

# 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

**SENATE**

Friday, April 3, 1925.

Senate called to order by the President.

Prayer by Rev. Stuart B. Purves of Augusta.

Journal of previous session read and approved.

From the House: Resolve, providing for the Appointment of One or More Persons to Represent the State in Certain Proposed Changes in Freight Rates Affecting the People of the State. (H. D. 459)

In Senate April 2, voted to insist on former action whereby the resolve was passed to be engrossed, and ask for a Committee of Conference.

In the House, that body voted to adhere to its action whereby bill and amendment (House Amendment A) were indefinitely postponed.

In the Senate: Tabled on motion by Mr. Holley of Somerset.

From the House: An Act permitting sterilizing operations in certain cases of mental disease and feeble mindedness. (S. D. 274)

In Senate, April 2, passed to be engrossed.

In the House: That body accepted the minority report of the Committee on Public Health, reporting "ought not to pass," in non-concurrence.

In the Senate: On motion by Mr. Speirs of Cumberland, the Senate voted to insist on its former action and ask for a committee of conference.

The President appointed as members of such committee of conference on the part of the Senate, Senators Speirs of Cumberland, Miner of Washington, and Hinckley of Cumberland.

The following Resolves were received, and on recommendation by the committee on reference of bills, were referred to the following committee:

**Appropriations and Financial Affairs**

By Mr. Carlton of Sagadahoc, Resolve, in favor of Foster Newcomb for services as clerk of Interior Waters Committee. (S. P. 639)

By Mr. Foster of Kennebec, Resolve, in favor of Earle R. Hayes for services as clerk of Committee on Banks and Banking. (S. P. 643)

**Reports of Committees**

The majority of the Committee on Education on An Act to provide for a loan fund for State Normal Schools and Madawaska Training School (S. P. 481) reported that the same ought not to pass.

(Signed) ALLEN  
DUDLEY  
HALL  
K. C. ALLEN  
PIERCE  
BRAGDON

The minority of the same Committee, on the same subject matter, reported ought to pass.

(Signed) BARWISE  
SPIERS  
CROCKETT  
EUSTIS

Tabled on motion by Mr. Allen of York, pending acceptance of either report.

Mr. Chalmers, from the Committee on Appropriations and Financial Affairs, on Resolve in Favor of the Maine School for the Deaf (S. P. 185) reported the same in a new draft, under the same title (S. P. 640) and that it ought to pass.

Mr. Wadsworth, from the same Committee, on Resolve in favor of the State Park Commission (S. P. 138) reported the same in a new draft, under the same title (S. P. 641) and that it ought to pass.

The same Senator, from the same Committee, on Resolve in favor of the National Conference of Commissioners on Uniform State Laws and of the Commissioners from Maine for the promotion of Uniformity of Legislation in the United States (S. P. 152) reported that the same ought to pass.

Mr. Morrison, from the Committee on Legal Affairs, on An Act relating to aircraft (S. D. 217) reported the same in a new draft, under the same title (S. P. 642) and that it ought to pass.

The reports were accepted and the bill and resolves tabled for printing under the joint rules.

**Final Report**

Mr. Cram, from the Committee on Public Utilities, submitted its final report, having acted on all matters submitted to them.

The Report was accepted.

Mr. Powers, from the committee

on legal affairs, on an Act to amend section 5 of chapter 125 of the Revised Statutes of 1916, relating to boxing contests, reported the same in a new draft, under the title of an Act relating to amateur boxing contests.

(Signed)

POWERS  
MORRISON  
CLARKE  
BECKETT  
ATWOOD  
FULLER  
DWINAL  
SEIDEL  
BARTLETT

The minority report of the same committee, on the same subject matter, reported "ought not to pass."

(Signed)

THOMPSON

Tabled on motion by Mr. Lane of Androscoggin, pending the acceptance of either report.

#### Orders of the Day

The PRESIDENT: The Chair will lay before the Senate the calendar, pursuant to the Senate order passed yesterday.

The Chair lays before the Senate S. P. 125, Senate Report from the Committee on labor, majority report "ought to pass," minority report "ought not to pass" on Resolve rejecting the proposed amendment to the Constitution of the United States relating to child labor, tabled pending the acceptance of either report, and recognizes the Senator from Kennebec, Senator Wadsworth.

Mr. WADSWORTH: Mr. President, this is a matter that was tabled until March 31. In some way or other it was left off the calendar and appears this morning. I will explain it as far as I can.

There was a positive resolve, as you will remember, here a few days ago. This is a negative resolve that the Constitutional amendment should not be adopted. The majority report was that "it ought to pass." I move, Mr. President, that we accept the majority report.

The report was accepted and the Senator further moved that it have its first reading.

The PRESIDENT: The Chair will inform the Senator from Kennebec that the matter has never been printed.

Mr. WADSWORTH: Mr. President, I move it lie on the table for printing under the joint rules.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 91, An Act relating to school fund covering unexpended balances, tabled pending passage to be enacted, and recognizes the Senator from Kennebec, Senator Maher.

On motion by Mr. Maher, the bill was passed to be enacted.

The PRESIDENT: The Chair lays before the Senate H. D. 419, Resolve in favor of the Central Maine Sanatorium for maintenance, personal services, repairs and equipment, tabled pending printing and passage to be engrossed, by the Senator who is out ill, Senator Wilson.

On motion by Mr. Holley of Somerset, retabled under the name of Mr. Wilson.

Mr. MAHER of Kennebec: Mr. President, may I take up out of order S. D. 65?

The PRESIDENT: The Chair will lay before the Senate S. D. 65, at the special request of the Senator from Kennebec, Senator Maher, An Act requiring more efficient supervision of brokers selling securities on marginal account, tabled pending printing of Senate Amendment B and passage to be engrossed, and recognizes the Senator from Kennebec, Senator Maher.

On motion by Mr. Maher, Senate Amendment B was indefinitely postponed, and on further motion by the same Senator the bill was passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate S. D. 273, Resolve in favor of the Bangor State Hospital for new construction and permanent improvements, tabled pending passage to be engrossed, and recognizes the Senator from Kennebec, Senator Wadsworth.

Mr. WADSWORTH: Mr. President, this is a matter in which a number of the Senate have been interested, and I have been asked to have it retabled, and so move.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 6, Senate report from the committee on educa-

tion "ought to pass" on resolve in favor of the University of Maine, tabled pending acceptance of report, and recognizes the Senator from Penobscot, Senator Perkins.

Mr. PERKINS: Mr. President, I move the acceptance of the report.

Mr. WADSWORTH: May I inquire, through the Chair, if this has been amended

The PRESIDENT: It has not been amended.

Tabled on motion by Mr. Wadsworth, pending acceptance of the report.

The PRESIDENT: The Chair lays before the Senate S. P. 618, Senate report from the committee on state lands and forest preservation, majority report "ought to pass," minority report "ought not to pass," on resolve in favor of the president and trustees of Bates College, tabled pending acceptance of either report, and recognizes the Senator from Kennebec, Senator Wadsworth.

Mr. WADSWORTH: Mr. President, this is another matter in which some of the Senators are interested and I tabled it for them. There are some facts which they wish to get together and have them the first of the week, so I move you, Mr. President, this lie on the table.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 420, House report from the committee on state sanatoriums "ought to pass" on resolve in favor of Central Maine Sanatorium, tabled pending acceptance of report, and recognizes the Senator from Cumberland, Senator Hinckley;

Mr. ALLEN of York: Mr. President, as Mr. Hinckley is out, I move this lie on the table until he returns.

The motion was agreed to.

The PRESIDENT: The Chair will state that in place of Senator Hinckley on the conference committee in relation to the sterilization bill, the Chair will appoint Senator Phillips.

The PRESIDENT: The Chair lays before the Senate H. D. 51, House report from the committee on inland fisheries and game, majority report "ought to pass", minority report "ought not to pass," on an act relating to the one deer law, tabled pending acceptance of either re-

port, and recognizes the Senator from Cumberland, Senator Hinckley, who has just departed.

Mr. POWERS of Aroostook: Mr. President, Senator Wilson, as the Senate knows, is ill in the hospital, and Senator Crafts is obliged to be out of town over the week end, and also at the request of a third Senator, I would like to have that laid on the table, and if the Senate will extend the courtesy to these absent Senators of suspending our order, I should like to have it assigned for Tuesday morning, which is the first date that they probably can be back.

The PRESIDENT: Does not the Senator believe that we could table it from day to day without suspending our order?

Mr. POWERS: That just takes time, but if the Chair prefers it.

The PRESIDENT: If we get to suspending that order, I am afraid it will be without much force.

Mr. POWERS: Of course it is just on account of illness in this matter.

The PRESIDENT: The Chair will put any motion.

Mr. POWERS: I move it be tabled. The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 180, Resolve in favor of the Maine School for Feeble-minded for additions and improvements, tabled pending passage to be engrossed, and recognizes the Senator from Somerset, Senator Holley.

Mr. Holley then yielded to the Senator from Kennebec, Senator Wadsworth.

Mr. WADSWORTH: Mr. President, this matter has been on the table for quite a long time and I feel it is getting along about time we ought to dispose of it in some manner or other, and on account of the financial situation that we are in, while the building may be needed, I think it will be time in the future to take care of it, and I move, Mr. President, that this be referred to the next Legislature.

Mr. SPEIRS of Cumberland: Mr. President, the building for the feeble-minded is very much needed and until the financial program is finally settled I would like to have that tabled. I move it be tabled.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 168, marked on the calendar by error as Senate

Document No. 168, House reports from the committee on judiciary, majority reporting "ought to pass" and minority reporting "ought not to pass" on bill, An Act relating to a bridge between Orr's Island and Bailey's Island, tabled pending the acceptance of either report, and recognizes the Senator from Hancock, Senator Clarke.

Mr. CLARKE: Mr. President, I move at this time the acceptance of the minority report, ought not to pass, and on that motion I would like to take just a moment of the time of the Senate this morning. I have been wondering whether the Senate appreciated the significance of this innocent looking matter. It will be inferred, of course, from the subject matter of the bill that the scene of action is laid along the coast of Maine and in connection with two small islands; and in order to bring the matter more locally, I might say that these islands of Orr's and Bailey's are situated in the town of Harpswell. The town of Harpswell extends like a point out into the Atlantic Ocean, and these islands are situated off in the sea from the town of Harpswell.

This matter was brought to the attention of the committee on legal affairs two years ago. There are now four members of this Senate who were members of the committee on legal affairs at that time, including myself, and I might say that that committee considered the matter very carefully. At that time there was a unanimous report from that committee of ought not to pass; that report and the reports of the committee on judiciary which are now before you indicate how those committees have viewed the matter. Personally, I am not particularly interested in the matter of the bridge between Orr's Island and Bailey's Island. It seems that some four or five years ago some thoughtful citizen of the town of Harpswell suggested that there should be a bridge between Orr's Island and Bailey's Island, and from that time on civil war has existed in the town of Harpswell, equalled only, I believe, by the civil war of '61 to '65. The people of that town are still arrayed against each other, and both sides as to numbers are about equally divided, each side being aided by an Attorney from the city of Port-

land, which adds to the solemnity of the occasion; and I believe that we have a right to infer that both sides will be materially reduced in their wealth. However, the fight is still on, but we are not particularly interested in the middle of the people of the town of Harpswell, or that of the good citizens who reside, few in number as they may be, on the islands of Orr's and Bailey's.

Some twenty years ago it seems that the legislature gave authority to extend a bridge over tide waters between these two islands. That authority was not used; it was not accepted; and then some four or five years ago, or after the passage of the Bridge Act, so-called, it occurred to the good citizens, or some of the good citizens of Harpswell that it might be possible to invoke the Bridge Act. Now you are all familiar with the so-called Bridge Act, and I do not need to go into the provisions of that Act. I will simply call your attention to section one, which says "When public necessity requires the building or rebuilding of any bridge in any town or city, said bridge being located on any main thoroughfare." Now my first and principal objection is that this is establishing a precedent, the building of a bridge under the Bridge Act from an island to an island situated off the end of a point along the coast of Maine. I am vitally interested in that aspect of the matter, because there are some hundred or more islands down in my section, where it is not possible to pass dry-shod from one island to another, but we never have dreamed that we could invoke the provisions of the Bridge Act. We never have dreamed that a thoroughfare between one island and another along the coast of Maine constituted what is termed a "main thoroughfare," and that we could get the highway commission of the state of Maine and the county commissioners and selectmen of the respective towns to agree to the building of a bridge, in accordance with the provisions of that Act, where fifty per cent of the cost is paid by the state, thirty per cent by the county and twenty per cent by the town. It seems that the people of the town of Harpswell were fortunate in getting the highway commission and the county commissioners and selectmen of the

town to agree to this proposition. However, it seems that nothing which was done was done legally, and the battle has continued and is still continuing, before the court of our state. That is, as I understand it, the Law Court has not as yet decided as to the legality of the proceedings. The legality of the proceedings was attacked by a bill in equity, and the Law Court has held in a recent rescript that that method of attacking by a bill in equity was not the proper course, that was not the proper method of proceeding, and as you will understand at once the issue was not reached. The question, in other words, was whether or not the provisions of invoking the Bridge Act were legal. But assuming that they were legal, this legislature is interested and I am vitally interested in knowing how far we will say that the provisions of the Bridge Act shall apply.

This is a proposition of extending a bridge from a point in one island to another island, with a very small population on either of the islands, and the building of a bridge which will cost the town of Harpswell approximately \$22,000 or \$23,000, provided the bridge is constructed within the estimate. You all know that it is not always that these bridges are constructed within the estimates. I want to call your attention to the fact that it will cost the state of Maine approximately \$60,000. According to the most conservative estimates at the present time, it will cost the state of Maine approximately \$60,000 for the building of this bridge between these two islands. I think we should leave this matter to the judgment of the Law Court to decide as to the legality of the proceedings and other matters involved, and not attempt to legislate to end the civil war at Harpswell, and at the same time we will be saving for the state of Maine this sum of \$60,000.

Mr. HINCKLEY of Cumberland: Mr. President, I have listened to the remarks of the Senator from Hancock, Senator Clarke, with interest, and before proceeding with my remarks I would like to have the Chair read to us the names of those who signed the different reports.

(The Secretary read the reports.)

Mr. HINCKLEY: Now Mr. President, you will notice that the favorable report is signed by seven mem-

bers of the judiciary committee, including three Senators, all of whom are lawyers. If I remember correctly, something more than thirty years ago this legislature authorized the citizens to construct a bridge between Orr's Island and Bailey's Island. Since that time they have had one complication after another, and they have not up to the present time succeeded. Two years ago, as the Senator from Hancock, Senator Clarke, stated, this matter came before the legislature and was referred to the committee on legal affairs. At that time, as I have it clearly in mind, after the compelling arguments that were made before that committee, the controlling argument that caused them to report ought not to pass was the fact that there was then an action pending before the Supreme Court of this state to determine that very question, the legality of their proceedings down there, and for that reason that committee decided, and I joined with them in the proposition "Let's await the decision of the Court." The Court has spoken, and this is the second time that the Court has spoken on this very same matter, and in both instances the appellants, those opposed to the building of the bridge, have been defeated, and the town of Harpswell has been victorious.

Now Gentlemen, this is a question for you to decide, whether or not this legislature wants to end litigation down there in the town of Harpswell, and let those people go ahead and build their bridge over to Bailey's Island, or whether you want to compel them to build another bridge, or allow them to continue in the courts of this state for another thirty years. A necessity for a bridge exists down there, and there is no question about that. A technical question was raised, as has been suggested by the Senator from Hancock, Senator Clarke, that building a bridge as an extension of the highway from Orr's Island over to Bailey's Island was not within the contemplation of the statute, because it was not a part of the main thoroughfare.

Since that time the legislature of the state of Maine has amended its general highway law, and such a situation to-day under the general law is a part of the thoroughfare, and if the town should vote now to

do it they could legally do it without any question. But at the particular time when they held this meeting that has been discussed here there was a technical question as to whether or not they could do that. That has not been decided, but the law is now changed so that they can do it. The citizens of this town want it done; the county commissioners want it done; the state highway department wants it done; the citizens of Harpswell want it done and have voted in favor of it and have raised the money for it. The county commissioners told us that they wanted it, and as I say the state highway department said they wanted it and felt they should have it.

Now gentlemen, are you going to allow lawyers, at the instigation of a rich summer resident, and he is the one who is carrying on this litigation against this measure, and he has been financing the thing for years and employing lawyers to defeat the wishes of the people of the town of Harpswell—are you going to allow this to continue, or are you going to give them a chance to have this bridge which they want? I may say that I am not averse to a reasonable amount of litigation, but I think when it is at the expense of a small town like the town of Harpswell, then the necessity of the matter has a larger appeal, necessity such as was referred to yesterday in another matter that was before this Senate, necessity so that the little children will not be obliged to cross waters in the winter time in order to attend school. That is the situation, and there is not another thing in the question. Your three Senators after listening to this matter and hearing all the evidence came to that conclusion without any hesitation. Now I say, give the town of Harpswell a chance and don't hold them up on a technicality as to whether or not under the provisions of the old law they were entitled to receive state aid and county aid in the building of this bridge on a main thoroughfare. Don't say that when that thoroughfare came to an end on the easterly side of an island that they would not have a right to extend that bridge across on to the other island which is a part of the same town. I say, let's help the town out and get rid of this matter.

Mr. CLARKE: Mr. President, the town of Harpswell, as stated by the

Senator from Cumberland, Senator Hinckley, raised the money, \$22,480 and paid it into the state treasury. I understand that this bill in equity which has been referred to, as a matter of procedure, has been dismissed from the Law Court records, and that the proponents of the measure are successful enough, as far as the records of the court are concerned. The issue has not been decided, and without any question before this legislature adjourns another action will be pending in the Supreme Judicial Court touching the same subject matter only by another process. In that event the situation will be exactly as it was two years ago. I say to you that the issue has not been settled.

Mr. HINCKLEY: May I ask the Senator from Hancock, through the Chair, whether any matter pertaining to this subject is now pending in any court?

Mr. CLARKE: I will answer through the Chair, in reply to the question of the Senator from Cumberland, Senator Hinckley, that there is not.

Mr. HINCKLEY: Mr. President, the Attorney who was opposed to the building of this bridge said to the committee very frankly that he was going to bring more suits and make more litigation, and that he would continue this litigation indefinitely for the same purpose of preventing this bridge from being built. That was the evidence before our committee.

Mr. SPEIRS of Cumberland: Mr. President, I know very little about the local situation relative to this matter, but I do know that there is need of a bridge there. Last summer I took a sail down around that locality for the purpose of looking the situation over. I found that there was a narrow channel about as wide as this room, as I remember it, very deep, and the rocky shore coming down on each side covered with slippery grass that one was obliged to walk over. On a stormy day there was no other way to get down there, and I made up my mind that they needed a bridge there. There are many summer visitors who come to these islands. Orr's Island has a bridge to the mainland, and of course those people do not want a bridge because they can get over to the mainland very easily, but

the people on Bailey's Island do need this bridge very much.

Mr. BARWISE of Penobscot; Mr. President, I don't know anything about this measure and am not particularly interested in it, but I do object to establishing a precedent where all these hundreds of islands along the coast of Maine can be hooked up later on to this Bridge Act and the state hooked up to a big expense. In these days when we are trying to reduce the expenses of government we ought not to set any such precedent as this which requires a contribution of \$60,000 on the part of the state, or anything like that, and for reason I am opposed to this matter.

The PRESIDENT: Is the Senate ready for the question?

Mr. HINCKLEY: Mr. President, I want the Senate to understand there is no provision for an appropriation before this legislature. This comes out of the regular bridge money, and the money is all in hand and provided and arranged for them to go ahead and build.

Mr. POWERS of Aroostook; Mr. President, I was a member of the committee on legal affairs two years ago, a committee which at that time was presided over by His Excellency, our present Governor, and I can say that the committee gave this matter very careful consideration at that time. Of course the time of the senior legal committee was employed very largely on matters of greater importance, but we came to the conclusion that there was no great public necessity in the sense of the state contributing money to build this bridge between these two small islands. It is very true, as has been stated here, that we have many very beautiful islands along the coast of Maine, and we cannot or could not ever think of connecting them all with the mainland by bridges. It seems to me, Mr. President, that there are other places where this sum of \$60,000 could be used to better advantage. I hope that the motion made by the Senator from Hancock, Senator Clarke, prevails.

Mr. CRAM of Cumberland; Mr. President, I was also a member of the committee on legal affairs at the session two years ago. Of course, I realize that different matters may influence the minds of members of a committee as to the action they take concerning certain such matters. The

matter which influenced my vote against the proposition at that time was because there was then pending in the Law Court a bill in equity concerning this very matter, and it seemed to me that it was not proper for the legislature to take action concerning the matter while there was pending and before this decision had been made by the Law Court. That was the one matter that influenced me in my position. At that time I believed that there should be a bridge constructed between Orr's Island and Bailey's Island, owing to the fact that the highway commission and the county commissioners and the municipal officers had so decided.

There being now no action pending before the Law Court concerning this bridge, I certainly shall vote in favor of building the bridge.

Mr. CARTER of Androscoggin: Mr. President, a question has arisen in my mind relative to this matter, and I want to ask that the measure be laid upon the table until the next session in order that I might get some information personally, and something which might also interest some of the other Senators. I would like to know what the total valuation of Bailey's Island is and the number of inhabitants, in relation to the cost of this proposed bridge. It seems to me that there is a possibility, and I only suggest it, that the cost of the bridge in comparison to the valuation and the number of polls might be a matter which is worthy of comparison.

The PRESIDENT: Does the Senator from Androscoggin, Senator Carter, make a motion that the matter be laid upon the table?

Mr. CARTER: I do, yes, Mr. President.

The PRESIDENT: The Chair will state that that motion takes precedence.

The motion was agreed to.

On motion by Mr. Holley of Somerset, that Senator was permitted to introduce out of order, the report from the committee on publicity, reporting in a new draft and "ought to pass," bill, an act to create a state broadcasting station.

The report was accepted, and the bill was tabled for printing under the joint rules.

On motion by Mr. Wadsworth of Kennebec, S. D. 6, Senate report from the committee on education, reporting "ought to pass" on resolve in favor of the University of Maine, was taken from the table.

The pending question being the acceptance of the report,

Mr. Wadsworth then yielded to the Senator from York, Senator Allen.

Mr. Allen moved that the report of the committee be accepted.

Mr. SMITH of Somerset: I would like to ask through the Chair if this resolve proposes new construction of any kind.

The PRESIDENT: The Senator from York, Senator Allen, may answer the question of the Senator from Somerset, Senator Smith.

Mr. ALLEN: I will say, Mr. President, none whatever. I will state that this measure provides \$400,000 a year, or \$800,000 for the two years, and no new construction.

The report was accepted.

On further motion by the same Senator the resolve was tabled for printing.

The PRESIDENT: The Chair lays before the Senate S. P. 85, Senate report from the committee on state school for boys, state school for girls and state reformatories, reporting "ought to pass" on resolve in favor of reformatory for women for new construction and permanent improvements, tabled pending the acceptance of the report, and recognizes the Senator from Somerset, Senator Smith.

Mr. SMITH: Mr. President, not caring to waive any rights that this institution may have to fair consideration, I move that this measure be again tabled.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 363, House report from the committee on taxation, reporting "ought to pass," on bill, An Act relating to an excise tax on cigarettes sold in this state, tabled pending the acceptance of the report, and recognizes the Senator from Cumberland, Senator Speirs.

Mr. Speirs moved that the report be retabled for the purpose of offering an amendment.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 122, bill, An Act providing for the use of the

English language in this state, tabled pending its second reading, and recognizes the Senator from York, Senator Allen.

Mr. ALLEN: Mr. President, this bill is before the Senate this morning on its second reading. I understand this matter came from the House with either a report of "ought not to pass" accepted or indefinitely postponed. I don't exactly remember at this time about that, but I have been asked by the Senator from Cumberland, Senator Cram, to have this bill given its second reading and then passed to be engrossed so that it might then go back to the other branch because of some member who was absent when the bill went through that branch. If we are to adopt a policy of returning to the House all bills, or have the House return them to the Senate because some member happens to be absent, that is all right; not wishing to be discourteous to any member of either the Senate or House intentionally, I am willing that this measure should be sent back to the House just to see what that member wishes to say for or against the measure.

On motion by Mr. Allen the bill received its second reading, and on further motion by the same Senator the bill was passed to be engrossed, under a suspension of the rules.

The PRESIDENT: The Chair lays before the Senate S. D. 34, Senate report from the committee on taxation, reporting "ought not to pass" on resolve relative to the necessity or advisability of changing the existing method of taxing railroads and railroad corporations operating in the State of Maine, tabled pending the acceptance of the report, and recognizes the Senator from Kennebec, Senator Wadsworth.

Mr. Wadsworth then yielded to the Senator from Kennebec, Senator Maher.

On motion by Mr. Maher the report was accepted.

The PRESIDENT: The Chair lays before the Senate H. D. 334, bill, An Act to extend the powers of the Western Maine Power Company, formerly the Limerick Water and Electric Company, tabled pending its passage to be enacted, and recognizes the Senator from Cumberland, Senator Cram.

On motion by Mr. Cram the bill was retabled.

The PRESIDENT: The Chair lays before the Senate, H. D. 488, resolve providing for the purchase of "Music and Musicians of Maine," tabled pending its passage to be engrossed, and recognizes the Senator from Kennebec, Senator Wadsworth.

Mr. Wadsworth then yielded to the Senator from Penobscot, Senator Barwise.

Mr. Barwise then offered Senate amendment A and moved its adoption.

The amendment was adopted.

The resolve was then passed to be engrossed as amended by Senate amendment A.

The PRESIDENT: The Chair lays before the Senate H. D. 110, House report from the committee on judiciary reporting "ought to pass" on bill, An Act relating when no succession tax shall be assessed on the stock, bonds and evidences of debt of Maine corporations, tabled pending the acceptance of the report, and recognizes the Senator from Kennebec, Senator Wadsworth.

Mr. WADSWORTH: Mr. President, this is quite an important matter, having to do with the income of the State. It was introduced in the House by a member of the House and I have been in conference with him, but I want to look into the matter further, and for that reason I move that it be retabled.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 497, House report from the committee on labor, reporting "ought to pass" on resolve prohibiting employment of women and children in industry more than 48 hours in a week, tabled pending the acceptance of the report, and recognizes the Senator from Somerset, Senator Smith.

On motion by Mr. Smith the report was accepted.

The resolve then received its first reading, and on further motions by the same Senator the rules were suspended and the resolve received its second reading and was passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate S. D. 138, Senate reports from the committee on tax-

tion, report A being "ought to pass," and report B being "ought not to pass" on bill, An Act amending the powers of the board of State assessors in relation to the equalization and adjustment of assessment of the several municipalities, tabled pending the acceptance of either report, and recognizes the Senator from Cumberland, Senator Hinckley.

Mr. HINCKLEY: Mr. President, this is a divided report and I tabled the matter because I had not had an opportunity to go into the question. I do not at this time know very much about the matter, and I hope that some Senator who is familiar with the matter will make a motion to accept one of the reports, so that we may know where we are at.

Mr. ALLEN of York: Mr. President and Gentlemen of the Senate, this is the intangible tax bill, so-called, that allows, as I understand it, the assessors of the State to go in and doom a town for intangible taxes up to the amount they in their judgment see fit. It seems to be a very unjust measure to me, and also seemed unjust to other members of the committee, for the assessors to have the power to go into a town, for instance, to go into my town of Sanford, and tell us to raise five million dollars of intangible taxes, and it was for that reason and that alone that I signed this report "ought not to pass." An intangible tax bill does not mean anything, and yet it means everything.

Mr. BARWISE of Penobscot: I would like to inquire, through the Chair, of the Senator from York, Senator Allen, if he means that the state assessors can go in and say to the local assessors that they must add five million dollars on to your tax without pointing out where they are going to find it?

The PRESIDENT: The Senator from York, Senator Allen, may answer the question if he desires.

Mr. ALLEN: Absolutely.

Mr. HOLLEY of Somerset: Mr. President, I would like to make a motion that this matter be laid upon the table, and I hope the Senate will accord me that privilege.

Mr. ALLEN: I would like to inquire why the delay? We might as well pass it along now as any other time. The Senator from Somerset, Senator Holley, knows what it is and I know what it is.

Mr. HOLLEY: In answer to the Senator from York, Senator Allen,

through the Chair, I will say that for personal reasons I prefer not to debate the matter this morning.

Mr. ALLEN: Mr. President, I will withdraw any objection I may have.

The question being on the motion to table, pending the acceptance of either report,

The motion was agreed to.

Mr. CARTER of Androscoggin: Mr. President, I move that H. D. 168, tabled by me this morning, being reports from the committee on judiciary relative to bridge between Orr's Island and Bailey's Island, be now taken from the table.

The motion was agreed to.

Mr. CARTER: Mr. President, I will say that I have obtained what information I could hurriedly, which is not as full and as complete as I would like to have, but from this information it seems that the valuation of the entire town of Harpswell, which takes in, I think, North Harpswell, and Harpswell Neck, almost from the tide waters down, which is a distance of some four miles to South Harpswell, and the village of South Harpswell and all those islands around there, and the total valuation is about a million dollars. Just what part of that would be comprised in Bailey's Island I don't know. There is one thing that has occurred to me, having to do with the legal status of this measure is that the total valuation of Bailey's Island is not perhaps as much as the cost of the bridge.

Mr. HINCKLEY of Cumberland: Mr. President, I might say that some of us have been at Bailey's Island and there are some very magnificent summer homes there. The resident population is not so very large, but with a bridge erected across there that island would be teeming with summer people, with beautiful homes, because it is one of the most beautiful islands on the entire coast of Maine. It seems to me that it is a question whether this legislature is going to allow the town to go ahead and do business. A question has been raised here to-day in regard to the state putting any money into this proposition. That matter has never to my knowledge been mentioned. It was not mentioned before the committee on legal affairs two years ago. It was never mentioned before our com-

mittee, as a matter of fact, the state and the county and the town were all agreed to go ahead with the bridge and had the money all ready for it, never any suggestion that the highway department or any officials of the state, the Governor or anybody else had suggested it. The real question two years ago was whether the legislature would take the matter out of the hands of the court. It is out of the hands of the court.

Mr. POWERS of Aroostook: I would like to inquire of the Senator from Cumberland, Senator Hinckley, if in this present measure the state is not contributing.

Mr. HINCKLEY: Mr. President, I will answer the Senator from Aroostook, Senator Powers, through the Chair, that under the provisions of this present Act the town of Harpswell has the right to go ahead and build the bridge; under the arrangement which they have previously made, as they make with every other town that has a bridge to build, I understand that the state is going to do its part; but this bill simply authorizes the town to go ahead and carry out its right. I call your attention to this fact, that the three Senators from Cumberland County have all been there on this island many times and they know all about it, and we think it ought to be done.

Mr. CLARKE: Mr. President, I trust that in some subsequent session of the legislature, these same Senators will be present because there will undoubtedly be a number of such propositions presented to coming legislatures from our section of the state. We are just waiting down there, or some of us are—but I can assure you that the heavy taxpayers are not so enthusiastic about it, of course, but many of the poll taxpayers and the fly-by-night class are waiting to see just how the town of Harpswell is coming out with its bridge and they will certainly invoke the Bridge Act, and then these Senators who have reported favorably will have the opportunity to take a substantial slice out of the state treasury. Under the law as it stands at the present time the county of Hancock would not be enthusiastic about it. We are all fed-up down in Hancock county on the Bridge Act propositions. I now repeat the mo-

tion that I previously made, that the minority report "ought not to pass," be accepted.

Mr. CARTER: I would like to inquire of the Senator from Cumberland, Senator Hinckley, if he has the information as to whether or not Bailey's Island or the most of it is owned by residents of Maine or by the summer residents?

The PRESIDENT: The Senator from Cumberland, Senator Hinckley, may answer if he so desires.

Mr. HINCKLEY: Mr. President, I will say that I do not know the proportion. I know there are large fishing interests on the island, and that the fishermen live there. Most of the permanent residents on this island are fishermen, but as to the proportions owned by the summer residents and the fishermen, I am not informed. I do know that the town of Harpswell in its town meeting voted to build this bridge, and that is the citizens of Harpswell and not the summer residents.

Mr. MORRISON of Franklin: Mr. President, I hope that the motion made by the Senator from Hancock, Senator Clarke, will prevail. I am opposed to this bill for some reasons which have been advanced by the Senator from Penobscot, Senator Barwise, and regardless of the legal status it seems to me that the principle involved of connecting the islands off the coast of Maine by bridges at the expense of the State is establishing a precedent that may be pretty dangerous and far-reaching and may cause considerable trouble in time to come. Regardless of the fact that this bill does not carry any appropriation, as I understand it, the amount paid by the State comes out of the taxpayers of the State, from the people of the State of Maine, and for that reason I hope the motion will prevail.

Mr. HINCKLEY: Mr. President, I will not take up any more of the time of the Senate, but I do want the Senate to fully understand this matter. Under the law as it exists at the present time the State highway commission can do exactly this thing between any islands in the State of Maine, without any reference to the Legislature. That is the law at the present time.

The PRESIDENT: Is the Senate ready for the question?

The pending question is on the motion of the Senator from Hancock,

Senator Clarke who moves the acceptance of the minority report, "ought not to pass." All those in favor of the motion will say yes; those opposed will say no.

A viva voce vote being doubted,

A division was had and the motion prevailed.

The PRESIDENT: The Chair lays before the Senate S. D. 286, resolve in favor of Mattawamkeag Bridge in the town of Mattawamkeag, tabled pending its passage to be engrossed, and recognizes the Senator from Kennebec, Senator Wadsworth.

On motion by Mr. Wadsworth the resolve was passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate S. D. 263, resolve authorizing the State librarian, to purchase copies of "The History of Winthrop," tabled pending the adoption of Senate amendment A, and recognizes the Senator from Somerset, Senator Holley.

Mr. Holley then yielded to the Senator from Kennebec, Senator Wadsworth.

On motion by Mr. Wadsworth Senate amendment A was adopted, and on further motion by the same Senator the resolve was passed to be engrossed, as amended by Senate amendment A.

The PRESIDENT: The Chair lays before the Senate H. D. 132, resolve for the purchase of 125 copies of "The History of the town of Dresden," tabled pending its passage to be engrossed as amended by Senate amendment A, and recognizes the Senator from Penobscot, Senator Barwise.

On motion by Mr. Barwise the resolve was then passed to be engrossed, as amended by Senate amendment A.

The PRESIDENT: The Chair lays before the Senate S. D. 265, resolve authorizing the State librarian to purchase copies of the "History of Aroostook" tabled pending its passage to be engrossed as amended by Senate amendment A, and recognizes the Senator from Penobscot, Senator Barwise.

On motion by Mr. Barwise the resolve was then passed to be engrossed as amended by Senate amendment A.

The PRESIDENT: The Chair lays before the Senate S. D. 166, bill, An Act to change the personnel of the budget committee, tabled pending the adoption of House Amendment A, and recognizes the Senator from York, Senator Allen.

Mr. Allen then yielded to the Senator from Cumberland, Senator Hinckley.

Mr. HINCKLEY: Mr. President, I tabled this measure yesterday after a conference with the Governor in regard to this matter, and he desires a further conference in relation to the matter, and out of deference to the wishes of the Governor I would move that it be retabled.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 438, bill, An Act relating to application for license to build or extend wharves or fish weirs, tabled pending its passage to be enacted, and recognizes the Senator from York, Senator Allen.

Mr. ALLEN: Mr. President, this is an emergency measure. I have looked into the matter and I am pretty well satisfied, although I have to stretch my imagination considerable to call it an emergency measure; but I will say that as far as I am concerned there is no objection. I move that the bill be passed to be enacted.

Mr. MAHER of Kennebec moved that the bill be retabled.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 475, bill, An Act to incorporate the Personal Finance Company, tabled pending its passage to be enacted, and recognizes the Senator from Cumberland, Senator Cram.

Mr. CRAM: Mr. President, this matter was tabled by me only late in the session yesterday afternoon, and I have not as yet been able to obtain the information desired, and I would move that it be retabled.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 308, bill, An Act relating to conveyances not effectual against others unless recorded, tabled pending its passage to be enacted, and recognizes the

Senator from Kennebec, Senator Foster.

Mr. FOSTER: Mr. President, I tabled this measure yesterday for the purpose of having an opportunity to look it over. I now move that it take its regular course and be passed to be enacted.

The motion was agreed to, and the bill was passed to be enacted.

The PRESIDENT: The Chair lays before the Senate S. D. 93, Senate report from the committee on Legal Affairs, reporting "ought to pass" on bill, An Act providing for pensions for members of the Lewiston Police Department, tabled pending the acceptance of the report, and recognizes the Senator from Cumberland, Senator Hinckley.

Mr. Hinckley then yielded to the Senator from Androscoggin, Senator Carter.

On motion by Mr. Carter the report was accepted.

The bill then received its first reading.

On further motions by the same Senator the rules were suspended and the bill received its second reading and was passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate S. D. 94, Senate report from the committee on Legal Affairs, reporting "ought to pass" on bill, An Act relating to the organization of the Lewiston Police Commission and to the salaries of the Chief of Police, Captains and Inspectors, tabled pending the acceptance of the report, and recognizes the Senator from Cumberland, Senator Hinckley.

Mr. Hinckley then yielded to the Senator from Androscoggin, Senator Carter.

On motion by Mr. Carter the report was accepted.

On further motions by the same Senator the rules were suspended and the bill received its second reading and was passed to be engrossed.

On motion by Mr. Holley of Somerset, 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 by that Senator this morning, was taken from the table.

Mr. Holley then yielded to the Senator from Kennebec, Senator Wadsworth.

Mr. WADSWORTH: Mr. President, I understand that this is the bill upon which the Senate voted yesterday to adhere to their former action and ask for a committee of conference, and in regard to which the House has voted to adhere to their vote to indefinitely postpone without any reference to the committee of conference. As I understand the matter, the position of the bill is that it is dead, unless the other branch sees fit to reconsider its action.

The PRESIDENT: The Chair will state that the Senate might vote to insist upon its action and appoint another committee of conference.

Mr. WADSWORTH: I make that motion, Mr. President.

The motion was agreed to.

The Chair thereupon appointed as such committee of conference, on the part of the Senate, Senators Wadsworth of Kennebec; Hinckley of Cumberland and Smith of Somerset.

Mr. HINCKLEY of Cumberland: Mr. President, I move that we now take up out of order bill, An Act to provide for building a bridge across the Kennebec River between the city of Bath and the town of Woolwich. I will say that I think this measure can be engrossed and we can get it back here this afternoon, and possibly have it passed by both branches and signed by the Governor before the Senator from Sagadahoc, Senator Carlton, goes home for over Sunday, and I know if that can be done it will make him very happy.

The motion was agreed to.

Mr. HINCKLEY: Mr. President, I understand that this measure was passed to be engrossed in the House as amended by House Amendment B. I now move the adoption of House Amendment B, and in explanation I will say that the first two amendments deal with the proposition of the contracts being approved by the Governor and Council, and those words are added, so that no contract can be made without that condition. The last amendment provides that the bridge shall become a free bridge when 45 per cent of the bonds had been retired, having in mind of course the contract with the railroad, that 55 per

cent was to be paid by the railroad. And it makes a further provision in case of the default of any of those bonds by the railroad or any other persons that it can again become and shall again become a toll bridge for a sufficient time to pay the obligation which the state might under those circumstances be called upon to pay. I would state, Mr. President, that these matters have been gone over carefully with the Governor, and that this bill amended in this form meets absolutely with his approval, and he assured me this morning that he would be pleased to immediately sign it when passed by the House and Senate.

Mr. ALLEN of York: Mr. President, the Senator from Cumberland, Senator Hinckley, stated that the first amendment called for so and so, and then spoke of the next amendment. Does he mean that?

The PRESIDENT: The Senator from Cumberland, Senator Hinckley, can reply through the Chair.

Mr. HINCKLEY: Mr. President, I mean the particular phase of the bill that was amended, the first part and the second part; it was all in one amendment. House amendment B amended three different parts of the bill.

Mr. CARTER of Androscoggin: Mr. President, in order that I may get the situation clearly, the Bridge Bill, so-called, is now satisfactory to the Senator from Sagadahoc, Senator Carlton, to the Senator from Cumberland, Senator Hinckley, and to the Governor and Council.

Mr. HINCKLEY: Yes, that is correct. I will say that if it is ratified by the legislature it will become law before midnight, that is, subject to its being referred to the people. I now move the adoption of House Amendment B to this bill. Or perhaps before making that motion we should reconsider our vote whereby this bill was passed to be engrossed, and I make that motion.

The motion was agreed to.

The question being on the adoption of House amendment B,

The amendment was adopted.

On further motion by the same Senator the bill was then passed to be engrossed, as amended by House amendment B.

Mr. HINCKLEY: Mr. President, I now ask that in order to facilitate this measure that it be immediately sent by messenger to the engrossing

department, and the resolve should go along with it.

The PRESIDENT: The Chair lays before the Senate S. D. 259, 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, a measure which was omitted from the calendar.

Mr. CARTER of Androscoggin: Mr. President, might I inquire for information of the Senators whether or not the bill, as amended, has been printed.

The PRESIDENT: The Chair is informed by the Secretary that it has been.

Mr. CARTER: I would like to have the bill laid upon the table until the afternoon session, and I think perhaps it can be taken up at that time.

The motion was agreed to.

Mr. CARTER: Mr. President, in order that a little matter may be cleared up I might state that yesterday I made a motion which I thought was to permit smoking in the Senate for the rest of the session. Either I was in error in the language which I used, or the newspaper reports are in error when they said it was confined to that session? I now wish to make a new motion to the effect that the Senate suspend its rules and that we may be permitted to smoke for the rest of the session of 1925.

The motion was agreed to.

On motion by Mr. Wadsworth of Kennebec, that Senator was permitted to introduce out of order the first, last and final report of the committee on manufactures.

The report was accepted.

Mr. MORRISON of Franklin: Mr. President, I would like to inquire of the Senator from Cumberland, Senator Speirs, through the Chair, in regard to H. D. 363, bill, An Act relating to an excise tax on cigarettes sold in this state, which the Senator from Cumberland, Senator Speirs, retabled this morning, and I would ask that Senator if he would be willing to take that matter from the table at this afternoon session.

Mr. SPEIRS: Mr. President, an-

swering through the Chair, I will say that we will try and have the measure taken from the table this afternoon.

The PRESIDENT: The Chair will state that the resolve proposing an amendment to article nine of the constitution, authorizing the issuing of bonds to be used for the purpose of building a bridge across the Kennebec River between the city of Bath and the town of Woolwich, has been finally passed by the House and is now in order for a vote in this branch.

Mr. Hinckley of Cumberland moved that the resolve have its final passage at this time.

The PRESIDENT: This resolve provides for a constitutional amendment, and on its final passage requires the vote of two-thirds of the Senators elected to this Senate. All those in favor of the final passage of this resolve will say yes when their names are called; all those opposed will say no. The Secretary will call the roll.

The roll being called the following answered yes: Senators Allen, Barwise, Bond, Buzzell, Carlton, Carter, Case, Chalmers, Clark, Cram, Foster, Hinckley, Holley, Hussey, Lane, Lord, Maher, Miner, Morrison, Perkins, Phillips, Powers, Roberts, Smith, Speirs, Wadsworth and Walker; those voting no, none; absent: Anthoine, Crafts, and Wilson.

The PRESIDENT: Twenty-seven Senators having voted for the resolve, and none against, the resolve is finally passed. (Applause).

On motion by Mr. Allen of York, the rules were suspended and that Senator was permitted to introduce out of order the following order:

"Ordered, That it is the desire of the 82nd Legislature of Maine here assembled that this bridge be named the 'Carlton Bridge.'"

The order received a passage.

On motion by Mr. Clarke of Hancock, that Senator was permitted to present out of order a report from the committee on temperance, reporting in a new draft and ought to pass bill, An Act relating to intoxicating liquors.

The report was accepted and the bill was tabled for printing under the joint rules.

On motion by Mr. Hinckley of Cumberland, the Senate voted to take a recess.

#### After Recess

The PRESIDENT: The Chair lays before the Senate as an emergency measure, bill, An Act to appropriate moneys for the expenditures of government for the remaining months of the fiscal year ending June 30th, 1925. This is an emergency measure and on its passage to be enacted requires the affirmative vote of two-thirds of the entire Senate. All those in favor of the passage of this bill to be enacted will rise and stand until counted.

A division being had, twenty-two Senators voted in the affirmative and none opposed.

So the bill was passed to be enacted.

On motion by Mr. Hinckley of Cumberland, the Senate voted to take a recess until two o'clock in the afternoon.

#### After Recess

Senate called to order by the President at 2 P. M.

Mr. CARTER of Androscoggin: Mr. President, out of order and while the Senators are gathering, I should like to take from the table S. D. 259, I think it is, Dexter P. Cooper. Now Mr. President, the amendment of which we had one copy this morning, we find will not come up from the printer before three o'clock this afternoon any way. This is a matter of some importance, I think, to the Senate and to the 82nd Legislature. Senator Hinckley of Cumberland and myself thought the members should have these printed bills and amendments in front of them before the matter was taken up, and also owing to the absence of some of the members of the Senate and that tomorrow is a short day, that this matter be specially assigned for Monday—if there is no adjournment between sessions Monday that it shall be taken up in the afternoon session Monday; if there is an adjournment between sessions it still would be taken up and especially assigned for Monday afternoon. If that is agreeable to the Senate I will make it as a motion, that I now table the matter to be especially assigned for Monday afternoon next.

The PRESIDENT: Would the Senators agree that the matter may be tabled in the regular way now with the understanding that tomorrow it shall be tabled again?

Mr. CARTER: That is entirely satisfactory.

The PRESIDENT: The Chair will see that that understanding is carried out.

Mr. HINCKLEY: Mr. President, I think it might be well to state, through the Chair, that it is the desire of the President and Speaker that a session be held tomorrow morning at 8.15 for the purpose of getting matters along for the printing. There will be no debates or anything of that sort. Any members who must be away will be fully protected. And then it is the intention to adjourn until 4.30 Monday afternoon, with the expectation of an evening session to facilitate matters. I thought it would be well to make that announcement now as some might be going away.

Additional House papers disposed of in concurrence.

From the House: An Act relating to certain State Parks (S. D. 213).

In Senate, March 31, passed to be engrossed as amended by Senate Amendment A.

In the House, Senate Amendment A was rejected, and the bill was passed to be engrossed as amended by House Amendment A, in non-concurrence.

In the Senate: On motion by Mr. Hinckley of Cumberland, the Senate reconsidered its action whereby this bill was passed to be engrossed.

On further motion by the same Senator, House Amendment A was adopted and the bill was passed to be engrossed as amended by House Amendment A.

From the House: Resolve in favor of Earle R. Hayes, for services as clerk for the committee on mercantile affairs and insurance. (H. P. 1284).

Tabled on motion by Mr. Speirs of Cumberland, pending reference to a committee.

#### House Bills in First Reading

An Act relating to the State Pier (H. D. 504).

An Act relating to a lien for repair and storage of vehicles (H. D. 503).

An Act to amend Section 57 of Chapter 87 relating to motions for new trials (H. D. 502).

An Act relating to warning signs at grade crossings (H. D. 308).

An Act relating to the collection of excise taxes (H. D. 501).

An Act to amend Section 20 of Chapter 25 of the Revised Statutes, as amended, relating to the apportionment of moneys for highways (H. D. 499).

(The above bills, under suspension of the rules, were given their second reading and passed to be engrossed.)

#### Bills in First Reading

Resolve, in favor of the Maine School for Feeble Minded for maintenance for the fiscal years 1926 and 1927 (S. D. 294).

An Act to authorize the promulgation of rules and regulations of the Commissioner of Inland Fisheries and Game (S. D. 295).

An Act relating to third class roads (H. D. 507).

(On motion by Mr. Smith of Somerset, tabled, pending first reading.)

Resolve, appropriating money for the construction of a sewer main for the Bangor State Hospital (S. D. 296).

An Act relative to convicts sentenced to the State Reformatory for Men (S. D. 297).

An Act to amend Section 34 of Chapter 211 of the Public Laws of 1921, relating to non-resident motor vehicles (S. D. 300).

An Act making it unlawful for any person to have intoxicating liquors in his possession in any public place (S. D. 301).

An Act to create a State Athletic Commission for the supervision and regulation of boxing and wrestling (S. D. 302).

(The above bills, under suspension of the rules, were given their second reading and passed to be engrossed.)

#### Report of Committee

Mr. Smith, from the committee on ways and bridges and taxation, on an Act to amend Chapter 224 of the Public Laws of 1923, relating to a tax upon gasoline (S. D. 215) reported that the same ought not to pass.

The report was accepted and sent down for concurrence.

#### Final Reports

Mr. Carleton from the committee on interior waters, submitted its final report, having acted on all matters referred to them.

Mr. Holley from the committee on Maine publicity, submitted their final report, having acted on all matters referred to them.

The reports were accepted.

From the House:

The majority of the Committee on Banks and Banking, on An Act to enlarge the definition of the term "Securities" in Section 126, of Chapter 144, Public Laws of 1923, so as to include contracts for the sale of fur-bearing animals (H. D. 193) reported the same in a new draft, under the same title (H. D. 505) and that it ought to pass.

(signed)

FOSTER  
METCALF  
PAGE  
WARREN  
PULLEN  
TUPPER

The minority of the same Committee, on the same subject matter, reported that the same ought not to pass.

(signed)

MINER  
HAYFORD

In the House, the majority report was accepted.

In the Senate:

Mr. MORRISON of Franklin: Mr. President, I would like to have the matter laid on the table and as there will be a very short session tomorrow morning and probably a short one Monday I would like very much, with the permission of the Senate, to have this matter assigned for Tuesday morning, or else retable and take up at that time.

Mr. HINCKLEY of Cumberland: Mr. President, I noticed in the House this morning that the Speaker took a very decided stand against tabling anything until Tuesday. I think we will have plenty of time to debate Monday, if that is agreeable, we shall probably have an evening session as well as an afternoon session, and I hope nothing will be taken up as late as Tuesday.

The PRESIDENT: Will it be satisfactory to the Senator from Franklin, Senator Morrison, to have the

matter tabled and then disposed of as the Senate sees fit from day to day the same as we have several other matters?

Mr. MORRISON: I think that would be satisfactory, Mr. President, but I would like to be fairly well assured that the matter will not be taken up until Tuesday morning for I expect to be away and cannot get back for the Monday session.

Mr. HINCKLEY: Of course, Mr. President, if the gentleman from Franklin cannot be here, we will all see that he is taken care of. Let it take its regular course and we will see that he is protected of course if he is not here.

Mr. MORRISON: That will be satisfactory, Mr. President.

The motion to table was agreed to.

#### Passed to be Enacted

An Act Relating to the Duties of the Commissioner of Agriculture. (S. D. 172).

An Act Relating to the Disposition of Money Collected under the Provisions of the Inland Fish and Game Laws. (S. D. 245).

An Act Relating to Fishing in Upper Kezar Pond and in Lovewell's Pond, in Oxford County, and in Lower Kezar Pond, in Oxford and Cumberland Counties. (S. D. 268).

An Act Relating to Purposes for which Cities and Towns May Raise Money. (S. D. 264).

An Act to Make Uniform the Registration of Married Women as Voters. (S. D. 260).

An Act Relating to the Jurisdiction of the Municipal Court of the City of Portland. (H. D. 440).

An Act to Incorporate the Richmond Water District. (H. D. 476).

An Act to Acquire the American Portion of the International Bridge at Calais in Washington County and to Provide for its Maintenance. (H. D. 185).

An Act Relating to the Salary of the County Attorney for York County. (H. D. 229).

An Act to Incorporate the Union River Railway Company. (H. D. 484).

An Act to Extend the Charter of the Great Pond Railway Company. (H. D. 472).

An Act Relating to the Analysis of Water Used for Domestic Purposes. (H. D. 473).

An Act relating to the excise tax on railroads. (H. D. 496).

(Tabled on motion by Mr. Wadsworth of Kennebec.)

Mr. ALLEN of York: Mr. President, does that mean that comes off tomorrow morning?

The PRESIDENT: I should say it did.

Mr. HINCKLEY: Mr. President, I would like to inquire whether or not it will be taken off and disposed of tomorrow?

The PRESIDENT: It comes off automatically.

Mr. HINCKLEY: I want to know what the intention is, because a good many members cannot be here. If any contest is to be made of course they want to be present.

Mr. WADSWORTH: I will answer through the Chair that it is the intention to keep the matter on the table until the first of the week.

Mr. HINCKLEY: Do you mean to dispose of it Monday?

Mr. WADSWORTH: As I understand it, it has not been customary to put through enactors on Monday.

Mr. HINCKLEY: Of course the last week we put through enactors whenever we get them and Monday will be a regular day that week.

Mr. WADSWORTH: There are certain members absent who are interested in this and I tabled it with the intention of keeping it on the table until Tuesday. That was my personal intention.

Mr. HINCKLEY: Of course I am only suggesting, Mr. President, as I have before, if we want to get through here we cannot be tabling until Tuesday, Wednesday or some other day, because there is no reason under heaven why we cannot adjourn here Wednesday night if we take matters up and do business on them. There is no objection to its being tabled in the regular course, with the understanding that it will not be disposed of tomorrow, but come off Monday and let the Senate do as they see fit.

The PRESIDENT: The Chair will suggest that if the members did not retable so many they might make some real progress.

Mr. POWERS of Aroostook: Mr. President, our order that everything comes off the table the following day was designed to expedite the business. Now there are some dozen matters and possibly more which we have retabled with the under-

standing that they are not going to come up until Tuesday. That simply means that the time of the Senate is going to be taken up by taking those off the table and putting them back on again tomorrow and twice Monday. Now I would suggest to the Senate, that we make an exception of this particular week end and before we adjourn assign those things for Tuesday in order that the valuable fifteen minutes we will take to take these off and put them on again be saved to the Senate, and I make that as a motion.

The PRESIDENT: Will the Senator state his motion again?

Mr. POWERS: I move that the order that all matters tabled automatically come off the table on the following day be suspended for this week end.

Mr. HINCKLEY: Mr. President, I don't know what we are coming back Monday for and have two sessions if we are not going to do any business. Now there isn't a matter that cannot be disposed of Monday just as well as Tuesday if the Senate will go to work, and I wish they would do that.

Mr. POWERS: Mr. President, what the Senator from Cumberland has suggested is perfectly true, but as the Senate has agreed in open session that some dozen matters will not be taken up until Tuesday, I suggest that it would save the time of the Senate to have those assigned for Tuesday and not take them off the table and put them back on again three times.

Mr. HINCKLEY: Mr. President, I do not know what the gentleman from Aroostook means by having a dozen matters tabled for Tuesday. I know of just one matter that has been stated—I may have overlooked something—I know just one matter that the Senator from Franklin stated he could not be here Monday and that matter was considered for Tuesday. There may be others. I do not know what they are.

Mr. WADSWORTH: I do not care particularly about this. Are you going to have two sessions Monday?

The PRESIDENT: That is the purpose as I understand it now.

Mr. WADSWORTH: Afternoon and evening. Monday will suit me all right. I think it will suit the members who are absent.

Mr. POWERS: Mr. President, I should like to call the attention of the Senator from Cumberland and also of the Senate to the fact that this morning it was agreed that in the absence of Senator Crafts, Senator Wilson and Senator Hussey, H. D. 51 would not be taken up until Tuesday, and the Chair then stated that the matter would be retabled. I shall be absent myself tomorrow. That is the one deer law.

Mr. MAHER of Kennebec: Mr. President, not to take up any undue time, in this more or less informal discussion, I thought perhaps it would be well to take into consideration a certain aspect of the matter which is perhaps escaping us, and that is that in our haste to get along toward an adjournment we should not do anything that imposes an undue burden upon the Executive. Of course under the constitution he has five days in which to consider and to examine and to take advice from the various departments that he may desire to upon any legislation, and should we pass important legislation, something that was of moment to the members, and the Executive within that five-day period because of the pressure is not able to satisfy himself thereon and the Legislature should adjourn, why it must go over until the next Legislature.

Mr. POWERS: Mr. President, I will withdraw my motion.

#### Finally Passed

Resolve, relating to the celebration of the Sesquicentennial Anniversary of the Declaration of Independence. (S. D. 252.)

Resolve, providing for a State Pension for Frank H. Taylor, of Whitefield. (S. D. 251.)

Resolve, in favor of the Bangor State Hospital for Maintenance and Other Purposes. (S. D. 160.)

Resolve, to Appropriate Money for the Purpose of Operating Fish Hatcheries and Feeding Stations for Fish, for the Protection of Fish, Game and Birds and for Printing the Report of the Commissioner of Inland Fisheries and Game, and for Maintenance of the Maine State Museum and for Other Expenses Incident to the Administration of the Department of Inland Fisheries and Game. (S. D. 244.)

Resolve in favor of the Northern Maine Sanatorium.

Resolve appropriating money for repairs and improvements to state fish hatchery buildings and grounds and equipment at Lake Megunticook in Camden, county of Knox.

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**(Emergency Measure)**

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

The PRESIDENT: The Chair would suggest that this matter be laid upon the table temporarily.

On motion by Mr. Foster of Kennebec, the bill was tabled.

Subsequently on motion by the same Senator the bill was taken from the table.

The PRESIDENT: This is an emergency measure and upon its passage to be enacted requires the affirmative vote of two-thirds of the Senators elected to the Senate. All those in favor of the passage of this bill to be enacted will rise and stand until counted.

A division being had, twenty-one voted in the affirmative, and none opposed.

So the bill was passed to be enacted.

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Mr. MORRISON of Franklin: Mr. President, I do not wish to delay the proceedings of this legislature, and I therefore move that we take from the table House Document No. 505, just tabled by me this afternoon. I now move the acceptance of the minority report of the committee, reporting "ought not to pass."

Mr. FOSTER of Kennebec: Mr. President, I understood only a few moments ago that this matter was to be taken up on Tuesday of next week, but I also understand that it is properly before this body for consideration at this time.

The PRESIDENT: The Chair will state that he sees no reason, unless some gentleman's agreement has been made.

Mr. FOSTER: Mr. President, I will say to the Senator from Franklin, Senator Morrison, that it is wholly up to him. I understood only a few moments ago that the matter was tabled until Tuesday of next week. I don't just understand

why so suddenly the Senator has reversed his action in the matter, and I would inquire through the Chair, if I understand the situation, is it proper to discuss this measure now.

The PRESIDENT: The Senator from Franklin, Senator Morrison, may reply if he so desires.

Mr. MORRISON: I will say, Mr. President, that I have no knowledge of any agreement being made in regard to this matter. It was a matter that I was somewhat interested in, and I tabled it assuming that it would be assigned for consideration on Tuesday of next week, but it seemed in discussing the matter with some of the Senators that it might delay legislative proceedings somewhat, and so I am willing, so far as I am concerned, to take this matter from the table and have it disposed of at this time; and I am doing that in order to expedite matters.

Mr. FOSTER: Mr. President, exercising the same privilege that was accorded to the distinguished Senator from Franklin, Senator Morrison, and in the absence of several members of this honorable body, I move that the matter be retabled with the understanding that it may be assigned for consideration on Tuesday of next week.

The PRESIDENT: The Chair will state that the vote has not yet been put whether we shall take it from the table or not.

Mr. HINCKLEY of Cumberland: Mr. President, it seems to me that this matter was tabled in the regular order and would come up for further consideration tomorrow morning, or taken from the table tomorrow morning with the understanding that it would again be tabled until Monday, and then if the Senator from Franklin, Senator Morrison, was not here he would have extended to him the courtesy which is due any member of the Senate, and if the Senator from Kennebec, Senator Foster, is in the same position I have no objection to this body taking the same course with him.

The PRESIDENT: The question before this body is on the motion to take this measure from the table. If the Senators cannot agree among themselves the Chair will put the motion.

Mr. FOSTER: Mr. President, I will only say that it would seem nothing but fair and just to myself and to the chairman of the committee who signed the majority report, that the same courtesy be extended me that was extended to my distinguished colleague. I hope that the matter may be considered at a later day when more of the Senators are present, some of whom are vitally interested in this matter.

Mr. MORRISON: Mr. President, when I made the motion that this matter be taken from the table I supposed that was perfectly satisfactory to the Senator from Kennebec, Senator Foster, that it would be disposed of this afternoon; but I am perfectly willing that he should have the same courtesy extended to him that was extended to me, and I will accordingly withdraw my motion.

The PRESIDENT: Is it the pleasure of the Senate that the motion be withdrawn? The Chair hears no objection. The matter will remain on the table.

On motion by Mr. Lane of Androscoggin, S. D. 149, bill, An Act to amend section five of chapter 125 of the Revised Statutes, relating to boxing contests, was taken from the table.

The pending question being the acceptance of the report of the committee, reporting "ought to pass,"

On further motion by the same Senator the report was accepted.

The bill was then tabled for printing under the joint rules.

On motion by Mr. Speirs of Cumberland, H. D. 363, bill, An Act requiring an excise tax to be paid on all cigarettes sold in this state, was taken from the table.

Mr. Speirs moved that the report of the committee, reporting "ought not to pass," be accepted.

The motion was agreed to.

On motion by Mr. Smith of Somerset, H. D. 507, bill, An Act relating to third class roads, tabled by that Senator this afternoon, was taken from the table.

The pending question being the first reading of the bill,

The bill received its first reading. On motions by Mr. Hinckley of Cumberland, the rules were suspended and the bill received its second reading and was passed to be engrossed.

On motion by Mr. Chalmers of Penobscot, the vote was reconsidered whereby H. D. 497, resolve in favor of an amendment to the constitution of the United States to prohibit the employment of women and children in workshops, factories, manufacturing or mechanical establishments for more than forty-eight hours in a week, was passed to be engrossed.

On further motion by the same Senator, the resolve was then tabled pending its passage to be engrossed.

On motion by Mr. Hinckley of Cumberland, the Senate voted to take a recess until four o'clock in the afternoon.

#### After Recess

Senate called to order by the President at 4 P. M.

#### Final Reports

Mr. ALLEN of York, presented out of order the final report of the committee on education, they having acted on all matters referred to them.

Mr. BARWISE of Penobscot, presented out of order the final report of the committee on Library, they having acted on all matters referred to them.

Mr. SMITH of Somerset, presented out of order the final report of the committee on labor, they having acted on all matters referred to them.

The reports were accepted.

Additional papers from the House disposed of in concurrence.

Mr. HINCKLEY of Cumberland: Mr. President would there be any objection to taking up the bridge bill out of order:

#### Passed to be Enacted

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

Mr. HINCKLEY: Mr. President, may the Secretary now take the resolve and this bill to the Governor for his signature.

The Secretary was so instructed by the President.

From the House: An Act relating to Indians voting. (S. D. 101).

In the Senate, March 27, passed to be engrossed.

In the House, indefinitely postponed.

In the Senate:

Mr. BARWISE of Penobscot: Mr. President, let me say this was done in the House by agreement with the proponents. Perhaps I am somewhat responsible for this mix-up myself. We overlooked a decision of the Supreme Court—I cannot refer to the volume, but there is a decision of the Supreme Court that holds that any such statute as this would be unconstitutional until our Maine constitution is amended so as to strike out those words "Indians untaxed" etc. This act, by the advice of the attorney general, would be ineffectual if passed, so the word was passed to the House and they have indefinitely postponed it, or whatever they have done. It is agreeable to the proponents.

I move that we concur with the House.

The motion was agreed to and the bill was indefinitely postponed.

### Report of Committee

Mr. SMITH, from the Committee on Ways and Bridges, on An Act to provide for an issue of State Highway and Bridge Bonds. (S. D. 198) reported that the same ought to pass.

The report was accepted and the bill given its first reading.

On motions by Mr. Hinckley of Cumberland, under suspension of the rules, the bill was given its second reading and passed to be engrossed.

### Passed to be Enacted

An Act to Regulate the Sale of Filled Milk. (H. D. 469).

### House Bill in First Reading

An Act authorizing 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 de-

livery be collected through the Association. (H. D. 491).

Upon motion by Mr. Hinckley of Cumberland, under suspension of the rules, the bill was given its second reading.

Mr. CARTER of Androscoggin: I would ask if this is the so-called Aroostook co-operative bill?

Mr. HINCKLEY of Cumberland: Mr. President, I have a feeling that any opposition has died out. I do not state that authoritatively. I was wondering if we could not get this matter along and have it engrossed, and then if there is any question, make whatever contest there is on the final enactment. As I understand there is a very serious situation up there in regard to fertilizer etc. and it is important for both sides to get the matter along. Having that in mind, I wondered if it would be agreeable to have it engrossed and then if any fight is to be made have it at that time.

The PRESIDENT: The Chair will state the report was accepted in the House.

Mr. CARTER: So far as I am concerned, it is simply a matter which has attracted a great deal of attention in this Legislature and it seems to have attracted a great deal of interest on the one side and the other in the county of Aroostook. We are acting on the matter in the Senate this afternoon with one of the Senators very much interested in it in the Hospital, another one is away and the other one absent from the room. Under similar circumstances I hope some one would take the same position relative to any matter in which the Senators from Androscoggin were interested.

Mr. HINCKLEY: I withdraw my objection. I appreciate the situation.

On motion by Mr. Carter, the matter was tabled, pending passage to be engrossed.

From the House: An Act to amend section 7 of chapter 51 of the Revised Statutes relating to purposes for which corporations may be organized. (S. D. 142).

In Senate, March 31, passed to be engrossed as amended by Senate Amendment A.

In the House: That branch adopted House Amendment A and passed the bill to be engrossed as amended by Senate Amendment A and House

Amendment A in non-concurrence.

In the Senate: On motion by Mr. Foster of Kennebec, the Senate reconsidered its action whereby this bill was passed, to be engrossed.

On further motion by the same Senator, House Amendment A was adopted, and the bill was passed to be engrossed as amended by House Amendment A.

Mr. HINCKLEY of Cumberland: Was that engrossed as amended by House Amendment A and Senate Amendment A as well?

The Secretary: It was in the House.

On motions by Mr. Hinckley, the Senate reconsidered its vote whereby this bill was passed to be engrossed as amended by House Amendment A, and then passed it to be engrossed as amended by House Amendment A and Senate Amendment A.

From the House: The Committee on Appropriations and Financial Affairs, on Resolve in favor of Fort Halifax Chapter of the Daughters of the American Revolution of Winslow (H. P. 435), also Resolve appropriating money for the care, maintenance and repair of Fort William Henry in the town of Bristol (H. P. 678), reported the same in a new draft, under the title of Resolve for the better preservation, protection and perpetuation of certain old forts situated in this State. (H. D. 486) and that it ought to pass.

In the House: House Amendment A was adopted and the resolve passed to be engrossed as amended by House Amendment A.

In the Senate: On motion by Mr. Maher of Kennebec, House Amendment A was adopted, and the resolve as amended was given its first reading.

On further motions by the same Senator, under suspension of the rules, the resolve was given its second reading and passed to be engrossed.

The following resolve was received out of order and referred to the committee on appropriations and financial affairs:

By Mr. Phillips of Hancock, Resolve in favor of Philip Carroll, Clerk of the committee on insane hospitals.

From the House: Resolve, in Fa-

vor of the State School for Girls. (H. D. 467).

In Senate, March 31, passed to be engrossed.

In the House, House Amendment A adopted, and the resolve passed to be engrossed as amended by House Amendment A.

In the Senate:

On motion by Mr. Maher of Kennebec, the Senate reconsidered its action whereby this resolve was passed to be engrossed.

On further motion by the same Senator House Amendment A was adopted, and the resolve was given its first reading.

On further motions by the same senator, under suspension of the rules the resolve was given its second reading and passed to be engrossed.

From the House:

Resolve, in Favor of State School for Boys. (H. D. 470).

In Senate, March 31, passed to be engrossed.

Came from the House, House Amendment A adopted, resolve passed to be engrossed as amended by House Amendment A.

In the Senate:

On motion by Mr. Carter of Androscoggin, the Senate reconsidered its action whereby this resolve was passed to be engrossed.

On further motions by the same Senator, House Amendment A was adopted, and the resolve as amended by House Amendment A was passed to be engrossed.

The following report of a committee was received out of order.

Mr. Chalmers, from the committee on insane hospitals, on resolve in favor of the Augusta State Hospital for appropriation for the construction of a new building for fifty women nurses and attendants during the fiscal years of 1926 and 1927, reported that the same ought to pass.

The report was accepted.

Mr. CHALMERS: Mr. President, if it is in order, under suspension of the rules, I should like to have it given its first reading.

The PRESIDENT: It has not been printed yet.

Mr. MAHER of Kennebec: I would ask if it could not be speeded up by suspending the rules and sending it down?

The PRESIDENT: The Chair will

state that the rules could be suspended but it has not been printed.

Mr. SMITH of Somerset: Mr. President, I move the matter be laid on the table or take its proper, usual course.

Mr. MAHER: I move it be tabled for printing.

The motion was agreed to.

Mr. WADSWORTH of Kennebec: Mr. President, I move we take from the table S. D. 273, Resolve in favor

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

The motion was agreed to and the Senator then yielded to the Senator from Penobscot, Senator Chalmers.

On motion by Mr. Chalmers, the resolve was passed to be engrossed.

On motion by Mr. Chalmers of Penobscot,

Adjourned until tomorrow morning at 8.15.