining. From the best figures I can get it will cost at least ten thousand dollars a year to censor these pictures; and while I for one have not been one to ask for rigid economy, I believe in view of the fact that we are now trying to economize that perhaps we ought to save this ten thousand dollars a year. I do want to say that it is not the idea, but it is the bill that I oppose.

The SPEAKER: The gentleman from Brunswick, Professor Woodruff, moves the acceptance of the minority report, on bill An Act creating a Board of Movie Censors.

Mr. WOODRUFF: Mr. Speaker, may I say just a word in reply to the gentleman from Blaine (Mr. Hussey). With the most that the gentleman from Blaine has said, I agree. I refer to the fact that in my judgment amendments to this bill are necessary which I think can easily be made. I do not think we can secure a proper person, of the proper maturity and qualifications, to stand at the head of so important an enterprise as the censorship of moving pictures for five dollars per day. I do not believe that is possible. I believe also that the business of inspection and censorship would probably need to be prosecuted at Portland. It seems altogether likely that that would be the center for the film exchanges in Maine. Now I think that objections of that sort can easily be removed, and it seems to me that the vote to either accept or reject this report would reflect the sentiment of the House as to whether censorship in Maine is a desirable thing, a reasonable thing, a thing that we want, a demand, or is not.

Mr. McILHERON of Lewiston:

Mr. Speaker, I regret to say that I must differ with my distinguished democratic friend Professor Woodruff. I am not here in the interests of any moving pictures either. I have taken considerable interest in the hearing and attended the hearing that they had in the Senate Chamber, and I believe in the good old democratic principle "Keep your hands off meddling with other people's business." (Laughter and applause.)

After the hearing in the Senate Chamber, I read the Lewiston Sun which said, "Who is going to censor the censors?" Now that is a very serious question. They brought in a bill here that every father and mother in the State of Maine should be a board of Censors, if the House would permit to vote for that with both hands, they would be up. I am not here against anything immoral, and I do not encourage anything immoral; (Laughter and applause), and if I were questioned as to whether I attended moving pictures or not, I would have to be one of the seven to say no. Moving pictures have no charm for me. When they were first inaugurated here, they were so exaggerated that they disgusted me. Now it is not because I am not a moving picture fiend that I oppose this bill, but I think that the American people should get onto a sound basis where they should judge for themselves in Christian rectitude what is for the best interests of their children and bring them up with that sense of responsibility that each individual in the State would be a censor and would condemn anything that was wrong, immoral, or unjust. That is what I would like to see in the State of Maine—people that the world would look to with pride, with honor and with respect and who would know the difference between right and wrong. We have got a great example of that in the Good Book when the servant came in and told the Master that some enemy had put cockle in the wheat. What did he say? Did he appoint a Board of Censorship? No. He said "Let

it grow up with the wheat lest by disturbing it you destroy some of the wheat." We must remember gentlemen, that this world, with all its pomp and all its splendor, shall pass away, and if a man is not right in his heart, or if a woman is not right in her heart, on that great accounting day it will make but very little difference to them what censorship the State of Maine makes or the United States makes. It is what their heart is before their Creator. There is the censorship that they have got to meet. Do not camouflage by poor frail humanity! The man who cannot depend on himself cannot trust others. We ought to be individually right, and we should know what that right is. Our Divine Master was tempted when he came out of the wilderness. They wanted him to change the stones into bread—

The SPEAKER: The gentleman will suspend. The Chair rules that he is not discussing the question.

Mr. McILHERON: I am discussing the question so far as morality is concerned.

The SPEAKER: The Chair rules that the gentleman is out of order and he will be seated. The question comes on the motion—

Mr. BUZZELL of Belfast: Mr. Speaker, I feel that we are really drifting away from the real issue at hand. I wish to join hands with Professor Woodruff in this proposition for a time. I believe that there should be a censorship of moving pictures; but I think when it comes to the actual operation of censorship that he and I cannot agree. The report on this proposition, as I understand it,—a large majority were against the bill. All agreed that something should be done, that some action should be taken, but the most of this committee on Judiciary and Appropriations and Financial Affairs did not think that this was a right bill, or that censorship should be made in this way. I will say that it would make no difference to me. I have not heard any great complaint about the pic-

tures. Possibly it is because I do not go to the pictures very often. Once in six months will satisfy me, and if I do not go to sleep before they are half over, I do well. We have a law now, and your committee considered that law. I believe that that law at this time takes care of the situation in a great measure; and if any show house in the State of Maine is putting any pictures on their screens that are not what they should be, it is the duty of the officers of that locality to see that complaint is made; it is the duty of the parents of that locality to see that complaint is made, that their children are taken care of, and that such pictures are put on the screen as are fit.

There is one section in this law that I query over. The first part of the law says: "Said board shall consist of three members who shall be appointed for terms of one, two and three years respectively. They shall each receive as compensation for their services five dollars for each day", etc., and so on. I wonder what the qualifications of those censors are to be? Who is there in the State of Maine today that would agree what three persons should decide what is indecent, immoral, corrupt, and so on? Now something ought to be done, I guess, as I have said before; but I believe that the correct way to do it is to have one place where these pictures may be censored,—not in the State of Maine, not in Massachusetts, not in New Hampshire; but it seems to me that instead of making a law of this kind for the State of Maine alone and establish and set up certain rules and regulations in this State, that this ought to be taken care of from a National point of view and let all these pictures go into the hopper and before a commission of censors and receive their stamp of approval, and then send them out to the several states in such manner as those who control them see fit. For an illustration, as I look out of the window there and see that tree, if I was going to stop the sap coming from the ground and

going up into that tree, I would not start a little later than now and go up the limbs and try to drive it back down the tree. It seems to me that I could control the situation at the trunk of the tree far better. Therefore, I say for one that I should be willing to join hands with Professor Woodruff in the right way at the right time when the right measure comes along; but I do not believe that this is the right measure and the right way to approach the situation.

Mr. POORE of Casco: Mr. Speaker, I move that when we take the vote on the question, we do it by yeas and nays.

The SPEAKER: The gentleman from Casco (Mr. Poore) calls for the yeas and nays. All those in favor will stand until counted.

A sufficient number not having arisen, the yeas and nays were not ordered.

Mr. BARWISE of Bangor: Mr. Speaker, Tom Reid said on one occasion that when you don't know what to do, don't do it. It seems to me that that applies to this situation. We all agree that something ought to be done, but nobody knows just what ought to be done. Under these circumstances to enact any ill-advised legislation might do a great deal of harm—

The SPEAKER: The Chair is ruling pretty arbitrarily this afternoon. If the gentleman will get to the point so the Chair may know what he is talking about, the Chair will rule whether the gentleman is in order or not.

Mr. BARWISE: I was trying to speak on the question of whether or not these pictures should be censored.

The SPEAKER: The question is on the adoption of the minority report. The gentleman has the floor to discuss that question.

Mr. BARWISE of Bangor: Mr. Speaker, the minority report, as I understand it, is that the censorship shall be established, and I am speaking to oppose the establishment of a censorship on several different

grounds, but one in particular. That is, that it would be a very difficult thing to select three men who would be competent to pass upon these pictures from an historical standpoint. I have heard a great deal about the immorality of moving pictures, and I will say that I am somewhat of a moving picture fiend myself, and I have never seen a moving picture where there was any immoral aspect in the picture or any immoral act in the picture, but what before the close of the picture the natural result was that punishment followed the evildoer just as it does in real life. I think that any attempt to censor moving pictures, until we have a more carefully considered plan, might not only injure the industry but would spoil the amusement of the multitude.

Mr. Phillips of Bar Harbor called for the question.

The SPEAKER: The question comes on the adoption of the minority report, reporting "ought to pass" signed by Senators Farrington of Kennebec, and Emerson of Aroostook. The Chair will state that the parliamentary situation is such that before any amendments can be offered to the bill, acceptance of the report would be necessary. All those in favor of the acceptance of the minority report will say yes; those opposed will say no.

A viva voce vote being taken,
The motion was lost.

Mr. Buzzell of Belfast then moved that the majority report be accepted. The motion was agreed to.

From the Senate: A communication from the secretary of state transmitting a list of public acts approved by the Governor.

The communication was placed on file in concurrence.

From the Senate: A communication from the State Highway Department relative to the apportionment of State aid.

The communication was placed on file in concurrence.

The SPEAKER: The Chair presents the report of the committee of conference on bill, An Act requiring the filing with town and city clerks of clean bills of health by persons filing certificates of intention of marriage, reporting that they are unable to reach any agreement. The report is received and the committee is discharged.

Passed to Be Engrossed

House 456: Memorial to Congress urging favorable consideration of the principles embodied in the Smith-Towner bill.

Passed to Be Enacted

An Act to regulate certain Internal affairs of the Passamaquoddy Tribe of Indians.

An Act to provide for the removal of property from lands intended to be flowed and the assessment of damages caused thereby, when such property, if flowed will constitute a menace to persons or property.

An Act to amend Section 27, Sub-Section sixth, of Chapter 52 of the Revised Statutes, relating to investments by savings banks in railroad equipment obligations.

An Act to amend Section 53 of Chapter 8 of the Revised Statutes, as amended by Chapter 111 of the Public Laws of 1919, requiring a permit for the burning of brush or slash near woodlands.

An Act to amend Chapter 319, of the Public Laws of 1915, and Acts amendatory, thereof, providing for State and county aid in the construction of highway bridges.

An Act to amend Section 2 of Chapter 69 of the Revised Statutes, relating to inheritance taxes.

Mr. PHILLIPS of Bar Harbor: Mr. Speaker, I move that the House insist upon its former action on bill, An Act requiring the filing with town and city clerks of clean bills of health by persons filing certificates of intentions of marriage, and appoint a new committee of conference.

A viva voce being taken,
The motion was lost.

Mr. McIlheron of Lewiston then moved that the bill be indefinitely postponed.

Mr. HINCKLEY of South Portland: Mr. Speaker, inasmuch as this House has voted by a roll call on this very important measure, and recorded themselves once, I hope, regardless of what the Senate may have done, that this House will show that they have the manhood to stand for this bill; and I hope that it will not be indefinitely postponed but that we will adhere to our action, and if we die we will go down fighting.

The question being on the motion by Mr. McIlheron of Lewiston that the bill be indefinitely postponed,

A viva voce vote being taken,
The motion was lost.

Mr. Hinckley then moved that the House adhere to its former action.

Mr. MAHER of Augusta: Mr. Speaker, in order that we may understand exactly what the motion of the gentleman from South Portland, Mr. Hinckley, means, will the Chair state whether voting to adhere kills the measure or not.

The SPEAKER: On the request from the other chamber that a conference is desirable, the House would be privileged to join a committee of conference if it chooses, even after a motion to adhere.

Mr. MAHER: In other words, Mr. Speaker, so that we may understand definitely just where we are at, if we vote to adhere now, the matter is dead unless the Senate invites us to a committee of conference.

The SPEAKER: The Chair is not certain whether the House would reconsider its motion to adhere in future.

Mr. MURCHIE of Calais: Mr. Speaker, do I understand that the committee of conference has reported, and that this bill is now in the possession of the House?

The SPEAKER: The report of the committee of conference has been read and the House accepted the report and the committee was discharged.

Mr. WING of Auburn: Mr. Speaker, I rise to inquire if before this committee was discharged the House voted to insist or voted to adhere.

Mr. HINCKLEY: Mr. Speaker, I rise to a point that we had voted to adhere.

The SPEAKER: One thing at a time, if the gentleman from South Portland, Mr. Hinckley will forego. On April 5th, 1921, the House insisted upon its former action and asked for a committee of conference, the House members being appointed on that conference; the matter was then sent to the Senate for concurrence. In the Senate on April 6th, that branch insisted upon its former action and joined a committee of conference, and that committee has just reported.

Mr. COLE of Eliot: Mr. Speaker, the House still has a right to insist upon its former action; having received the report of one of its committees, it still has, as I understand it, a right to ask the Senate for another committee of conference. The Senate may or may not grant that request.

The SPEAKER: The gentleman from Eliot, Mr. Cole, is correct.

Mr. COLE: Mr. Speaker, I move that the House insist upon its former action and request a committee of conference.

Mr. HINCKLEY: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman will state his point of order.

Mr. HINCKLEY: Inasmuch as the gentleman from Bar Harbor, Mr. Phillips, has already made a motion to insist and asked for a committee of conference and that has been voted down, unless that is reconsidered, and I would be very glad to see that done, but the House has already voted that down, and as I understand it, my motion is the only motion now in order.

The SPEAKER: The point made by the gentleman from South Portland, is sustained. The Chair will rule, however, that a motion to reconsider a motion to insist has

precedence over a motion to adhere. If that is not made, the question comes on the motion of the gentleman from South Portland, Mr. Hinckley, that the House adhere to its former action.

A viva voce vote being taken, The motion was lost.

Mr. Hinckley then moved that the House reconsider its former vote whereby it refused to insist and call for a committee of conference.

The motion was agreed to.

Mr. Hinckley then moved that the House insist upon its former action and call for a committee of conference.

The motion was agreed to.

The SPEAKER: The Chair will later appoint the members of the committee of conference on the part of the House.

Mr. Eastman of Fryeburg presented the following order:

"In accordance with report of joint committees on Judiciary and Military Affairs accepted in the House of Representatives April 5, 1921, on bill, An Act entitled 'An Act to create the National Guard Pay Fund.'

Ordered, that, according to the provisions of the Constitution of this State, the justices of the Supreme Judiciary Court are hereby respectfully requested to give this House their opinion of the following questions:

Question No. 1. Is Chapter 101 of the Resolves of 1917, taken in connection with the intention of the Legislature in passing said resolve as expressed by the motions and speeches regarding it in the official stenographic records, repealed by Chapters 276 and 277 of the Public Laws of 1917?

Question No. 2. If said Resolve is not so repealed, did compliance by the State with said Chapters 276 and 277 constitute compliance with said Chapter 101?

The order received a passage.

On motion by Mr. Willard of San-

ford, House Document No. 189, An Act providing a labor lien on manufactured lumber, was taken from the table.

On further motion by Mr. Willard, the vote was reconsidered whereby this bill was passed to be engrossed.

Mr. Willard then offered House Amendment A, to amend as follows:

House Document No. 189, as reported in new draft, entitled An Act providing a Labor Lien on Manufactured Lumber, is hereby amended by striking out the words "such liens continue for sixty days after the logs or lumber arrive at the place of destination for sale or manufacture, and may be enforced by attachment" and inserting in place thereof the words 'such liens, except liens for labor at manufacturing sawed lumber, continue for sixty days after the logs or lumber arrive at the place of destination for sale or manufacture; liens for labor at manufacturing sawed lumber continue for sixty days after said sawed lumber leaves the mill; and all such liens may be enforced by attachment,' so that said House Document, No. 189, as amended shall read as follows:

Chapter ninety-six, Section forty-seven of the Revised Statutes is hereby amended by inserting after the word "lumber" in the second line of said section thereof the following words: 'or at manufacturing sawed lumber'.

The amendment was adopted.

Mr. HINCKLEY of South Portland: Mr. Speaker, I move that this bill be indefinitely postponed, and I wish to call attention to my reasons for making this motion. Under this bill, lumber and manufactured lumber is subject to a lien for labor furnished thereon for sixty days after it arrives at its destination. Now let us see what that means. Any lumber or manufactured lumber, and by manufactured lumber would be included sashes and blinds, shingles and clapboards, anything that is manufactured from lumber to be used for building purposes, and that is manufactured somewhere up in the

State and comes to the city of Portland or to the city of Augusta, and it is purchased by you or by me to be used in connection with building a house. If, at any time within sixty days after the labor has been put in on that lumber, or that manufactured lumber, the person who puts in that labor on it can come and attach that, even though it is in our house. I do not think for a moment that the House would consider that proposition, and for that reason I move the indefinite postponement of the bill.

The motion was agreed to and the bill was indefinitely postponed.

Mr. TOWNE of Madison: Mr. Speaker, I wish to ask for the privilege of introducing out of order at this time a resolve, and I yield to the gentleman from North Anson, Mr. Holley.

Mr. HOLLEY of North Anson: Mr. Speaker and gentlemen, it is in support of the motion of the gentleman from Madison, Mr. Towne, that a resolve be introduced out of order at this time that I wish to speak. This resolve gives to those who cause the apprehension, arrest and conviction of the people perpetrating the crime against Doctor John L. Pepper of Madison, a reward of five hundred dollars. Since the terrible outrage committed at Madison when an attempt was made upon the life of Doctor John L. Pepper, a prominent physician, in that community, by means of a bomb, the people of that and surrounding communities, and I think people throughout the State of Maine, have been trembling with fear. To my personal knowledge, people in the county of Somerset today hardly dare open a package that comes through the mail.

It seems to me, Mr. Speaker, that this legislature, even in the rush and crush of the closing hours of its session may well stop and consider for a moment the advisability of joining hands with the stricken family and with the sympathetic people of Madison in granting this reward. It is not with any blaze of oratory, it is not with any desire

to prey upon your sympathies that this resolve is introduced. It seems to me that the circumstances which surround this mystery are of such a sad nature that this legislature might receive this resolve in silence, and even at the same time we might make a greater determination forever to preserve law and order in Maine. (Applause.)

Mr. DOYLE of Biddeford: Mr. Speaker, I move that when the vote is taken upon this matter, it be taken by a rising vote.

Mr. MURCHIE of Calais: Mr. Speaker, with all that the gentleman from North Anson has said, I most heartily agree, but I can see no reason in view of the present provisions of the statute why action by this legislature is necessary. Section 71 of Chapter 82 of the Revised Statutes provides as follows: "The attorney-general may, by himself or through the several county attorneys or other officers of the state, employ such detectives or other persons, offer rewards or use other means that he may deem advisable, for the detection, arrest and apprehension of persons who commit crime in this state." I think the State should offer a reward for the apprehension of those who perpetuated the crime at Madison, but I think the authority already exists so to do.

Mr. HOLLEY: Mr. Speaker, it was with a full knowledge of this provision that this resolve was introduced. It is introduced, and I am at liberty to say this and I think you will all agree with me—it is introduced for its moral effect upon the criminals of Maine, that is all; and while I quite agree with the gentleman from Calais, Mr. Murchie, that it is already taken care of under the statute, yet I can see no possible excuse for this resolve not having a unanimous passage.

The SPEAKER: The question is on the motion of the gentleman from North Anson, Mr. Holley, that the House now receive this resolve offering a reward for the apprehension and conviction of the persons

who perpetrated the bomb outrage at Madison on March 15, 1921. All those in favor of the introduction of the resolve at this time will rise.

The resolve was received by a unanimous rising vote.

On further motion by Mr. Holley, the rules were suspended and the resolve received its two several readings without reference to a committee and was passed to be engrossed.

On motion by Mr. Cole of Eliot the votes were reconsidered whereby An Act to amend Section 7 of Chapter 117 of the Revised Statutes, was passed to be enacted and whereby it was passed to be engrossed.

Mr. Cole then offered House Amendment A to amend by striking out the words "during the remainder of his life" in the fourth line thereof.

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

Mr. Dodge of Portland presented out of order the following order, and moved its adoption:

Ordered, that the Governor be requested to return to the House, Resolve in favor of the public utilities commission to take care of expenses provided for under Chapter 117, Section 31, Chapter 55, Section 1, and Chapter 24, Sections 34 and 38 of the revised statutes.

The order received a passage.

On further motion by Mr. Dodge, the votes were reconsidered whereby this resolve was finally passed and whereby it was passed to be engrossed.

Mr. Murchie of Calais, presented out of order, the following order:

Ordered, that the Senate be requested to return to the House, House Document No. 454, An Act to provide for a full-time State Highway Commission.

The order received a passage.

Mr. MURRAY of Portland: Mr. Speaker, I move that the House reconsider its action of yesterday, whereby we voted to recede and concur with the Senate in the indefinite postponement of bill, An Act to amend the charter of the People's Ferry Company, and I might say in explanation that that was the unanimous report of the Portland delegation and it is a matter which should be passed in order to give the City of Portland certain rights to contribute to the expense of said Ferry Company, which runs between Portland and Peaks Island.

The motion was agreed to.

Mr. Murray then moved that the House insist upon its former action and ask for a committee on conference.

The motion was agreed to.

The Speaker thereupon appointed as such committee of conference upon the part of the House, Messrs. Murray of Portland, Fagan of Portland and Brewster of Portland.

Mr. Holley of North Anson presented out of order the following order:

Ordered, that Resolve for the Maine School for the Deaf be recalled from the Governor.

The order received a passage.

The SPEAKER: The Chair presents at this time Resolve in favor of the Maine School for the Deaf.

On motion by Mr. Holley, the votes were reconsidered whereby this resolve was finally passed and whereby it was passed to be engrossed.

Mr. Holley then offered House Amendment "A", to amend by adding the emergency clause.

The amendment was adopted.

On further motion by Mr. Holley, the resolve then received its second reading and was passed to be engrossed as amended by House Amendment "A."

On motion by Mr. Hinckley of South Portland, the vote was reconsidered whereby House Document No. 451, bill, An Act to amend Section

110 of Chapter 4 of the Revised Statutes, relating to payment of damages done by dogs and wild animals to domestic animals, was passed to be engrossed.

Mr. Hinckley then yielded to the gentleman from Oakland, Mr. Hunton.

Mr. Hunton then moved that the House adhere to its former action.

The SPEAKER: On this matter, the House today voted to recede and concur with the Senate wherein the bill was passed to be engrossed. The Chair will suggest to the gentlemen interested in the matter, that a motion be made that the vote whereby the House receded and concurred would be reconsidered. The endorsement reads that this was passed to be engrossed in concurrence with the House.

Mr. CRABTREE of Island Falls: I would like to know, Mr. Speaker, if the Senate asked for a committee of conference.

The SPEAKER: There has been no committee of conference upon this bill. The only motion that is tenable is either a motion to reconsider the vote to recede and concur or a motion to adhere.

Mr. HUNTON of Oakland: I move that we adhere.

The SPEAKER: The bill has had its three readings in the House, and nothing further done to it.

Mr. CRABTREE: Mr. Speaker, I move that the bill now passed to be engrossed.

The SPEAKER: Which is the motion which was just reconsidered. If the Chair recalls correctly, the gentleman from South Portland, Mr. Hinckley, moved that the vote be reconsidered whereby this bill was passed to be engrossed.

Mr. HUNTON: I move, Mr. Speaker, that the vote be reconsidered whereby we voted to recede and concur with the Senate.

A viva voce vote being taken,

The motion was agreed to.

Mr. HUNTON: I now move that we adhere to our former action.

The SPEAKER: The Chair will state that the bill lies upon the Speaker's table, read three times and thereafterwards indefinitely postponed. The gentleman from Oakland, Mr. Hunton, moves that the House adhere to its former action in indefinitely postponing the bill.

A viva voce vote being doubted,

Mr. Crabtree then called for a division.

A division being had, forty-six voted in the affirmative and fifty-one opposed.

So the motion was lost.

Mr. Crabtree then moved that the bill be passed to be engrossed.

The SPEAKER: The bill is indefinitely postponed.

Mr. Smith of Skowhegan, presented out of order the following order:

Ordered, that Resolve for the maintenance and improvement of the State Park at Augusta be recalled from the Executive Department.

The order received a passage.

The SPEAKER: The Chair presents at this time, Resolve for the maintenance and improvement of a State Park at Augusta.

On motion by Mr. Smith, the votes were reconsidered whereby this resolve was finally passed, and whereby it was passed to be engrossed.

Mr. Smith then offered House Amendment "A", to amend by striking out the word "four" in the third line thereof and substituting therefor the word "three."

The amendment was adopted.

On further motion by Mr. Smith, the resolve was then passed to be engrossed as amended by House Amendment "A".

Mr. Holley of North Anson, presented out of order the following order:

Ordered, that the Resolve in favor of the Maine School for Feeble-minded for additions and improvements be recalled from the Governor.

The order received a passage.

The SPEAKER: The Chair presents Resolve in favor of the Maine School for Feeble-minded for additions and improvements.

On motion by Mr. Holley, the votes were reconsidered whereby this resolve was finally passed and whereby it was passed to be engrossed.

Mr. Holley then offered House Amendment "A" to amend by striking out the second and third paragraphs and by substituting thereof the following paragraph: "Resolved, that there be appropriated for the Maine School for Feeble-minded for new construction and improvements for the period from January 1, 1921, to June 30, 1922, the sum of two hundred and fifty thousand dollars to be spent by the trustees of the institution under the direction of the Governor and Council."

The amendment was adopted.

On further motion by Mr. Holley, the resolve was then passed to be engrossed as amended by House Amendment "A."

Mr. DODGE of Portland: Mr. Speaker, I wish to present at this time House Amendment A to Senate Document No. 177, Resolve in favor of Public Utilities Commission, to take care of certain expenses, and I will explain that it is simply a revision downward of certain figures which have been agreed upon by the Public Utilities Commission and myself.

The amendment was adopted.

On further motion by Mr. Dodge the resolve was passed to be engrossed as amended by House Amendment "A."

Mr. BREWSTER of Portland: Mr. Speaker, I move that when the House take a recess, it be until eight o'clock this evening.

The motion was agreed to.

Mr. BREWSTER: I further move that on reassembling of the House after recess, that the first business to be considered will be the majority and minority reports of the committee on legal affairs on Resolve

proposing an amendment to the constitution relative to water powers.

The motion was agreed to.

The SPEAKER: The Chair will state that it will have precedence at eight o'clock this evening.

Mr. Murchie of Calais presented out of order, the following order:

ORDERED, That the Engrossing Department be requested to return to the House, House Document No. 454, An Act to provide for a full time State Highway Commission.

The order received a passage.

Passed to be Enacted

An Act relating to taxation of shares of stock of trust companies organized under the laws of this State and banking institutions formed under the laws of the United States.

(At this time a recess was taken for ten minutes.)

After Recess

The SPEAKER: The Chair will at this time appoint the committee of conference on the part of the House on the disagreeing action of the two branches relative to the so-called clean bill of health bill, appointing as such committee, Messrs. Gerrish of Lisbon, Owen of Milo and Croxford of Newport.

Passed to be Enacted

An Act to amend Section 24 of Chapter 219 of the Public Laws of 1917, and Sections 10 and 75 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917, and Section 26 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917, and Chapter 196 of the Public Laws of 1919, and Section 81 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 196 of the Public Laws of 1919, and Section 51 of Chapter 219 of the Public Laws of 1917 as amended by Chapters 196 and 249 of the Public Laws of 1919, and Sections 27 and 59 of Chapter 219, of the Public Laws of 1917, as amended by Chap-

ter 244 of the Public Laws of 1917, and by Chapter 196 of the Public Laws of 1919, and Section 46 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 133 of the Public Laws of 1919, relating to Inland Fisheries and Game.

An Act to amend Section 9, Chapter 117 of the Revised Statutes, relative to salary of Reporter of Decisions.

An Act to amend Sections 1 and 5 of Chapter 169 of the Public Laws of 1919, relating to the support of dependents of Soldiers, Sailors and Marines.

An Act amending Sections 76, 78 and 80 of Chapter 11 of the Revised Statutes, relating to the sale of land of non-resident owners.

An Act to amend Section 51 of Chapter 82 of the Revised Statutes, as amended by Chapters 73, 211 and 227 of the Public Laws of 1917, relating to trial terms of the Supreme Judicial Court.

An Act to amend Sections 2 and 3 of Chapter 111 of the Revised Statutes, relating to the selection and service of Jurors.

An Act for the better protection of ducks and geese in the waters of Merrymeeting Bay, in the Counties of Cumberland and Sagadahoc, and tributaries thereof, except Kennebec River, within one mile of the waters of said Merrymeeting Bay.

An Act to amend Section 34 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 174 of the Public Laws of 1919, relating to pollution of waters of the State by sawdust and other mill waste.

The SPEAKER: The Chair presents at this time the new draft of what is known as the full time State Highway Commission bill, passed today in the House to be engrossed.

On motion by Mr. Weatherbee of Carroll, the vote was reconsidered whereby this bill was passed to be engrossed.

Mr. Weatherbee then offered House Amendment "B" to House Document No. 454, to amend under

Section 2 on page 3, at line 5 on page 4, insert after the words, "by said commission" the words "subject to the approval of the Governor and Council," and moved its adoption.

The question being on the adoption of the amendment,

A viva voce vote was doubted by Mr. Hinckley of South Portland, who called for a division.

A division being had, the amendment was not adopted.

Mr. Murchie of Calais then moved that the bill be laid upon the table.

A viva voce vote being doubted by Mr. Hinckley of South Portland,

The SPEAKER: All those in favor of the motion to lay this bill upon the table will say yes; those opposed will say no.

The motion was lost.

Mr. Murchie then offered House Amendment "C", to amend by adding thereto section 4, "This act shall take effect January 1, 1922."

Mr. MURCHIE: I will say that my reason for offering this amendment is this. Last night we adopted as House Amendment "A", the emergency preamble, which would have put the commission, if the law passed, in operation at once. Today that amendment was rejected, and the present situation would be, if the bill became a law, that a new commission would come in somewhere between the 9th and the 15th of July, at a time when it seems to me it would be too late for them to accomplish very much on the roads during the year 1921; and it seems to me also that the fact that they were coming in would be sufficient so that the present commission would not accomplish much during the three months that they would continue in office. After the bill was recalled, the proponents of the measure spoke to me and I agreed with them to let the matter rest until this evening, in the meantime discussing it with them to some extent and determining whether or not I desired to press this amendment. The action of the House in refusing to table the measure has

forced me to offer the amendment now, and I am going to make the motion once more in the interest of time, that the bill and amendment be laid upon the table until this evening.

The motion was agreed to.

Mr. BREWSTER of Portland: Mr. Speaker and gentlemen, I desire to give notice of my intention to move for a reconsideration of the vote whereby the House voted to adhere on bill, An Act to amend Chapter 147, etc., relating to State Board of Charities and Corrections.

The SPEAKER: The House hears the notice.

(On motion by Mr. Nickerson of Swanville, the House voted to take a recess until 8 o'clock this evening.)

AFTER RECESS

The SPEAKER: The Chair lays before the House majority and minority reports of the committee on legal affairs on Resolve proposing an amendment to the constitution relating to water powers, House Document No. 325, majority report signed by Senator Thombs of Penobscot, Messrs. Weeks of Fairfield, Hussey of Blaine, Willard of Sanford, Senator Thompson of Knox and Mr. Mason of Ellsworth, reporting "ought not to pass"; minority report asking leave to report the same in a new draft under title of Resolve amending the constitution of Maine so as to authorize the conservation, storage, control and use of waters and the development, improvement, transmission, utilization, electrical interconnection, control and sale of water powers by the State, and that the same "ought to pass," signed by Senator Garcelon of Androscoggin and Messrs. Brewster of Portland, Fagan of Portland, and Murray of Portland. The Chair will recognize the gentleman from Portland, Mr. Brewster.

Mr. Brewster then moved the adoption of the minority report, Resolve in new draft printed as House Document No. 464.

Mr. BREWSTER of Portland: Mr. Speaker, the bills which we have to

consider this evening are House Document No. 325, which was the original printed draft of the Governor's recommendation to the Legislature, and the new draft, House Document No. 464, which has just been put on your desks today. The original draft will show you sufficiently the proposition which is now before you, as the only change which was made in the new draft was in the seventh paragraph. The original draft was House Document No. 325, and that will serve every purpose, as far as your consideration of the matter is concerned as it is the entire paragraph which is included in what is termed the new draft. The Governor's recommendation to this Legislature was based upon the report of the Maine Water Power Commission, which, as the result of its two years of investigation, reported that it was practicable and desirable to develop storage basins for water power. The message, in addition, took one further step and provided for the taxation of existing water powers.

In the second paragraph of the proposed amendment giving to the State the power to tax existing water powers as such, independent of the land to which they were appurtenant, there were rather complicated legal questions as to just how far taxation now applied to existing water powers or to land to which they were appurtenant. The two questions of the development of storage basins and the water powers of the State, which is covered in the first paragraph of the Governor's recommendation, and the question of the taxation of water powers in the second paragraph were entirely distinct. Very serious objection was made, especially by the allied industries of the State not engaged in electrical supply of power to the provisions in regard to taxation, as many, especially the smaller industries in the State, felt that their rights might be confiscated by this special power of taxation which it was proposed to place in the State.

As this had no necessary relation to the question which has been under

discussion regarding the development of storage basins and water powers, so far as necessary, by the State, it was felt by some members of the committee that considered it, that it might be wiser to present that single question of the development of storage basins and water powers to this Legislature for consideration and action. This severing of the two paragraphs met with the approval of the Governor, and the new draft was accordingly submitted in that form and has whatever value is attached to his recommendation in the matter.

The question then which is before you tonight is the simple one of whether it is wise to submit to the people at this time a constitutional amendment giving to the Legislature and thus to the State the power to develop storage basins and water powers, and it will probably be profitable to go over the precise language of this amendment in order that it may be in the minds of each one.

"The conservation, storage, control and use of waters, and the development, improvement, transmission, utilization, electrical interconnection, control and sale of water powers, by the State of Maine, either directly or through such public district or districts, as the Legislature may authorize, and not otherwise, are declared to constitute paramount public uses, for the accomplishment of which the right of eminent domain may be exercised, and in furtherance of which the right of taxation may be employed; and the Legislature may also provide therefor and for the apportionment to, and assessment upon, the lands and property which shall, or may be benefited thereby, and according to the extent of such benefits, the whole or any part of the cost of such conservation, storage, development, improvement, transmission, control, electrical interconnection, and utilization of said waters and water powers, including the cost of maintenance and operation thereof." That is the paragraph of the constitutional amendment which is before you for consideration.

There seemed to be no dispute as to the meaning of this paragraph, with one minor exception of which I will speak in a moment. All are agreed that it is designed to give to the State the power to develop storage basins and water powers. The question then would be whether the giving to the State of that power is desirable. You will bear in mind that constitutional provisions should not be limited in such ways that complicated legal questions shall arise when the legislature undertakes to exercise the powers given it.

We have had a very beautiful illustration of that in the intangible tax amendment which was adopted after some discussion and after some agitation in 1913. It has been eight years since that time, and that question has been before legislature, and it has been impossible to draft an act under that amendment which has ever been able to pass the scrutiny of any committee that has considered it, as a statute which would seem to be within the constitutional limits of that amendment. It will, accordingly, be well to bear that in mind if any amendment in relation to the water power question should appear; and it was indeed gratifying to see that the opponents of this measure raised no question as to the adequacy of its provisions to attain the end sought. Only one question was raised as to the phraseology of it by Mr. Wyman of the Central Maine Power Company, and that was in relation to the language in line six where it says, "as the legislature may authorize and not otherwise are declared to constitute paramount public uses." Mr. Wyman contending that the phrase "and not otherwise" included all other public uses of lines and poles by other power companies.

A sufficient answer to that is the proposition that this is a paramount public use, thus distinguishing it from any other public use. The point which he feared was that private companies would thereby be debarred from the exercise of the power of eminent domain. That cannot

be true since they do not have a paramount public use, and we simply declare in this amendment that the exercise of these rights by the State are paramount public uses, and that phraseology is necessary in order to give to the State the paramount rights over existing utilities as, for instance, in one of the storage basins which, for instance, the Central Maine Power Company itself would be glad to see developed. The Canadian Pacific Railway Company has a line running along the edge of the basin and it would be necessary to assert a dormant right of the greater public utility to take over that right with, of course, proper condemnation proceedings.

Aside from that one question, and in giving an opinion upon that, I do not rely upon my own judgment, which I should not place against some of the corporation attorneys who have considered this matter, but this paragraph has passed the scrutiny of one who is perhaps as well able to judge of its adequacy as anyone in this State, outside of the Supreme court, and I refer to former Chief Justice Whitehouse, who has considered the phraseology of this amendment and declared it adequate to accomplish the ends for which it is designed. So much for the form of the amendment which is before you.

No discussion of the water power question is complete without a reference to timberlands. That always seems to be brought in by the heels in any consideration of this question. I do not feel that the title of the timberlands in this State needs to be questioned, nor that it is profitable for us to discuss the methods of their acquisition. The only reason that we need to refer to the nine million acres of timberland which has passed out of the control of the State is that it may afford to us some lesson in preserving such rights as we may have left in the other and far more valuable natural resources of this State, and that is in its water power.

The first thing which is always raised when you talk about the State

and water powers is that the State has no water powers, and it is perfectly true that along with the grant of the timberlands went the water powers adjacent to those lands. And it is also true that from very few of the public lots which were left to the State after the passing of title to the timberlands to the private owners were adjacent to water powers, so that the State itself has an almost negligible ownership in water powers at the present time as adjacent to land owned by it.

Authorities are agreed, I think, that there are some four hundred thousand horse power developed water power in the State at the present time, and approximately one million undeveloped waters. Most of that, so far as the land to which it is appurtenant is concerned, is the property of private individuals. It would seem then to be a case of locking the barn after the horse had escaped, and I take it that is the meaning of the argument which has been advanced in relation to the existence of water powers owned by the State. We do sometimes, however, lock the barn in case we have another horse left, and that is a question which we may consider tonight. Water power in its simple term, as I understand it, consists first of development, and second, the volume of water. You ordinarily think of those two things as constituting all there is to water power, but a little consideration of the course of nature will show that there is one other very important essential, and that is the regulation of the stream flow. That is so important that it probably constitutes one-half of the value of the existing water powers in this State, and you gentlemen may address yourselves to the proposition of whether the State has within its control or may secure control by proper means, of the resources which shall regulate the flow of these streams, and by this regulation contribute to those powers a most valuable and a most vital element. And if that be true, you can then decide whether or not it is wise for the State, whether or not it may be necessary for the State, if

the water powers of the State are to attain their adequate development, to address yourselves to that proposition.

The Maine Water Power Commission, in its very valuable report, quoting from the Conservation Commission of New York which is giving a great deal of its time to this matter of water powers, says, "The first essential in the development of water power is regulation of the stream flow in order that the enormous quantities of water now wasted may be held for use during periods of drought." And the actual figures of the Water Power Commission's investigation and that of their engineers on file in their office shows, for instance, that the very primary development on the headquarters of the Kennebec would increase the values of the existing developed powers on that stream from 25,000 horse power to 50,000 horse power, simply by the one element of a storage basin, and so far as the undeveloped powers are concerned, it made the same 50,000 horse power, which would increase their potential energy to 100,000 horse power in each case developing the value of water powers on that stream by the simple element of storage.

Now the State has fully within its control, or would secure it by the grant of powers proposed by this amendment, to participate in the development of those storage basins and the benefits accruing therefrom. But is there any reason why the State should embark upon such a policy? The primary beneficiary in one way might be the private company already on these streams. They would approve of such a proposition in itself. Judge Cleaves stated before the committee that he believed in a proposition of the State furnishing the money to do this developing, recognizing at least that he would be glad to see the State in partnership in the matter, and Mr. Wyman of the Central Maine Power Co. went one step further and agreed that he would be glad to see the State actually develop the storage basins, as-

sessing the cost upon water power owners, in so far as they were willing to pay. He did not desire that it should be possible for the State to compel their sharing in the benefits accruing from development. It would be very questionable whether the abutting water power owners down stream would care to participate in paying for the water unless they were required to do so, although the benefits would be very material and very direct.

The State, however, under the amendment proposed, could take this step and assess the benefits upon the power owners down stream. In connection with such development, however, if it should come in the wisdom of this Legislature, as there is no bill pending for any development, and this is simply a constitutional grant of powers. The State must necessarily have, as an incident thereto, the power to use water powers incident to the development. That is, if you develop a storage basin, you have a head of water right at the basin, for instance. It would be absurd that the State should not be able to use that power incident to the development. It would also be true that the undeveloped powers downstream, if left idle, would be running to waste. It would be a necessary incident in the development if there were an economic demand for the power that those powers should be developed. You may say that the private owners would certainly cooperate in their development, and they probably would in most cases. It would be very much more effective, however, if the State in itself had that power in case it should ever be desirable in the judgment of the Legislature for it to assert it. After the experience which we have had during the past few years, I think no one can fear that any Legislature of the State of Maine will ever embark upon any such experiment in paternalism unless the wisdom of the State shall be overwhelmingly demonstrated.

The incidental advantages to the State, however, of the development of water powers and the use of those

powers within this State are manifest, and industries must more and more as the cost of coal increases, and as the difficulties of the labor supply incident to that coal supply increase, turn to water powers for the one main solution of their ills. And there again, I do not speak upon my own authority, but from the Engineering Council of the United States, perhaps the highest authority upon the problem in the country, quoted on page 24 of the report of the Maine Water Power Commission in which it is said, "The principle is axiomatic. Water power is continually being renewed by precipitation. Coal, oil and gas, on the other hand, cannot be replaced. It is therefore, a duty of the present generation, wherever practicable, to utilize this renewable energy and as far as possible to conserve for the future those sources of energy which are not replenishable." So much for the precise problems involved in the amendment.

Now, just a word as to the application. Socialism is the cry. Why not let private companies develop these storage basins since they would be benefitted thereby? Upon the Androscoggin this has been done, and very successfully done, and certainly if that situation were possible on the other rivers in this State, we should have no anxiety as to the future, so far as the industrial development of the State is concerned. It might be another question, however, as to whether we should desire to have the citizens of this State grant to private corporations the power of eminent domain which is the only way in which they can ever acquire these rights, when by that granting citizens would lose whatever benefits they might receive from the development of these basins and powers. That is, the storage basins are the horses that are left in the barn; we have that left to us, and the only question is whether the State shall grant the powers to develop those to private companies and let their birthright pass away.

The State has that right now. It can only be developed either by pri-

vate companies or by the State under such lease rights as it may give. If the right is once granted, it is gone forever, as the timberlands have gone and as the localities for many of the water powers in this State have gone. The one great asset and resource of the State is in those storage basins in our northern sections, and the question for the next twenty-five years is whether those are to go the way of the timberlands and the water powers. That is the problem. Even if you should decide upon the wisdom of granting these rights to private companies, even if you should decide to do that, you must consider whether or not it is probable that in the future corporations will be able to finance problems of that magnitude with the conditions involved. You may say, why should the State trouble, the State is the one party in the proposition who can tie their interests together. The Androscoggin had a few great water powers, and it was natural and easy for them to associate themselves together in the matter of development in the Rangeley region to secure the benefits accruing therefrom. Upon the Kennebec, for instance, there are some 20 very large powers. Every one of them must cooperate in any scheme, or they must come under a common ownership for private capital to profit by any development that is made. But, if the State, under the powers of this amendment at some time in the future shall find it economically wise and practical to say to such power companies as are not making adequate use of their resources that they must share in that expense of development for the interest of all concerned, the State can tie that proposition together and can finance that development, and can assess upon the abutting owners down-stream the expense thereof. If the only result would be that the State were to act as a cash accountant for the power companies, you might question whether it would be wise for the State to embark upon such an experiment.

But you must also bear in mind,

gentlemen, that the industrial development and the industrial future of this State rests in the development of our water powers, and that as industries accumulate about these sources of energy, so does the State, and so does every industry therein prosper, and so do the farms of the State become more valuable, and so does the State step into its birthright. And it is that question and no less that question that you consider as you look forward to the future of this State, and you cannot confine yourselves to one year or five years or ten years; it is a question of half a century, as it has been in the losing of our timberlands. You must place yourselves 25 and 50 years in the future and see the condition of those powers of which they are very fond of saying there is no use for today—I grant you that, there is no economic use for those powers today. Very well. Is it wise to wait until it is too late for the State to participate in this proposition when the storage basins and the rights therein have been granted to private interests, or to have the State capable and ready when the Legislature in its judgment shall deem it is wise to undertake for the State and for every interest therein, if it shall be necessary and if it shall be wise, the development of the powers of this State along the plan outlined and accruing to the State, the benefits incident thereto?

In connection with the cost of development, for instance, you may hear some rather fantastic figures with hundreds of millions of dollars involved in the propositions. Bear in mind, gentlemen, there is no proposition now, there is no action proposed; there is simply a situation existing for which it seems wise that the State should prepare itself. The Water Power Commission which has been investigating, has some estimates of the cost of development in that region which will first be wise to develop in case any action is necessary, and those figures are shown in that report. So confine yourselves, gentlemen, to those fig-

ures, if you consider what within at least a reasonable time in the future this proposition might involve. That, for instance, shows that if it should during the next few years be decided wise to develop the Brassua Lake storage basin, which would develop the value of water power on the Kennebec, develop the potential energy available, it would cost altogether or approximately a million and a half dollars. And those figures, gentlemen, are based upon the estimates of engineers on the ground; they are not the phantasies of anyone's imagination. And that is the only concrete proposition which has ever been even considered in so far as any discussion of this sort was concerned. And Mr. Wyman of the Central Maine Power Company and Mr. Danforth, the engineer of the Water Commission, said in my presence that they both considered that development wise and sound, although they were not entirely agreed as to when its development might be wise. I speak of that only in case you shall hear fantastic figures of what this may or might involve, and in that case you may address yourselves back to the realities of the situation.

And now I have tried to show you that the broad language of this amendment is designed to accomplish the objects sought. It would be very unwise to try to place limitation on the constitutional grant of powers which would merely be the football of constitutional lawyers in the future. The language of this amendment is adequate to secure the end sought. Secondly, that it is a safe and constructive step for you gentlemen here now to take to submit this proposition to the people for their decision as to whether they want to place that grant of power in the legislature of the future. You know and we all know that there has been accumulating for the past six years a very large public interest in this question of our water powers, and the people in many quarters are looking to us today to see what answer we shall make to them in submitting

this question to them for their decision. It is not a proposition which has been hastily generated or carelessly considered. We here can only answer for today; we here can only decide whether now this question shall be submitted to the people of our State, but, as certainly as the sun rises and sets, and as certainly as the waters flow in their eternal cycle from the hills of Maine to the sea, as certainly as the natural resources of this nation have a limit and the labor resources of this country have increased in cost, so certainly must Maine in the future take its place as an industrial leader because of its power resources. The only question for us is, whether the State shall be protected in the preservation of its birthright, and I leave that question with you, confident that you will consider it in the light of your consciences and with your eye single to the interest of this State of which we are all proud to be citizens. (Applause.)

(At this point Mr. Smith of Skowhegan assumed the Chair.)

Mr. COLE of Eliot: Mr. Speaker, I want to endorse the sentiments of the gentleman from Portland, Mr. Brewster, that I believe the matter has reached such a stage that it would be folly for this legislature to adjourn without taking definite action upon this matter. The basis of all business is confidence, and without confidence you cannot have prosperity. As long as the business of the nation is continued, and as long as the every day affairs of life are running along smoothly, the manufacturer and the merchant can go along hand in hand, one making things and the other buying them, with the full confidence that the public will take them off of their hands in regular and orderly succession. We are passing through one of those periods at this time when the public is not buying, when the merchant is not buying and when the manufacturer is not making, and the one word which everyone says we need is "confidence." Lack of confidence is lack of prosperity, and confidence means prosperity.

Since the year 1909 the State of Maine has been lacking in confidence. Back of that time was the great water power fight known as the "octopus." Those who are familiar with proceedings back of that time will remember the great fight that went on in this legislature, and that it left the same influences which are fighting here today, and which have been fighting in a greater or less degree from that time down to the present time. In 1909, you advocated State ownership, started the thing going, and the first amendment to the water storage charter was put on in the year 1909, the first amendment to a public utilities charter was put on in 1909. It was then a Republican legislature. In 1911, the Democratic party came into power, and those who were interested in that line of work were left at home, and the thing slept. It slept again in 1913 because they were not returned; it slept again in 1915 because they were not returned. But the Republican party came back into power in 1917, and those who were interested in this case came back into power, and two little children were born again, known as House Amendments "A" and "C", which had to be adopted by every charter which came in here to be amended, those charters which the State of Maine has given to people, and those charters upon which had been built up the utilities of the State and into which had gone the money of the people. People outside the State had absolutely no confidence in the public policy of the State of Maine in regard to its industrial position. It was impossible for a man to go ahead and make any development in manufacturing industries, and the State of Maine was stifled in its building simply because of unrest along with the water power development, which was the only thing to induce manufacturers to come into the State.

Now, gentlemen, I want you to look over the State of Maine for a period of ten years, and see if you can see any great industry that has been built up except those indus-

tries which take away our wood and convert it into pulp and paper. Nothing has been brought into this State only that which takes away the products of the State, because that was the source of supply. The State of Maine is differently situated from most of the other states. Our transportation problems are detrimental to the manufacturing interests, being so far away from the source of supply, and being farther away from the markets, and our manufacturers are obliged to compete in the long hauls both ways with the manufacturers who are nearer to the centers of distribution. Therefore, there must be some advantage to offset that increased difficulty if they are to be induced to come here. But we in the State of Maine have been creating an unrest and a distrust among all those people which has kept them outside the State of Maine, and have practically forbidden them to come here because they have felt that what we gave them today we would take away from them tomorrow. And it has been the policy of this legislature, as I have said, to hamper industry and hold it back. It is no secret to say that all the people who are interested in these projects have had this very thing in mind, because in all the speeches made in these halls, and in all the articles written in the newspapers, the same end was approached which has been arrived at in the consideration of this very bill that is before us tonight. It is no stranger to the State of Maine, and any man who has followed the course of reasoning all through this time has seen the result that must be arrived at, it seems to me.

It makes no difference whether we favor State ownership or State aid, or whether we believe Maine should go into the handling of public utilities or whatever our opinion is, the principal thing for us to do is to establish confidence one way or the other and forever settle this unrest which is facing us and has faced us for this period of years. Until we do that we cannot hope for any advance, and until then we cannot

hope for any prosperity. The only place to settle that is to settle it with the people who have the final determination. You may vote against this proposition tonight, gentlemen, but two years hence you will have the same problem again, with two years more of unrest. And I don't know and you don't know whether the people of Maine will vote for this thing or whether they will vote against it, but let us give them a chance to say what they want. I believe the Governor is right when he says that the people should be allowed to vote upon the question, so that intelligent action may be taken. Up to this time there has been no opportunity for the people to express themselves or for intelligent action, and it has been simply a matter of stifling and of propaganda, and it has simply kept outside capital to which Maine must look from coming in here and investing. If we have these great powers, let us hold out such an inducement that the man who wants to come in here may know that over a period of years at least he is not going to be disturbed but may go on his way and build up his business in such manner as he may see fit.

It seems to me that the attitude of those who oppose this measure is directly contrary to anything which they can explain. In 1917, when these amendments were being put on to all the charters, there were some in the State of Maine who did not approve of that idea, but those two little children were taken by the hand by the legislature and they were led along, and the people were told to look upon them because they were beautiful and they were two such nice looking little children that you must admire them, but in these four years those children have been joined together like Siamese twins and they have now become a menace in the minds of these same people, and those same people who said "Look at those little children", now hold up their hands and say "Save us from our enemy." They have been fooling the people all the time,

and now they ask you, gentlemen, to fool yourselves by voting against this proposition in order that you may keep the thing along for two more long years and give the State of Maine another era of lack of prosperity.

I have never thought it was wise to hamper our industries. I have not thought it was wise to put those amendments upon those charters and hamper proper development unless the State was honest with itself and intended to take it over. Supposing the State of Maine deeded to you a piece of land, and you, upon the face of that deed built a house, and then the State of Maine for public uses said, "you may have your house, but we will take the land because we may need it." What would you think of that trade? What would your customer think of that trade? What would you think of a man who had been attempting to hold you up in that kind of a trade? And that is just what the State of Maine has been doing to these men to whom it passed out these franchises years ago.

Are we going to submit this to the people of the State of Maine? Two years ago you created the Maine Power Commission in order that they could investigate this thing and report to you, in order that they in their wisdom could spread a sort of propaganda abroad over the State so that the people would rise up and demand something. This very legislature has appropriated \$50,000 for a continuation of that, \$37,500 in the next thirty months, or over a thousand dollars a month which to be spent by the Maine Water Power Commission for some purpose or other. And what is that for? It cannot be merely for the sake of giving some men a job. It must be, gentlemen, because it is for the benefit of the State of Maine, and for no other reason. Do you suppose that by voting against this amendment tonight that you can stifle the feeling in this State that something ought to be done? Do you suppose that a vote here tonight will make business men throughout New England and

New York, or wherever the money is, that our people will have to go to if they want to enlarge their factories or build new factories? Do you suppose this will settle their minds and they will believe that this is finally settled? No, sir. It has been in the air since 1909, this period of unrest, and this period of inactivity, because outside capital would not come in here, and the securities of all our industries are being hacked around the State by local agents, when our water powers are the best in the country and when the securities depending upon them ought to be the best securities in the wide world.

Now, gentlemen, let us be honest. We started this thing and we have carried on this propaganda with the people. We have arrived at a point where we have to make a decision for the benefit of the State one way or the other, and if we don't want this form, and if we don't want the adoption of this amendment, and if we are not satisfied with State development or State control, or whatever you may call it, let us go out among the people and tell them why we are not; and if we are for it, then let us do the same thing, but let us do one or the other and let the people forever settle it, and then let us go out to the people outside of Maine and invite them to come in here, so that they may know when they do come that if they do come here and invest their capital they will have a period of rest and not a period of unrest.

I hope that every man in this House will feel it his duty to vote for this amendment, although eventually it must go to the people, and the sooner it goes and the sooner it is settled, the sooner we will enter upon a period of prosperity; and until we do, we will drag along in the same way that we have dragged during the last ten years, gaining two per cent in population and very little in valuation, and no new industries added to those we had ten years ago. Let us not make another ten-year mistake.

Mr. HINCKLEY of South Port-

land: Mr. Speaker and gentlemen of the House, I am not now and neither have I ever been an attorney for the great corporate interests or any of them, who are interested in the water powers of our State. Neither am I now and never have been tied up with any combination of men who are interested in State or government ownership. On the contrary, I feel that I can say without contradiction that during the past ten years, I have devoted without any consideration except my interest in the people as much time to the fighting of the battles of the people against mismanagement on the part of public service corporations as any person in this State. And during the past three years I have devoted at least six months of my time without compensation trying to protect the people against what I felt to be mismanagement of one corporation; and for that reason I feel that I am in a position to say and to state frankly to you my belief and what I think is for the best interest of the people of the State of Maine, and they are the only clients in whom I am interested.

Men, we are today right up against the proposition and we must face it as it is. We are up against the proposition of State ownership of water powers and the State of Maine going into the water power business. Now, you can argue other things all you wish, but that is the question and nothing else. Private enterprise has always developed business giants; government enterprise has always developed cunning politicians. That is the difference. For one hundred years we damned the rivers and praised the builders, and now we are praising the rivers and damning the builders. That is the situation, and I want you to think for a moment of the State of Maine and have you say whether or not it is a fair proposition. I think of Biddeford and of Lewiston and of Rumford and of Lisbon, and I think of Augusta and Waterville and Millinocket and Woodland, and I might name dozens of other cities and towns in the State of Maine, and I ask you, who

made those towns in the State of Maine, and I ask you, who made those towns and who made those cities great? Private brains made those cities and made those towns, and the State did not do it, but those great industrial centers made our State, and they make it what it is today. I am tired and sick of propaganda that is being circulated among the people without what I believe to be any sound foundation of fact, and I think the people are being fooled and misled, and I believe, men, when it is reported over the State of Maine that if the State goes into a water power business that our electricity will cost us very much less, and that our homes can be heated by electricity, those of us who know, know it cannot be a fact because with coal at \$50.00 a ton, and with the State owning those water powers, it would be cheaper to heat our houses with coal at \$50.00 a ton in Maine, and any man who knows anything about the situation must realize that fact.

Oh, they tell us there are many men and many women who are interested in this great question, and they believe that the State is going into this business. All of us will remember two years ago when undoubtedly more than ninety percent of our people were interested and enthusiastic over the League of Nations, but last November, there were hardly five percent who were interested in the League of Nations, and I believe, gentlemen, that the people of our State will understand this question as they understood that.

It has been said by a speaker that the water powers were a great asset or were the greatest asset of our State. I cannot agree with that. The greatest asset of the State of Maine, as it is the greatest asset of any State, is composed of the men and women within the State. And as we go back to the early history of this country of ours, we recognize the fact that what has made our country the greatest nation on the face of the earth, is first, because we had the natural advantages, and secondly, because we encour-

aged the men and women in the development of the other. And when any nation or State seeks to usurp those things and those business rights that belong to the individual, then the individual will lose his initiative and he will cease to become great and we will be developing instead of business giants, a set of pigmies, and our interest in our country will decay. It is inevitable, gentlemen. The business of a State and the business of a nation is so to conduct its governmental affairs as to insure to the people within its domain, domestic tranquility, safety in person and property; but it has never been within the province of the government of a State to go into business and do those things which its individual citizens should do; and I hope that the State of Maine will never go into any business enterprise such as this. I do not believe that when the people of the State of Maine understand what the proposition is, that they will be ready to go into it, because I cannot find anybody who wants the State to go into the water power business. They are simply fooled and fooled and fooled, because there is some mysterious and unseen advantage which they have been made to believe that somehow, somewhere and sometime, they can derive from this policy. But when they learn the truth, they will want nothing of it.

Now, gentlemen, it is for you to say, whether this proposition will be submitted to the people or not. I do not believe it should be, and I shall vote against it. I do not believe this legislature has a right to submit anything to the people unless there is the stamp of approval on it, and unless we, as members of this legislature, believe that the proposition is sound, and I will say that I do not believe this proposition is sound, and that is why I am opposed to submitting it to the people.

Secondly, it is true that business is upset; it is true that it is hard to get capital. But, men, if the people of the State of Maine should be

fooled into adopting this constitutional amendment, then I want to say to you for all time, you will be unable to get business to come into the State of Maine at all, because they never would know what session of the legislature would take away those rights that had been vested in them. Talk about selling stock and hawking it over the State of Maine! Yes, and it is because it has never in the State of Maine been a very profitable business to engage in any public service corporation business. There is no question about that, and we can argue all we want to; it is not an attractive proposition today to invest in public utilities in the State of Maine, and those of us who have studied it know that to be a fact. Private capital cannot get money to develop our water powers. They have developed them by hundreds of millions of dollars in the past, and private capital in unbounded amount is ready and always will be ready to invest in any profitable proposition, but if it is not a profitable proposition, they will not invest in it. And if it is not a profitable proposition for private capital under the great ability and keen judgment and management of the giants who develop our great industries, then I want to say to you, men, that it would never be a profitable business developed, conducted and managed by politicians, just as sure as you live.

Public ownership has never been a success and it cannot be a success because it is political in its nature, and the very first essence of business success is business, and not politics. I hope, men, that you will not be fooled. I have been told during the day that it is a great mistake for me to take the position I am taking. I want you to know, gentlemen, that I never worry about the future, because I don't care. I have been able up to date to fairly well take care of myself, and I think I can do it in the future, and am going to say for the people of the State of Maine, what I believe is for their best interests, and if they do not believe with me today, and

if they do not believe with me a year from today, in five years from today, they will, and I am ready, if it is necessary, to wait that five years until they learn that I am right. Now, gentlemen, do the right thing. If you believe in public ownership, and if you believe in the State taking over these water powers and developing them, then vote to submit it to the people by all odds; but if you do not believe in this proposition, then be true to yourselves and be men, and do as I shall do, stand up and be counted for what I believe is right. (Applause.)

Mr. BRAGDON of Westbrook: Mr. Speaker, I shall confine myself in what little I have to say to you to the facts as I see them for the reason that our time is of great value here tonight.

This bill, House Document No. 325, is in line with the question that has been before the people and this Legislature for five years or more. It was agitated in the Legislature of 1915 and 1917, of which I had the honor of being a member. Since that time business has been more or less at a standstill, due to the fact that the people that had in the past been the promoters of the electrical industry, have failed to take interest until this question is settled once for all. We have had a great amount of publicity for and against this question. I, for one, was in favor of the Water Power Commission in order that the people may know more about this question which is of so great importance to the State of Maine.

I am to oppose this measure, and I wish to have it understood that I stand here as W. B. Bragdon of Westbrook. I have not been asked by any person or corporation to act for them. I have had the privilege of visiting the majority of the hydroelectric power stations from the Atlantic to the Pacific, from ten feet head to two thousand feet head. The honorable gentleman from Portland (Mr. Brewster) mentioned relating to the large demand for storage reservoirs that the horse was in the

stall ready and waiting to be harnessed; but he did not tell you how much that harness would cost.

It is estimated that there is now developed some over 500,000 horse power. I am going to refer to the terms in horse power rather than in the other electrical phrases which must more or less confuse many here. We do, I believe—the majority of us—understand what a horse power represents. Who has developed this horse power? Has it not been developed by the men who have had the courage to enter into this industry and then have taken the chance that it would meet with success?

I had the honor of throwing the first switch—and I considered it an honor—that interconnected the possible extensive use of this great energy—electricity—in the State of Maine. (Applause). From that time no man can question the advisability of carrying out this proposition in the State of Maine in order to utilize the great water power resources in an interconnecting system. This was in the year 1885; but, gentlemen, you must remember that the men who had the courage to commence this undertaking have spent vast sums of money during the many years in this undertaking in order to demonstrate the commercial usefulness of this fluid. This has been done thus far, I believe, for the welfare of the people.

It has been stated that there is undeveloped at the present time 1,250,000 horse power which we must understand, if fully developed, must be duplicated by fifty per cent additional steam power in order to give the factories a constant supply. What does this mean, gentlemen, in dollars and cents? This is due to the fact that we cannot depend on a continuous supply of our rivers at certain periods, and large storage reservoirs must be constructed at great expense, in many cases the cost being prohibitive. The past five years, gentlemen, has been a period of maximum flow in our rivers in the State of Maine, but in previ-

ous years, if you will look up the records, you will find that many of the large industries that were depending on electricity for their power were compelled to invest large sums of money in order to maintain a high standard and continue the operation of their factories, and give the work to the laborers without delay.

Now can the State of Maine afford to invest such large sums of money and take the chance of finding a market for this power when any reasonable man must remember that no firm or corporation is under any obligation to the State of Maine to purchase this power even if it were developed? It is known that the average cost today for the installation of electric energy, not including the cost of high tension lines and other things necessary for transmission for any great distance, is about \$200 per horse power. Considering that we have 1,250,000 horse power at a cost of \$200 per horse power, would equal the vast sum of \$250,000,000. Add to this the necessity of installing as a steam reserve fifty per cent in addition to this, which must be done for protection to the people who may use this current the amount of \$125,000,000, would total the vast sum of \$375,000,000.

Considering the valuation, two-thirds of this in the matter of taxes that could be returned to the towns and cities in the State of Maine, if developed by individuals and citizens of the State, would amount, as you will see, to a vast sum of money which would come to the State, if they developed, in the matter of taxes. This would come to the several towns and cities, as it now does without any expense to the State of Maine. Would it be wise for the State to enter into such an undertaking due to the fact that no one is ready to determine the distance which this power must be transmitted to meet the market? This market must be made up of large power users, as the lighting business alone is a small matter in the use of this large amount of energy.

In the Legislature of 1915 and 1917, when the Water Power bill was under discussion, the statement was made as follows, that all that was necessary to the transmission of electricity was to build a dam, place a pole here and there in the ground, place a wire thereon and the work was done. How unreasonable this statement was to those who understand somewhat in regard to the transmission of electricity.

We refer you to the report of the Water Power Commission of 1920 that has already expended a large sum of money in order to give to us such report that you can intelligently know how to act upon this subject. We believe, gentlemen, that this report is one that should be considered by every member of this Legislature as well as everyone interested in the welfare of the State of Maine; and, gentlemen, I ask you to find between those two covers any recommendation by this Commission of able-bodied men where they suggest in any case that it is best for the State of Maine to enter into this proposition. I wish to refer to a few items taken from this report:

"There is a widespread impression that all water power is cheap and therefore that the profits to be derived from its operation are comparable to those received from the best gold mines. The real facts are quite the reverse. It is true that certain water powers possessing favorable physical conditions and well located as to their market have been profitable enterprises. On the other hand, the fact is too frequently forgotten that many large developments have been disastrous developments.

"The risks involved are unknown to the general public. They range from those of overestimated stream flow and underestimated construction costs through flood damage to that of a too slowly developing market and disastrous steam electric competition."

"We are informed that if the State will appropriate the sum of fifty thousand dollars per year, it is probable that an equal sum will be

contributed by the Federal Government for continuing the preparation and publication of topographical maps. It is estimated that by this expenditure the topographical mapping of the State can be completed in eight years."

If it is necessary for this able-bodied commission to take eight years for this purpose, is it wise for the State of Maine to enter into this proposition? I, for one, hesitate to enter into it at this time until they have given a more full report.

Quoting further from the report: "A large proportion of the water powers of the United States are not commercial projects because the high fixed charges on the necessarily large investments plus even the resulting low operating costs total more than the sum of the much higher operating costs plus the lower fixed charges of corresponding steam-electric plant. Only a detailed study of each project can determine its commercial feasibility."

Again: "In considering future power demands, with even the large amounts of water power undeveloped in Maine, it will be necessary to consider the continued use of coal. There is not enough water power available to fill this future demand and the future must inevitably bring interconnection of tidewater coal stations and hydro-electric stations in systems large enough to eliminate the waste of low capacity, low efficiency plants, the water power being used at high efficiency and the steam plants carrying the peak load."

"Any policy tending to promote the development of Maine's water power must have a far-reaching effect on the industrial development of the State. Considering power development (as distinct from storage) it is not believed that sufficient knowledge is available, either of our resources, or of the effect on Maine of the Federal Power Law, for the State to commit itself to a course which if in error would be difficult to retrace."

"In general, development by private

capital is preferable to development by the State.

"The constitutional competency of the State to engage in the business of developing water powers is a legal question and not within our province. If we may consider only the economic aspects of the question, we believe it to be undesirable to invest public funds in commercial enterprises, but that prosperity is best promoted when the State encourages and protects alike both private initiative and the public interest."

If you have considered this carefully, you cannot find between the covers, as I have stated, anything that would suggest that we should enter into the proposition as contained in this bill before us.

This Commission represents fifteen of the most able men. They have certainly between those covers given a report of conditions in Maine as far forth as their funds would permit and something that is of great value to all interested in this proposition.

My personal opinion, with the experience I have had in the past twenty years or more would be to encourage every honest person, company or corporation who desire to build up the State of Maine, an opportunity to use their talent and money by encouraging them to make use of the water powers already developed, or undeveloped, and let them continue the plans which now exists in the interconnection with all industries and all rivers in the State of Maine, so that cooperation will exist as it now does with all those now developed. In this way you will find our young men, who are now leaving our State for the West, located here, where they will in time build up the industry, utilize the water powers, and build up the population which will be decreasing under the present conditions, and will continue to do so if the State goes into this business.

The average life of an electrical generating equipment is only about fifteen years—consider this, gentlemen, if we should enter into this proposition—and due consideration must be given to this one item.

In conclusion, gentlemen, I would be the last person to object to the State's entering into such a proposition if gain would come to the people by so doing. I fail to see it, however. I believe that with a plan of cooperation between the corporations, the State and the people, with no selfish desires, and encouraging the men who have money to invest, do all we can to assist them in harnessing this most wonderful energy ever given to this world, and with the State Commission sufficiently in power to see fair play, we will then see more of our educated boys and girls abiding with us at home in this grand old State of Maine. The people, I believe, will then push on well satisfied. The industries will increase and the State of Maine will increase in population as she should.

I trust, gentlemen, that we will all give this question careful consideration and let the financial facts be ascertained before we pass such a bill. I say this as one interested in the people, in the growth of our State and in all just honor to the honorable gentleman who has been so much interested in the great question of water power development. I close without further remarks.

Mr. MAHER of Augusta: Mr. Speaker and gentlemen: I could not remain silent and discharge the duty which I think is due my own constituency at a juncture like this. Not to make a gravely serious matter facetious, as we are approaching the end of this session, we all appreciate that it has been an unusual session. We have had very largely a milk diet, and we are getting down now to really the elementary things. I have been an extensive contributor to the one, I will trespass on you for a few minutes to be consistent. When I say "the elementary things," I refer to wind and water. (Laughter).

Now, gentlemen, I am opposed to this proposition for two reasons: First, the principle involved, as touched on by the gentleman from South Portland (Mr. Hinckley), and, secondly, the specific application of

the principle in the measure before us. I will for just a moment depart from the argumentation which has been advanced here up till now, and call attention to House Document 464. The gentleman from Eliot (Mr. Cole) has taken one line of argument, that he believes it better for business and for the stability of the State that this matter should be settled, and therefore he wants it left to the people to settle in the interests of business. Now, gentlemen, it appeals to me that if business has been unsettled because of the agitation in this State, as was his premise, since 1909, that a pretty good way to settle business finally is to submit this proposition to the people, you will settle business in the State of Maine—private business.

What does that amendment mean? I challenge the gentleman from Portland (Mr. Brewster) who on this floor espouses it; I challenge any man within the confines of this room who favors it to tell what its scope is. What lengths and breadths and depths that bill permits State control of all business as well as storage reservoirs? The uncertainty of the matter could not be illustrated any more graphically than to hold in one hand 325, the original proposition, and in the other hand, 464, approved, as the gentleman says, by the author—the new draft approved by the author. In 325 there was a proposition which did not even stand the test of the committee to which it was submitted, which evidently did not even meet with the approbation of the distinguished gentleman from Portland. It evidently now has the tacit renunciation of its author in subscribing to the changed edition in the above proposition, or else it is but just a stepping stone to higher things. Or are you making two bites of a cherry? Is that the intention? Aside from that I say that that instrument there, not from the standpoint of a layman—and you are asking laymen to pass upon this—but from the standpoint of any fair-minded attorney, is not only indefinite, but is not susceptible of

definition. I ask the gentleman from Portland (Mr. Brewster) to tell me what is meant by the following: "The conservation, storage, control and use of waters, and the development, improvement, transmission, utilization, electrical interconnection, control and sale of water powers." Now, if I can understand English, that word "transmission" refers to water powers. Is the gentleman contemplating in this Constitutional amendment some proposition of authorizing the transmission of water powers, or is he interested in the transmission of electrical power? They have inserted an unnecessary word. "Transmission" should have gone with "power"—not water power, but hydro-electric power, that which is generated from the water power—electricity. He refers to the words "and not otherwise" in the second line of the next page, "shall be declared paramount public uses"—are declared to constitute paramount public uses, "as the Legislature may authorize and not otherwise." Now those words "and not otherwise" have a very deep significance to my mind, and I am going to try and make it plain to the laymen here in this House. There would not be any need of such an amendment as that to accomplish the object such as the gentleman speaks of had it not been for a decision of the Supreme Court in this State in the case of Brown vs. Gerald, where our Court, speaking through the great Chief Justice, now gone, Judge Savage, declared that the transmission of electrical power for power purposes was not a public use. That case arose as follows: One of these private corporations sought to run an electrical line across a man's farm. Now there was a sort of a stiff-backed fellow up here in the Kennebec valley by the name of Brown, and he buckled up and saw attorneys and they contested. They sought to take by eminent domain a right of way across that man's farm, under their charter claiming that they had that high prerogative. I will define for the sake of clarity. Eminent domain simply means the exercising of

the State's power of taking private property for public purposes, to take the individual's property for the use of the whole community; but it cannot be done under our Constitution except for a public purpose. The Supreme Court said, you shall not take a rod of that man's land to put your transmission line across under the power of eminent domain, because the transmission of electrical current for power purposes is not a public purpose. It would be for lights, but not for power. Now the words "and not otherwise" inserted there are the very undoing of that decision. These are paramount public purposes as the Legislature may say, and not otherwise. What are you going to have then? You are going to have one of these districts formed for paramount public purposes. It will have the right to run across the farm, to take any private property for this paramount public purpose, and side by side is a corporation with its invested capital and all that goes to make it up, and that concern is brought into direct competition with a district, which will have the paramount power of doing what this other company, supplying as best it may, cannot. So, by indirection, that private company would be squeezed out if it were not bought out or acquired by eminent domain.

Now turning back a bit to the third line of this bill, "The conservation, storage, control and use of waters, and the development, improvement, transmission, utilization, electrical-interconnection, control and sale of water powers." The first time I saw that, in common with as good legal talent as there is in this House or in this Legislature, or in this building, I supposed that that was a typographical mistake, and that that "s" was on there by printer's error; but it has occurred in every one of the bills, and the only witness who appeared on that phase of it before the committee was interrogated as to whether that clause was meant to be "water powers" and he said yes. Now, gentlemen, what is a water

power? Why, it is land on two sides of a stream, and the land underneath the stream, as well as the water that is running over it. "Control and sale of water powers"! So you are going to have districts organized with the high and sovereign right of eminent domain, so that this district can go along and take Brother Brewster's water power, not the electrical energy, but take his land on both sides of the stream under its sovereign right of eminent domain, and then you can have that district sell that water power to Brother Bragdon or Brother Hinckley or Brother Viles. Is this Legislature ready to submit such a proposition as that to the electorate of Maine to ask them to vote thereon? Is that a proper exercise of the power of eminent domain to take one man's property, not for the use of the public, but in order to sell it? That is what you have got in that proposition, the control and sale of water powers. Forsooth going into the brokerage of selling water powers. Now you are not going to sell those water powers to the State after you have taken them, and you are not going to sell those water powers to anybody out of the State, nor to any other state. Therefore you have got to have a customer, of course, if you are going to contemplate a sale; so that it must be to some other individual or some other corporation in the State. The papers have been full, and the argument was adverted to tonight of the destruction of our forests, of the surrender of something of great value by Legislatures of the past. My friend hints that that sale of the timberlands was something wrong, something of chicanery, something of betrayal of trust to the people. Gentlemen, don't you think that those Legislatures in their day and generation were actuated by just as high impulses as we of today? We are fond of harking back to the fathers. Don't you believe those men were actuated at that time by just as high ideals and just as honest motives as we of today? They may have made mistakes, but they were honest mistakes. I will not

presume to say they were dishonest. How are you going to remedy it? Is mankind improving so much that you are carried away by the idea that we have reached any millennium, that you are going to take over all this power, all this great potential control of industry, into the hands of the State of Maine, to be conducted and directed by legislators of tomorrow and ten years from now? And who can tell that they will not make mistakes, and who will tell what will be done with the power privilege which is taken under the power of eminent domain by one set of officers who happen to be in charge of the district at the time?

Your district proposition! We are interested and have heard a great deal about taxation here. You are going to control and you are going to function by means of districts, and those districts are going to have very high powers. We do not know how extensive they are going to be, but we know at least that they are going to be extensive to this extent, that they are going to have the power to tax. Can any man foresee the limit of taxation by one of those water power districts? Can he see what burden it would be upon this part of the State or that? No man can possibly foresee it. But they have got other powers. They are going to have the power here of apportioning a part or the whole of the cost of the acquisition. Upon what? Upon the powers or the power owners? No. They can if they want to; they can apportion the whole of the cost of this million and a half development, if you will, or of this fifty million development, if you will, upon the power owners; and apportionment under that Constitutional amendment can be such that when they get done with the apportioning, some of the power owners down the line not only will not own their power but they will owe the State. If that is not confiscation, I do not know the definition thereof. But these districts are not going to be limited to that. There is another very nice, broad clause there, "apportionment to, and assessment upon, the lands

and property which shall, or may be benefitted thereby". They have got everything in there under the sun—apportion and assess upon the land which shall be benefitted or "may be" benefitted. Not the power privileges merely, not the power owners only, but you, sir, on your farms five miles out from the power privilege must pay if it is estimated in the judgment of that taxation board which is controlling that district—and no man tells me how you are going to choose those directors who are running that district, that you "may be" benefitted. Are such tax gatherers to be appointed by some individual or are they to be elected by the people who live in that district? How are you going to choose them? I do not care how you get them,—they will have that power. They can reach out if in their judgment your farm has been benefitted a couple of hundred dollars' worth by a power development three hundred or two hundred miles away, if your land has been benefitted a hundred dollars' worth in their judgment, they can tax you the hundred dollars and you will pay it. Yet if your land has not been benefitted, but if they think under that it may be benefitted, then they can tax you. Now is this Legislature ready to submit that clear, crystalline, limpid, well-thought out proposition to the electorate of Maine? If you are, gentlemen, then adopt the policy suggested by the distinguished gentleman from Eliot, (Mr. Cole). I say that that proposed amendment is vague. I say that it is not only dangerous, but that it is startling in its danger. Who in the world is going to fix the limits of those districts? Why that is going to be another one of those legislatures made up of very human legislators. Now let us see how we are going to fix that district proposition. In Kennebec county say we will have a district, after this has been adopted by the people. After we have adopted the simple slogan Maine is going into business and business is going out of Maine. Now after you have adopted this and you have got your

district, we in this vicinity come up here and we say that we want this district to take in such and such counties and such and such places, and this district is going to be organized for the development of this proposition, and then we are going to carry this argument of the conservation of natural energy and conservation of hydro-electric energy one step farther. We are going to say that we will keep the electrical energy generated in this district right in this district, and then you people come and see us. Are you ready for that sort of a proposition to tax all of the people of Maine?

It may be sort of silly, but yet it is worth advancing. We are all haired up over this proposition of science? How much these water powers mean, how much their stock and bonds mean and how much their great future is. Say! It may be just a dream, but it is my dream just the same, that some day or other there is coming along some man who by some device is going to just turn in a natural way to the source of light and power, and that is the sun, and by some sort of a device conserve, store, and utilize after storing, the energy that comes and is wasted every day in every year from that central source; and when that little device comes along—it is just a little bit of an extension of the principle of the turbine engine—why the stock and bonds of power companies will be one of those things that they will paste on the wall as memories, and then where is the State of Maine with its fifty or one hundred million, or whatever it may be, of the people's property that they have taken through taxes to develop this great hysteria, the wonder of this recent age?

Now I will go a step further, and this is not a dream; this is a reality. We were told that the reason for this proposed amendment was to keep the hydro-electric energy in Maine because of the Federal Water Power bill. Nobody has touched on that tonight. Now like unto that sun of ours above us, we have got a Federal power above us, and that Fed-

eral power, through Congress, has passed a Federal Water Power bill, and it is the law of the land today. Now the corporations of Maine do not like it. They do not like the interpretation suggested of navigable streams. Well, just assume for a minute that we do not have our own sweet way, and assume that the Congress and the Courts should have a mistaken, stubborn view, at variance with the people of the State of Maine, and should insist that this great natural power up here was not a bit different than the coal of Pennsylvania or the oil of Oklahoma in principle, and that above all and over all there was the Federal power which said this shall be utilized for the common good of all America,—if they should say that, it would be a funny situation investing millions of the money of the people of the State of Maine to build storage reservoirs in order to transmit power to somebody down in Lawrence, or New Haven, or Bridgeport. Let's wait a bit till the law is settled with reference to Federal control before we attempt locking the door, because we may be in the condition of locking something very valuable outside the door.

Another thing! Under that Federal bill, if you should pass this amendment and the State should decide to go into this business, you could not develop a power, you could not do a single thing on the storage reservoir plan, until you had first obtained the O. K. of the Federal Government.

I have indicated in a casual way, after listening here tonight, just a few of the things that appealed to me. Now just a word and I am done. The objections to that bill are basic. Brother Hinckley has put it in a graphic way and his words will last. This is the most important amendment that a Legislature in Maine has ever been called to act upon, and this Legislature tonight is acting in my judgment not only upon the most momentous proposition that has ever been acted upon since Maine became a State, but that has ever been acted

upon in the United States of America. We are now tonight determining whether we will take the first step toward a different form of government than that under which we have lived, and are living. Gentlemen, unrest is world-wide, whether in the form expressed by the Proletariat of Russia,—the principle is no different than the putting of the State into the business of the control and sale of water powers way over here in the State of Maine. They have not a written constitution in England, but your papers tonight and last night in big headlines tell how they over there, unfortunately as I see it, are taking the bit in their teeth and attempting coercive measures to compel the nationalization of the coal mines, and now men have the temerity to ask a law-making body up here in Maine to take the first step towards state ownership or nationalization of industry in Maine. A year ago the New York Legislature acted, I think, unwisely when they unseated a number of gentlemen for their professed socialistic belief. It was unwise; but to show you how far the pendulum swings, a man will be condemned and criticised because he does not cater to the drift of the stream and tonight opposes a proposition like this which in its inception goes right straight back to the great Central Empire of Germany, and has its beginning with Karl Marx. It is all the same whatever you call it; it is Socialism; it is that and nothing more.

It has been my distinguished pleasure within the compass of twenty-four hours to be entirely consistent. Yesterday, standing in this very place, I championed what I believed was the absolute right of labor; and I glory tonight that I can stand right here and just as consistently say that I believe still in supporting the twin pillars of freedom, private initiative and private property in order that there may still be a government of, for, and by all the people. (Prolonged applause.)

Mr. BREWSTER of Portland: Mr. Speaker, I do not want to weary you unnecessarily after the brilliant ex-

hibition which we have all just enjoyed; but it does seem to me profitable that we apply the cold light of reason to what we have just heard. What is it? It ended as Brother Hinckley began with State Socialism. The gentleman from Augusta (Mr. Maher) was able to distinguish his position on the 48-hour bill, which he felt was not socialism, from his position on this bill, which he felt would be socialism. I do not understand how he can interfere with the right of a private individual to labor as long as he likes any more than he can deny to the State the right to do as it sees fit with its own property. Whether you embark upon public ownership or whether you restrict private enterprise, you are still interfering with the God-given rights of the individual, and from the very inception of this nation it has been a case of one step or another in that direction. President Taft was certainly never accused of being a socialist, and yet he called repeated attention to the proposition that step after step had necessarily been taken in that direction. The question which we have to consider is whether this step is wise. We hear from Washington today that President Harding, and all the most responsible leaders of the Republican party, are at their wits' end to discover any other course than government ownership of railroads. Again, socialism! Socialism in a thousand different guises parading on every hand. The question is simply whether in any given instance it is wise for the State to take that step in the interest of the people. That is the question and it is not debatable. It is Constitutional. It is Constitutional I mean with the individual as to how you look at it, how your interests are affected and what your more recent experiences have been.

Aside from that problem I do think you should know what the Maine Water Power Commission has said in view of the statements of the gentleman from Westbrook, Mr. Bragdon. The gentlemen on that Commission were certainly not socialists—Mr. Ricker of Poland, Arthur Chapin of

Bangor, Alfred K. Ames, former Senator from Washington county, Artemas Weatherbee, and Charles H. Hanson, former members of this House, Charles F. Flagg, one of the leading bond salesmen in this State, Edward Evans of the State Grange, Mr. Partridge of the State Federation of Labor, and Mr. Crawshaw of the Maine Savings Bank Association. The unanimous report of that Commission after concluding their investigation was that the State has not now the power to embark on the plans which they feel are economically wise and expedient in this matter, and they go on to say: "It is the opinion, however, of the Commission that any reasonable or practical attempt to adopt a plan must await a removal of the legal obstacles with which the project is at present confronted. Such a plan has been prepared, and it is our intention to submit this plan to the Legislature should the necessary constitutional amendment be presented." That is the opinion of those gentlemen after careful consideration.

The other question which has been presented very ably by the gentleman from Augusta (Mr. Maher) is the abuse of the powers which are here given, and he has drawn to you very extreme and very wonderful pictures of what could be accomplished under that amendment proposed, the abuses which might be achieved, and the extent to which the rights of private property might be invaded. He started in by saying no one knew what they were, but he seemed to be able to define a great many possibilities. Now that is not peculiar to this amendment, but it is characteristic of any Constitutional provision which shall be at all adequate to the purpose which is sought. Why, if the gentleman from Augusta (Mr. Maher) had been a member of the august body which drew the Constitution of the State of Maine, 1820, he could have said practically every thing that he said tonight referring to almost line after line in that instrument. What limitations are on this Legislature in spending money? You can spend one million, five million, ten

million, one hundred million dollars in this Legislature, and you know you have plenty of demand. What limit is there in the Constitution to prevent your doing it and to assess the expense thereof upon the property of this State to the extent of its ability to pay? There is no limit. You can tax six mills or six dollars or sixty dollars. You can tax the full value of the property and spend it all, so long as you spend it within the defined objects of the Constitution, and we know they are broad enough. They are broad enough for us to spend every dollar in this State in one session of the Legislature if we saw fit. So, gentlemen, do not be frightened by the chimera which is raised before you here because a constitutional amendment is offered to you which is broad enough to give you the powers that are absolutely essential if the objects desired are to be attained. It must be left in the discretion of this Legislature and future legislatures whether that power, like other powers, will be abused, and there is one sure redress that the people always have, and that is the fact that every two years you return to them and you give an accounting of your trust. So, gentlemen, if you feel that it is wise and expedient to submit such an amendment to the people to get their decision upon the proposition,—not because anyone is trying to intimidate them as some of the gentlemen who have spoken tonight have indicated, but as a simple business proposition with the facts upon the table,—the only authentic sponsor for the idea that we have here—the Water Power Commission. The different ones who have publicly advocated this proposition before the people for the past ten years have done so in the light of day. The facts are accessible to any of you. The plans and the proposals are definite and admirable, and your action here tonight is to be upon one single proposition, and that is whether that amendment, designed, as ex-Chief Justice Whitehouse well assured us, to accomplish the objects which are sought, shall be submitted to the State of Maine from whom we all derive our power and our authority for decision. (Applause.)

Speaker Barnes resumes the Chair. Mr. COLE of Eliot: One minute, Mr. Speaker and gentleman, and I am done. The gentleman from South Portland and the gentleman from Augusta (Mr. Maher) have made every argument that is needed in this case. The gentleman from South Portland said that the people settled the League of Nations, but they settled it at the election, if it had not been settled at the election last November, these United States of America would have been in the air and settling the world-wide problem just as they were before that time. We had an election and we settled it by the votes of the common people, those same unsophisticated laymen who the gentleman from Augusta (Mr. Maher) says cannot comprehend this doctrine. They comprehended the doctrine of the League of Nations, and they decided that forever. The same unsophisticated laymen who will settle this question, had enough wisdom to send you here and I have no doubt they will have the same wisdom in settling this matter. We gentlemen are only the vehicles which may set in motion those things upon which the people at large can act. We are not here to be their judges in matters in which they have a concern and can act for themselves. It is only by representative government that we live, and we ask that for them insofar as representative government is needed; but when it comes to constitutional questions it is not for any Legislature to definitely settle anything. It is for the entire people of the State of Maine, and I am willing for them to settle this thing; and with all the wisdom that the two gentlemen have shown, if they will go up and down the State, I have no doubt that the case will be settled right. I believe we should leave it to the people to settle. (Applause.)

Mr. MAHER of Augusta: Mr. Speaker, I agree not to take over two minutes. The gentleman from Eliot (Mr. Cole) has opened a very wide field when he suggests the Versailles Treaty—the League of Nations. I will call his attention to

this fact, that it was not settled by any great election or referendum to the people, but it was settled by the stalwart manhood and in the indomitable courage of Senators of the United States like David I. Walsh and Henry Cabot Lodge, who said "There is Massachusetts; there she stands." They killed the League of Nations.

The gentleman from Portland (Mr. Brewster) said that we would have had difficulty had we been in the first august assembly that framed our Constitution. Undoubtedly we would, but we would have read right in there what you are taking out, that private property shall never be taken except for public purposes; and when you take private property under the allegation of public purposes, with the power of selling to another man for his private purposes you are writing something that I will term a "maxima charta." It is something that was not even thought of in the days of King John. (Applause.)

Mr. McILHERON of Lewiston: Mr. Speaker and gentlemen: I feel as a layman that I have wearied this House times enough; but we are coming to a close and I have just a few words to say. I believe that this matter hinges on property rights, and I stand here to protect the man that has got the property. I don't care whether he is an humble citizen of this State or a great corporation. I believe that the man who owns the property should be protected, and that the corporation that owns the property should be protected. I believe that it is the duty of this Legislature to protect the property, and I do not believe it is the business of this Legislature to spread propaganda through this State to excite the people to take that property away unless the owner is paid an equivalent for that property. Now if that is Bolshevism, I am a Bolshevik or whatever you want to call it; but I believe the fundamental principles of this Constitution of the State of Maine guarantees that a man's property should be protected. I believe that the Constitution of the United States guarantees that his

property should be protected, and I do not believe in this Legislature spreading erroneous propaganda that we should take this property away from them. That is good democratic doctrine, and I hope the gentlemen of this House will pay attention to it and give it consideration. I thank you, Mr. Speaker and gentlemen. (Applause.)

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Brewster, to adopt the minority report that the resolve ought to pass. The gentleman from Portland, Mr. Brewster.

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

The SPEAKER: The gentleman from Portland, Mr. Brewster, calls for the yeas and nays. Those who join with him in the demand will rise and stand until counted, and the monitors will return the count.

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

The SPEAKER: The Clerk will call the roll.

Mr. BREWSTER: Mr. Speaker, I would prefer that the Chair should make the exact question clear. I do not want to get any votes under false pretenses.

The SPEAKER: The Chair will inquire if it is House Document No. 464.

Mr. BREWSTER: Yes.

Mr. SPEAKER: A yea vote enacts House Document No. 464; a nay vote rejects it.

YEA—Adams, Audibert, Austin, Bennett, Brewster, Portland; Carney, Chadbourne, Clarke, Cole, Cram, Croxford, Daigle, Downs, Doyle, Fagan, Forbes, Granville, Jordan, Kerswell, Lowe, Masse, McGlauffin, Moody, Murray, Nadeau, Newcomb, Scarborough, Newcomb, Newburg; Peaslee, Pennell, Ricker, Rogers, Rockland; Rounds, Snipe, Spear, Rockport; Story, Teague, Thomas, South Portland; Twombly, Varney, Jonesboro; Weatherbee, Winter, Witham, Wood, Woodruff.—Total, 44.

NAY—Baker, Barney, Bartlett, Blanchard, Boothby, Bragdon, Perham; Bragdon, Westbrook; Bragdon, Franklin; Brewster, Orland; Brown, Buzzell, Carroll, Case, Chalmers, Chamberlain, Chandler, Chase, Cherry, Cordwell,

Conant, Crafts, Dain, Davis, Dodge, Downing, Dunning, Eastman, Elmore, Emery, Farnsworth, Finnell, Gagne, Gardiner, Gerrish, Hammond, Heal, Hinckley, Hodgkins, Holley, Houghton, Hunton, Hussey, Kimball, Landers, Leighton, Luques, Maher, Mason, Maxwell, McIlheron, Morneau, Murchie, Nickerson, O'Connell, Oram, Owen, Phillips, Orrington, Phillips, Bar Harbor; Plummer, Poore, Reed, Roberts, Vinalhaven; Roberts, Lyman; Savage, Sawyer, Small, Smith, Waterboro; Smith, Skowhegan; Smith, Ludlow; Spear, Limestone; Tilden, Thomas, Chesterville; Towne, Trefethen, Varney, Windham; Viles, Wadsworth, Washburn, Weeks, Dresden; Weeks, Fairfield; Wentworth, Willard, Wilson, Wing.—Total 84.

ABSENT—Atherton, Barwise, Bean,

Belmore, Belliveau, Burns, Crabtree, Gipson, Harriman, Hayes, Larrabee, Main, Myrick, Patterson, Peabody, Perkins, Porter, Rogers, Jonesport; Warren, Wight, Williams, Wiseman.—Total, 22.

The SPEAKER: Forty-four having voted in the affirmative and 84 in the negative, the minority report is rejected.

On motion by Mr. Buzzell of Belfast, the majority report, ought not to pass, was accepted.

On motion by Mr. Morneau
Adjourned until 9 A. M. tomorrow morning.