

MAINE STATE LEGISLATURE

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



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

Legislative Record

OF THE

Eighty-First Legislature

OF THE

STATE OF MAINE

1923

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, March 14, 1923.

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

Prayer by Representative Wills of Salem.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bill in First Reading

Senate 105. An Act to amend Section 30 of Chapter 56 of the Revised Statutes, as amended by Chapter 76 of the Public Laws of 1917, and by Chapter 53 of the Public Laws of 1919, relating to branch railroad tracks

From the Senate: Bill An Act to amend Section 2 of Chapter 319, Public Laws of 1915, as amended by Chapter 243, Public Laws of 1919, relating to State and county aid in the construction of highway bridges.

This was passed to be engrossed as amended by House Amendment A in the House March 9.

In the Senate, passed to be engrossed, without the amendment, in non-concurrence.

In the House, on motion by Mr. Granville of Parsonsfield, it was voted that the House recede from its former action, and concur with the Senate in the rejection of House Amendment A, and the bill was passed to be engrossed in concurrence.

Reports of Committees

Mr. Gillespie from the committee on agriculture on bill An Act relating to the packing and grading of apples, reported that 500 copies of the same be printed and the bill recommitted.

Report read and accepted and the bill ordered printed and recommitted.

Mr. Houghton from the committee on appropriations and financial affairs on resolve in favor of the Knox Academy of Arts and Sciences, a corporation organized and existing under the laws of the State of Maine, located in Warren, in said State, reported that legislation thereon is inexpedient.

Mr. White from same committee reported ought not to pass on resolve in favor of an appropriation of \$25,000 for the erection of a granite memorial

monument at ancient Koussinoc on the east side of the Kennebec river in the city of Augusta, Maine, in memory of the Mayflower Pilgrims, original owners of the land on which the State House and the city of Augusta now stand.

Mr. Saunders from the committee on judiciary on resolve authorizing Michael Burns to bring a suit at law against the State of Maine reported that same be referred to the committee on legal affairs.

Same gentleman from same committee reported ought not to pass on bill An Act to amend Section 6 of Chapter 72 of the Revised Statutes relating to notice of guardianship proceedings.

Mr. Wing from same committee reported same on bill An Act to amend Section 5 of Chapter 68 of the Revised Statutes relating to notice of hearing on petitions for probate of wills.

Mr. Archibald from same committee reported same on bill An Act to amend Section 51 of Chapter 67 of the Revised Statutes relating to courts of probate.

Mr. Saunders from same committee reported same on bill An Act regarding the license fees of motorcycles and motorcycle side cars.

Mr. Nichols from same committee reported same on bill An Act to amend Section 18 of Chapter 68 of the Revised Statutes relating to granting of administration on estates of deceased persons.

Same gentleman from same committee reported same on bill An Act additional to and amendatory of Chapter 139 of the Revised Statutes, as amended by Chapter 88, Public Laws of 1917, relating to transfer of insane or feeble minded inmates.

Mr. Holmes from the committee on legal affairs on bill An Act to amend Section 7 of Chapter 140 of the Revised Statutes relating to accounts of agents appointed to receive fugitives from justice, reported that legislation thereon is inexpedient.

Same gentleman from same committee reported ought not to pass on bill An Act to amend Section 9 of Chapter 143 of the Private and Special Laws of 1921, relating to the Lewiston city auditor.

Mr. Clarke from same committee reported same on bill An Act relating to insolvency court.

Mr. Siddall from same committee re-

ported same on bill An Act to repeal Chapter 138 of the Public Laws of 1895, entitled "An Act to authorize the appointment of commissioners for the promotion of uniformity of legislation in the United States."

Mr. Clarke from same committee reported same on bill An Act to incorporate Gray Village Corporation.

Mr. Hale from same committee reported same on bill An Act to amend Chapter 126 of the Revised Statutes, relative to proof of marriage in criminal cases.

Mr. Siddall from same committee reported same on bill An Act to secure prosecution against bail in criminal cases.

Same gentleman from same committee reported same on bill An Act relative to material witnesses and bail in criminal cases.

Reports read and accepted and sent up for concurrence.

Mr. Phillips from the Committee on Appropriations and Financial Affairs on Resolve in favor of H. G. Smallidge for services at the organization of the House at the 81st Legislature, reported same in a new draft under same title and that it "ought to pass."

Mr. White from same Committee on Resolve in favor of the Bath Military and Naval Orphan Asylum, reported same in a new draft under same title and that it "ought to pass."

Mr. Johnson from same Committee on Resolve in favor of William A. Heal, Secretary of Committee on Sanatoriums, reported same in a new draft under same title and that it "ought to pass."

Mr. Saunders from the committee on judiciary on bill, An Act to amend Section 51 of Chapter 82, the Revised Statutes, as amended by Chapters 73, 211 and 227 of the Public Laws of 1921, relating to trial terms of the Supreme Judicial Court, reported same in a new draft under same title and that it ought to pass.

Mr. Maher from same committee on bill An Act to amend Section 116 of Chapter 4 of the Revised Statutes, pertaining to the right to kill dogs, reported same in a new draft under same title and that it ought to pass.

Mr. Hale from same committee on bill, An Act to provide for the licensing, inspection and regulation of hotels and private lodging houses, reported same in a new draft under same title and that it ought to pass.

Reports read and accepted and the

new drafts ordered printed under the joint rules.

Mr. Phillips from the committee on appropriations and financial affairs reported ought to pass on resolve appropriating money for the Maine School for the Deaf.

Mr. Holmes from the committee on legal affairs reported same on bill to authorize the city of Lewiston to issue bonds for the construction of an Armory in said city.

Mr. Dunn from the committee on ways and bridges reported same on bill, An Act to authorize the town of Southport to construct a bridge over the tide waters to Joe Island Cut.

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

Mr. Maher from the committee on judiciary reported ought to pass on bill, An Act to amend Section 36 of Chapter 67 of the Revised Statutes, relating to jury trials in Probate appeals.

Report read and accepted and the bill having already been printed (House Document No. 153) was read twice under suspension of the rules and tomorrow assigned.

Mr. Clarke from the committee on legal affairs reported ought to pass on bill An Act to amend Chapter 112 of the Public Laws of 1919, relative to disorderly houses.

Report read and accepted and the bill having already been printed (House Document No. 203) was read twice under suspension of the rules and tomorrow assigned.

First Reading of Printed Bill

House 373: An Act to establish a close time on lobsters from a point in a straight line from Bear Cove on the western side of Petit Manan Point to Little Black Ledge directly north of Moulton's Ledge Spar Bouy to the Schoodic Island Whistling Buoy.

Passed to be Engrossed

House 333: An Act to incorporate the Fall Brook Improvement Company.

House 335: An Act to amend Section 19 of Chapter 5 of the revised statutes, as amended by Chapter 69 of the Public Laws of 1917, and Chapter 171 of the Public Laws of 1921, relating to the duties of boards of registration of voters.

House 336: An Act to amend Section 58 of Chapter 87 of the revised

statutes, relative to the setting aside of jury verdicts by a single justice.

House 337: An Act to amend Section 7 of Chapter 95 of the revised statutes, as amended by Chapter 47 of the Public Laws of 1921, relating to the foreclosure of mortgages.

House 338: An Act to amend Chapter 136 of the Public Laws of 1921, relating to night fishing in certain waters of Kennebec County.

House 341: An Act to amend Section 49 of Chapter 211 of the Public Laws of 1921, relative to the weight of heavy vehicles

House 344: An Act for the better protection of smelts in the Damariscotta River.

House 345: An Act to amend Section 19 of Chapter 98, Public Laws of 1921, relating to suspension and revocation of lobster licenses.

House 346: An Act to repeal Chapter 14 of the Public Laws of 1921, relating to the protection of deer in the town of York.

House 347: An Act to repeal Chapter 183 of the Public Laws of 1919, entitled, "An Act to assist in the commercial utilization of dog fish."

(Tabled by Mr. Rogers of Rockland, pending passage to be engrossed.)

House 348: An Act to repeal Chapter 151 of the Public Laws of 1919, providing for the collection of agricultural statistics by assessors.

House 350: An Act to amend Paragraph LX of Section 6 of Chapter 10 of the Revised Statutes, as amended by Chapter 105 of the Public Laws of 1919, as further amended by Chapter 119 of the Public Laws of 1921, relating to exemption from taxation of the estate of War Veterans.

House 351: An Act to amend Section 25 of Chapter 124 of the Revised Statutes, relating to penalty for falsely assuming to be an officer.

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

House 353: An Act to amend Section 19 of Chapter 37 of the Revised Statutes, relative to the sale of milk.

(Tabled by Mr. Crafts of Greenville, pending passage to be engrossed.)

House 354: An Act to amend the Charter of the city of Calais, providing for the election of a City Manager.

House 356: An Act to regulate the sale of vinegar.

House 357: An Act to amend Section 9 of Chapter 219 of the Public Laws of 1917, relating to the screening of lakes and ponds.

House 358: An Act to amend Section 52 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 196 of the Public Laws of 1919, relating to the setting of traps in organized or incorporated places.

House 359: An Act to amend Section 18 of Chapter 45 of the Revised Statutes, as amended by Section 2 of Chapter 98 of the Public Laws of 1921, relating to the issuing of lobster licenses.

House 361: An Act to amend the Charter of the city of Eastport.

House 366: An Act to amend Section 84 of Chapter 16 of the Revised Statutes, relating to contracts with academies.

House 367: An Act to amend Section 91, Chapter 53, Revised Statutes, as amended by Chapter 39, Public Laws of 1919, relating to annual statement of conditions of Insurance Companies, and providing a penalty for neglect to file the statement.

House 371: An Act to amend Section 27 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 by Chapter 218 of the Public Laws of 1921, relating to use of traps, spears, and nets in taking fish in inland waters.

House 372: An Act to incorporate the Yarmouth Water District.

House 334: Resolve appropriating money to set forth the natural agricultural, industrial and recreational advantages of the State of Maine.

(Tabled by Mr. Downing of Bangor pending passage to be engrossed.)

House 339: Resolve in favor of Leslie E. Jacobs, Secretary to committee on State Reformatories and State Schools, expense as per schedule visiting the institutions.

House 340: Resolve appropriating money for the care, maintenance and repairs of Fort William Henry in the town of Bristol.

House 352: Resolve providing for aid in the payment of premiums awarded by the Houlton Agricultural Society.

House 360: Resolve appropriating money for the purpose of operating the Fish Hatcheries and Feeding Stations for Fish for the protection of fish, game and birds and for printing the report of the Commissioner of Inland Fisheries and Game and other expenses incident to the administration of the Department of Inland Fisheries and Game.

House 362: Resolve providing a State Pension for Jane Anne Sewall of York.

House 363: Resolve providing a State Pension for Ada M. Cowan of Sidney.

House 364: Resolve for increase of Pension of Sarah J. Everson.

House 365: Resolve in favor of Wilmore Quimby of Haynesville for State Pension.

House 368: Resolve in favor of Blanch A. Grant for State Pension.

House 369: Resolve providing a State Pension for Hattie C. Knowlton of Liberty.

House 370: Resolve creating a State Pension for John B. Wallace of Lubec.

Mr. DOUGLAS of Lamoine: Mr. Speaker, I move that we reconsider the vote whereby we this morning tabled House Document No. 334, Resolve appropriating money to set forth the natural agricultural, industrial and recreational advantages of the State of Maine.

The SPEAKER: The Chair will rule that a motion to reconsider a vote whereby a matter has been tabled is not in order. The same result would be obtained by taking it from the table, hence the ruling.

Mr. DOUGLAS: I move, then, Mr. Speaker, that it be taken from the table and passed.

The SPEAKER: The gentleman from Lamoine, Mr. Douglas, moves that the resolve tabled by the gentleman from Bangor, Mr. Downing, this morning, relating to publicity work, be taken from the table. Is this the pleasure of the House?

A viva voce vote being doubted,

A division of the House was had,

Sixty-three voting in the affirmative and 51 in the negative, the motion to take from the table prevailed.

On further motion by Mr. Douglas of Lamoine, the resolve was passed to be engrossed.

Passed to be Enacted

(Emergency Measure)

An Act to provide for an issue of State highway and bridge bonds.

The SPEAKER: This being an emergency measure, and requiring under the Constitution the affirmative vote of two-thirds the entire membership of this House on its passage to be enacted, all those who are in favor of the passage of the bill to be enacted will rise and stand in their places until counted, and the monitors will return the count.

A division being had,

One hundred and thirty-one voted, and all in the affirmative, so the bill was passed to be enacted.

Finally Passed

(Emergency Measure)

Resolve in favor of a bridge between Howland and Enfield.

The SPEAKER: This being an emergency measure, and requiring under the Constitution the affirmative vote of two-thirds the entire membership of this House on its final passage, all those who are in favor of the final passage of the resolve will rise and stand in their places until counted, and the monitors will return the count.

A division being had,

One hundred and twenty-four voted, and all in the affirmative, so the resolve was finally passed.

(Emergency Measure)

Resolve for the laying of the county taxes for the year 1923.

The SPEAKER: This being an emergency measure, and requiring under the Constitution the affirmative vote of two-thirds the entire membership of this House on its final passage, all those who are in favor of the final passage of the resolve will rise and stand in their places until counted, and the monitors will return the count.

A division being had,

One hundred and thirty-two voted, and all in the affirmative, so the resolve was finally passed.

Passed to be Enacted

An Act to create the Kennebec Reservoir Company and define the powers thereof.

An Act to incorporate the Auburn Water District.

An Act to amend Section 4 of Chap-

ter 197 of the Public Laws of 1917, as amended, relating to the State Department of Health.

An Act to amend an Act to provide a charter for the city of Gardiner, as amended by Chapter 126 of the Private and Special Laws of 1917.

An Act to amend Sections 1 and 7 of Chapter 182 of the Public Laws of 1919, relating to commitments to the State Reformatory for Men.

An Act to amend Chapter 352 of the Private and Special Laws of 1905, as amended by Section 4 of Chapter 357 of the Private and Special Laws of 1909, relating to the Caribou municipal court.

An Act to amend Chapter 206 of the Private and Special Laws of 1907, relating to the West Branch Driving and Reservoir Dam Company.

An Act to amend Section 33 of Chapter 81 of the Revised Statutes, relating to notice of sale.

An Act to amend Section 109 of Chapter 16, Section 33 of Chapter 40, Section 52 of Chapter 82 and Section 52 of Chapter 82 and Section 82 of Chapter 86 of the Revised Statutes, relating to Armistice day, November 11th.

An Act to amend Section 7 of Chapter 117 of the Revised Statutes, as amended, relating to compensation of Judges upon retirement.

An Act to amend Section 45 of Chapter 117 of the Revised Statutes, as amended by Chapter 214 of the Public Laws of 1919 and Chapter 219 of the Public Laws of 1921, relating to clerk hire in office of register of probate in Washington county.

An Act to amend Section 49 of Chapter 219 of the Public Laws of 1917, relating to the protection of wild hares or rabbits.

An Act relating to taking of clams in Machiasport.

An Act relating to the Good Templars' Hall in Dexter.

An Act to repeal the Act Incorporating the town of Forest City.

An Act to amend Section 40 of Chapter 127 of the Revised Statutes, as amended by Chapter 108 of the Public Laws of 1919, relating to prosecutions for violation of the Intoxicating Liquor Laws.

Finally Passed

Resolve in favor of John A. McDonald, Secretary of the committee on Insane Hospitals, for committee expenses.

Resolve authorizing and directing the Governor and Council to convey certain land in Monmouth to the town of Monmouth.

Resolve for the laying of the county taxes for the year 1924.

Resolve in favor of Charles E. Bradford, for State Pension.

Resolve providing for the purchase of History of Aroostook.

Resolve in favor of Olive E. Brann of Augusta for State Pension.

Resolve increasing the State Pension of Meldon Nealley of Brewer.

Resolve increasing the State Pension of Catherine Nelligan of Brewer.

Resolve in favor of the National Conference of Commissioners on Uniform State Laws and of the Commissioners from Maine for the Promotion of Uniformity of Legislation in the United States.

Resolve in favor of Alonzo E. Peabody, of Dixmont, for State Pension.

Resolve for State Pension for Annie D. McLean.

Resolve for State Pension in favor of Rena Cooley.

Orders of the Day

The SPEAKER: Under orders of the day, the first thing we have to act upon is that which is assigned for today, namely, veto message of the Governor on Resolve to place flags of Maine in the World War in the Hall of Flags, tabled by the gentleman from Biddeford, Mr. Nadeau, on March 8, pending action of the House upon the veto message. The Chair recognizes the gentleman from Biddeford, Mr. Nadeau.

Mr. NADEAU of Biddeford: Mr. Speaker and gentlemen of the House. I do not believe that it will be necessary to say much on this measure. We are informed by the Governor that the money question is taken care of but, nevertheless, the will of this Legislature having been shown by a rising vote—that we appreciated what the boys had done and wished to have the flags placed in the rotunda, I believe that we should uphold our rising vote.

Mr. WING of Auburn: Mr. Speaker and members of this House, if you will turn to House Document Number 343 you will be able to read the veto message of the Governor—

House Document number 343—and in it the executive branch presumes to say to the legislative branch that we had no right, and not even the privilege, of inaugurating this resolve and this kind of legislation. The Governor of this State says to this branch and to this Legislature, "This resolve would have been in order and I would have given it my approval if I had not already attended to it. More than a year ago I formulated plans to procure," etc. Now the Constitution of this State provides, under Article Three, for a distribution of power, that the powers of this government shall be divided into three distinct departments, the executive, the legislative and the judicial, and it provides, under Section Two, that "No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the other sides, except in the cases herein expressly directed or provided."

Under Article Five you will find a description of the executive powers and you may read there, that "the Governor shall, from time to time, give the Legislature information of the condition of the State and recommend to their consideration such measures as he may deem expedient." It is here, gentlemen, that law originates, and authority for executive acts originates; in this room, and not in the other end of this State House.

Now the Governor has said that more than a year ago he formulated these plans, and certainly it was before this Legislature convened that he had these plans formulated, and yet you can search his inaugural and find no disposition of this public property, so that this rather unique veto message raises a very distinct and interesting question as to the right of the executive department and the right of the legislative department, and I ask you, gentlemen, whether this House shall supinely yield and cringe before the Executive or whether we shall insist upon our undoubted right and our undoubted privilege to initiate and carry through legislation that has to do with public property.

Now this interests me purely as a legal proposition. We see constantly the encroaching power of the executive at the expense of the legislative power, and here is a place, right here and

now, where we can test whether the legislative power which reflects the people who are the representatives of the people, are the originators of the law, and, gentlemen, I hope that this House, having stood up and un-animously passed this resolve, will again stand and unanimously pass this resolve over the veto of the Governor. (Applause).

The SPEAKER: The question is a Constitutional one and requires a yea and nay vote. The question before the House is, shall this resolve become a law notwithstanding the objections of the Governor. Those in favor of the resolve so becoming a law will answer yes when their names are called; as many as are opposed will answer no. Is the House ready for the question?

The question being called for, the yeas and nays were ordered.

YEA — Adams, Liberty; Adams, Litchfield; Archibald, Atwood, Ayer, Baker, Martlett, Hanover; Barwise, Benoit, Bickford, Bisbee, Blaisdell, Boulter, Bradbury, Brett, Brewster, Brown, Burns, Cates, Chalmers, Cherry, Clarke, Conant Crafts, Crowley, Cummings, Curtis, Dain, Dilling, Douglas, Downing, Dudley, Dunbar, Dunn, Edwards, Farley, Fickett, Finnell, Foss, Gagne, Gagnon, Gamage, Gardiner, Gile, Gillespie, Gilmour, Goldthwaite, Gordon, Granville, Greenleaf, Hale, Hallett, Hamilton, Hammond, Hayes, Chelsea; Hayes, Gorham; Hayford, Heal, Hodgkins, Holmes, Houghton, Hutchinson, Jewett, Johnson, Jones, Jordan, Cape Elizabeth; Jordan, Westbrook; Keef, Keene, Kitchen, Knight, Lamson, Leathers Leland, Littlefield, Lord of So. Portland, Lord of Wells, Ludgate, Macomber, Maher, Martin, McDonald, McIlheron, Melcher, Moody, Morse of Bath, Nadeau, Nevins, Newcomb, Nichols, Nickerson, O'Connell, Overlock, Palmer, Pendleton, Perry, Phillips, Pierce, Pinckham, Piper, Plummer, Ramsdell, Ranney, Ray, Reed, Rogers, Rounds, Rowell, Sanders, Saunders, Sayward, Siddall, Small, Sparrow, Staples, Stevens, Stitham, Storm, Story, Stratton, Teague, Thomas of Chesterville, Thomas of Leeds, Tilden, Towne, Weeks, White, Whitney, Willis, Wing, Winn, Winslow, Wood —133.

NAY—Bekett, Sturgis, Tarr, Williams—4.

ABSENT—Bartlett of Waterville, Belliveau, Boman, Drake, Gauvin, Hobbs, Jacobs, Morrison, Morse of Greene, Oakes, Owens, Perkins, Smith —13.

The SPEAKER: One hundred and thirty-three having voted in the affirmative and four in the negative, the objections of the Governor are not sustained.

On motion by Mr. Chalmers of Bangor, it was voted to take from the table House Document No. 230, Resolve in aid of navigation on Moosehead Lake, tabled by that gentleman, March 7, pending second reading; and on further motion by the same gentleman the resolve received its second reading and was passed to be engrossed.

Mr. CHALMERS of Bangor: Mr. Speaker, I move that we reconsider our action this morning whereby we receded and concurred with the Senate in the rejection of House Amendment A to House Document No. 191.

The SPEAKER: The bill is an act to amend Section two of Chapter 319, Public Laws of 1915, as amended by Chapter 243, Public Laws of 1919, relating to State and county aid in the construction of highway bridges. This was passed to be engrossed as amended by House Amendment A in the House March 9. It comes from the Senate passed to be engrossed in non-concurrence, without the amendment, and in the House this morning, on motion by Mr. Granville of Parsonfield, the House receded and concurred with the Senate in their action. The motion of the gentleman from Bangor, Mr. Chalmers, now is that we reconsider the vote whereby we receded and concurred with the Senate. Is it the pleasure of the House that we reconsider?

Mr. GRANVILLE of Parsonfield: Mr. Speaker and gentlemen; I was waiting for the gentleman from Bangor (Mr. Chalmers) to make any remarks on this matter that he might care to make, but I would like to say that this House Document is in itself an amendment to the Bridge Law. It does not really change the functions of the law in any respect but there were certain parts of that law that were not entirely clear, so they have been taken out of it in this action. This law provides state and county aid to towns in the construction of bridges, and it states that in the first instance the town has to apply to the county commissioners and the highway commission for aid in building a bridge. A preliminary survey is made and then the town,

the county and the highway commission are a committee to decide whether the suggested bridge shall be built, what its type of construction shall be, and as to the letting of the contracts. That is the wording of the law as it now stands or did stand before this bill, which is an amendment to this law, was presented.

This bill as it is, merely states that the town shall have one vote, the county one vote, and the state one vote, meaning that the three selectmen of the town—or board of aldermen if it is a city—shall have collectively one vote, the county commissioners shall have one vote for the county, and the State Highway Commission one vote for the State. The reason that this act was presented was due to the fact that certain abuses had arisen because it was not clear. The evident intent of the bill was, in the first place, that the State, county and town should all have one vote, but it was interpreted and acted on so that if there were three selectmen of the town present, one member from the county commission and one from the State Highway Commission, the town could outvote both of the others by having three votes to their one, which was never the intent at all. This amendment is designed to remedy that and make certain the original intent of the bill.

This House Amendment A, which is under consideration and discussion at the present time, states that it must be unanimous, that all three must vote for a bridge, for all types of construction, and for letting the contracts, or else the law is non-effective. Now we will suppose that the highway commission desired to build some other bridge besides yours or mine, in some other location. They can hold us up and we never could get a bridge, or the county, or somebody in the town. The town is amply protected now because they have got, in the first instance, two initiatives. By applying for State aid for its bridge, the town initiates it. It has a referendum on this, and the county nor the State cannot force a bridge on the town, because until the town appropriates the money it is not effective.

This is for the aid of the town. The town is amply protected, and I can see where this law will become non-operative in many instances if this is taken up. I can see no reason for

this amendment, and it will only work an injury in a great many instances.

Mr. CHALMERS of Bangor: Mr. Speaker and gentlemen of the House; I felt, when I put in this amendment, that if a town really needed a bridge they could get one with an unanimous vote, but in the past it has been that the highway commission and the town have simply saddled quite a burden on the county, so that in our own particularly county our bridge bonds are mounting higher and higher each year, and I understand it is the same way in other counties. That was the reason for my amendment and I still feel that any town, if it wants a bridge, can get a unanimous decision if it is needed, but perhaps the unanimous decision might curtail the price of the bridge and not saddle so much expense on the county.

The SPEAKER: The question is on the motion of the gentleman from Bangor, Mr. Chalmers, that we reconsider the vote whereby the House receded and concurred with the Senate.

Mr. PHILLIPS of Orrington: Mr. Speaker and members of the House: May I say just a few words on this amendment? The gentleman from Parsonsfield (Mr. Granville) sees things in this amendment that I wish I could see for sure, and then I would be for it with both hands. He thinks that there is a possibility that some of these bridges might be held up. I sincerely hope that that amendment might work out that way. Our county, especially, is up against a pretty hard proposition. We have, at the present time, a bonded indebtedness of \$57,000 for bridge bonds, with \$34,000 more for the coming year to be constructed, and there was a hearing the other day which, if it decided to build a certain bridge, will call for \$34,000 more.

Now it does not seem to me that if this amendment prevailed, requiring unanimous consent,—I have not a doubt in my mind but what the bridges would be built if necessary, but it seems to me that it might work out that there would be a little more hesitancy on the part of the towns and the State, to jump into these bridges without a little more consideration. There is no question but what the bridges have been saddled on to the counties, and sometimes onto the towns, where perhaps they could have got along longer or

else less expensive bridges could have been built, and I cannot see where there would be any objection—it seems to me that it would be sound business, if a bridge is to be built, to have the unanimous consent of your State, county and town.

I can seem to see that if the town of Orrington wishes a bridge built, and they stand in pretty clever with the highway commission, I can seem to see whereby the town or Orrington and the highway commission can build a bridge, and what has the county to say? Nothing, but of course there are more county bonds and, of course, that adds to our indebtedness, and I hope, gentlemen, that this amendment will be adopted.

Mr. CHERRY of Eastport: It occurs to me, Mr. Speaker, that this matter may be a little more clear to some of us, and it would be a source of pleasure and probably information to myself, if the amendment were read.

The SPEAKER: The gentleman from Eastport, Mr. Cherry, asks for a reading of the amendment. The gentleman from Rockland, Mr. Rogers, supports the motion of the gentleman from Eastport, Mr. Cherry, in asking for a reading of the amendment.

Mr. ROGERS of Rockland: Yes, Mr. Speaker.

The SPEAKER: The clerk will read the amendment.

(The clerk reads Amendment A.)

Mr. ROGERS of Rockland: Mr. Speaker and gentlemen of the House: I cannot enter into the merits or demerits of this bill or the amendment to it, but I think that something should be done. Now in our county we have had two bridges built within the last few years and it has been a big expense to the county. Two little towns have had bridges built by their vote, and the city that I represent pays one-third of the taxes of the county, but over one-third of the people had not voted on it. However, it has put a big bill on our county and there is no appropriation made to cover it, and the county commissioners would have to go out and borrow the money to put up with the State. It was not a matter they could get over. The highway commission said the bridge must be built and the county had to find the money.

Now, if there is any way to fix this so that the county could have some-

thing more to say about it, I think it should be done.

Mr. ARCHIBALD of Houlton: Mr. Speaker, I would like to inquire, through the Chair, of the gentleman from Parsonsfield, Mr. Granville, if there is any merit in the criticism that I have heard made of this amendment, to the effect that if this amendment were adopted it would in any way operate as a trig in the way of State aid for the road-building program.

The SPEAKER: The gentleman from Parsonsfield, Mr. Granville, may answer the question asked through the Chair by the gentleman from Houlton, Mr. Archibald, if he wishes.

Mr. GRANVILLE: Mr. Speaker, I do not know that I just get the purport of the gentleman's question.

The SPEAKER: The gentleman from Houlton, Mr. Archibald, will kindly state his question again.

Mr. ARCHIBALD: I understand, Mr. Speaker, that a criticism has been made of this amendment to the effect that if it were adopted, that through the arbitrary action of either the county commissioners or the municipal officers, a situation might arise whereby the State highway commission could keep back from the towns their State aid money on the general road building program.

The SPEAKER: The gentleman from Parsonsfield, Mr. Granville, may answer through the Chair.

Mr. GRANVILLE: Mr. Speaker, I do not think there is any reason. No, I do not think they could. The money that is applicable under this bridge law comes from the bonds, it is bond money; and under our amendment we passed here this morning, our bond bill authorized the issuance of the remainder of the bonds under the last constitutional amendment and specifically stated under that, that a portion of the money shall be used for carrying out the provisions of the bridge bill. Now the State aid money comes from an entirely different source. I think that the criticisms, or the objections, I will say, that the supporters of this amendment to this bill have, are not to the unanimity of the parties concerned in the construction of the bridges, but it is in the type of bridges themselves.

There is one question that is forcing itself on this State. It is the pressing need in connection with our bridge

building program. We are not building them fast enough. I can see the position that this State will be in within a few years where a great number of these long bridges are going to come on us all at once for repair or rebuilding. Now, it is my idea that we should keep up with the procession as nearly as possible by building as many bridges as we can each year. The great criticism to the whole program is not the number of bridges, but the type, style of construction and the cost. It has got to be done, but I think that matter is going to be solved before this Legislature adjourns, so that some method of regulation will be found whereby a large part of the objection to the counties getting any aid will be settled.

Mr. ARCHIBALD of Houlton: It seems to me, Mr. Speaker and gentlemen, that while I don't want to take any position in any way arbitrary, that it is a trig in the way of the progress of our road-building program. Yet from the standpoint of finance and sound business progress, so far as our municipalities and counties are concerned, I think there is a time and a place to go slow. The program as outlined in the past, and that has been consistently followed, has been, as everybody I think will concede, a tremendously expensive program. My own county, for instance, to my own certain knowledge, because I was consulted in the matter, this very year, as the result of an extravagant and expensive bridge building program, has just floated a bond issue of \$78,000 and I know that there is considerable feeling about it. They feel that this is an expensive program that within reason can be curbed and still give us a constructive program that is reasonable, and I do feel that so far as my information at this present moment is concerned, it will meet with the approval of this House, and I would suggest that this matter lie upon the table, and I make that motion, until tomorrow morning, and be specially assigned, until tomorrow morning, and in the meantime let us see whether or not any reasonable solution of this matter can be found whereby we can iron this matter out.

The SPEAKER: Does the gentleman from Houlton, Mr. Archibald, wish to move to table the motion, that being the only matter before the House?

Mr. ARCHIBALD: I do, Mr. Speaker. I move that it be tabled.

Thereupon, on motion by Mr. Archi-

bald of Houlton, It was voted that the motion of Mr. Chalmers of Bangor to reconsider the action of the House whereby it receded and concurred with the Senate, be tabled until tomorrow morning.

On motion by Mr. Maher of Augusta, it was voted to take from the table, Senate Document No. 27, an act relating to taxes in unincorporated places, tabled by that gentleman, March 10, pending second reading and on further motion by the same gentleman, the bill received its second reading and tomorrow assigned for third reading.

On motion by Mr. Maher of Augusta, it was voted to take from the table Senate Document No. 28, an act relative to Maine Forestry District Taxes, tabled by that gentleman March 10, pending first reading; and on further motion by the same gentleman the bill had its first and second reading and tomorrow assigned for third reading.

On motion by Mr. Maher of Augusta, it was voted to take from the table report of the committee on Military Affairs on bill, an act to create the National Guard Pay Fund, tabled by that gentleman March 7, pending acceptance of the report.

Mr. MAHER of Augusta: Mr. Speaker, I yield to the gentleman from Augusta, Mr. Martin.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Martin.

On motion by Mr. Martin of Augusta, the report and accompanying papers were re-tabled, and specially assigned for Tuesday, March 20.

On motion by Mr. Gardiner of Gardiner, it was voted to take from the table House Document No. 342, an act relating to the registration of resident hunters.

Mr. GARDINER of Gardiner: Mr. Speaker, I offer an amendment to the title. So far as the title appears in the printed bill, it has to do only with the registration of resident hunters, whereas in fact, the bill has to do with registration of inland fishermen, and I think that should appear in the title. I, therefore, offer House Amendment A to the title of House Document No. 342.

The SPEAKER: The Clerk will read the amendment.

House Amendment A to House Document 342, an act to amend Chapter 173 of the Public Laws of 1919, relating to the registration of resident hunters.

Amend the title of said act by adding thereto the following words: "and to provide for the registration of resident inland fishermen," so that said title as amended shall read as follows: "An act to amend Chapter 173 of the Public Laws of 1919, relating to the registration of resident hunters, and to provide for the registration of resident inland fishermen."

Mr. GARDINER: Mr. Speaker, I would like to say that I have consulted various members of the Fish and Game Committee, and this change is agreeable to them; and I move the adoption of the amendment.

Thereupon Amendment A was adopted, and on motion by Mr. Gardiner, of Gardiner, the bill as amended received its third reading, and was passed to be engrossed as amended by House Amendment A.

On motion by Mr. Ludgate of Patten, it was voted to take from the table the majority and minority reports of bill, an act to regulate the practice of Chiropractic, Senate Document No. 212 tabled by that gentleman, March 10, pending acceptance of either report; and on further motion by the same gentleman the House voted to concur with the Senate in accepting the majority report.

On motion by Mr. Wing of Auburn, the rules were suspended and this bill received its three readings and was passed to be engrossed.

On motion by Mr. Baker of Steuben, it was voted to take from the table House Document No. 279, An Act relating to Belgrade Lakes Village Corporation, tabled by that gentleman March 10, pending further consideration.

Mr. BAKER of Steuben: Mr. Speaker, I yield to the gentleman from Portland, Mr. Hale.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Hale.

On motion by Mr. Hale of Portland the House voted to insist upon its former action and that a committee of conference be appointed.

The Chair appointed as such con-

ferrees. Messrs. Hale of Portland, Clarke of Stonington, and Baker of Steuben.

On motion by Mr. Hamilton of Caribou, it was voted to take from the table Senate Document No. 94, An Act relating to the Board of State Assessors, tabled by that gentleman March 13, pending passage to be enacted; and on further motion by the same gentleman, the bill was passed to be enacted.

On motion by Mr. Sanders of Portland, it was voted to take from the table House Document No. 248, Resolve providing for purchase of "Music and Musicians of Maine," tabled by that gentleman March 7, pending its second reading.

Mr. SANDERS of Portland: I yield the floor to the gentleman from Orrington, Mr. Phillips.

The SPEAKER: The Chair recognizes the gentleman from Orrington, Mr. Phillips.

Mr. PHILLIPS of Orrington: Mr. Speaker and Members of the House: I move that we indefinitely postpone this resolve.

The SPEAKER: The gentleman from Orrington, Mr. Phillips, moves that House Document No. 248, Resolve providing for purchase of "Music and Musicians of Maine" be indefinitely postponed.

Mr. BARWISE of Bangor: Mr. Speaker and gentlemen: I know very little about music and less about musicians, but this is one of those few books that have come before the library committee this year and have been recommended to be purchased. There are one or two histories and there is this book, and there is the book of the Maine Bar Association. To be sure, they cost a few hundred dollars, but it has been our policy always, ever since any of us can remember, after matters of this kind have come before the library committee and the Legislature, to buy a certain number of copies of these books.

While we are all pledged to a program of economy, and we should save in every possible instance, the saving on these books would be so very infinitesimal that it seems to be hardly worth upsetting a well established policy in connection with the State Library. I hope this motion to indefinitely postpone will not prevail.

Mr. SANDERS of Portland: Mr. Speaker, I want to say just a few words regarding the indefinite postponement of this matter. This book, "Music and Musicians of Maine," has not been published. In fact all we have here to see of the book is the prospectus. It requires a purchase bill of \$1,500 which is quite a considerable sum for us to expend at this time on the purchase of something which is not in print, and of which we have merely the prospectus. I understand from the State librarian that he is very doubtful in his own mind whether or not this book will ever be published and, knowing the author as I do, I would not feel like purchasing anything from him from a prospectus. I would not feel that it would be good business and I believe that we had better indefinitely postpone this matter and then let it come before the next session of the Legislature when the book is printed.

Mr. PHILLIPS of Orrington: Just a word, Mr. Speaker and members of the House. As you probably recall, those of you who were here two years ago, most of these resolves have been turned down by the committee and the House, unless they are matters of wide-spread interest, and it seems to me inadvisable to do this at this time.

The SPEAKER: The question is on the motion of the gentleman from Orrington, Mr. Phillips, that House Document No. 248, Resolve providing for purchase of "Music and Musicians of Maine," be indefinitely postponed. As many as are in favor of its indefinite postponement will say aye; those opposed no.

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

On motion by Mr. Hale of Portland, it was voted to take from the table House Document No. 261, Resolve providing for purchase of "Maine 1783-1815," tabled by that gentleman on March 7, pending its second reading; and that gentleman yielded the floor to the gentleman from Fort Fairfield, Mr. Houghton.

The SPEAKER: The Chair recognizes the gentleman from Fort Fairfield, Mr. Houghton.

Mr. HOUGHTON of Fort Fairfield: Mr. Speaker, for the same reason as already stated in the argument of the gentleman from Orrington, Mr. Phil-

lips, I move that we indefinitely postpone this resolve.

Mr. BARWISE of Bangor: Mr. Speaker, this book is written by Dr. Hatch of Bangor. He is probably one of the best known historians in the State of Maine. This book deals with Maine history from 1783 to 1815, and those of you who are students of history know that this is a blank spot as far as Maine is concerned in our history. It is one of the most important periods in the whole history of America, but the subject has not been handled by anyone in anything like an adequate way until this time. The whole question of the period from the close of the American Revolution until after the War of 1812 has been sadly neglected, so far as Maine is concerned, until this book was written.

The most of you know that Massachusetts was against the War of 1812. She went into it only because she was dragged into it, and the whole burden of raising the army that figured in the War of 1812, and of operating that army, came upon the Province of Maine before we became a State.

This book is really of merit. It may not have any more merit than the other one that has been referred to, but I happen to know something about this one, and I know positively that this is a very valuable book. I want to be economical, but I do not like this cheese-paring process that carries it so far that we are going to put off the publication of such a valuable book as this for a long time, and which perhaps never will be published. I hope that the House of Representatives will sustain the library committee in its report, favoring the publication of this very valuable history.

Mr. MOODY of York: Mr. Speaker, the same committee that reported favorably on this 1812 business, also reported favorably on the History of Aroostook, and I notice that my friend Houghton did not move to indefinitely postpone the History of Aroostook. (Laughter).

Mr. BROWN of Bar Harbor: Mr. Speaker and Members of the House: I am one of the library committee, who reported this bill back to the House, and I think this covers quite an important part of our history in this State of Maine, from 1873 to 1815, and this only carries an appropriation of \$1200 for three hundred copies. I understand that Mr. Dunnack has the

manuscript down there and has read it. Of course the committee did not read the manuscript, but Mr. Dunnack vouches for the good qualities of this book of 325 pages, and I hope that this resolve will be given its second reading.

The SPEAKER: The question is on the motion of the gentleman from Fort Fairfield, Mr. Houghton, that this resolve be indefinitely postponed. As many as are in favor of indefinitely postponing the resolve will say aye; those opposed no.

A viva voce vote being doubted.

A division of the House was had.

Forty-three having voted in the affirmative and 86 in the negative, the motion to indefinitely postponed failed of passage.

On motion by Mr. Brown of Bar Harbor, the resolve had its second reading, and was passed to be engrossed.

On motion by Mr. Rounds of Portland, it was voted to take from the table the majority and minority reports of the Cumberland County Delegation on bill, an act providing for an additional justice of the Superior Court for Cumberland County, Senate No. 6, tabled by that gentleman, March 13, pending acceptance of either report.

Mr. ROUNDS of Portland: Mr. Speaker, this was heard before the Cumberland County Delegation some time ago, and we have been unable to agree on a report; and I wish to make a motion to substitute the majority report for the minority report. I believe the minority report has been accepted in the Senate.

The SPEAKER: The gentleman (Mr. Rounds) cannot make a motion to substitute one report for the other. If the gentleman wishes the majority report accepted, he may make that motion.

Mr. ROUNDS: Mr. Speaker, I move the acceptance of the majority report. I want to say now that this was heard before the Cumberland Delegation and we had two hearings in Portland. The man there said he would not get along without it. The man from Kennebec said that he could spend seven months out of the year in Cumberland to take care of the cases that come along. Therefore, we thought we could save a little money, I do not know how much, because the courts attendants have to be there, and the Justice of the Superior Court. We thought that arrange-

ment might do for two years, and if it was not satisfactory, they could come here two years later and rectify anything that was wrong. We will admit that Cumberland county is burdened with a lot of cases that ought to have been heard and justice ought to have been meted out; but at the same time we want to save some money, and thought perhaps the Judge from the Kennebec Superior Court could go down there and take care of it. I understand he went down there and cleaned up most of the docket in one week. This man in Cumberland, while very conscientious, cannot seem to hear the cases that the man from Kennebec did. I move the acceptance of the majority report.

The SPEAKER: The Chair will state for the benefit of the members that this is a Senate paper and came from the Senate with the minority report accepted, the report being from the Cumberland County delegation. The gentleman from Portland (Mr. Rounds) now moves that in the House the majority report be accepted, in non-concurrence. Is it the pleasure of the House to accept the majority report, ought not to pass?

The motion prevailed.

On motion by Mr. McDonald of East Machias, it was voted to take from the table House Amendment A to bill, an act relating to Board of Osteopathic Examination, House Document number 118, tabled by that gentleman March 6th, pending adoption of amendment.

The SPEAKER: The Chair recognizes the gentleman from East Machias, Mr. McDonald.

Mr. McDONALD of East Machias: I wish to say, Mr. Speaker and members of the House, while this particularly interests me, it is not so much the insertion of the words in regard to the osteopathic examination as it is in regard to the fees which apply to these boards—not only the osteopathic board, which is contemplated here, but the dental board, the commissioners of pharmacy, the board of veterinary examiners, the board of accountancy, and the examiners of applicants for admission to the Bar.

The Statute says in regard to that matter that "the secretary of each board mentioned in the five preced-

ing sections (which refers to those boards just mentioned) shall be treasurer of the board of which he is a member; he shall receive all fees, charges and assessments payable to the board and shall quarterly on the last secular days of March, June, September and December, account for and pay to the treasurer of State all sums so received. All money so received by the treasurer of State from each board shall constitute a continuous carrying account for the payment of the compensation expenses of the members and expenses of the board, and for executing the provisions of law relating to each board respectively, and so much thereof as may be required is hereby appropriated for said purposes. The secretary of each board shall also be reimbursed for all expenditures for books, stationery, printing and other necessary expenses actually incurred in the discharge of his duties. All bills for services and expenses of the members of each board shall be audited by the State auditor and paid from the respective funds held in the State treasury as aforesaid; but in no event shall payment for services and expenses of the members of any board exceed the amounts received by the treasurer of State from the treasurer of said board; any balance remaining to the credit of any board at the end of any year, shall be carried forward to the next year."

Now, members of the House, these boards are appointed by the Governor and every man appointed upon these boards is appointed on account of his qualifications to serve there, and the fees are \$5.00 a day and expenses. But this provision says that if the funds collected are not enough to pay the fees, they shall be paid, according to this new proposition here, pro rata. That is to say, a man spends his time in coming from a remote part of the State up here to conduct one of these examinations and gets, as I understand it, if there is not money enough, absolutely nothing for his services. Now the provision of this act is that they shall be paid the sum of \$5.00 per day and necessary expenses, but the amendment A says that in case they do not succeed in collecting enough to pay them, or if they succeed in collecting only a small sum, that they shall be paid pro rata, which does not seem to me to be a fair thing, and I move you the indefinite

postponement of Amendment A of Bill 118.

The SPEAKER: The gentleman from East Machias, Mr. McDonald, moves the indefinite postponement of House Amendment A to Bill, an Act relating to Board of Osteopathic Examination, House Document, No. 118. The Chair may state that this not only seems to be an amendment, but almost a new bill. As many as are in favor of indefinitely postponing the amendment, will say aye; those opposed no.

A viva voce vote being taken,

The motion to indefinitely postpone prevailed.

On motion by Mr. Jordan of Cape Elizabeth, it was voted to take from the table House Amendment A to Bill, an Act relating to the Portland Water District, House Document No. 163, tabled by that gentleman March 7th pending adoption of House Amendment A.

Mr. JORDAN of Cape Elizabeth: Mr. Speaker, I yield to the gentleman from Westbrook, Mr. Jordan.

Mr. Jordan of Westbrook: Mr. Speaker, I move the indefinite postponement of House Amendment A.

Mr. JORDAN of Cape Elizabeth: Mr. Speaker, I think that the gentleman from Westbrook (Mr. Jordan) means to include everything.

The SPEAKER: Does the gentleman from Westbrook, Mr. Jordan, move to indefinitely postpone House Amendment A and the bill?

Mr. JORDAN of Westbrook: I do, Mr. Speaker.

The SPEAKER: The gentleman moves that the bill and amendment be indefinitely postponed.

Mr. NICHOLS of Portland: Mr. Speaker and gentlemen of the House: On behalf of the judiciary committee before whom this measure came, I will state that we had a hearing on this bill, the water district being represented by its attorney and this bill was the result of an agreement between the proponents and the water district, was redrafted by the attorney for the water district and presented to us under an agreement which was satisfactory to both sides. I think, speaking in behalf of the citizens of Portland, that this measure meets universal approval, both from the members of the water district and from the attorney for the Portland Water District.

Mr. GILMOUR of Westbrook: Mr. Speaker and gentlemen: I have been taking this water ever since it started. It is a non-partisan measure and it has been managed, I will say so far as I can judge, to the perfect satisfaction of the citizens of the water district who have taken the water. And it has been aside from politics. Politics have not been connected at all with it and now this is just opening the door for politics to get in. Now they have laid new pipes clear from Sebago, large pipes clear from Sebago without charging them anything for it from the slight profits they have made. They have reduced the price of water several times to the takers and if we insist upon this bill going through it will give the officers of the city government a chance and an opportunity,—which I do not doubt they might have at the present time,—an opportunity to come and examine those books and overhaul them. Next year, in case of any individual opposing them, they come in, they have their political friends—

Mr. CUMMINGS of Portland: Mr. Speaker, I rise to a point of order. The gentleman from Westbrook is talking about a bill that is not before us today. He is talking about the bill to investigate the Portland Water District which has been reported ought not to pass. This is entirely another bill.

Mr. GILMOUR: Mr. Speaker, I oppose any bill that will open the door to politics in any way or shape.

The SPEAKER: The gentleman from Westbrook, Mr. Gilmour, possibly was not talking directly to the bill. The Chair rules that the gentleman from Westbrook (Mr. Gilmour) has the floor if he wishes to continue.

Mr. GILMOUR: I would say that I second that motion that it be indefinitely postponed. Now I, for one, do not want anything to do with giving a chance in any way to open the door for political movements. That commission has given perfect satisfaction and I do not believe in mutilating that bill in any way at all.

Mr. CUMMINGS: Mr. Speaker, I think that the last speaker is laboring under a misapprehension. There is absolutely nothing in this bill that opens the door for political action with relation to the Portland Water

District; nothing at all. That was, as I stated, the allegation was made that it might, in the bill to investigate the district, but this is an entirely different matter.

It seems rather unfortunate that it is necessary to go into the merits of this bill that is before us here today. The Portland Water District is composed of the cities of Portland and South Portland. Their charter provides that the rates in that district shall be uniform. It also authorizes that district to supply water in various towns through which the pipes pass. My attention was first called to this by a purchase of the Diamond Island Water Company by the trustees last summer, for which they paid \$3,000 and it occurred to me that if they had a right to purchase a water company for \$3,000 without any reference to the people or the owners of this district, that they had a right to purchase one that would cost \$3,000,000 and there is no question but what that is true. There is a question in regard to the extension which they made in outlying territory not within the district, understand, gentlemen, but in these towns in which they are authorized to supply water by such contracts as they made with the inhabitants of those towns, I do not know of anyone in Portland or South Portland but who thinks that this is a proper bill and that the powers of the trustees to embark in new enterprises and to purchase water companies, anything of that sort, should be defined, and that the people of the district who are the owners of the property should first authorize that by a vote, a majority vote, of those voting at a regular election in the district.

Now, that is the progress of this bill and it has absolutely nothing to do with putting the district into politics in any way. As Mr. Nichols stated, this was approved by the water district, by their attorney, and by the trustees through their attorney, and this bill, in the final draft, was written by Mr. Moulton's own stenographer when I was in his office, and for anyone to come today and ask for the indefinite postponement of this bill, seems to me to be a very strange thing indeed. I cannot understand the interest they have in this matter, that they should desire an indefinite postponement, a bill against which none of them appeared at the hearing, a bill

unanimously reported by the committee, a bill approved so far as I know, by all the people of the Water District—and I have had a great many of them speak to me in regard to this bill. And it is beyond my understanding why a man at this time should seek to indefinitely postpone this bill, and I do not believe that this House will approve of it.

Mr. JORDAN of Westbrook: Mr. Speaker, I rose to indefinitely postpone this matter because while I have not been connected with this concern, I have had relations with it since its inception, and I find that they are strictly business-like; especially in buying goods, the price must be right. I know they are competent to do their own business. I did not know that their own attorney had written the bill, but as I have made the motion, I shall stand by it. I think they are competent to attend to their own business, and I hope the motion prevails.

Mr. JORDAN of Cape Elizabeth: Mr. Speaker and Gentlemen: My objection to this bill is that you are interfering with the best managed public utilities corporation in the State of Maine, and if that is a fact, why not let them alone? This Portland Water District was formed in 1907, and during that time there have only been eight different men elected as trustees. Beginning at the bottom of this page (referring to the Fifteenth Annual Report of the Portland Water District, 1921) Philip F. Chapman was elected in 1920; in 1914, William H. McDonald was elected; in 1907, Albert D. Boy of South Portland was elected; in 1907, Lindsay B. Griffin was elected and William L. Blake, the same year.

Now in these, we have three of the original trustees who were elected in 1907, when this District was formed. They must be men of character and standing in their town, men whose word is undisputed, and if that is the fact why not let them alone? They had been doing good service all these years. Now in their report it says that in April, 1921, they reduced the rate from six dollars to five dollars per year, and also a minimum meter charge from twelve to ten dollars. The citizens of Portland and South Portland got one faucet for five dollars and the next for four dollars, with a ten per cent discount. Now is not that cheap enough?

Where do they get this water? Just let me read a little from their report. This is: "Source of supply, Sebago Lake, seventeen miles from Portland City Hall. Drainage area, including water surfaces, 436.0 square miles. Area of water surfaces, 71.6 square miles. Area of Sebago Lake, 45.6 square miles; thirty-eight other ponds and lakes, 24.4 square miles; undrained swamps, 4.0 square miles. Elevation of lake above mean tide is 272 feet. Mode of supply, gravity."

Now we have got the water and we have the men who are handling it in justice to all, and they not only say that they will do justice to the district, but that they will do justice to the outlying towns that they are asked to supply water for.

A little instance in my own town last fall. We have a little club there, and about a mile from where the water was in our town they were going to extend it to our club, and were going to have it anyway, and they were going over their own land, but if we could take it out nearly parallel with their land on the roadside in the public highway, and they could go across their field, they could get it for one thousand dollars less than they could by going the other way; and the town appointed a committee to interview the Water District. That committee went before them and they agreed to do it for less than what is called for in this bill. Now, if this bill had been lost the little town of Cape Elizabeth would have had no water out there now. Also at this town meeting they voted an extension of this a mile further. Where this went through it went through a ledge that runs east and west across our town, and it was a very expensive job. They did it for practically one-half of what is called for in this bill. Now if we had had to pay the ten per cent on the investment the water never would have gone out there, the town never would have voted to do it.

Another thing that I seriously object to in this bill is that they shall not supply any new territory with water without first referring it to a vote of the Water District, and that is Portland and South Portland. In Portland they have a water trustees' election once a year. In South Portland, they have one once in four years. Now if any town went

before the Portland Water District and wanted to get an extension of their pipe, they would say, "No, we cannot do it. You have got to refer it to a vote of the people." And if you waited until South Portland had their election, it would be four years, and if you called a special election it would cost the Portland Water District \$2,000 to have that election, and all of those things would be added to that expense. While the gentleman from Portland (Mr. Cummings) said that the Portland Water District did not object to it, why should they, because they will say, "We cannot do it unless we refer it to the districts,"—an extension of new territory.

Also, on the expense they say, "We cannot do it unless you pay us ten per cent on the investment." Now they do not ask for it. Every one of their extensions, are different, different propositions, different conditions existing, the same as I referred to with reference to my little town where there come in the conditions of summer people, summer cottages and things like that, which is different than running through a common country town, I surely think that we ought to let them alone. It is the best public-owned corporation that I know of, and is handled by five trustees who get the splendid sum of \$400 a year. Their office is open, anybody is welcome to go there and look at their books, and they are courteous to everybody. Why not leave them as they are and keep this thing out of politics.

Mr. CUMMINGS of Portland: Mr. Speaker, no doubt this water comes from Sebago, and it is very good water; and there is no doubt that the trustees and their attorney are satisfied with this bill.

Now in regard to the gentleman's statement I want to say that the bill says that the "said trustees shall have no power to undertake new enterprises or make agreements to supply communities not now being supplied." You will see by that, gentlemen, that it does not prevent expense, that it is only when they embark in new enterprises, going perhaps out some distance, not knowing how far, and in this territory there will be villages and probably cities some time. In that case when they are to embark in any of these new enterprises, this new bill requires that before they do that they

must submit it to a vote of the people of the district. I cannot understand how anyone can think that there is anything either unfair or improper in so doing.

The SPEAKER: The question is on the motion of the gentleman from Westbrook, Mr. Jordan, that the amendment and bill be indefinitely postponed. As many as are in favor of the indefinite postponement of the amendment and bill will say aye; those opposed no.

A viva voce vote being taken,

The bill and amendment were indefinitely postponed.

On motion by Mr. Rounds of Portland, it was voted to take from the table, Senate Document No. 53, an act relating to local health officers, tabled by that gentleman, March 10, pending third reading.

Mr. ROUNDS of Portland: Mr. Speaker, I wish to apologize to this House for the delay in the arrival of the amendment to this bill, by reason of which I would like to have it re-tabled until tomorrow morning.

The motion prevailed, and the bill was re-tabled, and specially assigned for tomorrow morning.

On motion by Mr. Martin of Augusta, it was voted to take from the table report of the committees on Public Utilities and Ways and Bridges on bill, an act to incorporate the Kennebec River Bridge Company, Senate Document No. 74, tabled by that gentleman, March 13, pending acceptance in concurrence; and on further motion by the same gentleman, the report was specially assigned for consideration for Thursday, March 22.

On motion by Mr. Martin of Augusta, it was voted to take from the table, report of the committee on Public Utilities and Ways and Bridges on Resolve relative to commission to investigate the site for Richmond-Dresden Bridge, Senate Document No. 75, tabled by that gentleman, March 13, pending acceptance in concurrence; and on further motion by the same gentleman, the report was specially assigned for consideration for Thursday, March 22.

On motion by Mr. Rounds of Portland, it was voted to take from the

table Senate Document No. 220, an act relating to local health officers, tabled by that gentleman, March 13, pending third reading; and on further motion by the same gentleman, it was re-tabled and specially assigned for tomorrow morning.

On motion by Mr. Hale of Portland, it was voted to take from the table House Document No. 349, an act to prohibit the conferring of degrees without special authorization, tabled by that gentleman, March 13, pending second reading; and on further motion by the same gentleman, the matter was re-tabled, and specially assigned for tomorrow morning.

The SPEAKER: The Chair will state that it is not necessary, so far as the members are concerned, to take matters off the table that have been tabled this week. Those do not automatically come off.

Mr. HALE: I did not understand that, Mr. Speaker.

The SPEAKER: The Chair is stating this for the benefit of the members. Anything tabled this week does not automatically come off on this day.

The Chair presents an act to change jurisdiction of Supreme Judicial and Superior Courts, tabled by the gentleman from Auburn, Mr. Wing, March 7, pending reference.

On motion by Mr. Wing of Auburn, the bill was re-tabled.

The Chair presents Senate Document No. 155, an act making it unlawful to have intoxicating liquor in possession in public places, tabled by the gentleman from Parsonsfield, Mr. Granville, pending second reading.

Mr. ROUNDS of Portland: Mr. Speaker, as Mr. Granville does not seem to be in his seat, I move that it be re-tabled.

The motion prevailed.

On motion by Mr. Jewett of Vassalboro, the rules were suspended, and House Document No. 118, an act relating to Board of Osteopathic Examination, was passed to be engrossed; and on further motion by the same gentleman, the rules were suspended, and the bill was passed to be enacted.

The Chair, presents, out of order, the following veto message from the Governor:

STATE OF MAINE

Office of the Governor

Augusta, March 14, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:—

I return herewith without my approval,

"Resolve appropriating money for rebuilding the steamship sheds at the State pier at Portland."

I have given serious thought to this resolve and have considered it from every angle. The problem that it presents is one of the most difficult I have been called upon to face. My reason for declining to approve the resolve is that at the present time the State cannot afford to spend the \$165,000 called for. On all sides demands for money are pouring into the Legislature and some halt must be called before it is too late. The tax rate is mounting and its progress upward must be arrested. Almost every legislator has a special project in which he is interested and each member will need to make some sacrifice if any limit is to be placed on taxation.

As often happens excuses are now being offered as to why an increased tax rate is unavoidable. Some urge that the rate of the last two years was too low, but with this argument I am not in accord. It may be that if the tax rate for 1921 and 1922 had been larger this Legislature would have more easily excused a high rate of its own making. This argument is based upon political considerations and is not sound. I believe in reducing taxes whenever it is possible to do so, and am glad we were able to effect a considerable saving for the people in 1921 and 1922. I do not approve the position some public men take, that it is not good politics to reduce taxation below a certain point for fear that invidious comparisons between state administrations may be made. If we were able to carry on the State Government at a low tax rate in 1921 and 1922 so much the better for all concerned; the future must care for itself.

Many legislators are comforting themselves by saying that the State should not practice "false" economy, and that it must not neglect to care for its property. It is alleged that the people at home will understand the high tax rate if the matter is thoroughly explained to them. This reasoning

seems to be making some headway about legislative halls and I have reason to believe it is not altogether unselfish. The fact is the people who pay the bills will brush aside all excuses. For their particular concern is the tax rate that we impose upon them. Any arguments to the contrary are misleading and confuse the issue. All agree that the State should not allow its property to deteriorate but the question is; just what is necessary to keep the State's property in proper condition? As to this no doubt there is an honest difference of opinion: when any particular case is concerned. It is not well, however, to offer excuses for increasing the tax rate, for excuses are not reasons.

It has been argued that the State is in the pier "business" and consequently must continue in it; that it must keep up what it has started, even though a large expense is involved. No doubt certain sections of the west side of the pier need strengthening; ultimately that side must be rebuilt. I have weighed these arguments, and am of the opinion that the State should complete the easterly side of the pier before it undertakes new construction. The wharf should be put in safe condition so that for the next few years it will serve the purposes for which it is now being used. Future legislatures can decide the future of the pier.

At first I felt that there was but one course to pursue and that was to approve the resolve. The more I have considered the situation the more reluctant am I to take affirmative action. I decide this question just as though I myself owned the pier and personally was charged with its management. In such case my first desire would be to retain as a tenant the Eastern Steamship Company so that its service would continue. If I owned the wharf I should strengthen it where needed, but would not expend \$165,000 at the present time in rebuilding it along modern lines. I myself am directly responsible for two privately owned wharfs in Portland and I am treating the State Pier as though it were one of them. This is the only way to approach the question. Just at the present moment the piling is covered with ice and it is difficult to make an accurate survey.

In a letter addressed to me by one of the pier directors the statement is made that unless the wharf is rebuilt this summer the directors will not allow it to be used after next August. If the directors consider it safe to use the

wharf between now and August next it cannot be in immediate danger of collapsing. I fully appreciate the valuable public service that has been rendered by the pier directors; they have devoted themselves unselfishly to their work and merit the thanks of their fellow citizens.

In my opinion it is unfortunate that the westerly side of the pier was not rebuilt before all the funds amounting to \$1,150,000 were spent on the new sheds on the easterly side. Had this been done the New York, Boston and Eastport boats would have been taken care of and the sheds for foreign and Pacific coast steamers might have been reduced somewhat in size, and both sides of the pier then would have been made reasonably satisfactory without overdrawing the original appropriation. The construction of the grain conveyers might have been postponed for the money now being spent on this portion of the pier would have been almost sufficient to have entirely rebuilt the westerly side.

The condition of the westerly side, if as bad as represented, must have been apparent to the engineers a year ago when they began their construction work, and it may be that an error in judgment was made in not attending to this section of the pier at the very outset. Had this been done there would have been no question about the safety of the pier.

The position in which the Chief Executive now is placed is difficult. Regardless of an individual's opinion as to the wisdom of the State's having embarked in the pier business, the property now is held by the State and must be managed in a businesslike way. An ultimatum is presented to the Governor to the effect that unless \$165,000 is immediately made available the westerly side of the wharf is likely to be closed. I do not think that either horn of this dilemma need be chosen for I believe the pier can be made safe for the next two years by a comparatively small outlay and the directors no doubt will be able to make a short term contract with the Eastern Steamship Company. If concessions are made in the Company's rental probably arrangements can be perfected so that it will continue its Portland-Boston service. If this veto is sustained the directors no doubt will do their best to make the

premises safe and the responsibility for doing so rests upon them. Later after the present new construction on the east side is completed the directors can come to the next legislature and give an accounting of their stewardship.

The whole economy program of the 81st Legislature hinges upon this appropriation. I shall not hesitate to take a decided stand against unwarranted expenditures, even though by doing so I shall disappoint some of the public spirited citizens of my native city. I hope the members of this Legislature will take this situation to heart for legislators, as well as Governors, should have a Statewide vision, and should not unduly urge appropriations for any particular section or community. If such a spirit prevails this Legislature will have done much to relieve the burdens of taxation.

For the reasons above stated I decline to approve the Pier Resolve.

Respectfully submitted

(Signed) PERCIVAL P. BAXTER
Governor of Maine.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Rounds.

Mr. ROUNDS of Portland: Mr. Speaker and gentlemen of this House: It is true that the Governor does own two wharves in Portland. One of them the Supreme Court, or the Chief Justice of the Supreme Court, said was run down, if not worn out, and he would not let passengers go over it. Do you want a Bar Harbor accident here on this wharf? Do you gentlemen want to stand here and vote not to pay \$165,000, when you know that one of your colleagues in the other end of the House, an experienced man, has told the Governor that he would not trust it for one minute? Do you know, also, that the Governor's own carpenter says that it is unsafe, and still they are letting those people go over that wharf in the summer time by the thousands, and you are liable to have an accident any day? Therefore, I move you, Mr. Speaker, that the resolve and the message be tabled until tomorrow and the veto message be printed, so that every man may see what ought to be done.

The SPEAKER: The gentleman from Portland, Mr. Rounds, moves

that the veto message of the Governor and resolve be tabled and specially assigned for tomorrow, and that the veto message be printed. Is that the pleasure of the House?

The motion prevailed.

Mr. CHERRY of Eastport: Mr. Speaker, I would like to take this occasion to introduce to you, Mr. Samuel Dana, the Representative of the Passamaquoddy Tribe of Indians, and I am sure you will be glad to

give him a royal welcome. (Applause, the House rising.)

The SPEAKER: The Messenger will seat the gentleman within the rail.

Thereupon Mr. Dana took his seat, amid the applause of the House, the members again rising.

On motion by Mr. Goldthwaite of Biddeford,

Adjourned until ten o'clock tomorrow morning.