

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

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AUGUSTA, MAINE

**HOUSE**

Saturday, April 16, 1927.

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

Prayer by the Rev. Mr. McWhorter of Augusta.

Journal of the previous session read and approved.

**Orders**

Mr. Roy of Lewiston presented the following order and moved its passage:

Ordered, the Senate concurring, that to expedite matters in the next Legislature the closing date for all personal bills and resolves shall be the fifteenth day of January, 1929, and that the Secretary of State shall cause to be published in all of the newspapers of the State not later than the first day of October, 1928, notice of the closing date of these measures.

Mr. ROY: Mr. Speaker, I doubt if it is in our power to fix the closing date for the next Legislature; but I believe that some way should be worked out to start the work in the Legislature earlier. You see the first five weeks (and I have been here two sessions) are practically thrown away. The people have acquired the habit of leaving their bills and resolves until the last part of the Legislature, and one of the reasons for that is that they think that the Legislators will then be tired and will be willing to rush everything through. I believe that something should be done to fix that and that at least a bill should be introduced into the next Legislature so that these bills and resolves will be put in at the opening of the session. Thus the Legislature can start right off with its hearings and it will be through in one-tenth the time that is now used. This is done in Canada and in several of our states. I think some way should be devised to get matters disposed of more quickly than we do now.

Mr. WING of Auburn: Mr. Speaker, I am sorry to inflict myself again upon the House. The gentleman is right and you cannot bind the coming Legislature. I think the problem that he presents is one for a constitutional convention. It could be very well discussed in a convention of that kind and character. With the

law as it now is, this order is not to be considered, and I move its indefinite postponement.

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

**Reports of Committees**

Mr. MARDEN from the Committee on Ways and Bridges reported "Ought not to pass" on resolve in favor of the town of Kingman (H. P. 244).

Mr. PIKE from same Committee reported same on bill an act relating to the removal of snow from State highways (H. P. 979) (H. D. 314).

Mr. AYER from same Committee reported same on Resolve in favor of South Warren Bridge over St. George River between the towns of Thomaston and Warren, Knox County (H. P. 906).

Mr. KITCHEN from same Committee reported same on Resolve in favor of Mexico-Peru Bridge over Androscoggin River connecting Dixfield, Mexico and Peru, Oxford County (H. P. 809).

Mr. MERRILL from same Committee reported same on Resolve proposing an Amendment to Section 17 of Article IX of the Constitution, to provide for an increase in the amount of State bonds to be issued for the purpose of building State Highways and Bridges (H. P. 68) (H. D. 26).

Mr. PIKE from same Committee reported same on Resolve in favor of Michaud Brook Bridge, Wallagrass Plantation, Aroostook County (H. P. 758).

Mr. LOWELL from same Committee reported same on Resolve in favor of Hobbs Bridge in the town of Falmouth, Cumberland County (H. P. 802).

Reports read and accepted, and sent up for concurrence.

**Finally Passed**

Resolve in favor of the towns of Gardiner and Randolph.

**Orders of the Day**

The SPEAKER: The Chair lays before the House, H. D. 646, bill an act to apply surplus funds toward State construction, tabled by Mr. Hale of Portland, April 15, pending the motion of Mr. Deering of Saco to reconsider passage to be enacted;

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

On motion by Mr. Hale, the House voted to reconsider its action whereby this bill was passed to be enacted. On further motion by the same gentleman the House voted to reconsider its action whereby this bill was passed to be engrossed.

Mr. HALE: Mr. Speaker, I will ask the ruling of the Chair. I wish to offer House Amendment to Senate Amendment A, and I assume that a motion to make such an amendment is now in order.

The SPEAKER: The Chair would state to the gentleman that the House should first reconsider its action whereby Senate Amendment A was adopted.

Mr. HALE: Was Senate Amendment A adopted in the House yesterday, Mr. Speaker?

The SPEAKER: The Chair will state that the endorsements do not show that the House has ever adopted Senate Amendment A.

Mr. HALE: Then, Mr. Speaker, is a motion to amend Senate Amendment A now in order?

The SPEAKER: It is.

Mr. HALE: I offer House Amendment A to Senate Amendment A and move its adoption.

Mr. WING of Auburn: Mr. Speaker, may I inquire if this is the same document which the gentleman tabled yesterday?

Mr. HALE: It is, Mr. Speaker.

The SPEAKER: The calendar is in error, it should be House Document 646, while the calendar shows it as Senate Document 385. The Clerk will read the amendment.

House Amendment A to Senate Amendment A.

Amend Senate Amendment A to House Document 646 by inserting after the word "amounts" in the third line thereof the words "not exceeding one hundred and fifty thousand dollars."

The House adopted House Amendment A.

The SPEAKER: The Clerk will read Senate Amendment A.

(Senate Amendment A read).

Thereupon, the House adopted Senate Amendment A as amended by House Amendment A.

Mr. LAIT of Old Town: Mr. Speaker, may I be permitted to ask the member from Portland, Mr. Hale, or any other member of this House,

what effect this bill, if given passage, will have upon the act that was passed at the last Legislature setting up a sinking fund reserve. If I am correct, this will check money that has in the past gone into that reserve set up for the purpose of setting aside to state aid.

(At this point Mr. Wing of Auburn assumed the Chair, amid the applause of the House).

Mr. LAIT continuing: It is nothing more in my opinion than a camouflaged method of reducing taxes. You stop this money at its source and yet you say you have reduced the State tax. How have you reduced the State tax at this time? By using money that would go into the State reserve fund set aside for the state aid. In the future how are you going to pay off the bonded indebtedness of the State without increasing your tax? Let's get down to brass tacks and call things by their right name. When that piece of legislation was passed two years ago, in my opinion it was the greatest and soundest piece of legislation ever put over in this State, and any business conducted on that basis would be conducted successfully. But now you find it necessary in order to carry out the Governor's campaign talk of last fall that he could give us new construction, give us depreciation in taxes, and give us all this new construction and all that goes with it. Has the time come when we must fool the citizens of this State into believing that they are having a reduction in taxes? Let's get it right down to where it belongs. This method of reduction is not a method of fair reduction, it is just a camouflage to the taxpayers of our State.

I also believe at this time that if a bill of this type is to be enacted that you should get your tax rate down to five mills; and if the bill is not passed I can say for one that I can show you where you can get it down to five mills. Let's be fair about it; let's be fair to the public. When this Legislature went into session it was the understanding that we would cut taxes; that we would get this new construction without an increase in tax and with a decrease in tax. Now we are going to come back and say to the public, "We have given you all this new con-

struction and everything that goes with it. We have kept our promise and we have cut the tax rate." I do not think that you members of the controlling party in any way wish to camouflage or fool the public. It is not a case where it is necessary to fool the public. I believe that the taxpayers of this State will uphold you if you go out with any methods that are open and above board. I believe if this piece of legislation is passed it is nothing more than a camouflaged method of reducing taxes and a poor business method in setting aside the bonded debt of this state.

Mr. DEERING of Saco: Mr. Speaker, evidently the gentleman from Old Town, Mr. Lait, is starting out to deliver a campaign speech; this seems to be something which has not happened in a Maine Legislature for some years and we are going to have a division along party lines which is perfectly satisfactory so far as I am concerned. I have a little statement to make this morning that not one dollar of the sinking fund reserve enacted in the Legislature of 1925 will be used other than for the purpose in which that law read at that time. There will be a reduction in the tax rate, not through the use of the sinking fund reserve, but through actual economy in the conduct of this Legislature. I think, Mr. Speaker, that answers the questions of the gentleman from Old Town, Mr. Lait.

In regard to this amendment, it is simply money which the appropriations committee has been able to anticipate in revising the indirect income as set down in your budget by the budget committee; perhaps not to the point of safety where you can set it up for a direct tax or a credit against the direct tax, but as near the safety zone as possible.

I think that is all I wish to say and I support the motion of the gentleman from Portland, Mr. Hale. (Applause).

Mr. LAIT of Old Town: Mr. Speaker, I heartily agree with the gentleman from Saco, Mr. Deering, that none of the money at the present time in the sinking fund reserve should be touched; but you are checking the money that generally goes into that fund when you pass this act, and if I am incorrect, Mr. Deering will correct me. This money would go into the sinking fund reserve for the purpose of set-

ting aside the bonded debt of the State, but with this act you will stop the flow of that money into that sinking fund reserve.

Mr. STURGIS of Auburn: Mr. Speaker, I move the previous question.

The SPEAKER pro tem: The gentleman from Auburn, Mr. Sturgis, moves the previous question. Shall the Chair entertain the previous question? As many as are in favor will rise and stand in their places until counted and the monitors will return the count.

A sufficient number arose, and the previous question was ordered.

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

A viva voce vote being taken, the motion prevailed.

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

(Cries of "No, No")

The SPEAKER pro tem: The gentleman from Old Town (Mr. Lait) moves for a division. The Chair rules that he is entitled to it without a motion. The pending question is the passage to be engrossed of this document, House Document 646, as amended by Senate Amendment A as amended by House Amendment A. Those in favor will rise and stand in their places until counted, and the monitors will return the count.

A division being had,

One hundred and eighteen voting in the affirmative and six in the negative, the motion prevailed, and the measure was passed to be engrossed as amended.

The SPEAKER pro tem: The Chair lays before the House the second matter on the calendar, being an act relating to non-resident hunting licenses, H. P. 1315, H. D. 643, tabled April 15, by Mr. Flint of Monson, pending passage to be enacted; and the Chair recognizes the gentleman from Monson, Mr. Flint.

Mr. FLINT: Mr. Speaker, this has to do with the moose law enacted last night making an open season on moose in several counties. Dr. Woods of Penobscot is putting on an amendment this morning in the Senate on this moose bill, and I would like to have this one held up until they can be acted on together, if that can be done.

Thereupon the bill was retabled.

Mr. ROY of Lewiston: Mr. Speaker,

I would like to introduce an order out of order and move its passage.

Permission being granted that gentleman introduced the following order:

Ordered, the Senate concurring, that the Secretary of State shall cause to be published in all the newspapers of the State a notice of the date of the opening of the Eighty-fourth Legislature, and that all having personal matters and resolves should do their utmost to have them presented to the Legislature in the early part of the session.

Mr. ROY: Mr. Speaker, I believe I omitted the date. It should be October first, 1928—not later than October first, 1928.

The SPEAKER pro tem: The Chair will rule that the gentleman is not in order. Is it the pleasure of the House that this order as read receive passage? As many as are in favor will say aye; those opposed no.

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

(At this point Mr. Wing of Auburn withdrew amid the applause of the House, and Speaker Martin assumed the Chair)

The SPEAKER: The Chair lays before the House, H. P. 1068, H. D. 362, an act relating to trial terms of the Supreme Judicial Court, tabled by Mr. Dudley of Calais, April 15, pending passage to be enacted; and the Chair recognizes the gentleman from Calais, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, I understand that Senate Document 362 has been passed to be enacted in the House and is now in the Senate; and I desire to have this lie on the table until that has been acted on in the Senate, and then I will move its indefinite postponement.

Thereupon Senate Document 362 was retabled.

Mr. DEERING of Saco: Mr. Speaker, I would like to inquire if Senate Paper 676 is in the possession of the House, which I filed notice to obtain last night.

The SPEAKER: The paper is in the possession of the House.

Mr. DEERING: Mr. Speaker, has it been passed to be enacted? I wish to offer House Amendment A.

The SPEAKER: It has been passed to be enacted.

Mr. DEERING: Mr. Speaker, I will make the motion that we re-

consider our vote whereby it was passed to be enacted and whereby it was passed to be engrossed, for the purpose of offering an amendment. I will explain so that there will be no misunderstanding on the part of the House. This resolve is a part of the highway program but it is not plain in the resolve that the money should come out of highway money. As it reads now, it would be out of general appropriations. It is a resolve pertaining to money for the payment of the highway police. Therefore, Mr. Speaker, I move that this amendment be adopted.

On motion by Mr. Deering, the House reconsidered its vote whereby this resolve was finally passed and on further motion by the same gentleman the House reconsidered its action whereby this resolve was passed to be engrossed.

The same gentleman offered House Amendment A and moved its adoption as follows:

House Amendment A, a resolve to appropriate money for the maintenance of the State Highway Police, Senate Paper 676.

Amend said resolve by inserting after the word "appropriated", in the first line thereof, the words "to be paid out of highway maintenance and administration fund."

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

### Recess

Report of the Committee on Ways and Bridges on the several road resolves, H. P. 155.

On motion by Mr. Metcalf of Farmington, it was voted that further reading be dispensed with.

Mr. MELCHER of Rumford: Mr. Speaker, is this a printed resolve? Have we got to go home without knowing whether we are going to get anything for our roads or not?

The SPEAKER: The Chair will state that in the ordinary course this would not be printed, and that the Chair is advised that it never has been. Any member, of course, can examine the document at the Secretary of State's office and can find out regarding anything he is interested in, and presumably any member of the committee can give

information to the members of the House.

Mr. MELCHER: Mr. Speaker, it seems to me we should know something about whether we are going to get our road money.

Mr. METCALF of Farmington: Mr. Speaker, my object in making that motion was to save time, which everybody is very glad to do, and I doubt not that any member of the committee would be glad to give the gentleman from Rumford, Mr. Melcher, any information he wants relating to the subject in question.

Mr. MELCHER: Mr. Speaker, that will be perfectly satisfactory to me.

The Clerk continuing:

Reporting same in a new draft under title a resolve for the construction, maintenance and repairs of roads, bridges and ferries, being Senate Paper 677.

This report comes from the Senate, read and accepted and the resolve passed to be engrossed."

In the House, report read and accepted in concurrence.

On motion by Mr. Metcalf of Farmington, the rules were suspended, the resolve was given its two readings and was passed to be engrossed in concurrence.

Papers from the Senate disposed of in concurrence.

From the Senate: 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; which was read and passed in the House.

Comes from the Senate, passage refused.

In the House:

Mr. McKNIGHT of Poland: Mr. Speaker, I move that we insist on our former action and that a committee of conference be appointed.

Mr. PAGE of Skowhegan: Mr. Speaker, does the motion to recede and concur take precedence?

The SPEAKER: The gentleman is correct.

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

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

The SPEAKER: The gentleman may debate.

Mr. McKNIGHT: Mr. Speaker, ladies and gentlemen of the Eighty-third Legislature: We have a bill

here—an order—joint order—relative to welfare conditions in the State of Maine.

(At this point Ex-Governor Milliken was escorted to a seat beside the Speaker, amid the applause of the House, the members rising)

Mr. McKNIGHT continuing: This order reads as follows:

"ORDERED, the Senate concurring that a committee of three, joined by two on the part of the Senate, be appointed to examine the conditions, with reference to existing welfare laws, including the operation of the laws, concerning dependent mothers, wards of the state, charities and corrections, patients at the insane hospitals, the School for Feeble Minded at Pownal, State Reformatory for Women, State Reformatory for Men, the State School for Boys, the State School for Girls, giving particular attention to the laws governing such dependents and institutions and to make recommendations, if any, with regard to the laws concerning the same. Also ordered that the committee shall make its report to the Eighty-fourth legislature and make its recommendations as to the welfare legislation for the state."

Ladies and gentleman: Since this order was introduced on March 10 committees have visited all these places and we have not heard a single word in regard to any of these places needing an investigation, and I am opposed to such a committee being sent out over the State to investigate these places when there is no need of such investigation. We have just passed through one investigation and I think that is enough, and I hope that my motion to insist and that a committee of conference be appointed will prevail.

Mr. SMITH of Bangor: Mr. Speaker, it seems to me if we permit this committee of conference we would get more light on this subject and a little more serious consideration. It does not seem to me necessary to authorize anybody to run about the State and investigate institutions unless there is absolute need of it. When it is determined that there is absolute need, that is one thing; but sending people over the State for this purpose without conditions demanding it, I do not believe in. I hope the committee of conference will be granted.

Mr. HALE of Portland: Mr.

Speaker, will the Chair explain the parliamentary situation?

The SPEAKER: The Chair will state that the situation is this: An order was introduced yesterday in the House by the gentleman from Poland, Mr. McKnight, requesting that House Document 365 relative to welfare conditions in the State of Maine be recalled to the House from the legislative files.

Mr. HALE: Mr. Speaker, what was the status of the order in the legislative files?

The SPEAKER: The order had been passed by both House and Senate and a committee had been appointed within a day or two by the Chair in behalf of the House on this matter. And the purpose of the order presumably is to bring the matter again to the attention of the House.

Mr. HALE: I do not quite understand, Mr. Speaker. The motion to recede and concur?

The SPEAKER: This order in the Senate failed of passage.

Mr. HALE: So that anybody opposed to the order should support the motion of the gentleman from Skowhegan?

The SPEAKER: The gentleman is correct.

Mr. WING of Auburn: Mr. Speaker, may I inquire what the record shows the motion of the gentleman from Skowhegan to be?

The SPEAKER: The Chair will state that his motion is to recede and concur.

Mr. HALE: Does that bring the matter again before us, if his motion prevails?

The SPEAKER: The Chair will state that it does not. It will kill the order.

Mr. SMITH of Bangor: Mr. Speaker, what motion would make it possible for this committee to operate in this way, and what motion would prevent it from so doing?

The SPEAKER: The Chair will state that if the motion of the gentleman from Skowhegan, Mr. Page, prevails, it will be against recalling the order. And the order, as originally passed by the House, will stand, which would give an investigating committee. If the House wishes to consider this matter further, it will not support the motion of the gentleman from Skowhegan, Mr. Page.

The SPEAKER: Is the House ready for the question?

Mr. WING: I am not yet clear. If the motion prevails, isn't this committee established?

The SPEAKER: It is already established, and if the motion prevails, it will remain so.

Mr. McKNIGHT: Mr. Speaker, we people all came down here from our respective districts to legislate some legislation for the State that would be a credit to it, but I fail to see where a committee like this one racing around over this State, visiting all these places, is of any use. Apparently for the last twenty-five or thirty years there has not been a breath of suspicion in regard to the management in any way, shape or manner of these institutions. It is a well-known fact that this order got by the Senate and House because they did not understand it. They did not understand it in the Senate. If my motion prevails, it can be brought into this House and we can discuss the merits of it and we will know where we are at.

Mr. LAIT of Old Town: Mr. Speaker, there has been much talk about speeding things up in the House and going home in a hurry. Last night everybody was talking about hurrying up things. I believe this order is a good order, and will do a lot of good, and, I for one, want to support the motion of the gentleman from Skowhegan, Mr. Page, and let us get down to work.

Mr. HALE: Mr. Speaker, I did not sleep very well last night and I am sure my brain is not working well. I still do not in the least understand this situation. What is it that is before us? Is it an order or a bill? It is an order, isn't it?

The SPEAKER: The order before the House is the order introduced by the gentleman from Poland, Mr. McKnight, recalling House Document 365, an order relating to welfare conditions in the State of Maine, which is sometimes known as the Cole order.

Mr. HALE: And, no doubt, very deservedly so, Mr. Speaker.

The SPEAKER: And the question before the House is on the motion of the gentleman from Skowhegan, Mr. Page, that the House recede and concur with the action of the Senate, which refused passage of the McKnight order, recalling the bill from the files.



Mr. HALE: In other words, the action of the Senate was in furtherance of having this investigation?

The SPEAKER: The gentleman is correct.

Mr. HALE: What we want to do is to vote against having an investigation. (Applause).

The SPEAKER: The Chair will again state that if the members do not wish to have an investigation, their first step is not to support the motion of the gentleman from Skowhegan, Mr. Page.

Mr. HALE: Then I hope sincerely, Mr Speaker, that no one will support it.

The SPEAKER: And the question before the House is on the motion of the gentleman from Skowhegan, Mr. Page, that the House recede and concur. As many as are in favor of this motion will say aye; those opposed no.

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

The SPEAKER: The question now before the House is upon the motion of the gentleman from Poland, Mr. McKnight, that the House insist and that a committee of conference be appointed.

Mr. LAIT: Mr. Speaker, I move that the House adhere.

The SPEAKER: The gentleman is out of order. (Laughter).

The question before the House is on the motion of the gentleman from Poland, Mr. McKnight, 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 that the House insist and that a committee of conference be appointed prevailed.

The SPEAKER: The Chair will appoint a committee of conference within a few minutes.

From the Senate: Report of the committee on taxation on bill an act in relation to tax on internal combustion engine fuels, S. P. 555, S. D. 319, reporting same in a new draft, S. P. 351, under title of an act to amend Chapter 212 of the Public Laws of 1925 in relation to tax on internal combustion engine fuels, and that it ought to pass.

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

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

The SPEAKER: On the order of the

gentleman from Poland, Mr. McKnight, the Chair will appoint as conferees on the part of the House, Messrs. McKnight of Poland, Thurston of Appleton and Sturgis of Auburn.

From the Senate: An Act relating to trial terms of the Supreme Judicial Court in the county of Hancock, H. P. 860, H. D. 220, 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. Kinsman of Augusta, that body voted to recede and concur.

From the Senate: An Act providing for the appointment of a deputy Secretary of State to be designated as 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. 1331, which was passed to be enacted in the House.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House:

Mr. BARTLETT of Bangor: Mr. Speaker, at the request of the gentleman from Gray, Mr. Morrill, I move that we adhere.

Mr. LAIT of Old Town: Mr. Speaker, I move that the House recede and concur.

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

The SPEAKER: The motion now before the House is that of the gentleman from Bangor, Mr. Bartlett, to adhere.

A viva voce vote being taken, the motion prevailed.

From the Senate: 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 Amendments A and B in non-concurrence.

In the House: (Senate Amendments read)

Mr. FLINT of Monson: Mr. Speaker, I would like to inquire if Senate Amendment A has been adopted by the House.

The SPEAKER: It has.

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

the same gentleman Senate Amendment B was adopted in concurrence.

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

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 create a Commission to investigate and to negotiate a compact regarding water power and electricity in New England (S. P. 524) (S. D. 262) reporting that the House take affirmative action on passage of the said act to create a compact.

(Signed) Messrs. Oakes of Cumberland, Maher of Kennebec, Crafts of Piscataquis—Committee on part of Senate.

Hale of Portland, Greenleaf of Auburn, Pike of Lubec—Committee on part of House.

Comes from the Senate read and accepted.

In the House, on motion by Mr. Hale of Portland, the report of the conference committee was accepted in concurrence.

Mr. HALE: Mr. Speaker, I now move that we recede and concur with the Senate in affirmative action upon this measure.

Mr. LAIT of Old Town: Mr. Speaker, I just wish to go on record that I am opposed to this bill. I do not believe it of any value, and I do not believe anything can be done with it; but if it is necessary for the Governor to have an excuse to sign some other bills, I shall vote for it.

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

On motion by Mr. Hale, a viva voce vote being taken, the bill was passed to be enacted.

Mr. HALE: Mr. Speaker, I move to reconsider the vote whereby this bill was passed to be enacted, and I hope my motion will not prevail.

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

Mr. Foster of Ellsworth offered the following resolution, moving its adoption, and the Chair suggested that it be adopted by a rising vote:

Resolved that the House recognizes the efficient services and untiring efforts of the gentleman from Presque Isle, Mr. Kitchen, toward the prepa-

ration of a proper highway program as House chairman of the committee on Ways and Bridges; that the House sympathizes with the gentleman in his present illness and trusts that he will soon be restored to health; and that the appreciation of this body be transmitted by special messenger to Representative Kitchen at his Augusta residence.

The resolution was adopted by a unanimous rising vote, the House applauding.

### Passed to be Enacted Out of Order

An act relating to a tax on gasoline.

Mr. HATHAWAY of Milo: Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER: The gentleman may proceed.

Mr. HATHAWAY: Mr. Speaker, and gentlemen and ladies of the House: We are now in the last few hours of the Eighty-third Legislature. Of course we are all very anxious to get home but after we get home we are going to be lonesome for some of the faces that we have seen and some of the voices that we have heard. We are going to miss the mild-mannered, quiet-spoken Republican House leader, Bob Hale. We are equally going to miss the very pleasant though somewhat quiet leader of the minority, Maurice Lait. We are going to miss the very strong and convincing arguments of Ed. I. on road appropriations. I for one have enjoyed myself. People have been very kind and very courteous to me. Even the other day, when I inquired and asked questions about meat inspection, the members of the House were very kind and courteous to me.

Years ago when I was a freshman at Colby, I well remember the first morning I walked across the campus, I was so green that the grass turned a pale, sickly yellow; and, gentlemen, I was as green as that when I came here on Legislative affairs. The Senate also has been very kind to me, and I presume of course that the Senate has been very kind to all the rest of the members of the House; and I would inquire of the Chair if that Honorable Body is now in session.

The SPEAKER: The Chair will state that it has been advised that the Senate is in session.

Mr. HATHAWAY: I would also inquire, if, in the opinion of the Chair, they are in a receptive mood this morning.

The SPEAKER: The Chair will state that it believes that body to be in a receptive mood.

Mr. HATHAWAY: Mr. Speaker, if in order I would make a motion that we as a body visit the honorable and august Senate, make them a little visit and show them in our feeble way our appreciation of that body; and I would further move—I would make this as House Amendment A—that this visit be very informal and if the Chair thinks fitting, we might burst forth in a few snatches of song. I thank you. (Applause).

The SPEAKER: The Chair feels that the motion is entirely in order and is very fitting, and it believes that the Senate will be pleased by a visit from the House; and is it the pleasure of the House that the motion of the gentleman from Milo, Mr. Hathaway, with his amendment, prevail? Those in favor will say aye; those opposed no.

The motion prevailed.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, I would suggest that we do this in a more or less orderly manner, forming in the center aisle with each man's hand upon the shoulders of the one preceding him, march into the Senate Chamber and then out again after a few songs.

Mr. BISSETT of Portland: Mr. Speaker, I move that the Speaker lead the procession.

The SPEAKER: The Chair thanks the gentleman from Portland, Mr. Bissett, and the House will now recess and respond to the call of the gong.

#### **Recess**

On motion by Mr. Dudley of Calais, it was voted to take from the table House Document 362, an act relating to trial terms of the Supreme Judicial Court; and on further motion by the same gentleman House Document 362 was indefinitely postponed.

Senate Papers, out of order.

From the Senate: Report of the Committee on Ways and Bridges reporting "Ought not to pass" on bill an act to amend the distribution of

tax on gasoline (H. P. No. 66) (H. D. No 24)

which was accepted in the House.

Comes from the Senate the bill and report indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Wing of Kingfield, the House voted to recede and concur with the Senate.

Papers from the Senate disposed of in concurrence.

From the Senate: Final report of the committee on Pownal State School,

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

On motion by Mr. Hale of Portland, Recessed until 2 P. M.

#### **After Recess 2 P. M.**

The Speaker in the Chair.

Mr. Marden of Waldo presented the following order and moved its passage:

Ordered, the Senate concurring, that the Treasurer of State furnish to each member and officer of the Senate and House of Representatives immediately after the final adjournment of the Eighty-third Legislature, the amounts indicated opposite their respective names on the pay rolls of the Senate and House of Representatives.

The order received passage and was sent up for concurrence.

On motion by Mr. Kinsman of Augusta, it was

Ordered, that the Superintendent of Buildings be directed to deliver to the Clerk of the House at his home such supplies and equipment as the Clerk of the House shall deem necessary in typewriting the Journal of the House.

#### **Recess**

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

An act relating to the protection of moose.

On motion by Mr. Flint of Monson, it was voted to take from the table, H. D. 643, an act relating to non-resident hunting licenses; and on further motion by the same gentleman, this bill was passed to be enacted.

The SPEAKER: The Chair will

state that the flowers on the right of the Chair do not belong to the Chair, but belong and were presented to the member from Norridge-wock, Mrs. Folsom, by her constituents for the very efficient service she has rendered. (Applause, the members rising and cheering)

Mr. Lait of Old Town was granted permission by the House to address that body on a matter of personal privilege.

Mr. LAIT: Mr. Speaker, I wish at this time to clear up a matter which in my opinion needs clearing up. It has been rumored around this State House that the Ku Klux Klan has aided in having the Highway Commission whitewashed by defeating the Granville bill. Now the reason I voted against the Granville measure was not to whitewash anyone but because I did not believe that this method of legislation was the proper way of handling the situation.

Now let us consider what was brought out at the hearing. Mr. Murray was accused of trying to get away with \$10,000. You will say that this was denied by him. Then someone has lied under oath, and I believe in all fairness to him and to all concerned in this matter that this man should be given a trial as provided by the Constitution and I, for one, am willing to stay here until this situation is cleared up.

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

Mr. MORRILL of Gray: Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER: The gentleman may state his point.

Mr. MORRILL: There is one man in this building to whom I think we should all pay our respects,—it was not but a few years ago when there were many members around here wearing the bronze button of the Grand Army,—and that is Mr. Tibbetts, the doorkeeper of the Senate: I move that the Messenger be sent to escort the doorkeeper of the Senate, Mr. Tibbetts, to the House.

The SPEAKER: The Chair would suggest that as the Messenger is not here, the Chair be allowed to appoint a committee, and the Chair appoints Mr. Morrill of Gray.

Mr. TUCKER of Sanford: Mr. Speaker, I am sure we would like to

hear from the Representative from Portland, Miss Laughlin.

Thereupon Mr. Tibbetts was escorted to a seat beside the Speaker, amid the applause of the House, the members rising.

Mr. MORRILL: I now yield the floor to the gentleman from Chelsea, Mr. Douglas.

Mr. DOUGLAS: Mr. Speaker, Ladies and gentlemen of the House: This afternoon, in the closing hours of this very pleasant session of the Legislature, I am glad of the opportunity, in the first place, to say that I have particularly enjoyed the associations which it has been my good fortune to make this winter.

We have in the other wing of the capitol a man, who by reason of his being a veteran of those fast disappearing veterans of the Civil War, possesses the distinction of being the only man connected with this Legislature who served his country in that capacity in that war; and I want to say to him that he has treated us as cordially as has been possible; that he has been the soul of cordiality; and we want to present to him at this time a small token of our appreciation, and we hope that in the remaining years of his life, which we trust will be many, that he will be able to sit by the fireside, and, through the clouds of smoke which he will produce from these cigars, that he will not see the horrors of the battlefield as he has seen in actions in the Civil War, but the smiling faces of every member of this House.

Mr. Tibbetts served his country faithfully in the 21st Maine Infantry. He saw very hard fighting in that service. His experiences at the battle of Port Hudson are quite sufficient to rank him as a hero of his country. At that time he was under fire constantly for thirty days. We hope he will enjoy many years of life and that he will remember this Legislature as being, every one of us, true friends of his.

Mr. Speaker, I take pleasure in presenting to the gentleman, on behalf of the House, this box of cigars. (Applause, the members rising).

Mr. TIBBETTS: Gentlemen and ladies, I never made a speech in my life, and I am not going to try to now, but I will say I thank you.

Thereupon Mr. Tibbetts retired,

amid the applause of the House, the members rising.

The SPEAKER: Is there any further business at this time?

Mr. HALE of Portland: Mr. Speaker, we were about to hear a word from the representative from Portland.

Miss LAUGHLIN: Mr. Speaker and members of the House: I feel a little like the woman who broke through the ice. She was going down for the second time when a man on the bank said, "Give me your hand," and she replied, "This is so sudden!" (Laughter.) I feel a little bit the other way. This is not the first time I have addressed this House, and I feel like the man who went to the doctor's office and who learned that for the first examination he must pay twenty-five dollars and for all that came after five dollars. So he figured as best he could how he was going to get his first examination for five dollars instead of twenty-five dollars, and when the door opened he bounced into the inner office and said, "Here I am again."

We have been talking here about what we shall miss and what we shall think about. One thing I am sure of and that is that everyone will "Miss" me. (Laughter and applause). That is not true of these other women here. You know they are all "Mrs."

There is one time too, I think, we will all think of, and that will be the first of every month, the first reading of bills. (Laughter.) I hope in that case they will not reach more than the first reading and that none of them will get to the third reading stage. (Laughter).

Some I suppose we will remember by having seen them; others we will remember by their voices. There are also some we cannot have a chance to remember by hearing their voices as they have answered the last roll call. Another thing we can never forget and that is the voice of our Clerk. In listening to it, I have sometimes thought of the story of Tom Marshall of Kentucky—not the famous jurist and former Chief Justice of the United States Supreme Court—but Tom. He was celebrated for his wonderful oratorical powers. He was once making a speech which begun in this way: "When Gabriel blows his trump and the Heavens

are rolled together as a scroll!" A man who had been partaking of that product which made Kentucky famous called out "Louder!" Mr. Marshall began again: "When Gabriel blows his trump and the Heavens are rolled together as a scroll!" The inebriated one said "Louder, louder!" Marshall began for the third time: "When Gabriel blows his trump and the Heavens are rolled together as a scroll!" The intoxicated individual once more said: "Louder, louder!" Marshall finally losing his patience, said: "When Gabriel blows his trump and the Heavens are rolled together as a scroll some blankety-blank fool from Kentucky will yell 'Louder, Gabriel, louder!'" (Laughter.) When that happens we will think of the Clerk of the House of Representatives of the Eighty-third Legislature. (Laughter and applause)

I will say one serious word to the House, and I am sure I am expressing the opinion of all of my women associates, and that is that we appreciate the spirit of courtesy, friendliness and good comradeship which we have received from the men of the Eighty-third Legislature. (Applause) I am saying that in all seriousness. We have spoken of it many times and I am glad that I have had this opportunity to say it. We had a caucus this noon and decided that we all felt like the man who went to prayer meeting and who got up one day in prayer meeting and said: "You have every one of you given me the right hand of fellowship, and it wasn't any cod fish tail either." That is the kind of treatment we feel that we have received from the men of this Legislature, and we have come to believe that men will make as good legislators as women. We feel that some men at least would be indispensable to every legislature and we trust that in every legislature there will be some few at least. You know that in the last Legislature there was but one woman. This time there are six—six times as many. Now two years hence there will be thirty-six and four years hence six times thirty-six—no we will have to lop off a few and leave a few places for the men for we believe there should be some men in every Legislature; and I want to assure you now that when that time comes, we will hold out a welcome to you and a right

hand of fellowship as you have extended to us. (Applause)

### Finally Passed

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

### Passed to be Enacted

(Emergency Measure)

An Act to apply surplus funds toward State construction.

The SPEAKER: This being an emergency measure, and requiring a two-thirds vote of the entire membership on its passage to be enacted, all those who are in favor of the passage of the bill will rise and stand in their places until counted, and the monitors will return the count.

A division being had,

One hundred and forty-two voted, and all in the affirmative, so the bill was passed to be enacted.

From the Senate: Final report of the committee on Ways and Bridges. (Applause)

Comes from the Senate, report read and accepted.

In the House, read and accepted in concurrence.

Papers from the Senate disposed of in concurrence.

From the Senate: An act to create a commission to investigate and to negotiate a compact regarding water power and electricity in New England, S. P. 524, S. D. 262, which was passed to be enacted in the House.

Comes from the Senate, indefinitely postponed.

In the House:

Mr. HALE of Portland: Mr. Speaker, I move that we recede and concur. My understanding is that the vote of the Senate was reconsidered, and I believe that the measure must now bear perhaps as many endorsements as any measure ever before this Legislature; and I think it would be worse than futile to try and keep it alive any longer.

Thereupon, a viva voce vote being taken, the House voted to recede and concur with the Senate.

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

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

Order, out of order.

On motion by Mr. Page of Skowhegan, it was

Ordered, that all members leave their desk and locker keys at the office of the Clerk before departing.

### Recess

The Speaker: As there is an emergency matter before the House, will all members kindly take their seats?

### Finally Passed

(Emergency Measure)

Resolve for the construction, maintenance and repair of roads, bridges and ferries.

Mr. CHURCH of Hallowell: Mr. Speaker, is that the general blanket road resolve for the two years?

The SPEAKER: The Chair will state that it is.

Mr. CHURCH: Mr. Speaker, the town of West Gardiner has been left out. There is absolutely no appropriation there for it though I understood from the committee that it had been passed on.

The SPEAKER: The Chair will state that this is a very long measure and that to re-engross it would mean delaying us until Monday. The Chair would suggest that the gentleman see the Appropriations committee and endeavor to work out some solution. It would be very difficult to re-engross this, but the gentleman may make any motion that he desires.

Mr. CHURCH: Mr. Speaker, I did not know but what it might be held up until the next recess.

The SPEAKER: The Chair will state that it is advised that it took thirteen hours to set the type on that particular resolve.

Mr. CHURCH: It would not be advisable of course to hold up proceedings. I think the total of the whole appropriation bill is correct but that this item has been left out; so in a way it would not be correct.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, I am assuming that the bill before the House is the bill covering the special resolves for road work.

The SPEAKER: The Chair will state that it is.

Mr. MERRILL: Mr. Speaker, and, if I understand correctly, the gentleman wishes to make a motion to enable him to look up one particular resolve.

The SPEAKER: Presumably to amend this resolve.

Mr. MERRILL: Mr. Speaker, I would simply like to suggest, to make the statement, that every resolve that was presented to the Ways and Bridges committee was acted upon by the entire committee of ten; and it seems to me it would be a very unwise procedure to question any resolve, because if one man questions any particular resolve he opens the door for others; and if we do that we will not get away from here for a month.

The SPEAKER: The Chair will state to the gentleman from Hallowell, Mr. Church, that he can examine this resolve in a few minutes, and, if he finds something has been omitted, he can introduce a resolve under suspension of the rules, if the House is willing, and it would not delay the House any. Then it could be passed to be engrossed without reference to a committee, if the committee on Appropriations and the committee on Ways and Bridges find there has been some error.

This being an emergency measure, and requiring a two-thirds vote of the entire membership on its final passage, all those who are in favor of the passage of the resolve will rise and stand in their places until counted, and the monitors will return the count.

A division being had,

One hundred and fourteen voted, and all in the affirmative, so the resolve was finally passed.

The SPEAKER: The Chair will state that this evening we will have the appropriation bill to act on which is an emergency measure, and it is highly important that every member of the House be here at that time. It will require, of course, a two-thirds affirmative vote of the entire membership, and the Chair trusts that every member will remain until final adjournment, which will be some time this evening.

On motion by Mr. Hale of Portland,

Recessed until 7.30 o'clock this evening.

**After Recess—7:30 P. M.**

The Speaker in the Chair.

From the Senate: Bill an act to

appropriate moneys for the expenditures of the government and for other purposes for the year from July 1st, 1927 to June 30th, 1928, S. P. 681.

Comes from the Senate introduced under suspension of the rules, Senate Amendment A read and rejected, the bill given its several readings, under suspension of the rules and passed to be engrossed.

In the House, the rules were suspended and the bill had its several readings.

(Senate Amendment A read)

On motion by Mr. Piper of Jackman, the House voted to concur with the Senate in the rejection of Senate Amendment A.

Thereupon the bill, having had its three several readings, was passed to be engrossed in concurrence.

From the Senate: Bill an act to appropriate moneys for the expenditures of the government and for other purposes for the year from July 1st, 1928 to June 30th, 1929 (S. P. 682)

Comes from the Senate introduced under suspension of the rules, given its several readings and passed to be engrossed.

In the House, received out of order under suspension of the rules, given its three several readings, and passed to be engrossed in concurrence.

The SPEAKER: Is there any further business at this time?

Mr. CHURCH of Hallowell: Mr. Speaker, speaking further about the resolve that I mentioned this afternoon in regard to the repairing of a road in West Gardiner, I find from conversation with some of the members of the committee that apparently it was overlooked in making up the bill; and while I do not know from just what appropriation it will come, having been unable to see any of the appropriations committee, I would ask the consent of the House that I may introduce a resolve for the amount of one thousand dollars, under suspension of the rules.

Consent was given and that gentleman moved that resolve in favor of the town of West Gardiner be introduced without reference to any committee and given its several

readings under suspension of the rules at this time.

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

Mr. BELLEAU of Lewiston: Mr. Speaker, I am not going to make a speech, but I do not feel that I can leave the Legislature—this House of Representatives—without saying a word before we depart. I came to this Legislature many years ago. This is my fourth trip, and it is my pleasantest trip. I never have failed to secure the attention and the cooperation of the members of the House whenever I have demanded a reasonable thing; and it is to the glory of the people of this country and of the House of Representatives that we can feel that any man, regardless of his religion or nationality or party, can come here and ask something in behalf of the city or town he represents and secure the approbation of the House, as I have at the present session of the Legislature. (Applause)

Without extending these remarks, I wanted gentlemen, to save three thousand dollars for the city of Lewiston. In passing, permit me to ask whether it is right that the city of Lewiston should pay three thousand dollars for its commissioners? So that when I have come to the Legislature I have always asked something for my city and if I did not obtain all I wanted, I obtained sufficient to satisfy the people of my adopted city.

Come to Lewiston, gentlemen. I invite you all. They have said throughout the State that the city was bad. Whenever they say that my city is bad, it reminds me of a story and a true story. A man of my nationality, brought up in England, came to this country and lectured throughout the length and breadth of this land. He happened to be in a city in Michigan to deliver a lecture one Sunday night. On Saturday night the people of that same city were receiving their mayor, who had been abroad a good many weeks, and the committee said "Since we are going to receive our mayor, this lecturer is in town and why not invite him to sit on the platform, and ask him to say a few words." So they invited the gentleman and the people filled the church and gave a great reception

to their mayor, read him a great address, and he responded to that address. In responding to that address he began to speak against that great country, as I might call it, of ours, beginning to speak of France, and lo and behold, he had not one good word to say of Paris or any part of France. France was bad. He had seen nothing in France but what was bad. And so that Frenchman sat there listening to these remarks. The time came when the mayor stopped speaking; and they asked the Frenchman if he would not say a few words. The Frenchman got up and after some few preliminary remarks he said "I am sorry, my friends, that your mayor, while in Paris, saw nothing good—saw everything bad. How can that be?" he said. "Had he visited the Tuilleries? Had he visited LaChaise Cemetery? Had he visited Notre Dame? Had he seen the Arc de Triomphe? Had he visited those splendid places would he have seen anything bad in Paris? What did he see in Paris that was bad? "My friends," he said, "when you see your mayor on the streets of your city, ask him what he saw while he was in Paris. Ask him what he saw since he had seen nothing but what was bad."

I have travelled some. I have lived in this country a great many years. I have been to Philadelphia and Boston and never saw anything bad. I have been to Montreal and a great many other cities, Chicago, and I never saw anything bad. I have lived fifty years in the city of Lewiston, and I say to you I have never seen anything bad in the city of Lewiston. You see what you want to see in any city in the world; and there is no law that will stop those things. I say Lewiston is not bad. I am sorry to say that we will have to come here two years hence and ask for our rights. We can govern ourselves; we want to govern ourselves; and if we come here with a reasonable cause, a good cause, I know we shall have a Legislature that will stand by us.

"I am sometimes very much interested when I see, gentlemen, supposing that popularity is the way to success in America. The way to success in this great country, with its fair judgment, is to show that you are not afraid of anybody except God and his final verdict. If



I did not believe that, I would not believe in democracy. If I did not believe that, I would not believe that people can govern themselves. If I did not believe that the moral judgment would be the last judgment, the final judgment, in the minds of men as well as the tribunal of God, I could not believe in popular government. But I do believe these things, and, therefore, I earnestly believe in the democracy not only of America, but of every awakened people that wishes and intends to govern and control its own affairs."

Just one word more. I thank you for what you did for me, and I want to say this is the best Legislature I have ever met. I shall remember it every day of my life. (Applause, the members rising.)

Mr. DAIGLE of Madawaska: Mr. Speaker, if this is going to be a Frenchman's evening, I would like to have my share. (Laughter and applause) I have not any grievance, of course, as my friend Mr. Belleau had, because our community is smaller than his and, as compared with the rest of the State, it is in a way a very modest community.

Going back a good many years ago, I remember when I was here, a member of the Legislature—I have forgotten whether it was the year that Mr. Belleau was here in 1895 or 1899. The Speaker happened to be the Honorable Llewellyn Powers. There was a gentleman by the name of Cotton from Androscoggin County who was Clerk. They called him a very efficient clerk, and he was. I find that since that time you have always been improving so far as clerks are concerned. At that time legislative affairs were on a smaller scale than at the present time. It was in the old building, and everything was done, of course, in a smaller way. We thought then that appropriating five thousand dollars was a big thing, when now it is around sixty thousand or seventy-five thousand.

To give you just an illustration, I do not want to reflect or cause any remark here that will be wrongly interpreted. To give you an idea of what we had to do for the college at Orono the president and two lobbyists would come here and stay, I think, about three weeks discussing matters. Finally, they secured a promise of \$20,000 for ten

years, and they thought they had accomplished wonders. That gives you an idea of the difference between those days and the present, as to what we do for the University of Maine. We cannot give the whole State of Maine to Orono in one year.

At that time there was not so much dignity, I might say, in both branches as there is today. We used to have more leeway; but, years ago, at the end of the session, we used to have some gatherings that were very interesting. There was an old man by the name of Holden who lived in Maine and he had a knack of lecturing on a very important and interesting subject—what he termed astronomy. He used to come in at the beginning of the session and look around, and some of his friends would invite him to come down front. As a matter of fact, he looked kind of bashful, and apparently would not want to do it. Then they would appoint a committee in due form and they would call on Professor Holden and escort him to the Chair, and appoint pages—not stenographers, just pages—and listen to the able and learned arguments of the professor. I happened to come in one afternoon and I sat down and thought perhaps this is some learned man that has happened to strike Augusta without being advertised, and he has dropped in and is a lecturer. So I sat down and listened, and the purport of his argument was to convince the legislators that the earth was flat. All this was rather interesting; but after I listened four or five minutes I could not make much out of it. Senator Mitchell of Kittery used to be the Chairman, and he was a pretty good one. Finally we would take a vote on the question, and of course the majority vote was that the earth was flat. A gentleman sitting beside me nudged me and said "Do they intend to make that legal?" I said "You can expect anything from this Legislature; I belong to it, and I can assure you of that." The old gentleman had the joke on us, I think. They claimed that he used to come around, and after the lecture they passed the hat and he would collect ten, twelve or fifteen dollars, put it in his pocket and then two years afterward he would come back and do the thing all over again. I was informed that he did

not believe in that theory at all, but that if he had gotten up and talked on the roundness of the earth nobody would have listened to the lecture; but to talk on the flatness of the earth, of course it was all right.

I have been here several times before, and as I said I enjoy the pleasure very much, except that at the beginning of the session I did not enjoy myself a great deal. Just now, however, I feel all right. For two months now we have passed all kinds of legislation, some good and others not so good. We have touched on everything including porcupines, yellow legs, brown legs, white legs and black legs. (Applause)

From the Senate: Report of the committee on Appropriations and Financial Affairs on the several resolves in favor of clerks, stenographers and messengers, reporting a new resolve entitled "A resolve in favor of clerks, stenographers and messengers of the several committees of the Eighty-third legislature," Senate Document 680, and that it ought to pass.

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

In the House, report read and accepted, the rules were suspended, and the resolve had its two several readings and was passed to be engrossed in concurrence.

Communication from the Senate:

STATE OF MAINE

Senate Chamber

Augusta

April 16, 1927.

To the Clerk of the House of Representatives of the Eighty-third Legislature:

Sir:

The Governor having returned to the Senate without his approval and with his objection to the same, bill an act to provide for the exportation of surplus power, Senate Paper 523, Senate Document 259, the Senate proceeded to vote on the question:

Shall the bill become a law notwithstanding the objection of the Governor, the Secretary called the roll. Fourteen Senators voted in the affirmative and twelve in the

negative, and accordingly the bill failed to become a law.

Respectfully,

(Signed) ROYDEN V. BROWN.

Secretary of the Senate.

On motion by Mr. Bartlett of Bangor, the communication was ordered placed on file.

### Recess

The Speaker in the Chair.

### Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Joint Order relative to recalling H. D. 365, Relative to Welfare Conditions in the State of Maine; reporting they are not able to agree.

(Signed) Messrs. McKNIGHT of Poland, STURGIS of Auburn, THURSTON of Appleton—Committee on part of House; MAHER of Kennebec, MINER of Washington, BOND of Lincoln—Committee on part of Senate.

The report of the committee was accepted and the committee discharged.

Mr. Bartlett of Bangor was granted permission to introduce an order out of order and move its passage:

Ordered, the Senate concurring, that the committee provided in House Document 365, joint order relative to welfare conditions in the State of Maine, be and hereby is discharged from further service, action or authority provided for in said order, and the order itself is hereby rescinded.

Mr. PIPER of Jackman: Mr. Speaker, I move the indefinite postponement of the order, and ask for a division.

A division was had, Thirteen voting in the affirmative and 82 in the negative, the motion failed of passage.

The SPEAKER: The question now before the House is upon the motion of the gentleman from Bangor, Mr. Bartlett, that the order receive passage. As many as are in favor will say aye; those opposed no.

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

Mr. Boston of Gardiner was granted permission to present the following order, out of order:

Ordered, that the members of the House be given the waste baskets and everything else they have already taken home. (Laughter and applause)

The SPEAKER: Shall the order receive passage? As many as are in favor will say aye; those opposed no.

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

The SPEAKER: Does the gentleman from Gardiner (Mr. Boston) say that he wishes to withdraw the order.

Mr. BOSTON: No, Mr. Speaker, I do not.

The order failed of passage.

Mr. Merrill of Dover-Foxcroft presented the following order and moved its passage:

Ordered, that the desk and chair in the office of the Speaker be presented to the Speaker of the House.

Clerk CHAPMAN: All those in favor of the passage of the order will indicate it by saying aye.

A viva voce vote was taken.

The CLERK: The Chair is not in doubt.

The SPEAKER: The Chair is once again greatly indebted.

Mr. ROUNDS of Portland: Mr. Speaker, a few days ago I introduced an order that the flag, the staff and the standard were to be presented to the Speaker. Some years ago the Superintendent of Buildings would not give them up; so I move you that the flag be removed. It is after sundown and I move that it be removed by the Messenger of the House so that the Speaker may get it out of the State House before we leave tonight. (Laughter)

The SPEAKER: The Chair will state to the gentleman from Portland, Mr. Rounds, that the Chair has already made arrangements for the removal of the flag and the standard and the setting the moment the Legislature adjourns.

Mr. ROUNDS: We will be going home as soon as we get our pay and we won't see whether it is removed or not. After that perhaps the Superintendent of Buildings might take a hand and he might be stronger, with his assistant, than the Messenger of the House. I would like to see it removed before we leave.

The SPEAKER: The Chair ap-

preciates the sentiment and will take the matter into consideration. The Chair can assure the gentleman that the flag will be removed safely to the home of the Speaker.

Mr. BLAISDELL of Franklin: Mr. Speaker, I think the Chair realizes the demonstration of friendliness which the House has for its Speaker. Personally this session of the Legislature has been to me like another year in college. I have been learning something every day, and the expression of sentiment that I am asking for at this time, I am only asking from the members who are here for their first term. As an appreciation of the kindness with which the Speaker has ruled among us members who are here for the first time and who have not been familiar with parliamentary procedure, who did not know the type of motion to make and the effect of the motion when made, I am asking, with the consent of the Chair, that the first year members in this Legislature will rise and extend their appreciation to the Speaker for the kindness with which he has ruled in our ignorance. (The new members rose and applauded)

Mr. BLAISDELL: Mr. Speaker, I thank the members of the Legislature who have risen in response to my request, and also the Speaker for his kindly rulings.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, may I express through the Chair the deep appreciation of one of the new members for the very kindly attitude, the courtesy and the helpfulness that has been rendered to me personally, and I believe to every new member, by the older members—those who have had experience in the House. Personally, it has appealed to me very much. I have been deeply impressed and touched by the kindly attitude of the more experienced legislators to me as a new legislator, and I think I express the feeling of all the new legislators when I say to you older men in the Legislature that I deeply appreciate it, and that I wish you to carry home with you my sincere feeling of thankfulness and friendliness toward you all. (Applause)

Mr. BISSETT of Portland: Mr.

Speaker, in behalf of myself and the new members who have come to this Legislature, I think that we all should pay our tribute of appreciation to the Speaker and to the Clerk of the House and to the Assistant Clerk of the House; especially to the Clerk of the House who has been so kind to us in every little matter that came up when we had to go into his office; and I will ask the members who are here for the first time if they will rise in respect to the Clerk of the House and the Assistant Clerk for what they have done for us.

(Applause, the new members rising)

At the suggestion of Mr. Morrill of Gray that gentleman, Miss Laughlin of Portland, Mr. Bartlett of Bangor and Mr. Blaisdell of Franklin were appointed a committee to send flowers to the widows of the deceased representatives who died during the session and immediately prior thereto as an Easter offering; and at the further suggestion of the representative from Portland, Miss Laughlin, the widow of Senator Carter of Androscoggin was included.

Mr. McKNIGHT of Poland: Mr. Speaker, as we have extended the compliments of the evening and of the season to so many here, I move you that this House extend the compliments of good fellowship to the representative from Portland, Mr. Bissett, and his wife.

The motion unanimously prevailed, the members rising and applauding.

Mr. PATTERSON of Castine: Mr. Speaker and members of the House: The expressions of good fellowship that we have listened to this evening have come from the heart, I know. We have overlooked, perhaps, one employee of the House, but we have done so inadvertently. I refer to the Official Reporter of the House, Mr. Cecil Clay. Perhaps he has had the hardest task of any employee of this Legislature. It has been his duty to take down our remarks and to straighten out our grammatical errors. Sometimes, when we have looked at the Record the next day, we have been surprised to find that we spoke so well; and I feel that every man who has ever been on his feet in this House, and every woman,

should come to their feet tonight and extend a vote of our appreciation to Mr. Clay. We hope that he will be here many years to serve future legislatures as efficiently as he has served the Eighty-third Legislature. (Applause, the members rising)

Mr. CLAY: I wish to thank the members of the House through the Chair.

The SPEAKER: The gentleman from Belfast—and he is in every sense of the word a gentleman—states that he wishes, through the Chair, to thank each and every member.

### Recess

The SPEAKER: A veto message from the Governor and the Clerk will read the message.

### STATE OF MAINE Office of the Governor AUGUSTA

April 16, 1927.

To the Honorable Senate and House of Representatives:

There is returned herewith, without my approval, An act granting the right of eminent domain to electric power companies doing a public utility business.

The power of eminent domain for these purposes has always heretofore been the subject of specific grant to corporations for specified purposes and within definite limits.

With practically all of the electrical utilities in the State of Maine as far east as the Penobscot River now in the control of one power group it would seem practicable and proper that an extraordinary grant of this character should not be made in such a blanket form.

With limited exceptions this would give the power of eminent domain for placing power lines on the land of any citizen in any part of the inhabited portions of the State of Maine.

It would seem more prudent to conform to the practice of previous years and make such a grant only in specific and strictly limited cases.

Respectfully submitted,

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

The SPEAKER: The question before the House is shall this bill become a law notwithstanding the objections of the Governor. A roll call vote is required by the Constitution. Each member will ans-

wer yes or no as his or her name is called. A vote yes is for the bill. A vote no is against the bill and to sustain the veto of the Governor.

Mr. FOSTER of Ellsworth: Mr. Speaker and members of the House: I introduced this bill all in good faith because I think it is a fair and just bill. It simply grants to the electric light companies of this State the same privilege that is accorded the railroads, the telephone people, the telegraph people and the water people. As I understand they have had very little trouble in the ordinary placing of their poles, but there are certain instances where they run into it, for instance where the land is owned by an estate, and then they have a great deal of trouble. If you will turn to the last section of the bill it is as follows: "Any location to be so taken for such transmission lines shall be approved by the county commissioners of the county in which the transmission lines are located."

Now if we have any confidence in our county commissioners it seems to me that this act should become a law; and if the county commissioners are not qualified to pass on these locations, they are certainly not qualified to hold the office of county commissioners.

It seems to me that this is just one more slap that the Governor has taken at the public utilities in this State who are trying to serve our people, and every wrench that you throw into their works is going to be reflected in your electric light bills. I hope this measure will be enacted.

Mr. ALDRICH of Topsham: Mr. Speaker, may I ask the gentleman from Ellsworth a question?

The SPEAKER: The gentleman may answer if he wishes.

Mr. ALDRICH: Mr. Speaker, I should like to inquire, if the gentleman knows, how the public utility companies now acquire any rights of way which they may secure? Do you know? I don't.

Mr. FOSTER: I think perhaps under the jurisdiction of the Public Utilities, but they are still under eminent domain; but they are not under the jurisdiction of county commissioners excepting where damages cannot be agreed upon. When damages cannot be agreed upon between the parties the matter is referred to the county commissioners.

Mr. ALDRICH: If I might ask another question. If there is a method at the present time for securing rights of way, would the gentleman be good enough to explain to me why it is necessary to give this sort of right which is apparently given in this act?

Mr. FOSTER: I do not think at the present time there is any law granting that privilege.

Mr. ALDRICH: I do not quite understand, Mr. Speaker. I would like to ask again how they acquire any rights of way at the present time.

The SPEAKER: The gentleman may answer if he wishes.

Mr. HALE of Portland: Mr. Speaker, does the inquiry of the gentleman from Topsham cover simply electric light companies or public utilities generally?

Mr. ALDRICH: Public utilities generally.

Mr. HALE: All public utilities except the electric light companies now have the right. The electric light companies can only secure the right of way for their pole lines by purchase. Mr. Speaker, there was introduced into this Legislature early in the session a bill giving the right of eminent domain to the Cumberland County Power and Light Company. I took no part in the discussion of that measure, and I have from time to time rendered professional services to the company; but the measure was rejected, largely as I understand it, because it conferred a special privilege upon a company. It was not conferred as a matter of general right to all companies. Now in a veto message we are told that this right of eminent domain should not be conferred upon all companies but should be conferred upon some companies as a matter of special privilege; and the logic, if applied, would seem to defeat any grant of eminent domain to anybody and for the life of me I cannot see why an electric light company should be on a different footing from railroad corporations, water companies, telegraph companies and telephone companies. It does not seem to me any more oppressive or injurious or tyrannical to put an electric light pole somewhere than to put a telephone pole somewhere. The right of eminent domain is of no use in the cities and has no significance there because the companies

run their pole lines along public highways; but it has a very direct and important bearing on the question of rural electrification when high tension lines are stretched directly across the country. If, in some places, individuals through selfish motives prevent the acquisition of a line, then sometimes the whole project of rural electrification has to be abandoned; and I think this bill is in line with sound public policy, and for the life of me I cannot see what difference it makes when a large number of public utilities in this State are under no one ownership.

Mr. GREENLEAF: Mr. Speaker, regarding that last matter which has been mentioned by the gentleman from Portland, Mr. Hale, I would like to say that when this aforesaid public utility which owns so much power rights in this State came before the Commissioners at a hearing in Androscoggin county about the closing of a road which ran down through the territory which was to be flowed by the Gulf Island dam, there were certain towns sent men to that hearing purposely to state that the citizens of their towns whose land had been flooded sent them there to express their appreciation for the consideration that they had received at the hands of this company. I think it well to have that in the record.

Mr. STURGIS of Auburn: Mr. Speaker, as I have heard a good many times since I have been here, 'I did not expect to speak on this question'; but I am a farmer. I live as you know in Androscoggin county. The gentleman from Portland (Mr. Hale) wanted to know what the difference was between a telephone pole and an electric light pole. I can tell him. I know of places where they tried to put their poles and paid five dollars a pole for a perpetual right. That would last until after this session is through, only. They said to some of these farmers, "We want to put this line through here and how nice it will be for you to light up your buildings and have power to handle your machinery." I know of one man in particular who said that he did not like to have them go through behind his buildings, but they said how nice it will be when that line goes through there. They set those poles and you will see this sign "Danger of Death" "Keep Out" on all these high tension wire lines

that go through there. If there were a dozen companies transmitting electricity across this country and they happened to want to go across my farm, it would be a nice thing wouldn't it? I wouldn't know which way to turn. They tell you it's a mighty nice thing to go through, but after they go through you are in danger of your life. You haven't got any contract, so you cannot push it through; but if they had the right of eminent domain they would not have to ask you. They would go right through and put up that sign "Danger of Death" "Keep Out." Which had you rather have, a high tension wire running through with that sign on there—you would not know whether to go under it with a load of hay or not because something might break and set it afire—or have an innocent telephone pole?

Mr. CHASE of Cape Elizabeth: Mr. Speaker, in view of the fact that there are so few who have the bill in front of them because so many of them were in the air the other night, I think it might be appropriate at this time to explain the provisions of the bill. It is necessary for us to vote on this matter so I suppose everyone wants to vote after knowing just what the proposition is.

As a matter of fact under this bill the right so granted is less than any other rights of eminent domain that I know of. It applies only to public utility companies. It applies only to transmission lines carrying a voltage of five thousand volts or more. It cannot take a location within three hundred feet of any inhabited dwelling anywhere. They cannot take lands or easements in such a way as to gain control of any developed or undeveloped water power. They cannot take lands or easements owned by railroad corporations and they cannot exercise this right so as to interfere unreasonably with the purposes of existing wire lines owned by other utility corporations. That is to take care of the telephone company. On top of that they cannot take any location anywhere unless the county commissioners in that county approve that location. This is the situation, that occasionally public utility companies wishing to render service in communities, want to build a transmission line, and because there is someone

who considers his own selfish purpose of more account than the greatest good to the greatest number, and refuses to permit that company to go across, why there is no way that they can go across that land. You know that no company is going to take land and pay for it just for the fun of having it. They do not take it unless it is necessary. The company which has these rights exercise them only on real occasions.

It is the law of this State that a public utility company is entitled to earn a fair return on a fair valuation. If you make that company build a line eleven miles long when they can render the same service with a line ten miles long by going in a straight line, the people of the State of Maine are obliged by the existing law to pay a rate that will give a fair return on the eleven miles of line, where under this bill and under this situation they would only have to pay rates that would yield a fair return on ten miles of line.

I have been familiar with this proposition of buying up pole rights, and it is only on rare occasions that a situation occurs when the exercise of such a right is even desirable; but there have been many occasions where one man has held up development, has held up progress, has shut off for a long time the furnishing of electric service to the communities which lie beyond him, by refusing a company the right to cross his land.

It is in the interest of better service and of lower rates for power in the State of Maine that the right of eminent domain should be granted, and the restrictions which are in this bill were drawn up to meet every objection that has ever been raised to this bill that anyone ever heard of, as I understand it. This bill was reported unanimously by the committee "ought to pass." It went through both branches of the Legislature without objection. It is now necessary that we shall vote upon this matter and I make this explanation at this time so that you may know what it is that you are voting on and to assure you that the grant here is much less broad than grants which have been made to other public utility companies. It has been said, so far as I know, that every public utility company that is doing business in the State

of Maine has this right, and I think I am correct in saying that they have broader powers than are granted by this bill.

Mr. ALDRICH: Mr. Speaker, I do not know much about this electric business. I do not know much about voltage as referred to by my friend from Cape Elizabeth, Mr. Chase; but as I look at this bill it seems to me that the particular lines which are cared for are what are called high tension lines. If that be so, it looks to me as though the current going over those lines would not be of much interest to the farmer who wants to be served, if I understand the thing correctly. I do not know much about the law as to the rights these various companies have; but it seems to me from the Governor's message, who I presume has studied the situation, that this involved a very serious question which would apparently give the right to carry across almost any man's land at almost any place it wanted to these high tension lines, and I conceive that there might be embodied in this law the danger of very serious curtailment of the use of the property. Therefore, I should be very hesitant about granting it.

Mr. BISSETT of Portland: Mr. Speaker, may I ask through the Chair of the gentleman from Cape Elizabeth, Mr. Chase, if this is the bill that appeared in the Legal Affairs Committee?

The SPEAKER: The gentleman may answer if he wishes.

Mr. CHASE: Mr. Speaker, the bill was originally introduced in this Legislature to grant the right of eminent domain to the Cumberland County Power and Light Company, and was to grant that right without limitation on any line; and as the gentleman from Portland, Mr. Bissett, will perhaps remember I was opposed to that bill, and other members were opposed to that bill. I did not favor such a broad grant. Objections made at that time in connection with the other bill were met, I believe, in this bill which was introduced later in the session; and so far as I know, the objections which were made to the original bill, the suggestions which were made in connection with it, were met in this bill, and this bill is nowhere near so broad in fact. It is nowhere

near so broad as the original bill to which the gentleman from Portland, Mr. Bissett, refers, and I was against that bill as he may remember.

Mr. STURGIS: Mr. Speaker, may I ask through the Chair of the gentleman from Cape Elizabeth (Mr. Chase) if he did not introduce that bill?

The SPEAKER: The gentleman may answer if he wishes.

Mr. CHASE: No, Mr. Speaker, I did not introduce the bill.

Mr. WING of Auburn: This appeals to me in two ways. This House heard me one day talk about excise taxes. These companies that are asking this right pay no excise tax for the privilege of exercising that important franchise. The other utilities which you have here pay an excise tax. That may have something to do, or it may not, with the grant of power that they have had.

There is another feature to it. I believe that the Supreme Judicial Court has held in a very well considered case that the transmission of power for mechanical purposes is not a public use. There was a company in the upper Kennebec here that had a right to transmit and take by eminent domain lands for the transmission of electricity into the towns I think of Benton, Fairfield, and I don't know but Waterville. There was a farmer who objected to having his lands taken by eminent domain under this grant of power, and the courts sustained his objection that the company had no such right. That is the case of *Brown vs. Gerald*. I do not know that it has ever been overruled. You are asked to give this grant in the face of this opinion of the court. If you care to do it, that is your business. If you care to give these companies that pay no excise tax this additional privilege that also is your pleasure; but for one I shall decline to do it. (Applause)

Miss LAUGHLIN of Portland: Mr. Speaker, the new draft recommended by the committee on Legal Affairs cut out the power companies that were using it for mechanical purposes in view of the decision which the gentleman from Auburn (Mr. Wing) has referred to, because the companies using it, transmitting power for that purpose, were not public utility companies; so that the bill as it reads now is for public utility companies for the

transmission of power for lighting and heating purposes.

If there is one thing which has been proven here in the discussion of the power matter, it is that the people of this State want electricity so general that it can be transmitted to farms and to the smaller towns. I do not know how they are going to get electricity for heating or lighting purposes if they are not allowed to put up poles; and yet the argument of the gentleman from Auburn (Mr. Sturgis) was on the basis that it was a dangerous thing to have a pole put up for transmission of power. Now will you tell me how they are going to have electricity on the farms or in the small towns without poles being put up on which to stretch wires for the transmission of power. That is all this bill provides, that they may have the right of eminent domain for the high tension lines which means the transmission of power over the State. They will never have electricity for heating or lighting purposes on the farms or in the smaller towns if they object to transmission lines being put up. This bill makes it possible that these lines shall be put up at the least cost and in the most direct way so that it will be possible to get electricity for lighting and heating purposes out to the smaller towns and out to the farms. It seems to me we are approaching this question today in about the same way that we did the railroads fifty years ago. Then a lot of people were opposed to eminent domain because they did not want the railroad tracks to go across their land. Had they been able to carry out their idea then, we would not have had any railroad facilities and we could not possibly have had this State developed. It seems to me that we are face to face with the proposition whether we shall give them the power to make it possible for them to reach the farms and the homes in the smaller towns with electricity for lighting and heating purposes which we must know that the people of this State want. (Applause)

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, allusion has been made, not only in this bill but in a prior bill, regarding an excise tax upon these companies. Another side of the question of an excise tax has not been brought out to which I wish to call your attention. The excise tax



imposed upon the railroads of the State of Maine is because they have certain properties which cannot be reached in any other way in the form of taxation. They pay a property tax on their property in each community wherever they exist inside and outside of their right of way. Their rolling stock is not in one town long enough to be taxed. Therefore, an excise tax is placed upon the railroads in lieu of a tax upon their rolling stock. Telephone companies and telegraph companies own very little taxable property in the State of Maine. They are taking out of the State of Maine a considerable amount of money. There is no way in which the State of Maine can gain any tax upon them except by an excise tax. Insurance companies fall under the same head. The Pullman Car Company falls under the same head. That company pays an excise tax in lieu of other taxes. The electric lighting and power companies have their property in sight and it is stable. Consequently they pay a tax. It is not just to impose upon them an excise tax. It is no injustice to grant them rights that will permit them to exercise their public service functions at the lowest possible cost, and that will be reflected in the rates asked of you and me and other citizens of the State who use electricity. To me there is no comparison in point of justice or equity as between an excise tax on an electric light company and an excise tax on any of the other public service companies in the State of Maine. I cannot see that there is any comparison. I think that point has not been brought out and I think it very valuable.

Mr. KINSMAN of Augusta: Mr. Speaker, as there are several other matters to discuss tonight, and as the hour is getting rather late, I move the previous question.

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

A sufficient number arose.

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

A viva voce vote being taken, the main question was ordered, and the question is shall this bill become a law notwithstanding the objections of the Governor.

The SPEAKER:: The Clerk will call the roll.

YEA—Ayer, Bishop, Bissett, Boston, Carleton, Portland, Chase, Crockett, Cyr, Daigle, Davitt, Decker, Deering, Dennison, Douglas, Dudley, Calais; Forhan, Foster, Fuller, Gillespie, Goodwin, Lebanon; Greenleaf, Hale, Hammond, Hathaway, Holbrook, Hughes, Jackson, King, Kinsman, Lait, Laughlin, Mansfield, Marden, McCart, McIntire, McLean, Melcher, Merrill, Metcalf, Nadeau, Patterson, Pendexter, Pike, Piper, Rawley, Richardson, Ruggles, Saucier, Seavey, Snowman, Staples, Eliot; Staples, Waterville; Sturtevant, St. Clair, Tucker, Wing, Kingfield.

NAY—Aldrich, Allen, Anderson, New Sweden; Anderson, South, Portland; Bailey, Bartlett, Belleau, Bisbee, Blaisdell, Booker, Boynton, Brackett, Brewster, Briggs, Bruce, Boker, Butler, Cain, Clinton; Carleton, Winterport; Chaney, Church, Clifford, Cowell, Cram, Crawford, Deakin, Dudley, Castle Hill; Ellis, Ferguson, Folsom, Gay, Gilcrest, Goodwin, Sanford, Greene, Harris, Hawkes, Heath, Holman, Houghton, Ingraham, Jones, Littlefield, Lowell, MacKinnon, Maloon, Marriner, McKnight, Mears, Morrill, Norwood, Powers, Robie, Gorham; Robie, Westbrook; Rounds, Smith, Stone, Bridgton; Stone, Biddeford; Storm, Sturgis, Thurston, Tripp, Vail, Varnum, Webster, Weston, White, Williams, Falmouth; Williams, Webster; Wing, Auburn; Winslow, Wood, Wyman.

ABSENT—Breen, Brown, Burns, Chamberlain, Cole, Comins, Eustis, Farrington, Flint, Gagne, Griffin, Hamel, Kane, Addison; Kitchen, Leathers, Milliken, Morin, Page, Roy, Sargent, Snow, Wheeler.

Yes—56.

No—72.

Absent—22.

The SPEAKER: Fifty-six having voted yes and 72 having voted no the objections of the Governor are sustained and the bill fails to become a law. (Applause)

The rules were suspended and Mr. Deering of Saco was granted permission to introduce two bills out of order.

Mr. DEERING: Mr. Speaker and members of the House: I would like to say just a word in regard to these two bills at this time. These are probably the two last bills which will be introduced to this Legislature. They are the final tax bills, so called. These bills call for State tax on the realty of this State of six and a half mills for each of the next two years. (Applause). These bills show a reduction in the running expenses of this State by this Legislature of one-half mill each year over the Legislature of two years ago.

At this time your Appropriations committee wish to thank you as members of this Legislature for the absolute hearty cooperation that you have given that committee. This is not their tax rate, it is your tax rate. You have made it and you have made it possible through giving that committee your support. At times I know you have felt that you were absolutely in the dark. If we could have given you the information, we would have been more than glad to have done it; but I wish to say to you now that we were as much in the dark as you, and for this reason I wish to thank every member of this House for the hearty support which you have given that committee in making it possible for the committee to present to you now the final tax rate bills of this Legislature. (Applause)

House Paper 1340, an act for the assessment of a State tax for the year one thousand nine hundred and twenty-seven.

On motion by Mr. Deering, the rules were suspended, the bill was given its three several readings and passed to be engrossed.

House Paper 1341, an act for the assessment of a State tax for the year one thousand nine hundred and twenty-eight.

On motion by Mr. Foster of Ellsworth, the rules were suspended and the bill was given its three several readings and passed to be engrossed.

The SPEAKER: The Chair lays before the House a veto message from the Governor, and the Clerk will read the message.

#### STATE OF MAINE OFFICE OF THE GOVERNOR

Augusta, April 16, 1927  
TO THE HONORABLE SENATE  
AND HOUSE OF REPRESENTATIVES:

There is returned herewith, without my approval, a Resolve, in favor of H. H. Havey and Bradbury Smith to reimburse them for loss under highway construction contract.

It is not claimed in case there was any delinquency on the part of the State or any of its representatives in connection with the carrying out of the work under this contract. A portion of the loss that is claimed to have occurred is admitted to be attributable to the error of the contractors. This contract was let and the work carried out ten years ago. It is claimed that subsequent to the

letting of the contract there was an increase in construction costs that occasioned loss to the contractor. Other work done at this time under similar conditions by and for the State did not show the increased costs which are claimed in this case even if there should be warrant for any claim against the State as a result of conditions incident to the World War.

There were many other contractors doing work for the State at this time and the allowance of claims of this character where there is no charge of delinquency on the part of the representatives of the State sets a precedent that may well cause trouble in connection with the vast amount of contract work that is now being carried on.

Respectfully submitted,  
(Signed) Ralph O. Brewster  
Governor of Maine.

Mr. BLAISDELL of Franklin: Mr. Speaker, in connection with the message which we have heard read from the Governor, it is only fitting and proper to say that of course I am disappointed. It seems that during the last Legislature the committee on Claims, which when I first came here was repeatedly said to have been probably one of the finest committees on Claims that was ever assembled, gave a unanimous report that this claim should be paid. The Governor objected to the budget clause under which these claims were presented and consequently returned it—this along with a number of others—to the House. At the beginning of this session this resolve was entered again at the request of the Governor that he might deal with it separately and by itself. It was again heard before the Claims Committee of this Legislature, which, after careful consideration of all the facts, again unanimously reported that this resolve should pass. There is nothing that I can probably do at this time, or at this late hour, other than to say to this House that two Claims Committees have unanimously accepted the evidence as presented before the Claims Committee on this resolve. I am forced under the circumstances to leave the matter entirely in your hands and to your judgment.

The SPEAKER: The question before the House is whether this resolve shall become a law notwith-

standing the objection of the Governor.

Mr. PIPER of Jackman: Mr. Speaker, what is the amount of the claim?

The SPEAKER: It is House Document 595 and seven thousand dollars is the amount involved.

Mr. ROUNDS of Portland: Mr. Speaker, as the House Chairman of the Committee on Claims, this bill was heard before that committee and has been heard before, not by this same committee but by another committee on Claims, and I have heard it twice. The United States Government has reimbursed contractors because the war came on, and these men finished their job. They did all they could and as I understand it, they did a good job. I can see no reason why they should not be reimbursed. They were not responsible for the war coming on, and I for one hope that this resolve will be passed over the Governor's veto.

The SPEAKER: The question before the House is whether this resolve shall become a law notwithstanding the objection of the Governor. The roll will be called and each member will answer yes or no as his or her name is called. A vote "yes" is for the resolve; a vote "no" is against it. A vote "yes" does not sustain the objections of the Governor. A vote "no" sustains the objections of the Governor.

Mr. BLAISDELL: Mr. Speaker, I will not take the time of the House except for one minute. When this contract was about half completed—and this contract took place right here in Kennebec County—it became evident that heavy losses were going to be sustained; and, if I am correctly informed, the Highway Department took cognizance of the fact that losses were being sustained and offered to assist these contractors and did assist them by going to them and saying "If you continue with the job, the Highway Department will stand by you and see you through." They went on with the job. A little later the Highway Department went to the contractors and said to them, "You have not got a sufficient force. If you will let us put a foreman on here, we can save this job from being a complete failure." They put on a foreman who hired and fired by the direction of the Highway Department, and it resulted, as has

been stated, in a heavy loss. So the Highway Department had a hand in making the losses which these contractors are asking reimbursement for.

The SPEAKER: Is the House ready for the question? The Clerk will call the roll.

YEA—Blaisdell, Boston, Boynton, Cain, Clinton, Carleton, Portland, Cyr, Douglas, Dudley, Calais Dudley, Castle Hill, Forhan, Foster, Fuller, Goodwin, Lebanon, Greenleaf, Holbrook, Jackson, King, Lait, Lowell, Mansfield, McCart, McLean, Merrill, Morrill, Patterson, Pike, Powers, Rawley, Richardson, Rounds, Ruggles, Snowman, Staples, Waterville, St. Clair, Vail, Webber, Wing, Kingfield.

NAY—Aldrich, Anderson, New Sweden, Anderson, South Portland, Bailey, Bartlett, Belleau, Bisbee, Bishop, Bissett, Booker, Brackett, Brewster, Briggs, Bruce, Buker, Butler, Carleton, Winterport, Chaney, Chase, Church, Clifford, Cowell, Cram, Crawford, Daigle, Davitt, Deakin, Decker, Dennison, Ellis, Ferguson, Folsom, Gay, Gilchrist, Gillespie, Goodwin, Sanford, Greene, Hale, Hammond, Harris, Hathaway, Hawkes, Heath, Holman, Houghton, Hughes, Ingraham, Jones, Kinsman, Laughlin, Littlefield, MacKinnon, Maloon, Marden, Marriner, McIntire, McKnight, Mears, Melcher, Metcalf, Milliken, Nadeau, Norwood, Pendexter, Piper, Robie, Gorham, Robie, Westbrook, Saucier, Seavey, Smith, Staples, Eliot, Stone, Bridgton, Stone, Biddeford, Storm, Sturgis, Sturtevant, Thurston, Tripp, Tucker, Varnum, Weston, White, Williams, Falmouth, Williams, Webster, Wing, Auburn, Winslow, Wood, Wyman.

ABSENT—Allen, Ayer, Breen, Brown, Burns, Chamberlain, Cole, Comins, Crockett, Deering, Eustis, Farrington, Flint, Gagne, Griffin, Hamel, Kane, Addison, Kitchen, Leathers, Morin, Page, Roy, Sargent, Snow, Wheeler.

37 yes.  
88 no.  
25 absent.

The SPEAKER: Thirty-seven having voted "yes" and 88 "no," the objections of the Governor are sustained and the bill does not become a law.

Mr. Varnum of Westbrook was granted permission to address the House.

Mr. VARNUM: Mr. Speaker, there are certain parties connected with our activities here whom we do not have daily contact with, and yet they are very needful to us all.

They have done a great work in helping us, although we do not know

it perhaps. There are two young ladies connected with the work of the House whom some of you know. I made a fatal mistake in the face of one of them. I thought she was a daughter of one of the officers of the House, but I got promptly set right on that. I move you, Mr. Speaker, that a vote of thanks be given to Mrs. Chapman and Mrs. Douglas, the other young lady who works in the Clerk's office, for their efficient assistance in helping out the work of the Legislature.

The motion prevailed by a rising unanimous vote, the members applauding.

Mr. VARNUM of Westbrook: Mr. Speaker, it seems there is another young lady that I left out of my calculation—Mrs. Henry Thyng. She, too, has been very efficient and I move that we pass a vote of thanks to the Speaker's stenographer.

The motion prevailed, the members applauding.

#### Recess

#### Passed to be Enacted

An act to appropriate moneys for the expenditures of the Government and for other purposes for the year from July 1st, 1927 to June 30th, 1928. (S. P. 681)

#### Finally Passed

Resolve in favor of clerks, stenographers and messengers of the several committees of the Eighty-third Legislature. (S. P. 680)

Resolve in favor of the town of West Gardiner.

The SPEAKER: The Chair lays before the House a veto message from the Governor, and the Clerk will read the message.

From the Senate: The following communication:

TO THE HONORABLE SENATE  
AND HOUSE OF REPRESENTATIVES:

There is returned herewith, without my approval, a Resolve in Favor of the Town of Skowhegan.

This provides for a new and expensive bridge over the Kennebec River at a location within a short distance of an existing bridge in good condition that is adequate for all traffic.

In addition to the share contributed by the State under the new Bridge Act this Resolve provides that the State shall contribute \$25,-

000 toward the share of the cost that under the terms of the law would be paid by the town of Skowhegan.

Maine already has six thousand bridges and many of these are in urgent need of reconstruction as the character of the traffic has changed. It does not seem to me that new and expensive locations should be authorized except where the need is very great.

Respectfully submitted,

(Signed) Ralph O. Brewster,  
Governor of Maine.

The SPEAKER: This measure and resolve comes from the Senate where the resolve was finally passed notwithstanding the objections of the Governor. The question before the House is whether this resolve shall become a law and be finally passed notwithstanding the objections of the Governor.

Mr. PIPER of Jackman: Mr. Speaker, will the Clerk tell us what the vote was in the Senate?

The SPEAKER: Twenty-three voted in the affirmative and four in the negative.

Mr. PIPER: Mr. Speaker and members of the Eighty-third Legislature: It is true that Skowhegan has two bridges across the Kennebec river and the approaches to those bridges are very crooked; and they lead off of the main State road leading from Waterville to Skowhegan, and they carry all the travel for northern Maine, for the Dead River District and the Farmington District. The Senate just voted on this matter and they were satisfied, by a vote of twenty-three to four, that this proposition was worthy of consideration. This bridge is no different than the bridges accepted by this Legislature for Fort Kent, for Bangor, for Forest City. The State accepted a bridge at Wiscasset thirty-three hundred feet long, which they took as a gift. This bridge will take the traffic through Skowhegan directly over the State road, and will be a great benefit to the district of Lakewood through to Solon. They are asking no different than other towns are asking, and they do not want to be used any different. I believe this bridge bill should be passed and become a law notwithstanding the veto of the Governor. (Applause and Cheers)

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, the question of this

bridge came before the Ways and Bridges Committee—

(At this point President Holley of the Senate entered the Hall of the House and was escorted to a seat beside the Speaker amid the applause of the House, the members rising)

Mr. MERRILL continuing: The question of this bridge came before the Ways and Bridges committee. It was considered in all its circumstances. It was unanimously reported out from that committee "ought to pass." The gentleman from Jackman, Mr. Piper, has told you of the condition of traffic through that town. I am perfectly familiar with the traffic through that town and the conditions existing of traffic from the southwestern part of the State—from the southern part of the State—going into Piscataquis and Aroostook counties, going to Moosehead lake, going through to Quebec on the Jackman road, going anywhere up through to the North Anson section, and all going through this tortuous, narrow bridge. Just across the bridge the turn comes in and the electric cars come down Madison Avenue. It is an extremely congested section and extremely dangerous by reason of its being used for local and through traffic, that being the only avenue for that traffic. The town is so situated, running down the Kennebec river and up the Kennebec river on either side, that, going from the right bank of the Kennebec river, residents and operatives of mills have to come back across this narrow bridge down through the business section all of a half to three-quarters of a mile from that bridge to the railway station. There is no way to get across the river in any other place except across this horseshoe bend. The proposed bridge will be located below the Maine Central Railroad tracks and will give adequate traffic facilities and be the relief of a very dangerous situation there.

The veto of this bridge resolve is the only discrimination that has been made in all the bridges that have been recommended by the Ways and Bridges Committee at this session. The reasons for that discrimination I will not attempt to give. I think they are very well known to the members of this House. I sincerely hope that this House will stand back of the recommendation of its Ways and Bridges Committee and insist by its vote that this

measure pass notwithstanding the veto message of the Governor. (Applause).

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I notice the clock there says very nearly twelve, and it does seem to me that any argument here is entirely useless. I think that every member in this House knows at this time how he or she is going to vote. I feel, from what I have heard about this bridge, that it is an absolute necessity, and I know that the man who is trying to get this bridge the hardest has worked for this Legislature for years, and I have never known him to lie in any respect to gain his point; and, Mr. Speaker, I move the previous question. (Applause)

The SPEAKER: The gentleman from Kennebunk, Mr. Littlefield, moves the previous question. As many as are in favor of the Chair entertaining this motion will please rise and stand until counted.

A sufficient number arose.

The SPEAKER: 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 to put the main question prevailed.

The SPEAKER: The question before the House is whether this resolve shall become a law notwithstanding the objections of the Governor. A vote "yes" is for the resolve; a vote "no" is against the resolve. A vote "yes" does not sustain the objections of the Governor; a vote "no" sustains the objections of the Governor. The Clerk will call the roll and each member will answer yes or no as his or her name is called.

YEA—Aldrich, Anderson, New Sweden, Anderson, South Portland, Ayer, Bailey, Bartlett, Belleau, Bisbee, Bishop, Bissett, Blaisdell, Boston, Boynton, Brackett, Briggs, Bruce, Butler, Cain, Clinton, Carleton, Portland, Carleton, Winterport, Chaney, Chase, Church, Clifford, Cowell, Cram, Crawford, Crockett, Cyr, Daigle, Davitt, Deakin, Decker, Deering, Dennison, Douglas, Dudley, Calais, Dudley, Castle Hill, Ellis, Ferguson, Forhan, Foster, Fuller, Gay, Gillespie, Goodwin, Lebanon, Goodwin, Sanford, Greenleaf, Greene, Hale, Hammond, Harris, Hathaway, Hawkes, Heath, Holbrook, Holman, Houghton, Hughes, Jackson, King, Kinsman, Lait, Laughlin, Littlefield, Lowell, Maloon, Mansfield, Marden, Mariner, McCart, McIntire, McLean, Melcher, Merrill, Mil-

liken, Morrill, Nadeau, Patterson, Pendexter, Pike, Piper, Powers, Rawley, Richardson, Robie, Gorham, Robie, Westbrook, Ruggles, Saucier, Seavey, Snowman, Staples, Elliot, Staples, Waterville, Stone, Bridgton, Stone, Biddeford, Storm, Sturtevant, St. Clair, Thurston, Tripp, Tucker, Vail, Webber, Weston, White, Williams, Falmouth, Williams, Webster, Wing, Auburn, Winslow, Wyman.

**NAY**—Booker, Brewster, Buker, Folsom, Ingraham, McKnight, Metcalf, Norwood, Smith, Sturgis, Varnum, Wing, Kingfield, Wood.

**ABSENT**—Allen, Breen, Brown, Burns, Chamberlain, Cole, Comins, Eustis, Farrington, Flint, Gagne, Gilchrist, Griffin, Hamel, Jones, Kane, Addison, Kitchen, Leathers, MacKinnon, Mears, Morin, Page, Rounds, Roy, Sargent, Snow, Wheeler.

110 yes.

13 no.

27 absent.

The **SPEAKER**: One hundred and ten having voted "yes" and thirteen having voted "no", the resolve becomes a law notwithstanding the objections of the Governor. (Applause and Cheers)

Mr. **MERRILL** of Dover-Foxcroft: Mr. Speaker, in the excitement and the endeavor to pay due respect and offer our sincere thanks to those who have served us this winter, I am glad to say memory has served in time. I know it is simply an oversight in our effort to render due thanks to those who have served us. I wish to call the attention of the House to the fact that we have neglected so far to recognize, either by thanks or monetary consideration, the pages of this House who have so ably served us all through this session. I now move that at least the hearty thanks be tendered by a rising vote to the faithful pages of this House.

The motion prevailed, the members rising and applauding.

(At this point President Holley retired amid the applause of the House, the members rising.)

### **Recess**

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

#### **(Emergency Measure)**

An Act for the assessment of a State tax for the year 1927.

Mr. **McINTIRE** of Norway: Mr. Speaker and members of the House: I gather in the House and about the corridors that one phase of this tax proposition has been somewhat misunderstood; and I desire to make a

very brief statement in the hope that it may be made clear. Much has been said in the House and the corridors about revising taxes. The direct tax rate has been reduced one-half mill. That means in dollars \$362,000. So much for that.

The tax upon gasoline is increased one cent, estimated to bring in at least \$700,000, approximately equal to a one mill tax upon the property of the State. Individuals may pay less or more, but the taxpayers as a group will find themselves obliged to pay an increase in taxes equivalent to approximately one-half mill on the valuation of the State.

I hope I have made myself clear and I thank the House for its courtesy.

The **SPEAKER**: This being an emergency measure, and requiring a two-thirds vote of the entire membership on its passage to be enacted, all those who are in favor of the passage of the bill will rise and stand in their places until counted and the monitors will return the count.

A division being had,

One hundred and twenty-four voted, and all in the affirmative, so the bill was passed to be enacted.

An Act for the assessment of a State tax for the year 1928,

An Act to appropriate monies for the expenditures of the government, and for other purposes, for the year from July first 1928, to June thirtieth, 1929.

From the Senate: Final report of the joint standing committee on Appropriations and Financial Affairs.

Comes from the Senate, report read and accepted.

In the House, report read and accepted in concurrence. (Applause)

A message was received from the Senate, through Senator Morrison of Franklin, informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

On motion by Mr. Deering of Saco, it was voted that the Chair appoint a committee to wait upon the Senate and inform that body that this House has acted upon all business before it and is now ready to adjourn without day.

The **SPEAKER**: The Chair appointed upon that committee Messrs. Deering of Saco, Foster of Ellsworth,

Greenleaf of Auburn, Wing of Kingfield, Mansfield of Jonesport, Gillespie of Meddybemps, Robie of Gorham, and Aldrich of Topsham.

Thereupon the committee conveyed the message to the Senate, and on returning announced through its chairman, Mr. Deering of Saco, that it had performed the duty assigned it.

Mr. Foster of Ellsworth: Mr. Speaker, I feel it would be hardly fair to adjourn without speaking of what I believe you are all fairly well pleased with, the report of the committee on Appropriations and Financial Affairs. The committee has done a great deal of work, but I like to see credit given where credit is due; and if you feel fully satisfied with what has been done, I think it a courtesy due to our Secretary, Bill Deering, who has been untiring in his efforts. He has given generously of his time and good judgment. He has lost his temper once in a while, but I believe the House should give Mr. Deering a rising vote of thanks for the effort he has made during the last few months.

Thereupon the members rose and applauded.

The following order was received from the Senate:

Ordered, the House concurring, that a committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor and inform him that both branches of the Legislature have acted on all matters before them and are now ready to receive any communication which he may be pleased to make.

In the Senate, read and passed.

In the House, the order received passage in concurrence, and the Chair appointed on said committee, on the part of the House, Messrs. Hale of Portland, Lait of Old Town, Wing of Auburn, Kinsman of Augusta, Piper of Jackman, the Representative from Waldoboro, Mrs. Gay, Messrs, Ingra-

ham of Bangor and Merrill of Dover-Foxcroft.

Subsequently, Mr. Hale for the committee reported that the committee had attended to the duty assigned it and that the Governor would at once make to this body such communication as he desired to make.

#### Communication From the Governor STATE OF MAINE OFFICE OF THE GOVERNOR

Augusta, April 16, 1927.

To the President of the Senate and Speaker of the House of Representatives:

I herewith transmit a list of 397 acts and 244 resolves passed by the present session of the Legislature. Ten resolves and one act have become laws without my signature.

I have no further communication to make.

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

In the Senate, read and ordered placed on file.

In the House, on motion by Mr. Robie of Westbrook, read and ordered placed on file in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. Staples.

Mr. STAPLES of Eliot: Mr. Speaker, when I realize that we, as members of the Eighty-third Legislature, will never all of us assemble as members again, it is a sad duty which I am to perform. We are about to say "Good-bye." It is with a tinge of regret that I move you that this House now adjourn without day.

The SPEAKER: The motion before the House is that the Eighty-third Legislature now adjourn without day.

The SPEAKER: The motion prevails, and I now declare the House of the Eighty-third Legislature adjourned without day.