

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

Tuesday, April 12, 1927.

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

Prayer by the Rev. Mr. Greenman of Augusta.

Journal of the previous session read and approved.

From the Senate: Final Report of the committee on Insane Hospitals.

Comes from the Senate read and accepted.

In the House read and accepted in concurrence.

From the Senate: Majority report of the Committee on Military Affairs reporting "Ought not to pass" on bill an act to assist the Posts of the American Legion in the erection of buildings for Headquarters. (S. P. 422) (S. D. 193.)

Report was signed by the following members:

Messrs. PERKINS of Penobscot
 —of the Senate
 MANSFIELD of Jonesport
 ROBIE of Gorham
 CHASE of Cape Elizabeth
 HALE of Portland
 BUKER of Bath
 BARTLETT of Bangor
 —of the House

Minority report of same Committee on same bill reporting same in a new draft (S. P. 648) under title of an act to assist the units of patriotic associations in the erection of buildings for Headquarters and for Armory purposes and that it "Ought to pass."

Report was signed by the following members:

Messrs. SLOCUM of Cumberland
 DRAKE of Sagadahoc
 —of the Senate
 COLE of So. Portland
 —of the House

Comes from the Senate majority report ought not to pass accepted.

In the House, on motion by Mr. Robie of Gorham, majority report ought not to pass accepted in concurrence.

From the Senate: Resolve in favor of the Central Maine Sanatorium for the construction and equipment of a Nurses Home, (S. P. 268), (S. D. 211,) which was finally passed in the House April 4th.

Comes from the Senate passed to

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

In the House, on motion by Mr. Deering of Saco, the rules were suspended and that body voted to reconsider its vote 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.)

Senate amendment A was adopted in concurrence, and the resolve having had its two several readings was passed to be engrossed as amended by Senate Amendment A in concurrence.

From the Senate: Resolve in favor of the Bangor State Hospital, S. P. 10, S. D. 152, which was finally passed in the House and passed to be engrossed as amended by House Amendment A.

Comes from the Senate passed to be engrossed as amended by House Amendment A and Senate Amendment A in non-concurrence.

In the House, on motion by Mr. Foster of Ellsworth, the rules were suspended and 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.)

Senate Amendment A was adopted in concurrence; and the resolve having had its two several readings was passed to be engrossed as amended in concurrence.

From the Senate: An Act to provide for the completion of the vital records of the State, H. P. 1253, H. D. 569, which was indefinitely postponed in the House in non-concurrence.

Comes from the Senate, that body insisting on its former action whereby the bill was passed to be engrossed and asking for a committee of conference with the following conferees appointed on its part: Messrs. Miner of Washington, Mitchell of Aroostook and Bragdon of Aroostook.

In the House:

Mr. GREENLEAF of Auburn: Mr.

Speaker, I move that the House insist and join in the committee of conference.

A viva voce vote being doubted,

A division of the House was had,

Sixty-five having voted in the affirmative and 28 in the negative, the motion to join in the committee of conference prevailed.

The SPEAKER: The Chair will announce the conferees on the part of the House later at this session.

On motion by Mr. Patterson of Castine, the rules were suspended and that gentleman was granted permission to present at this time, out of order, the report of the committee of investigation of the Highway Department, accompanied by certain exhibits.

The SPEAKER: The Clerk will read the report.

STATE OF MAINE

The Joint Committee to investigate certain affairs of the State Highway Commission asks leave to report as follows:

This Joint Committee, consisting of five members on the part of the House, appointed by the Speaker, and three members on the part of the Senate, appointed by the President, was authorized and instructed to forthwith investigate the conduct of the affairs of the State Highway Commission specifically including contracts and proposals for purchase of materials and supplies and purchase therefor made within ten months last past, also proposed changes in the personnel of officials and employees in the State Highway Department and reasons thereof, and the present methods of awarding contracts and purchasing supplies; with full power vested in this committee to summon and require the attendance of witnesses, the production of records, books and papers, and to take evidence pertinent to said matters. This Committee under the order was instructed to make prompt report to the Eighty-Third Legislature, now in session, with its findings and recommendations to any further action, by it deemed advisable to be taken by the Legislature; together with any appropriate legislation.

Under House Amendment "A" to said order, this Committee was further authorized to employ counsel; the expense of counsel, witnesses and other investigation to be paid out of the

funds of the State Treasury not otherwise appropriated. Under Senate Amendment "B" to House Amendment "A" it was ordered that payment of the above expenses should be made from funds appropriated for expenses of the Eighty-Third Legislature. Under Senate Amendment "A" the words in the original order "made within ten months last past" were stricken out.

Acting under the authority of this order, as amended, the Committee organized and held hearings, and testimony was taken under direction of the counsel for the Committee and also under the direction of counsel for certain members of the State Highway Commission. This testimony has been transcribed and consists of four hundred and six typewritten pages which is presented to the Legislature with this report. It seems necessary that there should be no misunderstanding in regard to the jurisdiction of this Committee under the scope of the joint order. The Committee is of the opinion that it cannot exercise any judicial function in its proceedings; that is, it cannot try to determine innocence or guilt. It can consider the testimony in the light of obtaining information with a view of making recommendations to the Legislature upon questions on which that body has power to legislate. In other words, this Committee is simply a committee of investigation, with power to ascertain, in so far as possible, facts relating to the Highway Department and to make such recommendations as will improve the existing situation. The Committee is not a body in the nature of a grand jury, and has no power of finding indictments. It did not sit as a trial jury, passing upon the guilt or innocence of any person, for, no one stood accused before it of any crime, misdemeanor or irregularity. Nor, is the Committee empowered to construe or interpret the statutes, not having the jurisdiction and powers of a court of law, and it therefore cannot attempt a construction or interpretation of various statutes and cases at law cited either by counsel for the Committee or by other counsel who appeared before the committee of investigation.

It seems apparent from testimony that friction exists in the Highway Department, not only between members of the engineering department and members of the Commission, but also between members of the said Commission, with the result that this fric-

tion has affected the morale of the Department and also prevented efficient service.

In order that this friction in the Highway Department may not continue or again occur with other Commissions, the Committee recommends that the Highway Commissioners confine themselves to the duties prescribed for them by law, leaving the technical details of highway construction to the engineering staff.

More or less evidence was introduced pertaining to the purchase of trucks, equipment and implements for highway work, without advertising for bids, the Attorney General's department has given an opinion to the State Highway Commission since the beginning of this investigation, and a copy of the same was presented to the Committee.

The opinion, in effect, indicates that there does not seem to be any necessity for the State Highway Commission to advertise for bids when purchasing machinery, tools, implements and property necessary for highway engineering and construction, while the Attorney General's department does not find violations of law in the Commission's activities in this direction, the Committee recommends that the policy adopted by other State Departments in advertising for bids for the purchase of merchandise should be closely followed by the State Highway Department.

Testimony has been introduced indicating sales of machinery, gasoline, etc., to a road contractor by a member of the Commission, as to whether this was a violation of law is not within the province of the Committee to decide. It is, however, the judgment of this Committee that sales of commodities or supplies by a Highway Commissioner or any State official to contractors or other persons performing work for the State are distinctly against public policy and should not be tolerated or countenanced under any condition.

Evidence disclosed that engineering error pertaining to bridge estimates by the engineering staff were made whereby actual cost of construction on three bridges was approximately \$268,000 more than estimates furnished by the Department. This is in error, according to testimony, of 6.7 mills on a gross business of \$40,000,000 or much less than the allowance of ten per cent

permitted by the Federal Government for contingencies in engineering on Federal Aid projects. Your Committee, however, believes that too much care cannot be exercised in checking and re-checking estimates for not only the construction of bridges, but for highway construction as well.

During the course of the investigation certain charges of a serious nature were made, and emphatically denied. Under such conditions it is impossible, even if the Committee were empowered to do so, to draw sufficient conclusions to make satisfactory recommendations.

Evidence presented to the Committee disclosed that, while no official action by the Highway Commission have been taken to change the personnel of the engineering staff, it did show that the subject was being seriously considered by at least one of the Commission and that it would, if carried into effect, remove both Mr. Sargent, as Chief Engineer, and Mr. Wiggin, as Chief of the Maintenance Department. Since no official action was taken in this matter, it does not appear necessary for the Committee to make further comment, especially in view of the fact that the Committee is not empowered to make recommendations concerning the personnel of either the Engineering Department or the Highway Commission.

Testimony was presented to the effect that the Highway Department involves an annual expenditure approximating \$9,000,000, which represents a sum nearly equal to the expenditures of all other State departments. Inasmuch as it seems to be the State's policy, that full-time service is desirable in other departments, the Committee is of the opinion that the Legislature would do well to consider the feasibility of a full-time Highway Commission.

It is obvious that it would require months instead of days to fully conduct the investigation authorized by the legislative order. However, as the order requires the Committee to make its report to the Legislature now in session, the inadequacy of said report may be to some extent accounted for by the limitation of time given it.

Itemized bills covering in detail

the expenditures of the Committee in connection with the investigation are herewith submitted.

There are also submitted various exhibits filed with the Committee, together with certain briefs and opinions filed with the Committee by counsel. It is suggested the exhibits be returned to the owners at any early date.

It is of course apparent that in a report of reasonable length, it would be impossible to cover in detail the testimony introduced at the hearings and transcribed upon several hundred typewritten pages, but as previously stated, said transcribed testimony is presented with this report for whatever examination may be deemed necessary.

In closing it may be suggested that the Committee has approached this important matter with open minds, unbiassed by the publicity surrounding said investigation, and with the sole desire to serve the Highway Department's best interests insofar as it is possible to so do as a result of this investigation.

Respectfully submitted, the report being signed by the Senator from Somerset, Senator Smith, the Senator from York, Senator Granville, the Senator from Hancock, Senator Dunbar, the gentleman from Portland, Mr. Decker, the gentleman from Howland, Mr. Deakin, the gentleman from Jackman, Mr. Piper, the gentleman from Castine, Mr. Patterson, and the gentleman from St. George, Mr. Rawley.

On motion by Mr. Hale of Portland, the report was tabled and especially assigned for tomorrow morning and a thousand copies ordered printed.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I would like to inquire if the expense account is to be printed in this report or just what has been read by the Clerk?

The SPEAKER: The Chair will state that it understood from the report, and if the Chair is wrong, the gentleman from Castine, Mr. Patterson, will correct it, that the expense vouchers are contained in the different statements which accompany the reports,—not in the report itself.

Mr. LITTLEFIELD: And it will or will not be printed?

The SPEAKER: It will not, unless ordered.

Mr. LITTLEFIELD: Mr. Speaker, I move to amend that order so that the expense account will be printed with the report.

The SPEAKER: The Chair will ask the gentleman from Castine, Mr. Patterson, if there is a separate expense account which could be printed.

Mr. PATTERSON: Mr. Speaker, according to the order as we understood it, which was introduced by the gentleman from Kennebunk (Mr. Littlefield) some days since, we were simply to file the bills—the bills of counsel, of the reporter who took the testimony, of the various stenographers, of the sheriff in serving the summonses, etc., are all there in the form of bills as presented. The only way that they could be printed would be to print those bills. Of course the committee would be glad to have done whatever the Legislature desired.

The SPEAKER: Does the gentleman from Kennebunk, Mr. Littlefield, wish the bills printed?

Mr. LITTLEFIELD: I would like to see the expense account printed. A lot of bills we have had printed and I cannot see why we should not see the expense account.

The SPEAKER: The gentleman from Castine, Mr. Patterson, says that there is no expense account to be printed; simply bills.

Mr. LITTLEFIELD: Mr. Speaker, if there is nothing to be printed, we will not have it printed. I would like to have the bills read, if we cannot have them printed. I move that the various bills be read.

A viva voce vote being doubted,

A division was had.

The SPEAKER: So many have arisen the Chair is no longer in doubt and the motion prevails, and the Clerk will read the bills.

Mr. ROUNDS of Portland: Mr. Speaker, I move that that lie on the table.

The SPEAKER: The Chair will state that there doesn't seem to be anything to lie upon the table. (Laughter)

"State of Maine to George L.

Emery, Dr. to services as counsel—investigation before Joint Committee of House and Senate of the Eighty-third Legislature—in the investigation of the

affairs of the Highway Commission of Maine—11 days	\$1100.00	Martin J. Corcoran, Augusta, Maine, attendance one day	2.12
Expenses for railroad fares Massachusetts	115.75	Philip L. Sprague, Bangor, Maine, attendance one day	11.00
	<u>\$1215.75"</u>	Manzie Rogers, Bangor, Maine, attendance two days	13.00
"State of Maine to Sherman N. Shumway, Dr. to services as counsel in investigation before Joint Committee of House and Senate of the Eighty-third Legislature—in the investigation of the affairs of the Highway Commission of Maine—12 days	\$1200.00	E. D. Tyler, Portland, Maine, attendance one day	9.80
Expenses for hotel and telephone at Augusta	55.80	Walter T. Thomas, Ellsworth, Maine, attendance one day	14.36
To hotel and telephone, Penobscot Exchange, Bangor	7.41	Harold A. Robinson, Ellsworth, Maine, attendance one day	14.36
To use of automobile	63.00	Lester Thurlow, Portland, Maine, attendance one day	9.80
	<u>\$1326.21"</u>	Charles M. Adams, Jr., Brookline, Mass., attendance two days	17.80
"List of witnesses and their fees for travel and attendance before the committee of the House and Senate or the Eighty-third Legislature investigating the affairs of the Highway Department		William A. Runnells, Hallowell, Maine, attendance one day	2.36
Charles A. Griggs, Portland, Maine, attendance two days	\$11.80	Horace E. Reed, Skowhegan, Maine, attendance one day	6.80
Joseph P. Williams, Augusta, Maine, attendance one day	2.12	Edwin T. Clifford, Winthrop, Maine, attendance one day	2.20
Lucius D. Barrows, Augusta, Maine, attendance one day	2.12	James W. Burnie, Biddeford, Maine, attendance two days	13.60
Edwin S. Metcalf, Augusta, Maine, attendance one day	2.12	Joseph R. Perini, Ashland, Mass., attendance two days	17.80
Ernest L. Merrill, Gray, Maine, attendance one day	2.12	Calo Binachi, Framingham, Mass., attendance two days	17.80
Guy H. Miller, Albany, N. Y., attendance two days	4.12	Charles Murray, Bangor, Maine, attendance six days	21.00
Henry D. Fallon, Augusta, Maine, attendance one day	2.12	Charles H. Innes, Saco, Maine, attendance six days	21.60
Paul D. Sargent, Augusta, Maine, attendance six days	12.12	Ralph E. Rowe, Portland, Maine	32.80
Angelo Susi, Kennebunkport, Maine, attendance one day	12.80	William S. Linnell, Portland, Maine, attendance one day	9.80
Stanley Weymouth, Dexter, Maine, attendance one day	2.12	Ralph Leonard, Bangor, Maine, attendance one day	11.00
Bert V. Veazie, Portland, Maine, attendance one day	9.80	Robert J. Peacock, Lubec, Maine, attendance one day	25.76"
Hugh J. McKinnon, Portland, Maine, attendance one day	9.80	"State of Maine to Edward J. Connor, Dr. to services as reporter in matter of investigation of affairs of State Highway Commission before special legislative committee of the Eighty-third Legislature, March 30 and 31st—April 4th, 5th-7th, taking testimony—afternoon and night	\$67.50
Paul M. Gibson, Portland, Maine, attendance two days	11.80	7 copies of transcript—practically daily copy—over 400 pages	423.00

Expenses—railroad—2 trips Portland to Augusta and return	8.80
Hotel—room 6 nights and meals 8 days	43.50
	<hr/> \$542.80"
"State of Maine to Harry Pinkham, Dr. Deputy Sheriff, Augusta, Maine, to services in summoning witnesses for the investi- gation of the affairs of the Highway Department be- fore the Joint Committee of the House and Senate of the 83rd Legislature	\$46.80"
"Decker-Smith Committee, 83rd Legislature to Ruel C. Hanks, Dr., to prepar- ing summons in matter of State Highway Commis- sion investigation	\$5.00"
"Decker-Smith Committee, 83rd Legislature, to Paul D. Giddings, Dr., services as clerk	\$75.00"
"Smith-Decker Committee, 83rd Legislature, to Ad- rienne Theberge, services as stenographer	\$15.00"

Mr. ALDRICH of Topsham: Mr. Speaker, I would like to inquire whether or not any bills have been received from the attorneys for the two highway commissioners who were under investigation?

The SPEAKER: The Chair does not recall that the order authorized any such bill; but the gentleman from Castine, Mr. Patterson, as a member of the committee can undoubtedly answer.

Mr. PATTERSON: Mr. Speaker, as I understand the situation—and if I am wrong somebody will correct me—the order simply authorized the committee to engage its counsel to be paid, as the order reads, out of money advanced for the expenses of the Eighty-Third Legislature. The fees of all witnesses, of course, are included as will be seen from the bills which the Clerk read. Because this was simply a committee of investigation, of course the committee paid the fees of all witnesses who appeared before it. As I understand it, counsel for the Commissioners are to be paid by the State; but that matter comes under the consideration of the Governor and

Council. I may be wrong in this matter. The committee received its information from our counsel, Mr. Emery and Mr. Shumway, that the Commissioners were authorized by the Governor and Council to employ counsel, and that therefore their pay would be taken care of by that body. I do not say that that is the fact; I simply say that that is the statement made to the committee by our counsel.

Mr. ALDRICH of Topsham: Mr. Speaker, I would move that in connection with the printing of the report of this committee that either an itemized statement of the figures given us here this morning be printed or the total showing the total expense of this investigation.

A viva voce vote being taken, the motion to so print prevailed.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I do not know that the order was worded correctly, but that order certainly meant to take in all the counsel on both sides. Now we have got as I understand it three more attorneys to pay. If the other three are paid an amount equal to the two we have heard the bills read for, if the order was not drawn right this Legislature can see what the other three will cost. I have not kept these figures, but as I understood it, the other two attorneys cost \$1100 and \$1200 each outside of their actual expenses. So the Legislature can well see what this investigation has cost the State of Maine.

Mr. Dudley of Castle Hill was granted permission to introduce a resolve under suspension of the rules, the resolve being in favor of Masardis bridge in the town of Masardis, Aroostook county.

Mr. DUDLEY: In explanation I would like to read: "A special resolve of the 1925 Legislature made the sum of one thousand dollars available for 'repairing and painting the bridge across the Aroostook river'. The work on the bridge was done last year and there remains of the resolve fund one hundred and twelve dollars and ninety-one cents unexpended. The Board of Selectmen of Masardis desires, if possible, to have the surplus

transferred to the St. Croix Bridge to be applied toward the cost of painting the metal superstructure."

On motion by Mr. Dudley the resolve was referred to the committee on Ways and Bridges without advertising.

The SPEAKER: The Chair will state that this is a very minor matter and that the committee on Ways and Bridges can dispose of it in two or three minutes after it is received.

On motion by Mr. Aldrich of Topsham the rules were suspended and that gentleman was granted permission to introduce the following order, out of order:

Ordered, that the Governor and Council be requested to return to this House a statement of bills incurred by the State of Maine in employing counsel to represent members of the Highway Commission in the investigation relative to the State Commission, recently held.

The order was passed by a viva voce vote.

On motion by Mr. Kitchen of Presque Isle the rules were suspended and that gentleman was accorded the unanimous consent of the House to introduce a bill out of order.

Mr. KITCHEN: Mr. Speaker, I would simply like to state that this is an act to provide funds for the topographical map. You will recall that the Secretary of the committee on Appropriations and Financial Affairs had an agreement with the Highway Commission that \$10,000 of highway money should be appropriated toward this topographical mapping fund.

Thereupon the gentleman from Presque Isle, Mr. Kitchen, presented an act to provide funds for topographical survey. The rules were suspended and the bill had its three several readings and was passed to be engrossed under suspension of the rules.

Orders

Mr. Chase of Cape Elizabeth presented the following order and moved its adoption:

Ordered, The Senate concurring, that the Maine Development Com-

mission, when and if created by this Legislature be and hereby is instructed to call a convention composed of one hundred citizens of Maine who shall be selected by the Maine Development Commission as representative of every important field of enterprise in Maine, for the purpose of making a survey of economic conditions in Maine, and of preparing suggestions and recommendations for the use of the Maine Development Commission, and others.

The Maine Development Commission shall effect the temporary organization of the convention, and shall lay before the convention the following subjects for consideration:

Agriculture, Banking, Labor, Industry, Water Resources, Forestation, Power, Transportation, and any other subjects; and the convention may consider other matters upon its own initiative.

The members of the convention shall serve without pay. The expense of reporting the deliberations of the convention and of publishing its report shall be paid out of the funds appropriated for the Maine Development Commission.

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

First Reading of Printed Bills and Resolves

An Act relating to the salary of the Clerk of Courts of Sagadahoc county. (H. P. No. 1306) (H. D. No. 633)

On motion by Mr. Aldrich of Topsham the rules were suspended and the bill received its third reading and was passed to be engrossed.

An Act to increase the salary of the Treasurer of York County. (H. P. No. 1307) (H. D. No. 634)

On motion by Mr. Littlefield of Kennebunk, the rules were suspended and the bill received its third reading and was passed to be engrossed.

An Act to increase the salaries of the County Commissioners of York County. (H. P. No. 1308) (H. D. No. 635)

On motion by Mr. Littlefield of Kennebunk, the rules were suspended and the bill received its third reading and was passed to be engrossed.

Resolve in favor of International Bridge over St. John River, Madawaska, Maine - Edmundston, New Brunswick, for a combined immigra-

tion and customs office (H. P. No. 429) (H. D. No. 632)

On motion by Mr. Daigle of Mada-waska, the rules were suspended and the resolve received its second reading and was passed to be engrossed.

Passed to Be Engrossed

(H. P. No. 1215) (H. D. No. 623)

An act to regulate the hunting of of wild birds in the waters of Merry-meeting Bay.

(H. P. No. 1302) (H. D. No. 624)
Resolve in favor of the University of Maine.

(H. P. No. 1305) (H. D. No. 627)
Resolve in favor of Opportunity Farm for assistance in obtaining a supply of pure water.

(H. P. No. 250) (H. D. No. 628)
Resolve in favor of procuring testimonials for the purpose of marking the unmarked graves of the soldiers of the Revolutionary War.

Orders of the Day

The SPEAKER: Under tabled and today assigned the Chair lays before the House the first assigned matter, being 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, and minority report of same committee on same bill, reporting same in a new draft, H. P. 1289, under same title, and that it ought to pass, tabled by Mr. Lait, of Old Town, April 7, pending acceptance of either report; and the Chair recognizes the gentleman from Old Town, Mr. Lait.

Mr. LAIT: Mr. Speaker and members of the House: At this time I will move to accept the minority report ought to pass and will try to give you a brief outline of this city charter and the history of the movement.

This movement started in Old Town a number of years ago—I say a number of years ago—perhaps about six years ago. In 1926 we elected a new mayor and city council and there seemed to be a great agitation for a new form of government. The city government at that time appointed a non-partisan committee to study the matter. A committee of over one hundred reported recommendations, whereupon the city government appointed a committee to present charter, this document, to the Legislature. The reasons for

asking for this type of government are taken up on this diagram that you will find on your desks this morning.

This present form of government is so decentralized and changes so often that it is inefficient. Under our present form of government every year we elect a new board of alderman and a city mayor. At the present time, and for a number of years past, it has not been a question of who was going to be mayor of Old Town, or who was going to be on the board of aldermen, but there has always been a fight as to who was going to occupy the subordinate offices to be appointed by the council, and through that method of government inefficiency obtains. The inefficiency has resulted in a high tax rate until Old Town has even had to erect a special school district in order to build a schoolhouse. When a community of the wealth, the industry and the labor conditions and with everything favorable as it has been in the past number of years in Old Town, should have to go beyond its debt limits in order to erect a schoolhouse, it must show that there is inefficiency on the part of the present government. I have even heard it said here at the State House by members of State Departments (one of them) that if the city of Old Town had only saved what it has lost through the inefficiency of one of its boards, pertaining to the overseers of the poor, today there would not be any city debt at all. That is a strong statement. I do not know how true it is. I would not dare to say. I have heard it said by an efficient member of the State government at the present time.

Under the present form of Old Town's government power is today split up into various boards and commissions until no real central authority exists. The mayor has little real power to achieve results. If you were living on a side street or on a side road in the city of Old Town today, and wanted a new sewer line or a street repaired, you would probably go to the street commissioner. He would pass you back to the street commission, they would pass you back to some member or some committee of the council and the "buck" would be passed along until you were disgusted with the whole thing and quit, finding no-

body on whom you could put your finger and say "This has got to be done and I want to know why it can't be done." Now that is the way conditions exist at the present time in the city of Old Town. There has always been a wrangle between the street commission and the mayor or the government in charge.

Under this disorganized form of government, short terms fail to give any continued policy. Many of the better class of business men will not run for office. Elections are swayed in the interest of subordinate officers. We elect a mayor and a board of aldermen yearly, or retire them all at one time, and the whole city personnel is apt to change with them. Nominations of aldermen are made by small caucuses by wards. You attempt to get men on the ticket who are strong vote-getters rather than able business men. There is no control by the citizens between elections.

Under the new city charter, if accepted by the citizens of Old Town, they would have the right at any time by petition to recall any member of the council which at the present time cannot be done unless one can bring criminal charges against that member of the council. You cannot recall him for just inefficiency. There is no way that you can get to him except by waiting until the next election, and if he is a good vote-getter, he is going to get away just the same. Old Town itself a Democratic city. It is Democratic by vote, and I just want to state that you will see, under normal conditions, the Democrats control the city of Old Town and in accepting this form of government, they give up their organization completely. It eliminates ward politics. The new charter eliminates all forms of politics. There is no politics in it; and it will create experts in administration. The manager does not make the policy but carries out the orders of the council. The council can fire him if he doesn't make good. The argument has been made that the city manager would be, under this charter, a dictator. Now is any man a dictator who is hired by any firm? In this case we take the present charter and we compare it with a corporation made up of stockholders. We will say that the Old Town citizens are

the stockholders. They elect a council similar to a board of directors to carry on the business of that corporation—a board of directors answering in the same way as the city council does here,—hire a man to carry out their ideas of business. This city charter—the city manager charter—would give Old Town a business form of government based on the same idea as all the big corporations. It carries a referendum. It has been rumored around this State House that I had no interest in this charter. No one has authority to make that statement. I am interested in it because it carries a referendum attached to it. I do not know, and I would not dare to say at the present time, whether this charter would be given passage in the city of Old Town; but I do not think that there has been enough agitation,—there are enough supporters to give them the right to vote upon it—the only right they ask—the right to take home a form of government which they believe would increase the efficiency of city business in Old Town, and be allowed to submit this form of government to the city of Old Town for a vote. They would have the right to accept or reject this form of government.

This form of government is also in exercise today in the city of Auburn and in the city of Portland; and we have just permitted the town of Camden to take up a similar form. Rumford, and a number of other communities, have been allowed to go home with a charter of a similar type. Although some might say that this is rather bulky—Old Town is a bulky proposition when you get down to the fine point of it—and is rather hard to handle. Under this form of Government it fixes responsibility definitely in the council elected by the people and definitely in the manager hired by the council—a council of seven—not more than three retiring yearly—no salary, with policy making power absolutely centered in it, checked only by initiative referendum and recalled in the hands of the people. It is the same form of organizations as that of most large business corporations, with the people as stockholders, the council as a board of directors, and the manager as the executive. The people's interest is always guarded by the initiative referendum and recall. This has rarely been needed in other cities.

but is the "gun behind the door" if needed.

Business provisions of the charter give up-to-date accounting system, audit, public reports, budget procedure, compulsory payment of city debt, and centralized buying.

The council manager charter is practicable. It works elsewhere in America and Europe. Now 364 cities and towns in the United States and Canada are under council manager government, increasing yearly. A profession of city managers exists. Salaries range from about \$1,500 a year for small places to \$25,000 a year for the largest cities. The average per city of the size of Old Town is about \$4,000. Men who make good in small places are called to larger ones; men who fail are fired. Some of the colleges are now giving special training in city management.

(At this point Mr. Justice Spear was escorted to a seat beside the Speaker amid the applause of the House, the members rising.)

Mr. LAIT continuing: This form of government has grown steadily. It started with one city in 1908, and now there are 364. It is endorsed by our ablest authorities on government, such as Charles Evans Hughes, Elihu Root, Thomas A. Edison, and many others.

All that the citizens in favor of this measure ask if a fair opportunity to take this measure to Old Town and submit it to the citizens of Old Town. I do not think any members of this House have any real interest in it. I think it is a matter that ought to be taken care of at home, as all matters pertaining to the local communities should be. I believe that Old Town as a place of residence should be given the same opportunity as all other cities. I therefore hope you will sustain my motion and accept the minority report ought to pass.

Mr. McCART of Eastport: Mr. Speaker, I believe that all the members found a diagram of the proposed city government on their desks. On this diagram there are 119 names of the citizens of Old Town, and I should like to ask the gentleman from Old Town (Mr. Lait) through the Chair, in order to clear up any misunderstanding, if this new charter has the unanimous approval of those 119 people.

The SPEAKER: The gentleman from Old Town, Mr. Lait, may answer if he cares to.

Mr. LAIT: Answering through the

Chair, I will say it would be impossible to get a unanimous report, but I will say this: That the majority report is in favor of this charter and at the same time I will say that the majority of the members of this committee were composed of Republican members of the city of Old Town.

Mr. McCART: Mr. Speaker, I should now like to ask the gentleman from Old Town, through the Chair, whether or not some of the people who were in favor of the new charter at the time of the hearing have not withdrawn their support.

The SPEAKER: The gentleman from Old Town may answer if he pleases.

Mr. LAIT: Answering through the Chair, I would not dare to say. I had not heard anything about it. I will say this—in our last city election both candidates for mayor were supporters of this charter. Both ran on the same platform in Old Town, both supporting this city manager charter plan.

Mr. TUCKER of Sanford: Mr. Speaker, I want to take time for only a few moments, and I do not like to oppose Brother Lait. He seems to be a good fellow. But at the same time, I was born in Old Town and lived there until I was over forty years of age. I know the people, especially the older people there. I have more than common interest in the city of Old Town. I have had talk with more than a dozen, I will say perhaps fifteen of the men of perhaps my age and some younger, in relation to this, and they are all opposed to it. I also have had letters from my old friends there, and they have written me letters in relation to it and opposing it. Therefore I will throw that aside and say that what I believe is this: I do not believe any city or town ought to come here and ask for a charter of this kind until they had it ratified in their own city or town.

Miss LAUGHLIN of Portland: Mr. Speaker, this measure was, as the calendar shows, referred to the committee on Legal Affairs. They gave a hearing to the proponents and opponents, taking practically a whole afternoon for that purpose, and there appeared before the committee two groups, apparently about equal in number, and to a great extent divided along party lines, but not entirely so. As the result of that hearing, the committee reported by a majority vote of seven to three that the bill ought

not to pass. As a member of that majority, I feel it incumbent upon me to give some of the reasons for this committee's vote. I naturally hesitate to discuss this matter, it being a matter which primarily concerns Old Town. Personally, I should like to see an amendment to the constitution which would give every incorporated city and town the right to manage its own affairs subject to certain general laws. But the constitution of this State and the laws put upon the Legislature the duty of considering these charters, put upon the Legislature the obligation to consider these charters; and they cannot be submitted except through the vote of the Legislature. That being the case, there lies a duty upon the Legislature and upon every member of it to consider these charters even though some of you might, like myself, believe it a matter that should not come to the Legislature. Hence it is a duty of the Legislature to consider them, and if they believe that these charters, for any reason, are of such character that it would be too great an evil for them to go into effect, it is the duty of the Legislature to say that such measures should not pass. At the time of hearing I asked members of the group whether they considered that it would mean something more to submit a charter by vote of the Legislature than if the Legislature simply said "Go ahead, and adopt what you like,—whether you give a charter a certain prestige if it comes after consideration by the Legislature;" and a member of each group agreed that it did give a certain standing to a charter. For that reason there is then a duty upon us to vote against the submission of a charter if we think that the results would be such that we could not approve them. If the charter was so subversive of principle in matters of government,—for instance we might think of some cases where we would not hesitate an instant to give a charter, or, if contrary to definite constitutional provisions, we would have no right to submit such a charter regardless of provisions for a referendum.

Of course it is not so extreme a case here. But there are certain things in this charter which, in the opinion of the committee, were so contrary to the fundamental principles of the American government that they could not believe this charter should be submitted to the citizens of Old Town. None of those present at the hearing pictured such a gloomy

scene of conditions in Old Town as we have heard here this morning; in fact, nothing of that sort was said at all. In the opinion of the majority of the committee certain of these ideas were so contrary to our ideas of government that we believed it should not be submitted. The gentleman from Old Town (Mr. Lait) has said that this form of government is in force in certain towns. There isn't a single city or town that has some of the provisions that appear in this proposed charter. This is House Document 112. I wish the members here would turn to that document that they may follow some of the provisions of this charter. It does provide for the appointment by the council of the city manager who may or may not be a resident of the city of Old Town. In that it is like the charters of these other cities. But if you will look on page 31 you will see some of the powers given the city manager. Such powers as are given by this charter, if put into effect, would be creating practically a despotism of one man in Old Town, rather than a government of the people. I believe the amendment takes away from the city manager the right to appoint assessors. As I understand it, the new draft still leaves these officers to be appointed by the city manager, by this one man, who may or may not be a resident of Old Town. He is given the right to appoint the city clerk, the city auditor, the city marshal, the city treasurer and collector of taxes, the city engineer, the city physician, the city electrician, the chief engineer of the fire department, superintendent of sewers, inspector of buildings, scaler of weights and measures, health officer and inspector of milk, superintendent of streets, assessors of taxes, patrolmen, members of the fire department; and all other department heads whose position may be created. I do not know any other city charter which gives to a city manager those powers. This alone puts them in the hands of this one man who is not even elected by the people.

If you will turn to page 33, you will see other powers. He has to see that all laws and ordinances are enforced, or delegated to the chief of police. He has to exercise control over all departments and divisions created in the charter or that may hereafter be created. He has to make appointments as provided in the charter. He may assign the duties of two or more officers to one person. He may divide the

duties of any office between two or more offices. It is his business to attend meetings of the city council, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient. Also, to perform such other duties as may be prescribed by this charter or required by ordinance or the city council.

If you will turn to page 42, you will find other powers. The city manager will appoint a purchasing agent, and until he appoints him he, himself, will act as such agent. You may wonder where the city council comes in at all. If you will turn to pages 4 and 5, we will get a little more on what this city manager—I would say the Czar or Kaiser would be a better name for him—"neither the council nor any of its committees of members shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service, except for the purpose of inquiry the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately. Any such dictation, prevention, orders, or other interference on the part of a member of council with the administration of the city shall be deemed to be a misdemeanor and, upon conviction, any member so convicted shall be subject to a fine not exceeding twenty dollars or imprisonment for a term not exceeding one month, or both, and to removal from office in the discretion of the court."

Now does that sound like government in an American city, a condition in which an elected council are subject to fine and imprisonment and removal from office if they take any part in the government of the city after they appoint a manager? Can you imagine anything more inclined to make it possible for one man to build up an absolute dictatorship or political machine?

Furthermore, I have forgotten one thing. You will find that the city manager fixes the salaries of everybody whom he appoints. You will find that by referring to page 32 as

follows: "Salaries of the appointees of the city manager shall be fixed by the city manager subject to the approval of the city council,"—but he fixes them in the first place. So much for the city manager. Now, then, there is one other thing the council has left to do. It can appoint the school committee. In other words, the voters of Old Town are not going to elect their school committee. They had to give the city council something to do, so they let them appoint the school committee, taking it out of the hands of the voters.

Now if this came here as a real demand of the city of Old Town, there might be reasons why we should submit a charter like this, although I do not think there could be anything that would justify this Legislature in submitting a charter so contrary to every principle of self government and of the American commonwealth.

As the gentleman from Eastport, (Mr. McCart) has brought out or suggested in his question, some of those on this list of over one hundred were either not authorized or have withdrawn. I have the names of some fourteen who either have changed their minds after considering this charter or who never did authorize the signing of their names. I have sent to me also petitions signed by 544 of the citizens of Old Town against this charter. Now there are only about 2,200 voters in Old Town; so here is a protest of at least a quarter of them right here in the form of letters and petitions which have come in.

This charter, if I might criticize it, is merely an academic experiment; certainly not based on any practical understanding. Old Town itself is a city of about 7,000. You read that charter in all its provisions and I think you will agree that it is unsuited to any city of that size; but even that I would not consider, as I said, a reason for not submitting it. The one fundamental and controlling reason as I see it, and I believe that should be so to every member of this House is that it sets up a government, a dictatorship, by a city manager who may or may not be a resident of the city of Old Town. (Applause)

MR. LAIT: Mr. Speaker, if I may be permitted to ask the member from Portland just a question or two, if she will answer them. First, in re-

gard to petitions, I wonder if the member from Portland saw the petition that was left with the committee in favor of the charter.

The SPEAKER: The representative from Portland, Miss Laughlin, may answer if she wishes.

Miss LAUGHLIN: I did not get the question, Mr. Speaker.

Mr. LAIT: My question was if you had seen the petitions left with the committee in favor of the charter.

Miss LAUGHLIN: No, I have not.

Mr. LAIT: There have been petitions left to a greater percentage than you have there. Would the member from Portland mind submitting those fourteen names that appeared first for the charter and are now against it?

Miss LAUGHLIN: I would not, no, if the Speaker permits.

The SPEAKER: It is entirely in the discretion of the representative from Portland.

Mr. LAIT. Mr. Speaker, I just want to call the attention of the members of the House to this: It is rather too bad that a bright, able, intelligent member of this House, such as Miss Laughlin is, should sign the report without reading the amendments as offered to that committee. The amendment provides that every member appointed by the city manager shall be confirmed by the council. Now let us get that straight? The city manager is employed by that council, and unless he appoints members who are agreeable to that council, he cannot get them confirmed any more than the Governor of the State can have his Council confirm any member unless they see fit to confirm him. Only he is in worse shape than the Governor because he is a hired man and subject to the ideas of that council; and unless he comes through with the ideas of that council, he is done. That council is the dictator and he holds out nothing more than what is laid down by the council for him to carry out as any corporation, or manager or superintendent of any mill, follows out what the Board of Directors lay down for him to do. And, therefore, I say that as this thing is set up a Mussolini has appeared on the horizon as the member from Portland, Miss Laughlin, has said. The same man who drew up this charter drew up the city of Portland charter, and in his opinion it was an improvement over the present charter of the city of Portland, the charter which Miss Laughlin defended with such ability

the other day against another measure from Portland.

All we ask is a fair opportunity and a fair chance. It is not a political question. Let us get down to brass tacks and take this matter home to ourselves as individuals. Let's give the voter a right to have his say. The citizens of Old Town are the ones who are going to pay for it in one way or the other. Give them the chance to say whether they want it or do not want it. (Applause.)

The SPEAKER: The question before the House is on the motion of the gentleman from Old Town, Mr. Lait, that the minority report of the committee on Legal Affairs reporting bill an act to grant a new charter to the city of Old Town in a new draft under the same title, H. P. 1289, and that it ought to pass. The gentleman's motion is for the acceptance of the minority report.

Miss LAUGHLIN: 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 Old Town, Mr. Lait, to accept the minority report will rise and stand until counted and the monitors will return the count.

A division being had, Forty-two having voted in the affirmative and 55 in the negative, the motion failed of passage.

Miss LAUGHLIN: Mr. Speaker, I move the acceptance of the majority report that the bill ought not to pass.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair lays before the House the second today assigned matter, as act to provide for compensation for justices of the superior court, H. P. 1241, H. D. 551, tabled April 11 by Mr. Deering, pending passage to be enacted; and the Chair recognizes the gentleman from Saco, Mr. Deering.

Mr. DEERING: Mr. Speaker, the objectionable feature has been eliminated, therefore, I move that the bill be passed to be enacted.

The motion prevailed and the bill was passed to be enacted.

The SPEAKER: The Chair lays before the House the third today assigned matter, resolve in favor of the Maine State Prison for maintenance and current expenses, H. P. 1269, H. D. 594, tabled April 11 by Mr. Deering of Saco, pending passage to be enacted;

and the Chair recognizes the gentleman from Saco, Mr. Deering.

Mr. DEERING: Mr. Speaker, I move that we reconsider the vote whereby this bill was passed to be engrossed, for the purpose of offering an amendment.

The motion to reconsider prevailed.

Mr. DEERING: Mr. Speaker, the purpose of this amendment is to save three thousand dollars carried on the personal service column of the original resolve, which the members of the prison committee feel is unnecessary; and the object of this amendment is to remove that three thousand dollars.

The SPEAKER: The gentleman from Saco, Mr. Deering, moves the adoption of House Amendment A to H. D. 594, and the Clerk will read the amendment.

House Amendment "A], to Resolve in favor of the Maine State Prison for maintenance and current expenses (H. P. 1269) (H. D. 594)

Said resolve is hereby amended by striking out the words "eighty-seven thousand" wherever they appear in said resolve and inserting in place thereof the words "eighty-four thousand" and said resolve is hereby further amended by striking out the words "fifty-five thousand dollars" and the figures "\$55,000.00" wherever they appear in said resolve and inserting in place thereof the words "fifty-two thousand dollars" and the figures "\$52,000.00."

Thereupon House Amendment A was adopted, and the resolve having had its two several readings was passed to be engrossed as amended by House Amendment A.

The SPEAKER: The Chair lays before the House the fourth today assigned matter, S. P. 523, S. D. 259, an act to provide for the exportation of surplus power, tabled on April 11 by Mr. Rounds of Portland, pending passage to be enacted; and the Chair recognizes the gentleman from Portland, Mr. Rounds.

Mr. ROUNDS: Mr. Speaker and members of the House: If you will turn to page 3 of Senate Document 259, you will see that "no corporation organized under authority of this act shall, nor shall it have authority to sell electric current or energy within the territorial limits of the State of Maine."

It will be argued here on the floor of this House that it is only for transmission. If they go to the Governor and Council and to the

Public Utilities and all over the State, somebody in the country may get a pole line up to his house, but what will it cost him to get it there from the time he has got permission by going all around Robin Hood's barn that his farmhouse may have some electricity? It has been said that there will be \$250,000 given for electrification of rural lines. What is the good of that if you cannot have any electricity from them? But if you have lines through your streets and farms, and cannot have any electricity, what do you care about it? You have got to come here and spend hundreds of thousands of dollars before you can get anything done. I will say that it is time that if they cannot present a bill here that is right and proper for the farms to be electrified, let us turn them down until they can bring a bill that will do the business. Therefore I am against the bill going out as it now reads. Of course if the bill were amended—and I think it could be amended so that it would be all right—but I am against the present form.

Mr. HALE of Portland: Mr. Speaker, I will just say a word with reference to the point mentioned by my colleague (Mr. Rounds). On page 3 the provision against selling electric current or energy within the territorial limits of the State of Maine to which he referred is a part of the elaborate machinery drawn most expertly by experienced lawyers to prevent Federal control. In section 13, the so-called rural electrification matter, it provides that money be expended for construction of rural electric facilities. Of course that means the supply of electricity to rural communities. There is no question about it. I move its passage to be enacted.

Mr. GREENLEAF of Auburn: Mr. Speaker, I want to say that it might be well to say that what we are actually voting on here is whether there shall be a vehicle created whereby surplus power can be shipped out of this State if the Public Utilities Commission find that surplus power exists. This must be passed on by the people. In other words, what we are voting on here is the question "Shall the people decide whether they want

surplus power shipped out of this State under supervision of the Public Utilities Commission?"

Mr. ROUNDS: Mr. Speaker, I do not see how they can get it out of this State when it says that they cannot go within a quarter of a mile of the boundary. Maybe the electricity can jump across that quarter of a mile. (Laughter)

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Hale, that this bill, Senate Document 259, be passed to be enacted.

Mr. WING of Auburn: Mr. Speaker, I yield to the gentleman from Portland, Mr. Hale.

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

The SPEAKER: The gentleman from Portland, Mr. Hale, moves that when the vote is taken, it be taken by the yeas and nays. As many as are in favor will rise and stand until counted and the monitors will return the count.

A sufficient number arose and the roll call was ordered.

Mrs. FOLSOM of Norridgewock: Mr. Speaker, Mr. Boston of Gardiner, asked me if I would pair with him on this measure. I said that I would. He was here to vote the first time, and I supposed my obligation ended them. This morning someone who knows that I have a conscience has brought the matter to my attention, asking me if I am still not supposed to pair with Mr. Boston. I do not know whether I am or not, but I suppose that perhaps Mr. Boston thinks I am to pair with him. I want to state that it is with the utmost distaste and reluctance that I ask to be excused from voting because paired with Mr. Boston. He would vote for the Smith bill and I would vote against it. (Applause)

Mr. WING: Mr. Speaker, the Representative from So. Paris (Mr. Wheeler) came to me this morning in some distress because of a conflagration that has taken place in his village. He asked me if I would not pair with him. I told him that I would; and I ask the favor of the House to honor the pair. He would vote in favor of the measure and I would vote against it, if the House will extend to me that privilege.

The SPEAKER: Mrs. Folsom, the Representative from Norridgewock, asks leave to be excused from voting because of a pair.

Permission was given.

The SPEAKER: The Representative from Auburn, Mr. Wing, asks leave to be excused from voting because of a pair.

Permission was given.

Mr. ROBIE of Gorham: Mr. Speaker, I rise to a point of inquiry. Has the gentleman from Gardiner, Mr. Boston, been excused from attending the session of the Legislature?

The SPEAKER: The Chair will state to the gentleman from Gorham, Mr. Robie, that the gentleman from Gardiner, Mr. Boston, saw the Chair about going away, and the Chair referred him to the committee on Leave of Absence, of which the House Chairman is the gentleman from Eagle Lake, Mr. Burns, and the Chair has been advised that he was granted leave of absence.

Mr. ROBIE: Mr. Speaker, if he has been excused from attending, has he a right to consideration in the House?

The SPEAKER: The Chair will state that it feels that is a matter that is entirely within the province and, as it were, the conscience of the Representative from Norridgewock, Mrs. Folsom.

Mr. WING: Mr. Speaker, do I understand that Mr. Boston was excused from further attendance?

The SPEAKER: The Chair has stated that it understands that he took the matter up with the committee on Leave of Absence, of which the gentleman from Eagle Lake, Mr. Burns, is House Chairman. Possibly the gentleman from Eagle Lake, Mr. Burns, can answer that question.

Mr. BURNS: Mr. Speaker, Mr. Boston had to go away; he had to take a trip. He said he would not be here again before adjournment so he got leave of absence for the remainder of the session.

Mr. WING: Then I understand that Mr. Boston is excused from further attendance at this session?

The SPEAKER: The gentleman can draw his own conclusions as to what has been done concerning the

gentleman from Gardiner, Mr. Boston.

Mr. WING: Then I ask the Chair to rule, if a member is excused, if the pair, as stated by the Representative from Norridgewock, can obtain.

The SPEAKER: The Chair will state that earlier in the session it stated that under our procedure there is not any such vehicle known as a pair and that the excusing of a member from voting, except for a matter of direct interest, can only be done by the consent of the House.

Mr. GRIFFIN of Biddeford: Mr. Speaker, it is not clear in my mind whether this gentleman has been granted a leave of absence or whether he has been excused.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I would like to ask if any member of this Legislature known the whereabouts today of Mr. Boston.

Mr. KINSMAN of Augusta: Mr. Speaker, I think he is at White Sulphur Springs, Virginia or North Carolina, I don't know which.

Mr. LITTLEFIELD: I would like to ask Mr. Kinsman if he knows when he left here for that place.

The SPEAKER: The gentleman may answer if he wishes.

Mr. KINSMAN: He left home a week ago last Saturday.

Mr. LITTLEFIELD: And do you know when he is expected home?

Mr. KINSMAN: I think he stated at the time that he left that this treatment which he is to take there would probably cover about four weeks' time. He went out there for his health.

Mr. LITTLEFIELD: He cannot expect to be here, then, in this Legislature?

Mr. KINSMAN: Not very well.

Mr. ROBIE: Mr. Speaker, I move that the pair in regard to Mrs. Folsom and Mr. Boston be not allowed and that Mrs. Folsom be given the opportunity to vote.

The SPEAKER: The Chair will state to the gentleman from Gorham, Mr. Robie, that it feels the House has already excused the Representative from Norridgewock, Mrs. Folsom, and that it is somewhat of a personal matter to her, and that whatever she wishes should be, in a way, granted.

Mr. WING: Mr. Speaker, I move that we reconsider the vote whereby

Mrs. Folsom was excused from voting.

The SPEAKER: The gentleman from Auburn, Mr. Wing, moves that the House reconsider its vote whereby the Representative from Norridgewock, Mrs. Folsom, was excused from voting.

Mr. WING: Mr. Speaker, I say this in support of my motion. Mr. Boston's seat has been vacant for some days. The committee on Leave of Absence says that he is excused, as I understand it, from further attendance here, and if that is so, it is not fair to the Honorable Mrs. Folsom. (Applause).

Mr. DOUGLAS of Chelsea: Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER: The gentleman will state his inquiry.

Mr. DOUGLAS: Mr. Speaker, it is my understanding that Mr. Boston is only away on a leave of absence, and is not entirely excused from further attendance, and whether or not the excusing from further attendance is not a matter—

The SPEAKER: The Chair will state that it does not feel that the absence of Mr. Boston, the gentleman from Gardiner, is material to the motion which is now before the House. The motion before the House is that the House reconsider its vote whereby the Representative from Norridgewock, Mrs. Folsom, was excused from voting. As many as are in favor of this motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The question now before the House is, will the House excuse the Representative from Norridgewock, Mrs. Folsom, from voting. As many as are in favor will say aye; those opposed no.

A viva voce vote being taken, the motion to excuse the Representative from Norridgewock, Mrs. Folsom, from voting failed of passage.

The SPEAKER: The Representative from Norridgewock, Mrs. Folsom, may vote. Is the House ready for question.

Mr. HALE: Mr. Speaker, will the Chair explain to the members the effect of a yes and no vote.

The SPEAKER: The Chair will state that the House is now voting on Senate Document 259, an act to provide for the exportation of sur-

plus power. The Clerk will call the roll and every member must answer yes or no as his or her name is called. A vote yes is in favor of the bill; a vote no is against the bill. The bill is the so-called Smith bill.

The Clerk will call the roll and when he calls the roll of absentees he will call the name of the Chair.

YEA—Ayer, Bishop, Bissett, Blaisdell, Booker, Breen, Burns, Carleton, Portland; Chamberlain, Chase, Church, Cole, Crockett, Cyr, Daigle, Davitt, Deakin, Decker, Deering, Dennison, Douglas, Dudley, Calais; Eustis, Farrington, Flint, Forhan, Foster, Fuller, Gagne, Gillespie, Goodwin, Lebanon; Greenleaf, Griffin, Hale, Hammond, Hathaway, Heath, Holbrook, Jackson, Kane, Addison; King, Kinsman, Kitchen, Lait, Laughlin, Mansfield, Marden, Martin, McCart, McIntire, McLean, Melcher, Merrill, Metcalf, Milliken, Patterson, Pendexter, Pike, Piper, Powers, Rawley, Richardson, Roy, Ruggles, Sargent, Saucier, Seavey, Snow, Snowman, Staples, Elliot; Staples, Waterville; Sturtevant, St. Clair, Tucker, Vail, White, Wing, Kingfield; Wyman.

NAY—Aldrich, Allen, Anderson, New Sweden; Anderson, South Portland; Bailey, Bartlett, Belleau, Bisbee, Brackett, Brewster, Briggs, Brown, Bruce, Buker, Carleton, Winterport; Chancey, Clifford, Comins, Cowell, Crawford, Dudley, Castle Hill; Ellis, Ferguson, Folsom, Gay, Gilcrest, Goodwin, Sanford; Greene, Hamel, Harris, Hawkes, Holman, Houghton, Hughes, Ingraham, Jones, Littlefield, Lowell, MacKinnon, Maloon, Marriner, McKnight, Mears, Morin, Norwood, Robie, Gorham; Robie, Westbrook; Rounds; Smith, Stone, Bridgton; Stone, Biddeford; Storm, Sturgis, Thurston, Tripp, Varnum, Webber, Weston, Williams, Falmouth; Williams, Webster; Winslow, Wood.

ABSENT—Boston, Boynton, Butler, Cain, Clinton; Cram, Leathers, Morrill, Nadeau, Page, Wheeler.

EXCUSED—Wing, Auburn.

Yes—78.

No—62.

Absent—10.

Excused—1.

THE SPEAKER: Seventy-eight having voted in the affirmative and 62 in the negative, the bill is passed to be enacted. (Applause)

MR. HALE: Mr. Speaker, I move that we reconsider the vote just taken and I trust that my motion will fail of passage.

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

On motion by Mr. Burns of Eagle

Lake, it was voted that the House recess until 2:30 this afternoon.

After Recess, 2:30 P. M.

The Speaker in the Chair.

THE SPEAKER: The Chair lays before the House the fifth today assigned matter Senate report ought to pass in new draft of the committee on Legal Affairs on bill an act relating to apothecaries and sale of poisons, new draft S. P. 610, S. D. 361, tabled by Mr. Kinsman of Augusta, April 11, pending acceptance of the report in concurrence; and the Chair recognizes the gentleman from Augusta, Mr. Kinsman.

On motion by Mr. Kinsman the report was accepted in concurrence; and on further motion by the same gentleman the rules were suspended and the bill was given its two several readings.

MR. KINSMAN: Mr. Speaker, I would like to offer an amendment to this bill, and I wish to say to the members of the House that both Senator Morrison, the one who presented the bill and Councilor Barrows who drew the bill are both agreeable to this proposition. I offer House Amendment A and move its adoption.

House Amendment A.

Amend Senate Document 361, an act relating to apothecaries and sale of poisons. Amend Section 17 in line eight after the word "medicines" by inserting "other than those permitted to be sold under the provisions of Section 12, Chapter 20 of the Revised Statutes."

Thereupon Amendment A was adopted, and on motion by Mr. Kinsman the rules were suspended, the bill had its third reading and was passed to be engrossed as amended by House Amendment A.

THE SPEAKER: Under table and unassigned the Chair lays before the House the first unassigned matter being majority report of the committee on Banks and Banking, reporting ought not to pass on bill an act relating to the Bar Harbor Banking and Trust Company, (H. P. 693, H. D. 616) and minority report of same committee, reporting ought to pass on the same bill, tabled by Mr. Blaisdell of Franklin, April 7, pending acceptance of

either report; and the Chair recognizes the gentleman from Franklin, Mr. Blaisdell.

Mr. BLAISDELL: Mr. Speaker, the gentleman most interested in this bill, Councilor Guy Torrey, is forced to remain at home because of a death in his family, and I move that it lie on the table and be specially assigned for Thursday.

Mr. PAGE of Skowhegan: Mr. Speaker, it strikes me that that is quite a time ahead. It is getting pretty late in the session. This bill has been on the table for some time now and has been before the committee five or six weeks.

The SPEAKER: The Chair would like to inquire if there is any possibility of the party mentioned being here tomorrow afternoon?

Mr. BLAISDELL: Mr. Speaker, I have not had any telephone communication with him. I believe that the funeral is to be some time tomorrow, around noon, and it is possible that he will be here late tomorrow. If it would convene the members of the House, and if they insist, I would agree to change the time to tomorrow evening if there is likely to be any meeting tomorrow evening.

The SPEAKER: The Chair cannot advise the gentleman as to that, but the gentleman can withdraw his motion for assignment Thursday, and have it assigned for tomorrow.

Mr. BLAISDELL: I will withdraw that definite assignment.

The SPEAKER: And the gentleman wishes to make no assignment, just simply to table.

Mr. BLAISDELL: I would like to table under the rule and it will come off tomorrow, hoping that the gentleman will be present.

Thereupon, the motion being withdrawn as to special assignment, on a viva voce vote, the matter was retabled.

The SPEAKER: The Chair lays before the House the second unassigned matter, an act relating to the registration of trucks, H. P. 1134, H. D. 382, tabled by Mr. Littlefield of Kennebunk, April 7, pending passage to be enacted, and the Chair recognizes the gentleman from Kennebunk, Mr. Littlefield.

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

The SPEAKER: The Chair lays before the House the third unassigned matter an act relating to fees of insurance brokers, S. P. 468, S. D. 226, tabled by Mr. Hale of Portland, April 7, pending passage to be enacted, and the Chair recognizes the gentleman from Portland, Mr. Hale.

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

The SPEAKER: The Chair lays before the House the fourth unassigned matter, House report ought not to pass of the committee on Agriculture on resolve making appropriation for Northern Maine Fair, H. P. 691, tabled by Mr. Kitchen of Presque Isle, April 7, pending acceptance of the report, and the Chair recognizes the gentleman from Presque Isle, Mr. Kitchen.

On motion by Mr. Kitchen, the report of the committee was accepted.

The SPEAKER: The Chair lays before the House the fifth unassigned matter, House report legislation inexpedient of the committee on Education 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 7, pending acceptance of the report; and the Chair recognizes the gentleman from Bethel, Mr. Brown.

Mr. BROWN: Mr. Speaker, I yield to the gentleman from Appleton, Mr. Thurston.

Mr. THURSTON: Mr. Speaker, as I am anxious to finish this week, and in order to expedite matters, I move to accept the House report.

Thereupon, the report legislation inexpedient was accepted.

The SPEAKER: The Chair lays before the House final report of the committee on Public Utilities, tabled by Mr. Comins of Eddington, April 8, pending acceptance of the report in concurrence; and the Chair recognizes the gentleman from Eddington, Mr. Comins.

Mr. COMINS: Mr. Speaker, because of the fact that the report on the Fish River bill has not been re-

ceived by the House, I would like to have this report retabled.

Thereupon the report was retabled.

The SPEAKER: The Chair lays before the House the seventh unassigned matter Senate Report of the committee on Legal Affairs reporting ought not to pass on bill an act defining various words used in Chapter 20 of the Revised Statutes of Maine relating to apothecaries and the sale of poisons, S. P. 379, S. D. 155, tabled by Mr. Kinsman of Augusta, April 8, pending acceptance of the report in concurrence; and the Chair recognizes the gentleman from Augusta, Mr. Kinsman.

On motion by Mr. Kinsman the report of the committee was accepted in concurrence.

Mr. PATTERSON of Castine: Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER: The gentleman will state his question.

Mr. PATTERSON: In some remarks that I made in this House this morning in answer, as I recall, to a question of the gentleman from Kennebunk, Mr. Littlefield, I understand that some of the statements I made were questioned in certain quarters. I would like to read a certified copy of the transcript of the stenographic notes of my answer in that particular connection.

The SPEAKER: If the Chair may interrupt, it believes that the House understands the purpose and purport of the remarks which the gentleman from Castine, Mr. Patterson, wishes to make; and is it the pleasure of the House that the gentleman from Castine be allowed to speak?

The gentleman from Castine, Mr. Patterson, was granted unanimous consent of the House to proceed.

Mr. PATTERSON continuing: I will now read from the stenographic report: "Mr. PATTERSON: (it being understood that I was answering a question) Mr. Speaker, as I understand the situation—and if I am wrong somebody will correct me—the order simply authorized the committee to engage its counsel to be paid as the order reads, out of money advanced for the expenses of the

Eighty-third Legislature. The fees of all the witnesses, of course, are included as will be seen from the bill which the Clerk read. Because this was simply a committee of investigation, of course the committee paid the fees of all witnesses who appeared before it. As I understand it, counsel for the Commissioners are to be paid by the State; but this matter comes under the consideration of the Governor and Council. I may be wrong in this matter. The committee received this information from our counsel, Mr. Emery and Mr. Shumway that the Commissioners were authorized by the Governor and Council to employ counsel, and that therefore their pay would be taken care of by that body. I do not say that that is the fact; I simply say that that is the statement made to the committee by our counsel." That is the statement that I made this morning and appended to that is this: "Augusta, Maine, April 12, 1927, I certify the foregoing to be a correct transcript of my stenographic notes of the foregoing. (Signed) Cecil Clay, Official Reporter."

This noon, just after I came out from my dinner at the Augusta House, I was approached in the lobby by Senator Smith, Chairman of the investigating committee who said that my remarks had been questioned in certain quarters; but I do not know as I care to state just where at this time. I will simply state that, in support of the statement which I have just read I have been able to see since that time two members of the investigating committee, the gentleman from Jackman, Mr. Piper, and the gentleman from St. George, Mr. Rawley, who both understood the statements made by our counsel as I understood them. I simply say this in support of my statement, because in so far as I know, it is the first time that my good faith has ever been questioned either in this Legislature,

or, so far as I know, anywhere else.

I think that is all I care to say upon the question of personal privilege. I will now ask leave of the House that the rules be suspended and that I be permitted to introduce an order out of order.

Thereupon the rules were suspended, and the gentleman from Castine, Mr. Patterson, was permitted to introduce the following order, and moved its passage:

Ordered, that the expenses for counsel fees for the counsel for the State Highway Commissioners in the hearing before the committee of investigation of the Highway Department be paid from funds appropriated for expenses of the Eighty-third Legislature.

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

Mr. BARTLETT of Bangor: Mr. Speaker, is it in order for me to make a motion at this time relative to witness fees?

The SPEAKER: Has the gentleman a written motion?

Mr. BARTLETT: I have not, Mr. Speaker.

The SPEAKER: The gentleman from Bangor, Mr. Bartlett, asks leave of the House to make a motion out of order.

Leave being granted, that gentleman moved that the witness fees as read by the clerk this morning, as compiled by the investigating committee as due Messrs. Innes and Murray be scratched from the report.

Mr. BARTLETT: Mr. Speaker, I make this motion at the request of Messrs. Murray and Innes. They stated to me that their expenses here are being paid them by the Highway Department.

A viva voce vote being taken, the motion of the gentleman from Bangor, Mr. Bartlett, that the witness fees of Messrs. Innes and Murray read here in the House this morning be scratched from the report, prevailed.

Mr. PATTERSON of Castine: Mr. Speaker, may I ask permission of the House to make a motion out of order regarding something that has happened as called to my attention by the remarks of the gentleman from Bangor, Mr. Bartlett.

Permission was granted.

Mr. PATTERSON: Mr. Speaker, I intended to make this statement in connection with my previous remarks, but it slipped my mind. Councilor Linnell came to me this noon and said that he did not wish to be paid anything for witness fees; and ex-Councilor Peacock of Lubec did not wish to be paid anything for witness fees in this matter. Therefore, I will make the motion that the fees of Mr. Peacock and of Councilor Linnell be stricken from the expense account of the

committee, as read here this morning.

A viva voce vote being taken, the motion prevailed.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I do not know why I should be picked out, but I was this noon, and these bills were handed to me with a resolve to pay counsel fees and if in order I would like to introduce out of order this resolve.

On a viva voce vote the gentleman from Kennebunk, Mr. Littlefield, was granted leave to introduce a resolve out of order; and that gentleman presented a resolve in favor of Frank R. Chesley, B. W. Blanchard and Gillin & Gillin.

Mr. PIPER of Jackman: Mr. Speaker, I move that the Clerk read the amounts.

The SPEAKER: The Clerk will read the resolve.

Resolved that there be paid and hereby is ordered to be paid to Frank R. Chesley the sum of eleven hundred and sixty five dollars for services rendered as attorney in the highway investigation held before a joint committee of the Eighty-third Legislature of Maine; that there be paid and hereby is ordered to be paid to B. W. Blanchard the sum of eleven hundred and sixty five dollars for services rendered as attorney in the highway investigation held before a joint committee of the Eighty-third Legislature of Maine; that there be and hereby is appropriated to be paid to Gillin & Gillin the sum of six hundred and thirty eight dollars and eighty-five cents for services rendered as attorneys in the highway investigation held before a joint committee of the Eighty-third Legislature of Maine; said amount to be paid out of funds appropriated for the use of the Eighty-third Legislature.

Mr. PIPER of Jackman: Mr. Speaker, what affect does the order have on that bill—the order that Mr. Patterson presented?

The SPEAKER: The Chair will state that the order of the gentleman from Castine, Mr. Patterson, reads as follows: "Ordered, that the expenses for counsel fees for the counsel for the State Highway Commissioners in the hearing be-

fore the committee of investigation of the Highway Department be paid from funds appropriated for expenses of the Eighty-third Legislature' and the Chair would state that this order is definite. The resolve introduced by the gentleman from Kennebunk, Mr. Littlefield, is of course definite, and, if passed, the House will know the amount to be paid to the respective men mentioned in it. Does the gentleman from Kennebunk, Mr. Littlefield, move that this resolve be given its first and second readings at this time under suspension of the rules?

Mr. LITTLEFIELD: I do Mr. Speaker.

Thereupon the resolve had its two several readings under suspension of the rules and was passed to be engrossed.

The SPEAKER: The Chair lays before the House the eighth unassigned matter being majority report of the committees on Ways and Bridges and Taxation on bill an act relating to a mill tax, H. P. 748, H. D. 206, reporting same in new draft, H. P. 1303, H. D. 626, under title of an act relating to a mill tax state highway fund and that it ought to pass and minority report of the same committees, reporting ought not to pass on the same bill, tabled by Mr. Aldrich of Topsham, April 8, pending acceptance of either report; and the Chair recognizes the gentleman from Topsham, Mr. Aldrich.

Mr. ALDRICH: Mr. Speaker, I yield to the gentleman from Presque Isle, Mr. Kitchen.

Mr. KITCHEN: Mr. Speaker, at the request of Representative Hammond, who was the signer of the minority report, I have agreed with him, with the permission of the House, that this bill be retabled until tomorrow morning as he wishes to look up some more facts in connection with it before he disputes it.

Thereupon, a viva voce vote being taken, the matter was retabled and specially assigned for tomorrow morning.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I should like permission of the House to take up out of order the twenty-second unassigned

matter which is on the table by my motion.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, asks consent of the House to take up the order the twenty-second unassigned matter, majority report of the committee on education on bill an act to provide state aid for academies, institutes, seminaries, and junior colleges, reporting same in new draft under title of an act to provide state aid for maintenance and upkeep of academies, institutes, seminaries and junior colleges and that it ought to pass, and minority report of same committee reporting ought not to pass on same bill, tabled by that gentleman April 8, pending the motion of Mr. Brewster of Dexter to accept the majority report.

A viva voce vote being taken, such permission was granted.

Mr. CHASE: Mr. Speaker, has the motion to take from the table been carried?

The SPEAKER: The Chair will state that it comes up automatically.

Mr. CHASE: Mr. Speaker, when I tabled this I thought I was fishing for a minnow, but I find I hooked a whale. It is too big a proposition for me to cope with, and I yield to the gentleman from Strong, Mr. Eustis.

Mr. EUSTIS: Mr. Speaker, I move the indefinite postponement of the bill and both reports.

Mr. WING of Auburn: Mr. Speaker, may I inquire of the gentleman from Strong (Mr. Eustis) if he is a member of the committee on Education?

The SPEAKER: The gentleman from Strong may answer if he desires.

Mr. EUSTIS: Mr. Speaker, I will reply that I am, and I will tell the reason why I made this motion. I understand that several amendments have been made and I would like to hear from the proponents for this bill if there are any before stating my argument against it.

Mr. WING: Mr. Speaker, may I inquire which report the gentleman signed?

The SPEAKER: The gentleman may answer if he wishes.

Mr. EUSTIS: Mr. Speaker, there were two reports, one signed by seven members of the committee—

Mr. WING: Mr. Speaker, I hate to interrupt the gentleman, but if he will answer the question—

The SPEAKER: The Chair will read

the names of the signers of the report.
(The Chair reads)

The SPEAKER: The question before the House is on the motion for the indefinite postponement of the bill and both reports.

Miss LAUGHLIN: Mr. Speaker: I am somewhat surprised to speak at this time before hearing the arguments on this bill and having it come out of order. However, I would like to make a few remarks on it against the motion to indefinitely postpone.

As we all know, there come here at every session of the Legislature representatives from the various academies and schools, each one having a request for an amount, with a great deal of talk and argument back and forth about their amounts. This bill is to avoid that situation. It provides in substance the payment to the various academies that are approved by the educational authorities, which are the ones now which receive money, to pay them on the basis of the service which they render the State and on the number of their pupils.

The bill as we have it before us is H. D. 630, and the provisions of it are, in brief, that each of these academies which receives the approval of the educational department will receive in the first place a flat sum of five hundred dollars. I think it is; that after that they will each receive a certain amount on the basis of the number of pupils; those which have less than 100 pupils at the rate of ten dollars for each pupil,—I see that the flat sum is four hundred dollars. Those that have between 100 and less than 130 receive fifteen dollars, and those between 130 and 160 receive ten dollars per pupil; and those above that receive five dollars per pupil.

The advantages of this bill are, in the first place, that the amounts paid to the academies are on the basis of the service rendered, that is, the number of pupils to whom they provide education. The other advantage is that each one of these academies—the advantage to the academies—that they have and are sure and know of,—the certain amount which they can secure so that the academies which under these provisions would receive less than they are receiving now are satisfied because they say we can make up our budget, we know before we come what we can count on. The few that receive more of course are satisfied and it seems to me that the Legislature should be satisfied in knowing that the amount paid to these va-

rious academies is on the basis of the education they provide, and that we are not each year coming here and have the various academies come and whatever influence they can bring, or the ones that can put up the biggest story of their needs will receive accordingly rather than on the basis of the service which they are giving the State. It will in a sense stabilize the whole academy situation. It does not cut out any of these which in past years have been receiving aid, but it does put them on an equitable basis, on the basis of the service that the academies are rendering.

Now as to the amount that will come ultimately, from the figures of the Department of Education the total amount which will be paid by the State will in the end be somewhat less than we are paying now in these special resolves.

There is a provision in this bill, as you will see, of an equalization fund to be eight thousand dollars, so that in the years as they pass, if there is some special need of an academy over and above what would be the sum per pupil, there is that much leeway to provide for the needs of the academy.

Some objection has been made to this bill on the ground that it will upset the program of the appropriations committee. That is not the case if we take into consideration the two facts. In the first place I understand the amount provided is some \$71,000. The total amount under this plan would be about \$92,000; but every year in the budget, as you will see by a reference to the statutes, there is a provision made that the sum of \$25,000 be taken from the State school fund. That was included in the budget. I understand it is included in the proposed budget, so that there is more than enough to cover this difference and put it on exactly the same basis in which it has been done in the past years, namely, taking in the neighborhood of \$25,000 from the State school fund. Then with that sum, as we have done it in the past years, added to the amount the appropriations committee have provided, will take care of the total amount. In substance then the academies will get approximately about what they have been getting—some a little more, some a little less. It is put on the basis of each academy receiving a sum on the basis of the pupils to whom, as I said, it provides education. It does away with each one trying to see how much

better story he can tell about his needs than the other so as to get more money, and of the education committee traveling around to every institution to listen to what they need, because it is put absolutely on the basis of the services they are rendering, which is to be settled with reference to the quality of the service by the approval of the Department of Education; and in the event of their having any special sums they would have to have also the approval of the Governor and Council. It will therefore mean a settled method of dealing with these institutions and doing away with the pulling and hauling and all this uncertainty on the part of the academies themselves, not to mention the uncertainty on the part of the legislative budget and the expenditure of time in listening to their individual stories, I, therefore, trust that this motion to indefinitely postpone will not prevail.

Mr. BROWN of Bethel: Mr. Speaker, I sent a copy of the act to the principal of our Academy, and I have received a letter from him which I would like to read a portion of. He said: "If the bill should go through, I think it would be a good thing. Most of the academies would get about what they get now and it would save a lot of bother with the special resolves."

Mr. EUSTIS of Strong: Mr. Speaker, I have agreed with the most of the measures before us this year advocated by the lady from Portland (Miss Laughlin); and if the bill before us would accomplish in any measure the results which she has stated, I would be the last to oppose it. Unfortunately the idea is laudable, but the tool which has been devised is very poor.

The constitution of the State of Maine in article VIII, Page 31, specifies "and it shall further be their duty" (referring to the Legislature) "to encourage and suitably endow, from time to time, as the circumstances of the people may authorize, all academies, colleges and seminaries of learning within the State."

In opposing the bill, I do not intend in any way to doubt the motives of the proponents of the bill. Neither do I question the intent of the Department of Education or of the Commissioner of Education under whose careful guidance this bill

was born, and who has carefully cherished it to its present state, in his opinion, of lusty manhood, in my opinion of a precarious and short-lived childhood.

In many ways the bill before us is the most cleverly drawn which has been before us this session, and in many ways the worst piece of legislation. I hope you will turn to the bill and follow it. The intentions of the bill, as the lady from Portland (Miss Laughlin) has said, are most laudable; but the ambitions are in no measure realized. In fact an entirely opposite result is obtained.

The bill purports, to use the words of the Commissioner of Education, to provide an equitable means of distributing State aid to academies and to remove the political, log-rolling so prevalent in the matter of academy resolves in the past. This is a worthy ambition, but the tool to accomplish it, as I have said, is as little likely to bring this about as the water of the Kennebec is likely to cease on its flow to the sea.

To fully indicate the discrepancies and fallacious features of this bill would take far longer than I desire to speak this afternoon. I shall attempt to point out but a few of the striking fallacies in the bill before us. The bill, as you have been told, is to provide a new and equitable means of distributing state aid. What is the present means of granting state aid to academies? If you will turn to this bill, you will notice it does not mean any chapter of the statute. It just says "Strike out sections 98 to 104". Now, of course, we must assume what we are going to strike out of the chapter; but I assume that probably they meant when they wrote the bill Chapter 16 of the Revised Statutes. If you will read Chapter 16, Section 98, you will find that such academies shall "receive annually from the State a sum not exceeding five hundred dollars in case it maintains an English secondary school course of study as prescribed by the State Superintendent of Public Schools, or a sum not exceeding seven hundred and fifty dollars in case it maintains in addition to an English course, a college preparatory course, or a sum not exceeding one thousand dollars in case it maintains an English

course, a college preparatory course and a training course for teachers."

The aid which I have just read is called regular academy aid and amounted last year to approximately \$24,300. In addition to these amounts needy academies from time to time have come before the Legislature and asked for special assistance through special resolves. These resolves have mounted in past years to the following amounts: 1917, \$9,000; 1919, \$32,085; 1920, \$29,785; 1921, \$56,675; 1922, \$56,250; 1923, \$66,500; 1924, \$57,250; 1925, \$62,200; 1926, \$61,200.

There has been no appreciable increase since 1921, so that to hold that this amount is constantly increasing is fallacious. You will note that the special resolve money has greatly exceeded the amount of academy aid. Now who has expended this money? It has been expended by the Legislature, by you, yourselves. Who is to spend the new money? Under the system before us, House Document 630, the system which is described is entirely done away with, in theory at least. Special resolves are to be cut out, although if you will read the act you will find that for new construction and for release from debt any academy may come here with a special resolve, and any academy can come here and ask for special money.

Under this act the lady from Portland (Miss Laughlin) says it is to be given on an equitable basis, on the basis of service being given. If you will read the act, Section 5, Page 2, is aid being given on the type of instruction given on the basis of the courses being taught, on the basis of the particular need of the academy. No, it is being given purely and simply on the basis of the number of students and nothing else. How does this work out? When the law comes into full effect in 1930 for instance, Aroostook Academy with 132 students, if they continue to have the same number of students, would receive \$1720, whereas Cherryfield Academy with 71 students in contrast to 132 would receive \$1820. Again Bridgton Academy with 141 students would receive \$1810, whereas Foxcroft Academy with 221 students—80 more students—would receive \$1551, or again, Calais Academy with 310

students would receive \$1950, whereas Hartland with 94 students, a little more than 25 per cent as many, would receive \$2280; or, again, Maine Central Institute with 207 students would receive \$1435, whereas Monson with 47 students would receive \$1340; or, again, Oak Grove with 52 students would receive \$1440, whereas Wilton Academy with 138 students, nearly 100 more would receive \$1880. They call this an equitable distribution of state funds!

To take the place of special resolves an equalization fund is set up of \$8,000 to be administered incidentally by the Commissioner of Education. If you will turn to Section 9 of the act, you will find the amount of equalization expended in the next two years amounts to \$15,385. Now which of your academies is to be cut at the end of the two years?

Having drawn up this bill intended to equitably distribute the academy aid as we have been told, what happens? They find that the bill will not stand on its merits and needs support and so they put in some special sections to prop it up. If you will read sections 9 and 11 you will see what I mean and what is the purpose of these sections. Now I quote the explanatory matter given out by the Department: "Three sections of temporary nature (referring to 9, 10 and 11) are inserted in the bill for the purpose of clearing up, the situation and establishing a ratio of equality." Now if you can tell me what that means? In other words, three temporary sections are needed to make equitable this proposed equitable system of distribution. What is to become of the equity of it at the end of three years when these three temporary sections are out of existence? I would like to ask the proponents of this bill that question. If you will turn to the act you will find that section 9 specifically grants \$15,385 additional as an equalization fund to twelve academies. Section ten exempts twelve other academies from participating in the features of the bill for the next two years and gives them the regular academy aid of \$8,750, whereas if allowed to come under this equitable method of distribution they would receive \$18,930

in the next two years. These academies are the Bridgton Academy, Corinna Academy, Eastern Maine Conference Seminary, Foxcroft, Greeley Institute, East Corinth, Patten, Potter, Somerset, Wiscasset and Mattawamkeag.

Now Section 11 makes a further grant of \$16,500, as amended in the Senate, which is a further claim for support for the bill. If the act is as has been stated an equitable means of giving state aid, it should apply to all academies, and why in the first year exempt twenty-six academies from complying with the provisions of the act? You are told that the resolve will save the State money. Let us see if this is true. Our special resolve bill which is being held back, hoping for the passage of this bill, calls for \$71,900 for the first year and \$72,900 for the second year. This is an average of \$72,400. Figuring on the basis of last year's regular academy aid, which amounted to \$24,300, we would have a total expenditure of \$96,700 if we follow our old system. What is the source of this money that has been referred to? This comes from general appropriations, \$72,400 and \$24,300 from the school fund. The new bill, if my mathematics are any good, calls for regular aid of \$69,390. The equalization section, Section 9, calls for \$15,385; and special section 11 calls for \$16,500, or a total of \$101,275. This is an increase, not a decrease, over the old bill of \$4,575 and all comes from the general funds.

I stated at the start that this bill was cleverly drawn. It is. Sections 9 and 11—and I speak frankly—could more properly be termed oil for troubled waters, or a pacifying fund to secure the passage of an act. Do not be misled by these three sections.

If you will turn to Section 7, you will find that the maximum amount that can be awarded under this act aside from the equalization fund which is only \$8,000, is \$2,500 a year to any academy. I wonder if the friends of the following academies are aware that at the end of the two-year period the amounts they would receive would be cut down by the following sums: Anson academy, \$2,750; Bridgton, \$1,000; Hampden, \$810; Lee, \$610; M. C. I. \$936; Oak Grove \$3,000; Westbrook, \$4,740; Nasson, \$5,540. You

may say this will be taken care of by the equalization fund, but it will not.

What are a few specific features of this bill? Coburn Classical Institute came before us for no money this year. They received last year regular academy aid of \$500. Under this bill they get \$1,800. Eastern Maine Institute is cut down \$800. Erskine was granted by the committee on Education after due investigation, \$1,500, and they get \$500 regular aid which makes a total of \$2,000. They are cut down under this bill to \$1,350. Fryeburg is cut down \$730. Lee, \$900. Lincoln is cut from \$3,000 to \$2,490. Ricker is cut from \$3,500 to \$2,870. Westbrook Seminary, the committee voted \$4,000 plus \$500 regular aid while this bill gives them \$7,240, all figures to the contrary. Nasson the bill gives \$8,040. What will be the result in two years? Wiscasset, our resolve gives them \$500. They are cut out in the present bill. This would not stop a special resolve. If you will read the bill, it clearly states that it is for maintenance only. Academics with an income of \$5,000 are exempt from receiving any funds. This applies to Kent's Hill, Hebron, Parsonsfield Seminary and Thornton Academy, except that the Commissioner of Education at his discretion, if the conditions of its funds are deemed inadequate to maintain the required efficiency, can do otherwise.

Now, gentlemen, if you wish to place the granting of aid to academies entirely out of the hands of the Legislature, if you wish to increase the amount that we may grant in the future to untold limits, if you wish to give aid not on the basis of needs but according to instruction or the type of instruction, or the need of a specific academy, if you wish to concentrate the control of this \$100,000 approximately entirely out of the hands of this Legislature, vote for this bill, but do not vote for it thinking that you are voting for an equitable system of distribution of State funds. (Applause.)

Mr. BOOKER of Rumford: Mr. Speaker, I did not intend to say anything about this bill but I will say a few words. If we do not vote for the bill some of us will be sold for mountain trout, and you know the common name for that. In the making of this bill there was no attempt on the part of the educational committee to pay the tuition bills. The educational committee heard the arguments and not many members of the Legisla-

ture therefore you will have to put your trust somewhat in your committee as the rest of us put our trust in your committee in bills that we have no hand in.

Again, if you want to remove this from politics, this is a grand opportunity. I know from listening to the arguments who the people are that bear down. The man next to the pocketbook has a grand opportunity to put his hand in and pull out double handful, and we have tried to eliminate that. Look around over the state and you will realize that the small academies come here and get practically nothing. Others who can spend the time come here and have friends here, and especially friends higher up, and they have a grand opportunity of coralling a lot of wealth. I will not bother with the figures because they have been given and you can fix up a set of figures most any way. If you think this will be a satisfactory method, all right. Go back to the old ruling and allow these people to come here two years hence and gather up all they possibly can and your smaller institutions will continue to fall by the wayside.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, during the recent years there has been a tendency toward centralization of control of education in this State which I, for one, am reluctant to admit. It has got so now that the town school committees have practically nothing to say about any important matters involving education in these towns. Under the provisions of this bill, as I have read it, it is now proposed to take away from the Legislature its power to legislate with respect to education, so far as academies are concerned.

I would be very reluctant to continue this tendency toward what seems to be a dictatorship of educational matters in this State, unless I could be assured that the improvement in education in this State fully warranted this complete centralization. I trust that the motion of the gentleman from Strong (Mr. Eustis) will prevail.

Mr. DEERING of Saco: Mr. Speaker, I have not heard the discussion on this question, but there is one thing I have just looked up, and that is the question where the money will come from to pay the bills. Of course the only method by which your appropriation committee

can inform itself is on the wording of the act itself defining a place where the money will be produced. If you will turn to the last section, section nine of this bill, it says "the Governor and Council may draw warrants on the treasurer of state for the annual payments to the legal representatives of such academies as meet the provisions of this act, such payments and awards at the time and in the manner provided by law for the payments of money in aiding public schools." I do not know whether the one who drafted this law meant the department to take this from the public school money or not, or whether it was to come from the special appropriation. On a ruling from the Attorney General, which I have just got, and feel that the House is entitled to this knowledge, if this act passes as written, you will absolutely eliminate the question of the appropriations committee having to provide any funds whatsoever to carry out the provisions of this act. In other words, a hundred thousand dollars will have to be taken from the public school funds to meet the bill. Now if that is the intent of what you want done, I have absolutely no objection. If it is the intent of this bill that it is to increase the amount of money which the Legislature, through its Appropriation Committee, will provide from \$71,000 to \$100,000, the Appropriation Committee feel it must oppose that move. But according to the law as it is drawn and the ruling of the Attorney General just given, it would not be necessary to ask you to appropriate one nickel to take care of this act. It must come out of your public school money. If you want to take \$100,000 out of that, you can do so. But it shows a very loose draft of the bill. In the last paragraph I am a little bit afraid of it.

Mr. LAIT of Old Town: Mr. Speaker, I would just like to call the attention of the members of the House to Section 9, line 7: "Provided, that no payment or award shall be made to any academy until the commissioner of education shall have certified to the Governor and Council all of the facts which, by law, are made necessary to entitle an academy to receive State aid." I just want to say in regard to that,

that one of the members who has supported this measure, in my opinion is not very consistent. In one breath he speaks against a dictatorship and in another he upholds a dictatorship. I therefore rise to oppose the motion of the gentleman from Strong, Mr. Eustis.

Mr. McINTIRE of Norway: Mr. Speaker, and ladies and gentleman of the House: Much has been said about payment to the academies on the basis of service rendered. I submit that this bill does not do that thing, because a school which has 100 pupils would receive \$2400 and a school of 101 pupils would receive \$1915. If you can tell me why the difference in service rendered in the school of 100 scholars and the school of 101 should be measured by \$485, I would be pleased. Going on, as numbers increase from 101 on the payments increase, until at 129 the school draws \$2335; but when it gets to 130 scholars it would draw \$1700. Then the payment is increased again until when the school is 159 it gets \$1490. When it is 160 scholars, which is an increase of one, the payment would drop to \$1200, and then it begins to increase again. That makes a sliding scale like the jump the jump at Coney Island,—up and down and up and down and up again. If that be justice and equality and a sound business basis for awarding aid to our academies, give me injustice. I trust that the motion of the gentleman from Strong, Mr. Eustis will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Strong, Mr. Eustis, that this bill and both reports 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 prevailed.

Mr. EUSTIS: Mr. Speaker, I move that we reconsider the vote and hope my motion will not prevail.

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

The SPEAKER: The Chair lays before the House the ninth unassigned matter, majority report of the committee on Taxation on bill an act to provide equitable and uniform

taxation for motor vehicles, H. P. 1089, H. D. 357, reporting the same in a new draft, H. P. 1301, H. D. 625, under the same title, and that it ought to pass and minority report of the same committee reporting ought not to pass on the same bill, tabled April 8th by Mr. Hale of Portland, pending acceptance of either report; and the Chair recognizes the gentleman from Portland, Mr. Hale.

Mr. HALE: Mr. Speaker, I yield to the gentleman from Portland, Mr. Carleton.

Mr. CARLETON: Mr. Speaker and members of the House: I hope this majority report ought to pass will prevail, for some reasons, and I will make a few remarks. I have voted here in this House to raise the salaries of about every person, I think, in the State of Maine. I have listened to words of wisdom. But here is a tax bill to help pay some of the bills that have been passed. This is a tax on motor vehicles and is really a tax to catch the tax dodger. There are, in the State of Maine, estimated \$10,848,000 worth of motor vehicles that escape taxation. In the city of Portland there are about 1500 motor vehicles that escape taxation by being put into motion after the first of April.

This bill is to take care of those tax dodgers. It is asked for by the assessors of the different towns and cities, and I trust that this report of the majority will prevail.

In the city of Portland we estimate that there are \$1,200,000 worth of automobiles that are lost by not being registered until after the first of April. If we reckon these at \$840 apiece, which is an average, it will bring to the city of Portland \$27,216. This amount would be equally divided among the other towns in proportion to the number of autos that escape taxation. Therefore I move that the majority report have a passage.

The SPEAKER: The gentleman from Portland, Mr. Carleton, moves that the majority report of the committee on Taxation, ought to pass, be accepted. Is this the pleasure of the House? As many as are in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

On further motion by the same gentleman, the rules were suspended and the bill received its several readings at this time and was passed to be engrossed.

The SPEAKER: The Chair lays before the House the tenth unsigned matter, S. P. 396, S. D. 180, an act relating to the employment of guides by non-residents, tabled April 8 by Mr. Ingraham of Bangor, pending passage to be engrossed; and the Chair recognizes the gentleman from Bangor, Mr. Ingraham..

Mr. INGRAHAM: Mr. Speaker, I move this bill be passed to be engrossed. I have looked the amendment over and am satisfied with it.

The motion prevailed and the bill as amended by House Amendment A was passed to be engrossed.

The SPEAKER: The Chair lays before the House the eleventh unsigned matter, bill an act relating to qualification and licensing of agents of insurance companies, S. P. 469, S. D. 324, tabled April 8 by Mr. Hale of Portland, pending third reading; and the Chair recognizes the gentleman from Portland, Mr. Hale.

Mr. HALE: Mr. Speaker, I wish to offer House Amendment A to this document and move its passage, this being, as I understand, a clerical matter satisfactory to the proponents of the measure.

The SPEAKER: The gentleman from Portland, Mr. Hale, offers House Amendment A to Senate Document 24, which is to correct, as he states, a clerical error. Does the gentleman from Portland, Mr. Hale, move that the reading of the amendment be dispensed with?

On motion by the gentleman from Portland, Mr. Hale, it was voted to dispense with the reading of the amendment; and on further motion by the same gentleman House Amendment A was adopted. The bill received its third reading and was passed to be engrossed as amended by House Amendment A.

The SPEAKER: The Chair lays before the House the twelfth unsigned matter, bill an act to amend an act to incorporate the Stockton Springs Water Company, H. P. 1258, H. D. 584, tabled April 8 by Mr. Carleton of Winterport, pend-

ing passage to be engrossed as amended by House Amendment A; and the Chair recognizes the gentleman from Winterport, Mr. Carleton.

On motion by Mr. Carleton of Winterport, House Document 584, bill an act to amend an act to incorporate the Stockton Springs Water Company, as amended by House Amendment A, was passed to be engrossed.

The SPEAKER: The Chair lays before the House the thirteenth unsigned matter, resolve in favor of H. H. Havey and Bradbury Smith to reimburse them for loss under highway construction contract, H. P. 1270, H. D. 595, tabled April 8 by Mr. Hale of Portland, the pending question being passage to be engrossed; and the Chair recognizes the gentleman from Portland, Mr. Hale.

Mr. HALE: Mr. Speaker, I yield to the gentleman from Franklin, Mr. Blaisdell.

On motion by Mr. Blaisdell of Franklin, the resolve was passed to be engrossed.

The SPEAKER: The Chair lays before the House a communication from the Governor which the Clerk will read.

STATE OF MAINE OFFICE OF THE GOVERNOR AUGUSTA

April 12, 1927.

To the Honorable House of Representatives:

The Governor and Council are in receipt of the order of April twelve, 1927, requesting the return to the House of Representatives of a statement of bills incurred by the State of Maine in employing counsel to represent members of the Highway Commission in the investigation relative to said Commission recently held.

The Governor and Council have not authorized the employment of any counsel in relation to this investigation for any of the parties concerned, as this was deemed a matter peculiarly within the purview of the Legislative Committee that was ordered to conduct the investigation in this matter, and it would have seemed to the Governor and

Council improper for them to intervene in any way.

Respectfully submitted,

(Signed) RALPH O. BREWSTER,
Governor of Maine.

On motion by Mr. Piper of Jackman, it was moved that this message be placed on file.

The SPEAKER: The Chair lays before the House the fourteenth unassigned matter, resolve to compensate Augustus A. Gilbert, a farmer of Brewer, for a cow shot by a hunter, H. P. 1276, H. D. 601, tabled April 8 by Mr. Flint of Monson, pending passage to be engrossed; and the Chair recognizes the gentleman from Monson, Mr. Flint.

Mr. FLINT: Mr. Speaker, I yield to the gentleman from Patten, Mr. Wood.

On motion by Mr. Wood of Patten, this resolve was passed to be engrossed.

The SPEAKER: The Chair lays before the House the fifteenth unassigned matter, an act relating to the salary of the county treasurer of Androscoggin county, H. P. 740, tabled April 8 by Mr. Hale of Portland, pending passage to be engrossed; and the Chair recognizes the gentleman from Portland, Mr. Hale.

Mr. HALE: Mr. Speaker, I yield to the gentleman from Auburn, Mr. Wing.

Mr. WING: Mr. Speaker, I move the indefinite postponement of the bill. This bill, the fifteenth unassigned matter, relates to the salary of the county treasurer of Androscoggin county. I shall make the same motion in regard to the sixteenth unassigned matter. The salary of the county treasurer of Androscoggin county has been increased twice, and the salary of the register of deeds has been increased. I happened to receive, during the week-end, a communication, and I had interviews with substantial taxpayers in the city of Auburn. They asked me if I would do everything possible to reduce the cost of government. The citizens who spoke to me are concerned about the increase in the cost of government; they are concerned as to the probable tax rate that this Legislature may impose upon property in this

State; and they are familiar with the industrial conditions in our industries.

Now, as a Representative from the city of Auburn and as a citizen of Androscoggin county, I am perfectly willing to stand here and do my share toward that end. Both the county treasurer and the register of deeds are well paid. There is no need to increase the county treasurer twice as much as you increase the register of deeds; I do not think that is quite fair.

Now, another strange thing about this is that the treasurer happens to be of a party opposite to mine, and the register of deeds happens to be of my party. So, in making this statement, I make no distinction; and I trust that the House will permit the indefinite postponement of House Paper 740. I so move.

Mr. ROY of Lewiston: Mr. Speaker, the treasurer of Androscoggin county is alone in his office, while most of the others who are getting the same pay have a clerk. Now I doubt if you can find anywhere a man that is more capable of filling the position that he has. His books are perfect as far as figures are concerned. Errors in figures have never been found that I know of and he is getting less than the Cumberland county treasurer who has a clerk they pay something like \$3700—I believe they have increased it this year; and in fact all those officers have had their pay increased; and why should not we pay this man who is getting less than those others? It seems to me that if we increase the others, we should increase his salary, as he is alone. It has been said it is not an all-time job, but it is. A gentleman cannot occupy that position and do other business too. It takes one's full time. In that way one certainly cannot fill another position. So \$1800, it seems to me, is hardly enough for a man filling the position that he does. If you increase the others, I do not see why you should turn this man down.

Mr. HAMEL of Lewiston: Mr. Speaker and members of the House: I am opposed to increase of salary to any officers in Androscoggin county. I do not know what the other increases in other counties have been, and I do not care. I do

not know what they had before the increases—do not know what they are to get when the increases are granted, but I know that in Androscoggin county the treasurer there gets \$1800 a year. I know that he fought tooth and nail for his job, and was very pleased to get it. He is a man of my party. I believe the Legislature should be a service club, and render service to the taxpayer.

A serious effort is being made in that county, particularly in Lewiston, to lower the taxes. The mill owners have asked that their taxes be lowered and I understand it will be done. Mr. Belleau has got a bill before the House here to lower our taxes—one particular measure of \$3000 a year; and I hope that will receive a passage. In that connection it seems to me the House should allow us in Androscoggin county to lower our taxes if we can. And to that end I hope that the motion of Mr. Wing for the indefinite postponement of this measure will prevail.

Mr. MELCHER of Rumford: Mr. Speaker, I was on the committee of Salaries and Fees and I can speak for one. I think we did our duty the best we knew how. I will say that I do not know of but one of the Lewiston and Auburn delegation who are here today opposing it, who appeared before the committee. I want to make it clear that we did the best we could with the evidence we had. It seems to me that this is a poor time to come around here and say that we have not done out duty.

Mr. BELLEAU of Lewiston: Mr. Speaker, the Representative from Auburn reminds me of a county commissioner's meeting that we had. One of the county commissioners would find fault with a bill of twenty-five or fifty or seventy-five cents, but when there was a bill of three hundred or four hundred or six hundred dollars, that was all right. Androscoggin county is not taxed over much and I have not opposed anyone who would ask for any increase of salary. But when Brother Wing, another gentleman from Androscoggin county, comes here and creates a new office that we do not need at all, and doubles a man's salary from \$750 to \$1500, it is not

with good grace that they can come here and stop the register of deeds from getting an increase of \$100. The committee on Salaries have gone through their investigation and have decided in their wiseness that our register of deeds should get one hundred dollars more. Brother Wing will have that bill indefinitely postponed—one hundred dollars! I think the treasurer is to get two hundred dollars more, and they want it indefinitely postponed. He created an office that we did not need. When we created an office two years ago, it was with the understanding that he would be at the office an hour or so a day or a week. A day a month is enough and now they are finding fault with the Legislature giving two hundred dollars to our treasurer and one hundred dollars to the register of deeds. It is too much! And he wants those two bills indefinitely postponed. I hope the House will not indefinitely postpone those two bills. (Applause)

Mr. WING: Mr. Speaker, it is a pleasure to hear my brother Belleau. (Laughter) What he says is quite true because the bill he speaks of in regard to the county commissioners is yet to run the gauntlet in the other end of the building and I rather anticipate that that measure will come back indefinitely postponed. If it does, I shall take my medicine as I shall take it now. But I have simply stated what certain men representing certain industries wish in regard to the taxes in the county of Androscoggin. Of course if the House does not agree, that is nothing to me.

Mr. STURGIS of Auburn: Mr. Speaker, I wish to second the motion of my colleague from Auburn, Mr. Wing. This creates, as the gentleman from Lewiston (Mr. Belleau) says, a new office, but this gentleman is to be inspector of the buildings, and put in full time, and the salary for the two is \$1500.

Mr. LAIT of Old Town: Mr. Speaker. I rise to a point of order.

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

Mr. LAIT: Are we discussing the fifteenth unassigned matter?

The SPEAKER: The Chair will state that the matter before the House is an act relating to the

salary of the county treasurer of Androscoggin county. The Chair will also state that reference was made to the next matter, the salary of the register of deeds of Androscoggin county, and there has been considerable latitude in allowing both measures to be discussed at once.

Mr. STURGIS: Mr. Speaker, I recognize the efficiency with which matters are handled in the treasurer's office in Androscoggin county. I understand that he has time to spend the greater part of his time at the seashore in the summer. I hope that the motion of the gentleman from Auburn, Mr. Wing, will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Wing, that House Paper 740 be indefinitely postponed. As many as are in favor of this motion will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had,

Fifty-one having voted in the affirmative and 38 in the negative, the motion to indefinitely postpone House Paper 740 prevailed.

Mr. WING: Mr. Speaker, I now move reconsideration and hope that motion will not prevail.

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

Mr. WING of Auburn: Mr. Speaker, I anticipated that you were to lay before the House the sixteenth unassigned matter.

The SPEAKER: The gentleman may proceed on that matter.

Mr. WING: Mr. Speaker, I now move the indefinite postponement of House Document 520, an act to increase the salary of the register of deeds in the county of Androscoggin.

A viva voce vote being taken, the motion to indefinitely postpone House Document 520 prevailed.

Mr. WING: Mr. Speaker, I now move that we reconsider the vote and hope my motion will fail.

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

The SPEAKER: The Chair lays before the House the seventeenth

unassigned matter, bill an act to establish small claims procedure, S. P. 175, S. D. 74, tabled April 8 by Mr. Hale of Portland pending third reading; and the Chair recognizes the gentleman from Portland, Mr. Hale.

Mr. HALE: Mr. Speaker, I yield to the gentleman from Topsham, Mr. Aldrich.

Mr. ALDRICH: Mr. Speaker, I know very little of this bill except that I have glanced over it. It was called to my attention by the judge of a municipal court who expressed the opinion which seems to be confirmed by reading the bill that there is an attempt to make of our municipal courts a collection agency. If you glance at the bill, you will see that if anybody sends a dollar to the municipal court and makes some kind of complaint relative to somebody who owes him some money, the judge of the municipal court must send a registered letter to the debtor and keep a docket on which he keeps an account of these complaints; and if the debtor comes to see him, he can make some arrangement for the debtor to pay by the week. I do not know whether he collects the money or has someone else to collect it. But it seems to me, if this bill is passed, we shall set up in the municipal courts, a collection agency.

(At this point the gentleman from Lewiston, Mr. Belleau, assumed the Chair amid the applause of the House, the members rising.)

Mr. ALDRICH continuing: It seems to me that that is a very unwise procedure. You will see, if you glance through the bill, that there is a further procedure for bringing a debtor into the court and having him examined; and if he does not appear, the judge can go on just the same, making an examination from anything offered him and order the man to pay so much a week. I can conceive that out-of-town collection agencies might send in pages of these bills to the judge of the municipal court, and he would be flooded with them, and for the sum of one dollar, of which he must pay seventeen cents for a registered letter, he would be flooded with obligations to look after collecting money for these out-of-town agencies.

It may be that we want them to do that, but it does not strike me that we do, though I saw on the back of this bill a statement to the effect that something of this kind is being tried in California, and that Massachusetts has adopted it. The judge with whom I talked said that if such an act was passed here, you can expect these judges of the municipal courts will be in here for a very material increase of salary or an allowance for clerk hire to take care of matters which, in my judgment, the creditors ought to take care of themselves. I move, Mr. Speaker, that this matter be indefinitely postponed.

The SPEAKER pro tem: The question before the House is to indefinitely postpone this seventeenth unassigned matter, an act to establish small claims procedure.

Mr. STURTEVANT of East Livermore: Mr. Speaker, a judge of a municipal court spoke to me in this same connection when I was home over the last week-end, with the same idea in view which has been just presented, thinking that we would probably be facing an increase of salaries all along the line.

The SPEAKER pro tem: Is the House ready for the question? All those in favor of indefinitely postponing this bill will manifest it by saying aye; those opposed no.

A viva voce vote being taken, the motion to indefinitely postpone prevailed.

Mr. ALDRICH: Mr. Speaker, I move that we reconsider the vote by which we have indefinitely postponed this matter, and I trust the motion will not prevail.

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

Mr. EUSTIS of Strong: Mr. Speaker, to expedite business, I would like to take up the twenty-eighth unassigned matter out of order.

A viva voce vote being taken, the gentleman was granted permission.

Mr. EUSTIS: Mr. Speaker, I wish to present House Amendment A to S. P. 586, S. D. 344, resolve in favor of Murtagh Hughes of Bangor, to reimburse him for loss sustained in construction of state highway at Edgcomb, and move its passage.

House Amendment A was read by the Clerk as follows:

House Amendment A to S. D. 344, resolve in favor of Murtagh Hughes of Bangor, to reimburse him for loss sustained in construction of state highway at Edgcomb.

Amend said resolve by striking out, beginning in the fifth line, the words "said sum to be charged by proper legislation as directed."

A viva voce vote being taken, the amendment was adopted.

Thereupon the resolve received its second reading, and was passed to be engrossed as amended by House Amendment A.

Mr. ROUNDS of Portland: Mr. Speaker, I would like to take up out of order the twenty-ninth unassigned matter, resolve to reimburse the town of Phippsburg for expenses incurred in fighting forest fires by the State Militia, S. P. 587, S. D. 345, tabled by me April 11th, pending second reading.

A viva voce vote being taken, permission was granted.

Thereupon Mr. Rounds offered House Amendment A and moved its adoption.

House Amendment "A", to Resolve to reimburse the town of Phippsburg for expenses incurred in fighting forest fires by the State Militia. (S. P. No. 587) (S. D. No. 345)

Said Resolve is hereby amended by striking out all after the word "resolve" in the first line thereof and inserting in place thereof the following "That there be, and hereby is, appropriated to be paid the Adjutant General's department for expenses in employing the state militia in fighting forest fires in the town of Phippsburg, the sum of nine hundred dollars."

The Amendment was adopted, the resolve received its second reading and was passed to be engrossed as amended by House Amendment A.

(At this point Speaker Martin resumed the Chair, Mr. Belleau retiring amid the applause of the House, the members rising.)

Mr. FULLER of Southwest Harbor: Mr. Speaker, I would like to take up out of order the twenty-seventh unassigned matter, an act to amend section 28 of chapter 145 of the revised statutes, relating to the support of insane patients, H. P. 1298, H. D.

620, tabled by me April 11, pending third reading.

Permission was given.

Mr. FULLER: Mr. Speaker and members of the Legislature: In 1907 there was a survey made in this State in regard to insane patients. This was carefully looked into and it was found that the small towns had been very unfortunate and had more insane patients than the large towns and were obliged to pay large sums of money for their support. Now that Legislature, in its wisdom, said that the insane patients were wards of the State, and that the State should look after their support. From that time to the present time the State has looked after it. Two years ago there was a similar bill to this one that came into the Legislature in regard to the support of insane patients. Now if you will look at House Document 620, you will notice that section 2 is the crucial point in this. It says "no town shall be chargeable for the expense of commitment and support of insane patients to an amount in excess in any one year of one-half of one mill on its assessed valuation." That looks all right on the face of it. But let us look at the figures.

Now the city of Portland has a valuation of something over \$113,000,000, and one-half mill tax would be \$56,701. It has 163 insane patients. At the price they charge in the insane asylum which is six dollars a week, their support would amount to \$49,356, leaving a balance of \$7,345. That shows that after they have paid their one-half of one mill for the support of their insane, that amount of money is left. Now there are several other towns in the State, but no other cities. All of the cities have to pay their one-half mill; but there are several towns, the town of Bar Harbor in my county; the town of Cape Elizabeth, and the town of Mt. Desert. The amount of money they would pay out of one-half mill on their valuation would not amount to the amount that it would cost to support their insane. Now on that you can see that there is practically no injustice.

Now there are a large number of towns having no insane. Therefore they would not have to pay anything under this half a mill. All they would have to pay would be the balance which the other towns could not pay

under the half mill, which would come in under the State tax. So virtually when you pass this bill, you will say to 450 towns in this State, practically, that their tax rate next spring will be one-half mill more than it is at the present time, or one-half mill more than what they anticipated. You will say to them that they will have to add one-half mill more.

Now I do not think that this is just to the majority of towns, to have to pay the one-half mill and then also have to pay their part of the State tax while others will not have to pay anything.

Then, still further, I believe that the State should look after its insane patients. It seems to me that it is an unwise thing to try to enter into any arrangement with the towns. You cannot divide the insane up so that it will be equal to each town. That is utterly impossible. Insanity comes on, and no one can tell from whence or where it comes. But it comes. Now all of you gentlemen here who represent towns, as you do, can see if this bill is passed, it will increase your tax rate one-half mill. Now it will not be quite one-half mill paid into the State because, as I said before, there are several sums that have not been paid.

I do not believe that any one of us wants to go home and say that we came here and were willing and ready at all times to increase our tax rate. In the small towns it is enough. Tax rates are fifty in many towns. This would make fifty and a half. And I believe the only thing we can do with this bill is, and I make a motion to that effect, is to indefinitely postpone it.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Fuller, moves that House Document 620 be indefinitely postponed. As many as are in favor of this motion—

Mr. HALE of Portland: Mr. Speaker, as a member of the Judiciary Committee that reported this favorably, I think I ought to try to make an explanation of the committees' standpoint. This bill came before the committee advocated by Mr. Field, who, as I understand it, is a trustee of the State Hospitals; by Mr. Linnell of the Governor's Council; and by Dr. Tyson, who is in charge of the Augusta State Hospital. These gentlemen explained that since the law was changed, as my friend from

Southwest Harbor (Mr. Fuller) has pointed out, there has been a tendency on the part of towns to commit to the State Hospitals people who were not self-supporting and were a nuisance in the towns but were not actually insane; and it appeared that there are people in the State Hospitals who are not really crazy enough to be there. These gentlemen objected. They felt that if the towns had a greater measure of responsibility for the people who were sent to the hospital, it would have a salutary influence both on the matter of the State finances and on the conduct of the State Hospitals.

Now of course it is true that under this bill some towns would have to pay more. The State would have to pay less. But if the towns had to pay more, the theory is that the towns would be somewhat more careful about their commitments than they have been and that that would be desirable. And they submitted to the committee figures relative to every single town in the State. I can get those on a little notice, but I do not think the House wants to bother with it any more, and I will let the thing proceed to a vote on this statement.

Mr. BROWN of Bethel: Mr. Speaker, I would like to say a word along this line. The member from Portland, Mr. Hale, said that Doctor Tyson had a lot of them over there that really were not insane. Now I have had quite a lot to do with the institution in the past twelve years. I recall one case especially, in which three physicians said that a lady was insane. They brought her down here and Dr. Tyson kept her over night and sent word the next morning that we might come and get her, that she was only a moron. I do not think that the towns send patients over there unless they have a reason to. I think it would be a hardship on the towns as a whole to have to pay for their patients. I hope that the motion of the gentleman from Southwest Harbor, Mr. Fuller, will prevail.

Mr. WING of Kingfield: Mr. Speaker, I think there is one thing about that that is not understood exactly. There is, as I understand it, no increased burden on the town. Automatically the State tax is one-half mill less than it has been. The towns pay their own expenses for those whom they send to these in-

stitutions, up to the amount of one-half mill. Then after that the State assumes the further burden, but the town, as I understand it, pays no more than at the present time. The State taxation is going to be automatically reduced one-half mill. And if the expense of patients that they have in these institutions comes to less than one-half mill of their valuation, they gain. Otherwise there is no change in taxation.

Mr. FULLER: Mr. Speaker and members of the House: Those of us who have been in municipal office know all about how the business is carried on and everything. I am surprised that a man connected with an institution should be ready to say that they send such a class of men. In the first place, one has to have a board of physicians to decide the question. Now I will read something from the paper:

"The superintendent of the Augusta State Hospital, we understand, urges municipal authorities to provide for such as may be cared for out of the institution. Augusta had such a case, and the mayor, in compliance with the request, arranged to have the patient cared for by the city, shortly after which the patient became violently insane doing considerable damage, and obliging the authorities to provide for admission into the State Hospital. In short, it seems fair to assume that as great effort to relieve the State institution by such means already has been made, in the near future at least."

There is one individual instance. I have in mind—one instance that came under my observation. They sent a person home saying that he was cured and he caused considerable trouble, and they had to send him back. I think the State should assume the responsibility and pay the bills. I want to say one thing further: The trustees have the power to discharge any patient who is not insane.

Mr. PATTERSON of Castine: Mr. Speaker, I did not intend to speak on this matter, but I think in justice to Dr. Tyson one statement should be made. When this bill came before the Judiciary Committee, Dr. Tyson referred to the fact, and I know this to be a fact because when I was a member of the selectmen of my town, we had these mat-

ters come before us, that selectmen and municipal officers have to certify as to the responsibility of friends and relatives of the patients—that is, as to paying the bills in the institution. Dr. Tyson seemed to feel that under the present law the municipal officers were careless in this matter and perhaps did not investigate carefully enough. And he thought that under the proposed bill they would make more careful investigation, and if the patients were committed to these institutions, they would not be allowed to make that statement carelessly. In other words, their friends and relatives would be compelled to pay their board in the institution. That statement was stressed, as I recall it, by Dr. Tyson at the hearing before the Judiciary Committee.

So far as the bill is concerned, I have no particular interest in it one way or the other, but I think, in justice to Dr. Tyson, this statement should be made.

The SPEAKER: The question before the House is on the motion of the gentleman from Southwest Harbor, Mr. Fuller, that House Document 620, the twenty-seventh unassigned matter, 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 prevailed.

Mr. FOSTER of Ellsworth: I would like permission to take from the table the twenty-first unassigned matter.

The SPEAKER: The gentleman from Ellsworth, Mr. Foster, asks unanimous consent of the House to take up out of order the twenty-first unassigned matter.

Permission was granted, and that gentleman moved that bill an act to amend Chapter 25 of the Revised Statutes and to establish a new State Highway Commission, H. P. 1285, tabled by Mr. Foster, April 8, pending the motion of Mr. Aldrich to reconsider, be referred to the committee on Judiciary, without advertising.

Mr. ALDRICH of Topsham: Mr. Speaker, I move that this bill be retabled.

A viva voce vote being doubted, A division of the House was had,

Forty-five voting in the affirmative and 60 in the negative the motion to retable failed of passage.

The SPEAKER: The question now before the House is upon the motion of the gentleman from Ellsworth, Mr. Foster, that this bill be referred to the committee on Judiciary without advertising.

A viva voce vote being taken, the motion prevailed.

Mr. BELLEAU of Lewiston: Mr. Speaker, am I out of order if I ask for a reconsideration of House Document 620?

The SPEAKER: The gentleman may make his motion out of order with the consent of the House.

Mr. BELLEAU: Mr. Speaker, I move that we reconsider the vote whereby we voted to indefinitely postpone House Document 620, and I hope that my motion will not prevail.

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

On motion by Mr. Hammond of Van Buren that gentleman was granted permission to take from the table the thirty-first unassigned matter, an act relating to clerk hire in the office of Registry of Deeds of Penobscot county, H. P. 143, H. D. 545, tabled by that gentleman, April 11, pending passage to be enacted; and on further motion by the same gentleman the bill was passed to be enacted.

On motion by Mr. Hammond of Van Buren, that gentleman was granted permission to take from the table the thirty-second unassigned matter, an act relating to clerk hire in the office of Register of Probate of Penobscot county, H. P. 1242, H. D. 550, tabled by that gentleman, April 11, pending passage to be enacted; and on further motion by the same gentleman the bill was passed to be enacted.

The SPEAKER: The Chair lays before the House the eighteenth unassigned matter, bill an act establishing fares on passenger boats plying between the westerly end of Peaks Island and the mainland in Portland, H. P. 885, H. D. 233, tabled by Mr. Tucker of Sanford, April 8, pending third reading; and the Chair

recognizes the gentleman from Sanford, Mr. Tucker.

Mr. TUCKER: Mr. Speaker, I move the indefinite postponement of this bill and to substantiate it I will read Section 71 of Chapter 55 of the Revised Statutes of 1916: "No public utility shall apply to the Legislature to grant it any right, privilege, or immunity which the public utility commission has power to grant to said utility until said utility shall first have exhausted its rights in that behalf before said commission; and in making such application to the Legislature said utility shall make a statement in writing, which shall accompany the proposed legislation, that it has applied to said commission for the right, privilege or immunity requested and that said commission has denied its application."

I think that is enough so that the bill should be indefinitely postponed.

Mr. ROUNDS of Portland: Mr. Speaker, the gentleman is right in his law that he has given us, but he wants to go a little further. This rate never has been changed. It is less than it was twenty-five years ago; but the other company running down the bay has increased its fare almost double except for the western end of Peaks Island. To the other part of Peaks Island it has been increased just double, but at this landing they have kept it down. It is true that they have paid dividends, but last year they lost 38,000 passengers and the other company lost 30,000 passengers, and they have applied to the Public Utilities for permission to change their fares, but the other company says, "No, we have got fare enough." The Public Utilities said that we have fare enough but they have raised the fare to the other landing; but in 1919, when they wanted to raise their fare, the other company would not do it. Therefore, they are trying to put them out of business. So they came to this high court to see if they could get justice when they could not get it from the Public Utilities Commission.

Mr. TUCKER: Mr. Speaker, I would like to have brother Rounds get his raise all right; I am not against that; but I would like to ask him if he has given to the Public Utilities a schedule in writing in

proper form for them to act upon. I do not think he has.

The SPEAKER: The gentleman from Portland (Mr. Rounds) may answer if he cares to.

Mr. ROUNDS: Mr. Speaker, I don't know what the gentleman from Sanford means by "proper form." They have been asked and they said they could have it, but the other company should not have it. It isn't me, it is the People's Ferry Company of Maine, and it is the Casco Bay Lines of Maine. It isn't any particular man. While I am a stockholder, when it comes to voting the last time, I shall ask to be excused from voting if the thing gets to that point; but I believe I have a right to speak for that corporation as long as I am not voting on the enactment. I will say we have done all we can. At the present time there is a petition in and I do not know what will become of it trying to reduce their fares so they will not make such profits.

Mr. TUCKER of Sanford: Mr. Speaker, it is necessary to come before the Public Utilities before coming to the Legislature. I would like to ask if this bill has ever been before a committee.

The SPEAKER: The Chair will state that it was referred to the committee on Salaries and Fees and that that committee referred it to the committee on Legal Affairs.

Mr. HALE: Mr. Speaker, as I understand it, the committee on Salaries and Fees recommended its reference to the committee on Legal Affairs, but it never has been to any committee which has considered it on its merits.

The SPEAKER: The Chair will state that there does not seem to be any report from any committee. The bill was substituted for the report of the committee on Salaries and Fees referring it to the committee on Legal Affairs.

Mr. GRIFFIN of Biddeford: Mr. Speaker, there never was a hearing held on this matter then?

The SPEAKER: The gentleman from Biddeford (Mr. Griffin) has heard the reading of the records.

Mr. GRIFFIN: If in order, Mr. Speaker, I move that it be indefinitely postponed.

The SPEAKER: The gentleman is not in order. There is already a

motion to that effect before the House.

Mr. WING of Auburn: Mr. Speaker, do I understand there is no report from the committee on Legal Affairs?

The SPEAKER: The gentleman is correct.

Mr. WING: Mr. Speaker, I do not understand how it got from the committee on Legal Affairs to this House.

The SPEAKER: The Chair will state again that the committee on Salaries and Fees referred the bill back to the House, its report being the reference of it to the committee on Legal Affairs. When that was before the House, the question of accepting the report of the committee on Salaries and Fees, the bill was substituted for the report.

Mr. FLINT of Monson: Mr. Speaker, 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 return the count.

A sufficient number arose.

The SPEAKER: Is it the pleasure of the House that 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 and the main question was ordered.

The SPEAKER: The main question is on the motion of the gentleman from Sanford, Mr. Tucker, that House Document 233 be indefinitely postponed. As many as are in favor of this motion will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had,

Forty-four voting in the affirmative and 55 in the negative, the motion to indefinitely postpone failed of passage.

Thereupon the bill had its third reading and was passed to be engrossed.

The SPEAKER: The Chair lays before the House the nineteenth unassigned matter, being final report of the committee on Interior Waters, tabled by Mr. Piper of Jackman April 8th, pending acceptance of the report in concurrence; and the Chair recognizes the gentleman from Jackman, Mr. Piper.

On motion by Mr. Piper the report was retabled.

On motion by Mr. Douglas of Chelsea, unanimous consent was given that gentleman to take from the table out of order S. P. 554 Senate Document 315, being the thirtieth unassigned matter, an act providing compensation for court stenographers upon retiring by reason of disability, tabled by that gentleman April 11, pending passage to be enacted.

On motion by Mr. Douglas, the House voted to reconsider its action whereby this bill was passed to be engrossed, and that gentleman offered House Amendment A and moved its adoption as follows:

House Amendment A to Senate Document 315, entitled an act providing compensation for court stenographers upon retiring by reason of disability.

Amend by striking out all after the enacting clause and inserting in place thereof the following:

"Stenographers of the Supreme Judicial and Superior Courts after having served twenty-five years in either or both courts may, by reason of disability and with the approval of the Governor and Council, retire, and shall receive from the State such amount as the Governor and Council may deem proper, not exceeding twelve hundred dollars per annum, to be paid by the treasurer of the State in monthly payments."

Mr. DOUGLAS: Mr. Speaker, my first reaction to this bill was that I thought it ought to be indefinitely postponed; but on looking into the matter and having in view the fact that it had a fair hearing and was unanimously reported by the committee, I revised my opinion in regard to it.

However, I feel that the amendment which I offer will protect all interests, and that the gentleman who would be the beneficiaries will be amply provided for, and I think it ought to be amended in that way.

Thereupon the House adopted House Amendment A, and the bill having had its three several readings, was passed to be engrossed as amended by Senate Amendment A.

The SPEAKER: The Chair lays before the House the twentieth unassigned matter, 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 8th, pending acceptance of report; and the Chair recognizes the gentleman from Topsham, Mr. Aldrich.

Mr. ALDRICH: Mr. Speaker, I yield to the gentleman from Hollis, Mr. Crockett, who, I think, wishes to offer an amendment.

Mr. CROCKETT: Mr. Speaker, I move acceptance of the committee's report and offer House Amendment A and move its adoption.

Thereupon the report of the committee was accepted and the bill had its first two readings.

House Amendment "A" to bill an act concerning financial responsibility for damages caused by the operation of motor vehicles (H. P. No. 1255) (H. D. No. 577).

Amend said bill by striking out beginning in the seventh line of section one thereof the following words: "Or who shall have caused the death of, or injury to any person, or damage to property to the extent of at least one hundred dollars."

Thereupon the amendment was adopted and the next legislative day assigned for its third reading.

The SPEAKER: The Chair lays before the House the twenty-third unassigned matter, being final report of the committee on Agriculture, tabled by Mr. Crawford of Houlton April 8th, pending acceptance of the report in concurrence; and the Chair recognizes the gentleman from Houlton, Mr. Crawford.

Mr. CRAWFORD: Mr. Speaker, as there is one report of this committee that has not made its appearance in the House, I move that the report be retabled.

Thereupon the report was retabled.

The SPEAKER: The Chair lays before the House the twenty-fourth unassigned matter, an act relating to the operation of portable sawmills, S. P. 498, S. D. 252, tabled by Mr. Piper of Jackman April 8th, pending the motion of Mr. Ingraham of Bangor to recede and concur in the indefinite postponement; and the Chair recognizes the

gentleman from Jackman, Mr. Piper.

Mr. PIPER: Mr. Speaker, I second the motion of the gentleman from Bangor, Mr. Ingraham.

Thereupon the House voted to recede and concur with the Senate in the indefinite postponement of this bill.

The SPEAKER: The Chair lays before the House the twenty-fifth unassigned matter, H. P. 755, H. D. 212, majority report of the committee on Ways and Bridges and Taxation on bill an act relating to a tax upon gasoline, reporting that it ought to pass, and the minority report of the same committee reporting ought not to pass, tabled by Mr. Littlefield of Kennebunk April 8th, pending the motion of Mr. Ingraham of Bangor, to accept the majority report; and the Chair recognizes the gentleman from Kennebunk, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, as the mill tax was laid on the table until tomorrow morning, I would like to have this gasoline tax follow it and have it come up tomorrow morning.

Thereupon, on motion by Mr. Littlefield, the matter was retabled and especially assigned for tomorrow morning.

The SPEAKER: The Chair lays before the House the twenty-sixth unassigned matter, joint order relating to final reports of committees, tabled by Mr. Piper of Jackman April 11th, pending passage; and the Chair recognizes the gentleman from Jackman, Mr. Piper.

Mr. PIPER: Mr. Speaker, I move the indefinite postponement of the order and yield to the gentleman from Bangor, Mr. Ingraham.

Mr. INGRAHAM: Mr. Speaker, I ask leave to withdraw that order and support the motion of the gentleman from Jackman, Mr. Piper.

The SPEAKER: The gentleman wishes to support the motion and has another order that he wishes to introduce. The question before the House is on the motion to indefinitely postpone this order.

The motion to indefinitely postpone the order prevailed.

Mr. Ingraham of Bangor was then granted unanimous consent of the House to introduce an order out of order, and moved its passage.

Ordered, the Senate concurring,

that all joint standing committees of the Eighty-third Legislature except the committees on Appropriations and Financial Affairs and Ways and Bridges be, and hereby are, instructed to report finally before twelve o'clock, noon, Wednesday, April 13th.

Mr. WING of Auburn: Mr. Speaker, that is tomorrow. I think the gentleman from Bangor, Mr. Ingraham, has forgotten that there is in the committee on Judiciary this afternoon a measure having to do with the Highway Commission, and that the committee was instructed to take that measure without advertising, and that you have foreclosed citizens coming before the committee on Judiciary to be heard either for or against the measure. It would be impossible, probably, for the committee on Judiciary to hear this matter, even under the direction of commitment, and report by tomorrow noon.

Mr. KINSMAN of Augusta: Mr. Speaker, as House Chairman of the Inland Fisheries and Game Committee, I wish to state that it will be impossible for our committee to report by tomorrow noon, because there are two bills in our committee we were to hear pending the passage or refusal of the bill calling for an open season on moose. Both branches are to pass on that bill and we cannot report on the other two. They ought to be along, I think, by tomorrow morning, but I doubt it.

Mr. WING of Auburn: Mr. Speaker, I am as much interested in getting through as any man, and will do anything to facilitate the business here and hurry it to a close so that we may close by the latter part of this week; but I do not wish to undertake an impossibility.

Mr. INGRAHAM: Mr. Speaker, if permissible at this time, I move that we amend this order and extend it until Thursday.

The SPEAKER: The gentleman from Bangor, Mr. Ingraham, moves to amend the order by striking out the word "Wednesday" and inserting the word "Thursday" and by striking out the word "thirteen" and inserting the word "fourteen" so as to read "before twelve o'clock noon, Thursday, April 14."

Thereupon the order as amended received passage.

The SPEAKER: The Chair lays before the House a resolve recalled

from the files in favor of Willis Myrick of Mt. Chase in the county of Penobscot, compensating him for damage done a piece of oats by porcupine, and the Chair recognizes the gentleman from Patten Mr. Wood.

Mr. WOOD: Mr. Speaker and members of the House: There was an error in the drafting of this bill. There were two words left out. After taking the matter up with the Fish and Game Department and talking with the committee on Claims I move to substitute the bill for the report, after which I will offer an amendment.

On motion by Mr. Wood the rules were suspended and the House voted to reconsider its action whereby the report of the committee ought not to pass was accepted; and that gentleman offered House Amendment A.

Mr. McCART of Eastport: Mr. Speaker, before the bill is substituted for the report, may it be read?

The SPEAKER: The Clerk will read the resolve.

(Resolve read by the Clerk.)

Mr. McCART: Mr. Speaker, I do not wish to show any discourtesy to the gentleman from Patten (Mr. Wood), but I feel that before we substitute the bill for the report, we want to know what we are doing. As I understand it, the reason we pay these claims for damage to crops by deer and other animals is because they are protected. We are not protecting porcupines; and I would oppose the motion to substitute the bill for the report, although the gentleman may be able to explain it to my satisfaction.

Mr. WOOD: Mr. Speaker, I am a new member and the bill should have read "on deer and porcupine." Inadvertently the word "deer" was left out of the resolve. I have a letter here from the man who asked me to present the claim explaining it and the word "deer" should have been inserted in the first place; but through my error it was left out. The committee on claims was very courteous about it and told me that they saw no reason why the measure might not pass along with the others. I took the matter up with the Commissioner of Inland Fisheries and Game and he made the amendment that I wish to present at this time. As you all know these

claims are paid out of the funds in the Fish and Game Department and would not necessitate any funds from any other source.

The SPEAKER: The question before the House is upon the motion of the gentleman from Patten, Mr. Wood, 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.

Thereupon the resolve had its first reading.

Mr. FLINT of Monson: Mr. Speaker, I move its indefinite postponement.

Mr. STURGIS of Auburn: Mr. Speaker, I will second that motion.

The SPEAKER: The gentleman from Monson, Mr. Flint, moves the indefinite postponement of this resolve.

Mr. WOOD: Mr. Speaker, am I not to have the amendment read?

The SPEAKER: The Chair will state that unless the rules are suspended the amendment is not in order until after the first reading of the resolve.

Mr. ROUNDS of Portland: Mr. Speaker, I move that the rules be suspended.

The SPEAKER: The Chair will state that there is already a motion before the House. The Chair will further state that if the motion to indefinitely postpone does not prevail, then the gentleman from Patten, Mr. Wood, may offer his amendment. As many as are in favor of the motion to indefinitely postpone will say aye; those opposed no.

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

The SPEAKER: The gentleman from Patten, Mr. Wood offers House Amendment A which the clerk will read and moves its adoption.

House Amendment A to House Paper 829.

Amend the title by inserting after the word "by" in the third line thereof, the words "deer and"; also amend by inserting after the word "by" in the fourth line of said resolve the words "deer and."

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I would inquire whether the twenty-one animals that were caught were twenty-one porcupine and

twenty-one deer or a combination of deer and porcupine. (Laughter).

The SPEAKER: The gentleman from Patten may answer if he wishes.

Mr. WOOD: Mr. Speaker, this is no laughing matter. There were twenty-one porcupines caught. I was there and looked them over. There were also two raccoons caught. There were no deer caught but there was a great deal of damage done by deer. I think the most of the damage was done by the porcupines because I think there were more porcupines than there were deer. Both deer and raccoons are protected under our statute and I do not think it is fair to lay this all on the porcupines.

Mr. BISSETT of Portland: Mr. Speaker, I would like to ask through the Chair of Mr. Wood how large a porcupine is, not knowing the nature of the animal. I would like to know how heavy he is having in mind the trampling down of a piece of oats.

The SPEAKER: The gentleman from Patten, Mr. Wood, may answer if he desires.

Mr. WOOD: Mr. Speaker, I will be glad to inform the gentleman from Portland, Mr. Bissett, that a good sized porcupine will weigh about thirty or forty pounds. He is covered with quills and is very good eating.

Mr. MCCART: Mr. Speaker, as the gentleman from Patten has said the damage was partly done by porcupine and he believes mostly by porcupine. We passed the other fifty dollar resolve and perhaps we will pass this one. I think instead of protecting porcupines it would be the sentiment of the House that we should put a bounty on them. If you pay this claim, perhaps next session there will be someone come in with a bill for damage by house rats or mice. That would be just as reasonable I think.

Mr. WOOD: Mr. Speaker, may I say just one more word.

Thereupon the gentleman was granted permission to speak for the third time.

Mr. WOOD: Mr. Speaker, a fifty dollar resolve has been introduced here to pay for a cow. Apparently he has received his money or will receive it.

The SPEAKER: The question be-

fore the House is on the adoption of House Amendment A. As many as are in favor of its adoption will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Sixty-one voting in the affirmative and 13 in the negative House Amendment A was adopted.

Thereupon the rules were suspended and the resolve was given its second reading.

Mr. McCART: Mr. Speaker, I move that the resolve lie on the table.

A viva voce vote being taken, the motion failed of passage, and the resolve having had its two several readings was passed to be engrossed as amended by House Amendment A.

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 committee on Sea and Shore Fisheries, the committee on State School for Boys, State School for Girls and State Reformatories, and the committee on Temperance.

Come from the Senate the reports read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Report of the committee on Inland Fisheries and Game on bill an act relating to the protection of moose, S. P. 215, reporting same in a new draft, S. P. 645, S. D. 382, under same title and that it ought to pass.

Comes from the Senate report read and accepted, and the bill passed to be engrossed.

In the House, read and accepted in concurrence, the bill received its two several readings and on motion by Mr. Flint of Monson the rules were suspended, the bill received its third reading and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on Inland Fisheries and Game on bill an act relating to the size of fish and weight of catch limited, S. P. 383, together with petition, S. P. 504, reporting same in a new draft, S. P. 646, under title of an act relating to the taking of square-tailed

trout in the county of York and that it ought to pass.

Comes from the Senate report read and accepted and the bill passed to be engrossed.

In the House:

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

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

Thereupon the report was read and accepted in concurrence, the bill received its two several readings and on motion by Mr. Goodwin of Sanford the rules were suspended, the bill received its third reading and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on State School for Boys, State School for Girls and State Reformatories on resolve in favor of the Reformatory for Women for maintenance and other purposes, S. P. 169, reporting same in a new draft, S. P. 644, S. D. 379, under same title and that it ought to pass.

Comes from the Senate report read and accepted and the resolve passed to be engrossed.

In the House, read and accepted in concurrence, the resolve received its first reading and on motion by Mr. Church of Hallowell the rules were suspended and the resolve received its second reading and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on State School for Boys, State School for Girls and State Reformatories reporting ought to pass on resolve in favor of the State Reformatory for Women for the erection of a retention building, S. P. 201, S. D. 381.

Comes from the Senate, report read and accepted and the resolve passed to be engrossed.

In the House, read and accepted in concurrence, the resolve received its first reading and on motion by Mr. Church of Hallowell the rules were suspended and the resolve received its second reading and was passed to be engrossed in concurrence.

From the Senate: Bill an act to raise an excise tax on corporations organized for making, generating, selling, distributing and supplying electricity or electric current for power, lighting, heating, manufacturing or mechanical purposes (H. P. 919) (H.

D. 246) on which the House substituted the bill for the report and passed it to be engrossed.

Comes from the Senate with the report of the committee "Ought not to pass" accepted in non-concurrence.

In the House:

The SPEAKER: The Chair notes that the gentleman from Auburn (Mr. Wing) is not in his seat.

Thereupon the bill was tabled, pending reconsideration.

From the Senate: Bill an act to create a Board of Boiler Inspection within the Department of Labor and Industry (S. P. 410) (S. D. 200) on which the House accepted Report "A" of the Committee reporting "Ought not to pass" in non-concurrence.

Comes from the Senate that body insisting upon its former action whereby Report "B" reporting a new draft (S. P. 552) (S. D. 343) was accepted and the new draft passed to be engrossed, and asking for a committee of conference, with the following conferees appointed on its part:

Messrs. SLOCUM of Cumberland

SMITH of Somerset

MORRISON of Franklin

In the House, on motion by Mr. Cyr of Waterville, a viva voce vote being taken, that body voted to adhere.

From the Senate: Majority report of the Committee on Judiciary on bill an act relating to the practice of osteopathy (S. P. 366) (S. D. 143) reporting same in a new draft (S. P. 617) (S. D. 366) under same title and that it "Ought to pass."

Report was signed by the following members:

Messrs. CARTER of Androscoggin

MAHER of Kennebec

—of the Senate.

WING of Kingfield

PATTERSON of Castine

ALDRICH of Topsham

WING of Auburn

BARTLETT of Bangor

—of the House.

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

Report was signed by the following members:

Messrs. OAKES of Cumberland

—of the Senate.

HALE of Portland

DUDLEY of Calais

—of the House.

Comes from the Senate the Major-

ity Report read and accepted and the bill indefinitely postponed.

In the House, on motion by Mr. Hale of Portland a viva voce vote being taken, the matter was tabled and specially assigned for tomorrow morning.

From the Senate: Report of the committee on Claims on resolve in favor of the Bath Water District, a public municipal corporation located at Bath, in the county of Sagadahoc S. P. 212, reporting same in a new draft, S. P. 618, S. D. 367, under same title and that it ought to pass.

Comes from the Senate, Senate Amendment A indefinitely postponed, and the new draft passed to be engrossed.

In the House, Senate Amendment A read.

On motion by Mr. Clifford of Bath Senate Amendment A was indefinitely postponed in concurrence; and on further motion by the same gentleman the rules were suspended and the resolve had its two several readings and was passed to be engrossed in concurrence.

The SPEAKER: The Chair will announce as conferees on the part of the House on the bill relating to vital statistics which was acted upon this forenoon, Messrs. Rounds of Portland, Comins of Eddington and McKnight of Poland.

Reports of Committees

The following reports were taken up out of order under suspension of the rules.

Mr. AYER from the Committee on Ways and Bridges reported "Ought not to pass" on bill an act to permit cities and towns to lay out bridle paths (H. P. 1163).

Report read and accepted and sent up for concurrence.

Mr. Deering from the Committee on Appropriations and Financial Affairs on Resolve in favor of the Maine School for the Deaf (H. P. 254) and Resolve in favor of the Maine School for the Deaf (H. P. 447) reported same in a new draft (H. P. 1317) under same title and that it "Ought to pass."

(Report read and accepted, the resolve received its two several readings, under suspension of the rules, and was passed to be engrossed).

Same gentleman from same Com-

mittee on Resolve in favor of Bath Military and Naval Orphan Asylum (H. P. 993) reporting same in a new draft (H. P. 1318) under same title and that it "Ought to pass."

(Report read and accepted, the rules were suspended, the resolve received its two several readings and was passed to be engrossed).

Mr. FLINT from the Committee on Inland Fisheries and Game on bill an act to non-resident moose hunting licenses (H. P. 660) (H. D. 185) reported same in a new draft (H. P. 1315) under title of bill an act relating to non-resident hunting licenses and that it "Ought to pass."

Report read and accepted and the new draft ordered printed under the joint rules.

Mr. HALE from the Committee on Judiciary on bill an act to provide for the organization, operation and supervision of credit unions and to define their powers (H. P. 1066) (H. D. 363) reported same in a new draft (H. P. 1316) under title of an act to incorporate the Railroad Workers Credit Union of Maine and that it "Ought to pass."

Report read and accepted.

The SPEAKER: Could the gentleman from Portland, Mr. Hale, briefly explain the bill. It appears rather long and it might save printing.

Mr. HALE: Mr. Speaker I move that the rules be suspended and the bill be given its three several readings at this time, and in explanation of the matter I will say that the proponents of this measure come to the Legislature and to the Judiciary committee asking for a general law for the creation of credit unions. The draft presented was not in acceptable form for general legislation, but the committee said to the proponents that if they would offer special legislation along lines for which there was a legislative precedent, the committee would make a favorable report. The proponents of the measure have had careful legal advice and the bill I think is in entirely acceptable form. It has the approval of the Bank Commissioner, and I think there can be no risk in giving the matter its three readings at this time in the interest of expedition and I so move.

Thereupon the bill had its three several readings under suspension of the rules and was passed to be engrossed.

First Reading of Printed Resolves

H. P. 746 H. D. 636: Resolve appropriating money for the purchase of additional real estate for the State School for Girls.

On motion by Mr. Church of Hallowell the rules were suspended and the resolve was given its second reading and was passed to be engrossed.

H. P. 896 H. D. 637: Resolve in favor of State School for Girls.

On motion by Mr. Church of Hallowell the rules were suspended, and the resolve was given its second reading and was passed to be engrossed.

H. P. 1094 H. D. 638: Resolve in favor of the State Reformatory for Men for the completion of a building, now in process of erection.

On motion by Mr. Gilchrist of Thomaston the rules were suspended and the resolve was given its second reading and was passed to be engrossed.

H. P. 1095 H. D. 639: Resolve in favor of the State School for Boys.

On motion by Mr. Carleton of Wintertown the rules were suspended and the resolve was given its second reading and was passed to be engrossed.

H. P. 1311 H. D. 640: Resolve in favor of the State School for Girls at Hallowell.

On motion by Mr. Kinsman of Augusta the rules were suspended and the resolve was given its second reading and was passed to be engrossed.

H. P. 1312 H. D. 641: Resolve in favor of the State Reformatory for Men for maintenance, personal services, repairs and equipment.

On motion by Mr. Cyr of Waterville the rules were suspended, and the resolve was given its second reading and was passed to be engrossed.

Passed to be Enacted

An Act increasing the allowance for clerk hire in the Register of Deeds of Aroostook County, Northern Registry.

An Act relating to clerk hire in the office of Register of Deeds, Southern District of Aroostook County.

An Act increasing the salary of the Clerk of Courts in Aroostook County.

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

An Act relating to the salary of the Clerk and Deputy Clerk of Courts in Cumberland County.

An Act relating to increase in clerk hire in the office of Register of Deeds of Franklin County.

An Act relating to clerk hire in the

office of the Register of Probate for Franklin County.

An Act relating to the salary of the Judge of Probate of Knox County.

An Act to regulate camping within the limits of game preserves or sanctuaries.

An Act to ratify, affirm and make valid, certain doings of the City Council of the city of Bath.

An Act to render unlawful all disturbances to the reception of radio waves used for radiotelephony.

An Act relating to proposed changes in freight rates.

An Act to amend Section 3 of Chapter 203 of the Public Laws of 1925 relating to the use of proceeds of bonds authorized to be issued by said chapter.

An Act relative to an increase in the salary of the Judge of the Houlton Municipal Court.

An Act relating to the trapping of fur-bearing animals.

An Act relating to recording of instruments and conveyances.

Finally Passed

Resolve on the Payroll of the House of Representatives of the Eighty-third Legislature.

Passed to be Enacted

An Act relating to clerk hire in the office of Register of Probate for Knox County.

An Act to increase the salary of the Register of Deeds in the county of Aroostook, Northern District.

An Act to increase the salary of the Register of Deeds in the county of Franklin.

An Act to increase the salaries of

the clerks in the offices of the Clerk of Courts, the Register of Probate and the Register of Deeds for Sagadahoc County.

An Act relating to consent required to be given in adoption of children.

An Act to increase the salary of the Secretary of State.

An Act to make the chairman of the Androscoggin County Commissioners a full time office with the duty of superintendence of buildings and to increase his salary to fifteen hundred dollars.

An Act relative to an increase in the salary of the Judge of the Presque Isle Municipal Court.

An Act to increase the salary of the Register of Deeds, Oxford County, Western District.

An Act relating to the salary of the County Attorney for county of Hancock.

An Act relating to increasing the salary of the Recorder of the Western Hancock Municipal Court.

An Act relating to the salary of the County Attorney for Franklin County.

Finally Passed

Resolve to pay certain deficiencies. (Tabled by Mr. Deering of Saco pending final passage and specially assigned for Wednesday, April 13.)

Resolve in favor of the Trustees of the University of Maine.

Resolve in favor of Malcolm O'Brien for compensation due him for labor performed for the State of Maine.

On motion by Mr. Hale of Portland, Adjourned until nine o'clock tomorrow morning.