

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Friday, April 1, 1927.

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

Prayer by the Rev. H. A. Clarke of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill an act to amend the charter of the Union Mutual Life Insurance Company, S. P. 564,

Comes from the Senate introduced out of order under suspension of the rules and passed to be engrossed without reference to a committee.

In the House, on motion by Mr. Wing of Auburn tabled pending consideration in concurrence; and on motion by Mr. Rounds of Portland 500 copies of the bill ordered printed.

From the Senate:

Ordered, the House concurring, that a joint select Committee consisting of the President of the Senate, two members on the part of the Senate, appointed by the President, the Speaker of the House and three members on the part of the House, appointed by the Speaker, together with the Governor and Council and the Kennebec Bridge Directors, shall arrange for an appropriate dedication of the Kennebec Bridge at Bath, Maine, upon its formal opening to the public; the expenses of said dedication to be defrayed from any funds available and designated by the Governor and Council for that purpose;

Comes from the Senate read and passed with the following members appointed on its part: Messrs. Drake of Sagadahoc, Smith of Somerset.

In the House, read and passed in concurrence and the Speaker appointed the following members: Messrs. Buker of Bath, Bishop of Boothbay Harbor and Gilcrest of Thomaston.

From the Senate: Final report of the committee on Labor.

In the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: Joint order re-

lating to welfare conditions in the State of Maine (H. D. 365) which in the House was read and passed as amended by House Amendment A.

Comes from the Senate House Amendment A indefinitely postponed and the order passed as amended by Senate Amendment A in non-concurrence.

In the House:

Mr. HALE of Portland: Mr. Speaker, I move we recede and concur with the Senate.

Mr. ST. CLAIR of Rockland: Mr. Speaker, may we have Senate Amendment A read?

(Senate Amendment A read by the Clerk.)

On motion by Mr. Hale of Portland the House voted to recede and concur with the Senate.

Senate Bill in First Reading

S. P. 265, S. D. 208: Resolve in favor of the Northern Maine Sanatorium for the construction of a sprinkler system and standpipe.

Reports of Committees

Mr. Crockett from the Committee on Banks and Banking on bill an act to amend Section 88 of Chapter 144 of the Public Laws of 1923, relative to certain corporations, reported "Ought not to pass."

Same gentleman from same Committee reported same on bill an act relating to the purchase of stock by certain corporations (H. P. 1121) (H. D. 377).

Same gentleman from same Committee reported same on bill an act relating to officers and directors of certain corporations (H. P. 1119) (H. D. 375).

Mr. McLean from the Committee on Claims reported "Ought not to pass" on Resolve in favor of Fred A. Budge of Mattawamkeag (H. P. 550).

Same gentleman from same Committee reported same on Resolve in favor of J. A. Greenleaf & Sons Co. of Auburn for reimbursement for gasoline tax (H. P. 701).

Same gentleman from same Committee reported same on Resolve in favor of F. F. McLaughlin, compensating him for damage done his automobile by a deer (H. P. 218).

Mr. Leathers from same Committee reported same on Resolve in favor of Willis Myrick of Mount Chase in the county of Penobscot, compensating him for damage done

to a piece of oats by porcupines (H. P. 829).

Mr. Allen from same Committee reported same on Resolve in favor of Mary S. Beattie for reimbursement for sheep and lambs killed and injured by dogs (H. P. 696).

Mr. Booker from the Committee on Education on remonstrance of H. C. Hadley and 49 others against passage of law increasing school year to 36 weeks (H. P. 1111) reported that same be placed on file, as the subject matter has been taken care of in another form.

Mr. Brewster from same Committee on bill an act relating to the qualification of superintendents of schools (H. P. 1055) (H. D. 354) reported that legislation thereon is inexpedient.

(Tabled by Mr. Thurston of Appleton pending acceptance and specially assigned for Tuesday, April 5.)

Mr. Booker from the same Committee reported same on bill an act relating to the superintendents of towns in school unions (H. P. 263).

Mr. Crockett from same Committee reported "Ought not to pass" on bill an act to prohibit the teaching of evolution (H. P. 834).

Mr. Lait from the Committee on Indian Affairs on Petitions relating to matters concerning Indian Affairs as follows: H. P. 594 to 599 inclusive and H. P. 1115 to 1117 inclusive, reported that same be placed on file.

Reports read and accepted and sent up for concurrence.

Mr. Crockett from the Committee on Education on bill an act relating to school supervisory unions (H. P. 1213) (H. D. 471) reported same in a new draft B (H. P. 1252) under same title and that it "Ought to pass."

Mr. Bishop from the Committee on Mercantile Affairs and Insurance on bill an act concerning financial responsibility for damages caused by operation of motor vehicles (H. P. 663) (H. D. 171) reported same in a new draft (H. P. 1255) under same title and that it "Ought to pass".

(Tabled by Mr. Aldrich of Topsham pending acceptance and specially assigned for Tuesday, April 5, and ordered printed.)

Mr. Decker from same Committee on bill an act regulating the payment of losses under certain policies of liability insurance (H. P. 921) (H. D. 248) reported same in a new draft

(H. P. 1256) under title of an act providing for the payment of losses under certain policies of liability insurance and that it "Ought to pass".

Reports read and accepted and the new draft ordered printed under the Joint Rules.

Mr. Williams from the Committee on Salaries and Fees reported "Ought to pass" on an act relating to the salary of the county attorney for the county of Hancock (H. P. 145).

Same gentleman from same Committee reported same on bill an act relating to increase in salary of the Recorder of the Western Hancock Municipal Court (H. P. 613).

Same gentleman from same Committee reported same on bill an act relating to the salary of the County Attorney for Franklin County (H. P. 887).

Reports read and accepted and the bills ordered printed under the Joint Rules.

Mr. Sargent from the Committee on Legal Affairs reported "Ought to pass" on bill an act relating to registration fees payable for jitney buses (H. P. 1136) (H. D. 386).

Report read and accepted and the bill having already been printed, was read twice under suspension of the rules, and tomorrow assigned.

First Reading of Printed Bills and Resolves

(H. P. 1096) (H. D. 541) An act to incorporate the Howland Sewerage and Water District.

(H. P. 143) (H. D. 545) An act relative to clerk hire in the office of Registry of Deeds, of Penobscot County.

(H. P. 953) (H. D. 549) An act to enable trust companies to discontinue branches or agencies.

(H. P. 1242) (H. D. 550) An act relating to clerk hire in the office of Register of Probate of Penobscot County.

(H. P. 163) (H. D. 546) Resolve in favor of the town of Castine, for reimbursement of money paid out for the care of State paupers.

(H. P. 823) (H. D. 547) Resolve in favor of Olmsted Brothers, landscape architects.

Resolve in favor of State Park Commission.

Mr. Roy of Lewiston: Mr. Speaker,

may I say a few words on a question out of order?

Permission was given.

Mr. ROY: Mr. Speaker, since we have very serious questions of great importance to discuss this morning, and many members live far away from the Legislature and have not had the opportunity to go home during this session, and I am told that smoking relieves homesickness, and I do not know whether an order has been proposed that smoking be permitted for the rest of the legislative session, if it has not been proposed, I move that smoking be allowed for the rest of the legislative session. I hope my motion will be carried, for if it is carried, I have something else to say.

Mr. KITCHEN of Presque Isle: Mr. Speaker, I dearly love to smoke, as well as any man in this house, but the next two weeks we are going to have before us a great many problems, and I am thoroughly convinced of the fact that too much smoking in any closed room is bound to detract from a man's mental condition. Therefore I am opposed to the motion. (Applause)

Mr. INGRAHAM of Bangor: Mr. Speaker, I agree with the gentleman from Presque Isle, Mr. Kitchen. Members are out in the hall smoking half the time; members are out when votes are being taken. I think it is not a good thing to dodge an issue. I think it would be much better to remain in our seats and smoke if we want to.

Mr. SMITH of Bangor: Mr. Speaker, I do not happen to be a smoker, but I would rather have smoking than talking at this time.

Mr. ROY: Mr. Speaker, probably we can compromise and have smoking for fifteen or twenty minutes or half an hour. I believe it would be agreeable to all the members who do not smoke. I know that members here enjoy smoking during these long, dreary debates. I hope my motion will prevail.

Mr. SNOW of Brunswick: Mr. Speaker, I guess I started this thing. I will give my reasons. Now it seems to me that the gentlemen here ought to be willing to show respect enough for our lady visitors to refrain from smoking during our sessions. This hall, when it is well filled, is none too well ventilated, and with the

north windows opened, there is a draft on some members so that they are liable to take cold. The windows cannot be opened. Now to fill this hall full of tobacco smoke, with the impure air that we have, seems to me to be a wrong thing and a disrespect to the lady visitors we have. (Applause)

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Roy, that the rules be suspended and smoking be allowed. This requires a two-thirds affirmative vote of the members present. As many as are in favor of that motion will rise and stand until counted and the monitors will return the count.

A viva voce vote being taken, forty-one having voted in the affirmative, and fifty-one in the negative, the motion of the gentleman from Lewiston, Mr. Roy, that the rules be suspended and smoking be allowed, did not prevail.

Mr. ROY: Mr. Speaker, I am sorry that this motion was not carried. It was for my own benefit, because I have never smoked in my life, and I ask the members if they will permit me to smoke.

The SPEAKER: The gentleman is out of order.

Passed to Be Engrossed

(S. P. 498) (S. D. 252). An act relating to the operation of portable sawmills.

On motion by Mr. Littlefield of Kennebunk the House voted to reconsider its action whereby this bill was passed to be engrossed.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I have an amendment that I wish to offer to Senate Document 252, bill an act relating to the operation of portable sawmills.

Permission was given Mr. Littlefield to offer the amendment.

The amendment was read as follows:

House Amendment A to S. P. 498, S. D. 252, a bill an act relating to the operation of portable sawmills.

Amend by striking out in the tenth line thereof the words "twenty-five" and inserting in place thereof the word "ten."

Mr. MELCHER of Rumford: Mr. Speaker, This matter was unanimously decided in our committee and I hope the amendment will not pass.

Mr. LITTLEFIELD: Mr. Speaker, this is simply, if you look at your calendar, an amendment to Senate Document 252. The bill makes a portable sawmill pay a license of twenty-five dollars to operate that sawmill. That was all right when everybody had a large mill. Now the license today strikes all the little small gasoline mills that can go out here and operate and saw anywhere from three to four to five thousand feet of lumber a day. It did not seem right to me, and the Department did not ask for a twenty-five dollar license fee and did not think the twenty-five dollar license fee was right, and did think they ought not to charge more than fifteen dollars. In New Hampshire, where there are a great number of portable mills, they charge two dollars and send every mill a license plate the same as for automobiles. I think, Mr. Speaker, that the twenty-five dollar license fee has been entirely, or almost entirely, ignored all over the State. I do think that if you adopt this amendment, probably every mill in the State will send the ten dollar fee, and I think it will be a great deal better. So I hope the motion will prevail.

Mr. McKNIGHT of Poland: Mr. Speaker, I am in favor of the amendment proposed by the gentleman from Kennebunk (Mr. Littlefield). I have had some experience with these portable mills in my town, and I think twenty-five dollars is highway robbery. Many of them are run by a gasoline engine, and ten dollars is enough. I favor the amendment proposed by Mr. Littlefield.

Mr. MELCHER: Mr. Speaker, the members must all realize that there is a great deal of danger from the operation of these portable sawmills, and anyone who has a stationary mill knows very well that portable mills are driving these out of existence. We had many thousands of mills in this State paying a good legitimate tax, doing a legitimate business. Today the portable mills are driving out our stationary industry. The portable sawmills come onto a tract of land and cut up the lumber and go away and the town gets nothing from them unless they happened to be there the first day of April. It seems to me that everyone who is capable of and willing to run a portable mill should pay

twenty-five dollars for the privilege. If you run an automobile, you have to pay from ten to twenty-five dollars. Why should they not pay a license fee when the people who are running stationary mills are paying a tax? I think twenty-five dollars is a very reasonable tax.

Mr. WHITE of Dyer Brook: Mr. Speaker, I would like to say a word here. Being a farmer, sometimes I have employed these portable sawmills. The gentleman here says they are driving the larger mills out of business. But this is the difficulty I have found—that the large mills will not do any cutting at all for the man who has only a small amount to be cut. They say it does not pay and if you want just a few thousand logs sawed for your own use, they say "We cannot do it. We are sawing our own lumber and cannot do it." And you don't feel like going to the larger mills when they do not wish to do it for us. It seems to me it is placing a burden on these little operations which afford a great accommodation to the public and to the farmers in general who wish to have some sawing done. I hope the amendment will prevail.

Mr. LITTLEFIELD: Mr. Speaker, we have stationary mills. The gentleman from Rumford (Mr. Melcher) evidently thinks that I have a kind of selfish motive in this. Now I want to say right here that I am not the owner of a portable mill or even of a saw that goes on a portable mill, but I do say that the portable mills pay a good tax. A portable mill, even though not in the town of Rumford, has to pay a tax, I mean a town tax, and they are always very careful in the town where the portable mill is to find every horse and everything that goes with that mill so that they may tax it. When he says that the portable mill pays no tax, that is wrong. But the small mill goes around to the farmer who has fifty thousand feet of lumber that he wants to sell, and sets up and saws his lumber, and he gets his money. The big mill says "You are too small. If you had a half million, I would saw it for you." That is the way all over this State. Anyone who has followed up this portable mills business knows that is the way. I hope my amendment will prevail.

The SPEAKER: The question before the House is on the adoption of

House Amendment A to Senate Document 252. As many as are in favor of the adoption of House Amendment A will say aye: those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Sixty-one having voted in the affirmative and 23 in the negative, House Amendment A to Senate Document 252 was adopted, and the bill as amended by House Amendment A was passed to be engrossed.

Passed to be Engrossed—Continued

(S. P. 525) (S. D. 267) An act to regulate the sale of cider.

(S. P. 530) (S. D. 273) An act to incorporate Somerset Woods Trustees.

(S. P. 541) (S. D. 293) An act to prohibit the use of more than two lines for fishing at any time in one boat or other vessel or conveyance in part of Rangeley Chain of Lakes, so-called.

(H. P. 673) (H. D. 236) An act to amend an Act to abolish the Board of Public Works of the city of Lewiston and to provide a Highway Commission.

(H. P. 960) (H. D. 466) An Act relating to fees of deputy sheriffs in attendance upon the courts.

(H. P. 1090) (H. D. 531) An act relative to State Aid apportioned to cities and towns for the improvement of highways.

(H. P. 1234) (H. D. 532) An act relating to the town of Gorham.

(H. P. 891) (H. D. 534) An act relating to fees of witnesses.

(H. P. 1097) (H. D. 536) An act to amend the charter of the Belfast Water District so as to authorize the refunding of bonds.

(H. P. 1237) (H. D. 533) An act to create a game sanctuary in the town of Kennebunk, to be known as the Bragdon Wild Life Sanctuary.

(H. P. 1238) (H. D. 539) An act to prohibit the trapping of muskrats in Ward Stream, in the towns of Newburg, Hermon and Hampden, in the county of Penobscot.

(H. P. 1239) (H. D. 540) An act relating to the care and support of paupers and other dependent persons having no settlement within the State.

(S. P. 459) (S. D. 229) An act in relation to filing of complaints against removal of names from list of qualified voters.

(H. P. 371) (H. D. 91) An act

to establish and maintain free employment offices.

(H. P. 1228) (H. D. 520) An act to increase the salary of the Register of Deeds in the county of Androscoggin.

(H. P. 1254) (H. D. 552) An act to create the Kennebec Reservoir Company and define the powers thereof.

(S. P. 260) (S. D. 204) Resolve in favor of the Western Maine Sanatorium for the construction of annex to reception room.

(S. P. 262) (S. D. 206) Resolve in favor of the Northern Maine Sanatorium for maintenance, personal services, repair and equipment.

Mr. DEERING of Saco: Mr. Speaker, in offering amendment A I will make this explanation. Conferences between the committee on Appropriations and Financial Affairs and the trustees of the Sanatorium has cut down to some extent the amount of money asked for personal service and repairs, and after those conferences we are satisfied that this amount is all right.

House Amendment A to Senate Paper 262, Senate Document 206, Resolve in favor of the Northern Sanatorium for maintenance, personal services, repairs and equipment.

Amend said resolve by striking out the words "two hundred seventeen thousand three hundred and fifty dollars" in the first and second lines of said resolve and inserting in place thereof the words, two hundred six thousand dollars" also striking out the words "one hundred ten thousand one hundred and twenty-five dollars" in the third line of said resolve and inserting in place thereof the words "one hundred and three thousand dollars"; also striking out the words "thirty-seven thousand dollars" in the sixth and seventh lines of said resolve and inserting in place thereof the words "thirty-four thousand five hundred dollars"; also striking out the words "thirteen thousand one hundred and twenty-five dollars" in the eighth line of said resolve and inserting in place thereof the words eight thousand five hundred"; also striking out the words "one hundred seven thousand two hundred and twenty-five dollars" in the ninth and tenth lines of said resolve and inserting in place thereof the words "one hundred and three thousand dollars;" also striking out the words

"thirty-seven thousand dollars" in the thirteenth line of said resolve and inserting in place thereof the words "thirty-four thousand five hundred dollars"; also striking out the words "ten thousand two hundred and twenty-five dollars" in the fourteenth line of said resolve and inserting in place thereof the words "eight thousand five hundred dollars."

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

(S. P. 267) (S. D. 210) Resolve in favor of the Central Maine Sanatorium for maintenance, personal services, repairs and equipment.

(S. P. 268) (S. D. 211) Resolve in favor of the Central Maine Sanatorium for the construction and equipment of a Nurses' Home.

(H. P. 563) (H. D. 530) Resolve in favor of the town of Surry.

(H. P. 1236) (H. D. 537) Resolve in favor of the town of Sherman to assist in the support of a pauper.

Resolve in favor of Western Maine Sanatorium for maintenance, personal services, repairs and equipment (S. P. 259) (S. D. 203).

Resolve appropriating money for the compiling and publication of data concerning the resources of the State (S. P. 503) (S. D. 270).

(Tabled by Mr. Eustis of Strong pending passage to be engrossed.

The SPEAKER: There will be introduced at this time two reports from a committee on a matter which does not appear on the calendar which will facilitate in the printing over the week end.

Majority report of the committee on Legal Affairs on bill an act relating to prohibiting business and recreation on Sunday, H. P. 469, H. D. 120, reporting that the same ought not to pass, the report being signed by the following members:

Messrs. MORRISON of Franklin
DWINAL of Knox
—of the Senate
LITTLEFIELD of Kenne-
bunk
GOODWIN of Sanford
BLAISDELL of Franklin
Miss LAUGHLIN of Portland
Messrs. FULLER of Southwest
Harbor
SARGENT of Brewer
—of the House

Minority report of same committee on the same bill reporting that the same ought to pass in a new draft under same title, the report being signed by the following members:

Mr. HOLMES of Androscoggin
—of the Senate

Mr. McCART of Eastport
—of the House

On motion by Mr. Hamel of Lewiston a viva voce vote being taken both reports were tabled pending the acceptance of either and specially assigned for Tuesday, April 5 and the new draft ordered printed.

Senate order, out of order.

Ordered, the House concurring that when the Senate and House adjourn they adjourn to meet Monday, April 4, at 4.30 o'clock in the afternoon.

In the Senate read and passed:

In the House:

Mr. HALE of Portland: Mr. Speaker, I would like to inquire whether it would be in order and in furtherance of public business if we should lay that on the table until later this morning?

The SPEAKER: The Chair will state that it is in order and possibly would be in furtherance of business.

Mr. HALE: Mr. Speaker, I move that the order lie on the table to be taken up later in the forenoon.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I may be wrong, but there are members of this House who would like to go home this noon if there is to be no session tomorrow. We have got a good attendance here and I think it would be a nice time to vote on this question so that if some wish to go home this noon they may go if we are not going to have a session until Monday night.

Mr. HALE: Mr. Speaker, of course all the members realize that this order involves the whole question of when we are going to adjourn and how we are going to dispatch our business. I am sorry to hear the gentleman from Kennebunk (Mr. Littlefield) talk about members who wish to go home this noon. We have got these power matters on the calendar for today. We will not get to them until half past ten or later and I do not see how we can possibly clean them up with the other matters that are on our calendar in the

forenoon session. It seems to me we must have a session this afternoon; and I have in mind that as there is no session of the highway investigation committee we might have a session at half past two or three o'clock this afternoon to clean up the rest of our calendar. Then if we could have a session tomorrow morning, even if the Senate were not in session, I imagine the members would like to do so provided there is any chance of adjourning a week from Saturday. I do not believe anybody wants to throw away such possibility simply for the temporary convenience of having tomorrow at home. That would be as much of a convenience to me as it would to anyone, and of course I would welcome the time, but I think we all want to get through. I think the members will welcome an expression of opinion from the Chair if the Chair thinks it proper to make one.

Mr. STURGIS of Auburn: Mr. Speaker, I would like to inquire of the gentleman from Portland, Mr. Hale, if there is any possibility of getting through a week from Saturday should we stay here this afternoon?

The SPEAKER: The gentleman may answer if he wishes.

Mr. HALE: The opinion of the Chair is probably better than mine. I will say that I talked with the Clerk of the House last night and he said that he still thought an adjournment a week from Saturday was possible. I think I am quoting him correctly.

The SPEAKER: The Chair will state that from what it can learn the adjournment on April 9 depends largely on the committee on Ways and Bridges. By reason of the investigation now going on their work has been somewhat delayed. Possibly the gentleman from Presque Isle, Mr. Kitchen, can advise us whether he thinks that committee can complete its work in time to adjourn next week.

Mr. KITCHEN: Mr. Speaker, the Ways and Bridges committee is tied up on account of this investigation and I think it depends on how long the investigation will continue. If it should continue well into next week, it would be impossible for the committee to complete its work in time to so adjourn. That is all I can say.

The SPEAKER: The Chair believes that adjournment depends al-

most entirely on the work of that committee and how soon its reports are in.

Mr. HALE: Mr. Speaker, may I inquire of the gentleman from Presque Isle, or of any other gentleman who thinks he can answer it, what the effect would be if the Highway investigation could be concluded in say two more hearings.

The SPEAKER: The gentleman from Presque Isle may answer or any other gentleman.

Mr. KITCHEN: Mr. Speaker, I don't know as I can answer that with any degree of accuracy. I know that our committee has a lot of work to attend to and our executive sessions of course have been interfered with. I would not attempt to make an answer any further than that if the investigation can be completed very early next week, it might be possible for us to get through by a week from Saturday if everything worked favorably.

Mr. HALE: Mr. Speaker, if I may speak a third, fourth or fifth time on this matter, I do think that most of the members would like to adjourn a week from tomorrow if we can, and I do not think we want to throw away the possibility of that adjournment, even though it is a slight possibility, by omitting a session tomorrow morning, and my own disposition is that we do not concur in the joint order that is before us.

Mr. LITTLEFIELD of Kennebunk, Mr. Speaker—

The SPEAKER: The Chair has allowed a great deal of latitude on a motion to table which is not debatable, but this is a matter of course of interest to every member. The gentleman may proceed.

Mr. HALE: Mr. Speaker, I withdraw the motion to table.

Mr. LITTLEFIELD: Mr. Speaker, what I was going to say is this: Any member of this House who has been here at other sessions will remember what takes place on the last day. If you try to put our business all through next week, there are one hundred and forty six members in this House who will not know what has happened to their bills. That's the way it will turn out. When you get in here with a cloud of these papers going up through the air, somebody grabbing you this way and that and leading you off out into the corridor, no one knows what is going on. Everyone knows and Mr.

Hale knows that there is no possibility of our getting through next week. Mr. Kitchen knows there is no such possibility, I can tell that by the way he talks. (Laughter) As a matter of fact there is no use trying to pull the wool over these fellows' eyes. It can't be done, and I move the previous question, Mr. Speaker.

The SPEAKER: If the gentleman will withdraw his motion for the previous question, the Chair will at once put it.

(At this point Honorable William Tudor Gardiner, Speaker of the last House was escorted by the Messenger to a seat beside Speaker Martin, the members rising and applauding).

The SPEAKER: The question before the House is upon the passage of the order from the Senate providing that when the House adjourns today it be until 4.30 on Monday next.

A viva voce vote being taken, the order received passage in concurrence.

Passed to be Enacted

An act to amend Section 55 of Chapter 2 of the Revised Statutes, relating to the Secretary of State.

An act to provide a town manager form of government for the town of Camden.

An act to increase the salary of the Judge of the Western Somerset Municipal court.

An act relating to certain State Parks.

An act relating to application for license to build or extend wharves and fish weirs.

An act relating to the Oxford County Agricultural Society.

An act to define "Storage Eggs" and "Processed Eggs" and to regulate certain details of the sale and distribution of the same.

An act relating to the survey and sale of wood.

An act relating to bounty on porcupines or hedgehogs.

An act relating to the use of swines weirs, nets and artificial flies.

An act relating to the Kennebec County Agricultural Society at Readfield.

Finally Passed

Resolve to reimburse Reed Plantation for support of a state pauper.

Resolve to reimburse the town of Kingman for support of Thomas Robichaud, a state pauper.

Resolve to reimburse the town of Vanceboro for support of Otis L. Crocker, a State pauper.

Resolve to reimburse the city of Old Town for support of Joseph Pelkey, a state pauper.

Resolve to reimburse the city of Old Town for support of George Loring and family, Indians.

Resolve to reimburse the town of Richmond for support of Arthur H. Weeks and family, State paupers.

Resolve reimbursing town of Machiasport for medical expenses of Indians.

Resolve to reimburse the town of Lebanon for support of Mary Mawson and child, State paupers (H. P. 825) (H. D. 508).

Orders of the Day

Mr. HALE of Portland: Mr. Speaker, I move that the rules be suspended and that we take up at the present time the following measures:

An act to provide for the exportation of surplus power S. P. 523, S. D. 259 and House Amendments A. B and C, also

An act to create a commission to investigate and to negotiate a compact, regarding water power and electricity in New England, S. P. 524, S. D. 262 and Senate Amendment A, also

An act to amend the charters of all corporations making, generating, selling, distributing and supplying electricity, S. P. 11, S. D. 6, also

An act to amend the charters of Maine corporations incorporated for transmission of electricity and to limit the rights of foreign corporations authorized to do business in Maine for similar purposes, S. P. 522, S. D. 261.

The SPEAKER: The gentleman from Portland, Mr. Hale, moves that the rules be suspended and that the several so-called water power bills which were especially assigned for today be taken up out of order at this time.

The motion prevailed.

Mr. HALE: Mr. Speaker, I move that Senate Document 259 as amended by House Amendments A. B and C be now passed to be engrossed. I should like to address the House on that motion.

Mr. Speaker and members of this Legislature: We are now come to the consideration of those measures

which, in the eyes of the people of this State are, I think, the most important measures of the present session. I should like to have them as fully and fairly debated as may be in this House.

(At this point Mr. Dudley of Calais, assumed the Chair amid the applause of the House, the members rising.)

Mr. HALE continuing: I will say what I want to say in as brief compass as possible. There are four bills for consideration today. There were two other bills, one introduced by the Senator from Kennebec, Mr. Maher, and one by the gentleman from Cape Elizabeth, Mr. Chase. Those two bills have been unanimously reported ought not to pass. And I think it is only fair and courteous to say now that that unfavorable report on those bills is no reflection either upon the merits of the bills or upon the gentlemen in question. The merits of the bills were recognized by everybody and they were known to be sincere and constructive attempts at the solution of a great problem. I would like to say that I feel very grateful for the contribution of these two men to the solution of this problem, and very appreciative of their courtesy in yielding up any personal prestige or glory they might obtain from those measures for what they feel to be the interests of the State as a whole. These gentlemen stand with me today in urging upon you the passage of the Smith bill as the most important and constructive of these power bills.

Now I take it that any discussion of water power in this State must necessarily start with the Fernald Law which is in sections 1 and 2 of chapter 60 in the Revised Statutes, and which provides that "no corporation"—and I call the attention of the House to the fact that the Fernald Law does not hinder any individual or any group of individuals, but only corporations—"unless expressly authorized so to do by special act of the Legislature, shall transmit or convey beyond the confines of the State for the purpose of furnishing power, heat or light, any electric current generated directly or indirectly by any water power in this State."

I call attention of the House to the fact that the Fernald bill does

not effect in any way electric energy generated by steam.

"Nor sell or furnish directly or indirectly to any person, firm or corporation, any electric current so generated to be transmitted or conveyed beyond the confines of the State for any such purposes. Nothing in this section, however, shall prevent any railroad corporation doing business in this State from transmitting electric current, however generated, beyond the confines of the State for the purpose of operating its road between some point in this State and any point or points beyond its confines."

Then there is a further provision that the act shall not apply to any corporation engaged in transmitting electric current beyond the confines of the State when the act went into effect. And the second section provides a penalty for violation.

Now a good deal has been said about the constitutionality of the Fernald Law. That is a matter which I do not think is very useful or profitable to discuss. I do not want to discuss any of these power measures in a legal or technical manner. I do not think the House wants to bother with that. I had much sympathy with my friend from Bangor here when he said, the other day, that lawyers were too willing to chatter about constitutionality. Nobody knows whether the Fernald Law is constitutional. Mr. Frankfurter has said that no good lawyer would express a positive opinion on the point one way or another. But the principle of the Fernald Law is the principle of embargo. It is the principle of restricting commerce between the States. It is the principle of cutting off the producer from his natural, or what may be his natural, market. And I think that the principle is unsound in theory.

I also think that it has shown itself unsound in practice. In 1909 people said that if you did not take the water power of Maine away to the industries, the industries would come to the water powers. That argument had a certain captivation and it has captivated. And there has been a slogan of keeping the pay-rolls in Maine. It sounds pretty fairly good; but as far as I can see and understand, it never has worked. It has not, so far as I know, brought

industries into Maine. It has not, so far as I can see, brought prosperity to Maine. It is not, so far as I can see, bringing industries into Maine today, and it is not likely to bring industries into Maine; and it has had a perfectly pestilential effect on politics in this State. It has befuddled the minds of people who should have been devoting their energies to more vital and more constructive matters. I cordially agree with the sentiment which was excellently expressed by my friend from Cape Elizabeth (Mr. Chase) at the hearing, that now is the time to do something intelligent about water power.

Now if the Fernald Law has not worked in the last eighteen years, and I think eighteen years is a fair trial, a fair period for trial, I do not think there is much to be gained by waiting until 1940, as someone suggests, or even until 1930. I think we can settle this thing now. I think we can settle it today. I think the Eighty-third Legislature will have achieved some genuine credit in this State if it can settle this question today. As I said, the Fernald Law has not worked in eighteen years. I think it will work worse in the next few years if you let the State go on under it. And the reasons for my thinking that are, briefly, these:

First, that the water powers of Maine are of much less importance, speaking nationally, than they have generally been represented to be. Secondly, that easier and more effective transmission of other powers makes them a smaller factor than we believed them to be. Thirdly, that the competition of steam power is so real as to raise the question fairly whether hydro-electric powers will play a paramount or even an important part in the economic life of the next generation; I mean, a vitally important part. And I think I will add to that; fourth factor which is very vague and very indeterminate. But all of us who read the Sunday supplements, from which my knowledge of science comes, are conscious of inventions and devices which are being perfected today, which may, perhaps in the compass of a single year, give the world methods of generating energy. —I do not know whether they might be from sunlight or from sea water

or from radium or from something else,—which would make the hydro-electric powers of Maine a mere curiosity. That is a matter of speculation. We won't bother about it.

I have in my hand the report of the Associated Industries of Massachusetts of the Power Investigating Committee. I will not bother you with the names of all the committee. They are engineers. The committee was a fact-finding committee. They were not recommending legislation. They were simply stating the facts. They stated this about the water powers of the Province of Quebec: "The total water power on the rivers of the Province of Quebec is estimated to be about 15,000,000 continuous horse power, of which 10,000,000 is within five hundred miles of Boston."

We have in Maine about one and a quarter million horse power, about one-half million developed and the rest undeveloped. That is to say, the Province of Quebec has ten times the available horse power that the State of Maine has, and two-thirds of that horse power is available in Boston.

The same report says that it is entirely practicable to transmit that power to Boston. And they analyze the political situation and say it is most unlikely that the Province of Quebec or the Dominion of Canada would forbid that transmission. "It seems to be fair to conclude that Quebec need not fear any power shortage within fifty or more years if a substantial amount of its hydro-electric power is transmitted to New England."

That, I think, is the situation which calls for our consideration. And that, I think, is a factor which makes the Fernald Law, which makes the water power of Maine, less and less likely to be a dominant factor in the power situation of New England.

And then, a word as to electric power generated by steam. I noticed in the papers the other day an item about a corporation (I think it was the "Allied Chemical and Dye Company") which is spending \$125,000,000 for a steam plant on tide water in Virginia. I know that in my own town the Cumberland County Power and Light Company, which had very good hydro-electric powers undeveloped on the Saco River, and

had storage which they could develop on the Saco River, elected instead to erect a steam plant at tide water in Portland Harbor, feeling that that was the more economical method of generating electric energy. Of course their feeling on that question came only after an exhaustive study of the whole situation by thoroughly competent engineers. You can erect, as I understand it, a steam plant for something like one hundred dollars a horse power; and a hydro-electric plant with any powers that we have, costs over two hundred dollars a horse power or something like that. I am told that Muscle Shoals Development is reported to have cost four hundred and fifty dollars a horse power—four and one-half times the cost of the steam electric generation of power. That is in spite of the fact that coal has not decreased in price. But the efficiency of these steam stations has increased out of all ratio to the efficiency of hydro-electric stations. The gentleman from Cape Elizabeth, (Mr. Chase) at the hearing, gave figures on that. I think he said—I hope he will correct me if I am mistaken—that the steam efficiency, that is, the amount to be generated from a ton of coal, has increased two and a half times in the last ten years or so, while the efficiency of a hydro-electric station has not increased at all.

Now, Mr. Speaker and members, I am not a pessimist about Maine. I am not a defeatist about Maine. I believe in the future of this State. But I do not believe this State has a future unless the people of this State can put all the intelligence and all the vision and all the foresight and all the wisdom at their command into making the State a prosperous and happy community. The reason I am standing up here and talking about this bill is that I believe there is behind this bill and there is with the people who are interested in this bill some vision of something of value for the economic life of this State. I feel that this State, in the last few years, even in the last two generations, has been somehow economically undernourished.

I was impressed the other day, when I had occasion to make a study of the life of one of the great lawyers in Maine, Chief Justice John Appleton, who died a generation ago. He was born in a little town in New

Hampshire and graduated from Bowdoin College a little over a hundred years ago near the head of his class, and was a promising young man, and started in to practice law—and where did he go? He went to the town of Dixmont and practiced law in Dixmont for a while, and then practiced law in Sebec. After a while he practiced law in Bangor. He became Chief Justice of Maine, and was one of the greatest lawyers we ever had; and he gave the early part of his life to these little rural communities. And those are the communities in Maine that I am interested in.

When John Appleton lived in Sebec, it was three times as big as it is now. When I went to the Law School I saw a lot of bright young men and they went to practice law in New York and Boston and Chicago and St. Louis and San Francisco. I did not see any of them going to Dixmont. I did not see any John Appletons going to Sebec. But I would like to see some John Appletons in Sebec and Dixmont. I looked it up in the Maine Register here and found that when Wiscasset heard the guns fire on Fort Sumpter, it was twice as big a town as it is today. Ten years before the Civil War the town of Appleton, in which my friend, Mr. Thurston, lives, the rural community in which he says he is interested, was three times as large as today.

You can find that all over Maine. It is not right. I want to do something about it. I would not be standing here talking about this bill unless I thought it was going to do something about it. I do not see what Maine is going to gain from suspicion or fear or distrust or all this vague uncertainty about foreign capital. How different is all our old talk about the "octopus" from the Chinaman's talk about the foreign devil? There is too much anti-foreignism in Maine. There are these people, the Insulls; they come here and they put a lot of money into Maine industry, into public utilities companies. They want to build—and this is no secret—they want to develop power on the upper Kennebec. It is a development of 150,000 horse power, which would sell, if they sold it at all, as I understand it, 1,400,000,000 kilowatt hours of horse power as against 400,000,000 kilowatt hours of horse power that are being sold today by the three major public utilities

companies of this State, namely, our company in Portland, the Cumberland County Power and Light Company; the one here in Augusta, the Central Maine Power Company; and the one in Bangor, the Bangor Hydro-Electric Company. Now they cannot sell 150,000 horse power in Bingham. They cannot sell 150,000 horse power in Maine. You might as well tell Henry Ford that he has got to sell all his cars on one street in Detroit as to expect 150,000 horse power to be developed on the upper Kennebec and await local takers. Until the industries do come to the power there must be an outside market for that power; and when the power is developed, I believe, the industries will come to that power. I do not believe that industries will come to undeveloped power. If you have the power waiting for the industry and the industry waiting for the development of the power, you are not getting anywhere. I do not think Maine has gotten anywhere in the last 18 years.

Now what is this Smith bill? I will not go into the thing section by section. In our committee we threshed it out night after night about this provision and that provision and the other provision. We have produced a draft here which we think is a fair bill. It is simply a fair proposition to submit to the people of Maine whether they will do something about the economic question with which we are concerned. Honestly, I do not see why that bill should not pass this House with the same unanimity with which we passed the bill the last session to incorporate Dexter P. Cooper, when not one soul voted against it. I was proud of that Legislature. I will be proud of this Legislature if they do the same thing.

Now, I think I ought to say just a word about the other bills. The Oakes bill, so-called, is a compact measure. I have nothing against it. I have no genuine hostility toward it. I have no hostility of any kind toward it except that I do not think it is a way out of the woods for Maine. Now that bill provides—I just want you to see the hurdles that are in its course. In the first place, we would have to pass that bill in Maine. In the second place, the New Hampshire Legislature which, as I understand it, is as near adjournment as ours, would have to pass a similar bill. In the third place, the Massachusetts Legislature would have to pass a similar bill. Be-

fore you can get anything going, all that must be done this year. Under those three several pieces of legislation several commissioners must be appointed in each state. They have got to meet and negotiate a compact—a compact about what? About the joint resources of Massachusetts, New Hampshire and Maine? Not at all. But a compact about our water power, our very own. They have got to negotiate a compact about that, and then go back to the three several Legislatures and say "Now, gentlemen, that it what we have done. This is the compact we have drawn, and we think it is all right." And the Legislatures have got to sit down and talk it over and see whether it is all right. Now the Legislature cannot say "You are good fellows and you did well in the first forty-four sections but you got it wrong in the forty-fifth and went a little too far in the forty-sixth, and we don't like the punctuation in the forty-seventh." They must ratify the compact exactly as it is or else send the whole thing back and begin all over again. And when they have the result, they must go to Congress and the Congress must ratify it. And if Congress is not busy with Nicaraguan affairs or the Boulder Dam, which does involve joint resources, the Congress may do something about it. And the action of Congress will last how long? Just until Congress changes its mind. And if the people of Massachusetts get dissatisfied with the compact that was made and go to Congress and ask Congress to change its mind, who, I ask you, will have more influence in Congress—Maine, with four congressmen, and a tendency to three, or the great commonwealth of Massachusetts? As I say, I have no hostility to the Oakes bill. If the members of this Legislature want to pass the bill and appoint these commissioners, and give it a fair trial, I am perfectly willing to give it a fair trial, but I am not willing to pin any faith upon it as a solution at the present time of this question.

I say in passing, that the Smith bill has elaborate provisions for avoiding difficulties of federal control — I will not discuss all that technical situation—I cannot agree that the people cannot understand that phase of the Smith bill, the referendum, just as well as the engineering and economic features. If the Smith bill is a bad bill, the people will vote against it. I think it is a good bill.

I cannot see any objection fairly to be urged from any source to its being referred to the people. You will remember that yesterday there were amendments offered to the Smith bill which would postpone the referendum on that measure to May, 1928; and there was another amendment which made all provisions of the Smith bill subject to any compact which might be made between this State and other states; the purpose of this amendment, as I understand it, being to give the compact a chance, as the Governor said. And if you can do anything with the compact in a year,—as he is optimistic enough to suppose you can, and I am pessimistic enough to suppose you cannot,—if you can do anything within a year, then you can pass the Smith bill or not, as you like. It will be dependent on the compact. But if nothing has been done with the compact, the people will still have a chance to vote on this measure and you will not have to wait two more years.

Now, Mr. Speaker, I had a great ambition to be brief on this subject, and I am going to try to be brief. I have sat here through this session and through two previous sessions and I have voted for a great many measures. I have voted to protect the togue in Wood pond, Little Wood pond, Little Big Wood pond, Holeb pond and Attean pond; I voted to change the name of that little body of water in Hancock county from Tunk pond to Tunk lake; I have voted for the protection of yellowlegs, both the greater yellowleg and the lesser yellowleg (laughter) and I voted that the Chickadee be designated a State Bird. It seems to me doubtful whether the fish will be any more numerous in Tunk lake than they were in Tunk pond, or whether they will bite any better. I have never seen a yellowleg and I am not at all sure that I ever want to see one. (Laughter) And I question whether the Chickadee when, three months hence this resolve takes effect,—I question whether the Chickadee when the consciousness of that measure sweeps over it, will sing any more sweetly. (Laughter)

I am ambitious, Mr. Speaker, and members of this House, to do something in a large, constructive, real way for the State of Maine. I do not object to all that other legislation. But I think if we spend a winter here

and cannot do better and bigger and more constructive things than that, we had better have stayed at home. And because I believe that this bill means something real to Maine, something vivifying and helpful to the rural communities of this State, I ask the House to support it and help our State. (Prolonged Applause)

Mr. MARTIN of Augusta: Mr. Speaker and members of the House: As Speaker, any man, of course, has the right to vote and has the right from the floor to speak, as any other member. And today I want to say a few words, and what I say is extemporaneous in regard to this matter. I speak simply as a member from Augusta, one of the two representatives from Augusta; and I feel it is my duty to say a few words. First, because I believe that my constituents want me to, and I know that it is their sincere wish that Augusta have one of its representatives speak on this matter, because they feel very keenly about this measure. And secondly, it is a matter of State-wide importance, and I feel personally, believing as I do absolutely in the merits of the bill, that I should be remiss in my duty to my constituents and to myself if I did not go on record in favor of it. I realize that this matter, like nearly every great matter that comes before this Legislature, is one upon which men and women can honestly differ. The men and women who do not agree with this bill are absolutely as sincere in their loyalty to the State of Maine as we who do agree with the bill. And if there is anything that I dislike in this hall or elsewhere, it is to hear directly or indirectly the motives of men and women impugned as to their positions on bills. I realize that I may be wrong in the position I take as well as the people who oppose this position may be wrong.

We all have one common motive, and that is to do something for the State of Maine. I am moved, in the support of this bill, primarily because I believe that it would be to the economic advantage of Maine. In the city of Augusta, the wheels of industry, are not very lively. The Edwards mills, our largest industry, has been running and operating only a few days a week for the last year or so, I am advised. Nearly a month ago, for the first time probably in their history, at least as long as I

can remember, they had to go to the City Government and request a rebate in their taxes. Our shoe factories are running only part time, and there is not any great prosperity in our city. When we do have prosperity in our city here, the adjoining country towns are affected.

I believe that the Fernald Law, inspired by the highest motives, has been given a long enough trial. Passed in 1909, it has been our policy since that time. In 1910 Maine ranked third in electric development; today it ranks seven. And certainly the prosperity which we anticipated under that law has not come to the State. And experts who know about electrical matters believe that the proposed Smith bill will result in additional prosperity to the State and be a benefit to the country communities.

There are two reasons that I have heard advanced in the corridors against the Smith bill. The first is, as the gentleman from Portland, Mr. Hale, intimated and spoke concerning, the fear of Federal control. The men who have looked into this matter very carefully do not believe that there is any such fear to warrant turning this bill down and voting against it although, on the other hand, those men and women who support the minority report of course will believe and do believe honestly that there is danger of Federal control. But the same argument might have been used against the telephone companies, who have been in existence for over forty years. And I am informed that during said period there has never been one instance of any Federal regulation of local rates; and because of vague, undefined fear to vote against the bill does not seem to be a very substantial reason.

And another reason, which in my mind bears considerable weight, and I know it has troubled some members of this Legislature. I do not have to deal with it in my own case because I feel that in Augusta the sentiment is almost unanimous in favor of the Smith bill. But there are many representatives here today who have studied the matter carefully and feel that the matter could safely be passed and left to the judgment of the people. But their constituents in some cases do not agree with them and feel that the bill should be killed. It involves the question of whe-

ther a representative should vote as his constituents wish or should vote as his own conscience and judgment demand. It is a question that each member has to decide for himself. But it does seem to me that if a member of the Legislature, sent here by his constituents, by attending hearings and obtaining information which the men and women in the short period while the Legislature is in session do not have the opportunity of obtaining at home—it seems to me that if he has more and better information and has made a study of the question, and if he sincerely believes that the bill has merits and should be passed, it is his duty to his constituents to vote for this bill. And doubly so, because of the referendum clause attached, whereby during the coming months, if the bill passes, his constituents can, in time, have the same information which has been placed before him at this session.

And there is another reason why I am in favor of this bill. I think any bill can be judged somewhat by the merits of the men and women who are behind it. And this bill is, of course, sponsored and is directly connected to a great extent with a man who is a resident of the city of Augusta. Back in 1899 this man organized the Oakland Electric Company. The first year, under his management, that company did a gross business of \$1,500. That same company has developed, and developed under the guiding genius and management of that man, until today, as the Central Maine Power Company, it did last year a gross business of over \$5,000,000. That man was born in Maine. He lives in Augusta. And I will go on record that his greatest ambition is to be of service to the State of his birth and to the State that he loves. He has been a dreamer of dreams; but he has that wonderful ability, particularly, of making dreams become realities. And it is a strong argument, at least to me, for supporting this bill, to know that the man, Walter S. Wyman, of Augusta, is heartily behind it. I know that the citizens of Augusta agree with me in that.

And there is another reason, that is, the referendum clause. This is a matter of State-wide interest. It is

a matter that every citizen of this State is interested in. I do not believe that we ought to decide it here. I think that the citizens of Maine should have an opportunity to vote upon it. I believe it is our duty to send it to the people, and let the people whom we trust and who elected us to come here vote upon this. And we should be able to trust that question to them. And I believe that the people of Maine can determine for themselves whether this is a good and proper bill. And I believe it is our duty to send it to the people. Mr. Speaker and members of the House, I therefore wish to support the motion of the gentleman from Portland, Mr. Hale, believing as I do, that this bill is for the advantage of Maine and that the people of Maine should have an opportunity to vote upon it. (Prolonged applause).

Mr. PATTERSON of Castine: Mr. Speaker, it may be presumptuous for me, a member in this House, to stand up here and attempt to speak after listening to such splendid speeches as you have had from the Republican floor leader, Mr. Hale, and from our Speaker, Mr. Martin. I do not intend to go very deeply into figures, and certainly not into the legal features of this matter. But as a member of the committee of thirty who has been, along with the other twenty-nine members of the committee, spending many long hours on these various water powers measures, I do feel it is my duty to express my own opinion upon this matter, and also the opinion, as I believe, of those who sent me here.

Perhaps it is just as well to say in the beginning, and then there will be no possible chance of mistake, how you stand on any particular matter. I rise at this time to support the position of Mr. Hale and Mr. Martin, because I am in favor of the Smith bill in a new draft. I so signed the majority report upon that measure. I also signed a report "ought to pass" on the Carter bill; also upon the Oakes bill, the compact plan. I maintain, and I think I can prove my position, that there is nothing inconsistent in so voting. Just now, of course, we are talking about the Smith bill. And I want to say right here and now that the State of Maine owes a great debt, in my opinion, to Mr. Carter of Androscoggin for the work he has done along water power lines. I wish I could go along with him, because I

like him, and I hope he likes me, but when it comes to the position of transmitting surplus power outside of Maine, our thoughts divide, because he believes it is not a proper thing to transmit surplus power and I believe it is. I believe that it is time that in this State we take some positive action for the benefit of Maine and for the benefit of the citizens of Maine.

I am somewhat in the position of the third or fourth speaker at a dinner: perhaps not quite so, because at dinners the various speakers have different subjects assigned to them, but here, when we are speaking on the same subject, very necessarily we must use the same arguments. And the gentlemen who have spoken before me, I won't say have "stolen my thunder," but they have said a number of things that I perhaps would have said if they had not said them. There seems to be no question that under the Fernald Law the State has not progressed as it should. I come from the coast, down on Penobscot Bay. That used to be a great shipping country in the old days of sailing ships. But when the steamships came in, of course those little ports like Castine, Bluehill and Bucksport found their business falling off. Today in Bucksport and Castine our wharves would dry-rot if it was not that the summer people come in, and their pleasure boats and yachts dot the harbors and thus keep those little towns alive. But outside, in those back towns, there is a section that has not benefited as it should, the farming section. There are a great many abandoned farms. Take the town of Penobscot, while I represent, when I was home the other day, at my town meeting in Castine there were present some men from Penobscot who told me that their tax rate for the next year would be seventy dollars a thousand! Just think of that, some of you people who kick at a thirty-two dollar rate—seventy dollars a thousand! Many farms in that section are being abandoned and going down. In that little town of Penobscot, little in population, large in area, there is a ridge called Calf Town Ridge, from which you get a wonderful view. It is very high up. Looking north you can see three lakes, Toddy pond, Alamoosook lake and Craig's pond, three lakes as beautiful as any lakes in Maine. Looking west you see the Penobscot river and the hills beyond; and looking south from that ridge you see Penobscot Bay and Islesboro and the Camden hills beyond

Penobscot Bay. Looking east you see the hills of Mt. Desert; and if you could look over the first range of hills you could see the sea. It is a wonderful view, not surpassed anywhere. Yet along that ridge and the road leading down from that ridge are a great number of abandoned farms, the houses closed up. That is the situation and it is a very bad situation for the farmers of the community. I am speaking here today for the benefit of the farmers and of the farming communities.

I believe that if we could get some positive action as contemplated in the Smith bill, these farming communities would benefit. You all remember the hearing that was held on these power bills February 24th and 25th in this hall. It was a very dramatic occasion, so it seemed to me. Here was the Legislature all assembled; here were all the most prominent attorneys of Maine, that is, the business attorneys, down here in the front seat, and very properly so, representing their corporations. Here was the wealth of Maine assembled around the walls. When they were talking about the Smith bill, Mr. Merrill, the legislative agent and the attorney for the Central Maine Power Company, made a very splendid presentation, but necessarily he was talking about economic questions and cited legal cases, and perhaps that hearing became a little dry. But after a while a gentleman whom I do not know personally—though I have met him once or twice—a man whose reputation is well known to me, the head of the Central Maine Power Company, Mr. Wyman—got up and read a letter, as you will remember. I think it was quoted from the Boston Herald. I had seen it in the Boston Herald and had not paid much attention to it. I thought, when I read it, that it represented bathos rather than pathos; but when Mr. Wyman read it, and perhaps it was the magic of his voice, of his personality, it seemed to be an electric shock. You could see it from the front of this room all over the room. You could have heard a pin drop. You remember it because that letter, read in that way, very graphically brought out a situation which I had just been attempting to debate down in my own town. Then a little later what did this gentleman do? Mr. Wyman said (and I now refer to

page 65 of the power hearing, and am going to read it): "Now as a kind of sporting proposition and showing the good faith which we have in doing business in the State of Maine, I am going to suggest this amendment to the Smith bill, which I will be glad to give the committee in writing; and that is that as a basis of getting a license to sell power to one of these transmission companies under the Smith bill any public utility which gets a license must put into its contract with the State of Maine as a condition of that license that it will spend for ten only one-half of the money gross that it gets for power sold for export in building farm lines, rural lines, in towns which it is authorized to serve under the direction of the Public Utilities Commission of Maine." And then he had to stop because the whole House burst into applause because they really saw that there was something for the towns and farms, that something was going to be done, if this offer was made in good faith, for rural electrification. After the applause he went on and said "putting a limit on that amount of \$250,000 a year for one company. I don't think it would be fair to require them to spend millions of dollars a year if the export business should run to that amount."

When the attorneys for the power company came to draw that amendment, it was, perhaps, a rather difficult thing for them to do, as it appears here in the Smith bill. I am not altogether satisfied with the Wyman amendment as it appears in this bill. That is not at all questioning his good faith. I, perhaps, would rather for myself see Section 1 of the Maher bill go in as an amendment to the Smith bill, because that is an amendment, I believe, would protect the people more in the matter of rates; and this committee of thirty, when passing on the Smith bill, did insert in it, and it appears in the last paragraph of Section 13—"It is further hereby expressly provided that if securities are issued against or based upon rural electric facilities constructed in accordance with and in performance of the condition of the permit as prescribed in this section, the proceeds of such securities shall be used exclusively in

the construction of rural electric facilities as defined in this section."

I think that when the committee divided sixteen to fourteen, some of them, at least, who had intended signing the majority report did not go far enough. Nevertheless, I believe that under this amendment \$250,000 a year at least will be spent in putting electric lines into rural Maine, which is a wonderful thing for the farmers.

Secondly, it seems to me that this Smith bill does as much for the farmers as for the residents of any city in the State. There is one thing that has been discussed, the danger of Federal control. Now when the Senator from Kennebec, Mr. Maher, was speaking on this matter in the Senate the other day—and there is no man in the State with a more brilliant mind, as you will all agree, as the Senator from Kennebec, Senator Maher—he discussed very fully this danger of Federal control; and I think if you all read that, as you probably have done, you will see that any fear regarding the Federal government coming in and bothering rates is groundless. There is one danger, however, that I think of under Federal control. That is the danger of holding companies. The holding company has many good points, of course. But as I understand it, under the holding companies some times they come in with managerial contracts and service contracts and charge their subsidiary companies perhaps two or three hundred thousand dollars for a service worth twenty or thirty thousand dollars, and put the difference into their pockets as profits. I believe that this is wrong. But that can be taken care of if you pass the Granville bill, Senate Document 132, which will be introduced. I understand, in a new draft. I feel that when that comes into the House, I shall call the attention of the members to it. I think that bill will do away with any danger of this matter of holding companies, which I have discussed.

The matter of a referendum has been discussed. I certainly believe that all important questions of this kind should go to the people in a referendum. A sub-committee of the judiciary the other day, of which I happen to be a member, had to pass upon some question in regard to submission of a primary bill to the people. While

I believe in the primary fully, and am committed to it, and shall vote for it, I want that question to go to the people in a referendum. I think some of the newspapers, in discussing that matter, failed to see the point of view of the judiciary committee, because they seemed to take the position that that committee was trying to keep that bill from going to the people. We were simply trying to put those petitions in proper form so that they could go to the people. That has nothing to do with the Smith bill except to say that I believe in the referendum. Let this question go to the people to decide it as they should.

I will say one word in conclusion more in reference to the other bills, and then I will sit down. I am going to vote for both the Carter bills, as I believe in them and I believe they are consistent with the Smith bill in the new draft. I am going to vote for the Oakes bill, the compact bill, so-called, which Mr. Hale discussed in some features and which I think he would agree with me is really a supplementary bill and which cannot in any respect endanger the Smith bill. I certainly hope, and I submit in behalf of my constituency, a rural community, that I believe they will be benefitted by the passage of the Smith bill, and I surely hope that it will pass in this new draft by a substantial majority. (Applause)

Mr. LAIT of Old Town: Mr. Speaker, I do not believe that as a common layman I will be quite as long-winded as the legal talent of this House; but as Democratic floor leader of this House I wish to go on record in favor of the motion of Representative Hale favoring the Smith bill, and in a few brief words I will try to state my reasons.

Believing that the Smith bill conforms to the Democratic platform of the Democratic party in 1926 at their convention, believing for the first time that the Republicans had a measure that agreed with the Democrats, and believing that by having a referendum attached to this measure it conformed to the principles of the Democratic party, and for the first time feeling like agreeing with the Governor of our State as I did two years ago when the question came up at the time he wished a referendum attached to a question of a similar nature to go to the people, I wish to point out that this measure,

in my opinion, is a measure for the advancement of the State. It is a measure brought forth by the friends of the State; and I hope that this Legislature will not be as short-sighted—and I do not believe they will—as the man who was found in bed asleep by his wife with his glasses on. She said to him, "John, why are you wearing your glasses in bed asleep?" And John said "I have got so short-sighted that I can't recognize my friends in my dreams." (Laughter and Applause)

Mr. DOUGLAS of Chelsea: Mr. Speaker, as a member of the committee of thirty, who listened very attentively to the proponents and opponents of the Smith bill, I wish to go on record at this time as being in favor of the passage of this bill with its amendment. I have the utmost confidence in the integrity and pure purpose of the proponents of the measure; I believe they are actuated by no greater ulterior motive than to develop Maine's water power for Maine's people. If they will but use the product. If the citizens of Maine cannot utilize all of this electric energy, can there be any sound reason for bidding the sale of the surplus to people of other states? I do not need to score the Fernald Law for its stupendous failure. That feature has been well covered by previous speakers. Its strength was its very weakness. Its inhibition of the export of power has brought about the very opposite result intended by retarding the development of water powers instead of inducing that desirable end. I believe that Maine will reap a rich reward in the workings of that portion of the bill relative to rural electrification and better known as the Wyman Amendment. The expenditure of two and one-half millions of dollars for the extension of rural lines will serve to greatly lighten and brighten the tasks in many of our farming communities. It offers a concrete proposal looking toward supplying these more thinly populated rural sections which have hitherto been unable to meet the requirements necessary to obtain the service. I believe our people may rely upon the proposition as being a sound one which will be carried out in accordance with the spirit which inspired it and strictly in harmony with the letter of the law.

More young people will be attracted to look upon the farm and farm life in a much different light than formerly. I thoroughly believe that our good old State will strongly react to the effects of rural electrification in an important particular and that is the effect it will have on the tourist business. Tourists will be far more impressed with the desirability of spending their vacations among the beautiful hills, vales and lakes of our country districts if the farms and homes are equipped with electric service.

I believe the proponents of this measure are sincere in their ardent desire to upbuild Maine, and that the turning point has been reached where Maine must go forward or backward. I have faith in that rugged son of Maine, the outstanding figure in this movement, Walter S. Wyman. That it is his purpose to betray his native State is a thought which I believe is not held by a single member of this House. I certainly hope that this measure, the most constructive piece of legislation which has been offered for many decades, with all the desirable possibilities it contains for our grand old State, will secure your favorable action.

Mr. ALDRICH of Topsham: Mr. Speaker—

Mr. WING of Auburn: Mr. Speaker, I raise the question of a quorum.

The SPEAKER pro tem: The monitors will count to determine whether or not there is a quorum.

The count being taken, eighty-two members being present, a quorum was declared present.

Mr. ALDRICH: Mr. Speaker and members of the House: In anything that I may have to say I wish to be distinctly understood that I am making no effort to influence any member of this House to agree with me in the position which I take. And my only reason for arising in this matter is that I may have the satisfaction of having placed upon the record the position which I take which is diametrically opposed to the position assumed by the gentlemen who have preceded me in their remarks.

For the purpose of possibly setting this matter before you in a concrete way, I am going to indicate just what my reaction has been in connection with this entire power situation, from the day that I was honored by

being elected as a member of this House. And I may say that at the outset there were two things which impressed me very forcibly. The first of them was that I knew practically nothing about the power question; and I wish to say to you now that although I have been a member of this three-headed committee, and have listened to talk by the hour until I have been almost dizzy, I still feel that with respect to the workings of this Smith bill I am in decided ignorance. And from my talk with gentlemen in this House upon it and with the average man whom I meet in the street, I think I am safe in saying that he does not know what effect this proposition will have upon industry in this State, either industry that is now here or industry which may come here hereafter. Now a second very decided opinion which I held, and still hold in this matter, is that if this privilege some gentlemen disagree with me as to whether if we pass this Smith bill we are granting any privilege; I, however, consider that the State of Maine is being asked to grant a privilege to corporations already existing and to others which may be organized under this bill. And I submit to you that, especially as the privilege which is to be exercised not here but outside the State of Maine, the State of Maine is entitled, regardless of the attitude which it may have assumed with respect to public utilities within the State—it is entitled to ask that it receive something in return for that privilege.

Now with those two facts which I set before you as having been the point which stood out most in my consideration, I wish to say that when this Smith bill was introduced, it did not hold out to me any attraction whatsoever. And up to the day of the hearing in this room I could see nowhere, in anything that had been offered, that the State of Maine was promised anything upon which it could depend. But as the gentleman from Castine (Mr. Patterson) has said, and I say, when the president of the Central Maine Power Company rose in his seat and said "As a sporting proposition I will say this to you."—I am not using his language: the members have read it—"we will put \$250,000 a year or not to exceed that amount for rural electrification"—I agree with my friends that it was as if an electric

shock went over this House. And if you will remember, dozens of people had come here from distant points and had stayed here all day for the purpose of registering opposition to that bill, but that opposition faded away just as snow melts before the sunshine. Why? Because for the first time this company, or those behind this bill, had seemed to recognize the principle that the day has come in the State of Maine when, if we grant privileges, we shall receive something in return for them. That proposition, my friends, looked to me like a real thing, and I turned to a friend beside me and said "They are talking now, for the first time". I thought they were.

I examined Section 13. I think it is, of this Senate Document No. 259. And what did I find? I will simply say to you, my friends, that if you examine that section carefully, you will find that all the sportiness has gone out of that proposition. As I understand a sporting proposition, it is "we will take a chance on something we are going to do for you." But I say again, there is no sportiness left in the proposition if I read it correctly. What is it? When they get it down to paper, what is it? They may put up not to exceed \$250,000 a year for rural electrification, provided—provided—that it is not against the public interests to do it. Do you know what that means? Do you know why today rural electrification has not been carried out all over the State? Do you know? If you do not, think about it. The only reason that every farmer in this State today has not electricity on his farm is because it is not in the public interests that he should have it. Why? Because it is an uneconomic proposition which would not be profitable, and no public utility commission on earth would vote to give that isolated farmer the electric power. That is the only reason. Under this Section 13 it is left just as it was except that there is a suggestion that up to \$250,000, if ordered by the public utilities, and if it is not against public interests, they may,—they will,—develop rural lines.

Is there anything in this bill which says that they cannot, under that bill, do to the farmer just as they do today? I do not represent a very large farming community but this appeals to me, whether I am representing the farmers or not. Is there

anything in this bill by which you have the slightest assurance that they won't do in the future what they are doing today? Is there anything in this bill which prevents them from charging the farmer one hundred dollars for every pole on every line? Absolutely not. I will tell you what I said to some of these gentlemen, and I believe it is fair and the only way to get rural electrification in this State on a fair basis which will give the farmer something he will never get in any other way. I said "You say you will put \$250,000 into rural lines?" "Yes". "Are you willing to say that that \$250,000 a year will be put into rural lines without any assessment on the farmer, and that when you put in that \$250,000, which you get for nothing as the result of our granting you this privilege, you won't charge the farmer interest on the money put in there which will be reflected in the rates you charge him?" "Are you willing to accept the proposition that you, at no time, will use the money that has been put in there, the property that you get as the result of putting in this \$250,000—are you willing to give us assurance that you will not use that for the purpose of raising money by selling securities against it?"

I say to you that I had hoped that we might secure some such thing as that for the farmer. Let us see how that will work out. If they put \$250,000 in—I have tried to show you that they never will put \$250,000 into it—if they do, they are entitled to eight per cent on their money, which will be \$20,000 a year, which of course has to be paid for, and the only way it could be paid for would be by rates. If they did not treat it as an investment, there would be no interest charged on that money, and the rates would represent only what it cost to generate and actually shoot the electricity out to the farm.

I think the advantage to this company would be three-fold. In the first place, they would receive this privilege for which they would return into the treasury \$250,000. In the second place, they would not be paying the State any tax. They would be using \$250,000, not giving us anything of use but building lines which would belong to them. In the third place, they would be developing a market which if there is

anything in this idea of rural electrification, will develop your country districts and would become a profitable market. In addition to that they would have secured a friendly attitude, as indicated in that hearing, the friendly attitude of the people of this State; so that I believe that when the Legislature met here there would have been no need of such a barrage of high priced lawyers.

Where are we today? Do you or I know anything about how this will work out? If you are in a town where there are mills that, as has been explained here, may not be doing very well and may have water powers—now I don't know whether it is because of my ignorance—but do you know whether it might be more profitable for some of those industries to possibly sell their water rights to this company which can export, than it would be to continue the industry? I don't know but that, instead of getting industry, you may be killing industry. Some mills in my town are not doing any too well. I don't know whether, under this bill, if I vote for it, leaving aside rural business,—I don't know whether I would be voting in the interests of my community. I might be voting for what in five years would wipe that town off the map.

If this were a business proposition, and that is all it is, if you stood in the position of the State of Maine, what would you do? You would do identically what these power people do. The first thing you would do would be to find out. And how would you find out? You would retain the best legal talent you could get in the United States, and the best engineering talent. You would secure the business judgment of men who know, and after you had secured that knowledge, you would have something upon which you could determine whether the granting of this privilege is in the interest of the State or not. I want to say that it is my judgment that the vast majority of us, including myself, do not know whether it will be for the interests of the State of Maine to grant this privilege, or not.

They propose an amendment here. They are in no great rush about this business. They have given us the idea—don't misunderstand me; I have

the greatest regard for Mr. Wyman; I don't think anything is being put over on us; I agree thoroughly with the Speaker of this House; I have nothing but contempt for the circulation of these rumors every now and then that, because a man does not agree with me, there is some improper motive behind his action. But I do know this, that when I come, on behalf of the State of Maine, to sit down at a table with the power interests, I am dealing with them on equal terms. And I know that if it were my business, and I had the money to do it, I would not sit down with them until I could deal with them on equal terms. Do you see them coming into this House without their array of supporters? Not at all. Do you suppose, as my friend from Portland (Mr. Hale) has suggested to you, as I understood, that we do not know what is ahead of us? If we do not, that is no reason why we should hurry into this. It has been said that next year these water powers may not be worth a nickel. My answer to that is that Mr. Martin Insull of Illinois—do you know how men of that kind act? They surround themselves with the ablest men that money can procure and act upon the advice of those men. And Mr. Martin Insull, with the vision that comes from that background, has enough confidence in the future of the water power of this country to come up here and pay \$140 a share for stock which had been selling a short time before for not more than one-half that price. Let me say to you that gentlemen of that caliber are not throwing money away knowingly. So that remark about shooting electricity by radio next year does not impress me at all. But I am willing to take the chance with Mr. Insull as to what electricity will be worth five years from now.

But I want to suggest to you that these gentlemen are apparently in no hurry. At first I thought they were in a terrible rush to submit this to the people, and that if we did not do this, there would be grave danger that Maine would lose her opportunity. Yet we find that there is an amendment by which this proposed referendum will be held, not next fall, but a year from next May. No hurry! No hurry at all! I want to

just leave this as my calm judgment: If this Legislature goes ahead and makes a deal, as the Smith bill—I don't use that term in any improper sense—if it makes an agreement, as it may by this bill, so far as I am concerned I will say that if I did it, I should be almost like a man walking in the dark. All I want to suggest to you is that it would seem to me like good business, and like what any business man would do where he had the resources that this State has, to appoint somebody with authority, somebody in whom you had confidence, with authority to get the best advice obtainable in these United States and report back to the people before the next Legislature meets, in time for the people to come here and do business. And you would do it with your eyes open. If it then seems wise to accept the provisions of the Smith bill as they are today, and you have the judgment of competent men that that is for the interest of the State of Maine, I will vote for it. But I will not vote for it without knowing what it means.

And I am not voting for Section 13, which does not give what I at least thought. I don't say that Mr. Wyman was misrepresenting at all. In my first exuberance of enthusiasm and optimism I may have been mistaken in reaching the conclusion that I did reach, that in putting in that \$250,000 as a "sporting proposition," the farmers would get something different from what they are getting now. But as I read Section 13 of that bill, I cannot see that it offers much in the way of a change.

Now, it is rather difficult, my friends, for me to get up here and take this stand. As most of you know, I am a comparatively newly adopted son of this State; and I assure you that one of the pleasantest experiences of my life has been the cordiality and hospitality with which the people of the State of Maine have received me. And because of the shortness of my residence among you, I feel very deeply the responsibility which I am assuming in taking the position that I take. I simply wish to assure you of what I know does not need assurance, that I, as you, can only be

guided by what conscience dictates and what seems good business. Whatever the decision of this House, let us see to it that it is in the interests of the State of Maine. (Applause).

Mr. McINTIRE of Norway: Mr. Speaker, and members of the House: I was shocked, surprised and somewhat mystified at my friend's argument for free trade. I had intended to confine myself to applause.

There are some factors in this question which have not, I think, been touched upon. I ask your indulgence for a few moments to speak of those. There has been, and still exists, I think, a popular misapprehension on this question. Most people believe that there is a monopoly on the production of electricity. And that, I submit, is absolutely false and unsound. Mr. Wyman has a monopoly on the production of electricity, neither has Mr. Insull, nor can they acquire it. Anyone can produce electricity by water power, by steam power, or by internal combustion engines. The monopoly, if any, comes in the distribution. It is not convenient to have six or a dozen electric wires running along our streets. More than that, the monopoly is legalized by charter grant. We give one organization the exclusive right of distributing electricity in certain sections.

It seems to me we are barking up the wrong tree. We encourage people to produce electricity and give them the right to make all they can of it and sell it wherever they please; and if somebody else wants to make it and sell it, it should be arranged for him to do so. I think we need not worry about a monopoly on electricity, if we use a little sense and a little legal ability in handling the distribution of it.

There has been much talk about electrification for the farmers of Maine before we permit exportation of any electricity. I submit that that sort of talk is bunk and nonsense. Please do not think me unfriendly to the farmers. My family began farming in this State in 1640, and they are still at it. I am not unfriendly to the farmer, but am simply trying to face the facts before us. Many of our farms might be lighted by electricity. Very many others should not be, for this reason,—that the value of the farm in question is not sufficient to

pay for the cost of building the transmission lines to it, regardless of any profit on the investment. So far as keeping the power at home is concerned, I want to give you one small illustration of that. The town in which I was born, and where I hope some day to rest beside my fathers, had a water power and developed that water power. Within the space of a mile on one stream were once eight developed water powers turning the wheels of industry. In 1850 that town had a population of fourteen hundred and forty-eight. No Insull interests came in and bought that power. No one from outside came and disturbed it. That water power is still there. The water is running merrily down to the sea, but the wheels for the most part are idle or rusted away. The population of that town has fallen from fourteen hundred and forty-eight, in 1850 to seven hundred and sixty-five in 1920.

It seems to me that this idea of keeping your water power at home is not wholly satisfactory. It does not, in practice, do what in theory we think it might. Of course the traditional New England attitude has always been to keep things even if you had no use for them—they might be good for something some time. We have said "don't take a chance. Don't do anything unless you are absolutely sure about it." One of the difficulties of New England, I submit, has been this,—the people who would not take a chance have stayed at home while the people who were willing to take a chance and try something new went out and built up the West and the far West and the South. I think the time has come for us to take a chance and allow the development of these resources, and trust that we have sufficient business and legal ability to handle the situation; and go home to our constituents, taking the chance that they may say sometime: "Perhaps you made a mistake," rather than to have them say "you did not have the courage to act nor the intelligence to make a decision." I certainly trust that the motion of the gentleman from Portland, Mr. Hale, will prevail. (Applause)

Mr. HOLMAN of Bangor: Mr. Speaker, it was not my intention, when I came into this hall this morning, to speak either for or against these bills, and I feel that anything that any member of this House might say will have very little to do with influencing any other member or mem-

bers. I have felt, however, during the discussion that has already taken place, that it will become necessary for me, within a very few years, to leave my native State and go away to some other state. And in order to correct that feeling that may also exist in the minds of some other members of the House, I wish to ask your attention for just a few minutes.

Let us see what really has taken place in the State of Maine since the adoption of the Fernald Law, so-called. That law became effective something like fifteen or sixteen years ago. That would take us back to approximately the year 1908. And we find, in the State report, that the valuation of the State of Maine at that time was a little in excess of \$428,000,000. Coming down to 1926 we find that, in spite of the falling off in some of these smaller towns, to which reference has been made, the valuation of the State today has increased to \$725,000,000, an increase of nearly \$300,000,000 in fifteen years.

Let us look again! Going back to the same year,—or take it in 1910: The population was 743,000 in that year; in 1925 the population had increased in 787,000, or nearly 45,000. I submit to you that this represents, both in valuation and in the increase in our population, a good healthy growth for the State of Maine.

Someone has also referred to the radio. Let us carry that thought just a little further. A few years ago we had these broadcasting stations, as in our own State, throughout the United States and Canada. Interference became so obnoxious that it was almost impossible for anyone to use a radio set. What is the result? Today these giant broadcasting stations are being put absolutely under Federal control. Now I say to you, and this is my view—I do not know but I say to you that if these giant hydro-electric power companies are forbidden to transmit their power outside the State, you are going to find Federal control just as surely as you are here today. (Applause)

We who represent the Republican party in this House have something further to consider, and that is this: Our party platform says that we pledge ourselves unconditionally to keep this power within our State. It seems to me that at least for the next two years it is our solemn duty to abide and stand by our party platform. I thank you. (Applause)

On motion by Mr. Hale of Port-

land, the House voted to recess until 1:30 o'clock this afternoon.

After Recess

Mr. Dudley of Calais in the Chair.
The SPEAKER pro tem: The pending question before the House is the motion of the gentleman from Portland, Mr. Hale, for the passage of Senate Document 259, the so-called Smith bill. The Chair awaits your pleasure. Is the House ready for the question?

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I wish to address the House on this subject, but I hope that when I do so all those who are coming in to listen to the debate will be in their seats.

After waiting a few moments, Mr. Chase proceeded.

Mr. Speaker, since I came to this Legislature I have been conscious and appreciative of the sympathy and support of some men in this body whose occupations have brought them so intimately in touch with the water resources of the State of Maine that they have been favorably inclined toward adopting some policy of conservation and utilization of our water power resources. The thoughts which I had upon this subject as to what should be the policy of the State in connection with this matter are embodied in the bill which I presented. It was presented as an idea, and when presented I knew at the time that it would be necessary to set this idea up against other ideas, so that out of all there might come, by a combination of the best ideas in the whole business, some measure which would be a forward step, some measure which would repeal or modify the Fernald Law, something which would permit the development of the water power resources of this State. I want to thank those few who worked with me in the beginning for some or all of the ideas which were represented in my bill and to urge them to go with me to support the bill which has come out of this body as a combination of the best ideas that we could all develop.

In getting a fair perspective on the power situation in the State of Maine. I think one has to go back beyond 1909. I think you have to go back almost to the beginning of this State as a separate State. The in-

dustries which have been built up in the State of Maine in connection with the water powers of this State have not all, by any means, been built up on account of those water powers. Without attempting to review the industrial history of this State, I will say that the principal industries which we have had and which depend on the water power in the State have not been developed on account of the water powers themselves. The great lumber industry and the pulp and paper industry today were dependent to a much greater extent on the availability of raw material and the water transportation of those materials than they were upon the water powers which turn the wheels of those industries. The only industries in the State that I know about that came to Maine primarily on account of the water power were the cotton textile industry and the woolen industry, and there has been no important development in those industries in the State for the last forty years excepting the natural growth of the best companies. What reason is there to believe if industries have not so come here in the past that they will come now.

In 1917 I was Assistant Clerk in this House, and in that session I suppose I wrote out the so-called Baxter amendment some fifteen or twenty times, and sometimes ten or fifteen times in a day. I was a young man at the time. There had never been anything in my education about the power situation in the State of Maine. I did not know much of anything about it, but I became very much interested by reason of having to write out this amendment so many times, and I thought if I ever got a chance I would try to find out what it was all about.

After the war I went into business with a concern which specializes in securities of Maine corporations, and by being brought in touch with water power and industry and other fields of enterprise in this State, I did have to get a practical knowledge of the workings of water power in this State as it has been in the past, and gained a glimmering, I think, of what that development will be in the future. Having gained an opinion of what I thought was right and what I thought the State should do in regard to that, I now seek to

sell that opinion to the members of this Legislature.

The history of the State of Maine proves that development in this State for the last one hundred years has been retarded by an attitude of suspicion and distrust by the people of the State of Maine toward those men who have tried to develop this State. In the development which has come about in the last one hundred years the people of the State of Maine have played a small part. Those men who labored for great things, those men who tried to leave a thumb print behind them on the evidences of the civilization of their day, to make the mark which they did, labored in Maine under a handicap, and by their labor for the past one hundred years every important undertaking with which I am familiar, either in my personal experience or from my study of history, has been retarded by this suspicion. You expect to find suspicion and distrust in a civilization such as ours. Many of us here come from families which have been in Maine for nearly three hundred years. In such a situation you expect to find a lack of cooperation, a lack of faith and the presence of suspicion and distrust. Has that attitude been justified? Now I do not want to review history here, but I just want to point out one instance about which I know personally which will indicate what I mean. In 1900, or thereabouts, the promoters of the Great Northern Paper Company came to the Legislature for a charter to permit them to develop the West Branch of the Penobscot River and to build dams and storage reservoirs, so that the mills which they proceeded to build there might be operated to the greatest efficiency. Up to that time the Penobscot River had run untrammelled to the sea except for log driving purposes. Although the advantages of river regulation were indicated by development then existing on the Presumpscot and Androscoggin rivers, there was a grave suspicion that somehow the people in the valleys of the Penobscot river were going to be put out of business if the Great Northern Paper Company should be permitted to develop the West Branch; and I believe it was said in the town of Orono by people who were opposed to the development

that, if these dams should be built, and this water should be impounded, you could pretty nearly jump across the Penobscot river and there would not be water enough coming down there to carry away the sewage of the town.

That is a fair sample of the ideas which have been injected into the public in this State and I think the reason for it is that the people have applied such a small part in the industrial development in this State. I have been working in a small way, if I may be permitted to speak about myself,—I have been working for the last six or seven years trying to persuade the people of the State of Maine to take part in these enterprises which are going on around them by buying an interest in those enterprises, by loaning them money and my opinion after many years' experience is that it is harder to get the people of Maine to put money into a local enterprise at home than it is to go out and put their money into an enterprise in California. They will say about a proposition at home that they would not think of going into that because one of the directors of that company used to get drunk when he was a boy, and yet they will buy the securities of the great western power company in California without even knowing the names of the directors. You have those ideas; every man here has. It is in the blood of everyone in the State of Maine; it is in my blood. I have fought against it all my life to keep from being suspicious of those men who were trying to do things.

I want to touch briefly upon a point that has been raised here in opposition to some features of this bill. The rural electrification amendment mentioned by the gentleman from Topsham (Mr. Aldrich) seems to have been misunderstood by members of the Legislature. It was not in the original Smith bill. It was a feature which was injected into the discussion because the people in this Legislature wanted to talk about the proposition of giving the farmers electric service. The gentleman from Topsham thinks that this proposition contained in this bill does not hold forth any hope of benefit to the people of the State. Now whether or not that is the best proposition for rural electrification, I do not wish to say. That is a subject with which I am

not particularly familiar, but I do not see why it does not help the farmer. The farmer wants to get electric lights and power. He has not been getting electric lights and power so rapidly as he would like to get that service. This bill proposes that any company to get a permit under this act shall agree to spend half of the proceeds of the sale of surplus power outside the State, not more than \$250,000, to make extensions to get electric service to the farmers.

Now what is the condition which exists at the present time in regard to rural electric service? The companies in the State have adopted different methods, but in general if a line is to be built which is likely to be unprofitable, the proposition which has been presented has been that the people who wanted to get that service should come forward and put their money into that line, or buy stock in the company to provide sufficient money to enable that line to be built. The burden of making those extensions has been upon the people who would be served by the extension.

Certainly this proposition, this rural electrification amendment, changes that, and it provides \$250,000 a year,—not of the people's money, but of the company's money, which is to be used for building these rural extensions. If the expenditure upon these rural lines is capitalized and if securities are issued against them, it is provided that the proceeds of sale of those securities shall be used to build more rural extensions. It certainly looks to me as if the farmer was going to get rural electric service much faster under this proposition than he has in the past under the old conditions.

I do not understand, and I never understood, that any proposition was made that the State of Maine was selling a concession or granting a privilege in permitting the exportation of power. To be sure, the existing law prohibits in some degree the exportation of power, but is there any reason why we should be paid for a concession or a privilege to change the law which I think is generally admitted by people who are familiar with the facts to be wrong in principle and evil in its operation.

The gentleman from Topsham (Mr. Aldrich) suggests that if they spent this money for rural lines

that would not do them any harm, they would still own the lines. Well, the only simile I can think of which would apply on an ownership of that kind would be something like a man owning Sidney bog out here, which isn't any particular good, and what possible good would it do anyone to spend money for something, even though he was going to own it afterward, if he could not capitalize it, if he could not use it as a basis for value, and if he could not make it earn? Would that be an asset? Of course it would not; it would be of no value.

The gentleman from Topsham suggested a thought which I do not think has been presented here before, that the modification or repeal of the Fernald law might kill industry in the State of Maine by allowing the sale of electric power outside of Maine, and he mentioned that there were two industries in his neighborhood which might disappear, which might dry to dust and blow away because they own water power and because this law would permit them to sell that power outside the State; and I want to take those two industries and show that situation. The Cabot Manufacturing Company is a cotton mill at Brunswick and a profitable enterprise which made money in recent years when most cotton mills lost money. It owns somewhere around 6,000 horse power which it carried on the books of that company, as I recall it, at somewhere around a million dollars. Under the water conditions on the Androscoggin river at Brunswick, it would be a fair estimate that that power plant, if devoted to the production of power for sale outside the mill, might produce fifteen million kilowatt hours. If that power should be sold to a transmission company in Brunswick at half a cent a kilowatt hour, the gross revenue received from the sale of that power would be \$75,000. The Cabot mill in recent years has been selling goods, I should say from two million to three million dollars a year, and the last recollection I have of their net earnings was that they made approximately \$200,000 net in one year. Now if you see any opportunity for a company to go into the power business when it is doing a two million dollar gross business now, and when it has been making \$150,000 to \$200,000 net, do you see any opportunity for them

to go into the power business when their maximum expectation of gross earnings in the sale of power may be \$75,000?

Now the Pejepscot Paper Company, located in Topsham, at Pejepscot, on the Androscoggin river, is said to own around ten thousand horse power; and of that ten thousand horse power my recollection is that about half of it is not electrically developed at all; so that they cannot sell any power unless they electrify and spend considerable money on that, and if they did fully utilize those plants, under the water conditions on that river the Pejepscot Paper Company might generate twenty million kilowatt hours a year, and if they sold that at the same rate of half a cent a kilowatt hour to a transmission company around Brunswick, they would get gross earnings of \$100,000. I am not sufficiently familiar with the earning statements of the Pejepscot Paper Company to say how many tons of paper they produce in a year; but it is ridiculous to suppose that either one of those companies would go into the power business so long as there was the slightest chance to carry on either the cotton business or the paper business with profit.

In the arguments which have developed during this Legislature, there have been objections raised to the exportation of power, and as one objection is met another seems to arise. When we came down here we heard a great deal about Federal control. After numerous lawyers had argued that proposition, one way or another, it seemed to be generally agreed that nobody knew whether we were in any danger of Federal control or not. We might be and we might not; it seemed to be a fifty-fifty split; but in all the time that any of you have been here has anybody ever told you anything evil, anything malicious, that the Federal government could do to us in the way of the power situation even if we did get Federal control? Did anybody ever hear anyone explain any evil which might come even if Federal control did come about? A prominent member of this Legislature suggested as a means of preventing Federal control that the generation of electric power should be separated from the transmission of electric power, so that

the Federal government, if it did get control, could not get control of the source of the power, and, if they did not get control of the source of the power, there was no way in which they could handle that. That principle of divorcing the generation of power from the transmission of power was accepted and appears in the bill before you. But did that satisfy the objections? No. The story which we heard then was that it would be all right for the State of Maine to export surplus power but that there was no surplus power. Now I do not propose to argue that point of whether there is surplus power or not. If there is no surplus power, under this bill they cannot export it; and when this bill was redrafted and when there were injected into it certain thoughts which came from others than the original proponents, the first thing that was put into that new draft was a definition of surplus power, and the bill as it ran said that that was what they can export and they cannot export anything else. "The phrase 'surplus power,' wherever used in this act, means hydro-electric power, which in the case of a public utility company is in excess of the amount of power required to supply all the reasonable demands for electric power within the territory in Maine in which said company is authorized to do a public utility business and in the case of any other person, firm or corporation is in excess of the amount required to supply all reasonable demands for electric power in the market in Maine available to it taking into account in all cases the demands which may be made under the provisions of section six of chapter sixty of the revised statutes," the reference being to that portion of the law which requires any company which is selling and generating electricity to supply a public utility company upon demand if that public utility company will connect with its lines. If there is no surplus power, as has been said they cannot export it. They cannot export any power that we need in the State of Maine either now or hereafter, and the permit ran on that basis.

Since there still seems to be some opposition to the bill, I assume that there are other objections which have not yet been met. I do not know what they are, but every suggestion, every objection that has

heretofore been raised of an important character has been met and has been adopted in this bill. If I thought that keeping power in the State of Maine would bring industries into the State of Maine would I be here advocating the exportation of surplus power, or any power? My whole business, all the work that I do, is based upon financing industries in the State of Maine. The future development of that work means that industries must stay in Maine and that new industries must be located in Maine, and can you conceive that I with anything but the utmost sincerity, would come here and favor exportation of surplus power if I thought that there was one industry that was likely to come down here on account of our undeveloped water power?

I am reluctant to close for fear I may have left one word unsaid, that I may have left one deed undone, which might have inspired in some of you some of the absolute confidence which I feel myself that in passing this bill we are in no way endangering the rights of the people,—that we are not endangering our own industrial future. I feel, as many of you feel and as I wish you all would feel that it would be a great forward step for the State of Maine if we could only so modify the Fernald Law as to permit this development which I feel sure would take place in water powers by permitting the exportation of surplus power. (Applause)

Mr. TUCKER of Sanford: Mr. Speaker, I have not the command of words nor the eloquence of oratory that my good friends, Mr. Chase and Mr. Aldrich, and other have but in a crude way of expressing myself I wish to know why we do not bring this whole matter down to a matter of business.

We have had almost all the lawyers in the State, and in fact some outside of the State, expound the legal aspects, and we have had electrical engineers of large ability give us their best efforts to instruct us in what has been accomplished and what can be, while others have presented theories pro and con. Now why not look at the business end of it?

Usually, a business man about to make a deal works out the details in his own mind then goes for legal advice to find out how many holes there are he has not thought of that will cause trouble. In this case it seems to me we have had our legal

advice first, and now we must figure out what this export of surplus electric power will do to and for business in the State of Maine.

First, do we not find a large proportion, if not all, corporations, companies, or individuals using or buying electric power in this State in favor of exporting the surplus electricity under the restriction in the Smith Bill? Why so? Because they need more and at a cheaper rate and believe that by making larger developments of water power to carry higher voltage wires for longer distances. Take, for instance, the Pepperell mills in Biddeford, the Sanford and Goodall plants at Sanford, both buying electric power and may use more providing they are given a proper rate. Now, these people would not express themselves in favor of exporting anything from the State that they could finance or develop themselves for themselves. Therefore, they are willing and anxious to allow other parties to expand, taking a chance, if there is a chance, which I do not believe, of their plants not receiving benefit from the expansion. We all know the Sanford plants are Maine corporations very largely owned in Maine, and managed by Maine people in the largest town in Maine. Why should not the small business man, the farmers, the day laborers, or the retired men believe our own people who live in this State and whose whole life has been spent here, where their own individual property is situated?

Everything connected with this matter must be governed by supply and demand, and anyone having a surplus must find a market for that, or either curtail or quit. Look at the lumber industry in Maine today and compare with former years. We have millions of pine standing in Maine. What has happened to us? No market. Why? Because other states west and south have filled their wants with products cheaper than we can produce them. Therefore, there will be but small receipts from our pine lands except from taxing the owner.

The many millions of dollars needed to be expended to harness our water power in shape to furnish hydro-electricity will have to come from our State, but the money so expended cannot jump out of the

State over night but will remain for taxation for years to come, and our State, County, City and Town assessors, it seems, should with the records of the public utility office be able to place a tax on the property that will be equitable in valuation and net the State a large revenue.

Th Central Maine Power Co., is now paying \$1000 per day, or \$365,000 per year, while the Bangor Hydro are paying \$500 per day, and although we may think the valuation is not high enough it can be made so.

I would be the last man to give up any of the peoples' rights to the State, to the Federal Government, or to any individual, but this God-given asset is something we have that the people nor the State can develop and use. Why not see it like any other commodity and not let it run to waste?

Should we grasp this opportunity we shall conserve this waste, getting as good a trade as we can, and not wait for another long term of years for some way to be provided that will take it away from us regardless of our wishes. Business today is governed largely by electricity and although we have a certain amount of producing power we are not supreme and would be of small account should all other States put their full capacity in use.

Mr. Speaker, I want just a few moments of your time. It seems useless to argue this further as most of us have made up our minds one way or the other and can vote as we wish and then send it to the people and see which side they will confirm, and we shall be glad to accept their decision whichever it may be as it will be final and just.

Our constituents sent us here to work for Maine and for their interests, not to allow outside interests to exploit the natural resources of our State. Therefore, above all, let us consider this matter from the view point of those who sent us here rather than that of any selfish private interests.

I shall vote for the Smith bill because I think it is for the best interest of the State of Maine, myself and my neighbor.

Mr. ALDRICH of Topsham: Mr. Speaker, if I might infringe upon the

members' time for just a moment because of the fact that the gentleman from Cape Elizabeth (Mr. Chase) has made reference to what I said this morning, I would appreciate it.

I concede to the gentleman from Cape Elizabeth a perfect right to feel that the State of Maine may give away privileges and concessions without receiving anything therefor; but I wish to remind this House that I think within a week a bill has been passed in this House providing for an excise tax on public utilities and the only purpose and object which you must have had in your minds at that time was that it was proper and right that the State of Maine, which had previously neglected to adopt it, should now do so. The gentleman says that under this section thirteen that they would not get a return on this as an investment, and that would be like owning a bog out here in Sidney that was of no value. He entirely misses the point. They would own the line over which they would ship the electricity to a market which they would develop, and if that is worth nothing to them, then it is an uneconomic proposition all the way through to ever send electricity to the farming districts.

I will just make a reference to the possible application that this will have on the industrial situation. I will say now that I have been informed before I came to live in this State that in the town of Brunswick that where there is now a power plant that is operated by two men, I have been told that there were four or five mills there which were employing I don't know how many men. (Applause). Now what I want to know, and what I do not know, and what I think the members of this House do not know whether if there is any possibility of our making this agreement that that thing can happen, not in Topsham but anywhere else in this State. If so, I say to you my friends, that you are entering on a proposition that may wipe some of your towns off the map.

I appreciate that of course when they develop water powers there will be some money brought into this State. I appreciate that dams will be built and a few million dollars

will be invested and the State of Maine will get the State tax of that investment, but there are no towns that are going to get it. I still insist that the State of Maine is granting a privilege.

The attorney for the power company stated that the Fernald law is unconstitutional. If it is, for seventeen years it has been considered by the State of Maine as affording the protection which they wanted. We certainly are granting a privilege if we now abandon that policy, and I submit as a fair, reasonable economic proposition that this State, if it grants a privilege of that kind which is to be exercised as I have pointed out, not here but the benefit to be received in Massachusetts—I say that the State of Maine if it does not receive something for it is not doing good business. (Applause).

Mr. GRIFFIN of Biddeford: Mr. Speaker, I come from the city of Biddeford and that city has water power on the Saco river—developed water power—and the city of Biddeford has many mills that use this water power. Business today in the mills is poor and it has been poor for five years. This is not due to the fact that we do not have enough water power because we have a surplus. The fact that we have an industrial depression in our Biddeford mills, and that we have this water power here, brings us into a condition similar to that spoken about by my friend from Topsham (Mr. Aldrich) whereby the mills may some time junk all their machinery, junk their plant and sell their water power; but I say, Mr. Speaker and members of the House, that I have no fear that this will take place in Biddeford.

The Pepperell mills are interested in manufacturing cloth and sheeting and that is their business. They have had control of this water power for a long period of years and have not any electric power business because there is more money in manufacturing cloth and this water power is only one factor that enters into the production of the cloth. Whether these mills will continue to run will depend on several economic factors of which water power is only one. There is one factor of having a market. At the present time we are having an industrial depression,

not because of lack of water power but because we have not a market. We cannot run to full capacity because we cannot sell our product.

Another economic factor is the fact that we are so far from the raw supply. Whether these mills continue to survive this depression depends upon how these economic conditions are met. The mills may be abandoned simply because they cannot make a go of it, not by reason of this water power.

It has been said that the power company has its skilled lawyers and officers and they have looked into the future as to the possibilities of the situation; and I will say that the stockholders of these mills and industries have their attorneys and their officers and they look into the future of these things, I have no fear in going before my constituents on the proposition that if there is any money to be made out of this water power the Pepperell mills will be making it. It is economically possible for these mills to survive the industrial depression. We have had them in the past and are still living. This power is worth just as much to them as it is to a mill in Massachusetts and it can be used there instead of being sent to Massachusetts; and because of these things, Mr. Speaker, I sustain the motion of the gentleman from Portland, Mr. Hale.

Mr. PIPER of Jackman: Mr. Speaker, I move the previous question.

The SPEAKER pro tem: All those who are in favor of the Chair entertaining the motion of the gentleman from Jackman, Mr. Piper for the previous question will rise and stand until counted and the monitors will return the count.

A division was had, and a sufficient number voted in the affirmative.

The SPEAKER pro tem: The next question is shall the main question be put now? All those who are in favor of that motion will say aye; contrary minded no.

A viva voce vote being taken, the motion to put the main question prevailed.

Mr. BISSETT of Portland: Mr. Speaker, I move that the vote be taken by the yeas and nays.

Mr. MORRILL of Gray: Mr. Speaker, before the yea and nay vote is taken, I wish that all who are

interested in the Central Maine Power Company, or any other power company, as stockholders, would take the same position that the gentleman from Auburn, Mr. Wing, took the other day on the railroad excise tax bill.

The SPEAKER pro tem: The gentleman from Portland, Mr. Bissett, moves that the yea and nay vote be taken on the pending question. All those who are in favor will rise and stand until counted and the monitors will return the count.

So many arose that the Chair ordered the yea and nay vote taken.

Mr. BARTLETT of Bangor: Mr. Speaker, the gentleman from Sherman, Mr. Seavey, was unexpectedly called from the hall this morning and has not returned. He has asked me to pair with him. He would vote for the bill and I would vote against it. I, therefore, ask the House to excuse me from voting.

The request of Mr. Bartlett was granted and that gentleman was excused from voting.

Mr. FOSTER of Ellsworth: Mr. Speaker, I have the same request to make. The gentleman from Falmouth, Mr. Williams, would vote against the bill and I would vote for it.

Thereupon Mr. Foster was excused from voting for the reasons stated.

Mr. COWELL of Berwick: Mr. Speaker, I pair with Mr. Farrington of Jay. He would vote for the bill and I against it, and I would like to be excused.

Thereupon Mr. Cowell was excused for the reasons stated.

Mr. HOLBROOK of Vanceboro: Mr. Speaker, I have a small interest in the Bangor Hydro Electric Company and I would like an opinion from the Chair as to the proposition stated by Mr. Morrill of Gray.

The SPEAKER pro tem: I can say to the gentleman from Vanceboro (Mr. Holbrook) that that is a matter which he must decide himself. He is not debarred from voting if he desires to vote. The pending question is on the Smith bill, so-called, and the motion of the gentleman from Portland, Mr. Hale, is that bill an act to provide for the exportation of surplus power, S. P. 523, S. D. 259, and House Amendments A (H. D. 533) B (544) and C (H. D. 543) be passed to be engrossed.

The Clerk will call the roll.

YEAS—Ayer, Bartlett (paired), Bish-

op, Bissett, Blaisdell, Boston, Breen, Burns, Butler, Carleton, Portland; Chamberlain, Chase, Church, Cole, Cowell (paired), Cram, Crockett, Cyr, Daigle, Davitt, Deakin, Decker, Deering, Dennison, Douglas, Dudley, Calais; Eustis, Farrington (paired), Flint, Forhan, Foster (paired), Fuller, Gagne, Gillespie, Goodwin, Lebanon; Greenleaf, Griffin, Hale, Hammond, Hamel, Hathaway, Heath, Holbrook, Jackson, Kane, Addison, King, Kinsman, Kitchen, Lait, Laughlin, Leathers, Mansfield, Marden, Martin, McCart, McIntire, McLean, Melcher, Merrill, Metcalf, Milliken, Nadeau, Patterson, Pendexter, Pike, Piper, Powers, Rawley, Richardson, Roy, Ruggles, Sargent, Seavey (paired), Snow, Snowman, Staples, Eliot, Staples, Waterville; Sturtevant, St. Clair, Tucker, Vail, Wheeler, White, Williams, Fal-mouth (paired); Wing, Kingfield.

NAY—Aldrich, Allen, Anderson, New Sweden; Anderson, South Portland; Bailey, Belleau, Bisbee, Booker, Boynton, Brackett, Brewster, Briggs, Brown, Bruce, Buker, Carleton, Winterport; Chaney, Clifford, Comins, Crawford, Dudley, Castle Hill; Ellis, Ferguson, Folsom, Gay, Gilcrest, Goodwin, Sanford; Greene, Harris, Hawkes, Holman, Houghton, Hughes, Ingraham, Jones, Littlefield, Lowell, Mackinnon, Maloon, Marriner, McKnight, Mears, Morin, Morrill, Norwood, Page, Robie, Gorham; Robie, Westbrook, Rounds, Smith, Stone, Bridgton; Stone, Biddeford; Storm, Sturgis, Thurstun, Tripp, Varnum, Webber, Williams, Webster; Wing, Auburn; Winslow, Wood, Wyman.

ABSENT—Cain, Clinton; Saucier, Weston.

Yes—79.

No—63.

Absent—3.

The SPEAKER pro tem: Seventy-nine having voted in the affirmative and 63 in the negative the motion prevailed, and the bill was passed to be engrossed as amended. (Applause)

Mr. HALE of Portland: Mr. Speaker, I move that the vote just taken be reconsidered, and I hope that my motion will not prevail.

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

Mr. HAMMOND of Van Buren: Mr. Speaker, I move we recess until three o'clock.

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

The SPEAKER pro tem: There are three matters before the House taken from the table this morning by the gentleman from Portland, Mr. Hale,

and the Chair recognizes the gentleman from Portland, Mr. Hale.

Mr. HALE: Mr. Speaker, the next matter taken from the table this morning by me is Senate Document 262, an act to create a commission to investigate and to negotiate a compact regarding water power and electricity in New England as amended by Senate Amendment A. I signed the ought not to pass report on this bill, but inasmuch as the Smith bill has passed, it is a matter of indifference to me, and I yield the floor.

Mr. WING of Auburn: Mr. Speaker, I move that the bill be passed to be engrossed.

Mr. WING of Kingfield: Mr. Speaker, I second the motion.

Mr. MCINTIRE of Norway: Mr. Speaker and members of the House: This matter is not one of indifference to me. I am interested in this whole proposition, and while I have no objection to the theory of the so-called Oakes bill, if it can be set back two, four or six years. I think at the present time we are liable to be getting into difficulties and I am not so optimistic as some people. I do not see how a compact can possibly be arranged before a referendum on the so-called Smith bill. It seems to me there is very grave danger of confusing the two issues at the time of that referendum. I have some doubts that it can be accomplished by a compact in any case, and with the possibility of such confusion arising I hope the motion to pass this measure will not prevail.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Auburn, Mr. Wing—

Mr. CYR of Waterville: Mr. Speaker, I ask for a division of the House.

Mr. HALE of Portland: Mr. Speaker, I move that when the vote is taken it be taken by the yeas and nays.

Mr. CYR: Mr. Speaker, I withdraw my motion.

The SPEAKER pro tem: The question before the House is, shall the Chair entertain the motion of the gentleman from Portland, Mr. Hale, that a yeas and nays vote be taken. Those in favor will rise and stand until counted and the monitors will return the count.

A division was had, and a sufficient number arose.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Auburn, Mr. Wing,

that Senate Document 262, Senate Amendment A, be passed to be engrossed. Those in favor of the motion will say yes when their names are called; those opposed no. Before proceeding with the roll call, however, I will ask the gentlemen who requested to be excused from voting on the other bill if they desire to be excused from voting on this measure.

Mr. FOSTER of Ellsworth: Mr. Speaker, I neglected to ask Mr. Williams of Falmouth this morning how he would vote on the Oakes bill, and I think it would not be fair to him to vote. Therefore, I ask to be excused.

Thereupon it was voted to excuse Mr. Foster of Ellsworth from voting for the reason given.

Mr. HAMMOND of Van Buren: Mr. Speaker, I do not think everybody understood the question. Will you kindly state it again?

The SPEAKER pro tem: The question upon which you are to vote is a bill an act to create a commission to investigate and negotiate a compact regarding water power and electricity in New England, Senate Document 262, being Senate Amendment A, on the motion of the gentleman from Auburn, Mr. Wing, that this be passed to be engrossed. The clerk will call the roll.

YEA—Anderson, New Sweden; Anderson, South Portland; Ayer, Bartlett Belleau, Blaisdell, Booker, Breen, Brewster, Briggs, Brown, Buker, Burns, Butler, Carleton, Portland; Carleton, Winterport; Chamberlain, Chaney, Church, Clifford, Cole, Comins, Cowell, Cram, Crockett, Daigle, Deering, Douglas, Dudley, Calais; Ellis, Ferguson, Forhan, Foster (excused), Fuller, Gay, Gilchrist, Gillespie, Goodwin, Lebanon; Goodwin, Sanford; Greene, Harris, Hawkes, Heath, Holman, Houghton, Ingraham, Jones, Kitchen, Leathers, Littlefield, MacKinnon, Maloon, Marden, Marriner, McCart, McKnight, Milliken, Morin, Nadeau, Norwood, Patterson, Powers, Robie, Gorham; Robie, Westbrook, Rounds, Saucier, Smith, Snow, Snowman, Staples, Elliot; Staples, Waterville; Stone, Bridgton; Stone, Biddeford; Storm, Sturgis, Thurston, Tripp, Varnum, Webber, Wheeler, White, Williams, Webster; Wing, Auburn; Wing, Kingfield; Winslow, Wood, Wyman.

NAY—Aldrich, Allen, Bailey, Bishbee, Bishop, Bissett, Boston, Brackett, Bruce, Chase, Crawford, Cyr, Davitt, Dennison, Dudley, Castle Hill; Eustis, Flint, Folsom, Gagne, Greenleaf, Griffin, Hale, Hammond, Hamel, Hathaway, Holbrook, Hughes, Jackson, Kane, Addison; King, Kinsman, Laughlin, Lowell, Mansfield, McIntire, McLean,

Mears, Melcher, Merrill, Metcalf, Page, Pike, Piper, Rawley, Richardson, Roy, Sargent, Sturtevant, St. Clair, Tucker, Vail.

ABSENT—Boynnton, Cain, Clinton; Deakin, Decker, Farrington, Lait, Morrill, Pendexter, Ruggles, Seavey, Weston, Williams, Falmouth.

Yes—86.

No—51.

Absent—12.

The SPEAKER pro tem: Eighty-six having voted in the affirmative and 51 in the negative the motion of the gentleman from Auburn, Mr. Wing, that the bill as amended by Senate Amendment A be passed to be engrossed prevailed.

(At this point Mr. Dudley withdrew as Speaker pro tem, amid the applause of the House, the members rising, and Speaker Martin resumed the Chair)

Mr. BARTLETT of Bangor: Mr. Speaker, I move that we reconsider the vote just taken, and I hope that my motion will not prevail.

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

Mr. HALE of Portland: Mr. Speaker, the next assigned matter is Senate Document No. 6, an act to amend the charters of all corporations making, generating, selling, distributing and supplying electricity. I, myself, signed the ought not to pass report on that measure and shall vote against it, but for the sake of expediting public business, I will yield the floor to the gentleman from Auburn, Mr. Wing.

Mr. WING of Auburn: Mr. Speaker, I move that this bill be passed to be engrossed. Inasmuch as we have passed the Smith bill and passed the compact bill, I think we may as well pass this bill, and I move that it be passed to be engrossed.

A viva voce vote being taken, the motion prevailed and the bill was passed to be engrossed.

Mr. HALE of Portland: Mr. Speaker, the next assigned matter is Senate Document 261, an act to amend the charters of Maine corporations incorporated for transmission of electricity and to limit the rights of foreign corporations authorized to do business in Maine for similar purpose. This, as I under-

stand it, is a redraft of Senate Document 7 which was one of the so-called Carter bills. My own position on the matter was adverse as I believed the matter entirely unnecessary; but, as stated before, for the sake of expediting business I yield to the gentleman from Auburn, Mr. Wing.

Mr. WING of Auburn: Mr. Speaker, I acknowledge the courtesy of the gentleman from Portland, Mr. Hale; and inasmuch as we have passed Senate Document No. 6, and Senate Document 261 in its new draft is conceded to be a companion piece of legislation—and if you have one you should have the other—this deals with foreign corporations coming into the State—I move that it pass to be engrossed.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I do not think it necessarily follows that because we pass one bill that we ought to pass them all. If we do that, we will find the Chase bill next in line and we will have to pass that. (Laughter)

I am not going to make a speech on these Carter bills, but I believe the one we have just passed and the one before is rather an unwarranted interference with business by seeking to amend every charter back for the last ninety-five years. When a State makes a charter it is in effect a contract with the Company, and if anybody should put forward the proposition that I could change any contract that my firm had made for the last ninety-five years, it would be considered a crazy proposition. That right is reserved to the State because at one time the State got into trouble about something they wanted to do and could not so they passed this charter law.

Now it may be that this is not a burning issue, but I think it is an unwarranted interference with business and I do not see that it accomplishes anything. I object to the idea of virtually tearing up all these old contracts unless there is some excuse therefor. There is no occasion for this bill, nor I think for the other one, and I trust we will consider, at least, before we pass this bill just because we happened to have passed three other so-called power bills.

Mr. HOLMAN of Bangor: Mr. Speaker, it seems to me that it would

be too bad to separate and send back this family of bills with one absent; and I hope the motion of the gentleman from Auburn (Mr. Wing) will prevail.

Mr. HALE: Mr. Speaker, it seems to me that the Senate has a very large family to support, and it would be very pleased if it only got back three.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Wing, that Senate Document 261 be passed to be engrossed. As many as are in favor of this motion will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had,

Fifty-nine voting in the affirmative and 44 in the negative the bill was passed to be engrossed. (Applause)

Permission was given Mr. White of Dyer Brook to introduce an order out of order, and that gentleman presented the following order and moved its passage:

Ordered, that ten thousand copies of the debate on the water power bills be printed.

A viva voce vote being taken, the order failed of passage.

The SPEAKER: Under tabled and today assigned the Chair lays before the House the first assigned matter being House report ought not to pass of the joint committees on Public Utilities, Interior Waters and Judiciary on bill an act to incorporate the Maine Water Storage and Power Transmission Company, tabled by Mr. Patterson of Castine, March 30, pending acceptance of the report; and the Chair recognizes the gentleman from Castine, Mr. Patterson.

Mr. PATTERSON: Mr. Speaker, with the various power bills passed, my purpose in tabling this matter has been accomplished, and I yield to the gentleman from Cape Elizabeth, Mr. Chase.

On motion by Mr. Chase of Cape Elizabeth the report was accepted, and sent up for concurrence.

The SPEAKER: The Chair lays before the House the second assigned matter for today majority report of the committee on Legal Affairs reporting ought not to pass on bill an act to amend the charter of the city

of Portland, House Paper 727, H. D. 199, together with petitions, and minority report on same bill and petitions, reporting same in new draft under same title, H. P. 1233, and that it ought to pass, tabled by Miss Laughlin of Portland, March 30, pending acceptance of either report; and the Chair recognizes the representative from Portland, Miss Laughlin.

Miss LAUGHLIN: Mr. Speaker, in view of the fact that the new draft upon which we are supposed to be voting is not back from the printer, it does not seem possible to consider this matter today. I therefore, move that it be retabled and specially assigned for Tuesday next.

A viva voce vote being taken the reports were retabled and specially assigned for Tuesday, April 5.

The SPEAKER: The Chair lays before the House the first unassigned matter under a rule recently passed, being the majority report of the committee on Legal Affairs, reporting ought not to pass on bill an act relating to the age at which persons are capable of consenting to marriage, H. P. 529, H. D. 138, and minority report ought to pass on same bill, tabled by Miss Laughlin of Portland, March 30, pending acceptance of either report; and the Chair recognizes the representative from Portland, Miss Laughlin.

On motion by Miss Laughlin the reports were retabled and specially assigned for Monday, April 4.

The SPEAKER: The Chair lays before the House the second unassigned matter Senate report, ought to pass, from the committee on Salaries and Fees on bill an act relating to the salary of the Commissioner of Agriculture, S. P. 255, S. D. 256, tabled by Mr. Greenleaf of Auburn, March 30, pending acceptance of the report in concurrence; and the Chair recognizes the gentleman from Auburn, Mr. Greenleaf.

Mr. GREENLEAF: Mr. Speaker, I think an explanation is due the House why I tabled this report. Someone said that I was threatening the commissioner. That was not my intention at all. The next unassigned matter on this calendar has to do with the stipend which was withheld by the commissioner from the Maine State Fair Association which is large-

ly owned by my constituents. This report on that stipend was arrived at as a result of a compromise whereby the members of the Association agreed to be smeared with five hundred dollars' worth of immorality in order that the findings of the commissioner might be sustained to a certain extent; and although it was very much against our will, we agreed to this compromise. When I found out that a certain member of this House intended to tackle that measure, as he said, from the commissioner's standpoint of view, I came down here and I find this stipend on the calendar, and two jumps ahead of it I saw the resolve to raise the commissioner's salary so much. Therefore, I tabled it because I wanted to find out whether the commissioner was a party to the breaking of this agreement. I have since talked with several people, including the Governor, and I am satisfied in my own mind now that the commissioner was not a party to this agreement, and therefore, I have no personal feeling in this matter, for that reason I now yield the floor.

The SPEAKER: The pending question is on the acceptance of the report of the committee, ought to pass in concurrence with the Senate.

On motion by Mr. Robie of Gorham the report was accepted in concurrence, the bill had its two several readings and the next legislative day assigned.

The SPEAKER: The Chair lays before the House the third unassigned matter being Senate report ought to pass in new draft of the committee on Claims on resolve in favor of the Maine State Agricultural Society for the State stipend for 1926, new draft S. P. 510, S. D. 257, tabled by Mr. Greenleaf of Auburn, March 30, pending acceptance of the report in concurrence; and the Chair recognizes the gentleman from Auburn, Mr. Greenleaf.

Mr. GREENLEAF: Mr. Speaker, in spite of my best efforts I think there is going to be debate on this subject. I believe the House has heard all the talk it wants to for one day, and I would like to have this tabled and specially assigned for Tuesday next.

A viva voce vote being taken, the motion prevailed and the report was

retabled and specially assigned for Tuesday, April 5.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, may I ask for information whether there is to be a session of the House this evening? The only reason for my asking this question is that if we are going to stay here a few minutes and put through a half dozen of these things on which perhaps some members wish to talk—you see how the House looks now and the House will be practically emptied in five minutes; but if we have got anything to do that is of any importance I think the House will stay, to bring the thing to a head I will move that we now adjourn to half past four Monday next, so that the members here who wish to get home tonight may catch the 3.51 train.

The SPEAKER: The gentleman from Kennebunk moves that the

House now adjourn until 4.30 P. M. Monday next. As many as are in favor will say aye: those opposed no.

Mr. LITTLEFIELD: Mr. Speaker, I move that we have a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Kennebunk, Mr. Littlefield, that the House now adjourn, the adjournment time being until Monday next at 4.30 P. M. and the Chair trusts that every member will vote one way or the other on this. As many as are in favor of the motion will rise and stand until counted and the monitors will return the count.

A division being had,

Fifty-three voting in the affirmative and 36 in the negative, the motion to adjourn prevailed, and the House adjourned until 4.30 o'clock P. M. Monday, April 4.