

# 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**

Friday, April 3, 1925.

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

Prayer by the Rev. Mr. Quimby of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

**Senate Bills in First Reading.**

S. P. 620: An Act to incorporate the Piney Heights Beach and Country Club Village Corporation.

S. P. 621: An Act relating to recording of instruments of conveyance.

S. P. 622: An Act to amend Chapter 204, Public Laws of 1917, authorizing the Treasurer of State to negotiate a temporary loan.

S. P. 629: An Act providing for the benefit and assistance of aged persons under certain conditions in the State of Maine and prescribing penalties for the violation of the provisions hereof and making an appropriation for carrying out of its purposes.

S. P. 624: An Act to amend Section 1, of Chapter 169, as amended, relating to the support of dependents of soldiers, sailors and marines.

S. P. 623: An Act to provide for an Assistant County Attorney for the County of Androscoggin.

S. P. 625: An Act to amend Section 129 of Chapter 301 of the Public Laws of 1917 as amended by Chapter 61 of the Public Laws of 1923, relating to the care and treatment of certain infectious diseases.

S. P. 549: Resolve in favor of the Western Maine Sanatorium for additional facilities.

S. P. 135: An Act to amend the law relating to municipal aid to Public Libraries.

The following resolves were received and upon recommendation of the committee on reference of bills were referred to the following committee:

**Appropriations and Financial Affairs**

Mr. Pierce of Sanford: Resolve in favor of Mary E. Kanaley.

Mr. Jones of South Portland: Resolve in favor of Earle R. Hayes for services as Clerk for the committee on Mercantile Affairs and Insurance.

**Reports of Committees**

Mr. Flint from the committee on Inland Fisheries and Game reported ought not to pass on Resolve in favor of establishing a feeding station for fish in the stream at the head of Jimmy Pond in the town of Litchfield in the county of Kennebec (H. P. No. 1125).

Same gentleman from same committee on petition in favor of a law prohibiting night fishing in Rapid River and Pond-in-the-River, in Oxford County, and also in Upper and Lower Richardson Lakes and tributaries (H. P. No. 314) reporting that the same be placed on file.

Mr. Burnham from the committee on Public Utilities on bill An Act giving additional powers to the Public Utilities Commission (H. P. No. 1091) (H. Doc. No. 316) reporting same in new draft (H. P. No. 1279) under same title and that it ought to pass.

Mr. Johnson from the committee on Appropriations and Financial Affairs on Resolve in favor of Bath Military and Naval Orphan Asylum, (H. P. No. 516) reporting same in new draft (H. P. No. 1281) under same title and that it ought to pass.

Mr. Atwood from the committee on Legal Affairs on bill An Act to authorize the city of Lewiston to issue bonds for school purposes (H. P. No. 720) reporting the same in new draft (H. P. No. 1280) under same title and that it ought to pass.

Mr. Deering from the committee on Appropriations and Financial Affairs reporting ought to pass on Resolve in favor of International bridge, Van Buren, Maine, St. Leonards, N. B., combined immigration and customs office. (H. P. No. 579).

**Passed to be Engrossed**

S. P. No. 7: An Act to amend Section 11 of 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. 8: 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).

Mr. STURGIS of Auburn: I move the indefinite postponement of this bill.

Mr. Speaker and members of the House: This is Senate Paper 8, S. D. 45, and it came before this House early in the session. At a meeting of the Republican delegation, I registered my protest but it was not acted upon. I have been informed by the members of the committee on Salaries and Fees that a member from the Senate gave them to understand that the Androscoggin delegation were unanimous for this resolve. You might want to know why I did not appear before that committee. I will say that I was detained at home through no fault of mine, the Overruling Power upsetting my plans.

I will state emphatically that the Androscoggin delegation, as a delegation, were not asked for their opinion. Mr. Speaker, I realize the place I am in—a poor, innocent farmer from away back—opposing two of the leading attorneys of this House. Our former action in this House was to indefinitely postpone in non-concurrence with the Senate. Two days later the Senate adhered to its former action and asked for a committee of conference which was granted. I feel, Mr. Speaker, that through some oversight the committee of Conference did not represent the vote of this House. The Senator from Androscoggin informed me that the stenographer was very efficient and that it would be a hard matter to fill the place as good stenographers are very scarce. I told him that being the case I would feel it wise, as many were looking forward to a life work, to have a Class A school of Commerce at the University of Maine along with the request of its president to have a Class A school in law and medicine. But, Mr. Speaker, to my surprise I have located a young lady in the State House who is, as I understand it, open to such a position, and I am informed from what I consider a reliable source is fully capable of doing the work at the old salary of \$1800. I refer to a young lady who came here with the late Governor Parkhurst as his private stenographer, served Governor Baxter in that capacity, and upon the arrival of Governor Brewster, who had his own stenographer, this young lady was out of a job, and she is at present doing stenographic work for our beloved Speaker.

Mr. Speaker and members of this House, the original bill called for \$2500, but they cut it down, as I understand it, to \$2250. Now in 1923

the stenographer in the Superior Court of Androscoggin county had her salary raised from \$1700 to \$1800. She is a married lady, very efficient, a graduate of the high school and on graduation went into the office of an attorney in Auburn who later became Judge. When he was appointed Judge she of course went along with him. Now of course we realize that none of us are efficient in any line. Even the man who goes out and plows the ground and raises potatoes could not do much without experience. Now to get back to my story. I am informed by a member of the Androscoggin bar of long standing that in his judgment this stenographer received from the attorneys of Androscoggin county nearly or quite \$1200 a year for preparing briefs from her records for the law court, he paying her for one case the sum of one hundred dollars. This lady also acted as stenographer for the Judge of the Municipal Court of Auburn six weeks last summer, taking the place of his regular stenographer.

Mr. Speaker, I feel that this is unjust to the taxpayers of Androscoggin county for any raise in salary, complying with the recommendation of General Lord that even a two per cent curtailment was in the right direction. Our county tax from Auburn in 1914 was \$13,740.59, in 1924, \$44,034.56, more than three hundred per cent raise in ten years.

Mr. Speaker, I hope my motion will prevail.

Mr. WING of Auburn: Mr. Speaker, may I inquire as to the disposition of an act in relation to the salary of the stenographer of the Kennebec Superior Court.

The SPEAKER: The bill has just had its third reading.

Mr. STURGIS: Mr. Speaker, may I explain that when the Androscoggin bill came into the House and was indefinitely postponed, and then was immediately followed by the Kennebec county measure, there was a loud remonstrance, and, if I remember correctly, my colleague, Mr. Wing, stated at that time that he hoped the Kennebec matter would receive the same treatment as the Androscoggin; so that finally these two were linked together in the Committee of Conference.

The SPEAKER: Is the House ready for the question?

Mr. WINN of Lisbon: Mr. Speaker, I will say that, being a representative from Androscoggin county a number of Republicans had spoken to me in

regard to any increases in salaries in Androscoggin county—a great many men of influence, men of the bar—and they have requested that I register my disapproval of any increases in salaries in that county.

The SPEAKER: The question is the motion to indefinitely postpone.

The Chair recognizes the gentleman from Auburn, Mr. Wing.

Mr. WING of Auburn: Mr. Speaker, it seems to me that some one from Androscoggin county should come to the rescue of this young married woman in this Superior Court. There are four Superior Courts in the State of Maine, one in Penobscot, one in Kennebec, one in Androscoggin and one in Cumberland. Each is provided with a stenographer. I believe the stenographer in the Penobscot court receives a salary of \$2400 or \$2500 a year. These salaries are not at all in unison. Penobscot, of course, is the highest. I felt that when the salary of the Kennebec Superior Court stenographer was raised, at least the young woman in the Androscoggin Superior Court should have an equal salary.

You have heard my distinguished colleague (Mr. Sturgis) relate the trials and tribulations of the Androscoggin delegation. I know somewhat of the arduous duty, the hard work and the nervous energy that is expended—

(At this point Mrs. Dora Pinkham of Fort Kent, a member of the 81st Legislature, was escorted by the messenger to a seat beside the Speaker, the members rising and applauding.)

Mr. WING continuing: in such an office. I only want this Androscoggin county young woman, who is discharging the work of a man, to be paid a man's wages. If it is fair for the Kennebec court to have its stenographer paid, it is fair for the Androscoggin court; and you have voted to pay the Kennebec stenographer, who is a man, and you are asked to refuse the Androscoggin stenographer, who is a woman.

Mr. NICHOLS of Portland: Mr. Speaker, Portland has been interwoven into this discussion somewhat, and I would like to explain to the House the salary and work of the stenographer in the Superior Court of Cumberland county. The Cumberland county stenographer is paid one hundred dollars more than the stenographer in Penobscot, referred to by the gentleman from Auburn (Mr. Wing.) The Cumberland county

Superior court has nine terms a year, beginning in September and ending in June, continual with no vacation or intermission, and that county pays one hundred dollars more. None of the other counties in the State have more than five terms of the Superior Court a year. That may explain why the stenographer in Cumberland gets one hundred dollars more than Penobscot.

Mr. STURGIS of Auburn: Mr. Speaker, my colleague, Mr. Wing, is right in saying that they are justified in getting the same pay in Androscoggin as in other counties; but this young lady he speaks of is a married woman with a husband who is able to work and support the family. I do not take it on myself to say what Kennebec county or Penobscot county shall pay, even if it is five thousand dollars. They are paying the bills in those counties. I am from Androscoggin.

Mr. WING: Mr. Speaker, for the purposes of the record I wish to read certain details having to do with the Superior Court for Androscoggin county. There were pending on the docket of the civil and criminal sides of the Court at the February term, 1923, 522 cases. There were entered in 1924, 1211 cases, making in all 1733 entries. On the docket at the opening of the term, beginning the first Tuesday in February, 1925 there were 606 old cases standing, having disposed during the year of 1127 matters.

Now our court will begin in October and we will not finish the October term before there will be a December term. Our court is in session continuously from early fall until late summer. And I say to this House that it is hard work, it is wearing work, to take in shorthand the record of each case tried and heard in that court, and to see this young woman discriminated against because she is a woman does not appeal to my sense of fairness nor to my sense of justice.

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

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

Thereupon the bill had its third reading and was passed to be engrossed.

**Passed to be Engrossed (continued)**

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.

S. P. 475: An Act Establishing a State Contingent Fund and a surplus revenue account and regulating the same.

S. P. 513: An Act relating to certain State Parks.

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

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

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

H. P. No. 1268: An Act relating to a lien for repair and storage of vehicles.

H. P. No. 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. No. 1056: An Act to Amend Section 57 of Chapter 87 relating to motions for new trials.

H. P. No. 1271: An Act to Amend Section 32 of Chapter 9 of the Revised Statutes of Maine, relating to the excise tax on railroads.

H. P. No. 1272: An Act to prohibit boating and fishing from boats on Lake Auburn in the city of Auburn in the County of Androscoggin.

(On motion by Mr. Wing of Auburn, tabled pending engrossing, to be taken up this afternoon).

H. P. No. 1276: An Act relating to warning signs at grade crossings.

H. P. No. 1277: An Act relating to third class roads.

S. P. No. 183: Resolve in favor of Northern Maine Sanatorium.

**Passed to be Enacted**

An Act relating to the duties of the Commissioner of Agriculture.

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

An Act relating to fishing in Upper Kezar Pond and in Lovewell's Pond in Oxford County, and in Lower Kezar Pond, in Oxford and Cumberland Counties.

An Act relating to purposes for

which cities and towns may raise money.

An Act to make uniform the registration of married women as voters.

An Act to amend certain acts relating to corporations.

(On motion by Mr. Nichols of Portland, a viva voce vote being taken, tabled pending passage to be enacted).

An Act relating to the jurisdiction of the Municipal Court of the City of Portland.

An Act to incorporate the Richmond Water District.

An Act to acquire the American portion of the International Bridge at Calais in Washington County and to provide for its maintenance.

An Act relating to the salary of the County Attorney for York County.

An Act to incorporate the Union River Railway Company.

An Act to extend the Charter of the Great Pond Railway Company.

An Act relating to the analysis of water used for domestic purposes.

An Act relating to the excise tax on railroads.

**Finally Passed**

Resolve relating to the celebration of the sesquicentennial anniversary of the Declaration of Independence.

Resolve providing for a State Pension for Frank H. Taylor of Whitefield.

Resolve in favor of Bangor State Hospital for maintenance and other purposes.

Resolve to appropriate money for the purpose of operating fish hatcheries and feeding stations for fish for the protection of fish, game and birds and for printing the report of the Commissioner of Inland Fisheries and Game, and for maintenance of the Maine State Museum and for other expenses incident to the administration of the Department of Inland Fisheries and Game.

Resolve in favor of Northern Maine Sanatorium.

Resolve appropriating money for repairs and improvements to State Fish Hatchery buildings, grounds and equipment at Lake Megunticook, in Camden, County of Knox.

**Emergency Measures**

An act to ratify the plantation meeting of The Forks Plantation.

The SPEAKER: This being an emergency measure, and requiring under the Constitution the affirma-

tive of two-thirds the entire membership of this House on its passage to be enacted, all those who are in favor of the passage of the bill to be enacted will rise and stand in their places until counted, and the monitors will return the count.

A division being had,

One hundred and eighteen voted, and all in the affirmative, so the bill was passed to be enacted.

An act to appropriate money for the expenditures of government for the remaining months of the fiscal year ending June 30, 1925.

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

A division being had,

One hundred and twenty-one voted, and all in the affirmative, so the bill was passed to be enacted.

#### Orders of the Day

The SPEAKER: Under orders of the day the Chair presents first the unfinished business, and the first item under unfinished business is the adoption of House Amendment A on bill an act to enlarge the definition of the term "Securities" H. P. 1253, H. D. 505, the amendment having been offered by the gentleman from Auburn, Mr. Wing. The Amendment was lost on a voice vote; the adoption of the amendment was refused on a voice vote, and a division was requested. The exact status of the matter is that a division has been requested on the vote. Is the House ready for the question.

Mr. WING of Kingfield: Mr. Speaker and members of the House: It has been my policy up to this time to follow the course pursued by the gentleman from East Machias (Mr. McDonald), when, up to yesterday, in his case, the silence was not broken. I have come to the conclusion that if this 82nd Legislature is going to continue indefinitely, that if we as legislators are going to continue to dance and talk until the middle of the summer, I, for one, am not going to limit my activities to the former.

My purpose in arising this morning is to support the motion of the

gentleman from Auburn, Mr. Wing, for the adoption of House Amendment A on bill an act to enlarge the definition of the term "Securities", and in supporting that motion I wish to read three lines from House Document 505 and ask you if this proposed amendment is not simply a logical interpretation of that clause which I shall read, and, if that is a logical interpretation, why we should not adopt this amendment. Then, if this amendment puts sufficient light upon the real meaning, upon the wording of this House Document 505, I think that you will all be convinced that this matter should be indefinitely postponed.

Line 5 on the first page of House Document 505 reads as follows: I might explain perhaps that the purpose of this act is to place under the head of securities contracts for the sale of fur-bearing or other animals containing agreements or options for the purchase of their progeny; and I do not care to read it because that is the gist of this whole bill, and I ask you, members of the House, if this House Amendment A is not a logical interpretation of this paragraph? To give one concrete illustration! If I have a cow, if I have a horse or any other animal that bears fur or otherwise, and I wish to sell that animal, make a contract for its sale, and reserve the right to purchase the progeny of that animal, I must come to Augusta and intercede with the commissioner of our banking institutions in the State of Maine and ask him the privilege of making that contract.

Now, members of the House, if that is a logical interpretation, and I believe it is, I ask you to adopt House Amendment A to House Document 505, and then indefinitely postpone the whole matter.

Mr. HAMILTON of Caribou: Mr. Speaker, I would like to have the amendment read. (Laughter)

The SPEAKER: This has been read twice already, but the Chair will read it again.

(House Amendment A read).

Mr. STITHAM of Pittsfield: Mr. Speaker, I rise for information, to ask whether canary birds are animals or fish.

Mr. HALE of Portland: Mr. Speaker, I would call the attention of the House to the difference between House Document 193 and House Document 505. In House Document 193, lines five and six the

language is "contracts for the sale of fur-bearing animals". If you will turn to House Document 505, lines five and six, you will find the words "contracts for the sale of fur-bearing or other animals". It appears that the committee in new draft took care of the very point which the gentleman from Auburn, (Mr. Wing) had in mind in making his amendment.

Mr. PAGE of Skowhegan: Mr. Speaker, the people who seem to be treating this thing seriously are the people who have got their money in this fox venture. This bill was put in here simply to require all concerns dealing in such securities or investments to operate under the banking laws of the banking department. There are now twenty-three such concerns operating through this Department. The bill is solely for the protection of people who do not know what they are getting into. Any man, so far as I am concerned, who wants to put his money into such a venture as that, and risk it, has got that privilege, but has not got my sympathy. I believe that this bill is a proper bill. It was reported out ought to pass by six members, or a majority of that committee, none of whom had any interest in it whatever; and I do not believe that we want to fool along in this way. I think this bill should have its third reading.

Mr. CUMMINGS of Portland: Mr. Speaker, this proposed amendment is too ridiculous to be entertained by any body of intelligent men. (Applause).

The SPEAKER: The pending question is on the adoption of the amendment. Is the House ready for the question?

Mr. HALE of Portland: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman may state his point.

Mr. HALE: As I understand it, the matter before the House is, House Document 505. The amendment purports to be an amendment to House Document 193, and I think it should not be entertained.

The SPEAKER: The Chair believes the point of order taken by the gentleman from Portland (Mr. Hale) to be well taken. The old draft appears to be no longer before the House for its consideration. The Chair therefore rules the consideration of the adoption of this amendment to be out of order.

Mr. WING of Kingfield: Mr.

Speaker, may I inquire the present status?

The SPEAKER: The present status would be upon the assignment for third reading.

Mr. WING of Kingfield: Mr. Speaker, I would ask if a motion for indefinite postponement would be in order at this time?

The SPEAKER: Such a motion would be in order.

Mr. WING of Kingfield: Mr. Speaker, I move you the indefinite postponement of House Document 505.

The SPEAKER: The pending question now is that House Document 505 be indefinitely postponed. Is the House ready for the question?

Mr. PIPER of Jackman: Mr. Speaker, I request a division.

A division being had,

Fifty-two voting in the affirmative and 73 in the negative, the motion to indefinitely postpone the bill failed of passage.

Mr. PAGE of Skowhegan: Mr. Speaker, I move the third reading of this bill.

Mr. WING of Auburn: Mr. Speaker, I move that the matter lay on the table.

A viva voce vote being doubted,

On motion by Mr. Piper of Jackman a division was had.

Thirty-six voting in the affirmative and 71 in the negative the motion to table failed of passage.

The SPEAKER: The pending question now returns to the motion of the gentleman from Skowhegan, Mr. Page, that the bill have its third reading at this time.

Thereupon the bill received its third reading and was passed to be engrossed.

The SPEAKER: Continuing with unfinished business, the Chair presents the motion of the gentleman from Pittsfield, Mr. Stitham, to reconsider the vote whereby a resolve relating to education, House Document 465, was indefinitely postponed.

Mr. STITHAM of Pittsfield: Mr. Speaker, I think any discussion on this particular matter at this time would be infringing upon the good will of the present Legislature. The members of this House have been very kind in this matter, and as another matter has been passed by both branches of the Legislature as it seems to me with the approval of the majority, I wish to retire and be



with the majority, and hope that my motion to reconsider will not prevail. (Applause.)

The SPEAKER: With the permission of the House, the gentleman may withdraw his motion if he so desires, or he can allow it to go by vote. The effect is the same.

Mr. STITHAM: Mr. Speaker, if I withdraw the motion the effect may be the same, but I want to know that this bill is really dead this time. (Laughter.)

Thereupon a viva voce vote being taken, on the motion to reconsider the vote whereby this resolve was indefinitely postponed, the motion failed of passage.

On motion by Mr. Martin of Augusta, it was voted to take from the table bill An Act relating to Excise Tax on railroads, H. P. 1271, H. D. 500. On further motion by the same gentleman the House voted to reconsider its action whereby this bill was passed to be engrossed, for the purpose of offering an amendment.

House Amendment "A" to House Document 500.

"Amend House Document No. 500 An Act relating to excise tax on railroads, but striking out the last part of said act beginning with the words 'provided, however,' in the thirteenth line thereof."

The SPEAKER: The pending question is on the adoption of the amendment.

Mr. NICHOLS of Portland: Mr. Speaker, I would like to see the amendment printed, and I move that it lie on the table and be printed.

A viva voce vote being taken, the motion to table prevailed; and on further motion by the same gentleman 500 copies of House Amendment A were ordered printed.

The SPEAKER: The Chair presents, tabled and assigned for today, bill An Act relating to Indians voting, S. P. 269, S. D. 101, tabled by Mr. Lait of Old Town, April 2, pending enactment.

Mr. LAIT of Old Town: Mr. Speaker, I move to take this bill from the table and that it be indefinitely postponed. According to a communication from the Attorney General's office the bill is unconstitutional.

The SPEAKER: The question before the House is on the motion that this bill be indefinitely postponed.

Is the House ready for the question?

Mr. NICHOLS of Portland: Mr. Speaker, I would like to inquire of the gentleman from Old Town (Mr. Lait) on what grounds this bill is unconstitutional.

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

Mr. LAIT: On the ground, as near as I can find out from the Attorney General's office that it will require a Constitutional amendment and that this bill would not be legal without it. That is the reason for the motion.

Mr. NICHOLS: Mr. Speaker, may I ask another question?

The SPEAKER: The gentleman may put his question.

Mr. NICHOLS: That would be in accordance with the recent act of Congress giving the right of sovereignty to Indians.

Mr. LAIT: I so understand.

Mr. NICHOLS: I think the gentleman is right.

The SPEAKER: Is the House ready for the question?

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

The SPEAKER: Tabled and assigned for today, bill an act to provide for the Bath Bridge, S. P. 579, S. D. 242, tabled by Mr. Cummings of Portland, April 2, pending passage to be enacted. The Chair recognizes the gentleman from Portland, Mr. Cummings.

Mr. CUMMINGS of Portland: Mr. Speaker, I wish to offer an amendment.

On motion by Mr. Cummings of Portland, the House voted to reconsider its action whereby this bill was passed to be engrossed.

Thereupon Mr. Cummings of Portland offered House Amendment A and moved its adoption as follows:

House Amendment A to bill an act to provide for the Bath Bridge.

Amend said document by inserting after the words "bridge" line seven in the second paragraph on page three, the words "not inconsistent with the provisions of this act." Also by inserting after the word "permanent" in line fifteen of section five on Page 5, the words "during the useful life of said bridge."

Mr. CUMMINGS of Portland: Mr. Speaker, my purpose is merely to make clear so that there will be no misunderstanding in regard to the

meaning of this act in two particulars. In the first place, on page three, as the bill now reads, "The directors shall have authority to appoint and employ such engineers, agents, assistants and other employees as they deem necessary, and with the advice and consent of the governor and council, to make and let a contract or contracts for the construction of said bridge and its approaches and to do any other act necessary for the construction of said bridge."

Now several have questioned that authority, that is, that it might be considered too broad. I do not assume that it was put in there for anything but a perfectly proper purpose; but in order to remove any doubt in the minds of anyone, I have suggested in that amendment that after the word "bridge" there should be inserted "Not inconsistent with the provisions of this act."

The other matter on page five, section five, where it recites the obligation of the Maine Central Railroad Company to pay fifty-five percent of the cost of this bridge, with interest thereon at four percent per annum in equal semi-annual payments to the State during a period not exceeding fifty years, "the right to the use of said bridge for railroad purposes to become permanent upon completion of all payments." The question raised there is in regard to that word "permanent." That means forever, and there might a question arise in the minds of citizens as to what obligation the State was assuming under that word "permanent" after these payments have been made for a period of fifty years and then the right of the railroad became permanent. So to remove any doubt in regard to that, the amendment requests that after the word "permanent" there be inserted the words "during the useful life of said bridge," so that their rights would be permanent during the useful life of said bridge. This seems to me a perfectly proper thing to do and I think it will be of benefit to the Bath bridge proposition. I think if left as it is now it would be more difficult to dispose of the proposition on a referendum, because it might be considered that there was some doubt there in regard to the continuing obligations of the State forever. We want this bill right. We want it to be like Caesar's wife, above reproach. That

is the reason and only reason that I have offered this amendment. If the House deems it wise to adopt it, well and good. If it does not, then I have performed what I consider to be my duty.

Mr. FROST of Belfast: Mr. Speaker, and members of the House: I want to make a brief explanation in relation to the bridge. I would like to say, first of all, that probably no matter which has come or will come before this session of the Legislature seems to be of more importance than the one we are now considering. One man has given his time almost continuously for several years, and he comes to us now as the result of that effort with a measure which has been approved by the Executive Department, was framed by a member of the Governor's council, has been submitted to the best legal authority in the State of Maine, and has been passed by them as a measure which is safeguarding the interests of the State of Maine in every necessary way.

Now just consider briefly, if you will, this amendment to Section 2 on Page 3 "and to do any other act necessary." For what purpose? "For the construction of said bridge." This was put in here because it was not possible to definitely state every act which would be necessary to complete the bridge. Now the amendment would add these words "not inconsistent with this act". Who is to determine wherein such other acts are inconsistent? Why, the directors and the Governor and Council. Now inasmuch as they are to sit as judges over their own act, why not leave them unincumbered to act according to their own judgment, which they would do in case this amendment was adopted?

In relation to section five, the amendment objects to the word "permanent" Now I will say in explanation of that, at the beginning, when this act was being drawn up the railroad company was very desirous to have a part ownership in the bridge if it was to pay fifty-five percent of its construction and bear fifty-five percent of the burden of upkeep. The representatives of the State were equally insistent that the State should own the structure, that the railroad company should not have any real right of ownership in the bridge; and the railroad company, or their representatives, waived that matter and agreed to the

desires of the state representatives that the right of ownership should not be held by the railroad company; that the bridge should be entirely owned by the State.

You will notice here, without attempting to read the whole of it, that it says, "the right to use said bridge";—not another bridge, not a bridge which shall be constructed after this one has become of no use, but this bridge. This is the only bridge which the railroad company is given a permanent right to. Now they pay fifty-five percent of its construction, they pay fifty-five percent of the cost of upkeep; and if the time should come in the history of this bridge when it needed extensive repairs to the point of practical reconstruction and the railroad company should at that time refuse to bear fifty-five percent of the cost of reconstruction or repairs, it would lose its right to use the bridge. Therefore, it seems to me that this bill as drawn safeguards the interests of the State in every possible way.

In addition to that the railroad company has agreed that it will pay fifty-five percent of this in fifty equal payments. Now if it should pay forty-nine and fail to make the fiftieth, it would lose the right to use the bridge and would be subject to such rentals as the Board of Directors may see fit to place upon the use of it. They will forfeit all right also if in any one of the future years, after they have made the fifty full payments and have paid fifty-five percent of the total cost of construction, if they should fail for one single year to pay fifty-five percent of the cost of repairs and upkeep, they would also forfeit their right to use the bridge. It seems to me that we have safeguarded this bridge proposition in every possible way, and I trust that the motion of the gentleman from Portland (Mr. Cummings) will not prevail.

Mr. CUMMINGS: Mr. Speaker, the gentleman from Belfast, Mr. Frost, does not seem to be aware of the fact that this bill is to be withdrawn for amendment at the request of the Governor. He told us, as I understood him, that it was acceptable to the Governor and Council, and that great care had been taken in drawing it. No doubt great care was taken; but, nevertheless, it appears that it should be withdrawn at this time because of something that the Governor wants to change.

This reminds me of a story that a gentleman was telling me from South Carolina one time about what occurred in their Legislature. A colloquy arose between two members of the House. One gentleman, a gentleman from Spartansburg, was terribly under the influence of liquor—I do not know but he was born that way, at any rate he lived that way. He was speaking and had been speaking a long time, and a gentleman from Charleston desired to interrupt him through the Chair. The Speaker said "Will the gentleman from Spartansburg yield to the gentleman from Charleston?" "No," he said, "I will not." The gentleman from Charleston said, "The gentleman from Spartansburg is drunk." And the gentleman from Spartansburg replied, "The gentleman from Charleston says that I am drunk. That is true, but," he said, "that is temporary. The gentleman from Charleston is a dam fool and that is permanent."

Mr. FROST of Belfast: Mr. Speaker, just briefly, I want to say that I am not drunk. (Laughter and applause) Neither am I a fool. If I look like one, it is because of my clothes. (Laughter)

The statement that I made and the statement which I wish to reiterate here is that particular part of this document which the gentleman from Portland, (Mr. Cummings) wishes at this time to amend has been so carefully drawn that it is entirely satisfactory to the Governor and his Council. It is also true that this bill will be withdrawn for the purpose of amendment. The amendments are very slight. Everybody interested in the bridge have agreed to them, and the Governor this morning has agreed with interested parties that no delay longer than tomorrow morning will occur in connection with the amendments which he has suggested. The bill will go through the engrossing department and be on the table in this House ready for action tomorrow morning.

Mr. CUMMINGS: Mr. Speaker, I rise to a question of personal privilege. I certainly do not want the gentleman from Belfast (Mr. Frost) to think that I had any personal allusions in mind in telling that story. That was absolutely foreign to any thought of mine. I merely told the story to illustrate the meaning of the word "permanent." (Laughter and applause)

Mr. WING of Auburn: Mr. Speaker, I do not wish to be drawn into any controversy with the gentleman from Portland (Mr. Cummings) and the gentleman from Belfast (Mr. Frost), but I have in my hand an amendment which I shall offer to this bill which does bear the consent of the gentleman who is the sponsor for the bill, the attorney for the Maine Central Railroad Company and the Executive, and I shall offer it after this motion is disposed of.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Cummings, that House Amendment A be adopted.

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

Mr. WING of Auburn: Mr. Speaker, I offer House Amendment B.

House Amendment B to Senate Document 242:

"Amend Section five of said bill by inserting in the first line thereof after the word 'directors' the following: 'with the advice and consent of the Governor and Council' and by inserting in the first line of the second paragraph thereof after the word 'lease' the following words: 'with the advice and consent of the Council.'

Amend section six of said act by inserting in the fifth line thereof after the word 'toll' the following: 'Provided further that in case of default under any contract or agreement relating to the payment of any part of the remaining bonds, and the State thereafter being obliged to pay any part of said bonds remaining unpaid, then, and in that event, tolls shall be charged during the period necessary to cover the default.'"

Mr. WING: Mr. Speaker, I think the mere reading of the amendment must show the House that it makes certain portions of the Statute, not quite plain now, entirely plain, and provides for the better security of payments of the bonds in regard to the bridge. Now notwithstanding the statement of the distinguished gentleman from Belfast (Mr. Frost) this amendment which I offer does bear the endorsement of the Executive; it does bear the consent and endorsement of the attorney for the Maine Central Railroad Company; it does bear the endorsement of the Senator from Sagadahoc; and I hope

in the interests of the prompt dispatch of this particular item that the amendment will be adopted.

Thereupon a viva voce vote being taken, amendment B was adopted, and on motion by Mr. Wing of Auburn, the bill as amended by House Amendment B was passed to be engrossed.

The SPEAKER: The Chair presents, especially assigned for today resolve amending Constitution to authorize bonds for Bath Bridge S. P. 580, S. D. 240, tabled on April 2nd by Mr. Wing of Auburn, pending final passage.

Mr. WING: Mr. Speaker, I move the resolve be finally passed.

The SPEAKER: The gentleman from Auburn, Mr. Wing, moves the final passage of this resolve. It, being a Constitutional Amendment, requires a two-thirds vote of the House.

A division of the House being had, One hundred and seventeen having voted in the affirmative and none in the negative, the motion to finally pass prevailed.

The SPEAKER: The House now reaches Orders of the Day.

Mr. NICHOLS of Portland: Mr. Speaker, I move to take from the table Senate Document 157, resolve in favor of Maine School for Feeble-minded, tabled by me yesterday, pending enactment.

The motion to take from the table prevailed.

Mr. NICHOLS: I now move, Mr. Speaker, that the House recede and concur with the Senate in the indefinite postponement of this resolve, and I will say that the appropriations referred to in this resolve are taken care of by another resolve and that this is a duplication of another resolve.

The motion to concur with the Senate in the indefinite postponement of this resolve prevailed.

Mr. CURTIS of Brewer: Mr. Speaker, I move to take from the table House Document 175, bill an act relating to certain exemptions, tabled by me on April 2nd pending third reading.

The motion to take from the table prevailed.

Mr. CURTIS I now move, Mr.

Speaker, the indefinite postponement of this bill.

Mr. BOODY of Windham: Mr. Speaker, these bills were drawn many, many weeks ago, and for some reason or other they stayed in the Committees and were not reported until a few days ago. These bills provide certain exemptions in regard to the equalization of the living conditions of the State of Maine, and in presenting these bills, I presented them in the interests of the State of Maine.

There will follow in a few days a discussion on intangible taxes and a discussion on income tax, a discussion of whether or not you will pay taxes only while you are living and none after you are dead, and these bills that have been lying so quietly with the Committees, I ask of this House that they be still allowed to lie there until we get into the family discussion of the conditions of the family life on the others, and then we will have a family reunion on them all.

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

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

On motion by Mr. Curtis of Brewer it was voted to take from the table bill, an act relating to State highways and creation of further revenue, tabled by that gentleman on April 2nd, pending third reading; and on further motion by the same gentleman the bill was indefinitely postponed.

On motion by Mr. Littlefield of Kennebunk, it was voted to take from the table bill, an act to regulate the sale of filled milk, H. P. 1238, H. D. 469, tabled by that gentleman on April 2nd, pending enactment; and on further motion by the same gentleman the bill was passed to be enacted.

Mr. WING of Auburn: Mr. Speaker, are we proceeding in regular order or are we entitled to pick out any one?

The SPEAKER: Catch as catch can. (Laughter)

Mr. WING: Mr. Speaker, I now

move that we take a strangle hold and take from the table report of the Committee on Banks and Banking on bill, an act relating to purposes for which corporations may be organized, being Senate Paper 394, Senate Document 142, tabled by me on April 1st pending acceptance of the report.

The motion prevailed.

On motion by Mr. Nichols of Portland, the report was accepted for the purpose of offering an amendment.

Mr. NICHOLS: Mr. Speaker, may I inquire if there is a Senate Amendment A to the bill and whether that Amendment has been adopted?

The SPEAKER: It was read and adopted in the Senate but not as yet adopted in the House.

Mr. NICHOLS: Mr. Speaker, I move that Senate Amendment A be adopted in concurrence. I would explain to the House that Senate Amendment A as adopted in the Senate inserted after the words "Trust Companies" in the fourteenth line, the words "Loan and Building Associations," which is perfectly proper. That is, this act is an act relative to organizing corporations under the general law, and the loan and building associations, by this Amendment, are excepted, not to be organized under the general law. This Amendment was adopted by the Senate so that loan and building associations could be organized by a special charter. The original bill left out the words "loan and building associations."

The motion to adopt Senate Amendment A in concurrence prevailed.

Mr. NICHOLS: I now offer House Amendment A to Senate Document 142 and move its adoption.

House Amendment A to Senate Document 142. Amend Senate Document 142 by adding, after the words "trust companies," in the fourteenth line thereof, the words "or corporations intended to derive profit from the loan of money, except as a reasonable incident to the transaction of other corporate business or when necessary to prevent corporate funds from being unproductive."

Mr. NICHOLS: Mr. Speaker, in explaining this Amendment I will say that the original bill as drafted allowed all corporations that were formed for the purpose of loaning

money to organize under the general law. In that form you can readily see that three persons might get together and form a corporation to loan money and might become what is known as "loan sharks," and they would not be under the supervision of the Bank Commissioner because they were organized under the general law. Under our present system they are exempted from organization under the general law.

Now, this Amendment will not allow corporations to be organized under the general law whose sole purpose is to loan money, but it allows corporations which have a surplus on hand to loan the money and receive some income from it, and also allows corporations to loan money incidental to their other business.

This Amendment has the approval of the Bank Commissioner and of other persons who are interested in the corporations.

Mr. OAKES of Portland: Mr. Speaker, may we have House Amendment A read?

(House Amendment A read)

The SPEAKER: Is the House ready for the question?

A viva voce vote being taken, the motion to adopt House Amendment A to Senate Document 142 prevailed.

Thereupon on motion by Mr. Nichols of Portland, the bill received its two several readings; and upon further motion by the same gentleman the rules were suspended and the bill received its third reading and was passed to be engrossed as amended.

On motion by Mr. Audibert of Fort Kent, it was voted to take from the table resolve for better preservation of certain old forts, H. P. 1254, H. D. 486, tabled by that gentleman on April 2nd, pending second reading.

Mr. AUDIBERT of Fort Kent: Mr. Speaker, I now offer House Amendment A and move its adoption; and I now yield to the gentleman from Kittery, Mr. Burnham.

Mr. BURNHAM of Kittery: Mr. Speaker, two years ago there was appropriated by the Legislature the sum of two hundred dollars for this purpose, and the Governor, I am informed, thought at that time that it was not sufficient to repair and put this old fort in proper condition of preservation. Therefore that money has never been expended on

this fort, and the purpose of this Amendment is to continue that appropriation for the coming years for the repairs and upkeep of this fort at Fort Kent. It seems to me it would be in line with the purposes of this bill relative to the other two forts which were discussed before the House recently. I favor the Amendment.

Mr. FLINT of Monson: Mr. Speaker, I visited that blockhouse last summer and it is in bad condition and certainly needs some repairs; and I certainly hope the Amendment will pass.

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

The motion to adopt House Amendment A prevailed.

Thereupon, on motion by Mr. Burnham of Kittery, the resolve received its second reading and was passed to be engrossed as amended.

On motion by Mr. Wing of Auburn, it was voted to take from the table resolve in favor of reformatory for women, S. P. 84, tabled by that gentleman on April 2nd, pending final passage; and on further motion by the same gentleman the House voted to reconsider its action whereby this resolve was passed to be engrossed; and the same gentleman offered House Amendment A as follows, and moved its adoption.

House Amendment A to resolve in favor of reformatory for women. Amend said resolve by striking out the word "fifteen" wherever it appears in the third paragraph of said resolve, and substituting therefor the word "ten."

Mr. OAKES of Portland: Mr. Speaker, is this a printed resolve?

The SPEAKER: Apparently it is not.

Mr. OAKES: I move, then, Mr. Speaker, that the resolve lie on the table.

Mr. JORDAN of Westbrook: Mr. Speaker, I would like so much of this matter as carries the appropriation read.

Mr. WING: Mr. Speaker, I did not understand the request of the gentleman from Westbrook, (Mr. Jordan).

The SPEAKER: The gentleman inquires the nature of the resolve. The Chair will read the same.

(Resolve read)

Mr. JORDAN: Mr. Speaker, as one of the Committee I object to the motion.

The SPEAKER: The pending question is that the matter lie on the table.

Mr. JORDAN: Pardon me, Mr. Speaker, I thought that motion had been lost.

Mr. OAKES of Portland: Mr. Speaker, may we have the Amendment read again?

The SPEAKER: The effect of the Amendment is to reduce from fifteen thousand dollars to ten thousand dollars the provisions of the third paragraph, so that instead of fifteen thousand dollars for the period from July 1st, 1925, to June 30th, 1926, and fifteen thousand dollars for the succeeding year, for repairs and equipment, there will be substituted the amount of ten thousand dollars for those two years for repairs and equipment. The question is on the motion of the gentleman from Portland, Mr. Oakes, that this matter be tabled. Is the House ready for the question?

A viva voce vote being doubted,

A division of the House was had, Sixty-nine having voted in the affirmative and four in the negative, the motion to table prevailed.

Mr. WING of Auburn: Mr. Speaker, inasmuch as this resolve has never been printed until it was engrossed, I move that Senate Paper 84 and the Amendment be printed.

The motion prevailed.

Mr. HAMILTON of Caribou: Mr. Speaker, I would like to inquire if these matters come off the table automatically today?

The SPEAKER: They do not.

Mr. HAMILTON: I would like to inquire then, Mr. Speaker, if I can take a matter from the table by consent of the party who tabled it?

The SPEAKER: Such a motion would be in order.

Mr. HAMILTON: I move, Mr. Speaker, that we take from the table bill, an act to authorize recording of marketing agreements of co-operative agricultural associations, H. P. 1256, H. D. 491, tabled by Representative Mitchell of Houlton, on April 2nd, and I will say that Mr. Mitchell asked me to do this.

The motion prevailed; and on further motion by Mr. Hamilton of Caribou, the bill received its third reading and was passed to be engrossed.

Mr. HALE of Portland: Mr. Speaker, I would like to inquire if

House Document 491 is the latest draft, and if the present status of it is passed to be engrossed.

The SPEAKER: House Document 491 is the latest draft.

Mr. HALE: I am somewhat surprised, Mr. Speaker, to see the draft in this form. It does not seem to be the form in which I supposed it was reported out, and I should like the indulgence of the House to have it tabled until this afternoon.

The SPEAKER: Would the gentleman examine the papers now?

Mr. HAMILTON of Caribou: Mr. Speaker, I would like to say through the Chair that for my convenience if the gentleman from Portland, Mr. Hale, could look into the matter before we adjourn this forenoon, I would be obliged.

(After consultation with Mr. Hamilton of Caribou, at the suggestion of the Speaker, the gentleman from Portland, Mr. Hale, temporarily withdrew his motion to table).

On motion by Mr. Jones of South Portland, it was voted to take from the table resolve in favor of the State School for Girls, H. P. 1237, H. D. 467, tabled by that gentleman on April 2nd, pending final passage; and on further motion by the same gentleman the House voted to reconsider its action whereby this resolve was passed to be engrossed; and the same gentleman offered House Amendment A as follows and moved its adoption.

House Amendment A to House Document 467, resolve in favor of State School for Girls. Amend said resolve by striking out, after the word "provided" in the first line of the last paragraph, all of that line and also of lines two, three, four, five, six and seven.

The SPEAKER: The question is on the adoption of the amendment. Is the House ready for the question?

A viva voce vote being taken, the motion to adopt House Amendment A to House Document 467 prevailed; and the resolve as amended was passed to be engrossed.

On motion by Mr. Jones of South Portland, it was voted to take from the table resolve in favor of the State School for Boys, H. P. 389, H. D. 470, tabled by that gentleman on April 2nd, pending final passage; and on further motion by the same

gentleman the House voted to reconsider its action whereby this resolve was passed to be engrossed; and the same gentleman offered House Amendment A as follows and moved its adoption:

House Amendment A to H. P. 389, H. D. 470, being resolve in favor of State School for Boys.

Amend said resolve by striking out the words "seventy-four thousand and forty-two dollars" in lines four and five of the first paragraph and inserting therefor the words "sixty-six thousand five hundred forty-two dollars," so that said paragraph shall read as follows:

RESOLVED: That there be and hereby is appropriated for the state school for boys for the fiscal year July first nineteen hundred and twenty-five, to June thirtieth, nineteen hundred and twenty-six, inclusive, the sum of sixty-six thousand five hundred forty-two dollars for the purposes hereinafter specified, namely:

Further amend said resolve by striking out under list of appropriations for fiscal year July first, 1925, to June 30, 1926, the last item designated as "new construction and permanent improvements, re-arrangement of heating system, \$7,500," so that the total of expenditures under this list will conform to total as outlined in amendment of first paragraph of said resolve.

And further amend said resolve by striking out after the word "provided" in first line of last paragraph of said resolve all of line one, two, three, four, five, six and seven, so that said paragraph shall read as follows:

"Provided that the Governor and Council may, by order, upon recommendation of the trustees of said institution, authorize the use of unexpended balances of any of the above appropriations to meet deficiencies in other appropriations for the same institution."

The SPEAKER: The question is on the adoption of the amendment.

Mr. OAKES of Portland: Mr. Speaker, I should like to have a statement as to why this amendment is proposed.

The SPEAKER: Will the gentleman from South Portland (Mr. Jones) explain?

Mr. JONES: Mr. Speaker, in the budget system the superintendent recommended \$7,500 for the con-

struction of a new heating system, and then he thought he could compromise, as all the rest of the departments were doing, and that he could get along without this heating system for the next two years, and that is the reason why we put in this House Amendment A.

Mr. OAKES: May I ask through the Chair if the superintendent agrees to this?

Mr. JONES: He certainly does.

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

A viva voce vote being taken, the motion to adopt House Amendment A to House Document 470 prevailed; and the resolve as amended was passed to be engrossed.

Mr. WING of Auburn: Mr. Speaker, would the gentleman who tabled the resolve relating to the Reformatory for Women permit its being taken from the table for discussion at this time?

The SPEAKER: The matter was tabled by the gentleman from Portland, Mr. Oakes.

Mr. OAKES: Mr. Speaker, I have not had time to look it up. I would like to have the privilege of re-table it, and in case the matter is not clear to me, to investigate.

Mr. WING: Certainly. I have no objection.

On motion by Mr. Oakes of Portland, it was voted to take this matter from the table; and the gentleman from Auburn, Mr. Wing, moved the adoption of House Amendment A as previously read this morning.

The SPEAKER: Does the gentleman from Auburn (Mr. Wing) wish to address himself to his motion?

Mr. WING: Mr. Speaker, this Amendment is along the line of the same economy which was spoken of by the gentleman from South Portland (Mr. Jones) to get a little closer to what is a reasonable expenditure.

Mr. BOODY of Windham: Mr. Speaker, I would like to inform the gentleman from Auburn (Mr. Wing) regarding this matter of economy. The superintendent of the boys' reformatory, the trustees and the first engineer suggested that they could save annually a hundred and twenty-five tons of coal, and that would be two hundred and fifty tons for the two years, and that was on the line of economy and would give a beneficial result to the State.

Mr. JORDAN of Westbrook: Mr.



Speaker, there seems to be no use in arguing the case but I want to be recorded as against foolish economy.

The SPEAKER: The gentleman from Westbrook, Mr. Jordan, expresses the hope that the Amendment will not be adopted.

Mr. WING of Auburn: And I, Mr. Speaker, express the wish that it will.

Mr. OAKES of Portland: Mr. Speaker, it seems to me that we can all work intelligently if this matter does lie on the table again until such time as we can inform ourselves more definitely in regard to it, and I move that it be re-tabled. The motion to re-table prevailed.

On motion by Mr. Wing of Auburn it was voted to take from the table House Amendment B to bill an act giving certain powers to the Governor and Council with respect to state highways, interstate and international bridges, H. P. 943, H. D. 244, tabled by that gentleman on April 1st pending adoption.

Mr. HAMILTON of Caribou: Mr. Speaker, I withdraw my Amendment and leave the field entirely to the gentleman from Auburn, Mr. Wing.

The SPEAKER: Which Amendment did the gentleman from Caribou (Mr. Hamilton) offer?

Mr. HAMILTON: Mr. Speaker, for the purpose of explanation I will yield to the gentleman from Madawaska, Mr. Daigle.

The SPEAKER: Is it the desire of the gentleman from Madawaska (Mr. Daigle) to request permission of the House to withdraw his Amendment? Is that the desire of the gentleman?

Mr. DAIGLE of Madawaska: If I understand the situation correctly, Mr. Speaker, it is that the Amendment of the gentleman from Caribou (Mr. Hamilton) has not been adopted. Is that the correct situation?

The SPEAKER: The Amendment proposed by the gentleman from Madawaska, Mr. Daigle, was indefinitely postponed. Subsequently an amendment was offered by the gentleman from Auburn, Mr. Wing.

Mr. DAIGLE: The matter pending, then, Mr. Speaker, is the adoption of the Amendment of the gentleman from Auburn, Mr. Wing?

The SPEAKER: That is the case.

Mr. DAIGLE: Mr. Speaker, I would say that it is perfectly satis-

factory to me that the Amendment of the gentleman from Auburn, Mr. Wing, be adopted.

The SPEAKER: The pending question is on the adoption of House Amendment B to House Document 244. Is it the pleasure of the House that House Amendment B be adopted?

Thereupon it was voted to adopt House Amendment B to House Document 244; and on motion by Mr. Hamilton of Caribou, the bill was assigned for third reading at the next legislative session.

On motion by Mr. Martin of Augusta, it was voted to take from the table bill, an act to raise an excise tax on electric corporations, H. P. 1258, H. D. 490, tabled by that gentleman on April 2nd, pending third reading.

Mr. MARTIN of Augusta: Mr. Speaker, I move the indefinite postponement of the bill and I yield to the gentleman from Auburn, Mr. Wing.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta (Mr. Martin) to indefinitely postpone the bill.

Mr. WING of Auburn: Mr. Speaker and members of the House, I do not know that this is the proper time for the House to discuss this measure. I do not know that the temper of the House is such that we can give it the consideration that it deserves. It is now noon and we have been sitting here since 9:30, and perhaps we are weary and tired. May I ask of the Chair whether it is proposed to recess until two o'clock or until four?

The SPEAKER: The suggestion was that the recess should be taken until three o'clock. The Clerk desires a little later. Perhaps we may compromise on 3:30. The Clerk does not desire to compromise. (Laughter)

Mr. WING: I really should like to approach this matter after the dinner hour and I move you, Sir, that the matter lie upon the table and be assigned for the first measure in the unfinished business this afternoon.

The SPEAKER: That motion is not debatable except as to the time of assignment.

Mr. MARTIN of Augusta: On the matter of the assignment, Mr. Speaker, I wish to accord every

courtesy to the gentleman from Auburn, Mr. Wing, but on the matter of assignment may I ask the Chair whether there will be a session tomorrow?

The SPEAKER: The indications are that there will be a session tomorrow.

Mr. MARTIN: There are quite a few gentlemen, I believe, who will have to go home on account of business matters and probably the attendance will not be very large, so, as the gentleman from Auburn (Mr. Wing) assures me that he will not have time to discuss the matter this noon, I have no objection to the matter lying on the table but I would like to be heard on the matter of assignment.

Mr. WING: I did not understand the last remark of the gentleman from Augusta (Mr. Martin).

The SPEAKER: The gentleman said that he had no objection to the matter lying on the table but he wanted to be heard on the matter of the assignment. The question is on the motion of the gentleman from Auburn, Mr. Wing, that the matter lie upon the table. Is the House ready for the question?

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

Mr. WING: I now move that this matter be assigned for the first measure in the unfinished business this afternoon.

Mr. MARTIN: May I ask through the Chair if the gentleman from Auburn (Mr. Wing) would have any objection to having it assigned for Tuesday morning, when there will be a good attendance in the House.

The SPEAKER: The Chair will state that Tuesday is a long way off.

Mr. WING: This matter came up, Mr. Speaker, one day in the bills in the third reading, and I lost control of the measure through the adroitness of my colleague from Augusta, Mr. Martin, and it is very well placed both for argument and discussion. I make this suggestion, that we pass this measure to be engrossed, and we can discuss the merits of it upon its enactment, and it will then take its place early next week. If that suggestion meets with the approval of the gentleman from Augusta, I will take it from the table in order that it may go through the motions and may proceed to its enactment.

Mr. MARTIN: May I ask the Chair whether it thinks there will

be time on Tuesday to have the matter discussed?

The SPEAKER: Is the gentleman certain that the matter could not be taken up this afternoon? And of course Monday is coming.

Mr. MARTIN: May I ask through the Chair how long the gentleman from Auburn, Mr. Wing, expects to spend on the subject?

The SPEAKER: The gentleman may answer if he desires.

Mr. WING: Not over two hours, Mr. Speaker. (Laughter)

The SPEAKER: The House will remember that this was a matter reported "ought not to pass" by the Committee on Taxation. The bill was later substituted for the report of the committee.

Mr. MARTIN: Mr. Speaker, of course if it would take two hours to discuss this, it is obvious that we could not discuss it this afternoon, and I therefore hope that the motion of the gentleman to have it assigned for this afternoon will not prevail, and if it does not prevail I will make a substitute motion.

Mr. WING: Mr. Speaker, I certainly do not wish to embarrass the gentleman from Augusta (Mr. Martin). If he will indicate to me the exact time that he wishes this matter discussed and will not again take it out of its orderly place in the calendar, I shall be very glad to hear him as to what time he wishes assigned, and to accede to his wishes.

The SPEAKER: To make this discussion three-cornered, the Chair will suggest that it might be advisable to leave the matter on the table with the understanding between the two gentlemen that it should be taken from the table by the gentleman at some suitable time.

Mr. MARTIN: I move that the matter be re-tabled.

The SPEAKER: The matter is on the table at the present time. The status at present is that it is unassigned.

Mr. MARTIN: I suggest that it remain in its present status as unassigned.

Mr. WING: I did not understand, Mr. Speaker.

The SPEAKER: The gentleman suggests that it is satisfactory to him to have the matter unassigned. The Chair apprehends that there will be no difficulty between the two gentlemen in arriving at a time satisfactory to them both.

Mr. WING: Mr. Speaker, I heard no response to my suggestion to the gentleman that the matter be passed to be engrossed.

The SPEAKER: Will the gentleman express his views about the question?

Mr. MARTIN: I see no need of that at the present time. In order to facilitate the business of the House I purposely took it off the table at this time so that it could be heard, and if the gentleman does not care to discuss it now, I do not feel that there should be any difference in its status.

The SPEAKER: The matter is at present on the table unassigned. There is a motion pending that it be assigned for the first business this afternoon. Is that motion withdrawn?

Mr. WING: I hope that motion will be defeated, out of deference to my distinguished friend and colleague from Augusta (Mr. Martin).

A viva voce vote being taken, the motion to assign for this afternoon failed of passage.

On motion by Mr. Oakes of Portland, it was voted to take from the table report of committee on judiciary bill, an act relating to nominations, H. P. 3, H. D. 1, reporting ought not to pass, tabled by that gentleman on April 1st, pending acceptance of the report; and on further motion by the same gentleman the report was accepted.

On motion by Mr. Littlefield of Kennebunk, it was voted to take from the table, bill, an act to enlarge the powers of the State Highway Police, S. P. 566, S. D. 236, tabled by that gentleman on April 1st, pending first reading; and on further motion by the same gentleman the bill received its first reading.

The SPEAKER: There is a Senate Amendment to this bill which has not as yet been acted upon by this House.

Senate Amendment A to Senate Document 236. Amend Senate Document 236 by inserting at the end of Section 6 and before Section 8 the following words, to wit: "Section 7. Payment of the expense of maintenance of the state highway police shall be made as heretofore provided by chapter 211 of the public laws

of 1921, for the maintenance of the state highway police, but shall not exceed one hundred and twenty-five thousand dollars for each year."

The SPEAKER: Is the Chair correct in the impression that this Amendment is to correct a mistake in the bill?

Mr. LITTLEFIELD of Kennebunk: It does, Mr. Speaker.

Thereupon Senate Amendment A to Senate Document 216 was adopted in concurrence; and the bill as amended was assigned for third reading at the next legislative session.

Mr. HALE of Portland: Mr. Speaker, in order to expedite business I move that the rules be suspended and the bill be given its third reading at the present time.

The SPEAKER: The Chair will State that it does not always expedite business if such a motion carries as the matter does not go to the Committee on Bills in the Third Reading and is not subject to their correction.

Mr. HALE: Mr. Speaker, I withdraw my motion.

On motion by Mr. Littlefield of Kennebunk,

Recessed until four o'clock this afternoon.

#### After Recess

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

On motion by Mr. Dwinall of Camden it was voted to consider out of order, on its passage to be enacted, the following measure:

An act to provide for building a bridge across the Kennebec River between the city of Bath and the town of Woolwich. (Applause)

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

The SPEAKER: It seems likely that a morning session at 8.15 tomorrow morning will be had, probably of short duration, and a session at 4.30 Monday afternoon and one Monday evening.

From the Senate: Report of the committee on Legal Affairs reporting ought to pass on bill an act providing for pensions for members of

the Lewiston Police Department, S. P. 236, S. D. 93.

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

In the House, report read and accepted in concurrence, and the bill received its two several readings.

Mr. HOLMES of Lewiston: Mr. Speaker, I offer House Amendment A and move its adoption:

House Amendment A to Senate Document No. 93.

Amend said bill by adding thereto after the last section the following section:

On the first Tuesday of October after this act is enacted by the Legislature an election shall be held in the city of Lewiston to determine whether the city of Lewiston shall approve this act. The ballots for said election shall be prepared by the City Clerk of Lewiston.

On said ballot shall be printed the following question. "Shall this act be approved?" Vote "Yes" or "No" in the square marked "Yes" or the square marked "No." If a majority of the votes are in favor of the act the mayor shall forthwith issue his proclamation that the same has been accepted; if the majority of the votes are opposed this act shall not take effect.

Thereupon the amendment was adopted and the bill as amended was assigned for its third reading tomorrow.

From the Senate: Report of the committee on Legal Affairs reporting ought to pass on bill an act to amend Chapter 37 of Private and Special Laws of 1917, and amendatory thereto, relating to the organization of the Lewiston Police Commission and to the salaries of Chief of Police, Captains, and Inspectors. (S. P. 237, S. D. 94.)

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

In the House, the report was read and accepted in concurrence, and the bill received its two several readings.

Mr. HOLMES of Lewiston: Mr. Speaker, I offer House Amendment A, and move its adoption:

House Amendment A to Senate Document No. 94.

Amend said bill by adding thereto after the last section the following section, to wit:

On the first Tuesday of October after this act is enacted by the Legislature an election shall be held in the city of Lewiston to determine whether the city of Lewiston shall approve this act. The ballots for said election shall be prepared by the City Clerk of Lewiston.

On said ballot shall be printed the following question: "Shall this act be approved?" Vote "Yes" or "No" in the square marked "Yes" or the square marked "No." If a majority of the votes are in favor of the act the mayor shall forthwith issue his proclamation that the same has been accepted; if the majority of the votes are opposed this act shall not take effect.

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

#### Senate Bill in First Reading

S. P. 626: Resolve in favor of Mattawamkeag Bridge in the town of Mattawamkeag.

From the Senate: Report of the committee on Banks and Banking reporting ought to pass on bill an act requiring more efficient supervisions of brokers selling securities on marginal account, S. P. 155, S. D. 65.

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

In the House:

Mr. LAUSIER of Biddeford: Mr. Speaker, I move that the report lie on the table, pending acceptance.

The SPEAKER: The Chair will inquire whether the matter could be taken up later this session.

Mr. LAUSIER: Monday afternoon, if it is agreeable to the House.

A viva voce vote being taken, the matter was tabled, pending acceptance of the report in concurrence; and on further motion by the same gentleman, Monday afternoon was especially assigned.

From the Senate: Report of the committee on Library reporting ought to pass on resolve for the purchase of 125 copies of the History of the town of Dresden, H. P. 621, H. D. 132, which report was ac-

cepted in the House on March 30, and the resolve passed to be engrossed in the House the same day.

Comes from the Senate report read and accepted, and the resolve passed to be engrossed as amended by Senate Amendment A in non-concurrence.

In the House:

Senate Amendment A read.

On motion by Mr. Wing of Auburn, the House voted to recede and concur with the Senate in the adoption of the amendment.

Thereupon the resolve as amended by Senate Amendment A was passed to be engrossed in concurrence.

From the Senate: Report of the Committee on Library reporting ought to pass on resolve authorizing the State Librarian to purchase copies of "The History of Aroostook," S. P. 280, S. D. 265.

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

In the House, on motion by Mr. Wing of Auburn, the report was accepted.

Senate Amendment A read.

On further motion by Mr. Wing of Auburn, the House voted to recede and concur with the Senate in the adoption of Senate Amendment A.

Thereupon the resolve as amended by Senate Amendment A had its first reading, and tomorrow assigned.

From the Senate: Report of the Committee on Library reporting ought to pass on resolve authorizing the State Librarian to purchase copies of "The History of Winthrop." S. P. 238, S. D. 263.

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

In the House, on motion by Mr. Wing of Auburn, the report was accepted in concurrence.

Senate Amendment A read.

On further motion by Mr. Wing of Auburn, Senate Amendment A was adopted in concurrence.

Thereupon the resolve had its first reading and tomorrow assigned.

From the Senate: Resolve providing for the purchase of "Music

and Musicians of Maine." H. D. 488, which was passed to be engrossed in the House April 2nd.

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

In the House:

Senate Amendment A read.

On motion by Mr. Wing of Auburn, the House voted to recede and concur with the Senate in the adoption of the amendment.

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

From the Senate: Majority Report reporting bill in new draft and Minority report "ought not to pass" on bill "An Act permitting sterilizing operations in certain cases of feeble-mindedness" (S. P. No. 412) (S. Doc. No. 150) the Minority Report having been accepted in the House on April 2nd and a motion to reconsider the vote lost.

Comes from the Senate that body insisting on its action whereby the Majority Report was accepted and the Bill passed to be engrossed, and asking for a Committee of Conference with the following members upon its part:

Messrs. SPIERS of Cumberland  
MINER of Washington  
PHILLIPS of Hancock

In the House: On motion by Mr. McDonald of East Machias, that body voted to insist on its former action and join in the committee of conference.

The Chair appointed as conferees on the part of the House, Messrs. Dudley of Woodstock, Pierce of Sanford and Spear of Portland.

From the Senate: Report of the committee on Education reporting "ought not to pass" on bill "An Act to provide for the use of English language in this State" (H. P. No. 542) (H. Doc. No. 122) which was read and accepted in the House March 30th.

Comes from the Senate the bill substituted for the report and passed to be engrossed in non-concurrence.

In the House, on motion by Mr. Sturgis of Auburn, a viva voce vote being taken, this matter was tabled and especially assigned for Monday afternoon.

From the Senate: Resolve provid-

ing for the appointment of one or more persons to represent the State in certain proposed changes in the Freight Rates affecting the People of the State (H. P. No. 1218) (H. Doc. No. 459) on which the House yesterday voted to adhere to its action of April 1st whereby the Resolve was indefinitely postponed.

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

Messrs. WADSWORTH of Kennebec  
HINCKLEY of Cumberland  
SMITH of Somerset

In the House:

Mr. WING of Auburn: Mr. Speaker, I move that the House insist.

Mr. HAMILTON of Caribou: Mr. Speaker, will it be in order to add to that the words "and join in the committee of conference"?

The SPEAKER: The motion to insist is the reverse of the matter.

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

From the Senate: Ordered, the House concurring, that it is the desire of this, the Eighty-second Legislature of Maine, here assembled, that this Bath bridge be named the Carlton bridge.

Comes from the Senate read and passed.

In the House read and passed in concurrence, amid the applause of the House.

At this point Mr. Hale of Portland assumed the Chair, the House applauding.

### Reports of Committees

Out of order, and under suspension of the rules.

Mr. Drake from the Committee on Mercantile Affairs and Insurance reported "ought not to pass" on bill "An Act to Amend Section 5 of Chapter 53 of the Revised Statutes, relating to the Insurance Laws" (H. P. No. 724) (H. Doc. No. 158).

Some gentleman from same Committee reported same on bill "An Act to provide for the collection of assessments from the mortgagee in interest" (H. P. No. 1017) (H. Doc. No. 277).

Reports read and accepted and sent up for concurrence.

Same gentleman from same Committee reported "ought to pass" on bill "An Act relating to annual statements of conditions of Insurance Companies, and providing a Penalty for neglect to File such Statements." (H. P. No. 206) (H. Doc. No. 39).

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

Mr. Oakes from the Committee on Judiciary on bill "An Act relating to the limitation of buildings in specified districts of cities and towns" (H. P. No. 4) (H. Doc. No. 2) reported same in new draft (H. P. No. 1282) under title of bill "An Act to enable Cities of over thirty-five thousand to regulate and restrict the construction of buildings and the use of land by Zoning ordinances" and that it "Ought to pass."

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

Same gentleman from same Committee on Bill "An Act to change the Jurisdiction of the Supreme Judicial and Superior Courts" (H. P. No. 1132) (H. Doc. No. 378) reported that the same "Ought not to pass," and further reported that the Joint Order herewith presented entitled "An order relative to the Judiciary" be passed.

Mr. OAKES of Portland: Mr. Speaker, if in order, I move that the order now have passage.

The SPEAKER pro tem: The Clerk will read the order.

Ordered, the Senate concurring, that a recess committee, to consist of the Chief Justice of the Supreme Judicial Court, one member appointed by the Governor, two members appointed by the President of the Senate and three members appointed by the Speaker of the House, be named whose duty it shall be to consider the advisability of any additional courts, or a combination of the existing courts, having in view the expedition of court procedure, and to consider in connection with the above the advisability of an appellate court of law, a combination of the various superior courts of the state and the unifying of jurisdiction of procedure in the various inferior courts.

It is further ordered that said committee shall report, with its recommendations, to the Eighty-third Legislature.

It is further ordered that any va-

cancies in said committee shall be filled by the Governor.

Thereupon the order received passage, and was sent up for concurrence.

#### Orders of the Day

On motion by Mr. Nichols of Portland it was voted to take from the table Senate Document 143, an act relating to definition of banking, tabled by that gentleman April 2, pending third reading.

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

House Amendment A to Senate Document 143.

Amend said document by inserting after the word "Corporation" in the seventh line on the second page thereof, the following words: "or a corporation intended to derive profit from the loan of money except as a reasonable incident to the transaction of other corporate business or when necessary to prevent corporate funds from being unproductive.

Mr. NICHOLS: Mr. Speaker, this amendment is the same amendment which was adopted this morning to the corporation law. It will now be inserted in the banking law so that there will be no variance between the two laws. The object of the amendment, as I explained this morning, is such that similar corporations could not be organized to go into the loan business for loaning money and not be under the Bank Examiner. This makes the same application to the banking law as to the general corporation law, and should be in both places. That was the object of my tabling the bill yesterday, so that the two might conform.

The SPEAKER pro tem: The question before the House is on the adoption of House Amendment A to Senate Document 143. Is the House ready for the question?

A viva voce vote being taken, House Amendment A was adopted, and the bill as amended by House Amendment A received its third reading and was passed to be engrossed.

The SPEAKER pro tem: We are proceeding under orders of the day. Can any gentleman relieve the calendar?

(At this point Speaker Gardiner resumed the Chair).

On motion by Mr. Cummings of Portland, it was voted to take from the table bill an act to authorize retirement compensation to treasurers and assistant treasurers of savings banks, S. P. 601, S. D. 272, tabled by that gentleman April 1, pending second reading.

Mr. CUMMINGS of Portland: Mr. Speaker, this bill is very brief and the objection I have to it is this: Our savings banks are institutions patronized to a very great extent by people of very small means. Originally, it helped the poor that they might accumulate what little they could in these savings institutions. The treasurers and assistant treasurers of those institutions receive very much more compensation than a large percentage of the people who deposit in those institutions; and it seems to me to be wrong, Mr. Speaker, that money should be taken from the savings of those people to create a retirement pension system, beginning with the treasurer and assistant treasurer. If that is done, doubtless other employees of those institutions will eventually be pensioned and it will have to come from the savings of the people who have deposited in those banks. It seems to me it would be a wrong thing to do and that is why I tabled this measure. I move its indefinite postponement.

Mr. PAGE of Skowhegan: Mr. Speaker, at this hearing before the committee on Banks and Banking no one appeared in opposition to this bill. It seems that there are, perhaps, one or two instances in the State where the savings banks would like to pension employees, such as a treasurer or assistant treasurer. One for instance, has been in a bank for about forty-four years. The proponents of the bill put forth the argument that a man who has been employed as long as that, and who has not accumulated anything upon the small salary that he has been receiving, is entitled to some recognition, a small pension, if the trustees see fit to give it to him, but with the approval of the corporators. There are only one or two instances in the State. I think it is a worthy cause. The salaries of savings bank treasurers in the State of Maine average less than three thousand dollars. I think it is a bill that should be passed. It simply gives a savings

bank the privilege of doing it if it sees fit so to do.

Mr. HOLMES of Lewiston: Mr. Speaker, I am in agreement with the gentleman from Skowhegan (Mr. Page) and I oppose the motion of the gentleman from Portland (Mr. Cummings). I know of just such a case, called to my attention within a week, a case in Lewiston of an old gentleman connected with one of the banks there. I understand the act is only permissive. I think it a good thing and that it will do no harm. It is not contrary to public policy.

Mr. CUMMINGS of Portland: Mr. Speaker, one can find a case that is needy and worthy anywhere he has a mind to look; but you will find more cases that are needy and worthy—far more needy—among the small depositors in savings banks than you will among their officials. If they are not in positions that are fairly satisfactory I assume they would not be there. We know very well that they have positions paying very much more than a large part of their depositors. I object to the principle of pensioning these men because of one or two instances that might be cited. Of course you are privileged to do it, but I am against establishing a pension system in that way.

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

Mr. WING of Auburn: Mr. Speaker, I rise to support the motion of the gentleman from Portland (Mr. Cummings). I always supposed that deposits in savings banks were of the highest type of investment and were surrounded by every protection that made for their safety, and that every protection of the fund by way of thrifty investment belonged to the depositor. I am extremely sorry to disagree with the gentleman from Lewiston (Mr. Holmes); but I think there are very grave defects in this statute that have not occurred to the distinguished banker in Skowhegan (Mr. Page). It seems to me that this measure is not in accordance with the constitution of the state in the safeguarding of these funds which are put into the care of the savings banks. The idea of a pension never entered the head of the depositor in making his deposits in any of these banks, and to submit his

money in these banks to a pension system is a departure from the contract which was held up to him when he made his deposit.

I am not opposed to charity, but I doubt if it is right, if it is wise, if it is just, to saddle a savings bank with a system of pensions or insurance, and I hope the motion of the gentleman from Portland (Mr. Cummings) will prevail.

Mr. NICHOLS of Portland: Mr. Speaker, I rise to support the motion of the gentleman from Portland, Mr. Cummings. Let us just look at this bill before we vote. Under the terms of this bill any treasurer, or assistant treasurer, after fifteen years of employment, a short time of fifteen years of employment in that capacity may be pensioned. If these gentlemen are sincere, why would they limit it to fifteen years, because the treasurers of our savings banks, all of them that I know anything about, have been in office much more than fifteen years either as treasurer or assistant treasurer.

On the last page it states that they may pay any compensation that in their judgment the circumstances require; it may be full pay. It is not a pension of a meager sum. They may pay their treasurer and keep him on the payroll for years at his full pay, and the assistant treasurer too. They may be paying from the funds that belong to the depositors, under the terms of that bill, double pay. It is said that it is only permissive. Every bill is permissive, and when you open the door somebody goes in. We started this Legislature with the word economy. We had many bills before us regarding pensions for public officials which have been turned down. The difference seems to me to be only this: They were public officials, or public money, and this is pensioning a private individual out of your own money—the depositor's money. I certainly hope that our State will not open any such door to the depositors in our savings banks.

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

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

Mr. NICHOLS of Portland: Mr.



Speaker, I move that we reconsider the vote.

The SPEAKER: Which way did the gentleman vote?

Mr. NICHOLS: I did not vote.

The SPEAKER: The Chair is of the opinion that the gentleman is not in order.

Mr. ALLEN of Yarmouth: Mr. Speaker, I voted in the affirmative and I make the motion to reconsider.

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

Mr. HALE of Portland: Mr. Speaker, I move to take from the table House Document 491, being an act authorizing the recording of marketing agreements of cooperative agricultural associations, tabled by me this morning.

The SPEAKER: The matter was not tabled this morning.

Mr. HALE: My understanding was that the matter was tabled.

The SPEAKER: The matter was left hanging between two members of the House and no motion to table was thereafter made. The House this morning passed the matter to be engrossed and it has now gone to the Senate.

Mr. HALE: Mr. Speaker, I have an amendment which I wish to offer; but if that is the situation I presume I can offer it when the bill comes back.

The SPEAKER: The gentleman may do so or he might obtain some Senator to offer it in the Senate this afternoon.

Mr. HALE: Mr. Speaker, I will explain the matter. The Clerk gave me the papers this morning for examination and I returned them to him. Would it be possible to bring the papers back from the Senate and take action in order to expedite the business of the House?

The SPEAKER: Will the Messenger see if he can obtain the papers from the Senate?

#### Reports of Committees. Out of Order

Mr. Nichols from the committee on Judiciary on bill an act relative to the transfer of incorrigibles and inmates detrimental to the well-being of the institution, and of inmate escaping or attempting to escape from the Reformatory for Women, reporting the same in new draft under title of bill an act rela-

tive to inmates of Reformatory for Women when incorrigible, H. P. 1285, and that it ought to pass.

Report was accepted and new draft ordered printed.

On motion by Mr. Wing of Auburn, it was voted to take from the table bill pertaining to boating and fishing in Lake Auburn, H. D. 498.

Mr. WING: Will the Speaker state the pending question?

The SPEAKER: The pending question is passage to be engrossed.

Mr. WING of Auburn: Mr. Speaker and members of the House, this bill, House Document 498 in new draft, provides, under an emergency preamble, that "no person shall, at any time, engage in boating of any kind or in fishing from boats or water craft of any kind in the waters of Lake Auburn, in Auburn, in the county of Androscoggin, except that this section shall not apply to any agent, servant, employee or officer of the Auburn Water District or of the cities of Lewiston or Auburn in the performance of patrol or police duty on the waters of said lake or in the work of repair of the pipes or other structures forming a part of the municipal water supply system, or to any agent, servant, employee or officer of the Department of Inland Fisheries and Game in the prosecution of its necessary work for the maintenance of the Auburn State Fish Hatchery and its future development by the use of boats or seines for the taking of fish in said waters or otherwise." I quote from Section 1 of House Document 498.

Lake Auburn is a very large sheet of water wholly within the boundary and limits of the city of Auburn. From it both the cities of Auburn and Lewiston take their water supply. Each supply is separate and distinct, one from the other. There are, in the cities of Auburn and Lewiston, possibly, a population of fifty thousand people, and it is conceived by the sponsors of this act that the health, safety and peace of the communities, Lewiston and Auburn, are vitally concerned in the purity of their water supply—and I, speaking for the citizens of Auburn, am here interested that my fellow townsmen—I do not speak for the city of Lewiston—but my fellow townsmen and the people I repre-

sent shall have the benefit of pure water.

It may interest you to know that the city of Auburn is an industrial city of homes. We have large manufacturing of shoes and a varied other line of industries. We are not agricultural, we are industrial. Our people toil and work in factories. They are a prudent, thrifty people. We have two savings banks; we have a national bank and a trust company; all have very substantial deposits. There is one factory capable of manufacturing thirty-five hundred dozen pairs of shoes in a day's run. Our schools are well conducted and have a decent and fair reputation.

It is conceived by our people that they are entitled, under these conditions, to have clean water. Lake Auburn is reached by a trolley line and there have grown up about Lake Auburn certain summer camps, and there is an amusement resort at East Auburn, so-called, or Lake Grove. The city of Auburn has maintained for years a watch and a patrol to keep these summer cottages, these camps and this amusement resort clean, but we find that boating and fishing has increased on the lake, and our people believe that it is a detriment to their water supply.

When I was a lad, and fishing in its modern sense became prevalent, the lake was stocked with fish, and since that time they have fished in the lake, and there is a hatchery on one of the inlets of the lake which our citizens contributed in its early stages themselves and which is now under State control.

The amount of boating and fishing from boats, and the usual consequences attendant from such expeditions, will, as soon as the ice goes out of this lake, become very prevalent, and our people will begin to feel, as they have in years past, that their water supply is unsafe, and they will be driven to the purchase of spring water; a condition which obtains in the family of which I happen to be a member.

So, we come here to this Legislature and ask you to protect this water supply for these two communities.

Now, it is said that this is an improper use of the police power of the State because it takes from these

cottage owners, and possibly from any of you gentlemen who like to fish, the right to fish in these waters. That is no argument, to my mind at all because every man holds his property subject to the greater use of the public, and the right of the public to protect itself against the use of any property.

For instance, to my mind it is exactly like the statutes which are passed relative to the sale of intoxicating liquors. There were many places used for the sale of intoxicating liquors which commanded large rentals. After the statutes were passed relative to the sale of liquors, these rentals declined, and it was even said the property became less in value, and in some instances worthless; and yet, no man ever argued that that was a taking of property. So, in this instance, I think the public has a right to protect itself against these dirty conditions which go to spoil our water supply.

There are, within the confines of Auburn and Lewiston, two other sheets of water, one not wholly within the city of Lewiston, but one wholly within the city of Auburn, to which our citizens can go for pleasure and for fishing, and for bathing and for boating. There is in Auburn the Taylor pond, so-called, which, in the summer time, is a bathing resort, and on one of its shores there is a modern Coney Island. On the outskirts of the city of Lewiston is Sabattus Lake, a very substantial sheet of water, reached by a trolley line, which serves no water supply but is simply the headwaters of Sabattus Stream, which flows down through the town of Lewiston into the Androscoggin River along the edge of Cumberland County; and there, people can boat and fish and bathe to their hearts' content. And each of those bodies of water is reached by a trolley line except Taylor pond. So, we have in this community three sheets of water, two of which can be used for any purpose whatever, one of which is used for the water supply of these communities.

I trust I have made this situation clear. About this time of year, as I have said, when the ice goes out, they proceed to fish, and usually there is an accident; some ambitious fisherman feels tempted. I remem-

ber a year ago there was a fisherman fell into the pond, and his remains were not obtained for several days, and we had the pleasure of knowing that we were drinking water in which there was a dead fisherman.

Now, they say that is all right because the water is large and the supply is great, but personally I do not care to drink water in which there is a deceased and defunct fisherman, and I do not believe that any of you gentlemen, here, in your sober moments, would care to have in your water bucket any such deleterious substance.

So we come here to this Legislature; and I think I am safe in saying that every Representative here from either city is in favor of this particular piece of legislation; and I trust that you will receive it cordially, and that you will allow our people to at least have this prevention against the impurity of their water supply.

I yield to the gentleman from Portland, Mr. Hale.

Mr. HALE of Portland: Mr. Speaker, do I understand that the gentleman from Auburn, Mr. Wing, has moved that this bill take its third reading?

The SPEAKER: The pending question is passage to be engrossed.

Mr. HALE: Mr. Speaker and members of the House: In opposing the passage of this bill to be engrossed I wish simply to lay before the House the consideration which impelled five members of the Judiciary Committee to report "ought not to pass" upon this particular measure; and I must say that it seems to me that the gentleman from Auburn has never quite conceived what the position of the five members who signed that minority report is.

We do not happen to be residents of the city of Auburn or of the city of Lewiston, or of Androscoggin county, but we are as keenly interested as those residents in the purity of that water supply. There was certainly no member of the Judiciary Committee, and there is certainly no member of this House, who wishes to be responsible for any typhoid bacillus that comes from that lake and to any inhabitant of those towns. And if that were the only question, there would be no question about the passage of this bill. And

as far as the property rights of the people who have cottages and who wish to fish and boat on Lake Auburn are concerned, I would not hesitate for a moment to wipe them out under the police power, if I thought it was an appropriate or efficacious use of the police power. But as it appeared to us, it was not such an appropriate or efficacious use.

Lake Auburn is substantially three and a half square miles in area; much smaller, only a trifling fraction of the area, for example, of Sebago Lake, whence the city of Portland derives its water supply; and smaller, I think, than other lakes whence other cities in Maine derive their water supply. There are one hundred cottages more or less, according to the evidence which was presented to our Committee, on the shore of that lake.

The city of Auburn has adopted the policy, in order to safeguard its water supply, of acquiring, from time to time, premises along the shore of that lake, in order to safeguard the supply, and ultimately shut off the lake from sources of contamination. It has not completely acquired those properties. Of course, the testimony before the Committee indicated that an expenditure on behalf of the Auburn Water District—if that is the correct name of the constituted authority—an expenditure of \$70,000 to \$100,000 would permit the purchase, or the acquisition by eminent domain, of all the land surrounding the lake and thus absolutely insure the lake against sources of contamination.

It must be perfectly apparent to everybody in this House that a lake as small as that lake is, with one hundred cottages, some of them summer cottages, some of them all-the-year-round houses, on the shore of the lake or near the shore of the lake, with the drainage from those cottages into the lake, it must be perfectly apparent that there is a great source of possible pollution and contamination to that water.

Sanitary engineers, and very competent sanitary engineers, testified before the Committee—or at least one very competent expert sanitary engineer testified before our Committee—that such contamination as might come from boating or fishing was infinitesimal as compared to the danger of contamination from those

houses. If you take away the rights of boating and fishing, you proportionally reduce the value of those houses and of that property around the lake. Then, when you take by purchase or by eminent domain those houses and that property, as everybody admits they must ultimately be taken, then the city is taking proportionately less and the property owners around the lake have not had—if you will permit me a vernacular expression—quite a fair deal. The fair thing to do, and the thing that in the opinion of five members of the Judiciary Committee which should have been done, is to acquire that property by eminent domain or by purchase at the present time, and actually clear up and prevent the danger of pollution and contamination and not putter with the situation or make two bites of the cherry which can be and should be swallowed in one bite.

The testimony before the Committee showed that the water from Lake Auburn was now made pure and safe for drinking purposes by the chemical process of chlorination which is a very usual process of purifying water supply. We have it in Portland, in spite of the great size of Sebago Lake. The engineers' testimony before the Committee was that even though boating and fishing were prevented, the process of chlorination would have to continue in no lesser degree in order to render the water safe for drinking purposes; and the reason we disapproved this bill was because it did not go far enough, in our opinion, to safeguard the interests of the health of the citizens of Auburn and Lewiston.

Mr. HOLMES of Lewiston: Mr. Speaker and members of the House: I wish to support the motion of the gentleman from Auburn, Mr. Wing, which I take to be a motion that the bill be passed to be engrossed; and I wish to say just a few words upon the subject from the point of view of a citizen of Lewiston; and I must say that I think that our Representatives from Lewiston have as clear mandate from our people and from the authorities of the city of Lewiston as the Auburn members have, and that we would be direct in our duty if we did not so inform the Legislature.

I want to say that there is a very great difference between the people of the city of Lewiston and the people of Auburn. The principal dif-

ference that I can think of at the present moment is that the majority of the people of Auburn are Republicans and the majority of the citizens of Lewiston are Democrats; but you know the old saying is that politics stop at the water's edge.

There used to be pretty good fishing in Lake Auburn but, strange to say, with the passage and enactment of the Eighteenth Amendment to the Constitution of the United States, dealing with intoxicating liquors, the fish mysteriously disappeared, and there has been very little fishing in the lake since, in spite of the fact that the State maintains a fish hatchery in its neighborhood.

Now, I listened with great interest to the logical argument of the gentleman from Portland (Mr. Hale) who represents the dissenting members of the Judiciary Committee, and it seems to me that it is based, in the last analysis, on the proposition of law involved in the question of property rights. I wish briefly to address myself to that.

I notice that the gentleman from Portland, (Mr. Hale) believed that the gentleman from Auburn, (Mr. Wing) did not appreciate the position of the five dissenting members, and after listening to him I find myself still in the position that I was in in the Judiciary Committee, that it seems to me that the members whom the gentleman from Portland (Mr. Hale) represents, do not appreciate our position.

Now, if it is a question of property rights, it is a question of law. Probably you are all familiar with the fact that what is called a great pond in this State—the law in relation thereto is very ancient; it has come down to us like the law involved in the Mill Dam Act, and it comes down from what are called the Colonial Ordinances of 1647 and thereafter—and there is no such a thing as property rights in the waters of a great pond for an individual. But the property right, that is, the ownership, of a great pond as Lake Auburn, is in the public of the State, not the State, but the people of the State; they own that great pond. The riparian owners who own land abutting upon the pond or lake of course have the rights of such owners to make weirs, to cut ice, and so on, in the absence of any restriction by the Legislature; and it has been held by the court that the Leg-

islature has the competent power, under the Colonial Ordinances, to restrict the use of the water. Without a doubt, it is perfectly constitutional and it has not been questioned, I think, before the Judiciary Committee, that the Legislature has the constitutional power to forbid boating and fishing on it.

In the absence, I say, of such restrictions, the public has a right to boat and fish. In my opinion, as a matter of law, they have only the same property rights that you and I, as a part of the great public, have. They have no special, individual property right by reason of the fact that their land happens to abut on that great pond which is owned by the public.

Now then, the public functions through the Legislature. The Legislature enacts legislation under the enacting words "Be it enacted by the people," and therefore is subject to a referendum. The Legislature voices the will of the people, if it is not stopped by a referendum. When the Legislature, in its wisdom, decides to exercise its control over the use to which the water of the great pond may be put along the line, now, of boating and fishing, it is in effect that the public places a restriction upon itself, not a restriction upon the property owners as property owners abutting on the great pond, but they will be deprived of rights as part of the public. They have no standing in law, in my opinion—with due deference to the legal learning of the gentleman from Portland—they have no standing in law to come into court and say they have suffered special damage. The court would reply, "It is *damnum absque injuria*." I can safely say that now, before the bill of the gentleman from Auburn, Mr. Wing, becomes an act.

Therefore, Mr. Speaker, with due deference to my learned friend upon the Judiciary Committee, Mr. Hale, I maintain that the owners of the land abutting on the lake have no special rights which this Legislature is bound, in its charity, to consider. But let us consider for a moment if they actually will suffer. What were the facts brought out at the hearing? It was—if I may use the word "testified," although, of course, it was not under oath—it was testified there by the patrolman appointed by the city of Auburn during the months when

the lake is free from ice, that the average number of boats seen on the lake last year—and I think the year before—was ten to fifteen; ten on a week day and fifteen on a Sunday; and the largest number that he ever saw was on a Fourth of July—which is a great holiday—when he counted seventy-five boats.

Now the amount, therefore, of the use of the lake for boating is very small. The gentleman from Portland (Mr. Hale) argues that the cities of Lewiston and Auburn ought to acquire the property. The gentleman from Portland is very sincere, and he does not live there, as he says, but I have a suspicion that some of the opponents of the measure who came to the public hearing and opposed it, want the two cities to acquire the property and they want it acquired at a fancy price.

This fight is not new. Years ago, after the city of Auburn got the right to take water from the lake, the city of Lewiston, which had been using the river of Androscoggin for its water supply, was obliged to turn to another source. The erection and operation of pulp and paper mills in the upper waters poisoned the waters of the river and the city of Lewiston had to come knocking at the door of this Legislature for two sessions before it got that right. That was many years ago—too many for me to remember the legislative fight—but I can remember when I was a young boy that I used to have the right to swim and bathe in Lake Auburn, and that was stopped by law. I do not know but perhaps some property owners may have come along and claimed a legal right and a moral right to swim and bathe in that pond, but the Legislature said No, in the interests of public health and safety.

The learned expert from Massachusetts employed by the opponents to tell the Judiciary Committee about sanitary engineering, to whom the gentleman from Portland refers, also said that even if all the property were acquired which surrounds that great lake, even then it would not be sure, certain, safe from contamination; and it is hardly within the bounds of human possibility to guarantee the safety of it, that even then we would have to erect a stone or concrete wall around it.

I do not believe in abusing the

Constitution. I do not believe in invoking the emergency clause except when a real emergency exists and except where it can be fitted in clearly and distinctly, to the satisfaction of the minds of two-thirds of the actual membership of the Legislature that the public health, welfare or safety is involved; and I say that it is not only a matter of the public health—or fifty thousand people living in Lewiston and Auburn dependent upon that water supply for their very life—but it is a matter of the public health of every man and woman in this hall, of every man and woman and child in the State of Maine, because if a typhoid epidemic once gets started in Lewiston or Auburn, no man living can tell where the germs may be taken, and they may show up again in Aroostook County. Do not think that I am trying to scare you. I do not mean anything of the kind. I mean simply to state what I believe to be an actual fact.

I most earnestly support the motion of the gentleman from Auburn (Mr. Wing).

Mr. HALE of Portland: Mr. Speaker, it occurs to me that when the gentleman from Lewiston (Mr. Holmes) accuses me of making a legal argument, he is in the position of the pot which called the kettle black. I submit to the House that never in the history of this whole session have I used the latin phrase "damnum absque injuria," or referred to "riparian" owners; and therefore the gentleman's argument is far more technical than mine. I did not intend to make a political argument at all; the point I want to make in connection with this bill, the striking point that I wish to make, is that it does not safeguard the health of these communities, and unless it does safeguard the health in these communities, we are not justified in passing it.

As the gentleman from Lewiston (Mr. Holmes) has just told you, there are only ten or fifteen fishing boats a day on the lake, and the fishing has been very poor since the adoption of the Eighteenth Amendment. Therefore, when you eliminate these sources of contamination, you have eliminated something which is of no consequence in comparison to the great source of contamination from the one hundred families who live on

the shores of that pond and have free access in every way to it.

Mr. OAKES of Portland: Mr. Speaker, I am sorry to take the time of the House on this question and I am very sorry to oppose my brothers from Auburn and Lewiston; but I am in a very peculiar situation.

I was born and brought up in Auburn, went to a little high school and continued to drink Lake Auburn water until I graduated from Bates College in Lewiston. My father and mother still live in Auburn and I think I would rather have typhoid than to have either of them have it.

It has been a matter of serious concern to me in going over the evidence in this case. I realize the fact that many people in Auburn and Lewiston feel that this bill should pass and I feel we should have a great deal of consideration for their feelings. At the same time, we do not have—and I satisfied myself of it before I signed the report of the Committee "ought not to pass" as one of the five—we do not have the responsibility on our shoulders, in the question of the passage of this bill, of determining whether the people in the cities of Auburn and Lewiston are liable to contamination through this water.

My brother from Portland, Mr. Hale, has ably brought this point to your attention and his analysis is practically the same as mine. I never drank any spring water in Auburn and Lewiston except as I laid down on my stomach in the woods and drank from the spring itself, and I do not know that anybody ever did so at the time I was living there, and at that time Lake Grove, the summer resort, was a real live summer resort, and before the age of the automobile there were formerly there thousands of people. Today, that resort is practically extinct as a permanent summer resort. People go there in their automobiles and the conditions have entirely changed.

There are, as was brought out, something like ten or fifteen boats a day on the lake. Now, this lake is surrounded by the homes of people who live all the year round in those homes and others who live there only in summer. Those people own their property, particularly those who own summer places. Many of them go across from Lake Grove, which is the end of the trolley line, to their cottages, in boats, every

morning and night in going to and from their work in the city, and I do not know what would happen if those people were deprived of that privilege.

The fact that only ten or fifteen boats are used on the lake a day indicates it is not used a great deal for boating, but you would never want to own a cottage on the shore if you could not have a boat. The psychological situation is there and the property value is gone if the right to use a boat is gone. I am reminded of the little poem, "Mother, may I go out to swim?"

Yes, my darling daughter;  
Hang your clothes on a hickory limb,

But don't go near the water."

The proposition before us is to take away with this privilege of boating which, as this engineer stated, amounts to less than one-tenth of the possibility of contamination, and at the same time deprive these people of the value of their property. Then comes the opportunity for the city to buy up this property; that is to say, there are about eighty people who own places on the shore of the lake. The eighty people are going to bear the reduction in the value of their property for the benefit of the fifty thousand people who live in the city. Now this is not a legal proposition but a practical proposition, that the fifty thousand people who get the benefit should bear the burden and pay the bill rather than that those eighty people who live on the shore of the lake, practically confiscated by this bill, and then let the fifty thousand people get the property at a small price.

But if that were all there was to it, I would not complain about that, if that cleared the situation, but it does not. They must continue their chlorination. Nine-tenths of the contamination still remains after they do this. They have got to continue their chlorination, and it never will be cleared up until this land is bought, and it must be paid for, either by the eighty people on the shore or by the fifty thousand people who live in the cities and use the water. I thank you.

Mr. GREENLEAF of Auburn: Mr. Speaker, naturally, being a member of the Auburn delegation, I am very much in favor of this bill.

It seems to me that this argument put up that this will not be a cure-all is not an absolute cause for rejecting the bill.

Now as to the swimming, prohibition of swimming. The Legislature would prohibit that if we asked it. Chlorination would probably have to go on, no matter what we did.

So far as absolute prevention of contamination is concerned, it is next to impossible. You heard at the hearing, if any of you were there, that carriers of typhoid germs had been known to contaminate watersheds by merely crossing through them. It is absolutely out of the question for Auburn to buy the entire watershed. They would have to buy a great many square miles if they did that.

It seems to me that this argument of one cure-all is a good deal like the small negro boy who was found swimming in a city water supply. The officer called to him and said: "Here, boy, come in out of that. You are swimming in the city's drinking water." The boy said, "That's all right, boss; I didn't use no soap!"

Mr. CUMMINGS of Portland: Mr. Speaker, I want to just say that while I do not claim to be as much interested in the purity of the water supply of Lewiston and Auburn as the people who live in those two cities, nevertheless I am sufficiently interested to support this bill. I certainly have sympathy for any man who wants good, pure, drinking water. I am very fond of water myself. I know something about fishing, for I have fished for more than fifty years and I know the habits of fishermen who fish in boats on lakes, and I am quite agreed that the fishing on that lake should stop. I do not think that it is a complete or a sufficient argument to say that the doing away of boating will be sufficient. The most that you can say about that is that it ought to be done. Eventually I have no doubt that they will acquire the land around that lake, and I hope at this time that this Legislature will grant them the privilege that they ask for to stop boating on the lake.

The SPEAKER: The question is on the passage to be engrossed.

Mr. WING of Auburn: Mr. Speak-

er, I renew my motion that the bill take its third reading.

A viva voce vote being taken, the bill had its third reading and was passed to be engrossed.

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Report of committee, out of order.

Mr. Dwinal from the committee on Legal Affairs on bill an act to amend Chapter 20 of the Revised Statutes relating to apothecaries and the sale of poisons, H. P. 1103, H. D. 332, reports the same in new draft under same title, H. P. 1281, and that it ought to pass.

The report was accepted, and the new draft ordered printed.

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The SPEAKER: Some days ago the gentleman from Auburn, Mr. Sturgis, tabled an act to prohibit pollution with mill waste of the lakes and ponds in certain specified rivers, brooks and streams in the State, could that be taken up at this time.

Mr. STURGIS of Auburn: Mr.

Speaker, I just wish to offer an amendment to include the Little Androscoggin and its tributaries.

On motion by Mr. Sturgis of Auburn, the House voted to reconsider its action whereby this bill was passed to be engrossed.

Mr. STURGIS: I offer House Amendment A to Senate Document 234.

Amend by inserting in the third line of Section 32 after the words "to wit," the following words: "In Androscoggin county, the Little Androscoggin River and any of its tributaries."

The amendment was adopted, and on motion by Mr. Sturgis of Auburn, the bill as amended by House Amendment A was passed to be engrossed.

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On motion by Mr. Hamilton of Caribou,

Adjourned until 8.15 tomorrow morning.