

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**HOUSE**

Friday, April 15, 1927.

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

Prayer by the Rev. Mr. Moyle of Hallowell.

Journal of the precious session read and approved.

**Passed to Be Enacted****Out of Order**

An Act relating to pecuniary interest of public officers in public contracts.

An Act relating to trial terms of the Supreme Judicial Court in the county of Hancock.

An Act establishing fares on passenger boats plying between the westerly end of Peaks Island and the mainland in Portland.

An Act relating to trial terms of the Supreme Judicial Court (H. P. No. 1068) (H.D. No. 362)

Mr. DUDLEY of Calais: Mr. Speaker, I wonder if that relates to the terms of the Supreme Court throughout the State and provides for a March term of the law court?

The SPEAKER: The Chair will state that it seems to be a fairly long bill, amending Section 51 of Chapter 82 of the Revised Statutes.

Mr. DUDLEY: Is that the bill that provides for a March term of the law court?

The SPEAKER: The Chair will state that there is another bill which the gentleman may have in mind, and that possibly it would be safer to temporarily table this bill until the gentleman can look it up.

Thereupon the bill was temporarily tabled.

An Act relating to the capacity of milk bottles and jars.

An Act relating to the registration of trucks.

An Act relating to marketmen's licenses.

An Act concerning financial responsibility for damages caused by the operation of motor vehicles.

An Act relating to non-resident hunting licenses.

(Tabled by Mr. Film of Monson temporarily)

**Finally Passed**

Resolve in favor of Old Town-Milford Bridge, city of Old Town and town of Milford, Penobscot County.

Resolve in favor of Masardis Bridge in the town of Masardis, Aroostook County.

Resolve in favor of the town of Medway.

From the Senate: Bill an act relating to primary elections, S. P. 626, S. D. 371, which was passed to be engrossed in the House as amended by House Amendment A in non-concurrence.

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. Church of Hallowell that body voted to reconsider its action whereby this bill was passed to be engrossed.

(Senate Amendment A read).

On motion by Mr. Church Senate Amendment A was adopted in concurrence, and on further motion by the same gentleman the bill having had its three several readings in the House was passed to be engrossed as amended by House Amendment A and Senate Amendment A in concurrence.

From the Senate: Bill an act to apply surplus funds towards state construction, S. P. 647, which was passed to be enacted in the House.

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

In the House:

Mr. DEERING of Saco: Mr. Speaker, I move that we reconsider the vote whereby this bill was passed to be engrossed, and I move the adoption of Senate Amendment A. This amendment is to provide possible relief for a shortage in the State-aid highway program.

Requests have come in greatly in excess of the amount of money available. It was anticipated that there would be more excess surplus income than actually occurred, and this amendment was put on to take care of the situation.

Mr. LAIT of Old Town: Mr. Speaker, I would like to ask through the Chair of Mr. Deering if it is the intention to replace this money in the sinking fund after this new money comes in.

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

Mr. DEERING: Mr. Speaker, it is not taking any sinking fund money. This is excess money which

will be derived from your indirect income.

Mr. LAIT: Mr. Speaker this bill calls for the paying out of money from the surplus.

Mr. HALE of Portland: Mr. Speaker, will the Chair give us the number of that bill? Is it a printed bill?

The SPEAKER: It is not. It is Senate Paper 647, and the Clerk will read at this time Senate Amendment A.

(Senate Amendment A read)

Mr. HALE: Mr. Speaker, I move that it lie on the table.

Mr. WING of Auburn: Mr. Speaker, I ask for a division.

A division of the House was had.

Mr. HALE: Mr. Speaker, might I inquire through the Chair how soon that measure can be printed?

The SPEAKER: The Chair will state that it was passed to be enacted without printing and it is already in engrossed form. It probably can be printed in three hours.

Mr. HALE: Mr. Speaker, I move that 500 copies of the bill be printed.

The SPEAKER: Forty-seven having voted in the affirmative and 26 in the negative the motion to table prevails, pending reconsideration of enactment.

The motion of Mr. Hale that 500 copies of the bill and amendment prevailed.

From the Senate: Report of the committee on State Lands and Forest Preservation on bill an act for the preservation, perpetuation and increase of the forests of the State of Maine, S. P. 430, S. D. 194, reporting same in new draft, S. P. 599, S. D. 357, under same title and that it ought to pass.

Comes from the Senate, report read and accepted and the bill indefinitely postponed.

In the House, on motion by Mr. Piper of Jackman, that body voted to concur with the Senate.

From the Senate: Bill an act relating to the practice of osteopathy (S. P. No. 617) (S. D. No. 366) on which the House voted to insist upon its former action whereby the bill was passed to be engrossed 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. BELLEAU of Lewiston: Mr. Speaker, I move that we recede and concur with the Senate.

Mr. WING of Auburn: Mr. Speaker, I move that we adhere.

The SPEAKER: The Chair will state that the motion of the gentleman from Lewiston (Mr. Belleau) has precedence.

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

The House permitted Mr. Belleau to withdraw his motion.

On motion by Mr. Wing of Auburn, the House voted to adhere.

From the Senate: Bill an act relating to the protection of moose (S. P. 645) (S. D. 382) which was passed to be enacted in the House.

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

In the House, on motion by Mr. Flint of Monson, that body voted to reconsider its action whereby this bill was passed to be enacted; and on further motion by the same gentleman the House voted to reconsider its action whereby this bill was passed to be engrossed.

(Senate Amendment A read by the Clerk)

On motion by Mr. Douglas of Chelsea, a viva voce vote being taken, the bill and amendment were temporarily tabled.

From the Senate: An act to provide equitable and uniform taxation for motor vehicles (H. P. 1301) (H. D. 625) which was passed to be enacted in the House.

Comes from the Senate indefinitely postponed in non-concurrence.

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

### Report of Committee, Out of Order

Mr. Marden from the Committee on Ways and Bridges on Resolve in favor of the town of Norridgewock (H. P. 494) reported same in a new draft (H. P. 1329) under same title and that it "Ought to pass".

Report was read and accepted, the

new draft read twice under suspension of the rules and on motion by Mrs. Folsom of Norridgewock the resolve was passed to be engrossed and sent up for concurrence.

From the Senate: Bill an act to create a Commissioner to investigate and to negotiate a compact, regarding water power and electricity in New England (S. P. 524) (S. D. 262) which was indefinitely postponed in the House.

Comes from the Senate passed to be engrossed as amended by Senate Amendment "A" and House Amendment "A" in non-concurrence, and voting to insist upon affirmative action and ask for a Committee of Conference, with the following conferees appointed on its part. Messrs. Oakes of Cumberland, Maher of Kennebec, Crafts of Piscataquis.

In the House:

Mr. HALE of Portland: Mr. Speaker, I move that we insist and join in the committee of conference. While I have never been in favor of this measure, I think it would be extremely discourteous, both to the Senate and under the circumstances to our Chief Executive, to refuse to join in such a committee.

Mr. LAIT of Old Town: Mr. Speaker, may I inquire as to the vote taken here in the House when that bill was indefinitely postponed? Was there a vote taken not to reconsider?

The SPEAKER: The Chair, as it recalls, believes that a vote was taken after the motion to indefinitely postpone.

Mr. LAIT: Mr. Speaker, I support the motion of the gentleman from Portland (Mr. Hale.)

The SPEAKER: The question before the House is upon the motion of the gentleman from Portland, Mr. Hale, that the House insist and join in a committee of conference.

Mr. PAGE of Skowhegan: Mr. Speaker, I would like to ask for a roll call on that.

The SPEAKER: A roll call is requested. As many as are in favor of the motion that a roll call be taken will rise and stand until counted and the monitors will return the count.

A sufficient number not having arisen, the motion that the roll call be taken failed of passage.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr.

Hale, that the House insist and that a committee of conference be appointed. As many as are in favor of this motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair will announce the conferees later this morning.

The SPEAKER: The Chair will announce as the committee on the part of the House on House Document 385, relative to welfare conditions in the State of Maine, Messrs. Cole of South Portland, Bartlett of Bangor, and Butler of Bath.

### Orders of the Day

The SPEAKER: Under tabled and today assigned the Chair lays before the House bill an act to amend the Workmen's Compensation Act, S. P. 653, S. D. 383, tabled by Mr. Hale of Portland April 14th, pending passage to be engrossed; and the Chair recognizes the gentleman from Portland, Mr. Hale.

Mr. HALE: Mr. Speaker, I shall have to ask the indulgence of the House. This bill requires a verbal amendment and it will take me a little time with a stenographer to get it ready, and I have not had the time, therefore I would like to table it until this afternoon.

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

The SPEAKER: The Chair lays before the House House Paper 1332, House Document 644, bill an act to provide for the retirement of highway and bridge bonds, tabled by Mr. Littlefield of Kennebunk April 14, pending reference to a committee; and the Chair recognizes the gentleman from Kennebunk, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, I thought before this time the highway program would be all settled; but as it is not settled I would again ask leave of the House that this lie upon the table until the highway program is settled. If anything should happen to the highway program, we can, under this act, if we get it through, get the money to fix the highway program. That is the only reason for not asking at this time to withdraw this act. There-

fore, Mr. Speaker, I will ask that it be allowed to remain on the table.

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

The SPEAKER: The Chair lays before the House a resolution relative to sinking fund reserve, the pending question being adoption of the same; and the Chair recognizes the gentleman from Bangor, Mr. Ingraham.

Mr. INGRAHAM: Mr. Speaker, I yield the floor.

The SPEAKER: The question before the House is on the adoption of this resolution.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I yield to the gentleman from Southwest Harbor, Mr. Fuller.

Mr. FULLER: Mr. Speaker, all I wish is to know if the resolution can be read.

The SPEAKER: The Clerk will read the resolution.

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

Mr. CHASE: Mr. Speaker, yesterday when the highway program was being debated, the Speaker, very properly, I think, ruled that the members confine themselves to the subject under discussion. Part of the highway program was involved in two bills that came up yesterday afternoon, but because the program which was laid before us by the ways and bridges committee did include certain reference to the so-called sinking fund reserve and because there was no bill at that time which brought up that question, I introduced this resolution.

Now this resolution is an expression of my own opinion with reference to the sinking fund reserve. During the session, from the comment around the State House, I gathered that it was the policy of the ways and bridges committee to work out a highway program with a mill tax and a gas tax. I was in favor of that program. That was subsequently modified to a tax of half a mill and the gas tax. I was in favor of that and voted for the half-mill tax yesterday. I thought that was the program of the ways and bridges committee—the road program. When the modified road program was presented here I felt, or, rather, I will say that I felt yesterday, that an attempt was made to inject into this proposition a political issue, an attempt to pin upon the Re-

publican party something in connection with the use of the sinking fund reserve. Now it is not my opinion that this program represents the expression of the opinion of the Republican party or of all the Republicans of this Legislature.

I appreciate fully all the work that the ways and bridges committee has done in working out this program; and I offer no criticism of them. But this sinking fund reserve was set up by the last Legislature, which apparently felt that something should be done in the direction of reducing the bonded debt of the State, so this sinking fund reserve was created. The State has been selling highway bonds for quite some time. Some bonds outstanding now have at least ten years to run, which were sold to build roads that were torn up long ago. We are constantly being faced with the proposition of selling highway bonds. Such a bill was before this Legislature. It seems to me that if this program is adopted as it is, the next administration will be obliged to again consider another bond issue in order to continue the road program in similar amount as contemplated by this Legislature.

I think we ought to pause and consider, for a few years, at least, before starting further along the road to financing highway construction through bond issues. The principles of proper public financing require that bonds sold for improvements shall mature during the life of that improvement. That has never been the case in this State so far as highways are concerned. If we should adopt the policy of selling 10-year bonds maturing in equal amounts for ten years, on the theory that we cannot be sure the roads would last longer than that, the maturities would be so large that it would be quite a strain on the Legislature to meet those yearly maturities; so the tendency constantly is to put it off and put it off and sell 30-year bonds. We have to think about what the situation is going to be in the future. This sinking fund, in the proper sense of a sinking fund, was not for the purpose of paying bonds at maturity for which special funds had been designated. It was to be used to reduce the bonded indebtedness of the State, and I believe it might have been used for the purpose of buying in for the account of the State some of those bonds that have been sold and making some progress toward getting back into shape all our bonded debt for highways.

If we assign this sinking fund reserve now to a road program and just use it because we happen to have it and because it is available, we are putting ourselves further into the hole. We may temporarily reduce the tax rate but it all comes out of the taxpayer. This Legislature has the power and authority to repeal the law that created that sinking fund, but I do not think it should be done except in case of grave emergency and I do not think any such emergency exists at this time.

I introduced this resolution so that those members of this Legislature of either political party who agree with me shall have an opportunity to go on record that the use of this sinking fund reserve at this time is not sound public finance. (Applause.)

Mr. HALE of Portland: Mr. Speaker, I wish simply to say that I hope that the resolution of the gentleman from Cape Elizabeth (Mr. Chase) will have a passage.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, I have stated that I had said my last word in the discussion of the highway program. I feel that at this time I can safely make a statement.

I wish to go on record as stating that the program as first issued by the Ways and Bridges Committee met with my heartiest support and approval. I still believe it was a sound business-like program. But you all know how, as the term has progressed, other considerations have had to be met and considered. You all know that compromises have had to be made, and that a man may make an honorable compromise without sacrifice of his firm belief. I have made such compromises. I am in the heartiest accord with what the gentleman from Cape Elizabeth (Mr. Chase) has said, and with the endorsement of the gentleman from Portland, Mr. Hale. I simply want to go on record as taking that stand as believing that this is the only sound proposition this Legislature could possibly adopt.

In a way it is immaterial to me whether you bar—I mean as to results—the use of any of that money or not. This branch of the Legislature has established the four-cent gas tax, which enables the State to gain the maximum of the Federal funds. That insures new construction and reconstruction. If this House and this Legislature should

endorse the proposition of the gentleman from Cape Elizabeth, Mr. Chase, it will simply mean that we shall lose \$150,000 each year, as I understand, from maintenance. That is a serious proposition, not to take care of the roads already built. But let that be as it may, I am prepared to take my stand on the present program as presented, and to allow, so far as I am concerned, the Legislature to bar the use of any of the sinking fund reserve, and let the axe fall where it may. I felt in duty bound to take my stand and go on record as a supporter of what I believe an absolutely sound business program.

Mr. WING of Auburn: Mr. Speaker, may we have the resolution read again?

(Resolution read by the Clerk.)

Mr. WING: Mr. Speaker, I have been somewhat embarrassed to find out whether this program is a modified program or a mortified program. I understood the gentleman from Cape Elizabeth (Mr. Chase) to say it is a modified one, but I guess I swapped the "d" for a "t." Now this resolution is not a joint resolution, but is a House resolution. It purports, as I look at it—I have no quarrel with the gentlemen who have preceded me—it is simply an expression of opinion. Now construction of statutes, I have always understood, is for the court. I notice that the gentleman from Portland (Mr. Hale) placed upon the table and had printed a statute which had to do with this same sinking fund reserve, or whatever you call it.

Now I do not want to vote for an opinion or existing statute which does not have any binding force whatever. I think this resolution should not have a passage, and that the issue should be met on the proposed amendment to the statute which is under the name of the Representative from Portland, Mr. Hale. Now I hope the House understands this. If we wish to change the statutes, let us do it in a proper way, but don't let us simply express an opinion which apparently is not worth the paper it is written on. This House cannot bind the Senate and the Senate cannot bind the House, and I think we should proceed by law rather than by opinion. I hope the resolution will not have a

passage and that the issue may be met upon the measure which the gentleman from Portland has under his name.

Mr. HALE: Mr. Speaker, until I have had an opportunity to study the measure which I had tabled this morning I cannot even be sure of the nature of it, not even be sure that it raises this particular issue. I do not see that it can do any harm for this House to adopt the proposed resolution, because it seems to me to involve nothing more than a statement of the opinion of the House that the State of Maine wishes to keep faith with its creditors, its bondholders.

Mr. WING of Kingfield: Mr. Speaker, I do not feel the sacredness of this sinking fund reserve, as some of you seem to do. Two years ago we were told that the Governor had too much money in the contingent fund and that there were possibilities of its misuse, and that the Legislature should have the spending of the surplus money to a larger extent. They advised that we make the contingent fund up to \$300,000, and that any overflow should go into another fund, with the suggestion that we call that the sinking fund reserve, which would mean something to some people and something else to others. I simply make this suggestion, which was the feeling I had at the time, that this was simply a matter of taking so much money from the contingent fund for no particular purpose whatever. At that time we had no purpose for it and we said "it will go toward paying off the bonds of the State." I do not think that under the laws of the State we are obliged to have any sinking fund, and if we do have one, it would not have to be managed this way. It could be used for any purpose this Legislature desires. I do not think that the words "sinking fund" is a right expression for the feeling we had when we passed the bill.

Permission was granted Mr. Hale to address the House the third time.

Mr. HALE: Mr. Speaker, I think that the complete and absolute answer to what the gentleman from Kingfield (Mr. Wing) has said is to be found in the language of the statutes, chapter 164 of the public laws of 1925. "The State Auditor and Treasurer of State"—I am reading

from section 2. Section one limits the contingent fund to \$300,000.

"Section 2. The State auditor and treasurer of State shall also open on their books an account to be known as the sinking fund reserve to which shall be transferred and credited all sums of money at any time found in the State contingent fund in excess of three hundred thousand dollars plus the amount of special legislative appropriations. All sums derived from all the sources mentioned in the preceding section which may not be credited to said state contingent fund because of the limitation recited in said section shall also be credited to said reserve. Said sinking fund reserve shall, upon the first day of July in each year or as soon thereafter as the amount thereof can be ascertained, be set aside as a sinking fund, to be added to from year to year in like manner to be applied to the payment of outstanding obligations of the state, and to the purchase of outstanding, unmatured bonds of the state in the manner provided in section seventy-two of chapter two of the revised statutes."

Mr. WING of Auburn: Mr. Speaker, I think that the reading of the statute is a complete answer to any question as to whether or not this resolution should pass. My point is that the law speaks for itself and it is not for us by resolution to put a construction upon it. If we wish to change this, we can debate that question very well. Everything that has been said here by the gentleman from Portland (Mr. Hale) and by the gentleman from Cape Elizabeth (Mr. Chase) is to the point, but the point I am trying to make to this House is that we should not put a construction upon plain language of the statute and we should not do that by a resolution of this House. If we wish to change the statute, change it.

Mr. CHASE: Mr. Speaker, I do not know whether I am speaking for the third time or not. I think it is the second time.

The SPEAKER: The gentleman may proceed.

Mr. CHASE: Mr. Speaker, I am fully aware that this resolution has not the form of law. I think you may have gathered that the scheme

of financing which involved this dissipation of the treasury assets, particularly that which may have been specifically set up as a sinking fund reserve, is rather repulsive to me, and I am trying to get an opportunity, and there are others here, I believe, who would like to have the opportunity to go on record as opposed to the use of this money.

In my opinion there has been more money wasted in the State of Maine in the last ten years by trying to keep the tax rate down for political reasons, than for any other reason that I know of. (Applause). I, and many of you, can cite numerous instances where waste is actually going on. Just to take one instance of it: For the last seven years there has been a note at the University of Maine that the trustees put out during the war for \$220,000. They borrowed the money on their personal credit when the alternative was to shut up the institution; and there has not been an administration since that time that has dared to raise the money to pay that note, and the State of Maine is paying six per cent interest on what remains of that note today, it having been reduced, as I understand it, out of the maintenance fund of the University. If you want to save money, there is one place where, by having a little higher tax rate now, you can have a lower tax rate in the years to come; but there has been no one who has dared to propose to do that sort of thing. Now it is apparently proposed, for the purpose of keeping the tax rate down, to dissipate the assets in the treasury; and I want to have an opportunity to go on record as against that type of financing; and when the vote is taken I ask that it be taken by the yeas and nays. (Applause)

Mr. FOSTER of Ellsworth: Mr. Speaker, I think perhaps this thing might be clarified a little although it is not pertinent to the question. When this matter was brought up in the Finance Committee there were two ways urged of figuring a lower tax rate to use the \$1,044,000 in the treasury. The first proposition that we had put up to us was—and these are just round figures—that if our direct income was \$4,000,000, we were asked, or it was suggested to us, to take one-fourth of a mill, or approximately \$.62,000 and add to

the income of this State. That looked pretty good. We will take the indirect income plus the direct income as what we pay the tax rate on and we arrive at 6 9-10 mills. The other way suggested to us was this, that we take the direct income—the indirect income—and strike a balance of a rate and then take the one-fourth mill from the rate we had struck. Add the \$262,000 to that and it brings it down to 6 1-2 mills.

I am not willing to go on record to take that as a housekeeping or as a direct income. I do not want to treat it as a direct income because that is camouflaged. If you want to strike the rate at 6 9-10 mills and then take a half mill from your sinking fund, it is simply to show the people that that is where the money come from. It does not come out of your reduction in expenses; it simply comes out of the sinking fund. Now if you want to reduce your tax rate, then allow one-half mill to be taken out of the sinking fund.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, as I understand this road program, it is to take \$150,000 each year from the sinking fund reserve to carry out the program which the Road and Bridge Committee left on your desk yesterday. Now the way I understand this, —I may be wrong, but if I am, anyone can correct me—\$700,000 is to be taken from the \$1,044,000 now in the sinking fund reserve. The balance of it is to be taken, \$150,000 this year and \$150,000 next year, to put upon the roads. That \$700,000 is simply to keep down the tax rate. Now I do not know, but I think, that under the law this cannot be taken from this sinking fund for that purpose. The law as read by Mr. Hale is the law of 1925. He referred to section 72 of chapter 2 of the Revised Statutes of 1916, and that section reads: "Whenever, from time to time, in the judgment of the treasurer, it may be done to the financial advantage of the State, he may, with the advice and consent of the Governor and Council, purchase with any funds in the State treasury not otherwise appropriated, and when so purchased, may cancel, any outstanding, unmatured bonds of the State."

Now there are the three propositions. Now if we wish to reduce our tax rate with that money, this House has, in my opinion, got to vote an

enabling act to enable them to take that \$700,000 from that sinking fund reserve. That is the simple reason why I tried to keep my bill on the table. I hope the members will all think of that so that you may vote intelligently this afternoon when, I think, there will be a bill come in for an enabling act to take this money from the sinking fund, except \$44,000.

Mr. FOSTER: Mr. Speaker, I do not quite agree with the gentleman from Kennebunk. If I understand this thing correctly, the \$700,000 that is in the sinking fund today can be applied to the redemption of our bonds, but no part of that money can be taken on the road.

He speaks of the \$150,000 as from the sinking fund, but it is not from the sinking fund as I understand it. It is lapsed money, the same kind of money that is in the sinking fund, but this \$700,000 does not touch the sinking fund of today. In other words, it takes the money that might go into that sinking fund before it gets there, but after it gets into the sinking fund, there is no way of taking it out except by enactment.

Mr. LITTLEFIELD: Mr. Speaker, I think I understand that about as it is. Mr. Deering, as I understood him yesterday, said that he is to take that money before it gets into the sinking fund. As I understand it, there is now in that sinking fund \$1,044,000, and as I understand it—and if I am not correct, I am willing to be corrected—there is to be \$700,000 taken from the sinking fund, or, in other words, pay the debts and reduce the mill tax.

Mr. FOSTER: Mr. Speaker, I do not understand it so. You cannot take a nickle out of that sinking fund reserve except by enactment according to the law.

Mr. LITTLEFIELD: Mr. Speaker, I would like to inquire from someone when they reduced the rate from 6.94 to 6.36, how did the reduction come about?

Mr. FOSTER: Mr. Speaker, that has not come about yet. It is suggested by an enactment. If this Legislature passes an act to allow the Governor or anybody else to take away one-half mill, or \$262,000, if you care to do that, that is all there is to it.

Mr. LITTLEFIELD: And is it or is it not—possibly you do not know—a fact that there is to be an en-

abling act put in here this afternoon or some time before the Legislature adjourns, to do this?

Mr. FOSTER: I cannot answer that, Mr. Littlefield. There is a bill before the Appropriations Committee, and they have not acted upon it. I think that will be taken care of very soon. It is not reported out and will not be until some definite arrangement has been made.

Mr. LITTLEFIELD: Mr. Speaker, I would like to ask the gentleman if the road program can be carried out if we do not raise this \$150,000 in some way. I understood it that way.

Mr. FOSTER: Not of the sinking fund money as of today, no; but the sinking fund money that you are anticipating.

Mr. LITTLEFIELD: In other words, beginning the fiscal year in July, 1927?

Mr. FOSTER: After your building program has been established of some \$700,000, then whatever money is left—if \$150,000 is left—they propose to take that before it gets into your sinking fund.

Mr. LITTLEFIELD: Mr. Speaker, my only object in threshing this out now was that we might do so when we had nothing else to do. I will vote for an enabling act, not only to take the \$700,000, but the \$150,000. I see no need for keeping that money downstairs doing nothing when we can avoid hiring money at six per cent.

Mr. MERRILL: Mr. Speaker, whatever action may be taken on any bill that may be brought in here purposing to appropriate money from the present sinking fund as it stands today has absolutely nothing to do with the highway program. That, as I look at it, is a proposition simply to reduce your tax rate.

One hundred and fifty thousand dollars a year, as mentioned in your highway program, comes as the gentleman from Ellsworth says, from the same kind of money that in years before has gone into the sinking fund. Under the new set-up for this year that same kind of money is to be applied to a building program to build up the \$300,000 contingent fund, and after that it is anticipated that there will be funds enough which can be used on your road program to make up this \$150,-

000 each year, which will simply tend to prevent that amount going into the contingent fund in the next two years as it has done in the last two years.

Mr. FOSTER: Mr. Speaker, I see no reason why this resolution should not have passage. It simply establishes the sentiment of this House regarding the expenditure of all money in the sinking fund outside of what it is designated for; and I move the previous question.

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

A sufficient number arose.

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

A viva voce vote being taken, the motion that the main question be now put prevailed.

The SPEAKER: The question before the House is upon the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the resolution introduced by him be adopted.

Mr. LAIT of Old Town: Mr. Speaker, do I understand that a motion is in order for the yea and nay vote?

The SPEAKER: The gentleman is correct. The gentleman from Old Town, Mr. Lait, moves that when the vote is taken it be by the yeas and nays. As many as are in favor of this motion will rise and stand until counted and the monitors will return the count.

Mr. BISSETT of Portland: Mr. Speaker, yes is for the adoption of the resolution and no is against it?

The SPEAKER: The gentleman is correct.

Mr. FOSTER: Mr. Speaker, there are several members around here who are inquiring whether this is in any way binding upon this House or is it simply an expression of sentiment?

The SPEAKER: The Chair would state that this resolution is an expression of the sentiment of the House on this matter.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I may be a little thick, but I would like very much to have that resolution read again before it is voted on.

The SPEAKER: The Chair will have that done as soon as the monitors return the count.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, the question now is on the yea and nay vote?

The SPEAKER: Yes. As many as are in favor of the vote being taken by the yeas and nays will rise and stand until counted and the monitors will return the count.

A division being had,

Twenty-seven voting in the affirmative and 40 in the negative, and it being over the one-fifth necessary, the motion prevailed and the roll call was ordered.

(Resolution again read).

The SPEAKER: The Clerk will call the roll and each member will answer yes or no as his or her name is called. A vote yes is for the resolution, a vote no is against it.

YE—Allen, Anderson, South Portland, Belleau, Bissett, Blaisdell, Booker, Boston, Briggs, Brown, Burns, Carleton, Portland, Chamberlain, Chaney, Chase, Church, Cole, Comins, Cram, Crawford, Crockett, Cyr, Deakin, Decker, Dennison, Douglas, Dudley, Calais, Ellis, Flint, Folsom, Forhan, Foster, Fuller, Gagne, Gillespie, Goodwin, Lebanon, Greenleaf Greene, Griffin, Hale, Hammond, Harris, Hathaway, Hawkes, Holbrook, Holman, Houghton, Hughes, Jackson, Jones, Kane, Addison, King, Kinsman, Lait, Laughlin, Littlefield, Lowell, MacKinnon, Mansfield, Marriner, McCart, Melcher, Merrill, Metcalf, Milliken, Morin, Norwood, Page, Patterson, Pendexter, Piper, Powers, Rawley, Richardson, Robie, Gorham, Robie Westbrook, Roy, Ruggles, Sargent, Saucier, Seavey, Snow, Snowman, Staples, Eliot, Staples, Waterville, Stone, Bridgton, Sturtevant, St. Clair, Thurston, Tripp, Tucker, Varnum, Webber, White, Wyman.

NAY—Aldrich, Anderson, New Sweden, Bailey, Bartlett, Bisbee, Boynton, Brackett, Brewster, Buker, Butler, Cain, Clinton, Carleton, Winterport, Clifford, Cowell, Daigle, Davitt, Dudley, Castle Hill, Farrington, Ferguson, Gay, Goodwin, Sanford, Heath, Ingraham, Maloon, McIntire, McKnight, Rounds, Smith, Stone, Biddeford, Storm, Sturgis, Vail, Weston, Williams, Falmouth, Williams, Webster, Wing, Auburn, Wing, Kingfield, Winslow, Wood.

ABSENT—Ayer, Bishop, Breen, Bruce, Deering, Eustis, Gilcrest, Hamel, Kitchen, Leathers, Marden, McLean, Mears, Morrill, Nadeau, Pike, Wheeler.

94 yes.

39 no.

17 absent.

Ninety-four having voted in the

affirmative and 39 in the negative, the resolution was adopted.

Mr. FOSTER of Ellsworth: Mr. Speaker, will you give us the number of absentees?

The SPEAKER: Seventeen.

(At this point Mr. Wing of Auburn assumed the Chair, the members rising and applauding).

### Recess

The SPEAKER pro tem: The Chair places before the House certain papers from the Senate, out of order, under suspension of the rules.

From the Senate: 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 (S. P. 299) (S. D. 99) on which the House voted to insist on its former action whereby it accepted the majority report and passed the new draft (S. P. 545) (S. D. 299) to be engrossed, in non-concurrence.

Comes from the Senate that body voting to adhere to its former action whereby it accepted the minority report "ought not to pass."

In the House:

Mr. STURGIS of Auburn: Mr. Speaker, I move that we insist and ask for a committee of conference.

Mr. BELLEAU of Lewiston: Mr. Speaker, if in order, I would move that the bill be indefinitely postponed.

The SPEAKER pro tem: The Chair would suggest to the gentleman that he may move to indefinitely postpone or to adhere.

Mr. BELLEAU: Mr. Speaker, I move to indefinitely postpone.

Mr. ROY of Lewiston: Mr. Speaker, I believe we named a committee of conference yesterday and the Senate refused to join with the House. Therefore, I thought it was no use to do any more. If they refuse what can we do?

The SPEAKER pro tem: The Chair will state to the gentleman that the matter comes from the Senate that body voting to adhere to its former action, whereby it accepted the minority report, ought not to pass. In other words they do not join in the committee of conference.

Mr. ROY: That is what I understood, Mr. Speaker. I could not see what we could do.

Mr. BELLEAU: Mr. Speaker, I move that we concur with the Senate.

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

From the Senate: Resolve in favor of the Prison Commission (H. P. 1088) on which the House voted to insist upon its former action whereby it accepted the majority report and passed the new draft (H. P. 1288) (H. D. 615) to be engrossed, and asking for a Committee of Conference.

Comes from the Senate that body voting to adhere to its former action whereby it indefinitely postponed the bill in non-concurrence.

In the House:

Mr. GILCHREST of Thomaston: Mr. Speaker, I move that the House still insist on its former action and will make an explanation in regard to the guards of the prison. One of the members of the Senate stated that those guards were on a strike. As I understand the United States law, a man who strikes has got to leave the job. Those guards never left their job and they were not discharged at that time.

A viva voce vote being taken the motion that the House insist on its former action prevailed.

The SPEAKER pro tem: The papers about to be offered to the House are report of the Committee on Appropriations and Financial Affairs on various hospital resolves and charitable institutions in the State. There are some forty or fifty of them and the Chair awaits a motion.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, those are the appropriation bills for the fulfilling of the acts of this Legislature, are they not?

The SPEAKER pro tem: That is the way I understand it.

On motion by Mr. Merrill the reading of the list in detail was dispensed with.

From the Senate: Report of the Committee on Appropriations and Financial Affairs on the following Resolves:

Resolve in favor of Augusta General Hospital, for the care, support and medical or surgical treatment of certain persons (H. P. 161).

Resolve providing for sanatorium treatment by the Bangor Anti-Tu-

berculosis Association in Bangor for persons who are in need of the same and are unable to pay for it (H. P. 251).

Resolve in favor of the Bar Harbor Medical and Surgical Hospital (H. P. 324).

Resolve for three thousand dollars in aid of the Bath City Hospital (S. P. 84).

Resolve in favor of the Calais Hospital at Calais (S. P. 98).

Resolve in favor of Central Maine General Hospital, Lewiston, Maine (S. P. 97).

Resolve in favor of the Charles A. Dean Hospital at Greenville (S. P. 138).

Resolve in favor of the Children's Aid Society of Maine (S. P. 7).

Resolve in favor of the Children's Heart Work Society of Maine, at Portland (H. P. 947).

Resolve in favor of the Children's Hospital (H. P. 249).

Resolve in favor of Eastern Maine General Hospital of Bangor (S. P. 103).

Resolve in favor of Eastern Maine Orphan Home (H. P. 212).

Resolve in favor of the Gardiner General Hospital at Gardiner (H. P. 501).

Resolve in favor of Girls' Orphanage, Lewiston, Maine (H. P. 214).

Resolve appropriating money for the Good Samaritan Home Association of Bangor, Maine (H. P. 445).

Resolve in favor of Healy Asylum at Lewiston, Maine (S. P. 215).

Resolve in favor of the Home for Aged Women in Belfast (H. P. 446).

Resolve in favor of the Home for Aged Women at Rockland (H. P. 575).

Resolve in favor of Knox County General Hospital, Rockland (S. P. 123).

Resolve appropriating money to aid the Madigan Memorial Hospital at Houlton (H. P. 70).

Resolve in favor of Maine Eye and Ear Infirmary (H. P. 831).

Resolve in favor of Maine General Hospital for medical or surgical treatment of certain persons (S. P. 235).

Resolve in favor of the Maine Institution for the Blind at Portland (H. P. 500).

Resolve in favor of the Maine Mission for the Deaf at Bangor (S. P. 187).

Resolve in favor of the Northern

Maine General Hospital at Eagle Lake, in the county of Aroostook (H. P. 326).

Resolve in favor of Northern Maine General Hospital at Eagle Lake, in the county of Aroostook (H. P. 325).

Resolve in favor of Presque Isle General Hospital at Presque Isle (H. P. 444).

Resolve in favor of Rumford Community Hospital (H. P. 832).

Resolve in favor of St. Elizabeth's Roman Catholic Orphan Asylum and Holy Innocents' Home, Portland (S. P. 104).

Resolve in favor of St. Mary's General Hospital, Lewiston, Maine (H. P. 213).

Resolve in favor of the Temporary Home for Women and Children (H. P. 248).

Resolve in favor of the Trull Hospital Aid Association of Biddeford (H. P. 9).

Resolve in favor of the Waldo County General Hospital for maintenance (S. P. 20).

Resolve in favor of the Waldo County General Hospital (S. P. 329).

Resolve in favor of the Webber Hospital Association of Biddeford (H. P. 328).

Resolve in favor of the York County Children's Aid Society of Saco (S. P. 62).

Resolve in favor of the York Hospital (H. P. 327).

Resolve in favor of the Sisters Hospital at Waterville (S. P. 211).

Resolve appropriating money for Franklin Hospital Association, Inc. in the town of Farmington (H. P. 252).

Resolve in favor of the Winthrop Community Hospital at Winthrop (S. P. 139).

Resolve in favor of Penobscot General Hospital of Old Town, Maine (S. P. 21).

Resolve in favor of the Maine Children's Home Society (H. P. 1235).

reporting same in a new draft under title of "Resolve in favor of Charitable and Benevolent Institutions, for the care, support and medical or surgical treatment of certain persons" (S. P. 673) 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 was read and accepted in concurrence, and under suspension of the rules the resolve had its two several readings and was passed to be engrossed in concurrence.

From the Senate: Report of the Committee on Ways and Bridges on bill an act providing State aid to towns in ploughing out snow from the roads in winter, S. P. 75, S. D. 21, reporting same in a new draft, S. P. 671.

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, the rules were suspended and the bill had its three several readings and was passed to be engrossed in concurrence.

From the Senate: Report of the Committee on Judiciary on bill "An Act to create a Circuit Court and determine its jurisdiction and assign the terms of said court, and also the terms of the Supreme Judicial Court at nisi prius and as a court of law" (S. P. 87) (S. D. 35) reporting same in a new draft C (S. P. 665) (S. D. 392) under title of "An Act relating to the trial and law terms of the Supreme Judicial Court and to amend Section 98 of Chapter 82 of the Revised Statutes relating to the exchange of Justices of the Superior Court."

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.

Mr. DUDLEY of Calais: Mr. Speaker, this is a matter similar to the one passed on a short while ago, and in order that there may be no conflict between the two, I desire an opportunity to compare them. For that reason I move to temporarily table the bill pending first reading.

#### Passed to be Enacted

(Out of order and under suspension of the rules).

An Act validating acts and deeds valid except for certain irregularities and omissions.

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

#### Finally Passed

Resolve providing for the construc-

tion of an International Bridge over St. John River between the town of Fort Kent, Aroostook County, and the Parish of St. Francis, Madawaska County, New Brunswick.

Resolve to pay certain deficiencies.

Resolve in favor of the trustees of the bridge between East Machias and Machiasport.

Senate paper out of order disposed of in concurrence.

The following resolves were introduced out of order by Mr. Sturgis of Auburn and referred to the committee on Appropriations and Financial Affairs.

Resolve in favor of Herman Martin, Jr. for services as page.

Resolve in favor of James O'Brien for services as page.

On motion by Mr. Boynton of South Portland,  
House recessed until 2 P. M.

#### After Recess, 2 P. M.

The Speaker in the Chair.

On motion by Mr. Dudley of Calais it was voted to take from the table S. D. 392, an act relating to the trial and law terms of the Supreme Judicial Court, and to amend Section 98 of Chapter 82 of the Revised Statutes relating to the exchange of Justices of the Superior Court; and on further motion by the same gentleman the rules were suspended and the bill was given its three several readings and passed to be engrossed.

On motion by Mr. Hale of Portland, it was voted to take from the table Senate Document 383, an act to amend the Workmen's Compensation Act, tabled by that gentleman this morning.

Mr. Hale offered House Amendment A and moved its adoption as follows:

House Amendment A to Senate Document No. 383.

Amend Senate Document 383 by striking out all of Section 4 thereof and substituting therefor the following:

'Sec. 4. Section twenty-nine of chapter two hundred thirty-eight of the Public Laws of 1919 as amended by Section nine of chapter two hundred and twenty-two of the Public

Laws of nineteen hundred and twenty-one, is hereby amended by striking out in the first and second lines of the second paragraph thereof the words 'three thousand five hundred' and inserting in lieu thereof the words 'four thousand,' and by striking out in the second line thereof the words "at the time this act takes effect," and by striking out in the fourth line of said paragraph the words "three thousand" and inserting in lieu thereof the words 'three thousand five hundred' and by striking out in the fifth line thereof the words "one thousand" and substituting therefor the words 'fifteen hundred,' and by striking out in the seventh line thereof the words "five hundred," and substituting in lieu thereof the words 'one thousand'."

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

Senate Papers out of order.

From the Senate: 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 (H. P. 873) (H. D. 230) which was passed to be enacted in the House.

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

In the House, on motion by Mr. Hale of Portland the House voted to reconsider its action whereby this bill was passed to be enacted; and on further motion by the same gentleman the House voted to reconsider its action whereby the bill was passed to be engrossed.

Thereupon Senate Amendment A was adopted in concurrence, and the bill having had its three several readings under suspension of the rules was passed to be engrossed as amended in concurrence.

From the Senate: Joint Order relative to the Maine Development Commission which was passed in the House.

Comes from the Senate passed as amended by Senate Amendment "A" as follows:

"Amend by striking out the words "instructed to call" and insert in

place thereof the following words, 'recommended to consider' in non-concurrence.

In the House, on motion by Mr. Chase of Cape Elizabeth the House voted to reconsider its action whereby this order was passed; and on further motion by the same gentleman the House voted to adopt Senate Amendment A in concurrence.

Thereupon the order as amended by Senate Amendment A was passed in concurrence.

From the Senate: Resolve in favor of Willis Myrick of Mount Chase in the county of Penobscot, compensating him for damages done to a piece of oats by porcupines (H. P. 829) on which the House substituted the resolve for the report and passed it to be engrossed as amended by House Amendment "A."

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Wood of Patten that body voted to recede and concur.

From the Senate: Bill an act providing for the appointment of a Deputy Secretary of State to be designated a 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) on which the House voted to adhere to its former action whereby it accepted the majority report and passed the new draft (H. P. 1331) to be engrossed.

Comes from the Senate that body insisting on its former action whereby they accepted the minority report "Ought not to pass" and asking for a committee of conference, with the following conferees appointed on its part:

Messrs. GRANVILLE of York  
MITCHELL of Aroostook  
BOND of Lincoln

In the House, on motion by Mr. Morrill of Gray, the House voted to insist and that a committee of conference be appointed.

The Chair appointed as conferees on the part of the House:

Messrs. MORRILL of Gray  
DUDLEY of Calais  
PATTERSON of Castine

From the Senate: Resolve to pro-

vide for the payment of resolves where special provision for payment has not been made, S. P. 674.

Comes from the Senate, read twice under suspension of the rules without reference to a committee, and passed to be engrossed.

In the House, the rules were suspended, and the resolve given its two several readings and passed to be engrossed in concurrence.

From the Senate: Resolve in favor of Prison Commission (H. P. 1288) (H. D. 615) on which the House voted to further insist on its former action whereby the resolve was passed to be engrossed and asked for a committee of conference.

Come from the Senate that body voting to further adhere to its former action whereby the resolve was indefinitely postponed.

In the House, on motion by Mr. Gilchrist of Thomaston that body voted to adhere.

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 establish a uniform license law for summer camps (S. P. 200) (S. D. 87) reporting that the House recede and concur with the Senate in passing the bill to be engrossed as amended by Senate Amendment "A."

(Signed)

Messrs. MINER of Washington  
BUZZELL of Oxford  
DRAKE of Sagadahoc

—Committee on part of Senate.  
THURSTON of Appleton  
McKNIGHT of Poland  
STURGIS of Auburn

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

In the House:

The SPEAKER: The question before the House is on the acceptance of the report of the committee of conference which is simply a formal matter. Is it the pleasure of the House that the report of the conference committee be accepted.

The motion prevailed.

A viva voce vote being taken, on motion by Mr. Sturgis of Auburn, that the House recede and concur, the motion failed of passage.

Mr. STURGIS: Mr. Speaker, I don't know where the matter is now.

We have had a committee of conferees I am quite sure.

The SPEAKER: This is the report of the committee of conference which has been accepted by the House, and the committee of conference reported that the House recede and concur with the Senate in the passing of the bill to be engrossed as amended by Senate Amendment A; and the House has just voted not to recede and concur despite the report of the committee of conference. Is there any further motion that any member wishes to make on this matter?

Mr. VARNUM of Westbrook: Mr. Speaker, I move that the bill be passed to be engrossed as amended by Senate Amendment A.

The SPEAKER: The Chair will state that a motion to recede and concur has just been lost, which would impute the same purpose as the gentleman has in mind.

On motion by Mr. Comins of Ed-dington, a viva voce vote being taken, the House voted to adhere.

The SPEAKER: The Chair lays before the House a communication from the Superintendent of Public Buildings, which the Clerk will read:

#### "STATE OF MAINE

Superintendent of Public Buildings,  
Augusta

April 15, 1927.

To the Honorable Speaker of the House, and members of the House of Representatives of the Eighty-third Legislature.

Gentlemen:

The Superintendent of Public Buildings is in receipt of your order of April fourteenth introduced by the gentleman from Jackman, Mr. Piper, and read and passed by your honorable body.

He begs to assure of his very deep interest in your comfort and welfare and recognizes the cordiality expressed by this gracious and kindly document which will ever remain a cherished possession.

Possibly the rewards of public service seem at times to be rather indefinite but with such an expression constantly before him the Superintendent of Public Buildings will be ever reminded that the quality of service should be limited only by ability to perform.

With very best wishes for your

continuing welfare and happiness, I remain,

Respectfully,

(Signed) Charles E. Dustin.  
Superintendent of Public Buildings."  
(Applause).

The communication was ordered placed on file.

#### Order, out of order

On motion by Mr. Rounds of Portland, it was

Ordered, that the State Librarian send to each member and officer of the House of Representatives one copy of the Legislative Record of the Eighty-third Legislature when bound and indexed.

The SPEAKER: On Senate Document No. 276, relative to Workmen's Compensation Insurance, the Chair appoints as conferees on the part of the House, Messrs. Foster of Ellsworth, Wheeler of South Paris, and Deering of Saco.

On motion by Mr. Douglas of Chelsea, it was voted to take from the table Senate Document 382, an act relating to the protection of moose, tabled by that gentleman earlier in the day.

Mr. DOUGLAS: Mr. Speaker, I understand the pending question is the adoption of Senate Amendment A, and if so, I move its adoption.

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

Mr. ROBIE of Westbrook: Mr. Speaker, if in order, I will touch off a bomb relative to this highway program. I just want to make a suggestion relative to this program.

The SPEAKER: The gentleman may proceed.

Mr. ROBIE: Mr. Speaker, the thought just struck me that this item of one hundred and fifty thousand dollars if it could be deducted from the last item by retiring the bonds and using the \$150,000 which they propose to take from the surplus before it becomes a surplus to retire the bonds and reduce the amount coming from automobile fees and use it for maintenance, I think that would answer both questions relative to using these surplus funds.

I just want to pass this along as an idea.

Mr. WING of Auburn: Mr. Speaker, will the Clerk please state the measures which are on the table?

Senate Paper 647, H. D. 646, an act to apply surplus funds toward state construction, which was tabled this morning by Mr. Hale, pending the motion of Mr. Deering, to reconsider the passage to be enacted.

H. D. 644, an act to provide for the retirement of highway and bridge bonds, which was tabled by Mr. Littlefield of Kennebunk this morning, pending reference to a committee.

Mr. WING: Mr. Speaker, under the order passed are these matters not now to come off the table?

The SPEAKER: These matters the Chair recalls were tabled this morning, and under the only order that the Chair has in mind would not come off automatically until tomorrow morning; but the Chair will state that it believes both these matters were tabled temporarily and should be taken off at this time if possible.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I am perfectly willing to take mine off the table, if the members are willing to have me take it off; but it is my opinion that before you get through you will want it back on. It will not help matters a bit to take it off and it will not hurt them a mite to leave it on, because if the right papers come into this House I shall immediately ask to withdraw that bill. I do not like to do it until the right papers do come in. If they do not come in, we can fix it in a very few minutes.

Mr. McKNIGHT of Poland: Mr. Speaker, if in order, I would like to have the gentleman from Kennebunk, Mr. Littlefield, explain to this body what those papers are and what they are waiting for. There are a lot of members here who would like to get this road program finished up, and I, for one, am in favor of this program put up by the Ways and Bridges Committee. And I can see no sense in waiting for somebody to produce something when it is not known when it is coming in or where it is coming from. (Applause).

Mr. LITTLEFIELD: Mr. Speaker, I would ask the permission of the

House to withdraw House Paper 1332, H. D. 644.

On motion by Mr. Littlefield, it was voted to take from the table H. P. 1332, H. D. 644.

The SPEAKER: The same gentleman asks leave of the House to withdraw it. As many as are in favor will say aye; those opposed no.

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

Mr. LITTLEFIELD: Mr. Speaker, I had just as soon explain those papers as not. I have nothing to cover up with these papers. I have not tried to cover up anything this session. But there seems to be a lot of trouble with the road program. My first impression was that I would produce a road program, but I found the Ways and Bridges Committee did not like it, and I did not want to get provoked, nor to get the House mixed up; so I quit. But the sum and substance of that whole matter was this, that there was \$1,044,000 in the treasury that we could use to reduce the indebtedness of this State in highway and bridge bonds and interest money.

The supposition was, and the intention was, to take \$700,000 and from it pay those bonds and interest. That appeared to meet with everybody's satisfaction except the Ways and Bridges Committee. Then we found that there were left \$344,000 in the sinking fund. Then they wanted to turn around and take the \$700,000 to reduce the tax rate; in other words, as I have told you half a dozen times, from 6.82 to 6.36. I was perfectly willing that they should do it and did not say a word. On top of that they said "Take the other \$344,000—\$300,000 of it—and give it to the Bridge Committee, \$150,000 each year. That was why I wanted this bill on the table, simply to make an amendment to it. Instead of calling for \$700,000 per year, it would call for \$150,000 per year, which met the approval of everybody that I have found. I do not want to force a bill on this Legislature nor to try to. That is the reason for my keeping the bill on the table and keeping it alive.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, I do not arise in a controversial mood at all. I simply wish to answer one, unintentional, no doubt, implication in the remarks of the gentleman from Kennebunk (Mr. Littlefield). I am afraid that

what he said might leave the impression in the minds of some that the Ways and Bridges Committee had assumed a dictatorial attitude in so far as the highway program is concerned.

I wish to make it very clear to this House that the Ways and Bridges Committee has considered itself the servant of this body and is in no sense a dictator; that we have placed that program, our official program, before the House with the utmost humility, acknowledging all our shortcomings, acknowledging, possibly, all our lack of wisdom; and, having arrived at the best solution to us possible, we have submitted it and have plainly said to you, "Gentlemen, here it is. If you can substitute something better, you have our hearty commendation and our hearty support for such substitution." I wish emphatically and truthfully to say that such is and has been the attitude of the Ways and Bridges Committee, to be your servant and make no attempt at being your dictator.

The SPEAKER: The Chair does not recall any motion on this resolve.

Mr. McKNIGHT: Mr. Speaker, if in order, I move that we accept this report of the Ways and Bridges Committee.

This Ways and Bridges Committee has worked on this thing for fourteen or fifteen weeks, and they certainly have got that thing about right. We may linger here and first one will jump up with a program, and then another, and we are not getting anywhere. Let us accept that report or reject it and then start in over again.

The SPEAKER: The Chair will state that there is not any report of the Ways and Bridges Committee before the House which can be accepted.

Mr. MERRILL: Mr. Speaker, we could not present to you a program for your official approval except inasmuch as you approve the specific items that go to make up the program. I think that must be very clear to you, that all we could ask was your approval or disapproval of these specific items as to gas tax increase and the mill tax. Most of the other items are fixed by law.

Mr. WING of Auburn: Mr. Speaker, do I understand the pending ques-

tion to be the disposition of Mr. Littlefield's bill.

The SPEAKER: The gentleman from Auburn, Mr. Wing, is correct.

Mr. WING: What are the endorsements on the bill, please.

The SPEAKER: The bill was received under suspension of the rules on April 15, and tabled by the gentleman from Kennebunk, Mr. Littlefield. It has since remained upon the table coming off once or twice and going back.

Mr. WING: Mr. Speaker, the pending question is reference to a committee or indefinite postponement.

The SPEAKER: The real pending question, the Chair would assume would be reference to a committee although no motion has yet been made.

Mr. WING: Mr. Speaker, I move that the bill be rejected in order that we may bring the matter to a head and refused reference to a committee in order that we have something to vote for or against.

The SPEAKER: Would the gentleman be willing to make a motion to indefinitely postpone.

Mr. WING: I will accept any suggestion of the Chair to raise the issue. I move that the bill be indefinitely postponed.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I do not know how many of you have this bill before you. I saw quite a lot of them in the air last evening and I think possibly you have not these bills now. This bill provides as follows: "The sinking fund reserve provided for by Chapter 164 of the Public Laws of 1925, shall be applied during the fiscal years ending June 30, 1928 and June 30, 1929, to an amount of not less than \$700,000 each year to the retirement of maturing highway and bridge bonds and the payment of interest on highway and bridge bonds."

I do not think that those purposes are the purposes of the act which created the sinking fund reserve. I have not that act before me, but the gentleman from Portland, Mr. Hale, quoted from it this morning, and I do not think that under that act that that money can be used for the purposes of paying maturing bonds, or in any event for the payment of interest on any bonds.

Mr. LITTLEFIELD: Mr. Speaker, I am going to make a motion to have this bill temporarily retabled at this time. I want to find out before this is taken from the table, if I can,—if you will allow me to—where the \$150,000

asked for in this program is coming from and how you are going to get it. I will ask the gentleman from Dover-Foxcroft, Mr. Merrill, that, and I do not want him to think that I am trying to dictate to that committee because I am not; but I would like to ask him where he is going to get that \$150,000—

The SPEAKER: The question of tabling is not a debatable one. The question before the House is on the motion of the gentleman from Kennebunk, Mr. Littlefield, to temporarily retable and have it taken up later today. As many as are in favor of this motion will say aye, those opposed no.

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

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

Mr. Rounds of Portland presented the following order, out of order and moved its passage.

Ordered, the Senate concurring, that a joint committee consisting of five members on the part of the House, appointed by the Speaker, and three members on the part of the Senate, appointed by the President, be authorized and instructed to investigate during the recess of the Legislature, the question of rates of the Portland Gas Light Company, and the Municipal Gas Light Company, and the Westbrook Gas Company, and to report to the Eighty-fourth Legislature, with its findings and recommendations as to any action to be taken by the Eighty-fourth Legislature. The committee shall have full authority to summon witnesses, employ counsel, the production of records, books and papers and to take evidence pertinent to said matter. The expenses of said committee to be paid from funds appropriated for expenses of the Eighty-third Legislature.

Mr. ROUNDS: Mr. Speaker, this morning in the Kennebec Journal I find a notice where they had been given another raise on the rates of the gas company, by the Public Utilities Commission. It is less than four months ago that they were given a \$60,000 raise in rates in Portland alone, and a larger raise in the Municipal Light and Power Company of South Portland and the Westbrook

Gas Company of Westbrook. There is almost two million dollars' worth of stock out. They send out their reports January 15, April 15, July 15, October 15. I will read the whole of it right here:

"The combined earnings for the 12 months ended July 31, 1926, were as follows:

Gross earnings after eliminating Inter-Company sales of gas,	\$694,655
Operating expenses, maintenance, all taxes and depreciation reserve based on mortgage provision,	503,180
Net earnings,	\$191,475
Interest, amortization debt discount and minority interest in securities of subsidiary companies,	49,239
Balance available for preferred dividends,	142,236
	<hr/>
	\$191,475

Preferred dividend requirements, 69,582

These earnings, after allowing 15% of the gross operating revenue for maintenance and depreciation, are over twice the preferred stock dividend requirements"

Now they asked the Public Utilities Commission some four months ago to let them put fifty cents on each consumer in the city of Portland, and sixty cents on every one in the city of South Portland, and seventy-five cents on every one in the city of Westbrook.

(At this point Mr. Robie of Gorham assumed the Chair, the members rising and applauding.)

Mr. ROUNDS continuing: It seems to me that they have plenty to do without putting on ten cents. Those of you who have the Kennebec Journal will see that they have raised the rate ten cents, and I think more, on the small consumers. It seems to me it is time that we looked into the matter.

The city of Portland owns one-third. Originally it owned one-half, but they sold out to the different shysters who came along, so they have only got one-third. When they owned one-third, I know that I got fifty cents on every dollar I put in at that time. The city of Portland was paid almost 150% in extra dividends, besides getting this dividend themselves. They come in here, this municipal government, this government of the few, and they sell out

the city's share to a Boston syndicate—not Portland people, but a Boston syndicate. So much so that about all the people sold their shares of stock. And they come, inside of three months, to the Public Utilities Commission and they grant a raise of five cents, or sixty thousand dollars in Portland, beside in South Portland and Westbrook. Now they come again and ask for a ten cent raise on every thousand feet of gas used by the small consumer.

I say it is time that we took some notice of this and see if there is not some way to prevent these corporations, under a State of Maine charter, from lugging the dividends off to Boston and New York, while we pay the price. It is time that we should know what is going on, and I move that this order have a passage.

Mr. CROCKETT of Hollis: Mr. Speaker, we are trying hard to dispose of one investigation that we have just had. It seems to me that at this late hour of the session it would be hardly advisable to start another one.

Mr. McCART of Eastport: Mr. Speaker, I am not interested in the Portland Gas Company. I think I will use up a little gas in opposing this order. As the gentleman (Mr. Crockett) has said, we have just had one investigation costing several thousand dollars. In addition, we have a Public Utilities Commission. They ought to take care of these utilities, and any action that we take will be a slap in the face to another branch of our government. I feel that this Legislature is not here to meddle in the affairs of every commission that we have. If the citizens of Portland and Westbrook do not like it, let them go to the Public Utilities Commission, and they will probably get justice.

Mr. ROUNDS: Mr. Speaker, I would like to see the justice that the citizens of Portland have ever got from any public utilities commission. It has been the rich corporations that have got it—not the poor people. It is time that we legislate more for the poor people as well as for the large corporations of this State. I have sat here and seen the large corporations have a tax taken off, of almost \$400,000; but the matter of a little cow or a little piece of

oats eaten up by deer or porcupine and amounting to fifty dollars, I think it was, has been indefinitely postponed today. I saw, when the gentleman from Auburn got through here a bill to tax electric corporation, that was indefinitely postponed in the Senate, as I understand it, and you concurred with the Senate in not getting any tax through; and you are very anxious to look after the corporations of Boston and New York and Chicago. What do we get from the gas company? The gas company's profit goes to New York and Boston, as I said before; and I think it time that we do something for the people of this State; and Portland being a small part of it in area but a large part when it comes to paying the taxes of this State, I think it is time that we look after some of our own people. (Applause)

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Portland (Mr. Rounds) for the passage of this order. It is the pleasure of the House that the order have passage? As many as are in favor will say aye; those opposed no.

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

Mr. ROUNDS: Mr. Speaker, I would like a division.

The SPEAKER pro tem: The gentleman calls for a division. As many as are in favor will stand in their places and be counted and the monitors will return the count.

A division being had,

Thirty-two voting in the affirmative and 56 in the negative, the order failed of passage.

#### Passed to be Enacted

##### Out of Order

An Act relating to forest land exempted from taxation.

##### Finally Passed

Resolve to aid the town of Hope in the construction of a bridge.

Resolve in favor of the town of Skowhegan.

Resolve in favor of the town of Starks for a bridge.

Resolve in favor of Lower Village Bridge in the town of Phillips, Franklin County.

Resolve in favor of Stanley Bridge

in the town of Hampden, Penobscot County.

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.

#### Recess

The SPEAKER: The House will be in order. The Chair wishes to impress upon every member, if possible, the importance of staying until the final adjournment. There are still several important matters that may develop upon which every member, I am certain would want to be present to vote. It is of the utmost importance that members remain until the final adjournment. Unless something interferes should without doubt, be some time during the latter part of tomorrow afternoon or in the evening. (Prolonged applause).

Mr. WING of Auburn: Mr. Speaker, has the Chair announced the committee of conference with the Senate upon the so-called compact bill?

The SPEAKER: The Chair will state that it has not but is going to do so shortly.

#### Passed to be Enacted

##### (Out of order)

An act relating to the Bar Harbor Banking and Trust Company.

#### Finally Passed

Resolve in favor of several academies, institutions, seminaries, and colleges for maintenance, repairs and improvements.

H. P. 1334: Resolve in favor of the towns of Gardiner and Randolph.

Mr. DOUGLAS of Chelsea: Mr. Speaker, I would like to table this resolve until tomorrow morning for the purpose of offering an amendment.

The SPEAKER: Could not the gentleman offer his amendment this afternoon?

Mr. DOUGLAS: A little later, Mr. Speaker, yes.

Thereupon the resolve was temporarily tabled to be taken off later in the afternoon.

The SPEAKER: On Senate Docu-

ment 262, an act to create a commission to investigate and to negotiate a compact regarding water power and electricity in New England, the Chair appoints as conferees on the part of the House, Messrs. Hale of Portland, Greenleaf of Auburn, and Pike of Lubec.

Mr. COMINS of Eddington: Mr. Speaker, I move that the House reconsider its action whereby it voted to adhere on Senate Document 87, an act in regard to licensing summer camps, and I wish to state that I have no personal feeling in making this motion. It is simply to facilitate business. I do think that the amendment should be read and explained to the members of the House, and so I make that motion.

Mr. INGRAHAM of Bangor: Mr. Speaker, I am heartily in accord with the motion of my colleague, Mr. Comins.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, I would also like to endorse that sentiment. To me the bill as amended is a very important matter regarding the welfare, I think, of our state during the summer season, I should hope that it would receive the due consideration of the members.

Mr. THURSTON of Appleton: Mr. Speaker, I was a member of the committee on conference and we agreed upon the bill. This bill is simply intended to clean up the summer camps, and I want to do everything to protect the public. Therefore, I am in favor of the bill.

Mr. FULLER of Southwest Harbor: Mr. Speaker, I was on the committee that the bill first came before. We could not seem to agree upon it and it was voted ought not to pass. It went to the Senate and that body substituted the bill for the report and struck out all except Amendment A, so that the only part of the bill now is Amendment A, which, if read, would I think be understood.

The SPEAKER: Mr. Comins of Eddington has requested that Senate Amendment A be read, and the Clerk will read the amendment.

(Amendment read by the Clerk).

Mr. BLAISDELL of Franklin: Am I right when I believe that the merits of this question may be discussed under this motion for reconsideration?

The SPEAKER: The gentleman may proceed.

Mr. BLAISDELL of Franklin: Mr. Speaker, I want to call the attention of the House to a few facts relative to these over-night camps, to show you perhaps, if I may, the necessity of having this bill passed. It has come to the knowledge of the Health Department that there are private concerns, either in this State or out of the State, who are manufacturing signs which say that the camp is an approved over-night camp, and the over-night camp owners are purchasing them and paying for them thirty-five dollars apiece. Seventy of those have been seen and counted, and no inspection is had. It is merely a printed sign, made up by a private concern or an individual. There are fifteen hundred or more of these small over-night camps. They represent, in many cases, but a small investment, and as you are well aware, many of them are of mushroom growth, coming up quickly. If successful, they stay; if they fail, they go as quickly as they came.

The tourist public as a whole is a very unsuspecting public. Automobileists coming from Massachusetts and the West, put up at any place where tourists are put up, having no knowledge whether or not proper care has been given as to the water they drink, as to the condition of the milk, or the condition of food, and of the persons handling it. They have no knowledge of those facts but unsuspectingly put up where they see the sign.

It is good advertising for the State of Maine that this bill should become a law in order that the travelling public may have notice of the fact that the State of Maine is interested in their coming and has taken proper precautions to see that they are properly guarded in person and in health. A very disastrous illustration is that of the condition now prevailing in Montreal where there have been over two thousand cases of typhoid fever and only recently have they been able to determine its cause. We have not necessarily the attractiveness here in Maine that Canada has, but at the same time we want nothing to take place to injure the tourists who come here. It is very important for the State Health Department to get control and li-

cense these places. The bill provides that not in excess of five dollars shall be the cost of a license fee and it may be as low as one dollar. It will help every over-night camp owner to have that sign placed around his property. It will give us an opportunity to protect the morals of the State because before the Committee on Legal Affairs, of which I a member, who heard the bill, it was adequately shown that these over-night camps are not always used for a proper purpose. It will also perhaps aid those of you who are prohibitionists in the proper control of the prohibitory law, because there is no particular reason for officers going into those over-night camps.

Lastly, and I am done, the Health Department is very anxious to have the opportunity to take over this work, because it needs it in the proper supervision of the medical work it has to do in the State. I trust you will bear in mind the necessity of such an important measure and allow its passage. (Applause).

Mr. DEERING of Saco: Mr. Speaker, I would simply add one word to what has been said. I do not suppose there has been any man in this House more opposed to the original bill than I was. I represent people who have a great number of these roadside camps. Under the present amendment every objection to the original bill has been removed. I feel sure that the people in my locality who have camps and places where they entertain summer tourists would very gladly welcome this act. I hope, for that reason, that it will receive passage.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, I endorse everything that has been said in favor of this bill; but there is one point not brought out—not the most important point by any means—but still an important point—that the Department of Health, having no doubt in its mind that such a bill would be enacted, provided in its budget and in the amount which it asked as an appropriation, a less amount, because they expected an income from these license fees, than the figure they have placed had they not anticipated an income from this source. So that if the bill should not pass, together with all the other evils we might be

fostering, we would also be depriving the Department of Health of an expected item of income for the present year.

Mr. STAPLES of Waterville: Mr. Speaker, when this House voted to appoint a committee of conference, did not we all agree to abide by the decision of that committee? Otherwise we would have adhered without appointing that committee. If we do not abide by their decision, are we not repudiating the decision of the committee we appointed?

The SPEAKER: That is a question which each member will have to answer for himself.

Mr. ELLIS of Fairfield: Mr. Speaker, I simply rise to ask for information. Under this bill would not people who open their dwelling houses for the accommodation of people over-night and for feeding them, be subject to this bill?

The SPEAKER: The gentleman from Franklin, Mr. Blaisdell, may answer if he pleases.

Mr. BLAISDELL: Mr. Speaker, if a private dwelling house is opened over night for the accommodation of tourists and takes care of five or more, they would come under the ruling of this bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Eddington, Mr. Comins, that the House reconsider its action whereby it previously voted to adhere. Those in favor of this motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

On motion by Mr. Comins of Eddington, the House voted to recede and concur with the Senate.

On motion by Mr. Blaisdell of Franklin, the rules were suspended and the bill received its first two readings; and on further motion by the same gentleman Senate Amendment A was adopted in concurrence.

Thereupon the bill as amended by Senate Amendment A received its third reading and was passed to be engrossed in concurrence.

Mr. WING of Auburn: Mr. Speaker, I desire to address the House in my capacity as meat inspector. (Laughter)

The SPEAKER: The gentleman may proceed.

Mr. WING: Mr. Speaker, having

made these wayside camps respectable, they are now, I presume, by the open season, ready for occupancy. And perhaps all of you may depart hence and see them with entire propriety and safety. (Laughter) I will tell you, Mr. Speaker, what I am trying to do. I am trying to make a speech and make a gift. I do not know whether the gift ought to be made to Mr. Rounds, to Mr. Bartlett, to Mr. Roy, or Mr. Hale; but at any rate, as the representative of the House, it falls on me to make a gift; and it is a pleasant thing to make a gift; a very happy thing when the recipient of the gift is a much respected and much liked person.

Mr. Chapman, you are to be the recipient of the gift. Mr. Chapman, I have seen you grow old in the service of the House. (Laughter) As my hair has receded and disappeared, I have seen yours go up a little on the sides, and in succeeding Legislatures I have grown to like you, and my respect and fondness for you increases. I think that I am voicing the entire sentiment of the House when I say that we marvel at your capacity for detail, (Applause), and we admire your magnificent voice. Though it is well heard, it is never raised in anger; and so the members of the House wish to make you a gift, and we present you with this gift, and with it the finest feeling of every one. It is a traveling bag, and I hope you will take it and travel far but that you will not forget to come home to Mrs. Chapman. (Applause, the members rising).

The SPEAKER: The gentleman from Belfast, Mr. Chapman. (Applause)

Mr. CHAPMAN: Mr. Speaker and ladies and gentleman of the House: You are very kind to me and I feel grateful to you. I am tinged also with a feeling, perhaps, of shame that you are so kind to me today. Perhaps you would not feel so disposed to make the present or to say that I never raise my voice in anger if you knew what thoughts came to me occasionally during the sessions of the Legislature. I am somewhat embarrassed to speak to you. That may surprise you as I have talked to you over three months. But my position is somewhat similar to that

of Senator Borah whom I heard on the radio telephonic waves the other night. He was being entertained by the Cartoonist Club of New York City and the remarks of the Chairman of the post-prandial exercises came to me also when certain members, the other day, voted against raising the pay of legislators. The presiding officer, in presenting Senator Borah, the guest of the evening, referred to him as that Senator who, not long since, had in the United States Senate voted against a bill increasing his own salary. And when that bill, in spite of his vote, had become a law, he refused to accept the increase and turned it back. The presiding officer remarked "beautiful sentiments, but oh so impractical!" (Laughter)

Senator Borah arose to speak, and, as I say, I feel today much as he did. He said "Gentlemen, I am embarrassed to speak to you, and it may surprise you to think that I who am a United States Senator and in the habit of speaking should be embarrassed to speak, but," he said, "I am United States Senator and about all my speaking is done there, and I am not in the habit of having people pay any attention to what I may say!" (Laughter)

This custom of making a present to the Clerk is one with which I am in accord. (Laughter) I have considerable feeling about it. The custom was inaugurated during my second term as Clerk, and the idea was conceived by myself at the time. (Laughter) At this session I have had to keep you an extra week in order to get the present this time, (Laughter) but now that it has come along, I hope we are soon to adjourn. (Laughter) The memories of you that I shall take away will always be that you have been and that you are very kind. And in later days I shall recall from the legislative files of my memory the thought "and amend by adding after the word 'kind' the words 'and dear'". I thank you. (Applause, the members rising)

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, I suggest that when he does return, he bring the bag back full. (Laughter)

#### Order, Out of Order

Mr. McKnight of Poland presented

the following order and moved its passage.

Ordered, the Senate concurring, that House Document 365, relative to welfare conditions in the State of Maine be recalled to the House from the Legislative files.

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

On motion by Mr. Douglas of Chelsea, it was voted to take from the table a resolve tabled by that gentleman a few moments ago regarding the Gardiner-Randolph bridge, H. D. 272.

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

House Amendment A to House Paper 1334 entitled a resolve in favor of the towns of Gardiner and Randolph.

Amend by striking out the second line after the words "sum of" the word "one" and inserting in place thereof the word "two".

Mr. DOUGLAS: Mr. Speaker, I wish to say that this changes the resolve in this respect: The resolve calls for two thousand dollars, one thousand dollars for each of the next two years for maintenance. That has been the customary appropriation for that bridge. The bridge is very much in need of painting and we are asking that one thousand dollars be added to the first year's appropriation to provide for that contingency. It may be said that the Gardiner bridge has cost a great deal of money. That is very true, but you have there a construction nearing completion which is by far the best bridge that we have across the Kennebec river, and what may be said to be a very complete and substantial structure. I am introducing this with the approval of the Senate Chairman of the Ways and Bridges committee, and I have reason to believe that the Ways and Bridges committee as a whole approve of the amendment, and I hope it will receive passage.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, I will say, speaking for those members of that committee so far as I have been able to speak

with them, that it does meet with the approval of most of the members with whom I have had time to speak about it.

The SPEAKER: Is it the pleasure of the House that House Amendment A be adopted.

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

### Conference Report

Report of the committee of conference on the disagreeing action of the two branches of the Legislature on an act to amend an act to abolish the Board of Public Works of the city of Lewiston and to provide a Highway Commission, H. P. 673, H. D. 236, the new draft being House Paper 1211, H. D. 469, reporting that the committee has been unable to agree.

Report read and accepted.

A viva voce vote being taken, the House voted to adhere.

Paper from the Senate disposed of in concurrence.

From the Senate: Senate Paper 676, resolve to appropriate money for the maintenance of State highway police.

Introduced in the Senate under suspension of the rules and without reference to a committee read twice and passed to be engrossed.

In the House, resolve was received under suspension of the rules without reference to a committee and was passed to be engrossed in concurrence.

Mr. HALE of Portland: Mr. Speaker, I move that we recess until 8 o'clock this evening.

A viva voce vote being doubted,

A division of the House was had. Fifty-eight voted in the affirmative.

The SPEAKER: It is apparent to the Chair that the motion is carried and in accordance therewith the House will recess until 8 o'clock this evening.

### After Recess, 8 P. M.

The Speaker in the Chair.

On motion by Mr. Carleton of Portland, the House voted to reconsider its action whereby it recessed and concurred with the Senate in the indefinite postponement of House Document 625, an act to provide equitable and uniform taxation for motor vehicles.

On further motion by the same gentleman the House voted to reconsider its action whereby this bill was passed to be enacted; and on further motion by the same gentleman the House voted to reconsider its action whereby this bill was passed to be engrossed.

Thereupon Mr. Carleton offered House Amendment A and moved its adoption as follows:

House Amendment A to House Document No. 625.

Amend House Document 625 by inserting after the word "years" in the tenth line of Section 76 the words 'but not exceeding eight dollars for the sixth or any succeeding year.'

Also by inserting in the second line of Section 82 after the word "period" the words 'beginning with July fifteenth and ending with September first shall be two-thirds of the sum named in Section 86 and during the period.'

Also by adding thereto Section 86 as follows:

Sect. 86. 'Whenever the owner of any motor vehicle has been assessed for taxation during the calendar year directly upon the whole or a part of the property which has been used in the purchase of the motor vehicle the assessors or selectmen shall so certify, and upon the production of such certificate by said owner the city or town treasurer shall issue the receipt hereinbefore required without the payment of this excise tax or upon the payment of the tax provided in Section 76, based upon a valuation of the vehicle reduced by the assessed value of the property which has been so used in the purchase.'

Thereupon, a viva voce vote being taken, House Amendment A was adopted, and the bill then had its three several readings in the House, was passed to be engrossed as amended by House Amendment A.

#### **Passed to be Enacted Out of Order**

An act relating to primary elections.

The SPEAKER: The Clerk has made arrangements with the Senate to have all Senate papers as soon as acted upon brought promptly to the House; and there will probably be an important matter shortly from the Senate. The Chair trusts that the members will stay here as long as it is necessary tonight because the Chair feels it is possible, and also very desirable if it is possible, that the House adjourn finally tomorrow. (Applause).

The House will now recess and respond at the sound of the gong and gavel.

#### **After Recess, 9:15 P. M.**

The Speaker in the Chair.

#### **Passed to be Enacted**

An Act relating to the removal of snow from highways and town ways.

#### **Finally Passed**

Resolve in favor of the town of Norridgewock.

From the Senate: Majority report of the Committee on Judiciary, reporting ought not to pass on bill an act to provide for a full-time highway commission, amending chapter 25 of the revised statutes relative to state highways, S. P. 533, S. D. 232.

Report was signed by the following members:

Messrs. ALDRICH of Topsham  
DUDLEY of Calais  
BARTLETT of Bangor  
WING of Auburn  
WING of Kingfield  
HALE of Portland

—of the House

Minority report of same committee reporting ought to pass on same bill.

Report was signed by the following members:

Messrs. MAHER of Kennebec  
OAKES of Cumberland

—of the Senate

Comes from the Senate the majority report read and accepted.

In the House:

Mr. BARTLETT of Bangor: Mr. Speaker, I move the acceptance of the majority report ought not to pass, in concurrence.

The SPEAKER: The gentleman from Bangor, Mr. Bartlett, moves acceptance of the majority report ought not to pass, in concurrence. Is this the pleasure of the House—

Mr. HALE of Portland: Mr. Speaker, I should like to say a few words on the subject under debate. With the gentleman from Bangor I signed the majority report on this bill. I did so because I did not think that the bill was a good bill. I do not believe that a permanent Highway Commission, underpaid as it certainly would be, is as good a measure as that which is now upon our statute books. I also disapprove wholly of a commission which is elected by the Legislature. I believe that such a commission would

be involved in politics to a degree which would be contrary to public policy. And I think, on these two grounds, my signing of the majority report is amply justified. Certainly it is in my own mind. I am not tonight going to support the motion of the gentleman from Bangor. In other words, I think that tonight I shall vote for the minority report, and as my conduct in this respect may be anomalous, I should like to explain it.

I feel, Mr. Speaker and members of the House, profoundly disquieted and anxious at the situation in which this State, and I will also say the Republican party, finds itself by reason of the facts which have transpired and which have been brought out in this investigation. I will not attempt to comment upon the evidence; I did not hear it all. I have not read any of it with any care; but there is one piece of testimony, and that alone, I think, is sufficient to give any man cause. That testimony was, as I understood it, on the part of the Chief Engineer of the Highway Commission, Mr. Sargent, that one member of the Commission, Mr. Murray, asked him to overmeasure on a job. And that testimony was denied, vehemently denied, naturally, by the Commissioner.

Now I do not know which of those gentlemen was correct, and I do not feel particularly disposed to presume to assert judgment between them. But apparently, I cannot escape this logic—one of the gentlemen was telling the truth and the other gentleman was not. And as both gentlemen were under oath, I think it probable—it seems to me irresistibly possible—that one gentleman was committing the crime of perjury, which is a gross, high and serious crime, and a crime which I do not want to condone in a public servant, leave alone the possibility—because I think we must admit it was a possibility—that the Commissioner was committing the crime of defrauding the State.

Mr. Speaker and members of the House, I am shocked to hear talk of harmony among these State servants as a desirable thing when it appears to me that at least one of them is a criminal. It is said that the engineers of the Commission contemplate resignation. I am perfectly indifferent to that. I do not believe that

either the engineers or the commissioners, any of them, are irreplaceable or indispensable. Even on the assumption that all of them were competent, I do not believe that any of them could be judged uniquely so.

None of these gentlemen are personal friends of mine. One of the commissioners I know to speak to, and the chief engineer, Mr. Sargent, I met for the first time this week. I do not know any of his subordinates. It is true that the engineers are, as the expression has been used, hired men of the commission; but they are all hired men of the State. They were all put in office by a Republican Governor. They are all servants of a Republican administration. And at least one of them, I do not know which, is a criminal. I do not see it any other way; I cannot see it any other way; and I cannot reconcile myself to whitewashing or glazing or glossing or side-stepping or evading or refuting this situation.

I cannot reconcile myself to a final adjournment tomorrow with a sense that the condition of the State, that Department of the State, is what it is. If I were confident that the Executive Department could take the situation in hand and clean it up, then I would vote tomorrow, very gladly, to adjourn. I do not believe any member of this House is more anxious than I am to get home. I have personal affairs that I want to attend to. It has been the longest session for many years. All of us want to get home, but I think each of us wants to do his duty to the State. And I would like to see this situation liquidated. Now I do not think the situation can be liquidated—I doubt if the situation can be liquidated—by the passage of this bill in its present form. I would be willing to vote—I shall vote tonight—for the minority report—and I should hope that the bill be given two readings so that it might be in some amendable stage; personally, speaking only for myself, and I dare say the view is an unpopular one, I should like to adjourn until next week or even some later time, because I do not think any of us want to come to a special session in the near future. I should like to adjourn with this bill upon the table. I should like to have some opportunity to sense the public opinion of the

people in my community. I know of it now only through the newspapers, and the paper, the Portland Press Herald of yesterday morning, had an editorial which I thought must contain a great deal of truth or at least must represent pretty fairly public opinion in my town. And the gist of the editorial was that the Legislature would be derelict in its duty if it did not do something.

Now I agree with my friend from Auburn, Mr. Wing, who in some very lawyer-like remarks this morning, observed that the administration of public affairs was not the business or the duty of a Legislature and of course I agree with him perfectly. At the same time, the methods of administration may be changed, and I think very probably it should be changed by some legislation. Frankly, I am puzzled to say tonight just what form that legislation should take. I believe that the Legislature could take some appropriate legislative action, it would be possible to procure the services of individuals upon a Highway Commission who would be above any shadow of suspicion or reproach, who would restore confidence in the Department, which I firmly believe lacks public confidence today and in which, I think, confidence cannot be restored.

As far as I am concerned, I would like to see a clean sweep in the Highway Department, commissioners and engineers, without prejudice or friendship or favor; and I should like to see the \$18,000,000 which we spend upon our highway construction and highway maintenance put in the hands of men upon whom no suspicion of blame had ever fallen; and not to prolong my remarks because I think I have said enough to make myself clear, I will simply state for the record that although I signed the majority report and consider the bill in many aspects a bad bill, I shall support, this evening, for the reasons stated, the minority report. (Applause)

Mr. McINTIRE of Norway: Mr. Speaker, and members of the House: I, too, am keenly distressed at the situation in which the State of Maine finds itself, and particularly distressed at the situation in which the members of this House find themselves, quite regardless of party

affiliation. I quite agree with the gentleman from Portland, Mr. Hale, that we shall be remiss in our duty if we go home without having put our house in order. With his analysis of the situation I am in entire accord; but when it comes to the remedy, I cannot quite agree with him. The Constitution of Maine, Article IX, Section 8, if I read it correctly, provides very, very clearly that any civil officer in the State of Maine may be removed. I submit to you that the proper course for us to pursue is not to adopt the Granville bill, so called, or any amendment of it for the purpose of effecting a change in the Highway Department. If we wish to make a change in that Department, I submit to you that we should make it in the method duly set forth in the Constitution of this State. Having done that, if we wish to change the plan under which the Highway Department shall operate, all well and good, but I submit to you that that method of effecting a change in the Highway Department is not a satisfactory and logical method for us to follow.

Mr. PATTERSON of Castine: Mr. Speaker, as a member of the Judiciary Committee before whom the Granville bill came, I did not sign either report, for the reason that I also have been serving as a member of the investigating committee. It was not to dodge responsibility that I refused to sign either report, because I am not in the habit of dodging responsibility, and am perfectly willing that anybody should know my views on any matter. The report of the investigating committee may or may not have anything to do with the Granville bill, but it seems to me that they are as closely interwoven and intertwined as the Covenant of Nations in the Treaty of Versailles, about which we heard so much a few years ago. In other words, in discussing one it seems very necessary to say something about the other.

Having sat upon that committee of investigation, I feel that I know something about the evidence that was submitted. The committee submitted, in my belief, the only report that could have been submitted on the evidence that was put before us. It was impossible, under the scope of the order, for the committee to find innocence or guilt.

Every lawyer in this body should know that, and the laymen who have read a good deal of the matter also should recognize the fact. We had no powers of a grand jury to find indictments. We did not sit as a trial jury, because no one stood accused before us. The Legislature has no right, from a legal standpoint, as I understand it, to do anything that will affect the constitutional rights, in so far as guilt or innocence is concerned, of any person. We were simply a committee of investigation sitting upon this matter to find out facts which could be brought in here to this Legislature and upon which, if it seemed necessary so to do, this Legislature could enact legislation which would properly correct any evils that might be found.

In the short time we had, it was absolutely impossible to go as fully into the affairs of the Highway Department as perhaps the best conducted investigation would do. That of course should be obvious to every man and woman in this hall. I would not be in favor of the suggestion of my good friend from Norway, Mr. McIntire. I would impugn no man's motives, his least of all; therefore I would not say that this was a suggestion coming from a Democrat and aimed at the Republicans, because I do not think it was intended in that way. I do not think that that would be at all the proper way to meet this situation. I do not think that under the evidence that was submitted to that committee—and that evidence is all before you, four hundred and six typewritten pages we submitted with our report, and you could all read it if you wish and perhaps you all should read it. I do not believe there would be anything in that evidence upon which you could properly act under the Constitution, as the gentleman has suggested. I do not feel that I should, as one member of the committee, say that I object decidedly to the word "whitewash" that has been used in the press and on the floor of this House; although I do not think that the person who used that expression intended to direct it in a critical way to the committee of investigation, because I assure you that that committee has no intention of giving anybody a "whitewash," so called. We simply intended to report the facts as we

found them in so far as we could under the scope of the order and under the powers of that committee; not only as I understand the law, but better lawyers than I, who know more about law than I ever will know, advised the committee. I am speaking now of the committee's counsel who advised us in the matter, as was their duty. All other members of the committee who are here will necessarily have to bear me out in that statement, because those are the facts.

Now getting back to the Granville bill—perhaps I should say one word more before coming into the subject of the Granville bill. I will say this in justice to one man who has been very bitterly criticised since this investigation was held: I think it is only fair to say that I believe that Charles Murray is a "go-getter," (Applause) a man who has gone out in his rough and ready way and done more in the way of road building than any other member of the Commission. I do not approve wholly of some things that were brought out in the testimony, that Commissioner Murray has done; and the committee did not approve of them; and that report, if you have read it, and you all have read it, shows that we did not approve of them. But I cannot conscientiously, from anything that came out in that testimony accuse him of being venal; nor so could I so accuse Commissioner Innes, in that way under anything that came out in the testimony. I think, too, in justice to the Chief Engineer of the Highway Commission, Paul D. Sargent, it was shown very conclusively by the testimony that came before us that he has performed splendid work for the State of Maine these many years, and the mistakes which were brought out in testimony were not mistakes that Mr. Sargent should be blamed for very much, because they were all concerned with bridge contracts, and two of them came under the law later when the bridge districts furnished the plans. The only criticism that could be made of the Engineering Department in that respect is that they may have been negligent in not going back and re-checking the plan. Our committee in our report called attention to that fact. I am not going to say

anything more at this time at least about that report.

I am going to speak of the Granville bill; I sat in the committee; I said that I would not sign these reports; I said first that I would not sign either report because I had been a member of that committee of investigation; but if I had been going to sign any report it would have been this: I should have signed the report in favor of a full time Commission, but not a full time Commission as provided for in the Granville bill. I would never sign a report favoring any bill which called for Commissioners to be elected by the Legislature; because, while I have every confidence in this body, you know and everybody knows that it would simply throw the thing into the realm of politics every two years—the election of one of these Commissioners. I believe the Commissioners should be appointed by the Governor like the Justices of the Supreme Court are appointed by the Governor. No one would consider a change of the statute by which Justices should be elected by the Legislature, and I should not be in favor of it in regard to these Commissioners.

Now, nobody knows much about the Granville bill because we have not had time to consider it. I should not, however, be in favor of the suggestion advanced by the Republican floor leader, Mr. Hale. If we are going to settle this thing, let us stay here and settle it now. (Applause) I do not care to go home and consult my constituents about this matter. When they had faith enough in me to send me here, they must abide by my decisions here, and if they do not like them, when I next come before my constituency, if that time ever comes, they can then show their approval or disapproval of my course, at that time, and I am perfectly willing they should do that. I can see perfectly well the suggestion of Mr. Hale, and I am not criticising it, you understand.

I have all respect for the splendid editors of our State but I submit that any editor sitting in an office and knowing no more about this matter than the reports that have appeared in the press cannot sit down in his sanctum and write an editorial that amounts to anything in particular as to what the

Legislature should do in this matter. (Applause) We members of the Legislature who have been here all the time are undecided, many of us, in our minds tonight, as to what is the best thing to do for the State of Maine and for the Highway Department of the State of Maine.

Therefore I will say in closing just this: I will not support the Granville bill in its present form. Secondly, in a vote tonight I shall vote to accept the report ought not to pass; but I am in favor of a full time commission if we can properly arrange for that commission in a proper bill. I think the Legislature had better stay here if we have to stay here another month, and settle this matter to the best interests of the Highway Department of the State of Maine. (Applause)

Mr. LAIT of Old Town: Mr. Speaker, I have listened with a bewildered mind to the honorable gentleman from Castine who served on that honorable investigating committee. His remarks leave me in doubt. He says that committee was not in position to find anyone guilty or not guilty. I agree with him; but he leaves me in doubt as to whether some of them were guilty or not guilty. He also states that the committee did not have time, that the time was short. Let us consider the order that produced that committee. There was no time limit set for the time in which this committee should investigate. There was no limit to the amount of expenditure. The gentleman from Castine (Mr. Patterson) says that that committee could have gone further and opened up more doors. Why did not that committee do it?

Mr. HALE: Mr. Speaker, the remarks of the gentleman from Castine suggested one or two things to me that I meant to say before, and I should like to have this opportunity to say them. In the first place I meant to say before that I was very grateful and I am very grateful to the members of the investigating committee, and I make no criticism of them. They were acting under the terms of an order which they felt constricted them within narrow limits. I do not think any member of the investigating committee will say to the House

that his committee has said the last word upon this subject.

In reference to the observation which was made by my Democratic friend from Norway (Mr. McIntire) and was made in the Senate by my Democratic friend, the Senator from Androscoggin, regarding the constitutional procedure of impeachment, so far as I understand I would go along, if the House saw fit to prefer articles of impeachment for trial by the Senate, under the constitutional practice. I also wish to correct an impression which I apparently did give to my friend from Castine that I could not make up my mind until I had gone to Portland and interviewed the Editor of the Portland Press Herald. Nothing could be farther from the truth, much as I respect that gentleman. I meant to convey the impression that I thought all of us would profit from some more mature consideration of this difficult subject, and that I personally did not wish and was not and am not willing to vote for final adjournment of this Legislature until this particular, crucial, ugly situation is in some way liquidated.

Mr. ALDRICH of Topsham: Mr. Speaker, I wish to suggest to this House that it is with keen regret that I rise to speak and I feel somewhat handicapped because of the order which was passed in this House last night to provide brass knuckles has not been fulfilled, and I have not been provided with those same knuckles which were referred to.

I exceedingly regret that the gentleman from Portland (Mr. Hale) could not have heard the testimony that was given at this hearing. I have the greatest admiration for his ability, for his keenness of mind, and I feel quite convinced that had he heard the testimony which I heard and which many of you heard, he would feel as badly as he appears to.

Now let us look at this matter and see wherein this thing started. On a certain afternoon a certain gentleman made certain specific charges against two men of the Highway Commission of this State; and as a result of those charges an order was entered in this House, I think, the following day, before we had had a minute to consider the wisdom or unwisdom of it, calling on us to have an investigation of

these men—and let me say, my friends, we fell for it, we fell for it! (Applause) And then a day or two after we had so fallen, the gentleman who made those charges appeared before the Governor and Council of this State and said "I had nothing upon which to base those charges. I did not even have an opinion and I have not now." And I think he said "I withdraw and retract them." But we and the people of the State of Maine had been duped by those charges into a position from which we have not yet extricated ourselves but which I trust tonight we will finish. (Applause)

Now, Mr. Speaker, if it were not so late I would refer to other matters in connection with this Legislature which might throw enlightenment upon these charges, but I shall not; it is too late. I will simply—and it is with great reluctance that I say this, because I have the utmost respect for the gentlemen who sat upon that commission—but I say, in all fairness we cannot blink the fact and let us acknowledge the fact. I say to you, that the man who acted as chief counsel in this matter in prosecuting those two men—and I use that word advisedly, I will say persecuting those two men—was a former partner, and I am advised a relative, of the same man who made those charges which he retracted, and with that setting, let us look at the investigation, if you can call it such. Let us look at it! Now let me say this: In all fairness to this committee, the counsel having been selected, that committee could not sit there and direct that counsel what to do. That committee could not control that counsel, and I want to ask any of you men who were at that hearing whether or not those two Highway Commissioners were not treated by that counsel like two prisoners in a dock who were charged with crime and who were to be convicted if it was in his power to convict them.

If I misstate the fact, you who were here will judge me; but I say to you, that is my impression of what went on.

Now let me analyze the evidence before you. Let me say first that as a result of this thing which was started from nothing, which was

started upon baseless charges, which was started upon charges which a man retracts immediately, you and I have been compelled to remain here probably for two weeks longer than we needed to remain. The State of Maine has paid out seven or eight thousand dollars and I do not know how much you and I have lost by staying here. That is the sum total of what we have gotten from this investigation.

Before I start on that, I want to say the learned Senator from Kennebec this afternoon, in his very able speech, analyzing this evidence—and you will recall that he dwelt over and over again on the idea that there was \$18,000,000 involved here, and that we could not let these men control \$18,000,000 any longer. As I listened to the gentleman from Kennebec, I wondered whether, by any possibility, these baseless and unfounded charges had by any possibility been influenced by the fact that there is involved here in this Department the sum of \$18,000,000 for somebody to handle and somebody to control.

Now what was the testimony? If you will analyze the evidence, the counsel for the committee proceeded on two theories in this matter. One was to endeavor to show, by improper or criminal acts, that these men were incompetent. The other, more insidious, was to endeavor to create an impression in your minds that the personnel and the morale of the Highway Department had sunk to such a low ebb that even if these men were paragons of virtue, you ought to throw them out because you could not expect efficiency if they were kept in.

Let me say to you that this thing has now simmered down to where the only thing left is that second theory, and that has been working here for the last ten days, to create and keep in your mind the same idea which I think has been expressed here, that there is a feeling of suspicion which makes it unwise for us any longer to keep these men. In other words, any way to get rid of them! Now on the first proposition they talked a whole lot about bridges. And yet I want to call your attention to the fact that so far as I know there has not been and there is not a scintilla of evidence in that whole record which shows that the State of Maine lost

a dollar through improper purchases.

They talk about oil, I think particularly about the Illinois Vacuum Oil Company, coming here—you remember the man who could not tell the difference between his own oil and some other oil unless you used his oil and found out. You remember him. Why did he come? Because he had never been able to get Charles Murray, who is a contractor and big business man who buys a lot of oil, and he had never got him to buy a dollar's worth of oil from him, and Murray knew his prices were so outrageously high that he would not buy any oil from him for the State.

What did they talk about? I remember how counsel dwelt on the phrase "Galena oil" as though it were something that had never been heard of! A gentleman has told me who known about Galena oil that there is more of that used for lubricating purposes than any other oil. This counsel tried to give the impression that Murray was buying an inferior oil in order that the Kennebec Oil Company could in some way make some money. Now what was the fact? I think Murray paid forty-four cents for oil that is a good quality oil the railroads use, and the vacuum man—I think he wanted seventy cents. Maybe Murray should be condemned for not buying from him! What tommyrot!

Now we come to the matter of calcium chloride; and they tell you that Murray's son-in-law was an employee of the Calcium Chloride Company. Do you know it is the biggest company of its kind, the richest company, known the world over? The fact is that before Murray ever went on the Commission in 1925 two-thirds of the contracts given by the State of Maine were given to the Solvay Products Company and this year a little less than two-thirds were given to that company.

Now about all that: They say that the product is not good and too high a price was paid; but did anybody profit by it? When and where? Then they came and brought a man here who could not tell how many of their products his company sold in Maine last year. He insulted the Commission and later had to apologize. And they bring him in

here and try to make you think something is wrong about the truck contract—the Mack trucks—for the purpose of making the entire thing uniform. It is admitted that the Mack truck is the best truck on the market.

Much has been said about this testimony of Mr. Sargent. To my mind this is the most regrettable thing; but inasmuch as it is there, let us consider it a moment. Mr. Sargent had known Mr. Murray for thirty years, and he says that in July Murray asked him to overmeasure a job so that he would save ten thousand dollars; in other words, to fleece the State of Maine out of ten thousand dollars. I want you to bear in mind that to carry out any such arrangement, they all admitted, that two or three other men would have been in on it. I do not see, and have not been able to see, where Murray was going to profit anything by that transaction. If not, why did he want it overmeasured. Did Mr. Sargent consider that very seriously? The following January they went off to Canada together. Apparently Mr. Sargent did not hold it against Mr. Murray, that he had tried to corrupt him. Then Sargent says that after the Commission was all gone, one night he kept Murray back to have a friendly talk with him, and he said "Charles, there are rumors going on around here. I am not satisfied. Will you let me know what this is all about?" And Murray said to him "Look out." I simply refer to that as indicating this, that up to January, if Mr. Murray had made an improper proposal, it apparently did not affect Mr. Sargent's regard for Mr. Murray. Quite the contrary.

Now a great deal has been said about the purchase of gasoline by Murray on the Bucksport job. I think the facts are, though it did not come out in the testimony, this job was being done about five miles from Bucksport, the nearest town, and Murray set up his gasoline tanks there. The evidence is he sold the gas to these men at wholesale and on a thousand gallons he figured he made about fifteen dollars. I am not going to question whether technically that was wrong under the law or whether it was not; you and I are not going to decide the law. I am not going to

quarrel with the Senator from Kennebec about any infraction of the law. In a case like this if there were any technical infractions of the law there, certainly Mr. Murray did not profit any, and the State of Maine was profiting and was getting it at wholesale. No profit for Murray—none at all.

I am credibly informed that most every contract that has been let by this Commission has been let for less than the estimated price of the engineering department.

The undisputed evidence is this, that under this Commission the State of Maine has built more roads, and has built them well—no one criticises the way they are built—and has built them in record time and at less cost per mile than ever before. Is that inefficiency? The other thing given in this testimony to try to create a feeling in your minds that you ought to throw these men out because there was not harmony. Let's look at that. I refer only to Mr. Sargent's testimony. He says that in last January rumors began to filter in to him that things were not working just as they should—a rumor that he was not on his job and did not know what was going on in his Department, and yet evidently up to January of this year he did not know that his personnel was shot to pieces. He did not know that there was a lack of morale. Every one of those engineers who went on that stand and told you that because a couple of men on the job who were subordinates were not efficient—did you notice that any one of them resigned? Every one was continuing to take his wages one hundred per cent from the State just the same. He did not complain to anyone about his trouble, and Sargent did not know of it until January. All I say to you, gentlemen, is that that phase of this case dropped right out by Sargent's statement that it was actually true that he did not know there was anything wrong with the Department until January.

Now what is left? Has the State of Maine lost anything from these men being on that Commission? There is no evidence of it. Have they profited in any way? There is no evidence of it. Why should they be sacrificed because a man saw fit to make unfounded charges

against them and led us into this foolish investigation? Why, I ask, should they be crucified for that?

Now, I am authorized to say that when the Kennebec bridge was contemplated, after the State of Maine had paid an engineer more than \$100,000 to draw the plan, these contractors submitted a bid to the Bridge Commission and to the Governor and Council upon a unit basis. Six of those seven bridge commissioners desired to close that contract on that basis. One man on that Commission refused, and he took the matter to the Governor and Council and they had a meeting of the Governor and Council and the Commission and the engineer laughed at those men and insisted that the only contract he would consent to would be a contract for building the Kennebec bridge for a lump sum of money, and he convinced the Governor and Council that that was wise, and they added \$85,000 of the unit price and the contractors agreed to build the bridge for that lump sum. The seventh member of the Commission who insisted on that lump sum contract was this same Charles Murray.

This afternoon while it was being debated in the Senate, whether he should be sacrificed or not, the engineer on that job came up here to the State House and saw the Governor, and told the Governor that they had decided to make some changes in the specifications of the bridge. The Governor inquired in what respect and by what authority they were going to do it, and he learned that the facts are that although the plan calls for a depth pier of a hundred and sixteen feet, at which they would find rock bottom, they went down a hundred and sixteen feet and have not found rock bottom, and now they are proposing to put as supports under those tremendous cement piers some smaller things because they said they could not go down any further with those cement piers. The Governor told them, so I am informed, that the State of Maine would insist upon either those piers going down or receiving its money back. He received word later in the afternoon that they are going down with those piers until they strike rock bottom; and it is estimated that through the good sense,

through the practical ability of that one man, Charles Murray, who, I say, some would try here to crucify—through that same man Charles Murray, it is estimated tonight that on that one matter the State of Maine has probably saved anywhere from \$100,000 to \$250,000.

Now if you want to say that that man shall go out, say it, but I say to you that in my judgment based upon the evidence here of a poor Italian boy who came over—let me say I do not know Charles Murray except that I have met him twice—I know him to bow to—but by all that is holy, I do believe in justice. A boy who came from Italy at twelve, who was a poor boy, worked his way up and at the present time is a man of means, a man of affairs, a man whom they say is worth over two hundred thousand dollars. Tell me that the State of Maine is not fortunate in having such a man! Why, my friends, if you think that under this Granville bill for \$4500 you will get another such man, pass the Granville and try it. I know what you will get under the Granville bill. The Granville bill, if I have figured correctly, will cost you \$18,000,000 a year for salaries, and see what you will get with the log-rolling that you will have in this Legislature! Pass it! Turn down a man like this man **Murray!**

I am not saying anything about Innes because Innes has not been charged with anything. I never knew him until I came to this House. I met him this winter and I want to say that I am proud to stand before you and say that he is a friend of mine. I believe that Charles Innes is not only a capable man but just as honest a man as ever trod in two shoes.

Now if you want, because these picayunish engineers have come here and told you that the Department is shot to pieces because a couple of subordinates—little bits of insubordinates—who were doing a trivial kind of work, because he had a little trouble with one of them—one of them, I think, got into a fight with a contractor—that those trivial things upset that Department. Why, if those subordinate engineers are so easily affected, if their morale can be shaken by such a thing as that, so as to lose their efficiency,

I say to you I don't care if they do get out. What do we care for men of that kind? I am speaking here for I believe to be justice and fairness, and I say to you that it is my calm judgment that if you pass a bill the purpose and result of which will be to legislate these two men out of office, under the circumstances that have obtained, it is my calm judgment that you will do an act of gross injustice. (Applause)

Mr. HOLMAN of Bangor: Mr. Speaker and members of the House: The hour is getting late and I promise you that what I have to say will be confined practically to a few minutes, not more than two or three. It seems to me that in the solution of this problem we find ourselves confronted with at the present time, it might be helpful if we would ask ourselves two questions: Is a change necessary in the present conditions? And if so, is it possible for us, under present conditions, to make a change that will prove for the better?

Taking up the first question I refer the members of the House to the report of the investigating committee. I cannot find one single thing in that report that shows that any member of this Commission has ever received a single cent of pecuniary reward. On the contrary, we have conclusive evidence that we have constructed better roads, more roads, and at less cost during the past year or two than ever in the history of this State. And on top of that, we have the word from the Governor of this State that one member of that Commission has saved this commonwealth more than \$250,000 by insisting that this contract at Bath, Maine, should be left in the manner in which it was left.

The second question: Should a change be made at the present time, would it be for the betterment of this State? I cannot feel that under the present conditions existing in the minds of the Eighty-third Legislature—a condition of mind in which many unfortunate things have come in here—it would be possible for us to legislate for the best interests of the State at this time. For that reason I feel we might as well decide this question here tonight, as to put it off for one, two, or possibly three weeks. Any further discussion and investigation as to who may have told this story or that story would simply result

in the friends of each Department standing up for that Department and the friends of another Department standing up for that Department; and at the conclusion of two or three weeks one party would be satisfied and another would not be satisfied. And under that condition no Commission, no matter how good a Commission, could do and perform its duties to the best interests of the State.

It happens in the history of mankind that we have a similar case. My memory takes me back some nineteen hundred years to a time when a certain party was accused or suspected of having committed some crime. At that time the great Judge of the World said in that case: "Go thy way and sin no more." I submit to you, my fellow representatives of this Legislature, that for the solution of this problem that confronts us at this time we can do no better than to say likewise to this Commission, "We will forgive you for every thing that may or may not have taken place. We will give you another trial. We will put you in the hands of the Governor and Council, and if you do not prove worthy of that confidence, we will rest our case in the hands of the Governor and Council to do what they believe to be best and right for the interests of the people of this commonwealth." (Applause)

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

The SPEAKER: The gentleman from Bangor, Mr. Ingraham, moves the previous question. As many as are in favor will rise and stand until counted and the monitors will return the count.

A sufficient number arose.

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

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

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

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

A division of the House being had,

Twenty-seven having voted in the affirmative and 57 in the negative, and the affirmative vote being more than one-fifth of the number voting, the motion prevailed.

**THE SPEAKER:** The question before the House is on the acceptance of the majority report ought not to pass. A vote yes is in favor of the motion to accept the majority report and a vote no is against it. Each member will answer yes or no as his or her name is called. The Clerk will call the roll.

**YEA**—Aldrich, Allen, Anderson, New Sweden; Anderson, South Portland; Ayer, Bartlett, Bisbee, Blaisdell, Booker, Boston, Brackett, Brewster, Briggs, Brown, Bruce, Buker, Cain, Clinton; Carleton, Portland; Carleton, Winterport; Chaney, Church, Clifford, Comins, Cowell, Cram, Crawford, Davitt, Deakin, Decker, Dennison, Dudley, Calais; Dudley, Castle Hill; Ellis, Eustis, Farrington, Ferguson, Folsom, Forhan, Foster, Fuller, Gay, Gilchrist, Goodwin, Lebanon; Goodwin, Sanford; Greene, Hammond, Hathaway, Hawkes, Heath, Holbrook, Holman, Houghton, Hughes, Ingraham, Jones, Lait, Littlefield, Lowell, MacKinnon, Maloon, McCart, McKnight, Metcalf, Milliken, Morrill, Patterson, Pendexter, Pike, Richardson, Robie, Westbrook, Rounds, Ruggles, Sargent, Seavey, Smith, Stone, Bridgton; Storm, Sturgis, St. Clair, Thurston, Tripp, Vail, Varnum, Webber, Wheeler, White, Williams, Falmouth; Wing, Auburn; Wing, Kingfield; Winslow, Wood, Wyman.

**NAY**—Belleau, Bissett, Burns, Chamberlain, Chase, Crockett, Daigle, Deering, Douglas, Gagne, Gillespie, Greenleaf, Griffin, Hale, Harris, Jackson, Kinsman, Laughlin, Mansfield, Marden, Marriner, McIntire, Melcher, Norwood, Page, Piper, Powers, Robie, Gorham; Snow, Staples, Eliot, Staples, Waterville; Stone, Biddeford; Sturtevant; Tucker, Weston, Williams, Webster.

**ABSENT**—Bailey, Bishop, Boynton, Breen, Butler, Cole, Cyr, Flint, Hamel, Kane, Addison; King, Kitchen, Leathers, McLean, Mears, Merrill, Morin, Nadeau, Rawley, Roy, Saucier, Snowman.

Yes—92.

No—36.

Absent—22.

**THE SPEAKER:** Ninety-two having voted in the affirmative and 36 in the negative, the motion to accept the majority report ought not to pass prevails.

**MR. BARTLETT** of Bangor: Mr. Speaker, I move that the House reconsider its action whereby the motion to accept the majority report ought not to pass has been car-

ried, and I hope my motion will not prevail.

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

**MR. INGRAHAM** of Bangor: Mr. Speaker, may I ask at this time if the committee of conference on the Oakes bill has reported yet?

**THE SPEAKER:** The Chair is advised that the committee of conference has not as yet reported.

**MR. INGRAHAM:** Mr. Speaker, would it be possible to have this report in tonight?

**THE SPEAKER:** Is there any member on the committee of conference on the Oakes bill, so called, who can answer the gentleman from Bangor, Mr. Ingraham.

**MR. HALE** of Portland: Mr. Speaker, we have not so far been able to get all six of the members of the committee together.

**THE SPEAKER:** The Chair notices a number of Senators. Would the gentleman from Portland be willing to see if the conference could be had now?

**MR. HALE:** I will, Mr. Speaker, when the House adjourns. Not before the adjournment of the House because I wish to be in my seat here.

**THE SPEAKER:** Possibly the House, in order to expedite business, might be willing to recess a few minutes.

**MR. INGRAHAM:** Mr. Speaker, I move that we recess for ten minutes.

A viva voce vote being taken, it was voted that the House take a ten minute recess.

#### Recess

**MR. BARTLETT** of Bangor: Mr. Speaker, is the gentleman from Portland, Mr. Hale, ready to report on the committee of conference?

**MR. HALE:** Mr. Speaker, the committee is not ready to report, but I should like to make a statement to the House.

**THE SPEAKER:** The gentleman may proceed.

**MR. HALE:** Mr. Speaker, I desire to state to the House that our committee of conference was appointed at a fairly late hour this afternoon; that we arranged for a meeting at 7.30, but that all of the House members were unable to attend at that time. We have had a

meeting of five members of the committee and had some discussion. In the recent recess we had a meeting of the five members of the committee but one of the Senate members was unable to attend. We have had discussion and been unable to agree thus far, but I do not yet feel that an agreement is precluded. We have arranged a meeting for 8.30 tomorrow morning, at which time I hope all the members on the part of the House and Senate will be able to attend.

I also wish respectfully to call the attention of the House to the fact that the report of the committee, under the thirteenth joint rule, must first go to the Senate.

The SPEAKER: The Chair hears the report.

Mr. WING of Auburn: Mr. Speaker, may I inquire where the papers are?

The SPEAKER: The papers are now in the possession of the House.

Mr. WING: I move, Mr. Speaker, that we reconsider the vote whereby this committee was raised.

The SPEAKER: The gentleman from Auburn, Mr. Wing, moves that the House reconsider its vote whereby the committee was appointed.

Mr. HALE: Mr. Speaker, that motion I take to be debatable.

The SPEAKER: The gentleman may debate.

Mr. HALE: Mr. Speaker, I am at a loss to understand the gentleman's motion. It seems to me that the action of the House was taken reasonably and with full consideration this afternoon. There seems to be some disposition on the part of some members of the House to attempt to insinuate that the committee of conference is not making a genuine effort to meet and to agree, and I can assure all members of the House that such is not the case. I wish to remind the House that this is an important public question and I think that some time should be given to the committee members to meet and to discuss the matter and to attempt to reach an agreement. I think that in view of the fact that the committees were not joined until a late hour this afternoon, it certainly is not unreasonable to give them until tomorrow morning to reach an agreement.

Mr. PAGE of Skowhegan: Mr. Speaker, I want to get this

straightened out right in my head. Do I understand that the Senate wanted us to appoint this committee so that they could try to induce us to come to their way of thinking on the bill?

The SPEAKER: The Chair will state that the gentleman's general idea is correct. (Laughter and applause). As to the intent of the Senate the Chair does not wish to go on record.

Mr. PAGE: That is all right, Mr. Speaker. I think to expedite matters—which is an expression the gentleman from Auburn frequently uses—I think the idea is pretty good, and that we should get this matter settled and get out of this session of the Legislature as soon as we can. I think that is what we all want to do and that is what I am driving at; and if we can vote to reconsider our action whereby we joined in the committee of conference, and quickly close it up here tonight, perhaps we can get out of here tomorrow. (Applause)

Mr. HALE: Mr. Speaker, I simply wish to say that if the reports are rendered tomorrow, in the morning, there will be no difficulty about adjourning tomorrow if the members of both branches deem it wise to adjourn.

Mr. WING: Mr. Speaker, perhaps a few minutes spent now will bring about the desired result that the gentleman from Portland indicates. It seems to me that this is the crux of the entire matter, and if this matter is disposed of with reasonable promptness, we may perhaps adjourn tomorrow if we attend to business and are prompt about it. I hope this motion will prevail. At least we can try in this part of the State House to approach matters promptly and decently.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, it seems to me that we have suddenly shown an indication of a great desire for speed. (Laughter) I just want to ask a question without answering it because it is not necessary; but who is responsible for the delay in arriving at some positive action on the power measure? We probably will be setting the clock back Saturday night. A good many adjournments have taken place at twelve o'clock Saturday night by the simple process of setting the clock back. I do not

understand this sudden desire for tremendous speed in this matter.

Mr. DECKER of Portland: Mr. Speaker, I feel that the House should show some courtesy to the committee that they appointed and I feel that that committee should be given time to make us its report tomorrow morning if it so desires.

The SPEAKER: The question before the House is upon the motion of the gentleman from Auburn, Mr. Wing, that the House—

Mr. PIPER of Jackman: Mr. Speaker, I move that we adjourn until tomorrow morning.

A viva voce vote being doubted,

A division of the House was had, Fifty-three voting in the affirmative and 57 in the negative, the motion to adjourn failed of passage.

The SPEAKER: The motion before the House is upon the motion of the gentleman from Auburn, Mr. Wing, that the House reconsider its vote—

Mr. WING: Mr. Speaker, I move that the Messenger close the door.

A viva voce vote being taken, the motion prevailed and all members in the hall were asked to take their seats.

Mr. HALE of Portland: Mr. Speaker, I move that the Messenger be directed to summons the absent members from the corridor.

The motion prevailed and the Messenger was directed to act accordingly.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Wing, that the House reconsider its vote whereby a committee of conference was appointed.

Mr. FOSTER of Ellsworth: Mr. Speaker, now let's get right down to business and get to work. (Applause). I will venture to say that fifty per cent at least of this House does not know what took place in the Senate this afternoon. It seems to me that the paramount question should not be getting home tomorrow night. Let's get home if we can and if we cannot get home, let's stay. We have agreed to. We all want to get home; there is no question about that. But there are matters coming up here tomorrow that are of great importance—of as much importance as anything that we have worked upon here for the past three months.

With reference to the committee, let's be courteous to these men. I believe in fair play. Let's give them

until tomorrow morning at 8:30 to report. I believe that is good, sound judgment, and I hope that the motion of the gentleman from Auburn, Mr. Wing, will not prevail. (Applause).

Mr. ROBIE of Gorham: Mr. Speaker, I do not feel that it is any discourtesy toward that committee to reconsider that vote. The papers are in our possession and I know of no reason why we cannot take immediate action as well as to wait for a report from that committee. (Applause).

Mr. ALDRICH of Topsham: Mr. Speaker, when the motion was made first, I felt that I was in favor of it; but as the gentleman from Ellsworth (Mr. Foster) has said, we have some important matters, and I judge that if this motion prevailed some other motion may be made in this matter before us which may be of considerable importance. What I fear is this, Mr. Speaker, that in the present temper and condition of this House we may not get the real judgment of this House on this bill which I think would be unfortunate. It may be I am wrong, but if there is any possibility that because of the feeling here we would get that result, it would be too bad.

Mr. PAGE: Mr. Speaker, as I understand it, the Senate passed the Oakes bill. I am against the Oakes bill; I voted against it. But I would like to see the thing closed up. The Senate would like to have us concur with them. I think that if a vote is taken here and we reconsider, that there will be a motion made which will take care of the whole situation in no time, and we can get out of here. (Applause).

Mr. FOSTER: Mr. Speaker, I would like to have the gentleman explain himself. I want to know what the motion is going to be.

The SPEAKER: The gentleman may answer if he wishes.

Mr. PAGE: Mr. Speaker, answering the gentleman from Ellsworth, Mr. Foster, I will say that I think there will be a motion made to recede and concur with the Senate and that accomplishes the same thing as the committee is attempting to accomplish.

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

Wing, that the House reconsider its vote whereby a committee of conference was appointed on the so-called Oakes bill. As many as are in favor of this motion will say aye.

Mr. PAGE: Mr. Speaker, I ask for a division.

The SPEAKER: As many as are in favor of the motion will rise and stand until counted and the monitors will return the count.

A division being had,

Fifty-two voting in the affirmative and 58 in the negative, the motion failed of passage.

Mr. HALE: Mr. Speaker, I move that we adjourn until nine o'clock tomorrow morning.

The SPEAKER: Would the gentleman be willing to withhold his motion until we dispose of two or three routine matters?

Mr. HALE: I will, Mr. Speaker.

The SPEAKER: The Chair thanks the gentleman.

From the Senate: Final report of the committee on Public Buildings and Grounds.

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Paper from the Senate disposed of in concurrence.

From the Senate: Bill an act to provide equitable and uniform taxation of motor vehicles, H. P. 1301, H. D. 625, which was passed to be engrossed in the House as amended by House Amendment A.

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

In the House, on motion by Mr. Hammond of Van Buren that body voted to adhere.

The following bills on their passage to be enacted and resolves on their final passage, out of order.

#### **Passed to be Enacted**

An Act providing for the appoint-

ment of a Deputy Secretary of State to be designated a Registrar of Motor Vehicles and to place the administration of the several motor vehicle provisions of law under his jurisdiction and administration.

An Act to establish a uniform license law for summer camps.

#### **Finally Passed**

Resolve in favor of the chaplains of the Senate of the Eighty-third Legislature.

Resolve to appropriate money for the maintenance of State Highway Police.

#### **Passed to be Enacted**

An act relating to the protection of moose.

An Act to amend the workmen's compensation act.

An Act relating to the trial and law terms of the Supreme Judicial Court and to amend Section 98 of Chapter 82 of the Revised Statutes relating to the exchange of Justices of the Superior Court.

#### **Finally Passed**

Resolve in favor of charitable and benevolent institutions, for the care, support and medical or surgical treatment of certain persons.

Resolve to provide for the payment of certain resolves where special provision for payment has not been made.

#### **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.

On motion by Mr. Hale of Portland,

Adjourned until nine o'clock tomorrow morning.