

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eighty-Second Legislature

OF THE

STATE OF MAINE

1925

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Tuesday, April 7, 1925.

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

Prayer by the Rev. Mr. Fenn of Augusta.

Journal of the previous session read and approved.

Mr. WING of Auburn: Mr. Speaker, I desire to address myself to a motion to introduce a law which I will read as follows:

Whereas, after exhaustive surveys of the St. John River Basin, an application has been made by the New Brunswick Power Commission to the International Joint Commission asking for the approval of said International Joint Commission of the initial project of a dam at Grand Falls on the St. John River, which is evidently a step toward a more complete development of the power thereof;

And whereas reports of Provincial engineers show that seventy-three per cent of the storage essential for more complete development lies within the State of Maine;

And whereas, rights and property of the State of Maine will be vitally affected by either partial or complete development;

Now, therefore, be it resolved by the Senate and House of Representatives of the State of Maine in Legislature assembled, as follows:

That for the State of Maine to receive protection of its rights and the full measure of enjoyment of said river to which it is entitled, the Governor be and hereby is authorized and directed to take such action as may to him seem wise or necessary in order to secure due compensation to our citizens for property damaged, to secure our share in the development of said river in proportion to the contribution made by our resources, and to protect such other and further rights as may be possessed by the State or any of its citizens.

AND BE IT FURTHER RESOLVED that it is the sense of this Legislature that the attention of the President of the United States be called to the vacancy apparently existing upon the said International Commission and to respectfully urge the appointment as soon as maybe of

a Commissioner from Maine or New England to fill the vacancy.

AND BE IT ALSO RESOLVED that one copy of these resolutions be prepared by the Secretary of State and forwarded to the President of the United States, one copy to the Secretary of State of the United States and one copy to each of the Maine Senators at Washington.

I ask permission of the House, Mr. Speaker, to introduce this resolve and to move its passage without reference to any committee.

The SPEAKER: The gentleman from Auburn, Mr. Wing, moves that the rules be suspended in order that he may introduce this resolve just read by him.

Mr. FOSTER of Ellsworth: Mr. Speaker, would it be fair to ask the Speaker to have the Clerk read that once more?

(Resolve read by the Clerk.)

Mr. DAIGLE of Madawaska: Mr. Speaker, if in order, I would request the printing of 1000 copies of this resolve.

The SPEAKER: The motion would not be in order unless the resolve is received.

Mr. HOLMES of Lewiston: Mr. Speaker, agreeing with the gentleman from Madawaska (Mr. Daigle) in regard to printing, I would offer a motion that the resolve lie on the table and that 1000 copies be printed. If it were not for the respect I have for the House Chairman of the Judiciary committee who has introduced this resolution, and, bearing in mind that he is the House Chairman, I would move that the resolve be referred to the Judiciary committee because that committee has matters pending before it, and has had, which involve the same subject; but I am going to defer by reason of my respect for the House Chairman of the committee of which I have the honor to be a member, and not move the reference, but I think that the resolve ought to lie on our table before us. That is the meaning of my motion, Mr. Speaker.

Mr. OAKES of Portland: Mr. Speaker, I understand there is to be a meeting of the Judiciary Committee this afternoon at two o'clock, and at that time I apprehend that the committee is to take up the so-called Carter bill which involves the rights of the State and individuals on the St. John River. I have the greatest respect and I am personally pledged

to support our present Governor, and my thought is not as regards the present Governor, but in general. I am reminded of the fact that there are three branches of government, the legislative, the executive and the judiciary. If I understand this resolve it turns over by the Legislature to the executive, the greatest piece of legislation that has come before us this year, and it does not seem as though it ought to be done without the consideration of the committee that has been working on this situation for several weeks.

The SPEAKER: The question before the House is the motion of the gentleman from Auburn, Mr. Wing, that the rules be suspended and that this resolve be allowed introduction. There is no matter before the House that may be ordered printed at present.

Mr. OAKES: Mr. Speaker, would it be in order to move that it be referred to the Judiciary Committee? I think that that would make very little, if any, delay I do not want to be less courteous to the House Chairman than is my friend from Lewiston (Mr. Holmes).

The SPEAKER: That motion would be in order if the matter is received.

Mr. OAKES: I move, Mr. Speaker, that the resolve be received.

The SPEAKER: The motion before the House is that the rules be suspended and that this matter be introduced. Is the House ready for the question? It will be necessary, in order to have this done, that there be an affirmative vote of two-thirds of the House. As many as are in favor of the suspension of the rules for the introduction of the resolve will rise and stand in their places until counted and the monitors will return the count.

A division being had,

Ninety-nine voting in the affirmative and none in the negative the resolve was received by the House.

The SPEAKER: There were various motions made, but the gentleman from Auburn, Mr. Wing, moved that this resolve have passage without reference to a committee. That motion is the next before the House.

Mr. WING of Auburn: Mr. Speaker, I do not wish to embarrass the Chair, the motion was that it be received and passed without reference to a committee. The Chair has placed the motion that it be received

and I wish to state for the purposes of the record that I am satisfied with that, and I now move that the same be referred to the committee on Judiciary.

A viva voce vote being taken, the motion to refer the resolve to the committee on Judiciary prevailed.

On motion by Mr. Piper of Jackman 1000 copies were ordered printed.

Reports of Committees

Majority Report of the Committee on Inland Fisheries and Game on bill "An Act to amend Chapter 173, P. L. 1919, as amended by Chapter 121, P. L. 1923, relating to the registration of resident hunters and fishermen" (H. P. No. 260) (H. Doc. No. 53) together with petitions (S. P. 332) (S. P. 333) (S. P. 334) (S. P. 335) (S. P. 336) (S. P. 353) (H. P. 737) (H. P. 1026) (H. P. 1027) (H. P. 1087) reporting same in a new draft (H. P. No. 1292) under title of "An Act relating to the registration of resident hunters and fishermen" and that it "Ought to pass."

Report was signed by the following members:

Messrs. CRAFTS of Piscataquis
LORD of York

—of the Senate

KINSMAN of Augusta

BUKER of Bath

FLINT of Monson

BUMP of Wilton

STONE of Bridgton

FROST of Eastport

—of the House

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

Report was signed by the following members:

Messrs. WILSON of Aroostook
—of the Senate

HALLETT of Ashland

—of the House

Mr. KINSMAN of Augusta: Mr. Speaker, I move that the majority report be accepted.

Mr. STURGIS of Auburn: Mr. Speaker, may we have that amendment read?

The SPEAKER: The new draft has not yet been printed.

Mr. STURGIS: Would it be in order to table it, Mr. Speaker?

The SPEAKER: If the majority report is accepted, the new draft

will be printed under the Joint Rules.

Thereupon the House voted to accept the majority report and the bill was ordered printed under the Joint Rules.

Passed to Be Engrossed

The SPEAKER: The Clerk requests that if any member desires to debate any of these third readers, he will table them temporarily so that we may pass those to which there is no objection and send them over to the Senate. If any member, then, has any motion to a third reader, will he make it when the bill is called and we will table it until the conclusion of the third readers.

S. P. 155: An Act requiring more efficient supervision of brokers selling securities on marginal accounts.

S. P. 372: An Act relating to appropriations for the several Normal Schools and the Madawaska Training School.

S. P. 634: An Act to authorize the promulgation of rules and regulations of the Commissioner of Inland Fisheries and Game.

S. P. 644: An Act relating to intoxicating liquors.

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

S. P. 645: An Act to create a State Broadcasting Station.

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

S. P. 649: An Act relating to Workmen's Compensation.

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

H. P. 1282: An Act to enable cities of over 35,000 to regulate and restrict the construction of buildings and the use of land by zoning ordinances.

H. P. 1285: An Act relating to inmates of reformatory for Women when incorrigible.

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

H. P. 1286: An Act relating to apothecaries and the sale of poisons.

H. P. 1287: An Act relating to a tax upon gasoline.

(Tabled by Mr. Littlefield of Kennebunk pending third reading.)

S. P. 152: Resolve in favor of the National Conference of Commissioners on Uniform State Laws and

of the Commissioners from Maine for the promotion of uniformity of legislation in the United States (S. P. No. 152) (S. Doc. No. 303.)

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

S. P. 470: Resolve in favor of the Maine School for Feeble Minded for additions and improvements.

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

S. P. 646: Resolve in favor of several academies, institutes, seminaries and colleges for maintenance, repairs and improvements.

(Tabled by Mr. Campbell of Kingman, pending third reading.)

The SPEAKER: The first bill temporarily tabled was S. P. 644, an act relating to intoxicating liquors.

On motion by Mr. Nichols of Portland re-tabled.

The SPEAKER: Next is S. P. 645, an act to create a State Broadcasting Station, tabled by Mr. Cummings of Portland, pending third reading.

Mr. Cummings of Portland offers House Amendment A as follows:

House Amendment A to Senate Document 310.

Amend said document by inserting a period after the word "station" in line four, and by striking out the rest of line four, and all of lines five and six.

Mr. CUMMINGS: This bill is very short and it will be apparent to anyone that it authorizes the Governor and Council to do a thing which the Legislature has not done, that is, to provide for a Broadcasting Station. The first part of the bill is unobjectionable, that is, "The Governor and Council are hereby authorized and directed to investigate the need, location, cost of construction, expense of maintenance and desirability of the establishment of a State radio broadcasting station."

The amendment which I offer stops the bill there. As the bill reads without this amendment, this would permit "with full power to act in any manner which is their judgment may be for the best interests of the State."

Now you are all aware that bills have been coming in here constantly centralizing the government, creating more power to the executive department. It is the tendency of the times to become more bureaucratic

and place more authority in the hands of commissioners and special agents. I do not believe that this is a good tendency. I do not believe that this Legislature, or the people of this State, want to give the Governor and Council authority to create and establish a broadcasting station. If the Legislature desires to do that, it can do so itself; and it is for that purpose that I offer this amendment. We have no objection, we are quite willing that investigation should be made as to the desirability, the cost and all that sort of thing; but let us stop there.

Mr. SPEAR of Portland: Mr. Speaker, I am not particularly interested in this broadcasting bill. It was introduced by the Senator from Kennebec, Senator Maher, that is, the original; and it carried an appropriation of \$80,000. The members of the committee who attended the hearing noticed that there were three men in the audience who pledged one thousand dollars apiece for a radio station. This was brought out in a new draft at the suggestion of the executive department, the new draft being drawn by the Attorney General. It was reported in by Senator Holley, carries no appropriation, and, as one of the committee from the House, we could not see any harm in leaving this matter in the hands of the Governor, because I think that we are all agreed that he will not squander any money and this does not call for any money.

Mr. CUMMINGS: Mr. Speaker, I want to call the attention of the gentleman (Mr. Spears) to the fact that if we keep on conferring extra powers on the Governor and Council and leaving important matters to them, we shall not have any representative government in a short time, and we shall not need any Legislature. We shall have a commission form of government composed of the Governor and Council.

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

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

The SPEAKER: The next bill tabled was Senate Paper 649, an act

relating to Workmen's Compensation, tabled by Mr. Nichols of Portland, pending third reading.

Mr. NICHOLS of Portland: Mr. Speaker, I would like it to remain on the table and be especially assigned for tomorrow morning. In looking over the draft which came from the committee, which was in a new draft, I noticed that it referred to the "following section," and the "following section" was stricken out of the draft. This should be corrected before the bill goes farther.

The SPEAKER: It is likely that we will have an afternoon session at three o'clock.

Mr. NICHOLS: I will try to take it up if we get out of the Judiciary committee in time.

Thereupon the matter was re-tabled.

The SPEAKER: The next is House Paper 1285, an act relating to the inmates of Reformatory for Women when incorrigible, tabled by Mr. Nichols of Portland, pending third reading.

Mr. NICHOLS: I offered House Amendment A and move its adoption:

House Amendment A to House Document 519.

Amend said act by adding thereto the following:

"Upon conviction as such incorrigible and sentence as above provided, said person shall be discharged from said reformatory and be relieved from serving the balance of sentence in said reformatory."

Further amend said act by striking out the word "three" in the twelfth line of said act and insert in place thereof the word "five."

Mr. NICHOLS: Mr. Speaker the object of this amendment is merely that when a person has been convicted of being incorrigible and is sentenced to the State Prison, she shall be relieved from serving a sentence in the reformatory in order to serve the sentence in State Prison; otherwise the sentence could not be carried out in the State Prison. That is the only object of the amendment.

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

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: The next is H. P. 1287, an act relating to a tax upon gasoline, tabled by Mr. Littlefield of Kennebunk, pending third reading.

On motion by Mr. Littlefield of Kennebunk, the matter was retabled until the afternoon session.

The SPEAKER: The next is S. P. 152, resolve in favor of the National Conference of Commissioners on uniform State laws and of the Commissioners from Maine for the promotion of uniformity of legislation in the United States, tabled by Mr. Nichols of Portland, pending third reading.

Mr. NICHOLS of Portland: Mr. Speaker, I move the indefinite postponement of this resolve, Senate Document 303. It calls for an appropriation of five hundred dollars a year to send commissioners to meet in different places in the United States and talk over uniform laws. All of the commissioners are lawyers, and my friends, but I think it useless at this time to spend any more money to send people away to talk over the law. This is my opinion even though it is my own profession, and I move that we indefinitely postpone this resolve and keep our appropriations down.

Mr. WING of Auburn: Mr. Speaker, I have said something at this session about economy, and I mean it. I am a lawyer and I take pride in my profession, but I agree with the gentleman from Portland (Mr. Nichols) that we should indefinitely postpone this measure and let interested lawyers who desire to attend this conference go and pay their own fares and not ask the State to do it. I hope the motion prevails.

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

A viva voce vote being taken, the House voted to indefinitely postpone this resolve.

Mr. NICHOLS of Portland: Mr. Speaker, I move that we

reconsider the vote whereby this resolve was indefinitely postponed, and may I state that I hope it may not prevail.

Thereupon, on the motion to reconsider, a viva voce vote was taken, and the motion failed of passage.

The SPEAKER: Next is resolve S. P. 470 in favor of the Maine School for Feeble Minded for additions and improvements.

Mr. FOSTER of Ellsworth: Mr. Speaker, my only reason for tabling this was that it might be taken up a little later with Senate Document 311, I think both may well be considered at the same time.

Thereupon the matter was retabled.

The SPEAKER: The next matter was the academy resolve, Senate Document No. 315.

Mr. CAMPBELL of Kingman: Mr. Speaker, I now offer House Amendment A to Senate Document 315.

Amend Senate Document No. 315 by inserting between the fourth and fifth lines on page three, the words "Patten Academy for maintenance, \$2000," and by inserting between the seventeenth and eighteenth lines on page four, "Patten Academy for maintenance, \$2000."

Mr. CAMPBELL: Mr. Speaker, this academy originally asked for \$10,000 and I think it was for repairs and maintenance though they did neglect to put in the word "Maintenance." This was possibly an oversight. Now as you have already asked for about \$130,000, approved by the committee, it appears to me the least you could do for that academy, which has about 125 pupils and five teachers, would be to give them \$2,000 for maintenance. It would seem to me to be only right. If the committee overlooked this, it should be put in at this time. I presume they will explain their part of it.

Mr. PIERCE of Sanford: Mr. Speaker, the resolve came in, I think, Patten Academy, \$10,000 for new construction. It has been the rule of the Legislature for a year that they would not give academies money for new construction. There is no resolve in for maintenance. The

committee felt that it would not give anything for new construction, and as long as the academy did not ask for maintenance, it was felt that possibly it did not want it for maintenance. There were several academies that did not ask for maintenance at all. There were other academies that asked for construction, which we have kept out.

I have a good deal of sympathy for Patten Academy that they did not have a resolve in, but I feel that this amendment should not be added to the resolve at the present time because it opens up a big field. The committee gave a lot of attention to all of these and had hearings on all of them; and it would mean a good deal, I think, if this was opened up now with an amendment which might mean other amendments and when the committee has given every cent that it felt it should give. In some cases it almost seems as though the committee gave more than they ought to. The appropriation is larger than it was two years ago. All academies asking for help, for maintenance, received as much as they did two years ago. I hope the motion of the gentleman from Kingman, Mr. Campbell, will not prevail.

Mr. CAMPBELL of Kingman: Members of the House, it appears to me that this is only a case of justice and that Patten Academy ought to have a little help. That is all that I can say and it is wholly in your hands as to the adoption of the amendment. It is up to you.

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

Mr. PIERCE of Sanford: Mr. Speaker, I feel that if this amendment goes through it will mean a reopening of the whole situation, that the committee will have to recall the resolve and make up a new budget on these academies, which would take some time; and I hope that the motion will not prevail.

The SPEAKER: Is the House ready for the question?

A viva voce vote being taken, the motion to adopt House Amendment A failed of passage. Thereupon the resolve had its second reading and was passed to be engrossed.

The SPEAKER: The House now reaches unfinished business of yes-

terday, which unfinished business was the discussion of an act relating to amateur boxing contests, S. P. 648, S. D. 312, the pending question being indefinite postponement. The gentleman from Rockland, Mr. Thompson, has the floor.

Mr. THOMPSON: I think, Mr. Speaker, that I finished my remarks last night.

Mr. ATWOOD of Portland: Mr. Speaker and members of the House: My interest in this matter is three-fold. First, as one of the nine members of the committee on Legal Affairs that reported this measure ought to pass, believing it to be wise and proper legislation. Second, as a believer in the promotion of clean athletic sports—and I am thoroughly convinced that amateur boxing is properly within this classification—and, third, as a member of the organization which proposed this legislation and sponsors it, the American Legion.

This bill relates solely to amateur boxing contests, and I think I may well preface my remarks with an outline of what the present law provides.

Section four of Chapter 125 of the Revised Statutes is an absolute prohibition against prize fighting. I think there is a distinction between prize fighting and boxing contests and such a distinction is recognized in our existing law for Section five of the same chapter except from the provisions of Section four, which prohibits prize fighting,—except from that section boxing contests, purely boxing contests of not more than six rounds if conducted under certain conditions; and this new bill, Senate Document 312, relates solely to boxing contests and amateur boxing contests, and contains all of the conditions which are in the present law relating to boxing contests with the exception of one, and that is a provision that no decision shall be rendered.

The law now before us, in addition to the rights which are allowed under the existing Statute, provides that organizations incorporated under Section one of Chapter 62 of the Revised Statutes, and known as organizations without capital stock, which includes American Legion Posts, lodges of various fraternal bodies and other similar organizations, allows these organizations to conduct purely amateur boxing con-

tests provided the receipts from those contests go into the treasury of such organization or to some public charity. The possibility of such contests being carried on for private profit or gain is well protected against in this bill. It does allow a decision to be rendered in an amateur contest if that contest is not longer than four rounds, and that is the only material change in the law regarding amateur boxing contests. Nine of the committee on Legal Affairs felt that this was a proper change and an extension of the law which would do no harm.

I might in passing refer to another bill which is before this Legislature because I feel that there is some confusion, perhaps, in the minds of the members of this House as to the two bills. The other measure is the so-called State Athletic Commission bill. That bill contemplates a regulation and control of professional boxing by a State Athletic Commission, but it in no way affects amateur boxing. The two bills cover absolutely different fields and one is in no way inconsistent with the other; and I hope that the members of this House will not think that because I refer to that bill, I am antagonistic to it because I am not. I am heartily in favor of the passage of that bill; but I do feel that this bill to which I am now addressing myself is also very proper legislation, because I cannot conceive that it is the sense of this Legislature, or of the people of this State, to pass one bill allowing professional boxing and at the same time shut down absolutely on amateur boxing. That is just what you would do if you passed the commission bill and did not pass this bill, because the commission bill repeals Section five of Chapter 125, and that is the only section of the existing law under which boxing contests in any form may now be conducted. That bill gives authority for the carrying on of professional boxing under the control and regulation of the commission, but it does not renew the authority for the carrying on of boxing contests which are purely amateur contests.

So, regardless of what disposition is made of the Athletic Commission bill, I sincerely hope that this bill relating to amateur boxing contests will have passage, and I urge that the motion of

the gentleman from Rockland, Mr. Thompson, to indefinitely postpone may not prevail.

Mr. FLINT of Monson: Mr. Speaker, when I came in here this morning I was against this bill; but if the gentleman (Mr. Atwood) says that the American Legion is behind this bill, I am with him because I am for the American Legion; and I hope the motion of the gentleman from Rockland, Mr. Thompson, will not prevail. (Applause).

Mr. STURGIS of Auburn: Mr. Speaker, I feel that anything along this line leads the young man towards prize fighting. Why not permit having cock fights without steel spurs and bull fights without horns?

The SPEAKER: Is the House ready for the question?

Mr. THOMPSON of Rockland: Mr. Speaker, I do not know that I care to add anything to the remarks that I made last evening. I will repeat, however, certain parts of what I said to the extent that I have no personal interest in the matter. There was another bill before the legal affairs committee, but it was apparently considered by the committee a fence a little too high and so it was lowered. The gentleman from Portland (Mr. Atwood) says that the Legion is behind this. Now I submit that the American Legion does not come to this Legislature and put their stamp on anything that they insist upon its going through. I do not think that the American Legion boys work in that way. Anything that the American Legion does sponsor I assume that they do it deliberately. I submit that it is unfair to bring the American Legion in here, or any other organization, and say that a bill must be passed because they are behind it. I do not think that the American Legion is made up of that kind of boys.

This is a step, as I said last night, in the wrong direction, in my judgment. I think that the committee when they reported this bill thought that perhaps the fence constructed around amateur boxing was a little too high, and so under that bill there was several different weights. There was the featherweight, lightweight, bantamweight, welterweight and all sorts of weights; but the thing that landed it finally was the report of the present bill. That emasculated bill that was under consideration by the committee had one saving thing

about it which was the matter of awarding prizes. Under the present Statute, Chapter 125 of the Revised Statutes, decisions are not allowed. Under this a decision is allowed and an award is made. It is the first step towards prize fighting in the State of Maine, and that is my real objection to it. I think it is a step in the wrong direction. I think it tends to divert the minds of our youth, whom we are trying to bring up in the proper way, from their studies and the things to which they need to give their attention. I think there are sufficient sports already, baseball, football and other similar things; and so far as the boxing enterprise is concerned, they have all the opportunity they need under our present law. The thing wanted now is an award so as to give zest, as I say, to boxing, and therefore is the initial or entering wedge to professional boxing. It is for that reason, Mr. Speaker, that I object to it, and I have nothing more to say.

Mr. EUSTIS of Strong: Mr. Speaker, boxing is already taught in several of our colleges and apparently has no detrimental effect. Therefore I fail to see where this law is a step in the wrong direction.

The SPEAKER: Is the House now ready for the question? The question is on the motion of the gentleman from Rockland, Mr. Thompson, that this Senate Document No. 312 be indefinitely postponed.

Thereupon a viva voce vote being taken, the motion to indefinitely postpone failed of passage; and tomorrow was assigned for the third reading of this bill.

The SPEAKER: Referring to the resolve introduced by the gentleman from Auburn, Mr. Wing, this situation presents itself. The House voted to refer the matter to the committee on Judiciary and ordered the Document printed. If the resolve is sent down for printing, it cannot reach the Judiciary committee this afternoon. To be referred to the committee it must be sent to the Senate. Would the House prefer to have the printing temporarily held so that the matter may reach the Judiciary committee this afternoon? Does the gentleman from Auburn (Mr. Wing) have any expression regarding that?

Mr. WING of Auburn: I am entirely in the hands of the House, Mr. Speaker. I hoped that the resolve

might be passed without reference to any committee.

The SPEAKER: Would the gentleman who made the order for printing, the gentleman from Jackman, Mr. Piper, prefer to have the matter go to the committee or be printed?

Mr. PIPER of Jackman: I would prefer to have the matter go to the committee but I would want it printed too.

The SPEAKER: It may be printed later on.

Mr. PIPER: Is it not possible to send a copy to the printer?

The SPEAKER: The Clerk can make an exact copy and have the exact copy printed.

The SPEAKER: The Chair presents, tabled and especially assigned for today, resolve in favor of Augusta State Hospital for appropriation for the construction of a new building for fifty women nurses and attendants during the fiscal years 1926 and 1927, S. P. 71, S. D. 311, tabled on April 6th by Mr. Foster of Ellsworth, pending the motion of Mr. Wing of Auburn, to indefinitely postpone.

Mr. DEERING of Saco: Mr. Speaker, I would like to ask permission of the House to re-table this matter for the following reason: We have passed in this House resolve in favor of the Bangor Hospital for a new wing, which has gone to be engrossed, and will be back in the House either this afternoon or tomorrow morning. I think the importance of these matters is sufficient so that they should be considered practically at the same time. The importance of the Bangor wing, as I understand it from the Trustees of the institution, is considerable, and therefore I feel that under these conditions we should take no action in the House on this matter until we are sure that that bill shall have the right of way. Therefore I ask that this lay on the table until the other matter can come back to the House.

The SPEAKER: The question before the House is the motion that this matter lay on the table. Has the gentleman any statement he desires to make to the House?

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

The SPEAKER: The Chair presents, tabled and especially assigned for today, bill, an act to define certain grades of milk offered for sale,

S. P. 575, S. D. 247, tabled on April 6th by Mr. Sturgis of Auburn, pending passage to be enacted.

On motion by Mr. Sturgis of Auburn, the matter was retabled until this afternoon.

The SPEAKER: The Chair presents, tabled and especially assigned for today, bill, an act to provide for an assistant county attorney for Androscoggin County, S. P. 623, S. D. 269, tabled on April 6th by Mr. Winn of Lisbon, pending passage to be enacted.

Mr. WINN of Lisbon: Mr. Speaker, following out our plan of economy, I move the indefinite postponement of the bill.

I will say that in looking over the sizes of the various counties, I find that Androscoggin has sixty-five thousand population, practically the same as Kennebec County, and I find that there is only one county that now has an assistant county attorney, and that is Cumberland county, with a population of something like a hundred and twenty-five thousand, whereas, Androscoggin County has only sixty-five thousand.

Now, I note that this bill allows the county attorney to appoint an assistant to work with him in the courts. I want to say that this county attorney knew what he was accepting when he went out for the position as county attorney, for he had previously been county attorney of Androscoggin County and knew what the work was; and he made a strenuous campaign and won the election. Now, I have nothing against him. He is a splendid fellow; I know him personally and I feel that with such a county attorney we do not need an assistant. If his salary as county attorney is not up to what it should be, to my mind the proper thing to do would be to increase the salary of the county attorney, but not give him the power to appoint an assistant. I hope that the motion to indefinitely postpone will prevail.

Mr. HOLMES of Lewiston: Mr. Speaker, I can testify that there is need, real need, for an assistant county attorney in Androscoggin County. It seems that this matter was introduced into the Legislature and referred to the committee, and the bill carried two provisions; one for a raise of salary of the County Attorney and the other for the appointment of an assistant county attorney; and the Committee, in its

wisdom, reported back in a new draft, the new draft leaving out the proposition to increase the salary of the county attorney, but giving him authority to appoint an assistant.

Now, that Committee must have heard the whole case, both of the proponents and the opponents, if any, and this was their mature judgment. I believe in the House backing that Committee.

Mr. THOMPSON of Rockland: Mr. Speaker, I will say a word about the action of the Committee. I assume that each member of the Committee is able to speak for himself, but I want to say just a word. The gentleman from Lisbon (Mr. Winn) suggests, if I understand him, that the assistant county attorney should not be appointed by the county attorney himself, and that is what the Committee took into consideration. They thought that he was the one to do that because he relies upon his assistant and it is necessary, especially in criminal matters, that the assistant and the county attorney work in harmony together and that is most of all what he desires. This is the time to act upon this matter, and I will say, further, that it is not always the largest county that has greatest amount of business. There was testimony before the Committee showing, apparently, the amount of criminal business in Androscoggin County and the amount of criminal business in Cumberland County; and the Committee gave the matter due consideration and we did what we thought was right.

We thought that the county attorney of Androscoggin County was doing more work than one man could do and do well, and that therefore it was in the interests of good government and law enforcement that we give him, in the new draft here, an assistant to help him in the prosecution of criminals. Therefore, in the interests of enforcement of law, we decided that the county of Androscoggin needed an assistant county attorney and so reported this bill in a new draft.

Mr. WINN of Lisbon: Mr. Speaker, I desire to correct the statement of the gentleman who just spoke. He said something about my objecting to the county attorney appointing his assistant. I certainly did not intend to convey any idea like that. If the county attorney is going to have an assistant, certainly he should appoint him. I am not so unreasonable as

that and I do not believe that I gave that idea to the House.

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

A viva voce vote being taken, the motion failed of passage; and the bill was passed to be enacted.

The SPEAKER: The Chair might now proceed with Orders of the Day.

Orders of the Day

On motion by Mr. Greenleaf of Auburn, the House voted to take from the table majority report "ought to pass" and minority report "ought not to pass" on bill, an act relating to welfare and hygiene of maternity and infancy, S. P. 140, S. D. 231, tabled on April 1st by that gentleman, pending acceptance of either report.

Mr. GREENLEAF of Auburn: Mr. Speaker and members of the House, I do not wish to be understood as objecting to the work that is now being done by our State Department of Health in the matter relating to the welfare and hygiene of maternity and infancy. What I object to and what I would like clearly understood, and to what I will address my remarks, is the Federal control of this work.

Now this act reads, "An Act to accept the provisions of the act of Congress of the United States, approved November 23, 1921, entitled "An act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes." This bill was otherwise known as the Sheppard-Towner Act, and I might say that in the hearing before the Committee there was very little opposition to this bill but after the meeting letters were received by the Governor to the effect that this bill was not properly advertised and had the people known that this was the Sheppard-Towner Bill, they would certainly have been there in force to oppose it.

Now, this act provides that if we will vote to appropriate ten thousand dollars for this work, the Government will allot to us fifteen thousand dollars more to be expended for this work under the supervision of the Maternity Bureau in Washington. This Bureau consists of the chief of the Childrens' Bureau, the Surgeon-General of the United States

Public Health Service and the United States Commissioner of Education. The Federal Act further provides that the Childrens' Bureau of the Department of Labor shall be charged with the administration of this act, and its chief shall be the executive officer of the Maternity Bureau.

Now, what is the history of this Sheppard-Towner Act in our own State? Section 4 of the Federal Act provides that "this act may be accepted by the Governor of the State and to be effective until six months after the adjournment of the next session of the Legislature after the passage of the act in Congress." Now, as far as the government of the State of Maine is concerned, on June 23rd, 1922, Governor Baxter, with his Councilors, had a hearing upon this particular bill to see whether they would accept its provisions. In favor of the acceptance of the Sheppard-Towner Bill there appeared Dr. Young, Dr. Kendall and Miss Mabel Connor of Augusta, and Mrs. Howard Ives of Portland. Those opposed were Dr. Spaulding of Portland, Franklin C. Payson of the Children's Hospital in Portland, Bishop Walsh, and Mrs. Kreger of Fairfield. The matter was gone into thoroughly at that time. It was not considered hastily. It was laid on the table and the Governor, on July 17th, according to the newspaper reports, made a proclamation refusing to accept the provisions of this United States Act, for the following reason:

This is what the Governor said in his proclamation: "I believe the time has come for the States of the Union to hold to a principle and to carefully scrutinize all offers of Federal Aid before accepting them. Having no doubt as to what my duty is in this matter, I decline to accept the Sheppard-Towner Bill and this State, for the time being, will stand with New York, Massachusetts and Rhode Island, the three states that have rejected it. The State of Maine will not sell its birthright, and principle not expediency has been the determining factor with me in the solution of this problem. The financial aspect of Federal Aid is interesting. The proffered five thousand dollars has been referred to as a free gift to the State of Maine, while in reality the Federal Government is taxing the State to raise this

money, and now, in order to help our mothers and children, offers to pay back to the State the trivial sum of less than two-thirds of one cent for each inhabitant. At the present time over \$18,000,000 is annually taken in taxes by the Federal Government from the people of Maine, and less than \$1,250,000 is returned to the State in the form of Federal Aid. This \$18,000,000 of Maine money is paid into the Federal Treasury at Washington, a large portion being absorbed in heavy administration expenses at the Federal Capitol, and a small fraction being returned to the State."

"The people of Maine are willing and able to care for their own mothers and children, and I have faith to believe that Maine men and women will do this rather than accept so-called gratuities from a Federal Bureau. Already we are overburdened with Federal interference and control, and our citizens and industries are hampered by Federal Inspectors and other officials from Washington."

"The existing provisions of the Sheppard-Towner Bill are reasonably moderate, but it properly may be assumed that attempts will be made to broaden its scope, so as to further restrict the State's control over its own affairs. It is apparent that the present bill is but an entering wedge for more radical legislation and Maine's delegation in Congress, our Senators and Representatives, should be urged to resist all further encroachments upon the States of the Federal Government. Maine will loyally support the Union in all matters that come under the provisions of the Federal Constitution, but the time has arrived when the people of this State will jealously guard the rights, inherent in them as a sovereign people, and will accept the responsibilities the possession of such rights imposes."

"The seven members of the Executive Council unanimously have advised me not to accept the bill in question. These Councilors are men of wide experience in public matters, and I value their opinions highly. They, as well as myself, have at heart the welfare of the people of Maine, and in conjunction with those who favor the bill we all desire to advance maternity and child welfare work."

"In years gone by the State of

Maine has not hesitated to stand for great principles and it is well for the forty-four States that have accepted the Sheppard-Towner Bill to know that Maine neither asks for, nor for the time being accepts, Federal Aid for its mothers and children."

Two years ago Mrs. Dora Pinkham, Representative from Fort Kent, introduced a similar measure into the Legislature. It had a very lively hearing and came out of the Committee with a divided report. It was debated on the floor of the House and passed by a vote of 72 to 65; and in the Senate 17 to 11. This victory was clearly due to the fact that the bill's most active proponent was Mrs. Dora Pinkham, whose ability and many charming qualities endeared her to every member of the Eighty-first Legislature. When Governor Baxter vetoed this measure, the support swung to 86 to 47 in support of the veto, and this at a time when over-riding the Governor's veto was apparently considered by the Eighty-first Legislature as the king of indoor sports.

My objections to this bill are that it is an unwarranted invasion by the Federal Government of the sovereign rights of our State; an encouragement of the centralization of power in Washington; an invasion of the privacy of our homes; and a tendency toward the Communistic Doctrine that the child is the property of the State.

The proponents of this bill will tell you that we are already accepting Federal Aid in the matter of roads and agriculture. This is all very true, but do we want to go further and admit it to our firesides; do we want the State acting as a God-father to our children?

Now, Section 9 of the Federal Act reads as follows: "No official, agent, or representative of the Children's Bureau shall, by virtue of this act, have any right to enter any home over the objection of the owner thereof, or to take charge of any child over the objection of the parent, or either of them, or of the person standing in loco parentis or having custody of such child. Nothing in this act shall be construed as limiting the power of parent or guardian or person standing in loco parentis to determine what treatment or correction shall be provided for a child or the agency or

agencies to be employed for such purpose."

This gives no rights to enter the home. That is apparent; of course it does not; if it did, the Federal Act would never have become a law, and these sections were put in to guarantee its passage. The right to enter is not given but it gives no protection because there is no penalty connected with it. Federal Agents can enter the homes whenever it suits their convenience.

Now, the agents that go out doubtless do so in an earnest endeavor to give aid to the prospective mother, which assumes an ignorance on her part which she feels it her duty to correct. They force their way into the home—I say "force"; we know that book agents do that sort of thing—they force their way into the home and discuss matters of a private nature with women who may not care to talk with them.

The proponents of this measure will tell you that this is a bugaboo that does not exist, that the act is functioning in many states without the occurrence of these objections which I have mentioned. Now, that may be true.

(At this point the gentleman from Caribou, Mr. Hamilton, assumed the Chair amidst the applause of the House)

Mr. GREENLEAF (continuing): The same people who were behind this bill are now behind the Federal Child Labor Amendment and trying to foist that on to the State. That bill would give the control of the children, until they are eighteen years of age, into the hands of this Children's Bureau.

Now, why do I make such a charge as that? As I said before, the administration of this act is in the hands of the Children's Bureau of the Department of Labor, and the Executive Officer of the Maternity Bureau is the Chief of the Children's Bureau.

Here is Grace Abbott—and I wonder if we know her. She came to the Children's Bureau from Hull House in Chicago, which is a hotbed of socialism, and while there, was a close associate of Dr. Anna Louise Strong, who is now chief press agent for Soviet Russia. Miss Abbott is president of the National Conference of Social Workers. She served as "consultative member" of its executive board at the recent

Women's International League Fourth International Congress at Washington, May 1-7, 1924, and also took part in its first "Internationaler Frauenkongress" at the Hague, in 1915.

The Women's International League led the campaign in this country for recognition of Soviet Russia and urged women to take slacker oaths against all service to their country in time of war, and it is also in favor of "the gradual abolition of property privileges," which is simply another way of advocating the gradual establishment of communism.

The vice-president of the Women's International League, Frau Lida Gustava Heyman, Germany, was a member of Kurt Eisner's communist-socialist cabinet during the soviet regime in Bavaria in 1919. Miss Abbott, at the "Internationaler Frauenkongress," as it was called, said in part:

"The United States women have been especially fortunate in having with them during the last months Mme. Schwimmer, who told us in the same way as she told you what our duty was." Frau Rosika Schwimmer, of Hungary, "but in reality a German agent," according to the Lusk Report, came to the United States immediately after the first defeat of the Germans on the Marne, in September, 1914, to secure the intervention of President Wilson and to organize women's peace leagues all over the United States.

In the official journal of the soviet commissariat of public education, No. 4, Mme. Lel'na, wife of the president of the Communist International, declares:

"We must nationalize the children. We must remove the children from the pernicious influence of the family. We must register the children, or—let us speak plainly—we must nationalize them. Thus they will from the very start remain under the beneficial influence of communist kindergartens and schools. Here they will grow up to be real communists. To compel the mother to surrender her child to us, to the soviet State, that is the practical task before us."

Now, fellow members, this is the influence that is behind this bill, and this is what we must guard against if we are going to save to our children the rights guaranteed to them

under the Constitution. I still believe that to be born under the glorious Stars and Stripes is the most blessed privilege that can come to any child, but we must be especially on our guard because if we are not I, for one do not want to see the State standing at the bedside when my grandchildren are born into this world.

Mr. Speaker, I move the acceptance of the minority report, "ought not to pass." I yield to the lady from Hampden, Mrs. Allen.

Mrs. ALLEN of Hampden: Mr. Speaker and fellow Representatives of this Eighty-second Legislature, for whom I have the greatest admiration: I will state a few facts that I have formed in my own judgment in regard to this act. I have sat in this chair and carefully considered every question which has come before us, not making any speeches, but working and voting according to my conscience.

Now, Mr. Speaker, it is impossible for a woman to always remain silent, and I have been told that silence is golden. This act, for which I have a great deal of interest, is none other than the act called the Shepard-Towner Bill, which was defeated two years ago. This bill provides, as I understand it, that the State pays so much money to the Government, and if we do not pass this act, then we lose that amount of money. But what is money received from Federal Aid in comparison with a home of your own undisturbed in its private affairs? No mother or prospective mother, I believe, wants me to sustain this act, and many have asked me to work against the measure. One woman from the town which I represent, in a rural section of the State, told me that she was utterly discouraged trying to rear her family because so many laws had been passed, and so stringent laws, that they have assumed almost complete control over the children, particularly in regard to school matters. By the time the children are five years old they are taken from home in a school team, carried from one section of the town to another, and so on, until they get into high school, and then they go to college and have the dormitory life; and what control can a mother have over her

children for home influence when they are away so much?

Now, if we go back to what this act refers to, we are starting in even before the child is born, so what influence has our home on the child?

If we pass this law, we will be under a Federal Agency, so to speak. Does the good old State of Maine want her activities handled by Bureau Agencies in Washington?

You must remember that the prospective mothers of the State of Maine are not in favor of any such a law. What about our State Department of Health, which is doing a wonderful work, just the work this bill calls for? I want to see this work go on, directed by the State of Maine, our authorities undisturbed by Federal interference; and, Mr. Speaker and gentlemen, I hope that you will accept the minority report of this committee. (Applause.)

Mr. PIERCE of Sanford: Mr. Speaker, I sincerely hope that this motion to accept the minority report will not prevail. In answer to a few of the statements made by the lady member from Hampden (Mrs. Allen); she says that the State Department of Health is doing some of this work. They are, but if this bill were passed, they would have fifteen thousand dollars more to work with. If they are doing good work now, you can see how much more they would do if they had this extra amount of money.

The criticism was made that the bill gave charge of the children to the Federal authorities. I cannot see anything in the bill that turns over the care of the child to a Federal Bureau. Also, a statement was made that the same people are attacking this bill who attacked the Child Labor Amendment. I rather object to that. Possibly they do, but I do not believe that the mothers do. It is said that an agent may enter the home, but this law has been in effect for over five years in some states, but there is no record yet of any of the states where Federal Agents have entered a home against the wishes of the people. Someone said that the Federal Government is taxing the State. The Federal Government appropriated, in 1921, a million and a half dollars. The money has already been laid aside and the State has already been

taxed with this, whether we accept it or not, and it does not cost the State any more money either way.

I think that one of the good things about this bill is that it is endorsed by the Federation of Women's Clubs in the State of Maine. We all feel that women as a rule know what they are talking about. We feel that they are interested in State welfare; and I believe that a bill like this, backed by the bright, intelligent women of the Federation of Women's Clubs, should have some consideration.

This act was passed by Congress on November 21st, 1921, and was signed by the President on November 23rd, 1921. The bill provided for Federal financial aid to the states. It provides for State Aid in the problem of reducing maternal and infant mortality and protecting the lives of mothers and children. I do not see where it says anything about taking charge of the children. It vests in the states complete authority to initiate and administer plans subject to the approval of the Federal Board of Maternity and Hygiene. Under this act \$1,140,000 was appropriated in 1922. These funds have been available to the States of the Union ever since that time. Forty-two states have accepted this bill. It seems as though that should be a pretty good recommendation for it. Vermont, at the last session of its Legislature, just closed, accepted the bill.

The money provided for under this act was to be spent largely along educational lines, and those general lines of activities have necessarily played a large part in the State Maternity and Infancy program. They consist largely of lectures, talks, demonstrations, exhibits, educational films, and so forth, and are under the charge of the State Department of Health here in Maine.

Under this, in the different states, hundreds of thousands of people all over the United States have had a chance to get some education along these lines which never would have been available in any other way. Five thousand dollars is given outright to the State if they accept the bill. In addition to this a sum of money is given, according to the population of the State, and this would give us \$10,179.77, beside the five thousand, making a total of

\$15,179.77. This amount has not got to be used in one year; if it overruns, it can be used the following year.

Accepting this bill does not increase our taxes in any way, shape or manner. We already appropriate ten thousand dollars a year for this purpose.

I will also say that the end of the five-year period is up this year. If we do not accept it this year, we will not be able to take it up afterwards, as the act calls for a five-year term.

The work has been carried on entirely with the co-operation of the medical profession; no attempt has been made to go into any community if it was felt that the medical profession was opposed to it. It has been endorsed by the medical profession, and in a good many places the medical profession has taken hold of this work and cordially cooperated with the Department. The Department, with what little money they had, have conducted maternity centers, given lectures to classes of mothers, both pre-natal and post-natal, provided names of prospective mothers to receive pre-natal letters or other literature from the State Department of Health, also carried on investigation as to the cause of stillbirths and maternal and infant mortality, and they feel that the particular benefit of this bill will be in the rural sections where doctors are few and where nurses can go out and talk to the mothers and give them advice along these lines.

I will also say that the Committee had on it four or five doctors, the doctors all endorsed it, and nine of the Committee signed the majority report.

I hope that the motion of the gentleman from Auburn (Mr. Greenleaf) will not prevail.

Mr. PEASLEE of Bath: Mr. Speaker and members: As a member of the Public Health Committee, it was my pleasure and duty to hear the people who came before us and discussed this bill, and right there I will say that with but one exception everybody endorsed it and asked us to put in a favorable report. There was one man who talked against the bill and who would not give his name or where he was from or what his profession was. Whether he was ashamed to be there in that capacity or not, we never knew, but such was the case.

Now, in regard to this matter, you may know—many of you do, at least—that our Public Health Department is trying to get along with the little money that they have and are trying to do a good deal of work in certain districts, especially those that are so far out that it is practically impossible to get doctors to locate and practice in those communities.

The people there, especially the mothers who have to go through the suffering of childbirth, are unable to get medical attendance. The Public Health Department is making a great effort and, in a measure, they are doing beautiful work in sending to those mothers, trained nurses. As I say, their limited means do not allow them to do that work to a very great extent.

One reason why we should accept this bill is so that the Public Health Department may have more money to do this splendid work, and I assure you it is splendid work. Down in my community we have, as was suggested either this morning or last night, the poor who are always with us, and we physicians—and I do not say this at all to make you think that I am in any way more liberal than my brother practitioners in the same territory—but I do say that all of us do a great deal of charity work among the poor; worthy mothers, splendid women who are bearing their children and doing everything they can to help them grow up into good men and women. They have not the money to employ nurses. We never have had a Public Health Nurse, but we have had the Red Cross Nurse, who does the same work, and the Metropolitan Life Insurance Company also has a nurse who goes around among those who are insured in that company and looks after them. Many and many are the times that I have said to those poor women, "What are you going to do for a nurse?" "Who is going to take care of you while you are in child-bed?" "Oh, I will get along all right; the Red Cross Nurse will come and take care of me." And that was a most cheerful condition of things for that poor woman to look to, that she would have splendid care by the Red Cross Nurse. Of course, she could not be there continuously, but she was there two or three times a day and the patients do finely under their care.

Now that, gentleman, is what is going on in our rural districts. If we accept this bill, to a large extent, the mothers are going to have more care; they are going to be instructed how to care for their little babies to bring them up healthy and well. What could we do better than to accept this fifteen thousand dollars for the Public Health Department to use in this magnificent work?

Of course, there will be a few who will object to this. There always is someone to object to everything which is proposed, and it is not strange that many of them object to this. I took very much interest in listening to the lady member from Hampden, Mrs. Allen, and I have the utmost respect for her opinion when she said that the little ones were taken in the morning to school and the mother did not have them at home long enough to do much with them. But, that is not in keeping with what I hear among the poor people. What do they say? "Oh, heavens, I hope this vacation will soon end so that these kids can go to school and I can have a little peace through the day." (Applause)

Mr. NICHOLS of Portland: Mr. Speaker and members of the House: I am in favor of the work laid down in this bill in the title thereof but I am opposed to the work and principle in the wording of the bill itself. What are the words of this bill? Taken by themselves they are harmless and guileless, but when taken in connection with the reference to the Sheppard-Towner Act of Congress, passed November 21st, 1921, they involve an underlying principle of our Government, the right of the State to manage and control the home.

This act, Senate Document 231, is entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy or for other purposes." We all believe in it; we will vote thousands of dollars for the care of our children and their mothers; we have done it in the past; we will do it in the future, and in addition to the sum already provided for health, we have just appropriated \$7,500 for the temporary homes in this State. But when we vote to send that money to Washington and have someone else care for our children and mothers, we are establishing a precedent which we

must face in every succeeding Legislature.

There is nothing in this act which in any way can be construed to imply that nurses are to be sent at the time of childbirth. There is nothing in this Sheppard-Towner Bill, or in the act which we are considering, from which you can draw any conclusion that nurses are going to your home at time of childbirth and look after the mother. The words and the picture drawn by the gentleman from Bath (Mr. Peaslee) are vivid, but this act in no way applies to that case. I know that the Metropolitan Life Insurance Company sends out its District Nurses. It is my privilege to be connected with that company, but in no case do we ask the State of Maine to help us. We are doing that for the policy holders and we do it, I will say, in order to keep the policy holders alive.

Now, what are the provisions of this Sheppard-Towner Act? I have taken off a few of the sections from the bill before me and I will read them. The Sheppard-Towner Act is not before us except by reference to this Senate Document 231. Section 3 of the Sheppard-Towner Act provides for a Board of Maternity, but that Board is not located in Maine, but in Washington. It provides for a Chief of Children's Bureau, to be located, not in Maine, but in Washington. It provides that the Surgeon-General of the United States Public Health Service shall be a member of the Board, and located in Washington. It provides that the United States Commissioner of Education shall be a member of the Board, and located in Washington. It provides that the Department of Labor, in Washington, shall have charge of the administration of this act.

We shall not have before us at this Legislature any more important act than this. There is the principle of State Government underlying this whole act, and I say to you that when you start in surrendering that principle, you are surrendering your homes and the care of your children to the Federal Agents.

Section 5 of this act provides that the assistants, clerks and other persons in the District of Columbia are to purchase supplies, materials, equipment and office fixtures, and incur such additional other expenses

as they deem necessary. How familiar are those words "as they deem necessary!" All located in Washington!

Section 8 of this act provides that any State desiring to receive the benefit shall, by its agency, submit to the Children's Bureau the plans of carrying out the provisions of this act within such State, which plans shall be subjected to the approval of the Board in Washington. If those plans shall be in conformity and reasonably adequate to carry out the provisions, they shall be approved by the Board, at Washington, and due notice of their approval given to the State Agency.

Everything subjected to Washington! Everything approved by Washington!

Section 9, "No Federal Agent or representative of the Children's Bureau shall have the right to enter any home against the objection of the owner." What are those words there for? Only for sound! They are meaningless. No person can enter another's home against his objection. A man's home is his castle and no one shall pass the threshold without his consent, except an officer of the law. If an agent can go to your home, as has been stated, you can do nothing about it because no penalty is provided under this act.

Section 11 provides that the Government can withhold any money if the State does not carry out its plans in accordance with the approval of Washington. Could they trim it down any more closely? Are you surrendering your rights to Washington?

Section 12 provides for a literature campaign to be carried on by Washington with which the State has nothing to do. I do not believe the time has come when the States should surrender their rights to the Federal Government. Germany is a lesson in Paternalism. Our States should still maintain the right to regulate their own affairs. I will admit that the Federal Government aids in State roads, but that is not a comparison. State roads and interstate roads are a part of our interstate commerce and the Federal Government has always maintained a control over the post roads of this country. But when they come here and say that you may have some money provided that you conform to

plans submitted by Washington, it is a different proposition. Tell me what good can a prospective mother derive from a circular or pamphlet sent from Washington. We all know that the pamphlets soon find their way to the waste baskets, but if the expectant mother in our rural sections is visited by some nurse or some kind lady within her own State—and I will not object to voting any reasonable sum for that purpose—if such expectant mother, I say, is visited by some kind lady or nurse who has a personal interest in the affairs of the community, then she may receive some benefit, but this bill is a literary project. It sends circulars from Washington to the expectant mothers of this country.

I still have faith in the Maine men and women that they can control and bring up the children of this State.

This is another bill for the establishment of a Federal Agency, and it will soon be necessary for the mother to sing her baby to sleep with the song "What is home without a Federal Agent?" The women of this State are not unanimous on this bill. Many a woman's club and society has entered a protest against its enactment; and it is a notable fact that the only lady member of Congress, at the time this bill was passed, was opposed to it—Miss Robertson; and it is also worthy of note that our own lady member here is not in sympathy with it.

Be not deceived! You are not getting something for nothing. The State is appropriating twenty thousand dollars. I will admit that you get five thousand dollars' worth of circulars from Washington in return for it. You appropriate your money, you turn it over to Washington, and Washington spends it. Do not think that you are going to get any benefit from it except through literature and the Federal Agents.

The poor mother whom the gentleman from Bath described will never see any nurse from any bill like this. Two states which adopted this measure two years ago have since rejected it—the States of California and New Jersey. Up until recently only one New England State had adopted it, but I have just been told that Vermont has adopted it; but, Maine, Massachusetts, Rhode Island

and Connecticut have continually refused to adopt it.

The good old New England States wish to stand by their State rights! I cannot believe, as has been boldly stated, that your votes have been canvassed and that this bill is to pass. I cannot believe that the members of the Eighty-second Legislature will surrender any of its rights to the Federal Government. I cannot believe that the Representatives will give over the control and care of the mothers before childbirth and turn the child over to the Federal Agents.

Why, if this act should be adopted and the Child Labor Law be adopted, a father would hardly have time to get acquainted with his daughter before she would be ready to enter the old ladies' home.

No, not in this Hall of Representatives will you sell your birthright for a few paltry dollars. Not in this Body, over which Hannibal Hamlin thrice presided; not here where the Plumed Knight, James G. Blaine, for two consecutive terms as your Speaker, upheld the principles of this great republic; no, not in this Hall of Representatives whose walls have rung with the voices of Hale, Frye, Reed, Dingley and Littlefield; no, not here.

If you are going to pass this measure, go to the darkest and gloomiest corners of the subterranean recesses of this capitol building and there, where the light of day shineth not, with no precedent before you, erect an altar and sacrifice your State! (Applause)

Mr. MARTIN of Augusta: Mr. Speaker, I wish very briefly to say a few words against the acceptance of the minority report. I dislike very much to disagree with the distinguished gentleman from Portland, Brother Nichols, who has just spoken. There is no one in the House who could wish any more splendid address than he has given. I also enjoyed very much the remarks of the lady from Hampden, Mrs. Allen, and I know that those of you who recall two years ago, remember the remarks of Mrs. Pinkham and there is no member who could ever be in doubt of the advisability of Woman Suffrage or who could be in doubt of the advisability of women holding office, or who could question the fact that honest women sometimes differ just the same as honest men;

and on this question there is a difference of opinion, of course.

The Committee, as I understand it, has reported "ought to pass" on this bill by a vote of nine to one, and the matter was carefully heard and considered; and the object behind the bill was not to take away any State rights, it was simply, as the bill states, an act to help the hygiene and the promotion of the hygiene and welfare of maternity and infancy. The history of the bill is simply this; that statistics gathered showed that the maternity mortality in this country was the highest of any country in the civilized world, and that infant mortality was about the same, and for that reason it was deemed advisable that something be done, if possible, to lessen the death rate and the suffering; and the outgrowth of that was the Sheppard-Towner Bill.

Now, forty-two out of forty-eight States have accepted that bill. There is no surrender of any particular State rights. The State Board of Health submits a plan to Washington. Our Government is in Washington. If the plan is satisfactory, the money is sent to the State of Maine into the State Treasury, and there is expended. A State plan has already been submitted to Washington and approved, as I understand it; and that plan calls primarily for nurses, to whom reference was made by the gentleman from Bath, (Mr. Peaslee) to go around, particularly in the rural sections of this State where there is a scarcity of physicians; and the thing that influences me in this bill as much as any other is the testimony of the physicians in the House and Senate—and there are five—who know that the principle of this bill is good. We have been under it for two years; two years ago ten thousand dollars was appropriated annually, the nurses have been sent out, and these physicians, every one, both in the House and Senate, are heartily in favor of this bill today; and I believe that they know whereof they speak; and they have seen the workings of it and they know that it is for the good of the community.

I appreciate very much the position of the opponents of this bill who have in their minds, perhaps, the surrendering of a sacred right, but I cannot see any connection with the Child Labor Law in this matter.

No agent, under the act, can enter a home, and of course a law, whether you have a penalty or not, protects a man in his home, in his castle.

The literature has been called the literature of campaign. I do not believe that is quite correct. As I say, the nurses—and that is the main thing in this matter, to send out nurses—they act under the direction of physicians; and I am also advised that what literature has been sent out has been most carefully read by many expectant mothers, and naturally would be, and there have been calls for more literature in various sections.

As to the practical side of the matter—and that is what we have to consider—two years ago there was a report that if we did not accept this proposition, there would be ten thousand dollars given, which was given, as I understand. This year there is no such report, so the work which has been going on must cease unless this act is passed.

Now, the report of the Committee was nine to one supporting this bill. Also, every physician in the House and Senate was in favor of it, and if you recall the inaugural address of the Chief Executive of the State two years ago, you remember that he was behind this, and you will recall the statement that he made in his inaugural at that time to this effect: That we accept over a million dollars from the Federal Government and we do not raise any objection, and not a voice has been raised in the House against it, and why should we object to this? We accept money for roads, for blueberries and for agricultural experiments, and why should we be so very careful in this matter not to accept Federal Aid that in the opinion of physicians and in the opinion of people who have made a careful study of it, will be for the benefit of the women and babies of Maine?

Mr. FROST of Belfast: Mr. Speaker and members of the House: What little I have to say on this question can be said very briefly. First of all, I am wondering why those who are in favor of the acceptance of the minority report did not have a rehearsal before they began this morning because, in one breath they tell us that the sanctity of the home is to be invaded by Federal Agents in the persons of nurses, and in the

next breath they tell us that there is absolutely no possibility that a Federal Nurse will ever get into our homes.

Now, suppose they do; who, in all probability, will be the Federal Nurses if this bill becomes a law? Is it not fair to assume that in all probability they will be the girls who have had a training so that they are capable of being nurses in the State of Maine? It is not your understanding, is it, gentlemen of the House, that if this bill is passed, the nurses will be sent here from Washington? I doubt very much if that is the impression that you have in your mind.

Now, I do not know how it is throughout the other parts of the State, but down in my town we have a Public Health Nurse who is working under the auspices of the Red Cross, and I will tell you now that there is no more welcome visitor ever enters the homes, any of the homes, in their hour of need, than this woman who is working for, with and under the auspices of the Red Cross.

Now, we spend a great deal of time crossing bridges to which we never come. I am going to say that fully one-quarter of all the time that has been taken up in the discussion of these different questions in the last twelve weeks that I have been here, one-quarter of all that time has been devoted to the discussion of bridges to which we, in all probability, will never come. It is the only way, somehow, that we can seem to draw the dark side of the picture.

Now, we are accepting Federal Aid. There is a bill that I had in my hands this morning that is estimating Federal Aid for roads to the extent of seven hundred thousand dollars; and, members of the House, how do you get that seven hundred thousand dollars? You must, just as the gentleman from Portland (Mr. Nichols) said a few minutes ago, comply with the plan that is made in Washington. You cannot get it without that. And if you are going to turn down Federal Aid in all its forms, then we have some reason for turning down this Federal Aid.

They say that the Bureau in Washington is going to circularize the State of Maine. Supposing they do. They are doing that now along the lines of agriculture and education, and what-not, and we are al-

ways ready to read the circulars; we are always ready to have the advice and counsel of men who are qualified to give advice; and I will tell you now, from my own experience, that those circulars have gone into the homes, of prospective mothers, young girls, ignorant of the laws of health; and they have been read to the last letter of the last word; and in some cases they have been the means of saving the life of the mother and bringing the child into the world in such form and in such condition of health that some day they will become citizens of our various communities.

The argument against this bill reminds me very much of the old deacon, one of the old type, who objected to music of any kind in the church. He believed that the church was the House of God and should not be desecrated by anything of that kind. But one day, after very much persuasion, he consented that they might have the violin played in connection with the morning service; and he went there, probably, in a somewhat disturbed state of mind. The young man came in with the instrument under his arm and immediately the old gentleman recognized that very much maligned instrument which had been used in the dance hall, and he said: "Never! I gave my consent that the violin should be played at the morning service, but never will I consent to have a fiddle played in this church."

That is very much the position we take. The Red Cross Nurse, as she goes from home to home, is an angel of light, an angel of health. We welcome her with smiles of gladness. She has the Red Cross badge. If she should change that, the same woman, for the same purpose, and at the same time, but change that and put on a badge signifying that she was there through the instrumentality of the Federal Government, would we close the door in her face or would we recognize the fact that in whatever capacity she comes, it is good.

Gentlemen of the House, I feel that this minority report should be rejected and that the majority report should be accepted. (Applause)

Mr. SPEAR of Portland: Mr. Speaker, I want to make a correction in that Committee Report. I think that this matter was heard before the Committee on Public Health. I am a member of that Committee.

I signed no report. There is another member who came from the Senate and I think that he did not sign any report. So, the result must have stood seven for the majority and one for the minority.

Mr. PIERCE of Sanford: Mr. Speaker, I understood the gentleman from Portland, (Mr. Nichols) to say that we would have to send ten thousand dollars to Washington; we do not have to send a cent to Washington under any consideration; and in no case where these funds have been available has there been any record of any Federal Agent interfering in any way with the State in their plan of working out this proposition.

Mr. McDONALD of East Machias: Mr. Speaker, I want to say a word from the viewpoint of the medical profession and also as a member of the Committee who signed the majority report. The gentleman from Portland, Mr. Spear, is quite right when he said that the majority of the report had seven names, and I think that some others did not sign either report. And the gentleman from Auburn, Mr. Greenleaf, signed the minority report.

Two years ago we had something of this sort come up here which was a compromise measure introduced here whereby we had a certain amount of money for use in the State of Maine along the lines mentioned in this bill. That money has been expended under the direction of the State Board of Health, not in the distribution of literature, but by sending into the homes of the people of the rural districts registered nurses; and their work has been to talk to and instruct expectant mothers. They have been recommended very strongly by the physicians in these rural districts.

In my own locality we have had the services of a very, very efficient nurse. She has accomplished a great deal, and I did not realize, until I sent her out on a case where I was having a great deal of trouble in getting appropriate food for a child about three months of age, I did not realize how little I knew about preparing diets for children. This young lady was certainly very, very efficient in her work. At any time that any physician in the community needed her services, she was always ready to go and do everything she could, and I feel that she ac-

complished a great deal in that community because we certainly had a great scarcity of physicians there; and I believe that it is a provision of this bill that this work should be carried out through the local Department of Health.

We have heard a great deal said today about the management of the affairs of the State of Maine from Washington, and it grieves me, as a member of this House, to see that we have so much suspicion in regard to our Government at Washington. I believe that the Government at Washington is capable of doing certain work for all the people of this country, and under the provisions of this bill I believe that the State has a right to do just what it wants to do in this matter provided it comes up to certain restrictions laid down in the bill.

I very much fear that if we do not appropriate this money we will find that we have taken a very great step backward; and I sincerely hope that the minority report of the Committee will not be accepted.

Mr. SMITH of Bangor: Mr. Speaker, the thing that I am concerned about is that there is a real need for this help and aid to the expectant mothers. Now, in matters of this kind, or in matters of any kind, we always go to the people who have had actual experience to get our information. That, I have endeavored to do. I have talked with some of the doctors of this House; I have talked with some of the ladies at home who are public spirited and spend a great deal of their spare time in trying to aid those who are not so fortunate, and I have learned from them that in this particular matter there is an urgent need. They told me what they had done and what they are endeavoring to do, and what they could do if they had larger opportunities for service.

Now, I have the utmost respect for the legal opinions of the gentleman from Portland (Mr. Nichols) and on legal matters I would not take the advice of doctors and nurses regarding their opinion, but in the conditions that confront us, and on this question, I am persuaded to accept the advice of the people who are out meeting this very condition day after day. I think we should treat this question on its merits, and

not be frightened by any bugaboo or bogey man to scare us. It is an old trick, when we have not got the best of logic to weaken a case, to pin artificial labels on it. We hear this more or less done in the corridors; this one or that one putting an artificial label on something. Now, these gentlemen frighten no one who is supporting a measure that has merit. This bill will aid some of the mothers who greatly need aid; and I do hope that the minority report will not prevail and that we will give this bill an opportunity and render this service to the people who need it.

Mr. GAGNE of Lewiston: Mr. Speaker and members of the House: I take the same stand as I did two years ago. I tell you, when the mothers of Maine can raise such a splendid legislative body as there is in this House, when the mothers of Maine can raise such splendid women and men as we have in the State of Maine, they do not need any interference from the Federal Bureau, and for that reason I hope the motion of the gentleman from Auburn (Mr. Greenleaf) will prevail.

Mr. PIPER of Jackman: Mr. Speaker, I move the previous question.

The SPEAKER pro tem: The previous question is called for. All those in favor of the previous question will rise and the monitors will return the count.

A sufficient number arose.

The SPEAKER pro tem: Shall the main question that the minority report, ought not to pass, be now put? All those in favor of the main question being put will say aye; all those opposed will say no.

Thereupon the House voted that the main question be put.

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

Mr. NICHOLS of Portland: Mr. Speaker, I move that the vote be taken by the yeas and nays.

Mr. WING of Auburn: Mr. Speaker, do I correctly understand that the gentleman from Auburn, Mr. Greenleaf, made a motion that the minority report be accepted?

The SPEAKER pro tem: You are right.

Mr. WING: Then that question is before the House rather than the acceptance of the majority report.

The SPEAKER pro tem: The acceptance of the minority report. All those in favor of the yeas and nays will rise.

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

The SPEAKER pro tem: The Clerk will call the roll.

(At this point Speaker Gardiner resumed the Chair)

The SPEAKER: The Chair will state the question. The question before the House is on the motion of the gentleman from Auburn, Mr. Greenleaf, that the minority report, ought not to pass, be accepted. A vote of yeas is in effect against the bill. A vote of no is in effect for the bill. If a member wants to see the bill adopted, he would do well to vote no. If a member is against the bill, he would do well to vote yeas. Is the House ready for the question?

The question being called for, the Clerk called the roll.

Yea—Allen of Yarmouth, Allen of Hampden, Atwood, Audibert, Ayer, Benoit, Boman, Boynton, Bragdon Briggs, Brown of Bethel, Brown of Waterford, Burns, Clarke, Cole, Comins, Curtis, Cyr, Daigle, Davis of Dexter, Davis of Portland, Davitt, Decker, Deering of Denmark, Dudley, Dunning, Ellis, Eustis, Farley, Flint, Forhan, Foster, Friend, Frost of Berwick, Gagne, Gallagher, Gauvin, Gilchrist, Goodrich, Greenleaf, Hagggett, Hall, Hallett, Hamilton, Hammond, Harrington, Hayford, Houghton, Johnson, Jordan, Kitchen, Lait, Lamson, Larrabee, Lausier, Lessard, Lewis, Littlefield, Lowell, Lunt, Mears, Melcher, Moore, Nichols, Page, Pendleton, Pike, Pillsbury, Piper, Roberts, Robinson, Roy, Sargent, Seidel, Snow, Spear, Spruce, Stitham, Sturgis, Thissell, Thompson, Towle, Vail, Warren, Waterman, Wheeler, Whitcomb, Wing of Kingfield, Wing of Auburn, Winn—89.

Nay—Allen of Harpswell, Bartlett of Hanover, Bartlett of Bangor, Beckett, Boody, Bump, Burnham, Campbell, Crockett, Cummings, Deering of Saco, Drake, Dwinall, Frost of Belfast, Frost of Eastport, Fuller, Garnsey, Gilmour, Ham, Harriman, Hight, Holmes, Ingraham, Ireland, Kinsman, Leland, Mansfield, Martin, McDonald, Metcalf, Mills, Mitchell of Houlton, Morse, Norwood, Oakes, Palmer, Peaslee, Pierce, Smith, Stone, Young—41.

Absent—Bisbee, Bishop, Buker, Dunbar, Gordon, Hale, Holman, Jones, Leighton, Ludwig, Marden, Mathews, Mitchell of Newfield, Nevins, Pullen, Robie, Tupper, White—18.

Paired—Bisbee (yes), Kilburn (no)—2.

The SPEAKER: Eighty-nine having voted in the affirmative and 41

in the negative, the motion to accept the minority report, ought not to pass, prevailed.

Mr. GREENLEAF of Auburn: Mr. Speaker, I move that we reconsider the vote whereby we just voted to accept the minority report, and I hope it will not prevail.

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

Mr. NICHOLS of Portland: Mr. Speaker, I move that the majority report be indefinitely postponed.

The SPEAKER: The motion is not in order.

Mr. WING of Auburn: Mr. Speaker, may I take from the table House Amendment C to bill an act to give certain powers to the Governor and Council with respect to state highway, interstate and international bridges, tabled by me April 6, pending adoption? I wish some gentleman from Aroostook who knows about this matter would explain it to the House, because I am entirely agreeable to anything they want whether this is a proper amendment or not.

Mr. HAMILTON of Caribou: Mr. Speaker, I think in the Judiciary meeting this afternoon that the Carter bill will be discussed and we can arrive at some satisfactory conclusion in regard to the situation at Grand Falls.

The SPEAKER: This is the international bridge matter, the Madawaska bridge.

Mr. WING: I might inform the gentleman (Mr. Hamilton) that it is the matter that Mr. Daigle debated here one day. It has nothing to do with the Grand Falls matter.

Mr. HAMILTON: Mr. Speaker, I will say that that matter, as I understand from those interested, simply is to confine the situation to the bridge so that it will not extend too far over the rest of the State. All we want is the right for that pipe line to extend over that bridge.

The SPEAKER: The pending question is the adoption of House Amendment C. The effect of Amendment C is to limit the right to fifty years.

Mr. DAIGLE of Madawaska: Mr. Speaker, I guess I explained fully the other day what was my intention in relation to this proposition and I suggested an amendment. In the meantime things took place and

the matter took a different turn entirely, to which I am not opposed. The only difference that I can see now and the original proposition is this: Instead of having the whole number of bridges included, interstate as well as international bridges, according to the measure of Mr. Wing, it would limit this to the international bridges and interstate, cutting out the intrastate bridges which I think is a wise proviso for the reason that there is no particular use in having this kind of bridge included, because this measure is only applicable at the present time to what we call the international bridge at Madawaska. Nevertheless, since I have proposed an amendment, and it was beautifully defeated, I would be in sympathy today with the amendment from the other gentleman, proposing the fifty years, because, of course, it is a lengthening of the time. Whether it would serve any great purpose or not, I do not know; but at any rate that is my conclusion.

Thereupon the House voted to adopt House Amendment C, and the bill as amended was passed to be engrossed.

The following reports were taken up out of order, under suspension of the rules.

Mr. Bartlett from the Committee on Legal Affairs reported "ought not to pass" on bill "An Act to provide a new charter for the city of Lewiston, abolishing political party designations therein, and providing for a referendum to the electors of Lewiston" (H. P. No. 697) (H. Doc. No. 162).

Report read and accepted and sent up for concurrence.

Mr. HOLMES of Lewiston: Mr. Speaker, I am going to make a motion that that lie on the table; and with your permission I will explain why. I think that the action of the House upon the Gagne Finance Commission bill will dispose of this one one way or the other, therefore, I think it would expedite business to let this lie on the table, pending acceptance, and I so move.

The motion prevailed.

Mr. Atwood from the committee on Legal Affairs on bill an act amending the Charter of the Belfast Municipal Court (H. P. No. 1182 (H. Doc. No. 402) reported same in a new draft (H. P. No. 1294) under

same title and that it "ought to pass."

Report read and accepted and the new draft ordered printed under the Joint Rules.

Majority Report of the Committee on Legal Affairs reporting "ought not to pass" on bill "An Act relating to succession taxes" (H. P. No. 1059) (H. Doc. No. 289).

Report was signed by the following members:

Messrs. POWERS of Aroostook
MORRISON of Franklin
—of the Senate
BECKETT of Calais
BARTLETT of Bangor
SEIDEL of Biddeford
—of the House

Minority Report of same Committee on same bill reporting same in a new draft (H. P. No. 1295) under same title and that it "ought to pass."

Report was signed by the following members:

Messrs. FULLER of Southwest
Harbor
DWINAL of Camden
THOMPSON of Rockland
—of the House

On motion by Mr. Beckett of Calais, it was voted to accept the majority report, ought not to pass.

Majority Report of same Committee on bill "An Act providing for a jeweler's lien (H. P. No. 63) (H. Doc. No. 18) reporting same in a new draft (B) (H. P. No. 1296) under title of "An Act relating to the enforcement of liens on watches, clocks and jewelry for labor and materials furnished in making and repairing same" and that it "ought to pass."

Report was signed by the following members:

Messrs. MORRISON of Franklin
CLARKE of Hancock
—of the Senate
BECKETT of Calais
BARTLETT of Bangor
ATWOOD of Portland
FULLER of Southwest
Harbor
DWINAL of Camden
THOMPSON of Rockland
—of the House

Minority Report of same Committee on same Bill reporting same in a new draft (A) (H. P. No. 1297) under title of "An Act providing for an additional method of enforcing

liens on personal property in possession" and that it "ought to pass."

Report was signed by the following members:

Messrs. POWERS of Aroostook
—of the Senate
SEIDEL of Biddeford
—of the House

On motion by Mr. Atwood of Portland, both reports tabled, pending acceptance of either, and the two new drafts ordered printed.

On motion by Mrs. Allen of Hampden,
The House recessed until 3 P. M.

After Recess

House called to order by the Speaker.

Reports of Committees

Out of Order

Report "A" of the Committee on Legal Affairs on bill "An Act to establish a Finance Commission in the City of Lewiston" (H. P. No. 449) (H. Doc. No. 91) reporting same in a new draft Draft A, (H. P. No. 1299) under same title and that it "ought to pass."

Report was signed by the following:

Messrs. POWERS of Aroostook
CLARKE of Hancock
—of the Senate
DWINAL of Camden
—of the House

Report "B" of same Committee on same bill reporting same in a new draft B (H. P. No. 1296) under same title and that it "ought to pass."

Report was signed by the following:

Messrs. BECKETT of Calais
FULLER of Southwest
Harbor
—of the House

Report "C" of same Committee reporting "ought not to pass" on same bill.

Report was signed by the following:

Messrs. MORRISON of Franklin
—of the Senate
BARTLETT of Bangor
THOMPSON of Rockland
ATWOOD of Portland
SEIDEL of Biddeford
—of the House

On motion of Mr. Atwood of Port-

land, the reports were tabled pending acceptance of any and the new drafts ordered printed.

Mr. Stitham from the Committee on Labor reported "ought not to pass" on Resolve to reject the proposed 20th amendment to the Constitution of the United States, being the Child Labor Law, so-called (H. P. No. 306) (H. Doc. No. 61) as the subject matter has been covered by other legislation.

Report was read and accepted and sent up for concurrence.

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

From the Senate: Bill "An Act providing for the benefit and assistance for aged persons under certain conditions in the State of Maine and prescribing penalties for violation of the provisions hereof and making an appropriation for carrying out of its purposes" (S. P. No. 629) (S. Doc. No. 293) which was indefinitely postponed in the House, April 6th.

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

Messrs. SMITH of Somerset
 ROBERTS of York
 MINER of Washington

In the House:

Mr. HOLMES of Lewiston: I move that the House insist and join in the committee of conference.

Mr. WING of Auburn: Mr. Speaker, I ask for a division on the motion.

The SPEAKER: The question is on the motion of the gentleman from Lewiston, Mr. Holmes, that the House insist and ask for a committee of conference.

A division being had,

Twenty voting in the affirmative and 56 in the negative, the motion failed of passage.

On motion by Mr. Nichols of Portland, a viva voce vote being taken, the House voted to adhere.

From the Senate: "An Act providing for the use of the English Language in this State" (H. P. No. 542) (H. Doc. No. 122) on which the report of the Committee on Education, "ought not to pass," was accepted March 30th.

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

Messrs. CRAM of Cumberland
 ALLEN of York

BARWISE of Penobscot

In the House, on motion by Mr. Holmes of Lewiston, a viva voce vote being taken, that body voted to adhere.

From the Senate: Bill "An Act to amend Chapter 485 of the Private Laws of 1901 as amended by Chapter 331 of the Private and Special Laws of 1909 relating to an act to establish the Municipal Court of the town of Skowhegan" (S. P. No. 275) (S. Doc. No. 102) on which the House accepted the report of the Committee on Judiciary "ought not to pass" on April 6th in non-concurrence.

Comes from the Senate that body insisting on its former action whereby the bill was substituted for the Report, and passed to be engrossed as amended by Senate Amendment "A," and asking for a Committee of Conference with the following Conferees appointed on its part:

Messrs. SMITH of Somerset
 HINCKLEY of Cumberland
 MORRISON of Franklin

In the House, on motion by Mr. Piper of Jackman, a viva voce vote being taken, that body voted to adhere.

From the Senate: Resolve in favor of an amendment to the Constitution of the United States, prohibiting employment of women and children in industry more than 48 hours in a week (H. Doc. No. 497) which was indefinitely postponed in the House, April 2nd.

Comes from the Senate that body insisting on its former action whereby the Bill was passed to be engrossed in non-concurrence, and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. SMITH of Somerset
 ROBERTS of York
 MINER of Washington

In the House, on motion by Mr. Hale of Portland, a viva voce vote

being taken, that body voted to adhere.

From the Senate: "An Act to prohibit boating and fishing from boats on Lake Auburn in the City of Auburn in the county of Androscoggin" (H. P. No. 1272) (H. Doc. No. 498) on which the House asked a Committee of Conference, April 6th.

Comes from the Senate that body joining the Committee of Conference with the following Conferees appointed on its part:

Messrs. HINCKLEY of Cumberland
ALLEN of York
MORRISON of Franklin

The SPEAKER: The House conferees will meet with the Senate conferees at their convenience.

From the Senate: Majority Report of the Committee on Education reporting "ought not to pass" on bill "An Act to provide for a loan fund for State Normal Schools and Madawaska Training School" (S. P. No. 481) (S. Doc. No. 204).

Report was signed by the following members:

Messrs. ALLEN of York
—of the Senate

DUDLEY of Woodstock
HALL of Waterville
PIERCE of Sanford
BRAGDON of Perham

Mrs. ALLEN of Hampden
—of the House

Minority Report of same Committee reporting "ought to pass" on same bill.

Report was signed by the following members:

Messrs. BARWISE of Penobscot
SPEIRS of Cumberland
—of the Senate

CROCKETT of Hollis
EUSTIS of Strong

—of the House

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

In the House, on motion by Mr. Bragdon of Perham, a viva voce vote being taken, the majority report was accepted in concurrence.

From the Senate: Majority Report of the Committee on Legal Affairs reporting "ought to pass" on bill "An Act relative to support of

inmates of State Hospitals" (S. P. No. 409) (S. Doc. No. 141).

Report was signed by the following members:

Messrs. POWERS of Aroostook
MORRISON of Franklin
—of the Senate
BARTLETT of Bangor
THOMPSON of Rockland
SEIDEL of Biddeford
DWINAL of Camden
ATWOOD of Portland
—of the House

Minority Report of same Committee reporting "ought not to pass" on same bill.

Report was signed by the following members:

Messrs. CLARKE of Hancock
—of the Senate
FULLER of Southwest
Harbor

BECKETT of Calais

—of the House

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

In the House, on motion by Mr. Deering of Saco, a viva voce vote being taken, that body voted to accept the majority report in concurrence. Thereupon the bill received its two several readings and tomorrow assigned.

From the Senate: Bill "An Act to change the Personnel of the Budget Committee" (S. P. No. 451) (S. Doc. No. 166) which was passed to be engrossed, as amended by House Amendment A and Senate Amendment A, in the House, April 2nd.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Wing of Auburn, tabled pending further consideration.

From the Senate: Final Report of the Committee on Legal Affairs.

Comes from the Senate read and accepted.

In the House read and accepted in concurrence. (Applause)

From the Senate: Resolve in favor of the National Conference of Commissioners on Uniform State Laws and of the Commissioners from Maine for the promotion of Uniformity of Legislation in the United States (S. P. No. 152) (S. Doc. No. 303) which was indefinitely postponed in the House earlier in the day.

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

Messrs. CRAM of Cumberland
POWERS of Aroostook
MORRISON of Franklin

In the House, on motion by Mr. Thompson of Rockland, that body voted to insist and join in the committee of conference.

The Chair appointed as conferees on the part of the House, Messrs. Thompson of Rockland, Wing of Auburn and Lamson of So. Portland.

Majority Report of the Committee on State Lands and Forest Preservation on Resolve in favor of the President and Trustees of Bates College (S. P. No. 247) (S. Doc. No. 97) reporting same in a new draft (S. P. No. 618) under same title and that it "ought to pass."

Report was signed by the following members:

Messrs. ROBERTS of York
BOND of Lincoln
—of the Senate
HAMMOND of Van Buren
PIPER of Jackman
CURTIS of Brewer
HOUGHTON of Lee
—of the House

Minority Report of same Committee reporting "ought not to pass" on same Resolve.

Report was signed by the following members:

Messrs. BUZZELL of Oxford
—of the Senate
BROWN of Waterford
LUNT of Kennebunkport
MELCHER of Rumford
—of the House

Comes from the Senate Majority Report read and accepted and the Resolve passed to be engrossed as amended by Senate Amendment "A."

In the House, on motion by Mr. Curtis of Brewer, a viva voce vote being taken, tabled pending the acceptance of either report and specially assigned for tomorrow morning.

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

Finally Passed

Resolve in favor of the Western Maine Sanatorium for additional facilities.

(Tabled by Mr. Pierce of Sanford pending final passage.)

Resolve in favor of the Bangor State Hospital for new construction and permanent improvements.

Resolve in favor of the University of Maine.

(Tabled by Mr. Leland of Sangerville pending final passage.)

Resolve appropriating money for the construction of a sewer main for the Bangor State Hospital.

Reports of Committees, out of Order

Mr. Drake from the Committee on Ways and Bridges reported "ought not to pass" on bill "An Act to provide for an issue of State Highway Bonds" (H. P. No. 893) (H. Doc. No. 215).

Same gentleman from same Committee reported same on Resolve amending Section 17 of Article 9 of the Constitution of the State of Maine, providing for an increase in the amount of State Bonds to be issued for the purpose of building State Highways and Interstate and International Bridges (H. P. No. 894) (H. Doc. No. 216).

Reports read and accepted and sent up for concurrence.

Same gentleman from same Committee reported same on Resolve in favor of building a bridge at Fort Kent over the St. John River (H. P. No. 462) (H. Doc. No. 95).

(Tabled by Mr. Audibert of Fort Kent pending acceptance of the report).

Majority Report of the same Committee reporting same on Resolve in favor of a bridge over the St. Croix River between Vanceboro, Maine, and St. Croix, New Brunswick (H. P. No. 223).

Report was signed by the following members:

Messrs. BOND of Lincoln
—of the Senate
TOWLE of Winthrop
KITCHEN of Presque Isle
DUNBAR of Orland
LELAND of Sangerville
DRAKE of Bath
—of the House

Minority Report of same Committee reporting "ought to pass" on same Resolve.

Report was signed by the following members:

Messrs CASE of Washington
SMITH of Somerset
—of the Senate
PIKE of Lubec
—of the House

On motion by Mr. Beckett of Calais, the reports were tabled pending acceptance of either and especially assigned for tomorrow morning.

Mr. Nichols from the Committee on Judiciary on bill "An Act in relation to State funds for charity patients in Public and Private Hospitals" (H. P. No. 731) reported that same be referred to the next Legislature.

(Tabled by Mr. Eustis of Strong pending acceptance of report.)

The SPEAKER: Under Orders of the Day, the House might find it convenient to remain in session this afternoon until close to six o'clock when a good deal of business should be transacted. It has been suggested that the session begin at nine o'clock tomorrow morning, and unless the members find that inconvenient, it might expedite business. In such case it might be advisable to have a short recess for rest in the middle of the morning.

Mr. WING of Auburn: Mr. Speaker, the Judiciary committee has a meeting at 8.30 tomorrow morning when we hope to clear our docket of the matters before us. If the House came in at nine o'clock it might interfere.

The SPEAKER: In that case we might well hold to the 9.30 hour.

Mr. WING: I think we would make better progress if we came in at that hour.

The SPEAKER: We are now proceeding under Orders of the Day.

On motion by Mr. Hale of Portland, it was voted to take from the table bill, an act relating to support of dependents of soldiers, sailors and marines, (S. P. 624) (S. D. 288), tabled by that gentleman, April 4, pending passage to be engrossed; and on further motion by the same gentleman the bill was passed to be engrossed.

On motion by Mr. Nichols of Portland, it was voted to take from the table Senate Document 309, an act relating to intoxicating liquors,

tabled by that gentleman this morning.

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

House Amendment A to Senate Document 309.

Amend said act by striking out all of said act after the enacting clause thereof, and inserting in place thereof the words: "Section 55 of Chapter 209 of the Public Laws of 1917 is hereby amended by adding after the word "months" at the end of said section 55, the following: "but the provisions of this section shall not apply to sacramental wines to be used for sacramental purposes."

Mr. NICHOLS: Mr. Speaker, I am merely trying to carry out the object of the act as reported by the committee. The committee inserted the words, "but the provisions of this section shall not apply to sacramental wines to be used for sacramental purposes" in the wrong place in the act and it made no sense whatever. It is merely putting these words at the end of the act, carrying out the purposes of the committee as I understand them.

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

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

On motion by Mr. Wing of Auburn it was voted to take from the table an act relating to excise tax on electric corporations, H. P. 1258, H. D. 490, tabled by that gentleman, April 3rd, pending third reading.

Mr. WING: Mr. Speaker, I move that the bill take its third reading.

Mr. MARTIN of Augusta: Mr. Speaker, may I inquire the parliamentary situation?

The SPEAKER: The Chair will recall the history of this bill to the House.

Mr. WING: Have I the floor, Mr. Speaker?

The SPEAKER: The gentleman (Mr. Wing) moves third reading. The gentleman from Augusta (Mr. Martin) inquires the situation of the bill. This matter was reported out by the committee on Taxation, ought not to pass. The bill was substituted for the report, and the new draft substituted for the original bill. The

matter had its first and second reading and is now in order for its third reading. Does that answer the gentleman's question.

Mr. MARTIN: Yes, Mr. Speaker.

Thereupon the bill received its third reading.

Mr. WING: Mr. Speaker, I move that the bill be passed to be engrossed. It is with some hesitation at this time and at this hour that I approach this somewhat difficult subject. I am aware that I am speaking to a hostile report of a committee, and just how far that hostility has penetrated into the minds of the House, I am unable to say; but I assume that every member, each member of this House, approaches a matter of this kind and character with a fair and open mind, and with that feeling of confidence in that fairness I shall address myself to this measure.

I first wish to read Rule 17 of the Joint Rules: "No member shall be permitted to vote on any question in either branch of the Legislature, nor in committee, whose private right, distinct from public interest, is immediately involved."

I shall return possibly to that section of the rule.

Now the first question that arises in a matter of this kind is the necessity for a tax. You have passed in this House a deficiency resolve, Senate Document 219, calling for an appropriation of \$296,833.07. The Governor addressed a message to a Joint Convention composed of both branches of this Legislature on State finances and the Contingent Fund on the 18th day of February, in which address he disclosed the deplorable state of the contingent fund so far as any moneys were therein concerned.

There is another matter which the Legislature up to this time has not been confronted with, and I bring it to your attention. Chapter 161 of the Private and Special Laws of 1921, in an act for the assessment of a State tax, and Chapter 121 of the Private and Special Laws of 1923, which was an act similar in title, provides a mill tax for a war bond sinking fund. The provisions of these Chapters which I have read to you provide for the assessment of a mill tax, the proceeds to be used to pay interest on war bonds, to pay interest on World War and Spanish War bonus bonds, to pro-

vide funds for a sinking fund for World War and Spanish War bonus bonds, to pay pensions for soldiers and sailors and their dependents and to reimburse towns for soldiers' and sailors' dependents, and the balance of each year's tax was to be set aside for the retirement of these bonds.

Now to my astonishment, whereas these taxes for 1921 and 1923 were properly assessed, there has been no report made to this Legislature of the disbursements for the purposes set forth in these chapters which I have read to you nor is anything of that nature set up on the books of the State; so that you cannot go through the books of the State Auditor today and find this balance set up for which our citizens and our property have been taxed. There have been paid various items under this act or against these bonds in 1921 and 1923, which estimates carried through to the 30th of June, 1925, which is the fiscal year, will leave an overdraft or an un-set up balance of about \$270,000. In other words, this balance of the proceeds of these bonds has not been set aside as a sinking fund in accordance with the act of 1921 and that of 1923, and there will exist on the 30th of June, 1925, a discrepancy, a balance or an overdraft, or an undescribed balance, as I say, of about \$270,000.

Now with that, with the sinking fund, with the deficiency resolve which I have spoken about, with the demands of the State, is it reasonable to come before this Legislature and ask that the only public utility that does not pay an excise tax pay an excise tax into the treasury of the State for its benefit? An excise tax is a tax upon the privilege, upon the right to carry on their corporate business of a corporation and to exercise the granted powers of a corporation. Taxes, as the court said in 118 Maine 520, "Taxes of this kind are now imposed upon railroads, express, telephone and telegraph companies and savings banks. The power of the State to impose franchise taxes seems to be plenary and it may not only impose them but it may measure their amount by any standard it sees fit to adopt."

Now if you will look at House Document 490 you will see what this tax provides. It provides that every public service corporation making

and selling electricity doing business in the State shall render a list of its stockholders, the amount of its capital stock, and so forth to the Secretary of State.

Section two provides for the payment of an annual excise tax for the privilege of exercising the franchise of the dams, power stations, power and transmission lines, and so forth, which tax "shall be in addition to all taxes upon such public service corporations, their property or stock."

Section three provides that these corporations shall return the number of their kilowatt hour sale, and the gross income received therefrom, to the Public Utilities Commission; "and the Public Utilities Commission shall report the same to the State Board of Assessors." And the tax shall be computed at four percent on the gross income as reported.

The other details of the bill are the mere mechanism for bringing the tax into being except that "the provisions of this act shall not apply to a municipal corporation selling electricity or electric current for power, lighting, heating, manufacturing or mechanical purposes and to corporations whose gross income from the sale of electricity or electric current as set forth in section three of this act, does not exceed \$50,000"

It was said at the hearing in regard to returning to the Secretary of the State a list of the shareholders, with their places of residence, number and par value of the shares, the amount of capital stock, by a gentleman who appeared in opposition that it would enable men to obtain lists and circularize their stockholders, and the business of selling stock would be largely interfered with. I see the morning paper carries a statement of a sale of preferred stock of the Bangor Hydro Company. It is sometimes difficult to understand where banking begins and fox hunting leaves off.

Now in regard to the stockholders: When I went to ascertain the present number of stockholders of the various companies, there was no place in the State House where I could go and find it. I could find the name of every stockholder of every steam railroad down in the Secretary of State's office—all of them—but to find who owned the

hydro-electric companies of this State was an impossibility. However, there is no law to compel them to make such return. The Public Utilities have an order by which the ten largest stockholders of these various companies fill in the records of the public utilities company their ten largest stockholders. For instance, the last information that is on file in the Public Utilities office with regard to the Androscoggin Electric Company is under date of December 31, 1923. Its largest stockholders were as follows:

Androscoggin Corporation, residence Augusta, Maine, holding 15,000 shares; Helen C. Libbey, Lewiston, Maine, 1,667 shares; Alla C. Libbey, Newton Center, Mass., 325 shares; Charles A. Litchfield, Alla C. Libbey, W. Scott Libbey, trustees, 3,008 shares.

Central Maine Power Company: Walter S. Wyman, Augusta, Maine, 3,412 shares; Central Securities Corporation, Augusta, Maine, 1,856 shares; Guy P. Gannett, Augusta, Maine, 1,859 shares; Western Water Light and Power Company, Chicago, Ill., 1,326 shares; Allston Burr, Boston, Mass., 1,021 shares; Edgar Payson, Portland, Maine, 1,035 shares; Arthur Perry, Boston, Mass., 1,000 shares; Sprague & Co., Ltd., Boston, Mass., 824 shares; Harvey D. Eaton, Waterville, Maine, 740 shares, W. B. Kendall, Bowdoinham, Maine, 859 shares.

Cumberland County Power and Light Company: James G. Campbell, So. Orange, N. J., 592 shares; Herbert L. Carleback, New York City, 2,374 shares; Clarence M. Clark, Philadelphia, Pa., 2,100 shares; E. W. Clark and Co., Philadelphia, Pa., 2,236 shares; Lydia J. Clark, Philadelphia, Pa., 1,000 shares; A. B. Leach & Co., Boston, Mass., 1,733 shares; S. Harold Rohman, New York City, 301 shares; J. Norman Towle, Bangor, Maine, 465 shares; George E. Warren, New York City, 1,787 shares; J. G. White and Co., New York City, 1,286 shares; H. L. Clark, Philadelphia, Pa., 900 shares.

Bangor Railway and Electric Company: E. W. Clark and Co., Philadelphia, Pa., 573 shares common, 1,445 shares preferred; J. Norman Towle, Bangor, Maine, 700 shares common, 600 shares preferred; Thomas Upham Coe, Bangor, Maine, 250 shares common, 1,000 shares pre-

ferred; Beyer and Small, Portland, Maine, 1,013 shares common, 60 preferred; Lydia J. Clark, Philadelphia, Pa., 900 shares common; J. Milton Colton, Philadelphia, Pa., 600 shares common, 200 shares preferred; Clarence M. Clark, Philadelphia, Pa., 660 shares common, 50 shares preferred; Hugh R. Chaplin, Bangor, Maine, 485 shares common, 171 shares preferred; Jessie S. Colton, Philadelphia, Pa., 1,000 shares preferred; Merrill Trust Company trustee for A. E. Stodder, Bangor, Maine, 800 shares preferred.

I simply call this to your attention that the statement of these shares of common stock of these companies show an ownership, not in the State of Maine but an ownership and control outside of the State of Maine. This is an interesting fact and it is one that may well give us pause to know that the hydro-electric situation, so far as ownership is concerned, is not with our citizens but with strangers.

Now I am not saying that these electric light and power companies do not pay any tax. I am saying to you that they do not pay any excise or franchise tax. They pay a tax on their property in the various communities in which they do business. For instance, by way of comparison, the steam railroad property in the State is valued at \$8,586,480. The average tax rate is .03849, which leaves a tax paid by the steam railroads on their property outside of their franchise of \$330,493.62. In addition to that, the steam railroads of the State, in addition to the \$330,000 tax that they pay, pay an excise tax of \$1,897,170.54. Now the electric light and power companies' property, which is assumed is assessed as is the railroad property is valued at \$16,340,439, and they pay a tax in the several cities, towns and plantations of this State of \$628,943.50. In other words, the steam railroads pay a tax of approximately \$2,200,000, both on property and excise, and the electric light and power companies pay a tax of rising \$600,000 on all their property.

Now can these companies afford to pay a tax? Are they contributing fairly toward the common fund? I quote from the Kennebec Journal of Tuesday, February 3, 1925:

"Central Maine Power Company shows gratifying improvement during a hard year, according to a

statement on the company's finances for the twelve months of 1924, issued at the general office in this city Monday. The Company's outlook for 1925 is bright. Many new power-users, large and small, have already applied for service and several new industries requiring heavy power service are investigating the advantage of locating in its territory.

"The gross earnings of Central Maine Power Company system for December, 1924, were \$382,648.12 compared with \$346,862.43 for December, 1923, an increase of \$35,785.69 or 13 percent.

"Gross earnings for the year ending December 31, 1924, were \$3,877,708.24 compared with \$3,736,969.33 for the year ending December 31, 1923, an increase of \$40,738.91 or 3.77 percent.

"For the year 1924, after operating expenses, including maintenance, taxes and depreciation, the net income available for bond interest was \$1,483,938.17. After paying bond interest on subsidiary companies, the bond interest charges on Central Maine Power Company bonds were earned 2.54 times. For the year 1923, after operating expenses including maintenance, taxes and depreciation, the net income available for bond interest was \$1,208,468.17. After paying bond interest on subsidiary companies the bond interest charges on Central Maine Power Company bonds were earned 2.19 times.

"For the year, 1924, the balance available for preferred stock \$917,971.99. Dividends were earned 1.32 times on Central Maine Power Company preferred stock. For the year, 1923, the balance available for preferred stock was \$721,937.01. Dividends were earned 1.18 times." In other words, in 1924 they were earned 1.32; in 1923 they were earned 1.18 times.

"During the year 1924 the company paid two 1 percent dividends on its common stock and increased its reserve for depreciation by \$165,385.98 and its surplus by \$167,319.25."

Now it is common knowledge among well informed men in this State that the common stock of Central Maine Power Company does not represent one dollar in investment; it is water. The investment is in the bonds and in the preferred stock, and yet this company which resists this tax, which says that I

am a Bolshevik and an enemy to business for advocating this tax, paid on this stock during the year, 1924, two percent. Now I am not an enemy to business. I am a conservative man, but I know enough to know, and members of this Legislature know enough to know that before payment is disbursed on items of stock at two percent running into 3,412 shares, 1,856 shares, 1,859 shares, and so forth and so on, that the right of the State to take before dividends are paid on stock that does not represent investment is superior to the right to pay a common dividend. I leave that to your good judgment, and, if I am a Bolshevik for arguing to this intelligent company of men and the madam member in such a proposition, I shall have to take the consequences.

The Central Maine Power Company during the session of this Legislature advertised in the Saturday Lewiston Journal under date of February 21, 1925:

"STEADY EARNINGS ARE THE FOUNDATION OF DIVIDENDS"

"Even during the period when most people felt that business was less than normal the earnings, both gross and net, of Central Maine Power Company were steadily increasing. The statement of earnings for the twelve months ending Dec. 31, 1924, which show an increase of \$96,000 over the preceding twelve months of 1923, is as follows:

"Statement of earnings of the Central Maine Power Company system for twelve months ending Dec. 31, 1924.	
Gross income....	\$3,877,708.24
Depreciation accrual and actual maintenance expenditures	\$618,779.98
Other operating expenses	1,433,591.84
<hr/>	
Total operating expenses	\$2,052,371.82
<hr/>	
Balance	\$1,825,336.42
Interest on funded and unfunded debt and guaranteed dividends on stock of subsidiary companies	1,013,504.43
<hr/>	
Balance	\$811,831.99
Dividends on preferred stock ...	612,964.12
<hr/>	
Balance	\$198,867.87

"Steady earnings are the result of diversity of income.

"Central Maine Power Company serves over 265,000 people with lights and power; it serves over 500 industries — comprising 100 different KINDS of industries.

"A lull, a shut down, or a strike in any one town or industry little affects the earnings of the Company as a whole. A few hundred customers may be affected—but the others go right on using the service and paying their monthly bills.

"When you invest your money make sure that you invest it in a business that manufactures a necessary article—like light and power; an article that few people are willing to do without in good times or bad; an article that because it has earned dividends through years of all kinds of business conditions seems reasonably sure of always earning dividends.

"Such an investment we believe is the 7 percent Preferred Stock of Central Maine Power Company. It has paid dividends continuously for 19 years. It is now owned by over 12,000 Maine people.

"The price is \$107.50. The yield is 6½ percent net.

**CENTRAL MAINE POWER COMPANY
Augusta, Maine"**

Now go back with me to the year 1921, and I asked Mr. Wyman at the hearing if he had ever sold any of this stock since 1914 or 1915 for any less than that price and he said he had not; that continuously from 1914 or 1915 to the present time the price of the preferred stock of the Central Maine Power Company had been \$107.50 to net 6½ percent. Now go back with me to the year 1921, and you will see that they had been selling this preferred stock some five or six years then, and in that year and in that month the Central Maine Power Company issued a new issue of three million dollars of its first and general mortgage gold bonds, series "A" 7 percent due 1941, dated June 1, 1921, and due June 1, 1941, interest payable June 1st and December 1st, and so forth, "issuance authorized by the Public Utilities Commission of the State of Maine."

"The following is taken of Harvey D. Eaton, President of the Company: 'The Central Maine Power Company forms a single comprehensive system

of hydro-electric plants, transmission and distribution lines, entering eleven of the sixteen counties of Maine. This territory extends throughout the old, established, industrial section from the ocean to Moosehead Lake and from the Androscoggin to the Penobscot. It includes practically all the large communities of the State of Maine except Portland and Bangor, and has a total population estimated at 270,000.

"The strength of the Company's position, in a section widely known for its textile, paper, shoe and ship-building industries, is established by its ownership of 27,900 H. P. of developed water power and control of some 105,000 H. P. undeveloped hydro-electric sites. The hydro-electric plants are supplemented by 10,000 H. P. steam capacity. The Company also owns four gas systems and a short interurban railway." Then there follows a statement of its earnings with which I will not bother you, but the summary is that the net earnings are over 1.8 times annual interest charges.

"These bonds will be secured, in the opinion of counsel by a first mortgage on the electric, gas and street railway properties in Rockland, Thomaston and Camden, together with a few local distributing systems in other communities and on real estate controlling valuable undeveloped water power sites of over 50,000 H. P., and also by a mortgage on the entire remaining property of the company subject to \$5,806,500 underlying bonds." "Price 95½ cent and interest; yielding over 7.40 percent. Harris, Forbes & Company, Coffin & Burr."

(At this point Mr. Holmes of Lewiston assumed the Chair amid the applause of the House)

Mr. WING (continuing): In other words, this Company which paid dividends on its watered stock, which sells its preferred stock to any one who will buy, which slips a mortgage under the preferred stock and ahead of it to net more than the preferred stock nets to the Maine investor, is unable to pay a tax in competition with other citizens of the State. I say to you, members of the House, and I say it seriously, that such a condition warrants the levying of this tax and its collection.

What is true of the Central Maine Power Company is true of the Cum-

berland County Power and Light Company. Their last report shows a surplus of \$333,169, and it is common knowledge that the common stock of the Cumberland County Power and Light Company has moved within this year from \$7.00 per share to \$135, and they are unable to pay a tax.

Now every other corporation pays a tax, the railroads I have spoken of, the street railroads, in 1924 paid this kind of a tax of 124,000 and odd dollars. The telephone companies paid a tax of 233,000 and odd dollars. The telegraph companies paid a tax of 21,000 and odd dollars. The express companies paid a tax of 58,000 and odd dollars. The parlor car companies paid a tax of \$3,500. There were general franchise taxes on all corporations in 1924 of \$258,000. The savings banks, where the ordinary man goes and puts his money, paid a tax in 1924 of 211,000 and odd dollars. The trust and banking companies paid this kind of a tax of 192,000 and odd dollars. The insurance companies paid this kind of a tax of 354,000 and odd dollars. The Loan and Building Associations, in which savers place their money, paid a tax of \$1,695.76, and even the Telephone Workers' Credit Union paid a tax of \$13.32. National banks stocks paid a tax of 128,000 and odd dollars; trust and banking companies stock paid a tax of \$114,000. Turn it around the other way. The steam railroad pays a tax of five and one-half percent on its gross receipts. The electric railroad pays a tax of four percent on its gross receipts. The parlor car company pays a tax of nine percent on its gross receipts. The telegraph and telephone companies pay a tax of six percent on their gross receipts, and it is proposed that these electric companies pay a tax of four per cent on their gross receipts.

Now in the name of things fair, in the name of things that are sometimes called decent, how can you distinguish between one kind of a corporation exercising a public franchise and another? These other companies all pay taxes on their other property, the railroad on its stations and its other property outside of its right of way; the telegraph on its property, the express company on its property if it has any. These people simply pay a property tax on their property. Now

is it unreasonable, with these statements of earnings that I have given you, have I asked an unreasonable thing, an unfair thing, an unjust thing, that these companies which are earning and paying dividends in comparison say with the steam railroad in this State, owned by the citizens of this State—and I am one of them—and I sit in my chair and do not vote when the railroad tax bill passes this House? Is it fair, I say, to take a steam railroad, owned by widows, by orphans, by guardians, by savings banks, which has not produced a copper of return on its common stock since 1919, which has only lately returned to the deferred dividend on its preferred stock, and take from it a tax of rising two million dollars and these companies be allowed to sell their securities to the citizens of the State, to pay dividends even on stock that does not represent a dollar of value, and then say to them, "No sir, we won't tax you. You are too prosperous to be taxed. If we tax you, we might put a control on you under which you might be restive and which you might not like."

I trust I am not boring this House, but I am interested in this subject. We have many demands here for money. We heard here last evening discussed the needs of this hospital across the river, the needs of the Bangor hospital, the needs of the school at Pownal, the needs of the University of Maine, the great needs of the highways, why should not this accumulation of capital, as well as the accumulation of capital in the savings banks of the State make a contribution? Just think of it! Five and one-half percent on steam railroads' gross receipts, four percent on these struggling electric railroads that these great, large busses are driving right off the face of the earth! Nine percent on parlor cars; six percent on telegraphs and telephones; four percent on express companies and not a sou on electric public service corporations! Why shouldn't they pay? Have I shown you that they are unable to pay? Is a company that is so prosperous, that has such an outlook before it that in a short time its stock can rise from \$7.00 per share to \$135, is it an unreasonable thing to ask that that prosperous company make some contribution to the public purse?

I have read you the statement of the earnings of the Central Maine Power Company. I have told you that they pay a dividend of two percent on their common stock. I have shown you who owns it. Is it unreasonable that this prosperous company, this bond issuing company, this company that has slipped mortgage after mortgage under its preferred stock which it sells to the citizens of Maine, is it unreasonable that the hands of the State be placed upon it by way of taxation?

I will not burden you further. You have been patient with me and I will not burden you with the statement of the Bangor Hydro-Electric Company.

I now come to the point of how this tax which I propose shall be set. You will notice that it is four percent on the gross income. I have here a list of the amount of kilowatt hours that were furnished up to the year 1924. There were distributed in this by the hydro-electric companies 324,180,525 kilowatt hours. It occurred to me that the tax, possibly, should be placed upon the kilowatt hour, but that did not on reflection appeal to my judgment because it might reflect in a double tax. I ascertained that the average net income per kilowatt hour was 7.5 mills. In other words, the average net income of these companies per kilowatt hour was 7.5 mills, and the net income, estimated as accurately as possible for the year 1924 for these companies was \$2,439,362 and the gross revenue from the sale of this electric current was \$7,110,367.64; so that when I came to redraft the bill I concluded that the tax should be computed at four percent of the gross income, as reported. Now if the gross income was in the neighborhood of rising \$7,000,000 and the net income is \$2,439,362, is it an unjust thing, is it an unjust tax, that takes in the neighborhood of \$300,000 from these very prosperous companies and turns it into the treasury of the State of Maine? Now I want you to understand that. Is it an unjust, unfair proposition to ask of these companies which, on their own statement, show that they are prosperous—they do not say they are bankrupt; they say their earnings are constantly increasing,—is it unjust and unfair to ask of them to make a contribution to the common fund?

I was asked at this hearing if this would not come out of the ultimate consumer. Now the ultimate consumer is always the straw man that is set up to defeat a tax. Some people are very tender with regard to the ultimate consumer and his internal mechanism. It is true that every tax comes out of property. It is true that wealth is only produced by toil and by thrift and by economy. I have never yet received anything that I did not pay for, and so it is with a tax. It does not make any difference whether you tax it indirectly or tax it directly. It is true that the citizen and his property pay the tax. I would not stand here and argue that proposition for a moment; but when that tax is spread over a great company, a great area, and a great many people contribute to it, it does no particular harm. No one felt that tax that we placed on deeds, on notes, on small luxuries. They were spread over a great number of people and at different times. It is just the same thing as buying one hundred gallons of gasoline. You do not hesitate to buy ten gallons but you do have to strain considerably of a point if you purchase one hundred gallons; and so it is with a tax. I say to this House that this tax can be levied, it can be collected. It will hurt not one of these companies on which it is assessed; it will hurt no consumer; it will hurt no user of power. It will not do to tell me that it will result in higher manufacturing costs because these companies have contracts extending over a long period of time for the use of their power. The tax will adjust itself, it will fit into the business of the State, it will be a source of revenue, and possibly some of these unfortunate people that we talked about last evening may have a shelter as a result of the passage of a measure of this kind.

Now I have talked a great deal longer than I intended to. You have been patient. I am aware that I have been subjected to criticism for advocating this tax. I am used to criticism if it is fair, but I decline to be called a Bolshevik and an enemy to conservative business interests in this State when I stand here in this House and argue for a tax on the electric companies of the State. I am for immense payrolls and the development of Maine as much as any man, but I am opposed,

and I think quite properly to the payment of dividends on common stock which do not represent any investment value.

I believe the motion is that this bill be passed to be engrossed, and I trust this House, despite the pressure that has been brought to bear upon it—and I have seen it on every hand and on every side; it has made me laugh inwardly and sometimes outwardly to see how men will be moved by a touch on their pocketbook. I trust this House will pass this bill to be engrossed.

(At this point Speaker Gardiner resumed the Chair)

Mr. MARTIN of Augusta: Mr. Speaker, if it is in order, I would like to move that the bill be indefinitely postponed, and I will briefly speak upon that motion. I for one—and I know that I speak for all the members of the House—realize the absolute sincerity and the high purpose that actuated this bill and is in the mind of the gentleman from Auburn, Mr. Wing.

He spoke at the outset about the hostile report. As I understand it, the Committee on Taxation reported unanimously against it. I think the word hostile does not really represent the feeling of the members of the Committee. I think it would be better to say an adverse report because I know that when the gentleman from Auburn (Mr. Wing), with his position and his standing, came before that Committee, that if they could have seen in any way any merit in his proposition, they would have been very glad to have reported or made some recommendation. The report is not hostile, it is simply an adverse report, because they could find no merit in the bill as introduced.

The gentleman has paid considerable attention to the Central Maine Power Company. Now, the proposition which is introduced is simply to put a tax of four per cent on the gross, and the gentleman seems to argue to the effect that as other public utilities of certain kinds have franchise taxes, that therefore the electric companies should have it; but that does not necessarily follow.

Take, for instance, the railroads; they do not have to pay on their right of way or on their rolling stock. The franchise tax takes care of all of that, and the only thing they have to pay for is the physical

property in the towns and cities. The telephone company is analagous in a way to the electric light company. They pay a franchise tax of, I believe, six per cent on the gross, and they do not pay any local taxes on instruments or other equipment in their buildings which is of immense value. The franchise tax takes care of that, and it is probably cheaper for them to pay a franchise tax than to pay the ordinary tax which is assessed against the electric company.

I believe a suggestion was made that if it could be worked out so that the electric companies could have all their property exempted, which the ordinary excise tax does exempt, it would be beneficial to the electric companies, but this bill simply adds on to the total of the local assessors who tax everything that the companies have, and it is not comparable with the other excise taxes.

The gentleman properly referred to the ownership of the stock that was not issued—watered stock. The company was formed in 1903. The Central Maine Power Company at that time was under a different name, which was later changed, I believe, in 1909. Now, whether that is a fact or not I do not know, but I do know that the valuation of the property is fifteen or twenty per cent greater than the stock outstanding; and I think that a great deal of the argument that is made here should properly be made before the Public Utilities Commission. If the rates charged are exorbitant, if they make too much money, any interested citizen or stockholder can go before the Public Utilities Commission and ask that the rates be lowered—and it is interesting to note that during the many years since 1903, no complaint, as I understand it, has ever been made against the rates charged by the Central Maine Power Company.

At the hearing in question before the Taxation Committee there was no demand for any change to be made except by the gentleman from Auburn (Mr. Wing). It was a public hearing, and if there had been merit in it, it seems to me that the people of Maine—always interested in finding a new method of taxation, would have been represented there; but not one voice, except that of the gentleman from Auburn (Mr. Wing),

was raised in favor of this proposed legislation.

It is proper that we should look to see just what the results of a tax like this would be. Now, it does particularly affect the electric light companies, or the power companies, because, as has been said, they have the right to go before the Public Utilities at any time and ask for an increase in rates if their earnings warrant such an increase; and it would be the simplest thing, as the gentleman from Auburn (Mr. Wing), knows, to simply go before the Public Utilities Commission and say, "We have been increased four per cent on the gross, and we have got to have more money." It would be very simple.

And the fact that dividends have been paid. The gentleman must know of the rule of the Public Utilities Commission—every man in the House knows it—that every company is entitled to a fair return on its property, and then if dividends can be paid, well and good—and of course the investors should have dividends.

The Central Maine Power Company has been mentioned. It has over twelve thousand people, stockholders, interested in it, and if there had been a single one of those stockholders who felt that they had been treated unjustly, it seems to me they would have been before this Committee.

Now, as to the practical working out of this bill, it is not a bill to develop or boom Maine. We have two outstanding features in attracting industries here, and they are, first, good labor conditions, and, secondly, cheap power; and if you take away the cheap power, you have not got a great deal to offer to bring industries here far away from their natural market.

The tax, as has been admitted, is finally paid by the ultimate consumer, but just because it is small and is more or less painless, is no reason why an unscientific and unjust tax should be levied.

I do not think, with the report of the Committee unanimously against it—men who are familiar with this business, some of them, men who have made a study of these questions and have undoubtedly spent many days going over this bill and giving it the attention that it deserves—I do not think that with

sustain a report this House will fail to sustain the Committee, and I believe—and it is the belief of many—that this bill is wrongly entitled, that the cost would go on to the ultimate consumer, and that this act, which is entitled “Bill an act to raise an excise tax” should be labeled properly for just what it is, and should be entitled, “An act to raise the cost of electricity to every consumer in the State of Maine.”

I trust, Mr. Speaker and gentlemen, that the motion to indefinitely postpone will prevail.

Mr. CURTIS of Brewer: Mr. Speaker, I do not want the members to think that I am going to make a long speech because I could not if I wished, and, Mr. Speaker and members of the House, speaking briefly as House Chairman of the Committee on Taxation, before which this bill was considered, I will say that we did not realize that we were a hostile Committee to any bill that was before us. We tried to hear and give all bills a fair hearing. We certainly were not hostile to Representative Wing when he was before us. We gave him all the time he wished, and we would have given the same to other proponents if they had been there, but nobody appeared except Mr. Wing. On the other hand, there were many opponents.

The amendment to the bill in no way affects the principle of the bill. The original bill, as introduced by the gentleman from Auburn, Mr. Wing, called for a tax of one cent per kilowatt hour, while the new draft changes the method and the amount to be obtained to four percent of the gross.

It cannot be claimed that this bill, with the amendment before you, is a new proposition upon which the Committee did not act. The Committee did take into consideration the change, and the unanimous decision of the Committee was “ought not to pass,” and not a hostile report.

For a moment let us consider how this bill, if enacted, would result, and who would pay. It would be the users of electricity. If I recall correctly—and I think I do—at least the records of the hearing would bear me out—I put this question to one of the opponents of the bill, “Mr. So-and-so, providing this bill passes, will you not immediately go before the Public Utilities Commis-

sion and ask for an increase in rates?” The answer was, “Yes.” I believe that if you pass this bill, within thirty days after the bill became a law, you would find these different hydro-electric companies coming before the Public Utilities Commission and asking that their rates be raised. To some industries, at least, this would be a hard blow. It means to you, Mr. Manufacturer, that you would pay more for your electricity. It means for you, Mr. Farmer, who have been praying that electricity would come down in price so that you might use it more extensively, would pay more. It means to you, Mr. Individual User of Electricity, that you would pay more.

Naturally, every Representative thinks of how any legislation will affect his own locality, particularly in cities and towns. In the case of the city of Brewer, which city I represent, we have, in our city, an industry of such magnitude that it pays from one-quarter to one-third of the taxes of that city. This industry has a very favorable contract with the hydro-electric company for the price of the electricity which it uses. Should this bill pass, that industry, at the expiration of its contract, would have to pay a materially increased rate, which it cannot afford to do under existing conditions. No doubt what applies to Brewer applies equally to many other places in this State.

In the city of Brewer we are doing everything that we consistently can to attract new business to locate there, and among the arguments we are telling the prospects of the advantages of a location where electricity can be obtained at such reasonable rates.

Much effort is being made, and much stress is being laid, on publicity and advertising Maine, and it was only last Saturday that I picked up a daily paper and read that Brewer had joined the list of cities and towns appropriating money to the campaign of publicity and advertising Maine.

Of what use is it to try and get industry and say to the men who are ready and willing under right conditions to invest money in Maine, “We cannot guarantee you anything because we do not know what the attitude of the State will be on electricity and power problems.

Now, gentlemen and lady of the

House, of what use to do this? We might just as well scatter, and will scatter, the fifty thousand dollars that this Legislature raised and all the money that the cities and towns raised, to the four winds of Heaven, if we are going to back up such propositions as this. It is just such propositions as this that are keeping industry back, that are keeping capital from coming into the State; and if we are going to do this, we might just as well place a padlock on the gateway of Maine and string a sign across it, "Nobody at home, nothing doing, industry not wanted." (Applause)

Mr. LELAND of Sangerville: Mr. Speaker, the considerations which actuated the Committee on Taxation in their report have been so fully and ably explained that I will not take time to go into them, but I would like to call your attention very briefly to one phase of the situation which appealed particularly to me.

It seems to me that our industrial and agricultural problems depend very materially upon cheap electrical power which the rural sections are coming to realize that they need and must have and which the manufacturers of the cities and towns must have. And if it would be possible to find some method by which they might have the profit and the benefit of the advantages which come from cheap electrical power for lighting and for power, it seems to me that that will be one of the leading factors, one of the controlling factors, in our future agricultural and industrial development.

And with that thought in mind, I certainly should be opposed to a tax that would be directly borne by the users of this commodity, and which might prevent the increase of the use of the electricity of the State. I believe it is a very important situation and should receive careful attention.

Mr. FOSTER of Ellsworth: Mr. Speaker, briefly I would like to call the attention of the members of this House to the amount of tax paid locally by the Bangor Hydro-Electric Company in the city of Ellsworth. The Bangor Hydro-Electric Company is assessed \$32,800 and their property tax makes a total commitment of \$132,000, which is approximately twenty-five percent of the entire commitment; and I would like to have the gentleman from

Auburn (Mr. Wing) compare those figures with the excise tax that the Pullman Company and the American Express Company pay.

Just one more thing: In the opening remarks of the gentleman from Auburn, Mr. Wing, he indicated that he would challenge the vote of any member of this Legislature who was a stockholder in a certain company. Now, I am a stockholder, a very small one, of the Bangor Hydro-Electric Company, and for the sake of clearing our minds I should like very much to have a ruling from the Chair as to whether or not the members who are stockholders are entitled to vote on this question, and I hope that the motion to indefinitely postpone will prevail.

Mr. HOLMES of Lewiston: Mr. Speaker, very briefly I wish to say that I favor and support the motion of the gentleman from Augusta, Mr. Martin, and I find myself in opposition to the gentleman from Auburn, Mr. Wing; and I listened with great interest to the preliminary remarks of the gentleman from Auburn, in which he described the financial conditions of the State, and the extravagance of past Republican Administrations; and naturally it was with a great deal of pleasure that I heard him preempt my own personal ground. I, myself, would immensely enjoy denouncing the Republican Party, if possible even more severely than the gentleman from Auburn.

I would like, also, if I thought that it would be conducive to the advancement of the public peace and prosperity, and a wise and just solution of this question before us, I would also like to refer to the law of 1921, the Mill Tax Law, that was passed then and the sinking fund that never has been set up. I would also like to refer to the fact of the deficit that will come the first of July, and the fact that the railroad taxes and wild land taxes that were to come in before the first of July have already been figured in for the two years beginning July 1st, 1925; and I do not know where they are going to get off without a temporary loan.

Although I would consider it my duty as a Democrat to denounce proposed legislation if I thought that it was Republican extravagance which would hurt the State, I do not feel that it is my duty to travel

outside of the question involved in this case for the pleasure of enjoying a denunciation of the Republican party and the Republican Administration.

I am interested to note, however, what is the real purpose, if such a thing can be figured out from the bill and from the remarks, what is the real purpose of this bill; whether it really is to get a list of shareholders and other information or whether it is to levy a tax of four per cent on the gross receipts. If it is the former, we already have law enough, and I refer to Section 22 of Chapter 51 of the Revised Statutes, which provides that anyone interested may get from the clerk of a corporation a true and complete list of all stockholders, their residences and the amount of stock held by each. But so far as that goes, I do not think it is necessary.

So far as the rest of the matter goes, I want to say this: If the gentleman from Auburn feels that his constituents in Auburn who are dependent for their living, in most part, upon the industries of Auburn, which, in turn, are dependent upon the water power and the hydro-electric power developed out of the Androscoggin river, if he believes that those constituents will support him in this particular measure, I want to say that I am confident that my constituents across the river in Lewiston would not support me if I should vote for it, because they have to make their daily bread in the same way and we must keep those wheels turning in Lewiston, and I believe that we need to keep them turning in Auburn.

A certain bill was introduced into this Legislature a while ago—I will not say in which branch and I will not say by whom—it was not this bill and it was not the gentleman from Auburn—but it was a bill that would strike a certain, fundamental law which has been a law in this State for many years; and one of the newspapers—oh, we all read the papers, and I will give you the name of this paper—the Lewiston Journal—held it as a statesmanlike measure, and the gentleman who introduced it as a statesman of the highest degree; but some days went by and the Editor of the Journal began to think of Clark's Rips on the Androscoggin a few miles above the waterfall which runs the mills of

Lewiston, and evidently the Editor of the Lewiston Journal then began to have some doubts as to whether that was as statesmanlike a measure as he originally thought and whether the gentleman who introduced it was really such a great statesman after all.

Now, we, in Lewiston, want that dam built there at those Rips—

The SPEAKER: The Chair hesitates to invoke the rules of order, but the gentleman is wandering a little far afield from the matter under discussion.

Mr. HOLMES (continuing): I think I can show, Mr. Speaker, the reason for that. The building of a dam there will develop hydro-electricity. If an obstacle is put in the way, an obstacle serious enough, that dam will not be built. If the promoters of that proposition to increase the available hydro-electric power available for Lewiston and Auburn and the rest of that region, if they feel that an unfair and an unjust tax is going to be put upon them, they, in my opinion, will not go ahead.

A new theory of taxation has grown up during the last few years, new to me, and it seems to me that it was brought out in the remarks of the gentleman from Auburn. I do not know that it was consciously,—it may have been unconsciously, and I may have misunderstood him—but I have seen in certain newspapers and by certain writers during the last two or three years, the theory admitted that a tax falls upon the ultimate consumer, therefore let us be bold about it and thrust it upon him.

Now, the gentleman from Auburn argued that of course we know that the tax will be passed on to the ultimate consumer as it is always passed on to the ultimate consumer. Well, the logical inference from that is that the ultimate consumer pay it. Now, he read in one of his reports, that twelve thousand or more citizens of Maine are shareholders in the Central Maine Power Company—constituents of all of us.

At this very time, when we are all trying to induce industry to come into the State, shall we, then, place a handicap upon it?

Mr. WING of Auburn: Mr. Speaker, I desire to reply briefly to the gentleman from Ellsworth (Mr. Foster) and read to him Rule 17 of the

Joint Rules: "No member shall be permitted to vote on any question in either branch of the Legislature nor in Committee whose private right, distinct from public interest, is immediately involved." And I think the reading of the rule answers the gentleman.

He has said publicly that he is a stockholder in one of these companies. I have said publicly that I am a stockholder in a steam railroad, and I sat in my chair and did not rise when the tax on the steam railroad passed this House, and I noticed certain other gentlemen who did not rise. I shall be interested to see how the matter affects the conscience of the gentleman from Ellsworth (Mr. Foster).

Answering the gentleman from Brewer, Mr. Curtis, who has tried to scare you by saying that these companies will immediately run to the Public Utilities Commission to gain an increase in rates. What is the Public Utilities Commission for? Is it to increase rates or is it to stand between the public who uses the utility and the utility company which furnishes it? Is the Public Utilities Commission going to raise the rates of those companies which show any such earnings as I have disclosed here? Are they going to allow—using an example—the Central Maine Power Company to raise its rates to users of electricity when it pays a dividend of two percent on its common stock? Evidently not. To state the proposition is to insult the intelligence, the integrity, the honor of the Public Utilities Commission.

Now, I have walked the streets of my town and this much discussed man, the ultimate consumer, has talked with me with reference to this bill. Responsible men, merchants, manufacturers and ordinary citizens have said to me that they were satisfied that this was a decent, a fair measure.

So far as the city of Lewiston is concerned, and the development of Clark's Rips which has been discussed here, the city of Lewiston grew up around a mill dam. The water of the Androscoggin River turns upon the very wheels of the mills of that city. The Hill Mill, one of the finest electrically equipped mills in New England develops and uses its own electricity, from its own water, on its own wheels.

Now, gentlemen, do not be alarmed. Do not be confused by this bogey about the ultimate consumer and the raising of rates. These companies are in a public calling, their rates are subject to the approval of the Public Utilities Commission. Much has been made here of the fact that I was the only man who appeared in favor of this legislation before this Committee which resents the word that I have used in describing its report.

Who appeared to oppose it? No power user, no manufacturer. That antique and much discussed gentleman, Benjamin F. Cleaves, appeared and said that he represented the Associated Industries, but I doubt very much if Mr. Cleaves had authority so to appear and so to state. He did not say so; he assumed it; he always appears at every hearing. I suppose it is to give respectability to hearings that he appears and says, "I represent the Associated Industries and you must not do so and so."

Who else appeared? The representative of the Bangor Hydro-Electric Company was there and he said he did not want to disclose the names of his shareholders. And the rest who appeared were the attorneys and the president of the Central Maine Power Company.

Now, gentlemen, you need not be alarmed about the assessment of a tax on any industry. Taxes are as old as civilization; everyone pays a tax; they pay taxes in Massachusetts, they pay taxes in Rhode Island, they pay taxes in Alabama, they pay taxes in Mississippi, they pay taxes in North Carolina. You cannot escape taxation, and you may refuse to pass this tax this time, but just as sure as I stand here, I have stated a proposition that will live because it appears to fairness, to good business and to sound judgment.

Mr. CUMMINGS of Portland: Mr. Speaker, I want simply to express my approval of this bill. The argument that has been made against it here has been mostly an appeal to fear, and the pressure that that fear brings upon the pocket nerve that is known as the most sensitive nerve in the human system. When you can touch it, it sends a thrill all through the average human being.

I do not share the fears expressed here, that a just tax, as I believe this is, would cause an increase of

the price of electric energy to the consumer. I do not believe it would. I do not think that that is the history of levying taxes in similar ways, and I hope that the members of this House will take counsel and not of their fears when they vote upon this question.

The SPEAKER: The gentleman from Ellsworth, Mr. Foster, requests a ruling of the Chair as to the application of Joint Rule No. 17 to a member who might be a small stockholder in an electrical contract company, a company, presumably, that might be subject to the tax if this act should be passed.

Rule 17 is to the effect that a member shall not be permitted to vote whose private right distinct from public interest, is immediately involved.

The Chair is of the opinion that such a small stockholder has not a private right distinct from public interest immediately involved, and is, therefore, by that rule, not disqualified from voting on this question.

Mr. FOSTER of Ellsworth: Mr. Speaker, I would like to answer the statement of the gentleman from Auburn (Mr. Wing). He has intimated that I was more interested in this bill from a personal standpoint than any other. Now, I am not. I am interested in one mill that is using two hundred and fifty dollars' worth a month of electricity, possibly three thousand dollars a year. It would cost our mill a hundred and twenty dollars provided this act passed. And I would like to ask every member of this Body who has received a bill for electric lights, if they have a ten-cent rate, whether they would expect to receive their bill at ten cents and four mills per kilowatt. When the electric company goes before the Public Utilities Commission, they will ask for five mills or one cent increase, and probably they will get it, and further answering the gentleman from Auburn, I shall abide by the decision of the Chair in regard to my vote.

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

Mr. WING of Auburn: Mr. Speaker, I ask for a division.

The SPEAKER: A division has been called for.

Thereupon, a division of the House being had,

Sixty having voted in the affirmative and 42 in the negative, the motion to indefinitely postpone prevailed.

Mr. MARTIN of Augusta: Mr. Speaker, I move that we re-consider the vote whereby this bill was indefinitely postponed, and I trust that my motion will not prevail.

Thereupon, a viva voce vote being taken,

The motion to re-consider failed of passage.

Passed to be Enacted

Out of Order

S. P. 642: An Act relating to aircraft.

H. P. 1280: An Act to enable the City of Lewiston to issue bonds for school purposes.

S. P. 640: Resolve in favor of the Maine School for the Deaf.

S. P. 641: Resolve in favor of the State Park Commission.

H. P. 579: Resolve in favor of International Bridge, Van Buren, Maine, St. Leonards, New Brunswick, combined immigration and customs office.

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

From the Senate: Majority Report of the Committee on Indian Affairs reporting "ought to pass" on bill "An Act to amend Section 26 of Chapter 14 of the Revised Statutes, relating to schools on Indian Island in Old Town" (S. P. No. 268) (S. Doc. No. 104).

Report was signed by the following members:

Messrs. MINER of Washington
—of the Senate

LOWELL of Lincoln
BOYNTON of So. Portland
FROST of Eastport
DECKER of Milo
HAGGETT of West Bath
GOODRICH of Farmingdale
—of the House

Minority Report of same Committee reporting "ought not to pass" on same bill.

Report was signed by the following members:

Messrs. LANE of Androscoggin
PERKINS of Penobscot
—of the Senate
LAIT of Old Town

—of the House
Comes from the Senate Minority Report read and accepted.

In the House, on motion by Mr. Decker of Milo, tabled pending acceptance of either report in concurrence.

From the Senate: Bill An Act to accept the provisions of the Act of the Congress of the United States, approved November 23, 1921, entitled an Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes (S. P. No. 140) (S. Doc. No. 231) on which the House accepted the Minority Report of the Committee on Public Health "ought not to pass" earlier in the day.

Comes from the Senate that body insisting on its former action where-by they accepted the Majority Report of the Committee "ought to pass" and passed the Bill to be engrossed, and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. PHILLIPS of Hancock
SMITH of Somerset
SPEIRS of Cumberland

Mr. GREENLEAF of Auburn: Am I right, Mr. Speaker, in thinking that that matter is not the expression of the House?

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

On motion by Mr. Greenleaf of Auburn, a viva voce vote being taken, that body voted to adhere.

From the Senate: Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve providing for the appointment of one or more persons to represent the State in certain proposed changes in freight rates affecting the people of the State (H. P. No. 1218) (H. Doc. No. 439) reporting that the House recede and concur with the Senate. (Signed)

Messrs. WADSWORTH of Kennebec
HINCKLEY of Cumberland
SMITH of Somerset
—Committee on part of Senate
HARRIMAN of Readfield
LELAND of Sangerville

PILLSBURY of Benton

—Committee on part of House

Comes from the Senate read and accepted.

In the House:

Mr. HARRIMAN of Readfield: Mr. Speaker, I move that we concur with the Senate in the passage of this bill. It seems to me that this bill has been misunderstood in the House. I realize that it has been in here twice and a Committee of Conference asked for in the House and refused because no one seemed to realize the importance of the bill. It was brought to my attention yesterday and I began to look into it a little.

Now, it seems to me that this matter of freight rates affects everybody in the State of Maine. As the bill says, House Document 439, among other things, "which may materially affect the agricultural, commercial and transportation interests of the State." It seems the Interstate Commerce Commission has already granted an increase in rates which applies to first-class roads amounting to nineteen cents per hundred on the roads from Chicago east, also the Maine Central Railroad has asked for the establishment of an arbitrary freight rate on all freights east of Brunswick, totaling sixteen cents per hundred for first-class rates, with an additional charge of three cents per hundred for each twenty-five mile haul.

You will remember that just a short time ago the Maine Central Railroad asked for a reduction in its tax, which would amount to somewhere between \$180,000 and \$225,000 and as a result, as you might see from that, without granting any reduction in the rates or anything else, they now propose to advance the rate in addition to getting this reduction in their tax.

It would seem that it is the duty, among other things, of the Public Utility Commission, to look into these things. It has been said that the Attorney General is the proper man to do it, but I submit to you that while we have as good an Attorney General in the State as we can ask for, and one who could, no doubt, qualify, yet it requires some time to look into this railroad situation and the freight rates, and it needs a man who has already qualified. We have that man right in the Public Utilities Department in the person of Mr. McArdle, who has been in the Department and knows the conditions from A. to Z. By

having Mr. McArdle represent the State of Maine in these hearings, will make no additional expense to the State, because he is already under salary, and it will not increase the expense in any way, and what little expense there is for transportation will be taken care of by the Public Utilities Commission.

As I said before, I think this is a matter of importance to every tax payer in the State, whether our freight rates and other rates are to be advanced or not, and it seems to me important that Maine should be represented in this. I sincerely hope that the House will concur in the action of the Senate and pass this bill.

The SPEAKER: Does the gentleman move the acceptance of the report?

Mr. HARRIMAN of Readfield: I do, Mr. Speaker.

Mr. WING of Auburn: Mr. Speaker, in view of the ruling of the Chair regarding the gentleman from Ellsworth and his ownership of stock in the Hydro-Electric Corporation, and that it does not prevent him from participating in the debate, I feel that I am justified in opposing, as a stockholder of the Maine Central Railroad, the motion just made. This House has gone on record twice in regard to this bill, both affirmatively and negatively; and the gentleman now insults the intelligence of the House in saying that they did not know what they were doing. I have no such opinion of the intelligence of this House. I think they do know what they are doing.

These hearings began in February, and regardless of the passage of this bill or not a representative of the State can be sent by the Governor and Council, by the Public Utilities Commission themselves, as part of their public duty, to represent the State, but for this Legislature to affirmatively say that the only interest of the State of Maine is in opposition to increasing or decreasing freight rates, is not quite true.

The railroad itself has an interest and a duty to perform in regard to its rates. These hearing were held in February. I do not know whether it is true or not, but I assume, and I have every reason to believe, that at those hearings the State of Maine was represented by a representative from the Public Utilities Commission. I think the same gen-

tleman of whom the gentleman from Readfield speaks was there as an observer.

This bill, as it was originally planned, was to send representatives of the Great Northern Paper Company and a representative of the Cushman, Hollis Company in Auburn, two manufacturing concerns, to represent the State. Well now, how could a representative of the Great Northern Paper Company represent the entire shipping industry of the State? How could the representative of the Cushman, Hollis Company in Auburn represent other than selfishly the interest of the particular industry which employed him?

Now, this railroad, which has been abused, which has been maligned, which has the greatest accumulation of capital in the State, which is semi-bankrupt, which sells for thirty-five cents on a dollar, is placed in a false light before the Public Utilities Commission if this particular piece of legislation has a passage. The Maine Central Railroad and its owners, its common stockholders, its preferred stockholders, its bond holders, is owned in every Savings Bank in the State. Its funds are in trust, through various private trusts, for widows, for orphans, for children, and it should not be the object and the subject of attack and abuse for this Legislature. It should be helped. You tax it more than two million dollars' worth. The steam railroads of this State pay two million dollars excise tax. They meet the competition of the bus and the motor vehicle, and the very money that you take from them to build highways, to build roads over which to move the commerce of this State in competition with them; and I stand here and plead for fair treatment of this great public utility, and I am not ashamed to do it.

Mr. ELLIS of Fairfield: Mr. Speaker, I would like to support the motion of the gentleman from Readfield (Mr. Harriman) and I hope it will be adopted. I think we have considered here the interests of the railroad, and now I think the interests of the people of the State should be considered. (Applause)

Mr. LELAND of Sangerville: Mr. Speaker, I am not sure that I properly understand this matter, but if I do at all understand it as it is, the attitude and thought back of this

bill is not hostility to the railroads. If I properly understand the situation, the Maine Central Railroad has been required by the Interstate Commerce Commission to submit certain changes in its present freight rates, either it must increase the rates in certain sections or it must decrease them in others. Naturally, if they are obliged to make any changes, they would prefer to increase certain rates in certain sections rather than to decrease any, which would, of course, result in reducing their income.

Now, I have been assured by counsel for the Maine Central Railroad that their attitude in the matter was merely this; that they ask the Interstate Commerce Commission that they be allowed to retain their present rates. Now, this bill which we are considering is simply that we, representatives of the Legislature of the State of Maine, send a representative from the State which will urge upon the Interstate Commerce Commission the necessity of allowing the rates to remain as they are. I do not think any attitude of hostility against the railroads actuates the movement at all, if I understand it, and I have taken some pains to. I hope the motion of the gentleman from Readfield (Mr. Harriman) will prevail.

The SPEAKER: The question is on the motion of the gentleman from Readfield, Mr. Harriman, that the report of the Committee of Conference be accepted. Such a vote, if carried, would be action in favor of the passage of this bill. Is the House ready for the question?

A viva voce vote being doubted,

A division of the House was had, Seventy-six having voted in the affirmative and 9 in the negative, the motion to accept the report of the Committee prevailed.

The SPEAKER: The question now before the House on this matter is the adoption of Amendment A which was offered by the gentleman from Sangerville, Mr. Leland. The amendment and bill were previously indefinitely postponed on the motion of the gentleman from Auburn, Mr. Wing, on April 1st. Is it the pleasure of the House that Amendment A be adopted?

The motion to adopt Amendment A prevailed, and the resolve as amended, was passed to be engrossed.

From the Senate: Majority report of the Committee on Judiciary, on bill "an act to incorporate Dexter P. Cooper to develop and utilize the power of the tides in the Bay of Fundy and waters adjacent thereto," S. P. 597, S. D. 259 reporting the same in a new draft under same title and that it ought to pass.

The report was signed by the following members:

Messrs. HINCKLEY of Cumberland
HUSSEY of Aroostook
MAHER of Kennebec

—of the Senate

NICHOLS of Portland
HALE of Portland
OAKES of Portland
HAMILTON of Caribou
MARTIN of Augusta
HOLMES of Lewiston

—of the House

Minority report of the same Committee on the same bill reporting that the same ought not to pass.

The report was signed by the following members:

Mr. WING of Auburn

—of the House

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

In the House, on motion by Mr. Piper, the majority report was accepted, the bill received its two several readings; on further motion by the same gentleman, the rules were suspended, and the bill was given its third reading; and the bill was passed to be engrossed in concurrence.

Mr. SPEAR of Portland: Mr. Speaker, I wish to present the following order and move its passage:

Ordered, that there be taken from the files and returned to the House Senate Paper 390, Senate Document 138, an act amending the powers of the board of state assessors in relation to the equalization and adjustment of assessment of the several municipalities.

Mr. SPEAR: Mr. Speaker, the reason that I do this is for the purpose of offering an amendment, and I will have the amendment ready tomorrow morning.

The order received a passage.

On motion by Mr. Garnsey of Sanford,

Adjourned until 9.30 o'clock tomorrow morning.