

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Second Legislature

OF THE

STATE OF MAINE

1925

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Thursday, April 9, 1925.

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

Prayer by the Rev. Mr. Dunnack of Augusta.

Journal of the previous session read and approved.

The SPEAKER: The Chair will announce various committees of conference which were voted yesterday in the House:

On the matter concerning Bates College forestry tract, the conferees on the part of the House, appointed by the Chair are Messrs. Hamilton of Caribou, Melcher of Rumford and Bragdon of Perham.

On the matter concerning the field agent for the blind, Messrs. Flint of Monson, Pierce of Sanford and Littlefield of Kennebunk.

On the matter concerning the Bangor State Hospital Messrs. Peaslee of Bath, Davitt of Millinocket and Smith of Bangor.

In the matter of Western Maine Power and Electric Company, Messrs. Page of Skowhegan, Ayer of Cornish and Deering of Saco.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill an act to enlarge the definition of the term "securities" in Section 126 of Chapter 144 of the Public Laws of 1923, so as to include contracts for the sale of fur-bearing and other animals, H. P. 1253, H. D. 505, on which the House voted to insist and ask for a committee of conference, April 8.

Comes from the Senate that body voting to adhere.

In the House:

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

The SPEAKER: The question before the House is on the disagreeing action of the two bodies regarding the fur-bearing animal bill. The Senate has adhered and the gentleman from Auburn, Mr. Wing, moves that the House insist.

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

Communication from the Heads of Departments

The following communication:

STATE OF MAINE

DEPARTMENT OF THE AT-
TORNEY GENERAL

Augusta, April 9, 1925.

To the House of Representatives of the State of Maine.

In response to your order of April 8, 1925, asking the opinion of the Attorney General as to whether the Governor and Council were legally authorized to adopt a policy by which no state highway shall be constructed in any town unless such town shall in advance agree to bear one-half of the expense of detours as provided in order of the Governor and Council, No. 88, dated March 23, 1921, I hereby submit the following answer:

Section 6 of Chapter 25 of the Revised Statutes, as amended by Chapter 258 of the Public Laws of 1917, and further amended by Chapter 215 of the Public Laws of 1921, provides that:

"Whenever it becomes necessary to close a state highway to travel on account of construction, before such state highway is closed the commission shall establish the most practical detour road around the state highway to be constructed, have the same properly signed at all intersecting roads or streets indicating the principal town or city in either direction and cause the detour road to be put in proper condition to withstand the travel and maintained in such condition until the state highway being constructed is open to travel."

The statute says that the Commission shall establish the most practical detours whenever a state highway is closed, and cause the detour to be put in proper condition to withstand the travel and maintain the same in such condition until the main highway is open to travel. The original act establishing the State Highway Commission, Chapter 130, Section 7 of the Laws of 1913, provided that "the Commission may establish detour roads during the construction and repair of state or state aid highways, and may authorize the expenditure of such sums as

it deems necessary to make the same safe for travel."

There is nothing said in the original law, nor does the statutes, as amended, permit the passage of a council order "that no state highway shall be built in any town which will not enter into written agreement with the State Highway commission for putting detours into suitable condition and for their constant care", as stated in the order of March 23, 1921.

Chapter 25 of the Revised Statutes, as amended, defines and fixes the duties of the Governor and Council and the duties of the Commission, in regard to construction and maintenance of state and state aid highways. The "general policy" is established by the legislature, and it is not the province of the Governor and Council to pass any orders contrary to the Constitution, and the laws passed by the legislature.

It might be legal and desirable, for a town to enter into a contract with the Commission to pay a portion of the cost of a certain detour, but it was not the intention of the legislature to limit the building of state highways only to those towns who were willing to enter into an agreement to pay half the cost of any or all detours within the town.

The answer to the question is, therefore, that the Governor and Council were not legally authorized to establish such a general policy.

Respectfully submitted

(Signed) RAYMOND FELLOWS,
Attorney General.

On motion by Mr. Wing of Auburn, 500 copies of the foregoing communication were ordered printed; and on further motion by the same gentleman, the communication was ordered placed on file.

Orders

On motion by Mr. Nichols of Portland, it was

Ordered, that the State Librarian send to each member and officer of the House of Representatives one copy of the Legislative Record and House Journal of the Eighty-second Legislature when compiled and indexed.

First Reading of Printed Bill

H. P. 223: Resolve in favor of a bridge over the St. Croix River be-

tween Vanceboro, Maine and St. Croix, New Brunswick.

On motion by Mr. Pullen of Danforth, the rules were suspended and the resolve had its second reading, and passed to be engrossed.

Passed to be Engrossed

S. P. 11: An Act relating to inmates escaping from the Reformatory for Women.

S. P. 658: An Act relating to the Department of the Attorney General.

H. P. 1294: An Act amending the Charter of the Belfast Municipal Court.

S. P. 665: Resolve in favor of charitable and benevolent institutions for the care, support and medical or surgical treatment of certain persons.

H. P. 1300: Resolve in favor of Armory Rentals.

Passed to Be Enacted

An Act relating to the definition of banking.

(Tabled temporarily by Mr. Nichols of Portland).

An Act relating to intoxicating liquors.

(Tabled by Mr. Bragdon of Perham temporarily).

An Act to create a State Broadcasting Station.

An Act relating to amateur boxing contests.

An Act to authorize Portland University to confer certain degrees.

An Act to provide for a yearly limit of one deer in all counties of the State.

Finally Passed

Resolve in favor of the Central Maine Sanatorium for maintenance, personal services, repairs and equipment.

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.

(Tabled temporarily by Mr. Nichols of Portland).

The SPEAKER: The first en-acter temporarily tabled is an act relating to the definition of banking, S. D. 143.

On motion by Mr. Nichols of Portland, it was voted to take it from the table.

Mr. NICHOLS: Mr. Speaker, it seems to me that there is an error in the wording of this act as now written, therefore I would like to

have it re-tabled and I will take it up with the engrossing department during the day.

Thereupon the bill was re-tabled.

The SPEAKER: The next enacter temporarily tabled is an act relating to intoxicating liquors, S. D. 309.

Mr. BRAGDON of Perham: Mr. Speaker, I would yield to the gentleman from Auburn, Mr. Sturgis.

Mr. STURGIS of Auburn: Mr. Speaker and members of the House: I have taken this up with several people, including the prohibition agent of the State of Maine, and it is not far-reaching enough; and I move its indefinite postponement.

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

The SPEAKER: The next matter tabled temporarily was the 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.

On motion by Mr. Nichols of Portland, this resolve was re-tabled and especially assigned for this afternoon.

Orders of the Day

The SPEAKER: The House now reaches Orders of the Day and there is tabled and especially assigned for today bill an act to incorporate the Winding Ledges Power Company, H. P. 710, H. D. 154, tabled by Mr. Cakes of Portland, April 8, the pending question being the motion of the gentleman from Sedgwick, Mr. Sargent, that the bill and amendment be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mr. Oakes.

Mr. OAKES of Portland: Mr. Speaker, in view of matters occurring since we adjourned last night—this was tabled late yesterday afternoon—it has been impossible to prepare the amendment. Therefore, I would ask the indulgence of the House to re-table the matter until this afternoon.

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

The SPEAKER: The House now reaches the matters that were to have been taken from the table in

order yesterday but were not reached; and, if convenient to the House, it might be well to proceed in the same order as we were proceeding. The first matter is bill an act relating to a tax upon gasoline, H. P. 1288, tabled by Mr. Hamilton of Caribou, April 4, pending first reading.

Mr. HAMILTON of Caribou: Mr. Speaker, I move that that be re-tabled until we take up the next matter.

The motion prevailed.

The SPEAKER: The next matter is bill an act to provide for an issue of State highway and bridge bonds, S. P. 520, S. D. 198, tabled by Mr. Littlefield of Kennebunk, April 4, pending assignment for third reading.

On motion by Mr. Littlefield of Kennebunk, the bill had its third reading and was passed to be engrossed.

On motion by Mr. Hamilton of Caribou, it was voted to take from the table House Paper 1288, bill an act relating to a tax upon gasoline.

Mr. HAMILTON: Mr. Speaker, I move that this bill be indefinitely postponed inasmuch as it is covered by other legislation.

A viva voce vote being taken, the motion prevailed and the bill was indefinitely postponed.

The SPEAKER: The Chair presents majority and minority reports of the committee on Judiciary on bill an act to create a State Athletic Commission, tabled by Mr. Hale of Portland, April 4, pending the acceptance of either report.

Mr. HALE of Portland: I yield to the gentleman from Caribou, Mr. Hamilton.

Mr. HAMILTON of Caribou: Mr. Speaker, this matter was thoroughly discussed in our committee, and I was one who signed the minority report, ought not to pass. Now that we have passed one matter in regard to athletics, amateur athletics, it seems about all that this House could stand. Therefore, if in order, I move that we refer this to the next Legislature. Personally, I think we have passed enough.

Mr. NICHOLS of Portland: Mr. Speaker, I think the proper motion would be to accept the minority report. The majority and minority reports are before us.

The SPEAKER: The motion to refer to the next Legislature would be in order.

Mr. NICHOLS: I second the motion of the gentleman from Caribou, (Mr. Hamilton) to refer it to the next Legislature.

A viva voce vote being taken, the motion prevailed to refer this matter to the next Legislature.

The SPEAKER: The Chair presents resolve amending the Constitution of Maine relating to bonds, S. P. 650, S. D. 314, tabled by Mr. Wing of Auburn, April 6, pending assignment for second reading.

Mr. WING of Auburn: Mr. Speaker, I do not think the chairman of the committee on Ways and Bridges was in his seat yesterday when this matter would have been in order to come off under the rules. He asked me if I would again put it on the table until some other matters were adjusted before his committee. Therefore, I move that the matter be tabled again assuring the House that it will be taken care of as soon as may be.

The SPEAKER: The Chair presents bill an act relating to provision for upkeep, equipment and extensions for normal schools and Madawaska Training School, H. P. 677, H. D. 160, tabled by Mr. Pierce of Sanford, April 6, pending passage to be enacted.

Mr. PIERCE of Sanford: Mr. Speaker, I move the indefinite postponement of this bill as it was taken care of in other legislation which has practically gone through the Legislature at this time.

A viva voce vote being taken, the motion prevailed and the bill was indefinitely postponed.

The SPEAKER: The Chair presents resolve in favor of the Maine School for Feeble Minded for additions, S. P. 470, S. D. 180, tabled by Mr. Foster of Ellsworth, April 7, pending third reading.

In the absence of Mr. Foster from his seat, the matter was re-tabled.

The SPEAKER: The Chair presents bill an act relating to a tax upon gasoline, H. P. 1287, H. D. 520, tabled by Mr. Littlefield of Kennebunk, April 7, pending third reading.

Mr. LITTLEFIELD of Kenne-

bunk: Mr. Speaker, I will yield to the gentleman from Readfield, Mr. Harriman.

Mr. HARRIMAN of Readfield: Mr. Speaker, before the meeting last night there was quite a sentiment here for a straight two-cent gas tax. It has been talked over among quite a number here in the House and I have an amendment to offer. I was not at the meeting last evening, but I understand the sentiment has changed; so I do not know whether the sentiment will be for a two-cent gas tax without exemptions or not. Perhaps, under the circumstances, it would be better for me to offer my amendment and let the House decide whether it wants the two-cent straight gas tax or the three cent. I present this amendment and move its adoption.

House Amendment A to House Document 520

Amend said act by striking out all after the enacting clause and inserting in lieu thereof the following:

"Section one of Chapter 224 of the Public Laws of 1923 is hereby amended by striking out the word "one" in the second line thereof, and inserting in place thereof the word "two" so that said section as amended shall read as follows:"

The SPEAKER: Perhaps it is not necessary for the Chair to read the entire matter, the change in the section being from one to two cents. The effect of the amendment is only to change from one cent to two cents in the bill of 1923; and the gentleman moves that further reading of the amendment be dispensed with.

The motion prevailed.

The SPEAKER: The motion before the House is on the acceptance of the amendment offered.

Mr. TOWLE of Winthrop: Mr. Speaker, referring to this amendment, while I am not particular myself whether the gas tax is three cents or two cents, the whole road program is based upon this gas tax bill of three cents; and I hope for that reason that the amendment will not be adopted.

Mr. WING of Auburn: Mr. Speaker, I have heard a great deal of talk about this road program. I do not know what it is. I have not heard it presented to this House on this floor by any member of the committee on Ways and Bridges. I depend on the various committees for my information and my judg-

ment, and I should like to hear some member of the committee on Ways and Bridges stand here and tell us for the purposes of the record just what the program is so that we may proceed with some intelligence. (Applause).

Mr. WINN of Lisbon: Mr. Speaker, I heartily agree with the gentleman from Auburn (Mr. Wing). I will say that I believe that this is an important matter to the taxpayers of the State of Maine, and I certainly agree that this proposition should come before the House and be discussed; where what we shall say may go on record and to my mind this is the only business way of proceeding. That is why I stayed away from the meeting last night.

Mr. TOWLE of Winthrop: Mr. Speaker, in answer to the gentleman from Auburn, (Mr. Wing) I might call his attention to the fact that the road program is, or was yesterday, on everybody's desk; and at the informal gathering last night it was thoroughly discussed. This discussion was heard by a good many who are here this morning.

Mr. PEASLEE of Bath: Mr. Speaker, personally I prefer the two-cent tax and I came here with the idea of fighting for that; but listening to the informal discussion last evening and knowing that the committee on Ways and Bridges have made up their plan on the basis of three cents, I wonder whether we had not better hear from them; and I most heartily endorse the idea of the gentleman from Auburn, Mr. Wing, that someone ought to explain to us this matter, and that if in order, one of them may be sent for. I think they are at present in their committee room.

Mr. KITCHEN of Presque Isle: Mr. Speaker, although I am not the Chairman of the Ways and Bridges committee, and although I am not much of a public speaker, I know something of this program and something of the work that the committee has done.

In the first place, I want to state to you very frankly that I came here to this Legislature with the thought firmly fixed in my mind that I would support a two-cent gas tax, and try if we possibly could, a pay-as-you-go program.

At the first or second meeting of the committee, we spent the entire

afternoon trying to find out the road program. We considered it from every possible angle, looking at the highways of the State from every angle; and the more we figured the more the committee was convinced that it would not be feasible at this time to try and get along with a pay-as-you-go program. There are so many things in connection with the highways of the State that should receive consideration, they thought it would be better to have another issue of bonds and a three cent tax on gasoline.

In going over this matter there was one proposition that the committee felt had not been receiving proper support here in Augusta, and that was the matter of the State-aid program; and I want to say to you that the committee was strong unanimous in the belief that something should be done whereby more money should be provided for State-aid highways.

We have, as you all know, under the provisions of the law several different acts in relation to State-aid highways. We have a straight state-aid highway, whereby the towns shall appropriate their maximum amount, and the State matches it. We also have what is termed the five-times act whereby the towns appropriate five times their maximum amount under the straight state-aid act and the state matches it plus 25 per cent. We also have the three-town act whereby the towns appropriate their regular amount plus 100% bonus given by the State.

Going over those matters, we found there had not been money enough appropriated during the last few years to take care of all those different propositions. I think it was arranged two years ago here that the straight state-aid proposition should receive first consideration, and, if there was anything left after that, the others would receive something. Going over this matter, the committee thought that if an extra cent tax on gasoline should be added to the State-aid fund, it would take care of the situation very nicely and in that way would benefit every section of the rural communities, whereby they would receive more money from the State, thus benefitting the back town roads. The committee thought this was very necessary and that the

proposition, if adopted, would be of great benefit to the entire State.

I do not suppose there is any need of going into the matter of the third-class proposition. You are all familiar with that and with the way the money is appropriated by the State. This fund is procured, as I understand, by a \$400,000 mill tax, plus one-half cent gasoline tax, which gives a fund of \$650,000. That is divided and distributed throughout the State in the various towns according to the mileage of the third-class roads, provided the towns themselves raise an amount equal to four mills on the valuation of the town. In other words, we will suppose a town of \$1,000,000 valuation. That town would necessarily have to raise \$16,000 for its highways to enable it to qualify under the provisions of the third-class act. I think a great many of the towns, in fact nearly all of them throughout the State, came into this arrangement. I think it figured about \$33. a mile for third-class highways for the entire State.

In going over this matter another problem confronted the committee, and that was the matter of reconstruction. There have been a great many miles of trunk lines throughout the State and it was found that quite a number of those highways were wearing out very fast and there is no provision made to take care of them. I think it is an acknowledged fact that bond money cannot be used for reconstruction but that it must be used for new construction of trunk lines and bridges; so it was the sentiment and the idea of the committee that if an additional cent tax on gasoline could be made available for reconstruction, we would thereby have a program which would work out to the benefit of the entire State. We would have money for new construction—that is I mean to say providing the bond issue is authorized—we would have money for new construction or bridges, for an increase in all features of the State-aid law and a fund available for reconstruction. I think if you were to drive over the road from Lewiston to Winthrop, from Waterville to Bangor or from Portland to Kittery, you would be convinced of the fact that there is need of a fund for reconstruction; and my idea was, while I live in the furthest county north, that if a fund of this kind were made available, I would start

in at Kittery bridge where there is a deplorable situation. People coming into the State over the Kittery bridge, and coming off the Massachusetts and New Hampshire highways, come off that bridge into a slough hole. I think the best thing the State could do would be to establish a fund for reconstruction. Of course it will have to be left to the discretion of the State Highway Commission as to where it would commence this work; but I think they would use their good judgment in deciding where it should be expended.

We can do nothing better than to develop the highways of this State about which we have heard a great deal of talk. I think I have outlined this proposition as it has appealed to me. I had not really intended to say very much on it myself and I did not feel that I was able to do so; but this is the situation as I see it, and I believe this program as outlined by the committee on Ways and Bridges is a good program and one that will favor every section of the State. (Applause).

Mr. WING of Auburn: Mr. Speaker, there is one point I would like to have cleared up. I should like to know the difference in the revenues of the State between a gas tax such as the gentleman from Readfield (Mr. Harriman) offered, and a tax of three cents with exemptions. I should like to know how the two balance with reference to the revenue which the State derives.

The SPEAKER: The gentleman may reply through the Chair.

Mr. KITCHEN: I will say that it is admitted that there is a difference of practically \$500,000. That is the fund we have figured on for reconstruction.

Mr. WING: Mr. Speaker, in other words, the three-cent tax with exemptions will produce \$300,000 more than two cents without exemptions?

Mr. KITCHEN: Five hundred thousand dollars as I understand it. They have figured, I believe, that they have received during the last calendar year something over \$500,000 with the present one cent tax, and they figure that the increased sales of gasoline will amount to enough to take care of the exemptions, so that we would have on a three-cent gas tax with exemptions \$1,500,000 of money. Does that answer the question?

Mr. WING: Yes sir.

The SPEAKER: The question before the House is the motion of the gentleman from Readfield, Mr. Harriman—

Mr. HARRIMAN of Readfield: Mr. Speaker, answering further the question of Representative Wing of Auburn as to what the difference in income would be, I do not think anybody knows just what it would be. The estimate of income last year was practically as the gentleman said, \$500,000, but it only cost, if I remember right, \$230, to collect that \$500,000 without exemptions. When it comes to granting exemptions, it is going to make considerable more red tape and nobody knows what it will cost to collect. I notice on this road program alluded to that was put on everybody's desk yesterday that they have allowed for expenditures for maintenance of state and state-aid roads \$1,780,000. Have also allowed \$500,000 for reconstruction. It would be my idea to include those two divisions under the same article and strike out that one cent gas tax, because in the maintenance of the state and state-aid roads and reconstruction it seems to me that for \$1,780,000 there should be considerable work done.

It seems to me, too, that the greatest demand for exemptions has been for use in motor boats along the coast, and where the agricultural people, the farmers, use tractors to a very large extent, their request for exemption has been comparatively small—almost nothing—and it seems to me that if the agricultural people are willing to use their gas in their tractors and not ask exemptions, the owners of motor boats should be equally willing to do so.

Personally I was against, in the first place, any bond issue and against any substantial increase in the gas tax without exemption; and under the circumstances, as long as the bond issue has practically passed, it seems to me that a two cent gas tax without exemptions will satisfy more people in the State of Maine than a three cent gas tax with exemptions. I do not believe that the increased revenue will amount to \$500,000 by any means, because it is going to cost considerable to carry these exemptions into effect.

Mr. MORSE of Oakland: Mr. Speaker, I would like to ask the

gentleman from Readfield (Mr. Harriman) if the grangers in this section of the State are not in favor of a three cent gas tax.

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

Mr. HARRIMAN: Mr. Speaker, I do not know as I can answer that question satisfactorily to him, for this reason: The State Grange at its annual session went on record as favoring a substantial increase in gas tax without mentioning any amount and strictly on a pay-as-you-go policy. Now that has been interpreted differently by different granges; but my observation around the corridors of the State House lately have been that the agricultural people now are more in favor of a straight two cent gas tax without any exemptions.

Mr. WING of Auburn: Mr. Speaker, the attitude of the grange has been explained here. I should like now to ask the gentleman from Oakland (Mr. Morse) if he can reflect the attitude of the Associated Industries?

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I think I must be a little thick. Two years ago we had a gas tax of one cent per gallon. It yielded to the State \$500,000. Now they are asking for a gross tax of three cents per gallon and claim it will yield \$1,500,000. Mr. Speaker, I cannot see how, if you take exemptions from the three cent tax, you will get as much money as you got with the one cent straight tax. If any one can answer that question, I would like to have them do it, but I cannot for the life of me see how it can be done.

As I understand it, or as I did understand it in the first place if we had a three-cent gas tax we would have a two-cent exemption; but Mr. Hamilton of Caribou last Saturday said that someone had changed their mind and wanted a three cent exemption. Why do we give a cent exemption on the first cent on the gasoline when everybody paid it two years ago and said nothing? As I understand it, even the fishermen have not asked for that cent but it was simply Mr. Caribou (Laughter). I think it is better for everybody if we have a three-cent gas tax, which I will vote for, with a two cent exemption; but I will not vote for it with a three cent exemption because I do not think it will yield the rev-

enue which you think it will. In other words, I believe that a two cent straight tax will yield as much revenue to this State as a three cent tax with a three cent exemption. I think that is something that we should think over.

I notice on my desk here this morning a program that has been carried out, but I do not know as this has anything to do with this matter. If not, the Speaker will call me to order. We have just voted a bond issue. Now as I understand Mr. Kitchen, the bond issue is simply for new construction. Now, Mr. Speaker, I notice by this paper laid here on the desk that of that bond issue Androscoggin county was entitled to 10.7% and they received 6.59%; Aroostook county should have received 6.33% and did receive 9.66%. Now they tell us that Aroostook county has not got any State roads. If not, what have they done with that money? I would like to know that. Cumberland county was entitled to 25.31% of the money and only received 19.49%. Franklin county was entitled to 2.33% and received 3%. Hancock was entitled to 3.92% and received 2.60%. Kennebec was entitled to 8.5% and received 10.75%. Knox was entitled to 2.97% and received 1.7%. Lincoln was entitled to 1.72% and received 1.98%. Oxford was entitled to 4.26% and received 4.70%. Penobscot was entitled to 11.14% and received 13.32%. Piscataquis was entitled to 2% and received 2.35%. Sagadahoc was entitled to 2.33% and received 4.50%. Somerset was entitled to 4.41% and received 8.8%. Waldo was entitled to 1.96% and received 4.9%. Washington was entitled to 3.10% and received 5.35%. York was entitled to 10% and received 2.41%.

You heard these speakers last night say that the lower end of the State has received nothing. You will all have to admit that there are five cars go over York county roads to one over any other road in the State. We have just agreed that we would have a bond issue of \$3,000,000. Now, as I understand it from Mr. Kitchen, that money must go to the eastern part of the State. Now, gentlemen, what shall we do with the York county road from Portland to Portsmouth? I think some of the Highway Commission members took a ride from here to Bos-

ton a week ago last Saturday and they all agree that that piece of road should be fixed. Now I suppose after we vote for a three cent gas tax, which they say that one was, and they have told us what to do, York county will probably take what there is left of the third cent after the exemptions to the gas tax are deducted. (Laughter) I have no doubt of it. And that is what we have taken for the last ten years.

Now, members of the House, I certainly am in favor of anything to benefit our roads and I do not care what it is; but let us go at it fairly and see where we can put the roads to benefit the most people and benefit the State of Maine. (Applause).

Mr. KITCHEN of Presque Isle: Mr. Speaker, I realize the situation thoroughly and I appreciate the attitude of the gentleman from Kennebec, Mr. Littlefield. It is indeed a most deplorable situation. While I am in no way responsible for the amount of money that was expended in Aroostook county, I do feel that we have had a fair percentage, and for that reason I am urging a continuation of the road program so that other parts of the State may be taken care of. Referring to York county and it being the gateway of the State, they started in to build that highway, I think, before the advent of the State Highway Commission. If I remember correctly there were a few miles built down there of concrete road a number of years ago eight feet wide. That was the best they knew of at that time. I do not know how it was financed, but I think some money from the state and the rest made up by the cities and towns. The thought of the committee in connection with this three cent tax was that the reconstruction of that road in that section must be taken care of because of the fact stated to us by the Highway Commission that the money could not be used for reconstruction; and as the York county road had been built a number of years ago, and accepted by the Highway Commission, they felt they could not take the money to reconstruct that road.

Replying to the gentleman's statement in regard to the extra cent gasoline and to the exemptions, I will say, as I stated before, that the amount received last year from the

one cent tax was around \$500,000, and it is figured that with the increased sale in gasoline, there is no question in the minds of those who are in close touch with the situation but what the three cent tax with exemptions will yield in revenue a million and a half.

Mr. GREENLEAF of Auburn: Mr. Speaker, I would like to say that in the talk we had last night comparison was made between our State and the state of Oregon in regard to this three cent tax with exemptions; that is, the State of Oregon was mentioned as being an example of what we possibly might expect in the administration of this three cents with exemptions. But in the State of Oregon two and one-half million dollars were collected by such a tax with a total expense of \$108,000, including exemptions. Seventy-five hundred dollars was the amount required to administer this tax and \$100,500 was paid back under the exemptions.

Mr. BOMAN of Vinalhaven: Mr. Speaker, there have been allusions made to the fishermen. I do not think that the fishermen object in any way to a bond issue. They want to see good roads throughout the State of Maine. I know the fishermen in our section do. I represent almost wholly a fishing locality. As I have said to the House before the island of Vinalhaven is 14 miles from the mainland; Matinicus is twenty miles from Rockland and Criehaven and Isle au Haut. The automobile owners on the island have no objection to paying a three cent gas tax. On Matinicus and Criehaven they have no automobiles, they have no roads, they raise no money for roads. Their principal occupation is fishing for which they have to use gasoline every day that they fish. Naturally they object to any gasoline tax without some exemptions, and I think they are justified in asking for exemptions. A fisherman owns his property in the place. The man who works in the quarry lives right along side of his property. A clerk in the store making good wages, or a merchant, may live in another house. Neither of them own automobiles. A man who goes fishing, if he burns 1500 gallons, or whatever he burns,—some fishermen burn from 1500 to 2000 gallons of gas a year,—Just because he is obliged to use gasoline

as a fuel to earn his living, fishing twelve months in the year, he is obliged, if there are no exemptions, to contribute this tax the whole year toward the roads; and in my locality I do not believe two percent of the fishermen step their feet on a piece of trunk line or State road from one year's end to another.

Mr. JOHNSON of Brownville: Mr. Speaker, in a large body of men there is a large number of opinions. It is a great deal harder for 150 men to agree than for twenty to agree. This committee, composed of twenty intelligent men, has put in a good deal of study on this road program and they have got it as nearly correct, in my opinion, as it is possible to get it. We might talk here until doomsday and we could never all agree. I hope that this House will agree to take the word and judgment of those twenty men that we picked out to handle these matters. We cannot do better. (Applause).

Mr. BOODY of Windham: Mr. Speaker, if any of these members were present last evening they must have come to the conclusion that the State of Maine is in a very delicate condition in regard to its future program as to highways. We are standing on the pinnacle and everything stops or everything goes according to that program. There is no way of escape that I can possibly discover from following that program. Therefore I will ask, Mr. Speaker, if it is within the province of the House to have the Chairman of the Ways and Bridges committee appear before us and lay out that program so that we may thoroughly understand it and get in touch with it?

Mr. WINN of Lisbon: Mr. Speaker, I will say that I have the utmost respect for the gentlemen who have devoted a great deal of time working on this road program, and I do not doubt but what possibly they are right in their judgment; but it seems to me that there is another proposition they have not talked over, though they probably have. As I understand it, this bond issue must go to the people; and if what I have heard from various representatives is true, the people throughout the State of Maine have had a great deal said to them in regard to the pay-as-you-go proposition and

they have got the idea still in their minds that that is desirable.

It now looks to me as though this Legislature, if it wants a bond issue, is endangering the prospects of that bond issue by permitting at this time a gas tax of three cents with exemptions.

One of the greatest problems we are confronted with today in this State, to my mind, is a piece of Legislation that was passed some years ago when they went into the proposition of tax exemptions on some of the property in the State of Maine; and now we are venturing on this gas proposition into a deeper proposition when we increase the tax rate and put an exemption clause in there. It will work out to my mind entirely different than any man can foresee at the present time with all the strong minds that we have had at work upon this proposition. To my mind, when we come back here next session we will find that a great many people will take advantage of that tax exemption. I am for a two cent tax without exemptions. (Applause).

Mr. HAMILTON of Caribou: Mr. Speaker, I want to say one thing in regard to the difference between reconstruction and construction in answer to my friend from Kennebunk (Mr. Littlefield). Now when you say there is a difference, I claim that it is all bunk and it is entirely from Kennebunk (Laughter). There is no need of having that separated at all because construction work can go on and reconstruction work can go on out of the same fund.

There has been some reference to Aroostook county getting a little more of this money. I am glad of it; only I hope my friend from Presque Isle (Mr. Kitchen) will not cease his interest in Aroostook county. The larger part of Aroostook county is north of Presque Isle, and I hope his program will keep on going north.

Just one minute with regard to this committee! I want to express my appreciation of their work to this Legislature. They have spent three months on \$100,000 for two years—no for one year—\$200,000 for two years on resolves put in on which they had to spend their time, and it is unwise and unjust to expect them to have only a week or so to spend on the program that involves \$18,000,000, in two years. This

is unjust and unfair, and our criticism should be in their favor and not against them. (Applause).

Now in regard to exemptions, I am not going to talk very long. (Applause). Many people thought at first that we should have no exemptions, and then the fishermen came to us and they gave us a reason that was convincing why we should have exemptions. Those people are having highways that do not wear out. Then the question came up in regard to the amount of the exemptions, and I claim, and my mind is still fixed, that in justice to them at least two cents would be sufficient out of the three because of adopting, as we have this morning, a distribution program which calls for one cent and one-half of your gas tax for state-aid and third-class roads. That means that those towns where those fishermen are located will receive a large amount of money which will almost be enough to carry on their road program, and even the towns or fishermen should at least contribute something to that tax. That is the reason why I had in mind that a two cent exemption would be better than three and a fairer proposition. (Applause).

Mr. BOODY of Windham: Mr. Speaker, that is a very delicate point in this matter that will have to be attended to. Under the program laid out, with the bond issue, there will be no available funds for any construction during 1925 until the first day of October; and it must be very clear to you that that will be too late for any operation to be going on this year.

Now there are two or three necessary things to do, and I am very much obliged to Mr. Hamilton for bringing it out in the discussion. It is this, that there have been \$342,500 in bonds that have been paid that can be reissued, as they claim, and that it will be necessary to re-issue in order to get the aid from the National government. It will be necessary to pass a three cent tax with exemptions, and also to put on an emergency, in order to get the \$700,000 that will come to Maine this year, or you will lose it before the first day of July. I said that we were in a very delicate condition and that is why I wish we might have more varied information in regard to their program which it is absolutely necessary for the State of

Maine to have or you will cease operations this year.

Mr. Speaker, there should be some method, and I think this should lie on the table until this afternoon in order that we may get this information and be fully informed of the condition in which we are placed.

Mr. KITCHEN of Presque Isle: Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER: The gentleman may address the House for the third time as the House appears to be willing.

Mr. KITCHEN: Mr. Speaker, replying to the gentleman from Windham, Mr. Boody, I will say I understand this program, but I am not able to explain it so you will understand and I do not believe there is a man in the State of Maine who could explain this program so that everyone could understand on the instant. I have spent three months on this program, and what little I have picked up I have gained from day to day; and it seems to me utterly impossible for every man to understand every phase of this on the moment.

In regard to your three cent tax with exemptions. We find that during the last calendar year there were \$560,000 paid in on a one cent gas tax, and during the next few years there will be an increased amount of gasoline sales and the committee has felt that the three cent gas tax with the increased amount of gas sold will take care of that difference; so there is a possibility of a million and a half dollars being collected under the three cent tax with exemptions.

In regard to a two cent tax, if you adopt that without exemptions you are going to cripple your state-aid program and you are going to handicap the program in regard to reconstruction.

Mr. FOSTER of Ellsworth: Mr. Speaker, it seems to me that the amount of study and careful thought on this question, as Mr. Johnson suggests, of twenty men, endorsed by the Highway Commission and also by the Governor and Council, is worthy of being tried out at least two years. My county has suffered as much as any other county in the State by the percentage basis. However, I have a great deal of confidence in the Highway Commission and I am willing to take my chances

with them. I hope this program will go through as laid out.

Mr. STURGIS of Auburn: Mr. Speaker, I believe the farmers of this State will stand behind a tax of two cents without exemptions.

The SPEAKER: The motion is that of the gentleman from Readfield, Mr. Harriman, that House Amendment A to H. D. 520 be adopted. House Document 520 appears to provide for a three cent gas tax with exemptions. The effect of the adoption of the amendment would be to replace that tax by a tax of two cents without exemptions. Is the House ready for the question?

The question being called for,

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

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

Report of Committees

Mr. Dunbar from the Committee on Ways and Bridges on Bill "An Act to provide for an issue of State Highway and Bridge Bonds" (H. P. No. 1086) (H. Doc. No. 323) reported same in a new draft (H. P. No. 1302) under same title and that it "ought to pass."

Was taken up out of order under suspension of the rules. Report accepted, and the new draft ordered printed under the Joint Rules.

Passed to be Enacted

An Act relating to the Organization of the Lewiston Police Commission, and to the Salaries of the Chief of Police, Captains and Inspectors of the Police Department.

Orders of the Day

The Chair presents Report of Committee on Legal Affairs, ought not to pass, on bill, an act to provide a new charter for the city of Lewiston, H. P. 697, H. D. 162, tabled by Mr. Holmes of Lewiston on April 7th, pending acceptance.

Mr. HOLMES of Lewiston: Mr. Speaker, it is my opinion that time will be gained by re-tabling this matter as the outcome of this will depend, in my opinion, on the result of the outcome of a matter further down on the calendar, and I therefore move to lay this matter on the table.

The motion to table prevailed.

The Chair presents majority report of Committee on Legal Affairs, reporting new draft, H. P. 1296, on bill an act providing for Jeweler's Lien, H. P. 63, H. D. 18, and minority report, reporting new draft, H. P. 1297, on same bill, tabled by Mr. Atwood of Portland on April 7th, pending acceptance of either report.

Mr. ATWOOD of Portland: Mr. Speaker, this matter is now before us in two new drafts, and the House will probably accept one of them. The majority report, signed by eight members of the Committee on Legal Affairs, is ought to pass in new draft, being an act relating to the enforcement of liens on watches, clocks and jewelry, for labor and materials furnished in making and repairing same. This is an amendment to the section of the existing statute, and I will refer briefly to that statute that we may see just what it is. I refer to chapter 295 of the public laws of 1917, which provides as follows: "An Act for the enforcement of liens on watches, clocks and jewelry for labor and materials furnished in making and repairing same." Section 1 provides that jewelers "engaged in the making, altering or repairing of any watch, clock or jewelry or expending any labor or materials thereon, shall have a lien upon such watch, clock or jewelry for his reasonable compensation for said labor and materials." That section is not changed in this new draft.

Section 2, however, provides for the method of the enforcement of the lien, and this is the only section of the existing law which is changed by this new draft, which represents the majority report of the Committee on Legal Affairs.

Section 3 provides, however, the disposition of the residue after the claims of the Lienor are paid, and that Section 3 is not changed.

But to return to Section 2. Under the provisions of the existing law, "the lien holder shall retain such watch, clock or jewelry for a period of one year, at the expiration of which time, if such lien is not satisfied, he may sell such watch, clock or jewelry at public auction." The only change in the existing law is to change "public auction" to "public or private sale." This allows the jeweler to sell at private sale rather than by the cumbersome and expensive method of auction, and this

change is an advantage, not only to the jewelers but also to the customers whose jewelry might be then disposed of, because it is a much less expensive method and the residue which could be returned to the customer will be much larger, or the possibility exists that it would be much larger, under the statutes, if amended by this new draft.

The hearing before the Committee on this matter was well attended, and it was demonstrated to the satisfaction of the entire Committee that some relief was necessary, because there is no report of "ought not to pass." All reports are for some form of relief. And, it was demonstrated to the satisfaction of eight members of the Committee that this draft is the proper relief. I might mention that two years ago there was introduced into this Legislature a jeweler's lien bill, the provisions of which were identical, or, rather, the result to be aimed at was identical, although the provisions were worded a little differently insofar as the bill created, in form, a brand new lien and was not an amendment to the existing jeweler's lien which we have. That bill was heard by the Legal Affairs Committee of two years ago, was reported unanimously "ought to pass," passed both bodies, and finally was vetoed by the Governor, but solely on the ground that he objected to any extension of the statutory lien laws. And I maintain that this is not an extension of the lien laws in any way, but merely amends an existing lien by giving it a reliable remedy, wherein the remedy now on the books is of no value and of no use to the jewelers.

Just a word as to the new draft which is supported by the minority report which was signed by two members of the Committee on Legal Affairs. I will read just a little of it: It is entitled "An Act providing for an additional method of enforcing liens on personal property in possession," and Section 1 starts in "A lienor in possession of personal property not exceeding ten dollars in value, under a common law or statute lien, after the expiration of one year from the time such lien has attached" and so on. It provides and gives a statutory remedy to all common law lienors, or statutory lienors, a remedy which applies only to articles which do not exceed

in value the amount of ten dollars.

I have two objections to this proposed law. The first objection is that the limitation to the valuation of ten dollars so limits the application of the law that it will not afford the jewelers the relief to which they are entitled, and they demonstrated to the Committee's satisfaction that they were entitled to relief. The second objection is that I question the propriety of the Committee receiving an act purporting to relate solely to jewelers' liens, striking out all but the enacting clause and reporting a brand new proposition covering a much extended subject matter, covering liens for all artisans—cobblers, dressmakers, and all other artisans, when there was no demand for any such legislation and when no one appeared or had any idea that any such legislation might be passed.

I hope, Mr. Speaker and members, that my motion to accept the majority report "ought to pass in new draft" will be sustained.

Mr. SEIDEL of Biddeford: Mr. Speaker and members of the House: I am pleased to note that the gentleman from Portland (Mr. Atwood) questions the propriety of the action of the minority signers in this measure. Before the Legal Affairs Committee the only objection that I heard to the minority report was the illegality. It was not a question of propriety—at least I did not hear it.

Now, I will submit to this House, wherein lies the impropriety? Is it on the part of the proponents, the jewelers, to ask this Legislature to enact special legislation making an artificial classification, where no natural classification exists and which in this case, perhaps, might not be unconstitutional but in a case where it would impose any liability upon other craftsmen not laid upon the jewelers would be decreed unlawful and unconstitutional? I submit, that the question of impropriety is in one class of craftsmen appearing before us and asking unlimited authority to dispose of the public property without process of law, and in most cases without notice. When I say without notice, I mean without actual notice. Here is the requirement for notice in the report: "Said notice shall be given by mailing to the address of the lienee by registered mail, if known;

if unknown, such notice may be given by posting in two public and conspicuous places in the city or town where such property is held." This is from House Document 526. Now in House Document 525 it says "Such notice may be given by mailing the same addressed to the owner's place of residence if known, or if the owner's place of residence is unknown, a copy of such notice may be posted in two public places in the town, village or city where the property is held."

Now, the jewelers appeared before the Committee and said that they were annoyed by having various articles of very small value—they stressed the smallness of the value—left with them and that rarely the articles exceeded two or three dollars, occasionally five dollars, and hardly ever would they be ten dollars. They said that the parties would often leave town and while they could hold these articles, they could not dispose of them without it costing the jeweler more for the legal processes than the article would warrant, and they wanted redress from that evil; and the entire Committee thought it would be well to remedy that evil.

The minority report signers—we are small in numbers but we want to submit the logic and the reason to the House—taking them at their word that the value was seldom, if ever, over five dollars and hardly ever reached the price of ten dollars, having in mind what a revolutionary process this is, the taking of one man's property and giving the title to another without notice, limited the value of the article to ten dollars. When the value is over ten dollars, they already have three different legal processes that they may go through whereby the property may be taken into court, legally condemned and sold by an officer.

We contend that if we gave them a remedy that was sufficient to include everything that the evidence showed they were entitled to, they should be contented. They gave no reason for not being contented with this except that the limitation to ten dollars was unnecessary because they never had articles over ten dollars.

Now, what is the reason why it should not extend to over ten dollars? I have always understood that the test of the limitation of a statute would not be what is ordinarily

done under the statute, but what an unscrupulous man might do under the statute should he be so disposed. Applied to this, a man takes an article of jewelry—a watch or a clock—to a jeweler. It might be expensive, it might be worth a hundred, or two hundred, or five hundred dollars. Under the majority report an unscrupulous man, after a year, can practically confiscate it without notice. You say it could not be done? Look at the advertisements of Savings Banks; see the many deposits left unclaimed for years, some of them aggregating hundreds of dollars. Now, if there is a possibility, there is a fair probability of it being done. So, we contend that the minority report gives the jewelers all that the evidence shows they are entitled to. It does them no hardship and it protects the rights of the public who were not up before the Committee.

Now, a second reason: This statute, which the gentleman from Portland (Mr. Atwood) read, speaks of enforcement of liens on watches, clocks and jewelry. The minority claim that the limitation there is too narrow, that if a person has a right to this remedy on a watch, clock or other jewelry, he also has it on other articles of personal property under the same circumstances. The jewelers represented to us that they were honest, hardworking and efficient people, and we do not doubt it, but they do not possess all the intelligence or honesty in the State. There are other craftsmen—the tailors, the dressmakers, the shoemakers, the blacksmiths, and all other kinds of craftsmen, who are entitled to the same remedy that the jewelers have.

Now, another thing that is faulty in this is the confusion which results from the enactment of such legislation for privileged classes, and it is plainly apparent here that this statute of 1917, which the gentleman read and which he now proposes to amend, merely refers to liens on watches, clocks and jewelry, and it is easy to think of any thing that the jewelers repair that would not come under the classification of jewelry. Nearly all jewelers are silversmiths. If a jeweler repairs an article of silverware, this lien, which the majority submit, does not help him at all. The minority report protects him. Nearly all jewelers

deal in optical goods. If a jeweler fixes a pair of glasses, or a field glass, or anything pertaining to optical goods, the majority report does not protect him, but the minority report does protect the jeweler there. If he fixes a fountain pen, or any of the innumerable delicate articles which we take to a jeweler, the minority report protects the jeweler and gives him this method of enforcement provided the article is not more than ten dollars in value. If it is more than ten dollars in value, it limits him to the ordinary processes of law.

Now, to recapitulate, we contend that the majority report is too wide where it should be narrow. It gives the jeweler authority to sell articles of any value, and it covers no one except the jeweler or person working upon a watch, clock or other jewelry. The minority report covers everyone who adds to the value of an article by his skill or material purchased, up to the value of ten dollars; and it gives everyone the same privileges; and if the motion of the gentleman from Portland (Mr. Atwood) to accept the majority report should be defeated, I will move that the House accept the minority report.

Mr. THOMPSON of Rockland: Mr. Speaker and gentlemen, I desire to make reference to a matter that has not been referred to as yet by any speaker in connection with this matter. The amount involved is under ten dollars. There is an existing statute for the enforcement of jewelers' liens, but there is no distinction made as to value. In the case of jewelry of small value, the machinery is so cumbersome and so expensive as to preclude a jeweler, practically, from endeavoring to enforce it, because the processes of the courts are so cumbersome. Now, this is the situation which I understand has not as yet been touched upon. It was brought forcibly to my attention in a matter where a man who was an administrator of a jeweler's estate found about a bushel and a half of Waterbury watches and castiron jewelry, and he did not know what to do with it, and does not know to this day, and he is in a quandary. He still has the watches on hand and does not know how to dispose of them. He has a quantity of watches worth twenty-five dollars which would cost the

estate over two hundred dollars to get through the legal machinery.

Now, it happened that I was one of the Commissioners in solvency, and in listening to the claims brought this estate, among them were claims for watches which had been held for some years as of small value and had suddenly become of great value. I remember one case in particular where a man whose watch was worth about twenty-five cents made a claim of about twenty-five dollars for the value of a lien which could not be found, and his claim against the estate was for twenty-five dollars. Now, I happen to know that claimant personally; I have known him ever since he was a child; and I don't believe he has an honest drop of blood in his body or ever drew an honest breath. I refer to that to show what an administrator will be up against if he has any of that cheap jewelry.

Now, that is all there is to it, and it is to relieve such a situation as that, I understand that there are others who have had jewelers' estates to administer, and found the same situation.

Now, I do not think it is trespassing very much on the sacred rights of property under such circumstances because it is necessary for the administrator of jeweler to hold this stuff a year; he gives the property owner, under this bill, written notice through the registered mail to his last known address. This is just what is required under the pauper law and liability of towns, the service of just such notice as this.

Now, I submit that anything that is worth ten dollars or less—and probably less—has no particular value, and the rights of property are not very materially invaded, when a man leaves his jewelry in the hands of a jeweler for a year, and the jeweler tries by every method in his power and is unable to collect, and then is put to expense greater than the original value of the article.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Atwood, that the majority report favoring adoption of new draft be accepted. Is the House ready for the question?

A viva voce vote being doubted,
A division of the House was had,

Fifty-three having voted in the affirmative and 17 in the negative, the motion to adopt the majority report prevailed.

Thereupon, under suspension of the rules, the bill had its two several readings; and under further suspension of the rules had its third reading and was passed to be engrossed.

The SPEAKER: The Chair presents majority report of Committee on Indian Affairs "ought to pass" and minority report "ought not to pass" on bill, an act relating to schools in Indian Island in Old Town, S. P. 268, S. D. 104, tabled on April 7th by Mr. Decker of Milo, pending acceptance of either report.

Mr. DECKER of Milo: Mr. Speaker, I move the acceptance of the majority report "ought to pass".

Mr. LAIT of Old Town: Mr. Speaker and members of the House: Having signed the minority report in this matter I would like to go into it very briefly. This bill as drawn up was remonstrated against by a large number of people over twenty-one years of age on Indian Island. Practically two-thirds of the majority voting on that Island, including the Governor and his Council signed this remonstrance against this bill. In the city of Old Town the Superintendent of Schools and the School Board also agreed that it would be unwise to change the supervision of this school at the present time, based on the fact that at the present time this school comes under the control and supervision of the Superintendent of Schools of Old Town and the School Board as far as this, that the School Board and the Superintendent do not have the hiring and paying of the teachers; that is handled by the Indian Agent as agent for the Governor and Council at a saving of practically seven hundred dollars or more to the State each year.

Now, the objection that we have to this bill is that it puts that control into the hands of the School Board of the city of Old Town. We do not want this brought into our local colloquies, which this bill is bound to do, for this reason; that our School Board is elected by the City Council, which, as you all know, is an elected body by the citizens of Old Town. We do not want any matters pertaining to

those teachers getting into our city affairs. Our School Board, under the supervision of the State Department of Education, has direct supervision over this school in this way; the elementary grades on the Indian Reservation are where the Indian pupils attend school and after they have become prepared and ready to enter the higher grade, they are admitted into the Junior High School of the city of Old Town and into the High school, but not until they are prepared to enter. Now, if this motion does not prevail, as I hope it does not, I will move that we concur with the Senate which accepted the minority report of the Committee on this bill.

Mr. LOWELL of Lincoln: Mr. Speaker, is this matter debatable at this time?

The SPEAKER: It is.

Mr. LOWELL: Mr. Speaker, this bill in question is not my bill, so to speak. I did not present it, but in the absence of the gentleman who did present it, and from the fact that I was a member of the Indian Affairs Committee who passed upon this bill, I feel it my duty to defend it, and I feel it my duty to defend it, believing it to have merit and to be worthy of passage.

This bill is Senate Document 104 and its purpose is to amend Section 26 of Chapter 14 of the Revised Statutes relating to schools on Indian Island in Old Town. I am not going to take time to read all of this, but I will read from a certain section. On page 2, line 11 of Senate Document 104: "Said superintending school committee shall employ the teachers, fix their salaries, and select and purchase the text books, limited by such appropriations, regulate the grades and courses of study in strict conformity with those of the public schools, visit said schools, and determine when any scholar of said tribe may properly be admitted or transferred to the public schools of said city or town."

Now, I understand that in the past and up to the present time the pupils of this school have not been allowed to attend our public schools upon the mainland. The Indians are no longer savages but have been given their citizenship and the power of the ballot, and if they have become citizens, why not grant them the privileges which belong to citizens by allowing them to attend our

public schools after such time as they have attained the proper age and not tie them down to the reservation?

In so far as the petitions or remonstrances which the gentleman from Old Town has to offer, I will say that they are easily obtained, many times, under certain conditions, and the conditions and influences controlling the management of this school on Indian Island I do not care to discuss at this time. Perhaps some of you can read between the lines.

I hope the motion of the gentleman from Old Town, (Mr. Lait) will not prevail.

Mr. SPRUCE of Milford: Mr. Speaker, the member from Lincoln (Mr. Lowell) says that he would like to have the Indians attend the schools of Old Town after they have been through the reservation school. That is exactly what they do now, when they have any inclination at all to go to school at that time, as very few of them do have.

Yesterday this House indefinitely postponed a bill very similar to this, dealing with the Passamaquoddy Reservation. If that bill is not wise for the Passamaquoddy Reservation, this one certainly is not for this reservation, and I trust that the motion of the gentleman from Milo, Mr. Decker, will not prevail.

Mr. LAIT of Old Town: Mr. Speaker, I would like to answer the gentleman from Lincoln (Mr. Lowell) in regard to those pupils not being permitted to attend the public schools. The Indian Reservation is just the same as any other section of the city of Old Town—we will say a ward. Now, in dividing up our schools we do not permit a pupil from the lower end of the city to attend school in the upper end of the city when there is a school down there which can take care of them. If we did, any man would have a right to say that he did not want to send his son or daughter to a school in the section where he lived, but preferred to send him to school in some other section. That all comes under the supervision of our school superintendent and school board, and is fair and right and just to all the pupils.

Mr. LOWELL of Lincoln: Mr. Speaker, I realize just how things are mixed up down there. It is sort of a political affair and I do not care very much about discussing it. I

have got quite a feeling for the Indian. I have always worked for him. I have a tender spot in my heart for the noble red man and his posterity, and if the Indians are ever expected to rise above their present life, I believe they should be granted the privileges and environment to enable them to do so. I hope the motion of the gentleman does not prevail, and I ask for a division.

The SPEAKER: The question before the House is the motion of the gentleman from Milo (Mr. Decker) that the majority report be accepted.

Mr. DECKER of Milo: The gentleman from Milford (Mr. Spruce) mentioned the fact that a similar bill relative to the Passamaquoddy Tribe of Indians has been indefinitely postponed. The reason for that was because the subject matter was in another bill very similar to the one now in discussion, and that bill, I believe, has been passed to be engrossed.

Now, seven members of the Committee on Indian Affairs accepted this majority report "ought to pass" after giving this matter a great deal of careful consideration. The gentleman from Old Town (Mr. Lait) speaks of the remonstrance signed by two-thirds of the voters on Indian Island. It was brought out at the hearing that a great many of the Indians who signed this remonstrance did not know the provisions of this bill. In fact, the Governor of the Island told me after the hearing that he favored the passage of this bill and would like to see it go through.

The gentleman also mentioned the fact that the superintending school committee of Old Town was opposed to the passage of this bill. Apparently they are, although they do not say why, yet they have given no good reason as to why this bill should not become a law. All this bill does is to place the supervision of these schools under the superintending school committee, and the hiring of teachers and spending of money where it belongs, taking it out of the hands of an agent. Now, the members of this Committee contend that the superintending school committee is better able to handle matters of this kind than any agent. I hope the motion will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Milo, Mr. Decker, that the majority report

"ought to pass" be accepted. A division has been requested. Is the House ready for the question.

A division of the House being had, Forty-six having voted in the affirmative and 35 in the negative, the motion prevailed.

Thereupon, the bill had its second reading, the rules were suspended and the bill had its third reading and was then passed to be engrossed.

Mr. NICHOLS of Portland: Mr. Speaker, in order to expedite business, may I take from the table the matter which I tabled this morning relating to banking, S. D. 143?

The SPEAKER? That would be in order.

Thereupon, on motion of Mr. Nichols of Portland, the House voted to take from the table an act to amend Section 2 of Chapter 52 of the Revised Statutes, as amended by Chapter 153 of the Public Laws of 1919, relating to the definition of banking, tabled by that gentleman earlier in the morning pending passage to be enacted; and on further motion by the same gentleman, the bill was passed to be enacted.

The SPEAKER: The Chair presents report of the Committee on Judiciary referring to the next Legislature bill, an act in relation to state funds for charity patients in hospitals, H. P. 1072, H. D. 324, tabled on April 7th by Mr. Eustis of Strong, pending acceptance.

Mr. EUSTIS of Strong: Mr. Speaker, it is with some hesitation at this late hour that I approach this subject; but it is a matter to which I have given a good deal of study. I will say that at the conclusion of my remarks I am going to move the acceptance of the committee report that this matter be referred to the next Legislature.

In view of the passage of the Maher bill, so-called, and in view of the fact that this bill proposes a revolutionary change in the method of distributing our hospital fund, I feel that their recommendation is fully justified. I do, however, wish the privilege of presenting certain facts to this body because I think that this is a matter which must be earnestly considered by this Legislature and by future Legislatures; and I hope for your consideration of the facts which I shall present. I

wish to say that on this subject of the method of distributing charity funds to hospitals, both private and public, I appeal to your sense of fairness and to your judgment from a business viewpoint. Under our present system various hospitals have appeared before the Legislature every year and put in resolves for certain sums of money.

This matter is referred to the Committee on Appropriations and Financial Affairs, which allots them a certain sum. The gentlemen of that Committee will assure you, I am sure, that they did not have adequate time to properly study the needs of the various institutions. We do not say that the amount appropriated to the various hospitals is too much; there has been appropriated this year the sum of \$95,050.00. The bill as presented to the Judiciary Committee, called for \$105,000. Therefore, the proponents of this bill do not feel that the amount appropriated is too much. Neither do we criticise the management of the hospitals; they are run by capable and experienced men in whom we have confidence. What we desire is to secure a different, and what we believe to be, a fairer, method of distributing our hospital fund.

We believe that appropriations for hospitals should be on the basis of the amount of charity work to be done, and with due regard for the endowments of those various institutions. The bill under consideration provides for the appropriation of a fixed sum each year to be expended under the direction of the State Board of Charities and Corrections. Our desire is two-fold; first, to provide for a reasonable check-up on the money expended. Without criticising the hospital management it seems that wherein every year we are annually expending over one hundred thousand dollars of the people's money, we should have some reasonable check-up to show that this money is expended for actual charity cases, and not, possibly, for bad bills which might be collected.

Our second object is to secure what we believe would be the most efficient distribution of our charity fund. We feel that our State funds should be expended in proportion to the amount of charity work done,

with due regard for endowments, and not in proportion with the effectiveness of a biennial lobby here in Augusta.

To illustrate, I wish to quote from an article by Mr. Martin, Chairman of the Board of Directors of the Central Maine General Hospital. "We received \$8,000 last year for our charity work and for assistance from the State. St. Marie's received the same. The two hospitals in Lewiston cared for about four thousand patients. Portland General Hospital received fifteen thousand dollars and Bangor received fifteen thousand dollars. Our Central Maine General Hospital had just about the same number of patients as Maine General at Portland, i. e. two thousand. But note the difference. Central Maine at Lewiston received about \$2. per patient; Portland Maine General received \$7.29 per patient; and Bangor, which treated 2600 patients, received about \$5.77 per patient. Further than this (continued Mr. Martin) Bangor and Portland have large endowments. We have a small endowment. The Bangor endowment, from vested funds, is over \$755,000 and Portland's over \$583,000, Central Maine General's only 140,000. Our interest on vested funds per patient is only \$3.80. That of Bangor is over \$14.00, and that of Portland is over \$14.00."

Showing something further of the seeming discrepancies in the present system of allotment, let us consider a few more figures. In the year 1924 Bar Harbor Medical and Surgical Hospital had 832 free patient days—this is the total number of free patient days, not the total number received from the State—and received \$1,946.00 from the State, or \$2.34 per free day. Contrast this, for example, with St. Mary's Hospital, which had 15,297 free days and received \$8,000.00 from the State, or fifty-two cents per free day.

(At this point the Honorable Albert M. Spear, Active Retired Justice of the Supreme Judicial Court, was escorted to a seat at the left of the Speaker amidst the applause of the House.)

Or again, contrast the Webber Hospital, which received \$6.75 per free day, with Rumford Hospital Association, which received thirty-six cents per free day. This is a difference of

\$6.39. Or Gardiner Hospital, receiving \$4.86 for free days, in contrast with Maine General Hospital, which received seventy-nine cents for its free days.

You may feel that this difference is made up by differences in endowment, but that is not true. The Charles A. Dean Hospital received \$2.36 per free day and received an interest from invested funds of \$22.45 per patient. Contrast this with the Bath City Hospital receiving 58 cents per free day and with a return on invested funds of only \$2.40 per patient.

Or again, the Augusta General Hospital with an interest return of \$1.59 per patient and receiving \$1.50 from the State per free day, in contrast to the Bar Harbor Medical and Surgical Hospital which received an interest return of \$9.35 per patient and \$2.34 per free day from the State.

Under the plan of distribution proposed by this bill hospitals would receive money in proportion to the actual amount of charity work done.

Mr. Speaker, I move the acceptance of the report.

Mr. OAKES of Portland: Mr. Speaker I will state that I think there is merit in this bill but I would like to know how it effects the money already assigned to the hospitals.

The SPEAKER: The gentleman may reply if he wishes.

Mr. EUSTIS of Strong: Mr. Speaker, I will say that that is one of the reasons that we do not wish, in one way, to press the matter; because it will be referred to the next Legislature, and we feel that it is worthy of serious consideration.

The SPEAKER: The question is on the motion of the gentleman from Strong, Mr. Eustis, that the report of the Committee be accepted. Is the House ready for the question?

The motion to accept the report prevailed.

Thereupon, on motion by Mr. Eustis, of Strong, the House voted that one thousand copies of the report be ordered printed for the use of the Legislature.

On motion by Mrs. Allen of Hampden, the rules were suspended and smoking by the members permitted for the rest of the session.

The Chair presents report of Committee on Ways and Bridges "ought

not to pass" on resolve in favor of building bridge at Fort Kent, H. P. 462, H. D. 95, tabled on April 7th by Mr. Audibert of Fort Kent, pending acceptance of the report.

Mr. AUDIBERT of Fort Kent: Mr. Speaker, I yield to the gentleman from Caribou, Mr. Hamilton.

Mr. HAMILTON of Caribou: Mr. Speaker and members of the House: I might say that the Aroostook Delegation, at the beginning of this session, recommended that we should ask for nothing in Aroostook, and we have carried out our program to some extent. We had this in view because we expected to vote against a Bath bridge, and we expected to vote against bond issues for highways and bridges. Now, we have reversed our decision along that line and it seems that this bridge, for which I understand \$16,000.00 was appropriated two years ago, it seems to me that that should be carried along in conjunction with the program for highways and bridges. I think I am representing the sentiment of every one of the delegation when I say that we would now like to have this project continued, and in order to bring it properly before the House I move that we substitute the bill for the report, and then I understand that Mr. Audibert has a re-draft, so that the appropriation will be made from the bond money or something to that effect.

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Caribou, Mr. Hamilton, that the resolve, be substituted for the report.

A viva voce vote being taken, the motion to substitute the resolve for the report prevailed and the resolve received its first reading.

Mr. AUDIBERT of Fort Kent: Mr. Speaker, I offer new draft A to House Document 95, resolve in favor of building a bridge at Fort Kent over the St. John River, and move that five hundred copies be printed and the matter laid on the table and assigned for tomorrow morning for its second reading.

Mr. WING of Auburn: Mr. Speaker, I move that the rules be suspended and this resolve have its second reading at this time.

The motion prevailed, the resolve received its second reading and was passed to be engrossed.

From the Senate: Report of the committee on appropriations and financial affairs reporting ought not to pass on resolve appropriating money to reimburse Harry P. Lane for expenses incurred in contesting his membership in the Senate. S. P. 217.

Comes from the Senate, the resolve substituted for the report and passed to be engrossed.

In the House, the resolve was substituted for the report in concurrence, and the resolve had its first reading, and on motion by Mr. Wing of Auburn, the rules were suspended and the resolve received its second reading and was passed to be engrossed in concurrence.

From the Senate: Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on bill "An act permitting sterilizing operations in certain cases of mental disease and feeble mindedness" (S. P. No. 604) (S. Doc. No. 274) reporting that in consideration of the request of many members of the House and absent members, the Committee of Conference recommend that the bill be re-submitted to the House.

(Signed)

Messrs. MINER of Washington
 PHILLIPS of Hancock
 SPEIRS of Cumberland
 —Committee on part of Senate
 DAVIS of Portland
 PENDLETON of Islesboro
 McDONALD of E. Machias
 —Committee on part of House

Comes from the Senate read and accepted.

In the House:

Mr. PIERCE of Sanford: Mr. Speaker, I move that we recede and concur with the Senate.

Mr. McDONALD of East Machias: Mr. Speaker, as I explained, the object of resubmitting this to the House is the fact that a good many people were not here the other day and did not hear the arguments pro and con with regard to this bill before us. It is the bill, as you all know, permitting the operation of sterilization to be performed upon certain people who are feeble-minded. The object of the bill, as I understand it, is to perform this operation and allow these people to go out in the world and shift for themselves.

The operation of itself is a major surgical operation, the removal of certain parts of the bodies of these people for the purpose of preventing reproduction. The bill says that the operation shall be performed upon these feeble-minded people after having obtained consent of the person or of the parent or guardian. It seems to me that this is a peculiar situation for a feeble-minded person to be asked to give consent, or else the consent to be obtained from a feeble-minded parent, and, if that parent is not living, the person who has this feeble-minded one in charge. It is very liable to be the overseer of the poor or some officer in some town, as the majority of these people are town charges—at least a great many of them are. It does not seem to me a fair proposition to submit a patient of that kind to an operation either with their consent or with the consent of a feeble-minded parent; and I believe it is conceded by all that the parents of these feeble-minded persons, at least eighty-five percent of them are themselves feeble-minded.

Now the physician having charge of a case of this kind, before attempting to do this operation, shall call a consultation of two registered practitioners, one a surgeon of not less than five years' standing, and not related to the patient, whose duty it shall be in conjunction with the physician in charge of the case to examine the individual recommended for operation. Whether the person to be operated upon is mentally capable of giving consent shall be decided by the consultants and stated in writing, with their reasons therefor, and such written statement shall be kept on file at School for Feeble-Minded and in case they find that the patient is mentally incapable of giving his consent, the consent of the guardian or nearest relative must be secured. If in the judgment of the consulting physicians the operation will prevent the further propagation of mental deficiency, or in the judgment of the mental consultants the physical or mental condition of any such person will be substantially benefitted thereby, then the consultants shall select a competent surgeon to perform the operation of fallocotomy or vasectomy, as the case may be, upon such person. The compensation of the consulting phy-

sicians and surgeons in the case of public charges shall be entrusted with the management of the several institutions and shall be paid out of the funds appropriated for the maintenance of such institutions.

As I understand the object of this operation is a matter of economy to the State of Maine, there is very grave question in the minds, I think, of the medical profession, today in regard to this operation. I think the majority of physicians believe that the proper care of these patients in institutions is what the State of Maine should do, but that is recommended largely as a matter of economy to the State; and yet the very nature of the operation is expensive. It is claimed, I believe, that this all can be done by the physician in charge of the institution; but if any of you have had much experience with special surgeons being called in from the outside, you know that as a rule they do not work for nothing. They usually have a fee and I believe there would be considerable expense to the State of Maine in carrying out this proposition.

Now in regard to the condition of the patient after the operation: This patient is sterilized and sent out to mingle with the public; and I think it is generally admitted by all, even the proponents of this bill, that a patient of this kind would be a great carrier of venereal diseases. A person safeguarded by this operation would certainly be very liable to cause trouble. I believe that no greater mistake could be made as far as the young people of every community in this State are concerned than to allow a person of the habits of feeble-minded people to mingle with them after an operation of this kind. The habits of these people are bad and I do not believe that you and I want them associating with our children and our grandchildren.

Another thing! I believe that the sterilization of these patients is certainly productive of an increased amount of immorality. I do not believe that patients of this kind ever have habits that are anywhere near normal.

The object, as I understand it, is to resubmit this here so that the members may have another opportunity to hear it. So far as I am concerned personally, I have no

great interest in this operation other than from the standpoint of the medical practitioner; and so far as the support given this measure the other day is concerned, I want to say that anybody who wants to change his mind need not, as any matter of courtesy to me, think that he ought to support this bill today because he did the other day. I leave it to your consideration whether or not you want people of this character and class to go out into the world following an operation of this kind.

Thereupon the House voted that the report of the committee of conference that the matter be resubmitted to the House be accepted.

The SPEAKER: The question is on the motion of the gentleman from Sanford, Mr. Pierce, that the House recede and concur with the Senate in the acceptance of the report on this bill, ought to pass.

Mr. WING of Auburn: I do not understand the situation. Mr. Speaker, are we now considering the question whether we shall recede and concur with the Senate?

The SPEAKER: That motion is before the House.

Mr. CUMMINGS of Portland: Mr. Speaker, one matter that Dr. McDonald referred to, I desire to refer to myself. He laid stress upon the idea that these people having been sterilized, and, as he says, let out into the world, would be more dangerous. I think that is pure imagination and absolutely without foundation.

It seems to me, Mr. Speaker, in view of the large number of feeble-minded persons in this State and the great expense the State is put to to care for them properly, that the constant increase in their number constitutes a menace to the people of this State. I believe that this should be done. The place to stop this is at its source, and the place to stop it is to stop the breeding of imbeciles and feeble-minded. I want to see this bill become a law.

Mr. PIERCE of Sanford: Mr. Speaker, I agree with the gentleman from Portland (Mr. Cummings) in regard to what would happen after the sterilization.

There are now 535 inmates in the school at Pownal for feeble-minded, also a waiting list of 175 boys and girls. I think if any of you could visit that school, you would not

hesitate a minute in voting for this bill. There are many of those inmates there of such low mentality that about all they can do is to breed.

The statistics show that eight per cent of the feeble-minded are born of feeble-minded parents. Taking it from the economic view, there are now 2,300 people who should be sent to some institution in the State of Maine. They cannot be accommodated on account of the lack of buildings. If we had buildings enough, we would have to build fifteen new buildings at a cost of \$2,700,000, with a maintenance cost of over \$600,000 a year. We say now that we cannot afford to put up a new building for anything. Then why not start with some of this work to cut out some of this expense of new buildings? Two years ago the Legislature appropriated \$182,000. This year for the school at Pownal they have suggested \$235,000, an increase of \$53,000. If this is continued, where are we going to get off? We cannot segregate all of them and we believe that we can sterilize the worst cases.

This is an operation of not more than three to five minutes duration, and the patient after the operation can go to work about his business immediately. It is a means to prevent the reproduction of an imbecile, to permanently improve the human race and it does this in a humane way.

Twenty states now have this law. My friend from East Machias (Mr. McDonald) the other day spoke about some of the states that had repealed laws that they had. Two states have repealed the laws but it was on account of their being compulsory. The State of Oregon I think was one of the states he spoke of as having repealed its law; but it immediately enacted another one which is now on the Statute books, making it optional rather than compulsory. This bill is similar to that. New Hampshire also has a law similar to ours. We believe that it is a means for the permanent betterment of the race mentally and we believe that this is the world's greatest need.

The bill has the endorsement of the Maine Teachers' Association, Dr. Little of the University of Maine, Dr. Coombs of the State Department of Health, Dr. Vosburgh of the State School for Feeble-minded and many

others; also a report of nine of the committee on Public Health, on which there was several doctors, reporting ought to pass. This bill passed both Houses two years ago but was vetoed by the Governor with many other vetoes at the time.

The bill also, I believe, has the full endorsement of the committee on Feeble-minded. Several of those members have told me that if anybody in this Legislature would go down there and see that school, they would not hesitate one minute on this bill. I feel that a good many men who have looked into this since the vote the other day now feel differently toward it. They wonder about the condition afterwards of some of the patients who would be operated on. I quote from a book here and this was from a doctor in Iowa. Speaking about a patient operated on he says: "One patient has since gone to a neighboring county and from all that we can learn there has been no complaint of him whatever and he is going along nicely. Other patients on whom we operated have become more orderly and quiet, and while defective in mental development, which could not be improved by any treatment, the influence of the operation seems to have been favorable."

Mr. Speaker, I hope my motion will prevail.

Mr. SARGENT of Sedgwick: Mr. Speaker, for two sessions of the Legislature I was on the committee on School for Feeble-minded. Again, this year I was very glad to make use of the opportunity to again visit this institution with that committee. This visit impressed me, as I believe it has every one of the committee who has visited the school, with the fact that something is very necessary in regard to the handling of the feeble-minded of the State. More particularly I wish to emphasize the fact that Dr. Vosburgh, who is the superintendent of the School for the Feeble Minded, and who has given a greater part of his life to investigation and consideration of matters affecting the feeble-minded, and those who are abnormal in various ways,—that his opinion is very definite and that he is very much in favor of the enacting of some law similar to the one we have; and this particular law has his unqualified approval at this time. Regardless

of the difference of opinion which may exist among the members of the profession, I believe that Dr. Vosburgh's opinion should be given very great weight.

Mr. PEASLEE of Bath: Mr. Speaker, perhaps I might say just a word and I will try to be just as brief as I can.

In the first place I can endorse every word that has been said by the proponents of this bill. Now just to run over it quickly, what are the objects of the bill? To prevent more feeble-minded persons from being born, to get a higher class of people into the State and it surely will so result. A man came to our committee, a senator. He was in a hurry and had got to go back to another committee and he said: "Gentlemen, the school down at Orono, the State University, is trying to teach young men how to breed high class bull calves, but we are not doing anything to breed a higher class of men and women." (Applause) We are not, and I am sure that statistics will prove that instead of elevating the human family, the grade is gradually lessening. Statistics go to show it anyway. I did not intend to say that, but I wanted to tell you a little something about the operation. I am very sorry indeed to disagree with my colleague, Dr. McDonald, for whom I have the utmost respect and regard. We pat one another on the shoulder and he is a very good fellow but he is "agin" this bill; and you know a fellow who is "agin" it is apt to say some things that deep down in his heart he does not mean. I really think that deep down in his heart he feels that it is a pretty good thing. (Laughter).

Perhaps some of you know something about appendicitis. We operate for appendicitis when the appendix is inflamed, when that inflammation is increasing, when it is going on to a dangerous stage, when there is apt to be peritonitis. Perhaps you do not know much about it, but the inflammation is the serious thing and extends from the appendix to the peritoneum. When we get appendicitis it is a serious matter with the danger of pus in the appendix or near the appendix, and if the pus sac is not removed, there is danger. Now these operations for appendicitis are done when there is inflammation and when there is something

wrong. This operation is to be done when there is nothing wrong except a low state of mind. There is no inflammation, you understand, and if we should remove the appendix when there was no inflammation, you would pay no particular attention to it in three or four days and you would be soon up and about. So you see when we remove this little piece of the ovarian tube, we simply cut a piece about an inch long and pull out the tube, put some forceps on it and cut it, stitch the ends over and put it back, and the other side the same way. It does not take but a few minutes to do it. The patient is not sick except when coming out of the ether and they vomit a little. So far as the operation is concerned it does not amount to anything.

Again that operation does not interfere one single particle with the physiological condition outside of conception. The sensibilities are just the same. You do not deprive any human being of the sensibility that God gave him. We simply reduce this everlasting flock of rabbits that is being born into the State of Maine all the time, and I hope you will all vote for this bill. (Applause).

Mrs. ALLEN of Hampden: I would like to ask through the Chair of Dr. Peaslee if there is not some way that these doctors can figure to inject a little something into the brain and not have any of these feeble-minded people. (Laughter).

Mr. HOLMES of Lewiston: Mr. Speaker, I hesitate to express an opinion at this stage; but I remember that yesterday afternoon two of the lawyers of this House, one of them the learned gentleman from Portland, Mr. Hale and myself were anxious to discuss a question of constitutional law. The House was not particularly interested to decide upon the difference of lawyers in the construction of a point of constitutional law. I think the House was wise, and my own opinion is that the same rule should apply to medical matters. When doctors disagree it seems to me it would be pretty fairly wise to leave the law as it is. It seems to me that the position of the proponents of the sterilization measure is based upon the theory that the Legislature of Maine has power to repeal a law of Nature. Perhaps the Legislature of Maine has. I would like to be able to live long enough to find out

what the result would be and which one would win, the Legislature of Maine or Nature. I think it was Artemas Ward who said that he had read that a toad lived for four hundred years. He said he was going to catch one and see for himself.

It seems to me that if the theory of the learned medical gentleman from Bath (Mr. Peaslee) is sound that the world is breeding, or is in danger of breeding, a race of weak-minded people. If that was so it seems to me it would have happened long ago. I do not mean to misinterpret the gentleman or put a construction upon his words that he did not intend; but it seems to me at least that that was a fair inference to draw from his argument.

My opinion is that if the danger, the menace, from the feeble-minded were so serious as a large branch of the medical profession believe that the human race would have disappeared ages ago. I do not know how old the human race is. No man living does. We presume that the world is ages old. We presume that it has been capable of supporting life for millions of years. We presume that possibly the human race has lived upon this globe for tens of thousands of years. Feeble mindedness cannot possibly be a new disease. It must be as ancient as any other disease. That, of course, is purely theory, and I do not hesitate to say it even in the presence of the learned gentlemen who have discussed this matter because they have no other source of knowledge than I have as to whether or not feeble-mindedness is a modern disease or ancient disease. They would have to admit that I, or any other person, would have the right to believe that it is an ancient disease, if we choose to.

Now, then, the theory of treating these people either by sterilization or in any other way is certainly very modern. You will not find it in the history of the Middle Ages, for instance. I am pretty certain that you will not find it in Ancient History,—Greece, Rome, Egypt or Assyria. Now, then if I am wrong in my belief that it is an ancient disease and that it has gone on during all of these generations without the necessity of sterilization, or any other means, I say that it is a fair conclusion to draw that the human race ought either to have disappeared off

the face of the earth or ought by this time to be reduced into the condition of a race of blithering idiots.

Perhaps we may breed a race of supermen some day, but we have not them now. You all remember a German philosopher by the name of Neitsche, who was an atheist, and he wrote books which did not attract much attention outside of the circles of philosophers and scholars until about the time of the breaking out of the Great War in Europe when Neitsche and his superman began to attract world-wide attention. Now Neitsche, no doubt, was sensible, but the idea of a superman was revolting to the human conscience, and it was generally believed that that idea was one of the ideas that caused the great war.

Now applying that to the argument of the gentleman from Bath (Mr. Peaslee) we breed, he says or take means to breed a high stock of bulls and other domestic animals. It would be glorious if we could do the same with the human race, but we cannot, because just as the human being is superior to the bull, the cow, the horse, and therefore can apply his superior intelligence to compel breeding along the lines he wants, so just so it would be necessary to take a superman to control the breeding of the human being. We have none, and I do not believe that Almighty God in his wisdom ever intended that we should have, and I do not believe that Almighty God in his wisdom ever intended that the medical profession would arrogate to themselves the right to act as supermen. You may sterilize these poor unfortunates and open the door and nobody knows who will be the next one that it will be proposed to sterilize.

The SPEAKER: Is the House ready for the question?

Mr. MITCHELL, of Houlton: Mr. Speaker and members of the House: I want to assure you, as a medical man of twenty-five years' experience, that listening to this argument is a much more serious proposition than the operation itself. (Applause) I am absolutely in favor of this bill and take this time to move the previous question.

The SPEAKER: Perhaps it is not necessary. The House appears to be ready for the question. The question before the House is on the motion of the gentleman from Sanford,

Mr. Pierce, that the House recede and concur with the Senate. A vote for that motion is in favor of the sterilization bill. A vote against that motion would be against the passage of the bill. Does the House understand the question?

Mr. STURGIS of Auburn: Mr. Speaker, I request a division.

A division being had,

Seventy-five voting in the affirmative and 45 in the negative, the motion to recede and concur with the Senate prevailed. (Applause)

On motion by Mr. Peaslee of Bath, who moved to reconsider, stating that he hoped his motion would not prevail, on a viva voce vote, the motion to reconsider failed of passage.

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

On motion by Mr. Mitchell of Houlton,

The House recessed until 2 P. M.

After Recess

The House called to order by the Speaker.

The SPEAKER: The House was considering out of order papers from the Senate before recess.

From the Senate: Resolve in favor of rebuilding Mattawamkeag Bridge over Mattawamkeag River in the town of Mattawamkeag, Penobscot County (S. P. No. 626) (S. Doc. No. 286) which was finally passed in the House, April 6th.

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

In the House: (Senate Amendment B read by the Clerk)

The House voted to reconsider its action whereby this resolve was finally passed. Also it voted to reconsider its action whereby this resolve was passed to be engrossed. Thereupon it adopted Senate Amendment B in concurrence, and the resolve as amended by Senate Amendment B was passed to be engrossed in concurrence.

From the Senate: Resolve in favor of the Bangor State Hospital for new construction and permanent improvements. (S. P. No. 602) (S. Doc.

No. 273) on which the House voted to insist on its action whereby the resolve was finally passed, on April 8th, and asked for a Committee of Conference.

Comes from the Senate that body voting to adhere to its former action whereby the Resolve was referred to the next Legislature.

In the House:

The SPEAKER: What is the pleasure of the House?

Mr. CUMMINGS of Portland: Mr. Speaker, I move that the House insist.

The SPEAKER: The passage of such a motion would kill the resolve unless another committee of conference was requested.

Mr. CUMMINGS: Haven't we a committee of conference appointed?

The SPEAKER: We have a committee of conference appointed but the Senate refused to join. It is open to the House to insist and let the matter drop between the two bodies or to insist again and again request a committee of conference.

Mr. CUMMINGS: I move that we insist and request a committee of conference.

The motion prevailed.

The SPEAKER: As conferees on the part of the House, the Chair will appoint the same conferees, Messrs. Peaslee of Bath, Davitt of Millinocket, and Smith of Bangor.

From the Senate: Bill An Act to extend the powers of Western Maine Power Company, formerly Limerick Water and Electric Company (H. P. No. 1224) (H. Doc. No. 434) on which the House voted to insist on its action whereby the bill was passed to be enacted, on April 8th, and asked for a Committee of Conference.

Comes from the Senate that body voting to adhere to its action whereby the bill was indefinitely postponed.

In the House, on motion by Mr. Page of Skowhegan, the House voted to adhere.

Reports of Committees

Out of Order

Mr. Kinsman from the committee on Inland Fisheries and Game reported ought not to pass on bill an act relating to protection of deer in Franklin and Oxford counties, H. P.

315, together with petition, H. P. 316.

Report read and accepted and sent up for concurrence.

Majority Report of the Committee on Judiciary on Resolve relating to the rights of the State of Maine on the St. John River and the vacancy on International Joint Commission reporting same in a new draft (H. P. No. 1304) under same title and that it "Ought to pass".

Report was signed by the following members:

Messrs. HINCKLEY of Cumberland
MAHER of Kennebec
HUSSEY of Aroostook

—Of the Senate

WING of Auburn
NICHOLS of Portland
HAMILTON of Caribou
OAKES of Portland
MARTIN of Augusta

—Of the House.

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

Report was signed by the following members:

Messrs. HALE of Portland
HOLMES of Lewiston

—Of the House.

(New draft read by the Speaker)

On motion by Mr. Nichols of Portland, the majority report was accepted. Thereupon the rules were suspended and the resolve had its two several readings and was passed to be engrossed.

The SPEAKER: The House now returns to orders of the Day. Before taking up the matter next in logical order, the Chair will inquire if there is any matter that may be disposed of without debate or without much debate.

On motion by Mr. Nichols of Portland, it was voted to take from the table the matter relative to the appointment of one or more persons to represent the state in proposed changes in freight rates; and on further motion by the same gentleman the resolve was finally passed.

On motion by Mr. Burnham of Kittery, it was voted to take from the table House Document 181, report of the committee on Judiciary, ought not to pass, on bill an act relative to motor vehicles and

neutral zone, the pending question being the acceptance of the report.

Mr. BURNHAM of Kittery: Mr. Speaker, as Mr. Littlefield tabled this for me while I was absent and I have his consent to take it from the table at this time, I move to substitute the bill for the report in order to offer an amendment.

The SPEAKER: Does the gentleman anticipate that debate will follow.

Mr. BURNHAM: Not at this time, Mr. Speaker.

Thereupon the motion to take the bill from the table prevailed; and on further motion by the same gentleman the bill was substituted for the report. Thereupon the rules were suspended and the bill had its two several readings.

Mr. BURNHAM: Mr. Speaker, I offer House Amendment A to House Document No. 181.

Amend said bill by adding after line thirty-eight in Section one the following: "The provisions of this section shall not apply to motor trucks of over two thousand pounds capacity."

Thereupon on motion by Mr. Burnham, the bill was retabled, to be taken up later in the day or tomorrow morning.

Additional papers from the Senate disposed of in concurrence.

From the Senate: Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on bill an Act to provide for the completion of the vital records of the State of Maine (S. P. No. 81) reporting that the same "Ought to pass" in a new draft transmitted herewith and known as new draft A. (S. P. No. 670).

(Signed)

Messrs. CRAFTS of Piscataquis
BARWISE of Penobscot
HOLLEY of Somerset
—Committee on part of
Senate

SARGENT of Sedgwick
WARREN of Winslow
THOMPSON of Rockland

—Committee on part of
House.

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

In the House: New draft A read.

The SPEAKER: The Chair awaits a motion.

Mr. SARGENT of Sedgwick: Mr. Speaker, I move that the report of the conference committee be accepted.

The SPEAKER: The effect of the motion would be to accept the bill and accept the report ought to pass on the same. Is the House ready for the question?

A viva voce vote being doubted, A division was had,

Fifteen voting in the affirmative and 54 in the negative the motion to accept the report of the conference committee failed of passage.

The SPEAKER: The previous action of the House having been indefinite postponement in non-concurrence.

On motion by Mr. Sturgis of Auburn, the House voted to adhere.

From the Senate: Bill an act relating to a tax upon gasoline, H. P. 1287, H. D. 520, which was passed to be engrossed in the House earlier in the day.

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

In the House: Senate Amendment A read.

The SPEAKER: There is also Senate Amendment B which the Clerk will read.

Senate Amendment B read.

Mr. NICHOLS of Portland: Mr. Speaker, I move that Senate Amendment B be adopted.

The SPEAKER: Perhaps the gentleman will state to the House the effect of Senate Amendment B.

Mr. NICHOLS: Senate Amendment B, if I understood it, was making a bill with a three cent tax on gasoline with an exemption of two cents. A person who uses gasoline in an engine, a fisherman, will pay a tax of one cent only; two cents will be exempt.

On motion by Mr. Nichols the House voted to reconsider its action whereby this bill was passed to be engrossed; on further motion by the same gentleman, a viva voce vote being taken, Senate Amendment B was adopted in concurrence. On further motion by the same gentleman, the House voted to adopt Senate Amendment A, and the bill as amended by Senate Amendments A and B was passed to be engrossed in concurrence.

From the Senate: Bill an act relating to Workmen's Compensation, S. P. 649, S. D. 313, which was passed to be engrossed as amended by House Amendment A in the House April 8th.

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

In the House: Senate Amendment A read by the Clerk.

Mr. NICHOLS of Portland: Mr. Speaker, I think that I can explain the object of that Senate Amendment. The bill as reported from the Committee provided that the compensation should be paid from special appropriation. It was found that the appropriation committee had made up the report of their appropriations with the idea that the compensation should be paid from the Contingent Fund as has been done in the past year and was in the original bill when reported. Under an arrangement with the Department they would like to have the money paid from the Contingent Fund rather than from the appropriation and thus take care of it that way.

Thereupon the House voted to reconsider its action whereby this bill was passed to be engrossed. The House then adopted Senate Amendment A in concurrence, and the bill as amended was passed to be engrossed in concurrence.

Mr. NICHOLS of Portland: Mr. Speaker, I move that we reconsider the vote in regard to the gasoline tax amendment and let it lie on the table a short time. I will state the reason why if the House would like to know.

The SPEAKER: The gentleman may state.

Mr. NICHOLS: I think from reading it that kerosene is included in the exemption.

The SPEAKER: Would the gentleman examine the papers and perhaps put the motion later?

Mr. NICHOLS: Yes, Mr. Speaker.

From the Senate: Resolve in favor of building a bridge over the St. John River in the town of Ft. Kent, Maine, H. P. 1303, which is a substitute for the original bill, which was substituted for the report of the committee on ways and

bridges, which was passed to be engrossed in the House earlier in the day.

Comes from the Senate that body accepting the report of the committee on ways and bridges, ought not to pass, in non-concurrence.

In the House, on motion by Mr. Hale of Portland, a viva voce vote being taken, that body voted to insist and ask for a committee of conference.

The Chair appointed as conferees on the part of the House: Messrs. Hale of Portland, Audibert of Ft. Kent and Hamilton of Caribou.

From the Senate: Resolve in favor of a bridge over the St. Croix River between Vanceboro, Maine, and St. Croix, New Brunswick (H. P. No. 223) on which the House accepted the Minority Report of the Committee on Ways and Bridges "ought to pass" and passed the Resolve to be engrossed earlier in the day.

Comes from the Senate Majority Report of the Committee "ought not to pass" accepted in non-concurrence..

In the House:

Mr. PULLEN of Danforth: Mr. Speaker, I move that we insist and request a committee of conference.

Mr. TOWLE of Winthrop: Mr. Speaker, I would like to offer a word of explanation because I feel that this may not be exactly understood. I was on the committee of Ways and Bridges before whom this bill was discussed. It is not a question of their needing the bridge. This Legislature two years ago appropriated this money for this bridge and it was set aside in a separate fund awaiting the action of the Canadian Government to appropriate a like amount to build this bridge. This money has been lying idle since that time. It lapses in June. This money is very much needed by the Highway Department for use on bridges in our own State that are sadly in need of repair.—bridges that are unsafe and that they have no money to fix. The only argument in favor of continuing the appropriation is a letter from a Canadian Senator who expresses the opinion in his letter that the Canadian government may at the next session appropriate this money; but in the meantime it seemed to the committee that it was

too bad for this money to be lying idle when it might be used in our own State for our own bridges.

Mr. BECKETT of Calais: Mr. Speaker and members of the House:

The matter of the money lying idle has been brought up by the member. This matter of lying idle is only a matter of bookkeeping. The money is in use just the same. Now as the gentleman from Portland said yesterday when we discussed this matter, this money has been laid aside for this purpose. It was expected that the Canadian Government would be ready to meet it. There is urgent need there, for, as I explained, the people are now traveling from Danforth over to St. Croix, where the McAdam Junction station is located, on the top of a dam which is out of repair and with notices at each end that those who pass over do so at their own risk.

In regard to other bridges in our own State needing it, this would be the American end and that would be within our own State; and I put it up to the members of this House if there is any likelihood of Canada appropriating this money when the State of Maine takes her part away from it. I trust that the motion of the gentleman from Danforth, Mr. Pullen, to insist and that a committee of conference be appointed will prevail.

The SPEAKER: The question is on the motion of the gentleman from Danforth, Mr. Pullen, that the House insist on its former action whereby this resolve was passed to be engrossed, and ask for a committee of conference.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair will later announce the conferees.

From the Senate: Resolve in favor of Armory rentals, H. P. 1300, H. D. 529, which was passed to be engrossed in the House earlier in the day.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Hale of Portland, a viva voce vote being taken, the House voted to insist and ask for a committee of conference.

The SPEAKER: The Chair will announce the conferees later.

From the Senate: 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) on which the House accepted the Majority Report of the Committee on Indian Affairs "ought to pass," earlier in the day, and passed the bill to be engrossed in non-concurrence.

Comes from the Senate that body voting to adhere to its former action whereby it accepted the Minority Report of the Committee "ought not to pass."

In the House:

Mr. DECKER of Milo: I move that we insist and ask for a committee of conference.

A viva voce vote being doubted,

A division was had,

Forty-eight voting in the affirmative and 40 in the negative, the motion to insist and ask for a committee of conference prevailed.

The SPEAKER: The Chair will later announce the conferees.

From the Senate: Bill an act relating to Intoxicating Liquors (S. P. No. 644) (S. Doc. No. 309) which was indefinitely postponed in the House earlier in the day, in non-concurrence.

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

Messrs. HINCKLEY of Cumberland
ROBERTS of York
CHALMERS of Penobscot

In the House, on motion by Mr. Sturgis 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 Bill "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) reporting that they are unable to agree.

(Signed)

Messrs. WING of Auburn
HOLMES of Lewiston
MARTIN of Augusta
—Committee on part of
House.

HINCKLEY of Cumberland
ALLEN of York
MORRISON of Franklin
—Committee on part of
Senate.

Was read and accepted and sent up for concurrence.

In the House, on motion of Mr. Nichols of Portland the report was accepted in concurrence.

Mr. NICHOLS of Portland: Mr. Speaker, I think there is one matter which we might take from the table. I move to take from the table an act relating to driving motor vehicles while under the influence of intoxicating liquor or drugs, S. P. 596, S. D. 281, tabled by me April 8, pending reconsideration.

The motion prevailed.

Mr. NICHOLS: If I recall, Mr. Speaker, the bill came in amended.

The SPEAKER: The bill came in amended by Senate Amendment A, and the pending question is whether the House shall reconsider and adopt that amendment.

Senate Amendment A read.

On motion by Mr. Nichols of Portland, the House voted to reconsider its action whereby this bill was passed to be enacted; and on further motion by the same gentleman the House voted to reconsider its action whereby this bill was passed to be engrossed; on further motion by the same gentleman, Senate Amendment A was adopted in concurrence, and the bill as amended was passed to be engrossed in concurrence.

First Reading of Printed Resolves

(Out of Order)

H. P. 680: Resolve in favor of Elbridge G. Chadwick, Clerk of Courts for the county of Washington, to be paid from Treasury of County of Washington.

(On motion by Mr. Beckett of Calais, the rules were suspended and the resolve had its second reading and was passed to be engrossed).

H. P. 1301: Resolve in favor of the town of Norridgewock for repair of bridge across the Kennebec River.

(On motion by Mr. Thissell of Norridgewock the resolve received its second reading under suspension of the rules and was passed to be engrossed).

Finally Passed

Resolve in favor of the Chaplains

of the Senate of the Eighty-second Legislature.

Resolve in favor of Elwin H. Simons, Document Clerk of the House of Representatives, for extra services in preparing weekly cumulative index to Senate and House Documents.

Resolve in favor of Charles S. Pierce, Secretary of Committee on Education, for expense incurred by Committee visiting Normal Schools and the University of Maine.

Resolve in favor of the Chaplains of the House of the Eighty-second Legislature.

Resolve in favor of the Chaplains of the House of the Eighty-second Legislature.

The SPEAKER: The House now reaches Orders of the Day and comes to the Lewiston matter, reports A, B and C of the committee on Legal Affairs, on bill an act to establish a Finance Commission in Lewiston, tabled pending acceptance of any of the reports.

Mr. ATWOOD of Portland: Mr. Speaker, and members of the House: This is the so-called Gagne-Parent Finance Commission bill. We have before us for our consideration now three reports, a report ought to pass in new draft, which new draft is the original bill with the most objectional section, section seven, kept out. This report was signed by three members of the Legal Affairs Committee. We have another report, ought to pass in new draft, signed by two members of the Legal Affairs Committee, a new draft just like the other new draft except that there is a referendum clause attached; and we have a report ought not to pass, signed by five members of the Legal Affairs committee, which is a plurality report. I now move acceptance of Report C, the plurality report, ought not to pass, and I propose to briefly and dispassionately set before this House the position of the five members of the committee on Legal Affairs who signed this report.

It might be well in starting to consider briefly the provisions of this bill so that you may know its nature. I will run through it, touching only the high spots, so to speak.

Section one provides that "the Governor shall appoint with the advice and consent of the Council, a Finance Commission for the City of Lewiston to consist of three persons,

inhabitants of and qualified voters in the city of Lewiston." This would be a State agency, an instrumentality of the State government, and as such every member of this House and every citizen of the State has some interest in it, and it cannot in my mind be considered a purely local matter of interest only to citizens of Lewiston.

Section 2 provides that "It shall be the duty of the Finance Commission from time to time, to investigate any and all matters relating to appropriations, loans, expenditures, accounts and methods of administration affecting the city of Lewiston or any department thereof," and so on.

Section four contains in its provision the following: "The Finance Commission shall have the right to disapprove or reduce in amount, any item of indebtedness, and said commission in case it shall disapprove the whole or any part of any act or vote of the Mayor or Council to raise or appropriate money by taxation or otherwise, shall exercise its power of veto thereof within ten days."

Section five provides that "No bonds, notes, certificates or other evidence of indebtedness shall be issued, executed or delivered to bind said city of Lewiston until the same have been approved by said Commission."

Section six provides that "The Finance Commission shall have general supervision and control over the expenditure of all money appropriated by the city council."

Section eight contains the following: "The said Finance Commission shall have and exercise all the power, and be charged with all the duties relative to the construction, maintenance, care and control of the streets, highways, bridges, sidewalks, drains and sewers in said city, subject to the general ordinances of the city."

And Section ten "The Finance Commission shall have full charge and control over the water department of said city."

That is enough to give this House a general idea of the provision and the purport of this measure and its effect. If it is passed, it amounts in a few words the placing of the city of Lewiston under guardianship and is comparable to placing a keeper in the city of Lewiston. In my opinion it deprives the city of Lewis-

ton of the right to self government in local affairs, and seems to be foreign to any policy heretofore pursued in this State, with the possible exception of the Lewiston Police Commission, and I differentiate that because that is an exercise of the police power which is peculiarly within the province of the State, and nearer a State function than that which this bill contemplates. It is, in other words, an extraordinary piece of legislation, and to warrant the passage of such legislation they should show us the existence of such a state of municipal affairs as to practically shake the conscience and be indicative of either gross incompetence, malfeasance in office or corruption.

There is this, too, to be considered, that a demonstration of such a state of affairs involves such grave charges against persons who might be in office there now, or in the past, that the bringing out of those facts to warrant the passage of this legislation should be in a public hearing before the committee where those interested or involved might have a chance to meet these charges.

A hearing was held on this matter by the Committee on Legal Affairs and was well attended; and I hold in my hand the only substantial evidence that was submitted to the committee on Legal Affairs in support of this bill. It is a financial statement, signed by Bertram L. Tribou, the city auditor, and sworn to by him. It contains the following information: That the valuation of the city of Lewiston from 1916 to 1924 has materially increased. That is one item and figures are given which I cannot put my hand on at this time. It is only natural that the valuation of the city of Lewiston should have increased—the assessment rather on the valuation—because I believe that the city of Lewiston is growing faster than any other city in the State with possibly one exception. In the last four years there has been an increase in population of approximately five thousand people, and that increased population gives increased building, new streets, and so forth; so that I see nothing in the fact that the assessed valuation has increased to indicate any very bad financial condition in the city of Lewiston. This affidavit shows that the appropriations for 1916 to 1924 have increased mate-

rially, and that is merely an indication that the cost of municipal government in Lewiston has increased; and I ask you if there is anything that has not increased in cost during that period of years from 1916 to 1924? The cost of State government has materially increased, the cost of everything has materially increased, and I see nothing in that which in any way would warrant this legislation.

It also shows a substantial increase in the bonded debt of the city of Lewiston, an increase during the last four years of \$463,000. I think that was pretty well explained at the public hearing. In 1921, during the administration of Judge Newell as Mayor of Lewiston, there were a large number of notes outstanding, municipal notes, a floating debt. These notes amount in the aggregate to approximately \$250,000.

Those notes were refunded by bonds. It was not the creation of a new, but it was the refunding of an old, existing debt, and that takes care of over half the increase in the bonded debt. At the rest of it, bear in mind that the city of Lewiston has recently completed a new armory and that was paid for largely by a bond issue, large enough, as I understand it, to more than take care of the balance of this increase in the bonded debt as shown. So, there is nothing in my opinion and the opinion of the other members who signed the report "ought not to pass" that would warrant the passage of this bill.

The affidavit also states that the borrowing capacity on January 6th, 1925, was \$136,358.35. That is, that they were within that amount of their debt limit. I call to your attention that in the city of Lewiston they have no water district, that the waterworks in the city of Lewiston are carried by the city and that they have no separate water district such as many of our cities have, and that by a mere change in the method of keeping the books and by transferring these waterworks over to a district, they would thereby realize thousands or hundreds of thousands of dollars, and would increase their borrowing capacity to that extent, because the valuation of the city of Lewiston waterworks, as shown in the Public Utilities Department, is \$1,059,000.00.

The tax rate in the city of Lewiston is thirty-two mills; one and a half mills of that is for armory purposes, and thirty and one-half mills is for municipal purposes. Certainly, that is not a comparatively high rate, and I submit that the contents of this affidavit is all that was at all germane or pertinent to the question that was submitted to the Committee at that hearing. This may surprise you when you remember that the hearing consumed the greater part of the afternoon, but bear in mind that there were four other bills pertaining to Lewiston heard at the same time. In further explanation, I will quote from the Lewiston Evening Journal under date of Friday, March 20th, the day following the hearing: "The entire presentation of facts in the Finance Commission hearing might have been finished in argument in a much shorter time than was occupied as most of the matter treated was decidedly far from the question at issue."

There were a few—I will call them silly—affidavits submitted, such as in regard to a janitor being drunk while on duty, but the Committee did not take them seriously into consideration.

I cannot find in that evidence anything which indicates gross incompetence on the part of the City Officials or malfeasance in office, or anything that borders on corruption, and I do not think that legislation of this nature should be passed unless something along those lines is shown. The burden is clearly upon the proponents of this measure to show the existence of some such state of affairs, and they made out no case. That is the position of those members of the Legal Affairs Committee who signed the report "ought not to pass".

In closing, I would like to say just a word about the possibility of this bill being reported out with a referendum. The question of a referendum was considered by the Committee, and it is sufficient to say that two signed the report for a referendum. It has been intimated to me within a day that possibly in the course of the debate on this matter, it might be suggested even by the proponents of this measure that it be reported out with a referendum. That is the first intimation we have had that the proponents were willing

to have a referendum. I think I am safe in stating that they have consistently said that they did not want a referendum. The heading of the article in the paper from which I quoted says, "Finance Commission Want Bill Without Referendum". One gentleman who appeared before the Committee at the hearing and was, perhaps, its most urgent supporter, when questioned at the public hearing as to a referendum, said the following: and I quote from the Lewiston Journal of that same day: and at this time he was addressing himself to the other Lewiston bill, the Commission form bill, which was introduced by the gentleman from Lewiston, Mr. Holmes, and which will be considered later; and this is what the most ardent proponent of the Finance Commission bill said with respect to a referendum: "I oppose this bill notwithstanding there is a referendum there because a referendum in Lewiston means nothing to me".

So, I say now, that if by any chance in the course of the debate on this matter it is suggested that a referendum be attached, there are but two possible explanations of that stand. One would be that it would be an indication that they acknowledge the defeat of their bill and are trying to save what they can of it. The other would be that they seriously believe that there are enough votes in the city of Lewiston, enough honest votes interested in good government, to pass this bill by a vote in Lewiston; and if that is their position, I submit to this House that if there are enough votes there to pass this bill by referendum, there are enough votes there to clean up any evil conditions in a common ordinary municipal election, and that they are wasting the time of this Legislature by coming here unless and until they make an honest effort to clean up, in a municipal election, any situation which they allege exists. (Applause).

Mr. GAGNE of Lewiston: Mr. Speaker and members of the House: I shall not tire you with a long speech, but I feel it is my duty to lay before you some of the reasons why I introduced House Document No. 91, entitled an act to establish a Finance Commission in the city of Lewiston. The taxpayers are the real people who caused this act to be drafted and presented to this Legislature. A very strong demand for

this bill began last fall and has continued to grow stronger up to this very day for the relief which this bill provides. The taxpayers, representing more than five hundred thousand dollars in taxes, are asking you to pass this bill, and many of the best business men in our city have stated that from ninety thousand dollars to one hundred thousand dollars can be saved each year under this bill. We are spending each year \$1,500,000.00 and certain well-known business men who are without question in a position to know, have stated that a sum, as I have said, from ninety thousand dollars to one hundred thousand dollars can be saved each year.

This waste of money is due to a well-known fact that as a result of corruption and unbusinesslike methods, a large sum is wasted each year, and the taxpayers receive no benefit from it. This bill, if passed, will also check corruption and many unbusinesslike deals. This bill is a non-partisan measure; three ex-Democratic mayors are with it. They realize full well the corruption and unbusinesslike deals that have existed for a long time. They also know of the grave financial condition of our city at the present time, and what this means to them, if allowed to continue.

Gentlemen, we are now within \$61,000 of our debt limit, and yet we are face to face with the following emergency matters:

Lewiston has only one line of pipe from Lake Auburn to the Androscoggin river, from which it can get water for fire and domestic purposes. We must, to avoid danger to life and property, lay another line of pipe which will cost not less than \$300,000. Only last year we had a small break in the only line of pipe from which we can get water. It took thirty-six hours to repair it. When the water started running again through the pipe, there was only six feet of water left in the reservoir. Think, gentlemen, what would have happened if we had had a bad fire break out under such conditions. Our public schools have been sadly treated. We have only built one elementary school in Lewiston during the past thirty-seven years. Think of that, gentlemen; all of our schools are overcrowded and were four years ago; less than one-half of those who want to take the Do-

mestic Arts courses cannot take them on account of lack of room. So, as a result of such conditions, it is admitted by all that we must build a new high school just as soon as cash will allow. This will require not less than seven hundred thousand dollars.

There is also another important matter which we must attend to at once; we have a brook known as Jepson brook, running through the city; all of the drainage from St. Mary's Hospital runs into this brook, causing a very bad condition, and the State authorities have given notice to the city that this must be taken care of at once, otherwise the State will take action, which will cost the city \$75,000 or more.

These three matters alone will cost us over \$1,000,000—and do not forget that we can only borrow \$61,000. Think what the taxpayers would face if our high school or city building should burn.

I want to tell you of a few things that have been taking place in Lewiston during the past few years. They are matters of common talk. Jobs were sold by aldermen at prices from \$100 for a year's job to \$1,200, for a three years' job. One job sold in 1924 for \$1,200—a three years' job. The man had to borrow money to pay for it, and the man he got the money from said it was too much. This same job another man put up five hundred dollars for and he was told it was not enough. The man said it was more than he could afford to pay and he lost the job.

Men have been allowed to contract with the city of Lewiston, gentleman, in violation of the law. A member of the Lewiston Highway Commission, for the last three years, has been selling insurance to the city. The Clerk of the Water Commission also has been selling insurance to the city during the past year, and they have just elected him for another year. One of the men placed on the City Park only last summer was found drunk from drinking canned heat, and he was paid four dollars a day all summer. Men while on duty have been found in this same condition in other departments.

The gentleman from Portland (Mr. Atwood) quoted from the Lewiston Daily Journal. I, too, will quote from that paper: "It is all well

enough to talk about giving up the birthright and all that; but it butters no parsnips. What taxpayers want is economical city government by business brains, not by haphazard and chance outcome of politics. And they want it almighty much." "The harried taxpayer is at last driven to the wall. He wants a business administration of affairs. He wants to pay debts; make improvements and see his money going for something else except a lot of small jobs, growing as the exigencies of political machines demand." "But, bear in mind that this petitioning"—and, gentlemen, we have about 450 names on the petition, all taxpayers of the city of Lewiston, aggregating over \$500,000—"these names, this demand from the taxpayers, mean something. And unless something is done for improvement we shall see other cities passing us, our own appeal for investors and population falling on deaf ears."

In another issue of the Lewiston Journal it says, "The needs of Lewiston for better government are great. Whatever may be the outcome of the situation is not without encouragement to those who have fought for improvement. They have done a service to Lewiston; it shows that there are some people who do not propose to stand for the sort of stuff that has been dealt out to Lewiston for the past few years."

The gentleman from Portland (Mr. Atwood) said they seem to be well satisfied in Lewiston with the city government. On Tuesday, Oct. 21st, 1924, the Lewiston Daily Sun said: "Standing pat on his veto of the school lot purchase, Mayor Brann last night directed a verbal volley against the aldermen in which he flayed them for wilful expenditure of the people's money. His speech caught the closest attention from start to finish. The aldermen's chamber was packed with people from that section of the city that will benefit by a new school. They came and spoke for a new school but the most of them spoke against spending too much. They did not support any one of the three lots proposed, but wanted one of them purchased so they could have their school. 'I do not want to be unduly critical' he said, 'I can appreciate the viewpoints of others, and I am sure they can appreciate mine. But I am custodian of the funds raised by tax-

ing the people. You aldermen are vested with the right to make appropriations, while the charter gives the mayor the right to veto. I am now rounding out my fifth year as mayor. Never until this year have I felt called upon to use my veto powers'".

So you can see, gentlemen, that the mayor at the hearing acknowledged that his hands were tied, and he could do nothing, and that he had to fight and fight all the years that he was in office against those opposed to him, for the protection of the taxpayers' money. And, gentlemen, at the present time the seven aldermen are running the affairs of Lewiston.

In the same paper the mayor said further, "A short time ago I vetoed the garbage bill. That resulted in the saving of approximately \$7,500 to the people. It was justified. No man on this board of aldermen has exercised the same care in spending the city's money as he would if he had been buying a lot for himself".

Gentlemen, do you think that you as business men would allow your business to be run by a clerk who knows practically nothing about the business, and further, who is not interested in making the business pay?

And, gentlemen, as to the schools, we are lacking about five schools in the city of Lewiston for the children, and if you were there, living amongst them as I do, and could see those little children unable to go to school for the lack of accommodation, you would feel the same as I do. I do not want to keep you here listening to me in a long speech; I am not used to long speeches; I do not like them myself; but I am telling you the straight facts. In one school the manual training is carried on in the cooking room and the sewing is done on the third floor in another building, while the domestic arts girls in the high schools are so limited for accommodation that not more than half of those desiring that course may take it. They built one school, which was finished last year, on the 13th or 15th of October. That school was only intended for a hundred pupils and on the first day there were a hundred and sixty-three that went to that school, and sixty-three had to be turned away and they have no school today, and that is one of our best public schools; that is where my own children go; and I

tell you, gentlemen, it is pretty hard and a pretty serious thing when you see so many little children without a school.

In another corner of the city there is the same condition. Every school in the city of Lewiston is very overcrowded; no place for their children.

The gentleman from Portland (Mr. Atwood) tells you about this affidavit of Mr. Bertrand C. Tribou, the City Auditor. Now in 1921, under Mayor Brann's administration, he saved the city \$95,000 in that year alone, and if there had been business men associated with him in the government, they would have saved as much again in the year, because that was in 1921, when everything was high, as you will remember, right after the close of the war.

And the bonded debt; as the gentleman said, on January 1st was \$136,000 and since that time this House has passed another bill asking for \$75,000 which leaves us only \$61,000 to face the situation. Suppose our city buildings or our high schools burned down, what would we do in the city of Lewiston with all those children for education? We would have to wait a year or two before we could rebuild, and that would leave those children without education.

In 1922 the valuation was \$3,228,078 and the cash realized was \$99,869.34. That is where they got a little more money afterward, but the gentleman mentioned that, and the bond that was voted was voted when I was here in this House. It was to reimburse the bond outstanding. It was not to build an armory. It was to take up the bond coming due and the armory was built with the understanding that it was to be a State armory. After it was built someone interested the city of Lewiston and got them to take it over, and the city of Lewiston voted to keep the armory. But those who voted for it did so because they did not understand it. They did not take time to look into it. I am sorry to say that while the majority of my people, the Franco-American people are good, hard-working and conscientious people, they do not read the papers enough, they do not keep in touch with city affairs as they should. If they did, some of these things would not happen. But the armory was turned over to us as a white elephant, and we had to raise the tax

up to thirty-two mills for the upkeep of it. It costs from \$15,000 to \$18,000 a year. Think of it, gentlemen. And the tax payer has to pay for it.

But they are getting sick of it; they are getting sick and tired of that sort of thing. And I am asking you, in justice to the city of Lewiston, for the men that are paying the bills, for the men who want to see schools built for the children of the city, to pass this bill. How are our children going to be educated if they have no schools? How are they going to learn to speak English and to grow up good citizens?

I tell you, gentlemen, this condition must be improved, and I hope that the motion of the gentleman will not prevail, and if it does not, I want Amendment A to go through, and I will vote for Amendment A. Thank you, gentlemen. (Applause)

Mr. ROY of Lewiston: Mr. Speaker and members: I hardly think it is necessary to comment on what the gentleman from Lewiston (Mr. Gagne) has just told about the people who are in the city government at Lewiston. The same people elected the city government in Lewiston that elected the delegation here to this Legislature, and I do not think you will find much difference between these men that are here representing them and those men that are representing them in Lewiston.

Now, as to the hearings on the Finance Commission bill, the Chairman of the Legal Affairs Committee called this bill an extraordinary piece of legislation and I believe, in its original form, it had no precedent. There was no one to support that bill except the one who drafted the bill, the gentleman who presented it, the gentleman from Lewiston, and a gentleman who does not live in Lewiston, but resides in Auburn. These three men, if I remember right, were all who appeared as proponents for that bill. Now the only proof as evidence offered to support that measure was in the form of petitions, affidavits and a few figures pertaining to Lewiston's financial affairs. You know as well as I do that it is the easiest thing in the world to get names on a petition, even names of prominent men, especially if your argument is among business men and taxpayers that you are going to lower their

taxes. Let a man who is well-known here in Augusta take out a petition and go into the street with it, and he will get nine out of ten of the taxpayers to sign it if he says he has got a proposition that is going to lower their taxes.

That is just the argument used by the proponents of this bill when they went through Lewiston and circulated this petition for a Finance Commission to look after the city's financial affairs.

Now, the affidavit implicated men who occupy inferior positions and they certainly had no bearing on the case. While the figures related to the financial affairs of the city, I fail to see how they could have had any bearing on the case.

At the hearing the petitions and the affidavits were handed to the Committee on Legal Affairs, and those gentlemen were asked to keep them secret, not to let the opponents see them, for the reason that the signers were afraid that the opponents might do something to them to hurt their business. Now these brave men did not appear at the hearing. They claim that their city is in the hands of bad men, that the soul of our city is on the way to Hell, and yet they are afraid to come forward and defend their city. Now, what do you think of men who, seeing their city in danger, and if asked to defend it, would say, "I do not dare to face them for they might do something to me." Those are brave men. Judging from what the drafter of this bill said at the hearing, it is this class of brave men who are supporting the cowardly act that would tend to deprive the citizens of Lewiston of their inalienable rights to self government. And the proponents of this measure come to this Legislature, the supreme power of the State, and ask that this body use their power to force this unjust act on our citizens.

I want to be brief, gentlemen. Now, the proponent who drafted this bill has been most deceiving in his method employed to put his bill through this Legislature. If, gentlemen, you will kindly turn to House Document No. 91, which is the original bill, I will prove to you how this man had been making statements to the people which appeared in the Lewiston Journal, and the object he was seeking was to put through, if he could do it by secret methods,

this bill. He says that this bill is not new in city management, that Manchester, New Hampshire has a similar bill and it is working out to good advantage in that city.

Now, that Manchester, New Hampshire, bill ends with the seventh section. The first section here is similar to that. There are two changes in the Lewiston bill, but the seventh section is entirely different. In the old bill the seventh section gave that Commission supreme power over the city government of Lewiston, and in the ninth section it gave them power over the street department.

Now Section 7 of the Manchester, New Hampshire, bill says: "The Board of Aldermen and Mayor shall fix the compensation of the members of said Commission and such clerks as said Commission may employ; and the Commission is authorized to incur such expense in conducting its investigation as it may deem necessary, and such expense shall be a charge against said city, which shall appropriate funds to pay therefor." This bill is entirely different than that but at the hearing they tried to make it appear that it was this measure, which was working well in Manchester. The proponent of this bill had letters written to him and read them, saying that this measure was working well in Manchester, but it is not the same.

Now, gentlemen, I want to cut this short. All the citizens of Lewiston ask is that they should be treated with the same consideration that the other cities are. For instance, if there was written on the wall of this Hall in large letters, "Do ye to the citizens of Lewiston as you would have us do to the citizens of your town," would you pass this measure giving this Commission power over the city of Lewiston? I am pretty sure you would not. What I ask of you is not a favor, but that you do justice to my city as you would want me to do justice to the citizens of your city. I thank you.

Mr. CUMMINGS of Portland: Mr. Speaker, I have been told that there are certain letters in the hands of the clerk bearing on this matter, that might throw some light on it, and if that is correct, I would like to have them read.

The SPEAKER: There are a large number of papers here.

Mr. GAGNE of Lewiston: Mr. Speaker, I meant to have those let-

ters read by the Clerk, from the city of Manchester. My colleague says this bill is different than the Manchester bill, and I tell you gentlemen, it is exactly the same as the Manchester bill. I tell you, gentlemen, we want those three men appointed by the Governor, because we can trust the governor three hundred and sixty-five days and six hours every year, and we cannot trust those who have charge of our government in Lewiston.

The SPEAKER: The Clerk will comply with the request of the gentleman from Portland.

The Clerk thereupon read the following letters:

CITY OF MANCHESTER, N. H.
OFFICE OF THE CITY AUDITOR
February 25, 1925.

Mr. E. R. Parent,
194 Lisbon Street,
Lewiston, Maine.
Dear Sir:

In reply to your query with regard to the functions of the Finance Commission of the City of Manchester, I would say that it has been found of great value in circumstances where a city legislative body may have been inclined to spend the city's money too freely. In such cases it acts as a check. The Commission has no creative power but a veto power which heretofore was vested in the person of the Mayor.

Manchester has been very fortunate in having high grade men as Finance Commissioners. This, in my opinion, is due to a great extent to the fact that a minimum salary is attached to the position. The men have served for the good of the City, not for the sum involved.

Hoping this is the information you are seeking, I remain

Very truly yours,
Lucien J. Martin.

THE HOUSE OF
CHAMBERLAIN & BURNHAM, Inc.
Largest Real Estate Clearing House
in New England
Manchester, N. H.,
February 25, 1925.

Mr. E. R. Parent,
Lewiston, Me.
Dear Sir:

Replying to your esteemed inquiry of recent date as to my opinion in regard to the workings of the Fi-

nance Commission for the City of Manchester, would say that in my belief it has been advantageous far beyond the anticipations of those who sponsored it.

The Finance Commission, as I have observed it, is a safeguard against extravagance, is a check upon irresponsibles who, seemingly, always manage to comprise at least a good sized minority in practically all municipal bodies, keeps the various branches of the City Government within their appropriations, and works with wisdom and good judgment in the interests of taxpayers. This has been the history, as I have observed, of the workings of the Finance Commission for the City of Manchester.

Very truly yours,
E. J. Knowlton,
Formerly Mayor and Post-
master of Manchester.

AMOSKEAG BANK BUILDING
MANCHESTER, N. H.

March 10, 1925.
Edward R. Parent, Esq.,
Attorney-at-Law,
194 Lisbon Street,
Lewiston, Maine.

My dear Mr. Parent:—

Replying to your favor of the ninth instant relative to the workings of our Finance Commission, will state that our Commission has demonstrated its value and more than justified its creation, and will unquestionably remain a permanent commission. The public has confidence in it, and it has proven to be a veritable "watch dog" of the treasury, and yet, has not been oppressive or opposed to public improvements and progress.

Yours very truly,
L. ASHTON THORP.

THE MERCHANTS NATIONAL
BANK
MANCHESTER, N. H.

February 19, 1925.
Edward R. Parent, Esq.,
194 Lisbon St.,
Lewiston, Maine.

Dear Sir:

In response to any inquiry from your friend and fellow townsman, Mr. D. E. Westall, who called on me today relative to the operations of the Finance Commission of the city of Manchester, it gives me much pleasure to say that the record of our Finance Commission since its

inception is something from which those interested in the substantial welfare of the city of Manchester may derive much satisfaction. For a few years prior thereto the city was unfortunate in having a government which left very little if anything to show for the money expended.

A Highway Commission of three was named at about the same time and the two Commissions made up of some of our most successful business men have together performed a notable service of lasting benefit to the city.

Mr. Herbert N. Bond, until recently the first and only Chairman of the Finance Commission, is a man of wealth and a large owner of Manchester real estate.

It happens, however, at the present time, the city has for Mayor one who is perfectly competent to carry on the city affairs in a proper way. However that may be, the control of the finances is at present fully vested in a state appointed Finance Commission.

Very truly yours,
H. L. ADDITON,
V. P. & Cashier.

Mr. ROY of Lewiston: Mr. Speaker, that is just where Mr. Parent misrepresented his bill. This Manchester, New Hampshire law of 1921 is entirely different from the bill you have there. Now, to prove this statement, if you will kindly take the bill, you will find that the first section is practically the same as the Manchester bill; the second section has a few changes; sections 3 and 4 are about the same, and from the 7th it branches right off and is entirely a different bill. The Manchester bill says the Board of Aldermen and Mayor shall fix the compensation of the Commission and such clerks as the Commission may employ. What does your bill say? It says that the State shall fix the salary of these three Commissioners at \$10,500, and we have nothing to say about it. Is that the Manchester proposition? No, it is entirely different. And then you have seven more sections than the Manchester bill has.

That shows the false statement of that man in sending those letters. He misrepresented the fact about the Manchester bill.

Mr. SEIDEL of Biddeford: Mr. Speaker and gentlemen: The Legal Affairs Committee advertised a

hearing and spent the major portion of the afternoon at the hearing listening to proponents of this bill. The gentleman from Lewiston, Mr. Gagne, was the principal witness before the Committee. He had ample opportunity to prove his allegations that men had bought jobs in the city of Lewiston, and the opponents of the bill were there ready to refute the charges. He had no evidence whatever to prove that charge. It is hard to refute that which is not true; moreover it is unnecessary to disprove an irresponsible allegation where the person who makes the statement has the opportunity to prove it and neglects to do so.

The question, as I take it, before this body, is not the condition of Manchester, N. H., but the condition of Lewiston, Maine. The proponents of this measure have suggested that this Legislature pass an extraordinary measure, a measure never heretofore attempted in the history of this State. They had their opportunity at a hearing and as the gentleman from Portland (Mr. Atwood) well said, their evidence was immaterial and worthless. The only evidence with a semblance of probative force was the statement that the city of Lewiston had increased its indebtedness six hundred thousand dollars in the last five or six years.

The proponents of the bill immediately showed that this supposed indebtedness consisted, as the gentleman from Portland said, of \$250,000 in notes which had been running over twenty years, and in 1921 those notes were refunded and issued as bonds; \$375,000 were by reason of an armory which was completed about 1923. Now, the aggregate of the \$250,000 and the \$375,000 is \$625,000, if my figures are right which account for this supposed increase.

The city of Lewiston is taking care of the armory by an appropriation of \$50,000 a year. It has a special tax for that purpose. It has reduced its indebtedness \$90,000 for the last year, the calendar year ending January 1st, 1925. They may, perhaps, have been indiscreet in spending so much money for an armory, but you will all recall that immediately following the war there was a great wave of patriotism, and a strong cry for armories to be built in every community. The citizens of

Lewiston were imbued with what you might call too much patriotism and too little judgment. It is all a matter of opinion. But, should they be penalized because their only offense, as appears here from the evidence, was that they were too enthusiastic in providing for the national defense?

Now, as the gentleman from Portland (Mr. Atwood) has said, the city of Lewiston is unique among the municipalities in this State in that it owns and operates a system of water works. The physical valuation of that water system at the last report on file in this building—in the Public Utilities Office—is \$1,059,000. That does not include the amount allowed which is equivalent to the good will in other businesses. The Public Utilities Commission are supposed to loan money for the first ten or fifteen years, until they shall have educated the people into using their product. And consequently the Public Utilities, in fixing the value of a public utility, always allows a reasonable and very substantial sum for the money which it costs the company to get the people to partake of that utility.

Now, we won't attempt to claim how much that good will is worth, but the physical valuation is worth \$1,059,000. Subtract that from the figures submitted by the proponents, and it leaves less than \$300,000 as an indebtedness. It is the only city in the State that is in a business with an asset that is not connected with it as a political sub-division of the city. Its streets, its schoolhouses and public buildings are not considered as assets in a business way, but the city of Lewiston can at any time sell its water system to a private company or it may create a water district such as Portland has, and obtain from that, with the sanction of the Legislature, the physical valuation in addition to what it has cost to inaugurate and make that system self-supporting.

Therefore, the city of Lewiston is in better shape than any other city in the State. Its actual funded indebtedness is less than one and one-half per cent.

They speak of the constitutional limitation. The city of Lewiston could, at any time, with legislative sanction, sell its water rights and be in a position to borrow twelve hundred thousand dollars. Now, what

other city in the State can do the same? Comparisons are always odious but in order to ascertain what the condition of Lewiston is,—and I submit that is the question before the House—it is necessary that we compare it with other cities and towns in the State.

Now, before this same Legal Affairs Committee came the Representative from Brewer, and he represented that the schools of Brewer were inadequate, and that they must have two terms, in order to have one class of children in the morning and another class in the afternoon, because the schools were not large enough; that they had borrowed so much money that the constitutional inhibition prohibited them from borrowing more, and the Representative asked this Legislature to pass an act creating a high school district for the city of Brewer, in order to enable that city to circumvent the constitutional requirement—and when I use the word "circumvent," I use it in no derogatory sense. It is perfectly legal. The bill was reported by this Committee, and it has been before this House.

The citizens of Old Town came here and represented that the schools of Old Town were inadequate; and four or five years ago a gentleman named Herbert H. Graves built them a school because they could not borrow the money, having approached so near the constitutional requirement, and the Legal Affairs Committee incorporated the Herbert H. Graves high school district of Old Town, in order to help them out of their dilemma.

The citizens of South Portland came here and a sewer district was incorporated for the express purpose of enabling them to borrow money and thereby avoid the constitutional prohibitions. The citizens of Caribou came here and they got the same treatment. Now the citizens of Portland—Mr. Speaker, am I digressing?

The SPEAKER: I was afraid you might begin to digress.

Mr. SEIDEL (continuing): I will try to keep to the subject. Now, the citizens of Lewiston came here and the only evidence with a semblance of force is their financial condition, and we submit to you that when the matter is properly analyzed, the city of Lewiston is in better financial

condition than any other city in the State of Maine.

Now, they have brought in here what the mayor said in his inaugural about a crisis impending. I submit to you, as reasonable men, did you ever hear a mayor's inaugural that did not speak of a crisis? We submit that the mayor in his inaugural has the license of the politician who builds his case in order to get the result which he advocates, and invariably he calls attention to this fact or that fact. I might say that with six months' preparation, as disclosed in this hearing, we found not a semblance of evidence as to mismanagement of the institutions of Lewiston; we found no evidence of graft; we found no evidence of incompetency; the tax rate was shown to be—with the exception of that one and a half per cent for the armory tax—but thirty and one-half per cent, which, with the special armory tax, made thirty-two per cent—the lowest tax rate of any city in the State.

We found the city of Lewiston has grown faster than any municipality in the State, and I ask you why, in Heaven's name, is it necessary for the State to take charge of the city of Lewiston to have them demonstrate that they are able and capable of taking care of themselves? (Applause)

Mr. GAGNE of Lewiston: Mr. Speaker, through the Chair I would like to ask permission to address the House once more.

The permission was given.

Mr. GAGNE: Mr. Speaker, my colleague from Lewiston told you that anybody could get the signatures of prominent men on a petition. Gentlemen, you all know that a business man does not put his signature to any petition without knowing what he is signing for, and three-quarters of these names are names of business men who would not put their names down without reason.

He also told you about this Wood affidavit. I do not want to say anything about that. It was proven that he was inefficient and his pay was \$3,200 a year when Auburn only pays \$1,500, and that man is in the city of Lewiston every day with a car at the expense of the city and he does not even do two hours' work a day for that city. And yet he tells

you that our city management is efficient.

He also tells you that the Manchester bill is not like ours. Take the bills and read them, clause for clause. There may be a few more clauses, but you will find the bills are practically the same.

Mr. WINN of Lisbon: Mr. Speaker, I will be very brief. I have lived near Lewiston nearly all my life and know a great many of its business men. I am well acquainted with the proponents of this bill, and I have nothing but the highest regard for them, but it seems to me at the present time to be unfair to them.

There has been something said about men buying positions. Oftentimes I have heard that accusation made. Several years ago a gentleman made a remark to me, who works for the State Highway Department, that he lost his position simply because he would not pay the price. I immediately took it up with a representative at that time, and we investigated, had a talk with the mayor, and we found out that the man was simply green, and when I returned from the Legislature two years ago, I had to purchase another house, a residence, and some citizen jokingly said, "He went over to the Legislature, comes back, and buys a house." It was said jokingly, but sometimes those things are said in all sincerity, and others took this in all sincerity. I simply bring it up to show that such remarks are of no great value.

I do not believe that Lewiston is an ill-governed city, from what I have seen of it. I have walked the streets of Lewiston and been in the city, probably, as much as the average legislator, from having lived so close to it. Since I have been here I was in conversation with a gentleman whom I presume is a heavy tax payer in Lewiston, and is well known throughout the State, and is a former Speaker of this House and he asked me if I could see any way to assist them in seeing that this measure was not passed, to do so. and in closing, I will say this: "Do unto others as ye would that they should do unto you".

The SPEAKER: The House is discussing an act to establish a Finance Commission in the City of Lewiston. The question is on the motion of the gentleman from Port-

land, Mr. Atwood, that Report C "ought not to pass" be accepted. Is the House ready for the question?

A viva voce vote being doubted,

A division of the House was had. Fifty-nine having voted in the affirmative and 42 in the negative, the motion to accept Report C prevailed.

Mr. ATWOOD of Portland: Mr. Speaker, I move that we reconsider the action whereby the report "ought not to pass" was accepted, and I hope that my motion will not prevail.

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

The SPEAKER: The Chair will announce the Conferees in the matter of the bridge at Vanceboro. The Chair appoints as conferees on the part of the House in this matter, the gentleman from Danforth, Mr. Pullen; the gentleman from Calais, Mr. Beckett; the gentleman from Lubec, Mr. Pike.

The SPEAKER: In the matter relative to Armory rental, the Chair appoints as conferees on the part of the House: The gentleman from Portland, Mr. Hale; the gentleman from Bath, Mr. Buker; the gentleman from Portland, Mr. Davis.

The SPEAKER: Regarding the Old Town school matter, the Chair appoints as conferees on the part of the House: Mr. Decker of Milo; Mr. Goodrich of Farmingdale; Mr. Lowell of Lincoln.

Mr. FROST of Belfast: Mr. Speaker, I would like to inquire if it would be in order at this time to move to reconsider House Document 532, which was passed to be engrossed earlier in the day, resolve in favor of the town of Norridgewock for repair of bridge across the river.

The SPEAKER: The motion is in order.

Mr. FROST: Is it debatable, Mr. Speaker?

The SPEAKER: It is.

Mr. FROST: I simply want to make an explanation in relation to it. You will notice that this resolve as drawn does not specify any bridge. It simply says the bridge across the Kennebec River. Now, if this resolve is passed to be finally enacted in its present form, it will

mean a direct draft on the State Treasurer for fifteen hundred dollars to repair a bridge in the town of Norridgewock.

Now, I assume that every town represented here is in exactly the same position as the town which I represent, and that is that whenever a bridge in our town comes to a state of repairs, we have to buy the plank and spikes and the other things necessary, and repair the bridge at our own expense.

Earlier in this session a resolve similar to this was introduced in connection with the Kennebec River, and then that was withdrawn and it was arranged that the town, county and city would participate in the building of that bridge.

Now, it seems to me that would be as much as could possibly be expected of the State by the town of Norridgewock. If the parties interested in this would withdraw or amend it, so it would come under the Bridge Act, it seems to me it would be acceptable. Otherwise, I should want to make a motion to indefinitely postpone. The motion I have made is that we reconsider the action whereby this resolve was passed to be engrossed.

Mr. THISSELL of Norridgewock: Mr. Speaker, a word of explanation to the gentleman from Belfast, (Mr. Frost). This matter was taken up before the Ways and Bridges Committee and there was several reasons why the town asked for this in the form it now is. In the first place, the town asked an appropriation directly from the State for the repair of this bridge. This bridge is a connecting link of the trunk line, the State highway and is subject to constant and hard usage. As I understood, under the Bridge Act the town would not be able to get aid in replanking this bridge and it was in a serious condition. It is one of the few old entirely wooden bridges in the State of Maine, and, as I say, it is subject to a great strain by reason of the ever increasing traffic over the State road from Skowhegan to Norridgewock. The additional traffic put upon it this year came at a time when it was not in condition to carry it and that was the reason for asking the State to assume this burden.

Mr. STITHAM of Pittsfield: Mr. Speaker, I just want to call the attention of the House to the fact that

the town of Norridgewock had a very destructive fire during the last year and it is not in a position at the present time to finance the replanking of this bridge. It is thought by Mr. Thissell that this was the proper method, after talking the matter over with the Highway Commission, to pursue in order to obtain immediate assistance. I understand this bridge must be repaired this spring. It is in a dangerous condition. I hope that the motion of the gentleman from Belfast (Mr. Frost), if one is made, to indefinitely postpone this measure, will not prevail.

Mr. CYR of Waterville: Mr. Speaker, it seems to me that if they had proceeded under the Bridge Act, it would not have cost the town of Norridgewock a cent; that the State would pay the cost. I may be wrong but that is the way I think it is.

The SPEAKER: The motion before the House is that of the gentleman from Belfast, Mr. Frost, that the House reconsider its action whereby a resolve in favor of the town of Norridgewock for repair of bridge across the Kennebec River was earlier in the day passed to be engrossed. Is the House ready for the question?

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

The SPEAKER: The report of the committee on Legal Affairs, ought not to pass, on bill an act to provide a new charter for the city of Lewiston was tabled temporarily to await the Commission matter. Can that be taken up advantageously at present?

On motion by Mr. Holmes of Lewiston, the report of the committee on Legal Affairs, ought not to pass, was accepted.

The SPEAKER: The next matter on the calendar is House Amendment A to bill an act relating to non-resident motor vehicles, S. P. 636, S. D. 300, tabled by the gentleman from Kennebunk, Mr. Littlefield, April 8, pending adoption of the amendment.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, this bill, Senate Document 300, you can read and see what it means and you will also see what it means to the State of Maine. Now this is really a reciprocity act. In other words, if we allow them to

come in here free, they will allow us the same privilege. As it is today, the law in Connecticut gives us fifteen days free time in that State with our automobiles, then we pay a full registration fee. The law in New Hampshire is twenty days free time and then we pay a full registration fee. The law in Massachusetts is thirty days and then we pay full registration fee. Now the hotel keepers of this State say that people do not like that way. We have tried in this amendment to make this perfectly clear that no matter what state a person comes from he has twenty days free time in the State of Maine. At the expiration of that twenty days free time, they are to provide a license, which license shall be allowed for one-half the regular registration fee. That permits everyone to come into our State on the level. In other words, take it at our Beach, you let four cottages right together, one man from Connecticut has fifteen days, one from New Hampshire has twenty, one from Massachusetts has thirty, and one from Ohio has two months. What does a man think of the State of Maine when he comes down here and in fifteen days they tell him that he must pay his license fee? The man next to him does not have to pay for five days more, the other man next to him does not have to pay for ten days more, the next man does not have to pay at all because he does not stay the two months.

Mr. Speaker, my only object in this is not to lose our highway money which we gain from these registration fees which amount to at least \$100,000 a year. I think it is no more than fair that they all be treated alike. As it is today, a person coming into this State, in our section of the country, a great many of them—I do not mean all—but there are a class that do this. They say when they leave home "We will go down and stay six weeks on a summer vacation." They come down to our beaches and after they have been there perhaps a week, someone says "You will have to pay a registration fee by and by. Did you know that?" "No." "How long will we have?" Thirty days if they come from Massachusetts. At the expiration of twenty-nine days of this time they say, "I guess we had better take our money and go to New Hampshire and stay the other two

weeks" which they can do under the law; so we lose them entirely.

Now if we had a twenty day time for every person with one-half the registration fee, that person will stay the twenty days. On the matter of the pleasure car, that is all I have to say.

As to trucks, I wish to say that this bill has the same effect as it does on pleasure cars; and I want to quote these figures. A part of these figures represent pleasure cars the same as trucks. Passenger cars in the State of Massachusetts last year registered were \$580,489; in the State of Maine \$105,040; trucks in the State of Massachusetts were \$91,826; in the State of Maine \$19,001. Drivers' licenses, in the State of Massachusetts, \$620,439, and in the State of Maine \$143,732. That was straight drivers' licenses.

The total receipts from the automobiles in the State of Massachusetts were \$8,545,226.04; in the State of Maine \$1,933,561.37. Now, in the State of Maine we have got 22,296.65 miles of road, and we have got to keep those roads in repair. We have a population of 769,334. In the State of Massachusetts they have got 20,525 miles of road, with 3,384,259 to keep it in repair. Now the valuation of the State of Massachusetts is \$5,711,023,312. The total valuation of the State of Maine is \$672,767,742, or a difference after subtracting our valuation from the State of Massachusetts of \$5,038,255,570.

Now can you see any reason why the State of Massachusetts would not like to have reciprocity with the State of Maine? The valuation of Boston alone is more than that of the State of Maine. The county of Aroostook has more square miles than the State of Massachusetts. Now if we let these cars all in here free, you can see who has got to pay the bills, and I ask you to vote for this amendment.

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

Mr. HALE of Portland: Mr. Speaker, is the amendment printed?

The SPEAKER: Printed as House Document 533.

Mr. HALE: Mr. Speaker, I should like for a moment to discuss this matter. The bill as reported out of the Committee is a unanimous report, as I recall it—the so-called reciprocity bill—which means, as I understand it, that cars of other

states have the same rights in Maine that citizens of Maine have in other states. The feeling of the Committee was that it was good business to let the bars down and facilitate and encourage cars from outside of the State to come here. What we lose in motor registration fees we very much more than make up in what those tourists spend in this State. That is the trend of legislation all over the country. Now the amendment of the gentleman from Kennebunk (Mr. Littlefield) is the very antithesis of the bill. You will notice by House Document 533 that "non-residents may operate motor vehicles and trailers, except those hereinafter enumerated in this section, on the ways of this state for not exceeding twenty days in any one year without registration". The bill and the amendment cannot live together. You have either got to have the bill as the Committee reported it out or no bill at all; and I would request the House to vote against the amendment of the gentleman from Kennebunk (Mr. Littlefield) and in favor of the bill.

Mr. WING of Auburn: Mr. Speaker, it is extremely difficult to understand the enumerable statutes we have had in regard to the regulation of motor vehicles. If you will look at Senate Document 300, the second page thereof, beginning at line 12, the real provision of the bill: "The provisions of this section shall, however, be operative as to an owner and operator of such vehicle only to the extent"—that is the bight of the reciprocity bill—"only to the extent that under the laws of the state or country of his residence, like exemptions and privileges are granted to owners and operators of light vehicles registered under the laws of this State." That is to meet a situation such as I understand obtains in Massachusetts, where if a man goes and stays in a cottage, say at Cape Cod for thirty days, they make him take a complete Massachusetts license. The Committee felt that if that was the law in Massachusetts, that if a family came here into our State and occupied a cottage at any of our resorts, and they were to stay thirty days or sixty days, they would pay, so far as that Massachusetts licensed car was concerned, just what they would pay in their own State.

This amendment, you see, allows a man to come in and stay twenty

days. If you will examine it, you will see that before the expiration of the amendment, he may make application to the Secretary of State, pay half the registration fee and get a license for the rest of the year. In other words, at this season of the year a man can remain twenty days and get a license for the rest of the year for half price. Now I do not believe that is what the gentleman from Kennebunk wishes. If it is, it is not in accordance with my notion of things.

Your Committee labored hard and long with these bills, and we felt that Senate Document 300 was a fair bill and served every purpose for which our State might seek to obtain license fees from visiting cars. If the world is going to ride in automobiles, we must either have uniform registration or we must make it easy for people to come to Maine, to New Hampshire, to Massachusetts, or to come hither from such places; and I think it would be the part of wisdom if we decline to accept the amendment of the gentleman from Kennebunk (Mr. Littlefield) or the amendment which the gentleman from Kittery (Mr. Burnham) offered.

I do not doubt their sincerity or their fine intentions in presenting this matter. I think if you will read with care Senate Document 300, you will find it a satisfactory piece of legislation. We have tried the other way, now let us try this way.

Mr. CUMMINGS of Portland: Mr. Speaker, I would like to ask, through the Chair, the gentleman from Auburn, Mr. Wing, what protection he has to offer the State in regard to the 91,000 trucks in Massachusetts that would come down here and smash up our highways in competition with the railroads, and it seems to me do quite a good deal of damage without the State getting anything in return.

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

Mr. WING: Mr. Speaker, I cannot reply. I refer the gentleman to the bill.

Mr. CUMMINGS: It seems to me, Mr. Speaker, that this is a very important feature of the amendment offered by Mr. Littlefield, and I believe that the State is entitled to the protection that is offered in this amendment.

Mr. LITTLEFIELD of Kenne-

bunk: Mr. Speaker, I have not said all I wanted to because I knew I would be confronted with this. Mr. Speaker, there has not been a bill in this House that has had the lobbying done on it that this one has by the hotel keepers of the State of Maine. You may not think so, but I know it is a fact. It is certainly a hotel keeper's bill. Did you ever know a hotel keeper to say that he was charging you too much for your dinner? But he says the automobile man comes down here and says "You charge us too much for our automobile," but he can charge you five dollars for a dinner and not say a word.

Mr. Speaker, here is another thing! The State of Maine has tried to get everybody to have reciprocity on trucks. What has it done? We have offered them a five-day license plate for one-quarter the full registration fee, and have said that if they wanted it for more than five days, that we would give a ten day license plate for one-quarter of the registration fee. Now, Mr. Speaker, when they make up their minds that they want the full year, our State goes farther and says, "What you have paid you take out." What is more fair than that? On the other hand, they say, "We don't care anything about your trucks, you have not got trucks enough so that we care". They are very cute in putting this thing up at this time because the Massachusetts Legislature is now in session and will be in session until June, and perhaps we may. (Laughter) What will they do the minute they find you have passed a reciprocity bill? They will pass the same kind of a bill. Then you have got 91,000 trucks, if they want to come down into the State of Maine, free. You have got almost 700,000 passenger cars coming in here free, and how many of our people will go back to Massachusetts? Members, it is simply a scheme put up and an imposition on the people of the State of Maine.

Mr. OAKES of Portland: Mr. Speaker, as I understand the situation now the trucks in Maine, when they go through New Hampshire and into Massachusetts, have to pay a license in both states, and the trucks in Massachusetts are equally penalized when they come into Maine. This bill does not touch

that situation, as I understand it, and the trucks in Massachusetts can come into Maine free if Massachusetts gives us the privilege of sending our trucks into Massachusetts free. I think that meets the situation absolutely, and that is the intention of the bill as it is drafted.

My personal opinion is that I would be willing to have the bill as we reported it out of Committee amended to eliminate trucks, and put the trucks on a basis perhaps like Mr. Littlefield's bill or on a basis of a certain number of trips. I do not think that the basis of one trip, that is to say making a truck pay a license the first time it comes into the State, is probably fair. I am, however, very insistent in my idea on the question of the pleasure cars. It seems to me that it is absolutely in line with our plan of inviting other people to come into our State, and I cannot see any complication in saying "Come in here, you are absolutely welcome, and we will give you just as much as you give us."

The economic proposition seems to me to be absolutely in our favor. If a man under the present law comes in and stays for thirty days, he has to pay a license fee. If he comes in from Massachusetts, where the thirty day law is in vogue, and stays for thirty days, he has got to pay a license. If from other States, it is according to their laws. New Hampshire, I believe, is twenty days.

I did a little figuring this morning, taking the average of the car that comes in here at \$12 for a license. Now up against that, if that car comes in and stays over thirty days, from Massachusetts, which would be the reciprocal time, it is probable that before they pay a license they would determine to stay enough longer to at least amount to fifteen days. Assuming that car had four people in it and they paid \$5 a day each for their keep, that would be \$900 for this car. At twenty per cent profit that would be \$180 profit to the people of our State, and actually it is more than twenty per cent profit because much of the material that they use comes from the result of toil and is actually payment in full to our people for their labor. In addition to that, assuming that you use three thousand gallons

of gasoline at a three cent gas tax, we would get \$7,50 from them during that time. Those are simply supposititious figures but is an illustration of what we can get from people coming here; and when we are working to get people into the State of Maine, to flood our State with summer people, and to enjoy the riches which they bring to us, this is the most acceptable method I know of.

Mr. STURGIS of Auburn: Mr. Speaker, may I ask the gentleman from Portland (Mr. Oakes) what the license fee is on a five ton truck coming in from Boston on a trip?

The SPEAKER: The gentleman may answer if he wishes.

Mr. OAKES: I do not know. As I remember the figures, the total amount received last year for trucks from out of the State was between seven and eight thousand dollars, and as I remember it, it took three men a large part of the time to keep track of the trucks. What the profit was to the State, I am unable to say. In connection with that I would like to answer the figures given by my friend from Kennebunk, (Mr. Littlefield) of \$100,000 loss. As I understand, there is no way to determine this loss. If a man sends in his application, if a summer visitor at Kennebunk sends his license application into the Secretary of State's office, he states on his license that he comes from Kennebunk, and the Secretary of State has no record as to where that car originally came from, whether from Massachusetts or was owned by a man who lived all the year around in Maine; so there are no statistics. As I understand the figures given by the office of the Secretary of State and the Highway Department estimates, although they have no basis for their estimates, it is less than \$50,000 that is received from out of the State parties; and you will readily see that only a portion of that \$50,000, and I think only a small portion, would be lost by this reciprocation, and that is to be compared with the amount of good will that we acquire by the reciprocal treatment of our neighbors.

Mr. STURGIS of Auburn: What I was getting at, Mr. Speaker, was to find out what we were getting back from out of the State trucks and high powered cars, heavily loaded,

that come into our State and stave our roads all to pieces?

Permission was granted Mr. Littlefield of Kennebunk to speak again.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, in answer to Mr. Sturgis, I would say that a five ton truck, in the State of Massachusetts, costs fifty dollars a year and a three ton truck, in Massachusetts, costs thirty dollars. A three ton truck in New Hampshire costs \$97.50 and a three ton truck in the State of Maine costs \$72, I think.

Mr. Oakes said that there was between seven and eight thousand dollars collected. That was simply for five and ten day license plates on trucks, which is the only thing they can keep separate in the State House, and he said there was between seven and eight thousand dollars' worth, and it was collected on either one-third or one-fourth of the whole registration fee of those trucks. I did say to one of the men in the Department, "How many trucks do you suppose there might be registered by the year outside of those trucks?" And they told me that they had an idea possibly between four and five hundred. Now, if there were between four and five hundred, would a regular yearly license and enough to come to seven or eight thousand dollars with five and ten day licenses, for the Lord's sake, how many could there be putting them all together? I was putting that just as conservative as I thought I could. He tells you that it would take three men to look after this business. How does he know? I tell you, members of the House, it is a scheme to make us pay while the others are doing the riding.

The SPEAKER: The question is on the motion of the gentleman from Kennebunk that House Amendment A to bill, an act relating to non-resident motor vehicles be adopted.

Mr. LITTLEFIELD: Mr. Speaker, I would like a division.

A division being had.

Fifty-one voting in the affirmative and 39 in the negative, the amendment was adopted.

Mr. WING of Auburn: Mr. Speaker, I move that the bill be indefinitely postponed.

Mr. LITTLEFIELD: Is that motion debatable, Mr. Speaker?

The SPEAKER: The motion is debatable.

Mr. LITTLEFIELD: Mr. Speaker and members of the House: You see just how this thing is working! I can see it and I think you all can, and I do not believe you are going to let him fool you. (Applause)

The SPEAKER: Is the House ready for the question?

Mr. HALE of Portland: Mr. Speaker, if the gentleman from Kennebunk will inform us what change his amendment makes in the existing law.

Mr. LITTLEFIELD: Mr. Speaker, the difference my amendment makes is this: Every person who comes into this State is used exactly alike, and the way the bill was there were twenty-two different kinds of licenses to be collected. That is the only difference.

The SPEAKER: The inquiry was directed as to what change from the law existing last summer would be made by the adoption of the bill as amended by the gentleman from Kennebunk.

Mr. LITTLEFIELD: Mr. Speaker, I have got the figures right here if you want to have them read all through.

The SPEAKER: What change is made in the law?

Mr. LITTLEFIELD: The Massachusetts man, for instance, can come here and stay twenty days instead of thirty. When he has stayed twenty days, he pays one-half his registration fee. When he stays thirty days, the same as last year, he pays it all, but he does not stay. He only stays twenty-nine days and then goes to New Hampshire and you get nothing. What I want to do is to make every man pay alike. If he stays twenty days, pay one-half of the registration fee. That is the only change that I know except that the five-day license plate and the ten-day license plate are taken away from the trucks and they pay the same fee that our own people pay.

The SPEAKER: Is the House ready for the question?

Mr. HALE of Portland: Mr. Speaker, I support the motion of the gentleman from Auburn, Mr. Wing. I shall vote against it, in order to preserve my rights on reconsideration.

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

Mr. HALE: Mr. Speaker, I give

notice of a motion to reconsider to-morrow.

The SPEAKER: Can the gentleman from Kittery take up his matter now?

Mr. BURNHAM of Kittery: Mr. Speaker, I think under the vote as passed at the present time it will be necessary for me to ask consideration of my amendment. If the reciprocity bill had been adopted and taken care of, it would have been different. Does the gentleman from Portland, Mr. Nichols, wish the amendment printed?

Mr. NICHOLS of Portland: I withdraw my motion.

Mr. BURNHAM: This zone license bill is a provision to grant a two dollar license to trucks within fifteen miles of the border, as is now granted to passenger cars. The amendment excludes all trucks except those of one ton capacity. In the vicinity where I live, near the border of New Hampshire—and the same condition exists all along the border line of the States of New Hampshire and Maine—everyone almost has a small truck on which he can put a body, and of course business is transacted back and forth across the line in the same way as the people who live in the suburbs of the cities in other parts of the State. In order to do business those people have to pay two licenses. They have to take out a license in Maine and one in New Hampshire. If this zone license bill is passed, they would pay their two dollars and get a zone license, and that would enable anyone living within fifteen miles of the border, provided the same law is passed in New Hampshire, to go across the line during the year on this license. I think it is only fair and just, and I think it is in no sense unjust to the rest of the State. As I say, farther away from the border line the people do not have occasion to transact business, only very infrequently, in the other states. I would like to see this zone bill for the small trucks under one ton capacity. I appreciate, however, the arguments we have heard that the larger trucks destroy the roads, and it should not include those large trucks used in the transportation of freight and in competition with the railroads.

I move the adoption of House

Amendment A to House Document 181.

The SPEAKER: The Chair will read the amendment again. (Amendment read)

The SPEAKER: Is the House ready for the question? As many as are in favor of the adoption of the amendment will say aye; as many as are opposed will say no.

A viva voce vote was taken and doubted.

Mr. CUMMINGS of Portland: I could not hear a thing, Mr. Speaker, that the gentleman said (referring to Mr. Burnham). I would like to know what it is that I am going to vote on.

The SPEAKER: The Document is House Document 181. The amendment thereto reads as follows:

(Amendment again read)

Thereupon Mr. Burnham of Kittery repeated his remarks for the benefit of Mr. Cummings.

The SPEAKER: The question before the House is on the question that the amendment be adopted. As many as are in favor of the adoption of the amendment will rise and stand in their places until counted and the monitors will return the count.

Fifty-seven voting in the affirmative and five in the negative, the motion to adopt the amendment prevailed.

Thereupon on motion by Mr. Burnham of Kittery the bill had its third reading and was passed to be engrossed as amended by House Amendment A.

The SPEAKER: The Chair presents resolve in favor of Maine School for Feeble Minded for additions, Senate Paper 470, Senate Document 180, tabled by Mr. Foster of Ellsworth April 7th pending second reading.

Mr. FOSTER of Ellsworth: Mr. Speaker I merely had that bill tabled for the purpose of getting information in regard to new construction. I think we are very much in favor of this new construction and I would suggest now that this resolve take its regular course.

Thereupon the resolve had its second reading and was passed to be engrossed.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I move that we reconsider the vote taken a few moments

ago on Senate Document 300 and the amendment.

Mr. WING of Auburn: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman will state his point.

Mr. WING: The gentleman from Portland (Mr. Hale) has given notice under the rules that he will move for reconsideration tomorrow morning.

The SPEAKER: The motion is in order at the present time.

Mr. HALE of Portland: Mr. Speaker, I desire to address myself to this motion.

The SPEAKER: The matter is debatable.

Mr. HALE: If the House does not desire reciprocity, I do not want to try and enforce reciprocity on the house, because it makes very little difference to me; but I think we ought to move a little bit slowly. Just let me trace the history of what we have done. House Document 181 was a Document which was unanimously reported by the Committee ought not to pass. This morning we substituted the bill for the report for the purpose of an amendment. This afternoon the amendment is carried. So far as I know, the amendment is all right, but I do not understand it and I wish to know where we are going in the matter of this motor vehicle law. If we let this matter lie over until tomorrow, I could disentangle the thing in my own mind and see where we are going. I am not trying to "put anything over" on the gentleman from Kennebunk.

The SPEAKER: The motion before the House is that of the gentleman from Kennebunk, Mr. Littlefield, that the House reconsider—

Mr. HALE: I would further say, Mr. Speaker, that if I can examine these several statutes with reference to the present law and find they make a workable and symmetrical law, I will withdraw tomorrow my motion to reconsider.

The SPEAKER: Does the gentleman from Kennebunk (Mr. Littlefield) move to lay the matter on the table until tomorrow morning?

Mr. LITTLEFIELD: I will say, Mr. Speaker, that the Attorney General made those papers up for me and I supposed they were all right. If they were not right, I certainly—

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

The SPEAKER: Will the gentleman state his point of order.

Mr. HALE: A motion to table is not debatable.

The SPEAKER: Did the gentleman desire to make a motion to table?

Mr. HALE: I will so move, Mr. Speaker.

A viva voce vote being taken, the matter was tabled and especially assigned for tomorrow morning.

The SPEAKER: The two matters that remain on the table are the Winding Ledges and the Bond Issue.

Mr. OAKES of Portland: Mr. Speaker, on the Winding Ledges matter a conference has been held this afternoon and the matter is under consideration in connection with other pending legislation which I think will determine its merits or demerits if a little more time is allowed. I am sorry to ask that this be delayed so long; but if it can be laid on the table until tomorrow morning I think it can be determined whether I personally care to push it or not. If it is not advisable in connection with the St. John River situation, I certainly do not care to push it.

A viva voce vote being taken, the matter was tabled and especially assigned for tomorrow morning.

The SPEAKER: There remains the bond issue. The gentleman from Bath, Mr. Drake, does not seem to be present. Can the matter not be taken up?

Mr. WING of Auburn: Mr. Speaker, in accordance with my suggestion this morning, I move that the matter lie on the table. I really feel as if I had that understanding with Mr. Drake.

The SPEAKER: The matter may remain on the table.

First Reading of Printed Bill

H. P. 1302: An Act to provide for an issue of State highway and bridge bonds.

On motion by Mr. Cyr of Waterville the rules were suspended, the bill had its third reading and was passed to be engrossed.

Mr. Bishop of Boothbay Harbor presented the following order, out of order, and moved its passage.

Ordered, the Senate concurring, that the name of the Mercantile Affairs and Insurance Committee be hereafter designated as the Insurance and Compensation committee.

Mr. WING of Auburn: Mr. Speaker, the House has the making of its own rules under the Constitution. It is not for this House to say what the committees of the next Legislature shall be nor what they shall be named nor of whom they shall be composed. I have no particular interest in the matter, but I do not wish to subscribe to the doctrine to deprive future Houses of their constitutional rights. I hope the order will not receive passage.

Mr. BISHOP of Boothbay Harbor: Mr. Speaker, the idea did not originate with me. The House Chairman of that committee was unable to be present and he prepared the order and asked me to present it this afternoon. No doubt the gentleman from Auburn is right, and, if so, well and good.

Thereupon the order was tabled until tomorrow morning.

From the Senate: Report of the committee on claims on resolve to pay the unpaid premiums due on account of insurance on the State Pier and sheds for policies issued in 1923 and 1924, S. P. 105, reporting same in a new draft, S. P. 667, S. D. 324, under same title and that it ought to pass.

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

In the House, report read and accepted in concurrence, the rules were suspended, the resolve received its two several readings and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on claims on resolve in new draft, S. P. 666, S. D. 323, under title of resolve appropriating money to pay claims allowed by the committee on claims and that it ought to pass.

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

In the House, report read and accepted in concurrence, the rules were suspended, the resolve received its two several readings and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on claims on communication from the State Auditor relating to certain deficiencies, S. P. 215, reporting a resolve under title of resolve to pay certain deficiencies, S. P. 668, S. D. 325, and that it ought to pass.

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

In the House, report read and accepted in concurrence, and on motion by Mr. Burnham of Kittery the rules were suspended, the resolve received its two several readings and was passed to be engrossed in concurrence.

From the Senate: Report "A" of the Committee on Judiciary reporting "Ought not to pass" on bill "An Act to amend Section 1 of Chapter 97 of the Revised Statutes relating to right to erect and maintain mill dams and to divert water by a canal for mills" (S. P. No. 389) (S. Doc. No. 136).

Report was signed by the following members:

Messrs. HINCKLEY of Cumberland
MAHER of Kennebec
—Of the Senate.

MARTIN of Augusta
HOLMES of Lewiston
HALE of Portland
OAKES of Portland

—Of the House.

Report "B" of same Committee on same bill reporting same in a new draft (A) (S. P. No. 664) (S. Doc. No. 326) under same title and that it "Ought to pass".

Report was signed by the following members:

Messrs. WING of Auburn
NICHOLS of Portland

—Of the House.

Report "C" of same Committee on same bill reporting same in a new draft (B) (S. P. No. 665) (S. Doc. No. 327) under title of "An Act to amend Section 32 of Chapter 97 of the Revised Statutes relating to mills and dams" and that it "Ought to pass".

Report was signed by the following members:

Messrs. HUSSEY of Aroostook
—Of the Senate.
HAMILTON of Caribou

—Of the House.

Comes from the Senate Report

"C" read and accepted and new draft (B) passed to be engrossed.

In the House; on motion by Mr. Piper of Jackman the report was tabled pending acceptance and specially assigned for tomorrow morning.

From the Senate: Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on bill "An Act to amend Chapter 148 of the Revised Statutes creating a Field Agent for the Blind, and Guide, and defining the duties and compensation of such Field Agent and Guide" (S. P. No. 4) (S. Doc No. 3) reporting that same be referred to the next Legislature.

(Signed)

Messrs. CRAM of Cumberland
 HINCKLEY of Cumberland
 HUSSEY of Aroostook
 —Committee on part of Senate.
 FLINT of Monson
 PIERCE of Sanford
 LITTLEFIELD of Kenne-
 bunk
 —Committee on part of House.

Comes from the Senate read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Resolve in favor of building a bridge over the St. John River in the town of Fort Kent (H. P. No. 1303) on which the House voted to insist on its action whereby the Resolve was passed to be engrossed, earlier in the day, and asked for a Committee of Conference.

Comes from the Senate that body voting to adhere to its action whereby the Report of the Committee on Ways and Bridges "Ought not to pass" was accepted.

In the House:

Mr. AUDIBERT of Ft. Kent: Mr. Speaker, is there any more life to it? (Laughter).

The SPEAKER: Probably not. It would be possible to insist and ask for a committee of conference again.

Mr. AUDIBERT: I so move, Mr. Speaker.

The motion prevailed.

The SPEAKER: The Chair will appoint the same conferees, Messrs.

Hale of Portland, Audibert of Ft. Kent and Hamilton of Caribou.

From the Senate: Bill "An Act to create a State Athletic Commission for the supervision and regulation of Boxing and Wrestling" (S. P. No. 635) (S. Doc. No. 302) 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. LANE of Androscoggin
 MAHER of Kennebec
 HINCKLEY of Cumberland

In the House, on motion by Mr. Lait of Old Town, that body voted to join in the committee of conference.

The SPEAKER: The Chair will later appoint conferees.

From the Senate: Resolve in favor of the Bangor State Hospital for new construction and permanent improvements (S. P. No. 602) (S. D. No. 273) on which the House voted to insist on its former action whereby the Resolve was finally passed, earlier in the day and asked for a Committee of Conference.

Comes from the Senate that body voting to adhere to its former action whereby the Resolve was referred to the next Legislature

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

The SPEAKER: As conferees in the matter relating to an act to create a State Athletic Association for the supervision and regulation of boxing and wrestling, the Chair will appoint, Messrs Lait of Old Town, Nichols of Portland and Hamilton of Caribou.

Reports of Committees

Out of Order

Mr. Burnham from the Committee on Claims on Resolve appropriating money to reimburse the town of Kingman for support of Thos. Robichaud (H. P. No. 437) reported that same be referred to the next Legislature.

Mr. Morse from same Committee reported "ought not to pass" on Resolve in favor of Henry Soucie, Township No. 14, Range 6, Aroostook County, Me. (H. P. No. 25)

Mr. Friend from same Committee reported same on Resolve in favor of the town of Caribou to pay said town the sum of \$458.76 for money expended in the defense of suit of Pearson vs. Town of Caribou. (H. P. No. 99)

Same gentleman from same Committee reported same on Resolve in favor of J. T. Michaud. (H. P. No. 304)

Same gentleman from same Committee reported same on Resolve in favor of George L. Fickett for reimbursement for the burial expenses of Martha J. Fickett. (H. P. No. 594)

Mr. Allen from same Committee reported same on Resolve in favor of Olive G. Lynch. (H. P. No. 733)

Same gentleman from same Committee reported same on Resolve in favor of the town of Prentiss.

Same gentleman from same Committee reported same on Resolve in favor of Wilson H. Conant for damages done to his fruit trees by partridges. (H. P. No. 98)

Mr. Dudley from same Committee reported same on Resolve in favor of George Hillman, compensating him for loss of turkeys by wild animals. (H. P. No. 249)

Same gentleman from same Committee reported same on Resolve in favor of George T. Kelso, compensating him for loss of crops by moose. (H. P. No. 596)

Same gentleman from same Com-

mittee reported same on Resolve in favor of Herbert J. Kimball, compensating him for loss of hens by foxes. (H. P. No. 597)

Same gentleman from same Committee reported same on Resolve in favor of the town of Rangeley. (H. P. No. 595)

Mr. Burnham from same Committee reported same on Resolve in favor of Harry Leighton, Milo, Maine. (H. P. No. 522)

Same gentleman from same Committee reported same on Resolve to reimburse the town of Houlton for aid to the dependent of a soldier. (H. P. No. 685)

Same gentleman from same Committee reported same on Resolve in favor of the town of Machias for reimbursement for moneys expended for manual training. (H. P. No. 682)

Same gentleman from same Committee reported same on Resolve in favor of Dr. Edwin T. Murray of East Millinocket, Penobscot County, Maine, to reimburse him for damages done to his automobile as a result of a collision with wild moose. (H. P. No. 684)

Reports read and accepted and sent up for concurrence.

On motion by Mr. Wing of Auburn,

Adjourned until tomorrow morning at 9.30 o'clock.