

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-First Legislature

OF THE

STATE OF MAINE

1923

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Friday, March 23, 1923

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

Prayer by the Rev. Mr. Frank L. Phalen, Chaplain National Soldiers Home.

Journal of previous session read and approved.

On motion by Mr. Hale of Portland, it was voted that when the House adjourn, it adjourn until tomorrow morning at eight o'clock.

From the Senate:

The following communication:

STATE OF MAINE,

Office of the Governor,

Augusta, March 21, 1923.

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

I return herewith without my approval

"An Act to amend Section 32 of Chapter 117 of the Revised Statutes, as amended by Chapter 183 of the Public Laws of 1917, and by Chapter 152 of the Public Laws of 1921, relating to the Board of State Assessors."

My reason for disapproving this Act is that it increases the salary of two members of the Board of State Assessors and at the present time I do not favor salary increases. The work which the Board of Assessors is doing is of vital importance and they should be properly paid for their services, but it is entirely unreasonable to increase the salary of two members of the Board and to make no provision for the chairman who is the one who guides its deliberations and who really is entitled to a salary increase.

It cannot be denied that many of the salaries in the State House are not adequate for the services rendered, but it is not desirable to attempt to equalize them piecemeal. If the matter could have been gone into thoroughly by a committee of the Legislature, or some other public body, it may be that increases would have been justifiable in certain cases. The people at home, however, at the present time are not in sympathy with State salary increases and I am in accord with their position.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

Came from the Senate that body passing the bill notwithstanding the objections of the Governor.

The SPEAKER: The question is shall this bill become a law notwithstanding the objections of the Governor?

Mr. ROUNDS of Portland: Mr. Speaker, as one of the committee on salaries and fees I will say that we went over this matter very carefully and two years ago we raised the salary of the chairman \$500. The other members were left as they were, and we also increased the chief clerk so that his salary was equal to that of the chairman because we thought he was a valuable man.

I want to say here that this board was created in 1891. They do not put in a great many days. They come here a few days in the week, or in the month, and they have been coming in that way, until the work has increased; work has been put on them the work of cruising these wild lands, while the chairman, as the Governor says, is the guiding hand and sits here in Augusta, and these other two men have been cruising the wild lands of Maine looking after the timberlands and bringing in the taxes to our State. And I want to say here that the chairman of the commission did not ask for any increase in salary but he did come before the committee and ask us if we would raise the salaries of these gentlemen up to his, and the committee, in its wisdom, thought it was right that they should all have the same salaries, as the other two men are away from home and traveling all the time while the chairman was right at home, stopping every night in his own bed, and they were traveling on trains through the night and working through the day. So we thought they should have the same pay.

That was the statement of the chairman to the committee and therefore we did raise their salaries and I was asked by the Chief Executive why we did not raise the salary of the chairman and I told him the reason why. And, gentlemen, I think that we should properly pay these men who bring in the revenue to this State, the chief revenue that we get. Therefore, I move that the veto of the Governor be not sustained and that the measure be passed over his head.

Mr. BARWISE of Bangor: Mr. Chairman, I simply want to add a word to what the gentleman from

Portland (Mr. Rounds) has said; that these two assessors of the State Board have all the cruising to do of the vast timberlands and I know from personal knowledge how much work they have put in, that they have put in twice as much as they did eight years ago on account of the increased duties which we have put upon them from time to time.

These two men are the State Assessors and they hold a position of dignity and importance, and it seems to me that they should at least have as much salary as the chairman of the Board of Assessors of the city of Lewiston or the city of Portland. Both the chairman of the board in the city of Portland and the chairman of the board in the city of Lewiston are getting larger salaries than these two men on the State Board.

The SPEAKER: The question is shall this bill become a law notwithstanding the objections of the Governor? As many as are in favor of the bill becoming a law notwithstanding the objections of the Governor will say yes when their names are called, and those who wish to sustain the veto of the Governor will say no when their names are called. Is the House ready for the question.

The question being called for, the Clerk called the roll.

YEA.—Adams of Litchfield, Archibald, Atwood Ayer, Baker, Bartlett of Hanover, Bartlett of Waterville, Barwise, Beckett, Belliveau, Bickford, Boman, Boulter, Bradbury, Brett, Brewster, Brown, Burns, Cates, Cherry, Clarke, Conant, Crowley, Cummings, Curtis, Dilling, Douglas, Downing, Dudley, Dunbar, Dunn Edwards, Farley, Fickett, Finnell, Foss, Gagne, Gagnon, Gardiner, Gauvin, Gillespie, Gilmour, Goldthwaite, Greenleaf, Hale, Hallett, Hamilton, Hammond, Hayes of Gorham, Hodgkins, Holmes, Houghton, Hutchinson, Jewett, Johnson, Jones, Jordan of Cape Elizabeth, Jordan of Westbrook, Keene, Kitchen, Lamson, Leathers, Leland, Lord of South Portland, Macomber, Maher, McDonald, Melcher, Moody, Morrison, Morse of Bath, Nevins, Newcomb, Nichols, Oakes, O'Connell, Overlock, Perkins, Perry, Pierce, Pinkham, Piper, Plummer, Ranney Ray, Rounds, Rowell, Saunders, Sayward, Smith, Staples, Stevens, Stitham, Storm, Stratton, Thomas of Ch'ville, Thomas of Leeds, Tilden, Towne, Weeks, White, Whitney, Wing, Winslow.—104

NAY.—Adams of Liberty, Benoit,

Bisbee, Blaisdell, Chalmers, Crafts, Dain, Gamage, Hayes of Chelsea, Heal, Hobbs, Keef, Knight, Littlefield, Ludgate, Mellheron, Nickerson, Owens, Palmer, Pendleton, Reed, Rogers, Sanders, Sparrow, Sturgis, Tarr, Wills, Winn, Wood.—29

ABSENT.—Drake, Gile, Gordon, Granville, Hayford, Jacobs, Lord of Wells, Martin, Morse of Greene, Nadeau, Phillips, Ramsdell, Siddall, Small, Story, Teague, Williams.—17

The SPEAKER: One hundred and four having voted in the affirmative, and 29 in the negative, the bill is passed notwithstanding the objections of the Governor and becomes a law.

The SPEAKER: The Chair wishes at this time to call the attention of the members to the fact that legislation is now beginning to come in rather thick and it behooves the members who are interested in anything to remain in their seats during the session if possible, because matters may escape them and it is no longer possible to show the extreme courtesy to members when absent that we have been able to show in the past. The Chair is exceedingly anxious to show all the courtesy possible, but it is now an impossibility to table various matters which perhaps would be tabled by a gentleman were he present. The Chair would suggest that the members devote their attention to matters in which they are interested.

The Chair is in receipt of a concurrent order from the Senate which somewhat vitally concerns the members of the House, and the Chair will read the order.

"Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Monday afternoon, March 26th, at four-thirty o'clock."

Should we concur with the order it will be necessary to reconsider the vote passed upon the motion of the gentleman from Portland, Mr. Hale, that this House, when it adjourns, adjourns to meet tomorrow morning at eight o'clock. The Chair feels that this is a matter that should be settled entirely by the members, as all matters are of course settled, and the Chair awaits motions or suggestions.

Mr. HALE of Portland: Mr. Speaker, I move that we reconsider the action taken earlier in the morn-

ing and I hope that the motion will fail of passage.

The SPEAKER: The gentleman from Portland, Mr. Hale, moves that we reconsider our action taken earlier this morning whereby we agreed to adjourn, when we do adjourn, until tomorrow morning at eight o'clock, and the gentleman also states that he hopes the motion will fail of passage. As many as are in favor—

Mr. ROUNDS of Portland: Mr. Speaker and gentlemen, I sat here a week ago and two weeks ago with only forty-odd members in this House, passing legislation for the State of Maine. I do not think that we ought to do business that way. I, for one, would like to go home, but I can stay here,—with all due respect to everybody here who wants to go home,—but at the same time I give notice now that there must be a quorum tomorrow morning if I stay, or we will stop very quickly.

Mr. BARWISE of Bangor: It seems to me, Mr. Speaker that we are here for the purpose of carrying on legislation and the more legislative days we get in the further ahead we will be with the work when the final rush comes. I hope the motion will prevail and that we will have the morning session.

Mr. BLAISDELL of Sullivan: Mr. Speaker, it seems to me that it would be more convenient for the members who are here now to stay for tomorrow morning's session, rather than to get in for the afternoon session on Monday.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Hale, that we reconsider the vote whereby we agreed that when we adjourn we adjourn until tomorrow morning at eight o'clock.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I would like to inquire of any member of the House or of the Speaker, if it is possible for us to finish next week, providing we have a session tomorrow and another one Monday, or have we got to come back week after next. If we have got to come back week after next, why not come back and stay three or four days as well as **one or two days. I know we are** all having a good time here (laughter) and if we must come back at

all, why not stay for three or four days as well as only one, or two days. As Mr. Rounds has said, at the Saturday morning session—I was here—and if anyone had raised the question of a quorum it would have stopped the session at once.

Now let us all think this over and if we want two weeks of good time, let us have it, and if we do not, let us not have it. I hope the motion prevails.

Mr. WING of Auburn: Mr. Speaker and gentlemen: I hate to trespass upon the good nature of the House this morning in regard to this matter, but it occurs to me that this is a deliberative body and we should never forget it. Legislation which is passed in a hasty manner is not good legislation and, for one, I am perfectly willing to spend a day or two here the week following next week, if by that two days I can add to the composure and the calm and dispassionate judgment of this House.

I think you gentlemen will find, if I may venture the opinion, that, in view of all the legislation that we have been handling in the committees involving questions of taxes and various appropriations, that this Legislature, despite any action that we may take on this particular matter, will be in session week after next. Now, we have been here all winter; we are all very well acquainted and we are doing very well. Let us keep our wits about us and not lose our poise and our balance.

The SPEAKER: The question asked by the gentleman from Kennebunk, Mr. Littlefield, in regard to the possibility of adjournment has not been answered. The Chair will venture to state that no one can answer it. The Chair, however, is of the opinion that it is possible to adjourn a week from Saturday, much depending, however, upon the action of the executive branch as well as upon the Legislative branch.

The question is on the motion of the gentleman from Portland, Mr. Hale, that we reconsider the vote whereby we agreed, when we adjourn, to adjourn until tomorrow morning at eight o'clock. As many as are in favor of reconsidering the vote will rise and stand in their places until counted and the monitors will return the count.

A division of the House was had,

Sixty-seven having voted in the affirmative, and 56 in the negative, the motion to reconsider prevailed.

The SPEAKER: Is it the pleasure of the House that the order from the Senate now be passed in concurrence, carrying with it an adjournment, when we do adjourn, to Monday afternoon, March 26th, at 4:30 o'clock.

A viva voce vote being doubted,

A division of the House was had,

Eighty-four having voted in the affirmative and 20 in the negative, the order to adjourn was passed in concurrence.

Papers from the Senate passed in concurrence.

From the Senate: Resolve in favor of Miss Edith L. Soule, repealing Chapter 26, Resolves of 1923.

In the Senate, read twice under suspension of the rules and passed to be engrossed.

In the House, the resolve had two several readings under suspension of the rules and was passed to be engrossed in concurrence.

From the Senate: Final report from the committee on State Sanatoriums.

In the House, read and passed in concurrence.

Senate Bills In First Reading

Senate 255: An Act to amend Section 5, of Chapter 91 of the Revised Statutes relating to trustee process.

Senate 254: An Act to provide for the establishment of the Portland Stadium and Athletic Field Commission.

Senate 205: An Act to amend Section 4 of Chapter 173 of the Public Laws of 1921, relating to the State School Fund.

Senate 253: An Act to amend Chapter 14 of the Revised Statutes, relating to Indian Tribes.

Senate 256: Resolve, in favor of Samuel Dana, representative of the Passamaquoddy Tribe of Indians.

Senate 250: Resolve in favor of James P. Lewis, representative of the Penobscot Tribe of Indians.

Senate 227: An Act to make uniform the law of sales of goods.

Senate 151: An Act to repeal certain laws relating to the alewive fishery of the State of Maine.

Senate 222: An Act to amend Section 121 of Chapter 4 of the Revised Statutes, as amended by Chapter 135 of the Public Laws of 1921, relating to fish weirs.

From the Senate: Bill, An Act to amend Section 44 of Chapter 217, Revised Statutes, as amended by Chapter 157, Public Laws of 1917, Chapters 214, 259 and 260, Public Laws of 1919, and Chapter 219, Public Laws of 1921, relating to salary of county treasurer of Lincoln county.

This was passed to be engrossed in the House, March 20.

In the Senate, passed to be engrossed as amended by Senate Amendment A in non-concurrence.

In the House, that body voted to reconsider its action whereby this bill was passed to be engrossed, and that body voted to adopted Senate Amendment A in concurrence.

Mr. BREWSTER of Dexter: Mr. Speaker, could we have the amendment read.

The CLERK: The Clerk will read the amendment.

(Amendment read by the Clerk.)

Thereupon, the House passed the bill to be engrossed as amended by Senate Amendment A in concurrence.

From the Senate: Bill, An Act to amend Section 42, Chapter 117, Revised Statutes, as amended by Chapters 39 and 167, Public Laws of 1917, Chapter 214, Public Laws of 1919, and Chapter 219, Public Laws of 1921, relating to salary of county commissioners of Androscoggin county.

This was indefinitely postponed in the House March 20.

In the Senate, passed to be engrossed in non-concurrence.

In the House, on motion by Mr. Wing of Auburn, the House voted to adhere to its former action.

Message From the Governor

The SPEAKER: The Chair presents a veto from the Governor.

STATE OF MAINE

Office of the Governor.

Augusta, March 22, 1923.

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

I return herewith without my approval.

RESOLVE Providing for the Purchase of "Maine 1783-1815."

This Resolve calls for an appropriation of \$1200 to purchase 300 volumes dealing with the History of Maine. It is similar to several other resolves that have been presented to me, all of which I have disapproved. Every \$1200 that is added to the general appropriation bill increases the burdens of the taxpayers of the State, and I believe this Legislature should make every saving regardless whether it be large or small.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

Mr. BARWISE of Bangor: Mr. Speaker, the reasons which we gave for passing this act the other day are just as good this morning as they were the day it passed. There are some books that bring a return to authors, but they are not histories; they are not histories of any particular State or local region. Some great national histories that have a large sale may be self-supporting, but no history of a State or of a county or section can have sufficient sale to make the venture even self-sustaining, to pay for the actual cost of printing, let alone giving any return to the author. The author of this history, Dr. Hatch, is one of our most accomplished Maine historians. He has a small private income. He makes no money out of his books; if he can break even it is all that he asks. He works for the love of the work and for increasing the diffusion of knowledge among the people of the State of Maine. I hope that the House will pass this law notwithstanding the objections of the Governor.

Mr. STEVENS of Belgrade: Mr. Speaker, perhaps all do not know just what becomes of the books which are purchased with the money secured by these resolves. I notice in a recent veto message of the Governor of the resolve for the purchase of the History of Aroostook, the Governor said:

It is an easy matter for the Legislature to spend several thousand dollars on special book resolves, but my experience has been that the most of these books that are being delivered to the State Library find their way into the dome of the Capitol and remain there until some general housecleaning takes place, or until space needs to be found for the ever increasing procession of volumes that pour in upon us. It is not an unusual thing to see a truck

drawn up by the side door of the Capitol, there to be loaded with reports and volumes of one kind or another to be taken away to the dump because there is no place for them in the State House."

Now that is true in regard to the general situation, but it is not true in regard to books of the kind we are dealing with here. You cannot find in any upper room of this building any town history, or county history. When books of that nature are purchased, the State Librarian retains several copies and they are sent out to all of the public libraries of the State free. Any town library, any grange library can secure these volumes free.

Now this particular history covers an important period that has not been covered yet by any other history, and, as the gentleman from Bangor (Mr. Barwise), has said, it is written by a well-known historian and is a work of merit. I do not think there is any question about that at all. Now some states have a fund, the income from which is used to encourage authors. The State of New Hampshire has a fund for that purpose. When something of merit is produced it is expended for that purpose. It seems to me it would be a very good thing for us to aid this man in this work by passing this resolve, and I hope it will be passed over the veto of the Governor. Of course, it is a small matter compared with some that we have to deal with here, and yet in a way it is quite important.

The SPEAKER: The question is, shall this resolve become a law notwithstanding the objections of the Governor? As many as wish this resolve to become a law notwithstanding the objections of the Governor will answer yes when their names are called, and those who wish to sustain the veto of the Governor will answer no when their names are called. Is this question plain, and is the House ready?

The question being called for, the Clerk called the roll.

YEA—Adams of Litchfield, Atwood, Ayer, Baker, Bartlett of Waterville, Barwise, Beckett, Belliveau, Bickford, Brett, Brown, Chalmers, Cherry, Crowley, Cummings, Douglas, Downing, Dudley, Dunbar, Edwards, Gardiner, Gauvin, Gillespie, Greenleaf, Hammond, Hayes of Gorham, Hodgkins, Holmes, Hutchinson, Johnson,

Jordan of Westbrook, Lord of South Portland, Ludgate, Maher, Martin Moody, O'Connell, Overlock, Perkins, Perry, Plummer, Ranney, Ray, Rowell, Siddall, Stevens, Story, White, Willis, Wing.—50.

YAY—Adams of Liberty, Archibald, Bartlett of Hanover, Benoit, Bisbee, Blaisdell, Boman, Bradbury, Brett, Burns, Cates, Clark, Comant, Crafts, Curtis, Dain, Dilling, Drake, Dunn, Farley, Pickett, Finnall, Foss, Gagne, Gagnon, Gamage, Gilmour, Goldhwaite, Hale, Hallett, Hamilton, Hayes of Chelsea, Heal, Hobbs, Houghton, Jewett, Jones, Jordan of Cape Elizabeth, Keef, Keene, Kitchen, Knight, Lamson, Leathers, Leland, Littlefield, Macomber, McDonald, McHetheron, Melcher, Morrison, Morse of Bath, Nevins, Newcomb, Nichols, Nickerson, Oakes, Owens, Palmer, Pendleton, Phillips, Pierce, Pinkham, Piper, Reed, Rogers, Rounds, Sanders, Saunders, Sayward, Small, Smith, Sparrow, Staples, Storm, Stratton, Sturgis, Tagg, Thomas of Chesterville, Thomas of Leeds, Tilden, Towne, Weeks, Whitney, Winn, Winslow.—86.

ABSENT—Boulter, Gile, Gordon, Granville, Hayford, Jacobs, Lord of Ramsdell, Morse of Greene, Nadeau Ramsdell, Stritham, Teague, Williams, Wood.—14.

Affirmative—50.

Negative—86.

Absent—14.

The **SPEAKER**: Fifty having voted in the affirmative and 86 in the negative, the veto of the Governor is sustained.

The following resolve was received and upon recommendation of the committee on reference of bills was referred to the following committee:

Appropriations and Financial Affairs

Mr. Adams of Liberty: Resolve in favor of Harold G. Clark, clerk to the committee on counties:

Orders

On motion by Mr. Maher of Augusta, it was

Ordered, that Senate Document No. 248, entitled, Resolve in favor of the Augusta State Hospital for maintenance during the years July 1, 1923 to June 30, 1924 and July 1, 1924 to June 30, 1925, be recalled from the enrolling department.

On motion by Mr. Maher of Augusta, the House voted to reconsider

its action whereby resolve in favor of the Augusta State Hospital for maintenance during the years July 1, 1923 to June 30, 1924, and July 1, 1924, to June 30, 1925 was passed to be engrossed.

Mr. **MAHER**: I now offer House Amendment A, and move its adoption.

House Amendment A to Senate Document No. 248.

Amend Senate Document No. 248 entitled a resolve in favor of the Augusta State Hospital for maintenance during the years July 1, 1923 to June 30, 1924, and July 1, 1924 to June 30, 1925, by striking out the last paragraph thereof beginning "Provided, that any balance, etc."

The **SPEAKER**: Is it the pleasure of the House that this amendment be adopted?

Mr. **CUMMINGS** of Portland: Mr. Speaker, I would like to know in what way that amendment changes the matter.

The **SPEAKER**: The gentleman from Augusta, Mr. Maher, may answer through the Chair.

Mr. **MAHER**: I know nothing about it except that it comes at the request of the Executive Department.

On motion by Mr. Cummings of Portland, the amendment and resolve were tabled, and the amendment ordered printed.

Reports of Committees

Majority Report of the committee on Legal Affairs on Bill "An Act to amend Section 22 of Chapter 51 of the Revised Statutes, relating to corporate records and stock lists," reporting same in a new draft under same title and that it "Ought to pass."

Report was signed by the following members:

Messrs. **BREWSTER** of Cumberland,
CRAM of Cumberland,
POWERS of Aroostook,
—of the Senate.

HALE of Portland,
CLARKE of Stonington,
MARTIN of Augusta,
SIDDALL of Sanford,
MORRISON of Phillips,
OAKES of Portland,
—of the House.

Minority Report of same committee reporting "Ought not to pass" on same Bill.

Report was signed by the following member:

Mr. **HOLMES** of Lewiston,
of the House.

Mr. HALE of Portland: Mr. Speaker, I move the adoption of the majority report.

On motion by Mr. Holmes of Lewiston, both reports were tabled, and printing was ordered, pending the motion of the gentleman from Portland, Mr. Hale, that the majority report be accepted.

Mr. Drake from the committee on Mercantile Affairs and Insurance on Bill "An Act to amend Section 124 of Chapter 53 of the Revised Statutes, relating to licensing of insurance agents and brokers," reported that legislation thereon is inexpedient.

Mr. Jones from the same committee reported same on Bill "An Act to establish the office of State fire marshal, defining his powers and duties and providing for the maintenance of his office out of the fees collected, and not otherwise."

Mr. Johnson from same committee reported same on Bill "An Act to amend section 130 of Chapter 53, relating to transactions between insurance companies or agents."

Mr. Hayes from the committee on Agriculture reported "Ought not to pass" on Bill "An Act relating to Pasteurization of milk and cream, and certified milk."

Mr. Gile from same committee reported same on Bill "An Act to amend Section 8 of Chapter 48 of the Revised Statutes, relating to local sealers of weights and measures."

Same gentleman from same committee reported same on Bill "An Act to amend Section 8 of Chapter 48 of the Revised Statutes as amended by Chapter 61 of the Public Laws of 1917, relating to local sealers of weights and measures."

Mr. Barwise from the committee on Education reported same on Bill "An Act relating to free high schools."

Mr. Wood from same committee reported same on Bill "An Act providing for the use of the English language in this State."

Mr. Barwise from same committee reported same on Resolve in favor of the town of Kingman, Penobscot county, appropriating money for the building of a school house.

Same gentleman from same committee reported same on Resolve in favor of University of Maine to cover deficit.

Mr. Saunders from the committee on Judiciary reported same on Bill "An Act to amend Section 12 of Chapter

117 of the Revised Statutes, relating to mileage of members of the Legislature."

Mr. Gardiner from the same committee reported same on bill, An Act to amend Section 76 of Chapter 16 of the Revised Statutes relating to inspection of secondary schools.

Mr. Maher from same committee reported same on bill, An Act providing for full time service of State officials.

Same gentleman from same committee reported same on bill, An Act to amend Chapter 231, Public Laws of 1921, relating to motor vehicles.

Mr. Nichols from same committee reported same on bill, An Act to amend Section 81 of Chapter 2 and Section 17 of Chapter 117 of the Revised Statutes in relation to the State auditor.

Mr. Siddall from the committee on legal affairs reported same on bill, An Act to amend Section 2 of Chapter 11, Revised Statutes, relative to collection of taxes.

Mr. Douglas from the committee on taxation reported same on Resolve amending Section 8 of Chapter 9 of the Constitution as amended by Article 36 of the Constitution providing for a tax upon income derived from intangible property.

(Tabled by Mr. Gardiner of Gardiner, and specially assigned for Tuesday, March 27.)

Mr. Atwood from the committee on towns reported same on bill, An Act to incorporate the Prout's Neck Village Corporation.

Reports read and accepted and sent up for concurrence.

Mr. Gillespie from the committee on agriculture on bill, An Act to amend Section 16 of Chapter 6 of the Revised Statutes as amended by Chapter 285, Public Laws of 1917, and by Chapter 199, Public Laws of 1919, relating to inventory of exempt live stock and fowl, reported same in a new draft under title of An Act to amend Section 16 of Chapter 9 of the Revised Statutes, as amended by Chapter 285 of the Public Laws of 1917, and further amended by Chapter 199 of the Public Laws of 1919, relating to inventory of exempt live stock and fowl and that it ought to pass.

Mr. Wood from the committee on education on resolve granting a

teacher's pension to Melville C. Smart of Gray, Me., reported same in a new draft under same title and that it ought to pass.

Mr. Nichols from the committee on judiciary on bill, An Act to amend Section 14 of Chapter 78 of the Revised Statutes, relative to conveyances not effectual against others unless recorded, reported same in a new draft under same title and that it ought to pass.

Mr. Morrison from the committee on legal affairs on bill An Act to incorporate the Ashland water and sewer company, reported same in a new draft under same title and that it ought to pass.

Mr. Ludgate from the committee on public utilities on bill, An Act to authorize the sale by Sebec Dam Company and the purchase by Milo Electric Light & Power Company of the property rights, privileges, immunities and franchises of Sebec Dam Company, reported same in a new draft under same title and that it ought to pass.

Mr. Keef from the committee on ways and bridges on bill, An Act to provide for an issue of State aid or second class highway bonds, reported same in a new draft under same title and that it ought to pass.

Mr. Granville from same committee on bill, An Act to amend Chapter 25 of the Revised Statutes of Maine, 1916 revisions as enlarged and amended by Chapter 258 of the Public Laws of the State of Maine for the year 1917, by Chapter 220 of the Public Laws of Maine for the year 1919, and by Chapter 263 of the Public Laws of Maine for the year 1919 as enacted at the special session of the Legislature, held Nov. 4-8, 1919, relative to State highways and to the creation and expenditure of the mill tax highway fund, reported same in a new draft under same title and that it ought to pass.

Mr. Keene from same committee on Resolve amending Article 9 of the Constitution as amended by Article 35 of the Constitution and as amended by Article 113 increasing the amount of bonds to be issued for the purpose of building State highways and State aid highways and providing for the building of intrastate, interstate, and international bridges, 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. Barwise from the Committee on Education reported "Ought to pass" on Bill An Act to amend Chapter 217 of the Public Laws of 1919 relating to Appropriation for Normal Schools and Madawaska Training School.

Same gentleman from same Committee reported same on Resolve to provide a Teachers' Pension of One Hundred Fifty Dollars a year for Miss Fannie Marble.

Mr. Hayes from the Committee on Mines and Mining reported same on Bill An Act providing for the location and operation of mines.

Reports read and accepted and the Bill and Resolve ordered printed under the Joint Rules.

Mr. Jones from the Committee on Mercantile Affairs and Insurance reported same on Bill An Act relating to the incontestable clause in life insurance policies.

Report was read and accepted and the Bill having already been printed (House Document No. 320) was read twice under suspension of the rules and tomorrow assigned.

Mr. Cherry from the Committee on Taxation reported same on Bill An Act to amend Section 9 of Chapter 10 of the Revised Statutes, relative to real estate where taxed.

Report was read and accepted and the Bill having already been printed (House Document No. 322) was read twice under suspension of the rules and tomorrow assigned.

Mr. Winn from the Committee on Pensions reported same on Resolve increasing pension of Lester Patten of Hermon.

Report was read and accepted and the Resolve having already been printed (House Document No. 165) was read once under a suspension of the rules and tomorrow assigned.

Mr. Leathers from same Committee reported same on Resolve in favor of State pension for Levi Holden.

Report was read and accepted and the Resolve having already been printed (House Document No. 166) was read once under a suspension of the rules and tomorrow assigned.

Mr. Wood from same Committee reported same on Resolve to increase the State pension of Charles D. Preble of Kittery.

Report was read and accepted and the Resolve having already been

printed (House Document No. 167) was read once under a suspension of the rules and tomorrow assigned.

Mr. Leathers from same Committee reported same on Resolve providing for State pension for Mary A. Grant of Ethna.

Report was read and accepted and the Resolve having already been printed (House Document No. 177) was read once under a suspension of the rules and tomorrow assigned.

Same gentleman from same Committee reported same on Resolve in favor of Mary E. Ames, of Stockton Springs.

Report was read and accepted and the Resolve having already been printed (House Document No. 178) was read once under a suspension of the rules and tomorrow assigned.

Mr. Winn from same Committee reported same on Resolve in favor of Mary S. Hillman for State pension.

Report was read and accepted and the Resolve having already been printed (House Document No. 179) was read once under a suspension of the rules and tomorrow assigned.

First Reading of Printed Bills and Resolves

House 437: "An Act to authorize the city of Lewiston to issue bonds for the construction of school houses in the city of Lewiston.

House 438: An Act for expediting highway and bridge construction under legislative appropriations.

House 439: "An Act to amend Sections 6, 9 and 17 of Chapter 78 of the Public Laws of 1921, relating to auxiliary State forests."

House 440: "An Act to incorporate the North Orrington Cemetery Improvement Association."

House 441: Bill "An Act to amend Section 30 of Chapter 64 of the Revised Statutes, relating to the issuing of burial and transportation permits by sub-registrars."

House 443: "An Act to amend Section 67 of Chapter 82 of the Public Laws of 1919, in relation to the attorney general.

House 444: "An Act amending Section 35 of Chapter 104 of the Revised Statutes, relating to reduction of bail by bail commissioner."

House 445: "An Act additional to and amendatory of Chapter 211 of the Public Laws of Maine for 1921, relating to lights on motor vehicles."

House 446: "An Act relating to the incorporation of The Androscoggin and Kennebec Railway Company, and the issue of stock by it."

House 447: "An Act to enable the town of Kennebunk to purchase an existing private sewer or drain."

House 449: "An Act to incorporate the Union Ferry Company."

Mr. WING of Auburn: Mr. Speaker, I rise to inquire if these printed documents have been placed on the desks of the members.

The SPEAKER: The Chair is not in a position to state whether they are on the desks of members or not, and believes that the members are the best able to judge that.

Mr. WING: The last number delivered this morning was 441.

The SPEAKER: The last number that the Clerk read was 449.

Mr. WING: I think, Mr. Speaker, the members are entitled to have the documents tabled from 441 on.

The SPEAKER: Does the gentleman move a reconsideration of the various votes?

Mr. WING: I do, sir.

The SPEAKER: Will the gentleman make his motion?

Mr. WING: I move that we reconsider the votes whereby—Will the Clerk read the record as to the passage of the measure 442?

The SPEAKER: The Clerk has no record of 442.

Mr. WING: Of 443? (The Clerk reads.)

The SPEAKER: Does the gentleman have any objection to the bills being assigned to Monday afternoon next?

Mr. WING: I would like to see the bills, that is all. If this printing, Mr. Speaker, is being conducted in such a way that the House has not the benefit of the great public expense that is being incurred to provide for it, I want the House simply to understand it; but we seem to be proceeding upon matters ostensibly printed, but which have not been delivered to the members.

The SPEAKER: The Chair will state to any of the members who wish to know that bills on their third reading may be tabled, and that probably all the printing will be on your desks Monday afternoon. Will the gentleman (Mr. Wing) withdraw his motion for the reconsideration of these various matters?

Mr. WING: I will withdraw, Mr.

Speaker, on the suggestion that the printing is behind, with the assurance that it will be printed and ready Monday afternoon; but, will the Chair do me the courtesy, and the House the courtesy to state whether that is the fact or not?

The SPEAKER: The last bill printed and in the possession of the House is House 441 and Senate 254. This is a matter purely of expediting business. Any bill may be tabled on its third reading, or it may be tabled on its passage to be engrossed. The Chair is inclined to think with the gentleman from Auburn (Mr. Wing) that it is in order, absolutely. It is a question of expediting the business. If the members feel that they can sufficiently acquaint themselves with a bill on Monday afternoon on its third reading, and then have an opportunity to again acquaint themselves with it on its passage to be engrossed, it seems proper that the matter should go on.

Mr. WING: I do not wish to be an obstructionist, Mr. Speaker, at all; but I thought these bills were printed under the Joint Rules before they were read.

The SPEAKER: They are ordered printed, the Chair will state, but the printed copies are not before you. Does the gentleman withdraw his motion?

Mr. WING: I do, Mr. Speaker, for the purpose of expediting business.

The SPEAKER: The gentleman from Auburn, Mr. Wing, asks to be allowed the privilege of withdrawing his motion.

Thereupon the motion was withdrawn.

The SPEAKER: The Chair will now ask the gentleman from Auburn, Mr. Wing, if he will consent to proceeding, as there are only two or three more.

Mr. WING: With very great pleasure, Mr. Speaker.

First Reading of Printed Bills and Resolves—Continued

House 436: Resolve appropriating money for the repair of the historic block house at the junction of St. John river and the Fish river at Fort Kent.

House 442: Resolve authorizing the attorney general to procure pictures of former attorneys general, and appropriating money therefor.

House 448: An Act to amend the charter of the city of Hallowell relative to the appointment of the city marshal and the street commissioner.

Passed to be Engrossed

Senate 164: "An Act relating to the

expenditures of the Department of Public Schools."

Senate 217: "An Act to amend the purpose of The Maine Institution for the Blind."

House 117: "An Act to amend Chapter 41 of the Public Laws of 1919, relating to marriage of persons infected with syphilis."

House 433: "An Act to incorporate the North Village Water Company."

House 434: "An Act to provide for the preservation of archaeological objects and sites, and for the appointment of a Commission of Archaeology."

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

House 435: "An Act to amend Section 7 of Chapter 293 of the Public Laws of 1917, relating to the director of sea and shore fisheries.

House 432: Resolve in favor of several academies, institutes, seminaries and colleges for maintenance, repairs and improvements.

Finally Passed

(Emergency Measure)

Resolve in favor of the Central Maine Sanatorium for fire protection.

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-six voted, and all in the affirmative, the resolve was finally passed.

On motion by Mr. Maher of Augusta, the House voted to reconsider its action whereby it accepted the report of the Judiciary committee relating to the mileage of members; and on further motion by the same gentleman, the report was re-committed to the committee on Judiciary.

An Act to amend Section 72 of Chapter 11 of the Revised Statutes, relating to the sale of real estate for taxes.

An Act to amend Sections 27 and 28 of Chapters 36 of the Revised Statutes, relating to the packing and grading of apples.

An Act additional to and amendatory of Chapter 75 of the Special

Laws of 1866, as amended by Chapter 18 of the Private and Special Laws of 1878, as amended by Chapters 164 and 304 of the Private and Special Laws of 1905, and as amended by Chapter 236 of the Private and Special Laws of 1911, entitled An Act creating the South Paris Village Corporation, Relating to a public sewer for said Corporation.

An Act to amend Section 18 of Chapter 135 of the Revised Statutes, relating to bail.

An Act to amend Chapter 204, Public Laws of 1917, authorizing the treasurer of State to negotiate a temporary loan.

An Act to authorize the city of Lewiston to issue its bonds to the amount of Eighty Thousand Dollars to refund its bonds now outstanding and maturing in the year 1924.

An Act to provide for the designation and registration of farm names.

An Act to prohibit the conferring of degrees without special authorization.

An Act to amend Section 24 of Chapter 128 of the Revised Statutes, relating to conspiracies.

An Act to amend Paragraph 15 of Section 45 of Chapter 117 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1921, relating to clerk hire in office of Register of Deeds in Waldo County.

Finally Passed

Resolve providing aid in the control and suppression of the European corn borer.

Resolve in favor of Northern Maine Sanatorium at Presque Isle, Aroostook County, for personal services, maintenance, repairs and improvements.

Resolve in favor of the Maine Railroad Committee.

Orders of the Day

The SPEAKER: The first thing to be considered under the rules is the unfinished business of yesterday and the Chair presents report of committees on public utilities and ways and bridges on bill, An Act to incorporate the Kennebec River Bridge Company, it being Senate Document No. 74, tabled by the gentleman from Augusta, Mr. Martin, March 14, pending acceptance of the report in concurrence.

On motion by Mr. Martin of Augusta, the report was accepted in concurrence.

The SPEAKER: The next matter to lay before the House is Senate Document No. 75, report of the committees on public utilities and ways and bridges on resolve relative to commission to investigate the site for Richmond-Dresden bridge, tabled by the gentleman from Augusta, Mr. Martin, March 14, pending acceptance of the report in concurrence.

On motion by Mr. Martin of Augusta, the report was accepted in concurrence.

The SPEAKER: The Chair now lays before the House majority and minority report of committee on judiciary on bill, An Act relating to traveling circuses, tabled by the gentleman from Augusta, Mr. Maher, March 15, pending acceptance of either report. The Chair recognizes the gentleman from Augusta, Mr. Maher.

Mr. MAHER: Mr. Speaker and gentlemen of the House: I assure this body that I will take but a very little time for two reasons. We are getting too congested in the matter of time, and for the further reason that the merit of my position needs little argument. To me the matter is one of such intrinsic importance that I had the presumption to attach my name alone to the minority report, and differ with the other nine members of that august body. The proposition covered by this bill would lead us into a new and uncharted course. It is, in short, that we shall impose a State tax of five hundred dollars upon every circus coming into this State, this tax to be in addition to the statutory charge imposed by the particular municipalities wherein the circus sees fit to show. Now circuses have to pay a stipend in whatever town they show. It is now proposed that they pay \$500 to the State of Maine as a license fee. The matter is trivial in one regard, from the standpoint of revenue that will accrue to the State, for not enough circuses come into Maine in the course of a year to give the State anything of a sizable amount.

There are circuses large and small, and I am now referring to the one, two and three ring variety, to be explicit, the circus that requires a tent. While I will say that I hold no brief for any circus, the imposition of a State stipend of \$500 sets a precedent. Exigency may suggest an increase, because taxes rarely go

down. The necessary tendency would be to prevent the small circus coming in. The large circuses only show in two or three of our metropolises,—Portland, Lewiston and Bangor. It is very rare that we get a large circus here, even in the Capitol city, because the remuneration to be derived is not such as warrants their coming. Assuredly in this State of magnificent distances they would not be encouraged to so come if they had to pay this additional fee.

There is no more outstanding thing in recent American literature than David Harum, and you who have read that depiction, "Truer than Main Street," must recall how, through the generosity of a bystander, the ragged youth was enabled to see from a seat his first circus and how it opened the vista of unknown worlds to the youthful mind. In fact it was the beginning of an education which produced a man, and you all know that there are sermons in brooks as well as in books, and there are lessons that many a lad learns from the amusement which does not appeal to the jaded taste. Hark back to those halcyon days when we were 21. I ask you to pause and think before you do one thing that will prevent the boys and girls of the future from being shut off from this unalloyed joy which has been yours.

There is a serious side to it, and I commend this thought to you, gentlemen. It is the open door, it is the sesame of men embarking upon the limitless sea of new taxation. You today will vote for what will later be a precedent for vocational taxes in Maine. In some of the states of this Union a man is not allowed to sell boots and shoes and coats, or engage in the sale of any kind of merchandise, without paying a stipend to the state, and I fear in this case that a precedent will be established for some future legislature, that is not so well balanced even as this, when it reaches out for some object that the hand of the vandal tax collector may smite, that will touch your business or some other simple pleasure of our plain folks. Who can say but that at the very next session somebody will conceive the idea that a one cent tax on every paid admission to our cinema shows will be productive of a very large return for the State? I am sure none of us would want to pay this in addition to the ordinary admission fee charged to the movies.

Again, gentlemen, apologizing perhaps for taking your time at this juncture, and simply saying that from this corner of the House all through this session we have had very frequent bursts of hot air from the ventilator at my right as well as from the individuals herein located, and that has been somewhat of an excuse perhaps for my trespassing at other times upon your patience,—if you are going to impose a tax upon anybody let us get away from circuses and from hot air. I will ask you this, paraphrasing a famous ditty,

You have taken away our hats,
You have taken away our shoes;
You have taken away our coats and vests,

You have taken away our booze.
For Heaven's sake leave us the circus. (Applause.)

By the way, I move the acceptance of the minority report.

Mr. Keef of Vanceboro: Mr. Speaker and members of this Legislature; I have no argument to make and I will attempt to make no speech. I will merely say that House Document No. 384 states that any circuses coming into the State of Maine shall be required to pay a State license of \$500 for that calendar year, and, Mr. Speaker, I have been informed from good authority that the State of Maine is the only State in the Union that does not have such a law, and I hope that the motion of the gentleman from Augusta, Mr. Maher, will not prevail.

Mr. WING of Auburn: Mr. Speaker and members of the House: I hate to pose as ringmaster of the show, but the gentleman from Vanceboro (Mr. Keef) is very much interested in this matter, and he has really opened up a source of revenue to the state that hitherto has been untapped.

Now as I understand the law, towns license circuses and the State does not, and, if he says, nearly every other state imposes this tax on the circus. Now there are circuses of high and low degree, and there are circuses in the guise of so-called carnivals that invade communities and become a pest. Now there is no reason why these pests should not pay this commonwealth the tax in question, and do not let the subtle wit of the distinguished gentleman from Augusta (Mr. Maher) upset your judgment, but rely on the judgment of the gentleman (Mr.

Keef) who for the first time has addressed you, and forget that I have said anything at all. I hope that the motion of the gentleman from Augusta (Mr. Maher) will not prevail.

Mr. HALE of Portland: Mr. Speaker, I think that in the late days of the Roman Empire the stability of the State was preserved by circuses, and I think that circuses exercise a stabilizing influence on civilization. Now I introduced into this House a short time ago a bill providing for a license fee of \$1.15 on cats. I thought that a reasonable license fee, but now they propose to charge five hundred dollars for a few elephants. I think it is too much, and I support the motion of the gentleman from Augusta, Mr. Maher.

Mr. MAHER: Mr. Speaker, may I ask the gentleman from Auburn (Mr. Wing), through the Chair, whether or not the word "carnival" is included in this bill?

The SPEAKER: The gentleman may answer, through the Chair, if he wishes.

Mr. WING: I for the moment, Mr. Speaker, think it is not; but I say too that a carnival is a circus.

Mr. MAHER: Mr. Speaker, my distinguished friend from Auburn (Mr. Wing), as all members of the Judiciary know and I think all members of the House appreciate, is certainly a stickler for the niceties and for accuracy; and I think he must agree with me—and I am sure that if he does not he is hopelessly in the minority in this regard—that if there is one word that has become well-defined in common usage, well understood, of which even the courts have taken judicial notice, it is that a circus is a circus and a carnival is a carnival. The gentleman's argument is aside from the point, and he is begging the question. I yield to the gentleman from Harmony, Mr. Reed.

Mr. REED of Harmony: Mr. Speaker, there is one side of this that I, and possibly others might feel the same way, that has not been touched on. I have two small boys who attended a circus last summer, and from an educational standpoint and the study of natural history, I think they learned more in that one day than has been drilled into them from books in a whole term of school. (Applause).

Mr. ROGERS of Rockland: Mr. Speaker, down in Rockland we have

very few circuses, the cost of getting across the Kennebec river has deterred many of them from coming that way; but circus day in Rockland is a public holiday. More people turn out to attend a circus than for any other purpose except a Republican Rally. (Laughter).

Mr. STURGIS of Auburn: Mr. Speaker, when I was a boy, and that was a long time ago—probably before my brother was born—circuses traveled by wagon. I lived on a hill and I remember one time of seeing a circus going along the road a few miles from my place and I realize the exhilaration of thinking that the circus was coming to town. Now, of course, circuses travel about by trains, sometimes two, three and four train loads. Now this tax would bear heavily on the fellow with a small circus. It would be like barring out the little fellow selling oil and letting the Standard Oil Company in. I favor the minority report.

Mr. SAUNDERS of Lubec: Mr. Speaker, this interesting subject has seemed to develop into a general conversation. The majority of the committee did not propose to eliminate circuses, and this proposed bill that was presented by the gentleman from Vanceboro (Mr. Keef) was drawn upon information from one who has been and is now connected with circuses. We want the circuses here and this is not going to eliminate them. There was not one particle of evidence and no one appeared against this bill. Now if the circuses want to come here—and I am perfectly willing—and exhibit wild men and wild women, I want them to pay for it. (Applause).

Mr. MAHER of Augusta: I would like to ask a question, through the Chair, of the gentleman from Lubec (Mr. Saunders).

The SPEAKER: The gentleman may do so, and the gentleman from Lubec may answer, if he desires.

Mr. MAHER: I wish to ask the gentleman from Lubec (Mr. Saunders) if he will state the name of the gentleman he understands to be in the circus business who suggested this bill.

Mr. SAUNDERS: I will say, Mr. Speaker, that the gentleman from Augusta (Mr. Maher) knows him.

Mr. MAHER: Will you state who he is?

Mr. SAUNDERS: I do not care to.
Mr. MAHER: Mr. Speaker, I will

ask the gentleman from Vanceboro, through the Chair, not giving the name of the gentleman who suggested to you this measure,—I will ask him whether or not that man is connected with the largest circus in the world.

The SPEAKER: The gentleman from Vanceboro, Mr. Keef, may answer.

Mr. KEEF: I understand, Mr. Speaker, he has traveled with the largest circuses there are today.

Mr. MAHER: I submit to the Chair this is a complete vindication of the argument of the gentleman from Auburn (Mr. Sturgis).

Mr. HOBBS of Hope: Mr. Speaker, I suggest that we vote before we make this body a permanent circus.

Mr. KEEF of Vanceboro: Mr. Speaker, I received yesterday from the New York Civic League the following letter:

"Dear Sir: We see by the magazine known as Variety, issue of March 1st, 1923, Page 12, that you have introduced a bill in the Legislature, regulating circuses or requiring a license for the same.

"We are thinking of introducing a bill regulating carnivals, circuses, etc., and we are seeking as much information as we can in regard to the law of other states and the bills being introduced in other states so as to help us in the drafting of a bill to introduce here in the Legislature at Albany, so would greatly appreciate a copy of the bill.

"Thanking you in advance for the favor, and wishing you success in securing legislation which you desire, I am

Very respectfully,

(Signed) GEO. H. WEST
Supt. Law and Order Dept

New York Civic League.

Mr. MORSE of Bath: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Bath, Mr. Morse, moves the previous question. As many as are in favor of that question will rise.

A sufficient number having arisen the previous question was ordered.

The SPEAKER: The question is on the motion of the gentleman from Augusta, Mr. Maher, that the minority report, ought to pass, be accepted. As many as are in favor of the acceptance of the minority

report will rise and stand in their places until counted, and the monitors will return the count.

A division being had,

Fifty-seven voting in the affirmative and 65 in the negative, the motion of the gentleman from Augusta, Mr. Maher, failed of passage.

On motion by Mr. Wing of Auburn, it was voted to accept the majority report.

The SPEAKER: This being a printed bill, and upon the desks, the gentleman from Auburn, Mr. Wing, moves that the rules be suspended and that it have its readings. (Laughter and applause).

Thereupon the bill had its first and second readings, and Monday afternoon at 4.30 was assigned for its third reading.

The SPEAKER: The next matter under the unfinished business of yesterday is House Document No. 356, An Act to regulate the sale of vinegar, tabled by the gentleman from Portland, Mr. Hale, March 19, pending passage to be enacted.

On motion by Mr. Hale of Portland, the House voted to reconsider its action whereby House Document No. 356, An Act to regulate the sale of vinegar was passed to be engrossed; and the same gentleman offered House Amendment A and moved its adoption.

House Amendment A to House Bill No. 356.

Add after the word "manufacturer," in line two, Section four, Paragraph three, the words "or distributor," so that said paragraph may read: "Third: If the package containing said vinegar or its label is not plainly branded with the name of the manufacturer or distributor and his place of business."

The amendment, was adopted and the bill as amended by House Amendment A was passed to be engrossed.

The SPEAKER: The next matter under the unfinished business of yesterday is House Document, No. 334, Resolve appropriating money to set forth natural agricultural, industrial and recreational advantages of Maine, tabled by the gentleman from Bangor, Mr. Chalmers, March 20, pending final passage.

Mr. CHALMERS of Bangor: Mr. Speaker and gentlemen: When I

tabled this, I tabled it really to see how many were in favor of the passage of this \$50,000 appropriation, \$25,000 for the first year and \$25,000 for the second year. We have passed already, \$3,500 for the publicity committee, an annual appropriation, and also the Springfield building, \$25,000. At about every town that has had a town meeting taxes have been raised and the cities as well. Now I just wonder how many are going to vote for this resolve. I move that it be indefinitely postponed.

Mr. DOUGLAS of Lamoine: Mr. Speaker and members of the House: It seems to me a mighty poor reason to table a matter merely to gratify our own curiosity as to how many want to do a certain thing. It seems to me that that is obstructing legislation.

Now in the matter of appropriating money to set forth our natural agricultural, industrial and recreational advantages in the State of Maine, the gentleman (Mr. Chalmers) has said before in his remarks in a different way exactly the same thing, and all of the opposition to this measure has apparently come from down in that section, and the same in regard to any measure that I have advanced in trying to advertise or increase in any way the view of the outside public as to what the State of Maine has to offer. I will not at this time undertake to occupy your time on the merits of this measure, as it has been thoroughly discussed; but I will take up just three questions that are always apparent in connection with advertising.

First, what have we to sell? We have the total of this vast State's resources, in agriculture, in industry, in recreation and in health and scenic view, and we have everything else that is saleable, practically within our borders.

The next question is, where is our market? The whole world is our market, and in a broad sense that is true.

Next, how to reach that market? Advertise. Maine is just waiting for a chance and opportunity to let the outside world know what we have.

(At this point Mr. Drake of Bath assumed the Chair.)

This measure carries with it an appropriation of money, a part of which can be used in getting out pictures of everything of an educational nature pertaining to the State of Maine,

which can be shown in the building which we own at the Springfield Exposition. They can be shown to three or four hundred thousand people, and in that building we can exhibit pamphlets of every kind to advertise our wonderful resources. Now it does not seem possible that there can be any criticism as to the advantages of advertising our natural resources in this way. It would cost you and I for the two years just exactly the price we pay for one cigar to smoke. Just think of it, and with that money we can do so much to bring our grand old State within the world's knowledge! It puts me in mind of a man having a large store on a corner in a city where the most of the travel is, and that store filled to the top with the finest of goods marked down to one-third of their actual value. Let him pull down the curtain, shut the door and not lock it, and how many of those goods will stay in that store and for how long? Now this very small item that I am asking for to advertise the wonderful things that we have would mean simply putting a name over that door and perhaps raising those curtains a foot. That is all that \$25,000 means to advertise the wonderful things that we have.

Now, gentlemen, it seems to me that the gentleman from Bangor, Mr. Chalmers, had no other excuse than to just gratify his own curiosity as to how many are willing to do this, and in order to assist him in that, I move that it be enacted.

Mr. MOODY of York: Mr. Speaker, I want to stand up and give my testimony, as I used to say years ago, on the glorious State of Maine, this northeastern corner of the United States, which is rich in its agriculture, rich in its industries, rich in its recreational opportunities, and, above all, rich in its happy homes. It should be advertised, assuredly.

"Ye men of Maine with purpose strong,
The wheels of progress roll along;
And neither pause nor falter
But bring the best of everything and
lay upon the altar."

(Applause)

Mr. STURGIS of Auburn: Mr. Speaker, I am carried away with the oratory of the gentleman from York (Mr. Moody). I heard the gentleman from Lamoine (Mr. Douglas) say that he felt sorry because the gentleman from Bangor (Mr. Chalmers) was so narrow—

Mr. DOUGLAS of Lamoine: Mr.

Speaker, I wish to be correctly quoted. I never called any man in this House narrow.

The SPEAKER pro tem: Order please.

Mr. STURGIS, resuming: We have just passed a bill carrying \$25,000 to erect a magnificent building in Springfield to show the agricultural and the natural resources of the State of Maine. This I think is well worded — "Resolve appropriating money to set forth the natural agricultural, industrial and recreational advantages of Maine." But gentlemen, I am afraid from past experiences that this agricultural part is brought in just as a carrier to carry this through. I am against this bill.

Mr. PHILLIPS of Orrington: Mr. Speaker, again I suppose I shall have to be in the minority, and I am indeed sorry that I cannot agree with the gentleman from Lamoine (Mr. Douglas). That, probably, is to my disadvantage for my mind presumably is not sufficiently large to comprehend the great advantages that will arise from this proposition. Now my position, I will frankly state to you, is this: If any results can be obtained from advertising, I believe that those who reap the benefits should pay the bills. Personally, and from observation throughout the State, I have failed to see where the farmer on the small farm, who, we all know, makes up the great bulk of our State,—I fail to see where he is going to reap the advantages of all these great opportunities that have been shown; and I am against this bill.

The question was then called for.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Bangor, Mr. Chalmers, to indefinitely postpone Resolve appropriating money to set forth the natural agricultural, industrial and recreational advantages of Maine. Those in favor will say "Aye," those opposed, "No".

A viva voce vote was doubted.

Mr. DOUGLAS of Lamoine: Mr. Speaker, some members do not quite understand what they are voting on here.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Chalmers, has moved to indefinitely postpone the resolve appropriating money to set forth the natural agricultural,

industrial and recreational advantages of Maine. Those in favor of the motion of Mr. Chalmers to so indefinitely postpone will please rise and stand until counted and the monitors have returned the count.

A division of the House being had,

Forty-five voting in the affirmative and 57 in the negative, the motion to indefinitely postpone failed of passage.

On motion by Mr. Douglas of Lamoine the resolve was finally passed.

The SPEAKER pro tem: The Chair now lays before the House veto message from the Governor on bill, An Act relating to the West Branch Driving and Reservoir Dam Company, House Document No. 237, tabled by the gentleman from Brewer, Mr. Curtis, March 21, pending reconsideration.

Mr. WING of Auburn: Mr. Speaker, I rise to inquire what became of House Document 118, An Act relating to osteopathic examination and registration. I thought it was on the unfinished business. It has been on the calendar two or three days.

The SPEAKER pro tem: That was tabled March 20th by Mr. Wing of Auburn pending passage to be enacted. The Chair recognizes the gentleman from Brewer, Mr. Curtis.

Mr. CURTIS of Brewer: Mr. Speaker, I wish to take this veto message from the table and I yield the floor to the gentleman from Houlton, Mr. Archibald.

The SPEAKER pro tem: The Chair recognizes the gentleman from Houlton, Mr. Archibald.

Mr. ARCHIBALD of Houlton: Mr. Speaker and gentlemen: The matter under consideration now is the question of the action on the veto message of an act relating to the West Branch Driving and Reservoir Dam Company. Now the veto message itself,—if you have read it you will recall that it places this bill upon substantially the same, if not exactly the same, footing with the former veto message with relation to the Kennebec River Dam Company.

Now I think that there is no need of any extended remarks on this and that all that is necessary is to have this House clearly and definitely understand just what the exact situation is. That has not been

touched upon by the Governor in his veto message at all. I wish to say at the outset that while I will call attention to certain phases of this matter as discussed by the Governor's veto message, that I do not intend in any way to make any criticism or to find any fault with the Governor in the matter of his veto at all, but I think that it must be due either to misapprehension of what the exact situation really is and as to the actual facts, or else that he has not made a careful study of the prior acts and resolves passed by previous legislatures, so that he might appreciate the exact situation as it now is.

Now, in the first place, the company, by an act of the Legislature of 1903, was given the charter to become a log-driving company and it organized under the provisions of that charter and then went on doing business until 1907 when it came here to the Legislature and asked for an amendment of its charter. Now that was granted under the provisions of Chapter 206 of the Private and Special Laws of 1907 and under the provisions of that Chapter 206 this company was then given the right to build, or rebuild, its dam at Ripogenus, and that act specified the height to which they could raise that dam, and I quote the language of the act itself, but without going into the whole of it. It simply says this,—“to build and maintain a new dam at said falls at some point within 50 feet below, and 500 feet above its present dam, to such a height as will raise the water four and one-half feet above the maximum level of the surface of Chesuncook Lake as flowed by the present Chesuncook dam.”

Now the act before this House which has been vetoed, is simply an act amending this prior right of 1907 and the only amendment,—if you will turn to that House Bill No. 227, you will find that the only amendment offered is changing the word “four” to “eight” so that if this amendment were adopted this company would then have the right to raise its dam eight and one-half feet above the point determined by the act of 1907. That is all there is to this bill, absolutely everything there is to it, set right forth in House Bill No. 227.

Now subsequent to that amendment the Legislature of 1917 passed another act, and it is Chapter 94 of the Private and Special Laws of 1917, and it is in relation to this same reservoir

company. Under the provisions of the second section, the Great Northern Paper Company had taken away from it the right to generate and sell electricity and under the last section of that act the provision was made that whenever the State of Maine should determine, by proper legislation, to acquire, maintain and operate a system of water storage at the head waters of the West Branch of the Penobscot river and to take over the property and rights of the West Branch Driving and Reservoir Dam Company, the said State should be under no obligation to compensate said West Branch Driving and Reservoir Dam Company for the rights and franchises granted to it by this act.

Now it is very evident, of course, that under this new bill that is now before us, no corporate rights, privileges, grants, charters or anything else are in any way modified, changed or restricted, except that it is given the right, if this bill becomes a law, to raise its water level at Ripogenus dam four feet higher than it is today. That is all there is to it.

I have here before me the veto message of the Governor in which he says, “This act grants to the West Branch Driving and Reservoir Dam Company one of the most valuable water storage franchises in the State of Maine. It gives the said company the right to raise the water level of Chesuncook Lake eight and one-half feet above its maximum level and the right to take or flow out any water powers belonging to private individuals below the Chesuncook dam, or below the dam authorized by the act.”

Now, as I say, I do not in any way criticize or find fault with the Governor in his message but I do say that I do not believe the message is based upon sufficient information with relation to the matter. That is all. I think it must be very plain that it cannot have been, because this says that it gives the company the right to raise the water level of Chesuncook Lake eight and a half feet above its maximum level. Now, strictly speaking, it would give it the right to raise it eight and a half feet above a certain level prior to 1907 but the 1907 act gave it the right to raise it to a certain level. Now, this amendment, instead of raising it eight and a half feet above the level of Chesuncook Lake only authorizes it to raise it four feet above its maximum level as it was after the 1907 act was amended.

Now, “the right to take or flow out

any water powers belonging to private individuals below the Chesuncook Dam, or below the dam authorized by the act." Now there is not any dam authorized by this act and Chesuncook Dam, as I understand it, is a dam which is a considerable distance upstream from this dam and is today practically or entirely destroyed and has nothing to do with this at all. The Governor further says, "The franchise is very similar to that asked for by the Kennebec Storage Reservoir Company and my reasons for disapproving the latter franchise apply with equal force to the present. In the case before us the State already has parted with many valuable rights and certainly a halt should be called. Before any additional privileges are granted the rights of the people should be defined, and a halt should be made in the granting of storage franchises until the proposed constitutional amendment is placed before the people."

I think it is perhaps fair to assume that after the Kennebec Reservoir proposition passed this Legislature that the policy of the State, at least as defined by this Legislature, was pretty well established, and if it was within the desire of this Legislature to grant the Kennebec Reservoir Company the original franchise right with all that bill carried, there cannot be the slightest objection to passing this measure giving them the right to raise the water level four feet more.

Now what do they propose to do? In the first place, I would call your attention to the fact that this was up before the committee on interior waters and was reported in an unanimous report by that committee, ought to pass, and that committee has one member who has property which is affected by this raised elevation and apparently, as I understand it, all the parties interested, this committee member included, were entirely satisfied.

The actual area flooded by the present Ripogenus Dam is about 38 square miles. This additional flowage is intended to cover only 2900 acres, between 2900 and 3000 additional acres, and I have a list here of the different owners of the land which will be flooded by this additional flowage and I have it clearly and definitely from that committee that every single person whose property is affected by this extra flowage has either given a deed to the company or has given them an option on terms that are satisfactory and agreeable to everybody. So no private property is being in any way invaded

at all by the provisions of this act, not in the slightest degree, because they have either decided or given their options.

Now, on a 38 square mile basis of flowage, it is not asking a great deal to ask for the right to flood 2900 additional acres and that additional flowage is intended to do just exactly what all other projects of this kind do, and that is, simply to allow them to store the necessary water to carry them through the dry season, and it is going to increase the storage capacity of this reservoir company 20 per cent. It is going to make an increase of from 25 to 35 billion cubic feet because the act already provides the amount of water per second which the dam company must now discharge to go below and this act before this Legislature does not modify nor alter nor change that whatever.

Now, it seemed to me that all that was needed was a careful explanation of this matter so that the members would actually know what was going on and what was being done, and I would ask you to bear in mind the provisions of this 1917 law under which I have no doubt the Kennebec Reservoir Dam Company has been operating for the last six years, providing that the State of Maine, now has, already has, the right to take over, when it shall see fit to do so, any storage rights that that company now has without being under any obligation to compensate the company for its rights and franchises granted in the 1917 act.

Now I think that is all there is to the matter, and with that explanation, I will simply state that in my judgment the State is not losing anything whatever by passing this bill and is giving that company simply the right to increase its storage capacity, and I think the bill should pass, despite the objections of the Governor.

Mr. GREENLEAF of Auburn: Mr. Speaker, and Gentlemen: As a member of that committee I wish simply to state that I was very much astonished at the veto message in connection with this bill. As the gentleman from Houlton (Mr. Archibald) has said, all they ask is the right to raise the water level which they obtained by the action of the former legislature, to flow back over their own land, or land on which they have obtained options, and this veto message has very little to say in regard to that that is at all relevant.

Mr. ARCHIBALD: Mr. Speaker, may I just add that the Ripogenus Dam

is constructed in such a way that there is a roadway over the top of it and the only thing that the company intends to do,— instead of making any new construction they can change this present dam because it is constructed for the purpose, so that it can be done that way. They simply intend to raise that additional number of feet of water by placing boards on this dam, which already has facilities for that purpose.

The SPEAKER pro tem: The question, gentlemen, before the House is whether or not you desire to pass this measure over the Governor's veto. Those in favor of passing this act over the Governor's veto will answer "yes" when their names are called. Those who wish to sustain the veto of the Governor will answer "no" when their names are called. Is the House ready for the question? The clerk will call the roll.

(At this point Speaker Holley resumed the Chair, and the gentleman from Bath, Mr. Drake, retired amidst the applause of the House).

YEA—Adams, Litchfield; Archibald, Ayer, Baker, Bartlett, Hanover; Bartlett, Waterville; Barwise, Beckett, Bellevue, Benoit, Bickford, Bisbee, Blaisdell, Boman, Boulter, Bradbury, Brett, Brewster, Brown, Burns, Chalmers, Cherry, Clarke, Conant, Crafts, Crowley, Curtis, Dain, Dilling, Douglas, Downing, Drake, Dudley, Dunbar, Dunn, Edwards, Farley, Fickett, Finnell, Foss, Gagne, Gagnon, Gamage, Gardiner, Gauvin, Gillespie, Gilmour, Goldthwaite, Granville, Greenleaf, Hale, Hallett, Hamilton, Hammond, Hayes, Chelsea; Heal, Hobbs, Hodgkins, Holmes, Houghton, Hutchinson, Johnson, Jones, Jordan, Cape Elizabeth; Jordan, Westbrook; Keef, Keene, Knight, Lamson, Leathers, Leland, Littlefield, Lord, South Portland; Ludgate, Macomber, Maher, Martin, McDonald, Mellheron, Melcher, Moody, Morse, Bath; Newcomb, Oakcs, O'Connell, Overlock, Owens, Palmer, Perkins, Perry, Phillips, Pierce, Pinkham, Piper, Plummer, Rancey, Ray, Reed, Rogers, Rowell, Sanders, Saunders, Sayward, Siddall, Smith, Staples, Stevens, Storm, Story, Stratton, Thomas, Chesterville; Thomas, Leeds; Tilden, Towne, Weeks, White, Whitney, Wills, Wing, Winn, Winslow—121.

NAY—Adams, Liberty; Cummings, Hayes, Gorham; Nichols, Nickerson, Pendleton, Sparrow, Sturgis, Tarr—9.

ABSENT—Atwood, Cates, Gile, Gordon, Hayford, Jacobs, Jewett, Kitchen, Lord, Wells; Morrison, Morse, Greene; Nadeau, Nevins, Ramsdell, Rounds, Small, Stitham, Teague, Williams, Wood—20.

One hundred and twenty-one having voted in the affirmative and 9 in the negative, the objections of the Governor were not sustained.

The SPEAKER: The next matter on the calendar today assigned is veto message of the Governor on bill, An Act relating to the State Department of Health, it being House Document No. 131, tabled by the gentleman from Auburn, Mr. Sturgis, March 21st, pending reconsideration.

Mr. STURGIS of Auburn: Mr. Speaker, I move that the matter be retabled until Tuesday next.

A viva voce vote being taken the motion to retable was lost.

The SPEAKER: The matter before the House is veto message of the Governor on bill, An Act relating to the State Department of Health, it being House Document No. 131, tabled by the gentleman from Auburn, Mr. Sturgis, March 21st, pending reconsideration. This question is a Constitutional one and requires a yea and nay vote. As many as are in favor of the bill becoming a law notwithstanding the objections of the Governor will vote "yes" when their names are called. Those who wish to sustain the veto of the Governor will say "No" when their names are called. Is the House—

Mr. WING of Auburn: Mr. Speaker, I move that the door-keeper be instructed not to open the door except to let a member in.

A viva voce vote being doubted, A division of the House was had.

Mr. MAHER of Augusta: Mr. Speaker, before the vote is announced, I move House Amendment A, that it include windows. (Laughter)

Ninety-two having voted in the affirmative and five in the negative, the motion to instruct the door-keeper prevailed, and the door-keeper was instructed to conduct himself in accordance with the motion and the vote.

The SPEAKER: The question is on the veto message of the Governor. Those in favor of the bill becoming a law notwithstanding the objections of the Governor will say "yes" when their names are called. Those who wish to sustain the veto of the Governor will say "no" when their names are called. Is the House ready for the question? The clerk will call the roll.

YEA—Brown, Fickett, Hale, Hammond, Hutchinson, Jones, Piper, Ray, Siddall, Story,—10

NAY—Adams of Liberty, Adams of

Litchfield, Archibald, Ayer, Baker, Bartlett of Hanover, Barwise, Beckett, Benoit, Bickford, Bisbee, Blaisdell, Boman, Boulter, Bradbury, Brett, Brewster, Burns, Chalmers, Clarke, Conant, Crafts, Crowley, Cummings, Curtis, Dain, Dilling, Douglas, Downing, Dudley, Dunbar, Dunn, Edwards, Farley, Finnell, Foss, Gagne, Gagnon, Gamage, Gardiner, Gillespie, Gilmour, Goldthwaite, Granville, Greenleaf, Hallett, Hamilton, Hayes of Chelsea, Hayes of Gorham, Heal, Hobbs, Hodgkins, Holmes, Houghton, Jewett, Johnson, Jordan of Cape Elizabeth, Jordan of Westbrook, Keef, Keene Knight, Lamson, Leathers, Leland, Littlefield, Lord of South Portland, Ludgate, Macomber, Maher, Martin, McDonald, Meltheron, Melcher, Moody, Morse of Bath, Newcomb, Nichols, Nickerson, Oakes, O'Connell, Overlock, Owens, Pendleton, Perkins, Perry, Phillips, Pierce, Plummer, Ranney, Reed, Rogers, Rounds, Rowell, Sanders, Sayward, Small, Smith, Sparrow, Staples, Stevens, Storm, Stratton, Sturgis, Tarr, Thomas of Ch'ville, Thomas of Leeds, Tilden, Towne, Weeks, White, Whitney, Wills, Wing, Winn, Winslow.—115

ABSENT—Atwood, Bartlett of Waterville, Belliveau, Cates, Cherry, Drake, Gauvin, Gile, Gordon, Hayford, Jacobs, Kitchen, Lord of Wells, Morrison, Morse of Greene, Nadeau, Nevins, Palmer, Pinkham, Ramsdell, Saunders, Stitham, Teague, Williams, Wood.—25.

Ten having voted in the affirmative and 115 in the negative, the objections of the Governor were sustained.

The SPEAKER: The next matter on the calendar and today assigned is House Document 374, Resolve in favor of the Bath Military and Naval Orphan Asylum, tabled March 22nd, by the gentleman from Bath, Mr. Morse.

Mr. MORSE of Bath: Mr. Speaker, I have House Amendment A which I would like to offer and I might say that this has the sanction of the committee. I move its adoption.

House Amendment A to House Document 374, entitled "Resolve in favor of the Bath Military and Naval Orphan Asylum."

Amend said resolve by striking out the words "One Thousand" in the second line of the last paragraph and inserting in place thereof the words "Two Thousand."

The House thereupon, by a viva voce vote, adopted the amendment, and the resolve received its two several readings and was passed to be engrossed as amended by House Amendment A.

The SPEAKER: The next matter on the table and today assigned is veto message from the Governor on bill An Act relating to the time of payment of excise tax on railroads, House Document 161, tabled on March 22nd by the gentleman from Auburn, Mr. Wing, pending reconsideration.

Mr. WING of Auburn: Mr. Speaker, I move that this matter be retabulated until Tuesday next. I hesitate to do this but I really ask the indulgence of the House in granting me this favor. I have not had time to examine this and I do not want to do anything hasty. I have consulted with other gentlemen in the House and this assignment is agreeable to them. It is not in any sense for delay but rather to inform myself, and I yield now to the gentleman from Brunswick, Mr. Hutchinson.

The SPEAKER: The gentleman from Brunswick, Mr. Hutchinson, may debate the assignment.

Mr. HUTCHINSON of Brunswick: Mr. Speaker, as the author of this bill, I should be very glad if the House would assent to the request of the gentleman from Auburn, Mr. Wing, and assign this matter for next Tuesday morning.

Mr. TOWNE of Norway: Mr. Speaker, I wish to second the motion of the gentleman from Auburn, Mr. Wing, and I hope the members of the House will grant this privilege of reassigning this measure for hearing next Tuesday.

A viva voce vote being taken the motion to retable until Tuesday morning, March 27th, prevailed.

The SPEAKER: The next matter on the table and today assigned is veto message of the Governor on Resolve making appropriation for Maine Seed Improvement Association, House Document No. 284, tabled by the gentleman from Caribou, Mr. Hamilton, on March 22nd, pending reconsideration.

Mr. HAMILTON of Caribou: Mr. Speaker and gentlemen of the House: This appropriation in regard to scattering seed for agricultural purposes throughout the State of Maine

has been carried on for the past ten years without any disapproval by anyone and it has been taken care of in resolves, as I understand it, of this nature. Now the request comes in that we should take this from another fund, the fund allowed to the different agricultural societies throughout the State of Maine, and we are informed that we cannot do this, that it must be taken care of in this way by the Agricultural Department that has charge of those things. It shows that the executive authority does not object to payment of this amount of money for this purpose and it seems to me that in order to make sure that this money is provided for each year—just \$1,000 each year—that we should pass this resolve over the Governor's veto.

Now the purpose of spending this immense amount of money is for the benefit of the farmers of the State of Maine, helping their children, in the agricultural departments of the high schools throughout the state, to understand more thoroughly the methods with regard to the use of the different kinds of seeds produced. It seems to me that we should encourage this in every possible way.

I have no objection to, and in fact I advocate, appropriations to advertise the products of the State of Maine but, Mr. Speaker and gentlemen of this House, for Heaven's sake let us first have something to advertise by encouraging our children throughout the State to produce something, as nearly perfect as they can, and understand it and put it up in the right sort of way. And, while perhaps I am unable to make this clear to each one of you, I feel sure that if you did understand it thoroughly there would not be a single objection to passing this over the Governor's veto.

Mr. LELAND of Sangerville: Mr. Speaker and gentlemen: I wish, very briefly indeed, to just call your attention to the exact uses for which this \$1,000 annually has been used and probably will continue to be used in the future. It is entirely for the payment of premiums at the annual exhibits of the Maine Seed Improvement Association, in connection with their associations and boys and girls clubs.

Very briefly, this money was expended last year in premiums to 181 exhibits and the total amount of the

premiums actually paid was \$714. The actual expenses, which included speakers with relation to this work of seed improvement, and the labor of setting up the shows in connection with it, the entire expenses amounted to \$109.67 so it can be seen that a very large per cent of the amount appropriated was used in the actual payment of premiums.

These exhibitions charge no entrance fee whatever. They are entirely free to the public and are held either in Bangor, Portland or Lewiston, which are about the only places equipped to have these exhibits. The result of this veto will simply be to cut out the Maine Seed Improvement Association from its share in this great exhibit of agricultural products, and I feel sure that anyone who understands the situation is not in the least willing that that should be done.

Mr. ADAMS of Liberty: Mr. Speaker, may I ask Mr. Leland through the Chair, whether or not the Budget did not appropriate \$1,000 for this purpose?

The SPEAKER: The gentleman from Liberty, Mr. Adams, addresses a question to the gentleman from Sangerville, Mr. Leland, through the chair. The gentleman from Sangerville, Mr. Leland, may answer if he wishes.

Mr. LELAND: Mr. Speaker, in answer to Mr. Adams I will say that through an oversight two years ago it was left out of the Budget and was taken care of by the Committee on Appropriations. I presume that the fact may account for its being left out of the appropriation.

Mr. HAYES of Chelsea: Mr. Speaker, I would like to ask a question of the gentleman from Sangerville (Mr. Leland) through the Chair. Do I understand that it has always been customary to appropriate this amount of money?

The SPEAKER: The gentleman from Sangerville, Mr. Leland, may answer the question addressed to him through the chair by the gentleman from Chelsea, Mr. Hayes, if he wishes.

Mr. LELAND: I will say, Mr. Speaker, that this appropriation has been made annually since the year 1913 without any opposition or objection whatever.

The SPEAKER: The question before the House is, shall this re-

solve become a law notwithstanding the objections of the Governor. Those in favor of this resolve becoming a law, notwithstanding the objections of the Governor, will answer "yes" when their names are called. Those who wish to sustain the veto of the Governor will answer "no" when their names are called. Is the House ready for the question? The clerk will call the roll.

YEA—Adams of Liberty, Adams of Litchfield, Archibald, Baker, Bartlett of Hanover, Bartlett of Waterville, Barwise, Beckett, Benoit, Bickford, Bisbee, Blaisdell, Boman, Boulter, Bradbury, Brett, Brewster, Brown, Burns, Chalmers, Clarke, Conant, Crafts, Crowley, Cummings, Curtis, Dilling, Douglas, Downing, Dudley, Dunbar, Dunn, Edwards, Farley, Fickett, Finnell, Foss, Gagne, Gagnon, Gamage, Gardiner, Gauvin, Gillespie, Gilmour, Goldthwaite, Granville, Greenleaf, Hale, Hallett, Hamilton, Hayes of Chelsea, Hayes of Gorham, Heal, Hobbs, Hodgkins, Holmes, Houghton, Hutchinson, Jewett, Johnson, Jones, Jordan of Cape Elizabeth, Jordan of Westbrook, Keef, Keene, Knight, Lamson, Leathers, Leland, Littlefield, Lord of South Portland, Ludgate, Macomber, Maher, Martin, McDonald, McIlheron, Melcher, Moody, Nevins, Newcomb, Nichols, Nickerson, Oakes, O'Connell, Overlock, Owens, Pendleton, Perkins, Perry, Phillips, Pierce, Piper, Plummer, Ranney, Reed, Rogers, Rowell, Sanders, Saunders, Sayward, Siddall, Small, Smith, Sparrow, Staples, Stevens, Storm, Story, Stratton, Sturgis, Tarr, Thomas of Chester-ville, Thomas of Leeds, Tilden, Towne, Weeks, White, Whitney, Wills, Wing, Winn, Winslow—125

NAY—Dain—1.

ABSENT—Atwood, Belliveau, Cates, Cherry, Drake, Gile, Gordon, Hammond, Hayford, Jacobs, Kitchen, Lord of Wells, Morrison, Morse of Bath, Morse of Greene, Nadeau, Palmer, Pinkham, Ramsdell, Ray, Stitham, Teague, Williams, Wood—24.

One hundred twenty-five having voted in the affirmative and one in the negative, the objections of the Governor were not sustained.

On motion by Mr. Boulter of Kittery, the rules were suspended and the members of the House were permitted to smoke.

The SPEAKER: The Chair will

state that we are still under "Orders of the Day" and now come to that part of the calendar, "Tabled and Unassigned."

On motion by Mr. Wing of Auburn it was voted to take from the table House Document No. 118, An Act relating to osteopathic examination and registration, tabled by that gentleman on March 20th, pending passage to be enacted.

Mr. WING: Mr. Speaker, I yield to the gentleman from East Machias, Mr. McDonald.

Mr. McDONALD of East Machias: Mr. Speaker, I wish to offer House Amendment B to House Document 118, and I move its adoption.

The SPEAKER: The gentleman from East Machias, Mr. McDonald, moves that we reconsider the vote whereby this act was passed to be engrossed. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The same gentleman now offers House Amendment B to House Document 118.

House Amendment B to House Document No. 118.

House Document 118 is hereby amended by striking out the words "Library Commission" in the fourth line of Amended Section 52.

The SPEAKER: The question is on the adoption of House Amendment B.

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

On motion by Mr. Cummings of Portland it was voted to take from the table, Resolve in favor of the Augusta State Hospital and the amendment thereto, tabled by that gentleman earlier this morning; and upon further motion by the same gentleman it was voted to reconsider the vote whereby the amendment was ordered printed; and upon further motion by the same gentleman the amendment was adopted and the bill as amended was passed to be engrossed.

On motion by Mr. Rounds of Portland it was voted to take from the table Senate Document No. 198, An Act to provide for issue of State Highway and Bridge Bonds, tabled by that gentleman March 22d, pending passage to be enacted.

Mr. ROUNDS: Mr. Speaker, I now

move that this be passed to be enacted.

The SPEAKER: This being an emergency matter requires a two-thirds vote of the membership of the House in order to be passed to be enacted. As many as are in favor of this bill being passed 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 nineteen voted and all in the affirmative, so the bill was passed to be enacted.

On motion by Mr. Tilden of Hallowell it was voted to take from the table, Senate Document 199, House Amendment "A" to bill, An Act to revise and consider banking laws, tabled March 22d by that gentleman pending adoption of the amendment.

On motion by Mr. Nichols of Portland, House Amendment A to Senate Document 199 was adopted.

Mr. NICHOLS of Portland: Mr. Speaker, I offer House Amendment B to Senate Document 199 and move its adoption.

House Amendment B to Senate Document 199.

Paragraph 4 of Subdivision B of title Seven of Senate Document 199 on the 26th page thereof, is hereby amended by striking out the word "five" in the second line of said Section Four, and inserting in place thereof the word "four," so that said section, when amended, shall read as follows: 4. Such corporation shall have received average gross earnings of at least four hundred thousand dollars per year in each of its three fiscal years or three nearer periods of one year next preceding investment.

Mr. TILDEN of Hallowell: Mr. Speaker, this portion of this bill and the amendment offered by the gentleman from Portland, Mr. Nichols, pertains to the investment of savings banks in public utility obligations. The matter has been very carefully considered by the recess committee charged with the revision of the savings bank law, and also by the committee on banks and banking, of this Legislature. The committee on revision had the advice and assistance of the most experienced banking experts which they could command, and were in frequent consultation with the banking commissioner of the State. It was the con-

census of opinion of all these people that the minimum gross earning of corporations of this character should be \$500,000. It will be borne in mind that this provision applies only to public utility corporations outside of the State. It has no bearing upon those who are doing business under the supervision of our Public Utilities Commission. In view of the opinion, decisions of the committee, and of the strong opposition of the bank examiner to any change in this provision, I think it would be unwise for this Legislature, or this House, to adopt this amendment. It could bring no benefit to the savings banks, and the only benefit that would accrue to anyone would be to those having securities of this nature to sell, where the gross earnings fall below the minimum set by our committee and by our bank examiner. I hope that the amendment will not be adopted.

The SPEAKER: The question is on the adoption of the amendment. As many as are in favor of the adoption of House Amendment B will say "Aye"; those opposed, "No."

A viva voce vote being taken, the amendment failed of adoption.

On motion by Mr. Nichols of Portland, the rules were suspended and the bill received its third reading and was passed to be engrossed as amended.

On motion by Mr. Crafts of Greenville, the House voted to take from the table Senate Document No. 125, report of committee on Public Utilities, on bill, An Act relating to registration and inspection of vessels, tabled by that gentleman March 22, pending acceptance of the report; and on further motion by the same gentleman the report of the committee, ought not to pass was accepted.

On motion by Mr. Crafts of Greenville that gentleman was granted the privilege of introducing the following order out of order:

Ordered, that the Governor be requested to return to the House Resolve in aid of navigation on Moosehead Lake.

The order received passage.

The SPEAKER: In accordance with the foregoing order, the Chair presents Resolve in aid of navigation on Moosehead Lake.

Mr. CRAFTS of Greenville: Mr. Speaker, I now wish to offer House Amendment A.

On motion by Mr. Crafts of Greenville, the House voted to reconsider its action whereby the foregoing order was passed, and that gentleman was granted leave to withdraw his order.

On motion by Mr. Sturgis of Auburn, the House voted to reconsider its action of this morning whereby it voted to adhere to its former position on An Act to amend Chapter 117 of the Revised Statutes relating to the salaries of the County Commissioners of Androscoggin County.

Mr. STURGIS of Auburn: Mr. Speaker, I now move that we recede and concur with the Senate.

Mr. WING of Auburn: Mr. Speaker, will the Chair state the preliminary situation?

The SPEAKER: The Chair will state from memory that the House voted to indefinitely postpone this bill, and in the Senate that action was non-concurred in and the bill was passed to be engrossed, and the motion this morning of the gentleman from Auburn, Mr. Wing, was to adhere. That motion being carried, the next step was, the gentleman from Auburn, Mr. Sturgis, moved that we reconsider the vote. That motion has been carried. The next motion was that we recede and concur with the Senate. That motion has not been put.

Mr. WING: I hope, Mr. Speaker, the motion will not prevail.

The SPEAKER: The gentleman from Auburn, Mr. Wing, states that he hopes the motion to recede and concur with the Senate will not prevail. The motion is debatable. Is it the pleasure of the House that we recede and concur with the Senate. As many as are in favor of that will say "Aye"; those opposed "No."

A viva voce vote being doubted,

A division of the House was had,

Eighteen voting in the affirmative and 72 in the negative, the motion to recede and concur with the Senate failed of passage.

On motion by Mr. Wing of Auburn, the House voted to adhere to its former action.

On motion by Mr. Nichols of Portland, it was voted to take from the table House Document No. 163, An Act relating to the Portland Water District.

Mr. NICHOLS of Portland: Mr. Speaker, I yield the floor to the gentleman from Portland, Mr. Cummings.

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

Mr. CUMMINGS of Portland: Mr. Speaker and members of the House: When this bill was reported to this House some little time ago, I felt very sure that the action the House took was taken under a misapprehension in regard to this bill. It was alleged at that time that this bill would put the Portland Water District into politics; that seemed to be the great objection. Now, although it is late and we are all tired, I can assure you gentlemen that this is a matter of considerable importance. It relates to a corporation whose liabilities are over seven millions of dollars. If it were true that this bill would put this District into politics in the usual understanding of that term, it would undoubtedly be unwise. Such, however is not the case, and in order to establish that clearly in your minds I will have to call your attention to the bill, as follows:

"Section 1. The trustees of the Portland Water District shall have no power to enlarge or diminish the bounds of the Portland Water District, or to supply any new territory with water in addition to territory which they have already by legal and binding contracts agreed to supply, unless such authority be given them by a vote of the legal voters of said Portland Water District at a regular or special election, at which such authority is given them by a majority vote of those voting upon such question."

This, I want the House to understand, is at an election of the trustees of the District. It is not a political election. It has nothing to do with the politics of either of the two cities composing the district, the cities of Portland and South Portland. The purpose is to prevent either the trustees now in possession, or any that might be at any time, from embarking in enterprises which might impair the property of the District which is owned by the people of Portland and South Portland, this corporation being a quasi-municipal corporation; and I want to call the attention of the House to the fact that it is those people who are responsible for the finances of the District. It is the people of Portland and South Portland who are

holden for the obligations of the District, and not those who are outsiders, and this is merely to give the owners of this property a right to say whether those whom they employ shall do a certain thing in regard to this property or not. It merely permits them to express themselves upon a question of policy at a regular or special election of the trustees of that District; and I do not see how anyone can consider either that it is improper or that it has the remotest tendency to introduce politics into the matter. It is merely the right of the owners to manage their own property.

"Section 2. The trustees of the Portland Water District shall not bargain for or purchase the rights, stock, property or franchises of any person, corporation or company, which exists for the purpose of supplying water, where such purpose will involve the expenditure of over two thousand dollars (\$2,000) unless the authority is granted by a majority vote of the legal voters of said Portland Water District voting at a regular or special election at which such question is submitted to them."

Again I think there should be no question in regard to the wisdom of that provision. It is merely that the trustees, who are the employees of the owners of this property, shall not, unless it is authorized by the owners, embark in a new enterprise, purchase a water district or a water company, or the stock or franchises of a water company, without having it authorized by the owners, and, again, it seems to be a matter which is entirely proper and something that in no way puts the District into politics. It is merely an opportunity for the owners of this great property to decide whether they want such a thing done or not. Our attention was called to that particular thing by the trustees last summer purchasing the Diamond Island Water Company. What they paid for it was a small amount—\$3,000—but if they had authority to purchase that at \$3,000, they had the same authority to purchase one that would cost \$3,000,000, and it is certainly proper that the owners of this property should have a right and an opportunity to say whether a thing like that shall be done or not.

Section 3 says "Upon notification by the trustees of the Portland Water District that they desire an expression of the legal voters of said District on some matter such as is con-

templated in Section One or Section Two of this act the municipal officers of the cities of Portland and South Portland, composing said Water District, shall issue the call for such purpose, such call to be issued in the same manner, and the election or voting to be in charge of the same officials, and conducted in the same way that regular or special elections for the election of trustees are conducted."

Then Section 4, and I will read the first line: "Nothing in this act shall be construed as limiting the power of the trustees of the Portland Water District in extensions and operations within the limits of said District." That is all there is in that section now. Something more was in that previously to the adoption of an amendment here a short time ago. The amendment, in my opinion, makes no improvement in the bill, but I do not propose at this time to contest that amendment. What I do propose is to move that the House recede from the position which it took, and concur with the Senate which adopted the amendment and gave the bill its first reading.

Now there was quite a good deal said in regard to the management of this District. I have no desire to attack the management of this District, and I should not have brought that matter in here had it not been for those who so lauded the management of this District; and I want to call the attention of this House to the fact that when this property was taken over by the District sixteen years ago, the receipts of that District in round numbers were \$300,000 per year. The expenditures of that District were in round numbers \$40,000 per year, and \$12,000 of that went to pay the President, \$6,000 to the President of the old Portland Water District and \$6,000 to the President of the Standish Water and Construction Company, which were the two old companies taken over by the District. So you will see that the total current expenditures at that time were quite small. At the present time, by the last report which they issued in 1921, the total operating expense of the Portland Water District was \$180,794.28. Now, gentlemen, their total receipts were \$458,833.13, and that shows that their annual current expenses for that year were thirty nine per cent of their gross receipts. Now if that is not a very large expenditure

for a water district, the water coming by gravity and no additional expense from year to year from their distribution system, of course, by the supply, I am rather a poor judge.

I want to call attention to the fact that there is a very large debt on this District for which the people of Portland and South Portland are responsible. This shows that their fixed capital June 30, 1915, was \$5,543,037.49; fixed capital since June 30, 1915, \$549,597.63, and the total liabilities of this District are a little over \$7,000,000.

If this House can decide that it is improper for the people of Portland and South Portland, who are responsible for that great debt and for those bonds, to have it within their power to pass upon those unusual expenditures such as the purchase of outside companies or water rights, I will be very much surprised. If they thought that this was a move to put this District into party politics or anything of that sort, I can well understand that they would not think of it; but such is not the case.

I trust that you will realize that in a concern of this magnitude, with the large amount of property involved, liabilities of over \$7,000,000, that there must be a large depreciation. The total amount that they have charged off for depreciation since they came into possession averages a trifle over \$21,000 per year, and that is certainly a very small amount for depreciation of such a property, and that includes a great many things besides iron pipes. David B. Moulton, the attorney for the trustees, stated before the Judiciary Committee that every shovel which they bought went into new capital. Not only their automobiles, of which they own eleven, went into new capital, but even their tools are paid for out of bond issues; and you

will see by that that there will be a great depreciation in many of these things: so that the sum that they certify is very small.

Now the only opposition that this bill had, gentlemen, was from men who are outside of the Water District in towns which it is true the Water District is supplying with water, but who have absolutely no responsibility in regard to the financing of this great concern. It is the people of Portland and South Portland who are responsible for the payment of these bonds; and, if anything should happen to this District so that it could not meet out of their water rates their payments, it would come upon the property in those two cities in the last analysis. It is that which would be holden, so it does not seem to be reasonable that men who are not responsible for the finances of this district should be the ones to decide in regard to the need of the people of this district having some slight control over what shall be done with their property and their money.

Mr. ROUNDS of Portland: Mr. Speaker, I move you that this matter be tabled and specially assigned for next Tuesday, and that we now adjourn.

The SPEAKER: The gentleman from Portland, Mr. Rounds, moves that this matter lie on the table and be specially assigned for Tuesday next. As many as are in favor will say "Aye"; those opposed "No."

A viva voce vote being taken, the motion to table and specially assign for Tuesday next prevailed.

Mr. ROUNDS: I move that we now adjourn until Monday afternoon at 4.30 o'clock.

The motion prevailed and the House adjourned to that time.