

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

Tuesday, April 7, 1925.

Senate called to order by the President.

Prayer by Rev. E. W. Webber of Hallowell.

Journal of previous session read and approved

From the House:

An Act providing for the use of the English Language in this State. (H. D. 122)

In Senate, April 3, 1925, passed to be engrossed.

In the House: motion to reconsider their former action, in accepting the report "ought not to pass" of the Committee on Education, failed of a passage.

In the Senate: On motions by Mr. Cram of Cumberland, the Senate voted to insist on their former action and ask for a committee of conference.

The Chair appointed as members of such committee of conference on the part of the Senate, Senators Cram of Cumberland, Allen of York and Barwise of Penobscot.

From the House:

An Act providing for the benefit and assistance for aged persons under certain conditions in the State of Maine and prescribing penalties for violation of the provisions hereof and making an appropriation for carrying out of its purposes. (S. D. 293)

In Senate, April 2, passed to be engrossed

In the House, indefinitely postponed in non-concurrence.

In the Senate: On motion by Mr. Smith of Somerset, the Senate voted to insist on their former action and ask for a committee of conference.

The Chair appointed as members of such committee of conference on the part of the Senate, Senators Smith of Somerset, Roberts of York and Miner of Washington.

From the House:

An Act to amend Chapter 485 of the Private Laws of 1901, as amended by Chapter 331 of the Private and Special Laws of 1909 relating to An Act to establish the Municipal Court of the town of Skowhegan. (S. D. 102)

In Senate, April 6, passed to be en-

grossed as amended by Senate Amendment A

In the House, "ought not to pass" report of the Committee on Judiciary accepted in non-concurrence.

In the Senate: On motion by Mr. Smith of Somerset, the Senate voted to insist on their former action and ask for a committee of conference.

The Chair appointed as members of such committee of conference on the part of the Senate, Senators Smith of Somerset, Hinckley of Cumberland and Morrison of Franklin.

From the House:

An Act to prohibit boating and fishing from boats on Lake Auburn in the city of Auburn in the county of Androscoggin (H. D. 498)

In Senate, April 6, report B of Committee on Judiciary, reporting "ought not to pass" accepted in non-concurrence.

In the House, that body voted to insist on its former action whereby the bill was passed to be engrossed, and asked for a Committee of Conference; the Speaker appointed as House members of such a Committee:

Messrs. WING of Auburn
HOLMES of Lewiston
MARTIN of Augusta

In the Senate:

On motion by Mr. Hinckley of Cumberland, the Senate voted to accede to the request of the House and join in the committee of conference.

The Chair appointed as members of such committee on the part of the Senate, Senators Hinckley of Cumberland, Allen of York and Morrison of Franklin.

From the House:

An Act providing for pensions for members of the Lewiston Police Department. (S. D. 93)

In Senate, April 3, passed to be engrossed.

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

In the Senate: Mr. CARTER of Androscoggin: Mr. President, if the Senate will bear with me, I would like to table that until this afternoon at which time I will take it up out of order.

Mr. HINCKLEY of Cumberland: May I suggest to the gentleman from Androscoggin that I think we are going to get along without an afternoon session by recessing. It seems to be the program worked out.

Mr. CARTER: Possibly under those conditions I would be able to take it up after recess. It is simply to get opportunity for a conference which may adjust all matters. I move that it be tabled.

The motion was agreed to.

From the House:

An Act relating to the organization of the Lewiston Police Commission and to the salaries of Chief of Police, Captains and Inspectors of the Police Department. (S. D. 94.)

In Senate, April 3, passed to be engrossed.

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

In the Senate:

Mr. CARTER of Androscoggin: Mr. President, these bills are companion bills and go along together, and I move to table this one also.

The motion was agreed to.

From the House: Resolve, in favor of an amendment to the Constitution of the United States, prohibiting employment of women and children in industry more than forty-eight hours in a week. (H. D. 497).

In Senate: April 6, passed to be engrossed in non-concurrence.

In the House: That body voted to adhere to its former action whereby the resolve was indefinitely postponed.

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

The Chair appointed as members of such committee of conference on the part of the Senate, Senators Smith of Somerset, Roberts of York, and Miner of Washington.

From the House: An Act to authorize the payment of retirement compensation to treasurers and assistant treasurers of savings banks. (S. D. 272).

In Senate, April 6, Committee of Conference asked.

In the House: That body voted to

adhere to its former action whereby bill was indefinitely postponed.

In the Senate: On motion by Mrs. Foster of Kennebec, the Senate voted to recede and concur with the House in indefinite postponement.

From the House: An Act making it unlawful for any person to have intoxicating liquor in his possession in any public place. (S. D. 301).

In Senate, April 6, Committee of Conference asked.

In the House: That body voted to adhere to its former action whereby the bill was indefinitely postponed.

In the Senate: On motion by Mr. Hinckley of Cumberland, the Senate voted to recede and concur with the House in indefinite postponement.

Communication From the Justices of the Supreme Judicial Court

To the Honorable Senate and House of Representatives of the State of Maine:

On March 24th last the several Justices of the Supreme Judicial Court received copies of the following order passed by your Honorable Bodies on March 10th and 11th respectively:

"WHEREAS, it has been the popular assumption for generations that the wild lands were open to all the citizens of the State for hunting and fishing, subject only to such regulations as may be made from time to time by the legislature in the exercise of the police power, and

WHEREAS, there is now pending before the Joint Committee of the Legislature on State Lands and Forest Preservation, a bill entitled An Act Relative to Hunting and Fishing, and

WHEREAS, Section one of said act reads as follows:

"The common law right of the individual to hunt and camp on uninclosed wood lands belonging to another, and the right to cross and recross such lands to lawfully fish and fowl on great ponds, rivers and streams, shall not be denied or abridged to any person in this state." and

WHEREAS, it now appears imperative that the present legal rights of the public as aforesaid on the wild lands be determined.

NOW THEREFORE ORDERED, the House concurring, that it ac-

cordance with the provisions of the Constitution of this State, the Justices of the Supreme Judicial Court are hereby respectfully requested to give this legislature their opinion on the following questions:

Question Number One

Have the citizens of Maine the right to go upon the uninclosed woodlands belonging to another, without his leave, to hunt and take fish or for any other purpose, in addition to the right definitely given by the Colonial ordinances of 1641-47 to cross such lands to fish and fowl on the great ponds?

Question Number Two

Do the citizens of Maine while exercising any of the rights referred to in the foregoing question have the right to camp temporarily on said land?"

The undersigned members of this Court, with due deference to a co-ordinate branch of the government, and mindful of their constitutional obligations to give advisory opinions to either or both branches of the Legislature, or to the Governor and Council, on important questions of law and on solemn occasions, after mature consideration are of the opinion, that while the questions of law involved in the inquiries submitted are exceedingly important, both to owners of unenclosed woodlands and to the public the situation outlined in the order above set forth does not constitute a solemn occasion within the meaning of the Constitution and hence we must respectfully decline to answer the questions submitted.

It appears from the copy of the order transmitted to the several members of this Court that there is now pending before your Honorable Bodies an Act which declares that the common law right of hunting and camping on unenclosed woodlands and the right to cross and re-cross such lands to lawfully fish on great ponds, rivers, and streams shall not be denied or abridged to any person in this state.

The members of this court in the questions submitted are requested to advise the Honorable Senate and House of Representatives whether the citizens of this state have any such rights.

If any such rights exist, they, of course, can not be lawfully abridged or denied by any person; if they

do not exist, such legislation can have no effect; and if the Act is intended to grant such rights, where none existed before, it would be in violation of both our state and Federal Constitution as taking private property without just compensation.

The undersigned members are, therefore, of the opinion that the pendency of legislation of this nature does not of itself create a solemn occasion within the meaning of the Constitution requiring the several members of the Court to advise the legislative branch of the government whether any such rights exist; and however imperative it may be from a public standpoint to have such rights determined, neither does such necessity alone constitute a solemn occasion for interrogating the members of this Court; nor can such rights be judicially determined by inquiries of this nature and answers by the individual members of the Court, even though every member be in accord. The opinions of the members of the Court obtained in this way have no binding effect. They are merely the opinion of each individual member and are advisory only.

A conclusive determination of the legal questions involved can only be had upon proper proceedings in the Courts, where both sides may be heard and a judgment pronounced after full hearing.

While it constitutes no reason for a refusal to answer the questions submitted, and our only reason for so doing is as above stated, and we add the suggestion with all due respect to your Honorable Bodies it is always unfortunate, we believe, even though a solemn occasion exists, to have property rights of the nature and importance of the ones herein involved passed upon, except in open court, after full hearing, and where a conclusive determination can be had.

Respectfully submitted,
 Scott Wilson
 Warren C. Philbrook
 Charles J. Dunn
 John A. Morrill
 L. B. Deasy
 Guy H. Sturgis
 Charles P. Barnes.

The Order having been passed before his appointment, and he having been of counsel to some of the interested parties, Justice Bassett respectfully begs leave to be excused from replying.

Scott Wilson.

Passed to be Enacted

An Act to amend Certain Acts Relating to Corporations, (S. D. 261).

Finally Passed

Resolve, Authorizing the State Librarian to Purchase Copies of The History of Winthrop, (S. D. 263).

Under suspension of the rules, the following reports of committees were received out of order:

Mr. Holley, from the committee on appropriations and financial affairs, to which was referred the resolve in favor of the Children's Hospital at Portland. Resolve in favor of Penobscot Central Hospital, Old Town, Resolve appropriating money to aid the Aroostook Hospital at Houlton, reported that the same ought not to pass.

The report was accepted and sent down for concurrence.

Mr. Powers from the committee on legal affairs to which was referred the bill entitled An Act relating to the department of the Attorney General, reported the same in new draft, under the same title, and that it ought to pass.

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

Mr. Morrison, from the committee on legal affairs, to which was referred the bill entitled An Act to amend sec. 58 of chapter 86 of the Revised Statutes of 1919 relating to attachment of real estate in municipal and police courts, reported that the same ought not to pass.

The report was accepted and sent down for concurrence.

Mr. Powers, from the same committee, to which was referred the bill, An Act to authorize the formation of municipal districts, reported that the same ought not to pass.

The report was accepted and sent down for concurrence.

Mr. Morrison, from the same committee, to which was referred bill, An Act relating to fees payable to registers of deeds, reported that the same ought not to pass as the subject matter is covered by other legislation.

The report was accepted and sent down for concurrence.

roduced out of order and referred to the committee on Appropriations and Financial Affairs.

By Mr. Wadsworth of Kennebec: Resolve in favor of the chaplains of the Senate of the 82nd Legislature.

Additional House Papers:

From the House: An Act requiring more efficient supervision of brokers selling securities on marginal account, (S. D. 65.)

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

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

In the Senate:

Mr. FOSTER of Kennebec: Mr. President, probably the members of this Senate recognize this bill which for some five weeks has been on the table here awaiting amendment which was to be offered by my colleague, Senator Maher. The amendment was prepared and presented and by motion of the Senator referred to was withdrawn. It appears this morning that the identical amendment has been adopted in the House. In the absence of Senator Crafts of Piscataquis who introduced this measure, I believe it is only fair to him and the rest of those in favor of the measure that it be tabled until his return, which I expect will be this afternoon. I so move.

The motion was agreed to.

From the House: The Committee on Judiciary, An Act relating to the limitation of buildings in specified districts of cities and towns (H. D. 2) reported the same in a new draft, under the title of An Act to enable cities of over thirty-five thousand to regulate and restrict the construction of buildings and the use of land by zoning ordinances, (H. D. 517) and that it ought to pass.

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

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

From the House: The Committee on Legal Affairs, on An Act to amend

Chapter 20 of the Revised Statutes relating to apothecaries and the sale of poisons (H. D. 332) reported the same in a new draft, under the same title (H. D. 518) and that it ought to pass.

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

On motions by Hr. Holley of Somerset, under suspension of the rules, the bill was given its second reading and passed to be engrossed.

Orders of the Day

The PRESIDENT: The Chair lays before the Senate S. D. 204, Senate Report from the committee on education, majority report "ought not to pass," minority report "ought to pass," on an Act to provide for a loan fund for State Normal Schools and Madawaska Training School, tabled pending the acceptance of either report, and recognizes the Senator from York, Senator Allen.

Mr. ALLEN: Mr. President, I have had this bill on the table for two or three days under a misapprehension. I have been mistaken in the bill. This is not the bill I thought it was. I am going to yield the floor to the Senator from Cumberland, Senator Spiers.

Mr. SPIERS: Mr. President, this is a small matter to the State, but it means much to many of the Normal Schools of the State. I will read section 1 of the bill: "In order to assist worthy students and to promote the cause of better trained teachers for the schools of the state, there is hereby established a student loan fund to consist of not more than two thousand dollars a year to be deducted as may be needed from the regular appropriation for normal schools for a period of six years together with such contributions as interested persons may make for the purpose.

We know that in the normal schools all over the State are many worthy students who are able to go the first year and then have to stay out for one or two years to get funds enough for the second year. The object of this bill is to provide funds so that they can go the second year and become teachers so much the sooner. We have found in the normal school of Presque Isle about twenty scholars who have to omit going to school this year for lack of funds, and we thought that they would become teachers sooner and it would be better for the state if they could be loaned the small sum of \$150 to assist them through their second year

of school, which they are to repay immediately after they become teachers. The loan is limited to \$150 per student, apportioned to the different normal schools as per their attendance. We found in the Presque Isle school the principal had loaned \$1000, had that much out at that time, and he said that was all he could afford to lend, but he had never lost anything. In the city of Westbrook there is a fund loaned to worthy students and the Current Events Club loans to the school and they have never lost a cent of the money.

I move the minority report "ought to pass" be accepted.

Mr. ALLEN: Mr. President, gentlemen of the Senate. This has two reports, majority report "ought not to pass," and the minority report "ought to pass." Will the Secretary please read who signed the two reports?

The PRESIDENT: The Chair will read. The report "ought to pass" signed by Barwise, Speirs, Crockett, Eustis,—the report "ought not to pass" signed by Allen, Dudley, Hall, K. C. Allen, Pierce and Bragdon.

Mr. ALLEN: The majority of the committee on education reported "ought not to pass." It was heard before the full committee at that time, with due consideration given to all the pros and cons, and the majority of the committee thought at that time, and I for one do now, that while this proposed act is a very good thing for the students of the different normal schools, we thought at this time the state was doing all that it possibly could to help students in the different schools. We also felt that perhaps this was a good thing for the different municipalities. They do that over in Westbrook as the Senator from Cumberland says. They do it out in our town, the Women's Clubs and the different organizations round over the State provide a fund to loan to different students going to school. But we felt that it perhaps was not just the thing for the State of Maine to embark on or go into the loan business. I can understand how this man down to Farmington perhaps might loan the students out of the goodness of his heart certain sums of money—perhaps hasn't lost anything. That is all very well. I think perhaps that might be done in most any community, but we still felt that for the best interests of all concerned this bill ought not to pass.

The PRESIDENT: Is the Senate ready for the question? The pending question before this body is on the motion of the Senator from Cumberland, Senator Speirs, who moves that the minority report "ought to pass" be accepted. Is this the pleasure of the Senate? It is a vote unless doubted.

Mr. ALLEN: Doubted.

The President being in doubt on a viva voce vote, a division was had, and 8 voting for the acceptance of the minority report and sixteen against it, the motion failed.

On motion of Mr. Allen, the Senate voted to accept the majority report "ought not to pass".

Mr. ALLEN of York: Mr. President, I would like to ask the indulgence of the Senate for a moment, in order that I may return to the hotel for a few minutes, and take up out of order H. D. 420, House report from the committee on state sanatoriums, reporting "ought to pass" on resolve in favor of the Central Maine Sanatorium, if this is agreeable to the senate.

The pending question being printing and the adoption of Senate amendment A,

On further motion by the same Senator the matter was retabled.

On motion by Mr. Allen of York, S. D. 166, bill, An Act to change the personnel of the budget committee, was taken from the table.

The pending question being the adoption of House amendment A in concurrence.

Mr. HINCKLEY of Cumberland: Mr. President, I might explain in regard to this bill that it was a unanimous report of the committee on appropriations and financial affairs that it "ought to pass." At the suggestion of the Governor an amendment was added in the House that nullifies the effect of the bill. I think it is a most important matter, but I think there are still more important matters before the legislature at this time, and I will say that I am going to vote for the indefinite postponement of this measure. I make the motion that this be indefinitely postponed.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 419, resolve in favor of the Central Maine Sanatorium for maintenance, personal

services and equipment, tabled pending its passage to be engrossed on motion by the Senator from Aroostook, Senator Wilson.

Mr. HOLLEY of Somerset: Mr. President, I might say to the Senate that the Senator from Aroostook, Senator Wilson, was able to be about the corridors for a few moments this morning, and at that time asked me to retable this matter temporarily, as he hopes to be able to be present in the Senate a little later.

The motion was agreed to.

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

Mr. WADSWORTH: Mr. President, I believe the report of the majority, reporting "ought to pass" was accepted yesterday, and the resolve was given its second reading, and then Senate amendment A was offered without being adopted.

The PRESIDENT: The Chair will inform the Senator from Kennebec, Senator Wadsworth, that he is right.

Mr. Wadsworth then moved the adoption of Senate amendment A.

Mr. BARWISE of Penobscot: Mr. President, I would like to have the amendment read.

Mr. WADSWORTH: Mr. President, I don't object to the reading of the amendment but I have a few remarks I wish to make relative to this matter.

The PRESIDENT: The Chair will inform the Senator from Penobscot, Senator Barwise, that the amendment has not yet been printed.

Mr. BARWISE: Mr. President, I am satisfied if the Senator from Kennebec, Senator Wadsworth, will state the substance of the amendment.

Mr. WADSWORTH: Mr. President, I don't object to having the amendment read if it is in the possession of the Senate.

The PRESIDENT: The Chair will state that the amendment is in the hands of the printer.

Mr. WADSWORTH: Mr. President and members of the Senate, perhaps my attitude relative to this matter was misunderstood by certain members of this Senate. Some members of this Senate seem to think that this is a thrust at the University of Maine. I can assure the Senate that it is not. From information which I have been able to obtain I think it is for the advantage of the University of Maine as well as for the advantage of Bates College. I am told that the University of Maine has no land that can be used for the purposes of reforestation, and Bates College has. This bill gives the University of Maine an opportunity to use these lands in co-operation with Bates College for these purposes. Now I wish to say at the outset that the people of the State of Maine, or a good many of them are much interested in this great industry of the forests. It is the largest industry that we have in this State, and in regard to this particular resolve I will say that I have here a statement which has been prepared which I will not read at this time because it is too long, and I will briefly state the condition that exists.

In 1918 Bates College by the bequest of B. C. Jordan of Alfred was left 12,000 acres of land under certain conditions. One of the conditions was that they should care for his daughter as long as she lived, and also that they should pay the taxes on these lands, amounting to something like \$4500 a year. Bates College receives no income from these lands which are located largely in York County, in the following towns, Acton, Alfred, Kennebunk, Lebanon, North Kennebunkport, Sanford, Shapleigh and Waterboro. In addition to these lands there are also a few hundred acres located in the town of Livermore, in Androscoggin county, and also in New Gloucester, in Cumberland county. These lands are given over to Bates College for the purpose of reforestation and the study of forestry in the State of Maine. There is a condition that a course in forestry should be established, and such a course was established in 1918 and continued until 1922 when the course was discontinued for three main reasons. These reasons were: 1st. Lack

of funds to continue such work. 2nd. The presence of two professional forestry schools in the same State unwarranted; and 3rd. Advice of leading foresters that the educational value of such lands lay in their demonstration possibilities.

Bates College holds these lands in trust for certain purposes and are called upon to carry out the terms of the bequest. Development of the Bates Forest since 1922 has been progressive and managed under a complete and approved working plan; slash has been disposed of; white pine plantations have been established; improvement has been made in cutting, etc. These lands receive no endowment and must be self-supporting. In the future this practice will prove its worth and the forest will fulfill its mission as a demonstration forest. There seem to be no funds available for this purpose at the present time, as the condition of the State treasury has been explained to you by the chief executive.

Now under a resolve which is being passed through the Legislature at the present time the University of Maine is to receive the sum of \$800,000 in two years, \$400,000 each year for the next two years, with no building program. This amount is greater than any amount for like purposes that they have ever received, as I understand the situation. It seems to me, Mr. President, that it is only fair that they might aid Bates College in this small way by providing from that fund this small amount for the purpose of reforestation, and I therefore make the motion that Senate Amendment A be adopted.

Mr. CARTER of Androscoggin: Mr. President, it seems to me that the senator from Kennebec, Senator Wadsworth, in his statement has covered practically the whole ground relative to this resolve, and as a sort of resume I might say that so far as Bates College is concerned, here are 12,000 acres of land which are left by this man in order that they might be used for the conservation and perpetuation of the study of one of the greatest State assets, which is the forests of our State. Owing to the way in which this property was left it was up to Bates College to assume the burden of carrying out this trust. They undertook it and they did not shirk the duty, and they went along with it until they found there was a

large amount of money going out and no money coming in. The towns in which this property is located need the money in the shape of taxes. Now the forestry school in connection with the University of Maine needs land upon which to work, and to use in the course of their work. This, as it seems to me, is the combination which takes care of the request of Mr. Jordan in giving these lands to Bates College, and the provisions of this resolve give to the University of Maine the land that they want for demonstration purposes and research work and furnishes to the forestry schools of the State and to the foresters of the State an opportunity and a place to carry on the necessary scientific research work which they ought to have, and if this course is followed it does not seem fair to me that Bates College should carry on this work for the benefit of the University of Maine, and for the benefit of the State, and pay the taxes on the property. As I have stated, the towns need the taxes, and this will provide a very wise method of carrying on this important work.

Mr. ALLEN of York: Mr. President, when I heard that this amendment was coming in yesterday afternoon it caused me to laugh, and I have been smiling ever since. It would be a wonderful thing if they could turn this over to the University of Maine and be relieved of the payment of these taxes. There are some 12,000 acres of land that belong to Bates College. This land is located mostly in York county. I don't know what it is to be used for, but it is for forestry preservation or upkeep or something of that nature. I know that when B. C. Jordan turned this property over to Bates College they then went into the lumbering business and made a failure of it, and I know that they owed the bank of which I am vice president some \$20,000, and they paid it out of their own pockets, as far as I know. I don't know whether this is for the purpose of forest preservation, or what it is, but I do know that they were in the lumbering business, and I understand that they went to the University of Maine to pay the taxes on these lands; and as I understand it, the towns in which this property is located need their taxes, and the original bill provided that the state pay back to the towns the taxes on the property and relieve Bates College of their obligation to pay these taxes. Now this amendment asks

the University of Maine to pay the taxes because there is no money in the state treasury with which to pay these taxes, and for that reason as I stated in the beginning, I am still smiling.

Mr. BARWISE of Penobscot: Mr. President, I have no objection to the original bill, but I do have a very serious objection to taking money from the appropriation from the University of Maine for this purpose. The authorities at the University of Maine came down here and very generously, in view of the financial situation of the state, in view of the fact that we find ourselves \$700,000 in the hole from the last administration, in view of the policy that has been talked here a week or ten days ago of no new construction, they very generously agreed to cut out of their appropriation the amount which was asked for a heating plant. The item of maintenance was made a little bit more than the maintenance two years ago, with the understanding that the University was to do something in a temporary way in regard to their heating plant and try and get by for two years, and get by with the margin which they have over and above the maintenance. The fact is that they are getting less than they need, and for this reason I am very much opposed to taking any of the money from their appropriation for this project or for any other project.

Mr. ROBERTS of York: Mr. President, at the beginning of this session of the legislature, as chairman of the forestry committee, I began to receive letters from different individuals from all over the state requesting an appropriation from the committee on appropriations and financial affairs for forestry demonstration in several parts of the state, to interest different operators in taking care of their waste lands and to furnish seedlings at cost. Some time ago I offered the forestry department through its commissioner land for that purpose in York county. He was interested and went before the Council during this session of the legislature and requested that the land should be accepted in York county for forestry demonstration purposes. This bill was presented to the forestry committee, and I asked him to hold up such a request and also went to the Councillor from my

district and asked him to hold up whatever action he might take in regard to the acceptance of this land in hopes that something might be brought up on a larger scale through the provisions of this bill.

A week after that the president of the University of Maine was here in this chamber and I talked with him and asked him if he had any objection to the provisions of this bill. He said he had none, and requested that I present a bill to the legislature whereby the University of Maine could acquire land by purchase or by gift for forestry demonstration purposes. I have had several talks with the president of Bates college and with their forester who has an office in Alfred in York county. I take the attitude that if Bates College wished to get some consideration from this legislature in regard to these lands they should demonstrate the service that they are willing to render and they must cooperate with the forestry department of the University of Maine. They were perfectly willing to do this when the matter was mentioned before our committee. The hearing on this matter was largely taken up by the forester, Mr. Rendall, and he told us that the principal handicap at this time was that these lands were not free to the State because there was an obligation whereby one of the daughters of the late B. C. Jordan was to receive an annuity as long as she lived. At the expiration of that time these lands will be turned over to the State of Maine free of any incumbrance. The taxes and up-keep and cost of maintenance of these lands amounts to something like \$12,000 a year. There is something like 3000 acres of land well stocked with pine and hard wood; there is something like 6000 acres that has been cut over, or which for the next ten or fifteen years will be unproductive land; there are some 3000 acres of waste land that should be taken care of and reforested. And the 3000 acres that is well wooded and valuable at this time must take care of the \$12,000 of annual expense and up-keep of the other 9000 acres.

It seemed to me and to the majority of the members of the committee that the requests from these different individuals should be considered, and also in regard to the attitude of the forestry commissioner, and also the willingness of the president of the University of Maine, that they

might have land on which to demonstrate this forestry work, and we thought there might be some way in which they could all get together under the provisions of this bill and render some service to the State of Maine.

At the present time what is being done in regard to this matter? I want to read to you from bulletin No. 2 of the forest service, on page 9, with regard to something being done to take care of our forests. This report says "Census statistics show that those industries which depend on wood as their chief or only raw material include more than two-fifths of the total capital invested in manufacturing industries, and employ more than one-third of the total number of employees. With an invested capital of \$182,000,000, they have an annual payroll of \$40,000,000, and turn out a product valued at \$146,000,000. More than two-fifths of the tonnage originating on Maine railroads consists of logs, posts, poles, ties, cordwood, pulpwood, lumber, timber, box shooks and staves. The industries producing cotton, woolen and worsted goods, and boots and shoes are often thought of as the principal manufacturing industries of Maine. Yet all of these put together use less capital, employ practically the same number of persons and have a smaller payroll than the strictly wood-using industries."

On the first page of this report I read the following: "Maine's forests are its greatest asset. They support its industries, protect its water supplies, stabilize its agriculture, harbor its inland fish and game and attract its visitors. Their perpetuation is indispensable to the continued prosperity of the State. No other resource has such a direct and far-reaching influence on the welfare of its people."

Mr. President, if the University of Maine had come to this legislature or the forestry department had come to this legislature asking for \$5000 for forestry instruction it would have been conceded to be a very modest request. Yet the University of Maine has expressed a willingness to have lands for forestry demonstration purposes. The forestry department has made a request for lands for the same purpose, and Bates College has the land. They ask for no appropriation whatever. They ask for reimbursement for local taxes in those

counties in order that they may go ahead for a few years and demonstrate this measure, and the forestry committee being perhaps in some doubt and not having a unanimous report have presented this bill in a new draft, providing that they be allowed their reimbursement for the taxes for a period of four years to see what can be done, and to prove that they are willing to demonstrate this proposition in the state of Maine? Mr. President, I hope this amendment will be adopted and I hope this bill will receive a passage at the hands of this legislature.

Mr. BUZZELL of Oxford: Mr. President, I signed the minority report on this bill that it "ought not to pass" as a protest on my part after having heard the evidence that was presented at the hearing before our committee, and that evidence did not convince me that they were proposing to do work on that property that would be of any great value to the State of Maine, and you must remember that the people of the whole state of Maine must pay this bill. I think I know something about the forests of Maine. I have been in them every winter for the past 36 years, either as a laborer, operator or owner, and I was not convinced that there was value enough shown according to the evidence as I listened to it to warrant my agreeing with its provisions.

(At this point Justice Spear was escorted to a seat at the right of the President). (Applause).

Mr. BUZZELL: (continuing) And, Mr. President, I am opposed to this bill, and especially unless the University of Maine wants it.

Mr. BARWISE of Penobscot: Mr. President, I will say that the University of Maine does not want this money taken out of their appropriation. They are not opposing any appropriation that this legislature may see fit to grant for any work they wish Bates College to do that will tend to facilitate the two colleges getting together, but the University does oppose the taking of this money from their appropriation, which is little enough as it is.

Mr. HOLLEY of Somerset: Mr. President, I would like to ask some Senator who has the information, and I will ask this through the Chair, is there any possible future income from these lands? I understand there is no present income,

but is there a possible future income from these lands?

Mr. ROBERTS: Mr. President, I think perhaps I can answer the question of the Senator from Somerset, Senator Holley. There being 3000 acres, as previously stated, that is valuable at the present time and capable of producing timber, and I understand that Bates College has been cutting 500,000 of merchantable pine or hard wood annually, a great deal more wood than to meet their expenses, but the question that is bothering them at the present time is that for the next ten or fifteen years until the 6000 acres which has been largely cut over gets into a more valuable stage, they don't want to cut over this land and strip it until the land has got to a state where it is almost valueless. If this land can be given from ten to fifteen years a chance to grow and increase in value, according to the information that I have received, I believe at that time this request can be withdrawn from the legislature. I believe at that time these lands will be self-sustaining, and I believe that Bates College will be able to do a great deal of forestry demonstration work in the state of Maine, and I think they have a man there who is a graduate from the University of Maine and of the Yale Forestry School at New Haven, and I believe he is a man who will carry this out.

Mr. BUZZELL: Mr. President, I would like to inquire of the Senator from York, Senator Roberts, through the Chair if there are not several millions of uncuttable timber on these lands at the present time.

The PRESIDENT: The Senator from York, Senator Roberts, can answer if he desires.

Mr. ROBERTS: Mr. President, I will say that I have not at hand the figures in regard to the number of million feet on those 3000 acres of land, but I think in the discussion before our committee it was stated that it averaged something like 20,000 or 25,000 on an acre in these 3000 acres which was considered valuable. On the 6000 acres that had been cut over I think it figured according to the estimates of good forestry, leaving three to four or five thousand on an acre so that it would be able to produce something; and the other 3000 acres were practically barren.

Mr. HOLLEY: Now Mr. President,

do I understand from this amendment that the University of Maine pays the maintenance of that and that when the timber is cut Bates College gets the money?

Mr. BARWISE: I will answer the Senator from Somerset, Senator Holley, through the Chair, yes.

Mr. ROBERTS: Mr. President, I might state that I do not believe Bates College can receive any material benefit from the sale of this timber or its land. Whatever balance is in their favor must be put back into the forestry work. Bates College has these lands simply as a trust, and they are obliged to carry out the terms of the trust in the donor's will. The college is not shirking this trust.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Kennebec, Senator Wadsworth, who moves the adoption of Senate Amendment A.

A viva voce vote being doubted,

Mr. Barwise called for a division.

The PRESIDENT: All those in favor of the adoption of the amendment will rise and stand until counted.

A division being had, sixteen voted in favor of the adoption of the amendment and four against.

So the motion prevailed.

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

On motion by Mr. Powers of Aroostook, the rules were suspended and that Senator was permitted to introduce out of order majority and minority reports of the committee on legal affairs, majority reporting "ought to pass" and minority reporting "ought not to pass" on bill, An Act relative to the support of inmates of the state hospitals.

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

The bill then received its first reading.

On motions by Mr. Morrison of Franklin, under a suspension of the rules, the bill received its second reading and was passed to be engrossed.

On motion by Mr. Powers of Aroostook, that Senator was permitted to introduce out of order the final report of the joint standing committee on legal affairs, that they

have acted on all matters referred to them.

The report was accepted.

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 "ought to pass" on resolve in favor of the reformatory for women for new construction and permanent improvement, tabled pending acceptance of report, and recognizes the Senator from Somerset, Senator Smith.

Mr. SMITH: Mr. President, from present indications it would not seem that it would require a prophet to correctly prophesy that the people of the State of Maine will in the near future demand and obtain fair consideration for its public institutions. They are coming to learn that this niggardly and miserly policy in the end results in a costly and expensive procedure. When we restrict the activities of our schools and colleges and handicap our institutions by putting off till tomorrow what ought to be done today, we disregard all economic, all business principles.

In Somerset county we have a woman's reformatory, created and placed there by the State of Maine, built to accommodate less than two-thirds of the number already committed to that institution, and with other coming each week. Unlike other institutions of the State, the superintendent of that reformatory, in accordance with section 15, chapter 124, is obliged to accept all who may be presented there with the proper credentials, under this wording: "wilfully refuses to receive into his custody any prisoner committed to him on a lawful process, he shall be punished by imprisonment in jail for not more than two years." Other institutions of the State do not come within such restrictions. The State School for Boys, under section 6, chapter 144, the School for Girls, the same chapter, and the sanatorium under section 5, chapter 146, are prevented or protected by legislation which says to their officials, you may accept according to the capacity of your institution.

During the past year seven inmates of the reformatory have become unmanageable and have been transferred to Thomaston. But a law now going through this Legisla-

ture, H. D. 519, cuts off this relief, and it is being suggested by this proposed legislation that the incorrigibles of the institution be brought into court, and pending a trial be committed to the Somerset jail, an institution built to accommodate twenty-five persons, but where more than forty are trying to exist today—and without a single provision for retaining women.

Down at Pownal we have a similar condition, a condition that the English language cannot portray—hundreds and hundreds on the waiting list to be committed to that institution that are multiplying, reproducing the same kind, piling up an expense to the State of Maine that cannot be estimated, and yet we call this economy! So down through the line. From the needy blind, the dependent mother, the defenseless insane, comes the same call for respectable, decent, human treatment. Our towns and cities at their meetings provide for their needy poor, dependent children, regardless of where the tax rate may go, and not a single protest is offered when paying the taxes, if the money has been expended judiciously.

But at the beginning of this session the slogan went forth that not one dollar of the State's money could be used to improve, to enlarge our institutions, if that dollar meant the increase of our tax rate. Well, my friends, such political maneuvering, such political tactics will some day come to an end, and I believe that in the next campaign one of the outstanding issues will be, Shall we place our institutions upon a liberal business basis? And at this time I do not propose to sidestep any responsibility by sending this resolve down to the other branch, neither will I quit fighting for what is fair for these institutions until forced to do so, and, Mr. President, I move that this resolve may receive the same courteous treatment that has been accorded other resolves, and that we accept the report of the committee.

Mr. PERKINS of Penobscot: Mr. President, fellow members: As chairman of the committee upon State School for Boys, State School for Girls and State Reformatories, we have made a thorough inspection of these different institutions, and I am

desirous of saying at this time that I only want to voice Amen to everything that Brother Smith of Somerset has said. The conditions in these institutions are not good to think of. At the beginning of this session we decided that there was to be no new construction and we have been endeavoring to live up to that program. I want to say to you here at this time, that it was the honest opinion of the committee that the State School for Boys down at South Portland should have a new heating plant. It was our honest opinion that at Hallowell they should have a new hospital so to speak, and it was our opinion that at Skowhegan they should be taken care of. It was our opinion that down at Windham something should be done. And we worked out a program whereby another barrack like the one they are already living in was to be constructed, the inmates of that institution living there until such time as they can manufacture the brick and produce the labor necessary for the construction of a new men's reformatory.

But the one thing that has been staring us in the face is the tax rate. The committee has felt that they were willing to subscribe to the seven mill tax rate unless there was a break, but I want to say to you here at this time, should there be a break, the Lord only knows where it will stop. I stand committed to this program of no new construction until such a time as the gates are open, and when the gates are open, God help us!

Mr. BARWISE of Penobscot: Mr. President, I think that we should face this matter as a plain business proposition. The State of Maine has no money except what it receives through taxation. The people contribute in the way of taxes every dollar that we expend. In recent years we have adopted the policy during the last few weeks of the legislative session of having what has been facetiously called the Council of Elder Statesmen, that is, the chairmen of all committees carrying money on the part of the Senate and the House from time to time, comparing notes, talking things over and seeing how we can reduce our State expenditures. Now this Council has held seven or eight meetings. At the first meeting we

none of us realized just what a deplorable condition we were in. But we knew that things were not as they should be. But after we had had a meeting or two, and after the Governor addressed the joint session of both Houses, we found out that we as a state were about \$700,000 in the hole, that we were not as well off by a full mill as we thought we were. The various committees meeting in this unofficial capacity talked things over. At first we thought we could save some of the new construction. We had about \$200,000 to go and come on before we reached the seven mill rate. Then little dribblets that we had passed here in the course of a week used up \$75,000 of that amount, and now the Claims Committee have at least from sixty to seventy thousand that is coming in. There are other things in sight, not speaking now of any railroad tax or anything else—there are other things in sight that cannot help but bring this matter up to the full \$200,000. We are bumping now hard against the seven mill rate this minute.

Now it was the consensus of all these chairmen—of the very great majority of them—there were only two or three dissenting out of the whole lot—that we should stand by a seven mill rate for these two coming years—seven mills for each of the two coming years. If there is any new construction at all authorized by this Legislature, it was the opinion of those thirty-five men that it should be the wing of the Bangor hospital for the insane. That is agreed to by all competent observers, by everyone whose judgment is worth anything, to be the most pressing need before the State now, a new wing there which calls for \$300,000. The arrangement entered into and the understanding with the authorities of the University, was that they would forego asking for the dairy building, which is a pressing need up there, and all of the other committees agreed to forego, providing we had no new construction. Now if we open up the door for this Skowhegan matter, all of the ills of Pandora's box will fly into this Legislature. There will be no possibility of holding the tax rate at anything like a reasonable rate. I think that if we from Penobscot county and the eastern part of the State

take this position, that we are willing to forego the building that is needed worst in the State of Maine in order to meet this present financial difficulty that we find ourselves in through no fault of ours but through the fault of the previous administration acting in Council and without any authority from the Legislature,—if we are willing to do this, then I say that all of these other committees, the distinguished Senator from Skowhegan and others should come right up to this policy, for ours is the greatest need. I think the only safe proposition for us to follow here for the next two years, until we get out of this financial difficulty that we are in, is no new construction.

Mr. PHILLIPS of Hancock: Mr. President, I will say that we heard that same argument two years ago. We were promised—not promised, but we were given to understand that we should have some of these new things if we put it off on account of the financial condition of the State. It seems to me it is a poor argument, because somebody else has stumbled and made mistakes, that we should suffer. I think this State should put itself on record as at least being humane.

Mr. CARTER: Mr. President, I would like some information. Are we having a Republican caucus now instead of after the session? In my notion it was to consider these very same things which we are now discussing.

Mr. SMITH: Mr. President, unless at this time we wish to make the issue, all that my motion embodies is to place the institution I have the honor to represent in the same place as has been given to other institutions calling for similar assistance, and I again make the motion that we accept the report of the committee.

Mr. HINCKLEY of Cumberland: Mr. President, the broad-minded, big-hearted Senator from Somerset has taken up the battle-cry sounded by me two weeks ago on the floor of this Senate. I do not know of anything sacred about a seven mill tax rate. I do not know any real necessity, except from political expediency, of making a seven mill tax rate. But I believe if the people of the State of Maine understood this situation they would be glad to

pay an eight mill tax rate and take care of these matters which we have under consideration. And it is not confined to Skowhegan. It embodies several of the institutions of the State, including the wing of the hospital at Bangor. I believe when the people fully understand these matters, they will approve of a favorable action on our part, and I am impressed with this fact from several different gatherings I have had the privilege of attending during the past two weeks, and when these matters had been discussed there seemed to me a unanimous feeling that the State is under obligation and should take care of its unfortunate people. Is a tax rate of seven mills more sacred to us and does it mean more to us than caring for the people who cannot care for themselves? That is the question before us. Are we going from this Legislature proclaiming and boasting of a seven mill tax rate when every member of this Senate knows of the deplorable conditions under which our unfortunate people are living? It is true that these unfortunates have no vote. It is true that they cannot speak for themselves—these poor unfortunates in our insane hospitals in Bangor and in Augusta, these little girls to whom I have referred before on the floor of this Senate down here at the school just below, at Hallowell, where more than 50 percent of them are afflicted with infectious diseases and they cannot be cured because they cannot have an infirmary at a cost of \$25,000, a permanent institution to cure them and to save others at the cost of one-half mile of highway—\$25,000 when this Legislature is arranging a program of four and a half million dollars a year for its highways. Now, you think of it, gentlemen—four and one-half millions for highways and nothing to care for these unfortunates; nothing to provide for facilities to take in those who are dying with tuberculosis; nothing to help the program to take under cover those who are running at large feeble-minded and reproducing their kind, and the men a menace to all the women of the State. It is inconceivable, gentlemen, simply so some can go out on the platform at the time of re-election and boast of the fact that we held the tax rate down to seven mills. One extra mill will care for all these institutions and it

will be permanent—one extra mill, one dollar on a thousand of valuation. Is there a man in the State of Maine who pays taxes of \$5, \$5 on a \$5000 valuation, who is not willing to pay that \$5 in order to permanently care for the unfortunates of our State of Maine? I do not believe there is one. Why, gentlemen, the thing that is draining the people of the State of Maine today to the very dregs, is not its state tax, nor its county tax, nor its city tax—it is its drives. A drive over the State of Maine takes more out of our pockets every year than all the taxes we pay—one drive takes more than it would cost to do this work. I cannot conceive of the Governor of the State of Maine or the Legislature of the State of Maine subscribing to such a program, and I am glad, as I said at the beginning that the Senator from Somerset county has joined in this matter, and I hope a large majority of this Legislature will not only vote what he is asking here, but vote a program worked out, if you please, a program that will mean one extra mill, and then let us go before the people and tell them what we have done, tell them for what purpose we have done it, and I will tell you from one end of the State of Maine to the other people will acclaim you as doing the honest and right and safe thing.

Mr. PERKINS: Mr. President, I have listened with a great deal of interest here this morning to these orators from the different groups, and one would go out of this Chamber with the impression that the inmates of every one of our institutions were living in a condition that was not becoming to hogs. But I want to say to you that over at South Portland they are very well taken care of. I think South Portland will speak for itself. And now we will go over to Windham. Before this committee went down there on its tour of inspection we were led to believe that those men were living in a veritable lumber camp, worse than a lumber-camp, if you will. We went down there and had the surprise of our life. We found eighty or ninety able-bodied men, criminals if you will, living there almost in the lap of luxury, living under better conditions than 75 percent of the people of this great commonwealth, of this State, are existing under today. They were well

fed, well cared for, living in this shack if you will, covered with roofing paper. They had running water, they had clean beds, the best of food to eat, lying round there, loafing upon this great commonwealth, on this State of Maine. We gave just and fair consideration to their demands, and this was the unanimous action of the committee of which I have the honor to be chairman, that we felt that instead of granting to that institution the magnificent sum of \$300,000 for new construction, that the best thing for those men to do was to go to work. That we should grant them \$6,767 and some cents to construct another barrack. They already have the equipment there for the making of bricks. And at such a time as the bricks were upon the job, and that we could use this convict labor, there should be new construction. We thought in the course of two years these buildings could become a reality at a substantial saving to this state.

Down here at Hallowell the conditions are not as we would like to have them. All over this State conditions are not as we would like to have them. But he failed to say to you that down here at Hallowell they are now receiving relief. The superintendent of the institution will tell you that they are in better condition down there than they have been for years. They have got an honest-to-God doctor there who is doing good work. Over here at Skowhegan we have already granted them some \$12,000 for the construction of new cells where they may take these poor unfortunates and confine them there when they get wild instead of sending them down to State prison. Now I do not yield to any man when it comes to going up onto the platform of this state and talking about the tax rate.

But I want to say to you, if you open these doors here this morning, that upon the floor of this house and the floor of the other branch, that we who represent the University of Maine, that we who represent these different hospitals will fight until we cross the last ditch. Open the bars and see where we land.

Mr. BARWISE: Mr. President, now that we have had all our discussion, and there is a caucus provided for upon adjournment of the

Senate this morning, a Senate caucus in executive session when the visitors, the newspaper people, the reporters will not be present, I move this matter be tabled until after the caucus.

The motion was agreed to.

Additional papers from the House disposed of in concurrence.

From the House: An Act to create a state broadcasting station.

In the Senate this bill was passed to be engrossed.

It came from the House with House Amendment A adopted and passed to be engrossed as amended by House Amendment A in non-concurrence.

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

From the House: Report of the committee on judiciary on bill, An Act relative to the transfer of incorrigibles and inmates detrimental to the well being of the institution and of inmates escaping or attempting to escape from the reformatory for women. (H. D. 153) reporting same in new draft under title of bill, An Act relative to inmates of the reformatory for women when incorrigible, and that it "ought to pass."

The report was accepted, and the bill received its first reading.

On motion by Mr. Foster of Kennebec, under a suspension of the rules, the bill received its second reading and was passed to be engrossed.

From the House: 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.

In the Senate this resolve was passed to be engrossed.

It came from the House indefinitely postponed in non-concurrence.

Mr. Cram of Cumberland moved that the Senate insist on its former action and appoint a committee of conference.

The motion was agreed to.

The President thereupon appointed as such committee of conference on the part of the Senate the following Senators: Cram of Cumber-

land, Powers of Aroostook and Morrison of Franklin.

Passed to be Enacted

An Act to provide for an assistant County Attorney for the county of Androscoggin.

The PRESIDENT: The Chair lays before the Senate S. D. 51, House reports from the committee on inland fisheries and game, majority reporting "ought to pass" and minority reporting "ought not to pass" on bill, An Act relating to the one deer law, tabled pending the acceptance of either report, and recognizes the Senator from Aroostook, Senator Powers.

Mr. POWERS: Mr. President, in view of the fact that Senators Crafts of Piscataquis and Wilson of Aroostook, both of whom are interested in this measure and are now absent, and as I understand will be here tomorrow, I move that this bill be retabled until tomorrow morning.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 434, 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.

Mr. CRAM: Mr. President, there are conditions existing which compel me to ask that this matter be retabled, and if possible I will take it from the table at the next session.

The motion was agreed to.

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 tide in the Bay of Fundy and waters adjacent thereto, tabled pending the adoption of Senate amendment A and passage to be engrossed, and recognizes the Senator from Androscoggin, Senator Carter.

Mr. CARTER: Mr. President, It is now about noon time and as I understand a Republican caucus has been called to meet immediately at the close of this session, and as I wish to take a little of the time of

the Senate in relation to this matter I will ask that it be now tabled and set at the head of the calendar, so that it may be first reached at the next session when there will be time to discuss the measure. I accordingly move that it be retabled and specially assigned at the head of the calendar.

The motion was agreed to.

Mr. ALLEN of York: Mr. President, I would like to take up out of order a matter which I wish to place on the table in order that it may be disposed of at the session this afternoon, and that is bill, An Act relating to when no succession tax shall be assessed on stocks, bonds or other evidences of debt of a Maine corporation. I therefore move that the Senate reconsider its action whereby this bill was passed to be enacted.

The motion was agreed to.

On further motion by the same Senator the vote was reconsidered whereby this bill was passed to be engrossed.

Mr. ALLEN: Mr. President, at the next session I wish to make a motion that this bill be indefinitely postponed, and if the Senate wishes me to take it up this time I will do so, but to save time I will move that it be tabled.

The motion was agreed to.

Mr. HINCKLEY of Cumberland: Mr. President, S. D. 259, was taken up during my absence, and as I understood it was distinctly agreed yesterday without any reservation that this matter would be taken up today and disposed of. I move that we reconsider our action whereby this matter was tabled.

The PRESIDENT: The Chair will state that the matter has been definitely tabled until the next session.

Mr. HINCKLEY: In that event, Mr. President, I will withdraw my motion.

Mr. MAHER of Kennebec: Mr. President, I note that some action was attempted with regard to the bill relating to the succession tax a few moments ago. I now wish to raise the point of order that this body has no control over that instrument at the present time; that it been acted upon and has passed from this body and I will ask to

have the attempted action stricken from the record. The record shows that that measure has been passed to be enacted and signed by the President. This legislative branch of the government has functioned.

Mr. ALLEN of York: Mr. President, as I understand it, this bill was passed to be enacted. Now within twenty-four hours I think we have the right to reconsider our vote whereby it was passed to be enacted without an order recalling it from the Executive, and I will abide by the ruling of the Chair.

Mr. MAHER: Mr. President, I have no interest what ever in the matter except that I do desire to see here, as in all legislative proceedings orderly and as I understand it legal procedure. I would ask for information, as to whether or not the bill, in accordance with our vote, passed from out of the control of the Senate, out of the physical control of the Senate.

The PRESIDENT: The Chair will say that it did.

Mr. MAHER: I will ask whether or not that Act went to the Executive Chamber.

The PRESIDENT: The Chair will state that it did.

Mr. MAHER: I will ask whether any order has been introduced here requesting its return from the Executive.

The PRESIDENT: The Chair will state that he is informed that there has not.

Mr. MAHER: Then Mr. President, I insist upon my point of order, that the measure is not before this body.

Mr. ALLEN: I will rely on such ruling as the Chair may make.

The PRESIDENT: The Chair will state that it is not properly here.

Mr. ALLEN: That satisfies me, Mr. President.

Mr. MAHER: I will ask, Mr. President, that the measure be returned forthwith to the Executive Department.

Mr. WADSWORTH of Kennebec: Mr. President, I would like to introduce out of order an order requesting from the Executive the return of House Document No. 110 for the consideration of the Senate.

Mr. MAHER: Mr. President, I would request in accordance with the Senate Rules that the order be reduced to writing.

Mr. HOLLEY of Somerset: Is it proper, Mr. President, while we are waiting for the order to be prepared and in order to expedite business to take up another matter?

The PRESIDENT: It may be done.

On motion by Mr. Holley S. D. 286 resolve in favor of rebuilding Mattawamkeag bridge over Mattawamkeag River in the town of Mattawamkeag, Penobscot county, was taken from the table.

The pending question being the final passage of the resolve,

On further motion by Mr. Holley the vote was reconsidered whereby this resolve was passed to be engrossed.

The same Senator then offered Senate amendment A, to amend by inserting after the word "appropriation" in the eighth line the words "shall be under and in accordance with the provisions of the Bridge Act."

On further motion by Mr. Holley the amendment and accompanying papers were tabled for the printing of the amendment.

Mr. MAHER: Mr. President, I now move that the order presented by the Senator from Kennebec, Senator Wadsworth, be laid upon the table.

Mr. WADSWORTH: Mr. President—

Mr. MAHER: Mr. President, I rise to a point of order.

The PRESIDENT: The Senator from Kennebec, Senator Maher, will state his point of order.

Mr. MAHER: The motion is not debatable.

The PRESIDENT: The Chair understands that is correct. Is it the pleasure of the Senate that the order be laid upon the table?

A viva voce vote being doubted,

Mr. MAHER: Mr. President, may I have the order read?

The PRESIDENT: The order reads as follows:

"Ordered, that the Governor be requested to return bill, An Act to reenact section 24 of chapter 69 of the Revised Statutes, relating to when no succession tax shall be assessed on the stock, bonds or other evidences of debt of Maine corporations, being House Document No. 110, for further consideration by the legislature."

Mr. MAHER: Mr. President, I would like to ask the Senator from Kennebec, Senator Wadsworth, through the Chair, if I may, if he introduced the order at the request of the Governor?

The PRESIDENT: The Senator from Kennebec, Senator Wadsworth, may answer if he desires.

Mr. WADSWORTH: I did not.

Mr. MAHER: I would like also to ask the Senator from Kennebec, Senator Wadsworth, through the Chair, what the purpose or reason of the order is?

The PRESIDENT: The Senator from Kennebec, Senator Wadsworth, may answer if he desires.

Mr. WADSWORTH: Mr. President, I will state that if this bill passes it will reduce the income of the State of Maine during the next two years a large amount. I cannot state definitely the amount, but it will probably be two or three hundred thousand dollars, an amount that we cannot afford at this time.

Mr. MAHER: Mr. President, may I ask the Senator from Kennebec, Senator Wadsworth, through the Chair, when he discovered that fact.

The PRESIDENT: The Senator from Kennebec, Senator Wadsworth, may answer if he desires.

Mr. WADSWORTH: I will say, Mr. President, that I discovered that fact or thought of that when this measure came into the Senate from the House. I had the matter placed on the table and got figures from some of the lawyers of Augusta, and some other legal advice, and it was their opinion that it would reduce the income of the state very materially. I have been further advised that in all probability it will—and I get this information from the office of the Attorney representing the State. I will say further that I have two veto messages on this same measure, one by Governor Milliken and one by Governor Baxter.

Mr. MAHER: Mr. President, the Senator from Kennebec has lead up to what was in my mind. Now I wish to say that I have not the slightest interest in the world, and I do not care what the Senate does with regard to this particular measure, but I for one do not care to go through a session with the slogan of a vetoless session, when we are having vetoes by indirection.

Now I personally do not believe it is proper procedure after this Sen-

ate has passed finally to be enacted a measure and it has been signed by the President of this Senate and sent to the Executive Department, and it has gone beyond our control, and it would be either in one instance the request and demand back of some measure that we wanted and did not want the Executive to sign, and upon the other hand, it is a supine attitude for a legislative body to take to avoid the need, if need there be for a veto. I think the proper method would be to veto this measure if it does the things that it is said to do; and if the Senators have not had adequate opportunity to familiarize themselves with the provisions of the Act itself, and with the history of the previous veto messages, then to my mind this indicates a peculiar state of the legislative mind that after reaching the Executive Chamber it is called back here in order that you may have a vetoless session.

Mr. CARTER of Androscoggin: Mr. President, I am new in the halls of the legislature and in the Senate, and I may say that I am not thoroughly acquainted with the history and the background that goes with the Senate of Maine—and I do not in any way criticize the Senator from Kennebec, Senator Maher, but I hardly think it is wise for this Senate at this time to attempt to suggest to the Chief Executive of this state how he shall conduct his office. I also think that if it is true, as everyone seems to think who is in charge of the matter of finances, that this state has no money and is today right on the verge of a seven mill tax rate, and it may go to even more than that, but if that is true then this Senate has made an error in letting this bill go by this body, a measure which decreases the state's revenue by some two or three hundred thousand dollars, and I think it is a very man-fashion thing to do for the Senate to admit its error and bring the paper back and attempt to correct this error.

Mr. HINCKLEY of Cumberland: Mr. President, it seems to me that the question for this body to consider at this time is whether or not it is an error to bring this measure back. If you don't think it is an error, then of course it is needless to bring it back. Now I want for just a few moments to address myself to the question of whether or

not it is an error. This matter came before the Judiciary Committee and was carefully considered and a unanimous report made "ought to pass." What does this mean? Some twenty years ago corporations from all over the world were coming to the State of Maine for the purpose of making this State their home, and they were being organized here, and the coffers of the State were being filled with money from other states and other countries, and the State of Maine prospered under those circumstances. Later Legislatures believed that they could squeeze a little more out of these foreign corporations, and they imposed greater penalties upon them, and one of these measures was what is known as the succession tax, which provides in substance that in case of death those certificates of stock cannot be transferred to another party without paying a tax on it, a thing which was absolutely wrong in principle, wrong in theory, and nothing more or less than a bare-faced and bold manner of taking money from people from other states and other countries who have come here, without any real right or reason.

As a result of that procedure those who were formerly coming here from those other states and countries to organize their corporations went to other states where the laws were more liberal and where they did not impose those burdens. Now it is true that we are receiving a considerable sum of money from these succession taxes at the present time; but it is also true that our new corporations have dwindled down until they are almost at the vanishing point, and in a matter of some four or five years if this keeps on we will have no new corporations organized in this state, and no money coming into our treasury from that source. We will then have no money coming from the succession taxes because we will have no foreign corporations in the State of Maine.

It is a business proposition. It may be that this year we will receive less, and some of the best authorities tell us that the corporations are ready and willing to come to Maine if we make some change in this succession tax matter. Gentlemen, you are simply killing the goose that has been laying the golden egg for the

State of Maine, and why will the State of Maine, in order to get a few dollars this year, absolutely prevent foreign corporations from coming here? Let us come to our senses on this matter, and let us not defeat the very purpose we are seeking to accomplish for all time to come. I am speaking as an attorney who knows what the real situation is in regard to foreign corporations and who knows that they are not coming to the State of Maine. I think it is safe to say that not twenty per cent as many foreign corporations have been organized in the State of Maine during the past year as were organized in any one year fifteen or twenty years ago, and this is the reason for it.

Mr. CARTER: Mr. President, fifteen or twenty years ago Reno was noted for its divorces, and Maine was well known by reason of its easy corporation laws. Today Reno is known for its divorces, and that is a matter which redounds to the credit of Maine.

Mr. ANTHOINE of Cumberland: Mr. President, I wish to go on record as thoroughly and heartily indorsing the views of my colleague from Cumberland, Senator Hinckley, and the views of the Senator from Kennebec, Senator Maher. These succession taxes have been unwise and unjust legislation, and I think that this body will, as stated to you by the Senator from Kennebec, will stultify itself as a legislative body if it pass through the order which has been presented.

Mr. ALLEN of York: Mr. President, the Senator from Cumberland, Senator Hinckley, has stated that the new corporations, foreign corporations coming in have diminished in number. I just want to give you a few figures in relation to that feature of this measure, and I will say that last year the State received the amount of \$500,000, and this year we received a little rising \$300,000 from the same source from new corporations coming into this State. In the year 1915 it was \$44,750.50; in 1916 it was \$50,000; in 1917 it was \$66,000; in 1918 it was \$30,000; in 1919 it was \$77,000; in 1920 it went to \$78,000; in 1921 it went to \$41,000; in 1922 it was \$62,000, and in 1923 \$70,000, and in 1924 it reached the maximum of \$88,077.34, and that is under the law as it is at the pres-

ent time; and we received \$500,000 last year from this source and \$300,000 this year, and if we are going to give away all this income I can't see anything else for the State of Maine than bankruptcy.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Kennebec, Senator Wadsworth, who moves the passage of this order that has been read at the request of the Senator from Kennebec, Senator Maher.

A viva voce vote being doubted,

A division was had and thirteen voted in favor and twelve against.

So the motion prevailed to give the order a passage as read.

Mr. ALLEN of York: Mr. President, if there is nothing else specially for the Senate at this time I will move that the Senate take a recess until four o'clock this afternoon.

Mr. MAHER of Kennebec: Mr. President, I would suggest that the Senator from York, Senator Allen, change his motion by changing the word "recess" to "adjourn."

The PRESIDENT: The Chair will state that if you adjourn until this afternoon you will have another legislative day.

Mr. ALLEN: Mr. President, I think we have been led to understand that we would take these matters up this afternoon provided there was a recess. I think we have all understood that it was to be a recess this afternoon instead of a regular session.

The PRESIDENT: The Chair will rule, if the Senator likes, that all matters that are tabled today at today's session will not come off the calendar unless taken off by the party who tabled them until the next legislative day.

Mr. MAHER: Mr. President, I move that we adjourn until four o'clock this afternoon.

Mr. ALLEN: That would be satisfactory to me if satisfactory to the remainder of the Senate.

The motion was agreed to, and the Senate adjourned until four o'clock this afternoon.

SENATE

Tuesday afternoon, April 7, 1925.

Senate called to order by the President.

Prayer by Rev. H. E. Dunnack of Augusta.

Journal of previous session read and approved.

From the House: An Act to give certain powers to the Governor and Council with respect to State highway, interstate and international bridges. (H. D. 244.)

In Senate, April 4, passed to be engrossed as amended by House Amendment B.

In the House: House Amendment C was adopted, and bill passed to be engrossed as amended by House Amendments B and C, in non-concurrence.

In the Senate: Tabled on motion by Mr. Hinckley of Cumberland.

From the House: An Act to accept the provisions of the Act of the Congress of the United States, approved November 23, 1921, entitled an Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes. (S. D. 231.)

In Senate, March 20, passed to be engrossed.

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

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

The Chair appointed as members of such committee of conference on the part of the Senate, Senators Phillips of Hancock, Smith of Somerset and Speirs of Cumberland.

From the House: The majority of the Committee on Legal Affairs, on An Act relating to succession taxes, (H. D. 289), reported that the same ought not to pass.

(Signed) POWERS
MORRISON
BECKETT
BARTLETT
SEJDEL,

The minority of the same committee, on the same subject matter, reported the same in a new draft, under the same title, (H. P. 1295), and that it ought to pass.

(Signed) FULLER
DWINAL
THOMPSON

On motion by Mr. Powers of Aroostook, the Senate adopted the majority report of "ought not to pass."

The following resolves were received and referred to the committee on Appropriations and Financial Affairs:

By Mr. Smith of Somerset, Resolve in favor of Lucy L. Johnson. (S. P. 660.)

By the same Senator, Resolve in favor of J. Thomas Dionne. (S. P. 661.)

By the same Senator, Resolve in favor of John K. Turner. (S. P. 662.)

Senate Report

The Committee of Conference, on the disagreeing action of the two branches of the Legislature, on Resolve, providing for the appointment of one or more persons to represent the State in certain proposed changes in freight rates affecting the people of the State (H. D. 439), reported that the House recede and concur with the Senate.

The report of the committee was accepted and sent down for concurrence.

The majority of the Committee on Indian Affairs, on An Act to amend Section 26 of Chapter 14 of the Revised Statutes, relating to schools on Indian Island in Old Town (S. D. 104), reported that the same ought to pass.

(Signed) MINER
LOWELL
BOYNTON
FROST
DECKER
HAGGETT
GOODRICH

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

(Signed) LANE
PERKINS
LAIT

On motion by Mr. Perkins of Penobscot, the Senate accepted the minority report.

Sent down for concurrence.

Mr. MAHER, from the Committee on Judiciary, on An Act to provide for jury commissioners (S. D. 147), reported that the same ought not to pass.

Mr. ROBERTS, from the Committee on State Lands and Forest Preservation, on Resolve relative to hunting and fishing (S. D. 108), reported that the same ought not to pass, legislation inexpedient.

Mr. SMITH, from the Committee on Ways and Bridges, on Resolve, amending Section 17 of Article IX of the Constitution of the State of Maine, relating to highway bonds (S. D. 7), reported that the same ought not to pass.

The same Senator, from the same Committee, on Resolve appropriating money for the purpose of reconstructing Atlantic Highway within the Counties of Cumberland and York (S. P. 205) reported that the same ought not to pass.

The same Senator, from the same Committee, on Resolve, amending Section 17, Article IX of the Constitution as amended by Article XXXB of the Constitution, increasing the amount of bonds to be issued for the purpose of building state highways, and providing for the building of intrastate, interstate and international bridges (S. D. 197) reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

Final Reports

Mr. Miner, from the Committee on Indian Affairs, submitted its final report, having acted on all matters referred to them.

Mr. Roberts, from the Committee on State Lands and Forest Preservation, submitted its final report, having acted on all matters referred to them.

The reports were accepted.

Senate Reports

Mr. Hinckley, from the Committee on Judiciary, on An Act to authorize Portland University to confer certain degrees (S. D. 87) reported the same in a new draft, under the same title (S. P. 659) and that it ought to pass.

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

Tabled, on motion by Mr. Allen of York, pending second reading.

The same Senator, from the same Committee, on An Act to amend Section 67 of Chapter 142 of the Revised Statutes, as amended by Chapter 12 of the Public Laws of 1921, relating to inmates escaping from the Reformatory for Women (S. P. 11) reported that the same ought to pass.

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

Orders of the Day

Mr. WADSWORTH of Kennebec: Mr. President, I move we take from the table, out of order, H. D. 496, an Act relating to the excise tax on railroads, tabled by me on April 6, pending passage to be enacted.

The motion was agreed to and the Senator then yielded the floor to the Senator from York, Senator Allen, the Chairman of the Committee on taxation.

Mr. ALLEN: This is a matter taken up by the caucus committee at noon time, the fireworks were all held at that hour, and I move this bill pass to be enacted.

The vote on the passage to be enacted being doubted, a viva voce vote was had and the bill passed to be enacted.

The PRESIDENT: The Chair lays before the Senate S. D. 259, 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, tabled pending engrossing and adoption of Senate Amendment A, and recognizes the Senator from Androscoggin, Senator Carter.

Mr. CARTER: This bill was tabled, I think, first, last Friday, or an amendment was offered last Friday, by the Senator from Cumberland, Senator Hinckley. The bill was tabled by me in order that said amendment might be printed, which was done and it appears as S. D. 299, in order that we might be familiar with the bill and with the amendment and have before us that which the proponents of the measure wish us to consider. This being done, I now wish first to make

a motion to adopt Senate Amendment A to the bill.

The PRESIDENT: Is the Senate read for the question? The motion before the Senate is on the adoption of Senate Amendment A—is it the pleasure of the Senate that Senate Amendment A be adopted to S. D. 259?

It is a vote.

Mr. CARTER: Now, Mr. President, the bill with the amendment in final form in which the proponents of this measure wish it to be considered by the 82nd Legislature is before us, and I now make a motion that we indefinitely postpone the bill, and would like to call the attention of the Senators to a few facts in connection with it.

First, this bill, as it now stands amended, involves two propositions to my mind. The first one, which I will touch very, very briefly, is the merits of the bill itself, or is the work to be performed and its possibility of performance. The second, which is highly important, involves, I think, a state and party policy.

First: I attended the hearing on this matter which was held by the Judiciary Committee, and I gave at that hearing the closest attention to the proponents of this measure, and my recollection is that at the hearing, or at any other time, the sole data given by the proponents to the committee and those interested in the hearing was the picture of what apparently purports to be a Government chart, on which certain lines, arbitrary lines, have been drawn, and certain lettering put in by the proponents. And the other is a picture of a drawing, I should take it—not a blue print but a positive white print of a drawing. At the hearing there was no detail as to the erection of this project given as to soundings, borings, surveys, depth of channel, length of dams and matters of that sort, which would be highly necessary for one to pass on the feasibility of a project. My recollection of it, and many of you heard it—I may be wrong—my recollection of it, it was very thoroughly explained how the water held in one dam and then in another was sent from one dam to another through the power houses, and the statement was made that from 500,000 to 750,000 horse power would be developed, which would run into bil-

lions and billions of kilowatt hours; that this development would cost, I have heard it estimated anywhere from seventy-five millions to two hundred millions. Now with this there is nothing to back up the statement that the electricity could be developed. Hence, there was nothing shown to back up the proposition that there was any one capable of carrying out this project in the way of furnishing the finances with which it could be done—the simple statement that a certain person could get the two hundred millions necessary to do it.

I think it has been a long custom in this State to grant charters of this sort only to those who have convinced the committees of the Legislature that they are financially able to carry out that which they undertake. This project, although tide mills are as old to us as can be, and our coasts are covered with abandoned tide mills—although this project in this way of using the power of the tides is old in thought—I mean by old in thought, hydro-electrical engineers have figured on it, have conceived of it, yet no power has ever actually been developed from anything of this sort. In other words, whether it may or may not be feasible, at present anything of this sort exists only in the mind. There is nothing that has ever been put upon the earth which would warrant any one in saying that this has been done. It is a vision and a phantom.

The question of locks came up. There is on file with the committee a copy of the correspondence from the power commission, which would indicate that in filing with the Government certain necessary facts in order to apply for a permit from the War Department, that the facts filed were very meager in every way, and the reply of the Government, without quoting it, as I have not the paper filed with the Judiciary Committee, was that it was very improbable—I think were the words, or probably the greatest thing against this would be that no locks could be put in there which could be used by vessels during rough or stormy weather. It goes without saying that in all probability the United States Government would not close up two or three harbors without being able to have ship locks

there so the shipping could be cared for.

Now when it comes to the plan itself, I remember no statement made by the proponents, but certainly it was one that I rather deduced, that it was new to the proponent or inventor of this plan. It has developed later that in Washington, at the patent office in Washington there is on file an application for a patent, which was filed in 1921 by a certain Jerome A. Petitti. The scheme of developing power is the same apparently, by the copy furnished me. There are two basins, tidal basins, and the dams between them and the ocean and the dams between the tidal basins, in which one tidal basin the water is stored and the other is emptied and it drains through into it. As far as I can see the principle of the thing is exactly the same. This is on file and now pending at Washington.

That was filed in 1921 by Jerome A. Petitti, at 262 Washington St., Boston, Mass. Now Mr. Petitti bought, or tried to buy some rights in Washington county, which shows to some extent how desirous the Washington County people are for this, and it started in through Mr. James H. Gray, a counselor at law at Lubec, Maine, whom I think we all know, and got its first right at \$10. The shore rights jumped over night from \$10 to \$5000. The company could not proceed because it could not stand the increase in rights over night at Lubec from \$10 to \$5000 per night. However, a company was formed in Boston who had all the rights under Mr. Petitti's application for a patent, and organized with its securities, and went before the Massachusetts Public Utilities to seek permission to issue securities and that they might sell them to the public. The petition was denied.

Now take up the kind of a dam for a few minutes. Bear in mind this, that these dams, all of them, are to be built out of loose stone dumped in and back of them sand dumped in. That is all the dam is according to the specifications. That is the kind of dam, I believe, that is called in the scientific name, the trade name a riprap dam,—loose stone, with soil thrown in on top of it. Now let us see a little more about the dam: Here is the New Brunswick mainland to Macmaster

Island, approximately one mile. Approximations are scaled from the United States chart and are always taken too small. The average depth at low water of this mile long dam is 105 feet. The maximum depth is 150 feet, so called Lebite passage, exposed to the waves of the open Atlantic.

Macmaster Island to Pendleton island, 50 feet. Pendleton to Deer Island—Doyle passage—small, no difficulty. Deer Island to Moose Island, western passage, with a width of half a mile, depth 165 feet, and this channel is 300 feet deep and whirlpools form in this channel. Moose Island to Campobello Island, three-quarters of a mile, average depth of 90 feet, maximum 132 feet. Lubec Narrows, one-fifth mile wide. Moose Island to main land, insignificant.

Now let us take the feasibility of this project. Let us take one dam, the western passage between Deer Island and Moose Island, a half a mile long, with an average depth of 165 feet, and a channel 300 feet deep. Now the only dam that he is going to put up there that I have any information about is composed of loose stone, riprap. He is going to build a dam of riprap a half a mile long and 300 feet deep down into the water, and pour sand in on top of the water, let it sink on top of the rock, and by this contraption hold a 40 ft. Bay of Fundy tide without the dam leaking. I was fortunate enough to meet or get in touch with a certain graduate engineer of the Massachusetts Institute of Technology who is a master diver. He was in Government work all through the war. He laid out much of the riprap work in Boston harbor, and his sole business is the laying of masonry and building in these sea walls and things of that sort under water. I said to him, Assume a dam is half a mile long, varying in height from 40 ft. to 300 ft., immersed in water all but the top 15 ft. at high water, and built by dumping loose rock on the bed of the sea, then dumping sand back of it, would such a dam hold water as the tide recedes. He said it would not hold water where there is any current. Now as I understand this Bay of Fundy with its 40 ft. tide, there would be considerable current back of a dam that held water up to the height of 40 ft. He moreover said that in order

to build a dam of this sort, a 300 ft. dam, that the base of the dam would be at least 200 ft. wide. Now you think of going out with scows and dumping over rock enough to make a triangle setting up there, 200 ft. through at the bottom and coming up to a point, then in that same water where the fierce Bay of Fundy tides rise, of pouring sand by the handful in on top of the water and have it sink down to make that a tight dam that would hold water. A dam possibly could be built of masonry or concrete if you could get a coffer dam down on to the sea floor, so it was tight to the sea floor and would hold back the entire ocean so that you had a hole to work in three hundred feet deep down in the water, of course you could lay your cement and build a proper dam, but the expense, as any one knows, is out of the question, and the impossibility of performance, of putting a coffer dam down 300 ft. deep to hold a 40 ft. Bay of Fundy tide is out of the question.

I asked how deep a diver could lay masonry or concrete. Sixty to eighty feet is the lowest possible working depth. A diver can go down 100 feet but he can't even stoop over—he can simply walk or stand and look around. For instance, there is the Lusitania; we remember when the Lusitania went down. She is in about 200 feet of water only and there are millions and millions of gold specie in the strong room of the Lusitania, 200 feet down. Neither the Government, nor any private concern, or anybody else, as long as the law of physics remains the same, can go down to the Lusitania and recover that specie. Yet if a tide dam is to be built in the western passage, divers must go down 100 feet lower than the Lusitania is in order to lay the concrete or masonry to make a tight dam.

The amendment to this bill, getting to the second phase of it, does not change the bill greatly. It does, in section 4, put the approval of the financial structure in relation to the preferred stock under the public utilities commission. In section 6, the issuance and approval of its board to be issued is put under the public utilities commission. Now section 7 it rewrites entirely, and in so rewriting it, it does not change this at all, it still gives a clause for

the power to be given under this charter for the exportation of electricity from out of the State of Maine. In a little clipping from the Lubec Herald on April 2nd—I will not read the whole of it—they give an editorial relative to the discussion that they apparently had with Representative Wing. They say: "The position of Representative Wing, while technically opposed to the Quoddy project, is in the main, correct. He is merely looking ahead to the time when Maine shall have a surplus of power, and foresees that some of it must be sold outside. If Cooper is given this privilege, Representative Wing believes that all power companies should have it—in which he is wholly consistent."

Now the Lubec Herald, a paper which comes from the region in which this proposed project or vision is to be developed, agrees and fairly states the one issue which I have brought or attempted to bring in discussion to the minds of some of the members of the 82nd Legislature, that is, the Lubec Herald agrees, and I think the proponents of this bill agree that the final bill offered, as amended today, does bring into issue the proposition, that if this bill is passed, if Dexter P. Cooper is incorporated, that this 82nd Legislature has voted to and agreed to the exportation of power beyond its borders. There can be no other interpretation of the matter, from whatever angle you may approach it, it makes no difference. That remains constant in the bill.

Now, gentlemen, that brings us directly up to this present time and present place. We have before us a bill, the merits of which, and its practicality of performance I doubt—it never has been done, it exists only in the vision of one man—he offers no real facts, he overcomes no obstacles as to the physical performance or creation of his dam, yet on this vision he says to this Legislature, I insist that you give me this, and give me this with the right which is absolutely against that which the State and party have stood for for a great many years. I wish to read to you first, in section 1 of chapter 60 of the revised statutes of the State of Maine this section, I am only going to read to you the heading, but this is the heading of the section, "Transmission of electric power beyond limits of the State

prohibited." Gentleman, electric power, hydro-electric power is electricity made by falling water, from Webster's dictionary. There is no difference between salt water electricity and fresh water electricity. Under our law, electric current is prohibited from being transmitted beyond the confines of our State. And if we permit our vote to take this electricity outside of the State, we are against our law as laid down in section 1 of chapter 60. The law makes no difference between salt or fresh electricity. It is electricity.

The party platform, I will only read you a very short paragraph from it—"Water Power. We recognize that the established policy of this State is to retain Maine's hydro-electric energy within the State for the use of our people and our industries." Hydro-electric energy, energy made and generated by falling water—no distinction as to salt or fresh. If this charter is granted we have voted to take from this State electricity created by falling water. The charter nor the law say nothing of surplus electricity, and every lawyer here appreciates that if any electricity is once shipped out it goes under the jurisdiction of the Federal courts and we never can pull it back, neither will the Federal courts look at whether it is surplus or what it is.

To get down to our present situation I would like to read to you from the opening page of the Governor's inaugural, the following under "Party Government." "The fruits and the traditions of Anglo-Saxon government for centuries argue very strongly for a two-party system, with one great party in power, responsible for the conduct of the affairs of the State, and the other party in opposition, criticising keenly and alertly and honestly all the mistakes of its opponent. This is the meaning of responsible party government as distinguished from the personal government toward which we have seemed to tend in recent days."

Turning to page 44, under "Water Powers," is a very brief phrase: "This was the pledge of the last Republican platform together with a pledge to continue our long established policy of preventing the exportation of hydro-electric power from our bounds by every legitimate means that we possessed." This

phrase appealed to me, "responsible for the conduct of the affairs of state, and the other party in opposition criticising keenly, alertly and honestly, all the mistakes of its opponent." The other party, the Democratic party, in opposition, criticises the Republican Legislature for what? For—if Dexter P. Cooper is incorporated, for revoking a State policy, for repudiating a party platform, for discrediting an administration. And certainly I think the Democratic party would at least keenly and alertly and honestly criticise the Republican party.

I have made a motion for the indefinite postponement of this bill. If this Senate votes yes on this motion it votes to sustain the State policy of fifteen years, a party platform of a great many years, and the present administration. If it votes no on my motion, by that vote each one of you go on record as revoking a State policy, repudiating a party policy and discrediting the administration.

At the proper time, if sufficient agree with me, I think I shall ask for a yea and nay vote on this matter solely as it is a party platform.

Mr. HINCKLEY of Cumberland: Mr. President and gentlemen, I was thinking while listening attentively to the gentleman from Androscoggin, Senator Carter, my mind went back to other speeches that I have heard during the past three years, other messages and other proclamations, and then the thought occurred to me, Mr. President, is it any wonder that the State of Maine has a population of 700,000 instead of 7,000,000 as it ought to have?

I am not going to discuss the engineering problems connected with this matter. I am not qualified to discuss them. You gentlemen, can take your choice between the judgment, on these engineering problems, of the Senator from Androscoggin and the judgment of Peter Cooper, one of the greatest hydraulic engineers in the world, one of the leading engineers who built Mussel Shoals and the Keokuk dam and other large enterprises, a man who has been recognized not only in this country but has represented the Dominion of Canada who sought his advice and judgment on important projects. I am not going into those matters.

I am not going to tell you whether

a dam can be built of sand or not. I am not going to attempt to throw sand in your eyes on this project. But I am going to tell you that a proposition has been presented to this Legislature fraught with wonderful possibilities. A man has come into our midst, with a great reputation as an engineer, vouched for by public men and those in private life who are in a position to know, and he tells us that he will be able to go out into the ocean, amid the great tides of the Bay of Fundy that have been rolling there for millions of years, and that he can harness those tides in such a manner that he can develop more than 60,000 horse power. And he tells you that he can go into the money markets of the world and he can secure seventy-five to a hundred million dollars and invest them down there for the benefit of the State of Maine. Now that is the project before you.

I do not know whether he can do it or not. I do not know whether it is an engineering feat that can be performed. The distinguished gentleman from Androscoggin says it is but a dream. So was the air-ship a dream for centuries, but it came to pass within our memory. The wireless was not even a dream ten years ago, but now one of the most practical things we have. And who knows what may be brought to pass during the next few years? This man says it can be done. These tides have been going to waste all these years. Why not give him a chance to try it? What objection is there?

Our people are protected under this act whereby he seeks to become incorporated. The entire financial program as to stocks, bonds and securities has been put, according to this amendment which I have drawn in order that every possible safeguard may be thrown out around our people,—all this financial program has been placed in the hands of the public utilities commission in this State, and they cannot issue a dollar's worth of stock, they cannot issue a dollar's worth of bonds, they cannot do anything in a financial way unless the public utilities commission is satisfied that every dollar's worth of stock and every dollar's worth of bonds will be so used as to further this project and to protect the people of the

State of Maine. That is the situation so far as that is concerned.

Now in regard to the party platform. Oh, it does amuse me to hear a man proclaim the party platform and advise us to stand upon the platform when he, on his sectarian bills, on both of them, voted contrary to the platform of the Republican party. When it suits their wishes, they call for the platform and stand upon it, but when it does not suit their wishes they go as they please. That is the situation. And it is not the party platform, gentlemen. Who, among those who participated in drawing that platform and those who adopted it ever conceived at that time of developing hydro-electric power during the next year or two, or before we had another convention,—of developing it from tide waters? Was there anything else in the mind of those who drafted and voted for that party platform except hydro-electric power developed from our rivers and streams in the State of Maine within our boundaries? You know there was not.

It is outside of the platform. It is a new proposition. It means to go out into the ocean, where man has never gone before, and develop hydro-electric power.

Now what else? I want to read this section 7 to you as amended so you will understand just what it does mean. "Inasmuch as the tide waters that will be utilized in the development of power as provided for by this act, are international waters, the allocation of such power between the United States and the Dominion of Canada shall be determined by the International Joint Commission in accordance with the law and the treaty regulations between the United States and Great Britain." That must be done any way. The State of Maine has nothing to do with that part of it, because the waters are boundary waters and the International Joint Commission under a treaty between this country and Canada have full power over these matters. "The portion so allocated to the Dominion of Canada may be transmitted and sold there"—no objection to that, that part of it on the boundary that is allocated by this Joint Commission, represented by three members residents or citizens of the United States of America appointed by the President, and three

appointed by Canada. "The portion so allocated to the Dominion of Canada may be transmitted and sold there, but the state yields no right which it may legally have to any portion of said power or to retain said power within the state if it desires." If the state in later years wants to pass a statute prohibiting transmission of any of this power outside the state, it has full power under that, it specifically provides for it. "That portion of the power that may be so allocated to the United States may be sold and transferred by the company outside the state; provided, however"—now note this, gentlemen—"provided, however, that whenever notified by the public utilities commission that there is a demand for electric power anywhere within the state, it shall endeavor to adequately meet such demand and shall sell the same at a rate to be determined by the public utilities commission after due hearing thereon, it being distinctly understood"—keep this in mind—"that no power whatever shall be so transmitted and sold out of the state except such as may be in excess of demands within the state in accordance with any order of the public utilities commission, and no power so transmitted and sold within the state shall be by the purchaser thereof, directly or indirectly, transmitted and sold out of the state. It shall not be lawful for said corporation to transmit electric current generated in any other manner than by tide power beyond the limits of the state."

Now do you get that? Just see in a nut-shell what it means. First, no power can be transmitted outside of the state under this act until every person in the state is supplied with all the power he desires at a reasonable price fixed by the public utilities commission. Does that, gentlemen, amply protect the citizens of the State of Maine? And isn't that all we are interested in after all? After the citizens of the State of Maine are fully protected, have all the power that they can use, a provision is made that this corporation, having invested in order to succeed in this seventy-five to a hundred million dollars,—it says, after you have supplied the State of Maine and cared for them, given them all they need at a reasonable price, then the surplus, that which is left, that

which cannot under any circumstances be used by the people of the State of Maine for their purposes, the balance of it may be transmitted and sold outside the State of Maine. Why, gentlemen, it is such a fair proposition, such a reasonable proposition!

What would you think if the Legislature should refuse to incorporate a company in the lumber business without a provision in its charter that no surplus lumber could be sent outside the State of Maine? What would you think if the Legislature should say to the farmers of the State of Maine and of Aroostook county in particular, you cannot sell a potato outside of the State of Maine? Yet, gentlemen, the lumber industry of the State of Maine is on the decline and some day we may need the lumber and all of it in the State of Maine. Yet nobody thinks of such a law. The old verse, "The mill will never grind again with the water that is passed" is true. This water power, electrically generated from the water power, if not used today will be gone forever and will be a total economic loss. Why should the State of Maine through its Legislature say to a project like this, if you succeed, even though you give us everything that belongs to us, everything that we may ask now, everything that industry may ask in the State of Maine in the future, even if you do all that, and you have millions of dollars of power in your hands beside, you must let it run to waste; you cannot sell it.

Gentlemen, I do not know what this may bring forth, but if it is feasible, if it is worked out, if it is brought to fruition, then, I say to you that it will revolutionize the State of Maine. It will not only mean great industries down round Lubec and Eastport and that entire vicinity, but it will mean that every railroad in the State of Maine will be electrified by that cheap power. It may mean that every home in the State of Maine will be heated by it because according to the statement of this engineer — this engineer whose work has been accepted by the Canadian Government and by the American Government in great projects—he says that it can be produced there for three-quarters of a cent per kilowatt hour. At three-quarters of a cent it would yield millions of dollars and yet they could

sell power so far below that which can be sold by any other proposition in the State of Maine by developing its water powers that it will be a complete revolution in this respect.

Is there any objection? Can there be any objection except the dog in the manger policy which has kept the State of Maine poor, which has kept the State of Maine weak, which has kept the State of Maine from increasing and developing its population? Can there be any other reason for refusing to grant this charter to Dexter P. Cooper? I say none. And I certainly hope, gentlemen, that you will stand up and say in unmistakable terms that this charter may be granted and that this motion to indefinitely postpone will not prevail.

Mr. CARTER: Mr. President, there are one or two things, perhaps, one in particular that struck me in the argument just made by the Senator from Cumberland, Senator Hinckley. He says if this electricity goes out from the state and later we want to bring it back we can pass a statute so to do. I do not wish to start a legal argument that will befog any issue, and neither am I going to, but I do not think there is a lawyer in this Senate who will contradict me when I state that once electricity has passed our borders to be sold in a sister state or a sister government the jurisdiction of that electricity which is at that time in the Interstate Commerce Commission, goes into the Federal courts, and the Federal government takes jurisdiction, and if any law of Maine is against any law of the Federal government that law of Maine is in suspension. I may quote a little example which will call this to mind, and that is this. On our statute books we have a detailed procedure of the way in which insolvent estates can be settled. The National Act of bankruptcy was passed, and while our laws are still on our statute books they are in suspension while bankruptcy courts exist. Do the United States courts give up one iota of their jurisdiction? They do not. And were electricity shipped out of the state the United States Supreme Court has already ruled that it is interstate commerce, and the United States courts will take jurisdiction, and no law of the state of Maine can ever pull it back.

The Senator from Cumberland, Senator Hinckley, put this thing exactly where it first seemed to me right straight on the state policy of the party platform, with all due deference to his interpretation of that party platform. This same argument we have heard almost every year, where this state policy and party platform of keeping and retaining electricity in Maine has been an issue, and I will say to you again that that issue has been made by the proponents and by the opponents of this measure, and that issue is party policy. A vote against the motion which is now before you is a vote to revoke the state policy, to repudiate the party platform and to discredit the administration. A vote that is given for the motion sustains all three.

Mr. HINCKLEY: Mr. President, of course all lawyers agree with the legal proposition as suggested by the Senator from Androscoggin, Senator Carter. When power has been transmitted without the limits of the state, or beyond the limits of the state, of course it cannot be brought back. For what purpose would this corporation transfer or send power out of the state and then bring it back again? Of course it would not. Who ever asked or suggested such a fool proposition? Whoever would have conceived that anybody was suggesting such a fool proposition? But this bill says this: "It being distinctly understood that no power whatever shall be so transmitted and sold out of the state except that as may be in excess of the demand within the state." That is what it says in this bill, and this is what it means, if today the state of Maine demands all of that power then there is no excess and nothing can be shipped out of the state. If tomorrow they demand it all the same thing applies but if at any time the demand in the state of Maine is such that the power is not all used on that particular day that surplus may be sent out, and nobody wants to bring it back after it has been once sent out. Electricity is not a commodity to ship across the country and then bring back to the state of Maine. You send electricity to turn the wheels of machinery and to make industry and after turning all the wheels of industry in the state of Maine and bringing in more, and I hope that it will bring hun-

dreds of thousands of inhabitants to this state of ours, then you let these men send their surplus product wherever they can sell it, and I don't care to whom they sell it. I say the issue is joined, and it is a question for this legislature to say whether or not the state of Maine—and we are not discussing now interior waters at all—whether the state of Maine in this proposed vast development will agree that that surplus power may be transmitted beyond the limits of our state. Mr. President and members of the Senate, I don't believe party platform touches this matter at all, and if it did I wouldn't care, because it is an economic question; it is not a question of party platform; it is a matter of business for the state of Maine, and no political bunk.

The PRESIDENT: Is the Senate ready for the question?

Mr. CARTER: Mr. President, I should like to have a yea and nay vote on this question.

Mr. WADSWORTH of Kennebec: Mr. President, I would like to ask a question for my own information in regard to this matter. Isn't it a condition of this charter that if, for illustration after this company was in operation for ten years that the people of the state of Maine demanded more power than they were receiving from this corporation, if they would have to give it to the users in the state of Maine. Does the charter so state?

Mr. HINCKLEY: Mr. President, answering the question of the Senator from Kennebec, Senator Wadsworth, I will say not for ten years, but under the amended bill any day that any user desires power a petition can be addressed to the Public Utilities Commission and that Commission can order that power for any industry in Maine, tomorrow and every other day during the entire life of this corporation.

Mr. WADSWORTH: And if the company should refuse to so furnish the power under those circumstances, what effect would it have on the charter?

Mr. HINCKLEY: It would of course forfeit the charter.

The PRESIDENT: Is the Senate ready for the question? On this question the Senator from Androscoggin, Senator Carter, has called for the yeas and nays. All those in

favor of calling the yeas and nays will rise and stand until counted.

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

The PRESIDENT: The pending question before the Senate is on the motion of the Senator from Androscoggin, Senator Carter, who moves the indefinite postponement of Senate Document 259. All those in favor of the indefinite postponement of the bill will say yes when their names are called; all those opposed will say no. The Secretary will call the roll.

The roll being called those who voted yes were, Senators Allen, Barwise, Bond, Carter, Cram, Holley, Perkins, Powers and Speirs; those voting no were Senators Anthoine, Buzzell, Carlton, Case, Chalmers, Clark, Foster, Hinckley, Hussey, Lane, Lord, Maher, Miner, Morrison, Phillips, Roberts, Smith, Wadsworth and Walker; absent, Senators Crafts and Wilson.

The PRESIDENT: Nine having voted yes and nineteen having voted no, the motion to indefinitely postpone is lost.

Mr. Hinckley then moved that the bill be passed to be engrossed as amended by Senate amendment A.

The motion was agreed to.

Mr. HINCKLEY: I would suggest, Mr. President, that this bill be sent at once to the House in order that they may act upon the matter.

On motion by Mr. Hinckley of Cumberland, bill, An Act to give certain powers to the Governor and Council with reference to state highways and state and international bridges, tabled by that Senator this afternoon, was taken from the table.

On further motion by the same Senator the vote was reconsidered whereby this bill was passed to be engrossed.

The same Senator then moved the adoption of House Amendment C.

The amendment was adopted.

On further motion by the same Senator the bill was then passed to be engrossed as amended by House Amendments B and C.

The PRESIDENT: The Chair lays before the Senate H. D. 505. House reports from the committee on banks and banking, majority reporting "ought to pass" and minority reporting "ought not to pass" on bill, An

Act to enlarge the definition of the term "securities" so as to include contracts for the sale of fur-bearing and other animals, tabled pending the acceptance of either report, and recognizes the Senator from Franklin, Senator Morrison.

Mr. Morrison moved the acceptance of the minority report.

Mr. FOSTER of Kennebec: Mr. President, speaking to the question but in opposition to the motion of the Senator from Franklin, Senator Morrison, I had supposed that the Senator from Franklin would support his motion. He does not see fit to do so at this time, and I have a few words which I wish to say relative to this matter. May I ask, for my own information and for the information of members of this Senate, that the Secretary will read the reports which are now before us from the committee on banks and banking.

(The reports were read by the Secretary)

Mr. FOSTER: Mr. President and members of the Senate, I will take but a little of your time to present this matter, a matter which I believe is of vital importance to the people of this state. The committee on banks and banking held a hearing on this matter on the 12th day of March in this Chamber. This was, as you will all remember, one of the largest attended hearings of this session. Both sides were represented by able counsel, and the committee gave most careful consideration to the presentation of the matter, both on the part of the proponents and on the part of the opponents of the measure.

I wish to state to you, Gentlemen, that the proper supervision of banks and those soliciting the earnings of our citizens is and always has been a subject of vital importance. From time to time this Legislature in its wisdom has safeguarded the investors by such laws as would make it extremely difficult for any man to prey upon those who may be inclined to invest their earnings in propositions where the promise of returns made to them is fabulous. We are all probably familiar with the so-called Blue Sky Law. Practically every state in our Union has a similar law, and we must admit that the existence of these laws has materially aided in safeguarding the pub-

lic, and especially those who are not familiar with the investment of funds. But however sound in principle and in purpose any law may be, Mr. President, there sometimes comes a time when its real intent and scope has to be more plainly defined. I believe that condition exists with respect to the Blue Sky Law at this time.

An enterprise of considerable magnitude has within a comparatively short time sprung up in this state and its promoters are, if one may judge from all reports and from appearances, fairly prosperous. To begin with, investors have told me that their first dividend was for 75 per cent on the money put in—and I am using their exact words. I understand, however, that they only expect 37½ per cent on the next dividend, and there is a prospect of a proportional decrease on the succeeding returns. As a rule, when dividends go on the sliding scale, and that scale downward, at this rate the investor is somewhat concerned. He immediately seeks to find out, if possible, what his security is. I have used this term "security" guardedly, because I am convinced this is the natural way to use it.

For the purpose of obtaining as much information as possible I consulted Webster's Unabridged Dictionary for a definition of the word "security," and this is what I found,—“A document giving the holder the right to demand and receive property not in his possession.” To illustrate this, let us suppose that Mr. A. has in his possession two thousand dollars. He goes to a savings bank and deposits this money. He takes from the savings bank a pass book. He then goes home and puts that pass book in his security box. That book is his security for the two thousand dollars. A little later he concludes that he will change the form of his investment, and he withdraws his two thousand dollars from the savings bank, and he invests it in one of these contracts or bonds in a fox proposition, in return for which he receives a contract or a bond. Now does anyone question but what for all intents and purposes that bond or that contract is just as much a security to Mr. A., as he had when he held his bank pass book for the money which he had deposited in the bank? I believe the point at issue is right

here. This bill is to enlarge the meaning of the term "securities," so that the way-faring man, though a fool, need not err therein.

I contend, Mr. President, that this very novel business of obtaining money by selling contracts or bonds in the fox business should come under the very same control as the selling of securities in connection with any other business, any other enterprise. To this law all propositions that are sound and above-board comply readily, and I am told by the banking commissioner that there is very little attempt made to evade it.

This bill is not aimed at any single firm or person, but it is aimed at an enterprise which I have already described. It would seem that these solicitors of investments should welcome a proper supervision. Do they? If so, then I say they have a very strange way of manifesting it. I will pretend to say that one of the strongest lobbies here this session, a lobby that has camped right under the dome of this capitol, and four or five attorneys have registered as representing a certain concern which is in this fox business. Now they have not all been content to do that, for this is a fact, and it is no secret. Before this bill was reported from the committee every member of the committee was interviewed here, and several of the members were interviewed at the week-end in their homes by representatives of the people who are engaged in this business.

Now to show you how state-wide this matter is considered—and this is nothing new to any member of this Senate—I hold in my hand a copy of the Portland Press Herald of yesterday, and on the editorial page of this paper appears a column in relation to this very matter. I am not going to weary this Senate by reading this whole article, but I do wish to call your attention to a few paragraphs or sentences from this article, and I will read for your information the following:

“On Friday the House passed the so-called 'fox bill' which is designed to afford some protection to Maine investors. This bill renders it necessary for all who propose to sell contracts providing for participation in the profits arising from the raising of foxes to secure the permission of the State Bank Examiner before

such contracts can be offered for sale.

"It is needless to say that the Bank Examiner will not be disposed to grant permission for the sale of contracts of this character unless he is convinced that the business such contracts are based upon is being conducted along lines which will at least guarantee the investors a fair chance of ultimately realizing some part of the money they risk.

"The so-called 'fox ranches' business has assumed large proportions in this State in recent years. Many people have been induced to invest money in such enterprises. The lure which has been used has been the stories of the great profits which some people have been able to make by purchasing a pair of foxes. In some instances dividends as large as seventy-five per cent have been paid and while within a few months such dividends have been decreased to half of this amount the sale of 'fox contracts' has been going on with an ever-increasing number of purchasers.

"It must be apparent to any thoughtful person that no enterprise can pay dividends of seventy-five per cent, or even thirty-seven and one-half per cent a year, for an indefinite period unless the foundation upon which it rests is stable. The foundation of the fox ranch business is presumably the raising of black foxes for their pelts. The prices which are paid in the fur markets of this country and the world for black foxes vary according to the quality of the fur and the demand. There have been some cases where a black fox skin of superior quality has sold for as much as \$5000, but such cases have not been numerous. The average price for black fox pelts is nearer \$100 than it is \$5000, and with an initial investment in a contract of \$2000 for a pair of foxes it must be apparent to anyone that a great many fox pups would have to be produced each year, and the quality of the fur would have to be very fine, to enable the fox raising companies to pay dividends of seventy-five per cent or even half that amount.

"The 'fox bill' which the House passed on Friday was aimed at no one company engaged in this business but was designed to include all companies which seek to sell contracts in this State. If the com-

panies which this bill affects are operating upon a sound basis and are able to carry out the guarantees they make or at least lead the purchasers of their contracts to think they make, they will not be interfered with by the State Bank Examiner. But any companies which are not being operated upon a sound basis will not be able, after this law is enacted by the Legislature, to sell contracts in Maine.

"This Legislature has considered no more important measure than this 'fox bill.' It has been opposed by some of the ablest lawyers and the most astute lobbyists in Maine. The bill was endorsed by many bankers who have had some opportunity of knowing how many people have withdrawn their savings from the banks to invest in fox contracts. In many instances the amounts which have been invested constituted the life long accumulations of people who cannot afford to indulge in such speculations and it was believed that it was incumbent upon the State of Maine to at least see to it that the fox raising businesses were being conducted in a way to give the investors some assurance that they might eventually recover some part of the money they risk."

Now Mr. President and gentlemen, aside from that I wish to say to this Senate that since this bill has been before this committee I have received letters from people whose brothers or sisters or whose cousins have made investments in this kind of a scheme, and they are concerned, and mightily concerned in regard to the safety of the proposition. I have been told by some people that they admit this is a scheme, a Ponzi proposition, an endless chain, a bubble, but let's not break it yet.

For one, I do not want to stand before my constituents or pass a proposition where the issue is so clear-cut and straight as this, and vote wrong upon such a measure. Had I invested in the fox business and received back 75 per cent and was waiting for another 37½ per cent, I would be a good sport and keep still and vote right in order that others don't get a gold brick.

You will notice, gentlemen, by the report that only two of the members of our committee signed the minority report and that the majority signed the report "ought to pass,"

and of that majority not one of them are in the fox business or own a fox. I believe that this is no trivial business. The people of the entire state of Maine who read the papers are watching to see how we act on this matter. We may consider it a joke, but is it a joke and is it a trival matter when a lady who has saved \$2600 by teaching school in our state invests \$2000 of that sum in this business, and realizes and says to-day that it is practically gone. Is this Legislature going to give its approval to a business that does this thing when we have an opportunity to put that business under the proper supervision, same as other securities as placed? In my mind there is but one answer to that question. I see my duty and I shall do it. I hope, Mr. President, that the motion of the Senator from Franklin, Senator Morrison, to accept the minority report will not prevail.

Mr. MORRISON: Mr. President and members of the Senate, I have listened with a good deal of interest to the remarks of the Senator from Kennebec, Senator Foster, and I will state to you my position relative to this matter in a very few words. I believed when this matter came before this legislature several weeks ago that it was "class" legislation pure and simple, aimed at one individual, directed at one industry, and I have seen nothing during the past few weeks to change my opinion in regard to the matter. That is one of the reasons why I am opposed to this bill. I am opposed to this bill because I understand that the investors, and most of them Maine people, who have invested their funds in this enterprise, as they had a right to do, just the same as other people have a right to make their investments, don't ask for this legislation and don't want it. That one thing carries a great deal of weight with me. I am opposed to this bill because I understand on very good authority that it is unconstitutional. This bill, if I am informed correctly, was drafted in the office of a certain state department here in this state house. The head official of that department appeared before the committee on banks and banking in favor of this bill, a department that, if this bill were passed, would without any question sets its stamp of disapproval upon these contracts which

have been made and thereby prevent their renewal, driving this industry to the wall and its promoter out of business.

But perhaps more important than all this, leaving these four thousand investors, and two-thirds of them Maine people, who have seen fit to invest in this enterprise high and dry if these contracts could not be renewed. I say to you, Gentlemen of the Senate, that I think we should be fair to these people who have invested their money and who are not seeking any relief, who are not asking for this legislation, and do by them as we would want them to do by us under similar circumstances, leave them alone, and that is all I have to say. I hope this motion will prevail.

Mr. FOSTER: Mr. President, I find that practically the same argument which you have just heard was made at the hearing before this committee by counsel for the F. H. Gordon Company. In fact, many of the statements are practically verbatim. I recall, however, that Mr. Pattangall presented this matter in a most concise and clear and straightforward way, and while there were but one or two lawyers who were members of the committee we could digest and understand just what he meant. I have no reflection to cast on the Senator from Franklin, Senator Morrison, because his statement was very clear and open, but there was no beating around the bush, and at the hearing Mr. Pattangall presented the matter in a very clear and straight manner. The question was not whether Mr. Gordon's proposition was sound or not. The question was whether persons, whoever they are—and I may state that there are some 22 or 23 other concerns in the fox business in this state—whether such people should be under the supervision and examination of the state banking department in the selling of their securities. I contend that these contracts or bonds protect their purchasers just exactly on the same basis as securities which are plainly covered by the present law. They offer an opportunity to make an unusually large profit, and the control and management of the proposition is in the hands of the seller. It often happens in the ordinary course of events that honest men may differ as to the definition of words and terms, but to all intents and purposes these contracts are securities. Mr. Gor-

don does not sell foxes. His counsel, Mr. Pattangall, expressly says that he sells a right or a credit. The purchaser of a contract does not get a pair of foxes but a right to have foxes assigned to him at some time within the year. The expectation on the part of the purchaser is what sells the contract. I have no doubt but what several of the members of this legislature are interested in this proposition, and they have repeatedly called their returns by the name of dividends, as I have previously stated. Most certainly, the ordinary investor would have no clearer notions than our members have. In other words, the purchasers of these contracts do regard them as investments. If the Gordon proposition is honest and fair and above-board then its supporters ought to welcome and not shrink from placing them on the same plane as other investments are placed.

Now the question of the constitutionality of the proposed measure has been raised. I do not pose as being a constitutional lawyer, or a lawyer, in fact, but I hold in my hand here a United States report, volume 242, where there is a case identical to this, in regard to placing under the supervision of the bank examiner of the state of Ohio a concern selling ice cream, and I will briefly quote from this report. This was in relation to registering in the sale of their securities, and I will quote from the report as follows: "A state may direct its law against what it deems an evil as it actually exists without covering the whole field of possible abuses, and it may do so none the less that the forbidden act does not differ in kind from those that are allowed." Now it has been said that you can prove anything by the books. Lawyers differ. If this legislature should enact this bill, and if it become a law, what a simple matter it would be for those interested to appeal to the Supreme Court for a ruling. Those things have happened. I contend, as I have stated before, that this is a matter of vital importance, and I hope that this Senate will vote conscientiously on the proposition, and I hope that the motion of the Senator from Franklin, Senator Morrison, will not prevail.

Mr. MORRISON: Mr. President, I would like to say for the benefit of the Senator from Kennebec, Senator Foster, that I was not present at the

hearing before the committee on banks and banking, so I did not know what was said there. I just wish to call the attention of the Senate to this point, that this business which this bill is aimed to destroy is not an illegal business; it is one that has stood the test of publicity and examination and investigation at least three different times, and there has been nothing illegal found against it in any way.

Mr. FOSTER: Mr. President, just one word, if I may have the indulgence of the Senate. The committee called into their counsel the Attorney General of this state, and the bill which is before us in the new draft is his own suggestion. The original bill was changed minutely to comply with the law in his good judgment. Now when it is said that this is an honest and legitimate business that pays 75 per cent and 37½ per cent, I must beg to differ with that statement. I don't believe that argument has any weight whatever.

Mr. MORRISON: I would like to ask the Senator, from Kennebec, Senator Foster, through the Chair, in what way it has been found to be illegal.

The PRESIDENT: The Senator from Kennebec, Senator Foster, can answer if he desires.

Mr. FOSTER: In answer to the question of the Senator from Franklin, Senator Morrison, I will say through the Chair, that perhaps you are diverting from the main question a little when you are discussing the legality of this question. We do recognize that we are acting under the so-called Blue Sky Law. The question is, whether the securities or whatever is given for your money should be under the control of the banking department. It is simply a measure to broaden or enlarge the meaning of the term "securities", and as I suggested before, if there is any question as to the legality of the matter, higher minds than ours would act upon that phase of the matter, and act expeditiously.

Mr. HINCKLEY of Cumberland: Mr. President, it occurs to me that perhaps the Senator from Franklin, Senator Morrison, did not get the point made by the Senator from Kennebec, Senator Foster. I supposed the clear inference was that the Senator from Franklin, Senator Morrison, wrote Brother Pattangall's speech, and I would like to inquire through the Chair whether or not

that was so, before I vote upon the matter.

The PRESIDENT: Is the Senate ready for the question?

Mr. CRAM of Cumberland: Mr. President, I would like to add just a word. I agree with the Senator from Kennebec, Senator Foster, when he says that this is a matter of vital importance to the citizens of the state of Maine. It has been stated by the Senator from Franklin, Senator Morrison, that this matter had been investigated and that there was found nothing illegal. Why? Simply because there was no law to cover this proposition. I say, let's have a law that will cover it. The Senator from Franklin also states that the banking department will at once place its stamp of disapproval upon these contracts. That being the case, then the contracts should be placed under the jurisdiction of the banking department. He also states that the contracts would not be renewed. Then why should they be renewed? We should think not only of the question of renewing the present contracts, but also the question of additional contracts. I believe that this matter should be placed under the jurisdiction of the banking department, and then if that department finds that these matters do not stand the test, then they should be handled in the same way as other offered securities.

Mr. POWERS of Aroostook: Mr. President, I would like to ask for the purpose of information of the Senator from Franklin, Senator Morrison, through the Chair, what possible objection there can be to this bill if this business is all right? What harm can be done to the business?

The PRESIDENT: The Senator from Franklin, Senator Morrison, can answer if he so desires.

Mr. MORRISON: I will answer the Senator from Aroostook, Senator Powers, through the Chair, and say as I have already said, that it seemed to me that it was class legislation, aimed at this particular industry, and the people who should be the most vitally interested, the ones who had invested their money, were not calling for any relief.

Mr. MINER of Washington: Mr. President, I have a very few words that I would like to say touching this matter. As one who signed the minority report I would like to make a short statement. The inference from the remarks of the Senator

from Kennebec, Senator Foster, was that those who signed the minority report were directly interested in the game. I may say as one of two who signed the minority report that I own no fox contracts. I am indirectly interested in the matter, and that is all. He speaks of an endless chain. I don't so understand it. I have not perhaps the legal mind of the Senator from Kennebec, Senator Foster, and perhaps I don't understand good business. This matter was placed very plainly before the parties in whom I am interested, and we talked the matter over and consulted legal authorities regarding it, and we decided that it was a perfectly honest, legitimate contract, if you might call it such, and therefore it was through my influence that the purchase was made. This is not an endless chain in that the contract is limited. I think it specifically states that it is according to the breeding life of the fox. Therefore this contract is not perpetuated from year to year, but it has its termination in as definite a manner as any contract may have, if I understand the matter correctly; and if by any chance this matter has been misrepresented to me, and I have every reason to believe that it has not been, then I will challenge that assertion.

Mention was made of a 75 per cent contract which later is reduced to 37½ per cent, and that statement is not correct. The contracts that I am interested in are first, last and always 75 per cent, and in that regard it has not been misrepresented so far as I know anything about it.

Now as to the possible objection to this matter coming under the supervision of the banking commissioner. In executive session of our committee I asked that we might question the gentleman who framed the bill, and that privilege was granted. He was called in and was asked one or two questions, and one of the questions that interested me mostly, if this bill has a passage will it be possible for the Gordon concern to do business in the state of Maine? In other words, he was asked, will it be possible for them to renew their contracts with those who have made purchases, and the answer to that question was emphatically "No".

I do not propose at this time to go into this matter as much as I would like to. There are times when I wish that I had a legal mind and could go into these matters as I would like to, but I will say that it

does seem to me unfair that a bill should be drawn by a particular department of state which department would have the whole thing under their finger, and which might tend to the destruction of the company, a company which so far as I know has done its business openly and honestly.

It has been stated here also, and stated correctly that many investigations have been made and that nothing whatsoever has been found in any way that would cripple their business or their contracts or their standing in the state of Maine. Something has been said about the rate of 75 per cent not being an honest profit. Perhaps I am wrong, but I don't believe I am, and I think I can bring to you proof that there are other lines of business in the state of Maine that pay 75 per cent on the investment. That statement may be challenged, but I think I can prove it, and I think I have made such an investment, and I wish that I were in a position where I might make more of them. This is discriminatory. It has been shown to be unconstitutional; it is certainly unjust to put a stamp on a business which up to this time has not been found wanting. I certainly believe that this legislature will make a mistake if they try to rob a few of the people of our state, and I say a few—perhaps there are 3000 in the State of Maine who have made investments of this kind. Certainly, if our contracts are made null and void, and if they cannot be renewed, then we certainly will make a loss. After a few more years our contracts will cease, and we should then be in a position where we would not receive any direct loss. I hope I have made my position plain. I acknowledge that I belong to the laity, and I do not understand these legal questions that are presented, but if I have made a mistake I should like to know it before the vote is taken on this matter. I certainly hope that the minority report will prevail.

Mr. FOSTER: Mr. President. I rise to a question of personal privilege.

The PRESIDENT: The Chair will state that the Senator from Kennebec, Senator Foster, has already spoken three times on this matter.

Mr. FOSTER: Mr. President, I would like to ask for unanimous consent for just a word.

The PRESIDENT: The Chair hears no objection.

Mr. FOSTER: This is the point, and I wish to state it definitely, and I think the stenographer's report will bear me out in making this statement, that I did not accuse the distinguished Senator from Washington, Senator Miner, of being personally interested in this proposition. I simply read to you, with perhaps a little emphasis, the attitude of those who signed the minority report. I have in my hand the record of the secretary of our committee of the proceedings in our executive meeting, but I will refrain from reading that at this time, because I do not want to inject into this matter anything of a personal nature, and I shall not do so.

Mr. MINER: I think I have made myself plain, that it was only the inference of the Senator from Kennebec, Senator Foster.

The PRESIDENT: Is the Senate ready for the question?

A viva voce vote being doubted,

Mr. Morrison called for the yeas and nays.

Mr. HINCKLEY: I wish to state to the Senate that we have received a very courteous invitation from the committee on sea and shore fisheries to have a dinner with them at 6:15 o'clock, and we certainly wish to accept the invitation and act accordingly, and for that reason I hope we will go ahead with this matter at once and adjourn in time to fulfill that engagement.

The PRESIDENT: The yeas and nays have been called. All those in favor of calling the yeas and nays will rise and stand until counted.

A sufficient number not having arisen,

The yeas and nays were not ordered.

A division being had, eighteen voted in favor of the acceptance of the minority report and eight against.

Mr. Carter of Androscoggin announced that he was paired with the Senator from Piscataquis, Senator Crafts.

Mr. Lane of York announced that he was paired with the Senator from Aroostook, Senator Wilson.

The PRESIDENT: It is a vote to accept the minority report "ought not to pass".

On motion by Mr. Hinckley of Cumberland,

Adjourned until to-morrow morning at 9:30 o'clock.