

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

Saturday, April 11, 1925.

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

Prayer by the Rev. Mr. McAllister of Gardiner.

Journal of the previous session read and approved.

Passed to be Enacted

An Act to provide for policemen's pensions.

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

An Act to appropriate moneys for the expenditures of the government and for other purposes for the year from July 1, 1925, to June 30, 1926.

An Act to appropriate moneys for the expenditures of the government and for other purposes for the year from July 1, 1926, to June 30, 1927.

An Act relating to a tax upon gasoline.

An Act relating to the enforcement of liens on watches, clocks and jewelry for labor and materials furnished in making and repairing same.

Finally Passed

Resolve in favor of the President and Trustees of Bates College for the purpose of forestry work and demonstrations in forestry, for the benefit of the students of the University of Maine and the several colleges.

Resolve in favor of armory rentals.

Resolve in favor of a bridge over the St. Croix River between Vanceboro, Maine, and St. Croix, New Brunswick.

Resolve in favor of clerks, stenographers, and messengers of the several committees, and other expenses of the Eighty-second Legislature.

Emergency Measures

Resolve amending Section 17 of Article IX of the Constitution of the State of Maine relating to bonds.

Mr. BRAGDON of Perham: May I inquire if this is the amendment in regard to the six million dollar bond issue?

The SPEAKER: It is Senate Document 314 and it amends Section 17

by changing it to sixteen million dollars.

Mr. BRAGDON: Mr. Speaker, I ask that when the vote is taken on this it be by the yeas and nays. Of the time that we have wasted here this winter, a very small time of it has been wasted on roll calls; and I want to say that I am one of the members of this House who came down here for a pay-as-you-go policy, I feel as if I am the only one left standing on that platform, and as a favor to me I hope that enough members of the House will rise in favor of the yeas and nays to give me the opportunity to record my vote.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, calls for the yeas and nays. Those who join with him in the demand will rise and stand until counted and the members will return the count.

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

Mr. INGRAHAM of Bangor: Mr. Speaker, this sixteen million dollars is merely an additional six million, ten million dollars of bonds already outstanding?

The SPEAKER: Correct. This is the resolve providing for a bond issue of six million dollars and the question before the House is whether this resolve shall be finally passed. As many as are in favor of the passage of this resolve amending the Constitution providing for a bond issue will say yes when their names are called; those opposed will say no when their names are called. Is the House ready for the question?

Mr. NICHOLS of Portland: Mr. Speaker, may I inquire if this has anything to do with the bond issue for the Bath bridge and the three million dollars for highways? It does not as I understand it.

The SPEAKER: It has nothing to do with the Bath bridge. The rest of the gentleman's question was—

Mr. NICHOLS: There was three million dollars beside that appropriated for a highway bond issue. Is that included in this?

The SPEAKER: This six million dollars is divided, as the Chair understands it, into three and three. Perhaps the gentleman from Bath (Mr. Drake) can explain it.

Mr. DRAKE of Bath: Mr. Speaker, the State of Maine has already issued ten million dollars of bonds

for highway purposes, and this is the resolve which is to be referred to the people requesting an issue of six million more, three million for highways and three million for bridges. Without this issue the road program as made up by the Committee on Ways and Bridges it would be impossible to carry out. We sincerely hope that you will authorize this referendum to the people.

The SPEAKER: Is the House ready for the question? The Clerk will call the roll.

Yeas—Allen of Yarmouth, Allen of Harpswell, Allen of Hampden, Atwood, Ayer, Bartlett of Hanover, Bartlett of Bangor, Beckett, Benoit, Bisbee, Bishop, Boody, Boman, Boynton, Brown of Bethel, Brown of Waterford, Buker, Bump, Burnham, Burns, Campbell, Cole, Comins, Crockett, Cummings, Curtis, Cyr, Daigle, Davis of Dexter, Davis of Portland, Davitt, Dexter, Deering of Saco, Drake, Dudley, Dunning, Dvinal, Ellis, Eustis, Farley, Flint, Forhan, Foster, Frost of Belfast, Frost of Berwick, Frost of Eastport, Fuller, Gagne, Garnsey, Gilchrist, Gilmour, Gordon, Greenleaf, Haggett, Hale, Hall, Hallett, Ham, Hamilton, Hammond, Harriman, Harrington, Hayford, Hight, Holman, Houghton, Ingraham, Ireland, Johnson, Jones, Jordan, Kilburn, Kinsman, Kitchen, Lait, Jamson, Larrabee, Lausier, Leighton, Leland, Lessard, Lewis, Littlefield, Lowell, Lunt, Mansfield, Marden, Martin, Mathews, McDonald, Melcher, Metcalf, Mills, Mitchell of Houlton, Mitchell of Newfield, Moore, Morse, Nichols, Norwood, Oakes, Page, Palmer, Peaslee, Pendleton, Pierce, Pike, Pillsbury, Piper, Pullen, Roberts, Robie, Robinson, Roy, Sargent, Seidel, Smith, Snow, Spear, Spruce, Stitham, Stone, Thissell, Thompson, Towle, Tupper, Warren, Waterman, Wheeler, White, Wing of Kingfield, Young.—Total, 131.

Nays—Audibert, Bragdon, Briggs, Deering of Denmark, Gallagher, Goodrich, Holmes, Mears, Sturgis, Vail, Whitcomb, Wing of Auburn, Winn.—Total, 13.

Absent—Clarke, Dunbar, Friend, Gauvin, Ludwig, Nevins.—Total, 6.

The SPEAKER: One hundred and thirty-one having voted in the affirmative and 13 in the negative, the resolve is finally passed.

An Act to authorize the recording

of marketing agreements of co-operative agricultural associations, and requiring that liens hereby attached to crops before delivery to the association, and to the member's interest in the association, after such delivery be collected through the association. (H. P. 1256) (H. D. 491.)

Mr. PALMER of Island Falls: Mr. Speaker, I move that we reconsider our action whereby we passed this bill to be engrossed.

The SPEAKER: The House hears the question.

Mr. WING: Mr. Speaker, will the gentleman from Island Falls (Mr. Palmer) state his reason?

The SPEAKER: The gentleman from Island Falls (Mr. Palmer) will kindly do so.

Mr. PALMER: Mr. Speaker, my reasons are that Senate Amendment A was put on in the Senate night before last, and the amendment was telephoned to the officers of the exchange, and like all long documents it was hard to get the meaning, and they did not understand it; and the word came back yesterday morning that they had rather have the amendment than not have anything, but when the amendment reached them in the mail so they could read it, they immediately telephoned that they would rather have the bill defeated than to have the amendment attached to it; and that is why the people who are in favor of the co-operative marketing agreement ask for this. I will say, further, that we do not want to delay the session and we do not want to debate this. We have considerable that we could throw against it, but we would rather not do it; we would rather have it go through on the vote in the Senate, and unless the opposition debates it, the ones in favor of it will not say anything. Does that satisfy the gentleman?

Mr. NICHOLS of Portland: Mr. Speaker, may I ask the gentleman from Island Falls (Mr. Palmer) a question through the Chair?

The SPEAKER: The gentleman from Portland (Mr. Nichols) may state his question.

Mr. NICHOLS: Does the gentleman from Island Falls (Mr. Palmer) intend to offer an amendment to cut off this other amendment?

Mr. PALMER of Island Falls: Mr. Speaker, all the amendment we are going to offer is to cut off the emergency clause; that is all.

Mr. BRAGDON of Perham: Mr. Speaker, may I ask the gentleman from Island Falls (Mr. Palmer) through the Chair, if the emergency clause is all that is to be removed from the bill?

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

Mr. PALMER: Mr. Speaker, I will say, further, answering the gentleman from Perham, Mr. Bragdon, that we will also move to reconsider the vote whereby Senate Amendment A was adopted; if that is what he would like to have.

Mr. BRAGDON: Mr. Speaker, I rise to oppose the motion for reconsideration. It is now getting down to what we hope to be the last hours of the session. This is a matter that the proponents knew about a year ago,—to my positive knowledge, as early as the day of Primary last June—and this matter should have been presented when there was time for deliberation. It is a very important matter. It is important, not only to the Potato Growers' Exchange, but to others in Aroostook County. Instead of introducing this measure earlier in the session, it was withheld until the last day on which bills could be presented, and after that time it was held up by its friends; so that it comes down to us today—on what we hope to be the last day of the session—as an engrossed bill.

The House has been very liberal heretofore in regard to these matters. It has permitted the members reconsideration of bills that were passed to be engrossed, and permitted them, even, to introduce an entirely new bill by way of amendment. I think it has been too liberal in these matters; but we have come to the point where this liberality has ceased to be a virtue. The members of this House are anxious to go home, and I feel that they do not want to stay here while the club is being held over our heads to the effect that if we pass this measure just as we want it, we will sit here until the middle of next week. I hope the House will vote against the reconsideration of this measure.

Mr. PALMER of Island Falls: Mr. Speaker, I would remind the members that if we are successful in taking off Senate Amendment A, it will go back to the Senate in its original form, and the friends of the bill there think it can be passed in that way, and if it is, it will forward matters;

it will not have to come back to the House again.

Mr. HOLMES of Lewiston: Mr. Speaker, I am opposed to the motion of the gentleman from Island Falls (Mr. Palmer) to reconsider. If I am correctly informed—and if I am not, the gentleman will correct me—when Senate Amendment A was offered in the Senate, it was adopted. I was not there myself; that is only information I have learned in the State House. If it was debated, the gentlemen who were interested in the matter on both sides must have had an opportunity to consider and decide whether or not it was satisfactory. Even if it was not debated, they had an opportunity to see what it was. Then, when the Senate Amendment was adopted in the Senate, it came to the House, and yesterday morning it went through the House without a ripple, evidently perfectly satisfactory to both sides; and it seems to me absurd to argue that this House should now, in the dying hours of the Legislature, undo its action because the gentleman must obey orders from somebody far away at the other end of the State and the orders they get are different from what their own judgment told them at the time when Senate Amendment A was adopted in the Senate.

It seems to me that the proper course which they should have taken, in order to have protected their interests, would have been to give notice yesterday that they would today, under the rules, move for reconsideration. I do not think the Legislature should be held up to wrangle about this matter in the dying hours of the session, when everybody is anxious to get home. I am not so certain that the gentleman from Island Falls is correct in his idea that it would simplify things and that there would be no wrangling. It would go back to the Senate where it is bound to be adopted and then come back here, and there will undoubtedly be a debate here. If this motion to reconsider prevails, there would naturally be a debate here in spite of the wishes of the gentleman, and I want to say now that if the motion prevails, I wish to reserve the right to discuss the bill.

Mr. CUMMINGS of Portland: Mr. Speaker, I dislike very much to take up time this morning, but this is a matter of a good deal of consequence to the people of Aroostook County.

When this bill first came into the House, I said that I would be very glad to have the people of Aroostook County settle this themselves. I assumed that they knew better about the conditions and the needs down there than I did. As time has gone on, however, and I have watched the progress of this bill, I have come to this conclusion: that the Co-operative Marketing Act which is in existence has within its membership, I am told, about 3,100 potato growers in that vicinity who have been unfortunate in some respects owing to the excessive crop this year, and although they had all agreed to maintain this organization and their interest in it for five years, a small number of them, I am told, desire to get out of the organization. This bill, if it goes through and the amendment is adopted in the Senate, would practically, I think, destroy the organization. Believing that the majority of men in that organization desire to continue it, and believing that co-operation of some sort will be of benefit to them, it does not seem wise to me for this Legislature to destroy that Co-operative Marketing Association.

There are other influences far more powerful than the few men who desire to withdraw from this organization at work in this matter, influences that desire to kill everything of a co-operative nature, and this is a good opportunity for them; and I think we should take that into our consideration at this time.

Now, I may sympathize with a man who has entered into an agreement that he finds embarrassing. I myself, have paid out in one year more than \$10,000 in money to carry out my obligations even when they were not in writing, and I have always tried to do that; and I believe that it is best, I believe that it will contribute to the greatest good for the greatest number in Aroostook County if we take off the amendment that is offered in the Senate and give these people this bill as they want it—and I hope the House will do it.

The SPEAKER: Is the House ready for the question?

Mr. BRAGDON of Perham: Mr. Speaker, I will not take but a moment of your time, but I want to call attention to the fact that it is claimed by the proponents of this bill that it is absolutely necessary for their interests. I wish to call your attention to the fact that by this pro-

posed amendment they are releasing all benefits to be derived from this bill for the coming year, because with the emergency clause taken off, these mortgages will all be paid by the first of July and they will get no benefit at all this year. It is releasing a third part of their time as the agreement is only signed for two years after this.

The SPEAKER: The question before the House is on the motion of the gentleman from Island Falls, Mr. Palmer, that the House reconsider its action whereby the bill was passed to be engrossed. Is the House ready for the question?

The question being put, the motion of the gentleman from Island Falls, Mr. Palmer, to reconsider the action whereby this bill was passed to be engrossed, prevailed; and on further motion by the same gentleman the House voted to reconsider its action whereby it adopted Senate Amendment A; and on further motion by the same gentleman, the House voted to indefinitely postpone Senate Amendment A; and on further motion by the same gentleman, the House voted to adopt House Amendment B, offered by that gentleman, and previously read; and the bill as amended by House Amendment B was passed to be engrossed.

Mr. OAKES of Portland: Mr. Speaker, my attention has just been called to a measure that got mislaid with a committee report on it, ought not to pass, and I move that it be accepted out of order.

(This privilege was granted.)

Mr. OAKES: Mr. Speaker, just a word of explanation. This is a constitutional amendment that was introduced on the zoning bill in the event the judges held that the original bill was unconstitutional. As they held that it was constitutional, this was not necessary.

Report of Committee

Mr. Oakes from the Committee on Judiciary on resolve proposing an amendment to the constitution relating to zoning reported ought not to pass.

Report read and accepted.

The SPEAKER: A veto message from the Governor. (Applause.)

The following communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

April 11, 1925.

To the Honorable Senate and House
of Representatives of the Eighty-
second Legislature:

There is returned herewith, with-
out my approval, an Act "Relating
to Excise Tax on Railroads."

This act provides for the so-called
gross-net plan of taxation upon the
railroads of our State by which our
revenue from these sources would
fluctuate very materially according
to the net income of the various
railroads in our State. The plan is
open to very serious objections on
this account from the standpoint of
any stable system of finance, since
the Legislature could never antici-
pate within several hundred thou-
sand dollars what revenues might
accrue from this source during the
two ensuing years. The existing
plan which has been in existence in
this State for over forty years is
based on a percentage of gross earn-
ings and so fluctuates very little
from year to year.

The proposed plan has been con-
sidered by the committee and the
Legislature upon the basis of state-
ments by its proponents that it
would decrease the revenues of the
State approximately \$185,000 each
year. This proposed plan, however,
has been carefully computed in the
State Treasurer's office and the State
Treasurer advises that the loss in
revenue will be nearer \$300,000 per
year and may exceed that amount as
a result of certain factors which the
railroad representatives apparently
have not taken into account in the
figures which they have made.

During the last fiscal year the
State received from the railroads
under the provisions of the existing
excise tax the sum of \$2,385,716.04.
During the ensuing fiscal year un-
der the provisions of the present tax
the State will receive less than \$2,-
000,000 from the railroads, or a de-
cline of over \$400,000 from the gross
collections of the last fiscal year.
The railroads now propose during
the succeeding year to reduce the
State's income by, approximately,
\$300,000 more. This will mean .001
on the tax rate over the entire State
assessed on our farms and industries
to make up the \$700,000 loss in our
annual revenue that will thus exist.

During 1926 it must mean that
our State tax instead of being .007
must be .0075.

This change is urged upon the
ground that the railroads are a vital
factor in the economic life of our
State and that we are deeply con-
cerned in their prosperity. With
this everyone must agree. It is then
urged that the railroads are in finan-
cial difficulty and that a lightening
of their tax burden will be one fac-
tor to assist in putting them on their
feet.

That our tax system is not respon-
sible for their difficulty would seem
to be shown by the fact that one
of the great systems serving our
State has earned over 12% on its
common stock during this past year
in spite of the very serious financial
difficulties of the region that it
serves. Meanwhile the older system
serving the most populous and con-
gested section of our State with the
largest industrial development claims
inadequate earnings to give it a rea-
sonable return although its earnings
during 1923 showed \$2,338,000 avail-
able for its capital investment of
\$60,000,000 or a net return of 4%.
During the last year its earnings im-
proved by over \$400,000. During the
present year its earnings have shown
a steady improvement and there are
other increases in its net earnings
certain to accrue during the present
year.

Over \$300,000 will be saved for
the railroads as a result of a more
advantageous contract for its coal.
The western trunk lines have offered
this railroad an increase in divisions
of \$40,000 a year, which it has thus
far refused, holding out for an in-
crease of \$200,000 per year. The di-
visions between the two chief lines
serving this State are also claimed
to operate to the disadvantage of
what is now the weaker road and
its representatives claim the cer-
tainty of an increase of \$40,000 to
\$50,000 at least in these divisions
when the existing contract expires
during the year 1926.

Certain holders of common stock
in lines forming a part of the Maine
Central R. R. are regularly paid a
dividend of 8 per cent upon their
stock in a line that is capitalized 25
per cent higher than the average
capitalization of the entire system.
This branch line does not show any
such earnings as this, but apparently
improvident contracts have fastened
this burden upon the road. This

means a return to these common share holders in excess of 10 per cent upon a fair investment in their line and accounts to a substantial extent for the failure of other share holders to receive dividends on their stock. It is not apparent why shippers or other tax-payers in the State of Maine should supply the deficiency that thus results.

The railroads of the State possessed a very great influence in the Legislature when this law was first enacted some forty years ago and its immediate effect was to lighten the tax burden that they bore. Later the rate was raised with the approval of the railroad executives to the present rate. This has continued in effect ever since that time.

If the chief railroad involved in this State should pay taxes upon its property valuation upon the same basis as other citizens it would pay a tax of twice that which is levied upon it at the present time. This is upon its valuation as shown by its book investment.

If the tax were based upon its valuation for rate-making purposes it would pay nearly three times the tax which it at present pays and its rates are fixed on the basis of yielding 6 per cent on this highest valuation. There are many pieces of property within the State of Maine valued at their market value which are compelled to pay the municipal rate without regard to whether or not they earn their owner any return upon the investment.

On any basis of valuation that could reasonably be fixed comparable with the general practice throughout the State of Maine it is not conceivable that the tax upon this railroad would be appreciably less than the tax that is now imposed. These comparisons seem of importance as illustrating the burden that it bears in comparison with the burden of taxation resting upon the property of other citizens in our State, and of many public utilities as well. No other citizen is excused from taxes because his property does not pay.

The chief argument for relief is based on the showing in 1923, but in this year, according to the annual report, maintenance of equipment alone required over \$800,000 more than in the preceding year upon practically the same volume of traffic or an increase of over 25 per cent. This was a result of changes of over

\$500,000 in the charges that were originally made as a result of items disallowed by the Interstate Commerce Commission as not properly allocated by the railroad in the preceding year and illustrates the very wide fluctuation that may be brought about in the net earnings as a result of bookkeeping entries that are made. This enormous increase is certain not to recur.

The President of the Maine Central Railroad, by order of the Board of Directors, in the spring of last year stated that the operating results in prospect should make it possible to resume "dividend payments on preferred stock regularly beginning December 1st, 1924, as they become payable" and "we believe will make it possible to resume dividends on the common stock at a much earlier date (now expected in the early part of the year 1925) than would be otherwise possible."

Dividends on the preferred stock have already been resumed and the earnings for the present year are showing a steady increase.

Meanwhile the management of this railroad has done an extremely serious injury to the interests of this State by filing in Washington a proposal for rate changes which would practically stifle the industries in the central and eastern part of the State of Maine. This proposal was not required by Federal authorities contrary to reports that have been rather generally circulated in this case, but were calculated solely to increase its revenues in carrying out a policy which inevitably would "kill the goose that laid the golden egg" because the industries of Maine could not possibly survive under such a burden.

While those proposals are pending it would be so much the more difficult to persuade an industry to locate in the State of Maine and any industries that were thinking of removing would have that much less argument to remain. The unfortunate effects of this ill-conceived proposal of the railroad cannot be calculated at this time. It shows a disregard of the interest of our citizens and our industries and of the interest of the railroad as well that must give serious concern to any citizen devoted to the welfare of our State. Such a policy is not calculated to create confidence in the administration of the road.

During the present session the Legislature has set the seal of its approval upon a bond issue of over \$1,500,000 to build a bridge for railroad traffic to an important section of our State. If the people shall approve of the bond issue that is proposed the State of Maine will risk its credit by loaning that much money in substance to the railroad that is involved. If the railroad during the next half century should be involved in financial distress the State might well be obliged to settle for the interest and the bonds that it would owe.

By this action the Legislature has assuredly shown its interest in the welfare of this road. No other private or public enterprise is being similarly endowed. It would seem that this was sufficient assurance in the very substantial economies it will effect that the people of Maine are interested in the welfare of this road, without an additional contribution at this time of an uncertain amount running into hundreds of thousands of dollars.

About this time in the legislative session it is well to look out for lies. It may be well also to be cautious as to innocent amusement by fellow-members at some legislator's expense. Blanket charges of a somewhat indefinite character have been levelled as to certain messages that have been received.

Interested citizens are always told by the executive department that their proper course is to present their views on public policy to the Representatives and Senators from their part of the State. During the past week perhaps a half dozen such statements have been made. Any other representations are unqualifiedly false. The propriety of such a statement has always been taken as a matter of course by Governors since Maine began.

The one whose name has been most prominently mentioned in connection with newspaper so-called "stories" in regard to this affair has not been in communication with the executive department in recent days. For the past year, however, he has had as his personal counsel that member of the Legislature who has been most conspicuous in activities that might seem calculated to create a breach between the Legislative and Executive Departments of the State. Within the past month this

member of the Legislature has taken up with the Executive personal matters on behalf of this much advertised citizen of our State.

No impropriety in this action is intimated nor any responsibility by the Legislator for any action of his client during this past week but it is fair not to attribute responsibility to the executive department for whatever course he may have pursued.

In assuming the administration of the affairs of the State both the Legislature and Executive Departments were confronted by a deficit of \$300,000 in current obligations of the State. In addition there was a decline in revenues of \$400,000 from the railroads without any change in the existing plan. Here was a total of \$700,000 to be met by the taxpayers without any escape. This burden has been assumed and by the strictest economy in appropriations this Legislature will be able to keep the State tax at the same rate as has existed for the past two years.

The proposed new system of taxation however will cut our revenue by approximately \$300,000 more. This must mean a State tax of .0075—an increase for 1926 of one-half mill over the previously existing rate. Meanwhile during the first two months of the present year the chief road of this State showed an increase in its earnings at the rate of \$600,000 a year.

To relieve the railroads whose earnings are steadily mounting and lay the burden upon the farms and homes of Maine does not seem to me warranted by the conditions that exist.

Respectfully submitted,
(Signed)
RALPH O. BREWSTER.

The SPEAKER: The question before the House is whether this bill shall become a law notwithstanding the objections of the Governor.

Mr. PAGE of Skowhegan: Mr. Speaker, I would like a ruling from the Chair regarding Rule 17 on page 53 of the Senate and House Register.

The SPEAKER: The gentleman will put his inquiry in express words.

Mr. PAGE: Mr. Speaker, what I want to know is this: Whether a man who owns stock in any railroad is entitled to vote on this question.

The SPEAKER: The Chair is of

the opinion that a member owning stock in a railroad, although such railroad might be affected by this pending legislation, is not disqualified to vote on this question. The disqualification, if any, would arise from Joint Rule seventeen, which reads: "No member shall be permitted to vote on any question in either branch of the Legislature, nor in committee, whose private right, distinct from public interest, is immediately involved." The Chair is of the opinion that the ownership of such stock would not constitute a private right which was distinct from the public interest which was immediately involved.

The Chair is further of the opinion that any member of this Legislature who may own such stock is capable of passing fairly upon this question without the ownership of his stock affecting his vote.

Mr. WING of Auburn; Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER: The gentleman may state his question.

Mr. WING: As I stated to the House the other day, I am a stockholder to a small amount in the Maine Central Railroad. I know that when a similar situation arose in the Senate of the United States, a very distinguished senator, a resident of the county of which I am a citizen, raised this same question, and he was informed by the Chair that it was upon his own conscience.

Mr. Speaker, I believe in this measure; I believe in its justice; its fairness and its good results upon the business of Maine; but I am unable to separate my selfish interest in the matter from my public duty, and I respectfully ask this House that they excuse me from answering when my name is called because I feel that way about it.

Thereupon the gentleman from Auburn, Mr. Wing, was excused from voting upon this matter.

Mr. CUMMINGS of Portland: Mr. Speaker, I am in accord with Mr. Wing in his view as a stockholder of the Maine Central Railroad in favor of this bill. I think that if I were in favor of this bill, I should take the same position that he takes. I am a small stockholder in the Maine Central Railroad, but I am opposed to this bill and I can see no possible reason why I should not vote against it.

Mr. FROST of Belfast: Mr. Speaker, I find myself in a very peculiar position, not that my conscience is over tender, but I would like to have the ruling of the Chair in my particular case. When this bill was before the House before I voted in favor of it. My mind is fully made up to vote in favor of it again if I am entitled to the privilege of voting. I am a small stockholder in the Maine Central Railroad. In addition to that, by virtue of my office as mayor of the city of Belfast, I am president of the Belfast and Moosehead Lake Railroad, which at the present time, is under a lease to the Maine Central. If I vote at all, I should vote in favor of this measure because it has to do very seriously with the interests of my city. I would like the ruling of the Chair whether or not under all these circumstances I would be allowed to vote.

The SPEAKER: Before expressing an opinion as to the right of the gentleman from Belfast, to vote, the Chair would like further information as to the status of the subsidiary company referred to.

Mr. FROST: That is under an optional agreement. It can be terminated by six months' notice, either on the part of the city or on the part of the directors of the Maine Central Railroad.

The SPEAKER: Does the gentleman in his own right own stock in that subsidiary?

Mr. FROST: No.

The SPEAKER: As trustee, in your capacity as mayor, for the city of Belfast?

Mr. FROST: As mayor of the city of Belfast I have the voting of \$600,000 worth of common stock.

The SPEAKER: Solely?

Mr. FROST: Solely. That is vested entirely in the mayor of the city, a right given to him by vote of the municipal officers.

The SPEAKER: The only personal right of the gentleman that is concerned is the personal ownership of a small number of shares in the Maine Central?

Mr. FROST: That is right.

The SPEAKER: Will the gentleman from Belfast answer one more question? As an executive of that subsidiary company, does he officiate in any capacity in the management of roads directly affected by this legislation?

Mr. FROST: No, the only matter of executive control we have is entirely in the matter of the lease by the Maine Central. It is a matter of agreement. We approve or disapprove of the arrangement by which the Maine Central operates the branch.

The SPEAKER: No question of management is concerned?

Mr. FROST: None whatever.

The SPEAKER: No question of policy?

Mr. FROST: None whatever.

The SPEAKER: Inasmuch as the gentleman is concerned in an executive capacity with a subsidiary, only by virtue of his public office, through which office he represents the citizens of a city in this State, and inasmuch as his only private right concerned with railroads is the ownership of a small amount of stock, the Chair is of the opinion that the gentleman is not disqualified from voting.

Mr. CURTIS of Brewer: Mr. Speaker and members of the House: Very briefly I wish to state,—and I am not going to debate the question, for I did that to the best of my ability several days ago. This matter came before the Committee on Taxation, of which I am chairman on the part of the House. A full hearing was given it, the committee gave it due consideration, and thought it was best to make the report it did unanimously that the bill ought to pass, thinking that was for the best interests of the State of Maine.

I think there is a little misapprehension in regard to just when this tax would take effect. I think some are of the opinion that it will affect both years' tax—1926 and 1927. If I am correct, and I think I am, it will not affect this year's tax. It could not take effect until 1927.

I wish to go on record personally that I have never myself been unduly influenced in this matter. I have gone at it just the same as I do my own business, on the level and on the square, and no undue influence has been brought to bear on me. I do not think any undue influence has been brought to bear on any member of the Taxation Committee, and for that reason I shall sustain the bill, believing that I was right and in accordance with my convictions at that time. I believe that every member who voted several days ago was influenced by his honest convictions.

Mr. LELAND of Sangerville: Mr. Speaker, as a member of the Committee on Taxation, I should like to make a very brief statement as to my position in this matter. I wish to call the attention of the members to the fact that the bill as reported by the committee was not the original bill as introduced. That bill did call for a very substantial reduction in the railroad tax. The bill reported unanimously by the committee simply recognized, in the slightest degree possible, the need for some consideration of our railroad problems, and the least sum involved was granted them in the way of relief that was possible to recognize in any way their needs and the principle involved and the committee felt that it was their duty to recognize in some degree the difficulties and needs of our railroads and their relation to the general prosperity of the State.

Mr. GREENLEAF of Auburn: Mr. Speaker, the gentleman from Belfast, Mr. Frost, has made one statement which I think we should all very carefully consider. He has told us that his section of the State is served by a railroad which is leased by the Maine Central Railroad. Without any reference to this Legislature at all the Maine Central Railroad can give up the operation of that line on six months' notice and thereby save themselves a considerable amount above the amount which they will save if this measure is passed.

Now, we have already passed through this Legislature an enabling act by which the people living along the branch of the Sandy River & Rangeley Lake Division, I think the name is, will be able to subsidize that railroad and keep it running after it has been abandoned by the railroad executives. They can subsidize that road and keep it going.

Now, this next two years is going to see much greater competition than the last two years. I understand that between Boston and Portland there are to be operated a number of bus lines, and bus lines are springing up continuously all over the state, as well as truck lines, to compete with the railroad. They say that these railroads are making a gain in their earnings, and it is well that they are because the Lord knows they will need it.

Now, mismanagement has been talked about. Was there ever any

mismanagemnt more flagrant than the case of the New York, New Haven and Hartford Railroad, and still that railroad, recently, when they had to meet the payment of a bond issue maturing April 1st, 1924, amounting to \$23,000,000, and not being able to raise the amount by ordinary banking methods—their stock had been selling as low as \$14.125 per share in 1924, due to their increased earnings—they begged to be allowed to vote a new bond issue with which to meet this obligation which was coming due April 1st. They voted a bond issue of \$25,071,200, and they did that by selling their stock to the people that they served. Those people they were serving realized the need of the railroad. Those bonds were issued as follows: Banks in New York, \$3,-856,000; in Connecticut, \$1,423,000; in Rhode Island, \$550,000; in Massachusetts, \$3,733,000; industries in New York, \$4,061,000; in Connecticut, \$3,481,000; Rhode Island, \$385,000; Massachusetts, \$1,360,000. Also their employees contributed towards the floating of this bond issue to the extent of \$600,000. This shows that these people realized the railroads were up against it and must be helped out.

Now, for Heaven's sake, let us not jam the Maine Central Railroad to the wall and then find out two years or four years hence that we have done something foolish.

Mr. FOSTER of Ellsworth: Mr. Speaker, as a member of the Finance Committee, I wish to say that we had several informal meetings with the Governor and Council and the chairmen of the various committees who are interested in appropriations; and at the last meeting there was considerable discussion in regard to the tax rate of the State for the next two years. There were approximately thirty men at this last meeting and an informal vote was taken regarding the tax rate. The Governor was very strongly in favor of the seven mill rate, and I think at least twenty-five men out of thirty voted to sustain the Governor and his idea of a seven mill rate, with the understanding that the finances of the State would be handled the next two years on that basis. We did have at that time a deficit for 1926, if I remember correctly, of \$155,000 less income on account of this railroad tax; and still the Governor felt as if he could go through the two years on

a seven mill rate. Now he comes in here this morning stating that it must be a seven and one-half mill rate for 1926. Now there is something wrong somewhere. The condition is no different today than it was last Thursday.

The SPEAKER: The question before the House is whether this bill shall become a law notwithstanding the objections of the Governor. Is the House ready for the question? This is House Paper 1261, House Document 496, an act relating to the excise tax on railroads. As many as are in favor of this bill becoming a law notwithstanding the objections of the Governor will say yes when their names are called, those opposed will say no. Is the House now ready for the question?

Mr. NICHOLS of Portland: The answer no means to sustain the veto?

The SPEAKER: Correct. The Clerk will call the roll.

YEA—Allen of Yarmouth, Allen of Harpswell, Allen of Hampden, Atwood, Audibert, Ayer, Bartlett of Hanover, Bartlett of Bangor, Beckett, Benoit, Bishop, Brown of Waterford, Burns, Comins, Crockett, Curtis, Cyr, Daigle, Davis of Portland, Davitt, Deering of Saco, Drake, Dudley, Dunbar, Dunning, Dwinall, Flint, Foster, Frost of Belfast, Frost of Eastport, Gagne, Gauvin, Gilmour, Greenleaf, Hale, Hammond, Hight, Holman, Holmes, Ingraham, Jordan, Kinsman, Lait, Lausier, Leland, Lessard, Lewis, Mansfield, Martin, Mathews, McDonald, Mears, Melcher, Metcalf, Mills, Mitchell of Houlton, Mitchell of Newfield, Moore, Oakes, Page, Peaslee, Pendleton, Pike, Piper, Roberts, Roy, Sargent, Seidel, Snow, Spear, Spruce, Warren, Wheeler, Wing of Kingfield—74.

NAY — Bisbee, Boody, Boman, Boynton, Bragdon, Briggs, Brown of Bethel, Buker, Bump, Burnham, Campbell, Cole, Cummings, Davis of Dexter, Decker, Deering of Denmark, Ellis, Eustis, Farley, Forhan, Frost of Berwick Fuller, Gallagher, Garnsey, Gilchrist, Goodrich, Gordon, Haggett, Hall, Hallett, Ham, Hamilton, Harriman, Harrington, Hayford, Houghton, Ireland, Johnson, Jones, Kilburn, Kitchen, Lamson, Larrabee, Leighton, Littlefield, Lowell, Lunt, Marden, Morse, Nichols, Norwood, Palmer, Pierce, Pillsbury, Pullen, Robie, Robinson, Smith, Stitham, Stone, Sturgis. This-

sell, Thompson, Towle, Tupper, Vail, Waterman, Whitcomb, White, Winn, Young—71.

ABSENT—Clarke, Friend, Ludwig, Nevins—4.

EXCUSED—Wing of Auburn—1.

The SPEAKER: Seventy-four voting in the affirmative and 71 in the negative, the veto of the Governor is sustained.

Conference Report

Report of committee of conference on the disagreeing action of the two branches of the Legislature on bill an act relating to fishing in Aroostook river and its tributaries in Aroostook county, reporting that they are unable to agree.

Report read and accepted.

Order, Out of Order

On motion by Mr. Cummings of Portland, it was

Ordered, that as there is in some State Department a document commonly called an initiative primary bill, it is hereby ordered that five hundred copies of said document be printed, and that the Secretary of State cause to be mailed two copies of the same to the home address of each member of the House and Senate.

Finally Passed

(Emergency Measure)

Resolve for the construction, maintenance and repair of roads, bridges and ferries.

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

A division being had,

One hundred and twenty voted and all in the affirmative; so the resolve was finally passed.

Order, Out of Order

On motion by Mr. Palmer of Island Falls, it was

Ordered, the Senate concurring, that the State Librarian be authorized to send a copy of "Maine Forts" to the high schools and academies of

the State of Maine that he thinks will make use of them.

Recess

After Recess

Reception of Bills Out of Order

By Mr. White of Bowdoinham: An act for the assessment of State Tax for the year 1925. (H. P. 1307)

This bill received its two several readings, and the rules were then suspended and it received its third reading and was passed to be engrossed.

By Mr. White of Bowdoinham: An act for the assessment of State Tax for the year 1926. (H. P. 1306)

This bill received its two several readings, and the rules were then suspended and it received its third reading and was passed to be engrossed.

The SPEAKER: Another gavel has come into the possession of the State of Maine with the following communication:

"DEPARTMENT OF STATE

State of Maine

Augusta

April 11, 1925.

Hon. William Tudor Gardiner,
Speaker of the House of Representatives of the State of Maine
Augusta, Maine

Dear Mr. Speaker:

I have received from the city of Cambridge, Massachusetts, through the Board of Park Commissioners of that city two gavels made from Washington elm with a request that these gavels be presented to the State of Maine, one to be placed on the desk of the President of the Senate and the other on the desk of the Speaker of the House and in accordance with this request I have placed upon the desk of the President and Speaker these gavels.

This carries out an order of the City Council of the City of Cambridge that these two gavels be presented by the city through the Board of Park Commissioners to each state of the Union for the President and Speaker of both legislative bodies. It was suggested by the Board of Park Commissioners that should the State of Maine deem it advisable to place these gavels in a museum rather than on the desk of the President and

Speaker, it would be agreeable to the Board.

In a communication received by the Secretary of State from the Board of Park Commissioners it was stated that these gavels were not for use but rather ornamentation of the desks of the presiding officers and not presented to the officers personally.

Very respectfully yours,
(Signed) FRANK W. BALL,
Secretary of State."

The SPEAKER: The gavel bears the inscription: "A piece of the Washington elm which formerly stood in Cambridge, Massachusetts. Presented by the city of Cambridge, 1924." (Applause, the members rising)

On motion by Mr. Nichols of Portland, it was

Ordered, that the House of Representatives extend to the city of Cambridge, Massachusetts, through its Board of Park Commissioners, a vote of thanks for the gavel made from the Washington elm which has been presented to the State of Maine.

It is further ordered that the gavel be placed in the State Museum in the State House, Augusta, and that a copy of this order be transmitted by the Secretary of State to the Board of Park Commissioners of the city of Cambridge.

From the Senate: Senate Paper 636, Senate Document 300, bill an act to amend Section 34 of Chapter 211 of the Public Laws of 1921, relating to non-resident motor vehicles, which was passed to be engrossed in the House as amended by House Amendments A and B.

Comes from the Senate passed to be engrossed without amendment.

The SPEAKER: Will some member enlighten the House as to this.

Mr. OAKES of Portland: Mr. Speaker, I move that we recede and concur with the Senate. As I understand the parliamentary situation, the original bill was in the House and voted on by the House, then later amended by amendment made by the gentleman from Kennebunk, Mr. Littlefield. Later, a further amendment which I introduced was accepted by the House, and as so amended it was sent to the Senate. The Senate has refused both amendments and sends the bill back in its

original form as sent out by the Judiciary committee with the unanimous report of that committee. This leaves us, as I understand, in a position in which we can recede and concur with the Senate; so that we are voting on the original bill which grants complete reciprocity to all motor vehicles between Maine and the other states.

In speaking to my motion, just one word to state the situation as I understand it. The amendment which I introduced, and which we adopted, provided for reciprocity as to all motor vehicles with the exception of commercial trucks. The change made by the Senate takes away that exception, so that all motor vehicles have reciprocity. That means that any motor vehicle coming into the State of Maine has the same rights as to registration that a Maine motor vehicle would have going into the State from which that motor vehicle comes. The illustration that we used the other day is a good one that a motor car coming from Massachusetts to Maine has a thirty day period in Maine free because Massachusetts gives Maine thirty days. A car coming into Maine from New Hampshire has twenty days in Maine free because New Hampshire gives Maine twenty days. New York, I believe, has complete reciprocity, so that a car coming from New York can stay an entire season in Maine.

As to trucks, which is the only change from our previous vote, you will remember the figures which I secured and which are the nearest accurate that I could get, are that the maximum loss possible to the State of Maine would be ten thousand dollars, and not all of this would be a loss because we would still receive a portion of the fees from trucks because of the other states not giving us a free passage in those states. So there would be no ten thousand dollar loss to the State of Maine by adopting the Senate Amendment. On the other hand, our trucks going to Massachusetts have to pay because we do not grant reciprocity—they pay a registration in New Hampshire and a registration in Massachusetts. They are subject to a double expense, and as we figured, there were a large number more trucks from Maine going across the border than there were trucks coming into Maine from outside states. So if we do not adopt this

amendment we are penalizing our own Maine truck owners severely for the purpose of giving to the State of Maine a tax penalty. We were figuring it here at recess and arrived at an estimate that it would cost our own truck owners eighty thousand dollars individually in order for the State of Maine to get less than ten thousand dollars. Those are estimated figures and may not be accurate, but, it is an estimate that is more or less accurate. At least, our own Maine truck owners will be penalized more severely than the corresponding benefit to the State by taxation.

Since the vote in this House the other day, there seems to be a feeling among the members that we are perhaps willing to work out this problem for two years and see how it works. If it is not successful, we can change back but it is at least worth trying and giving our neighbors this opportunity and thus saving the truck owners of our own State this heavy penalty. I therefore move that we recede and concur.

Mr. CUMMINGS of Portland: Mr. Speaker, the gentleman from Portland, Mr. Oakes, tells you that the most the State of Maine would save on this reciprocity proposition would be \$10,000. The gentleman knows nothing about it. (Laughter and Applause) The Legislature of Massachusetts will be in session after we go home, and if they see fit to do so in the face and eyes of a folly which is beyond our understanding, that is proposed to be committed here, they can remove all restrictions from trucks—absolutely all—and we are committed to reciprocity under those conditions; and in view of the ninety thousand and more trucks that they have, they can establish a regular freight transportation line between Boston and Portland, and we are helpless.

It does not seem at this late time that there is any need of permitting such a situation as that. It is absolutely inadvisable and unreasonable, and I move that the House adhere to its former action.

The SPEAKER: The motion is not in order. The motion to recede and concur takes precedence.

Mr. SPEAR of Portland: Mr. Speaker and members of the House: Since yesterday, in order that I might be correctly informed on this

question, I have telephoned to the President of the Maine Automobile Dealers' Association. I also got in touch with the President of the Truck Owners' Association, and I got in touch with the Maine Automobile Association. Now, these three associations control about all the motor vehicles in the State of Maine. No doubt, all automobile users do not agree, but the heads of these various organizations told me that this reciprocity bill is the fairest bill that could be presented to the State of Maine. They also stated that if it did not go through as planned in accordance with the rest of the road program, that it might upset the road program.

Now, some of these matters have got to be referred to the people; the matter of the bond issue has got to be referred to the people, and an initiative referendum might be started—that I hope would not be—on the matter of the gasoline tax; and everything seems to be ironed out except this matter of reciprocity, which cannot be unfair. I beg of you that you concur with the Senate.

Mr. CUMMINGS of Portland: Mr. Speaker, I am very glad indeed that I have not been touched by so many active interests in regard to this matter. If I had, the Lord only knows what position I might have taken.

Mr. FROST of Belfast: Mr. Speaker, I know so little about this question that probably I am fairly well qualified to talk about it. It seems to me that it is hardly reasonable that we should extend complete reciprocity to a State like Massachusetts with the very large number of trucks they have, and then attempt to argue that we would have anything like an even exchange, with the small number of trucks that we have in Maine.

Now, in addition to that fact, there is the consideration of the other fact that there are a large number of truck owners in Massachusetts which are establishing a daily line of trucks bringing produce, beef, and so forth into the State of Maine—making daily trips—while a large percentage of the trucks registered in the State of Maine at the present time are occupied almost continuously during the summer season in connection with improvements on our highways. I think that the members of this House will agree that as they go about in the coun-

try, nearly all the trucks owned in every one of our towns are being used in connection with our highways. Very few of them cross the border into the States of Massachusetts and New Hampshire.

It has happened occasionally that somebody had a lot of household goods they wanted to move into Massachusetts and in such cases it is expensive for them to go there. The piece of road which has been most talked about in connection with our road program, the road that must be completely rebuilt, is that piece of road over which the Massachusetts trucks must travel in coming into the State; and it seems to me, as we consider all these things, the most reasonable action on the part of this House would be to vote down this motion that is before us to recede and concur with the Senate. The motion can then be made—if this one which is now before us is defeated—to adhere.

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Portland, Mr. Oakes, that the House recede and concur with the Senate.

Mr. WING of Auburn: Mr. Speaker, I am speaking for the gentleman from Kennebunk (Mr. Littlefield), who tells me that on account of hoarseness he cannot make himself heard, but I am sure that he would be very effective if he could be heard. I trust you will accept his substitute.

The SPEAKER: As many as are in favor of the motion to recede and concur with the Senate will say yes. As many as are opposed will say no.

A viva voce being doubted,

A division was had.

Sixty-seven having voted in the affirmative and 60 in the negative, the motion to recede and concur with the Senate prevailed.

Mr. OAKES of Portland: What is the present status?

The SPEAKER: The bill will now pass to be engrossed without further motion and return later for enactment.

Reports of Committees Out of Order

Mr. Drake from the Committee on Ways and Bridges, on petitions of John Beers et als. for road in

Freeport, reported that same be placed on file.

Same gentleman from same committee reported same on petitions for road in the town of Hancock.

Same gentleman from same committee reported same on remonstrances against any further increase in the present bonded indebtedness of the State.

Same gentleman from same committee reported same on petitions of Arthur E. Blake and others for Pool Road.

Same gentleman from same committee reported same on petitions of inhabitants of Oxford county for improvement of Lake Road, so-called, in town of Andover.

Same gentleman from same committee reported same on remonstrances against any increase in gasoline tax without exemption.

Reports read and accepted and sent up for concurrence.

Mr. CUMMINGS: Mr. Speaker, there is a question raised by a member here in regard to the count, whether the member misunderstood the figure as given or whether his own count is wrong.

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

The SPEAKER: The gentleman will state his point of order.

Mr. WING: The vote is declared and cannot be repeated. If the gentleman wishes to reconsider it is another matter.

The SPEAKER: The gentleman inquires as to the correctness of the vote. According to mathematics it appears to be correct.

Mr. SPEAR of Portland: I move a reconsideration of the vote in the hope that my motion will not prevail.

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

On motion by Mr. Nichols of Portland, recessed until 1.30 P. M.

After Recess

Called to order by the Speaker.

From the Senate: Final report of the Committee on Appropriations and Financial Affairs.

Comes from the Senate, report read and accepted.

In the House, report read and accepted in concurrence.

Report of the committee on conference on the disagreeing action of the two branches of the Legislature on the order calling for investigation of labor conditions in the textile industry.

Report read and accepted.

Finally Passed

Resolve relating to the rights of the State of Maine on the St. John River and the vacancy on the International Joint Commission.

Passed to be Enacted

An act to authorize the recording of marketing agreements of co-operative agricultural associations, and requiring that liens hereby attached to crops before delivery to the association, and to the member's interest in the association after such delivery be collected through the association.

From the Senate: Resolve for the construction, maintenance and repair of roads, bridges and ferries, Senate Paper 676, which was passed to be enacted in the House on April 11.

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

In the House:

The SPEAKER: What is the pleasure of the House?

Mr. LELAND of Sangerville: Mr. Speaker, this amendment was for the purpose of allowing the chairman of the Ways and Bridges Committee an opportunity to correct an error. I have in my hand a statement from Senator Smith which I should like to read:

"This is to certify that in making up the apportionment of special resolve money for Franklin county that I made an error in listing the town of Freeman in duplicate; and that this amendment seeks to correct this mistake.

(Signed) CLYDE H. SMITH,

Chairman, Ways and Bridges."

This is solely for the purpose of correcting a clerical error.

Mr. WING of Kingfield: Is it to strike out something or to put in something?

The SPEAKER: It does both.

Mr. WING of Kingfield: Mr. Speaker, Senator Smith states that this is to take care of a duplication. He has struck out from the town of

Freeman, which had two resolves there, and gives to the town of Weld which was already receiving an appropriation of \$2,000. At the same time in the same section there were two appropriations made for the town of Jerusalem, one on the main road through Franklin county and the other over the mountain, which only benefited the county of Somerset. Now, if this money is to be appropriated according to sections, I believe that the Representative in that section should have something to say about where the money is put.

We are not in favor of putting this money across the mountain in another county when we are the ones that have got to go home and stand back of that appropriation; and if the House is not going to allow this resolve as it came from the committee, but is going to stand back of an amendment by the Senate, I wish the same privilege of an opportunity to put in an amendment. However, if the House is willing to reject Senate Amendment A, I am perfectly willing that the resolve should go through as reported by the committee. Otherwise, I should like the privilege of offering an amendment.

Mr. LELAND of Sangerville: Mr. Speaker, I will simply say to the members of the House that while the Committee on Ways and Bridges had at their disposal, for the ensuing two years, the sum of \$200,000, they had applications exceeding \$1,700,000 for this \$200,000; and I will say that it is a very considerable task to undertake apportionment of that money in order to satisfy everybody; in fact it is an impossible task.

The committee has felt that those members of the committee who were close to the county, not represented on the committee, would be in a better position to judge of the relative merits of the different propositions as they came before the committee. The committee has made a sincere and earnest effort to apportion this money as fairly and as equitably as it is possible to do. The committee hopes that the explanation that has been made by Chairman Smith as to his object in making the change will be considered, and that it will be allowed, and that the resolve as amended will go through, because if it is amended and re-amended, nobody will finally

be satisfied. I move, Mr. Speaker, that we reconsider the action whereby this resolve was finally passed.

The SPEAKER: Is the House ready for the question?

A viva voce vote being taken, the House voted to reconsider its action whereby this resolve was finally passed; and on further motion by the same gentleman the House voted to reconsider its action whereby this resolve was passed to be engrossed.

On further motion by the same gentleman, a viva voce vote being taken, the House voted to adopt Senate Amendment A in concurrence, and the resolve as amended by Senate Amendment A was passed to be engrossed.

Mr. WING of Kingfield: Mr. Speaker, I would like to ask if there is any way by which I could be allowed to prepare an amendment. I feel that justice is not done. I feel that the bill was right in the first place, and if the chairman found that he had not used one man as well as another and wanted a change, I think I could convince the chairman of the committee that justice was not done by that change.

The SPEAKER: Does the gentleman desire to move a reconsideration of the vote just taken whereby this resolve was passed to be engrossed?

Mr. WING: The only thing is, Mr. Speaker, I have not the amendment prepared.

The SPEAKER: The gentleman having voted the other way, would not be in order on a motion to reconsider.

Mr. LELAND: Mr. Speaker, I move you to reconsider the vote just taken in the hope that the motion will not prevail.

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

The SPEAKER: It is probable we will get some papers from the Senate very shortly and the Chair will declare a short recess.

After Recess

Passed to be Enacted

Out of order and under suspension of the rules.

An act relating to registration of motor vehicles by non-residents.

An act for the assessment for a state tax for the year 1926.

Emergency Measures

An act for the assessment of a state tax for the year 1925.

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

A division being had,

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

Resolve for the construction, maintenance and repair of roads, bridges and ferries.

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

A division being had,

One hundred and twenty-two voted and all in the affirmative, so the resolve was finally passed.

On motion by Mr. Winn of Lisbon, out of order, it was

Ordered, that the American Flag at the right of the Speaker's Chair be presented by the House to Speaker Gardiner, and that the Messenger be instructed to deliver the same at Speaker Gardiner's home, properly wrapped. (Applause, the House rising)

The SPEAKER: The Chair thanks the House.

From the Senate: Bill an act to incorporate Dexter P. Cooper, Incorporated, for the purpose of developing and utilizing the power of the tides in the Bay of Fundy and waters adjacent thereto, S. P. 597, S. D. 259, which was passed to be enacted in the House.

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

In the House, 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 reconsidered its

action whereby this bill was passed to be engrossed.

(Senate Amendment A read by the Clerk)

On motion by Mr. Nichols of Portland, it was voted that Senate Amendment A be adopted in concurrence, and the bill as amended by Senate Amendment A was passed to be engrossed in concurrence.

The SPEAKER: The Chair understands that arrangements have been made with the printer for the speedy printing of this bill. After taking up the question of enactment of this bill, there remains only the formality of ascertaining if the Senate has transacted its business, and the House its business, and awaiting communication from the Governor as to the disposition of the matters before him. The Chair will endeavor to find out and announce to the members the probabilities as to when that can be accomplished. The Chair will declare a short recess and will try to bring that information to the House.

After Recess

The SPEAKER: The following veto message from the Governor:

"STATE OF MAINE

OFFICE OF THE GOVERNOR

AUGUSTA

April 11, 1925.

To the Honorable Senate and House of Representatives of the Eighty-second Legislature:

There is returned herewith without my approval, 'An Act, Relating to the Excise Tax on Railroads.'

This Act reduces the excise tax upon the Street Railroad Corporations of the State and is a companion measure to the proposed reduction in taxation upon the Steam Railroads of the State.

This would effect a reduction of \$35,000 to \$50,000 in the revenue of the State and does not seem warranted by the conditions that exist for substantially similar reasons to those advanced in regard to the reduction on the Steam Railroads of the State.

Respectfully submitted,

(Signed)

RALPH O. BREWSTER."

The SPEAKER: The question before the House is whether this bill shall become a law notwithstanding the objections of the Governor.

Mr. CURTIS of Brewer: Mr.

Speaker and members of the House: I take the same position on this bill as I did on the railroad bill this morning. It was the unanimous report of the committee after a hearing on the matter that this bill ought to pass, and I feel that there is just the same merit in this bill as there was in the other, and for that reason I shall vote for the bill.

The SPEAKER: The question before the House is whether the act shall become a law notwithstanding the objections of the Governor. Is the House ready for the question?

Mr. DAVIS of Portland: Mr. Speaker, as I am a director in two of the street railroads affected by this bill, I ask the House to be excused from voting.

Thereupon the House voted to excuse Mr. Davis from voting upon this measure.

The SPEAKER: As many as are in favor of this bill becoming a law notwithstanding the objections of the Governor will say yes when their names are called; those opposed will say no.

YEA—Allen of Harpswell, Allen of Hampden, Atwood, Audibert, Ayer, Bartlett of Hanover, Bishop, Brown of Waterford, Burns, Comins, Crockett, Curtis, Cyr, Davitt, Deering of Saco, Drake, Dudley, Dunbar, Dunning, Dwinall, Eustis, Foster, Frost of Eastport, Gagne, Gallagher, Gauvin, Gilmour, Greenleaf, Hale, Ham, Hammond, Hight, Holman, Holmes, Jordan, Kinsman, Lait, Leighton, Leland, Lessard, Lewis, Mansfield, Martin, Mathews, McDonald, Melcher, Metcalf, Mitchell of Houlton, Mitchell of Newfield, Moore, Oakes, Page, Peaslee, Pike, Piper, Roberts, Roy, Sargent, Snow, Spear, Spruce, Thompson, Vail, Warren, Wheeler, Wing of Kingfield, Winn—67.

NAY—Allen of Yarmouth, Beckett, Bisbee, Boody, Boman, Boynton, Bragdon, Briggs, Bump, Burnham, Campbell, Cole, Davis of Dexter, Ellis, Farley, Flint, Forhan, Frost of Belfast, Frost of Berwick, Fuller, Garnsey, Gilchrist, Goodrich, Haggett, Hall, Hallett, Harriman, Harrington, Hayford, Houghton, Ireland, Johnson, Lamson, Littlefield, Lowell, Ludwig, Lunt, Marden, Mears, Mills, Morse, Nichols, Norwood, Palmer, Pendleton, Pierce, Pillsbury, Pullen, Robie, Robinson, Smith, Stone, Sturgis, Thissell, Towle,

Waterman, Whitcomb, White, Wing in of Auburn, Young—60.

ABSENT—Bartlett of Bangor, Benoit, Brown of Bethel, Buker, Clarke, Cummings, Daigle, Decker, Deering of Denmark, Friend, Gordon, Hamilton, Ingraham, Jones, Kilburn, Kitchen, Larrabee, Lausier, Nevins, Seidel, Stitham, Tupper—22.

EXCUSSED—Davis of Portland—1.

The SPEAKER: Sixty-seven having voted in the affirmative and 60 in the negative, the bill fails of passage.

Mr. Page of Skowhegan, presented the following order, out of order, and moved its passage:

Ordered, the Senate concurring, that the sum of one hundred dollars be paid Miss Kanaly for balance due for services as Clerk and Stenographer of the Committee on Education, the same to be charged to the appropriation for legislative expenses.

Mr. HOLMES of Lewiston: Mr. Speaker, under an order for a balance due to be charged to legislative expense at this late hour of the session, I think that an explanation is due. I should like to have one before I vote.

Mr. PAGE of Skowhegan: Mr. Speaker, I understand that the Clerk and Secretary of the various Committees is entitled by custom to a salary of \$200, but in this instance she was instructed to put an order in for \$200, or a resolve, and, to be brief, keep one hundred of it herself, therefore she was deprived of her two hundred dollars, which she was entitled to, and this order is simply to pay her the usual amount that a clerk and stenographer is entitled to.

The SPEAKER: Is it the pleasure of this House that this Order have passage?

The motion of the gentleman from Skowhegan, Mr. Page, that this order have passage, prevailed.

From the Senate: An act relative to motor vehicles, neutral zone, and to revise and amend Sections 75 and 34 of Chapter 211 of the Public Laws of 1921, House Paper 765, H. D. 181, which was passed to be engrossed in the House on April 9 as amended by House Amendment A,

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Burnham of Kittery that body voted

to recede and concur with the Senate in the indefinite postponement of this bill.

The SPEAKER: The Chair hopes that the matter from the printer will be on hand by 6.15 but pending possible receipt of other communications from the Executive, or other papers, will declare a recess.

AFTER RECESS

Passed to be Enacted

An act to incorporate Dexter P. Cooper, Incorporated, for the purpose of developing and utilizing the power of the tides in the Bay of Fundy and waters adjacent thereto.

From the Senate: An act to provide for an issue of state highway and bridge bonds, House Paper 1302, House Document 535, which was passed to be enacted in the House yesterday.

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

(Senate Amendment A read by the Clerk)

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

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

The SPEAKER: This will require a two-thirds vote of the entire membership when it comes back from the Engrossing Department and it is important that the members remain present.

At this point the Speaker declared a recess until 7 P. M.

After Recess

House called to order by the Speaker.

An act to provide for an issue of State highway and bridge bonds.

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

A division being had,

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

Recess
After Recess

A message was received from the Senate, through Senator Smith of Somerset, informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

On motion by Mr. Nichols of Portland, it was voted that the Chair appoint one or more members to convey to the Senate the message that this House has acted upon all business before it and is now ready to adjourn without day.

The SPEAKER: The Chair appoints the gentleman from Portland, Mr. Nichols, to convey the message to the Senate, that the House has acted on all business before it and is ready to adjourn without day.

Thereupon Mr. Nichols conveyed the message to the Senate, and returning, announced that he had performed the duty assigned him.

Mr. HOLMES of Lewiston: Mr. Speaker, I am going to make a motion to strike from the record and I wish to make just a word of explanation that it is in the interests of peace that this motion of mine is made; and perhaps the lateness of the hour and perhaps the fact that as we got along to the last hours of the Legislature the nerves of all of us were a bit strained, the weight of business to be done and perhaps also when one reads such headlines in a daily paper as occurred in the Lewiston Evening Journal, "Maine Legislature Split Wide—Death Blow of Railroad Relief Bill Considered a Victory for the Ku Klux," perhaps one's nerves may give way. And in the interests, I hope, of a peaceful parting, I wish to make a motion to strike from the record all of that part of the record beginning with the point where I rose to a question of high privilege and until the end of the discussion on that point. (Applause)

Thereupon the House voted to strike from the record the matter referred to.

The following order was received from the Senate:

Ordered, the House concurring, that a committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor and inform him that both branches of the Legislature have acted on all matters before them and are now ready to re-

ceive any communication he may be pleased to make.

In the Senate, read and passed.

In the House, the order received passage in concurrence, and the Chair appointed on said committee on the part of the House, Messrs. Wing of Auburn, Curtis of Brewer, Dunning of Charleston, Pillsbury of Benton, Lamson of South Portland, Piper of Jackman and Holmes of Lewiston.

Subsequently Mr. Wing for the committee reported that the committee had attended to the duty assigned it, and that the Governor would at once make to this body such communication as he desired to make.

At this point Honorable Frank W. Ball, Secretary of State, transmitted a final communication from the Governor as follows:

STATE OF MAINE
OFFICE OF THE GOVERNOR

Augusta, April 11, 1925.

To the President of the Senate and Speaker of the House:

I herewith transmit a list of 325 acts and 123 resolves passed by the present session of the Legislature.

I have no further communication to make.

Respectfully,
(Signed)

RALPH O. BREWSTER.

Governor.

In the Senate, read and ordered placed on file.

In the House, read and ordered placed on file in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Nichols.

Mr. NICHOLS of Portland: Mr. Speaker, when I realize that the members of this House will never all be together again, it is a sad duty which I am to perform. We are about to say "good-bye." It is with a tinge of regret that I move that this House now adjourn without day.

The SPEAKER: The motion before the House is that the Eighty-second Legislature now adjourn without day.

The motion prevailed.

The SPEAKER: And I now declare the Eighty-second Legislature adjourned without day.