

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fourth Legislature

OF THE

STATE OF MAINE

1929

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Thursday, March 21, 1929

Senate called to order by the President.

Prayer by the Rev. R. H. Moyle of Hallowell.

Journal of previous session read and approved.

From the House: An act relating to suspension or revocation of lobster license (S. P. 67) (S. D. 37)

(In Senate, March 12, "ought to pass" report of the Committee on Sea and Shore Fisheries accepted)

Comes from the House, bill substituted for the report, and bill subsequently indefinitely postponed in non-concurrence.

In the Senate, that body voted to recede from its former action and concur with the House in the indefinite postponement of the bill.

From the House: An act to incorporate the Guilford and Sangerville Water District (H. P. 1381) (H. D. 448)

(In Senate, March 13, passed to be engrossed, as amended by House Amendment A in concurrence.)

Comes from the House, passed to be engrossed as amended by House Amendments A and B in non-concurrence.

In the Senate, that body voted to recede from its former action, House Amendment B was read and adopted and the bill as amended by House Amendments A and B was passed to be engrossed in concurrence.

From the House: An act relating to bonds of licensed detectives (S. P. 679) (S. D. 347)

(In Senate, March 18, passed to be engrossed and sent down for concurrence.)

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

In the Senate, that body voted to recede from its former action, House Amendment A was read and adopted and the bill as so amended was passed to be engrossed in concurrence.

From the House: An act to incorporate the Maine Foundation. (S. P. 668) (S. D. 330)

(In Senate, March 13, passed to

be engrossed and sent down for concurrence.)

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

In the Senate, that body voted to recede from its former action, House Amendment A was read and adopted and the bill as so amended was passed to be engrossed in concurrence.

From the House: An act to grant a charter to the town of Sanford (H. P. 1514) (H. D. 618)

(In Senate, March 13, passed to be engrossed in concurrence)

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

In the Senate, House Amendment A was read, and on motion by Mr. Dwinal of Knox the bill was tabled pending adoption of the amendment in concurrence.

From the House: An act relating to the incorporation of a Council of the Boy Scouts of America (H. P. 1028) (H. D. 324)

(In Senate, March 13, passed to be engrossed in concurrence)

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

In the Senate, that body voted to recede from its former action, House Amendment A was read and adopted and the bill as so amended was passed to be engrossed in concurrence.

From the House: An act to incorporate the Monroe Loan Society of Maine (S. P. 654) (S. D. 313)

(In Senate, March 7, passed to be engrossed and sent down for concurrence.)

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

In the Senate, that body voted to recede from its former action, House Amendment A was read and adopted and the bill as so amended was passed to be engrossed in concurrence.

Papers from the House disposed of in concurrence.

House Bills in First Reading

An act relating to the capacity of milk bottles and jars (H. P. 1517) (H. D. 543)

An act relating to the salary of the sheriff in Penobscot County (H. P. 620) (H. D. 636)

An act relating to salary of the Register of Probate for Oxford County (H. P. 1611) (H. D. 621)

An act relating to the compensation of Judge of Probate in Penobscot County. (H. P. 1631) (H. D. 654)

An act relative to highways through towns of less than five thousand inhabitants. (H. P. 1645) (H. D. 672)

Mr. WEATHERBEE of Penobscot: Mr. President, I move that the rules be suspended and that I be permitted to introduce at this time certain bills, and by way of explanation for this request I will say that these bills come from the revision committee and it appeared to that committee to be necessary, in order that there may be legislative authority for certain changes, and the committee feels that in its work of revision it cannot make new laws and it finds in many instances defects in existing laws that should be corrected by legislative action, that being the only way it can be done. Therefore, these bills have been drawn up to bring about just such corrections and I will say that this includes all of the bills that the revision committee will have to offer.

Thereupon the rules were suspended and Mr. Weatherbee of Penobscot introduced from the Committee on Revision of the Statutes the following bills:

An act abolishing the office of coroner. (S. P. 695)

An act to amend chapter 68 of the R. S. relative to Executors and administrators. (S. P. 696)

An act relative to order of court prohibiting restraint of wife pending libel. (S. P. 697)

An act to re-enact chapter 132 Public Laws of 1913, relating to the title of islands belonging to the State, repealed through an error by the General Repealing Act of the 1916 R. S. (S. P. 698)

An act relative to dissolution of attachments and release of attachment. (S. P. 699)

An act relative to jurisdiction of prison commissioners in matter of paroles. (S. P. 700)

An act relative to State school for girls. (S. P. 701)

An act relative to appropriation for normal training schools. (S. P. 702)

An act relative to motions to set aside verdicts on report to law court. (S. P. 703)

An act relative to historical documents. (S. P. 704)

A act relative to the validation of defective deeds and records. (S. P. 705)

An act to repeal section 53 of chapter 127, relative to publication of disposition of appealed cases and indictments in intoxicating liquor prosecutions. (S. P. 706)

An act relative to the department of education. (S. P. 707)

An act relative to lien on real estate, for succession taxes. (S. P. 708)

An act relative to alimony and other provisions in case of divorce for husband's fault. (S. P. 709)

An act relative to hearings and judgments in vacation. (S. P. 710)

An act to repeal section 10, 11 and 12 of chapter 8 of the R. S. relating to the Forestry District. (S. P. 711)

An act relative to penalty for making false affidavit of application for pension for the blind. (S. P. 712)

An act relative to malicious injuries to certain public property. (S. P. 713)

An act relative to the share of a child or his issue having no devise under a will. (S. P. 714)

An act relative to the sale of intoxicating liquors, definition. (S. P. 715)

An act relative to affidavits of plaintiffs in actions in account annexed. (S. P. 716)

Thereupon on motion by Mr. Weatherbee of Penobscot these several bills were referred to the Committee on the Revision of the Statutes and five hundred copies of each ordered printed.

Sent down for concurrence.

Orders

On motion by Mr. Crockett of York, it was

Ordered, that an invitation be extended to the Rev. Charles F. Sargent of Winthrop to act as Chaplain of the Senate on Tuesday, March 26th.

Reports of Committees

Mr. Harriman, from the Committee on Claims, on resolve in favor of Bessie Nickerson for compensation. (S. P. 180) (S. D. 156) reported that the same ought not to pass.

Mr. Weatherbee, from the same Committee, on resolve in favor of the State Reformatory for Men. (S. P. 198) (H. D. 213) reported that the same ought not to pass.

Mr. Harriman from the same Committee on resolve in favor of Henry A. Day of Bangor, Maine. (S. P. 199) (S. D. 82) reported that the same ought not to pass.

Mr. Weatherbee from the same Committee, on resolve in favor of Rodney Jackson of Waldo for damages. (S. P. 267) (S. D. 136) reported that the same ought not to pass.

Mr. Greenleaf, from the joint Committees on Inland Fisheries and Game and Agriculture, on bill an act to establish a closed time on bear. (S. P. 84) (S. D. 47) reported that the same ought not to pass.

Mr. Douglas, from the Committee on Inland Fisheries and Game, on bill an act relating to the Lincoln County Game Preserve. (S. P. 278) (S. D. 124) reported that the same ought not to pass.

Mr. Murchie, from the Committee on Legal Affairs, on bill an act relating to the publication of impartial statements regarding any measure submitted to the people. (S. P. 577) (S. D. 245) reported that the same ought not to pass.

Mr. Dwinal, from the same Committee, on bill an act to amend section 13 of chapter 23 of the Revised Statutes requiring motor boats to be equipped with suitable mufflers. (S. P. 592) (S. D. 261) reported that the same ought not to pass.

Mr. Noyes, from the same Committee, on bill an act amending Chapter 48 of the Private and Special Laws of 1925, relating to a pension. (S. P. 236) reported that the same ought not to pass.

The reports were severally read and accepted.

Sent down for concurrence.

Mr. Spear, from the Committee on Appropriations and Financial Affairs, on resolve to appropriate moneys for the payment of certain claims for which no legislative appropriation has been made and to

provide for carrying on the activities of departments and institutions for the remaining months of the fiscal year ending June thirtieth, nineteen hundred and twenty-nine and for other purposes. (S. P. 526) (S. D. 214.) reported that the same ought to pass.

The same Senator, from the same Committee, on bill an act with reference to the permanent funds of the State. (S. P. 610) (S. D. 305) reported that the same ought to pass.

Mr. Weatherbee, from the Committee on Claims, on resolve in favor of D. B. Cornish to reimburse him for road construction in Phippsburg, Maine. (S. P. 265) (S. D. 141) reported that the same ought to pass.

The reports were severally read and accepted, the bill and resolves each read once and tomorrow assigned for second reading.

Mr. Boulter, from the Committee on Inland Fisheries and Game, on bill an act relating to the protection of silver, silver black and black foxes, and providing a penalty. (S. P. 209) (S. D. 87) reported the same in a new draft, under the same title (S. P. 694) and that it ought to pass.

The report was read and accepted and the bill laid upon the table for printing under the joint rules.

Mr. Crosby, from the Committee on Legal Affairs, on bill an act in relation to the rights of creditors and beneficiaries under policies of life and accident insurance and under annuity contracts. (S. P. 556) (S. D. 223) reported that the same ought to pass.

Mr. Dwinal, from the same Committee, on bill an act with reference to the Attorney General and to the arrest and apprehension of criminals. (S. P. 571) (S. D. 238) reported that the same ought to pass.

The same Senator, from the same Committee, on bill an act to amend chapter 52 of the Public Laws of 1927 relative to enforcement of motor vehicle laws. (S. P. 593) (S. D. 260) reported that the same ought to pass.

(On motion by Mr. Littlefield of York, tabled pending second reading.)

Mr. Nickerson, from the Committee on Pensions, on resolve provid-

ing for a State pension for Frances J. Libby of Augusta. (S. P. 628) (S. D. 303) reported that the same ought to pass.

The reports were severally read and accepted, the bills and resolve each read once and tomorrow assigned for second reading.

Passed to be Engrossed

Resolve in favor of the State Reformatory for Women for the erection of a house for mothers and babies. (H. P. 185) (H. D. 663)

An act to amend the fees for registration of motor vehicles. (H. P. 341) (H. D. 102)

(On motion by Mr. Spear of Cumberland, tabled pending passage to be engrossed.)

An act for the purchase of books and to provide for cataloging the Androscoggin County Law Library. (H. P. 1469) (H. D. 512)

An act relating to the protection of fur-bearing animals. (H. P. 1536) (H. D. 557)

An act to increase the time for filing appeals in municipal, police and trial justice courts. (H. P. 1562) (H. D. 571)

An act providing for the fencing and care of burying grounds in unincorporated places. (H. P. 1564) (H. D. 572)

An act relating to designation of through ways. (H. P. 1640) (H. D. 665)

An act to incorporate the South Orrington Cemeteries Association. (H. P. 1641) (H. D. 666)

An act relating to the investment in permanent securities of school funds and other trust funds held by city, town, quasi-municipal corporations and State officers. (H. P. 1642) (H. D. 667)

Resolve in favor of the town of New Sharon. (H. P. 1646) (H. D. 669)

Resolve in favor of Lloyd W. Hickey to reimburse him for injury and expense incurred while in the employ of the State of Maine. (H. P. 1647) (H. D. 670)

Resolve in favor of the town of Salem, for a new bridge. (H. P. 1648) (H. D. 671)

An act to repeal section 5 and amend section 6 of chapter 72 of the Revised Statutes, relative to notice on applications by municipal officers for appointment of guardians. (S. P. 601) (S. D. 269)

Resolve in favor of Emmerson J. Hills and Alice S. Hills of Belmont

for damages, (S. P. 685) (S. D. 361)

Passed to be Enacted

An act relating to the York County Law Library. (S. P. 444) (S. D. 178)

An act to repeal section twenty-seven of chapter thirty-seven of the Revised Statutes, relative to semi-monthly payment for cream and milk. (S. P. 492) (S. D. 199)

An act relating to duties of superintending school committees. (S. P. 547) (S. D. 224)

An act to license and regulate private hospitals and private houses for the treatment of patients mentally deranged. (S. P. 669) (S. D. 331)

An act relating to teachers' retirement system. (H. P. 1208) (H. D. 400)

An act relating to the Superior Court in the county of Androscoggin. (H. P. 1246) (H. D. 422)

An act relating to the registration of nurses. (H. P. 1512) (H. D. 614)

An act relating to the charter of the city of Saco. (H. P. 1613) (H. D. 631)

Orders of the Day

The PRESIDENT: Under Orders of the Day and assigned for today, the Chair lays before the Senate An act relating to a bridge near Bucksport, (S. D. 220), tabled on March 20th by Senator Nickerson of Waldo pending passage to be engrossed as amended by Senate Amendment "A", and recognizes that Senator.

Mr. NICKERSON of Waldo: Mr. President, I move that this bill be passed to be engrossed as amended by Senate Amendment "A".

Mr. CROSBY of Penobscot: Mr. President, this project for the construction and maintenance of a State owned bridge at Bucksport is one of considerable size, and it seems to me that it may well become a Bridge of Sighs before long, especially when some of us go home and are talked to by some of our constituents.

There seems to be so much uncertainty in the minds of the members, not only of this body but the body at the end of the corridor as to just what should be done in this connection, that it seems to me wise to start at this

point and consider the matter as business men and women to determine whether or not this project is expedient for the State to embark upon at this time.

No one would question the statement that there was very little, if any, public demand for a bridge at this point until a group of, in my judgment, optimistic private promoters came along with a bill asking for a charter for a privately owned bridge; and immediately out come the blueprints, and off we start on a bridge building expedition.

Now, let us look for a moment at the general situation. The Highway Commission is under a cloud. The Highway program is under a cloud. The whole highway construction program with which we are faced is uncertain. We don't know how it is coming out. We know that there is a proposition for a bond issue of twenty million dollars for the construction of highways. We know that the present bonded indebtedness of this State is now nineteen million. If the highway project went through it would be thirty-nine million, and if we pass out a million and a half more for another bridge it is going to be forty million—forty million dollars bonded indebtedness.

It seems to me that it is inexpedient for the State to undertake this project at this time, unwise to sacrifice the general program for the sake of one bridge.

Now this road down there is not a main artery. It is a switch, and where does the switch go? It goes down to Bar Harbor. It is a summer traffic proposition, and in my opinion, assuming simply for the sake of argument that private capital were given the right to erect that bridge, they are going to think a long time before they start building it, and personally, I would not be interested in investing any money in it, because I think it is a speculation more or less and can the State of Maine take on speculations, and are we, as business men and women going to countenance such a proposition?

It seems to me that the amendment offered yesterday by the Senator from Waldo, (Senator Nickerson), recognizes the fact that this is a summer traffic proposition. In the original draft foot pedes-

trians had been exempted from payment of toll, but the amendment as offered yesterday strikes that out. In other words, foot pedestrians are going to pay a toll as well as vehicular traffic. The amendment also adds a small (sic) item of two hundred thousand dollars. There may be a necessity for more money before the project is completed.

We have a crying need for funds for projects which are more worthy at this time than this particular one. We have long needed a State Library—half a million dollars to satisfy a crying need in this particular department. Whether or not anything can be done on it at this session remains to be seen. It may be that it will be decided that only a small start can be made,—a crying need for a library,—paring it down, making a small start. But a bridge comes along—certainly, a million and a half dollars for a bridge. It is going to be necessary within a short time to rebuild and build hundreds of bridges small and large throughout the State. Must the general program be de-ranked by this particular project?

I leave this question with you members of this Senate—are you willing at this particular time, with the general situation as it is, to vote to expend a million and a half dollars for a summer traffic bridge, and if you are, what answer are you going to make to the very pointed questions which will be put up to you by your tax-paying constituents?

I hope that the motion will not prevail.

Mr. CARLTON of Sagadahoc: Mr. President and members of the Senate, I have a plan here, a large plan and I do not know but it would be well to put it up and explain briefly to the Senate the proposed bridge plan. (Puts up large plan)

We have had quite a history of private and publicly owned bridges for the last two or three weeks around here. It started with a privately owned bridge, and the proponents had a bridge plan that came from the Waddell Engineering people. Now I naturally have a great deal of confidence in them because they were the engineers who figured three million dollars for the bridge at Bath and came

out within four thousand dollars. One would naturally have faith in them. They came here with a bridge from those people that was to cost \$1,600,000. It would be a cantilever bridge with a span nine hundred feet long. In Bath we had the privilege of considering two bridges, either one of which the directors had the right to put up. If we could not make a fair trade with the railroad, which we were all anxious to do, we had the option of building a highway bridge by itself, and that bridge was to cost \$1,350,000. The whole basis of our contract with the Maine Central Railroad was based on that price, so you can see it must have been pretty fair.

But when I looked at this plan the proponents showed to me and saw it was to cost \$1,500,000, and had only nine hundred feet to get across, and we, at Bath, had fourteen hundred feet to go across, and with the highway bridge, it didn't look as if it would cost that much money. Being well acquainted with these engineers, I telegraphed to New York for these engineers to send on a plan of bridge with two piers and to estimate what it would cost, and they took off \$300,000 on one telegram. Therefore, there is no danger of this costing a million and a half. They said that was the very outside figure. The only question about the cost is just the foundation under the two piers, and they must have made quite an allowance for the engineer was here really in the interests of this private group. He told me, himself, it was the very outside figure, so I concluded the bridge could be built for \$1,200,000 and so that is the cost of the bridge instead of a million and a half, and so that is the way the bill is to be amended. Quite a difference there.

Now if this other cantilever bridge went the whole way across—and certainly, some of you know, a long cantilever bridge is a risky thing to erect—as you may know, in Canada they had to try twice before they could get one to stay up—I didn't like the risk and suggested a long span. I believe they are dangerous.

Now this is the nicest plan we have had, the most economic plan

we have had and I would not be surprised if they could make it \$1,100,000; but to be safe they have made a \$1,200,000 estimate.

The idea of a cantilever bridge is that it is so high, you can erect it without all the false work under it for the false work costs a lot of money. They are estimated from these piers going out from the center each way without any false work underneath.

Now, at the hearing, the private men were here with all the prominent counsel they could bring. They had Ex-Attorney General Fellows and District Attorney Dyer in one group, and the officials themselves, didn't look as if they were born yesterday, and therefore it is fair to assume they had figured it over pretty carefully and it was a good proposition for them, and they said the bridge was to cost \$1,600,000.

Now it is fair to estimate too, that their credit was not any better than the State's credit. When we built the bridge at Bath our four per cent bonds sold at a premium. We got twenty-one thousand dollars in premium on four per cent bonds. Therefore, I think it is fair to conclude that the State can build a bridge very much cheaper than any contractor,—that is, finance it.

This is an important link in the Highway and the only unfair thing about it is that these people have to pay tolls for it, where they have to be assisted to build free bridges all over the State. I think if they are willing to do that they should certainly have a bridge. And as far as adding to the bond issue is concerned, which my colleague mentioned, I am going to say it absolutely relieves the bond issue. Here you are going to raise two bond issues—one is a five million bond issue—and another plan is "pay as you go". Bucksport is just as much entitled to a part of this bond issue to build this bridge as any other place.

They tell about building highway bridges in the Highway Department. Well, I see they are building some about ten feet long now and they cost ten thousand dollars. I believe the Highway Commission has been sitting on that proposition and we are going to get them

cheaper. This bridge here, I doubt if they have one there that is more important or more needed. I doubt if they can show it, and I have invited them two or three times but they have not produced one yet. That bridge, if built, will accommodate that whole section down there, not only Bar Harbor, but two or three counties.

I understand there is some objection in Bangor, but I have interviewed some prominent men there who have no objection to it. At any rate it seems as though it was taking them twenty-five miles out of their way going either way, so that two or three stores may perhaps get a little more business. I doubt if they would, but they think so. It seems as though that is an almost selfish side, as I look at it. I think the bridge should be built under this plan. And here is the bond issue. If it is built this way it relieves the bond issue in that it pays for itself.

Now at the hearing the other day it was developed and it was generally conceded that there would be half as much travel over this bridge as there is over the Bath Bridge and they reckoned it by half the income but we overlooked the fact—I went out and then I came back and notified the committee, which they already knew, I guess, but at any rate, I called it to their attention that the privately owned bridge called for a dollar fare, where at Bath we got only fifty cents. Therefore, if they got double the amount on fares, and if they got half the amount of travel, they would get the same amount of income as the Bath Bridge. That was an important matter.

Now in Bucksport they get almost the worst conditions that exist anywhere in crossing a river, getting down on to the lighter over a steep bank and then the danger after you get aboard. That was well illustrated at Richmond a few years ago when a whole family went off over the end of one of the old lighters and was drowned. That was one consideration, at any rate.

Of course there has been talk here—but I do not imagine any of these Senators took much stock in it—to an article which appeared on the front page of the Lewiston Journal in which it stated that the Bath bridge was likely to cost six million dollars to the State. That,

of course was nonsense, and I didn't take pains to answer it. It would almost insult the intelligence of this Senate to have any idea that they would consider it at all. But to tell the whole story—Arthur Staples was somewhat set up about it and wrote an answer which appeared on the inside of the paper and in the first paragraph he said that the Bath bridge was the best investment the State had ever made. He said that on the inside of the paper that had that statement on the first page, which I thought was quite a contrast. This is a large project. We seem to have got into a jam about building bridges. I am not in favor of toll bridges if they can be avoided. We seem to have got into a jam about bridges and they are needed very much all over the state and when you have a community that is willing to pay for it itself by tolls, it seems to me that is their privilege.

My colleague called attention that the people out around might not like it. I call attention to this, that it has to be decided in a referendum and it is very significant that in a referendum the people speak for themselves and say whether they want it or not. You must remember that your passing it does not build the bridge. It goes to a referendum to the people to vote on. Any legislation that increases your bond issue must go that way. That answers that part of the question. I think they know what they want built as well as we do.

I call your attention to the fact that it shouldn't cost a million and a half. He wants to amend the bill and put two hundred thousand on it. I had an amendment which I gave the committee but they didn't put it on. They thought they would let the Legislature amend it as they saw fit. There were so many things that occurred in there that had to be amended and were changed on account of the fact that they had to state-owned bridge in there, but did have three or four private bridges and my colleague put in an order for investigation. I asked why he didn't put in a bill and I suggested that he get a copy of the Bath Bridge bill, and of course there were several things in there that had to be taken out and that is why so many things had

to be remedied, but he copied it too closely after that bill.

Well, I wish to say that so far as I can see, it is as good a business proposition as the Bath Bridge. I cannot see why it would not pay for itself just as quickly. It is a great convenience and it seems to me it is just as necessary. If there are any questions about the construction of the bridge, I would be pleased to answer them.

Mr. DOUGLAS of Hancock: Mr. President and members of the Senate, it seems that I should by right, get right on my position in this matter. Before I proceed, I wish to pay tribute to the man who presented this bill. It is well known to all of you that I came here with a State bridge bill and kept it as much as six weeks trying to determine whether or not to put it in.

Mr. Nickerson, who is always in his seat here, is always studying for the best interest of his State, and for that I honor him, but he and I could not get together on the fact that this State, at this time was ready to build a State bridge, and I am not going to mention private owned bridges, but will talk simply from the point of the State owned bridge as I see it. There was no time in the six weeks I sat here that I could think the State of Maine was able, or would ever be able to pass legislation at this session to build a State-owned bridge. I have not yet seen my way clear where I could think that they could do that. We haven't any credit. For fear that we might get away from here without paying our bills, they have dunned us for one hundred and three thousand dollars.

Now we are trying to get some kind of a road program through, calling for a bond issue. Bond issue for bridges, gasoline tax, and bond issue for roads.

I agree with my colleague from Penobscot, Senator Crosby, that there are some things that are of more crying need than a State-owned bridge at this time.

I simply want to make my position clear because of the way I might, perhaps, have to vote in the future. I want it also known that I am in accord with the idea of a State owned bridge if there was at any time in the future a chance

that we would be in a position to build one.

Mr. NICKERSON: Mr. President and members of the Senate: I hope that you will pardon me if I refer quite closely to notes this morning because in the whirl of legislative affairs, I have not had time to concentrate my thoughts upon any one proposition. The act which you have before you is to provide for the building of a bridge across the Penobscot river near Bucksport, to be known as the Waldo-Hancock Bridge. Earlier in the session three acts were introduced providing that private companies be granted a charter to build a bridge across the Penobscot river. Owing, as I believe, to the pressing need of a bridge, I introduced this measure. It was heard before the Committee on Ways and Bridges and after consideration by that committee a unanimous report "ought to pass" was made.

I believe the Committee acted in all sincerity and fully believed that a bridge was needed here and that a State Bridge was preferable at this time.

The proponents of a Private Bridge have stressed the need of a bridge at this time. Mr. Edwards, former engineer of our Highway Department has pointed out the need of this bridge and I quote from his letter of February 9, 1929:

"While I was in the employ of the State I gave some thought to the possibility of a bridge at Bucksport. As I visualized the situation there can reasonably be expected to develop a demand for a short cut eastward from Belfast to Ellsworth and the intervening coastal area. It is not likely that the traveling public will long desire to make the long detour up the Penobscot from Winterport to Bangor only to return down river on its opposite bank to Bucksport. The logical location for the cut-off highway is from State Highway No. 1 to Highway Route No. 106 at Bucksport. It is probable that you have given some consideration to the possibility. Such a highway cut off route would probably take fully one half as great a volume of traffic as now exists over the toll bridge at Bath and probably more as it is likely that fully one half of the traffic at Bath in the tourist

season is bound for destinations east of the Penobscot river. If I am correct in my assumptions then there exists at least one half as great a need of a State owned toll bridge at Bucksport as existed a few years ago at Bath. I certainly wish you would give consideration to the introduction of a bill having for its object the creation of a State owned toll bridge at Bucksport."

Mr. McDonald of the United States Agricultural Department, Bureau of Public Roads very strongly endorses the proposition of federal aid on State-owned toll bridges, and I quote briefly from a paper that was sent me voluntarily—unsolicited.

"Mr. McDonald discussed at length the attitude of the bureau in regard to toll bridges. He reiterated the hope that 'the use of Federal-aid funds in payment of a part of the cost of important bridges would be continued; and said these funds offer an avenue of escape from the dilemma which confronts the highway departments of many of the states,' which are torn between the desire to erect bridges which must be expensive and the desire to give some improvement to long stretches of roads in rural districts. Originally the law prohibited use of federal funds for roads which serve as immediate approaches to toll bridges. Congress recognized that this might at times be desirable, and authorized Federal appropriations in payment of half the cost of public bridges, the State's portion of which is to be met by bonds repayable from toll collections. 'In consideration of those and other facts,' says Mr. MacDonald, 'the bureau generally opposes the construction of private toll bridges and favors construction under public auspices whether or not it is necessary to resort to tolls as a measure of finance.'"

Now, I have some estimates in regard to the business that would go over this bridge, and I think it is a very conservative estimate. Even the opponents of this measure can see that it is conservative. They have an estimate, No. 1, which estimates that the total receipts and total revenue from this bridge would be \$62,530. I have another estimate which is a little larger,

\$74,230, and I have estimated the interest on bonds and the upkeep of the bridge, including the toll-keeper at \$29,000, and this would provide a sinking fund in one case of something over \$30,000 and in the other of something over \$40,000.

I spoke here a moment ago in regard to the Federal aid which can be applied to the building of bridges. I consulted the chief engineer in the Highway Department and he thought it was probable that the State,—that there was money due from the Federal government that could be applied on this bridge without endangering the road program of the State of Maine. There is, at the present time, \$1,400,000 that is due the State of Maine, and about \$700,000 comes to the State of Maine each year and it seems to me that it is a good time to take advantage of this proposition and use up some of this surplus money. As I understand it, this fund, perhaps five or six hundred thousand might be applied to this bridge and would not interfere at all with the highway program of the State of Maine, and I want to say here, about a matter which has been referred to by the Senator from Penobscot, (Senator Crosby) when he referred to the condition of the Highway Department at the present time, I am going to say here, that I believe in the honesty and integrity of the people of the State of Maine, that this trouble will be cleared away and Maine will go along and will continue to receive Federal Aid.

I believe that it is a good business proposition. I believe that the bridge will pay; I have made an estimate which I think is a conservative one. Maine must go forward in the pathway of Progress. She cannot stand still. Stagnation means decay. The wonderful success of the erection and operation of the Carlton bridge across the Kennebec is before us. Many at that time doubted the expediency of this venture. In a very short time all doubts have been swept aside and all our people rejoice that they made possible this wonderful development in the progress of our State. This bridge will be a continuation of this development and will open another door

toward the progress and prosperity of our State.

One hundred and two years ago Waldo County, the County I have the honor to represent, was set off from the County of Hancock. Today we are, after more than a century, looking out across the Penobscot toward a reunion of our people. By the ties of blood and friendship we are bound together.

Hancock, the mother county, will you join with Waldo, your daughter and make possible the erection of the Waldo-Hancock Bridge? And I ask the other counties to unite with us and make possible this great development.

Mr. CROSBY: Mr. President, I wish to make just passing reference to the matter of federal aid by calling to your minds the instance of a sight draft in the Governor's office for \$104,000. I now move the indefinite postponement of this bill and ask for a division.

The PRESIDENT: The Senator from Penobscot, Senator Crosby, moves that the bill as amended be indefinitely postponed and asks for a division. The motion is debatable. Is there debate?

Mr. CARLTON: Mr. President, I want to call attention once more to the fact that this is subject to a referendum and the people have the final word and it is their business.

A division of the Senate was had. Twelve having voted in the affirmative and seventeen in the negative the motion to indefinitely postpone was lost.

Thereupon, on motion by Mr. Nickerson of Waldo the bill as amended by Senate Amendment A was passed to be engrossed.

The President laid before the Senate resolve relative to National Encampment of the G. A. R. (H. D. 643) tabled on March 20th by Mr. Spear of Cumberland pending motion to indefinitely postpone House Amendment A and today assigned.

Mr. SPEAR of Cumberland: Mr. President, I haven't had an opportunity to confer with my colleague from Cumberland and therefore I ask that this bill be tabled until tomorrow morning.

The PRESIDENT: The Senator from Cumberland, Senator Spear,

moves that this matter be retabled and specially assigned for tomorrow morning. Is this the pleasure of the Senate?

The motion to retable and assign prevailed.

On motion by Mr. Leland of Piscataquis the Senate voted to reconsider its action of yesterday whereby an act to revise, arrange and simplify the "Mill Tax Highway Fund" laws (H. D. 500) was passed to be engrossed in concurrence; and on further motion by the same Senator the bill was tabled pending passage to be engrossed in concurrence.

On motion by Mr. Harriman of Kennebec the Senate voted to reconsider its action taken earlier in today's session whereby the report of the committee "Ought not to pass" was accepted on resolve in favor of Rodney Jackson of Waldo (S. D. 136); and on further motion by the same Senator the resolve was tabled pending consideration and specially assigned for tomorrow morning.

On motion by Mr. Murchie of Washington the Senate voted to take from the table an act relative to snow removal from State and State aid highways (H. D. 498), tabled yesterday by that Senator pending passage to be engrossed in concurrence.

Mr. MURCHIE of Washington: Mr. President, I now move that the bill be indefinitely postponed in non-concurrence, and in explanation of that motion I want to call attention to the wording of Section 2 of House Document 498 which provides in substance that Chapter 227 of the Public Laws of 1927, "An Act Relative to the Removal of Snow from Highways and Town Ways," shall be made a part of the State Highway Commission act, and the rules of construction contained in Section 2 of the State Highway Commission act shall apply to this chapter.

Now, at the present time the rules of construction applicable to Chapter 227 of the Public Laws of 1927 are found in the rules of construction in the Revised Statutes, in Chapter 1, Section 6, and the only rule of construction that can

possibly be altered by the language of Section 2 of this act, is Rule 19: "The word 'town' includes cities and plantations unless otherwise expressed or implied." In the Highway Commission Act, Section 2, it says: "The word 'town' shall include cities, towns, organized plantations and unincorporated townships except as herein otherwise indicated." In other words, the distinction between the rules of construction as the act now exists and as it would exist after the passage of House Document 498, is the distinction between "cities unless otherwise expressed or implied" in the ordinary rule of construction, and "cities except as herein otherwise indicated" in the State Highway Commission Act.

It seems evident to me that House Document 498 is designed for the single purpose of making it possible for cities to qualify under the act for the removal of snow from highways and town ways. I would suggest an amendment to House Document 498, and the amendment to Section 4 provided in House Document 498, striking out Section 2 but for the fact that the Committee on Ways and Bridges still has before it House Document 408 and the Amendment to Section 4 provided in House Document 498 can be taken care of in connection with that act.

Now, this in itself would not be very important were it not for the fact that the Senate is to have another measure—also tabled by me yesterday and which I shall also seek to take from the table—which contains this very drastic provision: "Should at any time the funds for snow removal work be found inadequate for all mileage petitioned for, first consideration shall be given to the most travelled improved State highways and second to roads next in importance." The State Highway Commission as at present conducted, has from time to time taken a traffic census. I don't know how many, but I know they had one in 1926 and one in 1928, and on the basis of these traffic investigations they have apportioned money for State highways, or for the maintenance of State highways, and now they want to appor-

tion money for snow removal.

I have in my hand the traffic census which the Commission took in 1928 which shows that the average traffic from Kittery to Portland, that is at three points on that main traffic line, was 7,932 vehicles per day; on the state highway from Westbrook to Fryeburg, at three average points the traffic was 3,792 vehicles; on the state highway C from Portland to Brunswick at two average points there were 3,088 vehicles; on the state highway D from Brunswick to Portland, at four average points, 1,869 vehicles; state highway E, Portland to Lewiston, at three average points had 2,644 vehicles; on state highway H, Augusta to Jackman, at four average points, the traffic was 1,122 vehicles; on state highway I, Waterville to Bangor, at two average points there were 1,661 vehicles; on state highway L, Hampden to Searsport, at three average points, there were 1,309 vehicles; on state highway M, Bangor to Bar Harbor, at two average points, there were 1,538 vehicles; state highway Q at Richmond had 1,360 vehicles; state highway S, Poland to Bethel, at three average points, had 1,053 vehicles; with no other road in the State having an average as high as a thousand cars a day. It is interesting, too, to note that in taking the traffic census in 1928 the Commission did not deem it worth while to take a traffic census in Aroostook County where, I am given to understand, they do occasionally have snow. The language of the act provides that this snow is to be removed for vehicles, sleighs and sleds, and the traffic census of course, shows that the bulk of the use of horse-drawn vehicles is on the roads where traffic is not the heaviest. "First consideration shall be given to the most traveled improved state highways." I move the indefinite postponement because it seems to me inevitable that with the passage of these two acts the funds provided for snow removal will inevitably be centered around populous places where they can best afford to remove their own snow and where, as the act now reads, particularly in view of the amendment perhaps, it seems plain to me that they now are compelled to remove their own snow.

Mr. OAKES of Cumberland: Mr. President, I have never read either

of these bills. I am not familiar with the details of the highway situation. I have heard my brother state that these bills would be likely to favor populous sections and I come from the most populous section, I suppose, of the State. It doesn't seem to me that I am in a position to vote on this without knowing more about these bills. I am absolutely in favor of the idea of having the State aid for snow removal take care of the less populous sections yet I cannot believe that the Ways and Bridges Committee would endeavor to injure the less populous section. Therefore, before the matter is indefinitely postponed, I would like to have an opportunity to study these bills a little more and I therefore move that this matter be laid upon the table.

The PRESIDENT: The Senator from Cumberland, Senator Oakes, moves that this bill lie upon the table, the pending question being the motion of the Senator from Washington, Senator Murchie, to indefinitely postpone.

The motion to table prevailed.

On motion by Mr. Dwinal of Knox the Senate voted to take from the table an act to grant a charter to the town of Sanford (S. D. 618) tabled earlier in today's session by that Senator pending adoption of House Amendment A in concurrence.

Mr. DWINAL of Knox: Mr. President, I would like to inquire what the pending question is on this bill.

The PRESIDENT: The Chair will state that in the Senate on March 13th the bill was passed to be engrossed in concurrence. It then went to the House as an enactor and instead of enacting it the House adopted House Amendment A in non-concurrence.

Mr. DWINAL: Then, Mr. President, I move that we reconsider the vote whereby we passed this bill to be engrossed.

The PRESIDENT: The Senator from Knox, Senator Dwinal, moves that the rules be suspended and that the Senate reconsider its former action whereby this bill was passed to be engrossed. Is this the pleasure of the Senate?

The motion to suspend the rules and reconsider prevailed.

Thereupon, on further motion by the same Senator House Amend-

ment A was adopted in concurrence and the bill as so amended was passed to be engrossed.

On motion by Mr. Weeks of Somerset, the Senate voted to reconsider the action taken earlier in today's session whereby resolve in favor of the State Reformatory for Women for the erection of a house for mothers and babies (H. D. 663) was passed to be engrossed; and on further motion by the same Senator the resolve was tabled pending passage to be engrossed.

On motion by Mr. Littlefield of York, the Senate voted to take from the table an act to amend Chapter 52 of the Public Laws of 1927 relative to enforcement of motor vehicle laws (S. D. 260) tabled earlier in today's session by that Senator pending second reading; and on further motion by the same Senator the rules were suspended, the bill was given its second reading and passed to be engrossed.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table an act to amend the fees for registration of motor vehicles (H. D. 102) tabled earlier in today's session by that Senator pending passage to be engrossed in concurrence.

Mr. SPEAR of Cumberland: I now move, Mr. President, that this bill be passed to be engrossed.

Thereupon on motion by Mr. Littlefield of York the bill was retabled pending passage to be engrossed in concurrence.

On motion by Mr. Minott of Cumberland, the Senate voted to take from the table an act to create a commissioner of highways (S. P. 693) tabled yesterday by that Senator pending reference.

Mr. MINOTT of Cumberland: I now move that this be referred to the Committee on Ways and Bridges.

Mr. MURCHIE of Washington: Mr. President, I rise to a point of order. My point of order is that under the joint order adopted on February 12th, this bill being introduced subsequent to February 28th, it should automatically be referred to the next Legislature.

The PRESIDENT: The Chair will state for the information of

the Senator from Washington, Senator Murchie, that this body yesterday suspended its rules and allowed the bill to be introduced. Of course it would have to go to the other body for concurrent action. If it went there and the House did not see fit to suspend the rules then that would be the end of the bill as it would die between the two branches.

Mr. MURCHIE: Then, Mr. President, you rule the point of order out of order?

The PRESIDENT: The Chair does. Is it the pleasure of the Senate that the motion of the Senator from Cumberland, Senator Minott, prevail and that this bill be referred to the Committee on Ways and Bridges?

The motion prevailed.

On motion by Mrs. Allen of Penobscot

Adjourned until tomorrow morning at ten o'clock.