

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

SENATE

Wednesday, March 28, 1923

Senate called to order by the President.

Prayer by the Rev. A. T. McWhorter of Augusta.

Journal of previous session read and approved.

On motion by Mr. Allen of York, it was voted that when the Senate adjourns that it adjourn to meet tomorrow morning at 9 o'clock.

Papers from the House disposed of in concurrence.

House Bills in First Reading

House 454: Resolve granting a teacher's pension to Melville C. Smart of Gray, Maine.

House 462: Resolve, to provide a teacher's pension of \$150 a year for Fannie Marble.

House 460: An Act to amend Chapter 217, Public Laws of 1919, relating to appropriation for Normal Schools and Madawaska Training School.

On motion by Mr. Allen of York, tabled pending assignment of time for second reading.

House 455: An Act to amend Section 14 of Chapter 78 of the Revised Statutes, relative to conveyances not effectual against others unless recorded.

House 456: An Act to incorporate the Ashland Water and Sewer Company.

House 463: An Act providing for the location and operating of mines.

House 458: 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 the Sebec Dam Company.

House 213: An Act to amend Section 6, Paragraph XI, of Chapter 10 of the Revised Statutes, in regard to forest land exempted from taxation.

From the House: An Act additional to Chapter 433 of the Private and Special Laws of 1907, entitled "An Act to incorporate the Portland Water District," and to limit and define the powers of the trustees of said Portland Water District in certain things. (House Doc. No. 163.)

In the Senate passed to be engrossed in nonconcurrence.

Came from the House, that branch voting to adhere to its former action in indefinitely postponing the bill.

On motion by Mr. Brewster of Cumberland, the Senate voted to insist and ask for a committee of conference.

The Chair appointed as such committee on the part of the Senate: Messrs. Brewster of Cumberland, Morison of Penobscot, and Elliot of Knox.

From the House: Resolve, amending Section 8 of Chapter 9 of the Constitution as amended by Article 36 of the Constitution providing for a tax upon income derived from intangible property (House Doc. No. 184), reported that the same ought not to pass.

Came from the House, that branch having substituted the resolve for the report, the resolve having been read twice and passed to be engrossed.

In the Senate, on motion by Mr. Wilson of Aroostook, tabled pending further action and assigned for tomorrow morning.

From the House: Resolve, in favor of the State Armory at Lewiston.

In the Senate referred to the next Legislature in nonconcurrence.

Came from the House, that branch insisting on its former action whereby the resolve was referred to the committee on appropriations and financial affairs, and asking for a committee of conference, the Speaker having appointed as members of such a committee on the part of the House

Messrs. HAMILTON of Caribou,
GARDINER of Gardiner,
ATWOOD of Portland.

On motion by Mr. Allen of York, the Senate voted to adhere to its former action.

Communication from the House of Representatives

STATE OF MAINE,

House of Representatives,

Office of the Clerk

Augusta, March 27, 1923

To L. Ernest Thornton, Secretary of the Senate of the 81st Legislature.

Sir:—The Governor of the State having returned to the House:

"An Act to amend Section 21 of

Chapter 9 of the Revised Statutes as amended by Section 1 of Chapter 71 of the Public Laws of 1921, relating to Time of Payments of Excise Tax on Railroads" with his objections to the same, the House proceeded to vote on the question:

"Shall the bill become a law notwithstanding the objections of the Governor?"

A yea and nay vote was taken; twenty-eight Representatives voted in the affirmative, and one hundred six in the negative, and accordingly the bill failed of a passage.

Respectfully,

(Signed) CLYDE R. CHAPMAN,
Clerk of the House.
Placed on file.

Communication from the House of Representatives

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
Augusta, March 27, 1923.

To E. Ernest Thornton,
Secretary of the Senate
of the Eighty-first Legislature.

Sir:

The Governor of the State having returned to the House:

An Act to accept the provisions of the Congress of the United States approved November 23, 1921, entitled "An Act for the Promotion of the Welfare and Hygiene of Maternity and Infancy and for Other Purposes" with his objections to the same, the House proceeded to vote on the question:

"Shall the bill become a law notwithstanding the objections of the Governor?"

A yea and nay vote was taken; forty-seven Representatives voted in the affirmative, and eighty-six in the negative, and accordingly the bill failed of a passage.

Respectfully,

(Signed) CLYDE R. CHAPMAN
Clerk of the House

Placed on file.

The following resolves were received and were referred to the committee on

Appropriations and Financial Affairs

By Mr. CROXFORD of Penobscot: Resolve, in favor of Julian K. Croxford for services as clerk and stenographer of the committee on Public Health.

By Mr. ALLEN of York: Resolve, in favor of Charles S. Buckley for services as clerk and stenographer to the committee on Taxation.

Bills in first Reading

Senate 284: An Act to amend Chapter 260, S. L. 1911, relating to a close time on lobsters in the waters of Winter Harbor in Hancock County.

Senate 285: An Act to amend Chapter 294 of the Public Laws of 1917, as amended by Chapter 63 of the Public Laws on 1921, relating to intoxicating liquors.

Senate 286: TAN Act to amend Section 21 of Chapter 127, Revised Statutes, as amended by Chapter 235, Public Laws of 1919, relating to intoxicating liquors.

Senate 287: An Act to amend Chapter 107 of the Revised Statutes, as amended by Section 17 of Chapter 62 of the Public Laws of 1921, prohibiting the manufacture of intoxicating liquors.

Senate 288: An Act to amend Section 22 of Chapter 127 of the Revised Statutes of Maine, as amended by Chapter 291 of the Public Laws of 1917, relating to the sale of intoxicating liquors.

Senate 289: Resolve, in favor of the Maine School for Feeble Minded for additions and improvements.

Senate 290: Resolve, in favor of the Bangor State Hospital for maintenance and other purposes for the years July 1st 1923 to June 30th 1925.

Senate 291: An Act to encourage co-operative marketing.

Senate 292: Resolve, for charitable and benevolent institutions, for the care, support and medical or surgical treatment of certain persons.

Reports of Committees

Mr. BUZZELL, from the committee on Judiciary, on, An Act to amend Section 80 of Chapter 82, Revised Statutes, relating to Superior Court for the county of Cumberland (Senate Doc. No. 218), reported that the same ought not to pass.

Mr. HINCKLEY, from the committee on Judiciary, on An Act to prevent crime by persons masked or disguised (Doc. No. 2), reported that the same ought not to pass.

Mr. ADAMS from the committee on Ways and Bridges, on An Act regulating the use of double runner sleds,

reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

Messrs. EATON from the committee on Appropriations and Financial Affairs and SARGENT from the committee on Maine School for Feeble Minded, on Resolve, in favor of the Maine School for Feeble Minded for maintenance for the years nineteen hundred and twenty-four and nineteen hundred and twenty-five (House Doc. No. 186), reported the same in a new draft, under the same title, and that it ought to pass.

Messrs. PUTNAM from the committee on Interior Waters and BUZZELL, from the committee on Judiciary, on An Act to continue the Maine Water Power Commission, created by Chapter 132 of the Public Laws of 1919 and to increase its duties and powers and to provide for the creation of corporations which may undertake the conservation, storage and control of waters within the state (Senate Doc. No 147), reported the same in a new draft, under the title of "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'" and that it ought to pass.

The reports were accepted and the bills tabled for printing under the joint rules.

Mr. WILSON from the committee on Agriculture submitted its final report.

Mr. STEVENS from the committee on Mines and Mining submitted its final report

Mr. ALLEN from the committee on Taxation submitted its final report.

The reports were accepted.

The following order was received, out of order and under suspension of the rules, on motion by Mr. Brewster of Cumberland;

Ordered, that 1000 additional copies be printed of the new draft of the Portland charter.

The order was given a passage.

The PRESIDENT: The Chair will inquire whether this is before the Senate?

Mr. BREWSTER: Mr. President, yes, it is now in the hands of the printer. I think that 1000 additional copies will only cost \$25 or \$30 and

that the Senate should be willing we have that much.

Additional Committee Report

Mr. Emery from the committee on claims presented a communication from the State Auditor containing certain claims against the State of Maine, and submitting a resolve authorizing the payment of certain deficiencies, and that it ought to pass.

The report was accepted and the resolves tabled for printing under the joint rules

Passed to be Engrossed

House 165: Resolve, to increase the Pension of Lester Patten of Hermon.

House 166: Resolve, in favor of Levi Holden for State Pension.

House 167: Resolve, to increase the State Pension of Charles D. Preble of Kittery.

House 177: Resolve, in favor of Mary A. Grant for State Pension.

House 178: Resolve, in favor of Mary E. Ames of Stockton Springs for State Pension.

House 179: Resolve, in favor of Mary S. Hillman for State Pension.

House 264: An Act to amend Section 56 of Chapter 16 of the Revised Statutes, as amended by Chapter 188 of the Public Laws of 1917 and by Chapter 188 of the Public Laws of 1917 and by Chapter 26 of the Public Laws of 1921, relating to the time of electing Superintendents of Schools in towns comprising School Unions.

House 322: An Act to amend Section 9 of Chapter 10 of the Revised Statutes, relating to real estate where taxed.

House 380. An Act to provide for licensing, inspection and regulation of hotels and private lodging houses.

(House Amendment A adopted in concurrence.)

House 384. An Act to amend Section 2 of Chapter 32 of the Revised Statutes, relating to traveling circuses.

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

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

House 438. An Act to expediate highway and bridge construction work under legislative appropriations.

House 459: An Act to amend Sections 6, 9 and 17 of Chapter 78 of the Public Laws of 1921, relating to auxiliary State forests.

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

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

House 442: Resolve, authorizing the Attorney General to procure pictures of former Attorney Generals and appropriating money therefor.

House 443: An Act to amend Section 67 of Chapter 82 of the Revised Statutes, as amended by Chapter 210 of the Public Laws of 1919, relating to the Attorney General.

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

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

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

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

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

Orders of the Day

Today assigned.

The PRESIDENT: This brings us to the special assignments for today, the first of which is Senate report on An Act to provide for the reading of the Bible in the public schools of the State, reported ought not to pass, and the Chair recognizes the senator from York, Mr. Spencer.

Mr. SPENCER: Mr. President, I move the substitution of the bill for the report.

I wish to state in the first instance that this is not my own bill, but that I heartily endorse it. Every one is aware that the Congress of the United States opens its sessions by prayer to some deity which we have a right to assume is the God who is recognized in the Old and New Testaments. We also

know that the Senate of Maine and the House of Representatives are opened by prayer, in which there is also another recognition of the deity. We know that the Constitution of Maine recognizes Almighty God, whoever he may be, and we have a right to consider that we are a part of a great religious organization because the majority of our people, I still believe, are people who have some respect for the Divinity.

When this bill came before the committee, the principal proponent for it was the commissioner of education, Dr. Thomas, and I wish to read what he said about the Bible itself.

(At this point a large number of students from the Westbrook schools come into the Senate Chamber and were given seats).

The PRESIDENT: I am sure the Senate of the 81st Legislature feels very much inspired and delighted to see present in our midst this splendid gathering of young people who are going to be the citizens of tomorrow—all of you—boys and girls alike. We welcome you. (Applause).

The Chair recognizes the senator from York, Mr. Spencer.

Mr. SPENCER: The statement of Dr. Thomas with reference to the Bible before the committee was this: "The Bible is a personal instrument, and every man must be allowed to interpret it according to his own reason, his investigation, and the best light he can obtain. It is the wonder of wonders, a master of English, perfect in diction, the height of inspiration, complete in history, absorbing in romance, rhythmic in poetry, brilliant in philosophy and proverb, and startling in its revelations."

I think every one present recognizes that Dr. Thomas is one of the ablest men in his class in the United States. I have felt it myself, and I want to state right here that this bill was drawn by Dr. Thomas himself, and that it can have, so far as I see, no objectionable features. During the time that it has been before the Legislature I have not asked any man in either branch to support it. It is a matter upon which every member should act according to his own conscience, without influence, but I wish to make a personal statement as a matter of record of my position on this issue.

It does not matter by whom or in what form this subject is presented, if only the need of such legislation is conceded.

At a time when the world is dominated by the basest and most depressing sentiments—when the law-breaker stands behind almost every door and the assassin sits at many a table and lodges beneath many a roof—when organized systems for robbery in broad daylight prevail everywhere and, in our larger cities, schools of murder are conducted at a profit—when all order, if not law, is openly defied by some and freely condoned by jurors of the people—this legislation becomes, at once and for all time, the most important which can be presented for serious consideration.

It cannot be argued that this is a question of expense, creed or special privilege, but purely one of policy. The public welfare demands it. If it be true that morality would be in constant jeopardy without law, the converse is true, that there could not be, and never has been, any permanent protection of law without morality.

There is no grander spectacle in this world than the fearless and, consequently, impartial administration of law by the great courts of our land. Men lose their lives in this service day after day. The criminal class is vindictive and persistent. Those judges who interpret and enforce the rules of right are the constant and only sentinels at the outposts of barbarism.

It is true that some judges may misconstrue the functions of their high office; that they may ignorantly, or otherwise, betray the public trust; that their decisions may fall far short of the desired results.

But all human efforts are imperfect and unsatisfactory. There is only one just judge. He climbs nearest the heights who looks highest.

For a time, at least, we might do without new systems of highways; we might, with the State's credit, defer our regular appropriations; we might even dispense with the State Capitol and forget to choose a Legislature, but we cannot exist at all, in these days, without government.

To prove the importance of this measure it is only necessary to show that the Bible, or a certain part of it, represents the highest code of ethics, law, commerce and philanthropy, and provides the only definite hope for the future.

A definition of the Bible is not

necessary, even, but if it be expected I would offer, unhesitatingly, what I believe to be the grandest poetic thought of Tennyson, who defines it, perhaps unconsciously, but none the less clearly, convincingly and penitently as, "The world's great altars that slope through darkness up to God."

The antiquity of the Bible is not essential. The source of the most ancient portion of the Old Testament is also unimportant. Whether it was divinely inspired in the scheme of creation—was the painful product of necessity from environment—or is a historical portrayal of the progress and decadence of human efforts, is outside the issue.

The first five books as well as the Book of Job, have been supposed to have been compiled by Moses from records found in libraries of ancient Chaldea, and if not divinely censored are, nevertheless, the real bases of the earliest organized forms of government and law.

The Book of Job should have been included in the proposed list. Job was, presumably, a descendent of Esau, who lived in Northern Arabia. His life period by certain allusions, in the poem itself, is proven to have been contemporaneous with that of Tut-ank-hamen.

The record of the latter is only one of wealth and affluence. The story of Job is a striking example of probity and philanthropy.

The preservation of the Bible is positive proof of the high regard the ancients entertained for its value. There was a time when it had to be transmitted from brain to brain by movements of the lips at midnight in remote caverns in the earth. Those were the times when it was a crime to even know it.

While it is unnecessary to prove that there is a Supreme Originator or Director of the human family and its affairs, it is, nevertheless, and always must be, an accepted fact, that every intelligent being acknowledges or has acknowledged the existence of supreme power.

Even the least advanced types of mankind while they supplicate visible or imaginary forms, admit in that act, the fact of superiority within or beyond the thing itself.

It has been observed that the untutored savage who confidently cul-

tivates the soil, invokes a harvest from the deity.

It may be fair to assume, also that the Egyptians, when worshipping the sun, moon and other conspicuous objects in nature were not converts of polytheism at all, but paid tribute separately to the adorable qualities of the one and only God.

Acquaintanceship with the Deity, in all cases, is only relative.

If then, any man does not perceive, in the God of Abraham, the same divinity whom he prefers to adopt, yet he must admit the great fundamental truths contained in the Bible itself, he must admit, too, that the doctrines of this book are the only proven guides in the establishment of those improved ethical relations in society, which lead to the formation and preservation of consistent and beneficent forms of government and fellowship.

It is unquestionably true that every individual has his own settled forms of thought and expression and his own convictions relative to Deity and service, but it is also true, that the only great organized religious denominations that are worthy of the name and have survived the social and political upheavals of the world, are based entirely upon the Bible.

If there were any other book or influence that had ever done, or could do, what this one has done for humanity it should be given equal credit. But there is none. Subsequent expositions of the Bible have not improved it. The Koran while it is founded upon Jewish canons and has literary value is not as impressive and positive an authority upon the needs of the world.

A comparison of passages from the Koran, Job and Proverbs, on the same subject, requires no comment.

The Koran says of wisdom:

"By the sun, and its rising brightness; by the moon, when she followeth him; by the day, when it showeth his splendor; by the night, when it covereth him with darkness; by the heaven and him who built it; by the earth, and him who spread it forth; by the soul, and him who completely formed it, and inspired it with its faculty of distinguishing, and power of choosing, wickedness and piety; now is he who hath purified the same, made happy; but he

who hath corrupted the same, is made miserable."

And Job:

"Whence then cometh wisdom? And where is the place of understanding? Seeing that it is kept from the eyes of all living, and kept from the fowls of the air. Destruction and Death say, we have heard the rumor thereof with our ears. God understandeth the way thereof, and knoweth the place thereof. For he looketh to the ends of the earth, and under the whole heaven; to make a weight for the wind; yea, he meteth out the waters by measures. When he made a decree for the rain, and a way for the lightning of the thunder: Then did he see it, and declare it; he prepared it, yea, and searched it out. And unto man he said, Behold, the fear of the Lord, that is wisdom; and to depart from evil is understanding."

And Proverbs:

"Happy is the man that findeth wisdom, and the man that getteth understanding. For the merchandise of it is better than the merchandise of silver, and the gain thereof than fine gold. She is more precious than rubies; and none of the things thou canst desire are to be compared unto her. Length of days is in her right hand; in her left hand riches and honor. Her ways are the ways of pleasantness, and all her paths are peace. She is the tree of life to them that lay hold of her, and happy is every one that retaineth her."

It has been asserted that the teachings of the proverbs alone would develop a noble type of character, in which real piety would be associated with purity, sobriety, diligence, prudence and generosity.

And such should be the definition of a desirable citizen.

The Bible, furthermore, is the only common ground where any successful solution of the entangling problems of the world is possible.

From the idea of the fatherhood of God as asserted and manifested in the Old and New Testaments, came, by implication, the brotherhood of man and the equitable principle of democratic government exhibited in the organic laws of the United States.

If then we must drink from this great stream, midway, why should we refuse to drink at its source?

The greatest demand of the times is a liberal education, but there can

be no liberal instruction, without a contemplation of the sources of inspiration of all law, all literature, all art, all virtue and all philanthropy.

It cannot reasonably be denied that the highest decisions of the supreme courts of our land are predicated upon enduring principles of truth and equity as anciently declared in Leviticus, Deuteronomy, and the New Testament amendments thereto, and any decree or interpretation not strictly in accord therewith is valueless and will become obsolete because non-enforceable.

In literature from thousands of instances, one example must suffice. Paul said to the Corinthians: "If a man think that he knoweth anything, he knoweth nothing yet as he ought to know."

And, following this thought, Lord Tennyson says in Memoriam:

"Oh, yet we trust that somehow good
Will be the final goal of ill.
To pangs of nature, sins of will,
Defects of doubt, and taints of blood.

"That nothing walks with aimless feet;
That not one life shall be destroyed,
Or cast as rubbish to the void,
When God hath made the pile complete.

"That not one worm is cloven in vain;
That not a moth with vain desire
Is shrivelled in a fruitless fire,
Or but subserves another's gain.

"Behold, we know not anything;
I can but trust that good shall fall
At last—far off—at last, to all,
And every winter change to spring.

"So runs my dream: but what am I?
An infant crying in the night,
An infant crying for the light,
And with no language but a cry."

And as for art, it will be ever impossible for future generations to ignore the great masterpieces of Raphael, Michael Angelo, Titian and Van Dyck. So long as the human eye records sensation and the human heart responds to sentiment, so long will live the transfiguration, last judgment and thousands of other biblical conceptions.

And so with music. The Messiah by Handel, the Creation, by Hayden, and the oratorios upon the themes furnished by the Old and New Testaments, lead in the realms of harmonic creation and influence.

And, as for virtue and philanthropy, I tender no encomiums, for they need none. The wealth of State or Nation is not in minted treasures, not in its area, not in superior numbers,

but in the character of its virtuous and law-approving constituents.

The names of Washington, Lincoln, Clay, Webster, Garfield and Roosevelt, are fair examples of the many men who, educated in the schools of our fathers, stood four-square to their moral obligations and social responsibilities, by reason of their familiarity with, and observance of, biblical injunctions.

Robert Ingersoll, while he assiduously attacked the human element in the Bible, paid this tribute to the dead Lincoln:

"Here sleeps the only man in the history of the world, who having been clothed with almost absolute power, never abused it, except upon the side of mercy.

Could Ingersoll have forgotten that Abraham Lincoln, and the name Abraham is itself significant, more than any man of whom he had ever read or heard was the direct product of biblical study and a consistent follower of its lofty precepts?

Great men are the products of great principles. Is there any menace in such characters as I have mentioned? Rather, there is no hope for the world without them.

Finally, what can be said of the Sermon on the Mount?

No characterization of mine can even approximate its purpose or intensity. I believe no man can read it impartially without the fixed impression that he is face to face with a new order of existence.

That it is the perfection of prophecy prayer and precept—that it is the closest human approach to the expression of divine ideas—that its application is clearer than natural vision, stronger than earthly ills, wider than universal laws, deeper than eternal pain, longer than the thought of life, surer than the call of death, and fuller than the needs of men.

The Sermon on the Mount stands preeminent in all literatures, in all lands and in all ages and forces, the direct conclusion that it must be the actual utterance of God himself.

The Bible defines all those great and inspiring axioms, which should pass into, through and beyond everyday life, to the ultimate end that the destiny of our nation and race may proceed in an orderly manner within lines prescribed by the Creator, who when he cut a segment from the great circle of eternity, could perceive distinctly both ends of time.

There is no guaranty of permanent civilization and there is, so far as I am aware, only one real stabilizing influence in the universe.

That influence is the Book of Books. It has stood the test of ages of criticism, has survived the shocks of persecution, revolution and war, has united society and nations with its friendly offices, has allayed poverty, prevented crime and lessened disgrace, has sanctified domestic relations and cheered the declining years of age.

And, beyond all this, the life of our great republic is in danger, and that although we boast its magnitude and permanency.

It should be the earnest ambition of every true American that his country should occupy a position of preeminence in international councils. To accomplish this we must sow for posterity. We must afford in our schools an appropriate foundation for character and service.

The Israelites, our ancestors, could not make bricks without straw. The child cannot build character without forms. Every child demands a knowledge of the Bible. "If he asks for bread will ye give him a stone?"

The rise and fall of empires has been the particular province of history.

Chaldean, Assyrian, Babylonian, Jewish, Grecian, Roman, Aztec and Indian, stages of culture have terminated, almost without a trace.

May it not be decreed for America as was long ago proclaimed on the walls of Chaldea: "Mene, Mene, Tekel, Upharsin," of which an adaptable portion when, interpreted meant: Tekel: "Thou art weighted in the balance and found wanting."

Mene: "God hath numbered thy kingdom and finished it."

Mr. President, I hope the motion will prevail.

Mr. HINCKLEY of Cumberland: Mr. President, I feel that I should not vote on this matter without declaring my position, and I shall approach this matter in just a few words of statement to you, not from the view point of the Bible as a literary gem, not from the view point of a masterpiece of philosophy, but as a religious manual that has been followed by more than 95 per cent of the people of this country from the date of the signing of the Declaration of Independence to this time. No President of the United States, and no officer from the President

down from the earliest beginning of the present time ever held office in this country without first recognizing the living God as the supreme ruler and director of the destinies of our country. Every member of this Legislature has subscribed to the living God as the supreme director of this State of ours, and no officer under this State government can assume that office without first subscribing to this same thing. This country of ours is a Christian country, and I cannot follow or understand the argument that the Bible should not be used in public schools because it is contrary to the religious freedom established. I cannot follow that argument. This country is a Christian nation and the various versions of this Bible are recognized and followed by, as I said, more than 95 per cent of all of our people. I said a few days ago that the danger in this country is not too much religion, it is too little religion.

I believe that the Bible should be restored to the public schools and should there be read and taught for the benefit of all of our boys and girls who in future years will be the officials who must subscribe to that same obligation that we have subscribed to.

The PRESIDENT: The Chair feels that it may be well to read this bill. It is not the bill that was before the Legislature two years ago. It is a bill of one section which reads as follows:

"Be it enacted by the People of the State of Maine, as follows:

To insure greater security in the faith of our fathers, to inculcate into the lives of the rising generation the spiritual values necessary to the well being of our and future civilizations, to develop those high moral and religious principles essential to human happiness, to make available to the youth of our land the book which has been the inspiration of the greatest masterpieces of literature, art and music and which have been the strength of the great men and women of the Christian era, there shall be, in all the public schools of the state, daily, or at suitable intervals, readings from the scriptures with special emphasis upon the Ten Commandments, the Psalms of David, the Proverbs of Solomon, the sermon on the Mount and the Lord's Prayer. It is provided further, that there shall be no denominational or sectarian comment or teaching and each student shall give respectful at-

tion but shall be free in his own forms of worship."

And the motion before the Senate is the motion of the senator from York, Mr. Spencer, that the bill be substituted for the report.

MR. BUZZELL, of Waldo: Mr. President, heretofore in this Senate it has been my custom and pleasure to accept the judgment, and I believe the sound judgment of committees, and I might even go so far as to say to accept the sound judgment of a majority of committees. But after sitting here and listening to the arguments in favor of the motion before this Senate, I want to say at this time that I feel it is my duty to say that I cannot follow the report of this committee, and I desire to say that it will be a pleasure for me to support the motion of the senator from York.

MR. CLARK of Lincoln: Mr. President and fellow Senators: I did not intend to have anything to say relative to the merits of this bill, but I feel it my duty at this time to go on record as supporting this bill. One reason which I desire to give at this time is that I believe, and I know that you all believe that the training, that the impressions that our scholars get in our public schools today will linger with them during their lives. I believe that we are drifting away today from the teachings of this great Book. I believe that our State superintendent of schools is interested in each and every pupil in the State of Maine today, that he is spending many hours that none of us realize he is spending in trying to map out something that will help them to become better citizens of our State in the years that are to come. To my mind he is one of our greatest men in the State of Maine today. I believe he is trying to put forth his best efforts for the advancement of education. I believe that it is our duty as members of this Legislature to support him in every way possible, and it is a pleasure to me at this time to become a supporter of this bill. Thank you.

The PRESIDENT: The question is on the motion of the senator from York, Mr. Spencer, that the bill be substituted for the report.

The motion was agreed to by a viva voce vote, and the bill was tabled for printing under the joint rules.

The PRESIDENT: The following

order is presented by the senator from Oxford, Mr. Eaton, and is it the pleasure of the Senate to receive this order out of order.

It was so voted.

Ordered, that a message be sent to the House proposing a joint convention of both branches of the Legislature, to be held forthwith in the Hall of the House, for the purpose of listening to an address by Hon. W. W. Husband, of Washington, United States Commissioner General of Immigration.

The order was passed and the secretary conveyed the message, and subsequently reported that he had delivered the message with which he was charged.

Message From the House

A message was received from the House conveyed by the clerk, announcing to the Senate that the House concurred in the proposition of a joint convention to be held forthwith in the Hall of the House.

The PRESIDENT: The Senate hears the message.

Thereupon the Senate retired to the Hall of the House for the purpose of holding a joint convention.

(For proceedings in joint convention, see House report.)

Upon the return of the Senators to their Chamber they were called to order by the President.

The PRESIDENT: We are working under matters especially assigned for today, and the next in order is House Document No. 233, Resolve, amending the Constitution of the State of Maine so as to limit appropriations for denominational, sectarian, parochial, or religious institutions and purposes, until December 31, 1930, and so as to prohibit such appropriations after December 31, 1930, and the Chair recognizes the senator from Cumberland, Mr. Hinckley.

MR. HINCKLEY: Mr. President, if there is no objection, that may lay on the table until a little later in the morning. I see several senators are not here. I will take it up later.

Voted that it be retabled until later in the session.

The PRESIDENT: The next matter is Majority report (new draft, ought to pass) and minority report (ought not to pass) from the joint committee on public utilities and ways and bridges on bill Act to incorporate the Maine Kennebec Bridge, S. D. No. 72, and the Chair recognizes the senator from Kennebec, Mr. Wadsworth.

Mr. WADSWORTH: Mr. President, I yield the floor to the senator from Oxford, Mr. Eaton.

Mr. EATON: Mr. President, I move to retable the majority and minority reports from the joint committees on public utilities and ways and bridges on bill An Act to incorporate the Maine Kennebec Bridge, and briefly will state my reasons for asking that these reports and the bill be retabled.

There are technically three, but practically two Kennebec river bridge matters pending before the Senate. There is the Carleton bill, Senate 29, so-called, and the Carleton resolve, Senate 30, calling for a three million dollar at least bond issue, which are inter independent. These can be considered as one. Also the Maine Kennebec Bridge charter to a private corporation to build this bridge, which is in a second redraft and seems to protect the interests of the State in the event that the Legislature should decide such a bond issue not warranted at the present time. The State through these Carlton bills should have the first right to undertake this project and the private bill secondary; but a large section of the State is demanding a bridge and are entitled to recognition in some way. If the State is not to authorize the bond issue at the present time, the alternative is a private charter, to allow a private charter to build and operate such a bridge. This corporation is entitled to recognition only when it has been settled that this Legislature will not or cannot furnish funds at the present time. I am in favor of a bridge at this point. I therefore move that the Maine Kennebec Bridge bill be tabled for printing and for such further reasonable time as may determine whether or not the Carlton bill and resolve are to be passed, and if they are not passed I will take this bill from the table and move its passage.

The motion was agreed to and the reports were again laid upon the table, and the new draft was ordered printed.

The PRESIDENT: That brings us to Senate Document No. 281, 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, and the Chair recognizes the senator from Oxford, Mr. Eaton.

Mr. EATON: Mr. President, I have no motion.

The PRESIDENT: The pending question is on the passage to be engrossed, the bill having had its two several readings. If no question is made the Chair will consider the motion as having been made, and is it the pleasure of the Senate that the bill, having had its two several readings, be now passed to be engrossed—S. D. 281.

It was so voted and the bill was sent down for concurrence.

The next matter specially assigned for today is "A" report (new draft ought to pass) and "B" (ought not to pass), from the joint committees on public utilities and ways and bridges on bill An Act to provide for building a bridge across the Kennebec river between the city of Bath and the town of Woolwich, S. D. No. 29, and the Chair recognizes the senator from Lincoln, Mr. Clark.

Mr. CLARK: Mr. President, I yield to the senator from Sagadahoc, Mr. Carlton.

Mr. CARLTON: Mr. President and gentlemen of the Senate, I wish to set forth the reasons why I think this State-owned bridge should be built.

The Hearing

The hearing was so long ago that many of you may have forgotten that we had the largest hearing on this Kennebec Bridge project held here in many years. A special train came in here with hundreds on it, coming about 100 miles through the central part of this state, taking on passengers at about every station, coming to testify to the wants and needs and the advantages to the state of this bridge, many of the most prominent men testifying in its behalf. Many of them came on regular trains, until the Representative Chamber was filled and the corridors of the State House were so crowded it was difficult for people to get in and out. Some of these men testified to the deplorable condition of the railroad service, others to the handicap to the State and to the people on account of these, and the State ferry's intolerable conditions, which would not be allowed to exist in any other city or place in the State.

State Cut in Two

The State is cut in two here from Pond Island at the sea to Gardiner bridge just below here, a distance of forty miles, except for the ferry service with its long waits and high tolls, closing up about 11 o'clock half

the year, and the rest of the year at 6 o'clock at night, cutting off all communication between the Eastern and Western parts of the State. With all this inconvenience, anyone wishing to ride across the river with a party of five in an automobile, it costs \$1.50 to get over and back, unless they buy \$5.00 worth of tickets which they must use up in ninety days, which reduces the cost 50c. Think of this compared with the cities of Augusta, Gardiner, Lewiston, Auburn, Portland, Kittery, Waterville, or any other section or city in the State. Here it is even worse, as this is on one of Maine's through trunk lines, where on and near this line there are \$324,000,000.00 worth of property value, about half the valuation of the State, through which all these people have to travel to do business with each other, and all the summer travel has to be accommodated here waiting for these antiquated ferries, and after that paying outrageous fares, it is the worst handicap to the development and prosperity of the State of Maine that exists within its borders today.

Show Map of Coast

I have a map here showing within the blue lines the valuation of which I spoke, the entire cost of this bridge would be less than one per cent. of the valuation of the property enclosed in these lines, and almost entirely on this trunk line, of which this bridge would be the connecting link. I claim a good part of this property, if not all of it, would be increased in value more than five per cent., on an average about five times what this bridge would cost.

Summer Business

Hiram Ricker of Poland Springs and Joseph Simpson way over on the New Hampshire border say they are heartily in favor of this bridge, and that the summer business with the automobile method of conveyance has entirely changed. People now come here and go from one place to another down the coast, back up around through the State, by way of Poland Springs, the lakes, or Waterville and Augusta, and this ferry is the most cussed and discussed objection people have to taking one of the most beautiful and recreative journeys in the country.

Friend of Farmer

Under the administration, the Republican party, which has always posed as a friend of the farmer, these ferry boats were taken over by the State, and we expected to get some

relief, with about all the bridges taken over and made free, such as Portsmouth, Bar Harbor, Van Buren and many away on the borders where they are not used so much by the year round residents as this ferry is, and they assessed these same people along through this section of the State to make those bridges all free. Now the Public Utilities Commission declared in a report before the ferry was taken over by the State, when it was owned by the two towns of Bath and Woolwich, and they had to make up the deficit, that the fares were too high, but after the State took it over, the Public Utilities Commission, which represented the State of Maine, in many instances doubled these tolls. Pretty friendly to the people who have to use this ferry to go anywhere to the westward, or to the people who have to go to the eastward, to put up with all this inconvenience and expense, and then be assessed to build free bridges and nice roads all over the State of Maine. Now what kind of a deal do you call this? The idea that high fares increase revenue is often wrong.

Farming Towns

There are fifty farming towns to the eastward of this ferry. No matter what they raise now it is hard to find a market for it, and if summer residents could be induced to move into this territory, it would be one of the greatest benefits to this section of the State that could be brought about. We have an idea, and it will not be shaken, that the building of this bridge is the solution of this problem.

Old Boats

We have two old boats here, each over twenty years old, both about worn out and up to their carrying capacity in the busy season, and the travel is growing in spite of all handicaps. By the time this bridge could be built, they will be worn out and inadequate to accommodate the travel. This year the repairs on one of them was \$21,000.00, and these expenses will increase as the boats grow older, and if new boats or new slips were built, it will cost \$300,000.00 or \$400,000.00. The boats and slips would have to be larger, and of course more expensive, and then after all this expense, to continue this same old inconvenient and expensive ferry service.

Carlton Wants Job

Some say Carlton wants job. I don't even contemplate bidding on this bridge job.

M. C. R. R.

The State's prosperity depends upon its railroad service, especially in a winter like this, for about everything in the lines of transportation and freight. It depends upon it more than any other one thing, and the worst condition exists here of anywhere in the State of Maine, or anywhere else I know of. Passenger trains are held up here regularly forty minutes and freight trains one and one-half hours, and sometimes hours. The delays here for both kinds of travel, figured at a very low cost, figuring as I have for every passenger and vehicle which waited here in the year 1921, amounted to about \$140,000.00, aside from all the expense and inconvenience.

The Press

The press is almost unanimous for this bridge. Our substantial newspapers do not come out in their long editorials and recommend a \$3,000,000.00 bridge unless there is an insistent demand for it; they do not recommend building a bridge unless it is a necessity and the people are demanding it, and that it will be good business for the State to build it. And right here I want to call your attention to a few significant facts relating to the other Kennebec Bridge bills pending, or on their way to be passed upon by this Legislature. The proponents of this bill, at the hearing, had hundreds here to testify in behalf of this special State owned bridge proposition, and we had plans and figures made by the best engineers in the country. On the other hand, not another person testified in behalf of those other bridges except paid attorneys hired for that purpose, and they did not present any plans, or figures as to the cost, and I have yet to see the first recommendation from any paper of any consequence of any of these projects, except this State owned bridge, and they all, so far as I have been able to observe, favor a free bridge as called for in our original bill; but it appears here with this pessimistic air which prevails around the State House, that in order to get a bridge at all, we will have to make this a toll bridge proposition. I know it is against the settled policy of this State, and I know it is years behind the times and as unpopular as it can be, but many leaders, especially in the House of representatives, say that this is the only way, so we have had to, with reluctance, amend our bill to conform with this pessimistic situation.

Lobbying at the State House

All through this struggle to get a bridge, we have had no lobbyist or paid

attorney, so that some of the remarks on this subject do not apply to us.

State Debt

The State is in debt about one cent and eight mills on a dollar. While this is no excuse for wasting a dollar, neither is it good business under the circumstances for the State to go without things that it is profitable for it to have. I have noticed many times during my lifetime that no matter who, business man, corporations, state or nation, puts up a calamity howl and declares that everything was going to the bow wows, when they get in this frame of mind, they go without proper equipment, quit advertising, neglect to keep up their plants or property and furnish facilities for doing business in an economical way. This method of procedure does not strike me as good business, nor leading towards the welfare or prosperity of the State of Maine. We have to have courage to conduct our business in a businesslike way. It is just as dangerous to the prosperity of the nation, State or individual to be too close, as it is to be too liberal. There is a happy medium which is recognized to be good business.

Federal Aid

We are surely entitled to Federal aid on this bridge. They have it at Portsmouth on one side in this same trunk line, and at Belfast on the other side. There is nothing to hinder our delegation in Congress, or whosoever business it is, to obtain this and use it for this purpose. We are just as much entitled to this aid as any other part of the state. I understand that we get our proportion of the Federal Aid and it is diverted around under the direction of the State Highway Commission and the Governor and Council. This is a very important bridge, right down on our coast line, and from a coast defense military standpoint, I think the U. S. Government would be inclined to approve Federal Aid toward this bridge, and if this bill is passed, it has to go to a referendum vote and it would be a year before we could commence to build it, and this would give ample time to take up the question of Federal Aid and see if it is best to divert a part of this Federal Aid to this bridge, which is entitled to it according to other Federal Aid bridges.

Referendum

Now here is the part which I am unable to understand—Why some members of this Legislature are not willing that the people should pass

upon this question and have any kind of a bridge they prefer, which in my opinion should be a free bridge owned by the State, and I am judging from the general policy of the State that it has been following for years. The press and public sentiment are against a toll bridge, but many leaders of the Legislature have advised me that this is the only way, and this pessimistic feeling created throughout the State House is responsible for it, but if the people do not want it, they can free it when they see fit to do so. I think public sentiment in the State of Maine will not stand long for a toll bridge right in the middle of the State where the year round residents will use it more than any other bridge, and then maintain all these other free bridges over the entire State to which I have called your attention.

In all our controversies, we have not found anyone, opponents or otherwise, who has said that we do not need a bridge. About everybody is agreed that there should be a bridge built at Bath, and built now.

Financial Plan

Last year the tolls on these old ferries, with all their inconvenience and many people shunning them who would pass over a bridge, amounted to \$53,820.91. Engineer's estimate with men's names and their reliability and prominence attached.

Tolls	\$ 53,820.91
Railroad rental	100,000.00
Ferry deficit	32,000.00
	<hr/>
	185,820.91
Interest	120,000.00
	<hr/>
	65,820.91
Operation	\$2500
Maintenance	7500
	<hr/>
	\$ 55,820.91
Estimated receipts from Bath Water District pipe lines, telephone wires, etc.	4,180.09

SINKING FUND \$ 60,000.00

About \$140,000.00 cost of waiting figured on a very conservative basis, aside from all handicaps to this portion of the State along lines of economy and progress.

Now we have amended our bill so that it cannot be operative until the Maine Central Railroad has made a contract to pay \$100,000 a year rent-

al. Several of them have told me that but they were rather loath to come here and testify, so we have put it in the bill and that must be operative before the bill becomes a law.

The ferry deficit this year was \$32,000. There has been some little criticism of that because it was a little more than they have ever had before, I think, but these old boats are growing older. Last year they run into the dock on one side and they have had to turn the boat around. The trouble was they had been hitting on the south side of the dock until they had weakened that side, and they have had to turn round and go round on the other side.

We have made no allowance for increased travel, and I wish to read you an expression from Mr. Paul D. Sargent: "It has been the experience of highway departments throughout the country that when new and improved highways are opened up it doubles the traffic."

Now I reckon that the draw could be operated for \$2500 a year. It is going to be operated by a button, by electricity. It seems as if a thousand dollars a year for two men would be ample and \$500 for the electricity. We reckoned that \$7500 would keep it in order. The painting is about all it would need and once in four years would keep it in good order. At the end of four years you would have \$30,000 and I have no doubt that would paint it twice. The expense of painting iron or steel bridges depends a great deal on the length of time you let them go. If they go a number of years and the paint gets loose and has to be taken off, that costs more than it does to paint the bridge. We had occasion to paint the one down to Gardiner a year or two ago. There was more difficulty in getting the paint off than there was in getting the new paint on.

Travel is increasing every year, even under these conditions. I can remember when travel crossed here in a row boat handled by one man. This gives you an idea what might happen here if decent facilities for handling traffic were provided. This sinking fund, with the interest on the bonds retired each year added to it, would take up the first million dollars in less than fourteen years, and the State will be getting interest even on the deficit created by these old ferries from the start.

Conclusion

I am going to say, and who can refute it, that this is the best business proposition ever brought to this State House from any viewpoint, and if there is a man who wishes to deny it, I wish to hear from him and have him cite to me the particular business proposition that is better than this.

Bankers

Certainly bankers haven't discovered any better. They think it is good enough for them. They have had a lobbyist here about ever since the legislature convened trying to get a bill through here for a private owned corporation. They wish to get a charter from the legislature to pass over to them the most important link in a principal State highway trunk line; erect a gate here; and give them the key. They say the State can take it over at any time.

State can build Bridge as Cheap as Anyone

There are only a few contractors down the coast who would undertake to build this bridge. It would be advertised and let to the lowest responsible bidder. The State's credit ought to be as good as that of any private corporation, with its indebtedness of but one cent and eight mills on a dollar. Now I realize when I quote these figures that some of the municipalities are also in debt, but I believe, however, as these figures are made up by the State Assessors, that this \$672,000,000.00 does not represent more than two thirds of the actual value of the property in this State. I think it is recognized that this is a forced sale value and not a real value; therefore, this ought to make up for any municipal indebtedness and leave the real valuation of the State of Maine as quoted above. Under these conditions the State could build this bridge as cheap as anyone, so why turn it over to a lot of speculators, and allow them to use it while new, and then put the State to the trouble and expense of getting it back and paying these promoters a profit? It is about the last thing I should expect the State to want to do, to turn their highways over and allow speculation in things so obviously the State's own business.

We are just asking that the people

of Maine shall have a chance by this referendum vote to say whether they shall have this bridge or not. The charter asked for by these bankers refuses the right to the people to even pass upon it. Gentlemen, it is up to you to decide. I found it helpful to put myself in the other fellow's place. Do as you would wish to be done by.

I move that the Senate accept Report A.

Mr. ELLIOT of Knox: Mr. President, I would like to second the motion of the senator from Sagadahoc, Mr. Carlton, and I will say in speaking for Knox county, I think that every one there is in favor of the State-owned bridge, in fact I have heard no adverse criticism of the State-owned bridge, and I hope that the motion will prevail.

Mr. SPENCER of York: Mr. President, members of the Senate: I happen to be unfortunate in being the only member of the public utilities committee who did not sign this report, not unfortunate, perhaps, in some ways, because I would like very much to be able to agree with my colleague from Sagadahoc who has shown himself to be an admirable man in many ways, and a persistent one who follows to the bitter end anything that he undertakes. He has figured enough on this proposition I suppose alone, to cover the ground between here and Bath, and as far as I know his figures are correct. I have not taken time to have them audited, but I have great confidence in his ability as a mathematician.

But I do not know that figures are all of it. In fact, I believe that oftentimes they are only a small part of it. Now I am thinking at the present moment of a proposition of which I knew in New Hampshire, where a large mill corporation proposed to increase the size of their establishment three years ago, and they called on the stockholders for a lot of money and they had an estimate of the amount it would cost, and it was said that this proposition completed 1800 feet long would be four million and a half. They started to build it and after they started to build it the price of those things which entered into its construction, including steel and lumber, advanced 25 per cent, and that was very shortly after the contract was let. The result was

that that company built one-third of that mill and that one-third of a mill cost \$4,000,000. They never have completed it. Now it is possible we might start on this bridge and get it half way across the river and spend our three million dollars, even though the Governor and Council might think they were sure it was only going to cost \$3,000,000. What would we do then? There would be only one thing to do, charter the private corporation on to the end of it and carry it over. But that would not be a very good proposition, to have two corporations, one State and the other private, on the same river. I do not think it would obstruct the river, because Mr. Carlton says that our bridge proposition, which is a private one, probably never will obstruct it.

There is however, in this matter something besides that which might amuse, and that is the present condition of the State's finances. Of course it is an easy matter to float a bond issue but it is another matter to pay it. Of course we realize that it must be paid at some time, otherwise the State's credit eventually will be exhausted. We are at the present time in an abnormal period when everything is high except money, and the time is coming that there will be a change, and when that time comes these bonds may have to be paid not upon a depreciated currency but an enhanced currency, which will be a heavy burden to every town in the State.

I was interested to look up the present tax rates in several of the counties in the State of Maine, with this in view, feeling that if this should be paid it would add an additional burden to their tax rates, and the rates as yet have not diminished, it might be worth considering to see just what they are at the present time.

These examples were taken at random from four counties and not picked out at all. In Aroostook county I find that these are fair illustrations of what the tax rates are in the different municipalities:

Ashland .....	.059
Castle Hall .....	.058
Crystal .....	.057
Connor .....	.07
Limestone .....	.062
Ludlow .....	.067
Merrill .....	.067
Oakfield .....	.064

Sherman .....	.06
Stockholm .....	.07
Washburn .....	.058
Cary Plantation .....	.07
Macwahoc .....	.074
Reed Plantation .....	.06

I have also taken a few from Washington county:

Trescott .....	.068
Alexander .....	.055
Cherryfield .....	.054
Dennysville .....	.057
Edmunds .....	.058
Machias .....	.05
Monson .....	.058
Meddybemps .....	.07

Now I compare with these the two counties interested, Lincoln and Sagadahoc:

Eremen .....	.039
Bristol .....	.03
Dresden .....	.037
Edgecomb .....	.035
Bath .....	.033
West Bath .....	.031
Bowdoin .....	.036
Bowdoinham .....	.038
Georgetown .....	.031
Phippsburg .....	.03
Richmond .....	.045
Topsham .....	.028

These are just examples of existing rates of taxation in four counties and I think they are fairly representative of what they would be in those parts of the State.

Now this has been said to be a good business proposition. It is for Bath. The question is whether it is for the State, and as a member of the committee on Public Utilities I do not represent the city of Bath but the State of Maine. I am always pleased to give any section of the State all that I can consistently, but my policy in this Legislature has been to vote against almost all special legislation. Two years ago I was a member of the Senate and at that time I decided that the great need before this Legislature was one of economy, and if you look at my record two years ago you will find that I voted with that largely in view, and I do not have to call your attention to my record so far this session. The papers may perhaps have indirectly noticed it. I do not speak for the committee who voted against this bill. I am only speaking for myself. Nobody really expressed any idea that there should be any joint action against the Kennebec toll-bridge. This redraft is a very wise change—wise for the people who are proponents for the reason that the two sections added do not change the material effect. The original

bill did not require any tolls. The State toll-bridge would require tolls, but it would not require tolls any longer than it would be necessary to get another Legislature together and introduce a bill to remove them. In that case the bill would really have the same effect that the first bill would have had. In other words, if the people of Bath get the bridge, the State would pay for it and then remove the toll. I oppose the second bill for this reason.

I understand that at the present time the State is in debt about twelve million dollars, and we are attempting to devise all the time new methods of taxation, and the taxpayer is continually attempting to devise methods of evading the tax, and they do quite extensively and continuously. I think the problem today is not one of devising new methods of taxation at all, but it is simply the problem of economy, trying to get down to the bottom of the situation so that we may be on the bare rock. We have got to change some time. The taxpayer may represent the worm and he may turn. He is coming to realize any way inside of a few years that his burden of taxation is rather heavy. I have felt that my stand in this proposition should be on my platform of economy, on the side of the taxpayer,—not perhaps the big one, although I would not except him, but the little taxpayer who feels that his burdens are already heavy and that he has a great problem to find an existence.

As far as pessimism is concerned, I have been told, and I believe that it is so more or less, that pessimism is sometimes the best kind of optimism.

I do not know that I have any right at this time to consider the other proposition which was before the committee and upon which I voted in the opposite way, but as far as this bill is concerned I claim that I cannot support it at this time because I do not think that the financial condition of the State would warrant any such immense proposition. The State did not build the Kennebec river. They cannot be expected to put three million dollars into this issue, when they have a six million bond issue for roads in contemplation. It is true that if you pay \$30,000 a mile for the construction of highways, you could get at least a hundred miles of State highway in the State of Maine that would accommodate the whole State instead of a certain section. I have felt that although I cannot support this proposition, either in its

present form or the original, I have in signing the other report provided a way by which the people of Bath can have the bridge if they see fit.

The PRESIDENT: The question before the Senate is on the motion of the senator from Sagadahoc, Mr. Carlton, that we accept Report A which reports the bill in new draft and that it ought to pass.

The motion was agreed to by a viva voce vote and the bill was tabled for printing under the joint rules.

Mr. HINCKLEY of Cumberland: Mr. President, I move that we take from the table H. D. 233, Resolve amending the Constitution of the State of Maine so as to limit appropriations for denominational, sectarian, parochial and religious institutions and purposes until December 31, 1930, and so as to prohibit such appropriations after December 31, 1930, commonly known as the Barwise bill, and without any debate I will yield to my colleague from Cumberland, Mr. Brewster.

Mr. BREWSTER: Mr. President, without any debate I move that the resolve now have its final passage.

There are two members of the Senate who voted for this before, and who will, so far as I know, vote for it again. They are absent, but I do not think it is wise to wait, and I do not know as it will make any difference.

A division was had and eleven senators voting in favor of the final passage of the resolve and sixteen opposed the resolve failed to pass.

The PRESIDENT: This brings us to the last matter specially assigned, House Report from the committee on State Lands and Forest Preservation, "ought not to pass," on H. D. 406, An Act to establish the Mt. Katahdin State Park.

Mr. BREWSTER of Cumberland: Mr. President, there were certain bills which the printers expected to have here this morning and it is now thought they will be here immediately after dinner. Are we to take a recess until afternoon?

The PRESIDENT: The Chair feels that a recess would be in order at this time.

Mr. BREWSTER: Mr. President, I move that we recess until 2 o'clock this afternoon.

The motion was agreed to.

AFTER RECESS

The Senate was called to order by the President at 2 o'clock.

The PRESIDENT: The Chair recognizes the senator from Cumberland, Mr. Brewster, on H. D. 406, An Act to establish the Mt. Katahdin State Park. The pending question is on the acceptance of the report of the committee, ought not to pass.

Mr. BREWSTER: Mr. President, I move that we substitute the bill for the report of the committee.

The bill provides that the Governor, the commissioner of inland fisheries and game, and the State land agent and forest commissioner, all ex-officio, shall constitute the Mt. Katahdin State Park board. There is in my mind a very real purpose which this can serve and absolutely no injury that it can do. The bill carries no appropriation whatever, so there is no expense connected with it in any way. It is provided that these three men may receive gifts of money to be used for the purchase of land in the vicinity of Mt. Katahdin, and this might afford an opportunity for parties to contribute to the development of this section of the State. Of course on much of this land there is practically no timber—the mountain is entirely rock, entirely barren and has no timber whatever upon it—only upon the adjacent slopes is there timber.

The question of whether the State should have anything to do with a park in that vicinity is a thing which any one who has visited that mountain I think would have no doubt about. The mountain is probably the finest piece of mountain scenery in the eastern part of the United States. That is the opinion of the United States forester, who has visited all this section of country as well as the West, and he says it is the finest thing this side of the Mississippi. You say "It is there now and it will continue to be there for hundreds of years, so why bother about it?" The reason is that you can see in the West exactly what has happened when we have done a thing like this in time, and you can also see what happens when you do not do that thing in time. In the Canadian Rockies they have done this thing and there the mountain scenery is preserved from commercialism. Around Colorado Springs they have

not done it and there you see the desecration which has happened in the Garden of the Gods where they charge admission to almost any part of it, until the citizens of Colorado today will not take visitors to see these natural wonders because of the commercialism which is rampant.

Now it is true that we can go up there to Mount Katahdin and climb it all we like. This is wild land and we can do as we wish. But within twenty-five years that mountain is coming into its own, and the question is whether it shall come into its own with proper supervision by the State, with development and preservation for the future, or whether it shall come through the commercialism that has been rampant in certain sections of Colorado and which has practically ruined the natural attractions of those regions.

I had the fortune within a month after I was on top of Mt. Katahdin to go through the Canadian Rockies and also through the Colorado Rockies and see what had transpired. Now the height of Mt. Katahdin is not realized.—when we talk about 5000 feet—it is 5000 ft. high and the Rockies are 12,000,—we think they are incomparably different. They are not, because the Canadian Rockies and the Colorado Rockies alike start at 6000 feet above sea level before the mountains begin to rise, and they only rise five or six thousand feet above that level. That is all the elevation which you see. Mt. Katahdin, on the other hand, at the West Branch, which is just 800 ft. above sea level, Mt. Katahdin goes up 5200 feet, so you have a sheer rock gulf from the top of Mt. Katahdin to the West Branch of over 4000 ft. I was on the Victoria glacier in the Canadian Rockies, one of the wonders there, and I do not hesitate to say that Mt. Katahdin compares very favorably in its rugged grandeur with anything which we may find out there. Thoreau seventy-five years ago stood on the top of that mountain and his description of it is as true today as it was then—it looked like a great green lawn on which a mirror had been shattered, with all the lakes and streams of Maine spread out before you.

Now there is no question, members of this Senate but what that mountain is coming into its own as a resort. The question will be whether it will be under proper restriction or whether it will not be.

Now this Act provides that these men may receive moneys to acquire those lands, and may use the moneys also for the purpose of building trails to Mt. Katahdin. The only objection which I have ever heard to a step of this kind is that the expense of the construction of roads might be laid upon the wild land owners. I do not believe that that should be done, and this bill specifically provides that it cannot be done, where it provides in section 2 that no part of the cost of construction of roads, trails and rights of way shall be assessed upon or charged to any land owner. So that whatever might develop in the future no step of that kind could be taken. With that protection to the wild land owners, it is inconceivable that the wild land owners themselves should object to the preservation of this as a State park for the future. In fact I believe the owners of a considerable portion of the mountain two years ago announced that they would be willing to give a considerable portion of the land to the State, although that offer so far as I know was subsequently withdrawn. But irrespective of that, is it not wise to make this provision for the future by creating these three men as a Mt. Katahdin State Park Commission, who may in the event that any one is kind enough to contribute any funds for the purpose, use those funds in the acquisition of as much as possible of Mt. Katahdin and preserve it for all posterity as one of our greatest natural beauties.

Mr. TREFETHEN of Franklin: Mr. President, as a member of that committee I will say that I was opposed to the acceptance of this report on the ground that it opened up an avenue for its development which will take a good deal from the State's funds in future years. I will ask the members of the Senate to support the report of the committee on this bill.

Mr. BUZZELL of Waldo: Mr. President and members of the Senate, I want to be consistent once again. I do not feel that I want the State to go into the park business. If you will read the first part of this act,—it reads beautifully, and upon reading it no one could hardly take exceptions to it, but I, like the senator from Franklin, believe that it simply opens up the door for future legislatures to look upon this proposition favorably.

"Section 1. The governor, the commissioner of inland fisheries and

game, and the state land agent and forest commissioner, all ex-officio, are hereby constituted the Mt. Katahdin State Park board, and the said board is empowered to acquire by purchase on behalf of the State, whenever money shall hereafter be appropriated by the legislature." Members of the Senate, this is just an entering wedge to get the door open and after the door is opened, after the creation has been made, then future legislatures will be asked to appropriate money to take care of the situation.

I know that we all want to be economical; that was our purpose when we started out in this Legislature, but I fear that we are allowing conditions to run away with us, and I for one hope that this committee report will be sustained.

The chances are that the Katahdin Park, or Mt. Katahdin, with all its beauties, with all its natural scenery and natural resources, if you please, will be there two years from now. The ravages of the axe will not be very great before that time. I do not believe there is any one in the State of Maine who feels that they want to go up there and commit any great slaughter.

Do we at this time want to support this bill and place the State of Maine in business once more? We have horrible examples of that enough now, and I hope the motion of the senator from Cumberland will not prevail.

Mr. PHILLIPS of York: Mr. President, there is one other section of this bill I think is very wrong, and that empowers the State to take personal property. Now you think if you had a home and land up there, and if this bill did go through, they have the power to take that property away from you and apply it to the State Park. To my mind that is a very, very wrong thing.

The PRESIDENT: Is the Senate ready for the question?

Mr. CROXFORD of Penobscot: Mr. President, I move that when the vote is taken it be taken by the yeas and nays.

The motion was agreed to and a sufficient number having arisen the yeas and nays were ordered.

The secretary called the roll. Those voting "yes" were Messrs. Brewster, Cram, Spencer—3. Those voting "no" were Messrs. Adams, Bemis, Buzzell, Clark, Croxford, Eaton, Elliot, Emery, Farrington, Hinckley, Hussey, Kirschner, Morison, Phillips, Powers, Putnam,

Ryder, Sargent, Smith, Stevens, Trefethen, Wadsworth, Wilson—23. Absentees, Messrs. Allen, Bailey, Carlton, Morneau, Speirs.

Three senators voting "yes" and twenty-three voting "no" the motion was lost.

The question then recurred to the pending question, the acceptance of the majority report.

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

Mr. WADSWORTH of Kennebec: Mr. President, I rise to a point of personal privilege, and wish to introduce a resolution.

The PRESIDENT: Will the senator state his point of personal privilege?

Mr. WADSWORTH: Mr. President, the idea has occurred to some of us, and to me, that one veto message which the Governor sent in here, in regard to the Kennebec Reservoir Charter bill, reflected perhaps somewhat, unintentionally it may be, on the ideas of the legislators who voted for that resolve and that act, and I wish to state my personal position and I have it in the resolution which I wish to introduce.

The PRESIDENT: The Chair recognizes the point of personal privilege.

Mr. WADSWORTH: Mr. President, I will read the resolution:

"Whereas, the message of the Governor in support of his veto of the Kennebec Reservoir Company Charter and his Proclamation following the passage of the same of his veto bring in question the integrity of the members of this Legislature.

Resolved: That the publication by Honorable Percival P. Baxter, Governor, of an official proclamation demanding that the act to create the Kennebec Reservoir Company is referred to the people at an election to be held in September, 1924, notwithstanding its passage by majorities of 22 to 7 and 121 to 25 in the two Houses, respectively, and his message in support of his veto of that measure before it was finally passed by the above majorities demand a formal statement by this Legislature. Such a statement is necessary in order that the people of this State, to whom that proclamation was directed, and whose fortunes rather than the fortunes of any individual or group of individuals are most deeply involved, may not be misinformed by hasty or an incomplete presentation of the issue; and be it further

Resolved: That the following statement and recommendation be, therefore, adopted, spread upon the journals of these two Houses, and respectfully recommended to the attention of the citizens of this State:—

The Governor's Charges

Governor Baxter, in his veto message, charged those who voted in support of the bill with unfaithfulness to their oaths of office, and characterized the charter as an attempt to obtain from the State valuable property and rights without making just compensation and otherwise to the great disadvantage of the public. In substance, he charges the proponents of the bill with an attempt to defraud the State; and the members of this Legislature with ignorantly or corruptly permitting such fraudulent purposes to be consummated.

This makes the merits of the bill, its object and the manner in which they are sought to be accomplished, a direct issue.

What is Proposed?

The fact that the bill has been unanimously reported by a special joint committee consisting of the Judiciary and Interior Waters Committees, after a widely advertised public hearing at which no opposition appeared, and that it was passed by overwhelming majorities in both Houses after debate in both, and that it was again passed over the veto by the majorities first above stated, this fact raised a fair presumption in favor of the merits of the bill, it being assumed that the members of this Legislature, as well as the Governor, are naturally moved by honorable motives. But the Legislature does not shrink from an inquiry into the merits of the measure; it invites it.

The purpose of the charter is to enable the owners of the principal water-power driven industries on the Kennebec river to provide, entirely at their own expense, for the storage of the flood waters of the Dead River basin so that they may be available for the use when otherwise there would be low water in the Kennebec and production reduced or made more expensive and labor thrown out of employment.

Now, twelve billion cubic feet of flood waters which are annually precipitated upon the Dead River storage area flow down the Kennebec River to the sea at a time when general high water prevents its

utilization. At other seasons of the year the water in the Kennebec and its tributaries is so low that production has to be curtailed and labor thrown out of employment. For example, during the early months of the present winter more than \$30,000 in wages were lost at the Lockwood mills, in Waterville, alone, and great losses both in production and wages were suffered in the paper industries at Madison and Waterville. Where operations are conducted by the combined use of water and steam, the extra expense enters into the final cost and must be paid by ultimate consumers or constitute a serious impediment to the industries of this State in competition with those located in other States nearer the markets and the source of raw materials.

Briefly, this is the situation which the bill undertakes to remedy by saving these waters when they are not needed, for use when they are needed. It will add to the useful resources of the Kennebec basin, without taking away from it any of the storage it now has, nearly one-half as much—40 per cent to be exact—as all of its present storage above Bingham; three-quarters as much as the entire Rangeley Lake system furnishes the Androscoggin basin; 40 per cent of all of the present storage on the Androscoggin river and its headwaters; one-half as much as Ripogenus now furnishes the Penobscot industries; more than three times as much as all of the existing storage on the Saco river.

And this is solely a saving of what is now annually being wasted.

So much for the primary objects of the bill.

Now as to

The Method of Accomplishment

Business industries on the Kennebec River, appreciating what this means to the most successful operation of their plants, propose to develop this storage by building a reservoir dam on the Dead River, at the head of Long Falls, from which the stored waters will be turned into the Kennebec when they are needed to run the mills to capacity, exactly as is now being done with the Rangeley Lakes and the Aziscoos storage on the Androscoggin and with the West Branch storage on the Penobscot.

They propose to furnish private capital for the entire expense of the

development and for the entire cost of maintenance and operation after it is completed. They cannot, and do not ask for authority to compel any individual or corporation to contribute against his will. They cannot, and do not ask authority to require any benefitted owner, large or small, to pay any compensation for the benefits received.

Those benefits will be enjoyed by all of the industries, and all of the water powers on the Kennebec River because all suffer from low water at the same time; and the assurance of abundance of water at all times will encourage the location of industries on powers which are not now used, thus increasing the business and the taxable property of the State without any expense to the State.

No tax exemption or other concessions are asked. Wherever roads are flowed out, others, believed to be equally as convenient, are to be built, at the expense of the Company, and to the satisfaction of the County Commissioners.

Payment is to be made for all property taken or flowed, whether privately or publicly owned. If the value, or the damage, cannot be agreed upon, they are to be fixed by public officials and the courts of the State under the same general law which governs such cases wherever any public utility takes land or any mill dam causes flowage. The Company may be required, by any owner of property affected, to put up security for the payment of damages, while the amount is being determined if any owner so demands.

The Objections

The principal objection now raised by the Governor, is that the State may be deprived of property and rights without an opportunity to get fair compensation, although the message contained the further point, that the passage of this bill would definitely settle the so-called water power issue in favor of private development, as opposed to State ownership and control. Some other objections of less importance have been raised, and it is fair that all should be stated in order that the public may best decide whether those legislators who have supported this measure are necessarily false to their oaths.

It has been said that this charter

expressly exempts the Company from the control of the Public Utilities Commission. If this were so, the importance of the exemption must be weighed in connection with the fact that the corporators propose to finance the development themselves and to bear the cost of operation, and that there is no necessity for regulating charges for the benefits conferred upon others because the company is given no power to make such charges.

But it is not true that the charter exempts the Company from such control. It makes no mention of it, and the company will, therefore, automatically pass under the jurisdiction of the Public Utilities Commission, whenever the Legislature sees fit to extend that jurisdiction to log-driving or to storage reservoir corporations generally.

Public or Private Development

Governor Baxter said, in his veto message, that the granting of this charter would definitely eliminate the water power issue and be construed as an adoption of a settled State policy in favor of development of water power resources by private capital.

Whether such a consummation is to be desired is not properly a matter for discussion in this statement; but in answer to the implication that any action by this Legislature pending to the establishment to a fixed policy is an evidence of bad faith or of disloyalty to the official oath, it is here pointed out, that:

1. There has been no sufficient evidence before this Legislature, either by way of action of its members on other questions on through resolutions, recommendations or other well established methods of representation from the public, no sufficient evidence to indicate that the demand for State ownership or control is widespread enough to make its accomplishment within the near future probable.

2. The present State Water Power Commission, in its last report, indicated the importance of the early establishment of some fixed policy in the following words:

"The Commission wishes to state its belief that the present disinclination to develop Maine power is due largely to the lack of a definite State policy toward such development. We believe that little development can be expected beyond the demands of

actually existing markets until the State formulates a definite policy which the business world believes to be relatively stable and permanent."

3. Governor Baxter, in his inaugural message to this Legislature, in discussing the importance of speedy development of water resources, declared that he could not recommend immediate activity by the State on account of its present financial condition, and then said:

"Shall charters be granted to private companies to develop water storage? The end to be sought is full utilization of Maine's water resources, for every water horse-power developed, whether used for public or private purposes, means that our people and industries thereby become less dependent upon the coal supply. We all want development and if the State does not undertake it, private interests should be allowed to do so, with the State's interest fully safeguarded."

4. It has been repeatedly stated in public, and not denied, that the Kennebec Reservoir bill was submitted to the Governor for his examination, and that he was invited to suggest changes or additions before it was introduced in this Legislature. No such suggestions have been made except as they appear in the veto message and the proclamation which followed the passage of this bill over the veto.

Returns to the State

It is on the subject of returns to the State that the Legislature has been most bitterly, and, we insist, most unjustly assailed.

The veto message said:-

"The year 1868 will ever be known as the year of the State Land Steal; and I hope the year 1923 will not be remembered by any similar calamity."

The proclamation, after referring to the alleged irregularities in the disposal of timber lands in 1868, continued:-

"In 1923 the 81st Legislature has just granted to another private corporation water storage and power privileges worth millions of dollars."

Let this be examined in the light of exactly what provisions exist for securing to the State the full value of all of the property, rights and franchises which are being granted. Let it be done without prejudice or the heat

of passion which sometimes immediately follows spirited contest.

First, if the State ever does adopt a public ownership law, it is expressly provided in the charter that it may take the property and franchises of the Kennebec Reservoir Company at the expiration of a term which no person has claimed to be unreasonable without paying anything for the franchise and without payment for the physical property of anything above its then fair value, and in no event in excess of its actual cost. So the State would get an existing, completed project without paying one dollar of profit to the private owners.

Second: As to the return to the State for the property and franchises granted.

The charter provides payment in cash of the full value of all lands, flowage rights and other property received from the State, just as such things are to be paid for to private owners whose property is taken or damaged. The Company cannot fix the price but it must pay whatever price is fixed by the courts.

This covers everything except the right as a storage reservoir company to store and make useful the flood waters which are now going to waste.

This right carried into execution is of great value both to the public and to the owners of water powers where the use of the stored waters is to be made. This Legislature has not attempted to appraise the value of such a franchise nor to apportion what part of that value is attributable to the existence of the storage facilities to be applied to the existing power sites, nor what part should be credited to the existence of the power sites where the stored waters would be used. The storage would be valueless without the power site below, and the power sites would be of less value without the possibility of the storage.

It has not been the policy of the State to tax such franchises. On the contrary, for the excellent reasons stated in the Governor's inaugural message and quoted above, the State has encouraged such developments because it was believed to be a very desirable method of advancing the industrial prosperity of the State as a whole.

Notable examples of this practice are the Aziscoos storage on the Androscoggin chartered in 1909; the west branch and Ripogenus develop-

ments on the Penobscot under State charters, and the more recent Aroostook charter granted in 1921 and approved by the present Governor.

This Legislature, however, is not aware of the State's right to an income from such franchises if it is deemed expedient to impose it and the Kennebec Reservoir charter does not deprive the State of that source of income whenever this or any subsequent legislature sees fit to demand it. All that it fails to do in this respect, is to place upon the development of the industries on the Kennebec a charge which is not placed upon similar industries in other river basins of the State of Maine.

Under the laws of this State, it is competent to the Legislature, whenever "it is deemed expedient to exercise it, to put into one class all corporations having express grants from the Legislature to control the waters of Great Pond, and impose a tax upon the franchises of such corporations; that is upon the right to carry on their corporate business and to exercise their granted powers. * * * Taxes of this kind are now imposed upon railroad, express, telephone and telegraph companies, and savings banks. The power of the State to impose franchise taxes seems to be plenary and it may not only impose them, but it may measure their amount by any standard it sees fit to adopt." This quotation is from the answers of the justices to the Legislature of 1919, which may be found printed in full in the 118th volume of the Maine Reports.

The Kennebec Reservoir charter does not exempt it from any tax now or hereafter imposed upon such corporations; and whenever the Legislature does enact a general franchise tax law for storage reservoir companies, it will automatically fall upon this company.

This Legislature regrets exceedingly that it did not occur to Governor Baxter to state these facts in full.

The Referendum

While sending this act to a referendum will entail still further delay in the development of this great natural resource and the enjoyment of its benefits by the State as well as by the industries directly affected, this Legislature welcomes such a referendum.

It insists, however, that this referendum shall be at a time when this question will be decided upon its

merits, entirely divorced from any political issues or political aspirations. It is a plain business proposition, whether the people of the State of Maine want the State to go into the water storage business or whether they believe that it can be more efficiently and economically done by private capital.

There is no reason for delaying its decision until 1924, as advocated by the Governor. There is every reason for prompt action in a matter which so vitally concerns the future prosperity of the State.

We join with the Governor in calling for a referendum on this act, but we insist that such a referendum should take place at the earliest possible date.

To delay until 1924, as advocated by the Governor, means one more year when the flood waters of the Kennebec can run to waste.

We therefore urge all good citizens of this State to join in signing petitions calling for an election at which this issue may be decided, the same to take place during this year of 1923."

Mr. President, I move that we adopt this resolution and that 2000 copies be printed.

Mr. BREWSTER of Cumberland: Mr. President, would the senator from Kennebec be willing to have the resolution laid on the table for printing in order that we may have an opportunity to examine it before its adoption?

Mr. WADSWORTH: I do not like to delay the matter, Mr. President. It is just simply a statement of the position. I believe of the members, and myself especially, in regard to this Kennebec Reservoir matter. I tried to read it the best I could; I am not a good reader and I do not know whether the senators understood it or not, but there is nothing under cover. It is simply a statement of our position and I would like to have a vote on it and dispose of it. I do not want to be discourteous or anything like that.

I make the motion that this resolution be adopted and 2000 copies ordered printed.

Mr. BREWSTER: Mr. President, what I had in mind—it has evidently been very carefully considered and I think we can all recognize that it expresses quite fairly the motive which animated very many members of this Legislature in the action which they took.

I think you may also recognize that there is a minority to be considered, and a minority which is not engaged in any way with the views of any one else on this subject, but only as addressing themselves to an accurate presentation of the motives which animated them. And it was my thought if you were to adopt a resolution here which expressed the motives which animated many members of this Legislature in their action, you would certainly not be averse to permitting the minority also to attach to that statement of their position, which is not, in so far as I am personally concerned, expressed in the opinion of any one else.

My views were given here in some length in the record. I think I could compress them into a considerably more concise statement, and I would like to have the views of the minority of the Legislature in the action which they took, in the substantial and vital points on which they differed both from the majority and His Excellency the Governor.

Mr. HINCKLEY of Cumberland: Mr. President, I think there is no objection to any part of the minority making any statement they wish to. I cannot see any need of delaying this particular resolution that has been presented here under a question of personal privilege.

I would like to amend the motion of the senator from Kennebec and have 5000 copies printed instead of 2000, if that is acceptable to the senator, for I believe 5000 copies would be few enough to send out to the citizens of the State of Maine showing the position of the Senate and House upon this matter.

Mr. CROXFORD of Penobscot: Mr. President, I think we can all clearly understand where the minority and the majority stand upon this question.

Mr. BREWSTER: There were two points that the senator from Kennebec read which it seems to me can be more accurately, at least, stated. I know that he is very desirous to arrive at just as exact a statement as possible. That I had in mind in the matter of proposing an amendment, which, if it were acceptable, and I think it might be to him and to the majority, as well as to the minority. It was somewhat broader than the mere point of the position of the minority, as it was concerned with a fair presentation of what was said on this floor and what are the facts of this case.

The PRESIDENT: Does the senator from Kennebec, Mr. Wadsworth, accept the verbal amendment as to the number of copies to be printed?

Mr. WADSWORTH: Yes, Mr. President.

Mr. BREWSTER: Mr. President, I want to be very sure that I am correct. I understand that the senator from Kennebec, Mr. Wadsworth, will not permit this matter to be deferred, in so far as he is concerned, to permit any one to suggest a form of amendment to this resolution, which is simply designed to make the resolution more nearly correspond to the facts. I want to be very clear.

The PRESIDENT: The Chair will state that the only motion before the Senate is the motion of Mr. Wadsworth who has moved that the resolution be adopted and 5000 copies be printed.

It is perfectly in order for any senator who may desire to move to lay upon the table or to amend.

Mr. BREWSTER: Mr. President, it is a very embarrassing situation for me, because in all the heated controversies through which we have been this winter there has never, so far as I know, been any lack of the ordinary amenities of senatorial courtesy in order to give every one a fair opportunity to consider a question of this importance which has been presented and to secure consideration upon it, which is characteristic of these assemblies. It is for that reason that I am embarrassed—my friend from Kennebec, with whom I have been on the most cordial terms, and whom it is difficult for me to believe would want to stop a fair consideration of this matter.

I will present the question by moving that the resolution be tabled.

Mr. WADSWORTH: Mr. President—

The PRESIDENT: The motion is not debatable.

Mr. BREWSTER: Mr. President, I would ask as a matter of unanimous consent that the senator from Kennebec be permitted to speak.

The PRESIDENT: If the Senate wishes to over-ride a question of recognized parliamentary procedure that a motion to lay on the table is not debatable, the Chair is willing.

(The question was called for.)

The PRESIDENT: The question before the Senate is on the motion of the senator from Cumberland, Mr.

Brewster, that the resolution be tabled.

Mr. BREWSTER: Mr. President, I would like to offer an amendment to that motion.

The PRESIDENT: An amendment to your own motion?

Mr. BREWSTER: Yes, Mr. President. I would amend by moving that the resolution lie upon the table until tomorrow morning.

The PRESIDENT: The question before the Senate is on the motion of the senator from Cumberland, Mr. Brewster, that the resolution lie upon the table and be specially assigned for tomorrow morning.

Mr. HINCKLEY: Mr. President, addressing myself to that part of the motion that it lie upon the table until tomorrow morning, I wish to say that, regardless of the position of the senator from Kennebec, whatever position he may take, I personally object to delay in regard to it. I feel that it is more than a statement on the Kennebec Reservoir bill. I think it is a resolution which embodies a statement which I believe is true, that the Chief Executive of this State in a message to this Legislature accused the members of this Legislature who voted in favor of this bill of dishonesty; accused members of this Legislature of betrayal of the trust imposed upon them under their oaths of office, and for that reason I object to any delay, in regard to myself, on his resolution.

Mr. WADSWORTH: Mr. President, I have no hard feelings about this matter. This resolution which I introduced here was not to express or to try the feelings of the minority. It was for those who voted with the majority, and myself included, and really I do not like to have my feelings and my ideas as to my position, amended.

If the minority has a report of their own, a resolution, to offer I have no objections to that. My point is that this is my position and I believe it is the position of a great many members of this Legislature. And I want it to go on record in this manner, but I do not want to be discourteous to any member of this Legislature or any one else.

Mr. BREWSTER: Mr. President, I had no thought to propose any amendment to the opinion of the senator from Kennebec, for I recognized that certainly would not be a matter on which I had any informa-

tion. I am concerned solely with an accurate statement of the facts. I think that in view of the charges which have been made in regard to inaccuracies of statements of others in this matter, it is peculiarly desirable that no prejudice and no partisanship shall sway the Legislature, the majority, from an accurate presentation of the facts. I know that is what the senator from Kennebec seeks, and if the senator from Kennebec considers, after any suggestion I shall make to him, that his statement is still an exact presentation of the facts, I should not offer it on the floor, for it is a question on which I shall be guided solely by his judgment, as well as any other member of this body, without any necessity of voting thereupon.

The PRESIDENT: The Chair will state that he recognized the senator from Kennebec, Mr. Wadsworth, on the point of personal privilege, a generally recognized doctrine of parliamentary procedure, that where a senator or representative has been attacked as to his integrity in matters of legislation, that it is a highly privileged motion, and that a man on the floor may be recognized by the Chair at any point in the business of the session. And the Chair would rule that this question of personal privilege is a question that is more or less sacred, and that the senator from Kennebec was well within his rights, because a veto message of the Executive and a subsequent proclamation cast discredit upon every member of the Legislature who voted with the majority.

The question now before the Senate is on the motion of the senator from Cumberland, Mr. Brewster, that the resolution lie on the table and be specially assigned for tomorrow morning.

A viva voce vote was taken and the motion was lost.

The question then recurred to the motion of the senator from Kennebec, Mr. Wadsworth, that the resolution be adopted and that 5000 copies be printed.

The motion was agreed to by a viva voce vote.

Veto Message from the Governor

STATE OF MAINE
Office of the Governor,

Augusta, March 28, 1923.

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

I return herewith without my approval:

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

Under the present law the Governor and Council and Treasurer of State are authorized to negotiate temporary loans to the amount of \$300,000. The proposed act seeks to increase the authority of the Governor and Council and Treasurer so that they can borrow up to \$800,000 without Legislative sanction.

I do not believe it is either wise or necessary to pass the act before you.

In case of serious troubles, such as war, insurrections, or great catastrophes, the Governor has the power to immediately convene the Legislature, and if the emergency warrants an extra session can be assembled in a few days notice. I am opposed to extending the borrowing capacity of the State. Although there is a provision in the Constitution to the effect that \$800,000 may be borrowed without legislative sanction, a doubt exists as to whether this lawfully can be done without an amendment to our Statutes as is here proposed. I believe this very uncertainty in the future will serve as a check upon unwarranted borrowing.

It is easy to enlarge the State's borrowing capacity but once this is done it is practically impossible to reduce it. There always exists a temptation on the part of public officials to avail themselves of whatever power is given them, especially when by its exercise large sums of money are made available.

If this Legislature constructs a financial program for the State for the coming two fiscal years upon a sound basis there should be no need of the State's borrowing money to meet its ordinary running expenses. The ideal before us all is to hold expenditures within bounds so that the tax rate will not be unduly burdensome to the people.

The Act I am returning notwithstanding its importance and the fact that it can be used to increase the debt of the State a half million dollars, never was referred to a committee and this of itself is sufficient reason why it should not be passed in the rush of the closing hours.

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

The message was read by the secretary.

The PRESIDENT: The question before the Senate is whether or not this bill shall become law notwithstanding the objections of the Governor?

Mr. HINCKLEY of Cumberland: Mr. President, may the bill be read? (The secretary read the bill.)

Mr. HINCKLEY: Mr. President, it is inconceivable to me that vetoes come in here on matters such as we find here today. The Treasurer of State has come to us and has called our attention to the fact that although the people of the State of Maine, through a proposed amendment to the Constitution of this State, voted to amend the Constitution, allowing temporary loans to be increased from \$300,000 to \$800,000, and that the Legislature in the past or since that time, had neglected to pass a statute in conformity to the Constitution of the State, and that it was felt to be necessary, and now this Act which gives the Treasurer of this State, who says that it is necessary, the right whenever he and the Governor and Council feel that it is necessary, in order to conduct in a proper way the finances of this State, to have the right under the statutes to increase the borrowing capacity to \$800,000.

And now we have a veto saying it is not necessary. I do not worry about passing a statute in conformity to the Constitution of our State, a Constitution that was lately amended by the citizens of our State. And if we cannot trust the Governor and Council and the State Treasurer in the matter of providing the finances of this State by giving them a suitable figure as provided by the Constitution, I do not know what we can trust them in doing.

I certainly hope that the Treasurer, together with the Governor and Council, if they feel there is need of borrowing more than \$300,000, shall have the right by statute as now provided by the Constitution.

Mr. BUZZELL of Waldo: Mr. President and members of the Senate, it seems to me as if these misunderstandings are growing more frequent and more trivial.

I wonder whether or not we do not want to pause for just a moment and see if we cannot in some way have some scheme whereby we may

work ourselves out of this seemingly regular routine work of the consideration of veto messages.

It seems to me as if this question is simple; there is nothing very intricate about it. I wonder whether or not some understanding cannot be arrived at, and feeling as if this Legislature and our Chief Executive ought not to get together on these propositions, and in view of what I believe is generally desired on the part of this Legislature, to do what is right, I make a motion that this matter lie on the table so that we can see if some solution cannot be worked out.

Mr. HINCKLEY: Mr. President, may I inquire through the Chair for what time?

Mr. BUZZELL: Mr. President, until tomorrow morning.

Mr. HINCKLEY: Mr. President, I join with the senator from Waldo in his motion.

The motion was agreed to and the veto message with accompanying papers was tabled and specially assigned for tomorrow morning.

Mr. EATON of Oxford: Mr. President, I move that we reconsider the veto whereby Senate Document 281, 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, was passed to be engrossed.

The motion was agreed to, and on further motion by the same senator the bill was tabled and specially assigned for tomorrow morning.

On motion by Mr. Wilson of Aroostook, H. D. 360, Resolve appropriating money for the purpose of operating fish hatcheries and feeding stations for fish, game and birds and for printing the report of the commissioner of inland fisheries and game and other expenses incident to the administration of the department of inland fisheries and game, was taken from the table.

The same senator then offered Senate Amendment A.

Senate Amendment A to H. D. 360

Amend H. D. 360 by striking out the word "forty" in the first line

of the first paragraph thereof and substituting therefor the word "seventy"; and by striking out the word "seventy" in the first line of the second paragraph thereof and substituting therefor the word "eighty-five"; and by striking out the word "seventy" in the fourth line of the second paragraph thereof and substituting therefor the word "eighty-five"; and by inserting after the word "museum" in the twelfth line of the second paragraph thereof the words "for screening lakes and ponds, payment of bounty on bobcats killed in this State"; and by inserting after the word "and" in the said twelfth line the word "all".

Mr. WILSON: Mr. President, I move the Senate reconsider the vote whereby this resolve was passed to be engrossed.

The motion was agreed to; Senate Amendment A was adopted, and the resolve as amended by Senate Amendment A was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Kirschner of Androscoggin, H. D. 353, An Act to amend Section 19 of Chapter 37 of the Revised Statutes, relative to the sale of milk, was taken from the table.

The same senator then offered Senate Amendment A.

Senate Amendment A to H. D. 353.

H. D. 353, is hereby amended by striking out the words "adding to said section" in the second line, and inserting in place thereof "inserting after the word 'use' in the third line;" by inserting after the word "receptacle" in the twelfth line the words "used in the transportation of milk or cream," and by inserting after the word "sterilize" in the twelfth and thirteenth lines the words "or any cans or other receptacles used in the transportation of ice cream, sherbet, or frozen milk, not washed or cleansed."

Mr. HINCKLEY of Cumberland: Mr. President, I would like to inquire if we have the amended form so that we can get it?

The PRESIDENT: The Chair will state that the amendment simply refers to the amendment and not to the section as amended.

On motion by Mr. Hinckley, the bill and amendment were tabled and assigned for tomorrow morning.

The PRESIDENT: The next matter in order is S. D. 251, Resolve in favor of the State School for Girls for maintenance and other purposes, and the Chair recognizes Mr. Eaton of Oxford.

On motion by Mr. Eaton, the resolve was given its second reading and passed to be engrossed.

The PRESIDENT: The next matter is S. D. 266, resolve for the construction and equipment of an infirmary and dispensary at the State School for Girls, and the Chair recognizes the senator from Oxford, Mr. Eaton.

On motion by Mr. Eaton the resolve was given its second reading and passed to be engrossed.

The Chair recognized the same senator on H. D. 424, resolve appropriating money for the construction and equipment of an industrial building at the State Reformatory for Men.

On motion by Mr. Eaton, the resolve was indefinitely postponed.

On motion by Mr. Eaton of Oxford, S. D. 199, An Act to revise and consolidate the banking laws of the State, was taken from the table, and on further motion by the same senator the bill was passed to be engrossed.

Mr. BUZZELL of Waldo: Mr. President, I desire to introduce under suspension of the rules the final report of the committee on Governor Parkhurst's portrait; also a resolve in favor of D. D. Coombs of New Gloucester, for painting the portrait.

The rules were suspended and the report was accepted.

Under further suspension of the rules the resolve in favor of D. D. Coombs was received, given its two readings and was passed to be engrossed without reference to a committee.

From the House: H. D. 415, An Act to amend Section 42 of Chapter 117 of the Revised Statutes, as amended by Chapters 39 and 167 of the Public Laws of 1917, Chapter 214 of the Public Laws of 1921, relating to salary of county commissioners of Androscoggin county.

This bill was passed to be engrossed in the Senate and indefinitely postponed by the House, which adhered to its former action. It came back to the Senate which asked for a committee of conference. It now comes from the House, that branch insisting on its

former action and denying a committee of conference.

On motion by Mr. Hinckley of Cumberland, the Senate voted to insist.

Papers from the House disposed of in concurrence.

The PRESIDENT: Is it the pleasure of the Senate to receive out of order two resolves relating to the business of the Legislature, both of which are introduced by the senator from Washington, Mr. Emery.

Resolve in favor of Charles S. Euckley for services as clerk and stenographer for the committee on Indian affairs.

Resolve in favor of Charles S. Buckley for services as clerk for the committee on Maine publicity.

The resolves were received under suspension of the rules and referred to the committee on appropriations and financial affairs.

From the House:

The committee of conference on the disagreeing action of the two branches of the Legislature on An Act to amend Section 3 and Paragraph 7 of Section 4 of Chapter 100 of the Private and Special Laws of 1921, relating to Belgrade Lakes Village Corporation (House Doc. No. 279), reported that

they were unable to reach an agreement.

The report was accepted.

The PRESIDENT: The Chair will state that reports A and B from the joint committee on public utility and ways and bridges, 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, having been printed in accordance with the vote of the Senate, are now in the hands of the Senate and can be acted upon if it is so desired.

The Chair will state that Report A on this resolve was a new draft under the same title and was reported ought to pass, and Report B was on the same matter, and was reported ought not to pass.

On motion by Mr. Carlton of Sagadahoc, Report A was accepted.

On further motion by the same senator, under suspension of the rules, the bill was read twice and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Hussey of Aroostook,

Adjourned until tomorrow morning at 9 o'clock.