

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

Thursday, April 7, 1927.

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

Prayer by the Rev. Mr. Smith of Hallowell.

Journal of the day before yesterday read and approved.

The SPEAKER: The Chair announces the appointment of the following committee to make arrangements relative to the committee from the House to attend the funeral of the late Senator from Androscoggin, Senator Carter: Messrs. Greenleaf of Auburn, Wheeler of South Paris, Butler of Bath and Bishop of Boothbay Harbor.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

S. P. 560, S. D. 320: Resolve in favor of Mrs. Katie Jessemann of Monroe for damages.

S. P. 559, S. D. 323: Resolve in favor of Henry A. Day, Bangor, county of Penobscot and State of Maine compensating him for loss sustained in road construction upon State highway.

S. P. 571, S. D. 326: An act relating to State school fund and especially relating to high school tuition by non-resident students.

S. P. 561, S. D. 321: Resolve in favor of St. Louis Home for Boys, at West Scarborough.

S. P. 396, S. D. 180: An act relating to the employment of guides by non-residents.

S. P. 562, S. D. 322: An act to amend Chapter 209 of the Public Laws of 1925 relative to zoning ordinances.

S. P. 556, S. D. 318: An act to amend the Revised Statutes relating to the employment of children.

S. F. 502, S. D. 325: An act relating to transfer from one subdivision of a department appropriation to another.

S. D. 469, S. D. 324: An act relating to qualification and licensing of agents of insurance companies.

S. P. 580, S. D. 334: An act re-

lative to the abolishment of grade crossings.

S. P. 572, S. D. 327: An act relating to clerk hire in the office of Register of Probate of Aroostook county.

From the Senate: Final reports of the committees on Aeronautics and Radio Control, Library and State Sanatoriums.

Come from the Senate, read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Majority report of the committee on Temperance on bill an act to prevent the purchasing of intoxicating liquors, S. P. 390, S. D. 161, reporting same in a new draft, S. P. 566, under same title and that it ought to pass.

Report was signed by the following members:

Messrs. BRAGDON of Aroostook
CASE of Washington

—of the Senate

ANDERSON

of New Sweden

THURSTON of Appleton

STURGIS of Auburn

TRIPP of Casco

—of the House

Minority report of the same committee reporting ought not to pass on same bill.

Report was signed by the following members:

Mrs. ALLEN of Penobscot

—of the Senate

Messrs. COMINS of Eddington

ANDERSON

of So. Portland

WILLIAMS of Webster

—of the House

Com. from the Senate minority report read and accepted.

In the House:

Mr. PAGE of Skowhegan: Mr. Speaker, I move the acceptance of the minority report.

Miss LAUGHLIN of Portland: Mr. Speaker, I move that these reports be tabled.

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

Mr. ALDRICH of Topsham: Mr. Speaker, may I ask whether the new draft has been printed?

The SPEAKER: It has not.

Mr. ALDRICH: I ask, Mr. Speaker,

that the new draft be printed and lie on the table.

The SPEAKER: The motion is not in order as the House has just voted.

Mr. LAIT of Old Town: Mr. Speaker, what was done in the Senate on this measure?

The SPEAKER: The ought not to pass report was accepted—minority report.

Mr. LAIT: Mr. Speaker, I rise to sustain the motion of the gentleman from Skowhegan, Mr. Page, that the minority report ought not to pass be accepted in concurrence.

Mr. COMINS of Eddington: Mr. Speaker, if I might say a word in regard to the new draft of this bill. There are only minor changes which give the right to purchase intoxicating liquors under certain conditions.

The SPEAKER: The question before the House is on the motion of the gentleman from Skowhegan, Mr. Page, that the minority report ought not to pass be accepted.

Mr. HOLMAN of Bangor: Mr. Speaker, I ask for a division.

The SPEAKER: A division is requested. As many as are in favor of the motion of the gentleman from Skowhegan, Mr. Page, that the minority report ought not to pass be accepted will rise and stand until counted and the monitors will return the count.

A division being had,

Sixty-five voting in the affirmative and twenty-five in the negative the minority report ought not to pass was accepted in concurrence.

From the Senate: Bill an act to regulate fishing in the Belgrade Chain of Lakes, so-called, in the counties of Kennebec and Somerset, H. P. 850, H. D. 211, which by the House was passed to be engrossed on March 31st.

Comes from the Senate with Report "A" reporting ought not to pass accepted in non-concurrence.

In the House, on motion by Mr. Wyman of Sidney, that body voted to insist and ask for a committee of conference, and the Chair appointed as such conference, Messrs. Wyman of Sidney, Cyr of Waterville and Church of Hallowell.

From the Senate: Resolve in favor of the Pownal State School for additions and improvements, S. P. 13, S. D. 169 which was finally passed in the House but which was recalled to the Senate from the Governor by Joint Order.

Comes from the Senate passed to be

engrossed as amended by Senate Amendment A in non-concurrence.

In the House, on motion by Mr. Varnum of Westbrook, that body voted to reconsider its action whereby this resolve was finally passed, and on further motion by the same gentleman the House voted to reconsider its action whereby this resolve was passed to be engrossed.

(Senate Amendment A read by the Clerk)

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

From the Senate: Resolve in favor of the State Armory in the city of Portland, H. P. 1101, which was by the House passed to be engrossed as amended by House Amendment A in non-concurrence,

Comes from the Senate indefinitely postponed.

In the House, on motion by Mr. Robie of Gorham that body voted to recede and concur with the Senate.

From the Senate: Bill an act repealing certain inheritance tax laws as to non-resident decedents, H. P. 527, H. D. 136, which was by the House passed to be engrossed, March 10.

Comes from the Senate with Senate Amendment A read and rejected and the bill passed to be engrossed as amended by Senate Amendment "B" in non-concurrence.

In the House, on motion by Mr. Hale of Portland that body voted to reconsider its action whereby this bill was passed to be engrossed.

(During the reading of Senate Amendment B by the Clerk Mr. Page of Skowhegan moved, on account of the length of the amendment that it be tabled and printed.)

A viva voce vote being taken the motion prevailed.

From the Senate: Bill an act relating to pensions for the blind, H. P. 1226, H. D. 518, which was in the House finally passed April 4

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Bissett of Portland, it was voted that the House insist upon its former action and ask for a committee of conference.

The SPEAKER: The Chair will

announce the committee of conference later in the morning.

The SPEAKER: The Chair will state that there are several routine matters as to payment of some of the clerks which do not appear on the calendar but which should be taken up at this time.

The following resolves were received and upon recommendation of the committee on reference of bills were referred to the committee on Appropriations and Financial Affairs:

By Mr. Deering of Saco: Resolve on the payroll of the House of Representatives of the Eighty-third Legislature. (H. P. 1291.)

By Mr. McCart of Eastport: Resolve in favor of Simon Socktomah, representative of the Passamaquoddy Indians to the Eighty-third Legislature. (H. P. 1292.)

By Mr. Rounds of Portland: Resolve in favor of Marjorie L. Lee, for services to the committee on Claims. (H. P. 1293.)

By Mr. Sturgis of Auburn: Resolve in favor of the Chaplains of the House of the Eighty-third Legislature. (H. P. 1295.)

By Mr. Lait of Old Town: Resolve in favor of Lawrence Mitchell, representative of the Penobscot Indians to the Eighty-third Legislature. (H. P. 1294.)

The SPEAKER: The Chair will appoint as conferees on the part of the House on bill an act relating to pensions for the blind, Messrs. Bissett of Portland, Brown of Bethel and Bailey of Harmony.

Orders

On motion by Mr. Carleton of Winterport, it was

Ordered, that Mrs. Georgia Duncan of Portland be invited to act as Chaplain of the House Friday, April eighth.

On motion by Mr. Hale of Portland it was

Ordered, that when the House rises this morning it be to recess until 4.30 o'clock this afternoon.

Reports of Committees

Mr. McCART from the Committee on Legal Affairs reported "Ought not to pass" on bill an act relating to administration upon estates of persons who have disappeared and been unheard from for a period of at least seven years from the date of disap-

pearance. (H. P. No. 1010.) (H. D. No. 323.)

Mr. KITCHEN from the Committee on Ways and Bridges on petitions in favor of a raised road between Big Deer Isle and Little Deer Isle, House Papers Nos. 210, 403, 404, 405, 406, 407, 408, 409 and 410, reported that same be placed on file as the subject matter to which they refer has previously been reported.

Mr. FULLER from the Committee on Legal Affairs on bill an act granting the right of eminent domain to electric power companies doing a public utility business. (H. P. 1137) reported same in a new draft (H. P. No. 1287) under same title and that it "Ought to pass."

Mr. KINSMAN from the Committee on Inland Fisheries and Game on bill an act for the protection of black bass in the inland waters of the State. (H. P. No. 1056) reported same in a new draft (H. P. No. 1286) under same title and that it "Ought to pass."

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

Majority report of the Committee on State Prison on Resolve in favor of Prison Commission (H. P. 1088) reporting same in a new draft (H. P. No. 1288) under same title and that it "Ought to pass."

Report was signed by the following members:

Mrs. PINKHAM of Aroostook
—of the Senate.

Messrs. HEATH of Guilford
BREWSTER of Dexter
CARLETON of Winterport
VARNUM of Westbrook
STURGIS of Auburn

—of the House.

Minority report of same Committee reporting "Ought not to pass" on same resolve.

Report was signed by the following members:

Messrs MORRISON of Franklin
—of the Senate.

BOSTON of Gardiner
—of the House.

Mr. CARLETON of Winterport: Mr. Speaker, I move the acceptance of the majority report ought to pass.

Mr. ALDRICH of Topsham: Mr. Speaker, I move that this lie on the table until it has been printed so that we may know what we are voting on.

Mr. HEATH of Guilford: Mr. Speaker, I request a division.

The SPEAKER. As many as are in favor of this matter lying on the table

and being printed will rise and stand until counted and the monitors will return the count.

A division being had,

Seventy-eight voting in the affirmative and three in the negative the motion to table and print prevailed.

Majority report of the Committee on Legal Affairs reporting "Ought not to pass" on bill an act to grant a new charter to the city of Old Town (H. P. No. 384) (H. D. No. 112.)

Report was signed by the following members:

Messrs. MORRISON of Franklin
DWINAL of Knox
—of the Senate.
BLAISDELL of Franklin
GOODWIN of Sanford
McCART of Eastport
FULLER of Southwest
Harbor

Miss LAUGHLIN of Portland
—of the House.

Minority report of same Committee on same bill reporting same in a new draft (H. P. No. 1289) under same title and that it "Ought to pass."

Report was signed by the following members:

Messrs. HOLMES of Androscoggin
—of the Senate.
SARGENT of Brewer
LITTLEFIELD of Kenne-
bunk
—of the House.

Mr. LAIT of Old Town: Mr. Speaker, I move that both reports be tabled pending acceptance of either and specially assigned for Tuesday, April 12.

Mr. TUCKER of Sanford: Mr. Speaker, I am a native of Old Town and I would like to see that new draft printed.

The SPEAKER: Will the gentleman from Old Town (Mr. Lait) amend his motion to order printing?

Mr. LAIT: Mr. Speaker, the change there is only in one section and there are forty-eight pages of printing there. I would be glad to show the gentleman from Sanford, Mr. Tucker, the changes made but I do not think it essential to have that whole thing reprinted.

I understand at this time the change is just the fact that certain officers appointed by the city manager are now appointed by the city manager subject to confirmation by the council. That is practically the whole change that is made.

The SPEAKER: Would the gentleman from Sanford (Mr. Tucker)

be willing to take it up with the gentleman from Old Town, Mr. Lait, and see whether printing is necessary?

Mr. TUCKER: Mr. Speaker, it seems clear to me that these bills are running riot here without having printed matter before us. I do not care to get into any discussion with anybody and want everything to be in harmony. The charter was originally before the committee and I attended the hearing. I did not think but very little of it and I would like to see the new draft. It will not cost very much to do this printing.

Mr. LAIT: Mr. Speaker, rather than have any discussion on this I move that one thousand copies be printed.

The SPEAKER: The gentleman from Old Town, Mr. Lait, moves that this matter lie on the table and be specially assigned for Tuesday next and that one thousand copies of the new draft be printed.

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

Mr. CHASE of Cape Elizabeth: Mr. Speaker, is that motion divisible? I think the question was on the printing more than the rest of the motion. I would like to see it put again.

The SPEAKER: The motion is divisible and the Chair will put the printing motion first. The gentleman from Old Town, Mr. Lait, moves that one thousand copies of the new draft be printed. As many as are in favor of this motion will say aye; those opposed no.

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

Thereupon, on motion by Mr. Lait, a viva voce vote being taken, both reports were tabled pending acceptance of either and specially assigned for Tuesday, April 12.

Mr. DEERING from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on bill an act relating to the expenditures of State Departments. (H. P. No. 1106) (H. D. No. 373)

Same gentleman from same Committee reported same on bill an act providing for a Field Agent for the Blind. (H. P. No. 111) (H. D. No. 50)

Same gentleman from same Committee reported same on Resolve to appropriate money for the printing the reports of the Bangor State Hospital, the Augusta State Hospi-

tal and the Pownal State School (H. P. No. 692)

Mr. SARGENT from the Committee on Legal Affairs reported same on bill an act to prevent trespassing upon lands owned by and used by any water company or municipal corporation engaged in furnishing water for domestic consumption (H. P. No. 179)

Mr. FULLER from same committee reported same on bill an act relating to county officers (H. P. No. 1131) (H. D. No. 381)

Same gentleman from same committee reported same on bill an act relating to elections (H. P. No. 1135) (H. D. No. 385)

Mr. BLAISDELL from same Committee reported same on bill an act to regulate issuance of marriage licenses (H. P. No. 1132) (H. D. No. 382)

Reports read and accepted and sent up for concurrence

Mr. DEERING from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on bill an act relative to the war bond sinking fund (H. P. No. 1108)

Same gentleman from same Committee reported same on bill an act relating to compensation for injuries received by State employees (H. P. No. 1107)

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

Same gentleman from same Committee on bill an act to provide for the payment of interest on Kennebec Bridge bonds during the period of construction of said bridge (H. P. No. 1109) reported same in a new draft (H. P. No. 1290) under title of Resolve to provide for the payment of interest on Kennebec Bridge bonds during the period of construction of said bridge and until tolls and rentals of said bridge shall become available therefor and that it "Ought to pass"

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

Mr. GOODWIN from the Committee on Legal Affairs reported "Ought to pass" on bill an act creating a City Planning Board for the city of Rockland (H. P. No. 533) (H. D. No. 141)

Mr. LITTLEFIELD from same Committee reported same on bill an act relating to licensing operators of motor vehicles, tractors or trailers (H. P. No. 956) (H. D. No. 293)

Reports read and accepted and the bills having already been printed were read twice under suspension of the rules, and tomorrow assigned.

Majority report of the Committee on Banks and Banking reporting "Ought not to pass" on bill an act relating to the Bar Harbor Banking & Trust Company. (H. P. No. 693)

Report was signed by the following members:

Messrs. FOSTER of Kennebec
—of the Senate
DECKER of Portland
PAGE of Skowhegan
SEAVEY of Sherman
STURTEVANT
of E. Livermore
CROCKETT of Hollis
—of the House

Minority report of same committee reporting "Ought to pass" on same bill.

Report was signed by the following members:

Messrs. ROBERTS of York
MINER of Washington
—of the Senate
CLIFFORD of Bath
—of the House

Mr. BLAISDELL of Franklin: Mr. Speaker, I move that this matter lie on the table pending acceptance of either and be specially assigned for Tuesday, April 12.

There are two reasons that I wish to state to the House why I make this request. Mr. Guy Torrey, a member of the Governor's council, who is especially interested in this matter, is at home sick abed at Bar Harbor; so Mr. Montgomery at Bar Harbor and myself are unable to confer with him. For the second reason an error has been made in the signing of the majority report. I am informed in the corridor that one of the members whose name appears on the majority report—

The SPEAKER: The Chair feels that the gentleman has stated the reasons sufficiently.

Mr. BLAISDELL: Then I move that it lie on the table.

A viva voce vote being taken the motion to table and specially assign for Tuesday, April 12, prevailed.

On motion by Mr. Hale of Portland 500 copies ordered printed.

First Reading of Printed Bills and Resolves

(H. P. No. 612) (H. D. No. 581)
An act to increase the salary of the Judge of Probate for Oxford County.

(H. P. No. 892) (H. D. No. 582)
An act relating to the compensation of Judge of Probate in York County.

(H. P. No. 1257) (H. D. No. 583)
An act to amend the charter of the Bangor Gas Light Company by an increase in its capital stock.

(H. P. No. 1258) (H. D. No. 584)
An act to amend an Act to incorporate the Stockton Springs Water Company.

(H. P. No. 1259) (H. D. No. 585)
An act relative to the County Commissioners of Cumberland County.

(H. P. No. 1261) (H. D. No. 586)
An act relating to the increase in the salaries of the County Attorney and Assistant County Attorney for Cumberland County.

(H. P. No. 1262) (H. D. No. 587)
An act relating to the salaries of the County Commissioners of Franklin County.

(H. P. No. 1263) (H. D. No. 588)
An act relating to clerk hire in the office of Register of Probate in Waldo County.

(H. P. No. 1264) (H. D. No. 589)
An act relating to the increase of the salary of the County Attorney for York County.

(H. P. No. 1265) (H. D. No. 590)
An act relating to compensation of Judges of Probate.

(Tabled by Mr. Hale of Portland pending assignment for third reading.)

(H. P. No. 1266) (H. D. No. 591)
An act to increase the salary of the Judge of Probate of Hancock County.

(H. P. No. 1268) (H. D. No. 592)
An act relating to the Mill Tax Highway Fund.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I move that this bill lie on the table.

Mr. MARDEN of Waldo: Mr. Speaker, just a word in explanation of this bill.

The SPEAKER: The Chair will state that the matter is not debatable without the unanimous consent of the House.

Mr. LITTLEFIELD: Mr. Speak-

er, I do not know that I have a bit of objection to this bill, but I have heard so much about the mill tax for highways last evening and this morning that I have begun to think that this bill possibly ought not to go through. That is my only reason for asking that it be tabled, so that it can be talked over and looked over.

Mr. HOLMAN of Bangor: Mr. Speaker, may we have this bill read?

(Bill read by the Clerk)

The SPEAKER: The question before the House is on the motion of the gentleman from Kennebunk, Mr. Littlefield, that this bill be tabled.

A viva voce vote being doubted,

A division of the House was had,

Forty-six voting in the affirmative and 17 in the negative the motion to table pending second reading prevailed.

(H. P. No. 1260) (H. D. No. 593)
An act relating to clerk hire in the office of the County Treasurer of Kennebec County.

(H. P. No. 189) (H. D. No. 580)
Resolve in favor of Forest City International Bridge over St. Croix River between the Township of Forest City, Washington County, Maine, and the parish of North Lake, York County, New Brunswick.

(H. P. No. 1269) (H. D. No. 594)
Resolve in favor of the Maine State Prison for maintenance and current expenses.

(H. P. No. 1270) (H. D. No. 595)
Resolve in favor of H. N. Havey and Bradbury Smith to reimburse them for loss under highway construction contract.

(H. P. No. 1271) (H. D. No. 596)
Resolve in favor of a road leading from Long Pond to Rockwood and from Tarratine to Greenville.

(H. P. No. 351) (H. D. No. 597)
An act relating to fishing in the tributaries to Upper Shin Pond and in the tributaries to Sebobeis River in the county of Penobscot.

(H. P. No. 464) (H. D. No. 598)
An act relating to fly fishing in the tributaries to the South Branch and West Branch of the Penobscot River; in the tributaries to the East Branch of the Penobscot River; and

in the tributaries to the Allagash and St. John Rivers.

(H. P. No. 1274) (H. D. No. 599)
An act to fix the legal length limit on square-tailed trout and land locked salmon in Cumberland County.

(H. P. No. 1275) (H. D. No. 600)
An act to prohibit hunting with dogs in the town of Verona in the County of Hancock.

(H. P. No. 1277) (H. D. No. 602)
An act relating to ice fishing by non-resident fishermen.

(H. P. No. 1279) (H. D. No. 604)
An act relating to ice fishing in Cochnewagon Pond, in Kennebec County.

(H. P. No. 1282) (H. D. No. 606)
An act relating to the possession of forbidden implements for hunting and fishing.

Mr. CHURCH of Hallowell: I have an amendment to offer and move its adoption.

House Amendment A to H. P. 1282, H. D. 606.

Amend House Document 606 by adding thereto the following: "Nothing in this section shall be construed as affecting or restricting the possession and sale of flashlights."

The amendment was adopted and tomorrow was assigned for the third reading of this bill as amended by House Amendment A.

(H. P. No. 1283) (H. D. No. 607)
An act to regulate the trapping of fur-bearing animals.

(H. P. No. 1281) (H. D. No. 609)
An act relating to protection of fur-bearing animals.

(H. P. No. 1276) (H. D. No. 601)
Resolve to compensate Augustus A. Gilbert a farmer of Brewer for a cow shot by a hunter.

Mr. McCART of Eastport: Mr. Speaker, I am not fully acquainted with the claim, but on its face it would appear to be rather unjust to the State. Therefore, I move its indefinite postponement.

Mr. SARGENT of Brewer: Mr. Speaker, while the matter may appear on its face to be one that would not be ordinarily allowed, I think the claim has a great deal of merit. This matter has been before the committee on Claims, and has had the unanimous report of that committee that the matter ought to pass. This is a claim, as its title

states, to compensate a man for a cow shot by a hunter and the claim is made on instructions sent out from the Inland Fisheries and Game Commission to a game warden that this was a legitimate claim, that the cow had been shot, and that if the farmer would have his representative introduce a resolve into the Legislature, it would be made. As I have said, the committee on Claims saw fit to approve this with a unanimous report. This man is a farmer and a poor man. His cow was shot and it seems to me that he ought to be compensated therefor. I hope the motion of the gentleman from Eastport (Mr. McCart) will not prevail.

Mr. McCART of Eastport: Mr. Speaker, I have heard nothing yet to justify this Legislature in appropriating fifty dollars of the people's money to pay for a cow that was shot by a hunter. If we do this, we will establish a dangerous precedent even if it is only fifty dollars. I cannot see wherein the Department of Inland Fisheries and Game has any authority to send a man to the Legislature and tell him to ask for fifty dollars and it will be paid.

Mr. HALE of Portland: Mr. Speaker, may I inquire of the gentleman from Brewer (Mr. Sargent) what steps, if any, were taken by Mr. Augustus A. Gilbert to collect this claim from the hunter?

The SPEAKER: The gentleman may answer if he wishes.

Mr. SARGENT: Mr. Speaker, I will state that it was not known who shot the cow.

Mr. WOOD of Patten: Mr. Speaker, I will say in connection with this matter that my attention is often called to animals being shot by hunters. It seems to me that if this claim goes through there will be a great many others. I am not objecting to the gentleman's claim or the attitude of the committee on Claims. I just want to mention and call attention to this fact that there are a great many instances of this sort and they happen every fall.

Mr. FLINT of Monson: Mr. Speaker, I think if you allow this claim, you are opening the door wide. I know of a man who had a cow shot a couple of years ago and he did not come here and ask for anything of this sort. I hope the motion to indefinitely postpone will prevail.

Mr. INGRAHAM of Bangor: Mr. Speaker, I would like to ask, through the Chair, of Mr. Rounds, the Chairman of that committee, what he knows about this matter.

The SPEAKER: The gentleman may answer if he cares to do so.

Mr. ROUNDS of Portland: Mr. Speaker and members of the House: This man came before us, a poor farmer. This cow was shot between 9 A. M. and 4 P. M. The Commissioner of Inland Fisheries and Game came before us and put in a letter first. There is one letter that we have not found up to the present time, a special delivery letter sent from Brewer; and I will say this: I think it is a just claim. I remember that in 1917 we had about such a claim passed as that, so I do not think it is establishing a precedent at the present time. I for one think it should be paid because it was done wrongfully. We cut the claim down from seventy-five dollars to fifty dollars. The original cow was worth one hundred dollars. We thought that as the leg was broken and the cow was killed and laid into beef that we should allow him fifty dollars.

Mr. SARGENT of Brewer: Mr. Speaker, if I might be permitted to speak again, I did not want to raise any question in regard to the correspondence in this matter; but now that Mr. Rounds has seen fit to speak relative to the correspondence I will state that I took the matter up with the Inland Fisheries and Game Department and asked for the correspondence and I was unable to secure any. Later, when I went home, I took the matter up with the farmer and advised him that I thought there might be some question relative to the payment of this claim and advised him not to put it in. He informed me that the game warden had been to his premises and told him that he, the game warden, had received a letter from the Inland Fisheries and Game Department advising him that the claim was a perfectly legitimate one and to have his representative put in a resolve. I then came back and went into the office of the Inland Fisheries and Game Commission and asked for the correspondence, but they could not find it. I took it up with the farmer again and he said he certainly had instructions from the game warden. I then came back and went

into the office of the Department and asked for the correspondence, but did not receive it. Later a letter was sent to the game warden asking that the correspondence be returned, and on a Saturday night two letters were sent back to the Inland Fisheries and Game Commission, one by general delivery and the other by special delivery. I have tried to find and secure a copy of the letter which came back by special delivery, and Mr. Rounds was present I think at the time when we went in there. I believe you will find that it is not denied that a special delivery letter came back with the instructions from the Fish and Game Department that this claim was a perfectly legitimate one.

My point is this that while it may not be true that this would be a claim that the State ordinarily would pay, nevertheless this practice of the heads of departments writing to the various people all over the State telling them they have got a claim—a legitimate claim—or intimating that fact, and to see their representative and have him put this claim in and he will be paid the money—I think that practice ought to be discouraged. It is for that purpose that I put this claim in here and it is for that purpose that I have carried the claim through to this point. I think that it is a just claim and I think that the members of the committee on claims agree that it is a just claim. Ordinarily I would not press it, but I think under the circumstances, as I have said, that it is a perfectly just claim. I do not believe that if other cases may happen in the future that this case can be cited as a precedent because there are many mitigating circumstances.

Mr. FLINT of Monson: Mr. Speaker, in regard to this correspondence I know nothing about it. This is the first I have heard of that. It does not seem right to me that the State should pay this claim.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I did not intend to say anything on this question, but it does not seem to me that it makes this a legitimate claim because there is a letter mislabeled or lost. At the start this was all square and supposed to be legitimate, but the member from Portland, Mr. Rounds, let the cat out that there was a letter. Now if the Fish and Game Department promised this man fifty dollars for his cow, they have got plenty of money down there and why don't they pay it and not al-

low this to come up here? I think the way to pay for this cow is out of the Fish and Game Department money and not have it charged up to the one hundred and fifty-one members of this Legislature. This does not look reasonable to me, and if there is a letter, as Mr. Sargent says there is, I think that this thing should be laid on the table and the letter produced. That is the way it looks to me.

Mr. ROUNDS of Portland: Mr. Speaker, I did not know that one hundred and fifty-one members had to examine what the committee on Claims does. I did not know that it was up to the members to do that. I find that the committee on Claims has no authority but they must look to some other committee for it. We took this claim and reported it out unanimously ought to pass. We heard the evidence. I am not running around to the committee on Ways and Bridges, or Legal Affairs, or Judiciary to see what they are doing. I think that if we cannot take the report of a committee, we had better discharge the committee right off and not have any.

Mr. McCART: Mr. Speaker, may I address the House again?

Unanimous consent was given that gentleman to address the House for the third time.

Mr. McCART: Mr. Speaker, my intention when I first made this motion was to bring the fact before the House that we are sitting as a supervisory board over every committee in the House and we have got to watch the actions of every committee and save money for the State. If we feel that the committee is not doing its duty, we are here to see that it is done. Fifty dollars is probably a small amount to be talking about over half an hour, but I think the principle is worth many times fifty dollars, and if we close down on this one claim it may accomplish a great deal more than fifty dollars worth of good.

Mr. FLINT: Mr. Speaker, I would like to say about three words.

Unanimous consent was given that gentleman to address the House a third time.

Mr. FLINT: Mr. Speaker, all these claims come out of the Fish and Game Department fund. I thought Mr. Littlefield spoke as though they did not.

Mr. EUSTIS of Strong: I move the previous question.

The SPEAKER: As many as are in favor of the Chair entertaining the previous question will rise and stand

until counted and the monitors will return the count.

A sufficient number arose.

The SPEAKER: The question now is shall the main question be now put? As many as are in favor will rise and stand until counted and the monitors will return the count.

A sufficient number arose.

The SPEAKER: The main question will now be put. The question is—

Mr. HALE of Portland: Mr. Speaker, I call for a division.

The SPEAKER: A division is requested. The question before the House is upon the motion of the gentleman from Eastport, Mr. McCart, that this resolve be indefinitely postponed. As many as are in favor of this motion will rise and stand until counted and the monitors will return the count.

A division being had,

Forty voting in the affirmative and fifty-five voting in the negative, the motion to indefinitely postpone failed of passage.

On motion by Mr. Sargent of Brewer the resolve having already had its first reading its second reading was assigned for tomorrow morning.

H. P. 1278, H. D. 603: Resolve in favor of establishing a Feeding or Rearing Station for Fish at or near Jackman, in the county of Somerset.

H. P. 1280, H. D. 605: Resolve for the propagation and distribution of pheasants.

H. P. 1284, H. D. 608: Resolve in favor of the construction of a fishway at Aroostook Falls on the Aroostook river in the Province of New Brunswick.

Passed to be Engrossed

S. P. 338, S. D. 185: An act to consolidate the general superintendence, management and control of the State Prison, the Reformatory for Men and Reformatory for Women, under one board of trustees.

Mr. HEATH of Guilford: Mr. Speaker, I would ask that this bill be tabled.

A viva voce vote being doubted,

A division was had,

Forty voting in the affirmative and eight in the negative, the motion to table prevailed, and the bill was tabled pending passage to be engrossed.

S. P. 554, S. D. 315: An act providing compensation for court stenographers upon retiring by reason of disability.

S. P. 553, S. D. 316: An act authorizing the Treasurer and County

Commissioners of York County to procure a loan and issue bonds of said county therefor for the purpose of erecting additions to the court house.

H. P. 712, H. D. 193: An act to create a fish and game sanctuary within the limits of property of the Dover-Foxcroft Water District, in the town of Guilford, county of Piscataquis.

H. P. 1146, H. D. 389: An act in relation to the building and lot of land in Bangor known as Bangor State Arsenal, being public land and owned by the State.

S. P. 338, S. D. 314. Resolve providing for a State pension for Ivanilla Nute of Lewiston.

H. P. 1241, H. D. 551: An act to provide for compensation for justices of the superior courts.

On motion by Mr. McKnight of Poland to table this bill, a viva voce vote was taken and doubted by Mr. Holman of Bangor.

A division was had.

Twenty-two voting in the affirmative and 25 in the negative the motion to table failed of passage.

Mr. STURGIS of Auburn: Mr. Speaker, if in order I would move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Auburn, Mr. Sturgis, is in order and moves the indefinite postponement of this bill.

Mr. STURGIS: Mr. Speaker, I came here pledged to economy, and since I have been here it seems to have been the idea to raise the salaries of everybody including the members of this House. I am emphatically against raising the salaries of the superior court judges. While it was stated the other day that I was emphatically for it, I think I was misquoted. I only want to put them on an even keel.

Mr. HOLMAN of Bangor: Mr. Speaker, it seems to me that we ought to be consistent and pass this bill to increase the salaries of the judges of our Superior courts. I have no desire to take up the time of the House. My only desire in doubting the vote to table was to hasten the business of the Legislature. If we are to get through here next week we must keep going.

The SPEAKER: The motion before the House is the motion of the gentleman from Auburn, Mr. Sturgis, that this bill be indefinitely postponed.

Mr. STURGIS: Mr. Speaker, if I may say another word. If this is adopted, the Superior Court justices

would receive \$120 a week until retirement, and on retirement they would receive \$80 a week for the remainder of their lives. That is pretty good pay for even a justice of the superior court. While we realize their efficiency and their life work, it is some compensation to have the honor of being appointed for that place.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Sturgis, that this bill be indefinitely postponed. As many as are in favor of this motion will say aye; those opposed no.

A viva voce vote being taken,

The motion to indefinitely postpone failed of passage. Thereupon the bill had its third reading and was passed to be engrossed.

S. P. 510, S. D. 257: Resolve in favor of the Maine State Agricultural Society for the State stipend for 1926.

Passed to be Enacted

An act relative to the upkeep and maintenance of the bridge across Sheepscot river between Wiscasset and Edgecomb.

An Act relating to the Salary of the Commissioner of Agriculture

An Act to provide for the Exportation of Surplus Power (S. P. No. 523) (S. D. No. 259)

(Tabled by Mr. Hale of Portland pending passage to be enacted and specially assigned for Monday, Apr. 11.)

Resolve appropriating money to aid in building a highway from Eustis in Franklin County to the Boundary Line between the State of Maine and the Dominion of Canada, at a place near the Village of Woburn, in said Canada.

Resolve in favor of V. E. Cunningham, of Milford, compensating him for damage to apple trees by deer.

Resolve in favor of the town of Castine, for reimbursement of money paid out for care of State paupers.

An Act to Incorporate the Marshall Dam and Improvement Company.

An Act relating to Fees of insurance brokers.

(Tabled by Mr. Hale of Portland pending passage to be enacted)

An Act to prevent the improper use of the words "Trust Company".

An Act relating to Indian Tribes.

An Act relative to the use of funds for Indian Tribes.

An Act to amend Chapter 120 of the Private and Special Laws of 1899, establishing the Livermore Falls Municipal Court, as amended

by Chapter 34 of the Private and Special Laws of 1919.

An Act relating to the apportionment among towns of the Third Class Highway Fund.

An Act to increase the amount to be paid for clerk hire in the office of the Clerk of Courts of Piscataquis County.

An Act relating to the salary of the Clerk of Courts of Piscataquis County.

An Act to incorporate the Bangor Bridge District.

An Act to enable trust companies to discontinue branches or agencies.

An Act to accept the provisions of the Act of the Congress of the United States, approved November 23, 1921, as amended and approved January 22, 1927, entitled An Act for the Promotion of the Welfare and Hygiene of Maternity and Infancy and for other purposes.

Finally Passed

Resolve in favor of Arthur L. Thayer of Bangor, for use of his private car while chairman of the Maine Industrial Accident Commission.

Resolve in favor of the town of Anson.

Resolve in favor of Dr. A. J. Bradbury of Old Town, compensating him for damage to apple trees by deer.

Resolve to aid in re-reading the read in Township No. 10, Hancock County.

Orders of the Day

The SPEAKER: The Chair lays before the House a veto message from the Governor.

The veto message was read by the Clerk as follows:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

April 7, 1927.

To the Honorable Senate and House of Representatives:

There is returned herewith, without my approval, a Resolve in Favor of the Charles H. Cutter Coal Company of Boston.

This concern entered the competitive bidding to supply coal to state institutions in 1922 and secured the contract for one institution. It now seeks to recover what is claimed to be its loss upon the fulfillment of its contract.

All the other successful bidders for supplying coal to other institutions

in the State at that time fulfilled their contracts and have presented no claim for additional compensation. Most of these other bidders were Maine concerns. They were equally subject to the vicissitudes of the strike, but either took the precaution to protect themselves or have taken their loss without complaint.

It is admitted by the claimant that there is no legal claim against the State and that if this contract had been with any private individual instead of with the State there would have been no legal method of recovering.

The State will establish a very dangerous precedent in making payment upon a claim of this sort since it will lay a foundation for a claim against the State by any contractor at any time who shall claim to have suffered a loss in his dealings with the State.

Respectfully submitted,

(Signed) Ralph O. Brewster
Governor of Maine.

Mr. WING of Auburn: Mr. Speaker, I wish I knew the temper of the House as to whether or not they wish to take up this veto message at this particular time, or to put it on the table for tomorrow or some time next week. I am very much in favor of the House making what you might call a desperate effort to see if we can finish our business in the coming week and go home. Now in order to do that we must apply ourselves with diligence and we must act industriously, act reasonably quickly. If it is the wish of the House to place this veto message on the table and consider it tomorrow or the following day, that is agreeable to me. But if we are in possession of sufficient facts to consider it at the present time, I would welcome such a solution. And therefore I move, perhaps in the hope that the motion may be defeated, that this message be received and specially assigned for tomorrow. And if it is defeated, we can proceed forthwith to discuss it now. And with that in mind I move you, sir, that the message be assigned for tomorrow.

The SPEAKER: The gentleman from Auburn, Mr. Wing, moves that the message be received and specially assigned for tomorrow.

Mr. WING of Kingfield: Mr. Speaker, this is a matter which we have had before this Legislature and before the last one. I think the facts

are fairly well before every member. I believe that in the interest of those who wish to get through next week we can take this matter up as well today as we can at any future time.

Mr. LOWELL of Lincoln: Mr. Speaker, I will concur with the gentleman from Kingfield (Mr. Wing). I think this is the time right now to settle this matter.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I rise to a point of order. Is this motion debatable?

The SPEAKER: The merits are not debatable, but the time of assignment is debatable. The question before the House is on the motion of the gentleman from Auburn, Mr. Wing, that this message be received and specially assigned for tomorrow. As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote being taken, the motion of the gentleman from Auburn, Mr. Wing, that the message be received and specially assigned for tomorrow did not prevail.

Mr. WING of Auburn: Mr. Speaker, I move that we now proceed to consider the message. Do I understand that that is the pending question?

The SPEAKER: A motion is before the House and the pending question is shall this matter be finally passed notwithstanding the objections of the Governor?

Mr. WING of Auburn: Mr. Speaker, I desire to support the veto message. It seems to me that we have arrived at a place where this House should consider the responsibilities put upon it from a financial standpoint. This House has in it the power of originating revenue bills, the power to originate the tax. The veto is the only place in which the Governor in any way interferes with the legislative program; and I think it is nothing more than right to call your attention to the fact that the veto of the Executive is simply a means of emphasizing the checks and balances which exist in our form of government. Ours is a government of checks and balances. We can do nothing in this House without the consent of the Senate; the Senate can do nothing without the consent of the House. And certain measures which are of supreme importance are only done by the consent of the House, the Senate and the Executive; so that the veto is simply a means of calling the attention of the Legislature to the necessity of passing certain measures by more than a majority vote.

Now it seems to be abroad in this State House that the State can pay for anything and for everything. This particular measure involves the principle that if a man has suffered a business loss in his business with the State, if the market has turned against him in other words, the State, because its purse is ample and its credit good, should make good the loss.

Now as I understand this, this claimant, the Cutter Coal Company, entered into a competitive bid sometime in July, 1922, to supply certain State institutions with coal. On or about the 17th of August these bids were accepted; then and there was a contract between the State and the bidder. Now in the meantime he could have withdrawn his bid, and even after his bid was accepted, he could have gone into the market and protected his contract. But after the bid was accepted, about September 1, 1922, the coal strike which had been going on was settled, and the price of coal was advanced a dollar a ton. Now he had opportunity in the market to protect himself against that contingency, and perhaps it would have been sound business for him to have done it inasmuch as he was bound by his contract, but he did not do that. He notified the State that he would charge them a dollar more than his contract price, which was the dollar which was placed upon coal as the result of the settlement. He furnished the coal and he was paid according to his contract, and he now claims the balance over and above.

Now the Executive says that in passing the measure, we must be very sure about it—we must be so sure that we are right in paying this man his claim that we should pass this by more than a majority vote; we should pass it by the constitutionally required number.

I hope I have made this clear to the House and I hope I have further made it clear that we must begin to feel our responsibilities toward the disbursement of the public monies, or that responsibility will be evidenced in the tax rate that we take home for the endorsement of the people who have sent us here. If you pay the money—not this particular money, but any money—if you pay all these claims, if you pay all these demands, if you increase all these salaries, there is but one way to meet and pay it, and that is by the public tax. I say let us live within our income and let us not engage in extravagant notions and let us keep our

generous impulses under control. (Applause.)

Mr. McINTIRE of Norway: Mr. Speaker and members of the House: I believe that the State of Maine should pay all just claims against it regardless of cost or of the effect on the tax rate. But I submit to you that this is not a just claim against the State of Maine, for this reason: The statement of facts accompanying the original draft of the resolve sets forth repeatedly that the difficulty in furnishing the coal contracted for was because of interference on the part of the Federal government. The statement of facts also sets forth that the State co-operated in every way in trying to secure the delivery of the coal according to the contract terms. It seems to me, as a layman, that if the Cutter Coal Company had any valid claim, it is against the Federal government and not against the State of Maine. And I trust that the Governor's veto may be sustained. (Applause.)

Mr. ROUNDS of Portland: Mr. Speaker and members of the House: I heard this claim two years ago and have heard it again this year. The matter of fact was that in July they did ask for bids and in September or in August they accepted the Cutter Coal Company's bid. About the first of September Mr. Cutter notified the State through the administrator that they could not get coal and he would be unable to furnish the coal at that price. They said it was not a dollar more but a dollar and twelve cents more that was raised on them to get the coal. He did notify the Governor that he could not furnish the coal at that price. The Governor, instead of writing a letter back at once, took seven weeks before he answered that letter. In the meantime the coal had come here, two-thirds of it, and was put into the insane hospital. The State was very glad to get it at that time. Other people could not get coal; but he worked around with the Federal administrator and did get that coal as soon as he could. I asked if there was a strike clause in that contract, and found that there was not. But the Governor of the State of Maine should have answered in less time than seven weeks and not had him put in two-thirds of that coal before answering.

But he put in two-thirds of it, and the other third was on the way from the mines, and he put that in.

How would it have been if we had let those eight hundred people go cold through the next winter, as they would have had to if the Cutter Coal Company had not furnished the coal? That man worked with the Federal administrator of the State of Maine and got that coal. The claim was for four thousand, four hundred and some odd dollars. We cut it down and took off the profit that he would have got out of that coal and gave him four thousand dollars. If you had heard that case and knew it, that the Governor of the State of Maine had taken seven weeks, almost, to bring that letter back, and had let him put in that coal, after he had said that he could not put it in at the price, I think you would agree that he had a just claim.

Mr. WHEELER of South Paris: Mr. Speaker, I was a member of the Claims Committee also, two years ago. This bill came before our committee and we gave it considerable work and thought, and I wish at this time to heartily endorse the words of the gentleman from Portland, Mr. Rounds. I believe that the State of Maine can ill afford to hold this man's pay back. It is a just bill and I believe it should be paid.

Mr. KINSMAN of Augusta: Mr. Speaker, two years ago I introduced this bill into the Legislature, and I did the same this year. I believe it is a just claim and that this man should be protected and paid the amount of money he has asked for.

Mr. KITCHEN of Presque Isle: Mr. Speaker, I know something of this matter. Two years ago this claim of Mr. Cutter's was brought to the attention of the Legislature in the nature of a claim. It was heard before the committee on Claims and I believe received a unanimous report. As you know, it did not pass that session of the Legislature. It has been again presented this winter. Again it has received the unanimous report of that committee. I was firmly convinced two years ago that this was a just claim, and was led honestly to believe that the Governor was at fault in this matter in that he held Mr. Cutter up in the delivery of the coal. In the meantime the price advanced so that he

could not fulfill his contract without losing money. I think Mr. Cutter should have gone to the Governor and told him the facts; but I understand he did not. He put in his coal thinking that the Governor would make good to him the difference. I am heartily in accord with the gentleman from Portland (Mr. Rounds) in this matter. I believe it is a just claim and should be paid.

Mr. ALDRICH of Topsham: Mr. Speaker, I will speak only a moment. There are just two aspects to this claim, as I see it. From the strictly legal standpoint, as I understand the facts, the State of Maine is not liable for this claim. I will modify that by saying that it is extremely improbable that the State of Maine would be liable. But I wish to explain that in voting as I did originally to sustain this claim, from the standpoint of equity and fair dealing it seems to me that where a claimant has neglected, as this man did—has simply neglected to insert in his contract at the time, almost, that the new deal was made with the State when the contract was settled—to insert there that this contract was not subject to government control or interference, which would have protected him; while, as I say, from the legal standpoint I think we can reject this claim, it seems to me a rather severe penalty to impose on this man who went ahead, regardless of the fact that the price had changed, and delivered coal to this State, paying therefor an increased price of a dollar a ton at a time when the inmates of the hospital were in need of coal and at a time when, as I understand, there would have been very serious difficulty in securing it had not this man gone ahead.

The sole difficulty in sustaining this claim over the Governor's veto is as to whether we should consider this matter from the strictly legal standpoint and say that because this man brings a claim which possibly could not be sustained in court, we will reject it and rely on our strict legal rights, or whether we will take all the circumstances into consideration and permit equity and fair dealing to influence our action in determining as to the granting of the claim. I feel that I shall consistently follow the course which I did originally.

The SPEAKER: The question before the House is shall this resolve be finally passed notwithstanding the objections of the Governor. This requires the calling of the roll and each member will answer either yes or no as his or her name is called. A vote yes is for the bill; a vote no is against the bill and sustains the veto of the Governor.

Mr. WING of Auburn: Mr. Speaker, I did not understand the way the Chair put that.

The SPEAKER: The Chair will restate. A vote yes is for the bill; a vote no is against the bill and sustains the veto of the Governor. Is the House ready for the question? The Clerk will call the roll.

YEA—Aldrich, Allen, Anderson of New Sweden, Ayer, Bishop, Bissett, Blaisdell, Booker, Burns, Chamberlain, Chase, Clifford, Cyr, Davitt, Deakin, Douglas, Dudley of Castle Hill, Eustis, Forhan, Foster, Gagne, Goodwin of Lebanon, Greenleaf, Griffin, Hammond, Jackson, Kane of Addison, King, Kinsman, Kitchen, Lait, Laughlin, Leathers, Mansfield, Marden, McLean, Melcher, Merrill, Milliken, Morin, Pendexter, Piper, Powers, Robie of Westbrook, Rounds, Ruggles, Snow, Staples of Eliot, Staples of Waterville, Sturtevant, St. Clair, Tucker, Vail, Wheeler, Wing of Kingfield—56.

NAY—Bailey, Bartlett, Belleau, Bisbee, Boynton, Brackett, Brewster, Briggs, Brown, Bruce, Buker, Cain of Clinton, Carleton of Portland, Carleton of Winterport, Chaney, Church, Comins, Cowell, Cram, Crawford, Daigle, Decker, Dennison, Dudley of Calais, Ellis, Farrington, Ferguson, Flint, Gay, Gilchrist, Gillespie, Greene, Hale, Harris, Hathaway, Hawkes, Heath, Holbrook, Holman, Houghton, Hughes, Ingraham, Jones, Littlefield, Lowell, MacKinnon, Maloon, Marriner, McCart, McIntire, McKnight, Metcalf, Norwood, Page, Patterson, Pike, Rawley, Richardson, Robie of Gorham, Roy, Sargent, Saucier, Seavey, Snowman, Stone of Bridgton, Stone of Biddeford, Storm, Sturgis, Tripp, Varnum, Webber, Weston, White, Williams of Falmouth, Williams of Webster, Wing of Auburn, Winslow, Wood, Wyman—78.

ABSENT—Anderson of South Portland, Boston, Breen, Butler, Cole, Crockett, Deering, Folsom, Fuller, Goodwin of Sanford, Hamel, Mears, Morrill, Nadeau, Smith, Thurston—16.

The SPEAKER: This resolve requires the affirmative vote of two-thirds of the membership of the House. Fifty-six have voted yes and seventy-eight have voted no, and the bill fails to receive passage and the objections of the Governor are sustained.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, under the right of personal privilege I ask leave of the House to address it at this time on certain matters relating to the railroad excise tax, and various messages and speeches thereon. It is my contention that two messages of the executive—

Mr. WING of Auburn: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman will state his point of order.

Mr. WING: Mr. Speaker, what is the question before the House that the gentleman is speaking to?

The SPEAKER: The gentleman is rising to a question of personal privilege and is stating what the question is that he wishes to speak on.

Mr. WING: Mr. Speaker, the question he speaks upon and the question of personal privilege are two different things.

Mr. CHASE: Mr. Speaker, I am endeavoring to point out that the matter of personal privilege is involved in my request, and am trying to make such statements as shall assure the House that they should give me the privilege.

Mr. WING: Mr. Speaker, I think the gentleman should present his motion so that the House may have something to act upon.

The SPEAKER: The Chair will state that the gentleman from Cape Elizabeth, Mr. Chase, apparently is rising to a question of personal privilege and is endeavoring to acquaint the House with the matter upon which he rises. The gentleman should not put any argument into his remarks but may state why he wishes to rise to a question of personal privilege.

Mr. CHASE: Mr. Speaker, I have no particular desire to continue if it is already clear to the members. It is my contention that the matter of personal privilege is involved in this matter. I will say no more at present without permission of the House.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, asks the House to give its consent that he address it on a matter of personal privilege.

Mr. WING: Mr. Speaker, does the Chair rule that it requires unanimous consent for a member to speak on a question of personal privilege?

The SPEAKER: The Chair rules that it requires a majority vote. As many as are in favor of extending to the gentleman from Cape Elizabeth, Mr. Chase, the privilege to address the House on a matter of personal privilege will say aye; those opposed no.

A viva voce vote being taken, the privilege of addressing the House on the matter of personal privilege was extended to Mr. Chase.

Mr. CHASE: Mr. Speaker, for the convenience of the reporter I will submit to him a copy of the remarks I shall make. And in making these remarks, which involve figures, it will save time and be in the interest of clearness to use the round figures, but the dollars and cents are included in the copy submitted unless there is objection, in which case I will read the dollars and cents.

On March 24 the governor of Maine addressed to this Legislature a veto message, stating certain reasons for withholding his approval of the act relating to the excise tax on railroads. In speaking on this subject I questioned the soundness of the governor's reasoning and called attention to certain figures which appeared unsound as a basis for the argument advanced by the governor. The fairness and accuracy of my statements have since been challenged in a message from the governor dated March 31.

I have delayed some time in commenting on this matter again, for my own inclination ran strongly toward ignoring the special message, even though the intimation was apparent that my original speech had contained important errors. But in deference to the wishes of my friends I have made a further analysis of the figures involved, which is submitted.

On page 3 of the governor's veto message there appears the following statement:

"The revenues of the State for the past four years from this railroad tax have been as follows:

1923....	\$2,305,000
1924....	2,385,000
1925....	1,911,000
1926....	1,914,000"

These figures are repeated in the special message of March 31; and they are the basis of the governor's contention that receipts from railroad taxes have been reduced greatly since 1924. In my remarks on the veto message I questioned the propriety of using these figures; and I suggested that it would be more accurate to use the State assessors' figures which show the amounts of taxes assessed against the railroads in recent years. (State Assessors' Report 1925-26, Pages 44, 214, and 215.) I assumed in my argument that the taxes collected would be equal to the assessments over a period of years.

Now I gather from the Governor's special message that he thinks it is debatable whether the correct figures to use are the assessors' figures of assessments based upon railroad gross earnings during calendar years (this being the basis for taxation under the new gross-net railroad excise tax bill which the Governor vetoed), or the figures which showed the actual revenues of the State from railroad taxes during fiscal years which run from July 1 to June 30. But if I was in error in assuming that the assessment figures were the proper ones to use, and that the collections from this source would be equal to the assessments, then I erred in distinguished company, as I will show you later.

When it appeared that the accuracy of my remarks on the railroad excise tax bill and veto message thereon were questioned I went over my speech as reported in the record, with some care. I never had an opportunity to avail myself of the privilege usually accorded members of revising and correcting minor errors in the record, because this speech was not printed in the newspapers and because the record was made up over the week-end when I was absent. I desire to say now, that except for minor errors which may be mine and which may be the reporters, there is no important statement in my speech that is inaccurate, and that the reasoning and the conclusions are essentially sound, and I would not change any of them.

When I had determined to my own satisfaction that I had not deceived the House and that I had been right in my contention, I thought it might be a good idea to find out whether the Governor might not be right too, since his arguments were based upon a different set of figures. So I started out with this (showing pink slip) and came back three hours later with this (showing handful.) I had gained in tonnage but had lost in knowledge; for I had been unable to gain the knowledge which I sought, and came back knowing less than when I started. But I found out this, that the Governor's figures on Page 3 of the veto message showed that collections from railroad taxes in the fiscal years 1923, 1924, 1925 and 1926 were \$630,619.87 more than the total of excise taxes assessed against steam and electric railroads for the years 1923, 1924, 1925,

and 1926; and that the total of the Governor's figures for revenues from "this railroad tax" was \$1,098,449 more than the total assessment against steam railroads for the years 1923, 1924, 1925 and 1926.

Then I was torn between my desire to prove that the Governor was right and my fear that such proof might demonstrate that the railroads had paid the State in taxes several hundred thousand dollars more than had been assessed against them, and that the State might have to refund such excess to the railroads.

While in this dilemma there came to my assistance the gentleman from Skowhegan, Mr. Page, who is adept at figures; and we went at it together, trying to find out the source of the figures quoted by the Governor on Page 3 of his veto message.

The Governor says on Page 3, "The revenues of the State for the past four years from this railroad tax have been as follows:" One might readily infer that the reference applies to the excise tax on steam railroads which is all that is involved in the bill then under consideration. However, it appears that all of the quoted figures include excise taxes collected from electric railroads which are not involved in the bill at all and which have been assessed in amounts ranging from \$138,088 in 1922 to \$100,478 in 1926. To compare one figure which includes electric railroad taxes with an estimate of future revenue which does not include electric railroad taxes leads, obviously, to an inaccurate conclusion.

Now why does the amount collected in the fiscal year 1923 exceed the total assessment for 1923 on all railroads by more than \$250,000? Because the Bangor & Aroostook Railroad paid \$704,863 in excise taxes during the fiscal year 1923, although the tax assessed against it for 1923 was only \$405,132; and because the Grand Trunk paid \$157,117 as compared to the 1923 assessment of \$101,069; and because the Canadian Pacific paid nothing in that fiscal year, although its assessment for 1923 was \$158,958, and because the collections in the fiscal year 1923 include about \$23,000 back taxes extending back over six years.

Why does the amount collected in the fiscal year 1924 exceed the assessment for 1924 by more than

\$350,000? Because the Boston & Maine, assessed for 1924 at \$330,355, actually paid \$579,495; and because the Canadian Pacific, assessed at \$163,714 for 1924, actually paid \$244,384; and because the collections for the fiscal year 1924 include about \$28,000 in back taxes extending back over eight years.

Now the figures quoted by the Governor for the amounts collected from excise taxes on steam and electric railroads for the fiscal years 1923 and 1924, check exactly with the report of the State Treasurer for the two years ending June 30, 1924 (See Page 33); and they also check with the figures given in the Report of the Budget Committee presented to the 82nd Legislature (See Page 7). Governor Baxter was a member of that Budget Committee and Governor-elect Ralph O. Brewster was not a member. And that Budget Committee in its statement of actual income from railroad excise taxes used the figures contained in the State Treasurer's report.

In analyzing the figures given by the Governor in his veto message as the amounts collected in excise taxes from railroads during the fiscal years 1925 and 1926, namely \$1,911,000 in 1925, and \$1,914,000 in 1926, we arrive at a startling and significant departure from former methods, and a departure especially startling as coming from one who now seems to contend that past collections, and not assessments, are the proper basis for calculations of the effect upon the future revenues of the state from railroad excise taxes under the gross-net plan. For we find that the budget committee for the 83rd Legislature—of which Governor Brewster was chairman—adopted the method of using assessments, and not collections, in calculating the future income of the state from railroad excise taxes. (See Page 9 of 1927 Budget Report). On Page 9 of this report under the heading "Actual Income July 1, 1924 to June 30, 1925" and opposite the words "Railroad Companies" there appears the figure \$1,911,014.62; and in the next column under the heading "Actual Income July 1, 1925 to June 30, 1926" appears the item \$1,904,615.52. As a matter of fact, these items were not actual income at all, but are exactly the amounts assessed against steam and electric railroads

for 1925 and for 1926, as will be found on Pages 44 and Pages 214 and 215 of the 1925-1926 report of the State Assessors. I assume that the Governor's figure of \$1,914,000, which in his special message he says was taken from the Budget Committee report, should be \$1,904,000, and that the variation of \$10,000 is due to a misprint.

The figures which appear in the Governor's messages, and which appear in the report of the Budget Committee of which Governor Brewster was chairman, as representing the actual income of the state from railroad taxes during the fiscal years 1925 and 1926 are wrong, according to the report of the State Treasurer for the two years ending June 30, 1926. The actual receipts from the tax on railroad companies for the fiscal year ending June 30, 1925, according to the State Treasurer's report, were \$1,846,884.68, and not \$1,911,014.62 as the Governor says and quotes from the Budget Committee report; and the actual receipts from the same source, according to the same Treasurer's report, for the fiscal year ending June 30, 1926 were \$1,626,083.27, and not \$1,904,615.52 as stated in the report of the Budget Committee and as quoted by the Governor.

According to the reports of the State Treasurer the total receipts from the railroad taxes for the four fiscal years ending June 30, 1926 were \$8,163,953.92; and when the Governor, quoting from the Report of the Budget Committee of which he was chairman, gave figures for receipts which total \$8,515,000 for the same period, he was about \$350,000 from being right.

Mr. Speaker, it may be debatable whether collections or assessments are the proper figures to use in such calculations. It must be debatable, since the Governor uses both methods. It may be debatable whether it is correct to include the taxes paid by electric railroads in a figure used for comparison with an estimate which does not include electric railroads. It may be debatable whether it is correct to compare an estimate for the year 1928 with figures for 1923 and 1924 which include receipts from taxes assessed in 1917. But I think no one would contend that it is correct

to assemble a combination of assessment figures and collection figures in such a manner as to make an error of \$350,000 and to submit such a compilation to this legislature for its enlightenment.

On motion by Mr. Piper of Jackman, it was ordered that 1,000 copies of the statement just made by the gentleman from Cape Elizabeth, Mr. Chase, be printed.

The SPEAKER: The Chair lays before the House the first unfinished business, an act to amend the charter of the Union Mutual Life Insurance Company, S. P. 564, tabled by Mr. Wing of Auburn, April 1, pending reference to a committee; and the Chair recognizes the gentleman from Auburn, Mr. Wing.

(At this point Mr. Bartlett of Bangor assumed the Chair.)

Mr. WING of Auburn: Mr. Speaker, this is an act to amend the charter of the Union Mutual Life Insurance Company which is one of the largest monied corporations in the State and supposed to be administered by a very distinguished board of directors. In the dying days of the Legislature this corporation comes, and as I understand it states and says that they did not know that the Legislature was in session, and having now recovered from their state of somnolence they want their charter amended so that they can permit themselves to do a health and accident business. They say that the reason they did not come in the early part of this Legislature was that they did not know we were here and that the Legislature was in session; so they present this bill to the Senate, the Senate received it under suspension of the rules and it is passed to be engrossed without reference to any committee.

I do not know what to do. I do not wish to embarrass the Union Mutual Life Insurance Company, but it strikes me as being very remarkable that this company comes to the Legislature in this way and seeks to have its charter amended. I do not know whether it is right that they should do it or not, and I yield the floor to the gentleman from Cape Elizabeth, Mr. Chase,

so that we can be heard on the business part of the program.

The SPEAKER pro tem: Does the gentleman from Auburn (Mr. Wing) yield the floor to the gentleman from Cape Elizabeth, Mr. Chase?

Mr. WING of Auburn: I do, Mr. Speaker.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I did not know that the gentleman from Auburn, Mr. Wing, was going to yield to me and I am not prepared to speak on this matter at all; but as I understand it from information which came to me from Portland, this company, which is the only large life insurance company in the State, wishes now to enter into competition with other companies writing combination insurance—wishes to have its charter amended so that it will be in position to compete with the companies which send their agents in from the outside. The Union Mutual Life Insurance Company is a substantial institution with a creditable history, and it is trying to compete with the other companies, and it asks that its charter may be amended so that it may be permitted to write forms of insurance which it is not now permitted to write.

I was very much surprised that the gentleman from Auburn (Mr. Wing) should yield to me, but that is the story as I understand it, and I trust that the bill will receive consideration as to whether it should be referred to a committee or not. It makes no difference to me, but I hope that the bill will be received and considered.

Mr. HALE of Portland: Mr. Speaker, may I inquire whether a motion for a reference to a committee has been made and is now pending as indicated on the calendar?

The SPEAKER pro tem: The Chair will inform the gentleman from Portland (Mr. Hale) that there is no pending motion before this House.

Mr. HALE: Mr. Speaker, what is the parliamentary status of the bill? The bill has not been printed as I understand.

The SPEAKER pro tem: The Chair will state that there is no motion before the House.

Mr. HALE: Mr. Speaker, I move that the bill lie on the table and be printed and specially assigned for tomorrow morning if it is probable

that printing can be accomplished in that time.

The SPEAKER pro tem: The Chair will inform the gentleman that the bill has been printed and is House Document 579.

Mr. HALE: Then, Mr. Speaker, I move that the rules be suspended and the bill receive its first two readings at this time. The bill was received by the Senate and I think we can assume that the Senate gave consideration to the propriety of receiving the measure at this time inasmuch as the Senate took that course. I see no reason why we should refuse to attempt to take some different or contrary action.

Mr. DECKER of Portland: Mr. Speaker, as a member of the insurance committee, and having been in the life insurance business for thirty years, representing three different companies, and being at the present time State manager for a foreign company, I believe the Union Mutual should have this privilege in its charter. To issue disability and indemnity clauses in their policies would in no way in my judgment jeopardize their safety. Rather it will help to broaden their activities and broaden their strength, and as a policy holder—a policy that I bought over thirty years ago for my mother—I feel that from that standpoint I would be glad to see them have this privilege. I second the motion of the gentleman from Portland, Mr. Hale, that the bill be passed.

Mr. STAPLES of Waterville: Mr. Speaker, I understand on good authority that the Insurance Commissioner approves this bill. If so, that is entitled to some weight.

The SPEAKER pro tem: The motion before the House as made by the gentleman from Portland, Mr. Hale, is that the rules be suspended and this bill receive its two readings at this time.

Mr. WING of Auburn: Mr. Speaker, I do not wish to embarrass the Chair, but I think the House should vote to receive the bill before it reads it.

Thereupon the House voted to receive the bill, and the rules were suspended, and the bill had its two several readings at this time and tomorrow assigned.

The SPEAKER pro tem: The Chair lays before the House the

second unfinished matter of business being 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, April 1, pending passage to be engrossed; and the Chair observes that Mr. Eustis of Strong is not in his seat.

On motion by Mr. Hathaway of Milo, it was voted to temporarily retable this matter.

On motion by Mr. Page of Skowhegan it was voted to take from the table H. P. 527, H. D. 136, an act repealing certain inheritance laws as to non-resident decedents, tabled by that gentleman earlier this morning.

Mr. PAGE: Mr. Speaker, I now yield the floor to the gentleman from Portland, Mr. Hale.

Mr. HALE: Mr. Speaker, Senate Amendment B to the bill in question is an amendment made by and with the approval of the proponents of the bill after conferences, as I understand it, with the people most interested in the measure, and the people who have familiarized themselves with its effect upon the State treasury. So far as I know it meets with universal approval. I renew my motion that the House concur in the adoption of Senate Amendment B.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I would like to understand what is being talked about and where it is on the calendar.

The SPEAKER pro tem: The Chair will state to the gentleman that this is House Paper 527, House Document 136, an act repealing certain inheritance tax laws as to non-resident decedents, tabled by the gentleman from Skowhegan, Mr. Page, earlier in the day.

Mr. PATTERSON of Castine: Mr. Speaker, I have no disposition to oppose the motion of the gentleman from Portland, Mr. Hale, but I have some interest in this bill myself. It came before my committee. I am not familiar with Senate Amendment B and I would like to have that amendment read so that I may know what I am voting on.

(Senate Amendment B read)

Mr. HALE: Mr. Speaker, briefly, the explanation of this amendment is that it substitutes for an absolute repeal of the non-resident inheritance tax a repeal reciprocally conditioned on other states doing the same thing.

Mr. CYR of Waterville: Mr. Speaker, I move that we recess until 4.30 P. M.

Mr. HALE: Will the gentleman from Waterville, Mr. Cyr, withdraw his motion in order for me to raise a question?

Motion withdrawn.

Mr. HALE: Mr. Speaker, I would first inquire whether we are concluded with this inheritance matter? Has my motion for the adoption of the amendment been put?

The SPEAKER pro tem: It has not yet been put.

Mr. LITTLEFIELD: Mr. Speaker, do I understand that we are to let this go by without a printed amendment? Is that what you want to do? I don't know but what this bill may fix it so that one cannot die at all. I move that the amendment be printed.

Thereupon the passage of this bill to be engrossed was reconsidered by the House, Senate Amendment A was rejected; and pending the motion of Mr. Hale to adopt Senate Amendment B in concurrence, on motion by Mr. Littlefield, the matter was tabled and Senate Amendment B ordered printed.

Mr. HALE of Portland: I wish. if the House will allow me, to make a motion out of order. I move that we reconsider the vote whereby earlier in the day we adopted an order with reference to recessing.

The SPEAKER pro tem: The gentleman from Portland, Mr. Hale, moves that we reconsider the order introduced this morning relative to recessing.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I would like to ask the gentleman his reason.

The SPEAKER pro tem: The gentleman may reply if he wishes.

Mr. HALE: Mr. Speaker, I will be glad to state the reason.

The reason is that the order as passed called for a recess until 4.30 this afternoon. The members of the investigating committee would like a little more time for their hearing this afternoon and if the House grants my motion to reconsider, I will put in another order to recess until five o'clock. It is simply a mechanical matter, but I think it is of some importance.

The SPEAKER pro tem: The House hears the explanation. Is it the pleasure of the House that we reconsider the passage of the order introduced by the gentleman from Portland, Mr. Hale, this morning relative to recessing?

Thereupon the House so voted.

(At this point Speaker Martin resumed the Chair and Mr. Bartlett of Bangor withdrew amid the applause of the House.)

Mr. Hale of Portland was granted permission by the House to introduce the following order out of order:

Ordered, that when the House rises this morning it be to recess until five o'clock this afternoon.

The order received passage by a viva voce vote.

On motion by Mr. Comins of Edington,

The House recessed until 5 P. M.

After Recess

The Speaker in the Chair.

Mr. GREENLEAF of Auburn: Mr. Speaker, I move that a committee be appointed by the Chair to attend the funeral of the late Senator Charles B. Carter.

The motion prevailed.

The SPEAKER: The Chair will appoint upon that committee all of the House members from Androscoggin county and Messrs. Kitchen of Presque Isle, Hale of Portland, Wing of Kingfield, Patterson of Castine, Kinsman of Augusta, St. Clair of Rockland, Bishop of Boothbay Harbor, Wheeler of So. Paris, Bartlett of Bangor, Flint of Monson, Aldrich of Topsham, Piper of Jackman, Marden of Waldo, Dudley of Calais and Deering of Saco.

The Chair will also state that the executive committee advises it that transportation will be arranged for by members of the House who care to and can go to the funeral which will be held Saturday afternoon at two o'clock in Auburn. Transportation will be arranged for all members and the members will, immediately after the session, notify the Chairman of the executive committee, Mr. Greenleaf of Auburn, as to whether they can go.

Unanimous consent was granted Mr. Littlefield of Kennebunk to introduce the following order, out of order:

Ordered, the Senate concurring, that when the committee now investigating the State Highway Commission under a joint order from the House and Senate shall make its report, it shall include therein a state-

ment in detail showing the expenses attendant upon such investigation.

A viva voce vote being taken the order was passed and sent up for concurrence.

The following papers from the Senate were taken up out of order under suspension of the rules.

Papers from the Senate disposed of in concurrence.

From the Senate: Final reports of the committees on Banks and Banking and Towns.

Come from the Senate read and accepted.

In the House, read and accepted in concurrence.

Senate Bills in First Reading

S. P. 573, S. D. 328: An act to increase the salary of the Clerk of Courts in Franklin county.

S. P. 574, S. D. 329: An act relating to the salary of the Register of Probate of Franklin county.

S. P. 575, S. D. 330: An act relating to the salary of the Clerk of Courts of Knox county.

S. P. 576, S. D. 331: An act to increase the salary of the County Attorney of Sagadahoc county.

S. P. 577, S. D. 332: An act relating to the salary of the Treasurer of Knox county.

S. P. 579, S. D. 333: An act relating to the salary of the Register of Register of Deeds of Sagadahoc county.

On motion by Mrs. Chaney of Lisbon the rules were suspended that the gentlemen may be permitted to smoke. (Applause)

From the Senate: Bill an act relating to the salary of the County Treasurer of Androscoggin, H. P. 740, on which the House accepted the report of the committee, reporting ought not to pass.

Comes from the Senate, the bill substituted for the report and passed to be engrossed in non-concurrence.

In the House, on motion by Mr. Lait of Old Town that body voted to recede and concur with the Senate in the substitution of the bill for the report.

Thereupon the bill had its two several readings and tomorrow assigned.

From the Senate: Joint order relating to investigation of elections, S. D. 279.

Comes from the Senate, Senate Amendment A adopted, and the order indefinitely postponed.

In the House, on motion by Mr. Piper of Jackman, voted to concur with the Senate in the indefinite postponement of the order.

From the Senate: Report of the committee on Legal Affairs reporting ought to pass on bill an act to establish small claims procedure, S. P. 175, S. D. 74.

Comes from the Senate report read and accepted and the bill passed to be engrossed as amended by Senate Amendment A.

In the House, report read and accepted in concurrence, Senate Amendment A read by the Clerk, and adopted in concurrence, and tomorrow assigned for third reading of the bill.

From the Senate: Report of the committees on Ways and Bridges and Taxation on bill an act to exempt from all gasoline tax motor boats, tractors and machinery, S. P. 434, S. D. 197.

Comes from the Senate the bill and report withdrawn.

In the House, on motion of Mr. Hammond of Van Buren the House voted to concur with the Senate in the withdrawal of the bill and report.

From the Senate: Report of the committee on Salaries and Fees reporting ought to pass on bill an act to increase the clerk hire in the Registry of Deeds of Waldo county, S. P. 256, S. D. 336.

Comes from the Senate the report and bill indefinitely postponed.

In the House indefinitely postponed in concurrence.

From the Senate: Report of the committee on Salaries and Fees on bill an act relating to the salary of the Register of Deeds of Waldo county, S. P. 257, reporting same in a new draft, S. P. 578, S. D. 335, under same title and that it ought to pass.

Comes from the Senate the report and bill indefinitely postponed.

In the House, on motion by Mr. Lowell of Lincoln that body voted to

concur with the Senate in the indefinite postponement of the report and bill.

From the Senate: Resolution relative to American Legion Pilgrimage to France, S. P. 620.

Whereas over thirty thousand of our young American manhood, who died in line of duty in France in the World War, will be permanently interred in American cemeteries in the battlefield areas of France, and

Whereas, the white crosses in these hallowed places mark the last resting earthly abode of many young men from Maine, and

Whereas, the American Legion, a national organization of World War Veterans with 137 Posts in Maine and 11,500 Posts in the country, will mark the tenth anniversary of the entrance of the United States into the World War by arranging for 30,000 of its members and their families a pilgrimage to France in September of the current year and has set aside one entire day of its convention week when the Legion as an official body will kneel beside the dead and repledge itself to the service in which they gave their lives, and

Whereas, the United States Government by an Act of Congress and many large public and private corporations all over the country are granting leaves with pay to members of the Legion eligible to make the pilgrimage,

BE IT RESOLVED, That mindful of the noble deeds and heroic sacrifices of the young men of Maine who gave and offered their all that just freedom might endure, there is a keen appreciation of the deep significance of the Legion Pilgrimage to France in 1927, and it is recommended and urged that those chargeable with the management of the affairs of the state, its divisions, and sub-divisions, and of corporations, both public and private, make every possible arrangement so that the service men of Maine and their families may, without fear of loss of place of employment, have vacations or leave of absence of sufficient duration to join in this Pilgrimage.

Come from the Senate, read and adopted.

In the House, read and adopted in concurrence.

On motion by Mr. Piper of Jackman, a viva voce vote being taken, it was unanimously voted that this

resolution be printed once in each daily paper in the state of Maine.

The following reports from committees were taken up out of order under suspension of the rules:

Mr. Sturgis from the Committee on Agriculture on bill an act relating to the grading of apples (H. P. No. 1054) (H. D. No. 360) reported same in a new draft (H. P. No. 1296) and that it ought to pass

Mr. Kinsman from the committee on Inland Fisheries and Game on Resolve in favor of a fish screen at the outlet of Messalonskee Lake, in the town of Oakland, county of Kennebec (H. P. No. 662) reported same in a new draft (H. P. No. 1297) under same title and that it ought to pass.

Mr. Hale from the Committee on Judiciary on bill, an act to amend Section 28 of Chapter 145 of the Revised Statutes, relating to the support of insane patients (H. P. No. 1098) reported same in a new draft (H. P. No. 1298) under same title and that it ought to pass.

Same gentleman from same committee on Resolve in relation to a new revision of the Statutes and providing for the appointment of a commissioner to report to the next Legislature (H. P. No. 1070) (H. D. No. 361) reported same in a new draft (H. P. No. 1300) under title of "Resolve to provide for the revision of the Statutes," and that it ought to pass.

Miss Laughlin from the Committee on Legal Affairs on bill an act relating to front lights on motor vehicles and tractors (H. P. No. 1040) (H. D. No. 340) reported same in a new draft (H. P. No. 1299) under same title and that it ought to pass.

Reports read and accepted and the new drafts ordered printed under the joint Rules.

Mr. Kinsman from the Committee on Inland Fisheries and Game reported ought to pass on bill an act to change the closed time on deer in Hancock and Washington counties. (H. P. No. 233) (S. D. No. 39)

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

The following bills on their passage to be enacted and resolve on its final passage were taken up out of order under suspension of the rules:

Passed to be Enacted

An Act relating to the employment of children.

An Act authorizing the State High-

way Commission to designate certain State and State aid highways as through ways and to regulate traffic at intersection of such through ways with other ways.

An Act relating to continuous roads through three or more towns.

An Act relating to the registration of trucks.

(Tabled by Mr. Littlefield of Kennebunk pending passage to be enacted.)

An Act relating to registration fees payable for jitney busses.

An Act to incorporate the Howland Sewerage and Water District.

An Act relating to smelts.

An Act to provide for the completion of the vital records of the State.

(Temporarily tabled by Mr. Rounds of Portland)

An Act relating to the registration of undertakers.

An Act relating to school supervisory unions.

An Act providing for the payment of losses under certain policies of liability insurance.

Finally Passed

Resolve in favor of the Northern Maine Sanatorium for the construction of a sprinkler system.

Mr. ROUNDS of Portland: Mr. Speaker, I will now take from the table an act to provide for the completion of the vital records of the State H. P. 1253, H. D. 568. Mr. Speaker and members of the House: This bill is far-reaching. It comes here at the end of the session and nobody knows what it is going to cost the State. If you will look at House Document 568, you will see what it will cost by just looking at it. One cemetery in the city of Portland has got forty thousand gravestones for them to look up. It would be all right if we had the money and knew what it was going to cost, and if anybody could say that it would be limited to say five thousand dollars for this year or five thousand dollars for the next two years, I would heartily agree to having a bill brought here, but not knowing how much it will cost makes it an entirely different proposition. Therefore, I move the indefinite postponement of the bill.

Mr. GREENLEAF of Auburn: Mr. Speaker, this bill was worked out and under it, it is hoped to complete the vital records of our State within a time certain. As I under-

stand this bill, they make out these cards and they receive five cents for each record so made out and sent in to the State. At present there is a system going on under which I believe there are three communities working, which is much more expensive. There is a provision in this bill that these shall be completed under the old system because they have undertaken the work and gone far with it; but it is rather expensive. This was worked out because these vital statistics are very necessary if you want to trace back your family or anything in regard to where people were born, or anything like that. These things are very necessary and it is hoped to preserve the vital records of the State in this way. It can be done much more economically in this way than in any way ever before devised. I sincerely hope the motion of the gentleman from Portland (Mr. Rounds) will not prevail.

Mr. DEERING of Saco: Mr. Speaker, I would like to ask the gentleman from Auburn, Mr. Greenleaf, a question.

The SPEAKER: The gentleman may answer if he wishes.

Mr. DEERING: Does this carry an appropriation beyond what is already set up.

Mr. GREENLEAF: As I understand, Mr. Speaker, this is paid for by the towns where these are turned in. I do not think there is any payment out of the State treasury in regard to this. I would like to move that this matter lie on the table until I can look into it more fully. I think when this is fully explained to the House that they will be willing to pass this bill. I had not anticipated any antagonism. I thought it a very good measure but I would like a chance to look into it further.

On motion by Mr. Greenleaf, a viva voce vote being taken, the motion to table prevailed.

On motion by Mr. Hathaway of Milo it was voted to take from the table the second matter of unfinished business resolve appropriating money for the compiling and publication of data concerning the resources of the State, S. P. 503, S. D. 270 tabled by him earlier today.

Mr. HATHAWAY: Mr. Speaker, I yield the floor to the gentleman from Strong, Mr. Eustis.

On motion by Mr. Eustis of Strong the resolve was passed to be engrossed.

The SPEAKER: Under tabled and today assigned the Chair lays before the House the joint order relative to investigation of the hydro-electric powers of the State of Maine, H. D. 351, tabled by Mr. Morrill of Gray, March 30, pending passage; and the Chair recognizes the gentleman from Gray, Mr. Morrill.

Mr. MORRILL: Mr. Speaker, I understand all the bills relative to water powers are continued until the first of the week, and I would like to retable this one.

Thereupon the joint order, a viva voce vote being taken, was retabled and specially assigned for Monday, April 11.

The SPEAKER: The Chair lays before the House the second today assigned matter being House report from the committee on Ways and Bridges on bill an act relating to the Hancock-Sullivan bridge, H. P. 903, tabled by Mr. Blaisdell of Franklin, April 4, pending acceptance of the report; and the Chair recognizes the gentleman from Franklin, Mr. Blaisdell.

On motion by Mr. Blaisdell the report of the committee was accepted.

The SPEAKER: The Chair lays before the House the third, fourth and fifth today assigned matters relative to hydro-electric bills, and recognizes the gentleman from Portland, Mr. Hale.

On motion by Mr. Hale, a viva voce vote being taken, these several matters were retabled and specially assigned for Monday, April 11.

On motion by Mr. Wing of Auburn, it was voted to take from the table the third unassigned matter bill an act relating to the tenure of office of the Chief Engineer and members of the fire department in the city of Biddeford, H. P. 1219, H. D. 476, which was passed to be

engrossed in the House as amended by House Amendment A and came from the Senate passed to be engrossed as amended by House Amendment A and Senate Amendment A in non-concurrence, tabled April 4 by Mr. Wing of Auburn, pending reconsideration.

Mr. WING: Mr. Speaker, I yield to the gentleman from Biddeford, Mr. Griffin.

On motion by Mr. Griffin, a viva voce vote being taken, the House voted to recede and concur with the Senate.

On motion by Mr. Cyr of Waterville it was voted to take from the table the second unassigned matter, bill an act to prohibit plug fishing for square tailed trout and land-locked salmon in Great pond of the Belgrade Chain of Lakes, S. P. 286, S. D. 300, tabled by that gentleman, April 4, pending adoption of Senate Amendment A in concurrence.

On motion by Mr. Cyr the House voted to adopt Senate Amendment A in concurrence and tomorrow was assigned for the third reading of this bill as amended.

The SPEAKER: The Chair lays before the House the fourth unassigned matter, final report of the committee on Interior Waters, tabled by Mr. Piper of Jackman, April 4, pending acceptance of the report in concurrence.

On motion by Mr. Piper a viva voce vote being taken the report was retabled and specially assigned for Friday, April 8.

The SPEAKER: The Chair lays before the House the fifth unassigned matter, House report of the committee on Salaries and Fees on bill an act establishing fares on passenger boats plying between the westerly end of Peaks Island and the mainland of Portland, H. P. 885, H. D. 233, reporting that the same be referred to the committee on Legal Affairs, tabled by Mr. Rounds of Portland, April 4, pending acceptance of the report; and the Chair recognizes the gentleman from Portland, Mr. Rounds.

Mr. ROUNDS: Mr. Speaker and ladies and gentlemen of the House:

This bill has been before the committee on Salaries and Fees for some time and they saw fit to report it out last Monday when I tabled it. I want to say this, that in order to try to kill one corporation with the other—there is a corporation there which goes all over the bay and they have doubled the fare, but to Peaks Island they are not getting so much fare as they did twenty-five years ago. The Public Utilities Commission is perfectly willing to give that corporation more fare, though not the other corporation because they get so much money for going down the bay. At the present time they have put in a petition to the Public Utilities Commission to have the fares changed all over the bay because of the excessive fares down the bay. Therefore, we are asking in this bill that they should be just the same as it is for cottagers at the present time or anybody who wants to buy ten rides. The company running down the bay lost thirty-eight thousand passengers from Peaks Island and the other company lost thirty thousand passengers last year and they would like to have the fare raised but they do not want to touch those down the bay so they will not join in. At the present time they are having a controversy. This bill would take care of that and then there would be no controversy down the bay at all. I move to substitute the bill for the report.

A viva voce vote being taken, the motion to substitute the bill for the report prevailed; and on motion by Mr. Rounds the rules were suspended and the bill received its two several readings and tomorrow assigned.

The SPEAKER: The Chair lays before the House the sixth unassigned matter being House report ought not to pass of the committee on Agriculture on resolve making an appropriation for Northern Maine Fair, H. P. 691, tabled by Mr. Kitchen of Presque Isle, April 5, pending acceptance of the report; and the Chair recognizes the gentleman from Presque Isle, Mr. Kitchen.

On motion by Mr. Kitchen, a viva voce vote, being taken, the report was retabled.

The SPEAKER: The Chair lays before the House the seventh unassigned matter being House report

ought not to pass of the committee on Salaries and Fees on bill an act to increase the salary of the Secretary of State, H. P. No. 1144, tabled by Mr. Littlefield of Kennebunk, April 5, pending acceptance of the report; and the Chair recognizes the gentleman from Kennebunk, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, I think this bill passed this committee and they thought nothing about it. I do not wish to take up the time of this House because every man in it understands what the Secretary of State's office has to do, and at this time he only receives thirty-five hundred dollars for that work; and I wish now to make a motion to substitute the bill for the report and give it its first two readings.

Mr. McKNIGHT of Poland: Mr. Mr. Speaker, is that debatable?

The SPEAKER: It is.

Mr. McKNIGHT: Mr. Speaker, I want to say in regard to this bill that it came before the Salaries and Fees committee and was fully discussed and it was the opinion of that committee that the salary was high enough at the present time.

Mr. LITTLEFIELD: Mr. Speaker, I am surprised at the gentleman's saying that this salary is high enough. Here is the Bank Examiner who gets five thousand dollars a year and works three days a week, and is in Saco the rest of the time. Dr. Thomas gets five thousand, Mr. Hayford gets four thousand, and Mr. Sargent gets six thousand. This office handles two and a half million dollars a year, for which this man is responsible. I do not know how many girls there are in that office that he is responsible for (laughter). The Deputy Attorney General gets thirty-five hundred dollars. It is no use for me to take up your time in arguing this matter because you know that this bill is all right. All we ask for is a raise of five hundred dollars. As close as our Ex-Governor Baxter was he raised the deputy within two hundred and fifty dollars of the Secretary of State, and at that time he would have raised the salary of the Secretary of State had it been in his power to do so. I know you will not turn this bill down for five hundred dollars.

Mr. STURGIS of Auburn: Mr. Speaker, when we were convening at

the beginning of this session, we were told that the Assistant Secretary of State did all the work. I feel that I shall have to stand with my colleague from Poland, Mr. McKnight. I feel that the salary fully compensates him for the work done. I do not think that because other departments are getting what they do that that should be any criterion to boost this salary.

Mr. DOUGLAS of Chelsea: Mr. Speaker, I have been consistent thus far in opposing very many of the increases of salary, but in this case I shall vote with the gentleman from Kennebunk, Mr. Littlefield. I believe that the Secretary of State, receiving only thirty-five hundred dollars a year and doing the vast amount of work which he is responsible for, and so efficiently, should be entitled to some consideration by this House. He is a man you will always find on the job days, nights and even Sundays, and I think that a five hundred dollar increase is little enough.

Mr. GREENLEAF of Auburn: Mr. Speaker, may we have this document read?

(Bill read by the Clerk.)

The SPEAKER: The question before the House is on the motion of the gentleman from Kennebunk, Mr. Littlefield, that the bill be substituted for the report. As many as are in favor of this motion will say aye; those opposed no.

A viva voce vote being taken, the motion to substitute the bill for the report prevailed; and on further motion by the same gentleman the rules were suspended and the bill had its two several readings and tomorrow assigned.

The SPEAKER: The Chair lays before the House the eighth unassigned matter being Senate report of the Committee on Education legislation inexpedient on bill an act relating to the qualifications of superintendents of schools, H. P. 1055, H. D. 354, tabled by Mr. Brown of Bethel, April 5, pending acceptance of the report in concurrence: and the Chair recognizes the gentleman from Bethel, Mr. Brown.

Mr. BROWN of Bethel: Mr. Speaker, this was first tabled by Mr. Thurston of Appleton who is out sick. I had it retabled for him and I would like to have it retabled once more. I think he will be here tomorrow.

Thereupon the matter was retabled.

The SPEAKER: The Chair lays before the House the ninth unassigned matter being House report ought to pass in new draft of the committee on Mercantile Affairs and Insurance on bill an act concerning financial responsibility for damages caused by the operation of motor vehicles, H. P. 663, H. D. 171,—new draft H. P. 1255, tabled by Mr. Aldrich of Topsham, April 5, pending acceptance of the report; and the Chair recognizes the gentleman from Topsham, Mr. Aldrich.

Mr. ALDRICH of Topsham: Mr. Speaker, I am exactly in the same position that I was on April 5th. I think that the gentleman from Hollis, Mr. Crockett, is not here. I do not know when he is coming back and I dislike to take the matter up in his absence. There are certain features of the bill that strike me as being unwise and I would like to have an opportunity to confer with him. It may be that he will then agree with me. If it meets with the approval of the House, I move that this matter be retabled, to be taken up tomorrow or any time. For the reasons I have given I would rather he would be here when action is taken.

Mr. DOUGLAS of Chelsea: Mr. Speaker, I simply suggest that this is a new draft and is not printed. Should it not be printed?

Mr. ALDRICH: The only thing I know about, Mr. Speaker, is the original bill as printed.

Mr. MORRILL of Gray: Mr. Speaker, I understand that Mr. Crockett is sick and I should think it would be well to defer it until the first of the week. I should doubt very much whether he would be here tomorrow.

The SPEAKER: The Chair will state that the calendar does not show that the new draft is printed, but it apparently has been printed since the printing of the calendar.

Mr. MORRILL: Mr. Speaker, I did not wish to butt in on Mr. Aldrich, but I think perhaps the same condition will occur tomorrow morning.

On motion by Mr. Aldrich the matter was retabled and specially assigned for tomorrow morning.

The SPEAKER: The Chair lays before the House the tenth unassigned matter, an act relating to equal school privileges for all pupils, H. P. 262, H. D. 394, on which the House adhered to its

former action whereby the bill was indefinitely postponed, tabled April 5 by the member from Waldoboro, Mrs. Gay, pending motion of Mr. Marden of Waldo to adhere; and the Chair recognizes the Representative from Waldoboro, Mrs. Gay.

Mrs. GAY: Mr. Speaker, I yield to the gentleman from Rumford, Mr. Booker.

Mr. BOOKER: Mr. Speaker, this bill was introduced and in the Senate was amended by Senate Amendment A. Now in this bill for thirty-two weeks I have a list here showing all the towns and the amounts of money it would cost to run them for the thirty-two weeks. We find that in some cases the amount was very low. In other cases also that the rate of tax is exceptionally low. It seems that in many cases they could well afford the thirty-two weeks. There seems to be many little arguments concerning this, and many of them I have come in contact with. In fact, I have been asked by some of the officers of towns near by who are interested to vote against it, in fact to defeat it. There have come to my personal knowledge in the years gone by many little things like this: During the survey of the men who were drafted in the World War, in which I served on the committee for several weeks, men who were asked as to their education would say that they did not have much, that they had a late start in life and a short term of school weeks in the year, and therefore they were not so well prepared as they might be. Now, all who remember back ten years can remember many instances of similar experiences.

Another thing that was asked at the time the bill came in here was some nonsensical thing like asking about chemistry and domestic science. So far as the young ladies go, there are many in the out-of-town localities who would like to be nurses and to have training in hospitals. Those girls need as part of their equipment something in the line of chemistry and domestic science. Possibly the people who have been visiting hospitals this winter have seen at the hospitals the rooms for the prepara-

tion of food, and if so, you realize that a girl would be severely handicapped if she did not know something about cooking. This is a regular course; I believe they call it dietetics; and these things must be attended to.

Again, in building up to go to high school, you need all the attainments you can possibly receive. It is a well-known fact today, and possibly you have observed it, in the manufacturing establishments the boys from the high schools are turned down and they take college students in preference. I can give examples of that if they are needed. Boys come from the colleges in large numbers and take precedence of the boys who have only a high school education.

Again, the argument was put up that they did not care for the extra amount of schooling because in the country places the young folks are unable to get back and forth during the winter. The scholars attend the country schools until they are twelve or fifteen years of age; at that age they will be able to go. It is quite reasonable that in case of severe storms, the younger scholars would be excused because no one would expect small children to go to school in very stormy weather.

Again, these boys have quite long vacations during the summer, I thoroughly believe in thirty-two weeks; in fact, I believe in thirty-six weeks. It has been referred to that the three R's are the only essentials. Now if you people believe that, I think you are just fooling yourselves. So far as the money goes, we have here, as I say, figures with which we can answer the questions, showing you the number of weeks and the added cost. If a town is hard pressed for money, there is the equalization fund to draw from, and Dr. Thomas will willingly help you out.

On top of that a bill passed here to increase the pay of Superintendents, increasing the efficiency of the Superintendents' departments, and if the towns will raise a certain amount, they can get State aid up to twelve hundred dollars. It is not specifically stated that that money must be paid to the superintendents. That money can be

drawn, along with the equalization fund, by a town hard pressed for money, to build up the amount to carry them over. I sincerely believe that you people will realize, as I say, that in your high schools there are boys that never get too much knowledge. Also they are being supplanted. The high school education was sufficient twenty years ago, but it is failing today. I can give you concrete examples.

Mr. MARDEN of Waldo: Mr. Speaker, I have just a word to say in answer to the gentleman. His argument is very good, but I still believe that the country towns should have their own choice in this matter; and I can truly say that there is not one of them but will give their scholars a solid thirty-two or thirty-six or even forty weeks when the time comes for them to do so. It is not the money matters that bother us so much; it is a very small amount, and there is no town so poor but what it can do that part of it. But it is the hardships of the little children being transported through the mud and snow during a month or six weeks, when they could have a vacation and stay at home. I still believe we have the knowledge, and should have the say as to what is to be done. (Applause)

Mr. BOOKER: Mr. Speaker, I move that the House insist and a committee of conference be appointed.

Mr. McINTIRE of Norway: Mr. Speaker, I rise to a parliamentary inquiry. Is there not a motion before the House made by the gentleman from Waldo, Mr. Marden?

The SPEAKER: The Chair will state that a motion to insist takes precedence of the motion to adhere.

Mr. HOLMAN of Bangor: Mr. Speaker, if I may be pardoned for saying just a word at this point, I will do so. It was not my intention, having already spoken twice on this measure and having introduced the original bill. But it seems to me, as I have gone into this matter very carefully, that it is not a matter that we can safely leave to our cities and towns. During the past year, the records show, fifty-six towns in the State have reduced their school year; and were it not for the fact that we have a law requiring a minimum of thirty school weeks a year, some of these

towns would have gone lower than thirty weeks.

So I cannot help feeling that we should insist that our boys and girls have at least a school year of thirty-two weeks. I feel, also, that it is our first duty, outside of looking after our dependents, to see to it that the rising generation have the opportunity in the rural sections to compete with those who come from the cities. At the present time—I think we have already spoken of the fact—eighty per cent of our towns and cities in Maine have thirty-two weeks or more. I cannot conceive of a better thing for this House to do than to make it possible for all our towns to have at least thirty-two weeks. We seem to be perfectly willing to appropriate money to increase salaries of the public state officials, to increase the salary of our Secretary of State—and I am not saying but that is all well and proper—but when it comes to appropriating a few dollars for our children, we seem to want to draw the line. I feel that the motion of the gentleman from Waldo, Mr. Marden, should not prevail.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER: The gentleman may state his inquiry.

Mr. CHASE: Mr. Speaker, if I am correctly informed as to the procedure on this bill, it was indefinitely postponed in the House, went to the Senate, came back, and the House voted to adhere to its former action in postponing the bill. My parliamentary inquiry is whether this bill is subject to further consideration by the House at this time.

The SPEAKER: The Chair will state that it is. The Senate has not yet taken any final action upon it, and as a matter of fact it is asking for a committee of conference.

Mr. McINTIRE of Norway: Mr. Speaker, I dislike to take the time of the House, because it is already late. But there are one or two factors that I wish to point out. Chemistry and domestic science are taught in the high schools, and would not be taught in the rural schools whether they had thirty weeks, thirty-two weeks, or fifty-two weeks. It is doubtless true that college men are supplanting high school men in industry. But that is a question quite far removed from the length of the school year in country towns. I do not believe we would fool the people in the country towns

much if we required a longer school year. They would simply take the money now being expended on thirty weeks of school and stretch it out over thirty-two, thirty-four, or thirty-six weeks; and some things would not be so well done as they are now. We refused to double the equalization fund, and we are now asking the country towns to increase their expenditures. (Applause.)

Mr. Booker requested and received permission to address the House a third time.

Mr. BOOKER: Mr. Speaker, I think that my friend Mr. McIntire is well entrenched, and it is doubtless true that, living in Norway, he has full time. I understand he is a college graduate. I am a little bit surprised at his arguing as he does. I do not think I made reference to chemistry, physics or any such subject being taught in the common schools. Having been a school teacher myself, I know better than that; but I do say they need all the time they can get in the common schools. I am speaking from the girls' side of the question. The boys have an opportunity; but unless they have a decent education, the high schools boys take their place today with pick and shovel beside the foreign element coming into this country from Europe. If there is any doubt about it, if people will visit me, I can show them.

The SPEAKER: The question is on the motion of the gentleman from Rumford, Mr. Booker, that the House insist and join in a committee of conference. As many as are in favor will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had, Twenty-four having voted in the affirmative and fifty-seven in the negative, the motion of the gentleman from Rumford, Mr. Booker, that the House insist and a committee of conference be appointed failed of passage.

On motion by Mr. Marden, a viva voce vote being taken, the House voted to adhere.

The SPEAKER: The Chair lays before the House, House Document 291, an act relating to liability insurance premiums, which was recalled to the House. Is any member familiar with this matter? It was recalled by order of the House.

Mr. KITCHEN of Presque Isle: Mr. Speaker, in the absence of Dr. Merrill, of Dover-Foxcroft, who is interested in this matter, I move that this be retabled.

The motion to retable prevailed.

Mr. ALDRICH of Topsham: Mr. Speaker, I would like to make an inquiry relative to a bill which was ordered to be recalled day before yesterday, and inquire whether or not the bill is in possession of the House, and if so, whether that will appear on the calendar in the same way as having been a recalled matter.

The SPEAKER: The Chair will state that it will.

The SPEAKER: Is there any further business?

Mr. STURGIS of Auburn: Mr. Speaker, I move that the House reconsider its vote taken this morning on Senate Document 315, an act providing compensation for court stenographers upon retiring by reason of disability.

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

The SPEAKER: Is there any further business to come before the House?

There being no further business, on motion of Mr. Davitt of Millinocket.

Adjourned until nine o'clock tomorrow morning.