

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

Thursday, April 9, 1925

Senate called to order by the President.

Prayer by Rev. Stuart H. Purves of Augusta.

Journal of previous session read and approved.

From the House:

The majority of the Committee on Judiciary, on An Act to amend Section 4 of Chapter 97 of the Revised Statutes of 1916, relating to mills and mill dams (H. D. 111) reported that the same ought not to pass.

(Signed)

HINCKLEY
MAHER
HUSSEY
HALE
OAKES
HOLMES
HAMILTON
NICHOLS
MARTIN

The minority of the same Committee, on the same subject matter, reported the same in a new draft, under the same title (H. D. 510) and that it ought to pass.

(Signed)

WING

In the House: majority report accepted.

In the Senate:

Mr. CARTER of Androscoggin: Mr. President, this bill was introduced by Representative Wing in the House of Representatives.

And he at the time—he presented it himself—moved that the majority report be accepted, giving his reasons therefor, which appear in the record. On his behalf, I would like to move for him that the majority report now be accepted in the Senate.

The motion was agreed to.

From the House:

An Act relating to schools of the Passamaquoddy Tribe of Indians (S. D. 105)

In Senate, April 1, passed to be engrossed.

In the House: indefinitely postponed in non-concurrence.

In the Senate: On motion by Mr. Miner of Washington, the Senate voted to concur with the House.

From the House: Resolve, in favor of the President and Trustees of Bates College. (S. P. 618)

In Senate, April 8, passed to be engrossed.

In the House: that body voted to insist on its former action whereby "ought not to pass" report was accepted, and asked for a committee of Conference, the Speaker appointing as House members of such a Committee: Messrs. Hamilton of Caribou, Melcher of Rumford and Bragdon of Perham.

In the Senate:

Mr. WADSWORTH of Kennebec: Mr. President, I move this be tabled for a little while until another senator returns.

The motion was agreed to.

From the House: The Committee on Taxation, on An Act relating to the excise tax on railroads. (H. D. 103) reported the same in a new draft, under the same title (H. D. 500) and that it ought to pass.

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

In the Senate the report of the committee was accepted, and on motion by Mr. Hinckley of Cumberland, the bill was then tabled.

From the House: An Act relating to workmen's compensation. (S. D. 313)

In Senate, April 6, 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 the Senate: On motion by Mr. Hinckley of Cumberland, the Senate reconsidered its action whereby this bill was passed to be engrossed.

Mr. HINCKLEY; Mr. President, I move the adoption of House Amendment A, and may I explain so that you will understand the matter? The committee on judiciary reported unanimously in favor of changing the workmen's compensation law by changing the maximum from sixteen to eighteen dollars. That is the only change except in regard to the payment of insurance clause added to it. In making the new draft the words sixteen to eighteen were changed in only one section and this amendment changes them in the several sections.

The amendment was adopted.

Mr. HINCKLEY: Mr. President, I now move it pass to be engrossed as amended by House Amendment A.

Tabled on motion by Mr. Smith of Somerset.

Under suspension of the rules, Mr. Speirs of Cumberland presented out of order report of a committee of conference. (S. D. 274)

In consideration of the request of many members of the House and absent members, the committee of conference recommend that the bill on sterilization (S. D. 274) be resubmitted to the House.

(Signed)

MINER,
PHILLIPS,
SPEARS,
DAVIS,
HAMILTON.

Mr. SPEIRS: I will say that was a unanimous report. One name was omitted.

The report was accepted.

From the House: Resolve in Favor of the Reformatory for Women for Maintenance and Other Purposes. (S. P. 84)

In Senate, March 27, 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 the Senate: Tabled on motion by Mr. Smith of Somerset.

From the House: An Act to Define Certain Grades of Milk Offered for Sale Within the State. (S. D. 247)

In Senate, March 30, 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 the Senate: The Secretary read the amendment on request of Mr. Cram.

On motion by Mr. Lord of York, the Senate reconsidered its action whereby S. D. 247 was passed to be engrossed.

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

From the House: Resolve in Favor of the Bangor State Hospital for

New Construction and Permanent Improvements. (S. D. 273)

In Senate, April 8, referred to the next Legislature.

In the House: That body voted to insist and asked for a Committee of Conference, the Speaker appointing as the House members of such a Committee, Messrs. Peaslee of Bath, Davitt of Millinocket, and Smith.

In the Senate:

Mr. FOSTER of Kennebec: Mr. President, we are nearing the close of this session, probably only a few days remain. Without wishing to reiterate at all, but following the lead of the other body of this Legislature in refusing to join in conferences, I move at this time that we adhere to our former position.

The vote being doubted by Mr. Speirs of Cumberland, a viva voce vote was had and the motion prevailed.

From the House: An Act to extend the powers of Western Maine Power Company, formerly Limerick Water and Electric Company. (H. D. 434.)

In Senate, April 8, indefinitely postponed.

In the House, that body voted to insist and ask for a committee of conference, the Speaker appointing as House members of such a committee: Messrs. Page of Skowhegan, Ayer of Cornish and Deering of Saco.

In the Senate:

Mr. CARTER of Androscoggin: Mr. President, this is the matter which I took up yesterday. It is a matter which was before the public utilities committee. The proponents of the measure ask that it be killed. I move we do not concur with the House, and adhere to our position.

The motion was agreed to.

Finally Passed

Resolve, in favor of Northern Maine Sanatorium. (S. D. 282.)

Resolve, in favor of the Western Maine Sanatorium, for additional facilities. (S. D. 276.)

(Tabled on motion by Mr. Chalmers of Penobscot.)

Resolve, in favor of the University of Maine. (S. D. 308.)

Orders of the Day

The PRESIDENT. The Chair lays before the Senate S. D. 286, resolve in favor of rebuilding Mattawamkeag bridge over Mattawamkeag river in the town of Mattawamkeag, Penobscot county, tabled

pending the adoption of Senate amendment A, and recognizes the Senator from Somerset, Senator Holley.

Mr. HOLLEY: Mr. President, I ask leave to withdraw Senate amendment A which I offered.

The motion was agreed to.

The same Senator then offered Senate amendment B, and moved that the resolve and amendment be tabled for printing.

Mr. HINCKLEY of Cumberland: Mr. President, it seems to me that in order to facilitate the business of this Senate, after listening to the amendment proper action might be taken on it.

Mr. HOLLEY: Mr. President, I will say that I am not sure that the amendment is going to be satisfactory to all concerned.

Mr. HINCKLEY: Mr. President, as I have suggested, perhaps after we have heard the amendment read we might decide upon it at this time. I just want to say that if we can get along as well today and tomorrow as we did yesterday and the day before, it is possible that this Legislature can finally adjourn sometime late tomorrow night, but this cannot be done unless we make progress in our printing. For this reason I wish that this amendment might be read and acted upon at this time.

The PRESIDENT: The Chair will inform the Senate that S. D. is already printed.

Mr. HINCKLEY: I will move, Mr. President, that the amendment be read.

The Secretary then read the amendment offered by the Senator from Somerset, Senator Holley, to amend by inserting after the word "dollars" in the fifth line thereof the words 'or so much thereof as may be necessary,' and by inserting after the word "be" in the eighth line thereof the words 'subject to the control and approval of the Governor and Council.'

Mr. HINCKLEY: I would ask, Mr. President, if the Senator from Somerset, Senator Holley or some other member of the committee on ways and bridges might explain the amendment, so that we may get some information and perhaps be in a position to vote upon the matter now.

Mr. HOLLEY: Mr. President, I do not and never have pretended to know very much about roads any-

way, but I do know that this situation exists. This old road leading through Mattawamkeag was the old federal road leading through to Houlton, and that was at a time when Houlton was part of Washington county. In 1832, if I am not in error, the State took over this stretch of road in which was this bridge in question at Mattawamkeag. It is therefore a State-owned bridge. Senate amendment A which I offered a day or two ago, and and which I have withdrawn this morning, placed this bridge under the Bridge Act, so-called, but when we came to look up regarding the old Road Act in 1834 we found that the Bridge Act was not applicable at all to this situation, because it is a State-owned bridge. Now this new amendment which I have just offered, as I understand the situation, allows the Governor and Council to have control of the situation to quite an extent and it does not seem to interfere, inasmuch as it is a State matter, and this places the repairs of the bridge under the control of the highway commission. While the amount of \$113,000 is specified as to the amount that shall be expended, yet it gives the Governor and Council a chance to spend less than that if they find that they can get along with a less expenditure. That is the explanation of the amendment, as I understand it, but as I stated previously I am not very well acquainted with these bridge and road matters, and I don't pretend to know very much about those matters. I think, however, that perhaps my colleague from Somerset county, Senator Smith, may be able to enlighten the Senate further if it is desired.

Mr. SMITH of Somerset: Mr. President, the facts as stated by my colleague, Senator Holley, are correct, but I cannot quite understand why the need of this amendment inasmuch as the Governor and Council already approve of all expenditures for bridges and ways, and just why this additional power is given at this time I cannot understand.

Mr. BARWISE of Penobscot: Mr. President, I would like to inquire whether this sum of \$113,000 comes out of the bridge money, or is it another appropriation?

Mr. SMITH: I will say, in answer to the question of the Senator from Penobscot, Senator Barwise, that it

comes out of the proposed bond issue money.

Mr. BARWISE: That is satisfactory to me.

Mr. HINCKLEY: And do I understand correctly from the Senator from Somerset, Senator Smith, that while conferring a right on the Governor and Council it gives only the right he understands they now have, so that it wouldn't do any harm.

Mr. SMITH: That is the way I understand it, Mr. President.

Mr. HINCKLEY: And that part authorizing them to spend less, if their judgment warranted it and if they saw fit, would perhaps limit it and do no particular harm, as I understand. May I inquire of the Chair just what the situation is at the present time.

The PRESIDENT: The matter is about to be laid upon the table for printing of the amendment.

Mr. HOLLEY: Mr. President, my idea in having the amendment printed was so that every member might have an opportunity to become thoroughly familiar with the provisions of the measure, and I can see that the question raised by the Senator from Cumberland, Senator Hinckley, might tend to expedite the business of the legislature, and if there is no objection I will withdraw my motion to table for printing, and move the adoption of Senate amendment B.

Mr. HINCKLEY: I am ready to vote on the matter.

The question being on the adoption of Senate amendment B,

The amendment was adopted.

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

On motion by Mr. Wadsworth of Kennebec, resolve in favor of the president and trustees of Bates College, tabled by that Senator this morning, was taken from the table.

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

Mr. Roberts moved that the Senate insist on its former action and join a committee of conference.

The President thereupon appointed on the part of the Senate, as members of such committee of conference Senators Roberts of York, Perkins of Penobscot and Buzzell of Oxford.

On motion by Mr. Chalmers of Penobscot S. D. 276, resolve in favor of

the Western Maine Sanatorium for additional facilities, was taken from the table.

The pending question being the final passage of the resolve,

On further motion by the same senator the resolve was finally passed.

On motion by Mr. Smith of Somerset, bill, An Act relating to workmen's compensation, tabled by that senator this morning, was taken from the table.

On further motion by the same senator the bill was then passed to be engrossed, as amended by House Amendment A.

The PRESIDENT: The Chair lays before the Senate, H. D. 511, resolve in favor of international bridge, between Van Buren, Maine, and St. Leonards, New Brunswick, combined immigration and customs office, tabled pending its final passage, and recognizes the senator from Somerset, Senator Holley.

On motion by Mr. Holley the resolve was retabled temporarily.

The PRESIDENT: The Chair lays before the Senate H. D. 491, bill, An Act to authorize the recording of marketing agreements of co-operative agricultural associations and requiring that liens hereby attached to crops before delivering to the association and to the members' interest in the association after such delivery be collected through the association, tabled pending the adoption of House Amendment A, and recognizes the senator from Aroostook, Senator Hussey.

On motion by Mr. Hussey, tabled temporarily during the absence of the senator from Aroostook, Senator Powers.

The PRESIDENT: The Chair lays before the Senate H. D. 517, bill, An Act to enable cities of over 35,000 to regulate and restrict the construction of buildings and the use of land by zoning ordinances, tabled pending its passage to be enacted, and recognizes the senator from Aroostook, Senator Powers.

Mr. MORRISON of Franklin: Mr. President, in the absence of the senator from Aroostook, Senator Powers, I move that this matter be retabled.

Subsequently the motion was withdrawn.

The pending question being

the passage of the bill to be enacted.

Mr. Powers then yielded to the Senator from York, Senator Roberts. On motion by Mr. Roberts, the bill was tabled temporarily.

The PRESIDENT: The Chair lays before the Senate S. P. 85, resolve in favor of the reformatory for women for new construction and permanent improvements, tabled pending the acceptance of the report, and recognizes the Senator from Somerset, Senator Smith.

Mr. SMITH: Mr. President, inasmuch as the House, as I understand it, is to insist upon a committee of conference, I simply wish to preserve my rights, and for that reason I now move that this matter be retabled. At the proper time I will very cheerfully abide by the decision relative to other matters concerning new construction.

The motion was agreed to and the resolve was retabled.

The PRESIDENT: The Chair lays before the Senate H. D. 497, resolve in favor of an amendment to the constitution of the United States prohibiting employment of women and children in industry more than 48 hours in a week, tabled pending consideration, and recognizes the Senator from Somerset, Senator Smith.

Mr. Smith moved that the Senate recede and concur with the House in its action on this matter.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. P. 217, Resolve appropriating money to reimburse Harry P. Lane for expenses incurred in contesting his membership in the Senate, tabled pending acceptance of the report, and recognizes the Senator from Cumberland, Senator Hinkley.

Mr. HINCKLEY: Mr. President, I yield to the gentleman from Kennebec, Senator Wadsworth.

Mr. Wadsworth: Mr. President, this was handled by the committee on appropriations and financial affairs and they returned an unfavorable report, but further facts have come to our attention in the last day, and considering these, and under the circumstances, I move you, Mr. President, that we substitute the bill for the report. The report was "ought not to pass."

Mr. HINCKLEY: Mr. President, I hope that the motion of the gentleman from Kennebec will prevail. I understand there was a misunderstanding because it did not appear that any contest was held in the Legislature; but there was a contest between two men who sought to be elected to the Senate and the contest was settled after several days of examination of ballots and before the session. It saved us a good deal of money and it seemed only fair that this should be done.

Mr. CARTER of Androscoggin: Mr. President, I was waiting until this motion should be put so I might move the first reading and carry this bill though. In fairness to my colleague, Senator Lane, I felt that the Senate should know the facts in relation to this. In the election in Androscoggin County last fall the vote for the four Senators was very fairly close, and one of the nominees of the Democratic party contested the seat of my present colleague, Senator Lane, as a result of which I think we spent five days in the State House here on a recount, and a very thorough one, of all the ballots, at which time my colleague was under the necessity of being represented by counsel, and he was represented for five days.

The outcome of that recount was so decisive in every way that the other nominee on the Democratic ticket, Mr. Starbird, voluntarily agreed that Mr. Lane, our present Senator, was elected, and under that agreement the whole matter was settled prior to the convening of this body and saved the State and the Senate the expense of a contested election. So I certainly think if any one is to be reimbursed for legal fees and expenses to the sum of \$100 for an attorney for five days, in order that a contested election case should be avoided in this body, I think he is entitled to it, and I felt I could not let this matter pass without setting forth the facts to the Senate, which I have already done, as I put in the bill for him.

The pending question being the substitution of the bill for the report,

The motion was agreed to.

On motion by Mr. Carter the bill was given its first reading.

On further motion by the same Senator, under suspension of the rules the bill was given its second

reading and passed to be engrossed.

The PRESIDENT: The Chair will state that S. D. 136, and the next S. P. 664, 665, and so on down the calendar, have not been printed.

Mr. HINCKLEY of Cumberland: Mr. President, after conference with Senator Carter—I think the papers are not here—it is our desire that this matter may be specially assigned for two o'clock, so they can be taken up as the first matter at that time and disposed of. If that is agreeable to the Senate, I so move.

The PRESIDENT: Senator Hinckley moves that the first matters for action on the calendar for the afternoon shall be S. D. 136, S. P. 664, Senate Report, S. P. 665, Senate Report, S. P. 666 and S. P. 667.

The motion was agreed to.

Mr. HINCKLEY: Not S. P. 667, that is to be eliminated.

The PRESIDENT: That is another one that has not been printed, so it might just as well follow on.

Mr. HINCKLEY: I didn't understand.

If there is nothing more at this time, I move we recess subject to the call of the President.

The motion was agreed to.

After Recess

From the House: Bill, An Act to enlarge the definition of the term "securities" in section 126 of chapter 144 of the Public Laws of 1923, so as to include contracts for the sale of fur-bearing and other animals.

In the Senate it was voted to adhere to its former action.

This comes from the House that body voting to insist on its former action whereby that branch asked for a committee of conference.

On motion by Mr. Morrison of Franklin, the Senate voted to still adhere to its former position.

From the House: Report of the Committee on Legal Affairs, reporting in a new draft under same title and "ought to pass" on bill, An Act to amend the charter of the Belfast Municipal Court.

The report was accepted in concurrence.

The bill then received its first reading.

On motions by Mr. Morrison of Franklin, the rules were suspended

and the bill received its second reading and was passed to be engrossed.

On motion by Mr. Wadsworth of Kennebec, that Senator was permitted to introduce out of order, under a suspension of the rules, the following order:

"Ordered, That the engrossing department be requested to return bill, An Act relating to workmen's compensation to the Senate for further consideration by the Legislature."

On further motion by the same Senator the order received a passage.

From the House: Report of the Committee on Military Affairs, reporting in a new draft under the same title and that it "ought to pass," resolve in favor of armory rentals. (H. D. 529.)

The report was accepted in concurrence.

On motion by Mr. Wadsworth of Kennebec, the resolve was tabled temporarily.

From the House: Report of the Committee on Ways and Bridges and Taxation, reporting in a new draft under same title and that it "ought to pass," bill, An Act relating to a tax upon gasoline. (H. D. 520.)

This came from the House with House Amendment A adopted and the bill passed to be engrossed, as amended by House Amendment A.

On motion by Mr. Case of Washington, the report was tabled, pending the adoption of House Amendment A in concurrence.

On motion by Mr. Hinckley of Cumberland, that Senator was permitted to introduce out of order, under a suspension of the rules, the final report of the Joint Standing Committee on Judiciary, reporting that they have acted on all matters referred to them.

The report was accepted.

On motion by Mr. Wadsworth of Kennebec, H. D. 529, resolve in favor of armory rentals, tabled by that Senator this morning, was taken from the table.

Mr. WADSWORTH: Mr. President, I move the indefinite postponement of this resolve. This measure calls for the sum of \$10,556 to pay old armory rentals which were not

paid, and which under the laws of the State of Maine should have been paid. They were not paid because there was not money available; it has now all gone by, and we are now working under a plan of economy. If this measure is passed this sum will be added to the taxes in these very towns that are asking for this money, and they are going to pay a portion of it. Now I can say that there are certain matters under consideration at the present time which are going to relieve these different towns to quite an extent, as I have understood from good authority, and I think if this plan is worked out as it is understood it will be, with the appropriations that are being made for this very purpose for the coming two years, that it will be satisfactory to those towns, if not wholly satisfactory it certainly will be in part. For this reason it seems to me that this is a matter that we can very well dispose of by indefinite postponement.

Mr. ANTHOINE of Cumberland: Mr. President, I feel that this Senate is entitled to a word of explanation relative to this matter and in regard to the action of the Committee on Military Affairs in unanimously reporting this resolve out of our committee. The armory commission fixed with the various cities and towns in which military units are located a certain rental for the use of those units. The cities and towns relying on that amount which was fixed by the armory commission went ahead and hired quarters for these military units. Now the Executive Department and the auditing department changed the period of accounting of the adjutant general's department, and it came about through that change in the period of accounting that there was less than one year's appropriation by the armory commission to pay more than a year and a half of rental; so that the armory commission paid to the towns on the basis which had been arranged with the towns to one full six months period at the old rate, and it left just 32 per cent of the funds which they had to pay for one full year. In other words, there was 68 per cent of the rental agreed upon by the commission and the towns which was still due to the towns. These amounts are as set forth in the printed resolve, and there are some 20 or 30 towns to

which money is due under the arrangement made by the armory commission.

This was a resolve which was introduced for the purpose of repaying the towns the amounts which were due to them under the agreement which was made by the armory commission. Now it may be true that that is not a legal obligation of the State, and there was some question as to whether or not the armory commission could legally bind the State; but there is absolutely no question but what there was a moral obligation on the part of the State to make good those amounts which the various towns expected and which they were entitled to receive under the recommendation of the armory commission. It was the unanimous report of the Committee on Military Affairs that we were morally bound to report favorably on this measure after the various towns had expended the money relying on the amounts which had been appropriated by the armory commission.

Now it is true, as was stated by the Senator from Kennebec, Senator Wadsworth, that in future this will undoubtedly be properly taken care of, but even that fact does not relieve us from the moral obligation to pay a past indebtedness, and it was upon this ground that the committee on military affairs acted in making this unanimous report.

Mr. WADSWORTH: Mr. President, I do not have any complaint and I offer no criticism in regard to the action of the committee on military affairs. They did what they thought was their duty, but it certainly seems to me at this time, when we are cutting out all new construction on matters that seem to be of the greatest importance to all of us, for the sake of economy, that these several towns can very well bear these burdens of the past. These are matters that have been taken care of, and now the towns are asking to have this money returned to them. I certainly wish that we could do it, but it does not seem to me that we would be acting in strict accordance with the attitude we have already taken in regard to economy to pay these towns this sum of \$10,556 which is asked for in this resolve. It is not going to injure these towns particularly, inasmuch as arrangements have been made or are

being made to take care of this matter, and I understand that this arrangement will be satisfactory to many of the towns which are concerned; I don't know but what it may be satisfactory to all of them; so for these reasons I hope that my motion will prevail.

Mr. HINCKLEY of Cumberland: Mr. President, I would like to ask for my own information of the Senator from Kennebec, Senator Wadsworth, whether or not he agrees with the Senator from Cumberland, Senator Anthoine that the State of Maine has obligated itself to pay these amounts and does actually owe these amounts to the various towns? Of course I understand the situation of the State, as far as legal requirements are concerned, but has it been the understanding that the towns would be paid this money by the State? In other words, is it a question of paying what we should pay, or refusing to pay on the ground of economy?

Mr. WADSWORTH: Answering the Senator from Cumberland, Senator Hinckley, through the Chair, I will say that I cannot answer the question directly, and I will answer it indirectly in this manner. There have been a great many obligations in matters similar, perhaps, to this which have not been carried out, and that probably will be true in the future. I don't know at just what time these bills were incurred, but it seems to me, Mr. President, that due to the conditions under which we are working to-day, and with the assurances which I have received from people who have this matter under consideration, and with the further assurance that many of these towns will be satisfied if we relieve them in the future, that we can very well dispose of this matter by indefinite postponement.

Mr. BARWISE of Penobscot: Mr. President, I would like to ask whether or not in the opinion of the Senator from Kennebec, Senator Wadsworth, when we get rid of all these horses that we have now up in Aroostook county, won't there be money enough available from the military funds to take care of these matters without any special resolve? As I understand it, there are a lot of federal horses up in Aroostook county that we are supporting at the present time, or that we are taking

care of at the present time, or finding places for them, and plans are being worked out which will mature about July 1st to get rid of all those federal horses, and it has occurred to me that when that is accomplished there may be available money enough to take care of these matters.

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

Mr. WADSWORTH: Mr. President, I don't know as I care to answer that question. I have explained the matter as I understand it, and I cannot say just what the condition will be in the future. I have told it as I understand it in what I stated previously.

Mr. ANTHOINE: Mr. President, I think perhaps I can answer that question which was asked by the Senator from Penobscot, Senator Barwise, along the lines which he suggested. In the first place, there is only about one-third of this deficiency appropriation which goes to Aroostook county, and it is in that county where the battery is located. The Senator from Kennebec, Senator Wadsworth, says that after the first of July we may be able to get rid of those horses. I know that that is the position taken by our Chief Executive, but in conference with a certain number of gentlemen in the war department of the United States I find that there is a somewhat different situation existing, and that there is no actual assurance that we will get rid of these horses.

I might say further that the Federal Government paid all the expenses of maintenance and the feed and everything, except the bare quarters and stable, and all that the towns have to provide is the stable. The Federal Government pays for their feed and care and maintenance and everything excepting the stable. As I say, of this \$10,000 there is between \$3000 and \$4000 which goes to Aroostook county, and the rest of it goes to the various towns where there are no horses, like Augusta and Belfast and other towns where they have units of the National Guard, which are not mounted units. We members of the committee felt that it was certainly a moral obligation on the part of the State of Maine to pay these deficiency rentals. We felt that the towns made their contracts in good faith and

expended this money in good faith, and that it should be paid back to them.

Mr. FOSTER of Kennebec: Mr. President, it has just occurred to me that there might be another way of amicably handling this situation in view of the present condition of affairs. As a member of the committee on claims of this legislature I may say that similar matters have been brought to our attention, cases where there seemed to be a moral obligation on the part of the State and no legal status. The committee in all cases, I think, acted honestly in the matter, and if this is a worthy claim then at a later time any towns which are not agreeable to this disposition of the matter, as suggested by my colleague, Senator Wadsworth, they can very properly come before the next legislature with a claim and receive proper consideration. But it seems to me that for us to handle the claim to-day, in view of the entire situation, I am in favor of the motion of the Senator from Kennebec, Senator Wadsworth.

Mr. HINCKLEY: Mr. President, everybody who has spoken and who is familiar with this matter is agreed that there is an obligation on the part of the State of Maine to certain cities and towns. There may not be a legal obligation, because the State of Maine cannot be sued; but the State of Maine through its legislature has passed laws requiring individuals to pay their debts. We have criticised the countries of Europe during the past few years for repudiating their debts, and shall the State of Maine at this time repudiate the debts which it owes to these various towns in the State? This committee says that the State owes these debts. The Senator from Kennebec, Senator Wadsworth, said he had no doubt but that it did, morally at least. Now shall we repudiate those debts, or shall we pay them? That is the only question which is before us at this time. I certainly hope we vote to pay our debts.

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 that this resolve be indefinitely postponed.

A viva voce vote being doubted, A division was had, and fifteen voted in favor of the motion to in-

definitely postpone, and eight against.

So the motion prevailed, and the resolve was indefinitely postponed.

On motion by Mr. Case of Washington, H. D. 520, bill, An Act relating to a tax upon gasoline, was taken from the table.

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

Mr. Smith of Somerset offered Senate Amendment A, to amend by adding after the word "construction" in the thirteenth and fourteenth lines the words "or reconstruction."

On further motion by the same Senator the amendment was adopted.

On further motions by the same Senator, under a suspension of the rules, the bill received its first and second readings and was passed to be engrossed, as amended by Senate Amendment A.

From the House: The majority of the Committee on Ways and Bridges, on Resolve in favor of a bridge over the St. Croix River between Vanceboro, Maine, and St. Croix, New Brunswick, (H. P. 223), reported that the same ought not to pass.

(Signed) TOWLE
KITCHEN
DUNBAR
LELAND
BOND
DRAKE

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

(Signed) PIKE
CASE
SMITH

In the House: minority report accepted, resolve passed to be engrossed.

In the Senate:

Mr. ALLEN of York: Mr. President, I move the majority report be accepted.

The vote was doubted by Mr. Case of Washington.

The PRESIDENT: The pending question before this body is on the acceptance of the majority report, and the Senator from York, Senator Allen, moves the acceptance of the majority report. All those in favor of the acceptance of the majority report—

Mr. CASE: Mr. President, a bill

similar to this was passed by the 81st Legislature to take care of this bridge between Vanceboro and St. Croix. The Canadian Government at the present time have not raised the money to take care of their part of the bridge. We are simply asking that this be continued. We have letters from the New Brunswick department, claiming that they will have the money ready in a year. Of course if this goes past and the Legislature fails to pass it, we will not be in a position to take care of our part of it when the New Brunswick Legislature is ready to take care of theirs. Their money is not raised this year but they assure us they will have the money ready in another year. This is simply to continue the appropriation to take care of it when the Canadian Government is ready to take care of theirs.

Mr. ALLEN: Mr. President, I think that possibly what Senator Case says might be so, but to my mind this assurance from the Canadian Government that such and such things might pass as soon as their Legislature convenes might be so and it might not. I am going to take the ground that they know about as much about it and are able to tell us as we do, and that is absolutely nothing.

Now we have, as I understand it, between ninety and one hundred bridges here in the State of Maine—to be exact it is 96 bridges in the State of Maine of our own. This is an international bridge. We have 96 bridges to build of our own right here in the State of Maine, and I think before we obligate ourselves to build any more international bridges, that we had better take care of some of our own in our own State.

Now this bridge calls for an initial cost of about \$30,000. That does not mean that the bridge is going to cost \$30,000. It may cost \$230,000. This \$30,000, as I understand it, they want us to put up and hold in abeyance, so that if the Canadian Government should vote in their Legislature to join with us in building this international bridge, it would be ready. But we have no absolute assurance the thing is going to take place and I hope the motion I made a few moments ago as to the majority report will be accepted.

Mr. MINER of Washington: Mr. President, I probably know rather

more about this matter than Senator Allen. This bridge is in a very serious condition. Signs are posted at either end of the bridge that passengers cross at their own risk. I have crossed that bridge many times and I know its condition. In view of the fact that this money was appropriated, and will not increase the tax as I understand it a bit, that we are simply asking for a continuation of this amount, I see no reason why it should not be granted.

Now as regards Senator Allen's statement, I have here a communication which I received from Senator Todd, and, as you understand, their bridge building there is carried on by a different system from ours, that the money will be forthcoming next year. They have an annual session, where ours comes every two years, and if we let this matter go by, we will not get the money for a continuation of the work. So you see we will be just jumping backward as it has been. We simply ask for a continuation of this amount of money, \$17,500, that this matter may be completed. I sincerely hope that this Senate will not vote against it, as it is one of our bridges that should be attended to.

Mr. CASE: Mr. President, may I have just a moment to explain the condition there. This town of Vanceboro is a railroad town. They are 22 miles from the main highway on the Maine side of the river. There is a road leading to Topsfield, into Vanceboro. It is not an extra good road. The most of it is right through the forest, and that is the only way that these people can get out to come to the American side or come into Maine. This bridge across the St. Croix river into the town of St. Croix, N. B., gives them an outlet there. The bridge there, we will call it a bridge, perhaps it would not come under the head of a bridge—at the present time there is a dam across the river there and they have made a driveway across the top of the dam. Every one using that—it is a private concern and notices are posted on each end of that bridge or dam—people passing there pass at their own risk. This would give those people there a chance to go over into New Brunswick. It will also shorten the distance for people going from the State over into New Brunswick that way. The expenditure, the total appropriation would

be \$35,000, Maine furnishing one-half and New Brunswick the other. Now this comes from a bond issue for bridges and has been held for this for the present year. It is simply continuing that appropriation, as I said, and I hope the motion will not prevail.

The PRESIDENT: The pending question is on the motion of the Senator from York, Senator Allen, who moves that the majority report "ought not to pass" be accepted.

A division being had, and sixteen voting in the affirmative and seven against it, the motion prevailed.

On motion by Mr. Roberts of York, H. D. 517, An Act to enable cities of over 35,000 to regulate and restrict the construction of buildings and the use of land by zoning ordinances, was taken from the table, and that Senator then offered Amendment A.

Amend said bill as follows: Insert in the first line of section 1, after the figures 35,000 the following words, "and village corporations," and in lines 4, 5, 7, 8, 11, 12 and 13, where the word "city" appears, insert after said word the words 'or village corporation,' and in the 16th line of said section, where the word "city" appears twice, insert after it in each instance the words 'or village corporation.' Amend section 3 as follows: In line 4 after the word "city" insert the words 'or village corporation'; also after the word "concerned" in the same line thereof insert the following words 'or in a newspaper published in the county wherein said city or village corporation is located.' Amend section 7 by inserting in line 2 after the word "towns" the words 'and village corporations.' Also in line 4 and line 5, after the word "city" in each line, insert the words 'or village corporation.' Also amend said bill by adding the following words thereto: "Section 8. The words 'municipal officers' as used in this act shall be construed to include assessors of village corporations."

On motion by Mr. Roberts the Senate reconsidered its action whereby this bill was passed to be engrossed.

Mr. ROBERTS: I now move the adoption of Senate Amendment A, and for explanation I will say I have no interest in this amendment. I present it at the request of those

interested to have the village corporation included. The only change, I think, is where the word city has been used, the words "or village corporation" have been added. In section 3 it says "No ordinance or by-law shall be enacted hereunder until after a public hearing thereon, notice of which hearing shall be published at least thirty days before the hearing in a newspaper published in the city concerned" and it has been amended so as to read "in a paper published in the county wherein said city or village corporation is located." There is also an amendment at the end where it says assessors means the local village corporation.

Mr. MAHER of Kennebec: Mr. President, I move the amendment be tabled for printing.

The motion was agreed to.

From the House: The same Committee, on An Act to amend Sections 2, 5 and 6 of Chapter 224 of the Public Laws of 1923, relating to a tax upon gasoline (H. D. 489) reported that the same ought not to pass.

In the House, the bill was substituted for the report, a new draft, under the same title (H. D. 521) was substituted for the original bill, and the new draft subsequently was indefinitely postponed.

In the Senate: On motion by Mr. Hinkley of Cumberland, the Senate voted to concur with the House.

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

In Senate, April 3, passed to be engrossed.

In the House referred to the next Legislature in non-concurrence.

In the Senate: Tabled on motion by Mr. Lane of Androscoggin.

From the House: An Act Relating to Provision for Upkeep, Equipment and Extensions for the Several Normal Schools and the Madawaska Training School. (H. D. 160).

In Senate, April 2, passed to be engrossed.

In the House, indefinitely postponed in non-concurrence.

In the Senate:

On motion by Mr. Allen of York,

the Senate voted to recede and concur with the House.

From the House: An Act Relating to Intoxicating Liquors (S. D. 309).

In Senate, April 8, passed to be engrossed as amended by House Amendment A in concurrence.

In the House, indefinitely postponed in non-concurrence.

In the Senate:

Mr. HINCKLEY of Cumberland: Mr. President, I move we non-concur and ask for a committee of conference. I will explain that this amends our law so that clergymen can have sacramental wines delivered by the express company at their homes. Under the law at the present time, all intoxicating liquors must stop at the express office and cannot be delivered. This gives the right to have it delivered at the home of the clergyman for sacramental purposes only.

The motion was agreed to, and the Chair appointed as members of such committee of conference on the part of the Senate, Senators Hinckley of Cumberland, Roberts of York, and Chalmers of Penobscot.

Bill in First Reading

Resolve to pay certain deficiencies (S. D. 325).

Mr. HINCKLEY: Mr. President, I would like to know what these deficiencies are and how they affect the taxes.

Mr. CRAM: This is a report, coming from the auditing department, and covers a long list of matters where there are deficiencies in some of the departments and particularly in connection with the payment of pauper claims which were not presented to the State in ample season before the appropriations lapsed, and have been figured in, as I understand, in connection with the proposed tax rate.

Mr. WADSWORTH of Kennebec: Mr. President, might I ask if these are claims that were subsequent to 1923, previous to 1923.

Mr. CRAM: I understand they are all subsequent to that, they come to us wholly from the auditor's department and the information comes from the auditing department and from Mr. Leadbetter, taken care of in this way on account of the lapse of appropriations.

Tabled on motion by Mr. Wadsworth.

Passed to be Enacted

"An Act to Create a State Broadcasting Station." (S. P. 645) (S. D. 310).

"An Act Relating to the Organization of the Lewiston Police Commission, and to the Salaries of the Chief of Police, Captains and Inspectors of the Police Department." (S. P. 237) (S. D. 94).

"An Act Relating to Amateur Boxing Contests." (S. P. 648) (S. D. 312).

"An Act to Authorize Portland University to Confer Certain Degrees." (S. P. 659).

Finally Passed

"Resolve, in Favor of the Central Maine Sanatorium, for Maintenance, Personal Services, Repairs and Equipment." (H. P. 1188) (H. D. 419).

An Act relating to the definition of Banking.

Bill On Its Passage to be Enacted

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

Mr. HOLLEY of Somerset: Mr. President, a constituent of mine has passed me an amendment which I wish to offer to this bill, and for that reason I move that the vote be reconsidered whereby this bill was passed to be engrossed.

The motion was agreed to.

The same Senator then offered Senate Amendment A, to amend by adding at the end thereof the following: "Providing, however, that in addition to the deer allowed to each person by the provisions of this Act any camping party during open season on deer shall have the right to kill an additional deer for the use of the said camping party."

The question being on the adoption of Senate Amendment A.

Mr. MORRISON of Franklin: Mr. President, it seems to me that this would be a very unwise amendment to the law. I think the members of this Senate will readily see that if a game warden went into a camp where there were six men and seven or eight deer hanging up his hands

would be absolutely tied, and there would be absolutely no way of enforcing the law, and I hope the amendment will not be adopted.

A viva voce vote on the adoption of the amendment being doubted, and a division being had, the amendment was lost.

On further motion by Mr. Morrison the bill was then passed to be engrossed.

On motion by Mr. Maher of Kennebec, the bill was tabled pending its reference to the engrossing committee.

Finally Passed

Resolve, in Favor of the Chaplains of the Senate of the Eighty-second Legislature (S. P. 657).

Resolve, in Favor of Elwin H. Simons, Document Clerk of the House of Representatives, for Extra Services in Preparing Weekly Cumulative Index to Senate and House Documents (H. P. 1257).

Resolve, in Favor of Charles S. Pierce, Secretary of Committee on Education, for Expense Incurred by Committee Visiting Normal Schools and the University of Maine (H. P. 1278).

Resolve, in Favor of the Chaplains of the House of the Eighty-second Legislature (H. P. 1291).

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

From the House: 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.

In the Senate the report of the committee, reporting "ought not to pass" was accepted.

It comes from the House passed to be engrossed in non-concurrence.

On motion by Mr. Maher of Kennebec, the Senate voted to adhere to its former action.

The PRESIDENT: In compliance with the order passed by this body to-day in connection with Senate Document 313, the same has been returned from the engrossing department to this body, relating to bill, An Act relating to workmen's

compensation. What is the pleasure of the Senate?

On motion by Mr. Wadsworth of Kennebec the vote was reconsidered whereby this bill was passed to be engrossed.

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

Mr. Hinckley then offered Senate Amendment A, to amend by striking out all of section one and re-numbering section two as section one.

Mr. HINCKLEY: Mr. President, during the consideration of this workmen's compensation matter before the committee on judiciary a member of the Governor's Council took up with us the proposition of considering the meaning of the law whereby compensation matter relative to a particular department are now paid out of the contingent fund and having it amended so that it would be paid out of the fund provided for that purpose, and the committee could see no serious objection to that proposition. It has been called to my attention to-day by the Senator from Kennebec, Senator Wadsworth, that this same matter came before the appropriations committee in the form of a bill and after consideration of the matter they reported "ought not to pass" on it and the legislature has accepted that report, and their appropriations have been made for the various departments with this recommendation and action of the legislature in mind. So that I feel under the circumstances it would be unfair for us to put this amendment in here now and ask that it be passed in this particular bill. This amendment strikes out that particular section, leaving the workmen's compensation changed only by the change from \$16 to \$18 in the maximum allowed.

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

On motion by Mr. Smith of Somerset, the vote was reconsidered whereby the Senate passed to be engrossed H. D. 520, bill, An Act relative to gasoline tax.

Mr. Smith then offered Senate Amendment B, to amend by inserting after the word "state" in the

ninth line the words "and excepting such internal combustion engine fuels from such tax to the amount of two cents per gallon and no more when."

The question being on the adoption of the amendment,

The amendment was adopted.

On further motion by the same Senator the bill was passed to be engrossed, as amended by Senate Amendments A and B.

From the House: Report of the committee on judiciary, on bill, An Act in relation to State funds for charity patients in public and private hospitals, H. D. 324, reporting that same be referred to the next legislature.

This came from the House with the report accepted.

On motion by Mr. Hinckley of Cumberland, the Senate voted to concur with the House in their action on this matter.

From the House: Report of the committee on ways and bridges, reporting "ought not to pass" on resolve in favor of building bridge at Fort Kent over the St. John river, H. D. 95.

This came from the House that body having substituted the bill for the report of the committee, and having subsequently substituted new draft under title of "Resolve in favor of building a bridge over the St. John river in the town of Fort Kent" for the original bill, the new draft having been passed to be engrossed.

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

On motion by Mr. Barwise of Penobscot, that Senator was permitted to introduce out of order the report of the conference committee on the disagreeing action of the two branches of the legislature on bill, An Act to provide for completion of the vital records of the State, H. D. 267, reporting that they have had the same under consideration and report that the same "ought to pass" in new draft transmitted herewith and known as draft "A."

The report was accepted.

The bill then received its first reading.

On motion by Mr. Barwise the bill then received its second reading,

under a suspension of the rules, and on further motion by the same Senator the rules were suspended and the bill was passed to be engrossed.

On motion by Mr. Maher of Kennebec, bill relating to zoning in cities and towns, tabled by that Senator to-day, was taken from the table.

This bill being tabled for the purpose of offering an amendment, on further motion by the same Senator the bill was retabled without printing.

On motion by Mr. Clarke of Hancock, that Senator was permitted to introduce out of order resolve in favor of Edna Hoyt for services to the Eighty-second Legislature as clerk to the temperance committee.

On further motion by the same Senator the resolve was referred to the committee on appropriations and financial affairs.

On motion by Mr. Cram of Cumberland, S. P. 666, now printed as S. D. 323, was taken from the table.

On further motion by the same Senator the report of the committee "ought to pass," in new draft was accepted.

On motion by Mr. Allen of York the bill was tabled temporarily.

On motion by Mr. Hinckley of Cumberland, H. D. 500, bill, An Act pertaining to taxes on railroads, was taken from the table.

The pending question being the adoption of House Amendment A,

On further motion by the same Senator the amendment was adopted in concurrence.

The bill then received its first reading, under a suspension of the rules.

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

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

After Recess

Senate called to order by the President.

The PRESIDENT: The Chair lays before the Senate, S. D. 136, tabled

by the Senator from Cumberland, Senator Hinckley, pending acceptance of report.

Mr. HINCKLEY: Mr. President, I find that the Senators from Aroostook are all absent. I have sent a messenger asking them to come in because I felt that they should be here during the discussion of this matter, and if we may have the indulgence of the Senate for a short time I will try and locate them. I move it be retabulated temporarily.

The motion was agreed to.

Mr. HINCKLEY of Cumberland: Mr. President, I move we take from the table S. D. 136.

The motion was agreed to.

Mr. HINCKLEY: In order to properly discuss this matter, because they all pertain to the same matter, it is the same bill, the reports on the same matter, I move that we take from the table S. P. 664, Senate report following, S. P. 665 and Senate Report.

The motion was agreed to.

Mr. HINCKLEY: Mr. President, I move that we accept Report C, and I wish to address the Senate just a few moments and explain my position in regard to it.

Report C is as follows: "The committee on judiciary to which was referred the bill entitled An Act to amend section 1 of chapter 97 of the Revised Statutes relating to right to erect and maintain mill dams and to divert water by a canal for mills, have had the same under consideration and ask leave to report the same in a new draft, under the title of An Act to amend section 32 of chapter 97 of the Revised Statutes relating to mills and dams" (S. P. 665), being designated as new draft B, and that it ought to pass. (Signed) Hussey, Hamilton.

Now the new draft as recommended is as follows: New draft B, being S. D. 327.

Section thirty-two of chapter ninety-seven of the revised statutes is hereby amended by adding to said section the following:

'Provided, however, that this chapter shall not apply to mills and dams erected upon streams whose waters ultimately reach the ocean at a point wholly outside the territorial limits of the United States of America unless said dams are authorized by act of legislature or by a decree of

the public utilities commission made after public notice and hearing on petition for such authorization.'

You will find by referring to S. D. 330 that I signed this report, being Report A, "ought not to pass," meaning opposed to its passage in any form.

The act itself is an act which interferes very seriously with the mill act so-called, which has been an institution of the State of Maine, on the statute books, during the entire history of the State, and is of very ancient origin, and business has been built up under it. It develops, however, that a situation is now pending on the St. John river that has caused alarm to some people. Personally I am not alarmed by it. Personally, I am convinced, after reading the treaty between Great Britain and the United States of America, covering these boundary waters, and after going into the rights and duties of the International Boundary Commission, that we will be fully protected by the Joint Boundary Commission, having to do with the allocation of power that is developed from any waters along the boundaries of the State. But we have reached the point where the two members of the judiciary committee from Aroostook County, Senator Hussey and Representative Hamilton, feel that in order to best protect the interests of the St. John River, living in Aroostook County in this State, that the new draft as presented here should be adopted, and this new draft takes the St. John river and its tributaries out from under the mill act.

Now I have come to the conclusion that if the members of this Legislature from Aroostook county desire to take this responsibility and the resulting consequences which I believe will follow,—because I believe they are making a great mistake and they will repent it,—but if they are willing to take this responsibility for the citizens of their own county, I am not going to stand in the way. I am in favor of the mill act remaining in toto as it is at the present time and as it has been all these years. This does not affect it except the St. John river and its tributaries. For that reason I am making this motion in the interest of a compromise, after stating my position to you.

Mr. CARTER of Androscoggin:

Mr. President, I have been somewhat interested in the so-called mill act most of my life and am somewhat familiar with it, and as the Senator from Cumberland, Senator Hinckley, wished to make his position very clear before the Senate for the record, I am going to trespass upon the time of the Senate very briefly in order that I may make my position clear, if possible, before the Senate.

The mill act, the lawyers of the Senate are very familiar with—if the laymen are not it will be an impossible proposition to acquaint them thoroughly with it in one afternoon. It has been in existence for a long time and up until a short time ago the rights under it seemed to be very well understood by the different corporations and people who were interested in developing dams under head. Some time ago, a company from the Saco river, I believe, attempted to develop under it the Kezar Lake, which instead of being a wilderness as the whole country was when the Colonial ordinance was first passed, was a summer resort property covered by cottages, camps and summer hotels. This got into court and the court in the following words said this: "The Mill Act speaks as of today and the individual who or the corporation which can meet its requirements, as do the defendants in the case at bar, can take advantage of its provisions and aid in building up the industries of the State as the State evidently wishes should be done. Moreover, to ask the court to set an arbitrary limit to the location of a reservoir dam above the benefitted mill is to ask not judicial action on our part but legislative action, a request with which we cannot comply."

In reading this case, it seemed to me that the court well realized, as it said on the previous page, "True when the act of 1821 was passed the idea of a reservoir eighty miles above the mill probably did not enter into the legislative mind," and realizing the act was passed when the conditions which exist today did not enter into the legislative mind in any respect, the court then made mention that they could set no limits on that because it was not a judicial action, it was a legislative action. And this mill act having grown beyond all proportions and out of all reason for what it was established for I feel I cannot put

it beyond the direct mandate of the court that the Legislature set a limit on the mill act, as the court so expressed itself in the opinion of Brown vs. DeNormandie in 123 Maine.

Having that in mind last January we know the coming of the people from New Brunswick here with many press notices and much acclaim, their departure from here quietly and unobtrusively, which laid open this whole Grand Falls proposition, and I most heartily agree with the gentlemen from Aroostook that the northern border of our State and the whole of northern Aroostook, the whole St. John valley, under our present mill act is open to the urge of Canada at Great Falls without any protection to ourselves and without any possibility of opening any negotiations whereby if Grand Falls takes our storage we shall have some of its power,—I agree thoroughly with the gentleman from Aroostook on the Judiciary committee and from the same source of opinion which my brother, the Senator from Cumberland, Senator Hinckley has in relation to the treaties and the law and the international law, I have made up my mind for what it is worth, that there is great cause for alarm, and that there is nothing in our law today which protects us or which gives Maine any opportunity of doing anything before the International Commission, and feeling that that need of Maine and that necessity of Maine is so great, I am willing to forego all else that I have asked for in my bill and most heartily join the Senator from Cumberland, Senator Hinckley, in supporting draft B.

Mr. HUSSEY of Aroostook: Mr. President, I should like to briefly state my position in this matter, which of course does vitally concern the people of Aroostook. I was in the first place about to agree with the Senator from Cumberland, Senator Hinckley that there was no need of any legislation, that the whole matter was covered by the treaty between the United States and Great Britain in 1909 and 1910, but on careful examination of that treaty I have come to the conclusion that the Joint Commission would not have any control over the tributaries of the St. John river and I would like to read you what is known as the preliminary article of

that treaty which reads: "For the purposes of this treaty boundary waters are defined as the waters from main shore to main shore, and the lakes and rivers and connecting waterways, or portions thereof, along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers or waterways, or waters flowing from such lakes, rivers and waterways, or the waters or rivers flowing across the boundary."

In other words, this treaty would affect bays, arms and inlets, but it would not affect, as I see it, the tributaries of the St. John.

Now as to whether or not legislation is necessary, I have in my hand the report of the International Commission pertaining to the uses and conditions of the St. John river, issued in 1917. In speaking of the Grand Falls project it says: "The utilization of this immense power that nature has placed at their disposal would unquestionably stimulate the prosperity of the people of both countries. The storage of power in both countries is a necessary factor for the use of which harmonious action by both governments is requisite. The great natural advantages, unusual railroad facilities, and the abundance of forest products available there, would seem to give every reason for believing that with proper development of this power, aided by such conservation of water as the evidence shows to be feasible, this section would witness a remarkable increase in wealth and population and appropriate legislation would safeguard the interests of the people of both countries and ensure to each a proper measure of the enjoyment." So it seems to me that even in that report they suggest to us that appropriate legislation is necessary.

The question of the constitutionality of this proposition has been raised by some, but after going into the thing fairly thoroughly I believe that the matter is thoroughly constitutional. And it does seem to me that unless we do take some action at this session of the Legislature, we really are not doing our duty, and I hope that the motion of the Sena-

tor from Cumberland, Senator Hinckley, will prevail.

Mr. HINCKLEY: Mr. President, just one word to clear up a situation developed by the reading of part of the treaty between our country and Great Britain by the Senator from Aroostook. It is true that the treaty provides that the International Joint Commission has no authority or power over waters within our State or waters within New Brunswick. That simply means that they cannot authorize dams to be built or reservoirs to be constructed in waters within our State. But if he will read further in his treaty, he will find that it does give the International Joint Commission power, and says that they shall, when any power is developed on boundary waters, and of course in this particular instance refers directly to Grand Falls, it would mean that if a dam built at Grand Falls, which is in New Brunswick, flowed back into the State of Maine, then the State of Maine would receive under an allocation of the water power developed at Grand Falls its proportional part of the water power developed, having due consideration for that part supplied by the State of Maine. And further, it means that if a reservoir should be built entirely within the limits of the State of Maine on tributaries of the St. John river, the Allegash, the St. Francis, the Aroostook river, or any of the smaller streams, then if a great lake or reservoir should be constructed and built there, and the Grand Falls over in Canada should get more power on account of this excess water which has been created in these rivers and goes to them, then the Joint Commission shall of course take that into consideration in the allocation of power. So that whatever is done in the State of Maine, or whatever part of the State of Maine contributes in any way from the tributaries running into the St. John river to a power at Grand Falls, all of that power would come to the State of Maine as allocated by this Commission, and would come to Aroostook county. And I want the Senate to understand, and I want to go on record as saying that a great development such as this is the thing that Aroostook county needs and the thing that Aroostook county will wish some day it had.

Mr. MAHER of Kennebec: Mr.

President, very briefly there are four reasons why I was opposed to the bill. I was opposed to the original bill because I felt that the case which the Senator from Androscoggin has recently adverted to had settled what was supposed to be fixed law as applied to modern conditions. I did not believe that it was seemly, that there was call, or that it was necessary, to have a State-wide change of law. It had just been fixed by the Supreme Court. I consequently signed the majority report on the main proposition of "ought not to pass."

I was attracted and interested by the situation arising out of the so-called St. John issue or change. I was not convinced, and am not convinced by anything that I have yet heard or read, that it was expedient or advisable to make this amendment which the Aroostook members on the judiciary committee desire, and that for three reasons, the first and primary one being that I think the conditions up there, the danger, was very much more fancied than real; and I believe that the adoption of this Aroostook amendment, so termed, will be later perhaps by others not familiar with the conditions existing just today, urged as a precedent for a general change, which may be urged with some degree of plausibility unless it is spread very distinctly upon the record that it is in no way a precedent or argument for State-wide change, but due to the particular and peculiar existing conditions of this boundary river. My second objection to the Aroostook amendment is this, I do not believe that the members of the judiciary committee from Aroostook county were warranted in their fear. It is a two-fold proposition, first the storage aspect, second the power at Grand Falls, the dam there.

As I understand, the plans are that that shall be the locus from which the power will be distributed. And then there will be big development at Grand Falls on the Canadian side. Now that dam is absolutely, of course, under the control of the Joint Commission and under articles 3 and 4 of the treaty their findings are final. We are represented on that Commission by three men—two actually now and there being one vacancy—but we have a membership of three men who are supposed at

least to conserve and look after the interests of the United States of America and have no—

Mr. ALLEN of York: Mr. President, I rise to a point of order—

The PRESIDENT: The Senator will state his point of order.

Mr. ALLEN: I would like before stating that point, I would like to address the Senate on a question of personal privilege if I might have a moment.

Mr. MAHER: I yield.

Mr. ALLEN: Mr. President, the Constitution of the State of Maine requires that the Government of the State shall consist of three distinct departments, namely, the legislative to make the laws, the executive to carry them into effect, and the judicial to decide questions which may arise in regard to their meaning or application. The constitution also provides that any man or woman from any walk of life may be elected to the Legislature of the State of Maine, hence my presence here this afternoon. When I came to this Legislature in 1917, I went to the hotel and I was seated at the hotel at a table at dinner—

Mr. MAHER: Mr. President—

Mr. ALLEN: I beg your pardon—

Mr. MAHER: I would like to know what possible connection the rambling and discursive remarks of the Senator from York have to personal privilege. It savors to me entirely of what I have seen too much of, a perfect working arrangement between the Senator from York and the Senator from Cumberland, as I am about to say something trenchant and of worth, when the Senator from Cumberland does not exercise the opposite of that "gift of silence," his colleague here from York steps in as a pinch hitter—

Mr. HINCKLEY: (Rising)

Mr. ALLEN: Just a moment, please, if I may have the floor.

The PRESIDENT: The Chair will have to invoke this rule, it is all he can do to listen to one of you at a time.

Mr. HINCKLEY: May I have a word at this time?

Mr. ALLEN: Just a word, and only a word.

Mr. HINCKLEY: I feel that the gentleman from York should be indulged in his rambling remarks because they are in keeping with his history during the past three months,

and I hope that he will continue to ramble until he has finished, and possibly we can finish the remainder of the session without interference.

Mr. ALLEN: That is very nice of him and I accept the amendment.

Now, Mr. President, as I was saying, or as I was about to say when interrupted by the honored Senator from Kennebec, Senator Maher, I was seated at dinner at the Augusta House with two other gentlemen at dinner. One of those gentlemen was the present President of this Senate. We became acquainted, told one another our business, or something of that sort, and at that time there started a friendship which has continued all down through these years, and it has continued uninterrupted up until the present time. This friendship is shared by the members of this Senate with me; and now, in behalf of the members of this Senate, I wish to present you, Mr. President, with a beautiful watch and chain to show to you the great appreciation of the members of this Senate and the loving esteem in which you are held by the different members of this Senate. I wish to say to you, Mr. President, that the only reason why you are not standing in my place and presenting this watch, or one similar to it, to the honored Senator from Cumberland, Senator Hinckley, or I might say to myself, is the reason, as I understand it, that you received more votes for that office than he and I put together.

Now, Mr. President, when you look at this watch the vivid recollection of all the wonderful weeks that we have spent here together will but intensify the hope that we may all sometime meet again. (Long Applause)

The PRESIDENT: Fellow Senators, I thank you from the bottom of my heart for this valuable and most beautiful watch. I knew, judging from the past, that this time was coming, and that I would be expected to say something worth while at the time of the presentation, but for some reason I could not until last night set myself to the task of collecting ideas in order that I might express myself in some way that might be appropriate on this occasion.

For some time I have pictured this day, a day like unto the last day of

school, a day in the somewhat distant past with some of us, when we with sorrowing hearts bid the faithful and forbearing teacher "Good-bye," and said "Good-bye" with no less reluctance to all of our school chums.

Senators, we have had one of the best working legislatures that ever convened under the dome of this Capitol building. While we have not always agreed upon all matters that have come before us for consideration, our differences I feel have been honest differences. Courtesy and manliness have never been found wanting, and the best of good feelings have always prevailed.

Fellow Senators, it has been my pleasure and my privilege—my honor, I will say, to have been a member of the Maine Legislature since 1917, and I must say in all fairness that the session of the Eighty-second Legislature of Maine has been one of the most harmonious sessions that I have ever known or enjoyed. Aside from this, I do not believe that any Legislature ever assembled in this great State of ours ever had at heart the best interests of the State of Maine any more than this legislature. But this is not all, for I believe that it is generally recognized by everyone that this is one of the best legislatures that ever took the oath of office in the State of Maine.

I should feel that I was at this time making a grave omission if I did not voice what I believe to be your views as well as my own of our appreciation of the painstaking and very efficient work of our generous and able Secretary and no less do we appreciate the faithful efforts of the assistant secretary, and also the official stenographers, our messenger and assistant messenger, our doorkeeper, postmaster and pages, for they have all rendered courteous and painstaking service, and I sincerely thank each one of them for their efficient efforts.

The thought that we are about to separate, and that the Eighty-second Legislature in a few days will be no more, fills my heart with sadness, for we are all conscious of the fact that when we part we never shall meet again.

I can think of no worldly possession that I shall treasure more highly for the balance of my life than this beautiful gift. It is valuable,

but it is a thousand times more valuable to me because of our associations, and because of the fact that the contributions of so many different members of this body have made it possible.

Fellow Senators, again I thank you for this now priceless gift, and for the consideration that you have shown towards me during this entire session. In return I can only wish for each and every one of you God's choicest blessings, health, happiness and prosperity. (Long continued applause)

Mr. MAHER of Kennebec: Mr. President—

The PRESIDENT: The Senator from Kennebec, Senator Maher.

Mr. MAHER: Mr. President, I will state that the Senate need not think that I was taken entirely unawares, because the genial Senator from York, Senator Allen, approached me yesterday and said "If there is any time to-morrow afternoon that you can catch Hinckley saying anything, arise and talk about whatever there is, and 'make much ado about nothing,' and I will break in on you, and then we will get down to the real business." I stated my views, and I will second the motion of the Senator from Cumberland, Senator Hinckley, in regard to the adoption of this Aroostook amendment. But before that question is put, digressing just a bit, and availing myself of the personal privilege, as to what happened on the 11th day of March, at which time I gave voice to a critical utterance having to do with the city of Portland, on the 8th day of March and the Columbia Hotel, the Senator from York, Senator Allen, was the farthest from my mind. I did not even know that he knew where it was located; and I would move, if it is appropriate and proper here, that in return for the splendid presentation speech made here that we show our appreciation of the Dean of this body by a rising vote of thanks. (Applause)

(The motion was carried by a unanimous rising vote)

Mr. ALLEN: Mr. President—

The PRESIDENT: The Senator from York, Senator Allen.

Mr. ALLEN: I accept the explanation from the Senator from Kennebec, Senator Maher, one of my closest friends. He and I have not al-

ways agreed on the floor of this Senate, but outside of this Chamber we are the closest of friends; and I sincerely wish that a copy of his remarks might be sent to my immediate family. (Laughter) I have had a great deal to explain during the last two or three weeks, and if this might be done everything would be satisfactory.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Cumberland, Senator Hinckley, who moves that we accept Senate report C, to S. D. 37. Is this the pleasure of the Senate?

Mr. HINCKLEY: Senate report C, which is an adoption of the new draft B.

The PRESIDENT: Is it the pleasure of the Senate that we accept Senate report C, with the explanation made by the Senator from Cumberland, Senator Hinckley?

The motion was agreed to.

The bill then received its first reading.

On motion by Mr. Carter the rules were suspended and the bill received its second reading, and on further motion by the same Senator the rules were suspended and the bill was passed to be engrossed.

Mr. Carter then moved that the bill be sent forthwith to the House for concurrent action.

The motion was agreed to.

On motion by Mr. Wadsworth of Kennebec, S. D. 325, resolve to pay certain deficiencies, was taken from the table.

Mr. Wadsworth then yielded to the Senator from Cumberland, Senator Cram.

The pending question being the first reading of the resolve,

On further motion by Mr. Cram the resolve received its first reading.

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

On motion by Mr. Allen of York, S. P. 666, resolve appropriating money to pay claims allowed by the committee on claims, tabled by that Senator this morning, was taken from the table.

Mr. Allen then yielded to the

Senator from Cumberland, Senator Hinckley.

On motion by Mr. Hinckley the resolve received its first reading.

Mr. Hinckley then offered Senate Amendment D, to amend by striking out the following: "Ward W. Wescott, Ellsworth, reimbursement for his expenditures in connection with the impeachment proceedings, 1923, \$1178."

Mr. HINCKLEY: Mr. President, addressing myself to this amendment, I recall two years ago to-day, a day or two before the adjournment of the legislature of two years ago. I remember standing on the floor of this Chamber and defending the Governor of the State of Maine with whom I had not been working in very close accord on his position in regard to an omnibus bill being presented. I remember of calling to the attention of the members of the Senate at that time the fact that I considered it unfair for the legislature to present to the Governor a resolve in such a form that he could not properly and fairly exercise that right which the constitution gave him, that right of veto, and I will say that it has always appeared to me to be unfair to do this thing. In that particular resolve there were a large number of matters, most of which the Governor of the State of Maine favored, and some which he was not in favor of. But in order to exercise his right to veto those that he was opposed to it was necessary to veto the entire matter. I hope this legislature will not put itself in that position, or to place the Governor in that position at this time. I am presenting an amendment here that covers only one matter, and I will state my position upon that.

This is the claim of Ward W. Wescott, who was the sheriff of Hancock county for reimbursement for expenses in defending himself before the Governor and Council. Probably the matter is clear in the minds of all members of this Senate. No legislature, so far as I have been able to ascertain, has ever done such a thing as this. It is a most dangerous precedent. I am speaking as a personal friend of the petitioner, the one who would benefit by the resolve. Before this was presented I talked with him and with friends of his, and I told them I did not see how the legislature could fairly do

a thing of this kind. This is analogous to a case where some person, some inhabitant of our State is arrested for some serious offense, murder, if you please, and after languishing in jail for months tried and found not guilty, and yet no one ever heard of such a case as that being presented to the legislature for reimbursement for their expense in defending themselves, for their loss of time and for their humiliation or anything of this kind. It could not be done because if we started along this line of reimbursing then every person who was accused of crime and found not guilty would be seeking the same treatment, and the State would be bankrupt. Under our theory of government it is absolutely certain that a few must suffer for the benefit of all; it is the general good of the entire State that we must consider, and I do not feel that this legislature can safely go on record as establishing such a precedent.

Mr. FOSTER of Kennebec: Mr. President, it is possible that the Senator from Cumberland, Senator Hinckley, has stated this matter exactly as it is, and it is quite possible that a wrong impression may be obtained from what has been said. It was brought out in the course of the hearing relative to this matter that the gentleman referred to was an officer of this State. He was summoned before the Governor and Council on an accusation questioning his integrity as an official. He was forced to defend himself. He was put to an expense of something like \$300 more than the amount called for in this resolve, and that was just for the counsel fees that he was obliged to pay. It was also brought out in the hearing that aside from the Governor who voted against Mr. Wescott there was just one other member of the Council who voted against him, and that was the brother of the Governor. The remainder of the Council voted to exonerate him. This matter came before the committee on claims and we gave the measure very careful and serious consideration from every angle, and we believed that this was a just claim that he should be reimbursed for his counsel fees as much as some other cases which have been passed upon by this legislature. It was demanded of him that he defend himself, and I am sorry to say that the

committee felt that this was a case of persecution on the part of just two people. I think what I have said will be borne out by the other members of the committee, that this matter was given serious and conscientious consideration. We believed that Mr. Wescott has a claim against this State for this amount, and I do hope that the amendment offered by the Senator from Cumberland, Senator Hinckley, will not prevail.

Mr. CRAM of Cumberland: Mr. President, I will say that this matter was presented to the committee on claims, and we were informed that prior to the change in the law matters of this sort usually came before the legislature, and after the change in the law a few years ago these matters have all gone before the Governor and Council. Prior to that, during the session of 1913, and also at other times, there were similar trials before the legislature, for instance, the occasion when the sheriffs in two or three counties, and also I think the county Attorney in some cases were tried before the legislature. In some of those cases they were found guilty, but in those cases we found that the defendants were reimbursed for their expenses. The committee thought that the precedent had already been set and the committee acted in its best judgment.

Mr. SMITH of Somerset: Mr. President, it would appear from the remarks made by the Senator from Cumberland, Senator Hinckley, that the committee on claims had departed from a proper procedure in reporting claims under what is termed a blanket resolve. Aside from following the precedents established by legislatures of the past this procedure is also in accordance with the reports of the committee on appropriations. We have resolves for academies and they all appear in a blanket form. Also in accordance with the practise of the committee on ways and bridges whereby resolves for roads and bridges are reported in blanket form. Thus I do not want it to appear that we have departed from any precedent or that we have instituted a new method of procedure in this matter.

As to the merits or demerits of the case under consideration I can only say, as has been stated by those Senators who have preceded me,

that we acted according to our best judgment relative to this matter and awarded that verdict because we believed it was right and just.

Mr. MAHER of Kennebec: Mr. President, prior to the change of the law, as has been mentioned by the Senator from Cumberland, Senator Cram, the so-called Hastings Law, an executive officer in one of the counties of our State, being the sheriff, was removable only through impeachment proceedings or presentation by the legislature, and during the last wholesale removal of sheriffs and the attempted removal of a county Attorney under the administration of the late Governor Haines, at a time when the present Chief Justice was the Attorney General of our State, I know that I appeared in defense of one sheriff, and I know that an allowance was made by that legislature in full compensation without any question, for all of the Attorneys connected with the various cases. There was no question made whatever and it received the fullest approval of the legislature and received the sanction of the then Governor, Governor Haines, who had sought the removal of the sheriffs.

It seems to me that there is no analogy between the illustration of a man charged with crime and an executive officer of the commonwealth, the head of a county brought before a tribunal created by the legislature charged with the dereliction of his official duty. It is of the very highest moment that a man so charged should have the very fullest defense, because a record of conviction of him before the tribunal hearing the case is not only a personal reflection but it is a blot upon the name of the State and its sovereignty itself. It would be a strange state of affairs if this legislature under the delegated power of removal to another branch of the government, the Governor and his Council, thereby saving expense and facilitate the removal, as was the argument made for the change of the law, when it was necessary because it might be done during the recess of the legislature—it would be a strange departure for a sheriff haled in before the tribunal created by the legislature and found not guilty, if that man must be remitted back to his position just that much poorer for his endeavor to sustain his own

reputation and the escutcheon of the State

I think, Mr. President, that this is a proper resolve. I know nothing about the merits of the case, but it does not seem to me that we ought to establish now a new and dangerous precedent of striking from this resolve, from the report of the committee on claims a matter that has thus been unanimously passed upon.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Cumberland, Senator Hinckley, who moves the adoption of Senate Amendment D.

A viva voce vote being doubted,

Mr. Hinckley called for a rising vote.

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

A division being had, three voted in favor of the amendment and nineteen against.

So the amendment was lost.

Mr. BUZZELL of Oxford: Mr. President, I would like to offer Senate Amendment B, and move its adoption.

Mr. Buzzell then offered Senate Amendment B, to amend by striking out the following: "Charles H. Cutter Coal Company, for loss on contract for coal for Augusta State Hospital, January, 1922, caused by government interference and increase in price of coal one dollar and twelve cents per ton, total, \$4449.68."

Mr. BUZZELL: Mr. President, I happened to be present at the hearing on this resolve, and I was struck by the fact that it seemed to me it took a very slight foundation upon which to build a claim against the State of Maine. The facts in relation to this, as I have learned them, are these. In 1922 Charles H. Cutter Coal Company of Boston submitted bids to furnish some four thousand tons of coal to the Augusta State Hospital at a certain price per ton. That bid was accepted through the Governor and Council, and I have here letters that passed between the parties in regard to the agreement. I will say that the coal was delivered and the Charles H. Cutter Coal Company has received every dollar that was due to them under the terms of this contract. Later they made a claim that owing to the adjustment of wages at the

mines they should have \$1.12 more per ton for this coal, and they presented a claim for this amount of \$4449.69. Now I am informed that other coal companies furnishing coal to the State of Maine in other places fulfilled their contracts and did not squeal about this difference in the price which is claimed. I think we have all had experiences when we didn't think we were getting as much as we thought we were getting, or as much as we ought to have out of some deal, but we have stood up and done just as we agreed to do, and fulfilled our obligation. I don't find anything in the course of this correspondence that indicates that the coal cost them this extra \$1.12 per ton more than what they thought it was going to cost, but in some manner they have figured out that they ought to have that much more. Now I will venture to say that that coal company made a good profit on the transaction as it was, and if they didn't get quite as much as they expected, then I think it would be better for them to stand it and not cry baby. Do you think if that coal had dropped a dollar a ton that they would have returned that extra amount to the State of Maine? I don't think so. For these reasons I move the adoption of Senate Amendment B.

Mr. SMITH of Somerset: Mr. President, it happened to be my pleasure as a member of the committee on claims to also hear this case when it was presented to that committee. I wish to state that the Charles H. Cutter Coal Company, as has been stated here, did deliver this coal, and that eleven days before the coal was shipped from the mines the Charles Cutter Coal Company advised the State of Maine that due to the fact that the federal government had interposed and had established the prices of coal that they could not supply it at the contract price. And furthermore, that Mr. Lane, who was the fuel administrator of the State at that time, appeared before the committee and stated that in his judgment this was a just claim.

Also, in order that we might consider carefully and fully this matter before reaching a decision we sent for the purchaser of the institution where this coal was to be delivered and where it was delivered, and he stated that in his judgment it was a

just claim, and that the institution could not have purchased this coal elsewhere for a lower price than the price which this would amount to if the claim was added to it.

Therefore, the committee unanimously voted to give this claim fair consideration, and now hope that you will not see fit to adopt this amendment.

The question being on the adoption of the amendment,

A viva voce vote being taken,

Mr. Buzzell called for a division.

A division being had one voted for the adoption of the amendment and nineteen against,

So the amendment was not adopted.

On motion by Mr. Cram of Cumberland, under a suspension of the rules, the resolve received its second reading, and on further motion by the same Senator the rules were suspended and the resolve was passed to be engrossed.

On motion by Mr. Maher of Kennebec, H. D. 517, bill, An Act to enable cities of over 35,000 to regulate and restrict the construction of buildings and the use of land by zoning ordinances, was taken from the table.

Mr. Maher then yielded to the Senator from York, Senator Roberts.

On motion by Mr. Roberts, Senate Amendment A, introduced by that Senator, was withdrawn.

Mr. Roberts then introduced Senate Amendment B, and announced that it was practically the same amendment excepting that it applies to village corporations where the citizens are qualified voters.

On motion by Mr. Allen of York, the bill and amendment were tabled temporarily.

On motion by Mr. Hussey of Aroostook, H. D. 491, bill, An Act authorizing the recording of marketing agreements or co-operative agricultural societies and requiring that liens hereby attached to crops before delivery to the association, and to the member's interest in the association after such delivery be collected through the association, was taken from the table.

Mr. Hussey then yielded to the Senator from Aroostook, Senator Powers.

Mr. Powers then offered Senate

Amendment A, and moved its adoption, to amend by adding the following as the next to the final section thereof: "This Act shall not apply to crop mortgages executed by persons who became members prior to the taking effect hereof unless such members shall in writing assent to and agree to be bound by its provisions before the execution of said mortgage. Such assent shall be recorded in like manner as marketing agreements are recorded, as provided by section three of this Act and no such assent shall have any legal force or effect until so recorded."

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

On motion by Mr. Foster of Kennebec, S. P. 667, resolve to pay unpaid premiums due on account of insurance on State piers and sheds for policies issued in 1923 and 1924, was taken from the table.

On further motion by the same Senator the report of the committee, reporting "ought to pass," was accepted.

The resolve then received its first reading.

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

On motion by Mr. Lane of Androscoggin, S. D. 302, bill, An Act to create a State Athletic Commission for the supervision and regulation of boxing and wrestling, was taken from the table.

On further motion by the same Senator the Senate voted to insist on its former action and ask for a committee of conference.

The President thereupon appointed as such committee of conference Senators Lane of Androscoggin, Maher of Kennebec and Hinckley of Cumberland.

On motion by Mr. Maher of Kennebec, H. D. 51, bill, An Act providing for a yearly limit of one deer in all counties of the State, was taken from the table.

Mr. Maher then yielded to the

Senator from Piscataquis, Senator Crafts.

The pending question being the passage of the bill to be enacted,

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

On motion by Mr. Cram of Cumberland, that Senator was permitted to introduce out of order report of the committee of conference on the disagreeing action of the two branches on bill, An Act amendatory of and additional to chapter 148, relating to State pensions, creating a field agent for the blind and guide, and defining the duties and compensation of such field agent and guide, reporting that the bill be referred to the next legislature.

The report was accepted.

From the House: Bill, An Act to provide for the completion of the vital records of the State.

In the Senate the report of the committee of conference was accepted.

It now comes from the House that body refusing to accept the report of the committee of conference and voting to adhere to its former action in indefinitely postponing the bill.

On motion by Mr. Barwise of Penobscot, the Senate voted to concur with the House.

From the House: Resolve in favor of building a bridge at Fort Kent over the St. John river.

In the Senate the report of the committee, reporting "ought not to pass" was accepted in non-concurrence.

It now comes from the House that body voting to insist on its former action and asking for a committee of conference, with such committee appointed in that branch.

On motion by Mr. Allen of York, the Senate voted to adhere.

Additional papers from the House disposed of in concurrence.

From the House: Majority and minority reports from the committee on judiciary, majority reporting in new draft under the same title and "ought to pass," and minority reporting "ought not to pass" on resolve relating to the rights of the

State of Maine on the St. John river.

In the House the majority report was accepted, and the resolve in new draft passed to be engrossed.

On motion by Mr. Hinckley of Cumberland, the majority report was accepted in concurrence.

The resolve then received its first reading.

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

On motion by Mr. Maher of Kennebec, the vote was reconsidered whereby this resolve was passed to be engrossed, and on further motion by the same Senator the resolve was tabled.

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

In the Senate that body voted to adhere to its former action, in referring the resolve to the next legislature.

It now comes from the House that body voting to insist on its former action and asking for another committee of conference, with such committee appointed in that branch.

On motion by Mr. Barwise of Penobscot, the Senate voted to adhere.

Mr. MAHER of Kennebec: Mr. President, before we proceed further I move that we reconsider all votes of adherence previously taken to-day, and I hope that my motion will be voted down, so that these matters will be closed and not brought up to-morrow.

A viva voce vote being doubted,

The PRESIDENT: All those in favor of reconsidering our votes whereby we have voted to adhere in connection with several bills that we have considered this day will rise and stand until counted.

A division being had, the motion was lost.

Mr. POWERS of Aroostook: Mr. President, I move that we reconsider our vote whereby we passed to be engrossed S. D. 491, as amended by Senate Amendment A. I will say that we had come to an agreement as to having this printing done under the impression that there might

be an alteration later, and we find now that it is necessary for this body to decide this question now, and it is for that reason that I move that we reconsider the action whereby we voted that this bill be passed to be engrossed as amended by House Amendment A and Senate Amendment A.

The motion was agreed to.

Mr. Powers then moved the adoption of Senate Amendment A.

Mr. HUSSEY of Aroostook: Mr. President, inasmuch as my colleague, Senator Powers, does not see fit to address himself to this question at this time, I shall state my position relative to this measure. As you all know, Gentlemen, in 1923 we passed what is known as the marketing act. The purpose of that measure was to form an organization, and the members of the exchange who belonged to the organization were to market their potatoes through this exchange. There are about 3100 members belonging to this exchange at the present time. The exchange has functioned nearly two years.

The sentiment in Aroostook county as to whether or not it has been a success is somewhat divided. I personally hold no brief for the organization, but I do go this far, that I am unwilling, at least, I should not want to go back to the old system, the old way of doing things. Now the old law, as it stands today, is this, that a member of the Exchange may give a crop mortgage of his potatoes, and if the crop mortgage is recorded before July 1st in the town clerk's office where the mortgagor resides, then the mortgagee has control of those potatoes, and unless his mortgage is paid he can do with the potatoes as he sees fit. If the mortgage is recorded after July 1st, then in that circumstance the potatoes must go through the Exchange. The reason for that law, or at least one reason for it was because it gave the Exchange an opportunity to tell about how many potatoes they were going to handle in a given year. The purpose of this co-operative amendment, that has been introduced at this session of the legislature would be this: That every member of the Exchange must put his potatoes through the Exchange regardless of the crop mortgage.

As I say, there are around 3100 members. I believe last year it was

necessary for about 42 per cent of the 3100 members to give crop mortgages. Conditions, as perhaps you know, in Aroostook county for the last four or five years have been extremely bad. There have been some instances, I believe, where members have given crop mortgages with the idea of getting out from under their contracts which they originally signed. But the purpose of introducing this act on the part of the Exchange is that they may have the tonnage.

Last year they claimed that by reason of these crop mortgages they lost the handling of about a million barrels of potatoes, and of course it makes the expense that much more on those who do put their potatoes through the Exchange. Many farmers, or at least a good portion of them, are in a position where they do not have to give crop mortgages, they belong to the Exchange, and of course for those that do not go through the Exchange their burden is just that much more.

I have given the matter very serious consideration. As far as I myself am concerned I believe that we ought not to go back to the old system. While, as I say, perhaps the Exchange is not working satisfactorily all round, I believe that by constructive work it will function so as to do better that it has in the past even. I hate to go back to the old system. Mr. Beck, who is business manager of the concern, informed the delegation that unless the Exchange could handle the potatoes of all the members it would have to close its doors and liquidate what they have at the present time.

This matter came, as you know, before the judiciary committee of which I am a member. Before the hearing several of the members of the committee wanted to know my views. In order that the matter might have a fair hearing I absolutely refused to state my views to the committee until after the hearing. The committee heard the matter and there was a unanimous report that the bill ought to pass. Personally, I think the report is a wise one.

Mr. SMITH of Somerset: Mr. President I would inquire through the Chair, whether the Senator was speaking upon the adoption of the amendment.

Mr. HUSSEY: Replying through the Chair, I would say that I am, because in my opinion the adoption of that particular amendment would mean that the law might just as well remain as it is. In other words, the amendment is of such effect that it would take all the teeth out of the law.

Mr. SMITH: Mr. President, aside from changing division of the overhead expense, will not the Senator from Aroostook kindly state any further or other objection to amendment A.

Mr. HUSSEY: The amendment as offered by my colleague, Senator Powers, is this: that this act shall not affect those who do not consent to it. That means this, as I would understand it, that if some of these fellows want fertilizer they can be dictated to and say, Here, unless you do not assent to your potatoes in not going through the Exchange, we will refuse to furnish fertilizer.

Mr. SMITH: Not being familiar with the bill, and since there seems to be a feeling from Aroostook County in favor of the amendment, I would state that I am asking for information solely,—does the original bill provide in any way for furnishing or supplying fertilizer to the members of the organization?

Mr. HUSSEY: Replying to the Senator from Somerset through the Chair, I would say that the original bill does not, but within the last week or ten days there has been an organization formed, I believe, which is going to take care of these members of the Exchange who are unable to get fertilizer, so far as the finances of the organization are able. The organization is to be an intermediate credit organization, as I understand it, with a capital of \$75,000. They are going on the assumption—and I have been told by a reputable banker that it is possible, with a capital stock of \$75,000 to borrow up as high as four hundred to four hundred and fifty on a crop of this sort, on a short time proposition. How far that money will go in purchasing fertilizer for those who are not able to get fertilizer I do not know. But that, I should say, would certainly be the maximum that they would be able to get.

Mr. POWERS: Mr. President, just speaking about this company, that is, I believe, in the process of being formed, but as I understand it

not yet absolutely formed and paid in the money—if I am in error, my colleague, Senator Hussey, will correct me. The fertilizer bill of Aroostook county, the average bill is between four and five million dollars. The Armour Company alone, I am told, last year sold in the vicinity of two million dollars. So that even granting there could be this sort of a credit corporation formed, that could by rediscounting a form of security that no good bank will take practically as its sole credit, whether they could expand the \$75,000 capital to \$450,000 available cash, I don't know. I can conceive how it could happen, but even if they could, it would be entirely inadequate to the situation.

And now just to speak in reply to Senator Smith as to what the effect of this amendment is and what the present law is. In 1923 the times were very bad in Aroostook and this bill was introduced. As soon as the form of the bill was known, great opposition arose to it and many citizens of Aroostook came down here to the Legislature, and all the Aroostook delegation agreed that the bill should take the form it has at the present time. That is, the original bill as introduced gave the association absolute control of the mortgaged potatoes, and of course, as you all know, it is customary for mortgagees to control the security on which they lend money. And the fertilizer companies at that time said they would be unable to extend credit on crop mortgages if this went through. And as everybody desired that we should have our fertilizer, because without fertilizer we can have no crops, all the members of the Aroostook delegation agreed at that time and the law went through in that effect.

There are now 3100 members of the Exchange. They have signed a contract which carries very severe penalties for violation. And as it stands today, you will understand the Exchange markets the potatoes, but if the potatoes are mortgaged the mortgagee has the right to control his security. Now this bill as it stands, the new bill, while it is not in the form of an amendment, is in effect an amendment to the old bill. And the change that it makes is just this, that it provides that all potatoes that are mortgaged—whether mortgaged or not—must be disposed of through the Exchange. Well the

effect of that of course is to vary or to change the rights of the mortgagee. Now there is of course a constitutional question involved, whether or not that is not a varying contract. I personally think it is. Well, now what the amendment offered this afternoon does is to provide that this new thing, this new burden, or this new power, shall not be given to the exchange until the members who are under the original contract consent to its variation. It seems to me a perfectly fair thing. It does not take the members out of the Exchange. It does not in any way affect the previous act, but it just says that after a contract has been made it shall not be varied.

In regard to the affairs of the Exchange I know very little about them, only that at the hearing before the Aroostook delegation, Mr. Beck, the business manager, said there had been a very substantial increase in its business last year. I think he said about 50%, but I am not sure, and Mr. Foss, the president, said he expected there would be a substantial increase this year. We none of us desire to injure the Exchange, but we do want to be fair both to the Exchange and to the farmers that are in it, and it is just a plain proposition of giving a man a right to say whether or not he will go into another contract.

(At this point, Mr. Holley assumed the Chair).

Mr. HINCKLEY: Mr. President, as chairman of the judiciary committee, before whom this matter was thoroughly discussed, taking an entire afternoon until seven o'clock in the evening, I feel in view of the controversy here that I should give to the members of this Senate an impartial view of the real situation and what this bill means, and what the amendment means.

Two years ago the co-operative marketing act was passed. It has to do of course with potatoes. It was a potato situation. Since that time the potato market has been such that everybody who has been dealing in potatoes in any way, growing them or selling them, has gone in the hole. It has been a serious situation. The natural result of that situation is a dissatisfaction to some extent with the organization that has had to do with the marketing. Personally I believe, and I am voicing the opinion of the President of the United States and of the

Commissioner of Agriculture in Washington, and most of those who have given great thought to this matter, that the cooperative marketing proposition is the salvation of the farmers of the country.

Now under the law at the present time, this co-operative marketing law, every person who joined the association, became a member, some 4100, every one of them made agreement, and those agreements were recorded and became public information to everybody. Every person who signed an agreement agreed at that time that all of the potatoes grown by him should be marketed through this association. I do not have to take time to explain to you why this is necessary. The cooperative marketing association in Aroostook County especially, and in other large centers of the state where they grow potatoes, must know early in the year how large warehouses are necessary in order to care for those potatoes. They must have some idea of the amount of potatoes they are going to get. Now under the situation in Aroostook County it has for some years past been necessary for the farmers to mortgage their crops to the fertilizer people. The fertilizer people during the past year took a mortgage of the crop, knowing at the time they took it that the farmer had pledged those potatoes to this Exchange, this co-operative association.

The evidence showed that there were independent dealers who were trying to put the Exchange out of business. It was quite evident not only that they were trying to do it, but their reasons were obvious. The fertilizer people joined with them and the fertilizer people of the State of Maine came before the committee in this room on that afternoon and said to the committee, If you pass such an act as this, that would require us, having a mortgage of the crop, require us to turn our potatoes over to the Exchange, then we will refuse fertilizer, and we represent all the fertilizers, and they cannot get any fertilizer in Aroostook county. Now that is what it amounted to.

The committee unanimously took the position that it believed that this bill should be enacted; that it believed that this Legislature should not be intimidated by the fertilizer trust of this country, and that they

could not come to the Legislature of the State of Maine and tell us by threats that they would put the farmers who grow potatoes in this State out of business unless we did as they wished us to. That is the situation. We unanimously agreed to that. We unanimously reported this bill.

Now this amendment, if it passes, means that you might just as well, as stated by Senator Hussey, just as well indefinitely postpone this whole bill, because it takes all of those who are now members of the association out from under the provisions. Now the evidence showed not only those who were mortgaging for fertilizer, but it also developed, and one I have in mind particularly who lived down in Houlton,—he got on to his feet and he said he didn't want to be deprived of the right to mortgage his potatoes for the specific purpose of keeping the Exchange from getting them, because he thought he might get more from somebody else. In other words, they would continue under the present law to put on fake mortgages for the specific purpose of breaking their contracts, that is what it amounts to. The evidence was clear and convincing before us.

Now what is the injury to the person who takes an honest mortgage? the fertilizer companies, for instance? This act provides that if they take a mortgage from a member who has agreed to deliver potatoes to this co-operative marketing association, that those potatoes, though mortgaged, will go into the Exchange and be sold by them, and their security will be changed from potatoes to cash, because their lien under their mortgage will follow the cash, and after the potatoes are sold by the Exchange that cash must be held there and paid over to the mortgagee, every dollar, with interest, that belongs to him before the farmer can get one cent. It is not a new thing in the State of Maine. We attach property all over the State. If that property is perishable, we get authority from the State of Maine to sell that property and turn it into cash to preserve the assets, or preserve the security. This is practically the same thing. It is saying to the man who takes a mortgage, You know that this farmer has agreed to give the potatoes to the Exchange. You must,

although you have a mortgage, turn the potatoes over and allow them to be reduced to cash and you will get your cash. And the fertilizer people told us in this room at that hearing that they would be protected just as well, except they probably would have to wait a little longer for their money and they would be deprived of the right to sell the potatoes themselves, and they insist on that right.

Now I believe the theory of co-operative marketing is so well understood by this Legislature that you will agree with me that in order to be effective you positively must give them control of those potatoes. Second, that whoever takes a mortgage is not injured in any way or in any respect because his lien goes to the cash instead of the potatoes. Now this amendment, if adopted, as I said before, will absolutely defeat the purposes for which this bill was put in, and I am for the farmers of the State of Maine, in an endeavor to work out this co-operative plan.

A finance commission has been spoken of. A vote was taken by the co-operative marketing association last Saturday, according to the report which has come to me, and I am sure it is correct, they voted in case the Finance Commission through its \$75,000 corporation could not take care of them, that they would go further and they would see that letters of credit were extended to any farmer who needed fertilizer and who could not get it for the purposes of growing his crops. I believe, have faith in the farmers of the State of Maine, that they can grow crops, and successfully grow crops, and find the money to grow those crops with regardless of any threats of the fertilizer trust of this country to the contrary.

Mr. CARTER: Mr. President, it seems to me, without discussing the original act, the contract and marketing agreement, and the present act and the amendment under discussion, too much in detail, we have this proposition, that two years ago this association was created here in the Legislature in this State, and after that was created certain contracts and agreements were drawn up, by which these farmers, potato growers, became members of the co-operative association and agreed to the contracts and signed them and

were bound by whatever rules, regulations, by-laws and conditions were expressed. They have gone ahead with that proposition. That is the proposition on which they went into this co-operative scheme, which as my brother, the Senator from Cumberland, Senator Hinckley, says is probably the salvation of the farmer and fruit-grower in these modern days. This may be his salvation. I do not think this Legislature can force on him that which he does not wish to take in the way of co-operative agreement. It seems to me the words "co-operative agreement" at once lose their force when the Legislature says by its mandatory act what his co-operative agreement will be. He has certain rights by entering into this marketing agreement. Whether they are good or bad I am not going to discuss. I do not know about them.

Now they come down here this year with a bill which changes those rights. The association does not come. Somebody comes for it. We will say the officers come to this Legislature and say this co-operative agreement, plan, district, exchange, where we all work for the benefit of each other and all asset to whatever is done, that now some of them do not want to assent, so you force it into this voluntary co-operative agreement, plan, district, exchange which they signed up to two years ago, change them arbitrarily, and still it is co-operative. I think a man who signed this contract as a member of that Exchange, under the rights as laid down in this contract, has got a right to rely on the contract as it is and do that which he sees fit under it.

Now this bill, 491, I know not just how it changes the original bill, but it does to some extent, and varies it. Whether those variations are good, bad or indifferent, I do not think appeals to me at this time, as this is a general proposition which does appeal to me. But added to that is this proposed amendment, which simply says that each member of this co-operative company, a voluntary thing, entered into voluntarily, and who obtained and had his rights fixed under the contract which he signed, shall not be forced to take a different contract by this Legislature unless in writing he assents to it and agrees to be bound by its provision. I think that is fair. If any

of us make any sort of a business contract, the one with the other, we certainly have a right to expect that whatever the subject matter of the contract, that shall be carried out under the conditions expressed in a written contract. I think that is elemental. It does not even take a lawyer to understand it. I think a layman can get that. And it is that upon which our business is built up. Now I think any law which attempts to change the terms and conditions of a written, signed contract between parties, signed prior to the passage of the law, is wrong unless those parties—it being a co-operative association—unless those parties agree to adopt such change. If they do, it is perfectly all right, and I cannot see why it is not an absolutely fair amendment, to leave this cooperative association as it was when its members signed it, unless its members assent to some variation to the contrary.

Mr. BARWISE of Penobscot: Mr. President, I find myself, strangely enough, in agreement with the Senator from Cumberland,—I think the first time for the session. I think I see in this whole proposition something of a hangover from the fight of two years ago. Two years ago this was a grand fight between the buyers and the growers of potatoes in Aroostook county. The buyers had been milking the growers for many years and the growers woke up to the idea of adopting a co-operative marketing plan, as is carried on in California in the fruit-growing industry and in some other branches of industry. Now the fight has still continued. The buyers in collusion with the phosphate people have endeavored to put this Exchange out of business, as it looks to me from the side lines, and this is merely a continuation of the old fight. They have used all sorts of pressure and coercion to get these farmers who had already signed up that their potatoes should go through the Exchange, to get them to mortgage to the fertilizer people so as to divert as much of the crop as possible away from the Exchange for the purpose of discrediting and wrecking the whole organization.

Now it seems to me that however plausible the argument of the distinguished Senator from Androscoggin County is,—and in ordinary circumstances I might agree with all

the principles he has laid down,—under the particular circumstances as they exist in Aroostook county, there is not that free co-operative independent action because they are under the pressure of the fertilizer people and the pressure of the buyers, and the pressure of the banks that the buyers and the fertilizer people influence. It seems to me that these Aroostook county people have started in on a gigantic experiment to pull themselves out of this condition that they have been in for the last four or five years through this Exchange, and by actual experience they find that they are up against this same difficulty that I have spoken about, and in order to obviate that difficulty, to make this Exchange a working organization, they must have this bill as originally proposed. It seems to me that this Legislature would be derelict in its duty if it did not offer this organization the machinery to carry on this experiment a few years and actually see how it would really work out. But if this amendment as proposed by the other Senator from Aroostook, Senator Powers, is adopted, all of the teeth will be taken out of the matter, there will not be any possible way to see whether this experiment is going to work out or not.

I hope this amendment will not prevail and that the bill will prevail.

MR. POWERS: Mr. President, the Senator from Cumberland, Senator Hinckley, and the Senator from Penobscot, Senator Barwise, have used the words "coerce" and "intimidate" on the part of the great fertilizer trust. Now, in order to make my position clear in this matter, I might say that for a person of independent circumstances the influence of such arguments would perhaps not be very heavy, and also for a person holding public office the influence of an association having several thousand members might be quite influential. It seems to me that the idea of a Maine legislature or any member of it being intimidated does not apply to this case. Now as to the teeth, I will say that this amendment does not take a tooth out of the old law. It does not take anybody out of the exchange. The old law of 1923 remains just the same. All those members that are in there, if they buy their fertilizer for cash and have no mortgage on it, they must sell

through the exchange and properly, because I believe in co-operative marketing. But it does do this. It says before this contract shall be varied these men should have the right to assent, and that is all there is to it. And I might also say in addition to that that at least five hundred and perhaps fifteen hundred farmers in Aroostook county will be absolutely driven out of business if this law goes through without the amendment; and even with the amendment I don't know that they will be helped very much. But it is something that may cause some relief. These are the poor and the weak, and they are just as much entitled to be able to get that essential fertilizer—and I will say that I have no interest in the fertilizer companies, except to say that fertilizer is absolutely essential to the crop. There is no doubt but that the fertilizer companies are good business people, and I presume they would be glad to sell all of their fertilizer for cash, but if they cannot sell it for cash then they require some security. This affects the weak, those who cannot finance themselves. Now some of them perhaps don't know how it affects them, but I submit, Mr. President, that the whole theory of representative government is that we send men to represent us who will look out for our interests even if we are not able to do it for ourselves.

MR. HINCKLEY: Mr. President, I want to remind this Senate that ten members of this legislature who heard all the testimony unanimously voted in favor of this bill. Those ten members most unanimously agree that this particular amendment defeats the purpose of the bill which was recommended. On the judiciary committee was Senator Hussey of Aroostook county, who himself is a potato grower, Representative Hamilton, a member of the House of Representatives, who stated that he grew 1800 barrels of potatoes last year and sold them through the exchange, and outside of the Senator from Aroostook who has just spoken I have not found any members of the Aroostook delegation who did not feel this way. There may be some, but I have not found them or heard of them. I have weighed this matter with a good deal of care, and in disagreeing with the Senator from Androscoggin, Senator Carter, I am going to

tell you that this particular bill does not change the contract. These farmers were given the right under their contract to mortgage. If this becomes a law they will still have the right to mortgage, but the bill provides, as I have explained to you before that their potatoes regardless of this mortgage must be marketed through this association as agreed by this draft in writing, and it simply means that the mortgagee takes the mortgage with the full understanding that the potatoes are to be sold through the exchange, and his security will be changed from potatoes to cash. That is the only difference. That is the only way in which there can be any possible change—full right to mortgage, but the mortgagee must see that they are marketed through the exchange. This takes away no right of the farmers, but it is an absolute protection, something which is necessary. And I can tell you that it was the feeling of the judiciary committee that listened to this matter, and who had no interest in the matter, excepting the two members from Aroostook county who know the real situation, and they are absolutely convinced that this marketing association will go out of business if you don't pass this law without this amendment. I don't know whether it is good or bad, but I do want the farmers of the State of Maine who are growing potatoes to have a chance for another two years to try to work this thing out and see whether it will go or not.

Mr. CARTER: Mr. President, if this present bill does not vary the original bill or does not vary the contract under the bill, then this bill which is before this legislature is a perfect zero and should not be considered? If this bill that we are now considering varies the original bill or varies the contract, I think the signers under the original contract should have the opportunity of assenting or dissenting as to whether or not their contract will be changed, and the amendment is a fair one.

Mr. HUSSEY: Mr. President and Gentlemen of the Senate, in order that my position on this matter may not be misunderstood I want to say that I am here representing no particular interests in any way. I am down here representing what I

believe to be the best interests of the state of Maine as a whole.

The Senator from Androscoggin, Senator Carter, has alluded to the change of the right of the contracting parties. The members of the exchange, or a big majority of them had signed the contract even before the law was passed. They signed a contract to put those potatoes through that particular exchange. Now the rights that have been changed up to the present time, or the rights that would be changed are the mortgagee's rights. The rights of the mortgagor are not changed; it is the mortgagee's rights.

Mr. CARTER: Mr. President, I would like to say just one thing as to that. It seems to me that the rights of the mortgagor are very much changed. When you shift the rights of the mortgagor it is sometimes difficult to borrow money, and if you absolutely stop the mortgagor from getting money then this bill wouldn't be here, and this hearing wouldn't have been held unless it changed something, and if it changed anything I think the signers of the original agreement should have an opportunity of assenting or dissenting to it before their rights are changed by this legislature.

Mr. POWERS: Mr. President, it is true that some of the members of the exchange signed the contract before this bill was passed, but when they found out the form that the bill was going to take two years ago, and how it would affect them in getting fertilizer which is so very essential to the crop, then they came down here and the delegation altered that bill to the one we had last year. And I might say, Mr. President, that of course the Senate can see that this is a question upon which conscientious men may differ.

Mr. BUZZELL of Oxford: Mr. President, I have hesitated saying a word among this brilliant array of legal talent, but I have got it in my head in some way from having had a little experience with co-operative associations that the bill under discussion was simply arranged to fix it so that the potato grower would market his potatoes whether he cared to or not with this association, and not have a chance for someone to drive him out somewhere else.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the adoption of Senate amendment A to House Document No. 291.

A viva voce vote being doubted.

A division was had, and fifteen voted in the affirmative and twelve in the negative.

So the amendment was adopted.

On motion by Mr. Powers of Aroostook, the bill as amended by Senate amendment A and House amendment A was passed to be engrossed.

On motion by Mr. Allen of York, H. D. 517, bill, An Act to enable cities of 35,000 to regulate and restrict by zoning ordinances, was taken from the table.

The question being on the adoption of Senate amendment A,

Mr. Allen moved that Senate amendment A be indefinitely postponed.

The motion was agreed to.

The same Senator then offered Senate amendment B and moved its adoption.

The question being on the adoption of Senate amendment B,

The amendment was adopted.

On motion by Mr. Anthoine of Cumberland, the bill, as amended by Senate amendment B, was then passed to be engrossed.

(At this point the President resumed the Chair).

From the House: The Committee of Conference, on 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) report that they are unable to agree.

The report was read and accepted in concurrence.

From the House: 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).

In Senate, April 9, voted to adhere.

In the House: That body voted to insist on its former action in passing the bill to be engrossed and asked for a Committee of Conference, the Speaker appointing as House members of such a Committee: Messrs.

Decker of Milo, Goodrich of Farmingdale and Lowell of Lincoln.

In the Senate: On motion by Mr. Allen of York, the Senate voted to adhere to its former action.

From the House: Resolve, in favor of Armory Rentals. (H. P. 1300).

In Senate, April 9, indefinitely postponed in non-concurrence.

In the House: That body voted to insist on its former action in passing the bill to be engrossed and asked for a Committee of Conference, the Speaker appointing as House members of such a Committee: Messrs. Hale of Portland, Buker of Bath and Davis of Portland.

In the Senate:

Mr. ALLEN of York: I move that we adhere, Mr. President.

Mr. WADSWORTH of Kennebec: Mr. President, a gentleman just came in here and spoke to me about this matter. I do not know but what we may be in error. There is a possibility that we have passed a law here that will make this obligatory. Perhaps it might be well to table this matter and investigate it a little.

Mr. MAHER of Kennebec: Relying that we were correctly informed on this thing, I voted on it and voted the other way this morning, and then we voted to adhere, and then there was a motion of mine to reconsider adherence which was voted down, and this thing is dead.

The PRESIDENT: Does the Senator from Kennebec, Senator Wadsworth, withdraw his motion to table?

Mr. WADSWORTH: It would seem under the present condition that I am out of order, and I withdraw my motion.

From the House: Resolve, in favor of a bridge over the St. Croix River between Vanceboro, Maine, and St. Croix, New Brunswick. (H. D. 530).

In Senate, April 9, majority report "ought not to pass" accepted in non-concurrence.

In the House, that body voted to insist on its former action in passing the resolve to be engrossed, and asked for a Committee of Conference, the Speaker appointing as House members of such a Committee: Messrs. Decker of Milo, Good-

rich of Farmingdale and Lowell of Lincoln.

In the Senate: On motion by Mr. Allen of York, the Senate voted to adhere to its former action.

From the House: The Committee on Claims, on Resolve in favor of Elbridge G. Chadwick, Clerk of Courts for the County of Washington, to be paid from Treasury of County of Washington (H. D. 531) reported that the same ought to pass.

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

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

From the House: An Act Relating to Intoxicating Liquors. (S. D. 309).

In Senate, April 9, Committee of Conference appointed.

In the House, that body voted to adhere.

In the Senate: On motion by Mr. Hinckley of Cumberland, the Senate voted to adhere to its former action.

From the House: The Committee on Legal Affairs, on An Act to provide a new charter for the city of Lewiston, abolishing political party designations therein, and providing for a referendum to the electors of Lewiston (H. D. 162) reported that the same ought not to pass.

The report accepted in concurrence.

From the House: The Committee on Ways and Bridges, on Resolve in favor of the town of Norridgewock for repair of bridge across the Kennebec River (H. P. 665) reported the same in a new draft, under the same title (H. D. 532) and that it ought to pass.

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

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

From the House: Report A of the Committee on Legal Affairs, on bill An Act to establish a Finance Commission in the City of Lewiston

(H. D. 91) reported the same in a new draft, under the same title (H. D. 528) and that it ought to pass.

(Signed) POWERS
CLARKE
DWINAL

Report B of the same Committee, on the same subject matter, reporting the same in a new draft, under the same title (H. D. 527) and that it ought to pass.

(Signed) BECKETT
FULLER

Report C of the same Committee, on the same subject matter, reporting that the same ought not to pass.

(Signed) MORRISON
BARTLETT
THOMPSON
ATWOOD
SEIDEL

Which came from the House, that body having accepted Report C, "ought not to pass".

On motion by Mr. Lane of Androscoggin, the Senate voted to concur with the House in the acceptance of Report C, ought not to pass.

Mr. LANE: Mr. President, I move we reconsider the vote whereby we have accepted the report "ought not to pass" and I hope my motion will not prevail.

A viva voce vote being had, the motion failed.

The PRESIDENT: The Chair will declare a recess, subject to call.

(After Recess)

The Senate was called to order by the President.

Committee Reports

Mr. Foster, from the Committee on Claims, on Resolve, in favor of Peter A. Olinto, for reimbursement of loss by fire at the Reformatory for Men (S. P. 219) reported that the same ought not to pass.

Mr. Smith, from the same Committee, on Resolve, in favor of Henry A. Day, of Bangor, County of Penobscot, State of Maine (S. P. 110), reported that the same ought not to pass.

Mr. Foster, from the same Committee, on Resolve, in favor of Albert Tibbetts, for reimbursement of loss by fire at the Reformatory for Men (S. P. 220) reported that the same ought not to pass.

The same Senator, from the same Committee, on Resolve, in favor of Earl G. Holbrook, for damages sus-

tained in accident on State Aid Highway (S. P. 132) reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

Mr. ANTHOINE of Cumberland: Mr. President, I move that we reconsider the action which we took about half an hour ago in voting to adhere to our action on the armory rental matter.

Mr. ALLEN of York: Mr. President, I rise to a point of order. I thought we took a vote here this afternoon to reconsider no measures.

The PRESIDENT: The Chair will inform the Senator that this one came in subsequently to that. The stenographer has looked it up.

The motion to reconsider was agreed to.

Mr. ANTHOINE: Mr. President, I move that we join the House in

their request for a committee of conference.

The motion was agreed to, and the Chair appointed as such members of the committee of conference on the part of the Senate, Senators Anthoine of Cumberland, Powers of Aroostook, and Cram of Cumberland.

Final Report

Mr. Cram, from the committee of Claims, presented its final report, having acted on all matters referred to them.

The report was accepted.

The PRESIDENT: The Chair will inform the Senate that there is no more business before this Branch, and that we are in a position to adjourn until tomorrow morning, if the Senate so wishes.

On motion by Mr. Allen of York, Adjourned until tomorrow morning at 9.30.