

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Second Legislature

OF THE

STATE OF MAINE

1925

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, April 1, 1925.

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

Prayer by the Rev. Mr. Dunnack of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the Committee on Judiciary reporting "Ought not to pass" on bill "An Act authorizing the employment of Stenographers by Justices of the Supreme Judicial and Superior Courts" (H. P. No. 411) (H. D. No. 115) which was read and accepted in the House March 27th.

Comes from the Senate, the Bill substituted for the report, Senate Amendment "A" read and adopted and the Bill as so amended passed to be engrossed in non-concurrence.

In the House, Senate Amendment A read.

The House voted to reconsider its action whereby the report, ought not to pass, was accepted. It also voted to substitute the bill for the report. It then adopted Senate Amendment A in concurrence, the bill as amended by Senate Amendment A received its two several readings, and tomorrow assigned for its third reading.

From the Senate: Report of the Committee on Judiciary on Bill "An Act to enlarge the Powers of the State Highway Police and to authorize the Governor and Council to appoint said Police and direct them in the performance of their duties" (S. P. No. 42) (S. D. No. 33) reporting the same in a new draft under same title (S. P. No. 566) (S. D. No. 236) and that the same ought to pass.

Comes from the Senate, report read and accepted, Senate Amendment "A" read and adopted and the Bill as so amended passed to be engrossed.

In the House, report read and accepted, Senate Amendment A read and adopted in concurrence.

On motion by Mr. Littlefield of Kennebunk, tabled pending first reading.

From the Senate: Report of the Committee on Banks and Banking

reporting "Ought to pass" on Bill "An Act to amend section 7 of chapter 51 of the Revised Statutes relating to purposes for which corporations may be organized" (S. P. No. 394) (S. D. No. 142).

Comes from the Senate, report read and accepted, Senate Amendment "A" read and adopted and the Bill as so amended passed to be engrossed.

In the House, on motion by Mr. Wing of Auburn, tabled pending acceptance of the report in concurrence.

From the Senate: Report "A" of the Committee on Judiciary on Bill "An Act to Amend Section 1 of Chapter 115 of the Special and Private Laws of 1917, it being an Act to Regulate the Sale of Milk or Cream in Bottles or Jars, within the Town of Bar Harbor, Hancock County" (S. P. No. 172) (S. Doc. No. 68) reporting that the same "Ought to pass".

Report was signed by the following members:

Messrs. MAHER of Kennebec
—of the Senate

HALE of Portland
HOLMES of Lewiston
WING of Auburn
OAKES of Portland

—of the House

Report "B" of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. HINCKLEY of Cumberland
—of the Senate

HUSSEY of Aroostook
NICHOLS of Portland
HAMILTON of Caribou
MARTIN of Augusta

—of the House

Comes from the Senate Report B, ought not to pass, read and accepted.

In the House, on motion by Mr. Hamilton of Caribou, that body voted to concur with the Senate in the acceptance of Report B, ought not to pass.

Reports of Committees

Mr. Beckett from the Committee on Legal Affairs reported "Ought not to pass" on Resolve authorizing the treasurer and county commissioners of York County to procure a loan (H. P. No. 722) (H. Doc. No. 157).

Mr. Wheeler from the Committee

on Taxation reported same on bill An Act relating to the taxation of savings deposits in national banks (H. P. No. 1113) (H. Doc. No. 331).

Mr. Hammond from same Committee reported same on bill An Act requiring an excise tax to be paid on all cigarettes sold in this State (H. P. No. 1146) (H. Doc. No. 363).

Mr. Drake from the Committee on Ways and Bridges reported same on Resolve in favor of Wallgrass Plantation (H. P. No. 816).

Mr. Drake from same Committee reported same on Resolve making an Appropriation to aid in constructing and maintaining a highway in the town of York (H. P. No. 507).

Mr. Holman from the Committee on Library on Resolve in favor of the purchase of the history and maps of the people and the town of New Sweden (H. P. No. 623) reported that same be referred to the next Legislature.

Mr. Holman from same Committee reported same on bill An Act to create and to define the powers and duties of a State Commission and to represent the State in arranging and carrying out a program for the celebration of the bicentennial of the birth of George Washington (H. P. No. 944) (H. Doc. No. 243).

Mr. Drake from the Committee on Ways and Bridges on Resolve in favor of International Bridge, Van Buren, Maine, St. Leonards, N. B., combined immigration and customs office, (H. P. No. 579) reporting that same be referred to the Committee on Appropriations and Financial Affairs.

Reports read and accepted and sent up for concurrence.

Mr. Wing from the Committee on Judiciary on bill An Act relating to the State Pier (H. P. No. 1101) (H. Doc. No. 318) reported same in a new draft (H. P. No. 1267) under same title and that it "Ought to pass".

Mr. Oakes from same Committee on bill An Act relating to a lien for repair and storage of vehicles (H. P. No. 766) (H. Doc. No. 187) reported same in new draft (H. P. No. 1268) under same title and that it "Ought to pass".

Mr. Hale from same Committee on bill An Act to Amend Section 57 of Chapter 87 relating to motions for new trials (H. P. No. 1056) (H. Doc. No. 287) reported same in new draft (H. P. No. 1270) under same title and that it "Ought to pass".

Mr. Curtis from the Committee on Taxation on bill An Act relating to the collection of excise taxes (H. P.

No. 1112) (H. Doc. No. 329) reported same in new draft under title of "An Act relating to the payment of excise taxes" and that it "Ought to pass".

Mr. Leland from the same Committee on Bill "An Act to Amend Section 32 of Chapter 9 of the Revised Statutes of Maine relating to the excise tax on railroads" (S. P. No. 143) (H. Doc. No. 103) reported same in new draft (H. P. No. 1271) under same title and that it "Ought to pass."

Mr. Drake from the Committee on Ways and Bridges on Bill "An Act to Amend Section 20 of Chapter 25 of the Revised Statutes, as amended, relating to apportionment of moneys for highways" (H. P. No. 1063) (H. Doc. No. 283) reported same in new draft (H. P. No. 1269) under same title and that it "Ought to pass."

Reports read and accepted and the new drafts ordered printed under the Joint Rules.

Mr. Oakes from the Committee on Judiciary reported "Ought to pass" on bill "An Act relating to when no succession tax shall be assessed on the stock, bonds and evidences of debt of Maine corporations" (H. P. No. 539) (H. Doc. No. 110).

Report read and accepted and the bill having already been printed, was read twice, under suspension of the rules and tomorrow assigned.

Report "A" of the Committee on Judiciary on Bill An Act to prohibit boating and fishing from boats on Lake Auburn (H. P. No. 448) (H. Doc. No. 90) reporting same in new draft (H. P. No. 1272) under same title and that it "Ought to pass."

Report was signed by the following members:

Messrs. MAHER of Kennebec
—of the Senate

HUSSEY of Aroostook
WING of Auburn
HOLMES of Lewiston
MARTIN of Augusta

—of the House

Report "B" of the same Committee reporting "Ought not to pass" on same bill.

Report was signed by the following members:

Messrs. HINCKLEY of Cumberland
—of the Senate

OAKES of Portland
HALE of Portland
HAMILTON of Caribou
NICHOLS of Portland

—of the House.

On motion by Mr. Wing of Auburn it was voted that report A, ought to pass in new draft, be accepted.

The motion prevailed.

Mr. HALE of Portland: Mr. Speaker, I move that the matter lie on the table.

Mr. WING: Mr. Speaker, I rise to ask for a division.

The SPEAKER: The matter will be printed, although the motion to lay on the table may be carried. The Clerk informs me such will not be the case unless it is specially ordered printed. The motion to accept Report A, ought to pass, was carried.

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

The SPEAKER: As it stands now, the matter will be printed under the Joint Rules.

First Reading of Printed Bills and Resolves

H. P. 1255: An Act to authorize the State Auditor to carry forward to the succeeding year construction accounts and to constitute them continuous carrying accounts for the purposes designated by the Legislature.

H. P. 1256: An Act authorizing the recording of marketing agreements of co-operative Agricultural Associations, and requiring that liens hereby attached to crops before delivery to the Association, and to the member's interest in the Association after such delivery be collected through the Association." (H. P. No. 1256) (H. D. No. 491)

H. D. 488: Resolve providing for the purchase of "Music and Musicians of Maine."

H. P. 1254: Resolve for the better preservation, protection and perpetuation of certain old forts situated in this State.

Mr. WING of Auburn: Mr. Speaker, I move the indefinite postponement of this resolve. I might say, Mr. Speaker, that these forts were purchased at an auction sale of the Federal Government by the former governor, Mr. Baxter, at an expense of some \$30,000. Their beauty and their needs were described in a book which has been placed on the desk of each member for which the Governor and Council paid \$3,500 out of the Contingent Fund. It strikes me that perhaps a bit of decay will add to the beauty of these old forts, and that it is not necessary to pay the sum of \$5,000 a year to take care of them. Let Nature take its course with them. They will not be hurt

by time, and certainly they are not needed for the public defense. This is a place where we can practice real economy and add to the scenic beauties of the State.

Mr. BURNHAM of Kittery: Mr. Speaker, the gentleman who has just spoken evidently has not one of these forts in his vicinity. These are among the historic spots of this State. We are advertising Maine, and we want to draw summer visitors here. When they come one of the first things they ask is to be shown some of the historic spots of our State, and what is more historic than these old forts; but if we do not take care of them to some extent, it will not be long before they will be in such a state of decay that there will be no attraction to them. It seems to me a reasonable matter to spend something on these forts. As the gentleman from Auburn (Mr. Wing) has said, we have spent \$30,000 to purchase them. After we have purchased them, why let them deteriorate and run down? I would regret to see this resolve indefinitely postponed.

Mr. WHITE of Bowdoinham: May I ask for further information as to the nature of this resolve.

The SPEAKER: It is House Document 486, Resolve for the better preservation, protection and perpetuation of certain old forts situated in this State.

Mr. WHITE: Is this in new draft?

The SPEAKER: The new draft is printed as House Document 486 and provides the sum of \$1,300 for the fiscal year ending June 30, 1926 and \$300 for the fiscal year ending June 30, 1927, said sums to be expended from the appropriation made for the care of old forts and under the direction of the Governor and Council in accordance with the following schedule. * * * Fort William Henry in the town of Bristol, the sum of \$300 for the fiscal year ending June 30, 1926, and \$300 for the fiscal year ending June 20, 1927. * * * Fort Halifax Block House at Fort Point in the town of Winslow, the sum of \$1,000 for the fiscal year ending June 30, 1926."

Mr. SMITH of Bangor: Mr. Speaker, it seems to me very false economy to try to save at the expense of the property we have bought. When any one of us buys a house

and is not going to use it immediately, he would not let it go to rack and ruin. Now these forts are of great interest, not only to the people of Maine but to people who come into the State of Maine, and to say that they will not deteriorate if they are not kept up, we know is not so. We know if one builds a perfectly good house and leaves it for a few winters and does not leave anybody to look after it, he will have nothing left. Now the State has invested \$30,000 in these forts; and I am told that one of these forts and the property that goes with it can be sold for enough to cover all the expense of taking care of all the forts. It seems to me it would be false economy to neglect them after having purchased them, and I hope that the motion of the gentleman from Auburn (Mr. Wing) does not prevail.

Mr. WING of Auburn: Mr. Speaker, I would like to inquire of the gentleman from Bowdoinham, Mr. White, through the Chair, in relation to this House Document 486, if it carries an appropriation for \$5,000 for the care of these old forts.

Mr. WHITE: I will say, Mr. Speaker, that this new draft includes the forts at Winslow, and Fort William Henry. The State has purchased something that has got to be taken care of. There is another Document Senate 213 relating to certain state parks. I believe that the gentleman from Auburn referred to that bill in naming the amount of the appropriation as \$5,000. This present document, House 486, would effect only the forts at Bristol and Winslow.

Mr. WING: Would the Chair inform me where the other Document is?

The SPEAKER: On the table.

Mr. WING: And under whose name?

The SPEAKER: Mr. Nichols of Portland, the second one from the bottom of the calendar.

Mr. NICHOLS of Portland: Mr. Speaker, as I understand the situation House Document 486 appropriates \$1300 for the care of two forts. The measure tabled by me yesterday, Senate Document 213, carried an appropriation of \$3,000 for the other forts in the State which were purchased by the State for \$30,000 and which were described in the book given to the members of the Legislature at the opening of this session,

and the matter was tabled by me for an amendment increasing this amount from \$3,000 to \$5,000.

At this point a communication was received from the Senate, through its Secretary, proposing a joint convention of both branches of the Legislature forthwith in the hall of the House for the purpose of listening to a communication from his Excellency, the Governor.

Thereupon the Clerk of the House being otherwise engaged, Mr. Thompson of Rockland was charged with the duty of conveying to the Senate the concurrence of the House in the proposition for a joint Convention.

The SPEAKER: The gentleman from Portland, Mr. Nichols, has the floor.

Mr. NICHOLS resuming: As I understand the situation now the motion of the gentleman from Auburn to indefinitely postpone House Document 486 applies to expending \$1300 on two forts, and has nothing to do with the other forts purchased by the State of Maine; so the remarks of the gentleman from Bangor (Mr. Smith) do not apply in any way to the measure before us now. Regarding the remarks of the gentleman from Bangor, he has likened the purchased of this property to the erection of a new house, which, after purchase or erection, he wishes to keep up. The converse is the situation here. The State has bought an old house in every case, a house that is tumbled down, and the remarks made by the gentleman from Bangor (Mr. Smith) apply to neither one of the measures before this body. We have these old forts, the State owns them, and are we now to continually have a keeper—that is virtually what this bill means—to go around to these different forts and gather up the tin cans and the waste paper left there by picnic parties? That is what this bill means in reality.

The SPEAKER: Will the gentleman suspend for a moment?

At this point Mr. Thompson of Rockland, who had previously been charged with a message to the Senate, reported that he had performed the duty assigned him and that that body would attend forthwith in this hall.

The report was accepted.

The SPEAKER: The gentleman from Portland, Mr. Nichols, still has the floor:

Mr. NICHOLS continuing: Mr. Speaker, at the time I was interrupted in my remarks I was trying to explain to this body that if we indefinitely postpone this bill, we still have the other measure before us which has passed this body, and the Senate appropriated \$3,000 for the care of the other forts. I wish the House would get the situation. Do not think that when you indefinitely postpone this bill, you are killing the other bill which provides for an appropriation of \$3,000. You are merely killing this bill, which produces no benefit to the State whatever, and you still have before you the other bill for the preservation of the other forts. I state this in order that the House may know the situation and that it may see that the remarks made have nothing to do with this matter.

At this point the Senate came in and a joint convention was formed.

IN CONVENTION

The President in the Chair.

On motion by Senator Carter of Androscoggin, it was

Ordered, that a committee be appointed to wait upon the Honorable Ralph O. Brewster, Governor of the State of Maine, and invite him to attend this convention and to receive from him such communication as he may be pleased to make.

The Chairman thereupon appointed as members of that committee on the part of the Senate, Senators Carter of Androscoggin, Hussey of Aroostook and Holley of Somerset; on the part of the House, Representatives Hamilton of Caribou, Boman of Vinalhaven, Pendleton of Islesboro, Stitham of Pittsfield, Fuller of Southwest Harbor, Clarke of Randolph, and Mrs. Allen of Hampden.

Subsequently the committee reported through Senator Carter of Androscoggin that they had delivered the message with which they were charged, and that the Governor informed them that he would attend the Joint Convention forthwith.

The report was accepted.

Thereupon the Governor and Council then entered the hall of the House of Representatives amid applause, the audience rising and Governor Brewster delivered the following address:

Mr. President and members of the

Eighty-second Legislature: Our neighboring province of New Brunswick, with which we have long enjoyed most cordial relations, is now moving rapidly toward the consummation of a project which vitally affects the interests of the State of Maine. Preliminary steps have been taken; exhaustive surveys have been made by the Provincial government of thousands of square miles of territory within the State of Maine; and an application is now pending calculated to lay a firm foundation for carrying out the plan.

Grand Falls on the St. John River three miles beyond our boundary is a water-power of the first magnitude, and its development by the Provincial government is now planned. According to the report of the Provincial engineers, seventy-three per cent of the storage essential to the economical development of this water-power is located within the State of Maine. Over four thousand five hundred square miles of territory in Maine is affected by this project, with a drainage area furnishing over fifty billion cubic feet of water capable of storage and appropriate release. Several additional billion cubic feet of water would also be stored jointly by the boundaries of the Province and the State of Maine.

With the storage available upon the Canadian side of the line Grand Falls would develop less than sixty thousand electrical horsepower for commercial use. With the storage available in the State of Maine, and no alteration in the generating machinery or additional investment of any kind other than the development of storage facilities, Grand Falls would develop over one hundred and twenty thousand electrical horsepower for commercial use. Thus the Maine reservoirs would double the effectiveness of this power and have its productive cost, assuming the storage costs on each side of the line to be approximately the same, although it is probable that the advantage in this respect is in favor of Maine.

The Provincial Government is proposing to develop this power, inspired by the example of Ontario, because it believes that very great industrial expansion and commercial development will come as the result of available power of this character.

The International Commission on the uses of the St. John river ten years ago, examined this territory exhaustively and all the commission-

ers representing both countries agreed in the following statement:

"The utilization of this immense power that nature has placed at their disposal would unquestionably greatly stimulate the prosperity of the people of both countries. The storage afforded in both countries is a necessary factor, for the use of which harmonious action by both Governments is requisite. With great natural advantages, unusual railroad facilities, and with an abundance of forest products available, there would seem to be every reason for believing that, with proper development of this power, aided by such conservation of water as the evidence shows to be feasible, this section would witness a remarkable increase in wealth and population.

"Appropriate legislation would safeguard the interests of the people of both countries and insure to each a proper measure of enjoyment."

* * * * *

"In the opinion of the commissioners both Governments will be amply repaid for the expense of the work. Its results demonstrate that the immense conservation possibilities, for water purposes as well as log-driving, both in the United States and in Canada, which is practicable and feasible, need but development to add to both countries extensive industries, to multiply the wealth and largely increase the population on both sides of the international boundary."

Nothing has been done to carry out the recommendations of this commission and co-operative action or even legislative sanction by the State of Maine does not now seem to be necessary for our neighbors to reap for themselves the full benefits of the development of this great water-shed.

The existing laws of the State of Maine, apparently leave us absolutely unprotected, if the Provincial government shall decide to carry this project to completion before a change in our laws is made. The course is astonishingly simple, and the initial step has already been taken, and it is further clearly evident that all of the steps in the sequence are already known to the authorities that are concerned.

Application for the development of Grand Falls is now pending with the International Joint Commission. The initial dam at Grand Falls will flow back water for thirty-two miles,

twenty-nine of which are along the international boundary, raising the level of the river sixteen feet above low water, and flowing out approximately four hundred acres of land in the State of Maine, besides possibly over-flowing certain lines of the Bangor and Aroostook Railway. This is of course important and we are taking steps to protect our rights, but this is of negligible importance compared with what lies just beyond.

Assuming that the International Joint Commission, in which Canada at this time has a majority of the representatives, shall grant this initial application with such protection as it may deem proper to the rights of property and persons within the State of Maine, no further grants of any character will be necessary from either the International Joint Commission, the United States of America, or the State of Maine, for the Provincial government to develop fully, under existing law, the storage resources within the State of Maine, which will serve this Grand Falls project.

It will only be necessary for some private individual to acquire a power site upon the St. John River or any of its tributaries within the State of Maine in its lower reaches. Under the Mill Act, so-called, of the State of Maine, as now interpreted, every rivulet and every lake and stream feeding that dam site is then amendable to appropriation and development without regard to the rights of any other property owners within that drainage area. This means that over four thousand five hundred square miles of Maine territory would be servient to the development of our neighbors across the line without necessary recognition by them in any way of the contribution which we thus make.

It would be a serious dereliction of duty not to lay this situation fully before you at this time. Interests may very shortly become vested which would make it impossible for all time to relieve ourselves from the situation that would exist.

It is not necessary for us to take any "dog in the manger" attitude to recognize that the State of Maine is entitled to share in the benefits of this development in proportion to the contributions which its resources make. We are the joint owners with the Province of New Brunswick of a rich heritage in this great water-shed. It should be easily possible to

adjust our interests with due regard to the rights of all concerned.

The State of Maine, however, cannot now be unmindful of the sacrifices and struggles and long series of negotiations that gave this great section to our State. We shall be recreant to the memory of those men of a century ago if we shall permit its chief resource thus negligently to pass from our hands.

Within the past few years representatives of the Provincial government have asserted rights that the dam at Chamberlain Lake far within the boundaries of Maine shall not be maintained, and in the official report of the Provincial engineers to the Chairman of the Governmental Commission investigating this project, appears this significant sentence bearing upon their plans.

"The Van Buren records (relating to stream flow on the St. John) may show a still more favorable margin of safety at such time as the Chamberlain Lake area is restored to the Allagash basin"

The New Brunswick Power Commission chart of this area includes Chamberlain Lake in the St. John water-shed. At this time the burden would seem to be upon those who would now change the course of this stream although it is not clear that the provisions of the Mill Act may not give rights even to this extent. Certainly all the remainder of this great water-shed lies open today to foreign appropriation and use.

There is now pending before you a proposal designed to limit the operation of the Mill Act to a reasonable distance above the site. So far as the other great river systems of Maine are concerned, aside from the St. Croix, it is peculiarly a matter for legislative determination as to the predominant public interest in development of this sort. It is recognized by our Supreme Court that the original Legislative enactment did not contemplate storage developments seventy-five or one hundred miles up-stream, but judicial interpretation and application of this Act have carried it to the limit of the upper reaches of the stream. It seems possible that other interests are now developing, which are at least of equal importance and might properly require legislative consideration and action, for the acquisition of property in derogation of other

owners. It is easy to say that all rights of property within our State have been acquired subject to this possible acquisition by other owners further down the water-shed, but it is significant that practically all the great developments in the State of Maine have been carried out under a grant of rights from the Legislature. Protection of the predominant public interest has been the only thing ever sought by anyone interested in the affairs of the State of Maine.

Determination of policy upon this question within the State of Maine is peculiarly a matter for the legislative department of our government. To that branch it would seem corporations seeking development might wisely and properly be asked to resort.

Protection of the interests of the entire State, however, in the development of the great water-shed of the St. John, is a matter with which we are all alike concerned as citizens of Maine and to which it cannot be doubted you will address yourself with an eye single to the very important concerns that are at stake.

In my judgment this Legislature should before adjournment take action adequately to protect the valleys of the Allagash and the St. John and tributary waters from exploitation for the sole benefit of interests foreign to our country and our State. Good neighbors will not be offended when we, alike with them, seek to secure the utmost advantage from the development of the natural resources that lie within our bounds. This seems to me to mean that the Mill Act must be modified at least in its application to these streams and possibly this will require for the entire State as well to prevent an unconstitutional discrimination. Such action would simply require resort to the Maine Legislature for future storage developments which is the customary procedure and is not a course to be greatly feared by any honest seekers for the advancement of the welfare of our State.

The Supreme Judicial Court of Maine, in its latest opinion, has indicated legislative action as the appropriate method to deal with restrictions or extensions of the right to construct storage dams. This

recommendation is based upon the opinion of the Attorney General, the constitutional officer selected by you to advise the Executive and Legislative Departments in matters of law. By him we will be warranted in being guided when lawyers disagree.

Whether we may go further in these regions and limit or regulate in any way the development of storage basins not requiring the exercise of the power of eminent domain is a question for most serious consideration before you shall return to your several homes. The natural flow of this stream is the right of riparian owners and it would seem might properly be asserted by the sovereignty as well.

The suggestion that the present movement is only transitory, and that a change in government in the Province of New Brunswick may end for the present the development of this project along our northern bounds is not an answer to the difficulty with which we are faced. It is our plain duty now to provide proper protection whenever such a contingency shall hereafter arise. In the future of electrical development Grand Falls will assuredly come into its own, and then it will be of supreme importance that all the power and authority of the State of Maine is organized to deal advantageously with the situation that shall arise.

In consideration of this question we are ever mindful of our Federal form of government and purpose to encroachment upon the proper concerns of the United States. We may confidently rely upon a most jealous regard for our interests by the constituted authorities dealing with this problem for the union of which we are but a part.

It is, therefore, of the more importance that we shall not ourselves seem neglectful of the interests that we are here to serve. The United States of America cannot guard our birthright if we shall permit it to be exploited through loop-holes or omissions in our existing laws.

A memorial to the Secretary of State of the United States by this Legislature declaring our conception of our rights and the very important and far-reaching interests that are at stake would seem an appropriate and helpful act on your part at this time.

Placing of another citizen of the United States and, if long standing custom is followed, a citizen of the State of Maine, upon the Interna-

tional Joint Commission without delay would seem a proper subject for immediate representation by us to the President of the United States.

Hydro-Electric Power in Passamaquoddy Bay

A somewhat different situation is presented in the proposed development along the international boundary in Passamaquoddy Bay, where a charter is asked of this Legislature for the development of hydro-electric power generated by the tides. The apportionment of this power as between the State of Maine and the Province of New Brunswick seems of the very greatest importance involving as it does, according to its promoters, several hundred thousand electrical horsepower from the dams that will be built. This apportionment, in my judgment, should be determined by the legislature rather than by any other body within our state. The opinion has been very commonly expressed that this project was a phantom of the imagination and apparently its passage is facilitated by consideration of this sort. None of those responsible for the great electrical developments within our state have considered this project as practicable at the present stage of development of hydro-electric power.

Many citizens of our state, however, earnestly and honestly believe in this project as feasible at this time. It would seem to be better to consider the situation from their viewpoint in determining the action of the state.

Franchises have been very freely granted in Maine for the development of hydro-electric projects, but these—almost without exception—have been granted to men having very large investments within the State of Maine and amply able to carry out their undertakings.

The one proposing this development frankly states that the securing of responsible financial backing must wait upon our grant. It seems to me that there is a clear distinction between a grant to interests prepared for development within a reasonable time and to others who must seek bankers for the projects that they propose.

The customary procedure is for responsible interests to consider a project and then ask a limited grant of rights from the State with a serious intention of going forward as rapidly as the obstacles are cleared from the way. Any other procedure

seems to place the cart before the horse. With a valuable piece of property we would not think of giving a ten-year option upon its disposition upon terms and subject to profits which our grantee might stipulate in arranging any sale.

Business prudence would require that responsible backing should be secured as a condition precedent to grant of rights by the State of Maine. This is the orderly method of procedure and no obstacles will be placed in the way.

Any such project should involve careful negotiations between the Provincial and Dominion Governments and the Federal and State Governments involved in the United States as to the allocation of rights and obligations under the project that is proposed. Such decent consideration will not hinder, but rather advance the end of development which we all like to have in view. Reference of such a question to the Public Utilities Commission for investigation and report or to such a Commission as you might constitute for this purpose, would move as rapidly and wisely in this direction as seems possible with the information that is now at hand. It will result not in delay but in expediting the final consummation of this project, if it is now within the realm of feasibility, as many citizens honestly believe. The pending proposal locks this project up in the hands of a single promoter for a period of ten years, with no regulation of stock or bond issues by the Public Utilities Commission as is customary in every project of this sort.

Shore properties owned by the State of Maine furnish three-fifths of the inclosure essential to this development and yet this Legislature in the act that it is proposed for you to pass would grant to an International Joint Commission with which Maine is in no way directly concerned the sole power to allocate the resultant electricity between New Brunswick and the State of Maine. Such a surrender of our property and our sovereignty is not in accordance with Yankee thrift.

If the International Joint Commission has this regulatory power we shall necessarily comply with their decree but their right should not be based upon our voluntary grant. Such a supine surrender of our powers was not the mandate that sent us here. However, one consideration alone in this project, for this overwhelmingly Republican

Legislature would seem to suffice. The proposed charter grants a practically unlimited right of export of Maine's share of the hydro-electric power that is to result.

The Republican platform upon which we were elected states in no uncertain terms:

"We recognize that the established policy of this State is to retain Maine's hydro-electric energy within the State for the use of our people and our industries."

There is no equivocation in that declaration. The policy and its implications are entirely clear. We are dealing with the greatest power development ever proposed within our State and are to inaugurate a policy of exportation in the haste of these closing days in clear violation of that considered party pledge. Such is not the example of honesty of Lincoln and Coolidge whose leadership we are proud to claim. With what confidence could the people ever again entrust us with power if within three months of taking office we had thus proved recreant to our trust?

It is urged that tidal power is not hydro-electric power, but Webster's International Dictionary does not bear out this view. Whether a change in our policy in this regard may be wise, the future alone can determine. The temperate discussion of such a possibility will be welcomed by every citizen of our State. For fifteen years, however, it has been a settled policy that hydro-electric power generated within our bounds should not be permitted to be sent out. It will not be well for us to inaugurate a change in this policy on such insufficient consideration as this has received and on behalf of what many contend is merely a phantom grant.

It is often suggested that Maine is stagnating in power development as a result of this policy which we have pursued. Much is said of the great undeveloped water-powers existing within the State of Maine. We are never told by these critics that according to the last report of the Maine Water Power Commission, Maine stood fourth in the United States today in the amount of hydro-electric power developed within our bounds; exceeded only by Washington, which at that time was in third place by a scant margin, and by California

and New York which alone have a substantial lead.

The picture of Maine as a power station for the industrial development of other states has never impressed itself upon the mind of Maine. If hydro-electric power is such a trivial factor in industrial development, why is anyone so much concerned in its transmission for hundreds of miles beyond our bounds? Our hydro-electric power possibilities, transcending those of practically all our sister states, seem to the industrialists among our neighbors to be exactly in the position of the "sour grapes." These powers are, they tell us, of no use to ourselves, but of very great importance to them, even with the sacrifice involved in transmitting this power to industrial centers hundreds of miles away.

It is regrettable that the consideration of these questions could not come earlier in the session when the pressure was materially less. The Provincial report upon the Grand Falls development, however, was only made upon February 4th, and it has taken some time to secure full information and digest the possibilities that were involved. This accounts for the delay in presentation to you of one of the most serious questions with which a Maine Legislature has been faced in recent years. It is not to be doubted that you will approach it with an eye single to the interests of our State, mindful of our great heritage and of the traditions of three centuries of sturdy pioneers upon which it is based. (Applause, the audience rising.)

The purpose for which the Convention was assembled having been accomplished, the Convention was dissolved and the Senate retired to the Senate Chamber, amid the applause of the House.

The Governor and Council then retired.

The SPEAKER: The gentleman from Portland, Mr. Nichols, still has the floor.

Mr. NICHOLS of Portland (continuing): Mr. Speaker, at the time of the interruption of business by the intervention of the Honorable Senate, I was trying to explain to this body the difference between two bills which have been discussed,

one of them being before the House and the other on the table. The motion of the gentleman from Auburn (Mr. Wing) is to indefinitely postpone House Document 486, but this bill has to do with only two forts in the State, Fort William Henry and Fort Halifax Block House, as it is called.

Now, according to my recollection, Fort William Henry is State property now, but Fort Halifax Block House is not owned by the State, but is owned by some historical society. The forts mentioned in Senate Document 213 are all owned by the State and are State forts, and are declared by Senate Document 213 to be State parks. Now, it is for the Legislature to determine whether they wish to make a distinction between Fort William Henry, which is State property, and the other forts that are owned by the State, in making two separate appropriations. It would be my suggestion that all of the state-owned parks or forts be treated alike, and that if this House of Representatives wished to aid in support of Fort Halifax Block House by making an appropriation, they could do so; but all of the other forts, it seems to me, should be in the same class. Now the bill passed both bodies making an appropriation of \$3,000 for the other forts owned by the State. An amendment was made to that bill increasing it to \$5,000. That amendment is on the table. If we are to pass this measure appropriating \$1300 a year for these two forts, then, certainly, we should not increase the amount which has already passed to take care of the other forts. If the Legislature passes this bill, certainly they should kill the amendment to the other bill because there is already appropriated \$3,000 a year for taking care of the other forts, and that amendment was increased to \$5,000 merely for the purpose of taking in all the forts.

The remarks of the gentleman from Kittery (Mr. Burnham) in no way apply to the maintenance of the forts. The only question before us is whether or not we wish to make a discrimination between these two forts and the forts which are owned by the State. I say they should all be treated alike.

Mr. BISHOP of Boothbay Harbor: Mr. Speaker, as I understand it, the

matter under discussion now is House Document 486 and not any bill that is now on the table; and as the gentleman from Portland (Mr. Nichols) has told you, this bill proposes an appropriation for two particular forts, Fort William Henry and Fort Halifax. I do not understand that there is any relation between the two bills, and if this bill is indefinitely postponed, no money will be available for these marvelous old forts. I am somewhat familiar with Fort William Henry, situated at Pemaquid in the town of Bristol. At this place was one of the first settlements of white men in this country, and on this site one of the first forts was built in the New World. It is considered important enough so that famous historians come down there and spend weeks gathering material for their histories of the early times in America. Two books have been written about this one fort.

For many years it has been the custom of the state of Maine to make a small appropriation for the upkeep and maintenance of this marvelous old structure, and it seems to me it would be unwise at this period to stop. The people of that section consider this old fort a great asset. It is one of the leading features in the advertising matter that is sent out all over the country to bring people into Maine, and thousands and thousands of people travel many miles out of their way each year to view it. It is necessary to have someone there to look after it and necessary to spend a small amount to keep it up. In view of these facts I trust that the motion of the gentleman from Auburn (Mr. Wing) will not prevail.

Mr. WARREN of Winslow: Mr. Speaker, it seems to me that some arrangements could be made in regard to Fort Halifax in this House. I want to say to you that this old fort is situated at the junction of the Kennebec and the Sebasticook rivers, directly opposite the Maine Central Railroad and directly opposite the trunk line that passes into Canada. It has been cared for in previous years by the Lockwood Company. The Maine Central Railroad Company many years ago asked permission to take this over for the benefit of their passengers passing by this old fort, and it remained a long time in the hands of the Maine Central, a very small section,

just a few rods square around the fort. It has become grown up with wooden buildings in and around this fort in such a way that the people in town, in my vicinity, have become worried about it. Buildings have been put up there for storage purposes and one thing and another and they felt so earnestly about it that the D. A. R. interviewed the railroad people and got their consent to take this old fort over for its preservation. The fort has been kept up in a way by subscriptions of the people in the locality who are very much interested. At our last town meeting they raised \$2,500 for the clearing away of these buildings around this fort to make a small park. It is something you cannot replace; it is a very historic spot; and I feel it would be very wrong indeed to let it run down. This matter came up before the committee on Appropriations and Financial Affairs—and we all know how economical they have shown themselves to be—and they favored the upkeep of this fort. I hope, members of the House, that this motion will not prevail.

The SPEAKER: The question is on the motion of the gentleman from Auburn, Mr. Wing, that this resolve be indefinitely postponed. Is the House ready for the question?

A viva voce vote being taken, the motion to indefinitely postpone failed of passage, and tomorrow morning was assigned for the second reading of this resolve.

Passed to Be Engrossed

S. P. 45: An Act to Amend Section 18 of Chapter 118 of the Revised Statutes, relating to the fees payable to Registers of Deeds.

S. P. 162: An Act reimbursing towns for supplies furnished certain Indians.

S. P. 246: An Act to Repeal Chapter 57 of the Private and Special Laws of 1923, relating to smelt fishing in the waters of Pennamaquam and Cobscook bays.

S. P. 340: An Act to Amend Section 37 of Chapter 117 of the Revised Statutes, as Amended, relating to the salary of County Attorney of Somerset County.

S. P. 411: An Act to Amend Sections 9, 10, and 11 of Chapter 5 of the Revised Statutes, relating to lists of persons to be made by the assessors of cities and transmitted to boards of registration.

S. P. 471: An Act to Amend Section 4 of Chapter 34 of the Revised Statutes, relating to the duties of the Commissioner of Agriculture.

S. P. 514: An Act to ratify transfers of certain real estate to the State of Maine.

(Tabled by Mr. Kinsman of Augusta pending passage to be engrossed and specially assigned for tomorrow morning.)

S. P. 575: An Act to define certain grades of milk offered for sale within the State.

S. P. 578: An Act relating to the disposition of money collected under the provisions of the Inland Fish and Game Laws.

S. P. 590: An Act to Amend Section 18 of Chapter 219 of the Public Laws of 1917 as Amended by Chapter 196 of the Public Laws of 1919 and as amended by Chapter 73 of the Public Laws of 1921, relating to Fishing in Upper Kezar Pond and in Lovewell's Pond in Oxford County, and in Lower Kezar Pond, in Oxford and Cumberland counties.

S. P. 591: An Act to provide for the completion of the vital records of the State.

Mr. SARGENT of Sedgwick: Mr. Speaker, I move that this bill be indefinitely postponed.

Mr. WING of Auburn: Would the gentleman who last addressed the House enlighten us as to his reason for this motion?

Mr. SARGENT: Mr. Speaker, this bill, not being explained by some of its proponents, led us to think that it carried merely a provision to collect and transmit to Augusta the vital records of the State, such as could be obtained up to the year 1892. This was to be done at the expense of the cities, towns and plantations, but only as fast as money was appropriated by the various cities, towns and plantations for that purpose. In reading the bill, however, it would seem that this work comes entirely under the direction of the Commissioner of Health. I will read certain sections, "Sect. 2. The clerk of each and every such city, town and plantation shall, under the direction of the Commissioner of Health, transcribe in full upon such blanks all records of births, marriages and deaths in the possession of the city, town or plantation and of the churches situated in the city, town or plantation not already returned, and shall transmit the same, properly certified, to the Commis-

sioner of Health within such reasonable time as he may prescribe."

This leaves it entirely in the hands of the Commissioner of Health.

In Section three there is also a provision that the officers of the municipalities "shall, within such reasonable time as may be prescribed by the said Commissioner of Health, cause to be copied at the expense of the city, town or plantation, under the direction of said Commissioner of Health, the inscriptions on all gravestones in the city, town or plantation erected to the memory of any person who died prior to 1892, so far as the same relates to the name of the deceased, date of death, age or date of birth."

My objection to this bill is that it places a burden on the towns which may lead to a very considerable expense. I think no one can attempt to assume just what that expense might be and it is not left to the discretion of the towns to be carried out as fast as money may be appropriated according to the wishes of the towns, but this work must be completed within such reasonable time as may be prescribed by the Commissioner of Health.

The SPEAKER: Is the House ready for the question?

Mr. WARREN of Winslow: Mr. Speaker, if the House will understand that birth records were not kept by the town clerks prior to 1892, they will realize the magnitude of this job. He would have to go into every family and ascertain the date of birth of every such person. I believe this measure is more far-reaching than the most of us have any idea of, and I hope the motion of the gentleman from Sedgwick, Mr. Sargent, will prevail.

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Sedgwick, Mr. Sargent, that this act to provide for the completion of the vital records of the State be indefinitely postponed.

A viva voce vote being taken, the motion to indefinitely postpone prevailed.

Bills Passed to be Engrossed (continued)

S. P. No. 592: An Act relating to purposes for which cities and towns may raise money.

S. P. No. 593: An Act relating to the Attorney-General."

S. P. No. 594: An Act making uni-

form the registration of married women as voters.

S. P. No. 595: An Act to Amend certain Acts relating to Corporations.

S. P. No. 598: An Act to ratify the plantation meeting of The Forks Plantation.

S. P. No. 599: An Act to appropriate moneys for the expenditures of the government for the remaining months of the fiscal year ending June 30, 1925.

H. P. No. 703: An Act additional to Chapter 356 of the Private and Special Laws of 1883 entitled "An Act to authorize the Construction of a Bridge over the Tidewaters between Orr's Island and Bailey's Island and to authorize the town of Harpswell to hire money and to construct said bridge under the provisions of Chapter 319 of the Public Laws of 1915 and Acts additional thereto and amendatory thereof.

H. P. No. 902: An Act relating to the salary of the County Attorney of York County.

H. P. No. 1135: An Act relating to the care and support of paupers and other dependent persons having no settlement within the State.

S. P. No. 107: Resolve in relation to the celebration of the sesquicentennial anniversary of the Declaration of Independence.

S. P. No. 281: Resolve providing for a State Pension for Frank H. Taylor of Whitefield.

S. P. No. 548: Resolve in favor of Northern Maine Sanatorium for new construction.

S. P. No. 576: Resolve appropriating money to aid in the screening of certain lakes and ponds.

S. P. No. 577: Resolve appropriating money for the purpose of operating fish hatcheries and feeding stations for fish, and for the protection of fish, game and birds and for printing the report of the Commissioner of Inland Fisheries and game, and for maintenance of the Maine State Museum and for other expenses incident to the administration of the Department of Inland Fisheries and Game.

Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair presents, especially assigned for today, majority and minority reports of the Committee on Banks and Banking, on bill, An Act Relating to Contracts for the Sale of Fur-bearing Animals, being House Paper 839 (House Document

193), the pending question being the acceptance of either report.

Mr. SARGENT of Sedgwick: Mr. Speaker, I move that the minority report, "Ought not to Pass" be accepted.

Mr. MARTIN of Augusta: Mr. Speaker, I wish to briefly speak against the motion of the gentleman from Sedgwick (Mr. Sargent). This matter comes before the Legislature endorsed and earnestly backed by the Bank Commissioner of Maine, and also favored and reported upon favorably by the majority report of a Committee by which it was most carefully considered. It is a matter which is of considerable importance to the people of Maine. It seems to me to be a most meritorious matter. The proposition is a simple one. It is merely the extending of the Blue Sky Law, so-called, to apply to contracts covering fur-bearing animals, and also other animals as covered by the amendment.

The Blue Sky Law, as you all know, was passed originally in 1913, and later in 1919 broadened, so that now when people in the State of Maine wish to issue securities for the financing of their business, they have to go to the Bank Commissioner and there make a statement of the pertinent facts concerning the business which they wish to finance. If, to the Bank Commissioner, the business appears to be fair and just and equitable, and without fraud, the Bank Commissioner then gives permission that they proceed and sell their securities. In case the Bank Commissioner does not give permission and does not find that in his opinion the purpose is fair, just and equitable, an appeal is possible and can be taken to any Justice of the Supreme Court. Or, in other words, the party who is ruled against can select his own Justice, and there the case will be determined, and of course no member would for one minute consider that the case would not be determined fairly.

Under the present law securities have to be passed upon, and this act simply broadens the term "securities." At the present time if a man wants to put up a building on the main street for fifty thousand dollars, and wants to sell bonds to the public for twenty-five thousand dollars, he goes, properly, to the Bank Commissioner, and if it is a fair, just and equitable proposition and

without fraud, permission is given him. Now, I cannot see, and do not understand why there should be any difference in the case of contracts of this nature,—and of course the main contracts are concerning fur-bearing animals—or why they should not go before the Bank Commissioner, the same as a man who is raising money to put up a building.

In fact, instead of the law trying to reach out broadly and cover these fur-bearing contracts, what has really happened is that these contracts have been so drawn that they have evaded the Blue Sky Law, and in order that they can be brought in where they properly belong, this act is before the House.

Now, I do not criticise or speak against the fur-bearing contract. It may be good and it may be bad. We know that during the last year something like twenty-three corporations of the fur-bearing contract nature have been organized in Maine, and that one corporation alone has sold over one million dollars worth of those contracts, and it is a matter which should be considered most seriously here today. One of the main arguments against bringing it in is that when a man buys foxes he is not buying securities, but that is an evasion, simply an evasion. No man who spends two thousand dollars can honestly say that what he buys is two foxes. Those foxes are not delivered to him and he does not see them for a year. He is investing two thousand dollars on the chance, as the literature says, of receiving back 37 1-2 per cent by the sale of one pup at the end of a year. He is not buying foxes, he is investing two thousand dollars, and there is no question about that.

Now, I want to read briefly, to bear this out as to whether it is buying foxes or whether it is an investment that should be under the Bank Commissioner, a few words from the literature of one of the fox ranches. This is possibly the one which does the largest business, and on page 3 of the booklet entitled "Detailed Plan of Development and Explanation of Contract of Gordon Silver Black Fox Ranches" it says: "We cannot conceive a more difficult section of the country for an infant industry that is dependent upon financial assistance for its existence from

the public, to spring up than in Maine," "Financial assistance from the Public!" When a man sells bonds he goes to the public to obtain financial assistance for the building of his enterprise, and that is what they do here. They go on and say that they may be exchanged for stock in the company that will eventually be incorporated to carry on the ranch.

On page 13 it says: "What are the conditions and circumstances that enable you to pay 37 1-2 per cent on the original investment?" And on page 22 it says: "By the maintenance of this policy all investors naturally manifest a strong inclination and disposition to explain the proposition to their friends. We, of course, desire to convince as large a number of people as possible of the soundness of our proposition as an investment rather than to interest in the business a small number of people investing comparatively large amounts. We have established the minimum investment at \$100.00. Do original investors reinvest?"

From their own language there can be no question that this is an investment that they are selling, and it properly should be under the supervision of the Bank Commissioner and under the supervision of the Supreme Court of this State. As I say, the proposition may be fine, it may be good. People may continue to make money and they may not, but this act harms and hurts no one. If it is a good proposition all these people have to do, who will be affected by it, is to come before the bank commissioner—a 14 days' notice is required and they have to pay a fee of twenty-five dollars—and if the scheme is fair, just and equitable, and without fraud, then will then receive permission to sell. I should honestly think that these people would be glad of the opportunity to come before the bank commissioner because it will be an added boom to their business if consent is given, and if it is not given they have a right to appeal to the supreme court. In other words, it hurts nobody who is doing a fair business, and if the business is not fair it should be stopped.

I tell you, members of this Legislature, I think we would do well here today by not accepting the minority report and by doing our part to see that the fair name of Maine is not in-

jured by any possible Ponzi financial episode.

Mr. SARGENT of Sedgwick: Mr. Speaker, I had not intended to say anything about this matter further than to make the motion, but I do want to say one or two things. I believe that everybody who is trying to do business feels, at some time or other, that he is handicapped by the great number of regulations to which he must subscribe and under which he must work. Many of those bills, I believe, have been enacted through the arguments, similar to that which we have heard in this case, that they cannot do any harm, so why not have them. Possibly they do not do any harm, but is that any reason for placing further loads, further burdens, further causes for diverting a man's attention from his legitimate business, by enacting a law which is not called for?

The principal argument of the last speaker seems to be that the sale of these contracts is an investment regardless of what is said to the contrary. I maintain that the man who puts money into one of these fox ranches puts it in the same way as if he were buying thoroughbred cattle to start a dairy farm, in which case he would buy a few good cattle for the foundation of his herd.

Now, I do not want anybody to labor under any mistake as to my interest in this matter, and I am frank to say that I have a slight interest in one of these fox ranches, but I do not care, this year or next, whether I get the payment for the sale of the pups which are sold or whether the foxes are returned to me. I intend, in a year or two anyway, to start a small ranch of my own, not to sell foxes, but to sell the pelts, and if it is necessary for the ranch in which I have placed a little money to turn over to me the pups instead of the money, I am willing to take them, and I can honestly say that I know of a considerable number who feel in this same way in regard to the matter. I have a friend who started a ranch a year ago last fall with foxes he brought from Prince Edwards Island. He had eight foxes and they have returned him a much greater rate of interest than he could possibly have obtained by investing the same amount of money in any stocks or bonds.

I have no further statements to make except that I believe that the passing of this law to bring these fox ranches into the same class of se-

curities is placing a further and unnecessary burden upon a business which I do not believe would bring any hardship upon anybody in the State of Maine.

Mr. LOWELL of Lincoln: Mr. Speaker and friends of the House: This bill or act in question and now under discussion, to my mind is aimed, and is intended to aim, directly against one particular corporation and that corporation is no other than the Gordon Silver Black Fox Company.

That company is operating quite extensively in the town of Lincoln, which I have the honor to represent, and I feel it my duty to say just a word in their behalf. I will say this, that they are spending lots of money and doing much good in a business way in that vicinity and in Penobscot county and, I might say, in the State. And if they are in any way crooked, it has yet to be proved, and I believe that any individual is considered innocent until he is proven guilty.

Now, I believe they should have a fair deal. They have a wonderful proposition and it will work out all right if they are given the opportunity.

Give them a fair deal, and if it becomes necessary to act, why, then will be the time.

Mr. FROST of Belfast: Mr. Speaker and members of the House: I am not particularly interested in this but there was one remark made by the representative from Sedgwick, Mr. Sargent, that it seems to me should be corrected. I fail to see any reason why this places any additional burden on this company. I am operating under the corporate law of the State of Maine and it has been necessary for me to comply with all the conditions of that corporate law before I could begin to do business. I did not regard that as a burden. I regarded it as a simple method under which I was being placed under exactly the same condition as all the other corporations in the State of Maine.

Now, it seems to me, as the representative from Augusta (Mr. Martin) has already stated, that this is not a handicap. It is not casting any reflection whatever on this company. It is simply asking them to comply with identically the same conditions as are being complied with by other lines of business selling securities in the State of Maine.

Now, if the banking department is worth anything to the State of Maine, it should function, and it should not

only function in connection with our banks and with organizations selling securities, and with agents selling stocks and bonds in corporations of other kinds, but it should also include every security of all kinds and description. That is all we are asking this company to do; simply to comply with identically the same conditions that are being complied with by all the other firms and agents selling securities in the State of Maine. It is not casting any reflection on them. They may have one of the best things there is in the State of Maine today; if so, this will be an added protection if they can get the approval of the Banking Department, and it seems to me to be one of the best endorsements they could possibly have.

On the other hand, I think we all realize that there is a fascination about the unknown. A great many of us are tempted to invest money from time to time in things that have really no standing in the financial world and that hold out a great prospective inducement.

As usual, I have a little story that I want to tell. It will only take a minute and it will explain my feeling in relation to this. It is said that an oil promoter approached the Gate of Heaven and was met by Saint Peter, and when he was asked to give his business he said that he was an oil promoter. "Well," Saint Peter said, "we are somewhat overpopulated with oil promoters at the present time, and I doubt very much if I can admit you." "Well now," said the oil promoter, "I have a scheme which, if it will work, as I think it will in all probability, would diminish the number of oil promoters that you have now and leave room for men of some other class to come in." After listening a little while to his proposition Saint Peter said, "All right, under that condition we will give you a few days' trial," and he admitted him. His proposition was this: He went in and called each one of the oil promoters to one side and in a very confidential manner told them that down below they were promoting a little scheme and were meeting with great success, that it was producing far beyond the most sanguine expectations, and time went on and in the course of four or five days Saint Peter noticed that the oil promoters had all disappeared but one and that one was the man who had been spreading

this story, but on his face he detected a look of discontent and unhappiness, and so he said, "My friend, you do not seem to be altogether happy and yet your scheme has been successful beyond my greatest hopes." "Well," said the oil promoter, do you know I am somewhat unhappy for I am beginning to suspect that there was a little truth in that story that I told the other fellows." (Laughter and Applause)

Mr. CUMMINGS of Portland: Mr. Speaker, I realize that to err is human and I may be in error on this occasion, but this bill appears to me to be merely an opportunity to place under supervision an industry that is promoted by a man, who, in my judgment, has got Ponzi "skun a mile," (Laughter) a man who has the unique distinction of being able to sell goods and retain the money and the goods too. I never knew or heard of anything that equaled it, and whatever opinions may prevail in regard to the attractiveness of that industry at the present time, I believe that most thinking men have no doubt that there will be an unfortunate ending, and I hope to see this bill enacted. I feel that this Legislature could hardly afford to go home without taking some step along this line.

Mr. SMITH of Bangor: Mr. Speaker, I would like to say that I resent the reflection and comparison of Doctor Gordon to Ponzi. Now I am not going to speak in favor of this bill or against the bill, neither have I any opinion as to the proposition.

Doctor Gordon lives in our town and he is considered one of the most honest, upright men in our community.

Now, as to the soundness of his proposition, men differ, and they have a right to differ, but every man who knows Doctor Gordon, would very, very emphatically resent such a comparison. Dr. Gordon, everybody believes, is sincere and is convinced that his proposition is sound, but there is a great difference of opinion. But I want to say that Doctor Gordon is no Ponzi and there is no dishonesty whatever in his makeup, and he will compare favorably in his community with any member of this House in their community.

The SPEAKER: If the House is ready for the question, the Chair will state the same.

Mr. PAGE of Skowhegan: Mr.

Speaker, may I ask for a division?

The SPEAKER: A division is requested. The question is on the motion of the gentleman from Sedgwick, Mr. Sargent, that the minority report of the Committee on Banks and Banking, "Ought not to Pass," on this bill be accepted. A vote of "yes" is for the acceptance of the "Ought not to Pass" report and is against the bill. A vote of "no" is, in effect, for the passage of the bill. Is the House ready for the question?

A division of the House being had, Fifty-five having voted in the affirmative and 71 in the negative, the motion to accept the minority report failed of passage.

Mr. PAGE of Skowhegan: Mr. Speaker, I move that the majority report of the Committee, "Ought to Pass" be now accepted.

The motion prevailed.

Mr. WING of Auburn: Mr. Speaker, is the measure now in a place where it can be amended?

The SPEAKER: The new draft has not as yet been printed. In the ordinary course the new draft would come back for its first and second readings, and then an amendment would be in order. The majority report, "Ought to Pass," has been accepted and the new draft will be printed.

The SPEAKER: The Chair presents, tabled and especially assigned for today, bill an Act to raise an excise tax on corporations organized for making and selling electricity, H. P. 1258, tabled by Mr. Wing of Auburn, March 30, pending first reading.

On motion by Mr. Wing of Auburn, the bill had its two several readings.

Mr. WING of Auburn: Mr. Speaker, I move that it takes its third reading tomorrow morning, and my reason for so doing is that the hour is so late and the calendar so congested that there is not time at this sitting to give it the attention it deserves. However, it is entirely in the hands of the House.

Mr. MARTIN of Augusta: Mr. Speaker, may I ask through the Chair whether the gentleman will assign a time in the morning or afternoon?

The SPEAKER: If this bill should take its regular course it would be among the bills in the third reading tomorrow morning.

Mr. WING: That would be the first part of the calendar.

The SPEAKER: Yes.

Thereupon the bill was assigned for its third reading tomorrow morning.

The SPEAKER: The Chair presents majority and minority reports on bill an Act relating to granting licenses for operating motor vehicles, H. P. 204, H. D. 43, tabled by the gentleman from Augusta, Mr. Kinsman, March 30, pending acceptance of either report.

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

Mr. MARTIN of Augusta: Mr. Speaker, I simply want to state that I believe this bill will be like the gasoline bill. I believe in future years it will be acceptable. I do not think there is any desire for legislation at this time and I have no purpose to make any argument for it.

The SPEAKER: The Chair awaits a motion.

Mr. HALE of Portland: Mr. Speaker, is there a pending question?

The SPEAKER: A motion is in order to accept either report.

On motion by Mr. Hale of Portland, the House voted to accept the majority report of the committee on Judiciary, ought not to pass.

The SPEAKER: The Chair presents, tabled and especially assigned for today, a resolve amending the Constitution prohibiting the use of public funds for other than public institutions and purposes, it being Senate Paper 40 (S. D. 31).

Mr. BARTLETT of Bangor: Mr. Speaker, I move that the resolve be finally enacted, and I now yield to the gentleman from Lewiston, Mr. Holmes.

Mr. HOLMES of Lewiston: Mr. Speaker, I support the motion of the gentleman from Bangor (Mr. Bartlett). The real point in this resolve to amend the Constitution—without reading it through—is in these words, that no public money shall ever be appropriated for any kind of an institution or undertaking—those are my words; and now the words of the resolve—"which is not publicly owned and under the exclusive control, order and superintendence of public officials or public agents."

The whole resolve taken together—and it is as everybody knows, the

Massachusetts Amendment — is, I think, absolutely bomb proof and no loophole can be found to get money out of the State Treasury, if adopted, for any private purpose or any purpose which is not absolutely publicly owned and publicly controlled.

In 1923, in the first part of January, Governor Baxter was inaugurated, and in his Inaugural Address he called for the submission to the people of a comprehensive amendment to the Constitution which could be based upon economic grounds; in other words, the Massachusetts Amendment. Later a resolve was introduced into the Legislature, in the House, by the gentleman then from Bangor, Mr. Barwise, now the Senator from Penobscot, Senator Barwise, incorporating the views of Governor Baxter; in other words, introducing the Massachusetts Amendment, as I remember it. That resolve was referred to the Judiciary Committee and a public hearing was held, and the Judiciary Committee reported a divided report back; seven "ought not to pass" and three "ought to pass in new draft." So, you will see that the original resolve introduced, the Massachusetts Amendment, never came back into the House or into the Senate, and no member of the House or Senate of that Legislature ever got an opportunity to vote upon that proposition. The minority report, signed by three members, was what afterwards was called the Barwise Resolve, but it was only a part of the Massachusetts Amendment; it was confined strictly to religious or sectarian schools, charitable institutions — hospitals and other charities—which were connected with religious denominations.

Now, to me that appeared particularly clear, and I wish to get that into the record, not merely for the present moment but for what may come later, long after the adjournment of this Legislature. I want to read very briefly from the remarks of the Representative from Houlton in the Legislature of 1923, the Eighty-first Legislature, Mr. Archibald.

At page 601 of the Legislative record of 1923: "Mr. Archibald of Houlton: Mr. Speaker and Gentlemen: I was one of the seven members of the Judiciary Committee who signed the majority report 'ought not to pass.' If there were any virtue or any merit in any draft or any bill that has been

proposed touching this matter, it was the original draft itself. But we were told by the proponents of the measure, we were told plainly, squarely and unequivocally that were that bill reported in along the lines of the original draft, it had no more chance of passing this Legislature than of getting into the next world. And no sooner had the time been set for a hearing on that original resolve than were prepared amendments which were a marked change of front over what was originally intended."

In the Legislature of 1923 and today in the Legislature of 1925 we are making history. A hundred years from now some similar question may come up because these strange manias of religious hate and sectarian hate seem to rise like a disease among the American people at least once in every two generations, and if such a subject again comes up, the members of a Legislature which may be sitting then will refer back to the legislative record of 1923 and the record of 1925 to see how we voted and what we said at the time as explaining our intentions and our purposes in voting as we did, just as we, in this Legislature, and in the last Legislature, witnessed how a similar question came up, and referred back to the constitutional debates to find out what was in the minds of Governor King, of John Holmes and the other great statesmen of that period who drafted Article 8 of the Constitution, when they drafted it.

Therefore, I believe that it behooves every one of us in debate to walk carefully. I believe it behooves every one of us to be careful not to say a thing that he would not want to see in bold print at any time in the near or remote future, and especially to speak without heat, without hate, without prejudice.

For myself, I intend to say nothing that would offend the sensibilities of any member of this Legislature. I intend to discuss it, I hope briefly, not merely as a Representative speaking to the House, but as a citizen of Maine talking to his friends and fellow citizens, for I also am a son of Maine, born in this State, educated in its public schools, and knowing my fellow citizens of all classes and creeds as only a native son can. There is not a hope, a thought, an aspiration, that you have meditated in your minds that I have not also conceived and meditated in mine. There is not a chord of music

or a line of poetry that vibrates in your heart at the thought of that little, peaceful, white village church, be it Congregational, or Methodist, or Episcopalian, which dots the hills and valleys of our beautiful State, but it strikes an answering chord in mine.

In imagination now I can see such a little church in the village of Sabbattus and always when it comes to my mind it seems as though it were a Sunday afternoon in July, and I can smell the scent of the new-mown hay, and I can see the glint of the summer sunshine on the blue waters of the lake, and I hear the sound, the mellow tones, of the church bell calling "forever-never, forever-never, forever-never," forever calling for brotherly love never to be abated, and the peace of God seems to settle upon the countryside. It is a part of my heritage and I cannot be deprived of it. I would defend that little Protestant Church just as quickly and just as earnestly as I would defend the finest cathedral in the land.

I am for the Massachusetts Amendment for two, possibly three, reasons. It is a measure of public economy; it will achieve public economy; and it can be argued to the people in a political campaign upon the basis of public economy. I have another, and I may say a personal and private, reason for being in favor of the Massachusetts Amendment. I regret to see the change that has come over the land reflected in the attitude of our people during the last twenty-five or thirty years. I wish to explain by an example. I can remember the time when the good Sisters of Charity, in Lewiston, who owned and conducted St. Mary's General Hospital, and the Girls' Orphanage and the Asylum for Boys, and under State aid received no public money of any kind, and I can remember seeing them begging from house to house like Salvation Army lassies, and I want to see that time come back. It may have been, and it may be, hard for the good Sisters to beg private charity, but it was good, and it will be good, for the people of Lewiston to give in private charity, because it is a peculiarity of the human heart that once we begin to give only a small amount to the charity which before we viewed with indifference, then we begin to get interested in it.

I think that I can assure the gen-

tle men who represent the various municipalities in the county of Aroostook that if any of them feel that a ratification of this resolve and its adoption into the Constitution would work an economic hardship on Aroostook, that they have no need to entertain that fear. I realize, and we all do, the situation in the St. John Valley, that if the people living in that valley were obliged to build a new set of schools, it would probably be far beyond their material resources and would set them back for a generation to come, and that the present system is working satisfactorily. It is my opinion, and not merely mine but also the opinion of far better constitutional lawyers than myself, that the adoption of the Massachusetts Amendment would in no way affect the situation in the St. John Valley, because at the present time—and I can see no reason why the Department of Education should make a change—at the present time the Department of Education counts those schools, which are commonly referred to as parochial and public schools merged, counts them as public schools, not as parochial schools or convents or private religious schools, and that the teachers who teach there—mostly Nuns belonging to teaching orders, wearing the various garbs of different orders—are certified—or certificated, whichever the proper name is—as teachers under the law of Maine, and if the Massachusetts Amendment is adopted those public schools would remain the same, as public schools, and those Nuns would remain the same, as public school teachers, and a Nun, no more than any other person, can be deprived, under the Constitution of the United States, of the right to pursue peacefully the occupation of teaching.

I believe also,—and it is made very plain in the resolve, that charitable institutions which do a public work would still be able to get aid from the municipalities for which they work, for the actual cost of the charitable work that they do. If so, it might be asked then "What is the need of this amendment if those conditions, which you have already claimed, are satisfactory?" Well, of course, courtesy and the rules of the House and a proper regard for my personal safety prompt me to admit that this Legislature is composed of statesmen and patriots of the very

highest degree who can be trusted to enact legislation which might even, possibly, be superior to the Tenth Commandment, a Legislature which never hears or never heeds the crack of the party whip. But it is within the bounds of possibility that there might, some time in the dark ages to come, be elected a Legislature composed of members some of whom might dwell in the clear air of the mountain tops of intellectuality and a few might grope their darkened way into the peaks of imbecility, but the great majority would plod along the tested road of mediocrity listening for the voice of their master and regarding the lash of the party whip as a stroke of knightly honor, and who can say that such a Legislature would not appropriate public money to the Poland Spring House, or the Belgrade Lakes Hotel, or the Old Orchard House, on the plea that they are public undertakings doing a public service and that they advertise Maine?

Another reason, and to my mind perhaps the strongest reason, for passing this Massachusetts Amendment. No sooner had the Barwise resolve failed of a passage in the House when statements, or interviews, or remarks, or stories appeared at once in the papers of the state to the effect that the fight had only begun and that a section, or certain sections, of the electorate were planning to carry the fight forward into the next campaign and into the next Republican state convention and insist upon a plank calling for the Barwise Resolve.

What can those people be thinking of? If such a resolve, such a proposed amendment, should come to the people in a political campaign, as planned, if we may believe the newspapers, it would not be a campaign of education, as such a campaign as this will be if this is passed, but demagogues would spring up from every side with their minds confused by a jumble of absurdities about Encyclical Letters, Syllabus of Errors, Temporal Power and the like, who would lead the people through a campaign of misrepresentation until they would be baked in the fire of hate, blistered with hypocrisy and rendered insensible to every kindly feeling of American neighborliness.

And as to the claims of those who would end sectarian strife, if I understand the remarks of some mem-

bers correctly, I will say that they should back up the Massachusetts Amendment. But, in the name of ending strife, they would continue strife, in fact. They would continue a strife which had its conception only two years ago, a strife which has set brother against brother, friend against friend, father against son, and under the cover of it the Treasury has been depleted, the contingent fund has been squandered and histories of old Maine forts have been printed and published as emergencies. I ask you to pass the Massachusetts Amendment, to get ahead of that movement and to get to the people first.

I said a few moments ago that I believe we are making history. I want to say that I believe today that the real Maine is calling to us. Maine is calling us, every one of us, to come back to the old Maine, to the Maine of Governor King who wrote Article 8 of the Constitution, of Edward Kavanaugh, the Catholic Governor of Maine, of Governor Fairfield, who never missed attending a St. Patrick's Day Celebration, of Hannibal Hamlin, the War Vice-President, of Thomas B. Reed, the big-hearted, the lovable, Tom Reed, of James G. Blaine, the Plumed Knight, whose rightful ambition was blasted by the folly and the madness of the intolerant Burchard. If the spirits of the illustrious dead are aware of the trials and troubles of their friends below, surely, the spirit of the great and illustrious Blaine must be with us this day.

Maine is calling to every one of us, Protestant and Catholic, Jew and Agnostic, to come back to the old Maine where there was no Catholic citizen, no Protestant citizen, but only a united citizenry under one flag, the Stars and Stripes, united in the brotherhood of men, devoted to the holy cause of liberty; liberty, which will not tolerate the tyranny of the majority, holy liberty, for which men have died grieving only that they did not have more lives to give to its service. Pass the Massachusetts Amendment! (Applause).

Mr. FROST of Belfast: Mr. Speaker and members of the House: I will be very brief and I hope that you will try to get your feet back on to earth once more and look at this matter in a very simple way. Personally, I could admire any man

or woman of any religious faith under the sun. I care not what it is. I know that it is largely a matter of inheritance. My religious belief is the same as my father's and mother's, and I am going to guess that that is probably the situation with nearly everybody else in the House. Now, nationality is a matter of birth. That does not matter.

And now, on this bill here, I want to inquire, Mr. Speaker, what is the question before the House?

The SPEAKER: The question is final enactment. This being a proposition to amend the Constitution, requires for its passage the affirmative vote of two-thirds of the House.

Mr. FROST (continuing): Then, before the vote is taken, Mr. Speaker, I wish that every member of the House would turn to Senate Document No. 31. It will only take just a minute. Turn to page 2, beginning with line 9, "No grant, appropriation or use of public money or property or loan of public credit shall be made or authorized by the State or any political division thereof," and so on, and then down below there, down by line 14, "wherein any denominational doctrine is inculcated, or any other school, or any college, infirmary, hospital, institution, or educational, charitable or religious undertaking," and so on. Now the impression in the minds of the majority of the members of this House is this, that if this bill is passed, public money would be withdrawn from every school and every hospital and every child's institution in the State of Maine.

Now, look down into Section 2: "Nothing herein contained shall be construed to prevent the State, or any political division thereof, from paying to privately controlled hospitals, infirmaries, or institutions for the deaf, dumb or blind not more than the ordinary and reasonable compensation for care or support actually rendered." In other words, instead of granting public money to these institutions, if this bill is passed exactly as it is, there is nothing to prevent the State from paying board in any one of those institutions, and you are simply cutting out your schools entirely.

Now I trust that this motion which is before the House will not prevail, for this reason. If it does not, then I will make a motion to indefinitely

postpone this bill and put it back into the Senate and let them settle it. (Applause.)

Mr. MARTIN of Augusta: Mr. Speaker, I wish to simply re-state the position that I took several days ago. I believe that the Massachusetts Amendment, if passed, would tend to do a great deal for the State of Maine in restoring the peace and harmony that we used to have. I believe it is an economic question that can be discussed without raising any issues which cause hard feelings. The gentleman from Belfast, Mr. Frost, finds objection, but it has worked satisfactorily in Massachusetts. This is an exact copy, as I understand it, of the Massachusetts Amendment excepting only making the act apply to the University of Maine instead of to a National Home as in Massachusetts, and I sincerely support the motion of the gentleman from Bangor, Mr. Bartlett.

Mr. CUMMINGS of Portland: Mr. Speaker, I simply want to say that this Amendment is absolutely just and fair. It discriminates against no class of citizens and applies the rule to all alike. And for that reason I shall vote for the amendment.

Mr. OAKES of Portland: Mr. Speaker, I wish to state my position, for the record, if for no other purpose. I think this Amendment states a sound, fundamentally economic proposition. I, personally, do not believe in the proposition as stated as an economic proposition. I, personally, am satisfied that I believe in the economic position as now stated in our Constitution.

On the other hand, a large number of the people who elected me do believe in a change of this type. This is the only bill that has been before this Legislature which, to my judgment,—and that is my personal judgment and may not be correct—constitutes a sound, fundamental proposition.

My position is that the people have a right to vote on it, and for that reason I am going to vote for this bill, and if I continue to feel as I feel now, and unless something changes my mind, I shall vote the adoption of this Amendment by the people when the time comes for that vote.

Mr. SMITH of Bangor: It seems to me, Mr. Speaker, that the members of this Legislature have a rare opportunity to render a real service to this State. If we can forget every

consideration other than the best interests of Maine and the peace and harmony of Maine, we will do much to help the situation. I voted for a resolve a few days ago with no other intention than hoping that this situation might be healed, and in the attempt to heal a situation which most of us are tired of, and there are an increasing number of people who feel that some kind of a measure of this nature must be submitted to the people or we will still have this agitation. It is not a matter of whether or not this question has ever been raised. Most of us had nothing whatever to do with raising this question, but I do feel that we have an opportunity now—and I feel it is my duty to take this opportunity—of rendering what little service we can to heal this situation.

The SPEAKER: Is the House ready for the question?

Mr. McDONALD of East Machias: Mr. Speakers and members of the Legislature, I want to heartily endorse the argument put forward by the gentleman from Bangor (Mr. Smith). It seems to me that there is but one question before this House today and that is, shall we submit this matter to the people and trust the people to do what they want? We have had all of this agitation here for the last two or three years, and it seems to me that the only thing to do with this is to put it squarely up to the people and let them decide what they want, and I sincerely hope that you will give them that opportunity. (Applause.)

Mr. HALE of Portland: Mr. Speaker, I heartily agree that this is a just and fair proposition to submit to the people of Maine, and I heartily agree that it is purely an economic question and must be considered as an economic question. Only, with this resolution, we must first pass upon the necessity, economic or otherwise, of submitting this amendment.

I think that before we submit this amendment we should consider very carefully whether the schools, hospitals and country fairs, and various other private institutions of Maine which now, and for the last one hundred and five years, have received a subsidy from the State, will stand this economic blow.

I have in mind, for example, a hospital in the city of Portland, the Children's Hospital, which now receives State aid to the tune of, I think, something like fifty thousand dollars a year. If this amendment becomes

a law, one of two things must, I think, surely happen to that hospital. Either it will close its doors or else it will be taken over by the State, and there is no doubt in my mind—and there can be no doubt in the minds of many of you—that it will be taken over by the State, and when it is taken over by the State, it will be run as a state institution, and if I have any knowledge of State Institutions, it will be run at a considerably greater expense to the State than it is run today.

I think we ought to seriously question the reality of the economy which this resolve involves.

Mr. Speaker I move that when the vote is taken, it be taken by the yeas and nays.

Mr. HAMILTON of Caribou: Mr. Speaker, I will not occupy very much of your time, but in the past, on various bills that have come up in regard to this particular method, I have been unable to vote with the majority because I felt it affected our people in Aroostook county too severely.

In this particular resolve it seems to me that we can all get on the same footing and vote together in regard to it and submit it to the people and let them decide what they should do. It is fair and just, and it is aimed at no particular class of people.

Now, let us all get together and present this to the people so that when we fight it out as it shall be fought out, we will not be discussing whether it is a Catholic measure or a Protestant measure, a Klan measure or something else, but a measure that each one can consider and vote upon fairly and squarely. (Applause.)

Mr. CYR of Waterville: Mr. Speaker, I want to go on record as favoring this amendment because it is the only just and fair to everybody plan that has been presented to this House. Leave it to the people to decide. If they do not want it they will kill it, but I want this to go to the people and then they will be satisfied to kill it or pass it.

The SPEAKER: Is the House ready for the question?

Mr. SPEAR of Portland: Mr. Speaker, I did not intend to address myself to this proposition but ideals call for sacrifices, and there has been plenty of evidence that this is an issue that should be put before the people.

I am a Trustee and a graduate of an academy that will lose money if this amendment should pass, but I am heartily in favor of it and I shall

vote for it, and will vote for it if it is submitted to the people. If it is passed, it will cost that institution considerable money but they can adjust their finances, and if they cannot stand on their own feet, I think they had better fail. (Applause)

The SPEAKER: Is the House ready for the question? A request has been made calling for the vote to be taken by yeas and nays.

A division of the House being had,

A sufficient number having arisen, the yeas and nays were ordered.

The SPEAKER: Is the House now ready for the question? As many as are in favor of the passage of a resolve proposing an amendment prohibiting the use of public funds for other than public purposes will say "aye" when their names are called. As many as are opposed to the final enactment of this resolve will say "no" when their names are called. Is the question clear to the House? The clerk will call the roll.

YEA—Allen, Yarmouth; Allen, Harpswell; Ayer, Bartlett, Bangor; Beckett, Benoit, Bisbee, Bishop, Boody, Boman, Boynton, Briggs, Brown, Bethel; Brown, Waterford; Bump, Burnham, Campbell, Cole, Comins, Crockett, Cummings, Curtis, Cyr, Dalgic, Davis, Dexter; Decker, Deering, Denmark; Deering, Saco; Drake, Dudley, Dunbar, Dunning, Dwinall, Ellis, Eustis, Farley, Forhan, Friend, Frost, Berwick; Frost, Eastport; Fuller, Gagne, Gallagher, Garnsay, Gilchrist, Gilmour, Goodrich, Haggatt, Hall, Hallett, Ham, Hamilton, Harrington, Hayford, Hight, Holman, Holmes, Houghton, Ingraham, Johnson, Jones, Kilburn, Kinsman, Kitchen, Lait, Lamson, Larrabee, Lausier, Leighton, Lessard, Littlefield, Lowell, Ludwig, Lunt, Mansfield, Marden, Martin, McDonald, Metcalf, Mills, Mitchell, Houlton; Mitchell, Newfield; Morse, Nichols, Norwood, Oakes, Palmer, Peaslee, Pierce, Pillsbury, Pullen, Roberts, Robbie, Robinson, Roy, Sargent, Smith, Snow, Spear, Stone, Sturgis, Thissell, Thompson, Tupper, Vail, Wheeler, Whitcomb, White, Wing, Kingfield; Wing, Auburn; Winn.

NAY—Allen, Hampden; Atwood, Audibert, Bartlett, Hanover; Bragdon, Burns, Clarke, Davis, Portland; Flint, Foster, Frost, Belfast; Gauvin, Gordon, Greenleaf, Hale, Harriman, Ireland, Jordan, Leland, Lewis, Mathews, Mears, Melcher, Moore, Pendleton, Piper, Seidel, Spruce, Stitham.

ABSENT—Buker, Davitt, Hammond, Nevins, Page, Pike, Towle, Warren, Waterman, Young.

Affirmative 111.

Negative, 29.

Absent, 10.

The SPEAKER: One hundred and eleven having voted in the affirmative, and 29 in the negative, the resolve is finally passed.

Mr. WING of Auburn: Mr. Speaker, I move that we reconsider the vote just taken, I having voted in the affirmative, and I hope that my motion will not prevail.

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

Out of Order

On motion by Mr. Sturgis of Auburn, it was,

Ordered, that the use of the Hall of Representatives be granted to the Agricultural Club at 7.30 Thursday evening, April 2nd, to listen to an illustrated lecture by C. H. Crawford, showing several reels on the sheep industry in the State of Maine.

On motion by Mr. Burnham of Kittery,

Recessed until 4 P. M.

AFTER RECESS

The House called to order by the Speaker at 4 P. M.

The SPEAKER: The House is proceeding under Orders of the Day, and before we take up the last matter assigned for today, a member who was unavoidably absent this morning, desires to state, for the purposes of the Record, what his vote would have been upon the Constitutional Amendment; and the Chair recognizes the gentleman from Millinocket, Mr. Davitt.

Mr. DAVITT of Millinocket: Mr. Speaker, I wish to go on record as voting yes on the Maher matter. I had to go out before the vote was taken, and I ask as a special privilege that I be allowed to vote yes.

The SPEAKER: The Record will show that the gentleman (Mr. Davitt) would have voted yes if he had been present.

Mr. BUKER of Bath: Mr. Speaker, I also wish to go on record that I would have voted yes had I been present.

Mr. PAGE of Skowhegan: Mr. Speaker, as another man absent, I should have voted no had I been present.

The SPEAKER: Is it the pleasure of the House to take up out of order papers from the Senate before we proceed to finish the unfinished business?

Thereupon, papers from the Senate were taken up out of order under suspension of the rules, and disposed of in concurrence.

The SPEAKER: The Chair will state that the members of the ways and bridges committee are absent in executive session. If any member is aware of any matter in which those gentlemen are interested, he might well table that matter until their return.

From the Senate: Report of the committee on Banks and Banking on bill, an act to authorize the payment of retirement compensation to treasurers and assistant treasurers of savings bank and trust companies, S. P. 455, S. D. 186, reporting same in new draft, S. P. 601, S. D. 272, under title of an act to authorize the payment of retirement compensation to treasurers and assistant treasurers of savings banks, and that it ought to pass.

Comes from the Senate report read and accepted and the new draft passed to be engrossed.

In the House, the bill had its first reading, and on motion by Mr. Cummings of Portland, was tabled pending second reading.

Senate Bills in First Reading

S. P. 603: An Act to incorporate the Sandy River and Rangeley Lakes Railway Company, and to authorize certain towns to grant assistance thereto.

S. P. 393: An Act to amend Section 2 of Chapter 52 of the Revised Statutes, as amended by Chapter 153 of the Public Laws of 1919, relating to the definition of banking.

S. P. 270: An Act to amend Section 47 of Chapter 14 of the Revised Statutes relating to schools of the Passamaquoddy Tribe of Indians.

From the Senate: Report of the committee on State Sanatoriums reporting ought to pass on resolve in favor of Western Maine Sanatorium for maintenance, personal services, repairs and equipment, S. P. 101.

Comes from the Senate report read and accepted, Senate Amendment A, being Senate Document No. 280, read and adopted, and the resolve as so amended was passed to be engrossed.

In the House, the report was read

and accepted in concurrence, and the resolve received its first reading.

On motion by Mr. Davitt of Millinocket, Senate Amendment A was adopted in concurrence, and tomorrow assigned for the second reading of the resolve.

From the Senate: Majority report of the Committee on Public Health reporting "Ought to pass" on bill An Act to accept the provisions of the act 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 (S. P. No. 140) (S Doc. No. 231)

Report was signed by the following members:

Messrs. MINER of Washington
 PHILLIPS of Hancock
 —of the Senate
 MITCHELL of Houlton
 McDONALD of East Machias
 HARRIMAN of Readfield
 PIERCE of Sanford
 PEASLEE of Bath

of the House.

Minority report of same Committee reporting "Ought not to pass" on same bill.

Report was signed by the following member:

Mr. GREENLEAF of Auburn
 —of the House.

Comes from the Senate Majority Report read and accepted and the bill passed to be engrossed.

In the House, on motion of Mr. Greenleaf of Auburn, the matter was tabled pending acceptance of either report.

From the Senate: Majority report "Ought not to pass" and Minority report "Ought to pass" from the Committee on Education on bill An Act permitting children to be excused from the public schools to receive religious instruction, amending Section 37 of Chapter 16 of the Revised Statutes, relating to the management of schools; election and discharge of superintendents (H. P. No. 840) (H. Doc. No. 196).

The Minority Report having been accepted in the House and the bill passed to be engrossed.

Comes from the Senate the bill indefinitely postponed in non-concurrence.

Mrs. ALLEN of Hampden: Mr. Speaker, I wish to make the motion that we concur with the Senate in the indefinite postponement of this bill.

The SPEAKER: The question before the House is on the motion of the member from Hampden, Mrs. Allen, that we concur with the Senate in the indefinite postponement of this bill.

Mr. HOLMAN of Bangor: Mr. Speaker, I would like to state in that connection that I understand that the vote in the Senate was very close, only one favoring the majority report, and that since that time one or two have expressed a desire that, if possible, they would like to change their vote. For that reason I was going to move that the House adhere to its former action and that a committee of conference be appointed.

The SPEAKER: The only motion before the House at present is that of concurrence with the Senate. Is the House ready for the question?

A viva voce vote being taken, the motion that the House concur with the Senate in the indefinite postponement of the above bill prevailed.

From the Senate: Majority Report of the Committee on Judiciary on Bill "An Act to provide the Method of Nominating Candidates for Office" (S. P. No. 2) (S. Doc. No. 4) reporting same "Ought not to pass" and to report further that a Joint order relating to an Act entitled "An Act to Provide for the Method of Nominating Candidates for Office", reported herewith have a passage.

Report being signed by the following members:

Messrs. MAHER of Kennebec
—of the Senate.
OAKES of Portland
WING of Auburn
HALE of Portland
NICHOLS of Portland
MARTIN of Augusta
HOLMES of Lewiston

—of the House
Minority Report of the same Committee on same Bill reporting "Ought not to pass".

Report being signed by the following members:

Messrs. HINCKLEY of Cumberland
HUSSEY of Aroostook
—of the Senate
HAMILTON of Caribou
—of the House

Comes from the Senate the Minority Report read and accepted.

In the House, on motion by Mr. Oakes of Portland, the matter was tabled pending the acceptance of either report, and especially assigned for tomorrow morning.

From the Senate:

The following order:

Ordered, the House concurring, that as a substitute for all committee reports and orders on Senate Document No. 269 providing a method of nominating candidate for office, known as the Oakes-Anthoine Bill, that the said Oakes-Anthoine bill be submitted to the electors to be voted on at the time as an initiative measure entitled "An Act to Repeal Sections One to Thirty-six of Chapter Six Revised Statutes relative to primary elections," and that the said Oakes-Anthoine Bill be submitted as a competing measure therewith,—the question on the ballot being "Shall the so-called Oakes-Anthoine Bill, being a measure providing for convention nominations with a primary appeal, be the law?"

Comes from the Senate, the order having failed of passage.

In the House, on motion by Mr. Oakes of Portland, tabled pending passage and especially assigned for tomorrow morning.

First Reading of Printed Bills And Resolves

H. P. No. 313: An Act relating to fishing in certain waters in Franklin and Oxford Counties.

H. P. No. 1260: An Act relating to the taking of white perch in certain waters in Washington and Kennebec Counties.

H. P. No. 1261: An Act to Amend Section 27 of the Revised Statutes, relating to the excise tax on railroads.

H. P. No. 455: Resolve in favor of Bertha M. Benit, of Portland, Maine, for State Aid.

H. P. No. 624: Resolve in favor of an Amendment to the Constitution of the United States, prohibiting employment of women and children in industry more than 48 hours in a week.

The SPEAKER: The last matter tabled and specially assigned for today is House Amendment A to bill an act to incorporate Old Town Water District, H. P. 1248, H. D. 485, tabled by Mr. Spruce of Milford, March 31, pending adoption of the amendment.

On motion by Mr. Spruce of Milford, House Amendment A was adopted, the bill had its third reading as amended by House Amendment A, and was passed to be engrossed.

The SPEAKER: This is the day on which matters come from the table automatically, and the Chair presents report of the committee on Taxation, ought not to pass, on bill an act relating to certain exemptions, H. P. 730, H. D. 175, tabled by Mr. Boody of Windham, March 25, pending acceptance of the report.

Mr. BOODY of Windham: Mr. Speaker, I would ask that this remain temporarily on the table and that the amendment of the gentleman from Portland, Mr. Spear, have precedence.

The matter was then temporarily tabled.

The SPEAKER: The Chair presents House Document 422, being House Amendment A to resolve proposing an amendment to the Constitution providing no tax on incomes and inheritances shall be levied. H. P. 29, H. D. 11, tabled by Mr. Spear of Portland, March 25, pending adoption of the amendment.

Mr. SPEAR of Portland: Mr. Speaker, I would move that the amendment be adopted, and, to expedite business, if it is the pleasure of the House, that this Document have its several readings under suspension of the rules and be passed to the point of enactment. If that privilege is allowed me, I will again table the matter awaiting the arrival of the administration document which I understand is to be reported in a divided report. I do not wish to embarrass the acceptance or rejection of that measure, and therefore would like to have this tabled in fairness to it. After that document is disposed of, I will forthwith take mine from the table, debate it, and it can be disposed of as the House sees fit.

The SPEAKER: The gentleman might well leave the bill on the table in its present condition.

Thereupon the matter was retabled.

Mr. FLINT of Monson: Mr. Speaker—

The SPEAKER: Unless it is the pleasure of the House to proceed out of order these matters will come up in their order.

Thereupon the House granted Mr. Flint of Monson the privilege of taking up out of order bill an act relating to State Pensions and creating field agent for the blind, S. P. 581, S. D. 249, tabled by that gentleman, March 31, pending second reading.

Mr. FLINT: Mr. Speaker, I yield to the gentleman from Sanford, Mr. Pierce.

Mr. PIERCE of Sanford: Mr. Speaker, I move the indefinite postponement of this bill. In looking this over, it seems to me that it is an unnecessary bill. This is Senate Document 249, if you will notice it says that "The field agent of the blind shall be a suitable person who is himself blind. He shall be entitled to have a guide who is not blind, to assist and accompany him when engaged in his duties as such field agent." It seems to me that if you have got to have a field agent, have some one who can see so it will not be necessary to have a guide with him.

The State today has 521 persons on the pension list. At the present time there are about 175 persons waiting. During 1924, there were 83 applicants accepted, the average age of which was 66 years.

Another thing in the bill that does not seem right to me that this agent shall find places or opportunities for the employment of blind persons, and in helping the sale or other disposal of articles which they may make. In answer to that the average age in some of the different counties is Androscoggin, 72; Lincoln, 77; Oxford, 75; Somerset, 71; and York, 54. It does not seem to me that very many persons at those ages can do very much work that could be taken out and sold. Of those 83 applicants this last year, two-thirds of them were over 70 years of age, and several were in the seventies and eighties. The expense of this is \$4,000 a year. It seems to me that rather than pay two people \$4,000 a year, it would be better to help forty people at \$100 a year. There are now 28 receiving \$96. The amount appropriated each year was \$8,000. I understand that about \$10,000 will be given them this year, and this is a 12½% increase; but if this bill goes through, \$8,000 out of the \$10,000 will be given to an agent for the blind.

I have all the sympathy in the world for blind people, and for this

reason I believe that this money can be better used to help a large majority of the blind people than to have an agent at the present time and have an extra office in the State. For this reason I move the indefinite postponement of the bill.

Mr. LAMSON of So. Portland: Mr. Speaker and gentlemen: I did not suppose that I would have to defend this measure. Our committee reported out on that bill unanimously, ought to pass. It was not reported without due consideration and looking at the subject from all angles. I personally visited that Institution for the Blind. I wish that some of you people might have been there and have seen those people sitting around in the dark waiting for something to do; I think you would change your minds. The room was lighted and well heated, but it might as well have been a dungeon for all the good it did those people who were there. I think your sympathies would have been stirred. I think you would have said that there was, indeed, need for a field agent, some one who could go out and find employment for those people. They are sensitive people, and therefore a blind man as field agent can get just a bit closer to them and their needs than one, as they express it, "a sighted person", so the bill was drafted that one man who was blind should have a guide so that they could go around and attempt to find employment and to help the blind people in different sections of the State. It is a pitiable sight—it was to me—as I looked over those people, and I thought how fortunate I was that I had my sight. There is a man now within the sound of my voice who was walking along the street with as good eyes as any one has here when suddenly the darkness came upon him and he will be in darkness the rest of his life.

I do not believe you gentlemen want to withhold anything that will help these blind people in their work. They do not ask for charity, that is the last thing they are asking for; and I tell you that the greatest charity one man can give to another, the greatest help, is the opportunity to help himself. That is all a red-blooded man asks, and that is all those good people over there are asking. I saw some of the work that they had done—marvelous! The foreman there said to me, "a blind man can do anything that anyone can do except see."

I ask you gentlemen to let this bill go through just as it is. It is just, it is honest. It is the thing that ought to be done, and in God's name do not do anything that will stop help for the blind people for the State of Maine. (Applause)

Mr. HALE of Portland: Mr. Speaker: I think that the applause indicates the sentiment of this House. I would like to associate myself with the remarks of the gentleman who has just spoken. I sincerely hope that the motion of the gentleman from Sanford (Mr. Pierce) will not prevail.

I happen to know that this particular bill means a great deal to the inmates of the Institute for the Blind in Portland. It simply provides a field agent. The reason it provides that the field agent be himself blind is that a blind man can better understand the problems of the blind man, the capacity of the blind and the qualifications of the blind to work. The bill had the careful consideration of the committee and has a unanimous report in its favor. I sincerely hope that it will be given passage.

Mr. WINN of Lisbon: Mr. Speaker, I will say that I certainly hope that the motion of the gentleman (Mr. Pierce) will not prevail. I will say that I was a member of that committee. The bill came in very early in the session of the Legislature. I think it was changed to some extent and we had it under consideration. you might say, the entire session of the Legislature. I was somewhat opposed to it at the start until I got information as to the very point that has been brought before you by the other gentleman who spoke before me—that is in regard to a person afflicted with blindness can have more influence over the blind than a person who has his eyesight. It appeared to me at first that if we were going to have a field agent we should have one who could see, but that was straightened out in my mind very clearly when they explained to me the reason for it.

In other states they have enacted such agencies and have always had blind field agents. It seems to me that the most terrible thing that can befall a human being is to be afflicted with blindness, and personally I cannot see how there would be much joy in remaining upon earth if that affliction should befall any human being; but evidently there is a

great deal of pleasure. The gentleman who has been around here at this session of the Legislature certainly appears joyful, which shows that although they have lost their sight, they have some joy left in life; and if we can be of any assistance to the few unfortunate human beings in the State of Maine, I certainly believe that we should grant them this small concession that they are asking, namely, a field agent who is blind and that he have an assistant. I certainly hope that the motion of the gentleman from Sanford, Mr. Pierce, will not prevail.

The SPEAKER: Is the House ready for the question?

Mr. FLINT of Monson: Mr. Speaker, I would just like to explain why I tabled this bill. We have a blind man in our town who has attended the Institute in Portland and he can do a lot of things. He can write on the typewriter, make brooms, bottom chairs and all that sort of thing. I was home last Saturday, and of course he has been interested in this bill and he says the bill is no good, and that he wished I would try and stop it. Therefore, I tabled it on the blind man's account.

Mr. STURGIS of Auburn: Mr. Speaker and members of the House: I rather think I am "in wrong" but I do not see how it is going to help the blind people to have a field agent.

He, of course, will have a good job and will feel happy. Last spring I went across to my work in Auburn. A lady 84 years old had been blind ten years. She did not know how to make an application and I put in one for her. They made a thorough investigation and found that she was worthy, but there was no money in the treasury. She was born in Auburn and lived there all her life. When I went to see her she broke down and cried to think that some one took an interest in her.

I see by the records that there are some 150 on the waiting list now. For pity's sake, help the one hundred and fifty and give them a little light in the world rather than this one man who would have a good, easy job leading the blind and telling them what to do. Some one has said that they ought to have some one to teach them a vocation. I understand from an authentic source that the average age of the blind people in the State of Maine is somewhere from sixty-five to seventy. From my observation, it is hard work for a man or woman 65 years old to learn a new vocation.

I heard it said here one time at one of the committee meetings of the farmers that a farmer was unable to get a living on the farm. Let him get out and do something else.

Now to get back to the question, we all have sympathy for the blind. There is no one in the world who has a warmer heart or greater sympathy than I do for them, but for pity's sake, if you undertake to pension these 150 people, take the \$4,000 and help them along.

The SPEAKER: The question is on the motion of the gentleman from Sanford, Mr. Pierce, that this bill be indefinitely postponed.

Is the House ready for the question?

A viva voce vote being doubted,

A division of the House was had,

Thirty-nine having voted in the affirmative and 71 in the negative, the motion to indefinitely postpone this bill failed of passage:

Thereupon the bill had its second reading and tomorrow assigned for its third reading.

The SPEAKER: To return to the usual course of procedure, is the gentleman from Windham, Mr. Boody, now prepared with his matter?

On motion by Mr. Boody of Windham it was voted to take from the table House Paper 730, H. D. 175, report of the committee on Taxation, ought not to pass, on bill an act relating to certain exemptions, and that gentleman moved to substitute the bill for the report.

Mr. BOODY of Windham: Mr. Speaker and members of the House: We have talked on many measures in the past that have been very interesting, many that educationally broaden the mind, but the thing I am going to talk to you about now is the State of Maine. Whoever saw the State of Maine in its original condition, saw its tremendous area covered with virgin forest; but today we see in twenty cities the valuation of \$296,000,000 accumulated in that small area. The total valuation of the State that is taxed is \$701,000,000, and out of that vast valuation you see only \$149,000,000 of personal property taxed for. Out of that entire valuation is \$255,000,000 of property that is in the rural sections, absolutely worthless as an investment. You see reduction in your personal property of the livestock of your state, 103,000 head in

the last five years You see 20,000 head reduction last year You see the resources of your town going down, down, down; and in the language of the gentleman, the opponent of the present governor of Maine, 1,500 farms were abandoned in Maine in the last two years, and something must be done, but no man lifts his voice to correct the wrong, the great evil, that is being enacted.

The question at issue is, can the State of Maine continue on the course it is going and the backbone of the State, the rural sections, be pauperized and continue on the course which you are going? Can you pauperize? Ten cities and towns in the State of great wealth have ceased to grow. Bangor, Augusta, Hallowell and Gardiner and many of your leading towns have now stopped growing. Why? Because they exhausted the virgin forest; they have exhausted the agricultural products of their locality When your rural section dies, they die.

This bill calls for an equalization of taxes. The State of Maine is valued at \$2,006,000,000. Only \$701,000,000 of it being taxed. No State with the area of Maine can prosper under that condition. No State can give to its institutions the things they need on that basis of valuation. Therefore, I ask you to equalize the living conditions of the rural sections that they may be put on an equal footing with the rest of your State so that they may grow and prosper with it.

On what basis can you proceed? There is \$1,002,000,000, exempted of the great wealth of our State that is worth one hundred cents on the dollar; but the rural population must have an equal condition of reduction and exemption to live on that basis. I have asked you in this bill to help equalize the living conditions. Take exemptions of the livestock to the extent of the number that would give 1,500 in valuation. That would fully equip any first-class farm. Sixty dollars of the money that would otherwise go to taxes would stay in the pocket of the farmer and relieve him that he might exist, and give him a living condition that is absolutely necessary to his welfare. But you will not do it. Why? Because habit is the greatest thing that can ever come to shake men

from the conditions under which we live.

In the town that I represent we equalize the taxation of all property and we are receiving the greatest blessing of any town I know anything about. We are liberal in our appropriations. We are determined that every dollar shall bear its just burden of taxes on an equal basis, and when you are brought to that condition you will never be troubled with bond issues. You can build across the Kennebec and pay for it; but under conditions today every public institution in this State has been trimmed to the eyes; everything has been denied that should be given, and why? Because we are lound to a political rate and not a financial one. A financial rate is equalizing the taxes and then with a liberal hand have the things that you want and need; but a political rate is to screen the wealthy and protect them. No State can prosper under such conditions, but when the great wealth shall "come across" and pay an honest tax then your case will be relieved, and you will have what you need.

This tax would mean \$900,000, as an exemption, but I came across again with another bill, Mr. Speaker, which says that there shall be raised from all the property of the State a million and a quarter that shall be distributed to your several cities and towns on the improvement of the roads as third-class and beyond what you received in 1924. You have brought before the Ways and Bridges committee—the towns of the State—requests that they appropriate from \$1,800,000, to \$2,000,000 and asking for support, and you have got how much? One hundred thousand dollars for every million. Somebody is going to be disappointed. Somebody will go back and say that we could not have in the rural sections what we are entitled to, but this bill gives you relief that will bring back to you the purchasing power of labor that will enter into the uplifting of the rural sections somewhat on a par with city life

In the language of the Governor of this State—I consulted with him—and he said "There is no question but you are right, but the people must be educated to come to it". Can that be possible? Are we so bound with the intelligence that I see about me, that we cannot bring

about prosperity to Maine through this act? When you lay the foundation of the advancement of the State and bring it back to a condition of prosperity in your rural sections, then you add to it the prosperity of the city, then you add the appropriation we have made toward the upbuilding of this State in publicity, and you will then give Maine a boon which will be continuous for twelve months of the year, far surpassing anything you know of today. But if we build on the present condition of the depopulation of the rural sections that is going on, you will build in the air and on the basis that you will have a circus during July and August and a cemetery the other ten months.

Mr. Speaker, it matters not to me which way you vote, any one of you. There will be not the least feeling on my part when you vote against it. If everyone votes for it, I believe you will do the greatest deed the State of Maine ever had done for it, but, as I say, if you vote against it, it will not injure my feelings in the least. I am here to sow the seed that the future may receive the benefit of it. There was a gentleman who stood in this House for eight years advocating alone for the building of the Pownal Institute for feeble-minded. Alone he fought, but today you have it from the seed that he sowed and the greatest blessing that the State of Maine ever received was when they carried out his wishes. Alone and unaided he fought here, and it is now a blessing to the State.

Mr. Speaker, I move you that we substitute the bill for the report. (Applause).

Mr. STITHAM of Pittsfield: Mr. Speaker, I rise to second the gentleman's motion.

The SPEAKER: Is the House ready for the question.

A viva voce vote being doubted,

A division of the House was had,

Sixty-nine having voted in the affirmative and 25 in the negative, the motion to substitute the bill for the report prevailed. (Applause).

Thereupon the rules were suspended, the bill had its two several readings and tomorrow was assigned for its third reading.

The SPEAKER: The Chair presents report of Committee on Judiciary, ought not to pass, on bill

an act relative to motor vehicles and neutral zone (H. P. 765) (H. D. 181), tabled by Mr. Burnham of Kittery, March 25, pending acceptance of the report.

Mr. BURNHAM of Kittery: Mr. Speaker, as I said before in relation to this bill, there is another bill to cover the same subject matter, and I would ask that this lie on the table until the other bill comes up.

The motion to lay upon the table prevailed.

The SPEAKER: The Chair presents report of Committee of Judiciary, ought not to pass, on bill an act enlarging the powers of the state highway police chief (H. P. 702) (H. D. 167), tabled by Mr. Littlefield of Kennebunk, on March 25th, pending acceptance of the report.

On motion by Mr. Littlefield of Kennebunk, the report was accepted.

The SPEAKER: The Chair presents bill, an act to prohibit catching smelts in Cathance River except by hook and line (H. P. 1236) (H. D. 453), tabled by Mr. Littlefield of Kennebunk, on March 27th, pending third reading.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I offer House Amendment A to House Document 453 and move its adoption.

House Amendment A to House Document 453.

Amend House Document 453 by adding after the word "the" in the third line thereof, the word "tidal".

Thereupon House Amendment A was adopted, the bill as amended received its third reading and was passed to be engrossed.

The SPEAKER: The Chair presents report of Committee on Judiciary, ought not to pass, on bill an act relating to nominations (H. P. 3) (H. D. 1), tabled by Mr. Oakes of Portland, on March 27th, pending acceptance of the report.

On motion by Mr. Oakes of Portland, it was voted to lay the bill on the table and tomorrow to be especially assigned.

The SPEAKER: The Chair presents report of Committee on Ways and Bridges, ought not to pass, on bill an act relating to state highways and creation of further revenues, tabled on March 27th by Mr. Boody

of Windham, pending acceptance of the report.

Mr. BOODY of Windham: Mr. Speaker and members of the Legislature: This bill is introduced to go with the bill that you have just passed. It means that every town in this State will receive, in round numbers, two thousand dollars more than they received under the act which applied in 1924, and with the hundred thousand dollars that the committee has to allot, it will give one million dollars. This goes to reimburse the towns for the loss of taxes, gives them the circulating income of that money. The two combined will give to the State of Maine the greatest lift that any body of men ever gave. It will affect your rural sections in that it will reflect back to your cities and go to their great credit, and the two together will give to Maine the boom to which she is entitled of the great blessings of which we have had pictures of our wonderful resources and it will benefit Maine in her living conditions beyond all others. (Applause)

The SPEAKER: The gentleman from Windham, Mr. Boody, moves the substitution of the bill for the report. The question is on the motion of the gentleman that the bill be substituted for the report, the report being ought not to pass. Is the House ready for the question?

A viva voce vote being doubted,

A division of the House was had, Thirty-five having voted in the affirmative and 40 in the negative, the motion to substitute the bill for the report failed of passage.

Mr. BOODY of Windham: Mr. Speaker, to make it very clear to you, gentlemen, I wish to doubt the vote, because it must be very plain and evident to you all that if one bill goes, the other must go, that you cannot give this exemption, and I do not want any man in this House to get this matter in a wrong light. The towns cannot use this tax except that it will pauperize them more than they are today, but if you will come to their rescue and assist them in the proper advancement which they ought to have, and vote for this appropriation, you will do the greatest deed that ever was done in the State of Maine. Therefore, I ask that the vote be reconsidered and that the gentleman vote again, if that is in order.

The SPEAKER: The Chair apprehends that the gentleman voted with the minority and he is, therefore not

in a position to move reconsideration.

Mr. GREENLEAF of Auburn: Mr. Speaker I move that we reconsider the vote just taken.

The SPEAKER: Did the gentleman vote with the prevailing side?

Mr. GREENLEAF: I did, Mr. Speaker.

The SPEAKER: The gentleman from Auburn, Mr. Greenleaf, moves that the House reconsider its vote just taken.

A division of the House being had, Fifty-four having voted in the affirmative and 33 in the negative, the motion to reconsider prevailed. (Applause)

Mr. BOODY: I would ask, Mr. Speaker, if it be in order, that the bill be substituted for the report.

The SPEAKER: The gentleman from Windham, Mr. Boody, moves that the bill be substituted for the report of the committee, the report being ought not to pass.

A division of the House being had, Forty-nine having voted in the affirmative and 38 in the negative, the motion to substitute the bill for the report prevailed. (Applause)

Mr. NICHOLS of Portland: Mr. Speaker, I would like to call the attention of the House to what day of the month it is. (Laughter and Applause)

Mr. BOODY: Mr. Speaker, I would say this is the first day of April and that the city of Portland, which has dominated the State of Maine, is left. (Laughter and Applause)

Thereupon, on motion by Mr. Boody of Windham, the rules were suspended, the bill received its two several readings and tomorrow assigned for third reading.

The SPEAKER: The Chair presents report, ought not to pass, on resolve amending the Constitution providing for an income tax. (H. P. 1062) (H. D. 288), tabled by Mr. Boody of Windham, on March 30th, pending acceptance of the report.

On motion by Mr. Boody of Windham, the report was retabled.

The SPEAKER: The Chair presents report of the Committee on Public Utilities, "Legislation Inexpedient," on bill an act creating Maine Power Authority, (H. P. 1141) (H. D. 359), tabled by Mr. Norwood of Warren, on March 30th, pending acceptance of the report.

Thereupon, on motion by Mr. Norwood of Warren, the bill was substituted for the report; and on fur-

her motion by the same gentleman a new draft was substituted for the bill and five hundred copies ordered printed; and on further motion by the same gentleman the bill was tabled pending first reading.

The SPEAKER: The Chair presents bill an act relating to fishing for smelts in Eastern River (H. P. 559) (H. D. 466), tabled by Mr. Littlefield of Kennebunk, on March 30th, pending passage to be engrossed.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I offer House Amendment A to House Document 466 and move its adoption.

House Amendment A to House Document 466. Amend House Document 466 by adding after the word "the" in the first line thereof, the word "tidal."

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

The SPEAKER: The Chair presents bill an act relating to tax upon gasoline (H. P. 1259), (H. D. 489 in new draft), tabled by Mr. Hamilton of Caribou, pending first reading.

Mr. LELAND of Sangerville: Mr. Speaker, it seems to me that this matter should not be considered until the affirmative report of the Joint Committee has been received, and I move that this matter lie upon the table.

Mr. HAMILTON of Caribou: Mr. Speaker, it is generally understood by the powers that be in regard to forming some kind of a plan on the tax matter, that this bill should go on, and the report, as I understand it, will conform to the bill to a great extent. Therefore I move that it have its several reading now and be put upon the table later.

The SPEAKER: The gentleman from Caribou (Mr. Hamilton) has moved that this bill receive its several readings. A motion has been made that the matter lie upon the table. The Chair has allowed latitude in giving information to the House relative to the motion to table.

Mr. HALE of Portland: Mr. Speaker, may I inquire if the bill is printed?

The SPEAKER: The bill is printed as House Document 489. The question is on the motion of the gentleman from Sangerville, Mr. Leland, that this matter lie upon the table.

Is the House ready for the question?

A viva voce vote being taken,

The motion to table failed of passage.

Thereupon the bill received its two several readings and tomorrow assigned for third reading.

The SPEAKER: The Chair presents bill an act relating to non-resident motor vehicles (S. P. 231) (S. D. 98), tabled on March 31st, by Mr. Nichols of Portland, pending first reading.

Mr. NICHOLS of Portland: Mr. Speaker, I move that this bill be re-committed to the Judiciary Committee, and I will say that as it was reported out there was an error and a new draft was to be prepared in the Judiciary Committee.

The motion to re-commit prevailed.

The SPEAKER: The Chair presents Joint order relative to clearing table each day, tabled on March 31st, by Mr. Wing of Auburn, pending passage.

Mr. WING of Auburn: Mr. Speaker, I move the indefinite postponement of the order, and I will say that my reason for so doing is that the Constitution provides that each branch of the House may determine the rules of its procedure and it is not for the Senate to say to this House under what rules we shall proceed. I doubt very much if any discourtesy is intended to us, but I have observed the utmost courtesy among the members here, and I am sure that no member wishes to take advantage of any other member and I for one do not propose to be bound by any Joint order to this effect. We can observe our own rules in our own way. I am for the House of Representatives.

The motion to indefinitely postpone prevailed.

The SPEAKER: The House appears to be doing nicely. (Laughter)

The SPEAKER: The Chair presents Senate Amendment A to bill an act relating to taking of additional land by railroad corporations (H. P. 1221) (H. D. 437), tabled by Mr. Nichols of Portland, on March 31st, pending adoption of the amendment.

Mr. NICHOLS of Portland: Mr. Speaker, is the question before the House the adoption of Senate Amendment A?

The SPEAKER: That is the question.

Mr. NICHOLS: Then, I move its adoption.

The SPEAKER: Senate Amendment A appears printed as Senate Document 258. The Amendment applies to House Document in the new draft House Document 437.

Mr. NICHOLS: I would say, Mr. Speaker, that this amendment simply changes a comma and puts it in its right place.

Thereupon the motion to adopt Senate Amendment A prevailed and the bill as amended was passed to be engrossed.

The SPEAKER: The Chair presents bill an act relating to fees of clerks of cities and towns. (H. P. 551) (H. D. 119), tabled by Mr. Nichols of Portland, on March 31st, pending re-consideration.

Mr. NICHOLS of Portland: Mr. Speaker, I would ask that this lie upon the table until tomorrow. It is my recollection that a portion of that act contradicts another act.

Thereupon the motion to re-table prevailed and the bill was specially assigned for tomorrow morning.

The SPEAKER: The Chair presents House Amendment A to resolve providing for appointment of persons to represent the State in certain changes in freight rates (H. P. 1218) (H. D. 459), tabled on March 31st, by Mr. Wing of Auburn, pending the adoption of the amendment.

Mr. WING of Auburn: Mr. Speaker, I move the indefinite postponement of the bill and the resolve. During the early stages of this session there was a hearing in Washington, before the Interstate Commerce Commission, by certain industries of the State who were interested. The representative of an industry in my community, which can well afford to send a representative there to argue its case, and a representative of the Great Northern Paper Company, attended those hearings. They were held sometime in February, and I cannot see the sense or need of putting the State on record as this particular resolve attempts to do, and I hope the motion will prevail—and I mean no disrespect to the Committee on Public Utilities which has had this matter in charge for a long time. I

do not know but that the hearings here are all over and ended.

Mr. FROST of Belfast: Mr. Speaker, I want to second the motion of the Representative from Auburn (Mr. Wing) for another reason, and that is that on either Monday or Saturday—Monday of this week or Saturday of last—I received a letter from an association that has been formed in the city of Portland, and it is their intention, through the different manufacturers of the State, to take care of this same matter.

Thereupon, the motion to indefinitely postpone prevailed.

The SPEAKER: The Chair presents majority report ought not to pass and minority report ought to pass on resolve amending Constitution changing date of State Election (H. P. 495) (H. D. 97), tabled on March 31st by Mr. Bartlett of Hanover, pending acceptance of either report.

Mr. BARTLETT of Hanover: Mr. Speaker, I move the acceptance of the report of the Committee "ought to pass" and I yield to the gentleman from Old Town, Mr. Lait.

Mr. LAIT of Old Town: Mr. Speaker and members of the House, this bill, you will notice, calls for a change of the September election date. It is to be changed to November. Since coming to this House as a member of this Legislature I have heard the word "economy" mentioned, from the Head of the State Government down through to the lowest department of this state. I heard it mentioned as being the by word of the national administration. I heard General Lord, in his address here, and the impression that he gave me was that no amount was too small on which we might economize. Economy, as I sense it, as used in the business world, means to reduce all overhead expenses that are not essential and that do not curtail business. I find that it cost the State of Maine for our past September election \$10,104.51. That just includes the cost of ballots. This comes up once in every four years. I find that on a file of the City Clerk in the city of Old Town that the September election cost us considerably more than four hundred dollars. That cost involves the cost of the Board of Registration and other

matters that pertain to the functioning of the City Election.

This matter of four hundred and fifty dollars does not include any money that is appropriated by any political party, and based on the fact that it cost the city of Old Town, a city of less than seven thousand population, considerably more than four hundred dollars, what must it have cost the cities of Portland, Bangor, and Lewiston, which are our largest cities? Estimated on that basis, and just in round numbers, I estimate that the cost of election to the people of this State is in the neighborhood of seventy-five thousand dollars every four years—an unnecessary expense.

I overheard Mr. Wing this morning talk upon the chance to practice economy. I now think that here is an opportunity which gives all the chance in the world of doing away with something that is not essential.

The newspapers report a seven-mill tax—something out of the ordinary. We were talking economy when we started, but a seven-mill tax does not sound much like economy. The by word of the State for the State of Maine is that "As Maine goes, the Union goes". Well, on going back through history, we find that this does not coincide with the elections as held in September and November. In fact, the majority of November elections have disagreed with the September elections, and I feel that it is time that the people of this State stopped paying out money for the purpose of being a political barometer for this Union. (Applause).

The SPEAKER: The question before the House is on the motion of the gentleman from Hanover, Mr. Bartlett, that the minority report "ought to pass" be accepted. Is the House ready for the question?

Mr. HOLMES of Lewiston: Mr. Speaker, I wish merely to support the motion of the gentleman from Hanover, (Mr. Bartlett).

A viva voce vote being doubted,

A division of the House was had.

Thirty-seven having voted in the affirmative and 57 in the negative, the motion to accept the minority report "ought to pass" failed of passage.

Thereupon, on motion by Mr. Wing of Auburn, the majority report "ought not to pass" was accepted.

The SPEAKER: The Chair presents House Amendment A to bill

an act to incorporate Winding Ledges Power Company (H. P. 710) (H. D. 154), tabled on March 31st by Mr. Hammond of Van Buren, pending adoption of the Amendment.

Mr. BURNS of Eagle Lake: Mr. Speaker, the gentleman from Van Buren (Mr. Hammond) is absent.

Thereupon the matter was re-tabled.

The SPEAKER: The Chair presents Senate Amendment A to bill an act relating to certain state parks (S. P. 513) (S. D. 213), tabled by Mr. Nichols of Portland, on March 31st, pending adoption of the Amendment.

Mr. NICHOLS of Portland: Mr. Speaker, this is the act which was debated this morning. Senate Amendment A is to increase the three thousand dollars appropriated under this act to five thousand dollars. Now, I tabled this act because the appropriation is taken care of in another appropriation. I have confirmed it by talking with the chairman of the other Committee, I have confirmed it by talking with a member of the City Council, and this appropriation to take care of these parks is taken care of in another appropriation, and if you pass this appropriation of five thousand dollars, you have given them ten, and they do not want it.

Therefore, I ask that Senate Amendment A be indefinitely postponed and then, if that motion is carried, I will offer an amendment, House Amendment A, which will strike out all of Section 3, which is the appropriation of three thousand dollars, because the five thousand dollars is taken care of in another appropriation, but will leave Sections 1 and 2 of the act intact, because that makes these forts public parks and that is what you wish to do. So, I hope, Mr. Speaker, that Senate Amendment A will be indefinitely postponed.

Mr. BURNHAM of Kittery: Mr. Speaker, I would like to ask that this lie on the table in order that others of us who are interested in the parks may as well inform ourselves as the gentleman from Portland (Mr. Nichols) has informed himself relative to the appropriation; so I would like to lay this on the table and especially assign it for tomorrow.

Thereupon, the motion to table and especially assign for tomorrow prevailed.

The SPEAKER: The Chair presents bill an act giving certain powers to Governor and Council with respect to state highway, interstate, and international bridges (H. P. 943) (H. D. 244) tabled on March 31st by Mr. Wing of Auburn, pending assignment for third reading.

Mr. WING of Auburn: Mr. Speaker, I offer House Amendment B and move its adoption. This, gentlemen of the House, is the measure which Mr. Daigle, yesterday, addressed the House upon. As I understand it, the Frazier Company wishes to come into Maine to establish an industry, and this amendment is calculated to bring that to pass, and to allow the use of certain wires, pipes and conduits, and the matter is then placed under the control of, and upon such terms and conditions as the Governor and Council may impose. It strikes from the bill the putting of every bridge in the State of Maine for such purposes under the State Highway Commission, and it leaves this situation at Madawaska exactly right and in a manner satisfactory to the interests in question.

House Amendment B to House Paper 943, House Document 244, an act giving certain powers to the Governor and Council with respect to State Highway, Interstate, and International Bridges. Amend said Section 1 by inserting a comma after the word "power" in line one thereof, and adding the words "upon such terms and conditions as said Governor and Council shall determine", and by striking out in line 3, 4 and 5 of said section the following words: "To, any state highway bridges which are under the supervision of the State Highway Commission, or", and by substituting for the word "bridges" in line 5 of said section, the word "bridge".

Mr. HAMILTON of Caribou: Mr. Speaker, I have another amendment here which I would like to offer.

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

Mr. HAMILTON: I move, Mr. Speaker, that the two amendments with the bill lie on the table until tomorrow.

The SPEAKER: House Amendment C cannot be offered until some disposition is made of House Amendment B.

Mr. WING of Auburn: Mr. Speaker, I have no disposition to impose

myself upon the House, and I move that the Amendment offered by me lie upon the table so that the gentleman may offer his and we will take our choice.

The SPEAKER: The Clerk advises a suspension of the rules in this situation.

Mr. HAMILTON: Mr. Speaker, if the gentleman from Auburn (Mr. Wing) will withdraw his amendment, I will withdraw mine, and we can leave the matter on the table and perhaps we can get together on the amendments.

The SPEAKER: We might well leave the matter on the table with the pending question, the adoption of Amendment B, and perhaps a conference between the two gentlemen will straighten the matter out. Is it the pleasure of the House that this matter lie upon the table pending the question of the adoption of Amendment B?

Thereupon, the matter was retabled pending adoption of House Amendment B.

Mr. WING of Auburn: Mr. Speaker, I move to reconsider the vote whereby we indefinitely postponed the bill relating to the appointment of one or more persons to represent the State in certain changes in freight rates, and I hope that the motion will not prevail.

The SPEAKER: The gentleman from Auburn, Mr. Wing, moves that the House re-consider its vote whereby a resolve providing for appointment for persons to represent the State in certain changes in freight rates (H. P. 1218) (H. D. 459) and House Amendment thereto were indefinitely postponed.

A viva voce vote being taken,

The motion to reconsider failed of passage.

Mr. WING of Auburn: Mr. Speaker, I move to reconsider the vote whereby we passed an act to change the personnel of the Budget Committee, (Senate Paper 451) (Senate Document 166)

The SPEAKER: The Clerk informs the Chair that the papers are not before the House. No notice was given yesterday. The matter was passed to be engrossed yesterday, and is probably with the Engrossing Department

The SPEAKER: Yesterday this House indefinitely postponed a re-

solve to amend Article VIII of the Constitution of the State of Maine referring to education (H. D. 465) and the gentleman from Pittsfield, Mr. Stitham, gave notice that today he intended to move reconsideration of that vote of indefinite postponement.

Mr. STITHAM of Pittsfield: Mr. Speaker, I wish to table that motion for this reason. It is getting quite late and the calendar has been very heavy today, and I would simply like to be recorded on this measure, and would like to have it lie upon the table.

Thereupon, the matter was retabled and especially assigned for tomorrow afternoon.

Mr. PAGE of Skowhegan: Mr. Speaker, I have an order which I wish to present out of order, under suspension of the rules, and move its passage.

Thereupon, under suspension of the rules, on motion by Mr. Page of Skowhegan, it was,

Ordered, that there be printed five hundred copies of the address delivered by the Governor at the Joint Session held today.

Mr. KINSMAN of Augusta: Mr. Speaker, I have an order which I wish to introduce out of order and under suspension of the rules, and move its passage.

Thereupon, under suspension of the rules, on motion of Mr. Kinsman of Augusta, it was

Ordered, the Senate concurring, that the Commissioner of Inland Fisheries and Game cause to be revised and compiled in convenient pamphlet form the inland fish and game laws, both public and private and special, including public and private and special acts of the 82nd Legislature relating to inland fisheries and game, also the rules and regulations of the Department of Inland Fisheries and Game, and that not exceeding fifty thousand copies of said pamphlet be printed for general distribution. Authority is hereby granted for the employment by the Department of Inland Fisheries and Game of such extra clerical assistance as may be necessary to properly perform such work; the bills for preparing and publishing said pamphlets, including charges for the necessary extra clerical services required, shall be paid out of the appropriation for the operation of fish

hatcheries and feeding stations for fish, and for the protection of fish, game and birds, and for general administration of the Department of Inland Fisheries and Game. The Department of Inland Fisheries and Game is further to mail five copies of said publication, when issued, to each member of the 82nd Legislature.

The SPEAKER: Out of order, if the House will bear patiently for a few minutes, there are a few papers that may be acted upon.

Out of Order

The following resolve was presented and, on recommendation by the committee on reference of bills, was referred to the following committee:

Appropriations and Financial Affairs

By Mr. Pierce of Sanford: Resolve in favor of Charles S. Pierce, Secretary of Committee on Education, for expense incurred by Committee on Education Visiting Normal Schools and the University of Maine (H. P. 1278.)

Reports of Committees

Mr. Bragdon from the Committee on Education reported "ought not to pass" on bill "An Act Repealing Certain Statutes, Relative to State Aid to Academies" (H. P. 1084) (H. D. 328.)

Mr. Hale from the Committee on Judiciary reported same on bill "An Act Relative to the Parole of Women Committed to the Reformatory for Women." (H. P. 896) (H. D. 225)

Reports were read and accepted and sent up for concurrence.

Mr. Sargent from the Committee on Public Utilities on bill "An Act Relating to Warning Signs at Grade Crossings" (H. P. 886) (H. D. 212) reporting same in new draft (H. P. 1276) under same title, and that it "ought to pass."

Mr. Kitchen from the Committee on Ways and Bridges on bill "An Act Relating to State Highways, and to the Creation and Expenditures of the Mill Tax Highway Fund" (H. P. 1085) (H. D. 322) reporting same in new draft under title of bill "An Act Relating to Third Class Roads" (H. P. 1277) and that it "ought to pass."

Reports were read and accepted and the new drafts ordered printed under the joint rules.

The SPEAKER: Is there further business under Orders of the Day?

On motion by Mr. Pullen of Danforth,

Adjourned until 9.30 o'clock tomorrow morning.