

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

Thursday, April 2, 1925.

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

Prayer by the Rev. Mr. Walch of Augusta.

Journal of the previous session read and approved.

Senate Bills in First Reading

S. P. 596: An Act relating to driving motor vehicles while under the influence of intoxicating liquor or drugs, and the penalty therefor.

S. P. 183: Resolve in favor of the Northern Maine Sanatorium for maintenance, personal services, repairs and equipment.

From the Senate: Bill An Act permitting the taking of pickerel and smelts through the ice from the Belgrade chain of lakes, H. P. 747, H. D. 449, which was passed to be engrossed as amended by House Amendment A in the House March 27th.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Flint of Monson, that body voted to recede and concur with the Senate in the indefinite postponement of the bill.

From the Senate: Bill An Act to provide for the completion of the vital records of the State (S. P. No. 591) (S. D. No. 267), which was indefinitely postponed in the House April 1,

Comes from the Senate, that body insisting on its former action whereby the bill was passed to be engrossed and asking for a committee of conference with the following conferees appointed on its part:

Messrs. CRAFTS of Piscataquis,

BARWISE of Penobscot,

HOLLEY of Somerset.

In the House, on motion by Mr. Hamilton of Caribou that body voted to join in the committee of conference.

The SPEAKER: The Chair will later announce the conferees on the part of the House.

From the Senate: Majority report of the committee on State Prison reporting Ought not to pass on bill An Act to amend Chapter 195 of the Public Laws of 1917, relating to the

Powers of Prison Commissioners. (S. P. No. 41) (S. Doc. No. 32).

Report was signed by the following members:

Messrs. WALKER of Knox,

BOND of Lincoln,

MORRISON of Franklin,

—of the Senate

LEIGHTON of Dennysville,

BISHOP of Boothbay Harbor

MORSE of Oakland,

PENDLETON of Islesboro,

LUNT of No. Kennebunkport,

—of the House

Minority report of same committee reporting Ought to pass on same bill.

Report was signed by the following members:

Messrs. PALMER of Island Falls,

HAM of Wales,

—of the House

Comes from the Senate, majority report read and accepted.

In the House:

Mr. PENDLETON of Islesboro: I move we concur with the Senate in accepting the majority report.

On motion by Mr. Palmer of Island Falls, the reports were tabled, pending acceptance of either, for the purpose of offering an amendment.

From the Senate: The following order is returned from the Senate:

Ordered, the House concurring, that all matters tabled hereafter shall be taken from the table at the following session, which was indefinitely postponed in the House on April 1st.

Comes from the Senate that body insisting on its former action whereby the order received passage and asking for a committee of conference, with the following conferees appointed on its part: Senators Allen of York, Hincley of Cumberland, and Morrison of Franklin.

The SPEAKER: What is the pleasure of the House?

Mr. WING of Auburn: Mr. Speaker, is that order written in lead pencil?

The SPEAKER: It is, in a fair hand.

Mr. WING: Is that the identical scrap of paper? (referring to the paper on which the order was written.)

The SPEAKER: It appears to be on a portion of a calendar.

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

Reports of Committees

Majority report of the committee on Judiciary reporting ought not to pass on bill, An Act to amend Section 4 of Chapter 97 of the Revised Statutes of 1916, relating to mills and mill dams (H. P. No. 538) (H. Doc. No. 111).

Report was signed by the following members:

Messrs. HINCKLEY of Cumberland
MAHER of Kennebec
HUSSEY of Aroostook
—of the Senate

HALE of Portland
OAKES of Portland
HOLMES of Lewiston
HAMILTON of Caribou
NICHOLS of Portland
MARTIN of Augusta
—of the House

Minority report of same committee on same bill, reporting ought to pass in new draft (H. P. No. 1274) under same title.

Report was signed by the following member:

Mr. WING of Auburn
—of the House

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

Mr. WING of Auburn: Mr. Speaker, in order that I may present my views on this matter to the House, the report which I signed reporting this measure in a new draft will have to be printed, and the motion of the gentleman from Portland (Mr. Hale) would have to be defeated. If his motion prevails, I do not see but what I am deprived of the privilege of addressing myself to the question at issue. I trust that the motion of the gentleman will not prevail, and that I may be allowed to offer a motion that the minority report be accepted.

The SPEAKER: Does the gentleman make a motion?

Mr. HALE: Mr. Speaker, I made a motion to accept the majority report. I have no desire to deprive the gentleman from Auburn (Mr. Wing) of any rights to address the House on this subject. I withdraw my motion, and move that both reports be tabled, pending acceptance of either, and that 500 copies of the bill in new draft be printed.

Thereupon the motion to table pending acceptance of either report, and ordering the printing of 500 copies of the new draft, prevailed.

Majority report of same committee on bill, An Act providing for the regulation and taxation of certain advertising signs (H. P. No. 8) H. D. No. 14) reporting same in new draft (H. P. No. 1273) under title of "An Act prohibiting advertising signs upon public highways," and that it ought to pass.

Report was signed by the following members:

Messrs. HINCKLEY of Cumberland
—Of the Senate

NICHOLS of Portland
HALE of Portland
HOLMES of Lewiston
OAKES of Portland
MARTIN of Augusta
WING of Auburn
—of the House

Minority report of same committee reporting ought not to pass on same bill.

Report was signed by the following members:

Messrs. MAHER of Kennebec
HUSSEY of Aroostook
—of the Senate
HAMILTON of Caribou
—of the House

On motion by Mr. Hale of Portland, it was voted that the majority report, ought to pass in a new draft, be accepted.

Passed to Be Engrossed

S. P. 270: An Act relating to schools of the Passamaquoddy Tribe of Indians.

(Tabled by Mr. Foster of Ellsworth pending third reading).

S. P. 393: An Act relating to the definition of banking.

(Tabled by Mr. Nichols of Portland pending third reading).

S. P. 581: An Act amendatory of and additional to Chapter 148 of the Revised Statutes, relating to State Pensions, creating a field agent for the blind, and guide; and defining the duties and compensation of such field agent and guide.

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

H. P. 313: An Act relating to fishing in certain waters in Franklin and Oxford counties.

H. P. 411: An Act to authorize the employment of stenographers by Justices of the Supreme Judicial and Superior Courts.

H. P. 539: An Act relating to when

no succession tax shall be assessed on the stock, bonds and evidences of debt of Maine corporations.

H. P. 730: An Act relating to certain exemptions.

(Tabled by Mr. Curtis of Brewer pending third reading).

H. P. 805: An Act relating to State highways and to the creation of further revenues.

(Tabled by Mr. Curtis of Brewer pending third reading).

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 to authorize 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.

(Tabled by Mr. Mitchell of Houlton pending third reading).

H. P. 258: An Act to raise an excise tax on corporations organized for making, generating, selling, distributing and supplying electricity or electric current for power, lighting, heating, manufacturing or mechanical purposes.

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

Mr. MARTIN of Augusta: Mr. Speaker, I move that this matter lie on the table.

Mr. WING: I ask for a division.

A division being had,

Fifty-three voting in the affirmative and 17 in the negative, the matter was tabled.

Mr. WING: Mr. Speaker, may I ask the gentleman to assign a date certain?

Mr. MARTIN: I would ask to take it up any time that would suit the gentleman from Auburn, I would say following the routine business this morning, and following matters that have already been tabled.

H. P. 1259: An Act to amend Sections 2, 5, 6 and 8 of Chapter 224 of the Public Laws of 1923, relating to a tax upon gasoline.

Mr. HAMILTON of Caribou: Mr. Speaker, I wish to make an explanation in regard to the situation of the facts. The third tax bill, as I understand it, was a three-cent tax. Then

we had several other bills for three cents and four cents and two cents. The first bill that was put in called for three cents straight. This new draft, however, gives exemption to stationary engines and motor boats, with the intention of carrying out the principle of charging the fellow who uses the road the three-cent tax.

Now there has been a change of view in regard to the distribution of this money. A good many at first thought the money should be distributed on a fifty-fifty basis according to the one-cent tax bill two years ago. In order to meet the road program which a good many desired, the distribution is now changed in the new draft, calling for two cents of the money to go to construction work and one cent of the money to be divided between your state-aid roads and your third-class roads. This would give, of course, quite as much to the towns as they had two years ago in the bill then.

Now there is one further suggestion in regard to this matter, and that is in the method of collecting the tax. It has been worked out, and we feel that the tax can be collected with very little illegal, unjust or fraudulent methods in regard to it, and with very little expense; and in agreement with some of the members at least of the Ways and Bridges committee, this matter will be put on the table and a program worked out. Therefore, I move, Mr. Speaker, that this be tabled.

The SPEAKER: The gentleman has taken considerable latitude in his motion as to which the House seems agreeable. Does the gentleman from Sangerville (Mr. Leland) desire to make a statement?

Mr. LELAND of Sangerville: Mr. Speaker, if the gentleman (Mr. Hamilton) would withdraw his motion to table, I should like to say just a word.

The SPEAKER: The Chair will bear with the gentleman if the House will.

Mr. LELAND: It will be recalled, Mr. Speaker and members, that the matter now under consideration was the first report of the committee, ought not to pass. The committee has not yet been able to present to this House its report on the matter upon which we finally agreed as to what should pass. It would seem, perhaps, in view of the many difficulties which we encountered, that at least this matter should lie on the table until the committee's report to this House is made, when the mem-

bers, of course, will be in a position to discuss the matter and to make their final decision. With that explanation, I should be very glad if the gentleman's motion to table prevailed.

Thereupon the bill was tabled, pending its third reading.

H. P. 1260: An Act relating to the taking of white perch in certain waters in Washington and Kennebec counties.

H. P. 1261: An Act relating to the excise tax on railroads.

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

The motion prevailed.

Mr. MARTIN of Augusta: Mr. Speaker, may I ask through the Chair, that the gentleman from Portland assign a date?

Mr. CUMMINGS: Tomorrow morning, Mr. Speaker.

Mr. SPEAKER: That motion is debatable.

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

Mr. WING of Auburn: I move that we reconsider the vote whereby the matter was put upon the table.

The SPEAKER: The clerk advises the Chair that a motion to reconsider is not in order, but a motion to take from the table is in order. The gentleman from Auburn, Mr. Wing, moves that we take this matter from the table.

A viva voce vote being taken, the motion to take the matter from the table prevailed.

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

Mr. MARTIN of Augusta: I move. Mr. Speaker that the matter be given its third reading at this time.

Mr. CUMMINGS of Portland: Mr. Speaker, I move the indefinite postponement of the bill.

The SPEAKER: The gentleman's motion has precedence.

Mr. CUMMINGS: Mr. Speaker and members of the House: This is a matter of a good deal of importance to the people of the State of Maine. I do not want to see it put through here without careful consideration. A resolve was introduced here to appoint a committee of a commission to examine into the affairs of the railroad in an endeavor to ascertain whether or not there was good and sufficient reason for reducing their taxes. The com-

mittee reported that that ought not to pass. I do not understand why the railroads are afraid to be investigated. I think there is great need of it. I should fail most shamefully to perform what I believe to be my duty as a representative in this body if I did not tell you what I believe to be the reason of the condition of the Maine Central Railroad, and that it is not due to excessive taxation.

When this matter of placing the tax upon the gross receipts of the railroads was instituted, it was done at their request. It was done to avoid a proposition to tax the same as property owners have to pay. Now they want to change the methods and be relieved still further of taxation. It is an old and respected rule that when a party comes into court, he must come with clean hands. It is up to the railroads which are taxed in this State to first show that they have done so and have had honest and economic management. If they have not had that, then there is no justification for their coming before this body to be still further relieved from taxation.

This question, members of the House, reaches back a long way; some of it is ancient and some is recent. Let us for a few moments consider some of the things that have brought the Maine Central Railroad into its present condition. Go back to the year 1890, when they leased the Hereford branch, fifty odd miles, running up toward Quebec, that branch being controlled by Mr. Van Dyke and Frank Jones of Portsmouth, they also controlling the Boston and Maine road. It was wished on to the Maine Central Railroad because the parties who controlled both roads wanted it to be wished upon the Maine Central Railroad, and it has been a millstone around the neck of that road ever since. They have been paying \$64,000 a year in rental; they have been losing money in operation. Their rentals alone for that period would amount to more than two million dollars. It was not business, and since we have been in session here in this House, the Maine Central Railroad by its attorneys, have been in Washington before the Interstate Commerce Commission asking that they might purchase the remaining \$800,000 of stock outstanding of that railroad so they might junk the whole thing and throw it away; and I understand that permission will be granted them to do it, but for Heaven's sake what is the

stock of that road worth? I understand they will pay about \$400,000 for it.

Then let us come to some of the legal proceedings. Why did they lease the Sandy River road? Was it because that was a business proposition, or were the conditions merely that it was a road that any business man could see was getting to the end of its usefulness, being largely a lumber railroad, a road that would not pay after the timber in that section was exhausted? They acquired that and that has been another millstone about their necks, and you know that not very long ago it went into the hands of a receiver.

Then take the little branch called the Sebasticook and Moosehead road, fifteen miles and a fraction long, a road that cost \$217,000 to build it new. It has been in the hands of a receiver—this was along somewhere about 1911 or 1912 if I remember correctly—it has been in the hands of a receiver, was in a dilapidated condition, and was acquired by the Maine Central Railroad by paying seventy-five dollars a share for three thousand shares of its stock at a total cost of \$225,000. Was that a business proposition, or did somebody get a rake-off? Was that done for the benefit of the Maine Central Railroad? Is that honest and economical management?

Again, at about that same time, they bought the Ricker Hotel property. Well, now, in God's name what did the Maine Central Railroad want of the Ricker Hotel property? If the Rickers could not make that pay a profit, could the Maine Central railroad do it? And what is the result of their acquisition of that property? During the twelve years following this they have made a net operating profit of less than \$12,000. The interest on the investment, an investment that will average a little more than a million dollars, would be somewhere between seven and eight hundred thousand dollars during the same time, showing practically that less to the road. Is that good and economic management? Why was this thing done?

Take the Portland Terminal Company, organized for the benefit of the Maine Central Railroad, financed for the benefit of the Maine Central Railroad. You will find upon investigation that it has been a burden on the Maine Central Railroad and that profit has constantly accrued to the Boston and Maine by reason of this.

Again, when following the general wrecking in New England of railroads here, when the Maine Central was in the hands of the Boston and Maine and when the two roads had the same president, an agreement was made between the Boston and Maine and the Maine Central in regard to the joint rates and the division of those rates, a division that was unfair to the Maine Central and a division that they dare not make public, a division that still exists and has two years more to run, expiring I believe in 1927.

The present president of the Maine Central railroad—and members of the House, he was president of both roads when this trade was made—he could have at any time appeared before the Interstate Commerce Commission and had that unjust condition corrected. Has he ever done it? He has not.

Now in view of all these things, in view of the extremely high rates that our people are paying, in view of these facts, I want to assure you that the trouble is not over-taxation but it is lack of honest and economical management and nothing else. The Maine Central railroad is a cow. The farmers of the State, the producers of the State, have been furnishing the hay; the consumers of the State have been furnishing the grain; and somebody else has been milking the cow right straight along and it is being done today.

Now if we have no laws in the State of Maine to govern such cases, God knows we ought to have them, and it is up to the people of the State to see that we do have them and not go on in this way any longer. I wanted to see that Commission appointed to investigate this situation. I wanted to see men on that commission who would not be there every man armed with a white-wash brush. I would like to have the people know the truth, I would like to have them know the facts, and no honest man and no honest railroad is afraid to have the facts made known.

These are the reasons, members of the House, why I move the postponement of this bill.

Mr. MARTIN of Augusta: Mr. Speaker, I wish to speak briefly against the motion of the gentleman from Portland (Mr. Cummings) to indefinitely postpone this bill. I have a great deal of respect for the knowledge of the gentleman from

Portland, but today his remarks do not seem to me to be pertinent to the issue. He speaks rather of the past and is not facing a present condition, and in saying that he speaks of the past I do not admit that there has been any mismanagement of the road. I am not familiar with a great many of the statements which he makes, and I do not know whether they are entirely in accord with the facts or not; but I do know that the men who have been connected with the Maine Central Railroad have been some of our leading citizens of the State of Maine, and I cannot believe, for one, that there has been the bad mismanagement which has been stated.

The gentleman from Portland (Mr. Cummings) wishes that some law could be enacted that would reach it. The gentleman from Portland may be sure that there is plenty of law now to reach officers who are derelict in their duties. The matter which impresses me in this is the fact that this matter has been carefully considered by one of the ablest committees of this Legislature and a unanimous report has been given recommending the present bill and method of taxation. They are men who are disinterested and who have put in a great deal of study. They have looked into the whole situation and I believe they know whereof they speak and whereof they report.

The plan which was originally asked from the committee is the gross-net plan. It is the scientific method of taxation of railroads, recommended and endorsed by a committee of all the railroad experts of this country in Washington in 1923. There can be no question but what this is the scientific method of taxation. The railroad originally came to the Legislature, as I understand it, and asked the scientific method which is based upon net income in relation to the gross income and that the rate of taxation be a leeway of three percent to five and one-half percent. At the present time the railroad pays five and one-half percent. The committee finally, after a great deal of deliberation and in what they considered absolute fairness, presented a different bill, a sort of compromise, making the rate four and one-half percent to five and one-half percent. In other words, whether the railroad makes a cent or not it will have to pay four

and one-half percent on its income. If the net income is not over five percent in relation to gross income, it pays four and one-half. Then if the net income goes up to fifteen percent in relation to gross, the railroad pays four and three quarters. Then if twenty-five percent, it pays five, and if over twenty-five percent, it pays five and a quarter. It is a sliding scale. If they earn more, they pay more—the same principle as the income tax.

I do not think the gentleman from Portland (Mr. Cummings) would dispute the importance of having the railroad in the State of Maine. Now this railroad is not making money. It has able officers but it is not getting ahead. It is going behind, and, if you want to boom Maine, we certainly must have a railroad that can operate efficiently and safely for the public.

There has been in the papers, and I have no doubt the gentleman from Portland has seen it, as well as all of you members here, a recent petition by the Boston and Maine asking that it be allowed to discontinue two hundred miles of its railroad. That is significant of what is coming, railroads being taxed and the money used for good roads, are going behind. We have seen the electric road passing out and we must beware that the railroads do not come to that situation. Two hundred miles of the Boston and Maine have already petitioned to the Public Utilities to discontinue, and they have plans under way for lines totaling one thousand miles or forty percent of their rails. That means a terrific loss to a great many small communities, and in our State it is well to take that into consideration that if the railroad cannot pay, it must in self defense go to the Public Utilities and ask that its non-paying lines be discontinued; and I know that we do not want that to happen. There is a line on the Maine Central Railroad extending from Burnham to the city so ably represented in this Legislature by the gentleman from Belfast, Mr. Frost, that annually is losing around \$150,000. They are in the position, if they wish, on account of tenancy there, to discontinue that at the end of the year or in some similar time. They do not want to and they hope it will never come when they will have to, but they have got to be given fair

treatment at the hands of the Legislature, fair scientific treatment, and that is what this bill asks for.

I believe there is no member of the House who in any way doubts the sincerity and ability of every man on the committee who reported unanimously for this bill; and so in the name of what is fair, in the name of fair play, in the name of treating every man fairly, treating corporations fairly and basing this fairness on scientific investigation, what is recognized as fair, and also in the name of what is good for the State of Maine, I certainly trust that the motion of the gentleman from Portland (Mr. Cummings) will not prevail.

Mr. HOLMES of Lewiston: Mr. Speaker, I wish merely to say that I am in opposition to the motion of the gentleman from Portland. Mr. Cummings, and I hope that it will not prevail. If the time ever comes when the navigation of the air will be in theory and practice so far advanced that we can rely on dirigibles or heavier than air machines, for our transportation, we can afford to ignore transportation by railroad; but that time is not within sight.

I think the gentleman from Augusta, (Mr. Martin) has clearly explained the theory behind this tax bill, the theory of the gross-net plan as in new draft. I suspect, I believe and I say this without intending any insinuation or any criticism of the gentleman from Portland (Mr. Cummings), that if his argument were pursued logically to its logical conclusion, it would arrive at Marxian socialism or state socialism, and whereas he may not have had that thought in mind, there is no other solution except for the public to take over and publicly own—that is, owned by the State and operated by the State—the railroads. There is no other solution except the solution which is proposed by this bill. I therefore, hope that the motion of the gentleman from Portland (Mr. Cummings) will not prevail.

Mr. CURTIS of Brewer: Mr. Speaker, as House Chairman of the committee on Taxation, I will take a few minutes of your time and briefly speak on the bill before you. The bill pertaining to taxation of steam railroads has been before the committee on taxation for eight or more weeks. It has been carefully studied, examined and argued from all

standpoints. An additional hearing was given on the bill and all who cared were given a chance to express their views on the matter.

For a long time there has been a growing feeling that the method of taxing railroads on their gross earnings was fundamentally wrong, and that the gross-net plan, as advocated in this bill under discussion, was the more equitable method. The National Tax Association, consisting of assessors from all the States, the United States Chamber of Commerce and the special Tax Commission of the State of New York recommend the gross-net method of taxing the railroads of the country, and their recommendation ought to have weight. The gross-net plan came before this Legislature in its original form and which you have as House Document No. 74. Its original form calls for a graduated tax of three percent minimum to five and one-half percent maximum. It did not meet with the approval of the committee owing to the amount of money it would take from the State. The committee did feel, however, that recognition of it, at least that the good will of the State should be given the railroads. Various plans of showing this good will were discussed in the committee and several plans worked upon. After several executive sessions, it was the unanimous decision of the committee to recommend to the Legislature the gross-net plan of taxation of the railroads in a graduated tax of four and one-half minimum to five and one-half maximum, thus offering to the railroads some reduction in their taxes and granting their plea for a change in the method of taxation.

This bill is not wholly a Maine Central bill. It is a bill that applies to all the railroads of the State. If they are prosperous they pay the maximum amount, five and one half percent,—and under this plan there is at least one railroad that will pay as much as it has been paying under the gross plan and just a trifle more.

The railroads, I believe would not be asking for any relief from this Legislature if it were not for the sharp competition which they have from the automobile traffic.

As to the branch lines to which Mr. Cummings refers, the public has had the benefit of them. Do they

want these branch lines given up? As I understand, in the case of the Maine Central there are branch lines which could be withdrawn from the public if they saw fit, but they do not wish to do this. They wish to help build up the State of Maine and keep these branch lines in existence.

As to the branch to which Mr. Cummings referred, I understand that is to be given up, and in giving that up it means \$25,000 more in taxes to the State of Maine on account of making the proportion of the rails in the State different than it is today.

I trust that you will give this careful consideration and will realize that the committee on Taxation has not made any snap judgment on this, has not been influenced in any way, but has given what they consider a fair report; and I trust that the motion of the gentleman from Portland, Mr. Cummings, will not prevail.

Mr. CUMMINGS of Portland: Mr. Speaker, I confess it amuses me every time I hear a man say that the proposed method of taxation is scientific and the existing method is not. The reason why it is scientific is that it lowers the tax that the road has got to pay, and that is all the reason. Is it unscientific to take from a party who takes from the public a percentage of that which they make? The existing method of taxation on gross receipts is merely taking back a certain percentage of what they have taken from the people of the State. I do not see anything unscientific about that at all.

Again your tax method, your tax as they have it on net instead of gross receipts, why they can so arrange their book-keeping and their business that there will not be any net receipts. The remedy for the conditions is a receivership and it has been for years. If that had been done, they would not have had to buy them up and junk them. That is what should have been done years ago and put a stop to this thing, and not have it growing and growing and taking more and more from the people of the State.

Perhaps some of you are not aware that the Bangor and Aroostook Railroad, to which the gentleman from Brewer (Mr. Curtis) I assume referred as being a road that would pay as much under the proposed method as under the existing method, if that road had earnings of ten thousand dollars a mile last year

—ten or eleven, I think it was ten—had nine percent net that they could have paid in dividends. The Maine Central, with \$17,000 per mile gross receipts had not one penny.

I do hope that the members of this House will carefully and fairly consider this matter. It is not that I have any enmity toward the Maine Central railroad; good Heavens I am a small stockholder in it. I would like dividends on it; I would like to have the stock worth something; but I am not asking this Legislature to relieve them from taxation for the purpose of bringing this about.

Mr. BRAGDON of Perham: Mr. Speaker and members of the House: I realize that we have arrived at the point when long, drawnout speeches are not appreciated by the members, and for that reason I will attempt to condense my thoughts into a very few short sentences.

I will not attempt to state that our present method of taxing the Maine Central railroad is a scientific one, but the fact remains that it is the method that they wanted. Just as long as they pay a small tax under that method they would need no other. They have come to us this winter telling us that they have gotten into such a condition that their stockholders are failing to draw dividends; but I want to call your attention to that large class of people, the farmers of our State, who are not only failing to draw dividends but have even lost their capital stock during this time that the Maine Central has been getting into this trouble. I think that before we come to the point of relieving any industry from taxation to the point of six or seven hundred thousand dollars that we should consider whether there is some other class of people in our state better able to assume the burden. If my recollection is correct it would mean a tax of about one mill to the people of the State; and if the taxpayers of the State who are paying a direct tax are better able to bear that burden than the Maine Central railroad, why this bill is all right; but I think that we should consider the matter somewhat before we pass this measure.

Mr. MARTIN of Augusta: Mr. Speaker, I am afraid that the gentleman from Perham, Mr. Bragdon, is wrong as to his figures. The original bill, if granted, would have been on the figures which the gentleman stated—the amount would

have been somewhere near that. But assuming for the purposes of argument that the minimum of four and one-half is granted, that will mean a loss in revenue of only \$175,000 instead of over half a million. There is also a road being discontinued in New Hampshire belonging to the Maine Central which will save around \$25,000, so there will be a loss of about \$150,000 in revenue.

With reference to the old plan being asked by the railroad, I do not see the pertinence today to the issue. Of course conditions, as every member of the House knows, have changed a great deal. The cost of operating the railroad, labor conditions, and the tax on the gross simply keep a flat rate on the gross of five and one-half percent with all the mounting costs and decreased earning power. It not only is not scientific but it is really unfair.

Mr. FROST of Belfast: Mr. Speaker and members of the House: First of all, Mr. Speaker, I wonder if I should ask a question if it would be in order? In the early part of this session, as I remember it, a committee was appointed to report to the Legislature of 1927. I wonder what became of that?

The SPEAKER: The Chair is under the impression that that order was defeated. That is as the Chair recollects it, but possibly some member may have the information.

Mr. CURTIS of Brewer: I will state through the Chair, that that was reported ought not to pass.

The SPEAKER: Reported ought not to pass and the report was subsequently accepted.

Mr. FROST: Then briefly, in a word or two, I would like to speak in opposition to the motion of the gentleman from Portland (Mr. Cummings) that this matter be indefinitely postponed.

It seems that perhaps we are going at this this morning from the wrong angle. First of all the impression that comes into our minds is that we are to lose a certain amount of money which the State has been getting in taxes from the railroads. Naturally, economy has been preached here so much that we hesitate to line up with a proposition of that kind. On the other hand, I think every one of us who are manufacturers—and I think that possibly we might include in this every last man here in the House—are really dependent on the railroads. We could not do without

them. If the railroads should cease to function today it would cripple every industry in the State of Maine; there would be no possible chance for us to do business.

Now if their plea is an honest one, and I think we have a right to assume that it is—personally I could not imagine the type of men who are managing our railroads attempting to so manipulate their books that they would have to be balanced in red ink when in reality their profits were large.—I would not feel like accusing that class of men of doing a thing like that. If they are honest in their book-keeping, and their books are subject to auditing, if we doubt that they are doing it correctly we could have them audited, and it seems to me that the amount of money involved is not large enough so that we could hesitate for a minute to grant the temporary relief that was recommended by this committee on taxation. Personally I hope that the motion of the gentleman from Portland (Mr. Cummings) will not prevail.

Mr. CURTIS of Brewer: Mr. Speaker, just one moment in answering a matter referred to by Representative Cummings in which he says the books could be so juggled that nothing would show in the way of earnings. The expression "net railway operating income" has a definite and technical meaning under the law and means the net income after payments of operating expenses and taxes, including in the computation thereof, debits and credits arising from equipment rents and joint facility rents. There can be no uncertainty about the amount of such net income because the method of accounting are prescribed and supervised by the Interstate Commerce Commission. As to keeping the books, as I understand it, that set of books is set up by the Interstate Commerce Commission and they cannot change them one particle.

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Portland, Mr. Cummings, that this bill, an act relating to the excise tax on railroads be indefinitely postponed.

Mr. PIPER of Jackman: Mr. Speaker, I move that we have a division.

A division being had,

Ten voting in the affirmative and 88 in the negative the motion to indefinitely postpone failed of passage.

Thereupon, on motion by Mr. Martin of Augusta, the bill had its third reading and was passed to be engrossed.

Passed to be Engrossed (Continued)

H. P. 624: Resolve in favor of an amendment to the Constitution of the United State to prohibit the employment of women and children in workshops, factories, manufacturing or mechanical establishments for more than forty-eight hours in a week.

Mr. HALE of Portland: I move the indefinite postponement of this resolve. The Constitution of the United States provides that an amendment shall be proposed by Congress and referred to the several states for their ratification. This, in effect, memorializes Congress to make the proposal. Then the question will have to come back here for ratification.

I have never felt much disposed toward resolves memorializing Congress to do anything, but it appears to me that this is a departure from sound constitutional practice.

The SPEAKER: The Chair will state that this is a matter recently printed as House Document 497, and appears to have come to this Legislature referred from the last one. The motion before the House is that the matter be indefinitely postponed.

Mr. EUSTIS of Strong: Mr. Speaker, I think that in the absence of Mr. Holmes of Lewiston who introduced this matter that it should be laid on the table.

The SPEAKER: Will the messenger see if Mr. Holmes is in the vicinity.

(At this point Mr. Holmes appeared)

Mr. HOLMES of Lewiston: Mr. Speaker, has the resolve been read within a few moments?

The SPEAKER: It is pending third reading.

Mr. HOLMES: It is merely a memorial to Congress, is it not?

The SPEAKER: It seems to be.

Mr. HOLMES: Mr. Speaker, not being aware of the particular objections the gentleman from Portland (Mr. Hale) has I cannot reply.

The SPEAKER: It will take the gentleman from Portland (Mr.

Hale) but a moment to re-state his objections.

Mr. HALE: Mr. Speaker, I will repeat for the benefit of the gentleman from Lewiston (Mr. Holmes) that I object to this amendment on the ground of the constitutional practice, because, in the first place, I do not think it a very appropriate legislative function for this Legislature to memorialize Congress, and because, for the more important reason that the Constitution of the United States provides that a proposition for the amendment of the Federal Constitution shall originate in Congress and be then referred to the people or to the legislatures of the several states. If we pass this resolve here, we are really attempting to initiate a constitutional amendment in the Legislature, and if this bill is passed and Congress should take such action, it could not fail to prejudice the action of a subsequent Legislature. In other words, it would come back to this Legislature with some precedent established which I think would be improper and inadvisable constitutional practice.

Mr. HOLMES of Lewiston: Mr. Speaker, let me take a moment to recount the history of this as it lies in my recollection. At the last session of the Legislature an initiative bill came into the Legislature under the Constitution signed by twelve thousand or more electors of the State, asking for the referendum to the people of a bill for this State to establish a forty-eight hour law in industry for women and children; and before that, at the Legislature before, the matter had been up for consideration. I have forgotten momentarily the action of the prior Legislature. Now, then, the last Legislature, of course, under the Constitution passed that initiative on to the people and a referendum vote was taken with the result which the members of the Legislature well know. Now this resolution, I should think it would be, rather than a resolve, was introduced into the Legislature the last time and received a unanimous passage; that is, it suited the ideas and convenience of both those who were in favor of the forty-eight hour law for women and children and those opposed. It was not believed, and I do not believe now, that it commits future legislatures of the State or the people of the State to any action as a result at any time in the future.

Upon the question of whether or not it is good form and good Constitutional procedure, unless my recollection fails me badly, the Legislature of Maine has at least twice memorialized the Congress of the United States to enact certain legislation or to submit certain proposed constitutional amendments to the states; and unless my recollection fails me badly one of the memorials related to prohibition before the passage of the Eighteenth Amendment of the United States Constitution, and the other referred to Women's Suffrage. There is at least a precedent for this action, and I oppose the motion of the gentleman from Portland (Mr. Hale) to indefinitely postpone.

Mr. HALE of Portland: Mr. Speaker, replying very briefly to the gentleman from Lewiston, Mr. Holmes, I do not, of course, intend to be understood as saying that the passage of this resolve would be binding upon a subsequent Legislature; but I do say that it would prejudice the action of the Legislature, and from that point of view it is unwise. Whether there is precedent for this particular practice, I do not know; but if there is precedent, I think it is an unfortunate precedent and that such precedent should not be multiplied.

Mr. CUMMINGS of Portland: Mr. Speaker, as a member of the committee on Labor, I wish to state that when we had this matter before us for consideration there was no division of opinion in regard to the committee, or to those who appeared before the committee. Judge Cleaves was present, and you all know who he represents, and he was in accord with this action and stated that a national law of that character the Associated Industries of the State was entirely agreeable to. In fact he believed it would be a benefit to the Industries of this State and to all New England. I personally believe that that is correct. I think it would be a good thing, and I hope to see this adopted and not indefinitely postponed.

Mr. WING of Auburn: Mr. Speaker, will the gentleman from Portland (Mr. Cummings) for the purposes of the record, state and read into the record just what Judge Cleaves represents.

The SPEAKER: The gentleman may reply if he cares to.

Mr. CUMMINGS: Mr. Speaker, I do not claim to have any authority for speaking for Judge Cleaves in anything. It is commonly understood, and I believe it to be true, that he represents what is called the Associated Industries of the State of Maine, and you gentlemen here know just as much about that as I do. I do not know as that answers Mr. Wing's question, but it is all the answer that I can make. I am not responsible for Judge Cleaves' opinion nor his connections nor the parties who employ him.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Hale, that this resolve be indefinitely postponed.

A viva voce vote being doubted,

A division was had,

Seventy-six having voted in the affirmative and 27 in the negative, the motion to indefinitely postpone prevailed.

The SPEAKER: The Chair appoints as conferees on the part of the House in connection with the matter, An Act to provide for the completion of the Vital Records of the State, Messrs. Sargent of Sedgwick, Warren of Winslow, and Thompson of Rockland.

Passed To Be Engrossed (Continued)

S. P. 101: Resolve in favor of Western Maine Sanatorium, for maintenance, personal services, repairs and equipment.

H. P. 455: Resolve in favor of Bertha M. Benit of Portland, Maine, for State Aid.

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

(Tabled by Mr. Audibert of Fort Kent, pending third reading.)

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

Passed To Be Enacted

An Act relating to the penalty for reckless driving of motor vehicles.

An Act to amend Section 31 of Chapter 7 of the Revised Statutes of 1916, relating to elections and permitting the use of ballot boxes with devices for registering and enclosing ballots deposited therein.

An Act relating to Indians voting.

(Tabled temporarily by Mr. Lait of Old Town).

An Act relating to certain internal affairs of the Passamaquoddy Tribe of Indians.

An Act to change the personnel of the budget committee.

(Tabled temporarily by Mr. Wing of Auburn).

An Act relating to the purposes for which cities and towns may raise money.

An Act relating to the payment of costs in transporting persons to the State School for Girls, the Maine School for Feeble Minded, Reformatory for Women and Reformatory for Men.

An Act to provide for building a bridge across the Kennebec river between the city of Bath and the town of Woolwich.

(Tabled temporarily by Mr. Cummings of Portland).

An Act to repeal Chapter 389 of the Private and Special Laws of 1905, entitled "An Act to grant certain powers to the town of Eden."

An Act to authorize the construction and maintenance of a bridge across Beach Creek in Bristol.

An Act relating to old, diseased and disabled animals.

An Act relating to smelt fishing.

An Act relating to taking of clams in Machiasport.

An Act relating to conveyances not effectual against others unless recorded.

An Act relating to the Passamaquoddy and Penobscot Tribe of Indians.

An Act relating to State of Maine building at West Springfield, Massachusetts.

An Act relating to kindergartens as part of the common school course.

An Act to regulate the sale of filled milk.

(Tabled temporarily by Mr. Littlefield of Kennebunk).

An Act relating to open season on certain game birds.

An Act relating to the authorization of issue of stocks, bonds and notes by Public Utilities.

An Act to incorporate the Personal Finance Company.

Finally Passed

Resolve in favor of the Reformatory for Women for maintenance and other purposes.

(Tabled temporarily by Mr. Wing of Auburn).

Resolve in favor of the Augusta

State Hospital for maintenance for the fiscal years 1926 and 1927.

Resolve in favor of the State Reformatory for Men for the erection of a building.

Resolve in favor of the State Reformatory for Men for maintenance, personal services, repairs and equipment.

Resolve in favor of Abbie A. Norton of Industry for State pension.

Resolve in favor of trustees of juvenile institutions.

Resolve in favor of State School for Boys.

(Tabled by Mr. Jones of South Portland temporarily).

Resolve providing for a State pension for Alice Fuller of Lewiston.

Resolve providing for a State pension for Florence J. Judkins of Lewiston.

Resolve providing for a State pension for Betsey A. Trask of Lewiston.

Resolve providing for a State pension for Nancy J. Brooks of Lewiston.

Resolve relating to apportionment of representatives among the several counties, cities, towns, plantations and classes in the State of Maine.

Resolve in favor of the Penobscot Tribe of Indians for the general care, maintenance and education thereof.

Resolve providing for the increase of State pension for Emma Coffin Norton of Palermo.

Resolve in favor of State School for Girls.

(Temporarily tabled by Mr. Jones of South Portland).

Resolve in favor of the secretaries of certain committees of the 82d Legislature for expenses of said committees in performing legislative duties.

Resolve in favor of the town of Hampden.

The SPEAKER: Those matters momentarily laid on the table we might take up in their order on the calendar. The first one is an act relating to Indians voting. The gentleman from Old Town, Mr. Lait, moves that this lie on the table and be especially assigned for tomorrow morning.

A viva voce vote being doubted,

A division was had,

Forty having voted in the affirmative and 20 in the negative, the motion to table pending enactment prevailed, and the matter was especially assigned for tomorrow morning.

The SPEAKER: The next act is an act to change the personnel of the budget committee.

Mr. WING of Auburn: I move, Mr. Speaker, that we reconsider the vote whereby this measure was passed to be engrossed.

The SPEAKER: And do so for the purpose of offering an amendment?

Mr. WING: Yes, Mr. Speaker.

Thereupon the House voted to reconsider its action whereby this bill was passed to be engrossed.

Mr. WING: I offer House Amendment A and move its adoption.

House Amendment A to bill An Act to change the personnel of the budget committee.

"Amend said act by striking therefrom in said act wherever the word 'Governor-elect' appears and substitute in its place the word 'Governor.'

Mr. WING: Mr. Speaker, I move the adoption of the amendment, and I will say this to the House in order that the House may understand. The act to change the personnel of the budget committee makes the Governor-elect a member of that committee. This amendment makes the out-going Governor—the Governor—a member of that committee. There is no such animal in the Statute as the "Governor-elect." That is simply a misnomer. He is no different from any other citizen. As I say, there is no such animal. The outgoing Governor should be the one who, from his experience as Governor, should contribute that experience to the building up of the budget. Then the new incoming Governor, the man who is to take his place, can have the benefit of the old Governor's experience and knowledge of State affairs in making up the budget, and the new Governor, the Governor-elect, so-called, can come fresh to his duties without any prejudice as to what shall constitute a proper making up of the budget. You will observe that the act describes the State Auditor, the State Treasurer, and the ranking member of the committee on Appropriations, but it leaves out the outgoing Governor. Now he is just the man from his intimate connection with the financial affairs of the State that should be a member of the budget committee. I trust the amendment will be adopted.

The SPEAKER: Is the House ready for the question? The ques-

tion is on the adoption of the amendment.

A viva voce vote being taken, the House voted to adopt the amendment, and the bill as amended by House amendment A was passed to be engrossed.

The SPEAKER: The next matter temporarily on the table is An Act to provide for building a bridge across the Kennebec river between the city of Bath and the town of Woolwich.

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

The SPEAKER: Would the gentleman explain his motion?

Mr. CUMMINGS: Yes, Mr. Speaker, I would be glad to. It is not that I have a feeling of hostility toward the Bath bridge. I have always wanted to see a bridge at Bath. I want to see one now, but I want to be sure that the bill is one that contains nothing that we are not aware of and that it contains nothing that we will later find to be a surprise in any way to the State of Maine. Doubtless the things I have in mind—or maybe I will not say doubtless, it may be that some one can explain the situation and remove the doubts I have concerning a particular matter. This is a matter of too much importance to be passed without careful consideration. That is the reason why I desire it tabled.

A viva voce vote being doubted,

A division of the House was had,

Fifty having voted in the affirmative and 44 in the negative, the motion to table prevailed.

The SPEAKER: Will the gentleman assign a day?

Mr. DWINAL of Camden: Mr. Speaker, I am going to ask the gentleman to assign a date as early as possible.

Mr. CUMMINGS: Mr. Speaker, I have no objection to this being considered tomorrow morning. I am not anxious for delay only that we may understand this bill.

Mr. WING of Auburn: Mr. Speaker, Is the resolve relating to the Bath bridge now in the House?

The SPEAKER: We have not presented this matter as yet. The motion is made that this bill be especially assigned for tomorrow morning. That motion is debatable. Is it the pleasure of the House that this matter be especially assigned for tomorrow morning?

The motion to especially assign for tomorrow morning prevailed.

The SPEAKER: The next is an act to regulate the sale of filled milk.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I would ask Mr. Speaker that this lie on the table for the purpose of offering an amendment.

A viva voce vote being doubted,

A division of the House was had.

Forty-one having voted in the affirmative and four in the negative the motion prevailed, and the bill was tabled pending its passage to be enacted.

The SPEAKER: Does the matter require special assignment?

Mr. LITTLEFIELD: I think, Mr. Speaker, tomorrow morning.

The SPEAKER: The matter might remain unassigned and the gentleman will take it up as soon as possible, doubtless.

The SPEAKER: Next is a resolve in favor of the Reformatory for Women for maintenance and other purposes.

Mr. WING: Mr. Speaker, I move that this matter lie on the table and that it be assigned to follow the resolves that has to do with the State School for Boys and the State School for Girls.

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

The SPEAKER: The matter may remain unassigned.

The SPEAKER: Next is resolve in favor of State School for Boys, tabled temporarily by Mr. Jones of South Portland.

Does the gentleman have an amendment to offer?

Mr. JONES of South Portland: Yes, Mr. Speaker.

The SPEAKER: Can that be taken up this afternoon?

Mr. JONES: I will try to have it ready this afternoon.

Thereupon the resolve was tabled pending final passage.

The SPEAKER: Next is a resolve in favor of the State school for Girls, tabled temporarily by Mr. Jones of South Portland. Does the gentleman have an amendment to offer?

Mr. JONES of South Portland: Yes, Mr. Speaker.

Thereupon the resolve was tabled pending final passage.

The SPEAKER: There are some emergency matters to be taken care of.

Emergency Measures

Resolve proposing an Amendment to Article IX of the Constitution, authorizing the issuing of bonds to be used for the purposes of building a bridge across the Kennebec River between the City of Bath and the town of Woolwich.

On motion by Mr. Wing of Auburn, tabled pending final passage and especially assigned for tomorrow morning.

Resolve making available funds for the State's share of reconstruction under the Bridge Act of the substructure of the Gardiner and Randolph Bridge.

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

A division being had,

One hundred and sixteen voted, and all in the affirmative, so the resolve was finally passed.

An Act relating to application for license to build or extend wharves or fish weirs.

Mr. WING of Auburn: Mr. Speaker, some gentleman here who is responsible for that bill can perhaps explain the emergency so that my conscience will be clear that it will affect the peace, health and safety of the State. If so, I would like to have him.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I was the gentleman who introduced that bill. It was introduced only for this purpose: The law two years ago in regard to wharves and fish weirs was changed, and in printing the law the word "wharf" was left out of it. The man who wished to build a wharf has waited a year and a half to build it and is now afraid to build it unless he gets permission from this Legislature. That is why the emergency clause was attached to this bill.

Mr. WING: Mr. Speaker, may I inquire of the gentleman from Kennebunk (Mr. Littlefield) if this is for

a license to build a fish weir or a wharf.

The SPEAKER: The gentleman may reply if he cares to.

Mr. LITTLEFIELD: Mr. Speaker, it is to build a wharf and not a fish weir.

Mr. WING: Mr. Speaker, addressing myself to the emergency, I do not wish to stand in the way of the gentleman from Kennebunk (Mr. Littlefield). I read from the Constitution of the State:

"An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace health or safety and shall not include (1) an infringement of the right of home rule for municipalities (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than five years of real estate."

Mr. LITTLEFIELD: Mr. Speaker, this bill is nothing to me. There is in Kennebunk, just across the river from Kennebunkport, a man who is in the wholesale fish business and he has a building that is on a very delicate foundation. He does a large business in the summer, but after the first day of September next he would not care whether he had the wharf or not. In other words, it has got to be there before the first of July. Now I do not believe that this House will vote against that man when he has been waiting a year and a half to have this law changed and when it was wholly a mistake of the former Legislature.

Mr. THOMPSON of Rockland: Mr. Speaker, I desire to say just a word. In 1923, and perhaps in 1921, in attempting to revise this present law regulating the extension of fish weirs the word wharf was left out by inadvertence. Now so far as I am concerned it makes no difference to me personally, but to the people who are living on the shores and constantly needing to erect a wharf, it may be a serious matter. No man is safe in extending a wharf into tide waters of the State of Maine unless he has, in addition to the permission of the municipal officers, a permit from the Secretary of War. A license from the municipal officers is good for nothing unless he has the permit of the Secretary of War; and if you cannot show him the vote of the municipal officers authorizing the license, you are done with him. You have to

file with him a copy of the vote and a section of the chart showing what tide waters are to be effected if the license is granted, and then you have to get his permission. It makes considerable delay. In this case it might make a considerable difference to an individual whether he had permission now when the season is just opening or whether he cannot have it until July or August. I say "August" because I think you will count the time that will be consumed in procuring the permission from the Secretary of War. The object of the amendment is solely to correct an error of the Legislature. Now whether that comes within the purview of the Statute and the Constitution, as read by the gentleman from Auburn, Mr. Wing, I do not know. It seems to me that the Statute standing on our Statute book for so many years is entitled to considerable consideration, a fair consideration—and it seems to me that it should come within the purview of the Legislature when it seeks to correct its own errors.

Personally, as I say, I have no interest in the matter only as I think it might affect the people along our coast to wish to erect such wharves for the coming year.

The SPEAKER: Is the House ready for the question? The question is on the passage to be enacted of a bill relating to application for license to build or extend wharves or fish weirs. This being an emergency measure, and requiring under the Constitution the affirmative vote of two-thirds the entire membership of this House on its passage to be enacted, all those who are in favor of the passage to be enacted of this bill will rise and stand in their places until counted and the monitors will return the count.

A division being had,

One hundred and fourteen voted in the affirmative and one in the negative, so the bill was passed to be enacted.

Orders of the Day

The SPEAKER: The House is now proceeding under orders of the day and comes to those matters especially assigned for today. The Chair presents, especially assigned for today, bill, An Act to ratify transfers of certain real estate to the State (S. P. 513) (S. D. 214) tabled by Mr. Kinsman of Augusta on April 1st, pending passage to be engrossed.

Mr. KINSMAN of Augusta: Mr. Speaker, I offer House Amendment A and move its adoption.

House Amendment A to Senate Document 214, An Act to ratify transfers of certain real estate to the State.

Amend Senate Document 214 by striking out the word "Sidney" in the sixth line thereof, and inserting in place thereof, the word 'Augusta.'

Thereupon, House Amendment A to Senate Document 214 was adopted and the bill as amended was passed to be engrossed.

The SPEAKER: The Chair presents, especially assigned for today, majority report, reporting an order, and minority report, reporting ought not to pass, of committee on Judiciary, on bill, An Act to provide the method of nominating candidates for office (S. P. 2) (S. D. 4) tabled on April 1st by Mr. Oakes of Portland, pending acceptance of either report.

Mr. OAKES of Portland: Mr. Speaker and members of this House: I will ask you to please turn to Senate Number 269 and Senate Number 270. I shall not address the House at length, and my reason is not because I do not consider this matter of utmost importance, but because I believe that it is a fundamental principle well known to all of you, and it is entirely unnecessary to waste your time in doing so. I do not want you to think, by my not going into a long discussion of the failure of the Primary Law, that I none the less feel that the Primary Law has not been a success, because I do feel that the Primary Law has been, to a large extent, in this State, a failure, and I do not want you to think that I have any the less regard for the members of this House, and I say that I think that the Primary Law on a big, general average, will not produce as high a grade of men as the representative system developed by the conventions.

(At this point Mrs. Allen of Hampden, assumed the Chair amidst the applause of the House).

Mr. OAKES (resuming): I should have placed a motion before the House before I started that we accept the majority report of the committee of the Judiciary in non-concurrence with the Senate, and I will now continue to speak to that motion.

Now, the Senate got into a confusion day before yesterday over the parliamentary situation. I am not talking about myself or recommending myself

as a good lawyer, but I do say that it does not worry me a bit to be placed in the situation that I am in because all of us lawyers are frequently placed in the situation where the lower court fails to understand what we are trying to present and fails to give a correct decision, and then we go to the higher court, the Appellate Court, with the greater understanding, and the ruling of the lower court is reversed, and I have no hesitancy in coming to this court and asking that the cause of the confusion of the Senate be straightened out. I am going to discuss just two or three points of the bill that is involved in the so-called Oakes-Anthoine Measure, and before I do that I would say that there is before the House and Senate an initiative measure which provides that the people shall vote upon the Primary Law as it stands today. And if the people favor the initiative measure, the Primary Law, in all its characteristics, is repealed. And there is a question whether we go back to the convention system as it existed prior to the enactment of this Primary Law without any further action or whether the Legislature will have to reconvene and enact some new method of nominating a candidate.

Strong legal opinion is to the effect that if the initiative bill is accepted by the people, the old convention system goes into force automatically.

Now, the bill which is known as the Oakes-Anthoine Bill provides for the election of delegates to a convention on a single day similar to the Primary Election Day, which eliminates some of the faults—I think practically all of the faults—of the old system of caucuses and choosing of delegates. It provides for a convention, and if in that convention a candidate is nominated by a majority of the votes of the convention, his nomination stands unless there is an appeal. If any other candidate for that same office gets twenty percent of the votes of that convention, that other candidate can appeal to the electorate, and the procedure is similar to the present procedure under the Primary Nomination System, with one exception; under the present system the candidate gets a small petition, and under this procedure he must get a petition, having ten percent of the electors of his party sign the petition.

Now, the reasoning of that is this, and that is worked out by a careful

study of a balance so that the convention will not be a mere temporary or transitory stage for the choosing of delegates, but a real convention, because a man nominated at a convention will be a real nominee, but leaving an opportunity for a man who has a real grievance to go to the people and have that grievance straightened out, so that it will not be a matter of a mere passing over, but will be a matter of protection of a man who has a real grievance. Now, that balance has been arrived at after consideration of various factors and it is thought to be a correct balance. And at the same time I want to say that in the adoption of this draft at this time, we are not finally closing the matter but it can be amended if any details are found that we have overlooked. We are not closing the matter; it is not a matter of any dotting of an "i" or putting in a period into this draft, but it is a matter of general policy.

In addition to that we have endeavored to cover all the good characteristics of protection that are involved in the Primary System, and in choosing one new feature in particular which provides that all candidates shall report their expenses in full and not certain specified expenses, so that the farce, I think, of the present report of expenses will be eliminated. That is all I care to say about the bill. If there are any questions to be asked I shall be glad to answer them.

Now, as to the parliamentary situation which seemed to confuse the Senate. If you will turn to Senate No. 269 you will find, on page 37, the committee report at the bottom of the page, which is the committee report signed by three members of the committee "ought not to pass" on the Anthoine bill, which was introduced into the Senate. The Constitution of the State provides that when a bill has been initiated by the bill, the Legislature must either pass it without any change—and then it becomes a law—or else refer it to the people; and in this case the committee has recommended that the Legislature refer to the people the Initiative Primary Bill. The Constitution further provides that when the Legislature does send this primary bill to the people, it may send therewith a substituted bill which shall be voted on by the people as a competing measure, and the majority of the Committee of the

Judiciary have determined to send a substitute bill to the people as competing measure to the Initiative Bill. So that, instead of passing the Anthoine Bill or the bill which I introduced into this House, the minority of the Committee, which did not desire to send anything to the people, reported that nothing should pass.

The majority of the Committee, on the other hand, reported that the Anthoine Bill should not pass the House as the passage by the two bodies but instead that we should pass an Order that that combined draft be voted on by the people at the same time they vote upon the Initiative Bill, and that Order is Senate No. 270. So the situation is this: The Oakes Bill, which is before the House, would be killed, and the Anthoine Bill, which is before the Senate, will be killed; the Initiative Bill will go to the people; then if we pass the Order, the new draft, the combined bill, will go to the people and will be voted on by the people as an alternate competing with the Initiative Bill.

The Order provides that the following question be submitted to the electors at any election called for by the provisions of an initiated measure—and then the title of the initiated measure—and that the said Oakes-Anthoine Bill shall be a competing measure therewith, and the question is "shall the so-called Oakes-Anthoine Bill, being a measure embracing the features of Primary Elections and a Convention System, so-called, be the law?" So that on the ballot the people can decide whether they want the Primary Law or do not want it, and if they answer that they want the Primary Law, that ends it; if they say they want a change, then they vote on the question, "Shall we have the Oakes-Anthoine Bill or shall we have the straight old Convention System?"

Now, I put up two propositions to you, gentlemen. In the first place, admitting that there is to be a change, assuming that the people in voting on this proposition, vote for a change, would you rather have the strict old convention proposition, the old Convention System, or would you have a scientific, adaptable system which has been tried, and has been found so successful, by the most careful thought that I have been able to get at or that Senator

Anthoine has been able to get at, and that various others have been able to get at, which will provide for all the protection of the Primary System and at the same time give the power to the people to use the delegation or representative system of government? That is the key today. If we can get that representative government with the protection to the people, we have got a new scheme and a great scheme.

Now, then would you rather have that or would you rather have the old convention system?

Now, I ask you, if you would rather have the Oakes - Anthoine Bill—supposing the people are going to give one or the other to you—to vote for the Oakes-Anthoine Bill and let the people have a chance to decide which they will have, I think that is all.

The SPEAKER pro tem: Is the House ready for the question?

Mr. HAMILTON of Caribou: Madam Speaker and gentlemen of the House: I feel that we should have this matter clarified a little more and find out just exactly our situation. Now, you all know that over twelve thousand people have instituted an initiatory measure to repeal the Primary Law, and we have, in this measure of Senator Anthoine's, assisted by Representative Oakes, what they call a competing measure.

Now, we all believe in the two party system, and that by having two parties we can arrive at a conclusion and get one man that the majority of the people will prefer, but when we have three men, for Governor or for some other office, we are not satisfied with the result, as a rule.

Now, if we should take the report of the majority of the Judiciary Committee, which has been turned down by the Senate by, I think, about eighteen to nine, and the minority report accepted, if we should take that report of the majority of the Judiciary Committee and send it out to the people, we would not be using them fairly, to my mind. The question for us to decide, and the question for the people to decide first, is whether we want the Primary Law or the old system. Two things should be presented to them so that they may understand what they are voting for. Put in this measure that we have here, and the

people would have no more conception of it than we have at the present time of what we are doing. Even the Senate was confused, and it seems to me unwise and unfair, both to those who are interested in the retention of the Primary Law and to those who wish to go back to the old system, to interject into that question a measure like this. Let us go fairly and squarely; let us use those who believe in the old system fairly, and I think the result will be unquestioned.

Now it is my desire, in order to represent, as I think I am representing, those who are interested in the Primary Law as it now stands, that we should accept the minority report of this Committee in this measure. We shall have to pass the Joint Order relative to the Direct Primary, as that is the initiatory measure, and that goes direct, as I understand it. Then, when we get down to the matters that are tabled, it is my desire to forever do away with what they call the Oakes Bill, and then we will have left for the people to decide, a clear question: first, whether we shall retain the Primary as it now stands or whether we shall go back to the old system.

Two years from now, if the people desire, or if the Legislature should desire, to submit a measure like the Anthoine Bill, so that they can have just two things to decide upon, why, then, submit it to the people in a fair and square way.

I have heard it stated that we should divide the forces of those who are interested in the old system. I do not think that is a fair and square deal for them. If we are going to the bat, let us go fairly and squarely and give those who are interested in the old system the right of voting it, if they have the majority, and those who are interested in the Primary, the right of voting to retain the Primary Law.

I hope and trust that the minority report, which was accepted by the Senate, will be accepted by this House.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Portland, Mr. Oakes—

Mr. OAKES of Portland: Excuse me, Madam Speaker, if there is no other question to be raised, I wanted to add one word to what I said. I made the motion that the majority report of the Committee should be accepted

by this House. After that motion is passed by the House, if it is passed, I should make the motion that the Order which accompanied the report be also passed. That was the question that has been raised, and perhaps that makes clearer the situation.

I want to bring one more thought to the minds of the members. Whether you believe in the Primary or do not believe in the Primary is not the question that you are deciding; the only question that you are deciding at this time is whether or not you are willing to trust the people to vote on a scientific, carefully prepared measure, competing with the Initiative Bill, or whether you are not willing to give the people the opportunity to vote on this measure. The Initiative Bill is going to the people anyway; you cannot stop it. A large majority of the people—not "majority" in its legal sense—a large number of the people, have signified a desire for a change, and a certain form of change is bound to go to them in the Initiative Bill.

Now, do not get confused on the next step, as to whether there will be any confusion in the minds of the people as to what they are voting on, because the ballot will show clearly, "Are you in favor of the Primary Law or against it, and if against it, do you want the Initiative Bill or do you want the Oakes-Anthoine Bill?"

Mr. STURGIS of Auburn: Madam Speaker and members of the Legislature: As a member of this House I am against camouflaging the issue. I am in favor of its going to the people to decide whether we shall sustain our present Primary Law or whether we shall go back to the old Convention System, and I hope that the motion of the gentleman from Portland (Mr. Oakes) will not prevail.

Mr. FROST of Belfast: Madam Speaker and members of the House: The gentleman from Portland, Mr. Oakes, made a statement which I think we might carefully consider at this time. He said that the personnel of the Legislature would be very much improved, he thinks, under the Convention System, and as I look around I wonder what he means. (Laughter and Applause) This is the best natured bunch of men that I have been connected with in all my life. I have not noticed any evidence of intemperance. (Applause) I did

not pause for applause, but I do not object to it. I do not know that I have ever seen a better looking bunch of men, therefore, I wonder how, in Heaven's name, under any system in the world we can improve on this crowd that we have here.

Personally—I do not know whether it appeals to the rest of you the way it does to me or not—I am a little bit scared that if you do not have the Primary, I may never come back here again, and I would really like to come, at least once more.

I feel very much like the two Jews who went over to New York to have a dinner together. They ordered fish and it was served whole on a large platter. Isaac got the fish and served it to Reuben. Now, in doing that, he cut the fish about half way between the tip end of the tail and the place where the head was, and he gave Reuben the piece with the bone at the tail. A few minutes afterwards he noticed that Reuben looked a little queer, and he said, "Reuben, is there anything the matter with the fish?" "Oh, no, Isaac," said Reuben, "there is nothing the matter with the fish but it is the way you served it. If I had been serving the fish I would have cut it just like you have, half way between the tail and the head, but I would have given you the big piece, and the little piece with the tail I would have given to myself." "Well," said Isaac, "haven't you got the little piece anyway? What are you kicking about?"

That is the way I feel about the Primary Law. We have got the Primary Law; what are we kicking about? (Applause.)

Mr. OAKES of Portland: Madam Speaker and gentlemen: I feel like the darkey who brought in to his master's table a turkey, and the master called him to account after the dinner, and said, "I told you to get a native fowl and you brought in a wild turkey." "Nossa," said the darkey, "I haven't brought in a wild turkey." And the master said, "Well, just look at those shot in the turkey; look at those shot." "Oh, Massa," said the darkey, "those shot never was intended for that turkey, they was intended for me." (Laughter.)

I was very careful in my expression regarding the present Legislature. There never was a better. I

said, and very carefully, that the Convention System, in the long run, would produce better results, and I was very careful to except present company. Thank you.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Portland, Mr. Oakes, to accept the majority report of the Committee. Is the House ready for the question?

A viva voce vote being doubted,

A division of the House was had, Twelve having voted in the affirmative and 86 in the negative, the motion to accept the majority report failed of passage.

Thereupon, on motion by Mr. Hamilton of Caribou, the minority report of the Committee "ought not to pass" was accepted.

(At this point the Speaker resumed the Chair, the member from Hampden, Mrs. Allen, retiring amidst the applause of the House.)

Mr. HAMILTON of Caribou: Mr. Speaker, on the Joint Order relative to Direct Primary, I would like to ask for information. As I understand it, that was a Senate Order relative to the Oakes-Anthoine Bill and the competing measure.

The SPEAKER: The Chair will read the Order.

(The Order was read.)

Mr. HAMILTON: Mr. Speaker, I move that we concur with the Senate in its refusal to give this Order passage.

The SPEAKER: Is the House ready for the question?

Mr. CUMMINGS of Portland: Mr. Speaker, I would like to have the question explained.

The SPEAKER: The motion before the House is that the House concur with the Senate in refusing to pass this Order, the effect of which would be to submit the Oakes-Anthoine Bill as a competing measure to the Initiative Primary Bill. Is the House ready for the question?

A viva voce vote being taken, the motion to concur with the Senate prevailed.

The SPEAKER: The Chair presents, especially assigned for today, Senate Amendment A to Bill An Act relating to certain State Parks (S. P. 513) (S. D. 213), tabled on April 1st by Mr. Burnham of Kittery,

pending the motion of the gentleman from Portland, Mr. Nichols, to indefinitely postpone.

Mr. BURNHAM of Kittery: Mr. Speaker, I yield to the gentleman from Portland, Mr. Nichols.

Mr. NICHOLS of Portland: Mr. Speaker, this is a matter relative to the old forts. The amendment of the Senate was to increase the amount from three thousand dollars to five thousand dollars. This is the matter I spoke of yesterday, which is taken care of in the appropriation bill, and if you vote this amount, you are voting the double amount in both bills. I think the gentleman from Kittery (Mr. Burnham) has satisfied himself of that fact, and I now ask that the amendment of the Senate be indefinitely postponed, and then I will offer an amendment which will put the bill in proper form.

The motion to indefinitely postpone prevailed.

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

House Amendment A to Senate Document No. 213. Amend Senate Document 213 by striking out all of Section 3 and further amending by striking out the words "Section 4" and inserting in place thereof the words "Section 3," and by striking out the words "Section 5" and inserting in place thereof the words "Section 4," and further amend by striking out the word "Machias," being the fourth word in line two of Section 1, and inserting in place thereof the word "Machiasport."

Mr. NICHOLS: Mr. Speaker, the object of the amendment, as I said before, is to put this appropriation under the General Appropriation Bill, and then Section 4 would be Section 3, and Section 5 would be Section 4. And the bill as printed has the fort at Machias instead of Machiasport, and the object is to correct that.

Thereupon, House Amendment A was adopted and the bill as amended was assigned for third reading tomorrow morning.

The SPEAKER: The Chair presents bill an act relating to fees of clerks of cities and towns (H. P. 551) (H. D. 119) tabled on April 1st by Mr. Nichols of Portland pending reconsideration. The House passed

this bill to be engrossed as amended by Senate Amendment A, and then passed the matter to be enacted. The matter went to the Senate and the Senate adopted Senate Amendment B.

Thereupon, on motion by Mr. Nichols of Portland, the House voted to reconsider its action whereby this bill was passed to be enacted; and on further motion by the same gentleman the House voted to reconsider its action whereby the bill was passed to be engrossed.

The SPEAKER: Is it the pleasure of the House that Senate Amendment B be adopted in concurrence?

Mr. BECKETT of Calais: Mr. Speaker and members of the House: I would like to call attention to the fact that this bill would not apply equally over the State. In those places where the fees have been paid in the city or town, it would go to the treasury of the town, but in many places in the State the effect of this bill would simply be to increase the salary of the Recording Officer.

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

Mr. NICHOLS of Portland: Mr. Speaker, I want to say that that may be true as regarding the long instruments. The Town Clerk would receive more than fifty cents for recording long instruments. On instruments such as mortgages and deeds, where the books are not provided by the State, which are over two hundred and fifty words, the Town Clerk would receive a dollar. I do not think that is too much; the Town Clerks get little enough now, and while I am from the city, I am a little inclined to help out the towns. I think the Town Clerks should receive a dollar for recording an instrument of over two hundred and fifty words, where they have to write out every word. I would not do it for a dollar, and I think very few of you here would do it for a dollar. I hope both Amendments will be adopted.

Mr. PALMER of Island Falls: Mr. Speaker, the evidence before the Committee on Salaries and Fees all went to show that it costs twice as much to record the different instruments than the Clerks of the cities receive. They had to pay out of the treasury for recording these instruments. Now, if it costs the cities and

larger towns double the amount that they receive for recording, surely it must cost the Clerk of a small town just as much time in proportion as it does a city, and I think they should be just as much entitled to the extra fee.

A viva voce vote being taken, the motion to adopt Senate Amendment B prevailed, and the bill as amended was passed to be engrossed.

On motion by Mr. Thompson of Rockland, recessed until four o'clock this afternoon.

After Recess

The House was called to order by the Speaker.

Papers from the Senate, out of order, under suspension of the rules disposed of in concurrence.

From the Senate: Report of the committee on Appropriations and Financial Affairs reporting ought not to pass on bill an act to establish a State Contingent fund and a surplus revenue account and regulating the same, S. P. 475, S. D. 185.

Comes from the Senate report read and accepted, and the bill passed to be engrossed as amended by Senate Amendment A.

In the House, report read and accepted in concurrence, Senate Amendment A adopted in concurrence, and the bill had it two several readings, and tomorrow assigned for third reading.

Senate Bills in First Reading

S. P. 317: An act relating to the supervision, regulation and conduct of the transportation of persons over the public highways of the State of Maine by automobiles, jitney busses, and auto stages by the Public Utilities Commission, and to provide for the furnishing of security for civil liability on account of personal injuries and property damage caused by same.

From the Senate: Majority report of the committee on Public Health on bill, An Act permitting sterilizing operations in certain cases of feeble-mindedness (S. P. No. 412) S. Doc. No. 150) reporting same in new draft (S. P. No. 604) (S. Doc. No. 274) under same title and that it ought to pass.

Report was signed by the following members:

Messrs. PHILLIPS of Hancock
MINER of Washington
ALLEN of York

—of the Senate

MITCHELL of Houlton
HARRIMAN of Readfield
PEASLEE of Bath
GREENLEAF of Auburn
SPEAR of Portland
PIERCE of Sanford

—of the House

Minority report of same committee reporting ought not to pass on same bill.

Report was signed by the following member:

Mr. McDONALD of East Machias.

—of the House

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

In the House:

Mr. EUSTIS of Strong: Mr. Speaker, I move to accept the majority report in concurrence with the Senate.

The SPEAKER: Is it the pleasure of the House that this report be accepted?

Mr. McDONALD of East Machias: Mr. Speaker, I wish to say just a few words to the House in regard to this measure. I signed the minority report of this committee after having given this matter a great deal of study and consideration. The bill, as we saw it originally, authorizes the State of Maine to perform certain surgical operations upon certain classes of people known as feeble-minded, for the purpose of sterilization. This is not a minor operation by any means as we have been led to believe from certain quarters, but it is a major surgical operation and consists in removing certain parts of the human body from those persons, for the purposes named, that is, rendering them incapable of reproduction. To my mind, this is rather a vicious piece of legislation for several reasons. A feeble-minded person who should be in an institution where he or she could be properly cared for, subjected to such an operation as is here proposed, whether they be a male or a female, and turned loose—as the argument is that they may be in some way self-supporting—seems to me to be a rather dangerous thing to do as far as the young people of any community are concerned.

Take, for instance, a feeble-minded

young girl, sterilized and turned loose. She is not obliged to have any placard on her back stating that she is in that condition before she can become the victim of exploitation on the part of unscrupulous men and boys; and it is only a question of a comparatively short time before such a person is the subject of venereal disease, and we will find that the disease will be spread very rapidly by just such a person as this; and I believe that a person of this kind, too, exercises a bad influence on the boys and girls in any community.

Further, such persons, from their mental condition, have naturally vicious habits; they are bad; they are not the kind of people that you would want to have associating with your girls or with your boys. And why should the State of Maine take this position of sterilizing and simply making them incapable of reproduction? I believe it is bad.

This law has been passed in several states and those states have had rather sad experiences with them. In the state of Ohio, some years ago, this law was passed and it was found to work badly, and they were on the point of repealing it when the Supreme Court of Ohio declared it unconstitutional. This same thing happened in the state of New Jersey; they passed this law and after some time the State courts of New Jersey declared it unconstitutional. This same law was passed in the state of New York, and not a solitary operation was allowed to be performed before the courts were asked to pass upon it, and they did, and they said, in no uncertain terms, that it was unconstitutional, and recommended its repeal, and it was repealed.

Now, if we are anxious to take care of this class of people, why not put them in an institution where they belong? I realize that we have not quite enough room down at Pownal to accommodate all of these people who should be there, but we should take some step in this direction even if we do lay out a little money and our tax rates are a little higher than ordinarily.

The medical profession have investigated this matter very thoroughly, and instead of sterilization, they have recommended that these people be properly cared for in institutions. And I have in my hand one of the latest works on that proposition, "Nelson's Loose Leaf Living Medicine" and this

is a copy of the latest report that came out only last year; and in speaking of sterilization, it tells about the experiences that the different states have had with it, and they in every instance condemn the practice.

This same law was before us two years ago and we let it slip by and it was enacted but it was vetoed by Governor Baxter; and I think it is a great mistake for us to go on record as passing this law under the circumstances where it has been passed in other states and even passed upon by the Supreme Courts of other states as unconstitutional. (Applause)

Mr. EUSTIS of Strong: Mr. Speaker, I would like to speak briefly in favor of this bill and try to answer the questions of the gentleman who has just spoken. In order to understand the question before us, it seems to me that two questions must be answered. First, what we mean by "feeble-minded persons" and second, is such a law necessary?

By a feeble-minded person we refer to a person having a mental capacity not exceeding that of a child of twelve to fourteen years. Such a person may be physically an adult, but possesses the mind of a child. We now recognize three classes of feeble-mindedness: idiots, imbeciles and morons. The lowest class, idiots, calls for intelligence ranging from nothing up to that of a child of two years. They are incapable of taking care properly of their physical wants. The feeble-minded cannot distinguish between right and wrong; they cannot control their animal passions.

Now, let us take up the second question, is such a law necessary? There are at present three hundred thousand cases of feeble-mindedness in the United States. Professor Elwood, of the University of Missouri, finds that nearly one-half of the almshouse population of that State are feeble-minded. In the state of Indiana 26.9 per cent of the paupers in the poor asylums are feeble-minded, while 43 per cent are either feeble-minded, insane or epileptic.

In our own State approximately twenty-three hundred outside the institution at Pownal are feeble-minded. Almost endless investigations have been made upon the subject and the results are strikingly similar. New York, Ohio, New Jersey and New Hampshire all agree that feeble-mindedness is one of the

chief causes of vice, misery and delinquency. Of vital importance in our consideration of the problem is the fact that feeble-mindedness is hereditary. Enough studies have now been made to convince us that this is true. Such men as Galton, Woods, Thompson and Goddard have all given us convincing proof.

It is well known and generally conceded that eighty per cent of the feeble-minded have feeble-minded fathers or mothers. The children of feeble-minded parents are invariably feeble-minded; there is the celebrated Juke case of New York where they have traced back the descendants of one man and it was found that eighteen hundred were in penal institutions, insane asylums and hospitals in that state.

Let us take a case here in Maine: A certain family has been traced back for four generations, and it has been found that of this family there have been forty-two public charges. Seven are now in the institution at Pownal. In 1912 and 1913 the cost of the care of this family to the State of Maine was \$16,965.08. The entire cost of this family, it is estimated, will be approximately half a million dollars. Think of the saving to the State if this family could have been cut off from its source!

Is Maine any worse off than the other states on this matter? I say that we are. From 1910 to 1920 the population of the State of Maine increased by twenty-five thousand. The increase by the excess of birth over death for this same period was forty-three hundred. This means that eighteen hundred had left the State, and those who left the State certainly were not feeble-minded.

Of those who registered for the World War, the Surgeon General tells us that 6.5 per cent of every one thousand were mentally defective. In the State of Maine the average was 7.16 per one thousand. Obviously, Maine does not have a very good standing.

We are forced to admit by these the seriousness of the problem, and admitting this, what is the remedy? There is only one sure cure for this situation, and that is to stop the production of morons. Such a remedy naturally shocks the mind at first thought. Violent measures at once come to your mind, but no such violent measures are necessary. Propagation must be stopped by one

of two ways: first, by segregation; or second, by sterilization.

Let us consider the situation here in Maine in the light of these two possibilities. We maintain in Maine an excellent and well-managed State Home for the Feeble-minded at Pownal. For the past year the average number of patients has been five hundred and sixteen, and with the opening of a new dormitory in a few weeks, the capacity will be six hundred and eighty-five; but even with this increased capacity, the demand far exceeds the facilities.

The cost for personal services, maintenance, repairs and equipment for last year was approximately \$183,000, or \$355.40 per inmate. This does not include the cost of the new dormitory, which was approximately \$180,000. The expenditures next year, with the increased number of inmates, will be \$250,000, figuring at the same cost per inmate.

To adequately conduct the institution at its present size, a new administration building and hospital, at a combined cost of \$240,000, are vitally needed. Thus, we see that with the annual expenditure of one-third of a million dollars, we are taking care, by segregation, of but a very small percentage of the number of feeble-minded in our State, and the number is constantly increasing. Every year one hundred and thirty-one more feeble-minded are born in the State of Maine. It would take fifteen new buildings at a cost of \$2,700,000, and additional facilities at probably an equal cost, to take care of the entire number of feeble-minded in our State by segregation.

For personal service, maintenance, repairs and equipment, the cost would be over one million dollars a year, and by the time we secure the segregation of these, hundreds more would have been born. Thus, we see the futility of attempting, by segregation alone, to take care of this problem. A simple operation now makes possible, I am told, the sterilization of men and women without taking away any normal function of sex except the creation of offspring. Over twenty states now have a bill similar to the one considered. And in some, it is compulsory. In this bill under consideration it is not compulsory. Consent must be obtained from the patient and also from the guardian or relative; also

from two physicians of five years' standing.

There are many patients at Pownal who could support themselves were it not for the great danger of their becoming the parents of feeble-minded children. Certain states have attempted to reach the criminally insane by a similar and more drastic law, but proponents of this bill believe in concentrating on the prevention of procreation by the absolutely feeble-minded.

We recognize the dangers to individuals by sterilization and have earnestly sought to insure that this power, if entrusted to the State, will be earnestly, conservatively and humanely wielded. It has been said that a law of this nature interferes with individual rights, but the rights of the individual cease at the point where they interfere with the well-being of the group. Or again, it has already been said that this bill will lead to increased prostitution, and a resultant spread of disease. I have shown the impossibility of segregation of the entire number of feeble-minded cases; then, it must come down to the question: Do you prefer to allow these girls to be on the streets diseased, and having children, or do you prefer them diseased, and not having children? There can be no doubt of your answer.

Again, it has been said that the law is unconstitutional. The law as written is constitutional. It is not compulsory, and the consent of the patient or relative must be obtained. New York State, which was mentioned, had a different law than this. In that State the law was compulsory, and it included criminals of all kinds. There was no chance of recourse to the courts.

If you could visit the State Home for Feeble-minded children at Pownal, there would be no doubt of your vote upon this matter. There in one room, where the worst cases are kept, were fifty to sixty—I hardly know what to call them—not human beings—with not an atom of intelligence—worse than animals. It would almost seem that it would be better, for themselves, for their families, and for the State—and I say it consciously when I say it—if by some law they could be put out of existence.

It is to accomplish the prevention of further propagation of such as

these that this law is contemplated. (Applause.)

Mr. McDONALD of East Machias: Mr. Speaker, may I ask a question through the Chair of the gentleman from Strong, Mr. Eustis. I would like to ask him what effect he thinks sterilization would have had on the McDonald boy down in Hancock County who murdered the school teacher last year? He was feeble-minded and was a proper subject for an institution.

The SPEAKER: The gentleman may reply if he desires.

Mr. EUSTIS of Strong: I will say, Mr. Speaker, that if that boy had been sterilized, and other boys of his class, to stop them from producing children, it might prevent a similar crime in the future.

The SPEAKER: The question before the House is on the motion of the gentleman from Strong, Mr. Eustis, that the majority report of the Committee, ought to pass, be accepted.

Mr. SPEAR of Portland: Mr. Speaker, I ask for a division.

The SPEAKER: A division is requested. Is the House ready for the question?

A division of the House being had, Fifty-three having voted in the affirmative and 63 in the negative, the motion to accept the majority report, ought to pass, failed of passage.

Thereupon, on motion by Mr. McDonald of East Machias, the House voted to accept the minority report of the Committee, "ought not to pass."

Mr. WING of Auburn: Mr. Speaker, I move that we reconsider the vote just taken, in order that we may keep our matters four-square with those in the Senate.

The SPEAKER: The gentleman from Auburn, Mr. Wing, moves reconsideration of the vote just taken whereby the minority report of the Committee, ought not to pass, was accepted.

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

From the Senate: Majority Report of the Committee on Towns reporting ought to pass on bill "An Act to divide the Town of Jonesport and incorporate the Town of Beals." (S. P. 285) (S. Doc. 103?).

Report was signed by the following members:

Messrs. BUZZELL of Oxford
—of the Senate

FRIEND of Etna
COLE of West Gardiner
MEARS of Waldo
ROBINSON of Scarboro
HARRINGTON of Wales
LEWIS of Cumberland
—of the House

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

Report was signed by the following members:

Messrs. CASE of Washington
MAHER of Kennebec
—of the Senate

MITCHELL of Newfield
—of the House

Comes from the Senate majority report read and accepted and the bill passed to be engrossed.

In the House:

Mr. PIKE of Lubec: Mr. Speaker, I move the acceptance of the minority report, ought not to pass, and yield the floor to Mr. Beckett of Calais.

Mr. BECKETT of Calais: Mr. Speaker and members of the House: I am somewhat at a disadvantage on this question from not having heard the evidence before the committee at this session. Though I very much wished to attend that session, the committee on Legal Affairs had other work and it was impossible for me to leave. Two years ago, however, I heard the evidence presented to the committee and listened to the debate before the House and Senate at that time. From all I can learn it does not seem to me that the situation is materially different than it was two years ago or four years ago. It has been the opinion of the delegation from Washington county that a division was not advisable. The matter of schools has been particularly the reason for a division that has been put forth. I have talked with representatives of the educational department, and I am informed that it would not be possible for the town of Beals, if set off and organized, to carry on a high school of the standing which we have endeavored to have in our State. The people of Beals Island expressed themselves as being willing to undertake to carry on such

a school; but I am advised, as stated, by those who it seemed to me were in a position to know, that it would be impossible for them to do so. As we all know the tendency is not to have more schools, but fewer schools and better ones, to concentrate, to have better teachers and more teachers; and the opinion has been expressed that even if this division came about, it would be not very long before the pupils of Beals who wished to attend high school would be attending the high school at Jonesport or some other place.

I have expressed to the people residing on the island, to some of them, and to some of them residing on the mainland, that I wished that these people could get together in a dispassionate way, possibly something granted on one side and something granted on the other, and amicably take care of this matter. I believe that these matters have got to the point where there is bad blood, as we sometimes express it, on both sides, and where they are really incapable of coming together; and so it is for us residents of Washington county, so it is for us residents of the State of Maine, to take this matter and dispassionately look it over and decide as we think best on what evidence can be put before us.

It is my personal opinion, and, as I have stated, the opinion of the delegation from Washington county—and when I state that it may be called to my attention that the vote of that delegation has not been unanimous, but I was told by the member who voted for the division that he did it accidentally, not understanding his vote. I believe that it is better that there should be no division, and I believe that if we consider this matter dispassionately, considering the evidence we have as to schools, etc.,—and we must admit that the matter of schools is the only thing before us because it is all I seem to hear,—that it would be better that there should be no division; and I trust this House will vote to retain Jonesport as organized. (Applause).

The SPEAKER: Is the House ready for the question?

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

Mr. LAMSON of So. Portland: Mr.

Speaker, I guess perhaps we have all heard something concerning the division of the town of Jonesport and incorporating Beals Island. I have been quite interested in this and I think I understand quite thoroughly the situation as it exists down there and as it has existed for more than twenty years. As a matter of fact the people of Jonesport and Beals Island have had a division already. People have come from Beals Island and have asked from time to time measures and improvements where-by they might acquire an education by high school privileges. The condition there is something like this: It is divided by a strip of water coming from the Bay of Fundy, perhaps three-quarters of a mile wide. Anyone who has ever been down in that section knows how hazardous it is to cross that strip of water in the winter time, and I was impressed by what one mother said before the committee. She said "I am the mother of four children, two of whom are of school age. I wonder how you would like if you should have to sit in the window and watch those scholars go across that strip of water in the winter time in an open boat, the vapor flying, and wondering whether they would get across, and then wondering how they were going to get back."

Many of them, or some of them at least, in their desire to gain an education do go across on to the mainland, and they are obliged to pay their board and some of them work their board over there in order to get a high school education.

The people of this island came here two years ago and I heard the talk and knew the conditions, and I thought the conditions would be remedied after the hearing; but I can tell you that they were not remedied and the conditions are even worse today than they were two years ago. It is a fact that there is no possible chance for a reconciliation.

My colleague, Mr. Beckett of Calais, says he is of the opinion that they cannot afford a high school and that the town would be so small that it would be unable to afford a high school. There are towns down in that vicinity of less population now than Beal's Island will be and they are sustaining a high school. I refer to the town of Columbia Falls, the town of Columbia, the town of Jones-

boro, which was divided some years ago, and the town of Dennysville, all towns which are smaller than this proposed town.

I heard the arguments all the way through and I heard the proponents of this bill, and I guess if you men had been there and heard the conditions described—as one good attorney said to me, he believed that their case was so well built up that if it had been before a judge and jury, the judge would have directed a verdict. I do not think it is well to have that hazard being carried on. It is a serious thing, and when people come here and ask for a thing of this sort I know that they are very much in earnest as is evidenced by what you have heard in the past few days.

This is a natural division. This proposed town is a thrifty one and it is able to build a high school if they have to dig down in their own pockets to do it, and they want the privilege of doing it. They have three boat-building plants there; they have seven stores; they have one of the finest machine shops on the coast of Maine. They are thrifty, earnest, honest, God-fearing citizens coming here for their rights. Oh, you say, I do not believe in the policy of dividing towns. No, it is rather a poor policy. I do not believe in divorces, and yet a wise Legislature has provided that when conditions are bad or wrong, some relief can be granted. I think I can hear in the olden days old King George III shedding his crocodile tears and telling what a shame it was to cut off the Colonies; but your old forefathers and mine thought differently. I suppose that some hundred or more years ago, when our State wished to be divided and wished to go by itself, that there was considerable opposition to that; but it was a pretty good thing after all. Maine has done fairly well and so has her mother state. In my own city of South Portland we have a division. The time was when it was all Cape Elizabeth. Conditions were rather uncertain. Jealousies were engendered and certain things happened. You have all been through this and you know how it is and so they decided to cut the town in two, which they did; and I am sure, if you know those two towns, you will say they are prosperous and they are still good friends one to the other.

Now in dividing this island of Beals, they are not going to take it away

from Jonesport; they are not going to lug it off—I wish they would up into Casco Bay—but they are going to leave it right there and they will be good citizens, prosperous citizens, and you will do a piece of constructive legislation that will be a credit to the State. (Applause)

Mr. McDONALD of East Machias: Mr. Speaker and members of the House: I was sitting one evening in my room down here on State Street and my eyes fell on this verse on the wall:
 "A wise old owl once lived in an oak,
 The more he saw the less he spoke;
 The less he spoke the more he heard
 Why can't we be like this wise old bird."

I religiously followed that idea until within the last few days, and then I realized the position of the man without a country who said:

"Breathes there a man with soul so dead

Who never to himself has said,
 This is my own, my native land."

This matter before us today, members of the Legislature, deals with the affairs of my county of Washington; and when I say "my" I mean the county in which I was born and have spent my life up to this time. No person has greater reverence for the locality in which he lives than I do, and I very much regretted it when this matter came into the Legislature. The first we knew of this thing was when members of this Legislature outside of Washington county came to some of us and said, "We are going to divide your town of Jonesport." That seemed to me, members of the House, a little bit harsh treatment for the Washington county members. Had somebody from some other county had such a proposition as this to deal with and had come to me for support, I naturally would have said to them, "I think you had better consult with the delegation in the county where the town is located"; and we feel, gentlemen and lady of this House, as if we had been sort of unfairly dealt with when such a movement was started here without ever having consulted any members of the Washington county delegation. I realize, at the same time, that you, as representatives of the whole State of Maine, have a perfect right to do this if you think it fair and just;

but, when you do that, do not argue to me about home rule. It seems to me that it is unfair for anything of this kind to be started.

The main reasons advocated here are the reasons given to the members of this Legislature why the town of Jonesport should be divided are classed under three classes, political, in the interest of the schools, and later I shall tell you of a third reason why we think this application is made for the division of this town. They say that from a political standpoint it would be a good thing for the Republican party to divide the town of Jonesport. Now let me tell you as a member of the minority party that I do not think there is any need of any of you people worrying about the affairs of the Republican party down in Washington county. We have one or two politicians in the party down there who are abundantly able to cope with the situation; so there is absolutely no political ground here at all. The members of the Washington county delegation, as you know, are made up of five Republican representatives and three Democratic representatives. There is an old saying that politics make strange bed-fellows, but no delegation in this Legislature has been more in harmony in everything that it undertook than the Washington county delegation.

The first petition from these petitioners for a division of the town of Jonesport came in 1921, and the reason given at that time by the proponents of the bill was that they were being slighted so far as their school property was concerned. They had made an application a short time before that to have some trouble remedied with the schoolhouse, and the selectmen of Jonesport sent a man over there to see what the trouble was and he found a little trouble with the chimney—a defective flue—which he remedied in a short time. At the same time they come up here in 1921, and when I say "they" I mean the residents of the island of Beals—and I want to pay my respect to them in the kindest way. They are a very progressive class of people and they are a very nice class of people. I have no words of criticism for them at all. They are my neighbors and I trust my friends; at least I feel friendly toward them. They asked at that

time that they be given a junior high school and after that hearing the selectmen of Jonesport went back to their homes. They had already had their annual town meeting. They called a special town meeting and appropriated money to build the junior high school, which they did, and they had at that time some eight scholars of that grade.

In 1923 the petitioners came to this Legislature and asked to be divided on the ground that they had not any suitable high school. Now I want to call your attention to the number of scholars which they have of high school age in Beals. They have had during the last year, I think, eleven scholars. One of them will graduate this year from the high school in Jonesport, leaving ten. They have in the first year of the junior high two scholars and in the second year of the junior high they have six scholars, making a total of about eighteen scholars that would attend the high school in the course of a year. But the argument is put forth here that they have forty or fifty high school scholars. Now if they have eight scholars in the two years in the junior high, how in the world are they ever going to have forty scholars in the high school, because your junior high must naturally be the source from which you get your scholars for your high school? I do not see how you can practically do anything different. We do not find but a comparatively few of the young people who have grown up on this island in the last few years that have made any effort to get a high school education. I believe there have been a few and they certainly are entitled to a great deal of credit for the efforts which they made in doing so. I believe one of them, Mrs. Carver, is a graduate of some school, and I think there is a young gentleman from there who a few years ago left Jonesport or Beals and went out somewhere and got a good education. I think a great deal of credit belongs to these two or three young people who have been really ambitious and really desirous to get an education. Others are there who claim they had not the proper advantages. Why could not they have gone out and secured a high school education as well as Mrs. Carver and this young man that I have referred to? I do not think you will find any

great difficulty in arriving at the proper conclusion in regard to the number of high school scholars there on the island.

It is argued here by the gentleman from South Portland (Mr. Lamson) that many of the smaller towns are supporting high schools. That is very true, but the most of those towns have some surrounding towns that help to furnish the pupils for the high school, and they are not from an island like Beals Island. Many of the scholars attending high schools in the small towns come from towns at a considerable distance from the town in which the high school is located, and many of them come into the town where the high school is and board there the year around, and the town from which they come pays the tuition, and the scholars pay their board. Now under the same circumstances, if the scholars from Beals Island came to Jonesport and boarded there during the whole of the school year, they would be suffering no more hardship than the scholars from half the small towns in the State of Maine. Now what has the town of Jonesport done toward assisting those scholars to get over there. We all know that in the elementary grades that you are obliged to furnish transportation; but so far as the high school scholars are concerned, no town in the State of Maine is obliged to furnish transportation. The town of Jonesport, however, has even been furnishing transportation for the high school scholars of Beals Island, and they have been doing it illegally at that. Now if that is not a fair proposition to the people of Beals Island, I do not know what is. The citizens of Jonesport have tried their best to do everything in their power for these scholars on Beals Island to secure an education.

Now the matter of the number of scholars required to carry on a high school successfully I think is pretty well taken care of by a letter from Dr. Thomas, the Commissioner of Education. He had occasion to go down there and investigate affairs on a complaint from the people of Beals that they were not being used properly. He did go down there and he had the impression, as my friend from South Portland (Mr. Lamson) said, that it was three-quarters of a mile across the Reach from Jonesport to Beals Island; but as I re-

member the circumstances he got a young fellow to take him over, I think, who carries the United States mail. This fellow has a mail contract for carrying the mail one-third of a mile across from Beals Island to the main land. Dr. Thomas reported that conditions down there were very good indeed. He was quite satisfied and very much surprised after all the complaints made in regard to the school conditions on Beals Island. Here is a letter that he wrote only yesterday:

"Referring to your question concerning the high school situation on Beals Island and the possible result of a division of the town on the high school situation, permit me to say that in my judgment the school might not be materially changed," meaning, of course, by this division. And I submit to you, members of this Legislature, that it is a pretty good argument, and whether Beals is separated or not I think you grasp Dr. Thomas' idea that there never will be any high school on there if you do grant a division. He says further: "The Beals Island people would have one of two opportunities. First, to establish a small high school which might be rather expensive if made an A-class school. Small high schools are not usually the most efficient and are generally expensive." This is exactly the idea that we have in regard to this matter. If the people of Beals Island had a high school, it would of necessity have to be a small one and naturally inefficient; and Dr. Thomas takes the same view of the situation.

Second, they could take advantage of the Jonesport high school by making arrangements with the committee and paying a regular tuition, which would be exactly the same condition as you have today except that they would pay their tuition to the town of Jonesport, if they sent their scholars there, and also pay for transportation which the town of Jonesport is now furnishing them. So much for that.

Now there is a third proposition that the town of Jonesport believes has a great deal to do with this matter of separation of Beal's and Jonesport; and if you notice in the bill for separation this year, at this session of the Legislature, it is a little different from the one before, and that is, in regard to the fishing privilege on

the Island of Beals which many of us in that vicinity believe is the meat of this whole matter that we are here today considering. On the island of Beals there are a great many fishing privileges and they are valuable. They were originally owned by the inhabitants of Beals, but a few years ago a brother of Mrs. Charles Henry Beals, one of the proponents of the bill to divide the town, sold to the Seacoast Packing Company some very valuable weir privileges for which he received the sum of twenty thousand dollars. A little later the Seacoast Canning Company sold these same privileges to some other parties down there, one of the members of this House being an interested party, and also a member of the Governor's Council. They bought these privileges and paid for them. They have been granted the privilege of erecting weirs on there which have proved a good investment. They are a good investment for any man who owns them. Now, then, as you all know, a petition has to be signed in order to get weir privileges and that petition has to be considered by the selectmen of the town in which the weirs are located. The selectmen of Jonesport have always had the privilege, under the town of Jonesport as it exists today, of granting these weir privileges. Now if the town of Beals is set off from the town of Jonesport, it is a pretty easy matter to know who is likely to be the first selectman of Beals when it is divided from Jonesport; and I submit that it would naturally be Mr. Charles Henry Beals. After his brother sold these weir privileges to the Seacoast Canning Company, Mr. Beals came in and asked the privilege to erect another weir in the fishway of the best weir in Eastern Bay. This petition was referred to the board of selectmen of the town of Jonesport. His brother-in-law, Captain Alley, was one of the selectmen. Mr. Mansfield of Jonesport was also one of the selectmen, and he was an interested party, being a part owner in the Seacoast Canning Company. Captain Oscar Look was the third member. The petition was considered by this Board of Selectmen. It was proposed to these people that as Mr. Mansfield and Captain Alley were both interested parties, it would be just as well for them to leave the matter to Captain Look; but Captain Alley declined to accept that proposition. At the hearing it was brought

out that the granting of the weir in this fishway would probably destroy the usefulness of the original weir, and Captain Alley, a member of the Board of Selectmen, admitted that that was the fact, "but," he said, "I think I would like to give a permit to Mr. Beals to erect a weir at this point," admitting that he knew that it would destroy the original weir, and that is absolutely contrary to the laws of the State of Maine in regard to the erection of weirs. You cannot erect a second weir where it will destroy the value of the other. We believe, members of the House, that this is the whole meat and substance of this divorce between Beals Island and Jonesport.

Another very significant fact in this connection is this: At this time we are asking for many of the islands around Beals to be set off with the island of Beals to make the new town, and it is a significant fact that nearly every island that has any weir privilege at all is to be included in the new town of Beals, but there are two or three other islands around there having no weir privileges, and they do not have any particular use for those islands. Now we believe that is a very significant fact in regard to this whole proposition.

I have here a great many telegrams from different people, people who own real estate, large taxpayers, people who own real estate on Beals and other islands surrounding it. One of them is from the William Underwood Company, one of the largest canning companies in eastern Maine, as follows: "We are absolutely opposed to the division of the town of Jonesport. Please use your influence to prevent it," and, by the way, this was sent to Senator Case at the Augusta House. Here is another one: "Senator Irving W. Case, Senate Chamber, Augusta, Maine. As owners of property on Beals Island we seriously object to separation from Jonesport. In our opinion it will reduce value and will not be a progressive move. (Signed) Rockport Granite Company."

We have here about twenty more signed by prominent business men of the town of Jonesport against division. Now I do not want to detain you any longer; but I do think if you consider this matter very carefully, you will find that, as we say, the fishing industry has more to do with dividing this town than any other proposition.

The distance across there is one-third of a mile. I presume every member of the committee saw a picture of a boat loaded with ice, and the impression was conveyed to the committee and to those who saw it that that boat was iced up like that in Mooseabec Reach. Now as a matter of fact, nearly every member of this House will remember that on or about the twentieth of December last, two men—lobster fishermen I think they were, or some sort of fishermen, living in Addison or Jonesport or somewhere in that vicinity—went out to attend to their traps. Their engine broke down, if I remember the circumstances. Anyway a gale of wind came up and those men were blown far out to sea. Even the men on the Life Saving Station did not feel like risking their own lives to go and rescue them; but Captain Carver of Beals Island, who has a very good boat, the picture of which you saw, started out of Mooseabec Reach and went out into the Atlantic Ocean in pursuit of those men to try and locate them and tow them in. Too much credit cannot be given Captain Carver for his heroic efforts to rescue those men. He stayed out there until well into the night—I think perhaps until midnight—and it was there that this boat, out in the Atlantic Ocean looking after these men that were lost, got this icing. The impression was conveyed to this Legislature that she got it by crossing the Reach, one-third of a mile from Beals Island to Jonesport. How do I know that? From the fact that the Captain of the Life Saving Station down there was accused of being derelict in his duty in not going out there and trying to find those men. He was ordered to appear before a court martial. The Government sent men down there to investigate, and I am informed by a man who took an active part in that that Captain Carver exhibited that picture of his boat and said to the men holding that investigation for the United States Government that she became iced up there that night searching for those men out in the Atlantic Ocean. Nobody who ever had anything to do with Mooseabec Reach would ever have for a moment thought that a boat could have got in that condition by crossing from that Island over to the mainland. I suppose that every hour

the day there are people going across there. We admit that it is hard crossing this Reach in the winter time and that it would be a difficult proposition for these children to go there to school; but, as I have said to you before, if they had to stay over there and board they would not be subjected to any greater hardship than many of the children in the smaller towns of the State who happen to come from the country into the nearest town to attend high school. I thank you. (Applause)

Mr. SMITH of Bangor: Mr. Speaker and members: Let me assure you I am not going to take up very much of your time. The previous speaker stated it was a local matter for Washington County. It seems to me that if he followed that out to a logical conclusion it would be simply between the towns of Jonesport and Beals and we wish it could be so settled.

During the war it seems that a young Government officer of the south was sent a letter criticising him for some delinquency. His wife received the letter, and, having that loyalty which most women have for most husbands, she wrote a letter back, saying, "I notice what you say about my husband, but I want to tell you there are always three sides to every question; there is your side, our side, and the right side." Now, I think, what we all want to get at is the right solution of this question. We all probably have more or less of a selfish interest one way or the other in regard to the fishing rights. The previous speaker has said that erecting these weirs would be contrary to the State Law, so I do not see that the residents of Beals could do any damage in their attempt to erect the weirs, if it is contrary to the State Law.

I think we should proceed very slowly in regard to the division of towns, and I think we should also be guided a great deal by the report of a conscientious committee in regard to this situation. Now, on that Committee there is a member from my own county of Penobscot. He comes from a small town, and I know that that man would never sign a report for a division of the towns unless the evidence was overwhelmingly in favor of that separation.

You will note that the Senate, after discussing this and hearing the

evidence, decided that Beals should have a separation; and I know, too, that when Beals came here, she did not come here with a lot of paid orators and paid lobbyists. Her own private citizens down there came here and spent their own money for their expenses. Grandmothers, fathers and mothers came here pleading for an opportunity to work out their own problems. Now, if this is an unwise move, the people of Beals will have to pay the consequences. But it seems to me that these people, plain, conscientious, hardworking people, of the type of Captain Carver, should have a chance to work out their own problem in their own way.

I first became interested in this matter through a young man coming up to me and asking my name and telling me who he was. I did not take to him very kindly at first, and I said, "What is your interest in this? Do you live there now?" And he said, "No, I do not live there now; I have moved away." And I said, "Well, what interest have you got in it?" and he replied, "I will tell you. It was very difficult for me, when I lived there, to attend high school over in Jonesport, and so I went away, and afterwards I entered the ministry." He said, "I was set back four years in getting my education. I might have had a high school education if I could have gotten one on the island of Beals, but I could not; and I am here pleading for the boys and girls who live on Beals Island, that it may be made less difficult for them to receive that education."

Now the residents of Beals claim that they have the wherewith to support the school and meet their needs, and it seems to me that they ought to be some judge of their own needs. I was talking with a father this morning who told me that last December his daughter was being transported from Beals to Jonesport, and she fell into the water and nearly drowned, and he told me that there was not any permanent landing place there, that they must land on a ledge and at low water they have to climb up a ladder. And I will ask you, gentlemen and lady of this House, if any of you had a young girl fourteen or fifteen years of age who had to be ferried across a piece of water as rough as that piece of water is there, in order to

get an education, if you would want her to be subjected to that danger. Rather, I think, you would say, "Let her neglect the education rather than risk her life."

Now, there are many towns in Washington County that are no larger than the town of Beals. I have before me here a list of ten or twelve. I understand that Beals has a valuation of \$142,000; she has about five miles of road. The road problem does not seem to be a serious one, but the school problem does, and they come here and tell us that they will put up the money for their schools and will solve their own school problem. They are far better able to support a high school than most towns of their size, and they have not got the expenses of most of those towns. Now I remember an instance of a cow that although pastured on the owner's land would occasionally go across to a neighbor's land, and the neighbor would milk the cow. Now the owner did not like that very much; he resented it, but the neighbor claimed that the cow should be milked where she fed. And I feel that the Beals cow should be milked in Beals and nowhere else; and I hope that this Legislature will give Beals the opportunity to work out their own problems. If you had a child, and that child felt that he wanted to work out his own problem, you would not hold him back. Everybody learns Life's lesson by experience; individuals, towns and nations.

Now Beals wants this experience. Why not grant to Beals the opportunity to have this experience and prove whether or not she is right or whether Jonesport is right? Let us give her the opportunity. (Applause)

Mr. CUMMINGS of Portland: Mr. Speaker, I am going to say only a few words. Sitting here and thinking of this matter it occurs to me that the most of us have read the Scriptures more or less, and I could not help thinking of some things: "Knock and it shall be opened unto you"; "Seek and ye shall find"; and I thought also of that incident spoken of where a man knocking at the door and getting no response knocked again and again until the good man arose and let him in because of his importunities, and it seemed to me that this was a similar occasion. These people, whom my friend Mr. McDonald says are good

people, have come to this Legislature several times; they have knocked again and again, and for my part, I hope that this time the door will be opened.

Whether they can or cannot support a high school is their own affair. I am willing that they should take care of that and I feel certain that they will.

It is very evident that there is a disagreement between them and the people on the mainland, and it is not growing less, and it will not grow less.

It has been cited that it was a divorce matter which we had to consider, and it was a very good illustration. These people are not living in contentment together. I believe that it would be well for all concerned; I believe it is well for both factions down there that they come to this great and general court and that they should be given a writing of divorcement. (Applause).

Mr. McDONALD of East Machias: Mr. Speaker, I would like to ask, through the Chair, if the gentleman from Bangor (Mr. Smith) has ever been down to Jonesport to see whether or not there were any wharves there where it is possible to land.

The SPEAKER: The gentleman may reply if he cares to.

Mr. SMITH of Bangor: I would say, Mr. Speaker, that I have not been there, but I have the word of other members who have been there. Many of us have knowledge about places and things which we do not get from personal experience, and that is simply my experience in this matter.

Mr. McDONALD: Mr. Speaker, I would like to correct that statement regarding the wharves, for I have known that section for twenty-five or thirty years—ever since I can remember—and there are large steamboats that land there at Jonesport at any and all times of tide, and there are wharves there for that purpose and the Portland and Mt. Desert and Machias Steamship Company steamer landed there up to a few years ago regularly with passengers, and now freight steamers go in there to unload cargoes and to ship out of there, and they have as good wharf facilities as many of the larger cities of Maine.

Mr. STURGIS of Auburn: Mr.

Speaker, may I ask the gentleman from Machias, Mr. McDonald, through the Chair if those steamers go through the Reach?

The SPEAKER: The gentleman may reply if he cares to.

Mr. McDONALD: They do go through the Reach.

Mr. STURGIS: I would like to ask the gentleman, through the Chair, if he would like to have his children going across there in the winter in an open boat.

The SPEAKER: The Chair is of the opinion that such questions do not tend to develop any information of value to the House.

Mr. STURGIS: Mr. Speaker, just a moment. I was never opposed to divorce, but I took up the Lewiston Sun last Saturday morning and I saw where the Supreme Judicial Court judge had just granted twelve divorces on the previous day, nearly all of which were for cruel and abusive treatment. There are cases where—whether it be visionary or not—people cannot live together peaceably, and in those cases they should be granted a divorce.

I was here two years ago at that hearing, and in that hearing they claimed that Beals was a liability to Jonesport to the tune of over one thousand dollars a year. Now, from my experience, I would say that as a business proposition, if I had a liability of over a thousand dollars a year, I would want to cut it off, and would be glad to; and I hope that the majority report will prevail.

Mr. HALE of Portland: Mr. Speaker, I cannot forbear to say a word in behalf of the town in which I spend a good deal of time. I have spent a good deal of time going up and down Mooseabec Reach in all kinds of boats. It is a third of a mile across, and absolutely landlocked, and I do not believe there is any danger to any child going back and forth across that Reach in a boat.

Now, what is the situation? There are four hundred and fifty people on Beals Island. The real estate, and I have the figures here, amounts to \$69,605. This is for the year 1924. Personal estate, \$52,680, and non-resident estate, \$7,400; or a total of a little under \$130,000 valuation. The town of Jonesport spent \$9,800 on that town last year, and the town

of Beals, unless they are to have less money spent on their town than they have now, have got to spend over \$10,000, and that means a tax rate of over seventy mills.

Now, I happen to know something about these smaller towns in Washington County, of which the gentleman from South Portland (Mr. Lamson) and the gentleman from Bangor (Mr. Smith) spoke; and I happen to know that some of them are in a deplorable financial condition. And it occurs to me that if this town were separated and launched out on an independent career, it would be in a worse position.

I also cannot forbear to call the attention of the members to Chapter 2 of the Revised Statutes, Sections 36 and 37, as follows: "Notice of any petition for legislation affecting the rights of individuals or corporations, may be given by serving them with a true copy of the petition at least fourteen days before the commencement of the next legislative session or by publishing such copy three weeks successively in some newspaper printed in the counties in which such individuals reside, or such corporations are established; or if no newspaper is there published, then in the State paper, the last publication to be at least fourteen days before the session; and if further service is deemed necessary, or if notice is defective or insufficient, further notice may be ordered." And Section 37: "Notice of any petition affecting the rights or interests of any town or county may be given to such town by serving it with a true copy of the petition at least fourteen days before the session."

Now, that is the letter of the law and it should be observed in letter and in spirit; and I do not understand that it has been observed in this case. It seems to me that the members of this House would be ill-advised not to follow the advice of all the members of the Washington County Delegation and vote against the separation of this town.

Mr. MOORE of Gouldsboro: Mr. Speaker, replying to the gentleman from Portland (Mr. Hale), he has been there in the summer, no doubt, but a different condition exists in the winter. Now the Great Creator of the earth created that separation

and the condition that exists there looks to me to warrant a town by itself. Now, I have been told by a member of the school committee that he considered that if Beals were made a town, they could function better than they can at the present time.

The committee heard all the evidence and reported definitely "ought to pass," and in regard to this particular issue that the Representative from Portland, Mr. Hale, has brought up, this notice to which he has made reference applies to petitions only, as I have been given to understand by the Attorney General's Office, and not to appeals.

In regard to the weir privileges matter, which has been brought up, I would say that in talking to the Attorney General in regard to this matter that when the town is divided, the weirs will stay just as they are today; they do not change. Any new weirs that may be constructed, there is a law that provides for their location so they will not conflict with any weir that is there now. So I do not see where the interest could be the matter of the weirs as against the separation, in any way. And I sincerely hope that the motion will not prevail.

Mr. STURGIS of Auburn: Mr. Speaker, I would like to correct one error in the statement made by the member from Portland, (Mr. Hale). He said, if I heard correctly, that there were four hundred and twenty people on that island. A month ago there were five hundred and sixty-two, and in the last three weeks they have had three children. (Laughter and applause.)

Mr. PIKE of Lubec: Mr. Speaker and members of the House: I am vitally interested in this matter as I have capital invested in those weirs. They told you about setting off Beals Island. The gentleman from Portland says this line is mechanically drawn; he did not tell you that it takes in eleven islands to the west of this one. He did not tell you those were owned by non-resident taxpayers, objecting to this separation. He did not tell you that the Rockport Granite Company owns an island there where they do business, and that the William Underwood Company pays more tax than the whole of Beals Island, in the town of Jonesport, and they object to this.

Now, this is all foreign capital that has come into the State of Maine. Is this the way you are going to bring business into the State of Maine?

In regard to the gentleman from Auburn (Mr. Sturgis) who says that Beals Island is a liability, you can go from Beals Island to Jonesport at any time, and even they are a liability, but when you take eleven more islands with them, that makes the whole an asset.

I am surprised that the gentlemen from Portland (Mr. Hale) and Bangor (Mr. Smith) know so much more about Moosebeac Reach and the islands around Jonesport than I do. I have learned a lot. And the gentleman from Bangor (Mr. Smith) wants them to work out their problem, and he tells us about the aunts and grandmothers and mothers and grandchildren coming up here to work out their problem.

When you set off Beals Island or Great Wass Island so that they can get back these weir privileges that they paid twenty thousand dollars in cash for, then they can work out their problem. They have the money and they want the goods back.

It has been stated here several times that those school children travel back and forth in an open boat. If it is the boat I saw carrying the school children, she has a good large cabin on her.

They find fault about the schoolhouses. The gentleman from South Portland (Mr. Lamson) finds fault about the schoolhouses there. There is one schoolhouse that belongs to the town of Jonesport, on Beals Island, and that is the only one. The only debt the town of Jonesport has is about nine thousand dollars, and what is that for? It is for building a schoolhouse on Beals Island.

Now, how have they been treated? Mr. Moore, the gentleman from Gouldsboro, has repeatedly said, "Set off Beals Island and we will have a Republican town." He knows more about Beals Island than I do too, but the people on Beals Island have inherited their politics. They will live with them and die with them, and we know what they are.

Gentlemen, you may set off Beals Island but I tell you that when you set off Beals Island to make a reconciliation, the fight has just begun.

Mr. STURGIS of Auburn: Mr. Speaker, I want to put myself right with the House. Where I got my information was by attending several hearings.

The SPEAKER: If the House is ready for the question, we will consider the request for a roll call vote.

Mr. LAMSON of South Portland: Mr. Speaker, just one word before we take a vote. Mark Twain, I think it was, said "It is better not to know so much than to know so much that isn't so." The Washington county delegation comes and tells you that they were unanimous, but Senator Mimer, who introduced the bill, did not know what he was doing when he put the bill in there. My conception of a unanimous vote is every man in the county voting that way.

I was interested in the telegrams, that the gentleman from East Machias (Mr. McDonald) put in from the William Underwood Company and other interests. Members of the House, here are forty letters from the mothers and fathers and children of Beals Island praying you to set them off so they may have their own school privileges. It is true that Dr. Thomas was down to Beals Island. He went down there in the summer time and they took mighty good care that he had a good boat to go over in. One of the boats that was carrying children over there, her wheel went wrong and they came near going out to sea and losing the scholars. That is the truth.

So far as these weir privileges are concerned, I am glad that was brought up. They are not worth one hundred dollars and they are on the market now. Do you doubt it? Here is a letter offering them for sale. You can buy them. Now they are bringing that up as an issue. The people of Jonesport and Beals Island do not care a snap about that weir stuff. It is the schools they want. While I may not be so well acquainted at Beals Island as my friend from Lubec (Mr. Pike), yet there are men here in this House who do know about it and who understand the conditions there, and I tell you, members of the House, you will do a mighty fine thing for the State of Maine if you set that Island off and let them work out their own salvation. (Applause).

Mr. LAIT of Old Town: Mr. Speaker, I would like to ask through

the Chair of the member from South Portland (Mr. Lamson) if he would mind reading that letter pertaining to the sale of that property?

The SPEAKER: The gentleman may reply if he cares to.

Mr. LAMSON: Mr. Speaker, I would be glad to let the gentleman from Old Town (Mr. Lait) read it at any time. It is rather a long letter and I had rather not take the time now. He can see it any time he chooses.

Mr. LAIT: Mr. Speaker, if in order, I think it would be well to have the Clerk of the House read it as evidence.

The SPEAKER: The gentleman (Mr. Lamson) may reply if he cares to.

Mr. LAMSON: I do not.

Mr. HALE of Portland: Mr. Speaker, may I inquire of the gentleman from South Portland, Mr. Lamson, through the Chair, if it is a letter purporting to offer all the fish weirs in the neighborhood of Beals Island for one hundred dollars?

Mr. LAMSON: Mr. Speaker, I did not say the price. I might say that the fish weirs have not been earning a dollar there for the past five years. Everybody knows that, and that old weir brush down there is not worth the price of pulling it up.

Mr. HALE: Mr. Speaker, I think this letter is of importance and I think it should be read.

The SPEAKER: The gentleman may read it if he desires.

Mr. LAMSON: I think I will withhold it. I might say in explanation that there are some personal references there and I am sure it would cause more or less embarrassment.

The SPEAKER: A roll call has been requested. For this to be done one-fifth of the members must signify their desire. As many as are in favor of having a roll call vote will rise and stand until counted and the monitors will return the count.

A division being had,

Twenty-four voting, the Chair rules that less than one-fifth had voted for a roll call and the motion failed of passage.

Mr. BARTLETT of Hanover: Mr. Speaker, I do not think it is perfectly plain over here in this corner.

The SPEAKER: Did the House understand the proposition that to have a roll call vote one-fifth of the members present must rise? Was that plain to the House.

Calls of "yes."

The SPEAKER: Twenty-four having arisen it appears to be less than one-fifth of those present.

Mr. STURGIS of Auburn: Mr. Speaker, if in order, I move a division of the House.

The SPEAKER: A division is requested. Is the House ready for the question? The question before the House is on the motion of the gentleman from Lubec, Mr. Pike, that the minority report, ought not to pass, be accepted. A vote of yes for the minority report, is against the division of the town. A vote of no is for the division of the town. As many as are in favor of the motion will rise and stand in their places until counted and the monitors will return the count.

A division being had,

Forty-eight voting in the affirmative and 73 in the negative, the motion to accept the minority report failed of passage.

On motion by Mr. Lamson of South Portland, the House voted to accept the majority report, ought to pass.

Thereupon the bill had its two several readings, and on motion by Mr. Nichols of Portland the rules were suspended and the bill received its third reading and was passed to be engrossed.

Mr. SNOW of Brunswick: Mr. Speaker, I misunderstood the question and voted for the minority report when I should have voted for the majority report. (Applause).

The SPEAKER: The result remains the same.

From the Senate: Resolve providing for the appointment of one or more persons to represent the State in certain proposed changes in freight rates affecting the people of the State. (H. P. No. 1218) (H. Doc. No. 459).

Which was indefinitely postponed in the House April 1st.

Comes from the Senate that body insisting on its former action whereby the bill was passed to be engrossed and asking for a Committee of Conference with the following members appointed on its part:

WADSWORTH of Kennebec
HINCKLEY of Cumberland
SMITH of Somerset

In the House, on motion by Mr. Wing of Auburn, by a viva voce vote, that body voted to adhere to its

former action which was the indefinite postponement of the resolve.

From the Senate: Resolve in favor of the Maine School for Feeble Minded for maintenance for the fiscal years 1926 and 1927. (S. P. No. 57) (S. Doc. No. 157) which was finally passed in the House March 18th.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House:

Mr. NICHOLS of Portland: Mr. Speaker, I move that the House adhere to its former action, which was passage of this resolve.

Mr. EUSTIS of Strong: Mr. Speaker, I move that this lie on the table.

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

The SPEAKER: The motion now before the House is that of the gentleman from Portland, Mr. Nichols, that the House adhere to its former action. As many as are in favor of the motion to adhere—

Mr. CUMMINGS of Portland: Mr. Speaker, what is the number of that bill, please.

The SPEAKER: Senate Document 157. Perhaps the gentleman from Portland (Mr. Nichols) could enlighten the House about this matter.

Mr. NICHOLS: Mr. Speaker, I understand that a number of these items are taken care of in the appropriation bill.

The SPEAKER: Is the House ready for the question?

Mr. NICHOLS: Mr. Speaker, in order that the House may understand the situation, I will withdraw my motion to adhere; and if it would be in order, have the matter lie on the table until tomorrow morning.

Mr. FLINT of Monson: Mr. Speaker, I would like to inquire what the action of the Senate was.

The SPEAKER: The Senate indefinitely postponed this resolve.

Mr. WING of Auburn: Mr. Speaker, will you please read the record on the resolve so we will know what we are doing?

The SPEAKER: Does the gentleman inquire as to the last action of the House.

Mr. WING: Yes.

The SPEAKER: It was finally passed in the House March 18. Comes from the Senate indefinitely postponed in non-concurrence. The gentleman from Portland, Mr. Ni-

chols, withdraws his motion to adhere, and makes a motion to table the matter. Is this the pleasure of the House?

The motion to table prevailed.

From the Senate: Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on the following:

Bill An Act to Amend Section II of the Chapter 117 of the Revised Statutes, as Amended by Chapter 249 of the Public Laws of 1917 and Chapter 198 of the Public Laws of 1919 and Chapter 104 of the Public Laws of 1921, relating to the salary of stenographer of Kennebec Superior Court (S. P. No. 7) (S. Doc. No. 47); reporting that the House recede and concur with the Senate.

(Signed)

Messrs. HINCKLEY of Cumberland
MAHER of Kennebec
CARTER of Androscoggin
—Committee in the part of
the Senate

MARTIN of Augusta
DEERING of Saco
WING of Auburn

Comes from the Senate, report read and accepted.

In the House, report read and accepted in concurrence, and the bill had its two several readings and tomorrow assigned for its third reading.

From the Senate: Report of the Committee of Conference of the disagreeing action of the two branches of the Legislature on bill An Act to Amend Chapter 260 of the Public Laws of 1917, as amended by Chapter 160 of the Public Laws of 1921, increasing the salary of the stenographer of the Androscoggin Superior Court. (S. P. No. 8) (S. Doc. No. 45).

reporting that the House recede and concur with the Senate.

(Signed)

Messrs. HINCKLEY of Cumberland
MAHER of Kennebec
CARTER of Androscoggin
—Committee on the part of
the Senate

MARTIN of Augusta
DEERING of Saco
WING of Auburn

—Committee on the part of
the House

Comes from the Senate report read and accepted

In the House, report read and ac-

cepted in concurrence, and the bill had its two several readings and tomorrow assigned for its third reading.

Mr. STURGIS of Auburn: Mr. Speaker, would it be in order to table that?

The SPEAKER: The gentleman from Auburn, Mr. Sturgis, moves that this lie on the table, pending its third-reading.

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

First Reading of Printed Bills

Out of order and under suspension of the rules.

H. P. 1253: An Act to enlarge the definition of the term "Securities" in Section 126 of Chapter 144 of the Public Laws of 1923, so as to include contracts for the sale of fur-bearing or other animals.

H. P. 1266: An Act relating to the payment of excise taxes.

H. P. 1267: An Act relating to the State Pier.

H. P. 1268: An Act relating to a lien for the repair and storage of vehicles.

H. P. 1269: An Act to Amend Section 20 of Chapter 25 of the Revised Statutes, as amended, relating to apportionment of moneys for highways.

H. P. 1056: An Act to Amend Section 57 of Chapter 87 relating to motions for new trials.

S. P. 143: An Act to Amend Section 32 of Chapter 9 of the Revised Statutes of Maine, relating to the excise tax on railroads. (Tabled by Mr. Martin of Augusta pending third reading).

H. P. 1272: An Act to prohibit boating and fishing from boats on Lake Auburn in the city of Auburn, in the county of Androscoggin.

H. P. 1676: An Act relating to warning signs at grade crossings.

H. P. 1277: An Act relating to third class roads.

Mr. WING of Auburn: I move that we reconsider the vote whereby we assigned for third reading tomorrow, House Document 193, relating to fur-bearing animals.

Thereupon, the vote was reconsidered.

Mr. WING: I offer House Amendment A and move its adoption.

House Amendment A to House Document No. 193:

"Amend by inserting after the words 'fur-bearing animals' in the third line of the second paragraph, page 2, the words 'stallions, bulls, grade heifers and canary birds.'" (Laughter).

Mr. WING: Mr. Speaker, I regret the laughter. I move the adoption of the amendment.

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

Mr. WING: I request a division, Mr. Speaker.

The SPEAKER: As many as are in favor of a division—

Mr. STURGIS of Auburn: Mr. Speaker, I would like to have that read again. I did not understand it. (Amendment again read.)

Mr. HAMILTON of Caribou: Mr. Speaker, I move we adjourn.

The SPEAKER: The motion to adjourn takes precedence.

Mr. McDonald of East Machias: Mr. Speaker, I second the motion of the gentleman from Caribou (Mr. Hamilton).

(Notices read by the Clerk.)

The SPEAKER: It seems likely that a Saturday session will be held.

On motion by Mr. Hamilton of Caribou,

Adjourned until 9.30 tomorrow morning.