

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Thursday, April 14, 1927.

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

Prayer by the Rev. Mr. Haskell of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Final report of the committee on Education,

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Bill an act to establish small claims procedure S. S. 175, S. D. 74, 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 as amended by Senate Amendment A and asking for a committee of conference with the following conferees appointed on its part: Messrs. Holmes of Androscoggin, Bond of Lincoln and Dwinall of Knox.

In the House, on motion by Mr. Hale of Portland that body voted to adhere.

From the Senate: Bill an act to establish a uniform license law for summer camps, S. P. 220, S. D. 87, which was indefinitely postponed in the House.

Comes from the Senate that body insisting on its former action whereby the bill was substituted for the report and passed to be engrossed as amended by Senate Amendment A, and asking for a committee of conference, with the following conferees appointed on its part: Messrs. Miner of Washington, Buzzell of Oxford and Drake of Sagadahoc.

In the House:

Miss LAUGHLIN of Portland: Mr. Speaker, I move that we insist and join in the committee of conference.

Mr. VAIL of Hodgdon: Mr. Speaker, I ask for a division.

A division being had,

Thirty-five voting in the affirmative and 41 in the negative the motion to insist and join in the committee of conference failed of passage.

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

From the Senate: Bill an act relating to the practice of osteopathy, S. P. 617, S. D. 366, which was passed to be engrossed in the House, April 13. in non-concurrence.

Comes from the Senate that body voting to adhere to its former action whereby the bill was indefinitely postponed.

In the House:

Mr. CARLETON of Portland: Mr. Speaker, I move that the House insist and ask for a committee of conference.

A viva voce vote being doubted,

A division of the House was had,

So many arose that the Chair was not in doubt, and the motion of the gentleman from Portland, Mr. Carleton, prevailed.

The Chair appointed as conferees on the part of the House, Messrs. Carleton of Portland, Varnum of Westbrook, and Aldrich of Topsham.

From the Senate: Bill an act relating to the registration of trucks, H. P. 1134, H. D. 384, which was passed to be enacted in the House, April 12.

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

In the House:

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, the amendment to this truck bill is simply a proposition to allow outside cars in the State of Maine free. We have today reciprocity with other states. We allow them in the State of Maine as long as they allow us in their States; and I move that this amendment be indefinitely postponed.

The SPEAKER: The Chair will ask the Clerk to read Senate Amendment A.

(Senate Amendment A read)

Mr. HALE of Portland: Will the Chair state what this is? Is it a Senate Amendment?

The SPEAKER: It is Senate Amendment A. The status of this

bill is that it was passed to be enacted in the House April 12. It now comes from the Senate, where it was passed to be engrossed as amended by this Senate Amendment A; and the Chair will further state that in order to act upon this amendment the votes will have to be reconsidered whereby this bill was passed to be enacted and engrossed.

Mr. HALE: Mr. Speaker, has the gentleman from Kennebunk (Mr. Littlefield) made any motion?

The SPEAKER: The gentleman from Kennebunk made a motion that the amendment be indefinitely postponed. The Chair feels that these steps should be taken before that motion would be in order.

Mr. HALE: And the Chair rules that the amendment is not in order.

The SPEAKER: The Chair so rules.

Mr. ROUNDS of Portland: Mr. Speaker, the State has just appropriated fifty thousand dollars each year for two years for publicity in the State of Maine. As I understand this amendment it is to give them a chance to come in here and stay some little time, whether it be one month or six months. I understand New Hampshire has made it six months. As we have spent all this money, if these people will come here and stay for three months, the hotel people and all of us will get something out of them for gasoline. If they come with their cars they will use them and if they stay six months and we get three cents on every gallon of gasoline that they use, I think it better than if they stay here thirty days from Massachusetts, fifteen days from New Jersey, and other states as it will be if we have reciprocity. I think it is time we try to encourage the people to come here into the State of Maine and spend their vacations. We are advertising and paying fifty thousand dollars each year therefor. I understand that bill has gone through, and, if that is so, we want to get them here and keep them here as long as we can. Then the hotels will get something and the State will get something for their gasoline tax. I will also get something by getting some of them down to the island. They will pay to go down and they will have to give me \$1.20,

each, besides their fare. Therefore, I would like to see the amendment adopted.

Mr. KINSMAN of Augusta: Mr. Speaker, I am fully in accord with the gentleman from Portland, Mr. Rounds, and if in order I would like to move that we reconsider the vote whereby we voted to enact this bill.

The SPEAKER: The Chair feels that the motion of the gentleman from Kennebunk, Mr. Littlefield, was in substance that the House adhere. If the gentleman from Kennebunk wishes that motion put before the House, the House will so place it.

Mr. LITTLEFIELD: Mr. Speaker, here is a road program on my desk and it tells you how much money you want. I do not know as it is right for me to argue this at all; but as a matter of fact if you wish to let these people in here and use your roads and everything, you will pay for it. I do not care. That is as far as I wish to go myself, but I want you to understand that you are doing something to other people that they will not do to you. In other words, you allow them to come here, stay as long as they want to and pay nothing. You go to their state and stay fifteen days or thirty days and you will pay for it. Here is your road program figured on your automobile license fees. They will tell you that those license fees cost more to collect than they are worth. As a matter of fact it does not cost a dollar to collect those fees, I don't care what any of them tell you, I have seen it and know it. If you want to throw away one hundred thousand dollars here, vote to let them in free. If you want to save it, vote for reciprocity and use the other people as they use you. That's all I have got to say about it.

Mr. BISHOP of Boothbay Harbor: Mr. Speaker, the part of the State that I come from the summer business is the principal business, and if this amendment is passed it would be a distinct benefit to that part of the State. The most of the people who come to our section are cottage owners. One man comes from Maryland and he can stay as long as he pleases. The next man comes from Ohio and he can stay as long as he likes. Perhaps his neighbor comes from Massachusetts, and at the end of thirty days an inspector comes around and tells him that he must have a tax. The re-

sult is that the Massachusetts man leaves. He says it is not so much the money, but his neighbors can stay longer and he feels that he should be allowed to stay longer consequently he leaves and we all lose by it. I feel that this is not good business.

Mr. ROUNDS: Mr. Speaker, I would like to correct an impression that has gone abroad that \$100,000 is coming to this State. I understand from the Secretary of State that it is \$15,000, and it costs \$15,000 to collect this gasoline tax. I understand that in one instance they sent a man from Kittery up to Van Buren and he collected ten dollars. If he collected ten dollars, how much did it cost to do that in the time taken to go from Kittery to Van Buren and the gasoline used in the State car to go up there.

Mr. LITTLEFIELD: Mr. Speaker, the gentleman says it costs something to do this. We have got men on the road, and there were three sitting right on the steps of what I will call a rum shop at Wells Beach and they sat there every afternoon last summer when they could have collected at least of twenty-eight cottages. He also says that they sent up to Van Buren. I don't know what for but he says they did; so I suppose they did. How does the Secretary of State know whether a man belongs in Ohio or Maine? He does not and he will tell you so if you ask him. How could he know unless he saw the license plates on his car?

Mr. INGRAHAM of Bangor: Mr. Speaker, I move the previous question.

The SPEAKER: The Chair will state that it understands—it may be wrong—that the gentleman from Kennebunk, Mr. Littlefield, has moved that the House adhere. The gentleman from Augusta, Mr. Kinsman, has moved that the House recede and concur, and the latter motion has precedence; so the question before the House is upon the motion of the gentleman from Augusta, Mr. Kinsman, that the House recede and concur. As many as are in favor of this motion will say aye; those opposed no.

A viva voce vote being taken, the motion to recede and concur prevailed.

Thereupon the rules were suspended and the House voted to reconsider

its action whereby this bill was passed to be enacted; and the House voted to reconsider its action whereby this bill was passed to be engrossed;

A viva voce vote being taken, the House voted to adopt Senate Amendment A in concurrence, and under suspension of the rules the bill had its three several readings, and was passed to be engrossed as amended by Senate Amendment A in concurrence.

From the Senate: Report of the Committee on Maine Publicity reporting ought not to pass on resolve to appropriate money for compiling and advertising the agricultural, industrial and recreational resources of the State, S. P. 2, S. D. 1, on which the House voted to adhere to its former action whereby the report was accepted.

Comes from the Senate, the bill withdrawn.

The House concurred with the action of the Senate in withdrawing the bill.

From the Senate: Majority report of the Committees on Public Utilities, Interior Waters and Judiciary reporting "Ought not to pass" on bill an act to amend Section 1 of Chapter 97 of the Revised Statutes relative to right to erect and maintain mill dams and to divert water by a canal for mills.

Report was signed by the following members:

Messrs. MAHER of Kennebec
OAKES of Cumberland
DOUGLAS of Hancock
GRANVILLE of York
DRAKE of Sagadahoc
DUNBAR of Hancock
LORD of York
CRAFTS of Piscataquis
—of the Senate
DOUGLAS of Chelsea
HUGHES of Mapleton
TUCKER of Sanford
PIPER of Jackman
CHASE of Cape Elizabeth
BARTLETT of Bangor
ALDRICH of Topsham
GREENLEAF of Auburn
RICHARDSON of Monmouth
HALE of Portland
WING of Kingfield
BISHOP of Boothbay Harbor
MILLIKEN of Old Orchard
PAGE of Skowhegan

COMINS of Eddington

—of the House

Minority report of same Committee on same bill reporting same in a new draft (S. P. 604) under same title and that it "Ought to pass."

Report was signed by the following members:

Messrs. CARTER of Androscoggin

—of the Senate

WING of Auburn

BRIGGS of Monticello

DUDLEY of Calais

POWERS of Caribou

THURSTON of Appleton

PATTERSON of Castine

—of the House

Comes from the Senate the majority report accepted.

In the House, on motion by Mr. Hale of Portland, a viva voce vote being taken, it was voted to accept the majority report in concurrence.

From the Senate: Majority report of the Committee on Inland Fisheries and Game on bill an act relating to hunting and fishing licenses (S. P. 488) (S. D. 220) reporting same in a new draft (S. P. 620) under same title and that it "Ought to pass."

Report was signed by the following members:

Messrs. CRAFTS of Piscataquis

LORD of York

DRAKE of Sagadahoc

—of the Senate

KINSMAN of Augusta

FLINT of Monson

WOOD of Patten

—of the House

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

Report was signed by the following members:

Messrs. BUKER of Bath

STONE of Bridgton

MacKINNON of Mexico

STORM of Westmanland Pl.

Comes from the Senate the minority report accepted.

In the House, on motion by Mr. Ellis of Fairfield, a viva voce vote being taken, it was voted to concur with the Senate in the acceptance of the minority report, ought not to pass.

From the Senate: Report of the Committee on Agriculture on bill an act relating to the capacity of milk bottles and jars (S. P. 362) (S. D. 150) reporting same in a new draft (S. P. 627) (S. D. 368) under same title and that it "Ought to pass".

Comes from the Senate report read

and accepted and the new draft passed to be engrossed as amended by Senate Amendment "A".

In the House:

Mr. STAPLES of Elliot: Mr. Speaker, I move that the House accept the report of the committee, ought to pass, in concurrence with the Senate.

Mr. DECKER of Portland: Mr. Speaker, I want to move the indefinite postponement of the bill and give my reasons, if in order.

The SPEAKER: The gentleman's motion is in order.

Mr. DECKER: Mr. Speaker, this matter is largely a local matter in Portland. There is a ten-ounce bottle. I heard it said that there are not ten ounces of milk put in that and that it is merely a larger bottle; but we have a Sealer of Weights and Measures whose duty it is to measure each one of these bottles. Had the bill as originally designed gone through legalizing a ten-ounce bottle and allow the milk dealer to have it blown in the bottle, it would have saved a great deal of expense. I feel that the bill should be indefinitely postponed at this time.

This bottle in a restaurant sells for ten cents and the eight-ounce bottle sells for the same amount. I feel that it is in the interest of the farmer that the ten-ounce bottle should be allowed for the reason that it puts about a hundred quarts of milk a day more on the market. That means the produce of ten cows, and if ten cows are around on the farm that means a fertile farm; and if we have that condition we people in town may get an opportunity to sell that farm some time, so I move the indefinite postponement of this bill.

Mr. McKNIGHT of Poland: Mr. Speaker, as a farmer I am opposed to this ten-ounce bottle. That bill in my opinion should not be indefinitely postponed. If we don't pass this bill there will be all kinds of bottles, ten-ounce and twenty-seven ounce bottles. It is going to work a hardship on the farmer instead of being a benefit to him. Bottles should be standardized. We should have a standard of bottles in this State the same as standards of other measures. That is one of the things that Hoover has been trying to do all over the country—standardize the different sizes of lumber, the different sizes of bolts

and the different sizes of everything on the market. If this ten-ounce bottle is allowed to go on the market as the legal bottle, there is nothing to prevent a twenty-seven ounce bottle coming on the market. There are bottles enough now—half pints, pints and quarts,—and those three grades should be the standard grades instead of having a ten-ounce bottle. I am opposed to this and I hope that every member of this Legislature upholds me in my position. I hope the gentleman's motion will not prevail.

Mr. STURGIS of Auburn: Mr. Speaker, that bill came out of the committee with a unanimous report that the bottles should be standardized. Now the gentleman from Portland (Mr. Decker) took a half pint bottle and ten-ounce bottle and told what a wonderful thing it was for the farmer to sell a little more milk. To my mind his argument falls a little short. If I am right, and I think I am, the farmer gets six cents a quart for his milk delivered at the station. That's a big price! They take that milk and put it into this ten ounce bottle and the retailer gets twelve cents a quart. Of course the restaurant keeper likes to make a good profit and we don't blame him for that. We are all out for all we can get and you can see that by the way we have voted for salary increases for people. Here is a pint bottle and here is a ten-ounce bottle and I will defy any man not used to it to know which is which.

This bottle sells to the restaurant for 4 1-4 cents. It is passed over the counter for ten cents, a pretty fair profit. The restaurant proprietor is getting 5 3-4 cents profit. What is the farmer getting for a whole quart of milk after feeding the cows and handling the milk—the whole thing for six cents a quart. It is a great thing for the farmer isn't it? There is no doubt but all of these people are looking after the farmer's interest. I for one feel that we should standardize the quart, pint and half pint, as the gentleman from Poland (Mr. Mc Knight) has said. If this is allowed to go by, we will have all kinds of bottles and all kinds of grades and I am emphatically against this proposition.

Mr. BISSETT of Portland: Mr. Speaker, at the beginning of this session the Chair appointed a commit-

tee on reference of bills that come before this Legislature. Now we have here the unanimous report of the committee on Agriculture and they have heard both sides, pro and con. At the present time in the State of Maine we have the regulation sizes of eight, ten and thirty-two ounce milk bottles. This milk question comes from one man in the city of Portland who comes down here and said to us that the ten-ounce bottle was to sell to residents of Portland only. I certainly hope that the report of the committee on this bill, ought to pass, will prevail.

Mr. DECKER: Mr. Speaker, I do not see the argument as to the farmer's proposition. I have no feeling in the matter but it does seem to me that a man who has worked up a restaurant business and is disposing of more milk and giving the people of Portland more milk to drink that he should be allowed to do his business in the regular way rather than to be legislated out of business. If they would allow the ten-ounce bottle to be legalized with the contents blown in the glass, there would be no trouble for any farmer to use it. They could buy it in the same places as the individuals who are using it now. I hope that the bill will be indefinitely postponed and give our people a larger glass of milk for the same money.

Mr. MORRILL of Gray: Mr. Speaker, I just want to say one word that it was a unanimous report of the committee on agriculture and has the approval of the State Sealer of Weights and Measures, also the approval of the Sealer of Portland; and I hope the gentleman's motion from Portland will not prevail.

Mr. CARLETON of Winterport: Mr. Speaker and members of the House: As one of the members of the committee who heard the evidence for and against the bill, I will say that we listened to it and we feel that the bottle should be standardized. We made a unanimous report and I hope that the motion of the gentleman from Portland (Mr. Decker) will not prevail.

The SPEAKER: The question before the House is upon the motion—

Mr. HALE of Portland: May we have Senate Amendment A read at this time?

(Senate Amendment A read.)

Mr. WING of Auburn: Mr. Speaker, I desire to speak against the motion of the gentleman from Portland (Mr. Decker.) There is in the city of Auburn a very substantial industry known as the Turner Center Creamery which is officered by Maine people. Its affairs are administered in the interests of the farmer. I am informed that these people, who are my neighbors, and I may say my friends, are in favor of this measure; that they are unwilling to be a party, as I understand it, to buying milk by the pint or the quart and selling it in a ten-ounce bottle. Now if the farmer man says that this bottle is all right, and that the bill as amended is all right, and if the industry which is based on the activities of the farmer says it is all right, what is the thing to do? Shall we take the word of somebody who wants to flood the world with ten-ounce bottles or the word of the men interested in the industry? I hope the motion of the gentleman will fail, and that the bill as amended will have passage.

Mr. Decker was granted permission to address the House for the third time.

Mr. DECKER: Mr. Speaker, I would like to say to the members of the House that I think there is a nigger in the woodpile at the present time. The farmers are not furnishing bottles for the Turner Center Creamery. I see no reason why this corporation should prevent the citizens of Portland, as I stated before, from having a better trade on milk and giving the farmers a bigger opportunity to dispose of their milk. It is making the farm industry produce more milk at the same price that the farmer gets for the eight-ounce bottle or the equivalent to fill an eight-ounce bottle. The Turner Center Creamery does not want the bother of this extra bottle; and I feel that the motion to indefinitely postpone should prevail.

Mr. WING: Mr. Speaker, I am no nigger in the woodpile. (Laughter.) I am in favor of paying just as much for the milk that I drink as anything else that I need and pay for, and I am not in favor of buying milk by the pint or the quart and selling it to the citizens of Portland, who are apparently the only persons here who desire this in ten-ounce bottles, when a great industry which provides wages and which dispenses money,

states that it does not want any such measure as this. (Applause.)

Mr. McKNIGHT: Mr. Speaker, I was rather surprised that the gentleman over there should say that there was a nigger in the woodpile. He seems to want to bring out the fact that the Turner Center Creamery are the only people against this. I say to you now that every time you put a different bottle on the market, you throw difficulties in the way of the farmer. It does not make any difference to me as a farmer what the Turner Center people want. I am looking after my own interests. I know when you start in to have several different grades of bottles for putting up milk, you cannot handle those bottles as easily and cheaply—the six or eight—as you can the one or two. The Sealer of Weights and Measures are against this proposition. There was some argument in regard to selling this ten-ounce bottle and making them think they were getting more than they really were. That is why the amendment was put on. I certainly hope the motion to indefinitely postpone will not prevail.

Mr. INGRAHAM: Mr. Speaker, I move the previous question.

The SPEAKER: The previous question is moved.

Mr. BISSETT of Portland: I ask for a division.

The SPEAKER: A division is requested. As many as are in favor of the Chair entertaining the previous question will rise and stand until counted and the monitors will return the count.

A sufficient number arose.

The SPEAKER: As many as are in favor that the main question shall now be put will say aye; those opposed no.

A viva voce vote being taken the previous question was ordered.

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

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

The SPEAKER: The motion now before the House is that of the gentleman from Eliot, Mr. Staples, that the report of the committee be accepted.

The motion prevailed and the bill had its first two readings; and on further motion by Mr. Staples Senate Amendment A was adopted in concurrence.

On further motion by the same gentleman the rules were suspended and the bill had its third reading and was passed to be engrossed as amended by Senate Amendment A in concurrence.

From the Senate: Report of the committee on legal affairs reporting "ought not to pass" on bill an act relating to pecuniary interest of public officers in public contracts (S. P. 421) (S. D. 192).

Comes from the Senate the bill substituted for the report and passed to be engrossed as amended by Senate Amendment "A".

In the House, on motion by Mr. Hawkes of Standish, the bill was substituted for the report in concurrence with the Senate.

Thereupon the bill had its two several readings.

(Senate Amendment A read.)

On further motion by Mr. Hawkes Senate Amendment A was adopted in concurrence, the rules were suspended and the bill given its third reading and was passed to be engrossed as amended by Senate Amendment A in concurrence.

From the Senate: Bill an act concerning the financial responsibility for damages caused by the operation of motor vehicles (H. P. 1255) (H. D. 577), which was passed to be engrossed in the House 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. Crockett of Hollis, it was voted to reconsider the action whereby this bill was passed to be engrossed.

(Senate Amendment A read.)

On motion by Mr. Crockett Senate Amendment A was adopted in concurrence; and on further motion by the same gentleman the bill was passed to be engrossed as amended by House Amendment A and Senate Amendment A in concurrence.

Orders

On motion by Mr. Piper of Jackman, it was

Ordered, that the thanks of the House of Representatives of the 83rd Legislature is hereby tendered to

Charles E. Dustin, superintendent of buildings, for his many courtesies, his patient treatment of the demands of the House and his ever willingness to attend to the wants and comforts of its members and citizens attending the sessions of the Legislature; that the Clerk of the House deliver to Mr. Dustin a certified copy of this order as a further mark of the esteem in which Mr. Dustin is held by the members of this House. (Applause.)

Reports of Committees

Mr. Pike from the committee on ways and bridges reported ought to pass on resolve in favor of Masardis bridge in the town of Masardis, Aroostook county, H. P. 1313.

Report read and accepted, the resolve had its two several readings under suspension of the rules; and on motion by Mr. Dudley of Castle Hill, was passed to be engrossed.

Majority Report of the Committee on Agriculture on bill an act providing for edible meat products when properly inspected (H. P. No. 438) (H. D. No. 114) reporting same in a new draft (H. P. No. 1328) under title of "An Act authorizing the sale of edible meat carcass or any edible meat product in any part of the State when properly inspected and marked" and that it "Ought not to pass"

Report was signed by the following members:

Messrs. BUZZELL of Oxford
LORD of York

—of the Senate
FARRINGTON of Jay
CRAWFORD of Houlton
ROBIE of Gorham
NORWOOD of Warren

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

Report was signed by the following members:

Messrs. BRAGDON of Aroostook

—of the Senate
STURGIS of Auburn
GILLESPIE of Meddybemps
CARLETON of Winterport

—of the House
Mr. STURGIS of Auburn: Mr. Speaker, I move the indefinite postponement of this bill. At the beginning of the session the bill came before the House, was sent to the committee, and the committee voted unanimously, or nine to one, for the indefinite postponement of this matter. For some reason, best known to some

people, that was taken out and has been jockeying around this House and the Senate from that time until the present. I understand there were at least seven lawyers employed and working on this bill to put this by and blindfold the people. I do not know but that is all right. I may be all wrong; but I do not know of any bill that has had more jockeying. I have been here three sessions. This is the first time I have been approached by anyone saying "Here, you help me on this, you change your mind, and I will see that your bill goes through." That may be all right, but it is not the way I was brought up.

This is to help two firms in York County. There is a ruling in Portland that no edible carcass can be sold there unless it has the head on and the liver and the lungs in. You can imagine that part of it! I will not enlarge on that. There is a man in York County who has five hundred sheep. And by the way this man came down here and in the lobby he has worked with the Senate and the House. I went to some of the Senators. "Why," they say, "We are for it; it's no use to do anything." And by the way I was told they hoped it would be killed in the House. Now this man has five hundred sheep; and he told me he wanted a chance to sell his lambs in Portland. Now there are Saco and Biddeford and Sanford and Boston for him to sell him lambs in. He said he sold fifty lambs a week. Now I have had a few sheep but I did not know they had lambs the same as mice and rats; (laughter) but according to his statement, they must do so. He is going to slaughter and pack lambs in Portland—five hundred a week. Now you can imagine how many lambs those sheep will have to have in order for him to carry out his project.

Now it is penalizing the whole State. I was talking with Commissioner Washburn day before yesterday, and he said "It is queer to me that they should try to pass a general law for the State of Maine in order to help two parties down in York County, Mr. Lunt and Mr. Bragdon. He may have a hold on someone, but I am not sure; you may take that for what it is worth. There is not a farmer in York County who can sell meat in Portland under the present law. I won't take much of your time because I know you want to go home

and don't want me to talk all day. I will read from the new draft: "When the slaughter of such animal and the handling, storage, transportation, manufacture or preparation of such carcass, part of such carcass, or edible product derived therefrom, shall have been done at an establishment or place approved by and operated under the supervision of an inspector of the Division of Meat Inspection of the Bureau of Animal Industry of the United States Department of Agriculture."

Now you understand that if a man wanted to sell a loin out of his poor old hog and eat the rest of it, he could not sell it in Portland under this law; because he has to have that hog butchered in a place approved and operated under the supervision of an inspector of the division of meat inspection of the Bureau of Animal Industry of the United States Department of Agriculture. Just think of it! The farmers have a little common sense. They know what it would put on the farmer. Now they say I am a queer fellow, and I guess I am. I believe in a square deal; and to penalize the whole State in order to get two by, I think is unjust. They tell you this applies only to Houlton and Portland, but they can make the same work in Lewiston and Auburn. We have four establishments in Auburn doing a big business. One of them has two inspectors, and Mr. Penley told me on Monday that he hoped this bill would not go through. He said that ultimately it may put the others out of business. At the present time they have got a good business there, and they are working along well and they are very careful of their methods in handling these products I hope this will be indefinitely postponed.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, a good deal of reference has been made here to York County. Now I feel this way about York County—that if we have got a man in York County that is a good friend to Maine and is trying to help the State out, why not let him do it? Now we have got a man out there who has bought five hundred sheep. With all due respect to Mr. Sturgis, he thinks it does not amount to anything to this man. You can see where it does amount to something. You have raised \$50,000 in this State this year to advertise the State of Maine. You

have tried your best in the last four years, to say the least, to get everyone you could to raise sheep. Now this man has undertaken to raise sheep. George Shaw's people—George Shaw in Portland—go to this man and wish to buy his lambs. He cannot buy those lambs unless they are properly inspected by an inspector chosen or delegated by the United States Meat Inspector. Now you are going to say that he cannot sell those lambs in Portland. Mr. Sturgis says "sell them in Biddeford." How many lambs do you suppose they could sell in Biddeford? That is absurd. He can talk all he wants to and make you laugh and feel all right about it; but here is a man who is trying to do business.

Now this does not affect anyone in the State of Maine except the man who wants to be affected. I will say to Mr. Sturgis today that he cannot kill his pig and sell it in Portland unless it has got the United States stamp on the inside rib. Now if he comes down there to see an inspector and tells him "I have a hog that I want to kill and I want you to come up and see that hog and I will sell it in Portland, that man will stamp that rib, and then he can sell it in Portland. If it is not stamped, he can go to Augusta and sell it, and he can go to Hallowell, and he can go to Gardiner, or any place in this State and sell that rib without inspection except in Houlton and Portland. If you have a man who wants to sell in Portland, will you say to him "If you want to hire this inspector, you can do it." That is all there is to it. Why does Mr. Penley have an inspector? So that he can sell his products in Portland, and without that inspector he cannot sell them in Portland. He cannot sell a keg of lard in Portland that is not marked on it "Government Inspected." Now Mr. Sturgis knows, but he has got that idea just the same as I have the idea about pleasure cars—that they should not come in—you all said they had to come and they are coming in. He is trying to show you that we can produce lambs in the State of Maine as cheaply as in Chicago. Sturgis says "don't let him stamp them, and then you cannot do it." There is nothing reasonable about that, gentlemen, and nothing fair, Mr. Penley wants to pay for his inspector and is

willing to pay for him for the sake of getting his lambs into Portland. Mr. Sturgis says "Send them to Boston." They have got to be inspected just the same. Unless they bear the mark he cannot sell them anywhere out of the State. When he carries them out of Maine, he must have them inspected.

Now he says this will affect every farmer. It will not affect any farmer who does not want to take his product into Houlton or into Portland. If he does want to take it in with or without this, he has got to have it stamped by that inspector. Now, gentlemen, there is nothing I can see about this that is unfair. He speaks of the lawyers he has been to. It is a fact he has been to the lawyers and tried to have this thing fixed. In the last attempt he went, I think, to the Attorney General who read it all through and said "I cannot see that that will affect one man except the one who wants to sell in Portland and Houlton." That is my understanding of it.

The last section, section 8, says "This act shall not be construed to require inspection, as above provided, in the towns, cities and village corporations of the State of Maine where, at the time of the passage of this act, no inspection is required." That is all it refers to—the place where they require inspection and; and if a man is willing to pay for his inspection, why not let him do it if he can? I hope the motion of the gentleman from Auburn, Mr. Sturgis, will not prevail.

MISS LAUGHLIN of Portland: Mr. Speaker, is this bill in a new draft, and if so, may I have the number of it?

The SPEAKER: The Chair will state that the new draft is not printed. The old draft is House Paper 438, House Document 114.

Mr. PATTERSON of Castine: Mr. Speaker, may I request that the bill be read.

The SPEAKER: The Clerk will read the bill.

Mr. WING of Auburn: Mr. Speaker, is it the new draft or the bill which is to be read?

The SPEAKER: The new draft. (The new draft was read by the Clerk).

Mr. WING: Mr. Speaker, I wish to support my colleague (Mr. Sturgis),

and I desire to read into the records two letters. Here is a letter from the Lee W. Davis Company, slaughterers, commission merchants and wholesale dealers in beef, pork, lamb, veal, sausage, poultry and produce.

"Auburn, Maine,
48 First Street
April 11, 1927.

Hon. George C. Wing, Jr.,
House of Representatives,
Augusta, Maine.

Dear Sir:—

Referring to the new draft on the bill an act authorizing the sale of edible meat carcasses or any edible meat product in any part of the State when properly inspected and marked.

We wish to make it plain that we are not against inspection but, rather, would favor it under certain conditions, the principal one being that if the State of Maine wants to pass an inspection law, let the State pay for same as the government does under similar circumstances. We are in competition here with Swift & Co., Armour & Co., western packers, and E. W. Penley, a local slaughterer and packer, who are all under U. S. government inspection which is paid for by the government.

If this bill goes through and we are obliged to pay for inspection, especially as stated in section 4 of the bill, with no restriction as to the cost of same, it will more than likely put a number of local packers out of business.

This bill will also impose a hardship on the farmers of this State upon whom we depend to a large extent for the meat which we handle.

We would therefore respectfully request that you vigorously oppose the passage of this measure.

Very respectfully,

LEE W. DAVIS & COMPANY,
By C. E. Lewis, Mgr."

Now here is another letter directed to me as follows:

"Littlefield & Sons Co.,
Auburn, Maine,
April 11, 1927.

Rep. Geo. C. Wing, Jr.,
Augusta, Maine.

Dear Sir:—

The bill known as 'authorizing the sale of edible meat produce in any part of the State when properly inspected and marked' and the new redraft which applies to this bill—if this bill should be passed, one can see readily how easy it would be for a local board of health to pick this beginning up and

carry it a little further which would give them UNLIMITED right to establish any amount of fees and any schedule that they might want to. It is certainly a blow to the economic side of running affairs in a business manner.

By compelling a single person or any firm to pay for its own inspection, whereas others have theirs paid for by the U. S. government, doing business in the same community, is certainly bringing on a most unfair advantage that is possible, where competition is as keen as it is now.

We feel this is just the beginning of the end of a number of small packers and butchers throughout the State that it will bear such hardship on them by this bill that eventually they will be compelled to discontinue doing business.

If Maine wants an inspection act, let her have one, where as everyone will have equal rights. Maine needs what she has, and more business, not less.

Believing this bill is unfair to the majority by large in the State of Maine, we hope you will oppose this measure vigorously.

Yours very truly,

LITTLEFIELD & SONS CO."

Now this is the new draft known as "an act authorizing the sale of edible meat carcasses or any edible meat products in any part of the State when properly inspected and marked." Now this new draft provides that this inspection be by an inspector of the division of meat inspection of the Bureau of Animal Industry of the United States department of agriculture or by an inspector appointed by the State Board of Health or by any local board of health, that is, the local board of health in your town can compel a butcher there who is going to sell two lambs and an old goat to have a veterinary surgeon who is a graduate of a college, and a D. V. S., whatever that may be, to inspect those carcasses. That is what this bill means. And that the very fees which may be charged for that are not placed in the bill. It says that the State Board of Health and the local board of health may establish such a schedule of fees for inspection as they deem necessary and adequate to meet the expense thereof.

Now I am speaking for the packing industry in my town, who are opposed to this and who are decent enough to say that if you will provide them with a fair inspection law, they will abide

by it; but they are opposed to this particular kind of legislation, which seems to be confined to certain portions of the State. If you want to pass this, all right, but I want to leave with you this idea: That this concern of Littlefield & Sons—I asked one of those gentleman how far his market was—and he told me that it was from Biddeford on one side to Dexter on the other. He is not the only one in the city of Auburn. There is the great Penley establishment, which is an establishment to be proud of; there is the Littlefield & Sons Company, and I think the Merrill Brothers Company. Now they all want to do business right; they want to do it well and decently; and they say that if you want to have an inspection law, have a good one, but don't have this kind of a one. To return to what I started in to say about this particular company, that I asked where their market was, and he told me it was from Biddeford on one side to Dexter on the other. Now that provides a place where even my friend from Kennebunk, if he wants to market his lambs and cannot offer them in Portland, he has four places in Auburn where he can offer them. Now let us be reasonable, let us be fair; and in the closing days of this Legislature, don't let us pass something that we are going to be, perhaps, sorry for.

Mr. HATHAWAY of Milo: Mr. Speaker, does this law affect a farmer who wants to kill veal or lamb, or a farmer's wife who wants to dress poultry for market?

Mr. WING: Mr. Speaker, I will read it to you, if I may, answering the question that way.

The SPEAKER: The gentleman may proceed.

Mr. WING: Reading from the bill: "Any person shall have the right to sell anywhere in the State of Maine any edible carcass, or part of any edible carcass, of cattle, sheep, goats or swine, or any edible product composed wholly or in part of the meat of such food animals, when the slaughtering of such animals and the handling, storage, transportation, manufacture or preparation of such carcass, part of such carcass, or edible product derived therefrom, shall have been done at an establishment or place approved by and operated under the supervision of an inspector of the Division of Meat Inspection of the Bureau of Animal Industry of

the United States Department of Agriculture or by an inspector appointed by the State Board of Health or by any local health board, for the purpose of making such an inspection, provided that said carcass, meat or meat product is properly stamped or marked under the direction of one of said inspectors.

"The State Board of Health and local Board of Health may establish such a schedule of fees for inspection as they deem necessary and adequate to meet the expense thereof, and any person or corporation found guilty of paying to said inspector a greater fee or of giving to said inspector any gratuity shall be punished by a fine not exceeding five hundred dollars, or by imprisonment of not more than six months, or by both fine and imprisonment."

Mr. HATHAWAY: Mr. Speaker, do I understand that this inspector must be a graduate of a Veterinary College?

The SPEAKER: The gentleman from Auburn, Mr. Wing, may answer if he wishes to.

Mr. WING: "Said inspector so appointed by the State or local Board of Health, shall be a veterinary graduate of a recognized college authorized to confer the degree D. V. S."

Mr. HATHAWAY: Mr. Speaker, I understand, then, that if some farmer in Piscataquis county wishes to slaughter a lamb or a veal, or his wife wishes to dress a chicken for the local market, they will have to send forty miles to get an inspector and the veterinary will charge them ten dollars. Is that right?

Mr. EUSTIS of Strong: Mr. Speaker, I would suggest, in answer to that question, that the gentleman read all the bill. Section 8 says "This act shall not be construed to require inspection, as above provided, in the towns, cities and village corporations of the State of Maine where, at the time of the passage of this act, no inspection is required."

Mr. WING: Mr. Speaker, that is true, but there is in the bill the right of every local board of health, and that is just what the merchants in Auburn complain of, that these local boards of health will establish local inspection. I will read what it says, to answer the gentleman from Milo: "This act shall not be construed to require inspection, as above provided,

in the towns, cities and village corporations of the State of Maine where, at the time of the passage of this act, such inspection is required."

Mr. HATHAWAY: Mr. Speaker, in our local towns we have meat inspection now. I will admit that I am thick-headed and dull, but I am trying to find out.

Mr. CRAWFORD of Houlton: Mr. Speaker, in regard to this meat inspection proposition I might say just a word. I think our town was the first in the State of Maine to pass a local rule prohibiting meat to be sold in the town of Houlton unless it had been inspected. The next place in the State to pass such a regulation was Portland. These two places in the State today are the only two places that have such local ordinances, as I understand. If this act is passed, it does not change the existing law. The law is on the books; and Houlton and Portland have, under existing law, local ordinances forbidding the sale of meat in their respective jurisdictions unless it has been inspected. This new draft simply gives to a community outside of either of these towns or cities the privilege of building and conducting a slaughterhouse under proper restrictions. As I understand it, it does not affect the farmer in the least. It does not affect any city or town in the State which at the present time, has on its books ordinances regarding meats being inspected or sold in that municipality or city. If this is passed, or if it is not passed, I do not see that it changes it one bit, because Portland and Houlton, at the present time under the present law, have made no such a ruling and are working under it.

Mr. KINSMAN of Augusta: 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 will return the count.

A sufficient number arose.

The SPEAKER: Is it the pleasure that the main question be now put? As many as are in favor will say aye; those opposed no.

A viva voce vote being taken, the previous question was ordered.

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

postponed. 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 was declared to prevail.

Mr. NORWOOD of Warren: Mr. Speaker, I ask for a division.

The SPEAKER: A division is requested. As many as are in favor will rise and stand until counted and the monitors will return the count.

A division of the House being had, Sixty-nine having voted in the affirmative and 13 in the negative, the motion to indefinitely postpone prevailed.

Mr. STURGIS: Mr. Speaker, I move that the House reconsider its vote whereby it was voted to indefinitely postpone this bill, and I hope it will not prevail.

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

Mr. Marden from the Committee on Ways and Bridges on Resolve in favor of the town of Medway (H. P. 638) reported same in a new draft (H. P. 1333 under same title and that it "Ought to pass."

Report read and accepted, and on motion by Mr. Wood of Patten, the rules were suspended, and the resolve had its two several readings and was passed to be engrossed.

Mr. Metcalf from same Committee reported "Ought to pass" on Resolve in favor of the Trustees of the Bridge between East Machias and Machiasport. (H. P. 767)

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

Passed to Be Enacted

An Act relating to the employment of guides by non-residents.

An Act relating to the State Department of Health.

An Act relating to qualification and licensing of agents of insurance companies.

An Act providing compensation for Court Stenographers upon retiring by reason of disability.

An Act to incorporate the railroad workers credit union of Maine.

An Act to amend an Act to incorporate the Stockton Springs Water Company.

An Act to provide equitable and uniform taxation for motor vehicles.

Finally Passed

Resolve in favor of the Maine School for the Deaf.

Resolve in favor of the Bath Military and Naval Orphan Asylum.

Resolve in favor of Frank R. Chesley, B. W. Blanchard and Gillin & Gillin.

Resolve in favor of bridge in the town of Clinton.

Resolve in favor of Depot Bridge between the towns of Baldwin, Cumberland County, and Cornish, York County.

Resolve in favor of Molunkus in the town of Bethel.

Resolve in favor of Piscataquis River Bridge in the town of Howland, Penobscot County.

Resolve in favor of Old Toll Bridge Bridge in Macwahoc Plantation, Aroostook County.

Resolve in favor of Sebec Village Bridge, Sebec, Piscataquis County.

Resolve in favor of Hiram Bridge in the town of Hiram, Oxford County.

Resolve in favor of Upper Bridge in the town of Frankfort, Waldo County.

Resolve in favor of Murtagh Hughes of Bangor to reimburse him for loss sustained in construction of State Highway at Edgecomb.

Resolve to reimburse the town of Phippsburg for expenses incurred in fighting forest fires by the State Militia.

Resolve in favor of H. H. Havey and Bradbury Smith to reimburse them for loss under highway construction contract.

Resolve to compensate Augustus A. Gilbert, a farmer of Brewer, for a cow shot by a hunter.

Resolve appropriating money for the purchase of additional real estate for the State School for Girls.

Resolve in favor of State School for Girls.

Resolve in favor of the State Reformatory for Men for the completion of a building, now in process of erection.

Resolve in favor of the State School for Boys.

Resolve in favor of the State School for Girls at Hallowell.

Resolve in favor of the State Reformatory for Men for maintenance, personal services, repairs and equipment.

From the Senate: Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on bill an act to provide for the completion of the vital records of the State (H. P. 1253) (H. D. 568) reporting that a majority of each committee is in favor of the passage of the act providing the House Amendment A to House Document No. 568 is adopted. (Signed:

Messrs. MINER of Washington
MITCHELL of Aroostook
BRAGDON of Aroostook

—Committee on part of Senate

ROUNDS of Portland
COMINS of Eddington

—Committee on part of House
Comes from the Senate read and accepted.

In the House:

Mr. GREENLEAF of Auburn: Mr. Speaker, may we have the amendment read?

(House Amendment A read)

Mr. GREENLEAF: Mr. Speaker, what is the status of the bill at present?

The SPEAKER: On April 5, in the Senate, it was passed to be engrossed, and the House later indefinitely postponed the bill. A committee of conference was asked for by the Senate and the House insisted and appointed a committee of conference, and the committee of conference is now reporting back House Amendment A which has never been offered in the House.

Mr. GREENLEAF: Mr. Speaker, what would be the proper motion?

The SPEAKER: The gentleman from Auburn, Mr. Greenleaf, moves that the House reconsider its action whereby the bill was indefinitely postponed.

Mr. VAIL of Hodgdon: Mr. Speaker, I ask for a division.

Mr. ALDRICH of Topsham: Mr. Speaker, may I ask at this time if a motion will be in order for the House to adhere?

The SPEAKER: The Chair will state that it would.

Mr. ALDRICH: Mr. Speaker, I make that motion.

The SPEAKER: The gentleman from Topsham, Mr. Aldrich, moves that the House adhere.

Mr. GREENLEAF: Mr. Speaker, it might be well to state at this time that this amendment distributes this work through the next ten years. It does not rush anything onto anyone in a short space of time. This

bill also allows for the completion of the records of the State for the cities of Augusta and Hallowell and also town of Topsham under the present system.

Mr. ALDRICH: Mr. Speaker, I will state my reasons for making the motion I did. I may say that the vital statistics of the State have been compiled under the general statute, or a part of them, which provides for an appropriation not to exceed \$3000 a year. The Legislature has been appropriating \$1,000 a year and the statistics have been compiled in different towns and have been gradually printed by the State or by those who were compiling them. My interest in this bill lies in this fact,—that acting under that general statute people in Hallowell, Topsham, and I think in several other towns which are mentioned in Section 5, have already compiled those statistics so that they are ready for printing. And this bill specifically excepted those towns where the work had been done; and I may say, in passing, that it was done much more satisfactorily than it will ever be done by any town clerk under this bill. I know, so far as the town of Topsham is concerned, that the lady who has been doing the work there has gone around in the graveyards and among the church records; and it would be a matter of pride to me, and I think it would be a matter of very great value to this State, that her records should be retained.

The proposed amendment, as I heard it read, cuts out the section 5 which excepts those towns from the provisions of this bill. And that is what I object to, because that work has already been done. And by the bill as originally offered here, and with section 5 attached, the State could receive the benefit of work already done by those towns and by the individuals in those towns under this general statute.

Mr. McKNIGHT of Poland: Mr. Speaker, I wish to say, in regard to these vital statistics, that this was turned down in the House by a vote of seventy to twenty-three or twenty-nine, I don't know which. Now the gentleman from Topsham, Mr. Aldrich, says that this bill had an amendment. The bill is not in any better form now than it was before, and I am as much opposed to it now as I was before. There is no use in trying to get these town clerks to go out and get these

vital statistics. If there is anyone interested enough or any society that can get them, well and good. I am opposed to having this work put upon the town clerks of the little towns in this State, and I hope that the motion of the gentleman from Topsham (Mr. Aldrich) will prevail.

Mr. ROUNDS of Portland: Mr. Speaker, as a member of the committee of conference, I want to say this,—that it is true that they have started some work in Hallowell and Topsham. But they have spent now more than it would cost for the whole State, and they have got nothing. They want to have it printed and the State do the whole business, and there is no knowing what the expense will be. I asked the people who came to see me and others on the committee if these patriotic societies would do it for nothing. "Oh, no! They have got to have pay for it." They are all trying to get their hands into the Treasury, but we put it down that no town need to do it unless it wanted to, and we expect to pay for all that has been done in Topsham, Hallowell and Augusta, and places where it has been done. It can be compiled with a card index here in the State House so that anybody who wants it can come and see this index, and they will charge fifty cents for a certified copy.

In 1908 the city of Portland lost its records altogether. Probably at the present time we would have some three or four hundred thousand to be compiled there; and it is quite a job, to be sure. But if the city government sees fit to do it, they have a right to do it. There is no obligation whatever to do it. Whatever has been done will be paid for by the State; and then let them go and do just the same as the other towns and not have their towns compiled. If they were compiled, it would take a brick block to keep the books in! We have got a library pretty nearly full now, and we have not got but three or four towns started. I do not know what it will be when we get them all. But a card index can be filed in the Department of Health and the whole business would be so that anybody could look at it who wanted to or they could send and get a certified copy of it. In that way everybody would know just where the genealogy of their family was and anybody could go ahead and get their genealogy from the graveyard, as

the gentleman has said, or anywhere else as they have a mind to.

Mr. ELLIS of Fairfield: Mr. Speaker, I understand that under the present law it would take for the whole State about eighty years to accomplish this proposition, and even at the expense of the present time of \$1,000 a year there is quite an expense attached to it.

Miss LAUGHLIN of Portland: Mr. Speaker, it seems to me it is very important that we should complete the vital statistics of this State. The amendment read here this morning gives a period of ten years to complete them, and I would like to say to the gentleman from Topsham (Mr. Aldrich) that I agree with him that the work that has been done in Hallowell and those other places has been done in a most excellent manner. I have been told by the person to whom he refers in Hallowell that she has gone about gathering the vital statistics and found some valuable records, some even in the kitchen of the town clerk. In some places they were dragged out of a safe or some other piece of furniture in the house. These valuable records cannot be replaced. It does seem that we might pass a bill which leaves it discretionary where it says "may" instead of "shall" under this amendment. In this way the objections to this amendment raised in the House at the time this bill was discussed have been taken out. It has been made "may," and it does provide a way by which we may preserve the vital statistics in this State. As the gentleman from Portland (Mr. Rounds) has said, the records in Portland have been lost by fire, and it is too bad to have these records kicking about in so many different places in these little towns. I hope that the motion of the gentleman from Auburn (Mr. Greenleaf) will prevail so that we may adopt this amendment and provide a way to put in form the vital statistics of the State.

Mr. GREENLEAF: Mr. Speaker, I move that we recede and concur with the Senate.

The SPEAKER: This motion takes precedence to the motion to adhere, so that the question now before the House is upon the motion of the gentleman from Auburn (Mr. Greenleaf) that the House recede and concur. As many as are in favor of this motion will say aye; those opposed no.

A viva voce vote being taken, the motion to recede and concur prevailed.

On further motion by Mr. Greenleaf the action of the House on April 5th whereby this bill was passed to be engrossed was reconsidered under suspension of the rules.

On further motion by the same gentleman the report of the conference committee was accepted and the committee discharged.

Mr. GREENLEAF: Mr. Speaker, I move that House Amendment A be adopted.

Mr. HALE of Portland: Mr. Speaker, I would like to inquire whether House Amendment A changes the word "shall" in line three of section three to "may." I want to be sure for I think it is important.

The SPEAKER: The amendment reads: "Amend Section three by striking out in the third and fourth lines of said section the words 'shall within such reasonable time,' and inserting in place thereof the words 'may within ten years.'"

Mr. HALE: I thank you.

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

From the Senate: Report of the committee of conference on the disagreeing action of the two branches of the Legislature on bill an act relating to pension for the blind, H. P. 1226, H. D. 518, reporting that the Senate recede and concur.
(Signed)

Messrs. SPEAR of Cumberland
DRAKE of Sagadahoc
MORRISON of Franklin

—Committee on part of Senate
BISSETT of Portland
BROWN of Bethel
BAILEY of Harmony

—Committee on part of House
Comes from the Senate, read and accepted.

In the House, report accepted in concurrence.

Reports of Committees

(Out of order)

Mr. KINSMAN from the Committee on Inland Fisheries and Game on bill an act to create a game sanctuary in the county of Knox to be known as the Camden Game Preserve (S. P. 127) together with remonstrances (H. P. Nos. 911, 912, and 913), reported that legislation thereon is inexpedient at this time.

Same gentleman from same Committee reported "Ought not to pass" on bill an act relating to closed season on deer in Somerset county (H. P. 976) (H. D. 315)

Mr. FLINT from same Committee reported same on bill an act relating to the protection of moose (H. P. 659) (H. D. 184) as the subject matter has been incorporated in another bill.

Mr. MacKINNON from same Committee reported same on bill an act relating to the protection of deer in the eight northern counties of the state (H. P. 709) (H. D. 190) together with petition (H. P. 175) as part of the subject matter has been incorporated in another bill.

Same gentleman from same Committee reported same on bill an act relating to the trapping of fur-bearing animals (H. P. 1008) (H. D. 337)

Mr. BUKER from same Committee reported same on bill an act for the protection of deer in Cumberland county (H. P. 661) (H. D. 186)

Mr. WOOD from same Committee reported same on bill an act relating to closed time on deer in Hancock county (H. P. 228) (H. D. 57) together with petitions H. P. Nos. 229, 231, 230 and 232, as the subject matter has been incorporated in another bill.

Mr. STONE from same Committee reported same on Resolve in favor of screening pond in the river in Oxford county, so-called (H. P. 857)

Reports read and accepted and sent up for concurrence.

Conference Report

Report of the committee of conference on the disagreeing action of the two branches of the Legislature on concurrent resolution memorializing the Congress of the United States to abolish the Federal Estate Inheritance Tax, M. D. 111, reporting that the committee has been unable to agree.

In the House, report read and accepted.

Orders of the Day

(Mr. Brewster of Dexter assumed the Chair, amid the applause of the House, the members rising)

The SPEAKER pro tem: Under tabled and today assigned the Chair lays before the House bill an act to provide for the retirement of highway and bridge bonds, H. P. 1332, tabled by Mr. Littlefield of Kennebunk, April 13, pending reference to a committee, and the Chair recognizes the

gentleman from Kennebunk, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, as I understand it, the road program is still in the air. This act was simply introduced by me to help take care of the road program. If this should be acted upon in any way now, we might act wrongfully; so I would ask, Mr. Speaker, that this bill lie on the table.

A viva voce vote being taken, the bill was retabled.

The SPEAKER pro tem: The Chair lays before the House an act relating to the taking of square-tailed trout in the county of York, S. P. 646, S. D. 380, tabled by Mr. Deering of Saco, April 13, pending passage to be enacted; and the Chair recognizes the gentleman from Saco, Mr. Deering.

Mr. DEERING: Mr. Speaker and members of the House, I shall move the indefinite postponement of this bill for the following reasons, and I will try and be as brief as possible.

The original bill which was presented to the Legislature was entitled "An act relating to size and catch of square-tailed trout." In that bill there was absolutely no reference to any county. It was a general bill affecting the entire state of Maine, and therefore the people of York county did not feel it necessary to oppose it. I felt that there was absolutely no chance of its ever being brought out ought to pass. I don't know who the author of the bill was and it makes no difference, but when reported out from the committee, the bill reads as follows: "An act relating to the taking of square-tailed trout in the county of York."

Be it enacted by the people of the State of Maine as follows:

So much of section nineteen of chapter two hundred and nineteen of the public laws of nineteen hundred and seventeen as prohibits the taking of square-tailed trout less than six inches in length, in brooks and streams in York county which are open to fishing, is hereby repealed."

In other words you are passing a law which will allow any one to catch what would eventually be a trout if it had time to grow up. The State of Maine is now liberating in York county waters fifty thousand trout in each year for which the people of the State of Maine are paying, and I do not feel that the people of the State of Maine are in accord with the taking off of the limit

and making it legal for anyone to go out and catch trout which are nothing more or less than fry.

I have a telegram from the York County Fish and Game Association which reads as follows: "Two hundred fifty members of the York County Fish and Game Association object strenuously to the passage of the proposed bill to remove six inch length limit on trout in York county. You are requested to lend your aid in defeating this bill. (Signed) Harold Angelle, Pres." I cannot help but feel that owing to the vague title of this bill that the people who are interested in preserving our fish and game in York county have not had a chance to appear before the committee on Fish and Game. Therefore I ask this House to support me when I move the indefinite postponement of this bill.

The SPEAKER pro tem: The motion before the House is the indefinite postponement of this bill.

Mr. KINSMAN of Augusta: Mr. Speaker, as House Chairman of the committee on Inland Fisheries and Game, I fully agree with the gentleman from Saco, Mr. Deering, and I hope that his motion will prevail.

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

The SPEAKER pro tem: Under tabled and unassigned the Chair lays before the House majority report of the committees on Ways and Bridges and Taxation on bill an act relating to a mill tax, reporting same in a 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 same committees reporting ought not to pass on same bill, tabled by Mr. Kitchen of Presque Isle, April 12, pending acceptance of either report.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, Mr. Kitchen is ill and not able to be present and requested me to represent him on this matter. At this time it becomes necessary for me to make a statement representing the House Chairman of the ways and bridges committee and to call your attention to the proposed pay-as-you-go program which each member will find, I think, on his desk.

Regarding this measure I wish to say that it becomes necessary to pass certain legislation and to make certain motions on these mat-

ters, especially the one pending, if the program as outlined on your desks is to be accepted by the House. This program I wish to say has been approved by the following letter from the Governor addressed to the Senate Chairman of the Ways and Bridges committee, and with your permission, Mr. Speaker, I will read the letter from the Governor.

"STATE OF MAINE

Office of Governor

April 14, 1927.

My dear Senator Smith:

With the road program for the next two years now proposed by the Committee on Ways and Bridges I am in most hearty accord.

The increase of one cent in the gasoline tax seems to me warranted and wise. With Massachusetts at two cents and New Hampshire and Vermont now at three cents the price of gasoline in Maine would be far less a matter of comment to our visitors than it was a year ago. These visitors pay approximately one-third of such a tax and relieve our own citizens to that extent. The enjoyment of Maine scenery and Maine roads is worth a cent more than in any of our sister states. An additional half-mill tax for road purposes effective in two years recognizes the substantial sentiment that exists in this Legislature for further direct taxation for our highways. With this view I have not agreed but its inauguration in this tentative way will offer occasion for its serious consideration by the people of Maine in the next two years.

Meanwhile we are practicing what a good many have preached by imposing what in substance amounts to an immediate direct tax to a limited extent for road purposes through the medium of the proposal to take \$150,000 in each of the next two fiscal periods for the road program from the existing surplus. This would otherwise be available for lowering the state tax and represents the maximum contribution that could be made from this source consistently with the plans of the committees on finance to use this fund also to secure a state tax of 6 1-2 mills which will represent a reduction of nearly ten percent.

The contingent provision of road funds from any future surplus revenues, not otherwise appropriated, is in accord with sound finance. Sinking fund requirements are amply taken care of for the next six years.

Thereafter much less money will be required from direct taxation for retirement of bonds than is now being contributed by the taxpayers of the State.

This Legislature is in a fair way to establish a record.

The provision for the housekeeping expenses of the departments and institutions is the most generous in the history of the State. A very ample program of new construction has been assured.

For highway purposes there is being provided \$2,000,000 more each year than in any year before 1926 without the authorization of any additional bonds.

As a result of the existing cash surplus of \$1,000,000 it is possible to carry out this program and at the same time reduce by nearly ten percent the direct tax levied upon the citizens of Maine. They will assuredly rise up and call us blessed.

Very truly yours,

(Signed) RALPH O. BREWSTER."

The question of the road program has been amply discussed. As a member of the Ways and Bridges committee I propose to offer no arguments in its behalf. It is the program as presented to you by the Ways and Bridges committee. It is for you to do with as you see fit. We claim no superiority in wisdom or judgment. We simply submit to you the result of our labors and leave it to you to accept or reject or substitute some other plan if that seems wise. We simply leave it to you with our ideas.

In conformity with that it becomes necessary to move, in regard to the matter now pending, the acceptance of the report of the minority ought not to pass, and, Mr. Speaker, I so move.

Mr. LAIT of Old Town: Mr. Speaker, I would like to ask a question of any member of the House as to whether this one million dollar surplus was spoken of in the message which is delivered by the member from Dover-Foxcroft. Is the million dollar surplus available in the State Treasury at the present time, or is this million dollar surplus spoken of a surplus that was set out of the sinking fund two years ago by this Legislature?

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

Mr. MERRILL: Mr. Speaker, I would request that the gentleman from Saco (Mr. Deering) who has been in most intimate touch with the

finances of the State answer in my stead.

Mr. DEERING of Saco: There is in the treasury \$1,044,000 sinking fund reserve. There is no other surplus in State funds to my knowledge. There is one fund and only one, \$1,044,000 sinking fund reserve. Does that answer the question?

Mr. LAIT: Yes, sir. I wish to go on record at this time as being opposed to this measure. This would be a direct tax. It would not be a reduction in tax except by the use of a fund that was set up by this Legislature. If we are to decrease taxes we should decrease them out of regular funds coming in. I therefore at this time wish to oppose any motion to increase taxes or any direct tax that would eat up that surplus fund. As Mr. Deering has said, I find that outside of that million dollars that was set up, that that million dollar surplus is not a surplus but was set up by the sinking fund two years ago. It is a camouflage. We are trying to camouflage this decrease in taxes to the people. I believe that the taxes can be reduced without any camouflage. I believe that this tax can be reduced to five mills by proper method, and I therefore oppose the motion of the gentleman from Dover-Foxcroft, Mr. Merrill.

Mr. DEERING: Mr. Speaker, if the House will permit me, I think the gentleman from Old Town (Mr. Lait) is debating the wrong question. The motion of the gentleman from Dover-Foxcroft (Mr. Merrill) was on the indefinite postponement of bill an act relating to a mill tax for highway purposes and for the use of any money available from any fund; and for that reason, and carrying out I think the idea the gentleman from Old Town wished to express of opposition to an increase in the tax rate, I feel that he is looking at two issues. One, a direct levy of taxation which the gentleman from Dover-Foxcroft has moved to indefinitely postpone, and the other the use of a sinking fund reserve. The two are not linked together. With the expectation of the passage of the act creating a half mill tax, there is no question but what this Legislature will adjourn with an increased tax rate of two years ago; and for that reason I wish to support the motion of the gentleman from Dover-

Foxcroft to indefinitely postpone any mill tax for highways.

Mr. LAIT: Mr. Speaker, I did not understand that the motion was to indefinitely postpone House Document 626. Was that the motion that the gentleman from Dover-Foxcroft made?

The SPEAKER pro tem: As I understand the motion, it was to accept the minority report of this committee.

Mr. LAIT: I did not understand, but answering Mr. Deering in regard to the increase in State tax, will this increase in state tax also take up the sinking fund set aside two years ago by this Legislature?

The SPEAKER pro tem: The gentleman from Saco may answer if he desires.

Mr. DEERING: Will the gentleman repeat his question?

Mr. LAIT: You said there was no question but there would be an increase in the State tax, and I wish to know whether there would be an increase in the State tax plus spending that surplus sinking fund set aside two years ago.

Mr. DEERING: By the program outlined by the appropriations committee, there would be a reduction in the tax rate without spending one cent of any sinking fund reserve. If that program is strictly carried out to the letter there will be a slight reduction in the tax rate. The appropriations committee further recommended that a small proportion of their fund was available if the Legislature saw fit to apply for a further reduction of the tax rate. In other words it is possible if the Legislature by changing this act authorizing the treasurer and auditor to take a small amount from the sinking fund reserve, to come out of here with a tax rate of six and one-half mills.

Mr. LAIT: Then it will be necessary to take some of that sinking fund reserve in order to get that depreciation in taxes?

Mr. DEERING: No, it will be possible to come out with a very small decrease in the tax rate without touching it. The tax rate as figured by the appropriations committee if carried out by the Legislature—and it appears the way that it is acting now that it will be carried out—would figure around 6.9 mills.

Mr. LAIT: So there is no intention

of using the sinking fund reserve set up two years ago?

Mr. DEERING: Not unless the Legislature so directs.

Mr. LAIT: But the committee would not recommend it?

Mr. DEERING: The committee has recommended it for the further reduction if the Legislature shall approve.

Mr. LAIT: That would not in my opinion be a direct reduction in taxation except in a camouflaged way.

Mr. DEERING: I should say that the method of set-up would not camouflage in any way your tax rate. Your tax rate will figure 6.9, and by using any sinking fund money to further reduce, it was plainly so stated that it was taken from that fund for purpose.

Mr. LAIT: Is it the plan of your committee, Mr. Deering, in getting a depreciation of taxes to leave the sinking fund reserve as set up two years ago alone and to get this new construction as proposed by the Legislature without touching that sinking fund reserve?

Mr. DEERING: The gentleman is diverging from the question under discussion a great deal. That is another question, but with the Chair's permission I will endeavor to answer it. The Appropriation's Committee have figured an actual reduction in running the different departments and institutions of the State with the assistance of the Legislative committee which has charge of those expenditures, so that there will be a reduction in the tax rate of one-tenth of one mill without touching any reserve and at the same time carrying out the construction which has been contemplated by this Legislature. The method of financing is through unexpended and unanticipated income derived from underestimation of income in the budget of two years ago and a possible underestimation of the income for the period ending June 30, 1928.

Mr. ALDRICH of Topsham: Mr. Speaker, I rise to a point of order. I do not like to raise the point at this time, but I cannot see wherein any of this conversation that we are hearing relates to this matter that is before us. The bill as I understand it on which the motion is made relates to the assessing of a half-mill tax on this road program and

is not a question of the general state tax at all. I therefore suggest the previous question.

The SPEAKER pro tem: The previous question is called for. All those in favor of the previous question being put will rise and stand until counted and the monitors will return the count.

A sufficient number arose.

The SPEAKER pro tem: Is it the pleasure of the House that the main question be put now? Those in favor—

Mr. HAMMOND of Van Buren: Mr. Speaker, I rise to a point of inquiry. I would like to know what the motion of the gentleman from Dover-Foxcroft was.

The SPEAKER pro tem: The question before the House is shall the main question be put now. Those in favor will say aye; those opposed no.

A viva voce vote being taken, the previous question was ordered.

The SPEAKER pro tem: The previous question is that of the gentleman from Dover-Foxcroft, Mr. Merrill, to accept the minority report ought not to pass on House Document 626.

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

Mr. FOSTER of Ellsworth: Mr. Speaker, will it be in order to table this bill for an hour or so until we can get some idea of what we are voting on? I so move.

Mr. HALE of Portland: Mr. Speaker, I move that the House recess until two o'clock.

A viva voce vote being doubted,

A division of the House was had.

A sufficient number arose and the House recessed until two o'clock.

After Recess

The Speaker in the Chair.

The SPEAKER: The question before the House is on the motion of the gentleman from Presque Isle, Mr. Kitchen, that the majority report on House Document 626 be accepted. The calendar was in error, and the motion was put before the House this morning on the acceptance of the minority report and the previous question ordered upon it, but the records of the journal show that the motion should be before the House that of the gentleman from Presque Isle, Mr. Kitchen, in which he moved that the majority report of the com-

mittee be accepted. Upon this motion the previous question has not been moved.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, I move the indefinite postponement of action on this bill or the acceptance of either report.

The SPEAKER: 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,

Ninety-four having voted in the affirmative and eight in the negative, the motion prevailed.

The SPEAKER: The Chair lays before the House majority report of the committees on Ways and Bridges and Taxation on bill an act relating to a tax upon gasoline, H. P. 755, H. D. 212, reporting same in a new draft, H. P. 1304, H. D. 629, under same title, and that it ought to pass, and minority report of the same committees reporting ought not to pass on the same bill, tabled April 12 by Mr. Littlefield of Kennebunk, pending 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, I will yield the floor.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, the motion before the House, as I understand it, is to accept the majority report. I wish to say that I hope that that report will be accepted and the bill allowed to have its first and second readings, at which time I would like to offer an amendment to this bill, which has to do with the allocating of such gas increase.

Mr. LAIT of Old Town: Mr. Speaker, I wish to go on record as opposed to any measure increasing gas tax, believing that the automobile is now taxed beyond any reasonable taxation. In the first place, when you stop to consider, you pay a local tax bigger in proportion than on any other property. Now you propose to increase this three-cent tax to four cents, I, for one, am opposed to any increase in the gasoline tax unless we recede on other matters. I therefore move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Old Town, Mr. Lait, moves that

this bill be indefinitely postponed. As many as are in favor—

Mr. ROUNDS of Portland: Mr. Speaker, I want to register a protest on that of the people I represent to the effect that they do not wish a four-cent tax. As a Representative from the city of Portland, I want to say that the majority there are against the four-cent tax.

Mr. MELCHER of Rumford: Mr. Speaker, I also wish to go on record as being opposed to it.

Mr. DAVITT of Millinocket: Mr. Speaker, in my town and in East Millinocket I have been instructed to oppose any legislation in regard to an increase in the gasoline tax. Therefore I wish to go on record that I am opposed to any increase in the gasoline tax.

Mr. SMITH of Bangor: Mr. Speaker, it seems to me we have got to get taxes from somewhere if we are to begin to keep up the roads. I will be voting, probably, against my own economic interests, but I do feel that the folks who can afford to have cars and who burn up the roads should pay for it, and the tax should not be put on the people who are trying to get their children through school and cannot afford the pleasure of riding on the road. We should be willing to pay for our own pleasure and not tax the people who do not get any pleasure out of that particular expenditure, and I would like to go on record as supporting this gasoline tax.

Mr. TUCKER of Sanford: Mr. Speaker, I want to go on record as opposed. We can get at it through some other tax.

Mr. DEERING of Saco: Mr. Speaker, it was not my intention and is not my intention now to make any speech relating to the gasoline tax; but owing to the absence of Mr. Kitchen who is sick and of Dr. Merrill who has been called out, who was the spokesman for the highway program which has been placed on your desks today, I do feel that someone should come to the support of that proposition. It looks to me as if it is simply this: There is placed before you a program which is dependent upon the passage of a one-cent increase in the gasoline tax. It does not seem to me that I should go on record for or against a gasoline tax, but I will say this in support of the work of the committee

on Ways and Bridges this winter—and you can take it from me, because I have been here nights and seen the lights in their room and know they have worked until midnight night after night on this program. I feel that someone should come to the support of that committee and try, if we can, to accept their ideas.

The program laid out seems to me a fair program. It does not call for the amount of money which was expended last year or the year before; but it is a program which calls for as much money as has been expended by the Highway Department any time up to the last two years. There are a few minor things in that program with which, perhaps, I would not agree, but I feel that I must support the program as they have mapped it out. And I do now wish most heartily to support that program and if it calls for a one-cent increase in the price of gasoline, I will support that measure. (Applause).

Mr. HALE of Portland: Mr. Speaker, I am well aware, Sir, that many members of this House, very likely all the members of this House, are in receipt of communications from their constituents urging them to vote against this or that form of taxation. Of course every member of the House wants to be respectful to the wishes of the people who send him here, but at the same time I do think that we must all realize that the people who write us from the outside about this tax measure, or that one, have not given the thing a thousandth part of the consideration that has been given to this problem by the Ways and Bridges Committee and have not often been able to give the thing as much consideration as the members of this House have been able to give it.

Now the highway program of this State is a complicated matter at best. You cannot sit down and work out a method of raising and allocating eight million or so of dollars in five or ten minutes; and I think that a great many of the people who write letters to us about what to do have not given more than five or ten minutes' thought prior to writing those letters. They just say they are opposed to an increased tax. Of course they are opposed to an increased tax. I am opposed to an in-

creased tax. I agree with my colleague from Portland, Mr. Rounds, that the people there probably will not like the extra one-cent tax on gasoline.

But if I mistake not, those same people, if they ride on the Brunswick road and find a hole in it, will make as much noise about that hole as they would about the increased tax. I do not see how we are going to mend the holes in any roads without money. If somebody will produce a better thought-out, more symmetrical and better considered highway program than the Ways and Bridges Committee has produced, it is worth entertaining. But it seems to me extremely improbable, as a practical matter, that we can get anything better than the labors of this Committee, extended over a long period of time, can give us. And I am strongly in favor of this act. (Applause).

Mr. LOWELL of Lincoln: Mr. Speaker and members of the House: I will not take much of your time. It is not my purpose to weary you with any lengthy remarks in the closing hours of this session. I cannot see where this one cent of additional tax on gasoline is going to impose any great burden on the citizens of Maine. I believe it to be one of the fairest methods of obtaining road money that can be devised, fair to all, pay as you go and pay as you use. Those who take out a car and run it from early morning to late at night, let them pay—pay as you use. Now my friend, the gentleman from Old Town, Mr. Lait, is opposed to this additional one-cent gasoline tax; also to taking any funds from the sinking fund reserve. I do not know whether he is opposed to the rest of it or not, but how do we expect to build roads without any funds for that purpose?

The gentleman from Old Town would lead us to suppose that it was wrong, almost a crime, to touch the sinking fund reserve fund. The reserve fund, as I understand it, is the property of the State of Maine, of the citizens of the State of Maine, and was created and made available by a tax paid by the citizens of Maine; and I see no good or sufficient reason why, at certain times and to a certain extent, this reserve fund should not revert back

to the citizens of Maine to relieve them of a burden of taxation.

The SPEAKER: The Chair will state that it feels that perhaps the gentleman is talking a little off the motion before the House, which simply is in reference to an increase in the gasoline tax. If the gentleman will perhaps confine his remarks a little more closely to that.

Mr. LOWELL continuing: I do not know that I can carry out what I intend to say and be in order. If it be in order, I would like to say this—that each of you has on his desk a copy of the program as outlined and drawn up by the Committee on Ways and Bridges. It is the best they have to offer. If it does not meet with your approval, you may say that that Committee erred in judgment or did not possess the wisdom and foresight to draw up a good program. But do not say that they have not given it their untiring efforts and careful consideration. As I said before, if you have anything better to offer, why, we will accept it or we will stay here and fight it out. My time is not worth anything.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, the gentleman from Lincoln refers to a plan which we have on our desk. I may be out of order—if I am, the Chair will so state—but I notice in this plan, to-day's plan, there is \$140,000 to be paid from the automobile fees. I do not know what that means—for highway police. In the plan that they gave us yesterday there was to be taken out \$125,000. I would like to ask someone who knows, through you, Mr. Speaker, which one of those is right, or if they do not know, I would like to ask the Finance Committee how much they have recommended for that purpose. In other words, if it is \$125,000, that \$15,000 will immediately lapse into the sinking fund. I think Mr. Foster could tell us.

The SPEAKER: Any member may answer the gentleman.

Mr. DEERING: Mr. Speaker, there were two bills which came to the committee on Appropriations pertaining to paying the State Police out of State funds rather than out of automobile funds. One bill called for \$125,000 for the maintenance of that Department. The other bill

called for \$15,000 for new equipment and repairs beyond the equipment which they had. The Appropriations Committee did not feel they could raise that money, therefore reported on both bills "ought not to pass," leaving the financing of the Highway Police, as it always has been, out of automobile money.

Mr. LITTLEFIELD: Mr. Speaker, then as I understand it, last night the Road and Bridge Committee thought they needed \$140,000, and the night before they thought they needed \$125,000. That is the way I understand these programs.

Now as to the gasoline tax, Mr. Speaker, I cannot say what I want to and not be out of order, so I shall not take up your time to say anything because there is no use to say you are opposed to it or you are in favor of it if you cannot show why there is no need of it.

The SPEAKER: The gentleman has a right to make any statements which are material. The gentleman may proceed.

Mr. LITTLEFIELD: Mr. Speaker, I do not wish to have anyone in this room think that I am against this proposition. I do know how it can be done without it, how it can be explained to be done without it, but at this time and at this late day I do not think it would be wise for me to do it. I know that if I did it, I would get the Government down on me, and I don't want to do that. I think the best thing I can do is to let it right alone. (Applause).

The SPEAKER: The question before the House is upon the motion of the gentleman from Old Town, Mr. Lait, that this bill be indefinitely postponed.

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

Mr. EUSTIS of Strong: Mr. Speaker, I am not going to oppose the four-cent gas tax, but I wish to go on record as saying that I think I am familiar with the present state of finances, the expected revenue and the revenue in the past. It is my honest opinion that this program can be financed entirely with the gasoline tax put on the second fiscal year, giving to us plenty of chance to carry out the highway program. If that is not correct I would like to have the committee answer.

The SPEAKER: A ye and nay vote has been requested. As many as are in favor will rise and stand until counted and the monitors will return the count.

A division was had.

The SPEAKER: Twenty-four having voted in the affirmative and seventy-one in the negative, and twenty-four being over one fifth of the members voting, a sufficient number has voted, and the motion to take the ye and nay vote is carried.

The question before the House is on the motion of the gentleman from Old Town, Mr. Lait, that House Document 629 be indefinitely postponed. The Clerk will call the roll and each member will answer to his or her name as the roll is called, answering yes or no. A vote yes is in favor of the motion to indefinitely postpone; a vote no is against it.

YEA—Belleau, Boynton, Breen, Burns, Cowell, Cyr, Daigle, Davitt, Gagne, Griffin, Hammond, Jackson, Lait, Mansfield, McIntire, Melcher, Morin, Rounds, Roy, Snow, Staples, Waterville, Stone, Biddeford, Thurston, Tucker, Vail.

NAY—Aldrich, Allen, Anderson, New Sweden, Anderson, South Portland, Ayer, Bailey, Bartlett, Bisbee, Bishop, Bissett, Blaisdell, Booker, Brackett, Brewster, Briggs, Brown, Bruce, Buker, Cain, Clinton, Carleton, Portland, Carleton, Winterport, Chamberlain, Chaney, Chase, Church, Clifford, Cole, Comins, Crawford, Crockett, Deakin, Decker, Deering, Dennison, Douglas, Dudley, Calais, Dudley, Castle Hill, Ellis, Eustis, Farrington, Ferguson, Flint, Folsom, Forhan, Foster, Fuller, Gay, Gilchrist, Gillespie, Goodwin, Lebanon, Goodwin, Sanford, Greenleaf, Greene, Hale, Harris, Hathaway, Hawkes, Heath, Holbrook, Holman, Houghton, Hughes, Ingraham, Jones, Kane, Addison, King, Kinsman, Laughlin, Littlefield, Lowell, MacKinnon, Maloon, Marden, Marriner, McCart, McKnight, McLean, Mears, Merrill, Metcalf, Milliken, Morrill, Norwood, Page, Patterson, Pendexter, Pike, Piper, Powers, Rawley, Richardson, Robie, Gorham, Robie, Westbrook, Ruggles, Sargent, Saucier, Seavey, Smith, Snowman, Staples, Elliot, Stone, Bridgton, Storm, Sturgis, Sturtevant, St. Clair, Tripp, Varnum, Webber, Weston, White, Williams, Falmouth, Williams, Webster, Wing, Auburn, Wing, Kingfield, Winslow, Wood, Wyman.

ABSENT—Boston, Butler, Cram, Hamel, Kitchen, Leathers, Nadeau, Wheeler.

No 117.

Yes 25.

Absent 8.

The SPEAKER: Twenty-five having voted in the affirmative and one hundred and seventeen in the negative, the motion fails of passage.

Mr. HALE: Mr. Speaker, I move that the vote just taken be reconsidered, and I trust that motion will fail of passage.

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

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I ask leave to introduce a resolution out of order.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, asks leave of the House to introduce a resolution out of order. As many as are in favor will say aye; those opposed no.

A viva voce vote was doubted.

The SPEAKER: A two-thirds vote is required. As many as are in favor of allowing the gentleman to introduce a resolution out of order will rise and stand until counted and the monitors will return the count.

A division was had,

Eighty-two having voted in the affirmative and seven in the negative, permission was granted the gentleman from Cape Elizabeth, Mr. Chase, to introduce a resolution out of order.

Mr. CHASE: Mr. Speaker, I present the resolution and move its adoption.

Resolved, that the funds in the sinking fund reserve, so-called, are not and should not be available for any purpose other than is expressed in the law which created such sinking fund reserve.

Mr. INGRAHAM of Bangor: Mr. Speaker, I move that that resolve lie on the table.

A viva voce vote being doubted.

A division of the House was had.

Fifty-seven having voted in the affirmative and 49 in the negative, the motion to lay upon the table prevailed.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Ingraham, that the majority report ought to pass on House Document 629 be accepted. As many as are in favor of this motion will say aye, those opposed no.

A viva voce vote being taken, the motion prevailed.

On motion by Mr. Ingraham of

Bangor, the rules were suspended and the bill received two readings.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, I wish to offer an amendment to this bill and will state that the subject matter is identical with the bill, with the exception of the allocating by percentage of this additional cent gasoline money to its proper place on the program. It is a matter of the distribution of the funds wholly.

Mr. EUSTIS: Mr. Speaker, I would like to ask if this amendment proposes to take money from the so-called sinking fund to be taken care of if this order goes through?

The SPEAKER: The gentleman from Dover-Foxcroft may answer if he desires.

Mr. MERRILL: Mr. Speaker, I think there is no necessity for answering that question at the present time. We are considering now, as I understand, the gasoline measure.

Mr. EUSTIS: Mr. Speaker, if I understand the program, it calls for taking something from the sinking fund. There seems to be a very close connection between the two.

Mr. DEERING: Mr. Speaker, the amendment which Mr. Merrill is just offering is entirely an allocation or the one-cent tax which this bill calls for. The \$150,000 surplus money is not taking one dollar from the sinking fund reserve. It does not touch the sinking fund reserve one cent.

Recess

The SPEAKER: The question before the House is on the adoption of House Amendment A to House Paper 1304, the amendment having been offered by the gentleman from Dover-Foxcroft, Mr. Merrill, and the Clerk will read the amendment.

House Amendment "A" to an act relating to a tax on gasoline (H. P. 1304).

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

Sec. 1. Section two of chapter two hundred twenty-four of the public laws of nineteen hundred and twenty-three as amended by chapter two hundred twelve of the public laws of nineteen hundred twenty-five, is hereby further amended by striking out in the first line thereof the word "three" and inserting in

place thereof the word "four" and by striking out in the seventh line thereof the word "two" and inserting in place thereof the word "three," and by adding at the end of said section the following: "The increased tax provided hereby shall be due and payable on all internal combustion engine fuel held in the hands of distributors and retailers at the time this act shall become effective," so that said section, as amended, shall read as follows:

'Sec. 2. There is hereby levied and imposed an excise tax of four cents per gallon upon said internal combustion engine fuels sold within this state and for the uses defined in this act; excepting, however, such internal combustion engine fuels in such form and under such circumstances as shall preclude the collection of this tax from the distributor by reason of the provisions of the laws of the United States, or sold wholly for exportation from the state, provided that three cents of the tax so paid and no more, upon such internal combustion engine fuels sold for exclusive use in motor boats, tractors used for agricultural purposes not operating on public ways or in such vehicles as run only on rails or tracks, or sold for use in stationary engines, or sold for use in the mechanical or industrial arts, shall be refunded as hereinafter provided. The increased tax provided hereby shall be due and payable on all internal combustion engine fuel held in the hands of distributors and retailers at the time this act shall become effective.'

Sec. 2. Section eight of chapter two hundred and twenty-four of the public laws of nineteen hundred twenty-three, as amended by chapter two hundred twelve of the public laws of nineteen hundred twenty-five is hereby further amended by striking out the whole of said section and inserting in place thereof the following:

'Sec. 8. All moneys received through the provisions of this act by the treasurer of state shall be appropriated and used in the following manner, namely: eighteen and three-quarters per cent thereof for the maintenance of state and state aid highways, interstate, intrastate and international bridges; twelve and one-half per cent thereof shall be added to the balance of the fund for the construction of third class high-

ways; twenty-five per cent thereof shall be added to the fund for construction of state aid highways; it being the intention of the legislature to make this appropriation available for the fiscal year of nineteen hundred and twenty-eight forty-three and three-quarters per cent thereof shall be used for the construction or reconstruction of state highways. Any unexpended balances from the above apportionments shall not lapse but shall be carried forward to the same fund for the next fiscal year, except that any balance of the appropriation herein made for the construction of state aid highways, after allotments in full as applied for by the towns have been made yearly, shall be added to the fund for construction of third class highways. If the moneys, provided for by this section, have not been collected or for any reason are not available for the purposes herein specified, the governor and council may issue their warrant to the treasurer of state, authorizing him to advance and pay from any moneys then in the treasury not otherwise appropriated, such sums of money as they may deem necessary to carry on the construction and maintenance of highways and bridges, until such time as said moneys shall become available for said purposes, at which time all necessary adjustments may be made on the books of the state auditor and state treasurer.'

Sec. 3. Section eleven of chapter two hundred twelve of the public laws of nineteen hundred twenty-five is hereby amended by striking out in the twelfth line thereof the words "two-thirds" and inserting in place thereof the words "three-fourths" and by striking out the words "two-thirds" in the twenty-first line thereof and inserting in place thereof the words "three-fourths," and by striking out the words "ninety days" in the twenty-fourth line thereof and inserting in place thereof the words "six months," so that said section as amended shall read as follows:

'Sec. 11. Any person, firm or corporation who shall buy and use any internal combustion engine fuel as defined in this act for the purpose of operating or propelling motor boats, tractors used for agricultural purposes not operating on public ways or in such vehicles as run only on

rails or tracks, or in stationary engines, or in the mechanical or industrial arts, or for any other commercial use except in motor vehicles operated or intended to be operated upon any of the public highways of the state of Maine, and who shall have paid any tax on internal combustion engine fuel levied or directed to be paid as provided by this act, either directly by the collection of such tax by the vendor from such consumer, or indirectly by adding the amount of such tax to the price of such fuel and paid by such consumer, shall be reimbursed and repaid to the extent of three-fourths of the amount of such tax paid by him upon presenting to the state auditor an affidavit accompanied by the original invoices showing such purchases, which affidavit shall be verified by the oath of such affiant, and shall state the total amount of such fuel so purchased and used by such consumer other than in motor vehicles operated or intended to be operated upon any of the public highways of the state, and the governor and council, upon the presentation of such affidavit and such vouchers, approved by the state auditor, shall cause to be repaid to such consumer from the taxes collected on internal combustion engine fuels three-fourths of said taxes so paid by such consumer on fuels purchased and used, other than for motor vehicles as aforesaid; provided, that applications for refunds as provided herein must be filed with the state auditor within six months from the date of purchase of invoice.

Mr. WING of Auburn: Mr. Speaker, I crave information from the House Committee on Ways and Bridges, either from the gentleman who offered the amendment or any members of the committee. Does this amendment reduce the amount or the portion that is set aside for maintenance and up-keep? My impression is that it does, but I wish to be accurate in my thinking.

The SPEAKER: Can one of the gentlemen referred to answer the gentleman from Auburn, Mr. Wing?

Mr. WING: Mr. Speaker, as I followed the reading of the amendment, I understood that it was 18 3-4 per cent for maintenance. Now is that a reduction of the apportionment of the three-cent gas tax?

The SPEAKER: The gentleman is

correct—18 3-4 per cent thereof for the maintenance of State and State aid highways, interstate, intrastate and international bridges as section 8 reads.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, the gentleman from Saco, Mr. Deering, will explain to the member from Auburn, Mr. Wing, —comparing the two.

The SPEAKER: The gentleman from Dover-Foxcroft states that a statement will be shown to the gentleman from Auburn.

Mr. ROUNDS of Portland: Mr. Speaker, I thought it said "sold." Did it say "sold in the state of Maine?"

The SPEAKER: Section two reads in part as follows: "Engine fuel sold within this State and for the uses defined in this act."

Mr. ROUNDS: Mr. Speaker and members of the House: One of our largest consumers of gasoline does not buy it in the State but they sell it in the State, and I think they wear out our roads more than anybody. They have heavier trucks than anybody else, and they have over five hundred machines and they get out of paying a tax, as I understand it. I think they should pay a tax as well as the little fellow who owns the Ford. I am alluding to the Standard Oil, the Mexican Oil Company and the Gulf Refinery.

The SPEAKER: The Chair will state that House Document 629 would appear to be the same, at least as to that part, as section 2 of the amendment. The question before the House is on the motion of the gentleman from Dover-Foxcroft, Mr. Merrill, that House Amendment A be adopted. As many as are in favor of that motion will say aye; those opposed no.

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

Mr. LAIT: Mr. Speaker, I offer House Amendment B to House Paper 1304 and move its adoption.

House Amendment B to House Paper No. 1304, entitled an act relating to a tax on gasoline.

Amend by adding at the end thereof the following:

"Section 4. This act shall be submitted for approval or rejection to the duly qualified voters of the state of Maine at an election to be held on the second Monday of September in the year of our Lord one thou-

sand nine hundred and twenty-eight. The aldermen of cities, the selectmen of towns, and the assessors of the several plantations in the State are hereby empowered and directed to notify the inhabitants—

On motion by Mr. Lait further reading of the amendment was dispensed with.

Mr. LAIT: Mr. Speaker, I think the House has gathered the substance of that amendment. I believe that when taxes commence to go up at the rate we are starting them on gasoline, it is time that the voters of this State had a voice in the matter. I believe in letting the voters decide as to whether they want to pay this additional gas tax or not, and I move that when the vote is taken it be taken by the yeas and nays.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, I do not intend to enter into any discussion. I wish simply to call the attention of this House to the fact that should this motion prevail carrying this amendment across, it will simply mean that your Highway Department will be deprived of just that much money for the season's work.

The SPEAKER: The question before the House is on the motion of the gentleman from Old Town, Mr. Lait, that House Amendment B to House Paper 1304 be adopted; and the gentleman moves that the vote when taken be by a yea and nay vote. As many as are in favor of the vote being so taken will rise and stand until counted and the monitors will return the count.

A division being had,

Fourteen voting in the affirmative and 109 in the negative, and not the necessary one-fifth, the motion for a yea and nay vote failed of passage.

The SPEAKER: The question now before the House is upon the motion of the gentleman from Old Town, Mr. Lait, that Amendment B be adopted. As many as are in favor of this motion will say aye; those opposed no.

A viva voce vote being taken, the motion to adopt House Amendment B failed of passage.

Thereupon the bill had its third reading under suspension of the rules and was passed to be engrossed as amended by House Amendment A.

The SPEAKER: The Chair lays before the House majority report of the committee on Banks and Bank-

ing, 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 the same committee, reporting ought to pass on same bill, tabled by Mr. Blaisdell of Franklin, April 12, pending acceptance of either report and retabled by Mr. Foster of Ellsworth; and the Chair recognizes the gentleman from Ellsworth, Mr. Foster.

Mr. FOSTER: Mr. Speaker, I would like to know how the majority report and minority report were signed.

The SPEAKER: The Clerk will read the signers of the reports.

Mr. FOSTER: Mr. Speaker, I don't care who signed them but I would like to know the proportion.

The SPEAKER: The Chair will state that the majority report is signed by one Senator and five House members; the minority report by two Senators and one House member. There is one House member who signed neither report.

Mr. FOSTER: Mr. Speaker, I don't quite get that. Is it five to four or six to three?

The SPEAKER: Six signed the majority report and three the minority report, and one member signed neither report.

Mr. FOSTER: I now yield the floor to the gentleman from Castine, Mr. Patterson.

Mr. PATTERSON of Castine: Mr. Speaker, I move the acceptance of the minority report "ought to pass." I would like to address myself to that motion. I feel somewhat reticent in speaking on this question relating to banks in an assembly like this containing so many bankers, as I am not very expert in matters of banking. I know a few things about banks. I know a bank is a very good place to put money into, when you have any. I know it is also a good place to borrow money from when you have not any. If this Legislature continues in session much longer I, for one, shall have to go to some bank, I think, in the latter capacity.

I think I ought to say also at this time that I am not connected in any way with the bank in question, "The Bar Harbor Banking and Trust Company," either as a director, stockholder, officer, or attorney. I am simply interested in this matter of legislation because I believe

that this legislation in this private and special matter meets a peculiar condition in the town of Bar Harbor and is good legislation. Very likely there may be some others in the House who differ with my position; and therefore without taking too much time of this House at this late day on a private and special matter, I wish, as briefly as possible, to put my views before you.

Of course under the general law, section 71, chapter 144 of the public laws of 1923—you will remember all the banking laws, practically, were changed in that year; and of course any trust company organized under power of the general law "may increase its capital stock from time to time to an amount not exceeding in the aggregate \$1,000,000, at any stockholders' meeting at which a majority of shares issued and outstanding is represented, notice of the intention so to do having been given in the call therefor, etc."

But under the provisions of our law we have no method, as some states have, of building up a stock reserve. I want to read the bill in question that the members of the House may be familiar with it. It is very short, only one paragraph:

"Be it enacted by the people of the State of Maine, as follows:

The Bar Harbor Banking and Trust Company at Bar Harbor, Maine, may, at a meeting duly called for the purpose, by the vote of a majority of all its stock, authorize an increase of its capital stock and determine the terms and manner of the disposition of such increased stock, or authorize such terms and manner of its disposition to be determined in whole or in part by the board of directors or officers of the corporation. Such increased stock may in whole or in part be disposed of at the fair market value thereof as determined by a vote of the stockholders at a meeting called for the purpose without being offered to the stockholders."

I understand that it has been suggested by some of the people who are opposed to this bill that it is introduced for the purpose of shutting out, if I may use that term, the minority stockholders. The term "minority stockholders" is a misnomer, I think, in this connection, because in this bank, which has one thousand shares, as I understand it,

of capital stock, the largest single block is eighty-five shares held by one man and it would be absolutely impossible for any one to exercise a controlling interest in the stock of that bank. This bill was drawn by two of the ablest attorneys in Maine, and in language not technical it is simply this: This bank desires the privilege of increasing its capital stock; but not having all the capital stock taken up, it has to be done at present under our law in this way. Say, that a man had one hundred shares of stock. As it happens, there is no case like that, because the largest block, as I have said, is eighty-five shares; but under this bill, if a majority of the directors so vote, this man, we will say, could take fifty shares of stock and the bank, out of its surplus, could purchase the other fifty shares. Now that does not harm the minority stockholder or the small stockholder in any way. If he had ten shares, he would be entitled to five shares, and the bank would purchase the other five shares out of its surplus. In other words, this bank, a big, strong bank, does not increase its capital but it wants to get new blood into the bank to help out that community down there, as any bank should do in a community because much of this stock is owned by elderly people and it is going to go into estates; it is going to go into trust funds, and those people owning that stock are simply going to collect their dividends upon it and they are not going to get under and help boost the business of that bank.

This is no small bank. This is a big bank in the town of Bar Harbor. Bar Harbor, as you know, is the richest town in Maine with perhaps the exception of Sanford. It is the great summer resort of Maine—not only of Maine but of the East.

I have here in my hand a statement of the resources and liabilities of this bank on January 1, 1927. The resources amounted on that date to \$4,174,054.52. The liabilities, of course, figure the same. It has \$100,000 capital stock; \$300,000 surplus; undivided profits of \$214,973.49; trust funds \$106,743.09; and its deposits, the amount it owes its depositors, is \$3,452,337.94. It has out of that surplus undivided profits amounting to over a half million dollars. But if this bill goes through, the directors, under the provisions of that bill, propose to pay for the stock in the

proportion that may be determined, the same for the small stockholder as the large stockholder, and hold that stock in reserve and sell it from time to time to their customers, not only to get new blood into the bank but to meet existing competition down there in that region. As I understand it, it is from another bank in that section that the principal opposition comes and not from the small stockholders of the Bar Harbor Banking and Trust Company.

As I say, I do my banking fifty miles away from Bar Harbor, and I don't owe anybody—the bank or anybody else—in that town. It would be very unsafe for me to make that talk about money in some towns, but it is all right there. I have absolutely no interest in this matter except that the situation as it has been put up to me makes me believe that this is excellent legislation for that community. This Bar Harbor Banking and Trust Company finances a great number of blueberry packers, not only in Hancock County but in Washington County, and is doing a great work along that line. I think that this bank finances, if my information is correct, from thirty to forty per cent of the blueberry packers of the State of Maine. It also finances a great many sardine factories and is doing a great work along that line.

I want to refer just a minute, because I know these statistics are dry—I want to refer to the personnel of that bank, its directorate. You know if you go to a bank to do business, you do it because of the confidence you have in the men who compose that bank. A bank, like any other corporation, is simply a collection of individuals who own the stock. And you have confidence in the bank as you have confidence in the men behind it. I am speaking of that because I think there can possibly be no suggestion as to the character of the men who compose this directorate. The stockholders of this bank would in no way lend themselves to any scheme which would be a hardship, or in any way force out any small stockholders of this bank. The President of this bank is one of the most honored men in the State of Maine, one of the citizens of whom Hancock county is most proud, the Honorable L. B. Deasy, known to every man in this House, known to all the lawyers of the House, known to most of you because you have sat on juries in

his court—an honorable man of the highest standing, and a man very much loved, not only in Bar Harbor and Hancock county, but, I believe, throughout the State of Maine.

We have another man, a man known to you all, and I refer now to the Hon. Guy Torrey, a member of the Governor's Council; and the Honorable Guy Torrey would not lend himself to any scheme which would not be helpful not only to the community at Bar Harbor but to the large and small stockholders. The Honorable Mr. Torrey is not one of the large stockholders. I think he holds—perhaps he would not like to have me say it—but I think he has twenty shares, which is not a large amount, as you can see. Mr. Fred C. Lynam is one of the directors of this bank, a man of the highest standing. Also David O. Rodick, one of the most prominent attorneys in Eastern Maine and a man of the highest standing, is another member of the directorate. Mr. Rodick is a small stockholder. If there was anything in this proposition that was putting anything across on the small stockholder, I doubt if he would be in favor of it. We have two other stockholders, members of this House, who, I understand, are in favor of this proposition, but they can speak for themselves.

To show you that the small stockholders are not opposed to the proposition, the whole of the Hancock County Delegation is together on this matter. They have made a careful investigation of it and they are in favor of it.

The Attorney General of Maine attended before the committee and said that he saw nothing in this bill that was harmful. In other words, I think he gives it his approval. The present Bank Commissioner, Mr. Smith, has examined the bill. He does not oppose it. A former Bank Commissioner, Mr. Lawrence, has examined the bill. I understand that he approves of it. I cannot, for the life of me, see one single reason why there should be any opposition to this matter, where nobody is going to be hurt and which is simply for the purpose of bringing new blood into that bank.

Of course, when a measure of this kind is suggested, there always comes up the argument that it is unconstitutional, and I presume that argument has been raised

in certain quarters. I do not think it at all necessary that the State of Maine should go to Massachusetts for its law, but I will say this much about our great sister commonwealth of Massachusetts—you do not find many unconstitutional laws upon the books of Massachusetts; and this law here is practically a copy of section 41 of chapter 156 of the general laws of Massachusetts of 1921, and I am going to read to you that section so that you can see for yourselves that this bill was taken from the Massachusetts law, except with this difference, that in Massachusetts it is a general law applicable, as I understand, to all trust companies, while here the Bar Harbor Banking and Trust Company is only asking this, to provide special legislation to help out the situation down there. Here is the Massachusetts law:

"Every corporation may, at a meeting duly called for the purpose, by the vote of a majority of all its stock, or if two or more classes of stock have been issued, of a majority of each class outstanding and entitled to vote, authorize an increase or a reduction of its capital stock and determine the terms and manner of the disposition of such increased stock, or authorize such term and manner of its disposition to be determined in whole or in part by the board of directors or officers of the corporation, may authorize a change of the location of its principal office or place of business in this commonwealth or a change of the par value of the shares of its capital stock, or may authorize proceedings for its dissolution under Section 50 of chapter 155.

Such increased stock may in whole or in part be disposed of without being offered to the stockholders."

I pause to point out that that is the language, I think the exact language, that appears in this bill here. I think that is all of the Massachusetts law I need read and all that is pertinent to the matter at issue.

I do not know as it is necessary for me to take much more time at this stage of the Legislature in talking about this matter. In closing, I simply want to read two letters to you. These letters were read, as I understand, before the committee. I am simply going to read them for the information of the House. One of them is as follows: It is headed "Supreme Judicial Court, State of

Maine, Ellsworth, Maine, March 16th, 1927.

Hon. Guy E. Torrey,
Council Chamber,
Augusta, Maine.

My dear Guy:

As you are aware, I am one of the larger stockholders of the Bar Harbor Banking & Trust Co. owning about one-fifth of the stock. As such holder being greatly interested in the bank's welfare, I favor the Special Act now pending having reference to the disposal of new stock. I should prefer a general law such as is in force in Massachusetts, which is like our proposed Special law, except that it relates to all trust companies, but in the absence of such general law I believe that it is reasonable to ask passage of this special legislation.

The manifest purpose of the act is to avoid the necessity of putting new stock (in case of an increase) into what may be called "dead hands" where it is of no benefit to the bank. Instead of the stock it is proposed that we have the right to pay the full market value, selling the stock so as to interest new and helpful holders.

Yours truly,

(Signed) L. B. DEASY."

I will say that in that connection I asked one question of a director of the bank. I said, "If that stock is sold, for what amount would you sell it?" Of course that has not been absolutely determined but I understand they took the book value of the stock which I understand is several hundred dollars per share and they took the par value of the stock and struck a price so that every stockholder would be absolutely fairly treated in the matter. I want to read one more letter and that is a letter from the Assistant Treasurer of the Bar Harbor Banking and Trust Company. This is written on the stationery of the Bar Harbor Banking and Trust Company and is dated Bar Harbor, March 16, 1927, and addressed to Mr. Torrey. The letter is as follows:

"In accordance with our conversation this morning I write this letter for you to use in the Legislative Committee. I assure them that the law which the Bar Harbor Banking & Trust Company seeks to have passed relative to increase of stock is in no way an attempt to get control of the bank or change its con-

trol in any way, but simply for the purpose of having some of the increased stock to place with either small stockholders or persons who are not stockholders at all for the purpose of increasing the bank's business, as over a long term of years the stock has naturally gotten into the hands of many persons who are not interested in the bank in any way except to draw dividends.

I have been connected with the bank for more than thirty years and own fifty-five shares of its stock, and the need of a wider distribution of stock is very apparent.

Very truly yours,

V. G. WASGATT,
Asst. Treas."

In closing I simply want to say this: There are more things that I might have said but I have spoken fifteen or twenty minutes now and I do not care to take up any more of the time of the House. The purpose of a bank, as I understand it, is to help the community in which it exists, and the bank should be entitled to every fair privilege which will protect its stockholders and its depositors, and yet enable that bank to build up, to increase and to do good work in the community in which it exists. That is the single purpose, as I understand it, of this proposed bill, to get new blood into that bank, which is doing good work now, and enable it to go out and be even of greater help to Bar Harbor, and that whole section of Western Hancock and Washington Counties. I thank you. (Applause)

Mr. PAGE of Skowhegan: Mr. Speaker, there are some times when I wish I were a lawyer, and this is one of the times. The rest of the time I don't know as I have that desire. (Laughter) I have been in a bank for twenty-five years. This act, if it should become a law, affects all corporations. I would like to have the members take House Document 616 and just look at the last part of it. It says "Such increased stock may in whole or in part be disposed of at the fair market value thereof as determined by a vote of the stockholders at a meeting called for the purpose without being offered to the stockholders."

A bank, the way I look at it, and I think this is right, is nothing more than a copartnership, the interest of each partner being represented by a certificate of stock. Each member, each copartner, is entitled to his

proportionate part of the earnings, the profits of the bank, and in my opinion cannot be denied that. If the bank, or the people who are so much interested in the success of the bank, care to get new blood in, it is a very easy matter for some of the stockholders to release a part of their holdings. I have done that myself in my town. I am a minority share holder. To get people interested in the bank I have on several occasions had to give up some of my stock, and I was very glad to do it.

I ran across a case that occurred in 1802, cited in the Massachusetts reports, Volume 3, one William Gray, Jr. vs. the President, Directors and Company of the Portland Bank. I am not going to read the whole decision, but I am just going to read a part of it: "A banking company incorporated with the privilege of creating a stock, not less than one sum, nor greater than another sum, commence business with the smaller capital; and afterwards vote to increase it to the largest. Those who held the stock in the capital first raised have a right to subscribe for and hold the new stock, in proportion to their respective shares."

In Pratt's Digest of Banking Laws, 1917 edition, page 43 is this: "**Right of share holders to subscribe for new shares.** It is a general rule of law that where the capital stock of a corporation is increased each shareholder has a right of pre-emption to the new stock in proportion to his shares in the original stock. So that any provision in the articles of association is not actually necessary. But shareholders may, of course, waive their right to take the new stock and this is frequently done. And the waiver need not be expressed; it may be given tacitly. It may be implied from the failure of the shareholder to avail himself of his right, within a reasonable time. But the safer course, and the one which the directors and officers should generally adopt, is to have the waiver given in writing. In this matter each shareholder is bound only by his own action; he cannot be deprived of his right of pre-emption by any vote or assent of the other shareholders, notwithstanding they may own two-thirds, or more, of the stock."

I have no interest in the Bar Harbor Banking and Trust Company and no other bank than the one

where I work; but to illustrate what effect it would have on the minority shareholders I want to say this: Assume that a corporation or a partnership starts with a capital of four thousand dollars in four shares of one thousand dollars each. Also assume that a man is a one-fourth owner in that institution. Now the owners of the three-fourths of stock decide that they want to issue more stock and sell it to outsiders, and they do it. That minority shareholder has his one thousand dollars' worth of stock, but instead of owning one-fourth interest in the corporation, he owns one-eighth. He has been deprived of his property rights; and I, having signed the majority report ought not to pass, surely oppose the acceptance of the minority report ought to pass.

Mr. FULLER of Southwest Harbor: Mr. Speaker and members of the House: I know a very little about banking. I know it is very handy indeed to have a bank in which to do business. The Bar Harbor Banking and Trust Company comes the nearest to us and we do business with it. I believe, knowing the people connected with that bank, that if this bill passes, everybody will be used fair and right in this matter, and that seems to be the only question at issue. I believe the minority stockholders will be protected and I believe the minority report should be accepted.

Mr. STURTEVANT of East Livermore: Mr. Speaker, I was one of the signers of the minority report, and feel in regard to the legal status of it very much as the gentleman from Skowhegan, Mr. Page, has stated. I might say that it seems to me that this perhaps is more of a legal question than a banking question and should have more properly gone before the committee on Legal Affairs; but as long as it was sent to us it seemed to be our duty to exercise our best judgment in regard to it.

Reference has been made to the standing of the Bar Harbor Banking and Trust Company. No one questions at all that this is one of the best banks in the State of Maine and one of the strongest. Furthermore, the personnel that make up the directorate and the management can in nowise be questioned; and I think so far as my observation went at the hearing, or in conversation since, there has been no intimation that it was the intention or expectation

on the part of this bank, or its officers, to in any wise put the minority stockholders to a disadvantage. It seems to me there is a principle here involved that we should take into consideration, as well as the particular matter under consideration, and that is this: If this act is passed, it sets a precedent that may be followed hereafter, not only by banks but by any other corporation; and while this might not work any injustice to a minority stockholder, there might be other cases which would, and if this is granted to this corporation, there can be no reasonable excuse for not granting it to others.

Mr. SEAVEY of Sherman: Mr. Speaker, I signed the majority report ought not to pass. I did so after a long and careful investigation, as best I could, and consultation with attorneys and bank men; and I want to say that there was not the slightest suspicion voiced in the committee with reference to any one member of that bank. It was, I believe, understood by those who signed the majority report, that there was a principle involved and nothing of a personal nature. The principle was simply this: The rights of a minority stockholder, the small fellow who cannot protect himself. That was all I had in mind in signing the majority report,—the idea of protecting the minority stockholders in occupations of this kind and not anything of a personal nature with reference to the Bar Harbor Banking and Trust Company, which I believe is one of the best and the strongest trust companies in the State. I have seen their financial statement and it shows a splendid financial condition which they may well be proud of.

Mr. KINSMAN of Augusta: Mr. Speaker, I move the previous question.

The SPEAKER: The previous question is moved by the gentleman from Augusta, Mr. Kinsman.

Mr. McLEAN of Bar Harbor: Mr. Speaker, this is the first time I have been on my feet in the Eighty-third Legislature.

The SPEAKER: The Chair is sorry to say that the previous question has been moved.

Mr. Kinsman asked leave, and was granted it, to withdraw his motion.

Mr. McLEAN continuing: This is a matter that is very close to me and is a matter in which I am very much interested. I hope the House

will accept the minority report ought to pass and I will offer a few reasons in support of my position.

First, I am one of the small stockholders of the Bar Harbor Banking and Trust Company.

Second, I might say that some of the large stockholders, including Supreme Court Justice Deasy, want this bill to pass. The entire Hancock County Delegation also want it to pass. I might add that the only opposition that I have heard of comes from people in my own town who own people in my own town who own a very small amount of stock.—I think fourteen of the one thousand shares of stock. The opposition comes from people who are directly interested in the other bank there.

To sum the situation up, the full Hancock County Delegation are solidly united, and I, as the representative from Bar Harbor who introduced the bill, as a small stockholder, also want it. I trust the House will recognize that we ought to have it. (Applause)

Mr. PAGE: Mr. Speaker, I do not want the House to think that there is any question raised by me as to the members who signed the majority report. I think they are all sincere in it. My idea is that it is poor legislation and that it affects all corporations.

The SPEAKER: The question before the House is upon the motion of the gentleman from Castine, Mr. Patterson, that the minority report ought to pass be accepted.

Mr. PIPER of Jackman: Mr. Speaker, I would like a division.

Mr. FOSTER of Ellsworth: Mr. Speaker, I am not a stockholder in the Bar Harbor Banking and Trust Company; I am simply interested in this bill from the standpoint of fair play and good reasoning. If, after forty years, the Bar Harbor Banking and Trust Company find themselves in the embarrassing position of having a large percentage of their stock in estates and out of the State, and they are unable to interest new blood in their bank, I think they should be relieved by some legislation from this Legislature.

The gentleman whom Mr. Patterson referred to as a large stockholder is Judge L. B. Deasy, and I think he is known to most every member of this Legislature. I think his motives are fair, honest and aboveboard, and I want to quote a paragraph from a letter which

Judge Deasy writes: "The right asked for would be of value to the banks and all its stockholders. In increasing capital stock, if the new shares can be sold at their fair market value to persons having no or few shares, all stock would be made more valuable by the acquiring of new friends, patrons and depositors for the bank." And he goes on further: "As one of the stockholders I shall not ask to share in the new stock (issued upon an increase of capital stock) in proportion to my present holdings. I shall consent that a substantial part of the stock which would come to me through a pro rata distribution, be sold to persons having no stock."

I believe when Judge Deasy makes that statement he is perfectly honest and fair, and I think this is legislation in the right direction; I do not think it is contrary to Massachusetts laws which might be applicable to the State of Maine and be good sound legislation; and I hope this bill will have a passage.

The SPEAKER: The question before the House is upon the motion of the gentleman from Castine, Mr. Patterson, that the minority report ought to pass be accepted. A division has been requested. As many as are in favor of the acceptance of the report ought to pass will rise and stand until counted and the monitors will return the count.

A division being had,

One hundred and twelve voting in the affirmative and 11 in the negative, the motion to accept the minority report ought to pass prevailed.

On motion by Mr. Patterson the bill had its three several readings under suspension of the rules and was passed to be engrossed.

Recess

Mr. THURSTON of Appleton: Mr. Speaker, it has been brought to my attention that there is some misunderstanding in regard to Senate Document 87, an act to establish a uniform license law for summer camps. If this is a good bill, I do not want to obstruct it, and I therefore move to reconsider our action whereby we moved to adhere this morning.

The motion prevailed; and on further motion by the same gentleman the House voted to insist and join in a committee of conference.

The Chair appointed as conferees on the part of the House Messrs.

Thurston of Appleton, Sturgis of Auburn and McKnight of Poland.

From the Senate: Report of the Committee on Education on the following Resolves:

Resolve in favor of Anson Academy (H. P. 78)

Resolve in favor of Aroostook Central Institute (H. P. 127)

Resolve in favor of Berwick Academy, in the town of Berwick, in the county of York (S. P. 213)

Resolve in favor of Blue Hill-George Stevens Academy for maintenance (H. P. 225)

Resolve in favor of Bridgewater Classical Academy (H. P. 126)

Resolve in favor of Bridgton Academy for general maintenance and deficit (S. P. 85)

Resolve in favor of Cherryfield Academy (H. P. 75)

Resolve in favor of the Eastern Maine Institute for maintenance (H. P. 223)

Resolve in favor of Erskine Academy at China (H. P. 838)

Resolve in favor of East Corinth Academy (H. P. 842)

Resolve in favor of East Corinth Academy (H. P. 581)

Resolve in favor of Freedom Academy for maintenance and repair (S. P. 105)

Resolve in favor of Fryeburg Academy (S. P. 4)

Resolve in favor of Gould Academy (H. P. 10)

Resolve in favor of Hampden Academy, in the town of Hampden (S. P. 76)

Resolve in favor of Hartland Academy for maintenance (H. P. 167)

Resolve in favor of Higgins Classical Institute (H. P. 338)

Resolve in favor of Leavitt Institute for general maintenance (H. P. 171)

Resolve in favor of the Lebanon Academy, at Lebanon (H. P. 1157)

Resolve in favor of Lee Academy for maintenance (H. P. 222)

Resolve in favor of Limington Academy for general maintenance and repairs (H. P. 221)

Resolve in favor of the Lincoln Academy at Newcastle (H. P. 462)

Resolve in favor of Litchfield Academy (H. P. 840)

Resolve in favor of the Maine Central Institute at Pittsfield (H. P. 518)

Resolve in favor of Monmouth Academy, Monmouth, Maine, for maintenance, repairs and equipment (H. P. 168)

Resolve appropriating funds to Monson Academy (H. P. 170)

Resolve in favor of Nasson Institute for maintenance (H. P. 128)

Resolve in favor of Trustees of North Yarmouth Academy (S. P. 1)

Resolve in favor of Oak Grove Seminary for equipment and furniture (S. P. 192)

Resolve in favor of Oak Grove Seminary for maintenance (S. P. 191)

Resolve in favor of Parsonsfield Seminary for general maintenance (H. P. 169)

Resolve in favor of Patten Academy, for repairs and maintenance (H. P. 226)

Resolve in favor of the Pennell Institute at Gray (H. P. 448)

Resolve in favor of Ricker Classical Institute at Houlton (H. P. 519)

Resolve in favor of the Somerset Academy at Athens (H. P. 841)

Resolve in favor of St. Joseph's Academy and College for Women, Deering, Portland, Maine (H. P. 227)

Resolve in favor of Robert W. Traip Academy (H. P. 459)

Resolve in favor of Washington Academy (H. P. 520)

Resolve in favor of Westbrook Seminary (S. P. 77)

Resolve in favor of Wilton Academy at Wilton (H. P. 517)

Resolve in favor of Wiscasset Academy (H. P. 839)

reporting same in a new draft (S. P. 656) (S. D. 386) under title of

"Resolve in favor of several Academies, Institutes, Seminaries and Colleges for maintenance, repairs and improvements" and that it "Ought to pass"

Comes from the Senate report read and accepted and the new draft passed to be engrossed as amended by Senate Amendments "A," "B" and "C"

In the House:

Mr. BOOKER of Rumford: Mr. Speaker, these amendments, as I understand it, call for an additional amount of money for some institutions. Now the committee has put in quite a good deal of time on these resolves, and only had a certain amount of money. The money was divided, and we also have added to the list over and above two years ago \$10,700. You will find that the resolves carry \$71,900, an additional amount from the "Academy Aid Fund" of \$25,000 makes a total of \$96,900; \$1,000 additional from another source will make \$97,900.

I hope that the House will not

concur with the Senate, and that these resolves will remain as they are. If you people want to save money, here is the opportunity. The other day there was a bill killed here with which you are quite familiar, and that was a trial to see if we could stop politics. The politics still remain with us. Some of these people are dissatisfied, and they have this bill and that bill laid on the table until tomorrow morning, and then more amendments are added. Have you taken them out of politics? Absolutely not. If an amendment goes on here, what use will your Educational Committee be two years hence? You will make it an institution practically worthless, and they will endeavor to amend each and every one of them and boost the amount of money up over \$1,000,000.

I say that they are dissatisfied; a large number are dissatisfied. They would like to come here and take away all the money they can possibly get. With the amount of money that we have, we divided it up as best we could. In our note books we have all the arguments that were given by the proponents of these bills. You people heard nothing of the kind, but still you are called upon to decide here. If it is your wish, very well. Then your committee has not been very satisfactory to this body or the other one. I will not take any more time. This is all I have to say.

Mr. GOODWIN of Sanford: Mr. Speaker, I wish to oppose the motion of the gentleman from Rumford (Mr. Booker).

The SPEAKER: Would the gentleman be willing to withhold his motion until the report is accepted and the resolve is given its reading, because the amendments are not before the House as yet?

Thereupon the report of the committee was accepted in concurrence and the resolve had its first reading. (Senate Amendments A and B and C read by the Clerk.)

The SPEAKER: The question before the House is upon the adoption of Senate Amendment A. The gentleman from Sanford, Mr. Goodwin, now has the floor.

Mr. GOODWIN: Mr. Speaker, this is a matter in which I am especially interested, as I come from Sanford where Nasson Institute is located. While I will be very brief, I believe that a little explanation may be of some aid to the members of this

House. Nasson Institute is not an academy which takes the place of any of our high schools. It is a girls' school. It offers a course of both two and three years to graduates of high school. It is a school which has been going on, I think, about fifteen years, and has a very small endowment. It is patterned after Simmons College in Boston, and it is the only school in the State of that nature. I understand that since 1921 we have been receiving \$6000 a year, and at recommendation of the original Budget Committee, before that time, I think, we were receiving about \$3,000. The State saw that we were getting on our feet and they were willing to aid us in every way possible. I understand that we are aiding something like thirty-nine academies and institutes. I think that, according to the report of the committee, twenty-one of these schools receive the same amount that they have been receiving. There have been fifteen increases and only three deductions. One recently was reduced \$250 a year, and one school is reduced \$500 a year, while Nasson was reduced \$2000 each year.

You can very plainly see what effect that will have upon the school and upon its program. I think there has been some confusion in the minds of the members of the committee, from the talk I had with them. I understand that they are of the impression that the school can get along as it is now, with \$4,000. I do not know how they got that opinion. I have talked with several of the trustees of the institute and they tell me that if they can only receive \$4,000 a year the program we are working under now will be seriously upset. I know that they have introduced a three-year course which has been running, I think, this is the third year; and which, I think, would be very successful if the State will go on as it has in the past and come to our assistance.

We are not asking for any more than we have had since 1921. We are asking for the same amount. There has been no general deduction through the State; there has been an increase; and I do not think it is quite fair that Nasson should lose \$2,000 each year when the other deductions are only a matter of a few hundred dollars. As far as the Appropriations Committee is concerned,

I understand from the conversation I have had with members of that committee that this amendment is satisfactory to them; and I trust that it may be adopted.

Mr. TUCKER of Sanford: Mr. Speaker, it is needless for me to say that I am in favor of this amendment, coming as I do, from the town of Sanford. I know but little about the school except that the girls come there from all over the State; and I know it is talked of as the best institution for girls that we have in the State. I do hope that the State will see fit to carry on as it has in this respect in the past.

Mr. BOOKER: Mr. Speaker, may I ask a question? I would like to ask how many students there are at Nasson from out of the State or if they are all from within the State.

The SPEAKER: The gentleman from Sanford, Mr. Goodwin, may reply if he wishes.

Mr. GOODWIN: Mr. Speaker, I cannot answer that, but I do know that when the school started, it started, I think, with two or three girls, and now there are a few over one hundred, and the great majority come from within the State. I should say there are possibly in the neighborhood of twenty-five or thirty, but this is only an estimate, who come from outside the State. I might add that I believe this is the only school of its kind in New England where the girls of this State who are the daughters of men of average means can go for an education of that kind.

Mr. TUCKER: Mr. Speaker, I will say, in relation to this matter that Mr. Booker has spoken about, that I think the people up there very much appreciate Nasson Institute.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I know nothing in reference to this proposition that has come up here just now, but it does seem to me that after the money we have spent in this Legislature, to start in on education to save money is a wrong thing to do. I do know that they have got a good school up at Springvale, the Nasson Institute. I had no idea that our Committee on Education would begin to curtail expenses in that way, because there are one hundred girls up there, as they say, our own girls belonging in this State, and I trust that this House will allow this institution its full amount of money. You shut them off right now, and what are they going to do? They have had this ever since they started. They

have figured on it. They have planned on it; and I do not believe that this Legislature will allow it to be taken away from them.

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

The SPEAKER: The gentleman may state his point.

Mr. LAIT: Whether these two institutes are the only ones that have been cut?

The SPEAKER: The gentleman is correct. There are three amendments, but only two affecting these institutions.

Mr. LAIT: Mr. Speaker, how many of the other institutes are there that are receiving less than they did two years ago?

The SPEAKER: Some gentleman of the committee on Education might possibly answer the question.

Mr. HOLMAN of Bangor: Mr. Speaker, in going over these several resolves it became necessary for us to keep our appropriations, or the amount we were allowed, within certain limits. That being the case, we felt that the schools that needed the most money should receive a little more than they received two years ago. That being the case, it became necessary to cut down a little on some other schools that seemed to have larger endowments. I would not have the impression conveyed to this House that the committee on Education seek to economize at the expense of our schools. Word came to us from those in authority higher up that we must keep our appropriation within certain limits. We did so, and the total amount appropriated is only five hundred dollars more than the authorities higher up said we might appropriate to these schools. If the Legislature sees fit to increase that amount, it is their privilege to do so, but we, ourselves, felt that we should stand by the report of the committee.

Mr. LAIT: Then I may assume that these are not the only institutions that have had a reduction in their annual appropriation?

Mr. HOLMAN: I cannot answer that specifically. But on the whole we have given to the academies and institutes of the State \$10,000 a year more than they have received the last two years.

Mr. LAIT: I would like to know whether these are the only two institutions that have had a reduction in the amount appropriated, com-

pared with what they received two years ago.

Mr. HOLMAN: I know that these are not the only two that have been cut. I can, at this time, recall one or two others—I do not know how many.

Mr. Goodwin of Sanford was given permission to address the House for the third time.

Mr. GOODWIN: Mr. Speaker, according to the printed report I believe I said that there were three schools which had suffered a reduction. One school suffered a reduction of \$250 a year and that school was given an amount which was cut from \$4,000 a year to \$3,750. Another school receiving a cut was Freedom Academy, which was cut from \$2,000 to \$1,500. The other school was the one about which I am speaking. I would like to ask the members of this House what they think a small school can do which has been running approximately fifteen years with a small endowment, if they are going to have, suddenly, without any notice or warning, \$4,000 taken from them in the next two years. What will become of their program? This House has gone on record as standing for things progressive, and I hope this amendment will be adopted.

Miss LAUGHLIN: Mr. Speaker, I believe the question was asked as to how many girls who were residents of the State of Maine attend Nasson Institute, and if that question was answered, I did not hear it, so may I ask the member from Sanford how many girls who are residents of the State of Maine attend Nasson Institute?

The SPEAKER: The gentleman may answer if he wishes to.

Mr. GOODWIN: Mr. Speaker, I tried to answer that question a few minutes ago. A very large majority come from Maine. I should say that possibly twenty-five or thirty come in from out of the State, in New Hampshire and Massachusetts, our neighboring New England States. I would not want to be understood as saying that those figures are exact.

Miss LAUGHLIN: Mr. Speaker, it would seem as if there would not be more than seventy students from Maine attending this institute. The committee on Education has brought in a resolve of \$4,000 for that institute. I do not know anything about this report from the committee; but it would seem to me as

though this House should follow the report of this committee in considering the small number from Maine who attend this institute and the large amount appropriated.

Mr. COLE of South Portland: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman will speak from his own seat.

Mr. COLE: (speaking from his own seat) Mr. Speaker, I move the previous question.

Mr. CAIN of Clinton: Mr. Speaker, I consider this school as one of the best in the State. It is a young school which has just started. I know many girls who have gone there and received great benefit. I think at this time we should not be justified in lowering too much the amount they ask for.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I understand that the previous question is moved but I did not hear any motion. What is the previous question?

The SPEAKER: The Chair assumes that the previous question is the motion of the gentleman from Sanford, Mr. Goodwin, that Senate Amendment A be adopted.

Mr. DEERING of Saco: Do I understand that the previous question has been entertained.

The SPEAKER: It has not.

Mr. DEERING: Mr. Speaker, I would like to make a slight explanation as to the position of the Appropriations Committee on increases over the estimates which the Educational Committee gave us. I do not know how the money was allocated to the different schools in any way. I simply know the total figures they gave us which called for an increase of \$10,400 a year over the appropriations of two years ago. Taking those figures, the Appropriations Committee based their figures on the statement which they made, supposing, of course, that those would be the final figures. I do not wish to appear to oppose any school, but I do feel that if we go to tampering a great deal and amending the figures of the different committees on their final reports or their recommendations, you are going to place your Appropriations Committee in a very difficult position on the last day or two of the session. In fact, our margin of safety now is so small that I cannot see where you can find finances to

increase our estimates which the different committees have given us.

Therefore I feel, Mr. Speaker and members of the House, that we should confine ourselves to the recommendations which the Committees have made. It would seem that in breaking any of the recommendations we should find ourselves in a bad position.

Mrs. FOLSOM of Norridgewock: Mr. Speaker and members of the House: I am too much interested in education in Maine to oppose anything that is for the betterment of any educational institution in the State, but we have to consider the needs and the wants of other educational institutions, and the Educational Committee has mulled this matter over and listened to the arguments pro and con which have been set forth by all those interested in these institutions. And the same arguments that have been given in favor of Nasson have been given in favor of every other institution here. They are all fine institutions. Some of them have a great deal of prestige, the prestige of age, etc. If that fund has been cut down it has been because we thought that the amount of service done necessitated a cutting down, and we thought that we were more than generous to Nasson Institute when we gave it \$4,000 a year considering that not more than seventy girls living in the State were attending it. If you will look at the figures of other institutions, you will verify what I say. I repeat, that we have been more than generous to this institute when we gave it \$4,000 a year. (Applause).

Mr. BREWSTER of Dexter: Mr. Speaker, I understand from good authority that Nasson Institute had a profit from the dormitory of over six thousand dollars last year, and I think that is quite a good deal toward supporting the school.

Mr. McKNIGHT of Poland: Mr. Speaker, I am interested in all these academies, and in every young man and woman who starts out to get an education. Some of us fellows in our younger days did not have those opportunities. But I will put it up to this House whether it is fair for an institution like this to come up and take \$4,000 appropriation recommended by the committee when another one, Bridgton Academy, gets

only \$3,750. I cannot see why Nasson should have \$6,000 when Bridgton Academy which has been running over a hundred years, gets \$3,750. It is in my part of the country and I am interested in it. I cannot see why this academy which has been running so much less time and has not half so many students should have \$2,000 at least more than Bridgton or some of these other academies.

Mr. FLINT of Monson: Mr. Speaker, I represent an academy way up in the northern part of Maine which gets only \$800. We have forty-seven pupils; and I cannot see, if one is going to have a raise, why we should not all have it. (Applause).

The SPEAKER: The question before the House is on the motion of the gentleman from Sanford, Mr. Goodwin, that Senate Amendment A be adopted. As many as are in favor of the adoption of Senate Amendment A will rise and stand until counted and the monitors will return the count.

A division of the House was had.

Eighteen having voted in the affirmative and sixty-eight in the negative, the motion to adopt Senate Amendment A failed of passage.

The SPEAKER: Senate Amendment B relates to Freedom Academy, and the Chair awaits the motion.

On motion by Mr. Chase of Cape Elizabeth, Senate Amendment B was rejected; and on further motion by the same gentleman Senate Amendment C was rejected.

Thereupon the rules were suspended and this resolve was given its second reading and was passed to be engrossed.

From the Senate: Report of the committee on Inland Fisheries and Game on bill an act relating to 221, reporting same in a new draft, marketmen's licenses, S. P. 487, S. D. S. P. 655, S. D. 385, under same title and that it ought to pass.

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

In the House, the report read and accepted in concurrence, the bill had its three several readings under suspension of the rules and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on Judiciary on bill an act

to amend the Workmen's Compensation Act, S. P., 411, S. D. 187, reporting same in a new draft, S. P. 653, S. D. 383, under same title and that it ought to pass.

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

In the House, report read and accepted in concurrence, and on motion by Mr. Webber of China the rules were suspended and the bill had its three several readings.

Mr. HALE of Portland: Mr. Speaker, this bill requires a verbal amendment and I move that it be tabled and assigned for tomorrow morning.

The bill was then tabled, pending passage to be engrossed.

From the Senate: Report of the committee on Legal Affairs on bill an act validating acts and deeds valid except for certain irregularities and omissions, S. P. 377, S. D. 160, reporting same in a new draft, S. P. 654, S. D. 384, under same title and that it ought to pass.

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

In the House, the report was read and accepted in concurrence, the rules were suspended, and on motion by Mr. McCart of Eastport the bill had three several readings and was passed to be engrossed in concurrence.

Papers from the Senate disposed of in concurrence.

From the Senate: Final reports of the Committees on Judiciary and Maine Publicity.

Come from the Senate read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Bill 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) which was indefinitely postponed in the House April 12th.

Comes from the Senate passed to be engrossed in non-concurrence.

In the House, on motion by Mr. Fuller of Southwest Harbor, a viva voce vote being taken, that body voted to adhere to its former action

whereby this bill was indefinitely postponed.

From the Senate: Majority report of the Committee on Judiciary on bill an act providing for the appointment of a deputy Secretary of State to be designated as Registrar of Motor Vehicles and to place the administration of the several motor vehicle provisions of law under his jurisdiction and administration (H. P. 1118) (H. D. 374) reporting same in a new draft (H. P. 1331) and minority report reporting "Ought not to pass" on which the House accepted the majority report and passed the new draft to be engrossed.

Comes from the Senate the minority report accepted in non-concurrence.

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

From the Senate: Bill an act to provide for the payment of a bounty on bears (H. P. 234) (H. D. 350) which was passed to be engrossed in the House as amended by House Amendment "A."

Comes from the Senate indefinitely postponed.

In the House, on motion by Mr. Page of Skowhegan, a viva voce vote being taken, that body voted to recede and concur with the Senate in the indefinite postponement of the bill.

From the Senate: Majority report of the Committee on State Prison reporting "Ought not to pass" on bill an act to consolidate the general superintendence, management and control of the State Prison, the Reformatory for Men and Reformatory for Women, under one Board of Trustees (S. P. 388) (S. D. 185) and minority report reporting "Ought to pass" on which the House accepted the minority report and passed the bill to be engrossed in non-concurrence.

Comes from the Senate that body voting to adhere to its former action whereby the majority report was accepted.

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

From the Senate: Resolve in favor

of Prison Commission (H. P. 1288) (H. D. 615) which was passed to be engrossed in the House.

Comes from the Senate indefinitely postponed.

In the House:

Mr. GILCHREST of Thomaston: Mr. Speaker, I move that the House insist on its former action.

The SPEAKER: Does the gentleman suggest a committee of conference?

Mr. GILCHREST: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Thomaston, Mr. Gilchrest, moves that the House insist and that a committee of conference be appointed.

The motion prevailed.

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

From the Senate: Majority report of the Committee on Legal Affairs on bill an act relating to the Police Commission of Lewiston requiring the commissioners to be appointed by the Mayor, and providing a referendum to the people of Lewiston reporting same in a new draft (S. P. 545) (S. D. 299) and minority report reporting "Ought not to pass" on which the House accepted the majority report in non-concurrence and passed the new draft to be engrossed.

Comes from the Senate, that body voting to adhere to its former action whereby it accepted the minority report.

In the House, on motion by Mr. Roy of Lewiston, a viva voce vote being taken, that body voted to insist and ask for a committee of conference.

The Chair appointed upon that committee on the part of the House, Messrs. Roy of Lewiston, Hamel of Lewiston and Cyr of Waterville.

The SPEAKER: The Chair will appoint as conferees on the part of the House on House Document 615, resolve in favor of the prison commission, Messrs. Gilchrest of Thomaston, Rawley of St. George and Varnum of Westbrook.

The following resolves were received out of order and under suspension of the rules and upon recommendation of the committee on reference of bills were referred to the

committee on Appropriations and Financial Affairs.

By Mr. Burns of Eagle Lake: Resolve in favor of Edith Bissett (H. P. 1335).

By Mr. Pike of Lubec: Resolve in favor of J. Thomas Dionne for services as clerk of Ways and Bridges Committee (H. P. 1336).

Reports of Committees

Out of Order

Mr. PIKE from the Committee on Ways and Bridges on Resolve in favor of the towns of Gardiner and Randolph (H. P. 208) reported same in a new draft (H. P. 1334) under same title and that it "Ought to pass."

Report read and accepted, the rules were suspended and the resolve received its two readings and was passed to be engrossed, and sent up for concurrence.

Mr. STORM from the Committee on Inland Fisheries and Game reported "Ought not to pass" on bill an act to provide for a yearly limit of one deer in all counties of the State (H. P. 710) (H. D. 191).

Report read and accepted and sent up for concurrence.

Order, Out of Order

Mr. Rounds of Portland was given unanimous consent to present the following order, out of order:

Ordered, that the flag staff and stand be presented to the Speaker and that he be requested to remove it before the session ends.

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

The SPEAKER: The Chair is again greatly indebted.

Passed to be Enacted

An Act to make certain the legal boundaries of the Town of Old Orchard and set off to the town of Old Orchard from the city of Saco any right, title or interest which the city of Saco may have within said boundaries.

(Tabled temporarily by Mr. Milliken of Old Orchard).

An Act relating to Apothecaries and the Sale of Poisons.

Finally Passed

Resolve authorizing James H. Kerr of Rumford in the county of Oxford

to bring a suit at law against the State of Maine.

Resolve in favor of the Maine State Prison for maintenance and current expenses.

On motion by Mr. Milliken of Old Orchard, it was voted to take from the table House Document 230, an act to make certain the legal boundaries of the town of Old Orchard and set off to the town of Old Orchard from the city of Saco any right, title or interest which the city of Saco may have within said boundaries.

On motion by Mr. Milliken of Old Orchard 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 House Document No. 230.

Section one is hereby amended by adding after the word "Saco" in the twenty-first line the following words: "excepting, however, such islands as are within said limits."

Thereupon the House adopted House Amendment A and the bill was passed to be engrossed as amended by House Amendment A, and sent up for concurrence.

Recess

The SPEAKER: There are several matters from the Senate which can be disposed of tonight but which are not ready now, and where the most of us are planning to be here tonight anyway, the Chair would suggest that possibly we might recess and convene at some time during the evening for perhaps fifteen or twenty minutes simply to put through matters on which there is no controversy with the understanding that if there is any matter over which there is controversy it will be tabled and taken up tomorrow. It would advance business quite a little if we could meet for fifteen or twenty minutes sometime this evening and put through routine matters.

Thereupon on motion by Mr. Varnum of Westbrook,

The House recessed until 8 o'clock this evening.

After Recess—8 P. M.

The Speaker in the Chair.

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

Papers from the Senate disposed on in concurrence.

From the Senate: Final report of the committee on Inland Fisheries and Game.

Comes from the Senate read and accepted.

In the House, read and accepted in concurrence.

From the Senate: The following order:

Ordered, the House concurring, that the State Librarian furnish to each member and officer of the Eighty-third Legislature one copy of the session laws of 1927, and one copy of the new revision of the Revised Statutes of this State, when issued.

Comes from the Senate, read and passed,

In the House, read and passed in concurrence.

From the Senate: Report of the Committee on State Lands and Forest Preservation reporting "Ought to pass" on bill an act relating to Forest Land exempted from taxation (S. P. 393) (S. D. 171).

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

In the House, on motion by Mr. King of Orono, report read and accepted in concurrence, and under suspension of the rules the bill was given its three several readings and was passed to be engrossed in concurrence.

From the Senate: Report of the Committee on Ways and Bridges on Resolve in favor of Stanley bridge in the town of Hampden, Penobscot County (S. P. 203) reporting same in a new draft (S. P. 664) (S. D. 391) 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, report read and accepted in concurrence, and on motion of Mr. Brewster of Dexter, the rules were suspended, the resolve was given its two several readings and passed to be engrossed in concurrence.

From the Senate: Report of Committee on Ways and Bridges on Re-

solve in favor of Lower Village bridge in the town of Phillips, Franklin County (S. P. 270) reporting same in a new draft (S. P. 663) (S. D. 390) under same title and that it "Ought to pass."

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

In the House, report read and accepted in concurrence, and on motion by Mr. Eustis of Strong the rules were suspended and the resolve read twice and passed to be engrossed in concurrence.

From the Senate: Report of Committee on Ways and Bridges on Resolve in favor of the town of Starks for a bridge (S. P. 70) reporting same in a new draft (S. P. 662) (S. D. 389) 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, report read and accepted in concurrence, and on motion by Mr. Ellis of Fairfield the rules were suspended, the resolve read twice, and passed to be engrossed in concurrence.

From the Senate: Report of Committee on Ways and Bridges on Resolve in favor of the town of Skowhegan to repair a road (S. P. 73) reporting same in a new draft (S. P. 661) (S. D. 388) under title of "Resolve in favor of the town of Skowhegan" and that it "Ought to pass."

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

In the House, report read and accepted in concurrence, and on motion by Mr. Piper of Jackman the rules were suspended, the resolve read twice, and passed to be engrossed in concurrence.

From the Senate: Report of Committee on Ways and Bridges on Resolve to aid the town of Hope in the construction of a bridge (S. P. 316) reporting same in a new draft (S. P. 660) (S. D. 387) 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, report read and accepted in concurrence, and on motion

by Mr. Thurston of Appleton the resolve was read twice under suspension of the rules, and passed to be engrossed in concurrence.

From the Senate: Resolve in favor of Forest City International bridge over St. Croix River between the Township of Forest City, Washington County, Maine, and the Parish of North Lake, York County, New Brunswick (H. P. 189) (H. D. 580) which was passed to be enacted in the House.

Comes from the Senate engrossing reconsidered, Senate Amendment "A" adopted, and the resolve passed to be engrossed as amended by Senate Amendment "A."

In the House, on motion by Mr. Holbrook of Vanceboro that body reconsidered its action whereby this resolve was finally passed; and on further motion by the same gentleman the House reconsidered its action whereby this resolve was passed to be engrossed.

(Senate Amendment A read).

On further motion by Mr. Holbrook, the House voted to adopt Senate amendment A, and the resolve was passed to be engrossed as amended by Senate Amendment A in concurrence.

Mr. DEERING of Saco: Mr. Speaker, what is the situation of the Old Orchard—Saco bill.

The SPEAKER: The Chair will state that this act was passed today to be engrossed as amended by House Amendment A.

Mr. DEERING: Mr. Speaker, I shall move to reconsider the vote whereby this was passed to be engrossed, the reason being to remove the amendment which the gentleman from Old Orchard and myself thought would take care of the situation. The amendment has proved to be worthless. After the reconsideration of the vote, I shall move the indefinite postponement of the amendment.

On motion by Mr. Deering the House voted to reconsider whereby bill an act to make certain the legal boundaries of the town of Old Orchard and set off to the town of Old Orchard from the city of Saco any right title or interest which the city of Saco may have within said boundaries was passed to be engrossed as amended by House Amendment A.

On further motion by the same

gentleman House Amendment A was indefinitely postponed; and on further motion by the same gentleman the bill was passed to be engrossed, having had its three several readings in the House, and on further motion

by the same gentleman the bill was passed to be enacted.

On motion by Mr. Hale of Portland,

Adjourned until ten o'clock tomorrow morning.