

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eighty-Second Legislature

OF THE

STATE OF MAINE

1925

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Saturday, April 11, 1925.

Senate called to order by the President.

Prayer by Rev. Arthur Jones of Winthrop Center.

Journal of previous session read and approved.

Passed to be Enacted

An Act to Provide for Policemen's Pensions. (S. D. 93)

An Act relating to Driving Motor Vehicles While Under the Influence of Intoxicating Liquor or Drugs and the Penalty Therefor. (S. D. 281)

An Act to Appropriate Moneys for the Expenditures of the Government and for Other Purposes for the Year from July First, Nineteen Hundred and Twenty-five to June Thirtieth, Nineteen Hundred and Twenty-six. (S. P. 674)

An Act to Appropriate Moneys for the Expenditures of the Government and for Other Purposes for the Year from July First, Nineteen Hundred and Twenty-six, to June Thirtieth, Nineteen Hundred and Twenty-seven. (S. P. 576)

An Act Relating to a Tax upon Gasoline. (H. D. 520)

An Act Relating to the Enforcement of Liens on Watches, Clocks and Jewelry for Labor and Materials Furnished in Making and Repairing Same. (H. D. 525)

Finally Passed

Resolve, in Favor of Clerks, Stenographers and Messengers of the Several Committees, and Other Expenses of the Eighty-second Legislature. (S. P. 672)

Resolve, in Favor of the President and Trustees of Bates College for the Purpose of Forestry Work and Demonstrations in Forestry, for the Benefit of the Students of the University of Maine and the Several Colleges. (S. P. 673)

Resolve, in Favor of a Bridge Over the St. Croix River Between Vanceboro, Maine, and St. Croix, New Brunswick. (H. D. 530)

Resolve, in Favor of Armory Rentals. (H. D. 529)

Mr. ALLEN of York: Mr. President, without wishing to in any way stop this resolve for a bridge over the St. Croix river, I wish, as a special favor, that the Secretary may take that bill in his hand for just a moment that I may get a good look at it, a bill that has had

such a wonderful passage through the Senate, if I may have permission.

The PRESIDENT: No doubt the Senate will accord that privilege.

Mr. ALLEN: I thank you very much, I just wanted to look at it.

Constitutional Amendment

Resolve, Amending Section Seventeen of Article Nine of the Constitution of the State of Maine.

The PRESIDENT: This is a constitutional amendment and requires a two-thirds vote of all the members present. Does the Senate require the yeas and nays? The Chair will say that it is a bond issue.

Mr. BARWISE of Penobscot: I think it requires that the records show definitely that there were two-thirds of those present and voting who voted for it. So I think a division is sufficient.

Mr. HINCKLEY of Cumberland: Mr. President, I have a feeling that on a bond issue of this kind it would satisfy attorneys better to have a yea and nay vote. It is more satisfactory always to the attorneys.

The PRESIDENT: The Chair will state it is not necessary.

Mr. HINCKLEY: No, it is not necessary. I ask for the yeas and nays, for the reason above.

The PRESIDENT: This is a constitutional amendment. Resolve amending section 17, article 9 of the constitution of the State of Maine. All those in favor of the passage of this resolve will vote "yes", those opposed, "no".

The Secretary will call the roll.

Those voting "yes" were Senators Allen, Anthoine, Barwise, Buzzell, Carleton, Carter, Case, Chalmers, Clarke, Crafts, Cram, Foster, Hinckley, Holley, Hussey, Lane, Lord, Mayer, Miner, Morrison, Phillips, Powers, Smith, Speirs, Wadsworth, Walker,—26; absent, Senators Bond, Perkins, Roberts, Wilson,—4.

Twenty-six senators having voted for the resolve, none opposed, the Resolve was finally passed.

Orders of the Day

Mr. CARTER of Androscoggin: Mr. President, I would make a suggestion, if it please the Senate, that House Document 181, at the head of the calendar for to-day very largely depends on the disposition of Senate Document 300 which is at the end of the calendar, and if H. D. 181 could

be passed until the end of the calendar we might not have to consider it at all.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 300, bill, An Act relating to non-resident motor vehicles, tabled pending consideration, and recognizes the Senator from York, Senator Lord.

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

Mr. CARTER: Mr. President, if my recollection is right in regard to S. D. 300, it has now been passed to be engrossed.

The PRESIDENT: The Secretary will read the record.

The Secretary then read the record as follows:

In Senate, April 3rd, read twice under suspension of the rules and passed to be engrossed;

In the House April 10th it was taken from the table and House amendment B adopted.

Prior to that date House Amendment A was read and adopted, and on April 10th it was read the third time and passed to be engrossed as amended by House amendments A and B in non-concurrence.

Mr. CARTER: Now Mr. President, if the Senate will bear with me I would like to explain my reasons for making some motions prior to making the motions. House amendments A and B I am not fully familiar with. In regard to House amendment B I know that it puts on a twenty day limit which cars have from another state, and then half registration. But the thing that interests me in this matter is this, and it would be discussed on a broad general proposition rather than, I think, on either one of the merits of these two amendments. There are two ways of treating this automobile registration, one with laws that may differ in the individual states, and the other with a so-called reciprocity bill which in general is simply that all states treat other state cars as the other states treat Maine cars. It was in my mind, or is in my mind that a full reciprocity, nation-wide, is the ideal way of treating cars from other states, so that anyone who was touring from another state, no matter what state, when he goes into another state he knows and feels that he is familiar with the law of each state because it is the law of his own state, as to registration.

This general reciprocity is endorsed, I think, unanimously by the Maine Automobile Association, which association drafted the present bill, and I might say by permission of the Senate and the President that I am a member of the association and I was asked to drop the bill into the Senate hopper, which I did. I am very positive and the association is positive that if we are to have any bill called a reciprocal bill it must, in fact, be a reciprocal bill. Now any amendment added to that bill, which limits the reciprocity under it and adds an individual burden to this State or varies it in any way, is not a reciprocity bill, it is an individual bill, and to call it a reciprocity bill is a misnomer and does not describe it. It simply changes the existing law by adding other and different amendments to the law.

Now the situation is right here, as far as the association is concerned, or as far as I represent the association, or so far as I represent myself, there is a bill with my name on it, although it is the association's bill, and I did not draft it. It calls for full and complete reciprocity. That bill must give as it was drafted full and complete reciprocity; if it is encumbered up with amendments of any kind it is not a bill of reciprocity, and these amendments that we are attempting to put on this bill of reciprocity should in fact have been introduced as new laws and the bill for reciprocity killed. We must have either one thing or the other; we cannot have both. For that reason, Mr. President, I am about to make a motion, or rather a series of motions. First, that we reconsider our vote—no, I do not think we will have to reconsider our vote for engrossment. I will make a motion that this Senate indefinitely postpone—or perhaps before making that motion, if the Senate will bear with me—these amendments were carried in the House by a division vote, with a difference of only one vote, and I understand from people who have been interested in this measure that people who voted for the adoption of the amendment did not fully understand the bill as it was, and would now reconsider their action in the House. I, therefore, make the motion that the Senate indefinitely postpone House amendment B to Senate Document 300.

The motion was agreed to.

The same Senator then moved the indefinite postponement of House Amendment A to S. D. 300.

The motion was agreed to.

Mr. CARTER: Now, Mr. President, rising to a point of information, if I am correct in my understanding this bill now stands as it was introduced and as it was unanimously reported "ought to pass" by the judiciary committee, and is now engrossed, and its next step would be to be sent to the House for further action.

Mr. HINCKLEY of Cumberland: Mr. President, just so that I may be perfectly clear on this and see that we are all right on the matter, we reconsidered the vote whereby this was passed to be engrossed—

The PRESIDENT: The Chair will state that the Senate has just indefinitely postponed the two amendments.

Mr. HINCKLEY: And we have formerly passed it to be engrossed as amended.

The PRESIDENT: No, that was in the House.

Mr. HINCKLEY: I understood that in this branch it was passed to be engrossed as amended.

Mr. CARTER: Now, Mr. President, I move that it be sent to the House forthwith.

The PRESIDENT: That will be done.

On motion by Mr. Hinckley of Cumberland, H. P. 1304, resolve relating to the rights of the State of Maine on the St. John river and the vacancy on international joint commission, was taken from the table.

The pending question being the passage of the resolve to be engrossed,

On further motion by the same Senator the resolve was passed to be engrossed.

Mr. Hinckley suggested that the resolve be sent to the engrossing department as quickly as possible.

The PRESIDENT: The Chair will make an inquiry as to whether or not the Senate desires to take any action relative to H. D. 181 at this time.

Mr. CARTER of Androscoggin: Mr. President, I move that H. D. 181 be retabled until we hear what ac-

tion the House takes with reference to S. D. 300.

The motion was agreed to.

The PRESIDENT: The Chair will lay before the Senate, S. D. 302, bill, An Act to create a State athletic commission for the supervision and regulation of boxing and wrestling, tabled by the Senator from Androscoggin, Senator Lane.

Mr. LANE: Mr. President, as I understand that this matter has been made a personal issue, I will now move that the Senate concur with the House in the indefinite postponement of the bill.

The motion was agreed to.

Additional papers from the House disposed of in concurrence.

From the House: An Act to authorize the recording of marketing agreements of co-operative agricultural associations, and requiring that liens hereby attached to crops before delivery to the association, and to the member's interest in the association after such delivery be collected through the association. (H. D. 41)

Mr. POWERS of Aroostook: Mr. President—

Mr. HUSSEY of Aroostook: Mr. President, I move further reading be dispensed with.

The PRESIDENT: The Chair will state that the Secretary had not got through reading the record.

(Secretary continues)

In Senate, April 9, passed to be engrossed as amended by House Amendment A and Senate Amendment A.

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

Mr. POWERS: Mr. President, it has passed to be engrossed, as I understand it, amended—I do not understand what House Amendment A is—I have the information.

Mr. President, I move that we reconsider the action whereby we passed this bill to be engrossed.

The motion was agreed to.

Mr. POWERS: Mr. President, I now move that we adopt House Amendment B in concurrence with the House.

The vote being doubted by Mr. Hinckley,

The Secretary read House Amendment B.

The question being on the adoption of House Amendment B,

The motion was agreed to by a viva voce vote.

Mr. POWERS: Mr. President, I now move that the Senate insist upon its action where it adopted Senate Amendment A, and is this the time to ask that we join in a committee of conference? I so move.

The PRESIDENT: The Senator from Aroostook, Senator Powers, moves that we insist on our former action in connection with the adoption of Senate Amendment A.

Mr. HINCKLEY: Mr. President, before the vote is taken on this matter, I wish to read a telegram from Percy R. Todd, President of the Bangor & Aroostook Railroad, which I received from him yesterday. He said: "All experienced people from President Coolidge and Mr. Hoover down to myself are under the impression that the best possible thing to help the farmers throughout the country is co-operative marketing, and it seems to me that much study having been given to this matter in Washington, great respect should be paid to the opinion of the President and secretary of commerce, and my own idea strongly conforms to this. While it makes no difference to this railroad company whether the potato shippers of Aroostook county do or do not have a co-operative marketing association, I cannot help feeling very strongly that the co-operative association they have been of great benefit to the potato growers, even those who are not members and are opposed to it, and I believe that the proposed bill is absolutely necessary, and not only that, but I firmly believe that if it is not passed, that it will be impossible to maintain the present co-operative organization. The amendment adopted yesterday in my opinion absolutely nullifies any good result from the bill in its changed form."

And I hope under these conditions that we do not insist and that we later strike off this amendment.

Mr. HUSSEY of Aroostook: Mr. President, I move that we recede and concur with the House.

Mr. POWERS: Mr. President, there is a motion before the House.

Mr. HUSSEY: Mr. President, I think my motion takes precedence

over that of the Senator from Aroostook, Senator Powers, and ask for a ruling.

The PRESIDENT: The motion to recede takes precedence.

Mr. CARTER of Androscoggin: Mr. President, this matter has been acted upon, argued and debated either yesterday or the day before in this Senate. First, I want to say that we all agree with President Todd's quotation, and where he attempts to voice the feeling on the general subject of co-operative marketing of President Coolidge and Secretary Hoover, I am at least in accord with him, and I think that this Senate is in accord with President Todd of the Bangor & Aroostook Railroad, whereby he stands by rational policy. As to the latter part of the telegram of President Todd, where he says he has no interest in it, or his railroad has no interest in it, as I understand the situation, President Percy R. Todd, of the Bangor & Aroostook Railroad is not a member of this Senate and has no vote in this Senate. Mr. Todd was not present and took no part in the discussion that this Senate had relative to this matter within the past 48 hours when it was discussed, and exercising our judgment and exercising our brains we passed an amendment, and with all due respect to Mr. Percy R. Todd, the President of the Bangor & Aroostook Railroad, I for one, gentleman, do not believe that this Senate, upon his recommendation sent to one Senator, a member of this body, that the Senate should recede from its position because Mr. Todd does not like the amendment which the Senate did like and which it did adopt. Mr. President, I hope that the motion of the Senator from Aroostook, Senator Hussey, does not prevail.

The PRESIDENT: Is the Senate ready for the question? The pending question before this body is on the motion of the Senator from Aroostook, Senator Hussey, who moves, if I understand his motion correctly, that the Senate recede and concur with the House in the indefinite postponement of Senate Amendment A. Is this the pleasure of the Senate?

A viva voce vote being doubted,

The PRESIDENT: All those in favor of receding and concurring with the House in the indefinite postponement of Senate amendment A will say aye; those opposed

no; it appears to be a vote and is a vote to recede and concur with the House in the indefinite postponement of the amendment

Mr. POWERS of Aroostook: Mr. President, I will ask for a division.

The PRESIDENT: The Senator from Aroostook, Senator Powers, calls for a division. All those in favor of receding and concurring with the House in the indefinite postponement of Senate amendment A will rise and stand until counted.

A division being had, sixteen voted in favor and six against.

So the motion prevailed.

Mr. HUSSEY: Mr. President, I now move that the bill, as amended by House amendments A and B, be passed to be engrossed.

The motion was agreed to.

From the House: The Committee of Conference, on the disagreeing action of the two branches of the Legislature on An Act to regulate fishing in the Aroostook River and tributaries, in Aroostook County (S. P. 271), reported that they are unable to agree.

The report came from the House read and accepted.

The report was accepted in concurrence.

Finally Passed Emergency Measure

Resolve, for the construction, maintenance and repair of roads, bridges and ferries. (S. P. 676)

Mr. HINCKLEY of Cumberland: Mr. President, I move that we have a roll call.

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

The PRESIDENT: A vote "yes" votes in favor of the passage, a vote "no" against it.

This resolve carrying the emergency clause requires the affirmative vote of two-thirds of the membership of the Senate on its final passage.

The Secretary called the roll.

Those voting "yes" were Senators Allen, Barwise, Buzzell, Carlton, Carter, Case, Chalmers, Clark, Crafts, Cram, Foster, Hinckley, Holley, Hussey, Lord, Maher, Morrison, Phillips, Powers, Smith, Speirs, Wadsworth, Walker—23; absent, Senators Anthoine, Bond, Lane, Miner, Perkins, Roberts, Wilson—7.

Twenty-three having voted in the

affirmative, the Resolve finally passed.

The PRESIDENT: If there are no more matters before the Senate at this time, we will recess, subject to the call of the Chair.

After Recess

Mr. Hinckley of Cumberland, out of order, and under suspension of the rules, presented the following order.

ORDERED, that the Senate extend to the City of Cambridge, Massachusetts, through its Board of Park Commissioners, a vote of thanks for the gavel made from Washington Elm, which has been presented to the State of Maine.

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

Which was read and passed.

On motion by Mr. Smith of Somerset, that gentleman was permitted to introduce out of order, under suspension of the rules, the following order:

ORDERED, that the Governor be requested to return Resolve for the construction, maintenance and repairs of roads, bridges, and ferries, it being S. D. 676, for further consideration by the Legislature.

The order received a passage.

On motion by Mr. Wadsworth of Kennebec, that gentleman was permitted to introduce, out of order, under suspension of the rules, the final report of the joint standing committee on appropriations and financial affairs, in behalf of that committee, that they have acted on all matters referred to them.

The report was accepted.

Mr. HINCKLEY of Cumberland: Mr. President and Gentlemen: I arise at this time to a question of personal privilege and ask to be heard:

A veto message was this morning read in the House of Representatives, containing as a part of said message the following:

"About this time in the legislative session it is well to look out for lies. It may be well also to be cautious as to innocent amusement by fellow

members at some legislator's expense. Blanket charges of a somewhat indefinite character have been levelled as to certain messages that have been received.

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

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

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

This unwarranted attack was aimed at me, as everybody must have recognized, and the client referred to is Eugene F. Farnsworth, formerly head of the Ku Klux Klan of Maine, but now not a member of that organization. I shall not indulge in innuendo, but shall briefly state facts.

On Thursday of this week while the Railroad Excise Tax bill and the so-called Quoddy project were before the Governor awaiting his action, I am reliably informed that his personal secretary telephoned several members of the Ku Klux Klan organization asking them to send telegrams to the Governor asking him to veto these measures, and to further send telegraphic communi-

cations to the several members of the Legislature asking them to sustain the Governor in his position.

It is my opinion that such methods are a fraud upon this Legislature, as attempting to reflect a state of opinion that did not exist. In other words, manufacturing a sentiment apparently in support of a proposed veto concerning which no member of the Legislature had the least information, as far as I can learn.

As to Farnsworth, a short time ago, while this Legislature was in session, I received a telephone call from Mr. Farnsworth advising me that he had opened an office in the Chapman Building in Portland for the purpose of conducting a publicity campaign in connection with Governor Brewster's "Boom Maine" movement. He further stated that in connection with his campaign he was selling "Boost Maine" buttons at one dollar each, and that he proposed to have a button for an automobile for five dollars each. He stated that police from the Police Department of Portland had been to his office and had stated that he had no right to sell these buttons unless his organization was incorporated. He said that he was satisfied that this police interference was prompted by Harrie P. Coe, head of the Maine Publicity Bureau in Portland. He said that Governor Brewster and he had gone over this matter and that he, Governor Brewster, was much interested in this plan and that he was anxious for him to continue, and asked me what I thought in regard to the legal aspect of the matter. I told him that it was an absurd position for the police officer to interfere with him because of the fact that he was not incorporated, and told him that he could speak to my brother, who is my law partner, concerning the matter, and that I was sure that my brother would fully advise him.

I returned to Portland at the close of the session at the end of the week, and during the first morning that I was in my office Mr. Farnsworth came in. He told me that after talking with me that he decided to come to Augusta to see the Governor; that he had spent the entire evening at Augusta with the Governor, and that the Governor was in complete accord with his proposition, and stated that he would do

anything to assist him, and asked him to have me call the Governor in Augusta. I called the Governor on the phone while Mr. Farnsworth was in the office. I thereupon told the Governor that Mr. Farnsworth was at the office with me; that I understood that the Governor wished me to call him, and asked the Governor if that was correct, and he replied that it was. I then asked him in regard to the matter, and he said that of course he could not do anything directly, but would see certain parties and see that Mr. Coe received orders to keep his hands off of Mr. Farnsworth.

When I returned to Augusta the first of the week I met the Governor, and he told me that he had taken the matter up with certain parties and he thought it would be all right, but that Mr. Hiram W. Ricker would be in Augusta within a few days, and that he would take the matter up with Mr. Ricker to see that Farnsworth was left alone.

I have had no conference with Mr. Farnsworth, Governor Brewster or any other person since that time in regard to this matter.

I made no charge for services in connection with the matter and never received a cent, and do not expect to get a cent for such legal services.

It was never my suggestion directly or indirectly that Mr. Farnsworth approach Governor Brewster; on the contrary, Mr. Farnsworth professed such a degree of acquaintance and friendship with Governor Brewster and seemed to have such immediate entree to him that it occasioned mild surprise on my part.

The PRESIDENT: The Chair would state for the benefit of the Senator from Somerset, Senator Smith, that the Resolve for construction, maintenance and repairs of roads, bridges and ferries, S. D. 676, is now in the possession of the Senate.

On motion by Mr. Smith the vote was reconsidered whereby this Resolve was finally passed.

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

The same Senator then offered Senate Amendment A, to amend by striking out "Resolve in favor of town of Freeman" which reads as

follows: "Town of Freeman; the sum of one thousand dollars for repair of highway in Freeman which extends from Salem town line to State aid road which runs through Freeman from Strong to Kingfield, known as the Valley road, \$1000," and by adding the sum of one thousand dollars to the resolve in favor of the town of Phillips, so that said latter resolve read as follows: "Town of Phillips; the sum of \$3000 to aid in repair of the Weld road in the town of Phillips, \$1500, \$1500."

The amendment was adopted.

On further motion by the same Senator the Resolve was then passed to be engrossed, as amended, by Senate Amendment A.

The following communication was received:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK

Augusta, April 11, 1925.

To Royden V. Brown, Secretary of the Senate of the Eighty-second Legislature.

Sir:—

The Governor of the State having returned to the House

An Act relating to the Excise Tax on Railroads (H. P. 1261) (H. Doc. 496)

with his objections to the same, the House proceeded to vote on the question,

"Shall the bill become a law notwithstanding the objections of the Governor?"

A yea and nay vote was taken; seventy-four members voted in the affirmative and seventy-one in the negative, and accordingly the bill failed to become a law.

Respectfully,

(Signed) CLYDE R. CHAPMAN,
Clerk of the House.

Which was read and ordered placed on file.

On motion by Mr. Allen of York, the Senate voted to recess until three o'clock this afternoon.

AFTER RECESS

Senate called to order by the President.

Additional papers from the House disposed of in concurrence.

From the House: An Act for the assessment of a State tax for the year 1925. (H. P. 1307)

On motions by Mr. Wadsworth

of Kennebec, under suspension of the rules, the bill was given its first and second readings and passed to be engrossed.

From the House: An Act for the assessment of a State tax for the year 1926. (H. P. 1306)

On motions by Mr. Wadsworth of Kennebec, under suspension of the rules, the bill was given its first and second readings and passed to be engrossed.

From the House:

The Committee of Conference, on the disagreeing action of the two branches of the Legislature on Order calling for investigation of labor conditions in the textile industry (H. D. 253) reported that they are unable to agree.

The report was accepted.

Passed to be Enacted

An Act to Authorize the Recording of Marketing Agreements of Co-operative Agricultural Associations, and Requiring that Liens Hereby Attached to Crops Before Delivery to the Association and to the Member's Interest in the Association After Such Delivery be Collected Through the Association. (H. D. 491)

Finally Passed

Resolve relating to the Rights of the State of Maine on the St. John River and the vacancy on International Joint Commission. (H. P. 1304)

Mr. HINCKLEY of Cumberland: Mr. President and members of the Senate, perhaps you are not all aware of the arduous work connected with the committee on appropriations and financial affairs as well as the committee on ways and bridges. Having watched the work of these two committees during this session of the legislature and the results accomplished by each of them, the working out of the financial and highway programs respectively for the benefit of the state, I now move that in appreciation of the services performed by the chairmen of these two committees, the distinguished Senator from Kennebec, Senator Wadsworth, and the distinguished Senator from Somerset, Senator Smith, and we extend to them a rising vote of thanks. (Applause)

The motion was agreed to by an unanimous rising vote.

Mr. SMITH of Somerset: Mr. President and fellow Senators, in behalf of all of the members of the committee on ways and bridges I wish to express our sincere appreciation for this indorsement. (Applause)

Mr. WADSWORTH of Kennebec: Mr. President and fellow Senators, I appreciate very much this sentiment which you have expressed, and I know that it will be appreciated by the members of our committee, and I will say for them that we thank you; we have done the best we could; we have had good help from our clerks, stenographer and messenger, and they have been a great assistance to us. (Applause)

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

ORDERED that a thousand extra copies of the Senate part of the Legislative Record of April 2, be printed for the use of the Senate.

The order received a passage.

The PRESIDENT: Are there any other matters that may be taken up? If not, the Chair will state we will recess for a time, subject to the call of the Chair.

After Recess

Senate called to order by the President.

Mr. Carter of Androscoggin introduced, out of order, the following order:

ORDERED, that the Governor be requested to return bill, An Act to incorporate Dexter P. Cooper, incorporated, for the purpose of developing and utilizing the power of the tides in the Bay of Fundy, and waters adjacent thereto, S. D. 259, for further consideration by the Legislature.

The order received a passage.

Subsequently the President announced that Senate Document 259 was in the possession of the Senate.

On motion by Mr. Carter, the vote was reconsidered whereby this bill was passed to be enacted.

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

Mr. CARTER: Mr. President, I

now wish to state in relation to S. D. 259, that after many conferences at which this matter was discussed, under an agreement between the conferees which I hope will be entirely satisfactory to the Senate, and which was unanimously passed by them, they prepared an amendment which I wish at this time to offer, as Senate Amendment A to S. D. 259, and move its adoption, together with a referendum submitting this question to the people at the next special election to be held in September at the same time that the other referendum is submitted.

I now move the adoption of Senate Amendment A and request that the same be read by the Secretary.

The Amendment was then read by the Secretary as follows:

"SENATE AMENDMENT A
SENATE DOCUMENT NO. 259
entitled

AN ACT to Incorporate Dexter P. Cooper, Incorporated, for the Purpose of Developing and Utilizing the Power of the Tides in the Bay of Fundy and Waters Adjacent Thereto.

Senate Document No. 259 is hereby amended by striking out the whole of section seven thereof and inserting in place thereof the following:

"Sec. 7. Inasmuch as the tide waters that will be utilized in the development of power, as provided for by this act, are international waters, in furtherance of existing friendly international relations, but with a view to properly maintaining the rights and benefits naturally accruing to the people of the State from its natural resources, said corporation shall not exercise any of the powers and privileges herein granted unless and until such allocation of power, electrical or otherwise, generated by means of said tide waters, between the United States and the Dominion of Canada as shall be approved by the public utilities commission, shall be determined by the international joint commission having jurisdiction thereof, in accordance with the law and the treaty regulations between the United States and Great Britain, except that said corporation may perform such preliminary work as may be necessary for the performance and completion of the plans and specifica-

tions and apply to the United States, said international joint commission and any other political authority for such permits as it may require to act in accordance with the provisions hereof after compliance with the conditions hereof. Such portion of power as may be allocated to the Dominion of Canada under the provisions hereof may be transmitted and sold there. Such portion of the power as may be allocated to the State of Maine of the United States and retained by the State as herein provided may be sold and transmitted by the corporation outside the State as and when and in such quantities and otherwise as shall be approved by the public utilities commission, under such contracts, approved by the public utilities commission, as shall provide for, and in such manner as shall preserve to the State, the right, to be exercised by order of the public utilities commission after due and ample notice and hearing thereon to enlarge, diminish and otherwise regulate the amount of such power to be permitted to be sold and transmitted outside the State, as may be deemed necessary by said public utilities commission to provide adequately for an amount of power to be utilized within the State, in the judgment of said commission sufficient for the necessities, comfort or convenience of the people of the State. No power whatever shall be so transmitted and sold out of the State except such as may be from time to time determined by the public utilities commission to be in excess of demands within the State in accordance with any order of said commission, and no power so transmitted and sold within the State shall be by the purchaser thereof, directly or indirectly, transmitted and sold out of the State. It shall not be lawful for said corporation to transmit electric current generated in any other manner than by tide power beyond the limits of the State. The powers and privileges herein granted shall be exercised by said corporation only so long as the same are exercised in strict accordance with the provisions hereof and of any order of the public utilities commission made under the provisions hereof, and upon violation of any of the provisions and conditions hereof and of any such order or of any law or statute applicable to said corporation under the terms hereof

this charter may be suspended and may be forfeited and said corporation terminated and dissolved by appropriate action to such end by the State as now or hereafter provided by law."

Said Senate Document No. 259 is further amended by adding thereto after section eight thereof a new section as follows:

"Sec. 9. The corporation shall, within ten years after this act shall take effect, complete the initial construction of its works, otherwise this act shall be null and void. The initial construction shall mean the construction of its dams and other facilities to such extent as will produce sufficient power which when sold shall yield sufficient revenue to cover the operating costs of the production of such power. The public utilities commission of the State of Maine is hereby authorized to examine the works of the corporation to ascertain whether initial construction has been carried out and its decision in that respect shall be final. The corporation may after the completion of said initial construction make such additions and changes in its development as are necessary to meet the growth of the power market; Provided further that any and all rights in relation to tidal waters and the shores adjacent thereto herein granted or that might be acquired under the provisions of this charter that are not exercised or acquired within a further period of twenty-five years shall thereby lapse.

Further Amend said bill by adding a new section to be numbered Section 10 as follows:

"Sec. 10. This act shall be submitted for approval or rejection to the duly qualified voters of the State at an election to be held the second Monday in September in the year A. D. 1925. The aldermen of cities, the selectmen of towns and the assessors of the several plantations in this State, are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives to give their votes upon this act and the question shall be: 'Shall the act providing for the incorporation of Dexter P. Cooper, Incorporated, for the Purpose of Developing and Utilizing the

Power of the Tides in the Bay of Fundy and Waters Adjacent Thereto including the right to transmit outside the State electric power generated by the tides under restrictions provided for therein be accepted?'

And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the same expressing it by making a cross within the square opposite the word "yes" upon their ballots and those opposed to the question by making a cross within the square opposite the word "no" upon their ballots, and the ballots shall be received, sorted, counted, and declared in open ward, town and plantation meetings, and returns made to the office of the secretary of state in the same manner as votes for governor and members of the Legislature, and the governor and council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the act, the governor shall make known the fact by his proclamation and thereupon this act shall become law. The secretary of state shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing, accompanied by a copy thereof."

The PRESIDENT: What is the pleasure of the Senate:

Mr. MAHER of Kennebec: Mr. President, far be it from me to interfere at all with anything that is agreeable to the proponent of this bill or to the conferees, but in order simply to state my own position, if I caught in the reading the purport of one clause in the first paragraph of the amendment, it is something which individually I might vote for, but I could not subscribe to it without stating my reasons which would be that I would be willing to defer to the proponent and the conferees in anything that would make for harmony and towards facilitating business. But, Mr. President, in that first section there seems to be from the meaning conveyed to my mind an indirect attempt upon the part of the State of Maine to supersede the International Joint Commission in its jurisdiction of boundary waters, which is a matter I feel far beyond the purview of a State Legislature to do, and with this brief statement I am willing to vote for the measure.

Mr. CARTER: Mr. President,

simply to answer the remark of the Senator from Kennebec, Senator Maher, I will say that in the final draft of this amendment, this feature of the case was raised by the attorney for the proponent of this bill, Dexter P. Cooper, a member of the Governor's Council, and the other attorneys, and I wish to assure the Senator from Kennebec, Senator Maher, that that particular feature was taken up, and I think upon study of the amendment that he would arrive at the same conclusion that we all did, that the State of Maine had in no way, either directly or indirectly, encroached upon the jurisdiction of the International Boundary Commission.

Mr. MAHER: Mr. President, I do not question at all the position of the Senator from Androscoggin, Senator Carter, and I thank him for his very clear statement of it. I was simply making my view known, being responsible only for my own vote, and seeing therein a precedent that some time might come before the State of Maine with reference to boundary waters, when we are perhaps here and now doing something as a sovereign State that we would object to very strenuously upon the part of one of our now friendly neighboring provinces doing.

Mr. HINCKLEY: Mr. President, just so that my position may be understood fully, I have expressed to the attorney for the proponent of this measure, as well as to others who are working upon this enterprise, views along the same line as expressed by the Senator from Kennebec, Senator Maher. I think on account of this some day complications may arise that may be of serious import, but I will not do anything to obstruct because I think that owing to the importance of this great project it is most important that it be passed by this Legislature. But by simply expressing my own views on the matter so that they may appear of record for future reference, I will desist from any further debate on the matter.

The PRESIDENT: Is it the pleasure of the Senate that Senate Amendment A be adopted?

The amendment was adopted.

On further motion by Mr. Carter, the bill, as amended by Senate Amendment A, was passed to be engrossed.

The PRESIDENT: The Chair will state that as there are no matters to be taken up at this time, the Senate will take a recess subject to the call of the Chair.

After Recess

Senate called to order by the President.

Passed to be Enacted

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

An Act for the assessment of a State tax for the year one thousand nine hundred and twenty-six.

Emergency Measure

An Act for the assessment of a State tax for the year one thousand nine hundred and twenty-five.

This being an emergency measure and requiring on its final passage the affirmative vote of two-thirds of the entire Senate,

A division was had, and twenty-two voted in favor of its final passage, and none opposed.

So the resolve was finally passed.

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

This being an emergency measure and requiring on its final passage the affirmative vote of two-thirds of the entire Senate,

A division was had, and twenty-one voted in favor of its final passage, and none opposed.

So the resolve was finally passed.

On motion by Mr. Allen of York, H. D. 181, bill, An Act relating to motor vehicles and neutral zone, was taken from the table.

Mr. ALLEN: Mr. President, I move that this bill be indefinitely postponed, as the subject matter has been taken care of by other legislation.

The motion was agreed to.

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

"Ordered, That in token of our appreciation of his faithful services, that the flag which has been at the President's side during this session of the legislature be presented to our efficient Secretary, Royden V. Brown."

The order received a unanimous passage by a rising vote.

The Secretary of the Senate, ROYDEN V. BROWN: Mr. President and Senators, if I may be permitted, I would like to thank you for this valuable gift. The success which I have had as Secretary of this Senate has been due to the fatherly and kindly advice of our presiding officer, the President of the Senate, and the able assistance which has been rendered by Mr. Winslow and by Mrs. Lee and Miss Hanks, the ladies in the office who have co-operated with us so wholeheartedly. I shall always cherish this as one of my most choice possessions. I thank you very much. (Applause)

At this point the President declared a recess, subject to the call of the Chair.

After Recess

The Senate was called to order by the President.

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

"Ordered, That the Governor be requested to return bill, An Act to provide for an issue of State highway and bridge bonds."

The order received a passage.

Subsequently the President announced that the bill was in the possession of the Senate, being H. D. 535.

On motion by Mr. Smith of Somerset, the vote was reconsidered whereby this bill was passed to be enacted.

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

The same Senator then offered Senate Amendment A.

(For copy of Senate Amendment A see Senate record of April 10)

The question being on the adoption of Senate Amendment A,

The amendment was adopted.

On further motion by Mr. Smith the bill was passed to be engrossed, as amended by Senate Amendment A.

On motion by Mr. Speirs of Cumberland, the Senate voted to take a recess until 7.30 o'clock this evening.

After Recess

Senate called to order by the President.

Passed to be Enacted

An Act to incorporate Dexter P. Cooper, Incorporated, for the Purpose of Developing and Utilizing the Power of the Tides in the Bay of Fundy and Waters Adjacent Thereto. (S. D. 259)

On motion by Mr. Wadsworth of Kennebec, the Secretary was instructed to convey the bill forthwith to the Governor.

Additional papers from the House disposed of in concurrence.

ORDERED, The Senate concurring that the sum of \$100 be paid Miss Kanaley for balance due for services as Clerk and Stenographer of the Committee on Education, the same to be charged to appropriation for Legislative Expense.

Which came from the House read and passed.

Was read and passed in concurrence.

The following communication was received:

"STATE OF MAINE HOUSE OF REPRESENTATIVES OFFICE OF THE CLERK

Augusta, April 11, 1925.

To Royden V. Brown,
Secretary of the Senate of the
Eighty-second Legislature
Sir:—

The Governor having returned to the House without his approval and with his objections to the same,

Bill 'An Act relating to the Excise Tax on Railroads.' (H. D. 500)
the House proceeded to vote on the question

'Shall the Bill become a law notwithstanding the objections of the Governor?'

The Clerk called the roll. Sixty-seven members voted in the affirmative and sixty in the negative and accordingly the Bill failed to become a law.

Respectfully,

(Signed) Clyde R. Chapman,
Clerk of the House."

Which was read and ordered placed on file.

Emergency Measure

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

This being an emergency measure, on its final passage required the affirmative vote of two-thirds of the entire Senate.

A division being had twenty-one voted in favor of the final passage of the resolve, and none opposed.

So the resolve was finally passed.

At this point the President declared a recess subject to the call of the Chair.

After Recess

Senate called to order by the President.

On motion by Mr. Smith of Somerset,

ORDERED, That a message be sent to the House of Representatives informing that body that the Senate has transacted all the business which has come before it and is ready to adjourn without day.

Which was read and passed, and the Senator from Somerset, Mr. Smith, was appointed to convey the message, subsequently reporting that he had discharged the duty assigned him.

Subsequently a message was received from the House of Representatives by Mr. Nichols of Portland that that body had transacted all the business before it, and was ready to adjourn without day.

On motion by Mr. Allen of York, ORDERED, The House concurring, that a committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor and inform him that both branches of the Legislature have acted on all matters before them, and are now ready to receive any communication which he may be pleased to make,

Which was read and passed, and the President appointed as Senate members of such a Committee,

Messrs. ALLEN of York
MAHER of Kennebec
HINCKLEY of Cumberland

Subsequently the foregoing order came back from the House read and passed in concurrence, and the Speaker having appointed on the part of the House:

Messrs. WING
CURTIS
DUNNING
PILLSBURY
LAMSON
PIPER
HOLMES

Mr. Allen from the Committee subsequently reported they had attended to the duties assigned them, and that the Governor was pleased to say he would communicate with the two branches of the Legislature forthwith through the Secretary of State.

Subsequently the Secretary of State, the Honorable Frank W. Ball, came in and laid before the Senate, the following communication:—

"STATE OF MAINE

OFFICE OF THE GOVERNOR

Augusta, April 11, 1925.

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

I herewith transmit list of 325 Acts and 123 Resolves passed by the present session of the Legislature. I have no further communication to make.

Respectfully,

RALPH O. BREWSTER."

On motion by Mr. Allen of York, the communication was received and placed on file.

On motion by Mr. Phillips of Hancock at ten o'clock and nine minutes, in the afternoon, Saturday, April 11, 1925, Hodgdon C. Buzzell, President, declared the Senate of the Eighty-second Legislature adjourned without day.