

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

AUGUSTA
KENNEBEC JOURNAL PRINT
1921

ERRATA:

**The following errata are
inserted because one or more pages
in this session day have errors
noticed and corrected here.**

ERRATA

Page 154, column	1, line 17, for Chapter "199" read "198."
" 163, "	2, after order by Mr. Winter, read "Tabled on motion of Mr. Buzzell of Belfast."
" 174, "	1, line 8, for "Lewiston" read "Rockland."
" 194, "	1, " 24, for "Sewall" read "Newall."
" 197, "	2, " 50, for "insurance" read "issuance."
" 267, "	2, " second Act referred to Inland Fisheries and Game was referred to Judiciary Committee.
" 305, "	1, " 42, for "Boys" read "Girls."
" 305, "	1, " 45, "H. 169" should read "H. 165."
" 511, "	2, " 2, for "H. 106" read "H. 160."
" 586, "	1, " 13, for "St. Albans" read "St. Agatha."
" 591, "	2, " 23, for "1919" read "1909."
" 602, "	2, " 12, for "enacted" read "engrossed."
" 617, "	1, " 46, for "322" read "332."
" 650, "	2, " 31, for "H. 336" read "H. 366."
" 662, "	2, " 26, for "Barrington" read "Harrington."
" 692, "	2, " 35, for "H. 236" read "H. 336."
" 694, "	1, " 2, for "S. 154" read "S. 155."
" 716, "	2, " 3, for "Mr. Perham" read "Mr. Bragdon of Perham."
" 772, "	1, " 24, for "same" read "Committee on Appropriations and Financial Affairs."
" 869, "	1, " 50, insert "Finally passed."
" 902, "	1, " 24, for "Clark" read "Barton."
" 902, "	1, " 40, for "S. 185" read "S. 184."
" 928, "	1, " 51, for "343" read "243."
" 949, "	1, " 43, for "Merton's" read "Martin's."
" 954, "	1, " 44, insert "ought not to pass."
" 958, "	2, " 20, for "179" read "181."
" 958, "	2, " 28, for "178" read "179."
" 967, "	2, " 49, for "S. D. 198" read "S. D. 180."
" 981, "	2, " 10, for "\$300" read "\$300,000."
" 1000, "	2, " 47, for "Portland" read "Biddeford."
" 1005, "	2, " 42, for "salaries" read "selection."
" 1142, "	1, " 40, for "H. D. 465" read "H. D. 456."
" 1169, "	2, " 2, for "Fogg" read "Forbes."
" 1191, "	2, lines 3 and 11, for "engrossed" read "enacted."
" 1191, "	2, line 20, for "finally passed" read "passed to be enacted."
" 1191, "	2, lines 31, 40, 48, for "engrossed" read "finally passed."
" 1211, "	2, " 12 and 13, "National Guard" should read "Nash and Viles."
" 1280, "	1, line 14, for "bald" read "bomb."
" 1321, "	1, " 35, for "lighting Long and Big Lakes" read "Lewy, Long and Big Lakes."
" 1373, "	2, " 42, for "Arthur B. Forbes" read "Arthur E. Forbes."
" 1376, "	2, " 14, for "S. D. 161" read "S. D. 167."
" 1409, "	2, " 36, for "Chapter 178" read "Chapter 238."

SENATE

Friday, April 8, 1921.

Senate called to order by Hon. Charles E. Gurney, President pro tempore, at 9 o'clock A. M.

Prayer by Rev. W. J. Layton of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Resolve offering a reward for the apprehension and conviction of those persons who perpetrated the bald outrage in Madison, on March 15, 1921.

In the House received under suspension of the rules, and without printing was given its two several readings and was passed to be engrossed.

On motion by Mr. Folsom of Somerset, under suspension of the rules, the bill was received, and without printing was given its two several readings.

Mr. COBB of Kennebec: Mr. President, is there not some way that we can express ourselves more strongly on this matter? Would it be too much to ask the senators who favor this matter that they rise when the vote is taken, so that it may be impressed upon the people of Maine how we feel about the matter, I make that motion.

The motion was adopted and by a unanimous rising vote the resolve was passed to be engrossed.

From the House: An Act to amend Chapter 77 of the Resolves of 1921, entitled "Resolve in favor of the several academies, institutes, seminaries and colleges for maintenance and repair."

In the House passed to be engrossed under suspension of the rules.

Mr. ALLEN of York: Mr. President, I understand that this resolve is to correct an error that went through on the general academy bill. It is for \$500 for some academy. The blanket resolve when made up, the

figures that appear on the outside did not conform to the inside, and the bill would be paid as appeared on the outside. Five hundred dollars was allowed by this resolve to some academy. It is an amendment to a bill already signed by the Governor.

On motion by Mr. Allen, the bill was received under suspension of the rules, and without printing was read twice and passed to be engrossed in concurrence.

From the House: Resolve in favor of the Maine School for Feeble Minded, for additions and improvements.

This resolve was passed to be engrossed and passed to be enacted by the Senate. It was recalled from the Governor by the House and House Amendment "A" adopted.

On motion by Mr. Thombs of Penobscot, under suspension of the rules the votes were reconsidered whereby this resolve was finally passed and passed to be engrossed.

House Amendment "A" was read by the secretary.

On motion by Mr. Emerson of Aroostook, the resolve was tabled temporarily.

From the House: Resolve for the maintenance and improvement of the State Park in Augusta.

This resolve was passed to be enacted by both branches, and was then recalled from the Governor by the House and House Amendment "A" adopted.

On motion by Mr. Emerson of Aroostook, under suspension of the rules, the vote whereby this resolve was finally passed to be engrossed was reconsidered.

The amendment was read by the secretary.

The PRESIDENT: This amendment cuts the resolve from \$5000 down to \$4000.

On motion by Mr. Emerson, House Amendment "A" was adopted in concurrence and the resolve as amended passed to be engrossed.

From the House: Resolve in favor of the Maine School for Deaf.

This bill was passed to be enacted. In the House it was recalled and House Amendment "A" adopted, which added the emergency clause.

On motion by Mr. Thompson of Knox, under suspension of the rules, the votes were reconsidered whereby this resolve was finally passed and passed to be engrossed.

On further motion by the same senator, House Amendment "A" was adopted in concurrence, and the resolve as amended was passed to be engrossed in concurrence.

From the House: S. 177, 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 to 38 of the Revised Statutes.

This resolve was finally passed, and was then recalled by the House and House Amendment "A" adopted.

On motion by Mr. Eaton of Oxford, under suspension of the rules the votes were reconsidered whereby the resolve was passed and passed to be enacted.

On further motion by the same senator, House Amendment "A" was adopted in concurrence (after being read by the secretary).

On motion by Mr. Farrington of Kennebec, the resolve as amended was passed to be engrossed.

From the House: An Act to amend Chapter 132 of the Public Laws of 1919, entitled "An Act to create the Maine Water Power Commission."

This bill was passed to be enacted, was recalled from the House and House Amendment "B" adopted.

On motion by Mr. Sprague of Piscataquis, under suspension of the rules, the votes were reconsidered whereby this bill was passed to be enacted and passed to be engrossed.

On motion by the same senator, House Amendment "B" was adopted and the bill as amended passed to be engrossed.

Message From the Governor EXECUTIVE DEPARTMENT

Augusta, April 8, 1921.

To the Honorable Senate of the Eightieth Legislature:

At the convenience of your honorable body I shall appreciate the privilege of appearing before you for the privilege of delivering an address on a subject on which I think you will be interested.

Respectfully,
PERCIVAL P. BAXTER,
Governor.

The Chair appointed the senator from Somerset, Senator Folsom, Senator Farrington and Senator Adams a committee to wait upon his Excellency the Governor, and inform him that we should be pleased to receive him at any time.

The committee retired to wait upon the Governor.

Thereafter the Governor came in and addressed the Senate.

The Governor's Address

Mr. President, your fellow Senators and myself desire to present you with a token of our regard and high esteem. You have presided over the deliberations of this body with dignity, with ability, and with tact. It is fitting that some suitable recognition of this be made, for you have accomplished much. There is no question but that the record you have made as presiding officer of this body ranks with that of any of the long line of your predecessors, who stood high in our State and who contributed to its prosperity and its advancement.

On behalf of the Senators present and myself, it gives me sincere pleasure to present to you this watch as a memento of their kindly feelings. Your legal knowledge, your recognized grasp of parliamentary law, have made your record a splendid one. Acting for these Senators, your fellow citizens, I present you this watch, hoping that as you use it in the years to come you will have pleasant recollections of this Senate of the 80th Legislature.

The PRESIDENT: Governor Baxter and fellow Senators: If I were a general commanding an army of

forceful words, able to summon at my will regiments of picturesque phrases and battalions of charming metaphor, I should still be unable adequately to describe to you the overwhelming flood of emotion that springs from my soul at this moment. A flood of gratitude,—gratitude not alone because of this beautiful gift, combining in itself the highest achievement of delicate art with the consummate triumph of skilled workmanship, not alone for this, I say, but because it is a renewed expression of that good will and that cordial co-operation of which you have given me already so many manifestations, and for which I am now, and ever shall be, profoundly grateful.

When you honored me with election to the presidency of this Senate, I looked about me to see what the duties of a presiding officer were, and I naturally reverted to that prince of parliamentarians, Thomas B. Reed, only to learn that the requirements were so many and so seemingly unattainable that I was conscious from the first of my own inability to meet them. He enumerated principle after principle that must be adhered to in order that the gathering might proceed along smoothly to the accomplishment of the legislative will

No man could have presided over your deliberations as long as I have, without having received numerous evidences of the fine temper and the splendid courtesy and the never ending patience that you have manifested on so many occasions. I have been conscious that I have been standing before you in judgment, but knowing too that the verdict would come from souls too great to pass unfair and harsh criticism upon my own shortcomings.

The office of presiding officer of the Senate or of the speakership of the House is filled with traditions as charming, as forceful, as anything in the history of the English speaking people. The speaker derives his name from the fact that he is the mouth-piece of the House; he expresses its censure; he commends those whom it commends. At one period of English history there stood out, three hun-

dred years ago, two contrasting figures who represented the speakership of the House of Commons—one, Sir John Finch, an emissary of Charles I, weak, incompetent and lacking those very qualities so much needed in his position.

One morning during this period, when Charles the first was exasperated by his long controversy with the Parliament which had persistently refused to grant him the hitherto seeming prerogative of the King, the tax of poundage and tonnage, there arose in the House of Commons immediately after prayers the redoubtable Sir John Elliott, who proposed a resolution relative to the right of the King in the matter of this tax. The Speaker, Sir John Finch, interrupted and said that he could entertain no motion except that "To Adjourn," as the King had commanded. Notwithstanding this Sir John Elliott persisted in his presentation of his Resolve. At its conclusion the Speaker rose and weakly said "I will not say that I do not wish to entertain the motion but that I dare not for the King has commanded that the Commons adjourn. He was then seized by two young stalwart Englishmen and held while the Resolve was proposed to the House.

Contrast this with what happened 12 years later when the rising storm against the first Charles was coming in its fury to the point of bursting, and the King surrounded by his army came, knocked at the gates of Parliament and walking to the Speaker's rostrum, he said "Mr. Speaker, I needs must borrow your chair for the time," but the fearless Speaker Lenthall apparently combining in himself all the qualities of the model presiding officer refused to be dislodged. Immediately cries of "privilege, privilege," arose from the House and the King turning to the Assembly cried "There is no privilege to treason." The King then inquired of the Speaker whether Mr. Pym was present, the man whom he sought to arrest, and in the single phrase which embodies the real independence of the Speaker, Mr. Speaker Lenthall said "Your Majesty I have neither eyes to see, nor

ears to hear, nor voice to speak save what the House commands me, whose servant I am."

That was the mountain-top of achievement of any presiding officer in the history of the English speaking people.

Human government will always be beset with the errors and faults that are inevitably associated with all things earthly but in this great era of new things that stand at the threshold of the morrow we may well believe as we appraise the strength of our own government that it has been tried as by fire and that it has emerged from the world destroying quakes of war in its former solidarity and as a government by the people has achieved heights from which it cannot be dislodged.

We have seen it turn from the pursuits of a war that shook the citadels of civilization and putting aside its armor and clothing itself in the mantle of peace it stands before the world an exemplar of that righteousness that unflinching exalteth a nation.

The underlying principles of government that make these things possible will always furnish themes for historians, economists and philosophers. It is not for me to dwell upon it but I like to believe that government takes its source from the people themselves and gathers in ever increasing power like the stream that trickles from the uprising mountains and ever onward reaches at last the ocean.

My purpose in speaking of these things today is to afford me opportunity to allude to that system of our own, consisting of two law making bodies, the Senate and the House of Representatives. The discussions of this session relative to the reapportionment of Senators brought again to my mind the early debates of the post Revolutionary days which marked the inception of our Federal Constitution, at which time the principles of representation were contended for with such fervor by Madison, called affectionately the Father of our Constitution, by Ham-

ilton and other great thinkers and legislators of that early day. Perhaps, the greatest contest of the Constitution was made concerning the principle of representation. The New Jersey plan seeking the equality of representation in the Senate for all States and the Virginia plan, with its more populous settlement ever standing out in contest, but both finally united in the form of government later adopted by the establishment of two separate and yet interdependent Chambers.

In Maine we are heritors of splendid traditions. The men of the Maine Legislature have always been men of high standing. From our halls have gone forth Reed, Blaine, the peerless; Frye, Dingley and Hale. Yea, there went from here gallant Chamberlain, who at Appomatox received in surrender the blood-dripping sword of Secession. It is incumbent upon us to keep those traditions transcendent. We must see to it that the Maine Legislature shall never be made an attractive place for the mercenary politician. The compensation paid by the State should ever be small enough to dissuade those who would enter these halls with a thought of personal gain to the end that it may ever continue to be as it is now a place of service involving sacrifice, financial as well as personal, to those who kneel at its altar and lay thereon their noblest gifts. What then, let us inquire, are the essential attributes we should exact of those who would serve the halls? There must be that maturity of judgment that comes with middle life. Middle age brings opportunities denied to those who are younger. The sun at its meridian is never eclipsed; the shadows of life lengthening toward the East transmute the glories of the dying day into the golden splendors of the sunset. So it is with life. He, who has membership in this Senate should feel in his soul that unflinching zeal for the welfare of the State that subordinates every interest of self or friend to the good of all, that uncompromising spirit of painstaking vigilance that stops

at no effort; that unswerving rectitude and courage that stands blind to every danger, deaf to all unrighteous appeal, from whose steadfast purpose no tears can dissuade and no gold can tempt.

Within our own hall the utmost good spirit has ever prevailed. Debate has not been filled with rancour. There has been no animosity, no word spoken that I think any Senator need feel at the end that he wished he had left unspoken. The utmost good fellowship has prevailed from the very day we assembled until the closing hours.

I cannot permit this occasion to pass without expressing the personal indebtedness I feel to the very efficient secretary, Mr. L. Ernest Thornton, and his associate, Mr. Harry P. Hawes; to my own private secretary, Mrs. Lelia E. Yeaton, I want to express publicly my gratitude, and also to Mrs. Aliff, from all of whom as well as from members of the Senate have always come cordial support and co-operation.

As we now part, we may well consider what we may wish for the future for Maine. It is my native state, and I trust no one will accuse me of fulsome flattery when I trust that future Senates may be composed of men like yourselves, and in these parting hours, bringing regret and sadness to all of us, I trust that your lives will run as smoothly as will the hours be recorded by this beautiful piece of mechanism, and that you will all ever be filled with the same abounding measure of happiness that you have today brought to me.

Robert Browning has said that it is not what man does that exalts him, but what man would do. I feel this to be true, and so you will know that notwithstanding my best efforts, the thought of gratitude and affection that I have for all of you still lies unexpressed in my heart. (Applause).

Governor Baxter, at that time in his career when he had become recognized as the foremost defender of the American Constitution, Mr. Webster was invited by a commit-

tee of his friends in Boston to address them upon the great questions that confronted the Nation.

The invitation to a man of so pronounced Union views, evidently thought to be seeking the Southern vote, was the occasion of so much adverse comment, that the use of Faneuil Hall, the cradle of American liberties, was refused by the municipal authorities, to the committee who had invited Mr. Webster to address them. At this time he wrote a letter to a friend in Boston in which he said, "I shall defer my visit to Faneuil Hall, the cradle of American liberties, until its doors shall swing back on golden hinges to welcome the lovers of Union, as well as the lovers of liberty." I mention the incident this morning, your Excellency, because I want to assure you that when we received your message that you would address us, the doors of this Senate swung back on golden hinges to bid you come to us again, proud of you as in that first day when we honored you by making you president of this distinguished body. The affection we felt for you then has never abated notwithstanding that you have ceased to stand at the head of the legislative branch and have become the chief executive of our beloved State.

Emerson has said that things in the world go in pairs; he speaks of the hither and the yon, the near and the far, the upper and the lower, as illustrations of this point. And so this Senate desires to follow and to do things also in pairs, and on behalf of the Senate, and with the joy that I can imagine that you felt, I likewise present to you in their name a duplicate of the beautiful gift that you have brought to me, and we hope that it may record to you many hours of service, of health and of abounding prosperity, and with it goes the good will and the love of every man in the Senate of the State of Maine.

Governor BAXTER: Mr. President, and if I may say it, fellow Senators, I am much moved at the remarks of the President of the Sen-

ate and by the gift which you have made me.

I shall never forget the evening when we met here, just before the opening of the Legislature, when you honored me by selecting me to preside over this body. It was a great moment in my life. If it had not been for your suffrage I should not now be occupying the Executive office just across the hall.

When I came here, I looked forward to a pleasant session with you, fellow Senators, and expected, after a few weeks' work, to be relieved from legislative responsibility. Circumstances over which none of us had any control decreed otherwise, and so I now occupy the position of Chief Executive. I shall always have a warm corner in my heart for each and every member of this Senate. I know that you will believe me when I say that as long as I occupy the office in the corner of the building, and as long as I live, you will all be welcome wherever I am. If you come to Augusta, if you come to Portland, I shall regard it as a personal affront if you fail to give me the pleasure of a call.

It is a delightful experience to preside over this body, and the four weeks that I was with you will always remain among the pleasantest in my life. More than this I cannot say. I shall always keep this watch that you have presented to me as a reminder of our days here together, and of what you have done. It will be my earnest effort to justify the confidence which you placed in me on the evening of the 4th day of last January.

Mr. President (Gurney), the Senate of the 80th Legislature has been indeed fortunate in having you for its presiding officer. As I have gone through the corridors here in the State-house, I have heard it repeatedly remarked that the President of the Senate was making a wonderful presiding officer, that he had no equal, and that everything in the Senate was going smoothly and harmoniously. It was not my good fortune to continue here with you, but I am sure that you have

been doubly favored by having Senator Gurney for your presiding officer.

The legislative session is about to close. Probably only a few hours more remain. As we go back to our homes and to our regular professions and occupations, notwithstanding the differences of opinion and the debates that have been indulged in here, notwithstanding the differences of opinion between the Legislature and the Executive on certain questions, I am sure we shall have great satisfaction in knowing that we are true friends, and that we shall always remain so.

(Applause).

The PRESIDENT: The messenger and the committee will please escort the Governor.

On motion by Mr. Folsom of Somerset, a recess was taken for thirty minutes.

After Recess

Senate called to order by the President.

On motion by Mr. Emerson of Aroostook, the Resolve in favor of the School for Feeble Minded for maintenance and improvements, was taken from the table, and on further motions by the same senator House Amendment A was adopted in concurrence, and the bill as amended was passed to be engrossed.

From the House: An Act to provide a labor lien on manufactured lumber.

In the Senate passed to be engrossed; House Amendment A was adopted by that body and then the bill indefinitely postponed.

Mr. THOMBS of Penobscot: Mr. President, this was a matter that was before the legal affairs committee, and we had some hesitancy about creating additional liens, but in order that the matter might have the opinion of the legislative bodies, we finally in a re-draft submitted the proposal.

Personally I consider it a matter

of no great consequence, and I believe we should be careful in extending lien acts.

And, Mr. President, I move now that we confer with the House in the indefinite postponement of the measure.

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

From the House: An Act amending the Private and Special Laws of 1885, relating to the charter of the People's Ferry Co.

In the Senate this bill was indefinitely postponed. The House indefinitely postponed it in concurrence, and upon reconsideration insisted upon its former action and asked for a committee of conference.

On motion by Mr. Parent of Androscoggin, the Senate concurred with the House and insisted upon its former action and joined the committee of conference.

The Chair appointed as such committee on the part of the Senate, Messrs. Parent, Emerson and Adams.

Committee Report

From the House:

The conference committee on the disagreeing action of the two branches of the Legislature on An Act requiring the filing with town and city clerks certificates of a clean bill of health by persons filing intentions of marriage, reported that they were unable to reach any agreement thereon.

(Signed)

Messrs. THOMBS,
TUTTLE,
ALLEN,

On the part of the Senate.

Messrs. PHILLIPS,
HINCKLEY,
WOODRUFF,

On the part of the House.

The PRESIDENT: The House has now voted to insist and asks for another committee of conference.

Mr. PARENT of Androscoggin: Mr. President, I move that we concur with the House and join in another committee of conference.

Mr. THOMBS of Penobscot: Mr. President, I do not wish to be misunderstood in this matter. There must of course be an end to all matters that engage the attention of the Legislature. I do not need to recall to the minds of senators the action that has been taken. In the first place we rejected the bill in the original draft. It came back to us in a new draft in a form that many of us believe to be much more stringent and obnoxious than the first draft. Between the two bills, if I had to choose, I certainly should choose the original draft. The disagreeing action of the two branches has resulted in the appointment of committees representing the views of each branch. We went into conference and entered into a full and complete discussion of the matter. We reviewed the evidence that has been presented, we even received and considered additional evidence, not in the way of new evidence, but as we lawyers say, cumulative evidence.

We listened to every argument advanced by the proponents of the bill, extended to them every possible courtesy, and we realize of course their position.

We do not feel, however, that as a result of this conference that there had been anything suggested that should cause this committee to depart from what we believed was the attitude of the Senate, and our own convictions. I would be the last person to unduly hurry legislative proceedings if I believed any different results might be accomplished. I should still be willing to forego my own opinion in the matter, but I do not see and do not believe that any different request can or would be obtained.

In view of the fact that the matter has been so generally discussed, and that there seems to be, I believe, convictions with respect to it, I am at this time obliged to oppose the motion of the Senator from Androscoggin.

The motion of the senator from Androscoggin, that the Senate join a

committee of conference, was put and the same was lost.

On motion by Mr. Gillin of Penobscot: Under suspension of the rules, moved that there be recalled from the Governor, Resolve in favor of the commission of the United States for uniform laws and the commission of Maine for uniformity of State laws.

The Chair announced that the resolve is in the possession of the Senate.

On motion by the same senator, the vote was reconsidered whereby this resolve was passed to be enacted and passed to be engrossed.

The same senator then offered Senate Amendment A and moved its adoption.

(The amendment was read by the secretary, which was merely a re-draft of the bill.)

Senate Amendment A was then adopted and the resolve as amended was passed to be engrossed.

On motion by Mr. Sprague of Piscataquis, the rules were suspended and that senator moved that the Governor be requested to return to the Senate, Resolve to purchase 500 copies of the public letters of John Fairfield, for further consideration by the Senate.

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

The same senator then offered Senate Amendment A and moved its adoption.

The amendment was read by the secretary.

The amendment was adopted and the bill as amended was passed to be engrossed.

Mr. PARENT of Androscoggin: Mr. President, I move that the rules be suspended in order that I may present out of order the report of a conference committee and move its adoption.

The motion was agreed to and the

senator presented the following report:

The committee of conference on the disagreeing action of the two branches of the Legislature on An Act to amend Section 44 of Chapter 117 of the Revised Statutes, as amended by Chapters 214 and 260 of the Public Laws of 1919, increasing the salary of the treasurer of Androscoggin county, reported that the Senate recede and concur with the House in the acceptance of the report of the committee on salaries and fees.

(Signed)

Messrs. PARENT,
FOLSOM,
GOULD,

On the part of the Senate

Messrs. MURCHIE,
LARRABEE,
MYRICK,

On the part of the House.

The report was accepted.

The PRESIDENT: The question now is on the acceptance of the report in the Senate in concurrence with the action of the House, where the report, ought not to pass, was accepted.

The report was accepted in concurrence.

Mr. FARRINGTON of Kennebec: Mr. President, I ask unanimous consent to introduce out of order under suspension of the rules, a resolution, and move its adoption.

This morning I called on Senator Babb of Cumberland, who has been ill for several days, and who has been unable to attend the session of the Senate, and will not be able to be with us during the remaining hours of the session.

I move that the resolution be adopted by a rising vote.

April 8, 1921.

Resolved, that the Senate hereby expresses its sincere regret that Senator George H. Babb is not permitted, on account of illness, to attend the closing sessions of the Senate, and that his fellow senators hereby extend to him their heart-

felt wishes for a speedy return to health, and

Be it further resolved,

That a copy of the resolutions be at once sent to him by the secretary of the Senate.

The resolution was adopted by a unanimous rising vote.

From the House: Resolve proposing an amendment to the Constitution of Maine so as to authorize the conservation, storage, control and use of water, and the development, transmission, utilization, electrical interconnection, etc.

In the House the majority report, ought not to pass, from the committee on legal affairs, was adopted.

Mr. GILLIN of Penobscot: Mr. President and honorable members of the Senate, I little dreamed when this session convened, after I had been requested in my duties as an attorney to give an opinion, after careful thought and study, on what is known as the federal water power act that I would be giving to this Senate at this time the result of that study in the closing hours of the 80th Legislature. I believe it may be of some benefit, and I wish to say to the members of this Senate that there are men here who are listening to me, members of this Senate, who know that for a quarter of a century in the four great counties of the east that I have been engaged in the trial of great causes involving water power rights.

I hold in my hands an argument which eighteen years ago I delivered in the House before the committee on interior waters. On which committee was the now distinguished chairman of that same committee.

Millions were in conflict with millions. Seated at my side, employed through my agency, were the greatest lawyers that Maine had within its borders to direct and guide and instruct. And in opposition was another coterie of great lawyers. As to the value of the opinion which I am going to give you on this great question, that every single paper I

trust in this great State—I mean the water power act—will publish at once, so that all the members of the Legislature, the Senate and the people of the State may know what the act really is, on that occasion as taken down by the pen of the lady stenographer of your Senate, and then taken out and immediately placed upon the desk of every Senator and Representative,—who did I represent? I will read to you who I represented: Chief Justice John A. Peters of the Supreme Court of Maine, John Cassidy, F. W. Ayer and the Eastern Manufacturing Company, William Engel, J. P. Bass, F. H. Strickland, H. W. Marsh and many others. I simply give you this, gentlemen, in order that those of you who do not know relative to my experience, and applicability of law to facts relating to water powers, may have what those who employed me to give an opinion on this act have. I cite the lawyers of this Senate to the great case of Palmer vs. the Penobscot Lumber Association, in which I made the law of your State as it pertains to the rights of water powers and to the rights of individuals in that water. I cite you to the 101 volume of the Maine Reports, to the great cause of Marsh and Ayer, involving great water rights. I cite you, gentlemen, to the fact that for three long years I was under the tutelage of the best hydraulic engineers that money could hire to put over me and teach me. And in addition I studied and took photographs of one-eighth of the entire water shed of the great system of the State of Maine.

And in opening, gentlemen, I stand now where I stood before, I stand for private development of the great public water powers of your State. I stand that there may not be the slightest shadow thrown out over them. But I wish to say to you, that while we have been asleep 780,000 people have been robbed of their ancient, immemorial and inalienable birthright.

In the 1903 law is a charter, two great clauses of which I myself drew

up, and to them a great corporation agreed, and for eighteen long years, under the splendid management of that great West Branch Driving & Reservoir Dam Company, on which the Great Northern Paper Company founds its stores of water, they have given to the people of the city of Bangor, to the mills lined along our river, 2000 cubic feet of water per second running down for all time. Under that charter they have driven the logs and lumber of the people into Shad pond, under a great service corporation, which we then defended. They have built up a beautiful town of five thousand people, they employ 13,000 men, and they have invested twenty-five millions above my city. When that cause was argued eighteen years ago, they have fulfilled the letter and the spirit of it, it was a private corporation, but if you will examine the charter, you will find that they are a public corporation as well. But, gentlemen, when those great charter rights were received, who owned them? The State of Maine owned them. The State of Maine delivered them up to them. The State of Maine has followed a perfect policy for well nigh a hundred years relative to the development of water powers. Through this Legislature there have passed more than ten to fifteen measures describing in metes and bounds great lakes and rivers that the people have granted charters to, and members of this Senate will carry from the Senate chamber charters describing in metes and bounds the water power that they can develop, and on those charters is the name of the Governor of your State, every one of them encouraging private development. Is there any man within this Senate who does not know that all the great lakes and all the navigable water powers of your State,—that the title to them is vested in the people? If not, why do they ask for private charters? From whom do they get those rights? From whom did the people who got these charters in this Legislature get those rights? From the people in whom is vested the titles of those rights represented by

you. Who is there that does not know that there is not a single undeveloped water power in the State of Maine the title of which is not today vested in the people, and from whence comes it? What lawyer would stand upon his feet and say to this distinguished body that the State of Maine does not own all the water powers in the State of Maine that are undeveloped? Have you not got conclusive evidence of that in these charters that have gone through this Senate bearing the name of the Governor of your State, acquiescing in and encouraging the private development of those great water powers? I say this to you before I come to analyze the most drastic measure, the most socialistic measure that ever was placed upon the statute books of the nation. I challenge the lawyers of the State of Maine to gainsay what I am going to say about it.

It is a drastic, far reaching measure, that, as I said before, divested 780,000 people of their ancient, immemorial rights, and they have already organized under it.

I am in full accord, gentlemen, in the opinion—not that I put myself along side of the eminent lawyers,—I am giving you my experience—who saw fit to consult me on account of the cause which they read in the book, on account of the great hydraulic engineers who were over me for three long years before I argued this great cause in the people's court, and they are in full accord with me that there is not a single water power in the entire State of Maine that cannot immediately be taken control of under the provisions of that act. So I say that it does not lie in the mouth of anybody to say that because men state that they want to conserve the water powers which they own which are not in the hands of private individuals, that they are socialists, when at the same time on the statute books of the nation is the most drastic piece of socialistic and paternal law that was ever placed upon the statute book, that can wrest from your State every single vested right that it has in the

water power in the State of Maine, and these men who are calling it socialistic better look into this act before they do it.

Let me read to you, gentlemen, from the act itself—what this act controls within the borders of the State of Maine. "Navigable waters means those parts of streams or other bodies of water over which Congress has jurisdiction under its authority and which in either their natural or improved condition notwithstanding interruptions between the navigable parts or such streams or waters by falls, shallows, or rapids compelling land carriage, are used or suitable for use for the transportation of persons or property in interstate or foreign commerce, including therein all such interrupting falls, shallows, or rapids; together with such other parts of streams as shall have been authorized by Congress for improvement by the United States or shall have been recommended to Congress for such improvement after investigation under its authority."

That takes out of the State of Maine absolute control of your great lakes, of your navigable waters, and places it under this socialistic act in the hands of foreigners beyond the boundaries of your State, gentlemen. If the law of the nation continues, if these great corporations look into this law and advise your fellowmen and women throughout the State as to what it means, and the newspapers of the State print it that they may know what it means, does it lie in the mouths of men, over whose head that piece of drastic law was passed, to insult a gentleman whose delicate courtesy to a beautiful woman and her sorrowing children when they were under a cloud of sorrow and distress marks him as a gentleman, to call the Governor of your State a socialist, when they knew there was such a law as that upon the statute books of the nation? And from the fact of the charters that went through this Legislature and that you know about, bearing his signature, giving private development, I hurl that accusation back into their throats.

Let us see now further what happened: "That upon less than two years' notice in writing from the commission of the United States"—let me stop for a moment, gentlemen of the Senate, I am going hastily—I hate to take your time, I am doing this as a humble lawyer in the interest of the people of my State, speaking in this splendid presence — "United States shall have the right upon or after the expiration of any license to take over and thereafter to maintain and operate any project or projects (in existence) as defined in Section 3." I have already read Section 3 for you. Section 3 gives under this act, under the control of this commission, the entire water powers of your entire State. But wait, what else can they do? This is what they can do. These great, splendid private interests that have built up and developed our water powers and built our State, whose interests this State of Maine will ever protect—I am against taxation of a single water power, I want them to have their vested right in every single piece of water that they have developed, I want the distinguished senator sitting by the door, who is carrying home with him a charter giving to him power rights to develop the waters of this State, signed by the Governor of this State, to always have it, and always keep it, and to have it safeguarded by the people of his State sitting in the Legislature of the State. But here is a drastic piece of law that goes with this piece of paternal legislation, when they were passing everything that everybody wanted, getting control of even the sugar that you eat, getting control of the great water powers of this great State, they were not satisfied with that. They want to give the men power who come down here as agents—men who come down to find out about your income tax,—under this law they can take any corporation in the State of Maine, they can make its officers and directors under oath testify as to what the original cost was, and then they can usurp it, and they can take it under this clause. "Provided that the right of the United States or any

State or municipality, to take over, maintain, and operate any project licensed under this act at any time by condemnation proceedings upon payment of just compensation is hereby expressly reserved."

And then they go on to tell how your great water powers can be taken over in the district court of the United States through the acts of your district attorney. Gentlemen of this Senate, I do not concur in this resolve as originally drawn and put in here—I am absolutely against the taxation of a single water power that has obtained the vested right. I always have been. Let me read to you gentlemen, the conclusion of the argument delivered eighteen years ago, and as I said then taken down by this young lady who is now taking it again: "Gentlemen, I thank you sincerely for your attention. I close with this. Our cause is just. We ask you, as wise and prudent business men, when you have heard all the evidence, and all the suggestions and all the arguments, to see if you cannot find a line of demarcation by allowing the down river men forever to drive their logs as they have always driven them, and the Great Northern Paper Co. to store all the water that it wants forever."

We came together. It became a great service corporation, and for eighteen years it has allowed to flow under this charter from its dam two thousand cubic feet of water per second, and it was to ascertain what volume they wanted that they put over me the best hydraulic engineer that money could purchase. And that is the amount we took. So that it is not only a great private corporation, but it is a great public service corporation. And further than that, gentlemen, they have driven our logs for eighteen years and handed them over to a great public service corporation, defined by the great Chief Justice of your State, whom, with other clients, I represented in the hall below eighteen years ago, as being a corporation that has no stock, never declared any dividends, and through

which over 1,300,000 feet of lumber per annum is driven to the docks and the wharves of the city of Bangor.

The West Branch Driving and Reservoir Dam Company, controlled by the Great Northern Paper Company, to its eternal and everlasting credit has kept life in itself, keeping life in it in the interest of the people of the State of Maine ever since, over a period of eighteen years. Now have we lost control? Can the United States Government take from you everything that you have got? They could not, gentlemen, if you had had a constitutional amendment guard placed round your undeveloped water powers, they could not, and I charge any lawyer who travels in the dark alleys to meet me face to face and man to man and say they can. I trust that every paper in the State will publish this drastic, far-reaching law, that takes from us the great water powers of the great State of Maine. If you had had a constitutional amendment which simply said what? Is there any lawyer here or in any other place that will dare to tell you or me that you and I do not own the undeveloped water powers in our State. From whence comes it? You know we do. You know that charter after charter has gone through your legislature this very winter since we have sat here, showing that ownership, do you not? If you had a thief come to steal your horse, ought you to be called a socialist if you attempt to build a barn to put the horse in and lock it up and keep it, if he was your horse? The undeveloped water powers of Maine are the property of the people of the State of Maine.

I am against public ownership, but I am in favor of public control. Now if you had had a resolution properly drawn and submitted to the people heretofore, and you had a constitutional amendment which said that the State of Maine controlled its water powers, then what? Listen.

"Sec. 27. That nothing herein contained shall be construed as affecting or intending to affect or in

any way to interfere with the laws of the respective states relating to the control, appropriation, use or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired therein."

That is the 27th section of that drastic law. Get me clear. I am in favor of the same kind of development of your water powers that by immemorial usage your State has followed. I am in favor of private development or public development. I am in favor of private use or public use. We have got a great public corporation extending over seventy miles of a rough, circuitous river, that has never declared a cent of dividend, that never had a dollar in the world. I was counsel for it in this great fight. It still exists. It still lives. And by the 2000 cubic feet of water per second, and other water that flows from the dams—dictated by me, not from my own knowledge but through the knowledge of hydraulic engineers, we have public use of that great corporation driving millions of logs, and every man who has a log in that river becomes a member of it under its charter. All of your driving concerns all over your state are public service corporations except where private individuals organize them and charge for driving logs.

Let me correct an erroneous impression on this water power business that some people seem to have. They say we have control under the Mill act. The people have no control under that whatever, because it only gives to an individual who owns the land the right to build a dam on his own land, and if he flows his neighbor's it prescribes how he shall pay for it. That does not hit this within a thousand miles.

I ask the learned members of this Senate, if you admit to me now, every single man of you, that we own if it were not for this act every single water power that is undeveloped in the State of Maine? If you admit that, and if you admit further that no living man could ever touch one

of those water powers unless they came into the Senate and the House and got a charter to do it—from whom?—from the owners, from the people of the State of Maine—you gentlemen own the water powers that are undeveloped in your State. Have you got a right to protect them? And will men who do not study these great questions and get down to the bottom of them, call men socialists who want to? I do not agree with the manner in which it should be done. I do not want a single water power in the State of Maine to ever pay a cent of tax beyond the value of its property, and it pays that now. I want a law upon the statute books of the State of Maine that will protect those vested rights against a lot of clodhoppers who come down into your state and when they want to do it take your vested rights away from you.

Senators and lawyers of this Senate, business men of this Senate, get this act, read it over, study it, have it published in your papers, and have some lawful act put up against this drastic law that eminent lawyers, not including me, say can take from you the control of every interest in your great water sheds in the State of Maine whenever they get ready to do it. You know, gentlemen, that we have one of the best States in the Union, and we have great wealth in water power.

I understood there were two resolutions in here. The first resolution I am against, but if there is a resolution here which gives to the State of Maine—and sends it out to the people—the right to put a constitutional amendment around the undeveloped water powers of your State, I stand upon it as a man. I advise it as a lawyer, and I believe there is not a lawyer in the State of Maine who when he studies this act would not wish to God it was there, nor the director of a water power who would not wish it was there to protect the rights of the people and the vested rights of these great corporations that are developing our State generally.

Now you better take it back to the

light and look it over, because I have not given it in typewritten form but hastily and probably inaccurately, to the splendid gentlemen who have so courteously listened to me, the result of weeks and weeks of study before reaching your Senate chamber. I would not weary you with reading a lengthy brief that I had to submit, or will have to, but I give to you, gentlemen, my idea of the position in which you stand, and I say to you that we have a right to safeguard the great water powers of the State of Maine.

Men may differ as to how we should guard them. I, in closing, say to them: You knew nothing about this socialist measure; you did not tell us what it took from us; you did not tell us that it divested the private interests, when they wanted to act under it, of their interests; you did not tell us that it could compel the government of the State of Maine not to sign the charters if it was in action; you did not tell us while charter after charter has gone through this Legislature that it could entirely prohibit the Governor of the State from signing a single charter of the public waters when it is organized and goes into effect. Why didn't they tell us that? rather than insult the Governor of our State by calling him a Socialist, which on my feet I repudiate and hurl back into their throats. Thank you for your attention.

Mr. FARRINGTON of Kennebec: Mr. President, I understood from his argument, the Senator from Penobscot, to say that under the Federal act the privately owned water powers could be absolutely controlled. I would like to inquire through the Chair if he feels the State of Maine would be in any different position if it stood in the place of these corporations?

The PRESIDENT: Will the Senator from Penobscot, Senator Gillin, make reply to the Senator from Kennebec?

Mr. GILLIN: I am delighted to, Mr. President. I absolutely do, because of the letter and the spirit of the

law, which I will read, section 27, "That nothing herein contained"—I re-read it—"shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective states relating to the control, appropriation, use or distribution of water used in irrigation or for municipal"—will the distinguished senator mark the following—"or other uses, or any vested right acquired therein." That is my answer, and that is a question for lawyers to decide. I say that if we had a resolution—fully answering the question—a constitutional amendment giving us the right to control the undeveloped water powers of our State,—I say that as a lawyer and I challenge any man to show authority otherwise, that we could come up to the great United States court and say we thrust the sovereignty of the State, which under the law of the State as amended there has control of our water powers against that drastic measure. That is my answer.

Mr. THOMBS of Penobscot: Mr. President and fellow Senators: In view of the turn that this matter has taken, I am somewhat in doubt as to just what I ought to do as a member of the committee which heard this resolution and made report back to the Legislature in two forms.

Mr. President, I believe that the Senate would like to hear read the resolutions and I will ask the Secretary to read them.

The PRESIDENT: The Chair will state that the original resolution is upon H. D. 325. The new draft is H. D. 464. Now does the senator desire to have the new draft read or the old one?

Mr. THOMBS: The new draft, Mr. President.

(The Secretary reads H. D. 464.)

(Mr. Folsom in the Chair.)

Mr. THOMBS: Is there not a second resolution, Mr. President?

The PRESIDENT pro tem: I will say to the Senator from Penobscot that that was the new draft. Will the senator state if he wishes the original draft read?

Mr. THOMBS: No, Mr. President, I have asked for the reading of the second at the suggestion of my colleague from Penobscot, Senator Gillin. I think that he labors under a bit of misapprehension. My opinion is that the report of the committee is a divided report upon a new draft which has been read.

The PRESIDENT pro tem: The Senator is correct.

Mr. THOMBS: Gentlemen of the Senate, the first thing perhaps that confronts us in our consideration of this matter is the fact that it is a resolution regarding action by the Legislature in order that it may be passed upon by the people of the State of Maine.

The duty of the Legislature with regard to this particular matter is to either accept a recommendation which is referred to the people of the State, or its rejection. In my opinion, fellow senators, there has never been a resolution proposed to any Legislature since our State began that requires and demands as careful attention as this one. It would be interesting, if one had the time, to peruse the record of the Constitutional Convention which formulated the Constitution of Maine. It was taken up in that Convention section by section and there debated and finally passed upon. I have not had the time to consult that volume and see just what record there is of what debate took place upon the proposition of requiring the two-thirds vote of a legislature to submit a resolve to the people opposing an amendment. But I do believe that if such volume were consulted you would find that it covered a great deal of debate, and that it was the judgment of that convention finally, accepted and endorsed by the people of the State of Maine, that a resolve for an amendment of the Constitution was a matter of great importance, so great indeed, if you please, that a majority of the two branches of the legislature would not be sufficient to endorse its submission. It seemed wise to those who formulated the constitution to so safeguard it that it should take at

least two-thirds of the Legislature, and that provision has continued down the years and through successive legislatures to the present time. I believe it is sufficient to say, and to call your attention to the fact, that it is a momentous matter to submit a resolve of this kind to the people of the State.

As I said before, it is my humble opinion that no more important resolve has ever confronted a legislature. It is true we have amended the Constitution a score and more times. There have been occasions when legislatures felt justified in submitting a question, and in a score and more instances the people have seen fit to change the Constitution under which we live. But for all that it has been changed there still remains with you and me, Mr. Senator, the same duty that confronted the first legislature after the adoption of the constitution and that has confronted each succeeding legislature—it is our bounden duty, if you please, to carefully and conscientiously consider every such proposal, and only after two-thirds of the legislature have endorsed it can it go to the people. All this is trite, and I doubt not that each man here realizes his duty and is perfectly willing to accept the responsibility placed upon him.

Mr. President and fellow Senators, before considering the main question that I believe confronts us at this time, I wish to digress just a bit with respect to the statement of my colleague who has just spoken. I do not quite get the point of his argument on the resolution that is now before us.

Mr. GILLIN: I will not vote for the resolution now before us.

Mr. THOMBS: (Continuing) The question that is confronting us is its acceptance or its rejection. I will not put in contradiction to his opinion, and to his great legal ability and learning, ripe as it is in experience and wisdom, I will not put my judgment against his. I will simply say to the senators here assembled that I believe his argument so far as it relates to the federal wa-

ter power act need not concern us at this time.

My observation with respect to that is this: The federal act is now passed and has become a law. I understand that its constitutionality is questioned and that question will finally be determined by the United States supreme court. I do not believe that it is necessary for us to worry, and it is useless for us to argue as to what effect it may or may not have upon the situation in the State of Maine. I believe the issue is clearly defined for us here. We are called upon to exercise our judgment and decide upon the resolve so far as we believe that it effect- the interests of the State of Maine. And upon that basis and in that respect only shall I argue.

Now Mr. President and fellow senators. I want to repeat what I have already said. I believe that this resolve is a most momentous one, for the reason that it in common acceptance holds out perhaps a promise to the people of the State of Maine generally, something that the unthinking perhaps would appreciate and desire. But right there, Mr. Senator, comes our duty. Is it our duty in the exercise of our judgment to say to the people of the State of Maine—two-thirds of us—that the question is of so great importance and its effects are so far reaching that we are going to send it to the people of the State of Maine? Mr. Senator, have you heard any argument yet advanced, either in the reading or in the preceding argument, that has convinced you that the time is ripe for you to say that the question of public ownership in the State of Maine has reached that point where you believe the people should take the matter under advisement? If you are going to say that it is, Mr. Senator, I believe that you are saying that the progress that the State of Maine has made in all these years, that the point that it has now attained, has not been in accord with what it might have been had our Constitution been otherwise.

I want to submit to you, Mr. Sen-

ator, that it is my opinion, in contradiction to the opinion as I understand advanced by my colleague, that the water powers of the State of Maine were granted by the State and passed with the land contiguous to them, and that they now are held in private ownership just as much as the land which they adjoin. And if I am correct in this, it seems to me that the only question remaining is as to what policy the State of Maine shall hereafter pursue. Do you believe, Mr. Senator, that the State of Maine has reached that point where it wants to take over from these private owners these water powers, and put itself into the place of the private ownership in which they now rest? I want you, before you give your assent to such a proposition, I beg of you to take into consideration the result that is likely to follow. If the State of Maine pursues this policy and says to the private individual, to the corporation now entering and using the water power, you are no longer developing them and making the best use of them for the good of the State of Maine, but rather they shall be taken back by the State to be used otherwise. If you are going to say that, Mr. Senator and fellow senators, you are going back on the policy of the State of Maine since its inception and under which I submit to you, that there has been a most wonderful advance.

It may be proper at this time to read a letter that seems to me to be somewhat pertinent to that particular phase of the matter. From reading the debate in the morning paper which took place last evening in the other side of the building, I read that there the leading proponent of the minority admitted that the development on one of our Maine rivers now measures up to a standard which he believes would not be exceeded if the State had control. This letter relates to that river, and reads:

“Any proposition to amend the Constitution of Maine, so as to interfere with the established practice

relating to the development and control of water powers, is a problem of vital concern to the people of the State. It is especially so to the cities which rely upon manufacturing industries for their prosperity and the towns which rely upon them for markets. Take the city of Lewiston as an example. It is dependent upon the prosperity and growth of its textile industries. It is a prosperous city because of its water power, and will grow only as the use of that power is extended, and mainly as it is extended for the use of the textile industry. Small and diversified manufactures are desirable, but most thriving cities specialize in some one leading line. This is so because there must be a common interest and a common form of the use of power to make it most effective. Lewiston, today, has several large mills. The Androscoggin, with which I am connected, is typical of a number of them. It employs about 1200 hands and has an annual payroll of about a million and a quarter dollars, more than four thousand dollars per day. Its annual output is approximately nine million pounds of cloth, four thousand five hundred tons. It consumes more than five thousand tons of raw cotton every year. The value of its product at the present market is more than five million dollars. This is the situation today, and it is largely the story of the other mills. What of the future? This condition can be improved with more money invested here. Otherwise it cannot, because the mills are up to capacity, and the city is up to the principal industry whose payroll furnishes the money for the stores, landlords, the professional men, and every other class of industry.

"This money for enlargement of the mills will be found if it can be assured that the conditions under which it is invested will not be seriously disturbed, that is, that there is a reasonable expectation that it will continue to enjoy the advantages which have enabled these mills to compete successfully with mills in other cities which do not have to pay

the transportation charges that Maine is subjected to on account of its location. That this is no idle promise is shown by the fact that the interests which controls the Lewiston mills have within a few years spent several hundred thousand dollars in acquiring additional power rights and making preliminary arrangements for development to take care of the growing demands right here in Lewiston. Had it not been for the war some of the actual developments would have already been made. It is now again under way and will be continued if the fear of disturbing legislation can be removed.

"It is not enough to assure investors that the State will do no wrong, that it will control the rivers for the public good. Every river must be controlled as the interest of the particular industries on it require, and they must be very largely the judges of what is best for them. This may sound arbitrary, but one must remember that it is their money at stake. The State is not going to build mills, and others are not, if they cannot foresee what they may depend upon for power, or what it is going to cost. If Lewiston, and I speak of this city only as an example—the same is true all over the State, is to have new capital invested in additions to its basic industry, it will be only because the investors know that they are not to be subjected to the whims of every new commission that may be established.

"Business itself is uncertain enough without having to contend with the added uncertainty of politics in business."

I want to read one paragraph from another letter referring to the same river: "The proponents of this plan utterly ignore the fact that the Androscoggin river is pointed to by engineers throughout the country as the most efficiently and completely developed river of any size in the states, and that this has been accomplished wholly by what some call the antiquated system of individual effort."

Now Mr. President and fellow Senators, I am going to start with conditions as they exist at the present time. I do not need to remind you that from the western to the eastern boundary of the State water powers are now harnessed and doing for the public wonderful work. I do not need to remind you, I hope, that within the last few years, under private guidance and control and with private capital, vast projects have been undertaken and in his argument, the gentleman from Penobscot refers to the great corporation which assists in driving the Penobscot river. Gentlemen of the Senate, I submit to you that upon his argument is it fair to believe that a better condition might there exist if this was under more direct control of the State? I do not need to remind you that only recently there has been completed upon the Penobscot head waters one of the greatest dams in the State of Maine, and I think in the United States, that great dam known as the Ripogenus dam. If any of you have ever visited it, I know you have been impressed by its size and the mighty lake of waters that it now controls.

Gentlemen of the Senate, could the State with all the resources, with all the engineering ingenuity that it might call to its command—could the State do more at that place than has already been done by private capital? And that, I believe, is typical and is a fair statement and description of the general conditions prevailing throughout the State of Maine. Mr. Senator, have you ever known of an instance in the State of Maine when there was demand for the utilization of water power that some means under existing law and conditions has not been found to fulfill that demand? And, Mr. Senator, if that is a fair statement, it is only fair for you to consider as to what might possibly result if the State itself had control. On the one hand you must remember that you by such an act would deprive the private investor and the quasi public corporation

from any incentive whatever—a most revolutionary change, I say to you.

Gentlemen of the Senate, do you believe it is wise for us to say here by our endorsement of this resolution that we believe conditions are such now in the State of Maine that there is a public demand for wresting from private ownership these powers and putting them under the control of the State? You have on the one hand a certainty as witnessed and testified to by the cities and towns and the manufactured product that is coming out of the State every day; on the other hand you have only a vision as to what may or may not result if you deal a deadly blow to private initiative. Mr. Senator, are you willing to swap? Are you willing to say that this State of Maine with all the progress it has attained in manufacturing and in public benefits by the development of its water powers—are you going to say that you do not believe in that spirit of progress but that you believe in wresting from this private control those water powers and turning them over to the management of a commission of the State of Maine?

You are going to endorse not only the theory, but the practical operation of public ownership, and I want to beseech you, Mr. Senator, before you give assent to that, I want you to carefully review in your mind the history of public ownership wherever you may have known it to exist. I do not believe that this Senate is going to say that the State of Maine shall change completely its course. I do not believe that you are going to say that we shall change from a policy which has resulted in its present operation and embark upon a project the end of which no man knows.

In closing, gentlemen, I want again to remind you that I believe that it has fallen to the lot of us who compose the Senate of the 80th Legislature—there has fallen upon us a most solemn duty. You must be convinced, Mr. President, honestly and fairly, that you believe that

the time has come when such a question should be referred to the people at large. I want to ask you, fellow Senators, in all candor, if facts have been produced or argument given you which you believe would justify you in endorsing such a position? I want to beg of you to carefully consider whether you are willing to give up a certainty for an uncertainty?

Mr. GILLIN: Mr. President, I think it necessary for a few moments—and that is all I will occupy of your time—to again state my position, to state it in the plainest and most simple language.

If there was before this Senate the following resolve, I would vote for it—Resolved that two-thirds of the Legislature concurring, that the following amendment to the constitution of Maine be proposed: The conservation, storage, control and use of water and the development, improvement, transmission, utilization, electrical inter-connection, 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—If that was the resolve that was before the Senate I would vote for it, as against this resolution which seeks to put its hand upon the privately developed water powers of the State, I will vote against the whole resolution. But it matters not whether you vote for it or not, if the issue which I have raised, and which I wish the people of the State of Maine to look into is correct, and I may be incorrect, and that is that we are now divested of any right other than the right to take it up to the Supreme Court of the nation and say this is unconstitutional. That is my position, gentlemen, clearly; and the further position that I hope and trust that every newspaper in the State of Maine will publish this law that has been grafted on the statute book, so that all the people can study it and understand it. That has been my purpose. Honest men disagree on policy. They

have a right to. That is where you get the real test and that is where the minds of men meet, and I say to you, gentlemen, I wished to explain my position, although I thought in my original argument I gave it to you absolutely clear, that I am absolutely in favor of a private ownership of every developed water power that is in the hands of a private corporation which has developed it; that I am equally and thoroughly convinced that every single water power that is undeveloped ought to be, under existing conditions, under the control of the State of Maine to give it out. That is the position I take. And I am sorry that such a constitutional amendment was not upon your statute books, which does not seek to take control of individual's property, but which seeks to safeguard its own property. Allow me to repeat, and then I am done.

Does anybody deny that the State of Maine owns all of the undeveloped water powers in the State? Then why not stay with the issue? The issue is, Have they got the right, if they own them, to protect them? That is the issue.

Mr. SPRAGUE of Piscataquis: Mr. President, I have only a few words to say. Once in my life, and for some years, I was allied as a member of the Republican party with what was known then as resubmission Republicans, and I have attended a State convention when I urged my Prohibition friends to vote, when the roll call was made in the convention on whether we would resubmit the question of prohibition to the people or not, to vote to allow the people to vote on it. Now I was always met when I put up that proposition with this reply,—I will never vote to take the first step towards something that I believe to be absolutely wrong, and that grim old Prohibitionist stood on that platform until the rest of the country from Fort Kent to Manilla Bay came to him and stands on a similar platform today.

I do not believe in taking the first step toward State ownership, towards the State going into the busi-

ness of buying and selling, and owning, and taking and managing water powers. Now this new draft, whatever else it means, it must mean what I say—"the conservation, storage, control and use of water, and the development, improvement, transmission, utilization, electrical inter-connection, control and sale of water powers by the State of Maine," and to that I am absolutely opposed.

My friend, the distinguished senator from Penobscot, gives us one reason why we might pass something—as I understand him now he is opposed to this—but why we might pass something, is because we have that Federal act. I acknowledge his ability and his learning and his experience in water power cases. I know all about that. But notwithstanding even that, I prefer before I vote to endorse a proposition to launch this State into these untried waters of State ownership,—I prefer to wait for interpretation from the Supreme Court of the United States and let them tell us what kind of an act that is. I prefer that. It took a long time to know what the Constitution of the United States after 1783 meant. Nobody knew in this country or in the world whether we had a central government of any strength or not, until the great Chief Justice interpreted it for us, until John Marshall established the fact by his interpretations of the constitution that we did have a central government. Afterwards the States appealed to the God of battle, and the God of battle said that John Marshall's interpretations were correct.

Now with this new act that I know nothing about—I do not know what it means—that is not an excuse for me to vote for such a proposition as this. When I vote here to initiate a movement of this kind, a movement towards changing our form of State government, when I vote here to submit this question to the people of Maine, I am endorsing just what I read here—I am voting to endorse and to recommend to the people to go into the water power business of buying, taking, and selling water power. I do not believe

in it. At this time, when this State and the whole country is in such a chaotic condition as it is industrially, in every direction, the idea of our taking such a step as this at this time it seems to me is the most dangerous proposition that has been placed before the people of Maine since we became a state in 1820. I believe, and have always believed since the doctrine promulgated as it was by Theodore Roosevelt, I believe in State regulation, I believe in government regulation. But I do not believe in going farther than that.

I believe in regulatory laws by the State whenever conditions demand them, but to engulf in this project, the State of Maine going into the traffic and dealing in water powers, I believe I am asking the people of Maine to vote upon a most dangerous proposition, and I am endorsing it when I vote for this amendment here today, in my opinion.

Now it has been said, not here in this discussion, but I have read it in the newspapers, I have heard a great deal said about what the late lamented Governor Parkhurst said in regard to this. He did take a great interest in the undeveloped water powers of Maine and in Maine pursuing such a policy as to bring about the better development of the water powers. But I read every word that he said, I heard him make two speeches on it myself, and while he urged a more progressive policy, while he wanted the State to advance on these lines, so far as I can recall anything that he said or wrote upon this subject, he said he wanted the State to have such a policy as would encourage private ownership, private initiative, private activities. That, in my opinion, from as careful a study as I was able to make of what Governor Parkhurst believed in and advocated, was his position. We are all agreed on that, of course. There can be no question. As I said the other day, the State of Maine is not progressive enough in any direction. But to progress by jumping into an unknown experiment like this, I do

not propose to do it. I stand in this position. I believe that I stand with a vast majority of the people of Maine. I do not believe there is, outside of a few in this State, I do not believe there is any real sentiment in favor of State ownership, in favor of the State of Maine going into the water power business.

I hope, gentlemen, that the majority report will be accepted.

Mr. PARENT of Androscoggin: Mr. President and fellow Senators, I think it is only proper at this time that I should state my position in regard to this matter, that it may be clearly understood. I gather from the distinguished Senators who have preceded me, that by two-thirds vote of this Legislature, assuming that they vote to pass this resolution to be submitted to the people, that the State of Maine is to launch out and engage in the business of water powers. I do not so understand it.

This proposed resolution to amend the Constitution, as I have it, goes no farther than this. It gives the State a right to pass future legislation under and within the rights of this resolution, and I am going to vote for this proposed amendment on those grounds. I am going to state further that I would take this position. If the Legislature two years ago had passed this amendment and the people had ratified it, and I being a member of this Legislature, I should hesitate as long as any member of this Senate to engage the State of Maine in developing and engaging in the business which this act might grant. This proposed amendment in its first section would, if passed, give the State a right of storage, control and use among other things, and I challenge any Senator who has preceded me if my following statement would not be true under this proposed amendment: That, if passed, a future Legislature would have the right to pass legislation which would merely control the water powers of the State and go no further. Now if that is true, and I am correct, I thoroughly believe that no future Maine Sen-

ate is going to take any steps which are radical, which are a detriment to private ownership, I should be one of the last men in the State of Maine, were a member of a future Legislature, to take a step so far in advance. I believe that the interests in the State engaged in the water powers are doing excellent work, that they are a benefit to the State, and I for one would never vote to divest them of one dollar's interest that they have in their water power. I do not believe this is a radical resolution.

I think that the people of Maine can be trusted to vote upon it. I believe that for years there has been a demand, and we are not the only State in this Union taking a like course in this matter. Therefore, I shall support this resolution upon that ground.

Mr. MORRILL of Cumberland: Mr. President, I want to go on record as being in favor of this amendment, unless something else better can be presented for our consideration at this time.

Perhaps I put it on broad grounds, but I will state my grounds.

I have heard it said on good authority that the earth is the Lord's and the fullness thereof and the cattle on the thousand hills. What by the indulgence of the Lord belongs to the United States, of which Maine is one State, is now under consideration. The question before us is whether to allow the people to vote on what is to be the water power policy of the State. Shall we leave this power in the hands of private individuals and corporations, who act and talk as though the people are not capable of self government? These corporation would deny the people the right to even have a chance to vote on the most far reaching question that has been before the people of this State for two generations. I noticed the Supreme Judges of our State, to whom the Legislature of 1919 submitted certain questions as to the right of the people in the water power of the State, did not fully agree on all the questions asked them. Their

sentiments expressed in their reports differed considerably. If the Judges cannot agree after all their research what is the use waiting any longer? The people have made up their minds. The people still hold the key to the situation, either under the right of eminent domain, where the Court would rule a public necessity exists, or under the police power of the State which can be exercised for the protection of the people. Water power sites are increased in value by the building of dams that are taxable. The actual value of water power depends largely on the height of the dam and the volume of water available, so under such conditions the water should become taxable. Some of the towns in our State place a value on dams and land, but they cannot lawfully tax water powers. Water powers should be taxed so much per horse power, either on the head of water or height of the dam, but the tax so assessed should go into their town treasury. If this were done all over Maine and the tax put into the town treasury what a difference there would be! Even if half the difference between water power and coal was paid into the State treasury for use of the people that would not drive anyone out of the State to place they would pay for all the power made by coal. Does that not sound sane or reasonable? Don't be frightened!

The greatest good for the greatest number of our people must not be lost sight of. The men who have in the past, and are now building up and developing our water powers and showing our people what can be done with their great resources, must be fairly dealt with. These men are part of us and will be treated as such, even if the State controls our water powers, but they are not entitled to the lion's share. These people seek to be the only heirs to all that inventive genius has and will produce. Regardless of the right of the very large majority of our people they seek to retain everything. Does anyone now doubt the wisdom and justice of conserving our forests and controlling our water

sheds, from which flow the water supply of the entire State? These things are no longer in the field of debate, they are accepted, but each in its time was a novelty and had to be put forward by a few fearless men. My water power ideas are like cheese; they grow stronger with age.

If there is a mystery about anything in Maine, it is how much the people ought to pay for their electric lights and power and also the reason why the power is carried from the country to the cities, while the country places are left in darkness. Great stress is put before the small water power owners to scare them, that they will be robbed and their power stolen or taxed out of existence. Small powers are largely a thing of the past; they have either been closed down or carried away to larger centers of business. All this bill asks for is to let the people vote on the water power question. Is that unconstitutional? If so, don't let them do it! We can prevent this being done today, but we cannot forever do so as the people still hold the key and can and will use it. When they are deprived by one Legislature they will try another and even may change the personnel of the next Legislature. Can the water power combination stampede this Legislature and thus make the Water Power question the issue in the next State Campaign? It seems to be irresistible. Can these obstructions roll back the wheels of time and destiny, and make it appear that because our forefathers made a mistake, that the voters made a mistake last year when they sent us here to look after their rights? Shall we now deprive them of the right to vote in the great question!

Judge Cleaves at the hearing before the committee cited the railroads as condemning public control, but forgot to call much of any attention to the failings of private ownership which has wrecked most of the New England railroads long before government ownership. According to Judge Cleaves it might be best to call the railroads a State institution so they

could escape taxes, charge higher freight and passenger rates and pay higher salaries. The water power corporations have enjoyed great privileges for quite a number of years and have declared large dividends in their business. They can easily compete with coal power industries even if a fair value per horse power is placed on the power for taxable purposes the rate of taxation can be left to the Legislature. There need be no fear of over taxation for any tax bill must always be left to the Legislature and the corporations will see that their side of the case is properly protected.

The water horse power is not like the old horse power. If the old horse stops work for awhile you can turn him out to grass. The water horse power won't grow poorer, run his shoes off and have to be taken up in the fall barefooted and fed all winter. The old horse will be taxed just the same and grow old and die while the water power horse has never been known to die, never will. Let us be fair to ourselves, and that means fair to every citizen in Maine. Let us be fair to the average citizen of Maine just for a change, and let the corporations and men higher up pay their part for a change.

Mr. COBB of Kennebec: Mr. President, I do not wish to take the time of the Senate. I wish to say that my ideas are identical with those of Senator Parent of Lewiston, and I believe that there are many men and women in this State who are as well informed on this matter, or better than I, and have I a right to deny them an opportunity to help decide this question?

Mr. THOMBS: Mr. President, the matter is of such great consequence, that I beg your indulgence just for a moment. I do not know as I appreciate my position as a senator, but the construction that I put upon my position has at least the endorsement of consistency. I believe that if I vote in this Senate today to recommend this matter to the people of the State of Maine, I believe that I am committed to that policy and

that it is my duty to recommend its favorable endorsement by my constituency. I should feel it my duty, if I voted for it today, to go out upon the stump or in private conversation endorse it and recommend it. And can I tell those people, my friends, when they ask me why I endorsed it and what it is going to lead to, can I give them a fair and satisfactory answer? That is my position, if you please.

Let us assume for a moment that we pass this resolve and in due time the people of the State of Maine have accepted our recommendation and changed the constitution. Do you believe for a moment, senators, that it is not going to be a political issue and that there will not be a Legislature in our places irrevocably committed to the policy of carrying into effect the will of the people? There is no question about it.

The honorable gentleman from Cumberland raises the question of prices of this commodity of electricity. I remind him that there is today in Maine a Public Utilities Commission which has ample authority and does see that an equitable and fair rate is established in every community. And he refers again to the matter of railroads and says that they are no criterion by which to judge of public ownership, and I take issue with him there so far as it concerns our State railroads. If I understand it right, the Maine Central Railroad at the time it went under Government control is considered to have had excellent management and to have been in most excellent financial condition. And ever since early in this session friends of that railroad have come here and they have said to you and me, "The Government has wrecked us and we must have relief." Gentlemen of the Senate, is it fair to assume that even though they come here as paid attorneys and friends of the railroad—is it fair to assume that they are all dishonest and liars? I for one do not believe it.

Gentlemen of the Senate, let me repeat again that I believe no greater responsibility will ever rest upon

your shoulders and mine than rests upon you at this moment, and I trust that you will keep that in mind in recording your vote.

Mr. MORRILL: Mr. President, I have no fight with any member in this assembly. I, too, represent a constituency, although living in Cumberland county, and I desire to say that I am ready to stand or fall on my acts performed here.

Mr. FOLSOM: Mr. President and fellow Senators, after the lengthy discussion which we have had I hesitate somewhat to take any of the valuable time now in these closing hours of the Legislature, but I feel that I would not be doing my duty to my friends who sent me here and who, I think, have decided opinions upon this subject, did I not state here publicly that I am absolutely against public ownership. This question, as has been well said, has been agitated since 1909, and every man who has offered himself as a candidate for public office has been inquired of, how he stood on this particular question. In every instance when I have replied to that question, I have stated that I did not believe in public ownership but that I do believe in public control. And I believe in accord with the statement of the distinguished Senator from Penobscot, that we have through the instrumentality of our public utilities commission, absolute control over those things which should be controlled by the State of Maine. We have been told that there is a demand that this matter be referred to the people of the State. Who demands it? Just a few sincere enthusiasts. In all these years during which I have been a candidate at various times for public offices, this question has been before us, and in order to satisfy myself with respect to the wishes of the people who live in my county, I have gone out of my way to talk with the business men of my county, with the farmers of my county, with the laboring men of my county, and I do not know but one man in that county who demands that this be submitted to the people of Maine.

The yeas and nays having been called for and a sufficient number having arisen the yeas and nays were ordered.

The PRESIDENT: The original resolve was H. D. 325, and this the majority of the committee reported ought not to pass. Senator Adams has moved that that report be accepted. The minority of the same committee have reported a new draft H. D. 464, 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.

The House adopted the majority report ought not to pass, the old draft, H. D. 325, 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 the taxation of water powers, water privileges and the hydro-electric energy generated therefrom.

Mr. THOMBS: Mr. President, I would like to make this statement that it may be perfectly clear. I think I am warranted in saying that the majority report also included a new draft. The majority report is against the new draft as well as the old bill. I do not want to be misunderstood.

Mr. MORRILL of Cumberland: Mr. President, the gentleman from Cumberland does not fairly state it. I said that I am in favor of this unless something else better could be presented in this line. But it is that or nothing.

The secretary called the roll. Those voting yes were Messrs. Adams, Bemis, Eaton, Emerson, Emery, Farrington, Folsom, Gillin, Gould, Holt, Morison, Putnam, Sargent, Spencer, Sprague, Thombs, Thompson, Tuttle—18. Those voting no were Messrs. Allen, Baxter, Clark, Clement, Cobb, Garcelon, Hall, Morrill, Parent, Stevens—10.

Eighteen senators voting in the affirmative and ten in the negative the majority report ought not to pass, was accepted.

From the House: Memorial to Congress urging favorable consideration of the Smith-Towner bill.

In the Senate this matter was indefinitely postponed. The House insisted upon its former action and asked for a committee of conference.

On motion by Mr. Gillin of Penobscot, the Senate voted to join a committee of conference.

The Chair thereupon appointed as such committee on the part of the Senate, Messrs. Gillin, Baxter and Sprague.

On motion by Mr. Baxter of Sagadahoc, it was

Ordered that 300 copies of the remarks of the Governor and President of the Senate be printed for the use of the Senate.

On motion by Mr. Morison of Penobscot, a recess was taken until 3 o'clock this afternoon.

AFTER RECESS

Senate called to order by the President at 3.00 o'clock P. M.

On motion by Mr. Hall of Franklin, it was voted that the Senate out of order take up several matters at this time in order to expedite the printing.

On motion by Mr. Allen of York, it was

Ordered that the Governor be requested to return to the Senate An Act to amend Sections 66, 85, 86, of Chapter 60 of the Revised Statutes, as amended by Chapter 329 of the Public Laws of 1917, and Chapter 96 of the Public Laws of 1919, and Chapter 103 of the Public Laws of 1919, providing for the increase in the amount of tuition to be paid by towns for secondary term pupils, for further consideration by the Senate.

Mr. ALLEN of York: Mr. Presi-

dent and Senators, the subject matter of this bill has been taken care of by the so-called Varney bill, and I move that the vote be reconsidered whereby this bill was passed to be engrossed.

The motion was agreed to and on further motion by the same senator the bill was indefinitely postponed.

On motion by Mr. Emery of Washington, it was

Ordered that the Governor be requested to return to the Senate for further consideration Resolve making an appropriation for the Passamaquoddy Tribe of Indians.

The same senator then offered Senate Amendment A.

Mr. EMERY: Mr. President, the amendment is in the nature of certain changes that were made by conference between the Indian agent and the Governor, and they are acceptable to the Indian affairs committee. They are offered for the purpose of correcting an error. I move that the vote be reconsidered whereby this resolve was passed to be enacted and passed to be engrossed. The motion was agreed to, and on further motion by the same senator Senate Amendment A was adopted and the resolve as amended was passed to be engrossed.

On motion by Mr. Emerson of Aroostook, it was

Ordered that the Governor be requested to return to the Senate for further consideration Resolve reimbursing towns for sheep and poultry killed by dogs and wild animals in 1919.

On motion by the same senator, under suspension of rules, the Senate reconsidered the votes by which this bill was finally passed and passed to be engrossed, the same senator then offered Senate Amendment A and moved its adoption.

Senate Amendment A added the words "the same to be paid out of funds received from dog licenses."

The amendment was adopted and the bill as amended was passed to be engrossed.

On motion by Mr. Sprague of Piscataquis, the Governor was requested to return to the Senate for further consideration S. 183, An Act to consolidate the library laws.

On motion by the same senator under suspension of the rules, the Senate reconsidered the votes whereby this act was passed to be enacted and passed to be engrossed.

The same senator then offered Senate Amendment A and moved its adoption.

(The amendment was read by the secretary.)

On motion by Mr. Sprague, Senate Amendment A was adopted and the bill as amended was passed to be engrossed.

From the House: An Act to amend Section 7 of Chapter 117 of the Revised Statutes, relating to the compensation of retiring justices of the supreme judicial court.

House Amendment A, correcting a clerical error, was adopted in concurrence, and on motion by Mr. Thombs of Penobscot, under suspension of the rules, the vote by which this bill was passed to be engrossed was reconsidered, and on further motion by the same senator the bill as amended was passed to be engrossed.

On motion by Mr. Garcelon of Androscoggin, it was

Ordered, that H. D. 241, An Act to provide for a sinking fund for the war bonds and bonus bonds issued by the State of Maine, be recalled from the engrossing department for further consideration by the Senate.

Papers from the House disposed of in concurrence.

From the House: Resolve in favor of the chaplains of the House of the 80th Legislature.

On motion by Mr. Adams of Kennebec, under suspension of the rules, the bill was given its two several readings, without printing, and passed to be engrossed in concurrence.

From the House: An Act to amend Section 3 of Chapter 346 of the Private and Special Laws of 1905, as amended by Chapter 27 of the Private and Special Laws of 1915, and as amended by Chapter 104 of the Private and Special Laws of 1919, and providing for and fixing the salaries of the probation officer and assistant probation officer to the county of Cumberland.

On motion by Mr. Hall of Franklin, under suspension of the rules, the bill was given its two readings and without printing was passed to be engrossed, in concurrence.

From the House: Resolve in favor of H. G. Smallidge for extra services as assistant messenger to the House of Representatives of the 80th Legislature.

On motion by Mr. Folsom of Somerset, under suspension of rules, without printing, the bill was read twice and passed to be engrossed, in concurrence.

From the House: Resolve in favor of Benjamin A. Swasey, clerk of the committee on School for Feeble Minded.

On motion by Mr. Eaton of Oxford, the rules were suspended, and the bill without printing was read twice and passed to be engrossed, in concurrence.

From the House: Resolve in favor of the town of Winthrop.

Mr. Adams of Kennebec, offered Senate Amendment A to this bill.

On motion by the same senator, under suspension of the rules, without printing the bill was given its first reading.

Senate Amendment A was then adopted.

(The amendment changed the date of the payments of the money to the town.)

On further motion by the same senator the bill as amended was passed to be engrossed, in concurrence.

From the House: Resolve providing for the expenses of the funeral of the late Governor Parkhurst.

On motion by Mr. Morrill of Cumberland, the vote whereby this bill was passed to be engrossed was reconsidered, and on further motion by the same senator House Amendment A was adopted in concurrence and the bill as amended was passed to be engrossed.

From the House: An Act providing for State maintenance of highway bridges over 600 feet in length.

In the Senate passed to be engrossed; in the House indefinitely postponed.

Mr. PARENT of Androscoggin: Mr. President, I move that the Senate insist upon its former action and ask for a committee of conference.

A viva voce vote was had and the same being doubted a rising vote was taken and the motion prevailed.

The PRESIDENT: The Chair will announce the committee later.

From the House: An Act to amend Chapter 81 of the Public Laws of 1919, relating to a draft for the National Guard.

In the Senate the minority report of the committee on military affairs, ought to pass, was accepted, and the bill passed to be engrossed.

In the House the majority report, ought not to pass, was accepted.

Mr. GILLIN of Penobscot: Mr. President and members of the Senate, yesterday I sustained Senator Garcelon and presumed I was right in doing that at that time, and I may have been, but I wish to say to the senators that I have examined this and I have talked with military men, and I think it is wrong.

(Senator Gillin read, as follows:)
"Sec. 62. Number of the National Guard. The number of enlisted men of the National Guard to be organized under this Act within one year from its passage shall be for each state in the proportion of two hundred such men for each senator and Representative in Congress from

such state, and a number to be determined by the President for each Territory and the District of Columbia, and shall be increased each year thereafter in the proportion of not less than fifty per centum until a total peace strength of not less than eight hundred enlisted men for each senator and representative in Congress shall have been reached."

From reading this act, and for the further reason of having talked with military men who understand it and told me I was wrong, I will say to Senator Garcelon that I am convinced I was wrong,

Therefore, I move that the majority report be accepted instead of the minority.

Mr. GARCELON of Androscoggin: Mr. President, I will say in explanation, that as I understand it the quota assigned to the State by the act quoted by the senator simply provides that a certain number shall be raised in order to obtain federal recognition as the National Guard. That is, obtain the equipment and supplies for the National Guard. Of course if the number is not raised then the equipment and supplies are not furnished.

Mr. FARRINGTON of Kennebec: Mr. President, in order to make things perfectly clear, will the Chair state the document numbers.

The PRESIDENT: The minority report adopted by the Senate was that the bill ought to pass. The majority report adopted by the House was that the bill ought not to pass. The Senate passed the bill to be engrossed. The bill has not been printed. It is a very, very important matter and the Chair will be glad to have it read.

Mr. GARCELON: I think I can state for the senator the change. Instead of the words "shall be," the words are changed by the minority report to "may be."

Mr. GILLIN: Mr. President, I move that the rules be suspended and that we reconsider the vote whereby we accepted the minority report of the committee on military affairs on this act.

The motion was agreed to and the same senator then moved that the Senate concur with the House in the adoption of the majority report.

The motion was agreed to.

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

On motion by Mr. Thombs of Androscoggin, the vote was reconsidered whereby this resolve was finally passed.

The motion was agreed to.

On further motion by the same senator, under suspension of the rules, the vote was reconsidered whereby this bill was passed to be engrossed.

House Amendment A was then adopted in concurrence and the bill as amended was passed to be engrossed.

From the House: An Act to amend Section 27, Chapter 9 of the Revised Statutes, as amended by Chapter 42 of the Public Laws of 1917, relating to the taxation of steam railroads.

In the House the minority report of the committee on taxation, ought not to pass, was accepted.

Mr. ALLEN of York: Mr. President, I move we accept the majority report, ought to pass.

Mr. PARENT of Androscoggin: Mr. President, I rise for an inquiry as to what action has been taken, if any by the House.

The PRESIDENT: The House accepted the minority report, ought not to pass. The Senator from York, moves that we accept the majority report, ought to pass.

Mr. PARENT: Mr. President, I move that we concur with the House.

The PRESIDENT: The motion has just been made that the majority report be accepted. Of course we can reconsider that vote, but the acceptance of the report, ought to pass, would exclude the action on the minority report unless we reconsider.

Mr. PARENT: Mr. President, I move that we reconsider the vote whereby we accepted the majority report.

The motion was agreed to.

Mr. PARENT: Mr. President, I move that we concur with the House in acceptance of the minority report, ought not to pass.

Mr. FARRINGTON of Kennebec: Mr. President, I have no doubt what the vote will be in this matter, and I want it distinctly understood that I am not standing here in any way as a representative of any railroad interest, nor as an owner of railroad stock or anything of that sort. But I do believe that in these closing hours of the session we should not forget that this is a serious proposition that is confronting the State of Maine. Now it is easy for us at any time to take the line of least resistance on matters which involve, as this does involve, if it should carry the bill large considerations of money. And it is particularly easy in the last hours, when we are anxious to get back to our business, to do that. I hope that we are making no mistake if we fail to take some means to remedy the situation which I believe is most serious.

I know what the feeling of the Legislature is in regard to the matters of economy that confront us so forcibly at every point. I know what it would mean if the Legislature passed this bill and reduced the revenue. It would mean a large increase of taxation. I say, Mr. President, frankly to you that I am not trying to influence any vote in this matter, because I have no doubt what the result will be, but we must not forget that the railroads are up against a proposition which may mean disaster not only to the roads, but to the State of Maine itself, to every individual in the State.

I believe that the railroads have honestly come to this Legislature and have tried to show the situation as it is. They have tried through every possible means in the reduction of wages to have the wage earner do his part, but cannot do it

all. The transportation department and those affected by transportation are willing to do their part, and the State I believe would consider pretty carefully before it refused to do its own part in this matter. If after we have gone home the crash comes we shall feel sorry that we did not face the situation squarely and fairly. I am afraid, and they are watching this thing along carefully, I am afraid the Legislature will make a mistake, and that we may have to be called back in a special session, and perhaps that may become the conclusion—we may be called back in special session to act upon this.

I do believe, fellow Senators, that this is a most serious situation; I hope not so serious as I fear that it is. As I say I do not for a minute rise to take the time of this Senate in the hope of influencing a single vote, for I know what the vote will be. But as we are up against this matter and have got to vote on this matter and find ourselves to be confronted with the situation, the seriousness of which we do not realize, we shall feel that we better face it a little more boldly and look the issue in the face.

Mr. PARENT of Androscoggin: Mr. President, I think I realize and am not unmindful of the possibilities herein involved in this matter, and I do not wish to oppose this matter simply because it is a transportation corporation. I am equally mindful that transportation is necessary to the success and welfare of any state. It is absolutely necessary, but I for one member of this Legislature will not vote, as I understand it, approximately \$800,000 of the people's money away until I personally am convinced by actual facts derived from the Maine Central railroad's books that this action is warranted. Up to the present time no man can take his oath that such are the facts, or that a particular financial situation exists. If the Maine Central railroad is in the condition which it represents itself to be, then economy should begin with the road, I think, and I would go as far as any senator here in as-

sisting the road if it needs it. I do not believe that a committee could be chosen by his Excellency,—which has been done and they have already made their report,—and only a few days elapse between their appointment and their report, or hearing held in the hall of the House,—and the exact facts of the financial condition of the Maine Central railroad accurately arrived at.

Now if there is a very serious situation existing with the Maine Central Railroad Company,—a very necessary transportation company of this State, and which no man of common sense desires to see go into a receiver's hands if it can be prevented,—I for one would like to see a legislative committee, if necessary, appointed with authority to select or to have appointed one or two expert accountants to go into the matter and see whether this legislature at any future time will be giving away \$800,000 of the money of the taxpayer's of this State.

I am sure I do want to vote for any such proposition until I am satisfied that it is warranted.

Mr. THOMBS of Penobscot: Mr. President and fellow citizens, I think I agree with the sentiments expressed by the senator from Kennebec. I think this is a very important matter and it is entitled to more consideration than I think it is getting at the hands of the Senate this afternoon. I am a little bit surprised to see the majority report of a committee overturned so completely within a couple of minutes and no explanation at all offered to the remainder of the Senate.

I am sorry that I was deprived from attending any meetings of the taxation committee. I wish I might have attended the meetings, and as I did not, I wish to ask a question. I should like to ask the chairman of the taxation committee if the committee that was appointed by the Governor has investigated this particular matter?

Mr. ALLEN of York: It has not; it is a re-draft.

Mr. THOMBS: May I ask the chairman of the taxation committee through the Chair, what change the re-draft made?

Mr. ALLEN: The original draft called for a four per cent flat rate for the years 1921, 1922, 1923, and the re-draft calls for a flat rate of four per cent on the total gross receipts for 1921 and 1922.

Mr. THOMBS: Then, if I understand the matter aright, the draft we are proposing is not, if I may put it that way, is not as severe a recommendation as was originally proposed in this matter?

Mr. ALLEN: That is correct.

Mr. THOMBS of Penobscot: Mr. President, I hope that I may be accorded an opportunity to speak on this proposition, for the reason that I believe that we are justified in placing reliance upon and giving some heed to the recommendations of this committee, especially where a majority of the taxation committee seem to have been impressed by the fact that a bill less stringent than recommended by the committee might be recommended to the Legislature.

Mr. MORRILL of Cumberland: Mr. President, the old adage, I think, is a good one, that he who would dance must pay the fiddler. Now any person, corporation or individual who has real estate and personal property in sight, you have got him. Probably there is hardly a person within the sound of my voice who owns real estate or personal property but what would like to have some relief and something shaved off his taxes, and how are you going to get it by giving relief to the Maine Central and increasing your taxes? I do not like that theory at all. When I am hard up or you are hard up, gentlemen, you have to dig down into your pocket and make it up. Why not let the railroads do the same? When I go to buy a ticket, if I am not paying enough for it so they can afford to carry me, let them charge more. When I want to ship a carload of anything, or less than a

carload, if my freight is not sufficient, charge me more. But the man who does not ride on the cars, the man who does not ship anything, I do not see why we should add to his burdens. This relieving a great corporation because they are hard up and not relieving a private individual, I am opposed to it. If I was the only man in this Senate to vote against it, I should vote against it.

I do not believe in that way of doing business with a great corporation. Let them dig down in their own pockets and get the money to run their business with the same as the rest of us have to.

Mr. FOLSOM of Somerset: Mr. President, I wish to say that those things which have been said by the Senator from Kennebec and the Senator from Penobscot appeal to me very forcibly. Before coming here this winter I had, perhaps, not made a study of this situation, but had read everything that I could get hold of bearing upon the transportation situation, in view of the fact that had some interest in an industry which ships goods out of the State and brings raw material in. And I satisfied myself that the transportation companies did indeed face a very serious situation. After we came here the situation became more acute and as a result the Governors of the six New England States met in Boston, our Governor was there, and evidently he was impressed somewhat with the seriousness of the situation for he appointed, in consonance with the Governors of the other five New England States, a committee of five, and I think I may say that he could have hardly picked out a better committee in the State of Maine. Those men, while it is true that they did not have a very long time to consider the subject, they gave their best attention to it. They came back here. They had a hearing. I was very much disappointed at that hearing to see that there was such a lack of interest on this very grave subject, and I felt then, as I do now, that the seriousness of the situation

had not been impressed upon the minds of all the members of the Legislature.

As a result of the hearing the taxation committee, who took the matter under advisement, made a new draft of the bill which they have recommended ought to pass, and while I wish to repeat what was said by the Senator from Kennebec, that I do not rise to try to influence any man's vote, I feel that we should give the most serious consideration to that report and the recommendation of the majority of the taxation committee.

Mr. GILLIN: Mr. President, might I have the names of the committee on the majority and minority reports?

The PRESIDENT: The majority report was signed by Messrs. Allen, Morison and Adams on the part of the Senate, Messrs. Ricker, Viles and Spear on the part of the House. The minority report, ought not to pass, was signed by Messrs. Nickerson, Cherry, Thomas and Bean.

Mr. FOLSOM: May I ask one question through the Chair of the chairman of the committee on taxation, and that is, about what difference would it make in our tax rate for the year if this recommended bill should be adopted?

The PRESIDENT: Will the Senator from York, Senator Allen, answer the inquiry.

Mr. ALLEN: Mr. President, I should say about two-thirds of a mill.

Mr. PARENT: Mr. President and fellow Senators, I believe I have stated previously that the amount was approximately \$800,000. It is more than that. It is \$1,042,439.72, and affects the counties of the State as follows: I mean by that, if this bill, the majority report, ought to pass, was accepted by both branches of this Legislature, it would mean the raising of the following sums in the following counties of this State:

Androscoggin	\$88,515.32
Aroostook	97,621.44
Cumberland	219,667.75

Franklin	27,873.29
Hancock	40,723.41
Kennebec	76,568.83
Knox	29,357.04
Lincoln	17,375.50
Oxford	47,159.34
Penobscot	115,837.03
Piscataquis	43,662.54
Sagadahoc	28,991.71
Somerset	59,713.33
Waldo	21,138.10
Washington	36,156.23
York	92,048.72

Now, gentlemen, this is a very serious proposition on either side, and I do not believe that the time is now ripe for this body to act justly and fairly not only to the tax payers but to the Maine Central Railroad. I do not believe that they have the proper information that they should have. It is the most important matter that has come before this Legislature probably in fifty years. There are two important questions involved, whether the Maine Central needs all of this money and whether their books actually show that condition of affairs. If they do, why some assistance ought to be rendered. But \$1,042,409.50, gentlemen, is a considerably large sum of money for us in the closing hours of this Legislature, without any further information than any of us have here, to pass out to the Maine Central, without knowing the facts further than we do.

Mr. GILLIN: Mr. President, I do not feel that I am qualified from a careful investigation of the subject matter to say anything on it. I am impressed greatly with the action of the majority of the committee who did hear the evidence and who went into this carefully, and I believe that relief should be granted, and I think that we should hesitate about the action that we take.

Mr. ALLEN: Mr. President, I would like to ask Senator Parent through the Chair where he got his figures?

Mr. PARENT: Mr. President, I got them from Representative Holly, and I relied on his information as being correct, that these figures apply to the new draft. I do not

speak from my own personal knowledge. I presumed that the House chairman of the committee on appropriations and financial affairs was familiar with the correct figures.

Mr. ALLEN: Mr. President, I would like to ask the Senator from Androscoggin, Senator Parent, if they were not of necessity estimates? It would be pretty hard work, in other words, for anybody to tell what the tax of the Maine Central or any other road would be in 1922, would it not?

Mr. PARENT: I presume that is true, but I presume also that it is based on your taxation for 1920 to some extent, the present year.

Mr. ALLEN: To find out what these figures were you would have to subtract one from the other. I would say, Mr. President, I was not intending to say anything on this subject at all for the simple reason that I came to the conclusion that I perhaps would have to explain to every single member here and satisfy him beyond reasonable doubt that the figures given to us by the Maine Central Railroad were absolutely correct and that of course would take a good deal of time, more time than we have put into this Legislature here in the last three months, and that of course I could not do, I could not verify the figures. The committee heard the representative from the road on the original bill that came here two months ago, and also on this one, and I also attended the meeting before the committee appointed by the Governor. The Senator from Androscoggin, Senator Parent, says that the committee appointed by the Governor had reported. As a matter of fact they have not even reported as yet. This was something that was advised by them to see if they could not in some way arrive at something that would help out the situation. We took the matter under advisement and arrived at this redraft as nearly as we could get at it. As far as the figures are concerned, whether they are absolutely correct or not I have no way of knowing.

Mr. SPRAGUE of Piscataquis: Mr. President, I know nothing about this. I feel, however, this way, that in allowing this thing to go without further investigation on our part, I would not be doing my duty as a Senator of the State of Maine. I feel that it is wholly wrong for us to take action in this hasty manner. I feel, this being the second time that the Railroad has knocked at our door, that they should not be turned down without more of an investigation than we have given it. I do not know anything about it. I wish there could be some way of adjourning a while, and have a committee of our own appointed to confer with this Governor's committee, to see what could be done, but I do not know as that could be. But I feel that I am not doing my duty voting for this hasty action.

Mr. ADAMS of Kennebec: Mr. President, there probably has been no more vital question for the interests of all the people in the State of Maine than is embodied in this same railroad bill. I am not going to question the figures of the Senator from Androscoggin, whether they are correct or not, but no matter how it happens, the people have got to pay. In the condition in which the railroads find themselves they have got to be helped in some way or else the railroads will have to have some other management, and I believe that they should receive the relief from our hands.

Mr. THOMPSON of Knox: Mr. President, I think none of us will have any difficulty in arriving at the conclusion arrived at by the Senator from Androscoggin if we accepted his premises. But we cannot safely accept the premises. The sum of a million dollars or more which is to be derived from the gross earnings of the railroad is to be derived only in case the railroad earns that. Now if rates are raised, either passenger or freight or both, the immediate effect of that would be to reduce the amount received from transportation, which of course, would reduce the gross earnings of the road. In that case, why, of course we would not receive a mil-

lion dollars or anything like it. I should certainly be reluctant to vote away a sum of money which would more than pay my county tax if I saw it coming my way. But I do not see it. As I say, I do not think the premises are safely to be relied upon.

There is another thought which has not been touched upon, and that is the local property of the railroad; its grounds, depots, and buildings are assessed as non-resident tax-payers the same as any man's property is assessed by the local assessors. For that, as I understand it, the railroad asks no reduction. They pay their local tax the same as any one does. This is only on the gross earnings. Now if the railroad goes into the hands of a receiver, we may well look out to see whether we get the earnings or not; the earnings may be substantially reduced. Certainly they cannot be very much increased. And we do not know where we are in that event. People living away from water service are dependent entirely upon the railroad, and with increased rates it may be difficult for them to receive the supplies which they very much need to carry on their daily activities, and it seems to me that the effect of an increased rate might be tending toward the killing of business and the paralyzing of industry, at least industry might be so reduced to a minimum that people would have to live in sort of hand to mouth fashion. We could not branch out or make any progress in the development of our State matters, State industries, while this condition existed.

It seems to me that the situation is a very serious one and the future earnings of the railroad are entirely problematical, and when the senator states, as he does, that we are voting away a million dollars of the State's money, it seems to me we are relying upon a statement that may lead us in a false direction. I certainly think we should give the matter most serious consideration. I do not think it is a matter that should be passed lightly by. Certainly at this time I do not feel like voting away a million

dollars, and if I vote to accept the report of the majority of the committee, which I certainly feel now like doing, I do not think I should be voting away any such money as that. The request they ask seems to me to be a reasonable one under the circumstances. I do not say that I am right in this but it looks to me that I am not so far wrong. Now I do not know as we have any information except what was given us by the men who served on the part of the Senate on the committee, and they can give us only such information as they got at that hearing, but to my mind it is certainly a serious situation and one that we should all think well of before taking action.

Mr. PARENT: Mr. President, I would like to inquire through the Chair of the Senator from York, Senator Allen, if he is able to enlighten us on the approximate amount which would be involved if the majority report is accepted.

Mr. ALLEN: Now as I understand it from the figures, Mr. President, given to us by the committee, it would be right round eight hundred thousand dollars.

The PRESIDENT: By what committee, may I inquire?

Mr. ALLEN: The committee appointed by the Governor. I could not verify their figures.

Mr. PARENT: I would like to pursue the inquiry one step further. Supposing this Legislature passed this bill, would it not be true, or might it not be true, that the amount might reach a million or a million and a quarter?

Mr. ALLEN: Yes, and the same might be said, that it might reach round five or six hundred thousand dollars.

Mr. PARENT: So that as a matter of fact you do not know the actual amount involved.

Mr. ALLEN: Oh, no, absolutely no.

Mr. HALL of Franklin: Mr. President, I did not think I would say anything on this matter, but I had

the opportunity of attending the first hearing, where as I remember it, the amount was something like three million, and during that hearing it was brought out that relief was in sight of about half on the coal question—about a dollar on a ton. At the present time I think there is a prospect of buying their coal much less, so there is one chance of relief. Now the division that the Maine Central and the other roads in the Eastern states get in the hauling of freight from the West, if they are in a hard situation I think there is a chance to be bettered in that line. And another question, the employees, the help is a great question. It is not settled, we do not know the results that may come. We hope there will be some help for the railroads in that line. If it is actually necessary, and there's no other relief, and the State is obliged to help them, I for one would rather come here for an extra session than to grant them this relief right on the moment, in the last hours of the session when there are so many questions pending in sight for the relief of the railroad. I should vote against accepting the majority report.

Mr. GILLIN: Mr. President, there is one thought that comes to me and it is this. If the people of this State ascertain that the Maine Central Railroad has deceived, why two years hence they can increase their tax so as to get it back; and they would be placing themselves in a very bad position. That suggestion to my mind is evidence that these men would not dare to come to this Legislature unless they were in distress. Why, the people of the State can easily ascertain the gross earnings of the Maine Central Railroad; they can easily ascertain its financial condition. And if they find out that the Maine Central Railroad has come here and misrepresented things, why they can immediately recoup and recover in taxation. The Maine Central Railroad, as it strikes my mind, would not under any conditions through its able representatives and directors attempt to obtain from the State relief based upon

false pretenses. Now, gentlemen, let us let that thought sink into our minds.

Mr. FARRINGTON: Mr. President, just one word more. This situation is not confronting Maine alone. It is a condition that exists all over the country, and it is just as serious in other states as it is here, and is a result, I believe, of what I hope will be the last instance we will ever see of government ownership and control of railroads. But I am afraid if something is not done in the State of Maine and elsewhere over this country, that we will be forced back to the thing that not a man of us here wants to see.

The PRESIDENT: The senator from Androscoggin, Senator Parent, moves that the minority report, ought not to pass, be accepted in concurrence.

A viva voce vote being taken and the Chair being in doubt a rising vote was had, and twelve senators voted in favor of accepting the report ought not to pass and twelve opposed.

The PRESIDENT: Twelve voting in the affirmative and twelve contra the Chair votes contra defeating the report ought not to pass, leaving available still the question on the acceptance of the other report, ought to pass. The Chair does this with many misgivings and grave lack of information.

Mr. SPRAGUE: Mr. President, it has occurred to me that in this vote. I may be very wrong, but I have an idea if we vote to accept the majority report and ask for a committee of conference, that a committee might be appointed for some further deliberation, and I think that is our duty.

Mr. ALLEN: Mr. President, I move that the majority report, ought to pass, be accepted.

Mr. PARENT: Mr. President, when that vote is taken I move that it be taken by the yeas and nays, so that the people in the various counties shall know how we vote on it.

A sufficient number arising the yeas and nays were ordered.

Mr. PARENT: Mr. President, I rise to inquire how the Chair voted on the former report?

The PRESIDENT: The Chair voted against the acceptance of the report, ought not to pass, making possible consideration of the report ought to pass.

(A short recess was taken.)

AFTER RECESS

Senate called to order.

The Chair will announce the appointment of the members of the committee on conference on the bill in relation to highway bridges over 600 feet in length: Messrs. Emery, Folsom and Thompson.

The Chair appoints on the recess committee to investigate legislative enactments, and collate such expenditures over the period of years and report of the Governor and Council, not later than April 1, 1922, with their recommendations, etc., Messrs. Garcelon, Farrington and Emerson.

The PRESIDENT: The vote now to be taken is on the motion of the senator from York, Senator Allen, that the majority report of the committee on taxation, ought to pass, shall prevail.

The secretary will call the roll.

The secretary called the roll. Those voting yes were Messrs. Adams, Allen, Eaton, Farrington, Folsom, Gillin, Gould, Morison, Spencer, Sprague, Thombs, Thompson—12. Those voting no were Messrs. Baxter, Bemis, Clark, Clement, Cobb, Emery, Garcelon, Hall, Holt, Morrill, Parent, Putnam, Sargent, Stevens, Tuttle—15.

The PRESIDENT: Twelve senators voting yes and fifteen voting no the report was not accepted.

The Chair wishes to call attention to the fact that reconsideration will not further lie on the motion on the acceptance of the majority report, but does lie on the acceptance of the minority report. The only

way would be to substitute ultimately the bill for the report.

Mr. HALL of Franklin: Mr. President, I move that we reconsider the vote whereby we refused to accept the report ought not to pass.

The motion was agreed to.

The PRESIDENT: The same senator now moves that the minority report, ought not to pass, be accepted by the Senate.

The motion prevailed.

Reports of Committees

Mr. Emerson from the committee on appropriations and financial affairs, on Resolve in favor of the assistant secretary of the Senate, reported that the same ought to pass.

The report was accepted and on motion by Mr. Bemis of Somerset, the rules were suspended, and without printing the resolve was given its two readings and was passed to be engrossed.

Mr. Adams from the committee on ways and bridges, on An Act to amend Section 1 of Chapter 177 of the Public Laws of 1915, and to repeal Section 2 of said chapter, relating to removing trees, shrubs, bushes and weeds from the limits of the highway, reported same ought not to pass.

The report was accepted and sent down for concurrence.

Passed to Be Engrossed

H. 466, An Act to amend Sections S. 22, 37, 53, 57, 63, 64, 68, of Chapter 59 of the Public Laws of 1917, known as the military law.

Under suspension of the rules the bill was given its second reading and was passed to be engrossed.

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

On motion by Mr. Baxter of Sagadahoc, this bill was indefinitely postponed in concurrence with the action of the House.

Passed to Be Enacted

An Act Relating to the Taxation of Shares of Stock of Trust Com-

panies Organized Under the Laws of this State and Banking Institutions Formed under the Laws of the United States.

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 Chapter 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 Regulate Certain Internal Affairs of the Passamaquoddy Tribe of Indians.

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

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

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

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 32 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.

An Act to amend Chapter 238 of the Public Laws of 1919, relating to workmen's compensation.

An Act to provide for the jurisdiction of the Public Utilities commission over certain motor vehicles.

An Act additional to Chapters 219 and 244 of the Public Laws of 1917, as amended by Chapter 196 of the Public Laws of 1919, prohibiting fishing in the tributaries to Lake Annabassacook, in the County of Kennebec.

An Act to provide for the payment of a bonus to Maine soldiers and sailors in the war with Spain.

An Act to amend Sections 3 and 9 of Chapter 35 of the Revised Statutes, increasing the amount paid by the state for cattle condemned.

An Act to amend Chapter 188 of the Private and Special Laws of 1915 entitled "An Act to confer addition-

al rights and powers upon the East Branch Improvement Company, a corporation incorporated by a special act of the Legislature, approved March 18th, 1903."

An Act to establish the State School Fund and to provide for the apportionment of the same.

An Act to amend Section 20 of Chapter 117 of the Revised Statutes as amended by Chapter 179 of the Public Laws of 1917 and by Chapter 147 of the Public Laws of 1919, relating to the salary of the State superintendent of public schools.

Finally Passed

Resolve, Authorizing the Payment of Certain Deficiencies.

Resolve, in Favor of Portland Delegation.

Resolve, in Favor of F. G. Farrington, Chairman of the Committee on Insane Hospitals.

Resolve, in Favor of Faith A. Tryon, for Services as Stenographer to the Committee on Re-districting the State.

Resolve, to Reimburse the Members of the Taxation Commission for Expenses.

Resolve, to Reimburse L. Ernest Thornton, Secretary of the Senate, for Expenses Incurred in Connection with the Lecture of William F. Dawson.

Resolve, to Reimburse the Members of the Special Committee Charged with the Duty of Investigating the Desirability of Enacting the Act Introduced at the Seventy-ninth Legislature Entitled "An Act to Establish the State University of Maine and to Provide for its Maintenance."

Resolve, in Favor of Aid of Navigation of Lakes and Certain Waters.

Resolve, in Favor of Mildred L. Humphrey for Services as Clerk and Stenographer to the Special Committee of the Eightieth Legislature for the Investigation of Agricultural Conditions in Maine.

Resolve, for a Marker for Maine Soldiers at Valley Forge.

Resolve, Making an Appropriation

for the Construction of a New Building at the Northern Maine Sanatorium, Presque Isle, Aroostook County, and for the Purchase of Equipment therefor and for Maintenance.

Resolve, Appointing a Committee of Investigation to Procure Plans and Estimates for a State Library Building.

Resolve, Dividing the State into Senatorial Districts.

Passed to Be Enacted

(Emergency Measure)

An Act to Regulate the Use of Motor Driven and Animal Drawn Vehicles on Highways.

This bill carrying the emergency clause required the two-thirds vote of the Senate on its final passage. Twenty-five senators voting in the affirmative, the bill was finally passed.

Finally Passed

(Emergency Measures)

Resolve, in Favor of Aid of Navigation of Lakes and Certain Waters for the Fiscal Period Ending June 30th, 1921.

This resolve carrying the emergency clause required the two-thirds vote of the Senate on its final passage. Twenty-five senators voting in the affirmative the resolve was finally passed.

Resolve, in Favor of the Maine School for the Feeble-Minded for Maintenance and Personal Services.

This resolve carrying the emergency clause required the two-thirds vote of the Senate on its final passage. Twenty-four senators voting in the affirmative the resolve was finally passed.

Resolve, in Favor of the Augusta State Hospital for Maintenance During the Years 1921, 1922 and 1923.

This resolve carrying the emergency clause required the two-thirds vote of the Senate on its final passage. Twenty-four senators voting in the affirmative the resolve was finally passed.

Resolve, in Favor of the University of Maine.

This resolve carrying the emergen-

cy clause required the two-thirds vote of the Senate on its final passage. Twenty-four senators voting in the affirmative the resolve was finally passed.

Orders of the Day

On motion by Mr. Thompson of Knox, H. D. 366, An Act to amend so much of the paragraph of Chapter 82, Section 51 of the Revised Statutes, as relates to the holding of trial terms of the supreme judicial court in the county of Sagadahoc was taken from the table.

Mr. THOMPSON: Mr. President, in view of the fact that the bill has already been enacted covering this same ground, I move that this bill be indefinitely postponed.

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

On motion by Mr. Baxter of Sagadahoc, the vote was reconsidered whereby the Senate accepted the report of the committee on salaries and fees relating to the salary of the commissioner of inland fisheries and game.

Mr. BAXTER: Mr. President, for the purpose of amending the bill I move that the bill be substituted for the report.

The bill was read by the secretary and the motion was agreed to.

The same senator then offered Senate Amendment A and moved its adoption.

(The secretary read the amendment, which reduced the amount asked for in the bill from \$4000 to \$3000.)

Senate Amendment A was adopted.

Mr. Folsom of Somerset moved that the bill be tabled.

Mr. FOLSOM of Somerset: Mr. President, I wish to say that this bill has a section which makes it retroactive. And I wish to offer an amendment cutting out that section.

Mr. BAXTER of Sagadahoc: I shall be very glad to allow that.

The motion to table the bill was agreed to.

On motion by Mr. Garcelon of Androscoggin, H. 463, Resolve to apportion 151 representatives among the several counties, cities, towns, plantations and classes in the State of Maine.

On further motion by Mr. Garcelon House Amendment A was adopted in concurrence.

The same senator then offered Senate Amendment A and moved its adoption.

Senate Amendment A: "Insert in line eleven of paragraph three relating to Aroostook county, after the words 'Hamlin Plantation,' the words 'Cyr Plantation.'"

The amendment was adopted and the bill as amended was passed to be engrossed.

Mr. PARENT of Androscoggin: Mr. President, I see listed upon the calendar An Act relating to the election of State officers. Is that not an error, may I inquire? I think that was taken off the table.

The PRESIDENT: That is evidently on its passage to be enacted.

On motion by Mr. Parent the bill was passed to be enacted.

On motion by Mr. Farrington of Kennebec, S. 195, An Act additional to Chapter 33 of the Revised Statutes, as amended, relating to protection of White Perch in East pond and in North pond of the Belgrade chain of lakes, so called, in Kennebec county and in Somerset county, was taken from the table.

On further motion by the same senator the vote whereby this bill was passed to be engrossed was reconsidered.

The same senator then offered Senate Amendment A for the purpose of correcting the title.

The amendment was adopted and the bill as amended passed to be engrossed.

The PRESIDENT: May the Chair inquire whether Senator Allen desires to dispose of H. D. 434?

Mr. ALLEN of York: Mr. President, I have still to get a word from the division of Wells and Ogunquit.

On motion by Mr. Hall of Franklin, a recess was taken until 7.30 o'clock P. M.

AFTER RECESS

Senate called to order by the President at 7.55 P. M.

From the House: Resolve for the construction, maintenance and repair of roads, bridges and ferries.

On motion by Mr. Baxter of Sagadahoc, the rules were suspended and without printing the bill was read twice and passed to be engrossed, in concurrence.

Mr. FARRINGTON of Kennebec: Mr. President, this afternoon there was an amendment, Senate Amendment A to the Resolve in favor of the town of Winthrop was adopted and the bill was passed to be engrossed as amended. There were clerical errors in the amendment, and I move that we reconsider the vote whereby the bill was passed to be engrossed.

The motion was agreed to, and on further motion by the same senator the vote was reconsidered whereby Senate Amendment A was adopted.

Mr. FARRINGTON: Mr. President, I move that we reject Senate Amendment A.

The motion was agreed to, and the same senator then offered Senate Amendment B (for the purpose of correcting a clerical error) and moved its adoption.

(The amendment was read by the secretary.)

The amendment was adopted and the bill as amended was passed to be engrossed.

On motion by Mr. Folsom of Somerset, An Act to amend Section 5 of Chapter 244 of the Revised Statutes, relating to the salary of the commissioner of inland fisheries and game, was taken from the table.

The same senator then offered Senate Amendment B.

The secretary read Senate Amendment B, which amended Section 5 of the bill by striking out the words "commencing January first, 1921."

Senate Amendment B was adopted and the bill as amended was passed to be engrossed.

Mr. Thombs of Penobscot, presented the following committee on conference report, under suspension of the rules:

The committee of conference on the disagreeing action of the two branches of the Legislature on An Act to divide the town of Wells and incorporate the town of Ogunquit, report that they are unable to reach an agreement upon the matter.

(Signed) Messrs. Thombs,

Sargent,

Emery,

on the part of the Senate.

Messrs. Smith,

Cordwell,

on the part of the House.

The report was accepted.

From the House: An Act to confer upon the State Highway Commission and municipal officers, the power of road commissioners in removing obstructions from highways.

The bill was read by the secretary.

On motion by Mr. Baxter of Sagadahoc, the rules were suspended and the bill without printing was given its second reading and was passed to be engrossed, in concurrence.

From the House: An Act to amend Section 7 of Chapter 363 of the Public Laws of 1919, relating to third class highways.

Under suspension of the rules, on motion by Mr. Adams of Kennebec, without printing, the bill was read twice and passed to be engrossed, in concurrence.

From the House: An Act to provide for the purchase or taking by process of law the toll bridge between the State of Maine and the

State of New Hampshire, extending from South Berwick in the State of Maine, to Dover in the State of New Hampshire, in conjunction with the State of New Hampshire.

On motion by Mr. Stevens of York, under suspension of the rules, the bill was read twice and passed to be engrossed, in concurrence.

From the House: Resolve for the repair and construction of certain bridges and ferries.

On motion by Mr. Baxter of Sagadahoc, under suspension of the rules, the bill was read twice and passed to be engrossed, in concurrence.

Mr. PARENT of Androscoggin: Mr. President, I move that we now recess until 8:45, homogenized ice-cream is being served in the House of Representatives and we are especially invited.

The motion was agreed to.

AFTER RECESS

Senate called to order by the President at 8:50 P. M.

From the House: An Act to increase the salaries of certain county officers and the amount of money allowed in certain county offices.

This bill was passed to be engrossed in the Senate; in the House Senate Amendment B was adopted.

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

House Amendment B was then adopted in concurrence and the bill as amended was passed to be engrossed, in concurrence.

From the House: H. D. 362, An Act to amend Sections 85 and 86 of the Revised Statutes, as amended by Chapter 229 of the Public Laws of 1917, Chapter 96 of the Public Laws of 1919 and Chapter 103 of the Public Laws of 1919, providing for an increase in the amount of

tuition to be paid by towns for second term pupils, and the amount of, State aid.

This bill was indefinitely postponed in the Senate, in non-concurrence with the House.

The House insisted upon its former action and asked for a committee of conference.

Mr. Clark of Lincoln moved that the Senate join a committee of conference.

Mr. HALL of Franklin: Mr. President, I understand this bill is one that simply gives to towns the right to pay sixty dollars, where under the old law it was fifty. If that is so I think it should be passed. From what information I got this afternoon it ought to have some consideration.

Mr. ALLEN of York: Mr. President, this bill is taken care of in the redistribution bill and is simply a repetition, and takes \$65,000 out of the distribution bill. It is already provided for in the other bill.

Mr. Clark withdrew his motion.

On motion by Mr. Gillin, the Senate voted to adhere and refused to join a committee of conference.

From the House: H. 454, An Act to provide for a full time State Highway Commission, amending Section 3 and Section 4 of Chapter 25 of the Revised Statutes, relative to State highways, and also mending Section 34 of Chapter 117 of the Revised Statutes, relating to the salary of the State Highway Commission.

This bill was passed to be engrossed by the Senate; the House adopted House Amendment C.

The vote was reconsidered whereby this bill was passed to be engrossed; House Amendment C was adopted in concurrence, and the bill as amended was passed to be engrossed.

The committee of conference on the disagreeing action of the two branches of the Legislature, on An

Act amending the charter of the
 • People's Ferry Company, reported
 that the committee recommended
 the passage of the act in a new
 draft, striking out all of Section 1.

(Signed) Messrs. Parent,
 Adams,
 on the part of the Senate.
 Messrs. Brewster,
 Fagan,
 Murray,
 on the part of the House.

The secretary read the new draft:
 "An Act amending the Private and
 Special Laws of 1885, relating to the
 charter of the People's Ferry Co."

The report was accepted and under
 suspension of the rules, without
 printing, the bill was read twice and
 passed to be engrossed.

The committee of conference on
 the disagreeing action of the two
 branches of the Legislature, on An
 Act to establish game preserves or
 sanctuaries in the State of Maine, reported
 that they were unable to
 reach any agreement thereon.

(Signed) Messrs. Adams,
 Thompson,
 Sargent,
 on the part of the Senate.
 Messrs. Viles,
 Crafts,
 Landers,
 on the part of the House.

On motion by Mr. Thompson, of
 Knox, the report of the committee
 was accepted.

The committee of conference on
 the disagreeing action of the two
 branches of the Legislature, on An
 Act to amend Section 8 of Chapter
 6 of the Revised Statutes, relating
 to ballots in primary elections, providing
 for the order of names for
 candidate on said ballots to be determined
 by lot (H. 352), reported that they
 were unable to agree.

(Signed) Messrs. Farrington,
 Allen,
 on the part of the Senate.
 Messrs. Viles,
 Holley,
 Wadsworth,
 on the part of the House.

On motion by Mr. Farrington of
 Kennebec, the report was accepted.

On further motion by the same
 senator the Senate voted to adhere
 to its former action.

The committee of conference on
 the disagreeing action of the two
 branches of Legislature, on An Act
 to authorize the division of towns
 having less than four thousand in-
 habitants into convenient polling
 places, reported a new draft under
 title of "An Act authorizing the di-
 vision of towns and cities into con-
 venient polling places, and that it
 ought to pass."

(Signed) Messrs. Spencer,
 Eaton,
 Bemis,
 on the part of the Senate.
 Messrs. Hinckley,
 Granville,
 on the part of the House.

On motion by Mr. Spencer of York,
 the report of the committee was ac-
 cepted.

On further motion by the same
 senator, under suspension of the
 rules, the new draft without print-
 ing was read twice and passed to be
 engrossed.

Papers from the House disposed of
 in concurrence.

From the House: An Act to es-
 tablish a commission of foreign and
 domestic commerce.

This bill was passed to be en-
 grossed in the Senate; in the House
 it was indefinitely postponed.

Mr. GOULD of Aroostook: Mr.
 President, that bill never went be-
 fore any committee, and I do not
 understand any reason that the
 House had for disposing of it in
 this way.

It is a new matter, just come up,
 and was handed to me by the Gov-
 ernor. I do not see any harm in it;
 it does not carry any appropriation;
 it is a commission of five men to
 be appointed without salary or even
 to be reimbursed for their expenses,
 or anything of that kind. It is con-

sidered by some to be a very important matter. I do not know anything about it.

If it is in order it would seem to me there might be a joint committee appointed to investigate it.

I move that the Senate insist upon its former action and ask for a committee of conference.

The motion was agreed to and the Chair appointed on such committee on the part of the Senate: Messrs. Gould, Gillin and Baxter.

From the House: Resolve for lighting the Narrows between the Lower and Upper Richardson lakes.

In the Senate passed to be engrossed; in the House it was indefinitely postponed.

Mr. FOLSOM of Somerset: Mr. President, I move that we concur with the House in the indefinite postponement of this bill.

The motion was agreed to.

THE PRESIDENT: We have never had legislation like this. The House has indefinitely postponed its bill.

Mr. EATON of Oxford: Mr. President, if I understand correctly, and also another one, it is taken care of under the blanket resolve for several lakes in the State.

From the House: Resolve in aid of navigation and lighting Long and Big Lakes.

This bill was passed to be engrossed in the Senate; indefinitely postponed in the House.

On motion by Mr. Eaton of Oxford, the bill was indefinitely postponed in concurrence.

From the House: Resolve in aid of navigation on Moosehead Lake.

In the House this bill was indefinitely postponed.

On motion by Mr. Eaton of Oxford, the bill was indefinitely postponed in concurrence.

From the House: Resolve in aid

of navigation in Schoodic lake in Washington county.

In the House this bill was indefinitely postponed.

On motion by Mr. Eaton of Oxford, the bill was indefinitely postponed in concurrence.

From the House: Resolve in aid of navigation on the Lower lakes.

In the House this bill was indefinitely postponed.

On motion by Mr. Eaton of Oxford, the bill was indefinitely postponed in concurrence.

Mr. THOMBS of Penobscot: Mr. President, I move that the Governor be requested to return to the Senate for further consideration,

Resolve in favor of the commissioners of pharmacy.

The motion was agreed to.

Mr. THOMBS: Mr. President and members of the Senate, in the absence of the senator from Aroostook, Senator Emerson, chairman of the appropriations committee, I am requested to make this motion. At the present time the board is provided with money in advance for the year, but it thought better for the board to do the work and put in a bill later. And inasmuch as this matter was taken up with Mr. Wardwell, the auditor, I move that the rules be suspended and that the Senate reconsider the vote whereby this resolve was passed to be engrossed.

The motion was agreed to and on further motion by the same senator the resolve was indefinitely postponed.

On motion by Mr. Garcelon of Androscoggin, it was

Ordered, that the secretary of Senate communicate with the Hon. Percival P. Baxter, the Hon. Charles E. Gurney, requesting their portraits so that the same may be framed and placed in the office of the President of the Senate.

From the House: A communication from his Excellency the Governor involving a veto message, on Resolve in favor of the State School for Boys for the construction of a central school building, with his objections thereto.

The message was read by the secretary.

(This message appears in the House Record.)

The PRESIDENT: The pending question is shall the resolve be finally passed notwithstanding the objections of the Governor?

Mr. GOULD of Aroostook: Mr. President and fellow senators, I dislike very much to get up here and oppose the opinion and will of the Governor, for I know he is honest in his convictions, and he ought to know more about this particular institution than I do, living so near it. But he put me on as chairman of that committee with the request that I use my best judgment and all my efforts to look into the four institutions which are strictly State institutions, as you all know.

There is a school for boys, a school for girls and two reformatories. I had a most excellent committee with me, and we went into this thing thoroughly with all these institutions. In fact, we have worked diligently all winter.

I want to say a word in regard to the school rooms. I was very glad that I was on this committee, although I was rather doubtful about my being able to act intelligently. Therefore I had to make quite a study of it. The school for the boys, the one under discussion, is one of the best organized and best conducted institutions I have ever seen. There are 160 boys there at the present time, and they are trained admirably. They are kept busy, kept well dressed, and are taken excellent care of in every respect, except their schooling. I think they lack proper school conditions there. There are four buildings in which these boys are kept, they eat, sleep and go to school all in the same

building. That is, each group in a building by itself. About forty are in each building.

Their school teachers are also compelled to live within the same building with the scholars. Every recreation, except for a little time they have outdoors, their schooling, their sleeping, and their food is all provided in this one building, or in the four buildings.

It does seem to me, as the teachers have all expressed themselves there, it would be very much better to have a separate school building. It does not seem right to keep the scholars and teachers all confined in one building, as you might say; each group of them.

We made this thing a through study. The committee were all agreed that they should have a separate schoolhouse.

It is proposed to build a one-story schoolhouse there, and they had an estimate made that this schoolhouse might cost \$25,000. I think Mr. Dunn, the superintendent, is a very good judge, and his estimate was verified by some of our committee who had more or less experience in building all their lives. I do not think there is any doubt that the \$20,000, with the help of these boys will build the schoolhouse. These boys are quite ingenious. They have done a lot of work on the farm and around the buildings, and have learned a great deal in regard to carpenter work and electrical wiring, and they are quite efficient in several of what you might call trades. I have not any doubt, and I am voicing the whole committee, when I say that \$20,000 spent for material and some of the expert services, might be sufficient.

I am somewhat acquainted with the building business, having done quite a bit of it. And I would not be afraid to vouch for Mr. Dunn doing this for what he says he can do it for. This is the only thing he has asked for except the regular maintenance estimate. Here in this Senate, and every one with whom I have talked

has seemed to feel that this is a very necessary building for the scholars.

They have the scholars graded as to ages, partially, but more than that as to their capability, and for the studies they are capable of attending.

One hundred and eight of these boys enlisted and went to war. They were all good service men. Several of them were killed, but those hundred and eight served with distinction, and I think that shows they have been well trained, and need all the encouragement for schooling that they can have.

They are as nice a set of boys as you would find in any community, any school, I don't care where, in this State, and this school building is a very necessary addition to that institution if I am any judge. The budget committee recommended \$190,501. That included the maintenance and \$25,000 for the school building. We found that they needed \$5,000 more for maintenance than the budget recommended on account of services they were obliged to procure there, but that has not been equalized, as to the payment for their services, and it will take about \$5,000 more than the estimate gave to equalize, and make a proper payroll. So that we take \$5,000 off the school building and apply it to the payroll, as you might say. This \$25,000 or \$20,000 that we have recommended is the only thing that this particular institution asks for outside of the maintenance account.

The reformatory for men asked for about \$150,000 more than we gave them. The reformatory for women we cut down substantially and cut out everything we thought they could possibly get along without. By figuring this thing out, and consulting with the managers of the different concerns, we have saved out of the budget \$95,477.50. That is, we are recommending that much less than the budget called for. And we think if we had to take out another \$20,000 for that school, and make it \$115,000, we would be cutting them pretty hard. We think we are giving them just about what they can get along

with for the next three periods, for these one hundred and sixty children, the best trained set of boys, as I have said, that I ever had occasion to meet. They look bright and smart and kept well trained, and as a whole they will compare favorably with any of the academies in the State.

The bill was sent back to the House by the Governor, and as you remember 123 members voted upon the passage of this bill. They feel that this school is necessary. If this Senate feels the same way I shall expect you to vote to have this passed over the veto. I hope you will so vote.

I do not make this talk to influence any of the Senators. I want you to follow your own judgment, I have given you the best of my ability in figuring this out and my honest judgment in the matter.

Mr. SPRAGUE of Piscataquis: Mr. President, I also served on that committee with Senator Gould, who is a very admirable chairman. As he has stated to you, we took especial pains to cut down and pare down as much as possible the other institutions. In the one item of the men's reformatory we saved the State about \$150,000, but all of us were unanimous. We had a full meeting. We had Mr. Dunn, who is one of the best men in this State in any of these institutions, we had him before us and he laid his cards on the table. We had all the facts and all the particulars in regard to it. And we were unanimous in our opinion that that was necessary and essential. Those unfortunate boys are the wards of this State. Mr. President, a man born in affluence cannot understand the experience and the hard paths that the poor boy has,—and especially if they have fallen out of the straight path as those boys have by their unfortunate environment,—he cannot understand the conditions, the wants and the demands of those poor boys. I was born in poverty and graduated from the university of hard knocks, and my heart goes out to those boys. They are our wards. It is our duty to treat them as though they were our

own flesh and blood, and I sincerely hope that you will vote to pass this bill regardless of the veto, as much as I respect the Governor and try to co-operate with him in every possible way. I have a great deal of feeling about this matter myself, because I know and realize that a school-room is needed. They need the influence and the inspiration of a school-room there by themselves. They are now herded in these little cottages. They are clean, perhaps, and all that, but it is not a school-room, and I say they are entitled to the inspiration that they would get from a school-room as well as the more fortunate boys born of rich people.

I certainly hope, Mr. President, that this will prevail.

Mr. MORRILL of Cumberland: Mr. President, may I inquire through the Chair, how much money this calls for and what it is for?

The PRESIDENT: It is for a central school building at the State School for Boys at South Portland.

Mr. GOULD: With the aid of the boys in doing the work this building was estimated to cost \$20,000.

The pending question being: Shall the resolve be passed notwithstanding the objections of the Governor?

The Secretary called the roll.

Those voting yes were Messrs. Clark, Eaton, Emery, Folsom, Gillin, Gould, Holt, Sargent, Sprague, Stevens, Tuttle,—11. Those voting no were Messrs. Adams, Allen, Baxter, Bemis, Clement, Cobb, Farrington, Garcelon, Hall, Morrill, Parent, Putnam, Spencer, Thombs, Thompson,—15.

Eleven senators voting yes and fifteen voting no the veto of the Governor was sustained and the resolve failed of passage.

Communication from the Secretary of State

State of Maine
Office of the Secretary of State
Augusta, Maine, April 8, 1921.

To the President of the Senate and Speaker of the House of Representatives.

Gentlemen: In accordance with the requirements of Section 4 of Chapter 1 of the Revised Statutes, I have the honor to notify you that the Public Acts, a list of which is hereby attended, have been approved by the Governor.

Very Respectfully
Your Obedient Servant
FRANK W. BALL,
Secretary of State.

Placed on file.

Passed to Be Enacted

An Act to Amend Sections 4 and 6 of Chapter 262 of the Public Laws of 1917, Relating to fees of City Clerks.

An Act to Grant a New Charter to the City of Portland.

An Act to Fix the Salaries of Justices of the Superior Courts, Amending Section 6 of Chapter 117 of the Revised Statutes, Section 9 of Chapter 260 of the Public Laws of 1917 and Section 9 of Chapter 10 of the Public Laws of 1919.

An Act to Amend Chapter 2, Section 57 of the Revised Statutes, Relating to Bond of State Treasurer.

Finally Passed

Resolve appropriating money to aid in the screening of certain lakes and ponds.

Resolve in favor of E. W. Peaslee, Secretary of State Prison Committee, for expenses incurred in connection with visit of said Committee to State Prison at Thomaston on February 14th, 1921.

Resolve in favor of Anne M. Clancy.

Mr. FARRINGTON of Kennebec: Mr. President and Mr. Secretary, I am very sure there is no senator here in the chamber, and any person who was ever privileged to witness the proceedings of this Senate, but does not appreciate the unflinching tact, courtesy and marked ability of the senator who has presided over our deliberations. And I am very sure that no man ever presided or ever will preside over the Maine Senate with more marked distinction than our own President.

And Mr. Secretary and members of the Senate, I move that the gavel which he has so gracefully and courteously wielded through the session be presented to our President.

The SECRETARY: The senators here the motion. Is it the pleasure of the Senate, and if so please manifest it by a rising vote.

The motion was adopted by unanimous rising vote amidst applause.

The PRESIDENT: Fellow Senators, I have already exhausted my vocabulary of thanks, by reason of your great generosity of the morning, and I am reminded of what the Psalmist David said on the top

of the mountain—"my cup runneth over."

I think at this time we can say that the only matter left remaining is the bill tabled by the senator from York, Senator Allen, of which the words are applicable of Longfellow in the poem on Paul Revere, "Lonely and spectral and sombre and still."

Final adjournment will be delayed until the distinguished senator from York shall have disposed of that particular matter.

On motion by Mr. Clark of Lincoln, adjourned until tomorrow morning at nine o'clock.