

# 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, April 6, 1923.

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

Prayer by the Rev. Mr. Smith of Hallowell.

Journal of previous session read and approved.

The SPEAKER: The Chair presents out of order bills on their passage to be enacted to which the members will give close attention.

**Passed to be Enacted**

An Act to authorize the sale by Sebec Dam Company and Purchase by Milo Electric Light and Power Company of all the property, rights, privileges, immunities and franchises of Sebec Dam Company.

An Act to amend Section 8 of Chapter 117 of the Revised Statutes as amended by Chapter 210 of the Public Laws of 1919 relating to the Attorney-General.

An Act to change the name of Rattlesnake Pond in the town of Brownfield to Lane Pond.

An Act to amend Section 38 of Chapter 219, of the Public Laws of 1917, as amended by Chapter 37 of the Public Laws of 1919, and as amended by Chapter 117 of the Public Laws of 1921, relating to the protection of deer.

An Act relative to the Gould Electric Company.

**Finally Passed**

Resolve appropriating money for maternity and child welfare work.

Resolve to retire Maine Forestry District Deficit.

Resolve in Aid of navigation on the Lakes of Maine.

Resolve in favor of the State Armory at Lewiston.

Resolve in favor of Ashley A. Smith for Lincoln Day Address.

From the Senate: Final report of the committee on public buildings and grounds, reporting that they have acted on all matters referred to them.

In the House, read and accepted in concurrence.

**Conference Reports**

From the Senate: Report of the Committee of Conference on the dis-

agreeing action of the two branches of the Legislature on Resolve amending Article IX of the Constitution increasing the amount of Bonds to be issued for the purpose of building a bridge across the Kennebec River between the city of Bath and the town of Woolwich reporting that the committee was unable to agree.

(Signed)

Messrs. HINCKLEY of Cumberland,  
CARLTON of Sagadahoc,  
ELLIOT of Knox,

—Committee on part of Senate.

GRANVILLE of Parsonsfield,  
BLAISDELL of Sullivan,  
HODGKINS of Bangor,

—Committee on part of House.

In the Senate, read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on bill An Act providing for the protection and assistance for aged persons under certain conditions in the State of Maine and prescribing penalties for violation of the provisions hereof and making an appropriation for carrying out its purposes reporting that they could not agree.

(Signed)

Messrs. SMITH of Somerset,  
MORNEAU of Androscoggin,  
ALLEN of York,

—Committee on part of Senate.

CHERRY of Eastport,  
MORRISON of Phillips,

BARWISE of Bangor,

—Committee on part of House.

In the Senate, read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on bill An Act to provide for building a bridge across the Kennebec River between the city of Bath and the town of Woolwich reporting that the committee was unable to agree.

(Signed)

Messrs. HINCKLEY of Cumberland,  
CARLTON of Sagadahoc,  
ELLIOT of Knox,

—Committee on part of Senate.

GRANVILLE of Parsonsfield,  
BLAISDELL of Sullivan,  
HODGKINS of Bangor,

—Committee on part of  
House.

In the Senate read and accepted.

In the House, read and accepted  
in concurrence.

From the Senate: Bill, An Act to amend Chapter 84 of the Private and Special Laws of 1919, entitled "An Act to provide for the building of public wharves and for the establishment of adequate port facilities and for the advancement of commerce, as amended by Chapter 123 of the Private and Special Laws of the Special Session of 1919, on which the House voted yesterday to insist further on its former action.

In the Senate, that body adhered a second time to its former action.

In the House, on motion by Mr. Rounds of Portland that body voted to adhere to its former action.

From the Senate: Resolve amending Article IX of the Constitution, as amended by XXV, XLII, XLIII and XLV of the Constitution, 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.

This was finally passed in the House yesterday.

Comes from the Senate that body failing to give the resolve final passage.

Mr. WING of Auburn: Mr. Speaker, is that the so-called six million dollar resolve?

The SPEAKER: The Chair will state that it is.

Mr. WING: Mr. Granville, who is not present at this moment asked me if I would move that the House insist on its action and request a committee of conference.

Therefore, Mr. Speaker, I make that motion.

The motion prevailed, and the Chair appointed as conferees on the part of the House: Messrs. Granville of Parsonsfield, Blaisdell of Sullivan, and Hodgkins of Bangor.

#### Orders

On motion by Mr. Moody of York, it was

Ordered, that the State Librarian be and hereby is directed to mail to each

member of the House two copies of the balance of the Legislative Record when it is printed.

#### Conference Reports

Report of the committee of conference on bill. An Act to provide for the construction of gravel roads in all cases except where a different type of construction is especially authorized, reporting that the committee has been unable to agree.

Report read and accepted.

Report of the committee of conference on bill An Act providing a tax on gasoline and other products used in operating internal combustion engines, reporting that the same should be passed under new title as follows: "An Act providing a charge upon gasoline used in motor vehicles operated upon the highways of the State", and that the same should be amended by adoption of House Amendment A.

Mr. NICHOLS: Mr. Speaker, I move that we reject the report of the committee of conference.

A viva voce vote being taken, was doubted.

Mr. NICHOLS: Mr. Speaker, I will explain what the result is if you accept the report of the committee of conference. The gasoline tax as placed by this House is a tax of one per cent with no exemption. The committee of conference has virtually accepted a Senate bill, the Wadsworth bill, with exemptions that this House turned down. The amendment provides that there shall be a tax of one cent on gasoline with the exemptions for the fishermen and the farmer's tractors. If we accept that amendment we are just reversing the position of this House. If we reject that amendment and pass the bill, the committee of conference on the part of the Senate has raised the point that it may be unconstitutional, following the New Hampshire decision, but the constitution of New Hampshire is entirely different from the constitution of Maine regarding the method of taxation, and before we throw away the income that we could receive on this tax, on the pretense that it is unconstitutional, it is my belief that this House should pass the gasoline tax of one cent straight, and save the enormous expense of elections of inspectors that would be necessary in case of the exemptions. And, by the way, I wish to add that the Senate bill, if you accept this report, places a tax on kerosene as well as gasoline.

Now, consider what you are doing when you accept this report. You are all paying a cent more for your kerosene as well as your gasoline, for they are included in this amendment.

I suggest that we pass this bill with another amendment which I shall propose—House Amendment B—and then, before it goes into effect in July, if there is any question about the constitutionality of it, we can submit, by the authority of this Legislature, a question to the Superior Court and have a decision before July. I will say that the amendment which I am about to propose, if we reject this report, is to get rid of a constitutional defect in the original bill. The original bill as passed by the House is for a duty on gasoline imported into the State. Now, the State has no authority to impose an import tax, but by changing the words "imported into the State" to "sold within the State" and leaving the description of the distributor as in the original bill, you are curing that defect.

I trust that this House will reject this report of the committee of conference, which as I understand from some of the members of the committee who signed it, was signed under a misapprehension that the other bill was entirely unconstitutional, and when it was brought to the attention of the members of this House who are on that committee of conference that the constitution of Maine was different than the constitution of New Hampshire, I think that at least one of the members of that committee will tell you that he signed that report under that misapprehension. I hope this House will reject that report and adhere to its former action.

Mr. DOUGLAS of Lamoine: Mr. Speaker, it does not seem possible to me that we should appoint a committee of conference which did not know what it was doing. It appears to me that this has come to us now under a threat that if we cannot put this bill through without exemptions it will not go through at all. I believe that the people who advocate that are not looking for money for the road, because if this goes along as that committee, appointed by the Senate and the House, have agreed upon, with exemptions so that the people who are to pay that tax are the people who are well able to pay and the farmers and fishermen are exempt, I believe that when they agree on the matter we should give in a little bit

and not insist, but accept the report of that committee, which means that those who want that money on the road may not get quite as much as they thought they would—perhaps \$100,000 less—but even then it will enable \$400,000 for maintenance such as the bill provides, and I hope that those who have in their hearts a thought of relieving in a measure the, perhaps, unjust taxation of the farmers and fishermen, will vote to accept the recommendations of this committee.

Mr. CUMMINGS of Portland: Mr. Speaker, I would like to ask, through the Chair, a question of Representative Nichols.

The SPEAKER: The gentleman from Portland, Mr. Cummings may state the question.

Mr. CUMMINGS: I would like to ask, Mr. Speaker, if Mr. Nichols does not think it would be better to ascertain the opinion of the Supreme Court now upon the constitutional question involved, rather than wait until next summer after we have passed the bill.

The SPEAKER: The gentleman from Portland, Mr. Nichols, may answer the question if he wishes.

Mr. NICHOLS: Mr. Speaker, it is impossible to obtain the opinion of the Supreme Court now, and by "now" I mean today before this Legislature adjourns. On questions submitted by the Legislature to the Supreme Court, the Supreme Court does not render its decision in any twenty-four hours after receiving the question.

Mr. CUMMINGS: I should think, Mr. Speaker, when this first came up, following the legislation of the New Hampshire Supreme Court that some of the able attorneys connected with this legislature, particularly in the Senate, would have applied to the Court for information. I cannot understand why that has not been done. It seems to me very poor policy to enact laws when their constitutionality is in doubt, and that question should have been settled in the first place. I will say that it seems to me that the objections to the amendment of Representative Nichols are well taken.

Mr. LELAND of Sangerville: Mr. Speaker, it is true, as the gentleman from Portland, Mr. Nichols, has said, that the committee of conference were, under the circumstances, inclined to the opinion, and were in-

fluenced by the opinion, certain members of that committee, that this tax would be unconstitutional. After conference with equally able attorneys in the House, however, they have been convinced that there is a grave doubt as to whether the constitution of New Hampshire would be the same as that of Maine in this particular respect, and would much prefer, if there is any grave doubt as to the constitutional forms, that this bill should pass in its original form. Personally I should prefer the bill with exemptions to no tax bill at all, but on the assumption that there is a very good chance that this bill will prove unconstitutional, I believe that we should reject the report of the committee.

Mr. DOUGLAS: Mr. Speaker, I would like to ask Mr. Nichols, through the Chair, if there is any question at all about the constitutionality of the bill put in with exemptions.

The SPEAKER: The gentleman from Portland, Mr. Nichols, may answer the question if he wishes.

Mr. NICHOLS: Mr. Speaker, I will say to the representative from Lamoine (Mr. Douglas) that I am unable to state whether any bill that has passed this Legislature is constitutional or not, or whether there are grave questions about the constitutionality of any bill presented here.

Mr. DOUGLAS: I did not mean to go quite so deep, Mr. Speaker, into the law as the gentleman is going in regard to that. It was just a casual question. I have not heard anyone raising any question as to this exemption bill being unconstitutional and if we pass the bill that the Senate recommends it gives us a chance to go right ahead with the tax and not wait until next July and then wait for the spring term of the law court.

Mr. NICHOLS: Mr. Speaker, I will say that we do not have to wait for a question to be determined until the spring term of the law court. If we pass this bill as amended and the question is raised whether it is constitutional or not, it will so be raised in a suit and we might then have to wait until a year from next July, but if we passed a resolution of this Legislature asking the opinion of the justices to this bill as passed, whether it is constitutional or not,

we can, without a doubt, have an opinion of the justices July 1st.

Mr. BECKETT of Calais: Mr. Speaker, I ask that the Amendment be read.

The SPEAKER: The reading of the amendment is not in order. We are not voting upon the question of the amendment. Does the gentleman wish the rules to be suspended and the amendment read?

Mr. BECKETT: I would simply like, Mr. Speaker, to hear the amendment so that I may vote intelligently.

The SPEAKER: The gentleman from Calais, Mr. Beckett, asks that the rules be suspended and the amendment read. If there is no objection, the clerk will read House Amendment A, on suggestion by the gentleman from Calais, Mr. Beckett.

#### House Amendment A to House Bill 490

Amend said Act by striking out all of said Act after the enacted clause and inserting in place thereof the following:

Section 1. The terms used in this act shall be construed as follows:

"Motor Vehicle" shall mean any vehicle propelled or drawn upon the public ways of this state by any power other than muscular, except motor boats, tractors used for agricultural purposes not operating on public ways, and such vehicles as run only on rails or tracks, or are owned and operated by the United States or the state. "Motor vehicle fuels" shall mean gasoline, benzol or other products to be used in the propelling of motor vehicles using combustible type engines over the public ways of this state. "Distributor" shall mean any person, association of persons, firm or corporation, wherever resident or located, who imports or causes to be imported for sale fuels as herein defined, into the state for use as herein defined in and after the same reaches the state; and also any person, association of persons, firm or corporation who produces, refines, manufactures or compounds fuels as herein defined within the state.

Section 2. There is hereby levied and imposed a charge of one cent per gallon upon said motor vehicle fuels sold in this state for the uses defined in this act; excepting such fuels as are sold wholly for exportation from the state.

Section 3. Every distributor of such fuels in the state shall file a duly acknowledged certificate with the state auditor on forms prescribed and furnished by the auditor, which shall contain the name under which such distributor is transacting business within the state, the place or places of business and location of distributing stations and agencies of the distributor, the names and addresses of the several persons constituting the firm or partnership, and if a corporation, its corporate name, and the names and addresses of its principal officers and agents in the state. No distributor as herein defined shall sell or distribute any such fuels until such certificate is furnished as required by this act.

Section 4. Each distributor paying or becoming liable to pay the charge imposed by this act shall be entitled to charge and collect one cent per gallon on fuels subject to the charge.

Section 5. Every such distributor shall keep a record of all sales and distribution of such fuels which shall include the number of gallons sold and distributed, and the date of the sale and delivery. Every such distributor shall also deliver with every consignment of such fuel to a purchaser within this state a written statement containing the date and the number of gallons delivered, and the names of purchaser and seller. Said records and said written statement shall be preserved by said distributors and said purchasers respectively for the period of one year, shall be offered for inspection upon verbal or written demand of the state auditor or his agents; but any information so gained shall be confidential and shall not be divulged except when required in a court of law.

Section 6. Every distributor shall, on or before the fifteenth day of each month, render a report to the state auditor stating the number of gallons of motor vehicle fuel sold in the state by him during the preceding calendar month on forms to be furnished by said auditor; and said report shall contain such further information pertinent thereto as said auditor shall prescribe. On or before the first day of the calendar month succeeding the filing of said report each distributor shall pay to the treasurer of state a charge of one cent per gallon upon each gallon so reported as sold or distributed. On or before the first

day of each calendar month the state auditor shall transmit to the treasurer of state such information as shall show all charges due from each distributor under the provisions of this act.

Section 7. Whenever any distributor shall make any distribution of fuels to any person, firm or corporation, upon representation that the same is to be used only for manufacturing purposes or for any other purpose for which such fuel is not taxable under this act, the distributor shall certify such sale to the state auditor on a form provided for such purpose. The state auditor may require such purchaser to certify to him under oath on forms furnished for such purpose, both directly and through the distributor the use which is to be made of such fuels, and whether any portion or the whole of such fuels so purchased is to be used in the operation of motor vehicles. If any portion or the whole of such fuels so purchased is taxable under this act, then the purchases shall be charged with the charge provided in this act and shall pay the same in accordance with the provisions hereof.

Section 8. Whoever shall buy and use any fuel as defined in this act for purposes for which such fuel is not taxable under this act, and shall have paid any charge on such fuel levied or directed to be paid as provided by this act, either directly by the collection of such charge by the vendor from the consumer, or indirectly by adding the amount of such charge to the price of such fuel and paid by such consumer shall be reimbursed and repaid the amount of such charge paid by him upon filing with the state auditor a petition under oath, accompanied by the original invoices showing such purchase, which petition shall state the total amount of the fuel so purchased and used and the purpose for which it was used.

The state auditor upon approval of said petition shall transmit the same to the treasurer of state, who shall repay to such consumer from the charges collected on motor vehicle fuels the charges so paid by said consumer; provided a petition for a refund as herein provided shall be filed with the state auditor within ninety days from the date of purchase or invoice, or not at all.

The treasurer of state is hereby authorized to create a special fund

out of moneys received under this act sufficient in his judgment to enable him to promptly pay all claims for refunds duly allowed.

Section 9. Whoever shall receive any such fuels in such form and under such circumstances as shall preclude the collection of this charge from the distributor by reason of the provisions of the laws of the United States, and shall thereafter sell any such fuels in such manner and under such circumstances as may subject such sale to the taxing power of this state, such person shall be considered as a distributor and shall make the same reports, pay the same charges, and be subject to all other provisions of this act relating to distributors of fuels.

Section 10. All moneys received through the provisions of this act by the treasurer of state shall be appropriated and used in the following manner, namely,—fifty per cent thereof for the maintenance of state and state aid highways, interstate, intrastate and international bridges, and the balance is to be added to the fund for the construction of third class highways. Provided, however, that when an amendment of the constitution of this state as proposed by this legislature providing additional moneys by bond issue for the construction of state, and state aid highways, interstate, intrastate and international bridges, shall have been adopted by the legal voters of this state and become effective, then and thereafter all moneys received from the charge herein provided shall be appropriated and used for the maintenance of state and state aid highways, interstate, intrastate and international bridges, under the direction of the state highway commission.

Section 11. In case any section or provision of this act shall be held unconstitutional or invalid by a court of appropriate jurisdiction, the same shall not be held to effect any other provision or section of this act.

Section 12. Any distributor or purchaser of such fuels who shall make any false or fraudulent report or return required by this act, or shall evade or violate any other provision of this act, shall be fined not more than two thousand dollars. Whenever any distributor or purchaser shall fail to pay any charge due under the provisions of this act within the time limited herein, the

attorney general shall enforce payment of such charge by civil action against such distributor or purchaser for the amount of such charge, in a court of appropriate jurisdiction.

Upon request by Mr. Nichols of Portland, that gentleman was given the unanimous consent of the House to speak a third time on the question before the House.

Mr. NICHOLS: Mr. Speaker, I wish to say that this amendment just read is not my proposed amendment, but is virtually the same as the Wadsworth Bill which this House voted to reject. I want you all to understand before voting upon it that that is not the amendment to the Leland Bill which I propose to make.

The SPEAKER: The amendment just read is House Amendment A.

Mr. STURGIS: Mr. Speaker, I would like to ask the gentleman from Portland, Mr. Nichols, through the Chair, if, in his judgment the tax on gasoline will apply to the kerosene lamp in the farmer's home and in his incubator raising chickens?

The SPEAKER: The gentleman from Portland, Mr. Nichols, may answer the question if he wishes.

Mr. NICHOLS: Mr. Speaker, I will say that I think the purchaser would have to pay a tax on it and then go back and fill out his blank and get it rebated.

Mr. STURGIS: Mr. Speaker, I live in the country and I am for third class roads and have heard them discussed from the time I arrived here until the present time. Some people in the other end of the House have said that the farmer is so intent on getting the third class roads that he cannot see anything else and that he will stick to his third class roads and let everything else go by until he gets them and perhaps he will get something he may not like.

Now the majority of the farmers in the state of Maine use kerosene in their homes. They have electricity in the home next to mine but I have not been able to get electricity in my home, principally on account of my pocketbook. Now if you are going to pass this tax on kerosene it would take so much more to effect the collection of that tax, increased office force, etc., that there would be nothing left to come back on the third class roads and the farmers,



who are paying at the present time fifty per cent of all the enactments of this Legislature, would have to take something out of their pocket-books in order to pay for the privilege of having this tax on kerosene. I hope this will not have passage.

Mr. HAYES of Chelsea: Mr. Speaker, I would like to ask, through the Chair, of the gentleman from Portland, Mr. Nichols, whether I am right in assuming that if I had a tank of gasoline at my place for my own purposes and a man came along who had run out of gasoline on the road and I let him have five gallons of gas, would I have to make returns as a distributor?

The SPEAKER: The gentleman from Portland, Mr. Nichols, may answer the question if he wishes.

Mr. NICHOLS: In my opinion, Mr. Speaker, if the gentleman has paid his tax on his gasoline when he purchased it, the state has no right to collect another tax from him, but from the man he accommodates.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Nichols, that the report of the Committee of Conference be rejected.

The motion prevailed and the report of the committee of conference was declared rejected.

Mr. NICHOLS: Mr. Speaker, may I inquire as to the parliamentary situation?

The SPEAKER: You may inquire. The bill was passed to be engrossed in the House on March 30th and in the Senate was passed to be engrossed as amended by Senate Amendment A and Senate Amendment C, and the pending question—the reason for which the Committee of Conference was appointed, of course, was because the Senate had adopted these two amendments which the House refused to adopt, hence the Committee on Conference as the Chair has stated. Now if the gentleman wishes to propose an amendment to the bill he may make the motion to reconsider the vote whereby the bill was passed to be engrossed.

Thereupon, on motion by Mr. Nichols of Portland, the House reconsidered its action whereby the bill was passed to be engrossed.

Mr. NICHOLS: Mr. Speaker, I now offer House Amendment B and move its adoption.

Mr. HOBBS of Hope: Mr. Speaker, in order to make a long story short, I would like to know now if it is in order to now propose the indefinite postponement of this bill.

The SPEAKER: The Chair will state that a motion to indefinitely postpone is in order.

Mr. HOBBS: Mr. Speaker, I move that the bill and the amendment offered be indefinitely postponed.

Mr. BARWISE: Mr. Speaker, I simply want to say that this is one of the most important matters of the session and we are here this morning with nothing else to do but carefully consider such a measure and I hope that we will use some discretion in this matter and not be too hasty.

Mr. DOUGLAS of Lamoine: Mr. Speaker, I wish to state that I do not wish this matter to be indefinitely postponed. I would like very much to have the exemptions for the farmers and fishermen but I hope it will not be indefinitely postponed.

The SPEAKER: The question is on the motion of the gentleman from Hope, Mr. Hobbs, that the bill and amendment be indefinitely postponed.

A viva voce vote being taken, the motion to indefinitely postpone failed of passage.

The SPEAKER: The question is now on the adoption of House Amendment B, which the Clerk will read.

House Amendment B to House Document 490, bill An Act providing for a tax upon gasoline and other products used in operating internal combustion engines.

House Document No. 490 is hereby amended by striking out in the third line of Section Two, the words "imported into this State for sale and" and inserting in place thereof the words "sold within this State and for."

Mr. NICHOLS: Mr. Speaker, that is merely to correct the constitutional error of imposing an import tax, which we cannot do. That right rests only with Congress. All of the gasoline is imported into this State and the tax is paid when it is put into the tank; so it virtually means just the same and will produce the same result as the original Leland bill. The wording, however, is changed so that it will be Constitutional.

The SPEAKER: The question being on the adoption of House Amendment B, is it the pleasure of the House that this amendment be adopted on the motion of the gentleman from Portland, Mr. Nichols.

The motion prevailed and House Amendment B was adopted.

On further motion by the same gentleman, the House voted to reject Senate Amendment A; and on further motion by the same gentleman it voted to reject Senate Amendment C; and the bill as amended by House Amendment B was passed to be engrossed.

From the Senate: Final report of the joint standing committee on State Prison.

In the House, read and accepted in concurrence.

From the Senate: Bill, An Act to repeal Section Eight of Chapter 522 of the Private and Special Laws of 1885, and to amend Section One of Chapter 9 of the Private and Special Laws of 1887, relating to the Camden and Rockland Water Company.

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

In the Senate, indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Rogers of Rockland, that body voted to insist on its former action and ask for a committee of conference.

The Chair appointed as conferees on the part of the House:

Messrs. ROGERS of Rockland,

HOUGHTON of Fort Fairfield,

CROWLEY of Lewiston.

On motion by Mr. Keene of Belfast, it was voted to recess temporarily to respond to the sound of the gavel.

#### AFTER RECESS

The SPEAKER: The Chair presents out of order, the following paper from the Senate.

From the Senate: Bill, An Act to repeal Section Eight of Chapter 522 of the Private and Special Laws of 1885, and to amend Section one of Chapter 9 of the Private and Special Laws of 1887, relating to the Camden and Rockland Water Company.

On this, the House asked for a

committee of conference earlier in the day.

In the Senate, that body refused to join the committee of conference and voted to adhere.

In the House, that body voted to adhere to its former action.

#### Finally Passed

(Emergency Measure)

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

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

One hundred and twenty-seven voting, and all in the affirmative, the resolve was finally passed.

#### Passed to be Enacted

An Act to amend Section 59 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917, and by Chapter 196 of the Public Laws of 1919, and by Chapter 218 of the Public Laws of 1921, relating to non-resident hunters' licenses.

An Act to amend Section 46 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 133 of the Public Laws of 1919, and as amended by Chapter 218 of the Public Laws of 1921, relating to the protection of fur-bearing animals.

An Act in relation to the Board of Registration of Medicine.

#### Finally Passed

Resolve in favor of the State Park Commission.

Mr. Boulter of Kittery was granted unanimous consent to present the following order, out of order:

Ordered, the Senate concurring, that a legislative committee consisting of five members on the part of the House, together with the Speaker ex-officio, and such as the Senate may join, together with the President ex-officio, be appointed to confer with the Governor and Council in regard to, and to make plans in connection with, the dedication of the Kittery-Portsmouth Memorial Bridge.

The order received passage.

The same gentleman then moved that the rules be suspended and that he be allowed to introduce a resolve out of order, the resolve conforming to the order just passed.

The rules were suspended and the Clerk read the resolve as follows:

Resolve making an appropriation for expenses of dedication of the Kittery-Portsmouth Memorial Bridge.

Resolved that there be and hereby is appropriated the sum of twenty-five hundred dollars, to be spent under the direction of the Governor and Council and the legislative committee appointed to act with the Governor and Council in connection with the dedication of the Kittery-Portsmouth Memorial Bridge for the purpose of providing for suitable exercises at such dedication.

The rules were suspended and the Resolve then had its two several readings at this time without reference to a committee, and was passed to be engrossed, and sent up for concurrence.

The SPEAKER: Under the order just passed the Chair will appoint as the members of this committee on the part of the House, Messrs. Boulter of Kittery, Rounds of Portland, Baker of Steuben, Morse of Bath and Mrs. Pinkham of Fort Kent.

From the Senate: Bill, An Act providing for a tax upon gasoline and other products used in operating internal combustion engines. The House passed the original Leland bill, without any amendment. It went to the Senate and that body passed the bill to be engrossed as amended by Senate Amendments A and C. It was then returned to the House. The House insisted upon its former action whereby the bill was passed to be engrossed without any amendment, and asked for a committee of conference, and the Senate joined the committee of conference. The committee of conference met and later reported that the bill be given a new title and that it be amended by House Amendment A, the report coming to the House. It was rejected, and the bill amended by House Amendment B. Senate Amendments A and C being rejected, it was then sent to the Senate, and in the Senate, the report of the committee of conference was accepted. Senate

Amendments A and C were rejected, reconsidering their former action. Then the bill was passed to be engrossed as amended by House Amendment A in non-concurrence.

Mr. NICHOLS of Portland: Mr. Speaker, I understood that the House accepted House Amendment B and that the Senate has accepted House Amendment A.

The SPEAKER: In non-concurrence.

Mr. NICHOLS: In non-concurrence. May I ask for the benefit of the members that the new amendments be read again so that they may understand them.

The SPEAKER: The Clerk read this morning House Amendment A, and the gentleman himself presented House Amendment B, which was adopted.

Mr. NICHOLS: I had in mind that was Senate Amendment A.

Mr. LELAND of Sangerville: Mr. Speaker, would it be in order to make a statement with reference to the doings of the other branch of the Legislature?

The SPEAKER: The Chair will state that the Chair has ruled that it is not in order. If the gentleman (Mr. Leland) cares to make a motion to suspend the rules, the Chair will entertain it. The Chair, however, cannot allow members of the House to talk on those things which have happened in the other branch in debate. Does the gentleman wish to make the motion to suspend the rules?

Mr. LELAND: I make that motion, Mr. Speaker.

The SPEAKER: The House hears the motion of the gentleman from Sangerville, Mr. Leland, that the rules be suspended for the purpose of allowing that gentleman the privilege of debating the action of the other body.

Thereupon a viva voce vote being taken, the rules were suspended and the gentleman from Sangerville, Mr. Leland, was accorded the privilege of the floor for the purpose stated.

Mr. LELAND: Mr. Speaker, I merely wish to make this statement that several members of the Senate have told me that they voted for this House Amendment A under the apprehension that it was the amendment adopted by this House this morning; and I believe that a committee of conference would be successful in

smoothing out the difficulty between the two houses.

The SPEAKER: Does the gentleman now wish to move that a committee of conference be appointed.

Mr. LELAND: Yes, that we insist on our former action.

Thereupon, the House voted to insist on its former action, and that a committee of conference be appointed; and the Chair appointed as conferees on the part of the House, Messrs. Leland of Sangerville, Nichols of Portland and Sanders of Portland.

On motion by Mr. Rounds of Portland, that gentleman was granted unanimous consent to introduce the following order, out of order:

Ordered, that 2500 copies of the Governor's message on the Dead River Reservoir Company be printed for the use of the Legislature.

The order received passage.

On motion by Mr. Granville of Parsonsfield, that gentleman was granted permission to introduce a resolve, out of order, under suspension of the rules to correct an error and without reference to a committee. The resolve is as follows:

Resolve to aid the town of Naples in the construction of a bridge across the Chute river.

Resolved that the sum of five thousand dollars be and hereby is appropriated to aid the town of Naples in the construction of a bridge across the Chute river, so-called, in the town of Naples, the said bridge being a part of the Roosevelt Highway. This appropriation shall be taken from the State Highway and Bridge Loan Fund. The money made available by this resolve shall be spent under the direction of the State Highway Commission and may be used any time during the two fiscal years beginning July first, nineteen hundred and twenty-three and ending June thirty, nineteen twenty-five.

Application shall be made by the town of Naples in accordance with the provisions of the Bridge Act.

On motion by Mr. Granville of Parsonsfield, the resolve had its two several readings under suspension of the rules, and was passed to be engrossed and sent up for concurrence.

On motion by Mr. Oakes of Portland that gentleman was granted

unanimous consent to introduce the following order, out of order:

Ordered, that the Attorney General be and hereby is requested to render forthwith to the Legislature answers to the following:

What is the legal status of the lots in which the State is interested in the area to be flooded by the proposed Kennebec and Dead River dam?

Can money received by the State for the lease of such lots be used for general purposes? If not, in what capacity may the State receive such money?

For what purposes may it be used?

To what extent may this use be converted by Legislative action?

What interest, if any, other than by riparian ownership, has the State in flowing waters that it can sell or lease for money considerations?

The order received passage.

Mr. ROUNDS of Portland: Mr. Speaker, I move that we reconsider the vote whereby we just passed that order at this late day in the session. There is no time to get an answer to these questions from the Attorney General. It would take him three weeks to answer them, and I do not want to stay here three weeks longer.

Mr. OAKES of Portland: Mr. Speaker, the bill is before us on our desks and I presume we may expect it to come before us in regular course if the Senate accepts it. There seems to be a legal question as to whether the State has any interest in these lots that it can lease; and it seems to me that the Legislature would be interested to know, if there is such a question, what the answer is before we vote upon this million dollar proposition.

Mr. ROUNDS of Portland: Mr. Speaker, if the Attorney General should give you an opinion it would not be legal. You have got to get it from the Supreme Court. Let's pass the bill, then we can go home, and if anybody has any objection to it he can make it to the Supreme Court and then we will know all about it.

The SPEAKER: The Chair will state that the bill is not before us.

Mr. ROUNDS: Well, then, the order.

Mr. BARWISE of Bangor: Mr. Speaker, it seems to me that if we were two or three weeks back in the session that these questions would

be perfectly proper; but in the closing hours of the session it would be utterly impossible for the best lawyer in the State of Maine, even one so learned as the Attorney General, to give us an opinion that would be worth anything. He would have to have time to look up the authorities back to the Massachusetts law before we became a State. It is rather a complicated thing to look up and would take a lot of time. It would take three or four days anyway to give it proper consideration.

Mr. HOBBS of Hope: Mr. Speaker, would a motion be in order at this time.

The SPEAKER: There is a motion before the House, the motion being a reconsideration of the vote whereby the order was passed.

Thereupon a viva voce vote being taken, the motion to reconsider the passage of the order prevailed.

Mr. MAHER of Augusta: What is the parliamentary status, Mr. Speaker?

The SPEAKER: The Chair will state for the benefit of the gentleman from Augusta, Mr. Maher, that the gentleman from Portland, Mr. Oakes, introduced an order propounding certain questions to the Attorney General of the State relating to the State's rights in water power and water flowage. The order was passed, and so declared by the Chair. The gentleman from Portland, Mr. Rounds, then moved that we reconsider the vote whereby the order was passed, and the Chair announced that the motion was carried, and the reconsideration obtains.

Mr. MAHER: Now the question?

The SPEAKER: There is no question before the House, the vote whereby the order was passed having been reconsidered.

Mr. HOBBS of Hope: Is a motion in order now, Mr. Speaker?

The SPEAKER: The gentleman will state his position. What is the gentleman's motion?

Mr. HOBBS: I move that this matter be referred to the next Legislature.

The SPEAKER: There is no matter to be referred to the next Legislature; and if there is no further business before the House, Mr. Hobbs of Hope moves that we recess to respond to the sound of the gavel.

The motion prevailed, and the House so recessed.

#### AFTER RECESS

On motion by Mr. Jones of South Portland,

Recessed until two P. M.

#### AFTER RECESS

On motion by Mrs. Pinkham of Fort Kent, it was voted that the rules be suspended that the members may smoke. (Applause.)

#### Senate Papers out of Order

From the Senate: Bill, An Act to require the investment in permanent securities of school funds and other trust funds held by city, town, quasi-municipal corporations, and state officers, and amending Section 72 of Chapter 2, Section 54 of Chapter 17 and Section 14 of Chapter 21 of the Revised Statutes.

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

In the House, the rules were suspended and the bill had its several readings and was passed to be engrossed in concurrence.

#### REPORTS OF COMMITTEES Out of Order

Mr. Johnson from the committee on Appropriations and Financial Affairs on Resolve providing for a State landing for areoplanes, reports that the same ought not to pass.

Mr. White from the same committee on Resolve in favor of Louise Stratton, stenographer to the committee on Ways and Bridges, reports that the same, ought not to pass.

Reports read and accepted, and sent up for concurrence.

#### PASSED TO BE ENACTED Out of Order

##### Passed to be Enacted

An Act to regulate the use of aircraft.

An Act to amend Section 93 of Chapter 45 of the Revised Statutes, as amended by Chapter 293 of the Public Laws of 1917, relating to settlement of violations of law, and repealing Section 87 of Chapter 219 of the Public Laws of 1917, relating to same subject.

On motion by Mr. Nichols of Portland, permission was granted that

gentleman to introduce the following order, out of order:

STATE OF MAINE

April 6, 1923.

House of Representatives

It appearing to the House of Representatives that the following is an important question of law and the occasion a solemn one—

Ordered: The Justices of the Supreme Judicial Court are hereby requested to give to the House of Representatives, according to the provisions of the Constitution in this behalf, their opinion on the following questions, to wit:

Whereas the State of Maine has spent large sums of money in constructing highways and bridges, which are used to a great extent by the owners and operators of motor vehicles, and

Whereas all the people of the State are benefited by the maintenance of an adequate system of properly constructed highways and bridges, and

Whereas gasoline and other combustion fuels are used in the driving of motor vehicles on the highways and bridges:

Ques. 1. Has the legislature the right and authority under the Constitution of the State to levy and assess a reasonable tax or charge per gallon upon all gasoline and other internal combustion engine fuel except kerosene sold within the state, the net proceeds of such tax to be used in the maintenance of such highways and bridges, as follows: Fifty per cent thereof for the maintenance of state and state aid highways, interstate, intrastate, and international bridges, and the balance to be added to the fund for the construction of third class highways, so-called?

Ques. 2. Has the legislature the right and authority under the Constitution of the State to levy and assess reasonable tax or charge per gallon upon all gasoline and other internal combustion engine fuel sold within the state—the net proceeds of such tax to be used in the maintenance of such highways and bridges as follows: Fifty per cent thereof for the maintenance of state and state aid highways, interstate, intrastate, and international bridges, and the balance to be added to the fund for the construction of third class highways, so-called?

Ques. 3. If the legislature has the

right and authority to levy and assess the tax referred to in either Question One or Question Two, would the legislature have the right and authority to assess such tax without an exemption as to gasoline and other internal combustion engine fuel sold for use in motor boats and farm tractors when not using the highways?

Ques. 4. If the legislature has the right and authority to levy and assess such tax referred to in either Question One or Question Two, would the legislature have the right and authority to assess such tax with an exemption as to gasoline and other internal combustion engine fuel sold for use in motor boats and farm tractors when not using the highways?

Ques. 5. If the legislature has the right and authority to levy and assess the tax referred to in either Question One or Question Two, can such tax be legally assessed to and against the original distributor selling gasoline and other internal combustion engine fuel within the State?

Ques. 6. If the legislature has the right and authority to levy and assess the tax referred to in either Question Three or Question Four, can such tax be legally assessed to and against the original distributor selling gasoline and other internal combustion engine fuel within the state?

The order received passage.

Mr. ROUNDS of Portland: Mr. Speaker, may I ask, through the Chair, of the gentleman from Portland, Mr. Nichols, to whom the judges will report?

The SPEAKER: The gentleman from Portland, Mr. Nichols, may answer through the Chair.

Mr. NICHOLS of Portland: Mr. Speaker, the answers are sent to either the Speaker of the House or the Clerk of the House, I do not know which.

The SPEAKER: The Chair is of the opinion that it is to the Clerk.

Mr ROUNDS of Portland: Mr. Speaker, in the last hours of this session I think we should have an executive session to see what is to be done so that we can get away from here some time.

I make the motion that we have a secret caucus.

The SPEAKER: The gentleman from Portland, Mr. Rounds, moves that the House go into committee of the whole in executive session, the galleries being cleared, and only those who are members of this branch and its officers being present.

A viva voce vote being taken, the motion of the gentleman from Portland, Mr. Rounds, prevailed, and the House went into executive session.

After the executive session, the House continuing in regular session.

From the Senate: Bill, An Act to repeal An Act creating the Kennebec Reservoir Company.

In the Senate, introduced out of order, under suspension of the rules, and passed to be engrossed.

In the House:

Mr. MAHER of Augusta: Mr. Speaker and gentlemen of the House: At this time I will make no extended speech. I will simply say that owing to the dense and intense confusion resulting from conflicting men, measures and messages I move that we unanimously pass this Act.

Thereupon, the rules were suspended and the Act was received at this time, and had its several readings without reference to a committee, and was passed to be engrossed in concurrence.

The SPEAKER: The Chair presents out of order a bill on its passage to be enacted.

An Act to repeal An Act creating the Kennebec Reservoir Company. (Applause.)

From the Senate: Report of the committee on Appropriations and Financial Affairs on resolve appropriating money for maintenance and operations of the State Pier for the two fiscal years, reporting that the same ought not to pass.

In the Senate, report read and accepted.

In the House, report read and accepted in concurrence.

From the Senate: Report of the committee on Appropriations and Financial Affairs on resolve for the pay of the Chaplains of the Eighty-first Legislature, reporting that the same ought to pass.

In the Senate, report read and ac-

cepted, and the resolve passed to be engrossed.

In the House, the rules were suspended, the resolve received its two several readings, and was passed to be engrossed in concurrence.

On motion by Mrs. Pinkham of Fort Kent, the House then recessed to respond to the sound of the gavel.

#### After Recess

The following matters were taken up out of order under suspension of the rules:

Mr. Brown from the committee on library reported ought not to pass on bill An Act to provide for the preservation of archeological objects and sites and for the appointment of a commission of archaeology.

#### Conference Reports

Report of the committee of conference on the disagreeing action of the two branches of the Legislature on bill An Act to amend Section 22 of Chapter 51 of the Revised Statutes, relating to corporate records and stock lists, reporting that they are unable to agree.

(Signed)

Messrs. HOLMES of Lewiston  
WEEKS of Fairfield  
BURNS of Eagle Lake  
—Committee on part  
of House  
CRAM of Cumberland  
BREWSTER of Cumberland  
BUZZELL of Waldo  
—Committee on part  
of Senate

Report of the committee of conference on the disagreeing action of the two branches of the Legislature on Resolve, amending Article IX of the Constitution, as amended by Articles XXXV, XLII, XLIII and XLV of the constitution 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, reporting that they could not agree.

(Signed)

Messrs. GRANVILLE of Parsonsfield  
BLAISDELL of Sullivan  
HODGKINS of Bangor  
—Committee on part  
of House

CARLTON of Sagadahoc  
 CRAM of Cumberland  
 SMITH of Somerset  
 —Committee on part  
 of Senate

Were read and accepted and sent up for concurrence.

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

STATE OF MAINE

Office of the Governor  
 Augusta, April 6, 1923

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

I return herewith without my approval.

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

This Resolve calls for the expenditure of \$20,000 for advertising the scenery and advantages, natural and otherwise, of the State. In my opinion the expenditure of the State's money for the proposed advertising is neither wise nor proper, especially under present financial conditions. I believe the State's resorts and industries should be advertised in the future as in the past, through private initiative, and that advertising is not a proper function of government.

Mr. DOUGLAS of Lamoine: Mr. Speaker, I move that the further reading of this veto message be dispensed with. The newspapers all got it before we did.

A viva voce vote that the further reading be dispensed with, being doubted.

A division of the House was had,

Forty voting in the affirmative and 73 in the negative, the motion to discontinue the reading of the veto message failed of passage.

The Clerk of the House continued reading the message as follows:

The taxpayers of the State well may inquire where the end of this proposed advertising program will be. What benefit will the farmers of the State derive from such a campaign? I believe the best advertisement that this Legislature can give to the State of Maine is in the form of a low tax rate. Certainly high tax rate will prove a most damaging advertisement and the \$20,000 called for by this Resolve will not begin to offset the injury to the

State that will ensue from an excessive tax rate.

A local paper in the city of Portland recently came out with headlines that one of the principal industries of that community was to move out of Maine and into another state on account of the excessive tax burdens imposed upon it. What will those communities in our State whose taxes now are between 50 and 60 mills on the dollar say to this expenditure for State advertising? Once this movement is begun it will be difficult to halt it, and once the State undertakes to pay the bills for advertising, private enterprises gradually will lessen their efforts to advertise themselves and the State will be asked to carry the burden. The railroads that bring summer visitors into Maine, the hotels and boarding houses that entertain them, and the stores that profit from their visits, in the past all have handled this advertising project in their own way and for their own profit, and the State has prospered.

It is not too late to effect many savings, and I suggest the eliminating of the appropriation called for by the Resolve now before you.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER  
 Governor of Maine

Mr. DOUGLAS of Lamoine: Mr. Speaker, this is a measure that has been put on record as being supported by a large majority of the House twice, and of the Senate twice, and I claim that it is a just measure notwithstanding the Governor's efforts to distort the meaning of the act, either intentionally or unintentionally, having left out two of the principal things that are meant to have been advertised by this and which are called for in the bill—the industrial and the agricultural end—and that to advertise as we have in the past does not mean progress at all because we have not advertised. He says twenty thousand dollars there, meaning to convey, perhaps, twenty thousand dollars a year. Now this means ten thousand dollars a year, and I believe that when I come before this House and advocate that we spend ten thousand dollars a year to advertise the wonderful resources of all kinds that our beautiful State possesses, I am asking just a mere bagatelle. There are towns in the State that raise at their town meetings almost that amount to advertise their town,



aloné; and this measure that I am advocating today—and you have heard me say it before—means that if we can get this before the people, we will have a chance to put outside of the State of Maine that splendid lot of films, advertising all of the interests of this State, that are now being held in the basement of this State House. And I move you that the Governor's veto be not sustained.

Mr. BARWISE of Bangor: Mr. Speaker, I simply want to add this word to what the gentleman from Lamoine (Mr. Douglas) has said. That when pressure was being brought to bear on all the committees to reduce their expenditures as much as possible, this gentleman and his publicity committee very gratefully and courteously agreed to cut that appropriation from twenty-five thousand dollars down to ten thousand dollars. That was a very generous cut in comparison with what the other committees cut. They all cut generously, he with the rest; and all of the Senate and House Chairmen in this council agreed to support this measure, veto or no veto. I hope this matter will pass notwithstanding the veto of the Governor.

The SPEAKER: The question is shall this resolve become a law notwithstanding the objections of the Governor. It is a constitutional question, and the yea and nay vote is necessary. As many as favor 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 question being called for the Clerk called the roll.

YEA—Adams, Litchfield; Archibald, Baker, Barwise, Beckett, Bickford, Baisdell, Boulter, Bradbury, Brett, Brown, Cates, Conant, Crafts, Curtis, Douglas, Downing, Dunbar, Edwards, Gagnon, Gardiner, Gilmour, Greenleaf, Hale, Hamilton, Hammond, Hayford, Hodgkins, Houghton, Hutchinson, Johnson, Jones, Kitchen, Lamson; Lord, South Portland; Lord, Wells; Ludgate, Maher, Martin, McDonald, Melcher, Moody, Morrison, Nevins, Newcomb, Oakes, O'Connell, Overlock, Perkins, Pinkham, Piper, Plummer, Ramsdell, Ranney, Rounds, Rowell, Sanders, Small; Thomas, Chesterville; Thomas, Leeds; Tilden, Towne, Weeks, White, Wills, Wing, Wood—67

NAY—Adams, Liberty; Atwood; Bartlett, Hanover; Belliveau, Benoit, Bisbee, Brewster, Chalmers, Crowley, Cummings, Dain, Dilling, Drake, Dunn, Fickett, Finnell, Foss, Gagne, Gamage, Gauvin, Gile, Gillespie, Goldthwaite, Gordon, Hallett; Hayes, Chelsea; Hayes, Gorham; Heal, Hobbs, Holmes, Jewett; Jordan, Cape Elizabeth; Jordan, Westbrook; Keef, Keene, Knight, Leathers, Littlefield, Macomber, McIlheron; Morse, Bath; Nadeau, Nichols, Nickerson, Owens, Palmer, Pendleton, Perry, Phillips, Pierce, Reed, Rogers, Saunders, Sayward, Siddall, Smith, Sparrow, Stevens, Stitham, Storm, Story, Stratton, Sturgis, Tarr, Whitney, Williams, Winn, Winslow—68

ABSENT—Ayer; Bartlett, Waterville; Boman, Burns, Cherry, Clarke, Dudley, Farley, Granville, Jacobs, LeLand; Morse, Greene; Ray, Staples, Teague—15

The SPEAKER: Sixty-seven having voted in the affirmative and 68 in the negative, the veto of the Governor is sustained.

The SPEAKER: The Chair presents out of order veto message from the Governor.

#### STATE OF MAINE

##### OFFICE OF THE GOVERNOR

Augusta, April 6, 1923.

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

I return herewith without my approval:

An Act to Provide for the Preservation of Archaeological Objects and Sites, and for the Appointment of a Commissioner of Archaeology.

This Act provides for the creation of a new commission which shall have charge of all archaeological explorations that are hereafter made in the State of Maine.

The provisions of this Act in my opinion interfere seriously with the rights of private property. In the first instance the State has given the right to condemn the land of any citizen, but no provision is made for compensation nor is it stated how the condemnation proceedings are to be conducted.

The State reserves to itself "the exclusive right and privilege, except as hereinafter provided, to explore excavate, or survey \* \* \* all aboriginal and other antiquities, mounds,

earthworks, ancient or historical forts and burial sites within the State of Maine." This means that the owner of land may not search for relics unless he has obtained the permission of the Archaeological Commission. It is further provided that the State is to be the owner of "any and all objects" which may be found. It seems to me this is an invasion of private rights which is not justified, for a man owns his land and everything on it or under it, and the only rights the State may acquire are for public uses. It can hardly be maintained that the digging for antiques constitutes a public use.

There are many places in the State of Maine where there are shell heaps, mounds, and sites of Indian villages and burial grounds, and it would be unjust for the State to deprive the owners thereof of the privilege of excavating and searching these ancient places. Certainly a man should not be prevented from digging on his own land.

It is also provided that no owner of any land shall allow any other person to excavate therein, nor shall he sell any relics that may be found until he has given written notice to the new commission and until the State has had the right to condemn the land for its own purposes. The penalty for violating the Act is a fine not exceeding \$500 or imprisonment for not more than one year, or both.

In my opinion I believe the Act is unwarranted and I believe that the State would have no power to enforce the rights which the Act seeks to grant to it.

Respectfully submitted,

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

The SPEAKER: The question is, shall this bill become a law notwithstanding the objections of the Governor. The question is a Constitutional one and the yea and nay votes are necessary. As many as wish that this bill become 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 question being called for, the Clerk called the roll.

YEA—Barwise, Brown, Stevens.—3

NAY—Adams of Liberty, Adams of Litchfield, Archibald, Atwood, Baker, Bartlett of Hanover, Beckett, Belliveau, Benoit, Bickford, Bisbee, Blaisdell, Boulter, Bradbury, Brett, Brewster, Cates, Chalmers, Conant, Crafts, Crowley, Cummings, Curtis, Dain, Dilling, Downing, Drake, Dudley, Dunbar, Dunn, Edwards, Fickett, Finnell, Foss, Gagne, Gagnon, Gamage, Gardiner, Gauvin, Gile, Gillespie, Gilmour, Goldthwaite, Gordon, Greenleaf, Hale, Hallett, Hamilton, Hammond, Hayes of Chelsea, Hayes of Gorham, Hayford, Heal Hobbs, Hodgkins, Holmes, Houghton, Hutchinson, Jewett, Johnson, Jones, Jordan, of Cape Elizabeth, Jordan of Westbrook, Keef, Keene, Kitchen, Knight, Lamson, Leathers, Leland, Littlefield, Lord of South Portland, Lord of Wells, Ludgate, Macomber, Maher, Martin, McDonald, McIheron, Melcher, Moody, Morrison, Morse of Bath, Nadeau, Nevins Newcomb, Nichols, Nickerson, Oakes, O'Connell, Overlock, Owens, Palmer, Pendleton, Perkins, Perry, Phillips, Pierce, Pinkham, Piper, Plummer, Ramsdell, Ranney, Reed, Rogers, Rounds, Rowell, Sanders, Saunders, Sayward, Siddall, Small, Smith, Sparrow, Stitham, Storm, Story, Stratton, Sturgis, Tarr, Thomas of Chesterville, Thomas of Leeds, Tilden, Towne, Weeks, White, Whitney, Williams, Willis, Wing, Winn, Winslow, Wood—133.

ABSENT—Ayer, Bartlett of Waterville, Boman, Burns, Cherry, Clarke, Douglas, Farley, Granville, Jacobs, Morse of Greene, Ray, Staples, Teague.—14.

The SPEAKER: One hundred and thirty-three having voted in the negative and three in the affirmative, the veto of the Governor is sustained.

The SPEAKER: The Chair presents out of order veto message from the Governor.

#### STATE OF MAINE

#### OFFICE OF THE GOVERNOR

Augusta, April 6, 1923.

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

I return herewith without my approval

Resolve, Providing for an Annual Display of the Agricultural Products and Resources of the State of Maine at the Eastern States Exposition.

This Resolve makes an appropriation of \$5,000 to be spent at the Eastern States Exposition at Springfield, Mass.

For several years the State of Maine has exhibited its agricultural and industrial products and its recreational advantages at the Springfield Exposition. These exhibits have been unusually attractive and no New England State, outside of Massachusetts, has had a more creditable or interesting exhibit at the Fair in question than has the State of Maine. The expenses incurred in this work up to the present time have been met without special legislative appropriations.

I attended this Fair in 1921 and can testify personally as to the excellence of the State of Maine's exhibit.

It is now proposed to make a special appropriation for this out of State exposition. The 42 county and local fairs within the State now receive \$15,360, and the bill before you proposes to spend upon the Springfield Fair alone 23% as much money as is spent upon all these 42 fairs within our own borders. Our own fairs are struggling for existence, and to send \$3,500 to Springfield, Mass., appears to me to be an unwarranted expenditure of the State's funds and out of all proportion to what we are doing for our own people. Are we to continue paying tribute to out of State interests who are using us to advance their own enterprises? Are we to build buildings in Springfield, Mass. that will require annual appropriations to maintain them, and in addition there-to are we to pass Resolves like the one now before us calling for appropriations that never before were asked for or needed?

If Maine is to have an exhibit at Springfield no special appropriation should be necessary. Our industries are entirely able to advertise themselves, and the State can advertise itself in a modest way out of the regular departmental appropriations. Once the State enters upon this work private initiative gradually will disappear.

It seems to me that we are entering upon an out of State enterprise on a wholesale scale; first by appropriating \$25,000 for a building then by appropriating \$3,500 for exhibits. The final demand will be a heavy one for annual maintenance.

I make the statement that probably not over 5% of all the people who attend the Springfield Exposition ever will pass through the doors of the State of Maine building.

In your efforts to cut down expenses a conference committee recently has been in session. It has decided to eliminate the construction of several buildings. New construction at the State School for Girls, at the Men's Reformatory, at the Tuberculosis Sanatoriums where two school buildings for the children were asked for, all have been omitted. These four items would have cost about \$80,000. An annual appropriation of \$3,500 called for by this Resolve represents interest at 4% on \$87,500, which would build the four buildings mentioned in this paragraph.

I ask this Legislature, is it wise to spend this money for advertising when the capital sum that it represents would do so much good for the tubercular children, the girls at Hallowell and the men at South Windham? I suggest that those who wish to exhibit at Springfield, Mass. spend their own money in doing so and that the State conduct a modest exhibit and pay for it without asking for special funds from this Legislature.

Respectfully submitted,

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

Mr. LELAND of Sangerville: Mr. Speaker, I have been interested in this matter somewhat, and I still believe that this appropriation would be a wise one and of benefit to the State of Maine. I can hardly conceive that this appropriation would result in the great disaster which this message would seem to indicate; but I am sure that the Department of Agriculture is willing to cooperate in every way for economy, and in view of all the circumstances and the present situation, I hope that the Governor's veto will be sustained.

The SPEAKER: The question is shall this resolve become a law notwithstanding the objections of the Governor. It is a Constitutional question and the yea and nay vote are necessary. As many as wish for the resolve to become 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. The Clerk will call the roll.

YEA—Barwise, Boulter, Bradbury, Brown, Conant, Foss, Gordon, Houghton, Ludgate, Piper, Plummer, Ranney, Rowell, Sanders, Sturgis; Thomas, Chesterville; Thomas, Leeds; Towne—18

NAY—Adams, Liberty; Adams, Litchfield; Archibald, Atwood, Baker; Bartlett, Hanover; Beckett, Belliveau, Benoit, Bickford, Bisbee, Blaisdell, Brett, Brewster, Cates, Chalmers, Crafts, Crowley, Cummings, Curtis, Dain, Dilling, Downing, Drake, Dudley, Dunbar, Dunn, Edwards, Pickett, Pinnell, Gagne, Gagnon, Gamage, Gardiner, Gauvin, Gile, Gillespie, Gilmour, Goldthwaite, Greenleaf, Hale, Hallett, Hamilton, Hammond; Hayes, Chelsea; Hayes, Gorham; Hayford, Heal, Hobbs, Hodgkins, Holmes, Hutchinson, Jewett, Johnston, Jones; Jordan, Cape Elizabeth; Jordan, Westbrook; Keef, Keene, Kitchen, Knight, Lamson, Leathers, Leland, Littlefield; Lord, South Portland; Lord, Wells; Macomber, Maher, Martin, McDonald, McIlheron, Melcher, Moody, Morrison; Morse, Bath; Nadeau, Nevins, Newcomb, Nichols, Nickerson, Oakes, O'Connell, Overlock, Owens, Palmer, Pendleton, Perkins, Perry, Phillips, Pierce, Pinkham, Ramsdell, Reed, Rogers, Rounds, Saunders, Sayward, Siddall, Small, Smith, Sparrow, Stevens, Stitham, Storm, Story, Stratton, Tarr, Tilden, Weeks, White, Whitney, Williams, Wills, Wing, Winn, Winslow, Wood—118

ABSENT—Ayer; Bartlett, Waterville; Boman, Burns, Cherry, Clarke, Douglas, Farley, Granville, Jacobs; Morse, Greene; Ray, Staples, Teague—14

The SPEAKER: One hundred and eighteen having voted in the negative and 18 in the affirmative, the veto of the Governor is sustained.

Mr. GARDINER of Gardiner: Mr. Speaker, I ask unanimous consent of the House to read into the Record a letter from William B. Skelton, read earlier in the day before the executive session, and if this courtesy is granted me, I will move that the further reading be dispensed with.

The SPEAKER: Is it the pleasure of the House that the letter from Mr. Skelton, which was read when the House went into a committee of the whole be read into the Record of the House?

Thereupon, unanimous consent was given, and the letter follows:

Augusta, Maine,  
April 6th, 1923.

Hon. Wm. T. Gardiner,  
House of Representatives,  
Augusta, Maine.

My dear Mr. Gardiner:

Several of the industrial companies whose representatives are named as incorporators of the Kennebec Reservoir Company, and whose businesses are subject to keen competition inside and outside of the State, feel that the terms and conditions of the proposed Dead River Reservoir Act are too burdensome and otherwise unsatisfactory to warrant them in making the great initial investment and assuming the continuing charges contemplated therein, and that they would, therefore, not be justified in permitting the Legislature to include their names in the bill if enacted into law.

This would mean that development under the proposed Dead River charter would be impossible, and its passage an empty ceremony except that it would definitely repeal the Kennebec charter under which such development will be made as soon as it is permissible.

It is, therefore, my wish and the wish of the incorporators named in the Kennebec Reservoir charter that no bill be received, or passed if received, that repeals that act or attempts to create a substitute therefor.

I deeply regret that this situation should have arisen, and freely assume the responsibility for my part in creating it. Unquestionably, the text of the bill recommended in the Governor's message yesterday, the Dead River bill, ought to have been submitted to the managements of all of these companies before even a tentative agreement was reached and made the subject of a formal announcement. But this was entirely impossible, because no ground was reached in the conferences which promised agreement at all and which was sufficiently definite to report to them in detail until in the evening Wednesday, and it seemed necessary to conclude whatever was done in season for a report to the Legislature Thursday forenoon.

At all conferences up to that time other proposals had been insisted upon which I could not accept under any conditions, and the provisions of the single plan on which we finally attempted to agree were hardly reached

for detailed discussion. These conferences were reported to some of those interested and disapproving the plans then suggested emphasis was placed on things which were finally omitted, to the exclusion of discussion of other details, so that objection to the principles and requirements contained in the proposed Dead River Bill was apparently omitted from oversight in attending to even more objectionable features, rather than from design.

The differences in the circumstances surrounding public utilities and private industrial companies are so great that conditions which one might bear are not necessarily safe for the other to assume. The former have public duties imposed upon them which they must fulfill. The latter are not in the business of selling power; they are subject to intense competition from more favorably located states, and must govern themselves accordingly.

It seems to be enough here to say, that these corporations which have made a very large part of all of the industrial development so far accomplished on the Kennebec river do not feel that they would be warranted in assuming further financial obligation under the provisions of the proposed Dead River bill, as much as they would like further to advance the industrial prosperity of Maine. The fact that they have invested their own money here, and are desirous of adding to the efficiency of the plants already existing and increasing their capacity, and the further fact that they expect to bear all of the cost, even including payment of whatever State authorities may find to be the full value of State property taken or damaged, without concession of any kind—these facts must be sufficient warrant for their good faith.

Very truly yours,

(Signed) Wm. B. Skelton.

On motion by Mr. Moody of York, that gentleman was granted the privilege of introducing the following order, out of order:

Ordered, that the State Librarian be authorized and instructed to furnish each member and officer of the House a copy of the Laws of the State of Maine passed by the Eighty-first Legislature.

The order received passage.

### Senate Papers Out of Order

From the Senate: Final report of the committee on labor.

In the House, read and accepted in concurrence.

From the Senate: Report of the committee on labor, reporting ought not to pass on Resolve in favor of an amendment to the Constitution of the United States to prohibit the employment of women and children in workshops, factories, manufacturing or mechanical establishments for more than forty-eight hours in a week.

In the Senate, report read and accepted.

In the House, report read and accepted in concurrence.

The SPEAKER: The Chair presents out of order message from the Governor.

### STATE OF MAINE

#### OFFICE OF THE GOVERNOR

Augusta, April 6, 1923.

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

Acting in good faith and in behalf of the people of Maine, and animated by a sincere desire to promote water power development and harmonize conflicting views, I suggested and arranged for a conference between the representatives of the parties interested in the Kennebec Reservoir Company, a Senator from Cumberland County who had opposed the granting of the charter, three disinterested and representative citizens, and myself. These representatives consisted of the registered legislative agent of the Reservoir incorporators and one of the incorporators himself. These gentlemen definitely stated that they had authority to speak for their principals in the Reservoir Company. As a result, the terms of the Dead River Reservoir Charter were agreed upon. The final conference was held late in the evening, Wednesday, April 4th, and the two gentlemen referred to as representing the incorporators assured me that they would have the Dead River Charter presented in the Legislature early the following morning and that they desired to have the Act passed. I specifically inquired if any of the members of the Legislature had been consulted in connection with this Act, and the

answer was in the negative. They also said they would have the charter printed in engrossed form. To this latter suggestion the Senator and myself demurred, and said that perhaps to print the bill without legislative authority could be criticized as proceeding with undue haste, and might be construed as interfering with the prerogatives of the Legislature.

The terms of the Dead River Charter as outlined in my Message to the Legislature were unconditionally agreed upon as acceptable to all the incorporators. Early Thursday morning the charter was printed in engrossed form by the order of the representatives of the Reservoir Company, as evidence of which it appears that the original engrossed copies bear at the top of the printed page the name of the Treasurer of the local Power Company, himself one of the incorporators of the Reservoir Company.

In accordance with the agreement made, I in person on Thursday morning April 5th, presented the result of the conference to a joint session of the Senate and House and expected that the bill immediately would be introduced into the Legislature. In every way I have lived up to my agreement and now am ready to sign the bill if the Legislature in its wisdom enacts it. The arrangement entered into, and definitely agreed upon by all parties is fair to all. It gives to the company storage and water power rights for which they agree to pay an adequate rental. Not a detail of the original plan has been repudiated either by the Senator referred to or by myself, and we both stand behind the position taken, and want the people of Maine to understand it.

At two o'clock this Friday afternoon, I received a communication from the Treasurer of the Central Maine Power Company, heretofore referred to as an incorporator and one of the conferees, in which he states that he "assented to" the act incorporating the Dead River Reservoir Company. After giving his views on the storage question and on the message that I delivered to the joint convention, he recites that he "must join with the other proposed incorporators in refusing to allow my (his) name to be used in connection with the proposed charter for the Dead River Reservoir Company."

When the Governor of the State of Maine enters into an arrangement it is to be expected that he will hold to it. The same properly can be expected of the others who are parties to it. As the Legislature now is considering the Kennebec and Dead River matters, I desire to give you the information that has just come to me in the letter referred to.

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

Mr. MAHER of Augusta: Mr. Speaker, I rise to a point of information.

The SPEAKER: The gentleman may state his point.

Mr. MAHER: Is there any letter accompanying the message?

The SPEAKER: There is no letter accompanying the message.

Mr. MAHER: In order to make the situation perfectly plain and understandable to all the members, I ask permission to read a copy of a letter which is the basis of the message.

Thereupon, permission was given the gentleman from Augusta, Mr. Maher, to introduce a copy of a letter from Mr. Walter S. Wyman to Governor Baxter, which was read by the Clerk as follows:

"The Central Maine Power Company has always stood four-square for private as against public development of the natural resources of the State and for the doctrine that neither the State nor any individual has any rights in the water powers or storage basins other than the well recognized riparian rights which go with, and are wholly dependent upon the ownership of the land at the site of the dam. This position was fully supported in the answers of the justices to the questions propounded by the Legislature and published in the 118th volume of the Maine reports.

"The State of Maine is the owner of two public lots on Long Falls on the Dead river and these lots contain the dam site of the new storage reservoir dam proposed on both the Kennebec and Dead river charters. Because of the ownership of this land, including the banks and the beds of the stream, the State owns all the ordinary rights of any riparian proprietor owning a dam and power site upon any of our rivers.

"The act incorporating the Dead River Reservoir Company as drawn and assented to by me, representing

our company, provided for a lease of the dam site, power privileges and lands to be flowed by the dam at a rental that would probably not be excessive as between private parties. The basis of the rental was that the major part should be allocated to the power rights which were leased under this charter, but were not granted by the Kennebec Reservoir charter. The balance over and above this power charge was to represent a rental of the storage dam site and the other State lands flowed by the dam. The valuable power rights which formed the basis of this power lease were not granted under the Kennebec Reservoir charter, but were retained by the State.

"At the conference was made at compromising with the opponents of the former measure I understood that this reason for and the basis for the rental was perfectly plain and understood by all present. Your message, however, conveys to the Legislature and to the public the idea that the Central Maine Power Company and myself assent to the doctrine that there is some right belonging to the State in every storage reservoir which any developing company should pay for, even though the State owns no land affected thereby.

"With this construction upon the Dead River charter, now before the people, its acceptance by me would be considered assent to all this doctrine. Although I believe the charter does not warrant such a conclusion, I cannot allow myself and the company which I represent to be placed in the position of apparently subscribing to the views expressed in and the impression conveyed by your message. For this reason I must join with the other proposed incorporators in refusing to allow my name to be used in connection with the proposed charter for the Dead River Reservoir Company.

"In order that the views expressed in this letter may be understood by the public, I am giving a copy of it to the press".

(Signed) W. S. WYMAN

On motion by Mr. Maher of Augusta the message of the Governor was ordered placed on file, and sent up for concurrence.

On further motion by Mr. Maher of Augusta, the letter of Mr. Walter S. Wyman was ordered placed on file.

Mr. CURTIS of Brewer: Mr. Speak-

er, does placing the letter on file get it in the Record.

The SPEAKER: The Chair will state that the letter is already in the Record, having been read.

On motion by Mr. Wing of Auburn it was voted that 2,500 copies of the Governor's message, and the letter of Mr. W. S. Wyman be printed as one pamphlet.

### Senate Papers Out of Order

STATE OF MAINE

Senate Chamber

To the Clerk of the House,

Dear Sir: The Governor of the State having returned to the Senate An Act directing sterilizing operations in certain cases of mental diseases and feeble-mindedness, with his objections to the same, the Senate proceeded to vote on the question:

Shall the act be finally passed notwithstanding the objections of the Governor? A yea and nay vote was taken. Nine senators voted in the affirmative and 21 in the negative, and accordingly the bill failed of passage.

Respectfully,

L. ERNEST THORNTON

Secretary of Senate

In the House, read and placed on file.

From the Senate: Resolve in favor of a State Park Commission.

This was finally passed in the House earlier in the day.

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

Mr. MAHER of Augusta: Mr. Speaker, may we have the amendment read.

(Senate Amendment A read).

On motion by Mr. Maher of Augusta the House voted to reconsider its action whereby this resolve was finally passed. On further motion by the same gentleman the House voted to reconsider its action whereby this resolve was passed to be engrossed.

Mr. MAHER of Augusta: Mr. Speaker, I now move the adoption of Senate Amendment A in concurrence. Speaking to the amendment, not talking long, simply addressing myself to my constituents, I hope that the amendment will be adopted, not

that I believe in it, but that I think it better to take half a loaf than none.

Thereupon, Senate Amendment A was adopted in concurrence; and on further motion by Mr. Maher, the resolve was passed to be engrossed as amended by Senate Amendment A in concurrence.

From the Senate: Bill, An Act in relation to the Board of Registration of Medicine.

This was passed to be enacted in the House.

Comes from 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 enacted; and also the vote was reconsidered whereby the bill was passed to be engrossed.

The question being on the adoption of Senate Amendment A in concurrence, the Clerk read the amendment.

On motion by Mr. McDonald of East Machias, the House voted to insist on its former action, and ask for a committee of conference.

The Chair appointed as conferees on the part of the House: Messrs. McDonald of East Machias, Curtis of Brewer, and Newcomb of Carmel.

The SPEAKER: The House will now recess for awhile.

#### After Recess

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

From the Senate: An act to amend Chapter 132 of the Public Laws of 1919, as amended by Chapter 203 of the Public Laws of 1921, entitled an act to create the Maine Water Power Commission.

This was passed to be enacted in the House.

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

In the House, that body voted to reconsider its action whereby this bill was passed to be enacted. It also voted to reconsider its action whereby this bill was passed to be engrossed.

The question being on the adoption of Senate Amendment B in concurrence, the Clerk read Senate Amendment B.

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

On motion by Mr. Lamson of South Portland, the House recessed until 7.30 P. M.

#### After Recess

On motion by Mrs. Pinkham of Fort Kent, the rules were suspended and the members allowed to smoke.

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

From the Senate:

The following communication:

#### STATE OF MAINE

Office of the Governor,

Augusta, April 6, 1923

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

I return herewith without my approval:

Resolve, making an appropriation for the construction of a new building at the Northern Maine Sanatorium, Presque Isle, Aroostook county, and for the purchase of equipment therefor, and maintenance.

This Resolve calls for an appropriation of \$50,000 for the erection of a new building at the Presque Isle Sanatorium and it further appropriates \$35,000 to maintain it. If I thought this new building was needed I should not withhold my approval to this Resolve. I have, however, visited this sanatorium upon several occasions since I became Governor and have repeatedly been told by those in charge of our tubercular work that the three sanatoriums as now maintained by the State were entirely adequate to cope with the situation. It was, however, brought to my attention that one or more of these institutions of the State needed a small school or recreational building for the children. I myself have seen the conditions under which the children are living and should not withhold my approval to a reasonable appropriation for the erection of such buildings. As a matter of fact the new building at Presque Isle, which was built under an appropriation made by the last Legislature, has not yet been completed. This Legislature has appropriated \$10,000 to finish the basement of this building and to provide such equipment as is needed to make it complete. In my opinion it would be good policy to complete the new building before we undertake the construction of others.

The tubercular situation in Maine



is hopeful. In 1916 the State spent \$85,000 on its sanatoriums and in 1922 increased this amount 337%, expending the total sum of \$380,000. In ten years the death rate from tuberculosis has dropped from 1054 deaths to 663, a 37% saving. If this saving is continued it will not be long before deaths from tuberculosis will be reduced to a minimum. Our State Department of Health, local health authorities, and the private organizations interested in health work all are cooperating, and the figures that I have given show what is being accomplished. The State has reason to be proud of its three sanatoriums and during the past two years large sums of money have been expended in repairing and refinishing them so they are now in excellent condition.

For the reasons above stated and believing that this additional building is not needed at the present time, I withhold my approval to the aforementioned Resolve.

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

In the Senate, that body passed the Resolve, notwithstanding the objections of the Governor.

In the House:

Mr. REED of Harmony: Mr. Speaker and gentlemen, it appears to me that this is a matter that we can look at, perhaps, in a great deal different light than we have some previous occasions that we have had today. The committee that visited these state sanatoriums had requests for two school buildings, and we have granted the request for one at Presque Isle because it seemed to us to be the place where it could be used to the best advantage. Adults and children were found in one room, and the doctors in charge claimed that it would be better for both the children and the adults if they could have separate buildings in which they could be confined.

The Governor speaks as though a new building might not be necessary because we have accomplished so much in that line in the last few years, but we have now on the waiting list not all children but adults who have taken the places of children and are keeping them out.

The Executive also speaks of the decrease in the death rate from tubercular diseases. I hardly look at that as a reason for lessening our efforts. I should consider it per-

haps a reason for stimulating them, and other than this bare statement, that it could be used to good advantage, there is nothing further that I care to bring to the attention of the Legislature.

Mr. ARCHIBALD of Houlton: Mr. Speaker and gentlemen: You have observed from the message of the Governor on this proposition that the expenditures involved in the battle against tuberculosis have made an increase 337 per cent. You have noticed a substantial decrease in the death rate. If there is any disease that should be stamped out among growing children it is the disease of tuberculosis. It may be a peculiar coincidence, and perhaps difficult to explain, but I am informed by authorities who have made some study of the subject, that even in that section of the state where the climatic conditions appear to be unfavorable to the development and increase of tuberculosis, notwithstanding that fact, there has been a larger increase in tuberculosis, in comparison with other sections, than in any other part of the state.

Now the Senate has passed upon this measure and has sustained the action of this House in passing this by a vote of 27 to 2, over-riding the Governor's veto. The very clear, concise, and exhaustive financial statement, showing the resources of the state of Maine, has been put forward, and I believe that an examination of the figures on this question will show that this proportion will make absolutely no substantial difference whatever upon any tax rate that may result from appropriations made by this Legislature. There were medical men on the committee who visited this sanatorium. These men, after their examination of the situation, having gone there during this session and examined the place, have joined with the other members of the committee in making the unanimous report that this resolve should pass.

The growing children in that institution have not been segregated. It has not been possible to do so, and the result has been an injurious effect upon those children, not only from the standpoint of health, but from the standpoint of being brought into contact with adult persons who, perhaps, have not had the proper influence that people should have over growing children. If the decrease in

tuberculosis in this state has been the percentage that the Governor states in his message, an appropriation of this kind, to go into an institution in a section of the state where tuberculosis is perhaps more rapid than in any other sections, is an absolute justification for these purposes. A waiting list of between sixty and seventy persons now exists and these people cannot get admission to these institutions which serve the state as a whole, unless ample provision is made. I do not believe that the state desires, in the exercise of wisdom and discretion, and in the exercise of due regard for the health and welfare of the people of this state, to curtail this program at this time.

I think it is a proper message to pass, and I believe that the measure should be passed. Without any attempt to criticize the Governor for his position in the matter—he may have visited this institution—but the committee which was appointed by this Legislature, visited that institution. They went over it carefully with a view to determining what appropriation they would recommend to this Legislature, and that is now presented to us in the form of this resolve.

It seems to me that no appropriation can be any more worthy than this one. The committee which was appointed studied the functioning in connection with the Finance and Appropriations Committee of this Legislature, together with the other committees who had to do with the appropriations of funds, taking all these matters into consideration, feel that this is one of the measures that should meet with our absolute approval, and I trust that the measure will be sustained.

Mr. GAGNE of Lewiston: Mr. Speaker and fellow members of this Legislature: I am always ready to help for economy, but when it comes to playing with the life and health of the people, it is a different matter, and, remember, even if there was only one on the waiting list, if you can save that life, you have done a great deed, and I hope, fellow members that you will vote to over-ride the Governor's veto.

Mr. PERKINS of Orono: Mr. Speaker and fellow members: I am in thorough accord with the previous speakers, and I believe that this is a just cause. I believe they do need that new building and I believe it is up to

the members of this Legislature, after they have given it just and careful consideration, to vote that the report of that committee shall be accepted. It has already been through this House once, gone through the Senate twice, and now it is back for our consideration again. This is simply a matter of an honest difference of opinion, and I believe that we can do no greater deed for the benefit of all mankind than to pass this resolve, notwithstanding the objections of the Governor; and I sincerely hope that it will become a law.

Mr. CHERRY of Eastport: Mr. Speaker and gentlemen: There is probably no one to whom this question comes closer than it does to me. My absence from this session today has been due to a visit to a relative of mine in the Hebron Sanatorium, where a member of my family is a patient, and I feel that I would be derelict in my duty in the extreme if I did not speak a word in favor of this measure.

I assure you that those people in that section—and I am sure it is no different than any other section of the State—they are doing a wonderful work, and, in my opinion, a work that cannot be measured in dollars and cents. I assure you, gentlemen, that you will make no mistake, that you will receive the approval of the people in general, if you will pass this measure, notwithstanding the objections of the Governor. We appreciate the Governor, but we also appreciate the fact that he is a member of the human family, just the same as the rest of us, and occasionally may make mistakes.

Mr. HEAL of Weston: Mr. Speaker and fellow members: I was one of the committee that visited that sanatorium this winter. We looked it over pretty thoroughly. This does not represent all that they thought was needed. The committee cut down their demands but this was one that we thought could not be cut out.

The adults were rooming in the same building and they were trying to run a small school there. Part of the children—I think fifteen or twenty—were in that school and there are some more that are in the Hebron Sanatorium. I have had some experience in this matter. A boy of mine had the privilege of getting into this sanatorium and now he is home cured. If he had been kept on the waiting list, I think the result would have been different.

I believe in economy, but I do not believe in weighing dollars and cents with human lives. That waiting list means death to some, and I do not believe the people of the State of Maine want to have it that way.

Mr. WHITNEY of Corinth: Mr. Speaker and gentlemen: I was on the committee that visited these sanatoriums and I will say that they need that building. It is all right, and I hope that we will not sustain the Governor's veto.

Mrs. PINKHAM of Fort Kent: Mr. Speaker and gentlemen: To make the matter concrete, as usual, I would like to present some statistics. I do not enjoy doing it, but I feel that I ought to. In the 120 families visited by the county nurse who was hired by the Aroostook County Tuberculosis Association last year, from the 155 children, all of whom have been exposed to the contagion of the disease, it is the opinion of the nurse that 75 of those children are already showing symptoms of that disease. That number is in addition to the waiting list already mentioned.

A building of this sort will not only relieve the situation in Aroostook sanatorium, but also in the other sanatoriums of the State inasmuch as of the 43 Aroostook children who are now in the sanatoriums with this disease, only 18 are in this sanatorium. The rest are in the other sanatorium at Presque Isle, far from their homes.

I hope very much that every member of this House will vote "yes" on this constitutional question.

Mr. KITCHEN of Presque Isle: Mr. Speaker and gentlemen: I feel that it is unnecessary for me to say anything in connection with this matter, because I feel that the ground has been thoroughly covered, and all I care to say to you is that it is a worthy cause and I know that there is need of a building of that kind there. I would like to say, in connection with the Governor's message in regard to the new building, that, as he said, the building is not completed. It is a fact, the building is not fully completed but it is simply a part of an addition which they propose to finish off, an ex-ray room. He has also stated that the building is not needed and it would seem to me that with sixty-five people on the waiting list, afflicted with this disease, that there is need of a building of this kind there.

During one of my week-end trips to

Presque Isle, I had occasion to visit the sanatorium. It happened that I arrived there during their study period and there were eighteen of those children in that sanatorium. They were engaged in a small room with a young teacher, who was instructing them. They all appeared to be happy and doing well, and I asked the doctor in regard to those eighteen children and inquired as to their condition, when they arrived there, etc., and he took me to his office and we went through the records of those children very carefully, as to what the conditions were when they went there and the gains they were making, and I assure you, it is wonderful. He also told me of a family of seven children whom they have taken in there, all afflicted with tuberculosis, brought about by living in crowded conditions, and he assured me that they were all on the road to recovery.

There is no need of my saying anything further. I think you men will all agree with me that this is a worthy cause.

The SPEAKER: The question is shall this resolve become a law notwithstanding the objections of the Governor. It is a constitutional question and the yea and nay votes are necessary. As many as favor the 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 question plain? The Clerk will call the roll.

YEA—Adams, Liberty; Adams, Litchfield; Archibald, Atwood, Baker; Bartlett, Hanover; Bartlett, Waterville; Barwise, Beckett, Belliveau, Bickford, Bisbee, Blaisdell, Boulter, Bradbury, Brett, Brewster, Brown, Cates, Chalmers, Cherry, Conant, Crafts, Cummings, Curtis, Dain, Dilling, Downing, Drake, Dudley, Dunbar, Dunn, Edwards, Fickett, Finnell, Foss, Gagne, Gagnon, Gamage, Gardiner, Gile, Gillespie, Gilmour, Goldthwaite, Gordon, Granville, Greenleaf, Hale, Hallett, Hamilton, Hammond; Hayes, Gorham; Hayford, Heal, Hodgkins, Holmes, Houghton, Hutchinson, Jewett, Johnson; Jordan, Cape Elizabeth; Jordan, Westbrook; Keef, Keene, Kitchen, Knight, Lamson, Leathers, Leland, Littlefield; Lord, Wells; Ludgate, Macomber, Maher, Martin, McDonald, McIlheron, Melcher, Moody; Morse, Bath; Nadeau, Nevins, Newcomb, Nichols, Nickerson,

Oakes, O'Connell, Owens, Palmer, Pendleton, Perkins, Perry, Pierce, Pinkham, Piper, Plummer, Ramsdell, Ranney, Reed, Rogers, Rounds, Sanders, Saunders, Sayward, Siddall, Small, Smith, Sparrow, Stevens, Stitham, Storm, Story, Stratton, Sturgis, Tarr; Thomas, Chesterville; Thomas, Leeds; Tilden, Weeks, White, Williams, Wills, Wing, Winn, Winslow—125

NAY—Hayes, Chelsea; Whitney—2

ABSENT—Ayer, Benoit, Boman, Burns, Clarke, Crowley, Douglas, Farley, Gauvin, Hobbs, Jacobs, Jones; Lord, South Portland; Morrison; Morse, Greene; Overlock, Phillips, Ray, Rowell, Staples, Teague, Towne, Wood—23.

The SPEAKER: One hundred and twenty-five having voted in the affirmative and two in the negative, the veto of the Governor is not sustained.

The SPEAKER: The Chair presents out of order bills on their passage to be enacted, under suspension of the rules.

An Act to amend Section 4 of Chapter 197 of the Public Laws of 1917, as amended by Chapter 172 of the Public Laws of 1919, relating to the State Department of Health.

An Act to require the investment in permanent securities of school funds and other trust funds held by city, town, quasi-municipal corporations and State officers, and amending Section 72 of Chapter 2, Section 54 of Chapter 17, and Section 14 of Chapter 21, of the Revised Statutes.

#### Finally Passed

Resolve for the pay of the chaplains of the Senate of the 81st Legislature.

Resolve to aid the town of Naples in the construction of a bridge across Chute river.

Resolve making appropriation for expenses of dedication of the Kittery-Portsmouth memorial bridge.

Mr. SANDERS of Portland: Mr. Speaker, I would like to ask the Chair if it would be proper at this time for the conference committee on the gasoline tax measure to ask for the opinion of the House, for instruction.

The SPEAKER: The Chair would say that a motion for instruction from the House is in order. If the gentleman wishes to move as a member of the conference committee for

instruction, the Chair sees no reason why it cannot act upon the matter.

Mr. SANDERS: Mr. Speaker, I make that motion, that the House instruct the committee of conference on the gasoline bill relative to the action which the House wishes the conference committee to take. The motion prevailed, and the Chair recognized the gentleman from Portland, Mr. Sanders.

Mr. SANDERS: Mr. Speaker and members of the House: Your conference committee is unable to come to any agreement with the like committee of the Senate. It seems that our bond measure is probably dead, I do not think there is any question about it; and it seems rather too bad for us not to have some money for maintenance of our roads and some toward our State aid roads, third-class highways and so forth. Now the proposition is this: The conference committee can come to no agreement, the members of the House committee feeling that they should have a tax on gasoline without exemptions, while the committee from the Senate feel that we should have a tax with exemptions. And the committee would like to be instructed. This is unusual, I think, but it does seem rather too bad that we cannot at least save the gasoline tax, and we simply would like to have you instruct us whether or not you would prefer that we continue and demand that we have the tax without exemptions, which will result in bringing in a report that we will be unable to agree, or whether you would prefer that we sign a report with the conference committee of the Senate providing for the tax with exemptions. We would like the opinion of the House as to what you would like us to do in that regard.

Mr. BAKER of Steuben: Mr. Speaker, as an active participant in the question when it came up on the floor of this House, I, for one, feel that the least you can do under the circumstances is to recede and concur with the Senate. I stood for the fishermen, and I want you to know that I am not giving away any of their agreements with me that they are willing to stand for this tax. You will also agree with me that under the present blanket resolve which has been brought in here, the special resolve for roads, that many towns have been reduced to a minimum in their apportionment and many of them have been cut off entirely. Those rural towns

will look upon this little aid that will come from this tax as a great help to them in repairing and rebuilding their third-class roads; and I for one gladly voice my sentiments as being in favor of the Senate Amendment which will probably keep down our appropriations some—probably not over one quarter; but, as has been frequently said on the floor of this House, it is better to take one-half or two-thirds of a loaf than to get no bread at all.

Mr. WINN of Lisbon: Mr. Speaker, I understand the Senate Amendment to be a tax on gasoline with exemptions. I want to say, if that is the case, that I stand squarely—I hope the majority of the members stand the same way—I stand for a one cent gas tax with absolutely no exemptions for this reason: That I believe that if we put in any exemptions whatever, it will mean a large force to carry out the law of exemption; and it does not seem to me that it is right and fair to impose a tax upon the people on gas and then use a large percentage of it for enforcement officers running around over the State to see that the law is complied with. I believe that the only fair and just tax on gasoline is one cent and no exemptions, and I sincerely hope that the House will stand for that.

Mr. ROGERS of Rockland: Mr. Speaker, I have always stood for this gasoline tax with exemptions, and if, as I understand from the gentleman from Portland (Mr. Sanders), if we stand for a tax without exemptions, we will not get anything, I move you that our committee be instructed to recede and concur with the Senate.

Mr. GOLDTHWAITE of Biddeford: Mr. Speaker, I want to go on record as a member of the Eighty-first Legislature in opposition to any tax that may be passed by this Legislature with any exemptions whatever attached to it. This talk about exempting the fisherman, the farmer, the man with the stationary engine,—you keep on and you will want to exempt the manufacturer who uses gasoline. You will exempt fifty per cent of the people who use gasoline in the State, and of the other fifty per cent you can collect from just about one-half of them, and it will cost fifty cents on the dollar to collect that. Now I own a gasoline engine, stationary engine. I also

have a truck and a car; and I am going to assure you that I am no more honest than thousands of others in the State of Maine who will take advantage of any loophole in the law to get by without paying any taxes. Now I am going to be honest with you, members of the Legislature, that there is nothing that the people as a whole will try to avoid paying as they will a tax. Now if we are going to have any tax at all, let's have it uniform and affect everybody alike without any exemptions whatever. I said years ago, and I was in a position where I could say it before a small body of men, that I would not exempt my own father from a tax bill; but if he was unable to pay, was in such circumstances that it would cause him hardship to meet that, I would see that he was reimbursed in some other way. But when you come to exemptions I would have no exemption; and I believe that this House right here tonight, if they stop and think what the result is going to be, if you keep on granting exemptions to people in this State, where are you going to wind up? I know that the city of Biddeford today is \$100,000 more in debt caused by exemptions in the last twenty-five years, and the city of Saco is practically the same. Gentlemen, I want to go on record as being against a bill with exemptions. (Applause).

Mr. MELCHER of Rumford: Mr. Speaker, I am in the same boat with the gentleman from Biddeford (Mr. Goldthwaite). I come from a manufacturing center and there are a great many farmers around there, and I do not want to go back home and say that I have voted for a tax bill with any exemptions to it. We are perfectly willing, the farmers, and the people using gasoline in the mills, are perfectly willing to pay their part of a one cent straight tax. They would not sanction my voting here for an exemption of any kind whatsoever.

There seems to be a question here among some of the leading members here as to whether this is Constitutional or not. They have asked the opinion of the court by an order passed here this afternoon. Now if it is that way we better get rid of the whole thing and not have any tax whatsoever.

Mr. CHERRY of Eastport: Mr. Speaker, it seems to me that this is a good time to get our feet down on

the ground and not go sailing around in the air in an endeavor to carry some particular point. Now it is a foregone conclusion, and everybody will admit it, that we need money, and we seem to be at a loss at the present time to know where we are going to get it, to maintain our roads. I do not want to pose here on the exemption proposition, owing to my location, and you are familiar with it. It is not necessary for me to go into that, and you know where I stand; but it seems to me that this House would be extremely unwise to insist that it is right and the Senate is wrong, and to refuse to take a half or three-quarters of a loaf because it could not get a whole one. Gentlemen, I do not think it is real good judgment to do that and whether you believe in exemptions or not, it seems to me that it is very poor policy to throw this matter overboard and let it die between the two houses for the sake of merely carrying a point; but I leave that for your consideration.

Mr. SAUNDERS of Lubec: Mr. Speaker, I live very close to where my brother Cherry lives. We use some gasoline down there. Eastport does not use all of it, although they buy quite a lot. I have not heard a boatman ask for an exemption, and I, for one, want to go on record as being against all gasoline tax; but if we are to have a gasoline tax, I am in favor of having one without any exemptions, and I believe that that is the only fair and reasonable tax to impose on any resident of this State.

Mr. PERKINS of Orono: Mr. Speaker and fellow members: First of all I feel that we owe this committee a vote of thanks; and I want to say right here that I believe we should have a one cent straight tax without any exemptions, because if we start in exempting, the Lord only knows where we will stop. We will have to build another wing on to this State House, form another commission, and then have another squad of enforcement officers to see that everything is all kept straight. I do not believe that it is up to this House to make all of the concessions. I believe that our neighbors across the hall should make a few. (Applause.) We are here assembled to legislate for the good of all. This House is composed of 151 members, supposed to be men of average intelligence; and I believe at this time that if you back down and go

back home, they are going to say "Why did you do it"? I would instruct that committee to go back into conference and tell them that we stand for one cent straight, root hog or die. (Applause.)

Mr. REED of Harmony: Mr. Speaker, I know that the people of Maine are looking for a one cent straight tax. Not all of the gasoline, whether on the coast or in the interior is used on the road, and when we get home we should let the blame rest where the blame is due.

Mr. ROUNDS of Portland: Mr. Speaker, I come from a little place where they use a little gasoline; sometimes it is not all gasoline; sometimes it is gas. (Laughter.) I want to say here that we have got poor people as well as rich, and we have got a lot that use gasoline who do not use roads; they don't even have roads; they have little paths to get down to their boats in the morning and come back at night. Furthermore, some of them hardly ever see an automobile, but they see boats and they use a lot of gasoline; and I for one want to go on record as favoring some of those poor fellows who have to get up at three o'clock in the morning, go out and set their traps, and stay out there and perhaps lose their traps and come in when the wind is blowing. They have no automobile to come in and no good road to come in, but they have got to go up and down on the waves to come in, and some of you land lovers who sit here could not even get into a boat. (Laughter.) I do not think they need a one cent tax, and I am opposed to it.

Mr. LELAND of Sangerville: Mr. Speaker, I do not suppose that this is the time to enter into the merits of the question. What your committee desires to know, as I understand it, is how many in this House would prefer a tax with exemptions to no tax at all. That seems to be the question under consideration at this time, and I hope when the motion is put and the vote is taken that it will be put in that form, so we may understand, not the merits of the question as to whether or not we prefer a tax with exemptions or without, or whether we prefer a tax with exemptions or no tax at all. This seems to be the question before the committee at this time.

Mr. CUMMINGS of Portland: Mr. Speaker, it seems to me that there is one point that is being lost sight of in this discussion. Now if we can have

a tax without exemptions, it would all be very well; but this is a tax levied for a special purpose, for the roads, and if you are to tax men for that special purpose who do not use the roads, it seems to me that that would call in question the constitutionality of your law. Then again it seems to me that the question, no matter what you want, no matter what we would like—the question to my mind is whether because we want a certain thing and the Senate wants something else, and we know we cannot get what we want, whether we shall deny ourselves the opportunity of taking anything. Now it certainly does not seem wise to me that we should do that. We can at any rate get from two to three hundred thousand dollars from this tax with exemptions, and I must say that it seems to me the wiser thing to do to accept that rather than to get nothing.

Mr. NICHOLS of Portland: Mr. Speaker: You all know how I stand on this matter by what I said this morning, and I have not changed during the day; but I want to say that taxation put on the statute books generally stays there for a period of time, and if you pass this law at this session of the Legislature, giving any exemptions, those exemptions will stay there for years to come. You cannot come here in two years and remove those exemptions, that will be impossible to be done. Now it is a question of whether you wish to place upon the Statute books a law with these exemptions which will not be removed, and where the next Legislature instead of having it a one cent tax, it will be increased to two because they will find that they do not get their two hundred thousand dollars which they anticipate now.

I would like to say also to the gentleman from Portland (Mr. Cummings) that there was introduced an order into this House this afternoon, and I thought the gentleman was present—an order requesting the justices of the Supreme Court to give an opinion upon this question—and it included several questions and among them a tax upon gasoline without exemptions, and a tax on gasoline with exemptions. So I do not see whichever way we vote that we are not raising the constitutionality of the question again. All our committee wish is to follow your instructions. If you desire to place a tax on gasoline with exemptions, we will follow your instructions.

Mr. STURGIS of Auburn: Mr. Speaker, I was for a straight tax on gasoline without exemptions one week ago. I was the same this morning and I am for it at the present time.

The SPEAKER: The question is on the motion of the gentleman from Rockland, Mr. Rogers, and the Chair will explain the motion so that the members will understand it. The motion is that we instruct the committee to recede and concur with the Senate, and that motion means that we instruct the committee to bring in a report giving us a tax on gasoline with exemptions. As many as favor instructing the committee to bring in a report for a tax on gasoline with exemptions will rise and stand in their places until counted and the monitors will return the count.

A division of the House being had,

Ten rose in favor of the motion, and so many rose in opposition to it, that the Speaker declared the motion lost without a count.

Mr. HAMILTON of Caribou: Mr. Speaker, I think that when this committee meets the committee from the Senate and explains the sentiment that has been expressed here, they will find that the Senate is willing to accede to such an expression as we have given, and will agree with us that we should have a straight tax without exemptions.

## RECESS

### AFTER RECESS

The SPEAKER: The Chair presents Senate papers out of order.

From the Senate: Resolve in favor of the State Park Commission.

This was passed by the House earlier in the day as amended by Senate amendment A.

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

In the House, that body reconsidered its action whereby this resolve was passed to be engrossed, and adopted Senate Amendment A to Senate Amendment A in concurrence. Thereupon, the resolve as amended by Senate Amendment A and Senate Amendment A to Senate Amendment A was passed to be engrossed in concurrence.

The following matters were taken up out of order under suspension of the rules:

**Conference Reports**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on bill An Act to withdraw from "The Contingent Fund" the sum of Five Hundred Thousand Dollars, and to transfer the same sum to the fund for construction of state aid highways, and to amend Section 87 of Chapter 2 of the Revised Statutes, as amended by Chapter 96 of the Public Laws of 1921 reporting that they are unable to agree.

(Signed)

Messrs. CLARK of Lincoln,  
BREWSTER of Cumberland,  
BUZZELL of Waldo,  
—Committee on part of  
Senate.  
GRANVILLE of Parsonsfield,  
LELAND of Sangerville,  
MAHER of Augusta,  
—Committee on part of  
House.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on bill An Act to amend Section 2 of Chapter 197, Public Laws of 1921, relating to the taxation of shares of stock of Trust Companies organized under the Laws of this State and Banking Institutions formed under the Laws of the United States reporting that they are unable to reach an agreement.

(Signed)

Messrs. STITHAM of Pittsfield,  
WINN of Lisbon,  
HAMILTON of Caribou,  
—Committee on part of  
House  
ALLEN of York,  
EATON of Oxford,  
WADSWORTH of Kennebec,  
—Committee on part of  
Senate.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on bill, An Act providing for a tax upon gasoline and other products used in operating internal combustion engines reporting that they are unable to agree.

(Signed)

Messrs. LELAND of Sangerville,  
SANDERS of Portland,  
NICHOLS of Portland,  
—Committee on part of  
House.

EMERY of Washington,  
HUSSEY of Aroostook,  
PHILLIPS of Hancock,  
—Committee on part of  
Senate.

Read and accepted and sent up for concurrence.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on bill, An Act in relation to the Board of Registration of Medicine reporting that the House recede and concur with the Senate in adoption of Senate Amendment A.

(Signed)

Messrs. McDONALD of East Machias,  
NEWCOMB of Carmel,  
CURTIS of Brewer,  
—Committee on part of  
House.  
PHILLIPS of Hancock,  
TREFETHEN of Franklin,  
ADAMS of Kennebec,  
—Committee on part of  
Senate.

Report read an accepted: Senate Senate Amendment A was adopted in concurrence; and the bill as thus amended was passed to be engrossed in concurrence.

On motion by Mr. Houghton of Fort Fairfield, the House voted to reconsider its action whereby it accepted the report of the committee on Appropriations and Financial Affairs, ought not to pass, on resolve in favor of Louise Stratton, stenographer of the Ways and Bridges committee; and on further motion by the same gentleman it was voted to substitute the resolve for the report.

Thereupon the Resolve had its several readings under suspension of the rules, and was passed to be engrossed, and sent up for concurrence.

The SPEAKER: The Chair presents out of order veto message from the Governor.

STATE OF MAINE  
OFFICE OF THE GOVERNOR

Augusta, April 6, 1923.

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

I return herewith without my approval:

Resolve, Making an appropriation for the support and maintenance of the State Experiment Station.

This Resolve appropriates the total sum of \$20,000 to be expended under



the direction of the Maine Agricultural Experiment Station.

For several years the State of Maine has appropriated biennially \$10,000 for experimental work at the Aroostook Farm, \$10,000 for Highmoor Farm, and \$10,000 for Animal Husbandry that is carried on at the latter institution. This makes a total of \$30,000 for this work and it is now proposed to increase this to \$50,000. In my opinion the State at the present time cannot afford to expand its experimental activities. As the United States Government contributes \$60,000 biennially to aid in the work, I believe that the total of \$90,000 for a two year period is at least a reasonable sum for the State to spend at Highmoor and Aroostook farms.

Much of the work in question is carried on in connection with the Agricultural College at the University of Maine. You have just passed and I have signed the University of Maine Resolve, totalling \$895,000. This is a large sum of money and I considered the matter from every angle before I gave the appropriation my approval. However, I am deeply interested in the work of the University and especially in what it is doing and can do for the agricultural interests of the State. Everything considered, however, I do not feel that I can approve an increased appropriation for experimental work in view of the large appropriation for the University of Maine to which I have referred. \$90,000 is enough; \$110,000 which is asked for is too much.

It is not too late for me to once again call your attention to the burdens of taxation which our people are carrying. Within 48 hours a prominent citizen of Aroostook county called at my office and told me that one-third of all the tax commitments in two of the largest towns in that county were unpaid on the town books when the tax commitments were closed a short time ago. Although the situation in other counties is not as critical, our people are paying their taxes with difficulty. A representative citizen from a town near Augusta told me of a pitiful case where a family in order to pay its taxes was obliged to sell the pig which had been raised and fattened for the family use. This means that somebody will go hungry. Such instances as these make me realize that we should be careful about expanding the State's activities.

For these reasons I cannot approve the Resolve.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER  
Governor of Maine

Mr. LELAND of Sangerville: Mr. Speaker and members of the House: I feel totally unable to answer the arguments advanced in the message just read. I should like to make just a few statements in correction of some of those statements. If the total amount available for the Experiment Station at this time, according to the figures that I am able to obtain is correct, there is at present available from the Federal Government the sum of thirty thousand dollars under two separate acts, one known as the Hatch act and one as the Adams act, making from the Federal Government a total of \$30,000; also from the State fund \$5,000 for the Aroostook Farm, \$5,000 for Highmoor Farm and \$5,000 for animal industry, making from the State a total of \$15,000 or a total of \$45,000 instead of \$110,000 spoken about.

The matter of the appropriation for the University of Maine has nothing to do with the Experiment Station. Not a dollar of this fund can be used for the purpose. I think we must all realize, who are in any way familiar with agricultural work, the great importance of the Experiment Station to our agricultural industry and the work of the extension service of the College of Agriculture. Its future usefulness depends to a great extent on the ability of our Experiment Station to properly investigate the problems as they arrive, and there is pressing need at this time of further investigation of the problems that are of vital importance to our agricultural industry. The investigation of plant diseases, of potato diseases, investigations of the blueberry pest, all are greatly needed at this time. It seems to me, gentlemen, that if any one thing needs to be encouraged and needs assistance and investigation, it is agriculture. I sincerely hope that this bill will become a law notwithstanding the objections of the Governor.

Mr. PERKINS of Orono: Mr. Speaker and fellow members: Realizing at all times that the veto of the Chief Executive of this State is to be considered, I do not feel at this time that he and I can travel in the same boat. I am exceedingly sorry for the people but I feel that if we do not do something to help out that Experiment

Station, they will be selling something else beside their pigs.

This resolve for ten thousand dollars for 1924 and ten thousand dollars for 1925 has received the unanimous endorsement of the committee on agriculture and also of the committee on appropriations. Its purpose is to improve the equipment and restore the efficiency of the Maine Agricultural Experiment Station.

During all of the period of high prices, during and following the war, no increase was ever made in the funds for the support of this institution with the result that the equipment and the staff of the station has necessarily been depleted. The cost of experimental work has been very heavy. The funds of the station would not allow of any increase in salary, and several valuable workers have resigned, making it necessary to abandon several lines of research work that would greatly benefit the farmers of the State if they could be resumed. The buildings belonging to the station are in poor repair.

The work of the station is now done at three points in the State, namely at the station proper at Orono and on the Aroostook Farm at Presque Isle, where many valuable experiments in potato and oat culture are conducted, and also at Highmoor Farm where experiments are being made in corn and apple culture and livestock breeding. The work formerly done at these stations has been of nationwide interest, and is favorably commented on all over the United States.

The present resources of the Maine Experiment Station consist of two fifteen thousand dollar appropriations by the United States Government, and three five-thousand dollar appropriations by the State. It should be borne in mind, however, that all these appropriations, totalling forty-five thousand dollars, are made for specific purposes, and practically none of this money can be used for maintenance or equipment, or to increase the staff of station workers; also, there is no fund that can be used for emergency matters, and such emergencies are constantly occurring. In the cultivation of potatoes, apples, grain, blueberries, etc. new diseases and new insects constantly appear which demand immediate action by the station which it cannot take under any of its present sources of income.

This appropriation is advocated by

all the agricultural organizations and workers in the State. It is absolutely needed in order to put the station back at its pre-war efficiency. The amount named in this resolve has been reduced from the original recommendation of the committee on agriculture, by seven thousand dollars.

It is just simply this, that we retrenched during the war and we never have been able to get back. I believe that the agricultural interests of the State of Maine demand that everything should be done in that line along the line of scientific investigation that is within reason. I fully believe that we should give encouragement at this time to the farmers of Aroostook county. I believe we should give encouragement to the farmers all over the State, and I fully believe that you cannot pass any act here today that will hearten the farmers any more than to let them know that this work of scientific investigation will be carried on. I realize that we have appropriated a whole lot of money this year, and we are not through. I realize that the U. of M. has received a very liberal appropriation, thanks to all the good friends that have worked in its behalf; but I tell you here in all frankness that this is absolutely a different proposition. This is an Experiment Station pure and simple and I feel that we should have ten thousand dollars to cooperate with the money already given them by the United States Government—Hatch fund, and help them to put back their buildings that have been depleted and the depleted equipment that they use in the line of scientific investigation. I sincerely hope that this House will vote to override the objections of the Chief Executive.

Mr. CUMMINGS of Portland: Mr. Speaker, I would like to have someone tell me of one single thing that Highmoor Farm has ever carried out to a logical conclusion to show a profit and loss by the fruit growing that they have done. Now it is all very well to appropriate many thousands of dollars for that institution, as has been done year after year; and any man having an appropriation at his command can go there and make fruit trees grow, and make fruit grow, and make grass grow. But I want you to tell me what good it does to the fruit growers or the farmers of Maine if that is not done in a businesslike way, so that when you get through you will have a profit and loss account that will show whether what has been

done is profitable or not. I do not believe that there was ever one single thing done there that can show that result, not one. Now I know a little something about the fruit business myself. I happened to be in it for thirty years and I have had my eye on Highmoor Farm. I believe the State would be better off if it did not have it, and if it had the money that has been put in there. That is my opinion, and instead of increasing the appropriation, I believe they need less; and, until somebody can show me practical results in dollars and cents, I have no confidence in what they do there. Take some of their experiments in grafting and that sort of thing. There is no need of it in God's world. You can get that anywhere. You can get it from the National Department of Agriculture, you can get it from any of the Agricultural Colleges that put out those things. I think that the farmers of Maine are making a mistake, and I do not believe they are getting value received for what goes in there nor nothing like it.

Mr. PERKINS of Orono: Mr. Speaker and fellow members; I will say that the farmers of this State have made mistakes, and they probably will continue to do so, and probably until such time as the world in general stops making mistakes, we will always have them. I believe that when we start to train a boy that it is a sort of an experiment—a scientific experiment if you will—and I will say at this time that I do not believe that you can measure the benefits to this state and to this country of this in dollars and cents. I tell you in all frankness that I believe the solution reached in regard to the potato disease here a few years ago was worth every dollar that has ever been expended at Highmoor Farm. I will say here that I cannot tell you exactly how many years Highmoor farm has been in existence, but I do not think it has been in existence thirty years. I believe there is a nation-wide demand for investigation along these lines. I believe that the people of the State want it, and I also believe that we are taking a step backward at this time if we allow ourselves to be influenced by any other motive than the good of the farmer.

Mr. LELAND of Sangerville: Mr. Speaker, just a word further. It must be evident, it seems to me to everyone, that the purpose of an Experimental Farm is not to show a profit; it is to develop and to investigate and to

point out that which is necessary for the successful prosecution of this work. That must necessarily be the result of any experiment in many lines of investigation; and it seems to me that the objection of the gentleman from Portland (Mr. Cummings) that an Experimental Farm does not show a profit is no reason that the experiments and the investigations and the knowledge derived from such experiments are not of great value. That line of reasoning seems to me to be utterly absurd.

Mr. HOUGHTON of Fort Fairfield: Mr. Speaker, I would like to say just a few words. Of all the money that has been appropriated here this year in the resolve for the University of Maine, not one dollar goes to the Maine Experiment Station. The Maine Experiment Station is under the head of the University of Maine, but the only money that the State puts into the Experiment Station is on the two farms and the Animal Husbandry experiment that is going on at Highmoor Farm.

In regard to Highmoor Farm, I would like to say in answer to the gentleman from Portland (Mr. Cummings) that they have found or discovered the "Maine 340 Oat." This was done by several experiments there five or six years ago. I could not say how much this has paid the State of Maine within the last three years in the advance of the yield per acre, that one particular oat. But the yield is three times as much as any oats ever raised in the State of Maine. That certainly is of benefit to the farmers of Maine.

Mr. CUMMINGS: Mr. Speaker, I am mighty glad to know about that. That is the first thing I have discovered. I want to say in reply to Representative Leland, that he seems to have entirely missed the point in what I have stated. He says that experiments are not supposed to show profit. Now, gentlemen, if they are conducting fruit growing experiments to show what can be done with the fruit, what the fruit grower wants to know when they get through is whether it is profitable for him to do that or not. It is of no use to show a man what you can do in growing fruit unless you can show him that it is profitable to do it. It is no use to show a man what you can do in growing apples, growing fruit, unless you can show him that it is profitable to do it. Otherwise it is merely

a delusion and a snare. It does him no good and it is worse than nothing unless you can show him the result in dollars and cents of that growing. There is the point in that and you will find that it is a real point and it is mighty essential.

Mr. STURGIS of Auburn: Mr. Speaker, and members of this House: I am surprised that a man who lives in Portland where they have so much publicity should not have heard of this 340 oat, I live away back in the woods and I have heard of it. It has increased the growing of oats more than triple in yield per acre in the state of Maine. That one thing alone is worth what has been put in some years in experimental work.

Some of us can remember, a few years ago, when we were troubled with the brown tail moth. Some of you remember that animal, probably. Now, through the experimental work in the United States and in the State Department, they got a parasite to go against that moth and we do not see the trees eaten up with that now. We have a gipsy moth here and they are experimenting with a parasite to do away with that, and we cannot always reckon things in dollars and cents. You heard the other day, what is a baby worth? You cannot reckon a baby in dollars and cents. Neither can you reckon the work done by these faithful people who are looking forward to helping the farmer. Now if we all want to go back to old times, let us go back there. I am one who wants to forge ahead.

Mr. JORDAN of Cape Elizabeth: Mr. Speaker and gentlemen: It seems to me that you have got away a little from the Governor's message. I think the Governor knows, as well as some of the people who have spoken, the need of this, but I think his message is along another line, as to whether the state can afford it or not. He gave a very simple illustration of a family killing a pig and selling it to pay their taxes. It did not appear to me to be very funny. I think that is quite a serious thing, and I think somebody ought to be proud of that family for I happen to be tax collector in the town where I live and there are many there who do not sell their pigs to pay their taxes, and they are not paid yet, and they tell me that there are many more in Aroostook County. I think that the illustration is applicable, very

much so, to the proposition before this House and I certainly hope that the veto of the Governor will be sustained.

The SPEAKER: The question is on the veto of the Governor. As many as favor the resolve becoming 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.

The Clerk will call the roll.

Yea—Archibald, Atwood, Baker, Bartlett, Hanover; Bartlett, Waterville; Barwise, Bickford, Bisbee, Boulter, Bradbury, Brett, Brown, Cates, Cherry, Conant, Crafts Curtis, Dilling, Douglas, Downing, Dudley, Edwards, Finnell, Foss, Gagnon, Gardiner, Gile, Gillespie, Goldthwaite, Gordon, Granville, Greenleaf, Hale, Hallett, Hamilton, Hammond, Hayes, Gorham; Hayford, Heal, Hodgkins, Haines, Houghton, Hutchinson, Johnson, Jordan, Westbrook; Keef, Kitchen, Lamson, Leathers, Leland, Lord, Wells; Ludgate, Maher, Martin, McDonald, McIlheron, Morse, Bath; Newcomb, Oakes, O'Connell, Overlock, Owens; Palmer, Perkins, Perry, Pinkham, Piper, Plummer, Ramsdell, Ranney, Rowell, Sanders, Sayward, Siddall, Small, Smith, Stevens, Storm, Story, Sturgis, Thomas, Chesterville; Thomas, Leeds; Tilden, Weeks; White, Wills, Wing, Winslow.—88.

Nay—Adams, Liberty; Adams, Litchfield; Beckett, Blaisdell, Brewster, Chalmers, Cummings, Dain, Drake, Dunbar, Dunn, Fickett, Gagne, Gamage, Gilmour, Hayes; Chelsea; Jordan, Cape Elizabeth; Keene, Knight, Littlefield, Macomber, Melcher, Moody, Morrison, Nadeau, Nevins, Nichols, Nickerson, Pendleton, Phillips, Pierce, Reed, Rogers, Rounds, Saunders, Sparrow, Stitham, Stratton, Tarr, Whitney, Williams, Winn, Wood.—43.

Absent—Ayer, Belliveau, Benoit, Boman, Burns, Clarke, Crowley, Farley, Gauvin, Hobbs, Jacobs, Jewett, Jones, Lord, South Portland; Morse, Greene; Ray, Staples, Teague, Towne.—19.

The SPEAKER: Eighty-eight having voted in the affirmative and 43 in the negative, the resolve is passed notwithstanding the objections of the Governor.

On motion by Mr. Phillips of Orington, the rules were suspended, and that gentleman was permitted to introduce a bill out of order, it

being bill, An Act to appropriate moneys for the expenditures of the government and for other purposes for the year from July 1st, 1923 to June 30, 1924.

The bill had its three several readings, under suspension of the rules and was passed to be engrossed and sent up for concurrence.

At this point the House recessed to respond to the sound of the gaval.

#### AFTER RECESS

The SPEAKER: The Chair wishes at this time to express its gratitude for the very splendid manner in which the members have conducted themselves in this closing night session. Never in my four terms' experience in the House have I seen such a thorough desire on the part of members to really accomplish something in the closing hours, and I wish to express to you my sincere gratitude. You have made it much easier for your presiding officer. (Great applause, the House rising).

The SPEAKER: The Chair presents out of order veto message from the Governor.

From the Senate: The following communication:

#### STATE OF MAINE

##### OFFICE OF THE GOVERNOR

Augusta, April 6, 1923.

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

I return herewith without my approval

Resolve, Appropriating Money to Pay Claims Allowed by the Committee on Claims.

This Resolve calls for an appropriation of \$32,975.34. It covers 47 different claims made against the State. These 47 items are as different as they well can be. They cover a wide range of subjects from the cost of replanking a bridge to the loss of a cow; from a State pension to an undertaker's bill; from a loss caused by fire to interest on money deposited in the State Treasury; from loss of sheep and turkeys killed by wild animals to a claim for oats eaten by deer.

There is no similarity between these claims and it places a Chief Executive in a difficult, in fact in an impossible, position to present 47

separate items to him in one blanket resolve for his approval.

I believe you will appreciate my position. I of course desire to pay all proper claims against the State, but to include with some valid claims others that have little or no merit, hoping that the good ones will carry along the bad, is not a good business proposition.

Every case should stand upon its own merits and if it is not strong enough to do so it should fall.

I have added up the items which I think are not proper claims against the State and they total \$20,219.75. Several of the large items are to reimburse towns for work which they did on bridges under the impression that the constitutional amendment submitted to the people two years ago would be passed. These towns took their own chances, and later found that the constitutional amendment was killed and that they would not receive any aid from the State. There is no reason for the State's reimbursing them for their outlay in these cases.

Several of the claims for pauper support are in litigation between towns, and there seems to be no good reason why the State should step in and assume the burden while law suits are pending between towns that desire to escape responsibility for pauper support.

One claim is where a certain county has charged the State for physician's and hospital services where an inmate of a county jail attempted suicide just before he was to be sent to the State Prison. I cannot understand why the State should be obliged to pay this bill of several hundred dollars.

Other items are to cover bills for materials furnished to one of the State institutions where the contracting building company failed. This being the case, those who sold material to the contractors could hardly expect the State to pay the bills for it was a plain business arrangement, and the material men took the ordinary chances of doing business with the contractors.

One large item is to increase the amount paid by the State to the towns for armory rental. The State makes a definite appropriation for armory rental and divides it up among the towns that have military companies. The last Legislature ap-

propriated a certain sum for this purpose and there seems to be no good reason why this Legislature should virtually increase the appropriations made by the 80th Legislature.

Another is for interest on money deposited by a bridge district and county with the State so that it would be used for the construction of a bridge. If this precedent is established it would mean that every town and county that deposits money in the State Treasury, when the State is going to help on bridges or highway work, will claim interest until such time as the money actually is used. It would soon be necessary to open several hundred different accounts with the towns and counties, and there would be no end to the bookkeeping in the State Auditor's and Treasurer's Offices.

Several items cover damage to domestic animals caused by dogs and wild animals, and these items should be paid for out of the regular receipts from dog licenses. If these claims are meritorious they will be taken care of in the usual manner.

One claim, to pay a town interest on the school fund, if allowed will open the door for not less than one hundred different claims and I hope the Legislature will proceed cautiously in these matters. Otherwise future legislatures and administrations will be placed under a great burden.

An unusual item is one to cover several hundred dollars worth of oats alleged to have been destroyed by deer in Northern Maine.

This partial list indicates the complicated nature of the Resolve that I am returning, and for the reasons stated I cannot give it my approval.

Respectfully submitted,

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

Came from the Senate the Resolve finally passed notwithstanding the objections of the Governor.

In the House:

Mr. ROUNDS of Portland: Mr. Speaker and gentlemen of this House: I know the hour is growing late, but I want to correct some of the misstatements of His Excellency, the Governor of this State against the committee of claims. In the first place we have cut them from almost \$100,000 down to \$32,000 and we had another claim come in of \$32,000 and

not a whimper out of it. That claim came in and we supposed they would come in together, but we were called into the Council Chamber with the Assistant Attorney-General and asked to cut all of these claims; and for some reason—if you remember I spoke of it here when the other resolve went through—for some reason those resolves got apart and that resolve went through, not 47 claims but over 50 claims on this other one, and not a whimper from him or any man in this House or in the Senate.

Now, gentlemen, I want to say here that we have had claims from all parts of this State. We have had claims for one thing for schools, put in by the State Superintendent of Schools, stating that there were three other towns—not one hundred towns but three other towns that could get that money, and we cut the interest almost in two. We worked early and late and we did what we thought was right. We had some differences of opinion on some things and others we did not. I want to say that one claim from the county of Somerset was put in by the Supreme Court judge asking the county commissioners to make a survey of State lots, and we thought that was no more than right. We did not pay it all, but we paid what we thought was right for the State to pay. Now take my own county. He says that a number of hundred dollars was paid one county in this State for taking care of a prisoner who had been sentenced by the Judge of the Superior court, a judge appointed by the Governor, and a State official. The prisoner had been committed but they had not come after him and he cut his throat and was put in a hospital and that county took care of him. They were told that they should give their pay but when they came to get it they had to come to the committee on claims and that committee gave it to them.

Now I want to say another thing, and that is with reference to the contractors of the different institutions. Two years ago they came to this House and asked to be reimbursed, and one of the contractors is here to-day, and it was one of the State officials who picked out the goods.

Now further I want to say about replanking a bridge. It was told as I understand it by the highway commission that it would be paid, but the money was not there and the time ran out, and the only thing they could do was to come to the committee on

claims. We cut it down and paid the rest.

Now here was another case for towns, and I want to say here that the Highway Commissioner came before us and told us we could pay, and then we cut that claim almost fifty per cent. and those men, they said they did the work well on every job, but as the war came on and things went up, they lost money so that they had to borrow clothes to get home with; but they finished their contract and the Highway Commissioner came before us and said they should be paid. Now, gentlemen, would you sit here and see those men suffer when others right here in the city of Augusta were paid ten per cent. plus on day work, when those poor fellows, though not citizens of this State or of this country, have done their work faithfully? We gave them \$3,150. And their claim was somewhere over \$6,000.

Now, gentlemen, we went ahead and tried our best to do the work and do it well. One man who did work in the northern part of the State, Northern Maine Sanatorium, I believe, what did he do? He did this work faithfully and they said he was supposed to get his pay, but for some reason, the time ran out and he had to come to this Legislature. So he comes here, and now to save a few dollars they want—because he cannot sue the State without our permission—they want to throw that man out. Do you gentlemen want to repudiate a man who has done his work well? Do you want to throw that man down? Now, these pauper claims, some of them were large, some of them we thought were very large, but they had the bills where they had paid the money, and what could we do? We did not pay any great interest money as has been said. I believe there was one claim down in Hancock county that we did give them some interest because the State was giving them the same interest for the money that they had, or they had to pay interest on bonds that they had out themselves.

Now, as to the armories, it was shown to us that these armories were rented and the State was supposed to pay the bills, but owing to a deficiency in the appropriation bill they could not get their pay and therefore they came to you and you confided in us enough to take our word that we should do it right and we tried to do our duty. I want to say about other things that might come up, quite a

number of them were pauper claims. An inmate of one of our institutions who was let loose two years ago on parole, as you know, burned a building and they got from the Supreme Court almost twice as much as they would have settled for with the committee on claims at the time.

Now these two men were poor farmers and one of them lost a complete building and the other lost his barn. They thought that the man who set the fires was all right, but he is in the insane asylum over here. Now if he was all right, he would not have been setting buildings afire, and they would not have put him in the insane asylum if he was all right.

Now I want to say one thing more about this committee on claims. I will speak of two more matters and then I will close. There was a little town down here under the three-town act that had spent all their money. They had spent their money, and taxes were high and we did grant that town some money to relieve the town. And one thing further, and I will leave it to you gentlemen, as far as I am concerned, whether you think it is right to pay the bill or not. This was a bill that a man in the northern part of the State, a place where I have been invited to go but I do not expect to go there. He had some oats, some of them perhaps were from Highmoor Farm that you have heard so much about. There were a lot of those oats and deer got in and ate the oats. In years before he has had a chance to kill the deer and sell them and get his money in the winter time from the lumbermen in the northern part of the State, but last year they sent a warden up there to watch that man. He could kill the deer but he could not have them. That was all right, I suppose, and the Commissioner of Inland Fisheries and Game said that the claim was all right, and by watching the man he could not get any meat for the lumbermen this winter (laughter), but he said he ought to be paid. We cut that claim in half and we thought we had done a good trick to get out of it for that because I think that if you gave him the right to sue, he would get twice as much as we are willing to give him now. Now, gentlemen, I will leave it in your hands, whether we shall pay these claims or not.

Mr. HAMILTON of Caribou: Mr. Speaker and members of the House: We spent many hours in this commit-

tee. We took up every one of the sixty odd claims and some of them come in separately and were passed. If you remember the claims that the State auditor put in representing many claims, those were passed and signed by the Governor without any veto message. Now these claims had equal consideration by the committee. We took up the facts as carefully as we could and we spent hour after hour upon them and we spent evenings on those claims studying them out carefully, and whenever matters of law came up we held the claim up and looked up the law as best we could. We had the Attorney General in several times; we had the head of the Agricultural Department in, and he helped us out, and we had the head of the Department of Labor in to help us and we had the heads of the different departments in, and nearly every matter that was considered, and in every case where recommendations were made by them, we cut the bill in half, and in some cases we cut it in half again, going that much further than what they recommended.

Now, there might be some question with regard to putting in bills in this form. That is not a matter that we are now asked to decide. It seems to me that we have come to the point of whether you believe that the members of that committee have done their work and done it well and faithfully. I know that the Governor could have taken this matter up with anyone of the committee and they could have explained the situation on every one of those claims that were in there. We have got them all by heart because we have studied and worked on them so long, and I believe there is not a single claim in the 47 that we have there but what is just and right and ought to be paid by this State and if necessary and we had the time, we could explain every one of them to your satisfaction, and I believe that we have as a committee—excepting myself—one of the strongest committees that we could have in this House. They have studied the situation carefully and did not make a single decision until they were satisfied on each one, and I believe that we ought to stand by the committee in this matter.

The SPEAKER: The question is shall this resolve become a law notwithstanding the objections of the Governor. The question is a consti-

tutional one and the yea and nay votes are necessary. As many as wish this resolve to become 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 answer "no" when their names are called. Is the House ready for the question? The Clerk will call the roll.

YE—Adams, of Liberty, Adams of Litchfield, Archibald, Atwood, Baker, Bartlett of Hanover, Bartlett of Waterville, Beckett, Bickford, Bisbee, Blaisdell, Boulter, Bradbury, Brett, Brewster, Brown, Cates, Chalmers, Cherry, Conant, Crafts, Cummings, Curtis, Dain, Dilling, Douglas, Downing, Drake, Dudley, Dunbar, Dunn, Edwards, Fickett, Finnell, Foss, Gagne, Gagnon, Gamage, Gardiner, Gile, Gillespie, Gilmour, Goldthwaite, Gordon, Granville, Greenleaf, Hale, Hallett, Hamilton, Hammond, Hayes of Gorham, Hayford, Heal, Hodgkins, Holmes, Houghton, Hutchinson, Johnson, Jordan of Cape Elizabeth, Jordan of Westbrook, Keef, Keene, Kitchen, Knight, Lamson, Leathers, Leland, Littlefield, Lord of Wells, Ludgate, Macomber, Maher, Martin, McDonald, McIlheron, Melcher, Moody, Morrison, Morse of Bath, Nadeau, Nevins, Newcomb, Nichols, Nickerson, Oakes, O'Connell, Overlock, Owens, Palmer, Pendleton, Perkins, Perry, Phillips, Pierce, Pinkham, Piper, Plummer, Ramsdell, Ranney, Reed, Rogers, Rounds, Rowell, Sanders, Saunders, Sayward, Siddall, Small, Smith, Sparrow, Stevens, Stitham, Storm, Story, Stratton, Sturgis, Tarr, Thomas of Chesterville, Thomas of Leeds, Tilden, Towne, Weeks, White, Williams, Wills, Wing, Winn, Winslow, Wood.—129.

NAY—Hayes of Chelsea—1.

ABSENT—Ayer, Barwise, Belliveau, Benoit, Boman, Burns, Clarke, Crowley, Farley, Gauvin, Hobbs, Jacobs, Jewett, Jones, Lord of South Portland, Morse of Greene, Ray, Staples, Teague, Whitney—20.

When the name of Mr. Hayes of Chelsea was reached in the roll call, that gentleman voted yes amid the applause of the House. At the end of the roll call that gentleman was granted permission to change his vote from yes to no.

The SPEAKER: One hundred and twenty-nine having voted in the af-



firmative, and one in the negative. the resolve becomes a law notwithstanding the objections of the Governor.

On motion by Mr. Owens of Madison,

Adjourned until tomorrow morning at nine o'clock.