

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

Saturday, April 13, 1929.

Senate called to order by the President.

Prayer by the Rev. W. F. Greenman of Augusta.

Journal of previous session read and approved.

From the House: Report of the Committee of Conference, on the disagreeing action of the two branches of the Legislature on bill "An act relating to declarations upon a contract in writing" (H. P. 1630) (H. D. 732) reporting that both houses recede from their positions and adopt the accompanying amendment, House Amendment A.

Comes from the House, read and accepted, and the bill passed to be engrossed, as amended by House Amendment A.

In the Senate, House Amendment A was read.

Thereupon, on motion by Mr. Oakes of Cumberland the report of the Committee of Conference was accepted and the Senate voted to recede and concur with the House in the acceptance of the majority report "ought to pass in a new draft." On further motion by the same Senator the bill received its first reading and under suspension of the rules was given its second reading.

Thereupon, on motion by the same Senator House Amendment A was adopted and the bill as so amended was passed to be engrossed in concurrence.

The following communication was received:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

April 12, 1929.

To the Honorable Senate and House of Representatives:

I return without approval AN ACT to Provide for Relief of Needy Dependents of Disabled Veterans of the World War.

Under existing law, provision is made for the relief of dependents of veterans of the World War, by municipalities in the first instance, reimbursement being made by the State. A requisite to this form of relief is that there be disability caused by the War service of the

veteran. Ample funds are available on the part of the State to reimburse the municipalities administering these relief payments. No one can question the correctness of the State's expending money for the relief of those still suffering the burden of war.

But this bill would remove the requisite that the disability be the result of the casualties of war. The State's expenditures for charity, health, welfare and pensions call for about 30% of our appropriations. It may be that some of the cases of relatives of veterans who are in necessitous circumstances may be entitled to some existing form of relief. I do not feel that I can approve the creation of a new Board to administer a new form of relief, where the distress is admittedly not the result of military service. There would seem to be an unwarranted distinction in thus placing the relatives of veterans in a specially favored class.

As a practical matter, this measure would not afford a material increase in the amount of relief that, according to present expectations, will be very shortly administered under existing law.

It is with hesitation that a plea for relief of dependents of war veterans is denied, but it must be realized that the effect of this bill would be to grant relief where necessitous circumstances exist without any causal connection with war service.

Respectfully submitted,

(Signed)

WM. TUDOR GARDINER.

Mr. WEEKS of Somerset: Mr. President, in the absence of four of the Senators I move that this matter be retabled temporarily. As soon as the Senators return I will move to take it from the table.

The motion to table prevailed.

The following communication was received:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK

Augusta, April 12, 1929

Honorable Royden V. Brown,
Secretary of the Senate
of the Eighty-fourth Legislature.

Dear Sir:—The Governor having this day returned to the House

"Resolve in favor of H. E. Houd-

lette, Administrator of the Estate of Benjamin Owen Emmons, late of Richmond, County of Sagadahoc, State of Maine, deceased". . . without his approval and with his objections to the same, the House after reconsideration proceeded to vote upon the question

"Shall this resolve be finally passed notwithstanding the objection of the Governor?"

A yea and nay vote was taken. 13 voted in the affirmative and 129 in the negative, and accordingly, the resolve failed of passage.

Most respectfully yours,

(Signed) CLYDE R. CHAPMAN,
Clerk of the House.

Which was read and ordered placed on file.

Mr. Spear of Cumberland presented "Resolve in favor of Clyde H. Smith, Charles Murray and Edwin T. Clifford." (S. P. 823)

Mr. SPEAR of Cumberland: Mr. President, I move that the resolve be given its two several readings and be passed to be engrossed without reference to a committee. In support of that motion, I will say that if this is done of course there will be a discussion, but I think out of courtesy to everyone concerned that they are entitled to some consideration.

Mr. MURCHIE of Washington: Mr. President, do I understand that under the order, unless the rules are suspended, that the resolve is immediately referred to the next legislature?

The PRESIDENT: The Senator is correct. Unless the rules are suspended.

Mr. MURCHIE: Mr. President, do I understand that the motion of the Senator from Cumberland, Senator Spear, is to suspend the rules?

Mr. SPEAR: It is, Mr. President.

The PRESIDENT: The Senator incorporates the suspension of the rules in his motion.

Mr. MURCHIE: Mr. President, speaking to that question, I suppose it is unnecessary for me to repeat what I stated yesterday, but in brief my position is this: This involves two problems. The first problem is whether or not the State of Maine should pay anything for services of attorneys employed under the circumstances in which these attorneys were employed.

The second question is the question as to whether or not the amount claimed is excessive and if it is ex-

cessive, what is the proper amount.

Speaking first to the second question, it seems to me it would be impossible for any Legislature properly to decide the question of amount without a full and adequate public hearing before a duly constituted committee, where the committee might acquire information as to the nature of the services rendered. For that reason it seems to me it is impossible at this Legislature, at this time in the session to properly handle the question.

Speaking for a moment to the question of the propriety of paying anything, I want to make this statement. In 1919 the Legislature in its wisdom,—and I hope it was a wise Legislature for I was a member of that Legislature, adopted Chapter 100 of the Public Laws of that year. An act to regulate the employment of legislative counsel or agents and to provide a legislative docket in Secretary of State's office open to public inspection, disclosing information in relation to such employment. Section 1 of that Act provides, "Any person or persons accepting employment to act as legislative counsel or agent to promote or oppose, directly or indirectly, legislation by the Legislature shall within forty-eight hours after employment cause his or their name or names to be entered upon a docket as hereinafter provided."

That act, as I read it, has no reference to legal counsel employed for the purpose of defending a man before legislative committee on a hearing for removal. I am forced to the conclusion therefore, that when William Folsom Merrill, Frederick W. Hinckley and H. C. Buzzell registered in the Secretary of State's office under this act, that they were registering not as counsel in the sense of defending before a semi-criminal action, but as legislative counsel or agents under the terms of the lobby law.

Mr. Merrill on March 12, 1929 registered under the lobby law as legislative counsel and legislative agent in the employ of Clyde H. Smith of Skowhegan, Maine; the purpose of employment being any matters affecting the interests of Clyde H. Smith.

Frederick W. Hinckley, on March 13, 1929 registered under the provisions of the lobby law as legislative counsel only, for Charles Murray, the purpose of the employment be-

ing counsel in connection with the investigation of the State Highway Commission.

Mr. Buzzell on March 20 registered as legislative counsel and legislative agent for Edwin T. Clifford, the purpose being legislative counsel and legislative agent in connection with the Highway Commission hearing or investigation.

Now, I would express it as my personal view from what I have seen only, that one of these gentlemen has acted largely as legal counsel or agent, and it seems to me it would be a ridiculous proposition for the Maine Legislature, in the absence of a public hearing to attempt to settle either the question as to whether or not we should pay, or the question as to how much we should pay at any rate.

I think the best place and the best time to meet the issue is right now, and close the door by refusing to suspend the rules and admit this resolve to pay for actual services rendered, whatever it was and if they think the State should reimburse them, let them come, as any other citizen would come before a subsequent Legislature, introduce a resolve and have a hearing.

I hope the motion will not prevail.

Thereupon, on motion by Mr. Spear of Cumberland, the resolve was tabled, pending first reading.

On motion by Mr. Slocum of Cumberland, it was

Ordered, that the Flag of our Country, which has stood at the right hand of our President during this session, and has been a constant reminder of the principles for which we all stand, be presented to our President, J. Blaine Morrison.

The PRESIDENT: The Chair will state that the passage of this order comes as a very agreeable and happy surprise to the Chair. I can think of no better or more acceptable gift than the flag of one's country and I shall prize this beautiful flag very highly indeed during the years to come. I thank you for it. (Applause.)

On motion by Mr. Slocum of Cumberland, it was

Ordered, the House concurring, that the State Librarian mail to each member and officer of the House and Senate the balance of

the Legislative Record beginning with Tuesday, April 9th, page 995, after the close of the session, and be it further

Ordered, that the State Librarian send to each member and officer of the House and Senate one copy of the Legislative Record when compiled and indexed.

Reports of Committees

Mr. Bond, from the Committee on Ways and Bridges, on bill "An act relating to appropriation and use of motor vehicle fees" (S. P. 579) (S. D. 247) reported that the same ought to pass.

The report was read and accepted, the rules were suspended and the bill given its two several readings and passed to be engrossed.

Sent down for concurrence.

Mr. Douglas, from the Committee on Inland Fisheries and Game, on "Resolve for the payment of legal services rendered the Committee on Inland Fisheries and Game" (S. P. 819) reported that the same ought not to pass.

The report was read and accepted.

Sent down for concurrence.

The PRESIDENT: As there are a number of Senators absent who are working in committees of conference and who are interested in matters on the table, the Chair will at this time declare a short recess before taking up Orders of the Day.

After Recess

The Senate was called to order by the President.

Orders of the Day

The President laid before the Senate, an act relating to the registration of non-resident trucks (S. D. 111) tabled on April 12th by Mr. Oakes of Cumberland pending passage to be enacted; and on motion by that senator the bill was retabled.

The President laid before the Senate, Senate Report from the Committee on Salaries and Fees "ought not to pass" on an act relating to the Highway Commission (S. D. 264) tabled on April 12th by Mr. Carlton of Sagadahoc pending acceptance of the report; and on motion by that senator the commit-

tee report "ought not to pass" was accepted.

The President laid before the Senate, Petition of one of the members of the Highway Commission, tabled on April 12th by Mr. Spear of Cumberland pending consideration; and on motion by that senator the petition was placed on file.

The President laid before the Senate, an act to provide a bridge between Richmond and Dresden (H. D. 741), tabled on April 12th by Mr. Spear of Cumberland, pending passage to be enacted in concurrence; and on motion by that Senator, the bill was passed to be enacted in concurrence.

The President laid before the Senate, resolve in favor of D. B. Cornish, (S. D. 141), tabled on April 12th by Mr. Weatherbee of Penobscot, pending final passage.

Mr. WEATHERBEE of Penobscot: Mr. President, as this subject is being taken care of in a matter which is now pending in the Legislature and will probably receive passage, I move the indefinite postponement of this resolve.

The motion to indefinitely postpone prevailed.

The President laid before the Senate, an act to establish State Highway Commission, (H. D. 827), tabled on April 12th by Mr. Leland of Piscataquis, pending passage to be engrossed as amended by House Amendment B.

Mr. SPEAR of Cumberland: Mr. President, in the absence of Senator Leland, I would move this bill be retabled.

The motion to retable prevailed.

The President laid before the Senate, Joint Order relative to printing the Inland Fish and Game Laws, tabled on April 12th by Mr. Spear of Cumberland, pending passage; and on motion by that Senator the order received passage.

The President laid before the Senate bill "an act to provide for building a bridge across the Penobscot River, at or near Bucksport, to be known as the Waldo-Hancock Bridge," (S. P. 541) (S. D. 364) which was recalled from the Gov-

ernor by joint order passed yesterday.

Mr. WEATHERBEE of Penobscot: Mr. President, I move that the rules be suspended and we reconsider the vote whereby we passed this bill to be enacted, and I would say to the Senators in explanation of this motion, that the purpose is not in any way to change the bridge project, but an amendment which seems to be very dangerous and which was adopted to that bill, and I would like to have it reconsidered and a new amendment adopted. The amendment that is now attached to the bill would require, in the judgment of most of the lawyers, that the State of Maine pay to the ferry companies, the Bucksport Ferry Company and the Winterport Ferry Company, a sum of money for the lease of the franchises of those two companies, and that might involve the payment of a very large sum of money, up to \$100,000 or more, and my purpose is to place an amendment upon that act so that the sums to be paid by the State shall be that the State shall pay for the physical properties of the ferry companies and nothing for any franchise lease whatsoever.

Thereupon, under suspension of the rules, the Senate reconsidered its action whereby this bill was passed to be enacted; and on further motion by the same Senator the Senate reconsidered its action whereby this bill was passed to be engrossed.

Mr. WEATHERBEE: Mr. President, I move we suspend the rules and reconsider the vote whereby we adopted House Amendment A to Senate Document No. 364, in concurrence.

The motion prevailed.

On further motion by the same Senator, House Amendment A was indefinitely postponed.

Thereupon, Mr. Weatherbee offered Senate Amendment A and moved its adoption:

"Senate Amendment A to Senate Document 364. Senate Document 364 is hereby amended by adding the following section, to be numbered 'eleven.' Section 11. The directors are hereby authorized to acquire the physical properties of the Winterport Ferry Company, and the Bucksport and Prospect Ferry

Company, which are used in their ferry business at a valuation to be fixed by the Public Utilities Commission of the State of Maine or by three commissioners appointed by the chief justice of the supreme judicial court upon petition by either the said Winterport Ferry Company, the Bucksport and Prospect Ferry Company or the directors to be appointed under this act. The authority granted under this act is on the express condition that the physical properties of the Winterport Ferry Company, and the Bucksport and Prospect Ferry Company shall be acquired in manner and form as hereinafter stated, but nothing herein shall authorize the payment of any sum for the franchise of either of said ferry companies, and no allowance for loss of or interference with the franchises of said corporation shall be considered in fixing the valuation of the property acquired under this act."

Senate Amendment A was adopted.

Thereupon, the bill as amended by Senate Amendment A was passed to be engrossed in non-concurrence.

Mr. SPEAR of Cumberland: Mr. President, is it in order at this time to take from the table the resolve regarding the counsel fees of the Highway Commission?

The PRESIDENT: The Chair will state that the Senate is proceeding under Orders of the Day and such a motion is in order.

Thereupon, on motion by Mr. Spear of Cumberland the Senate voted to take from the table Resolve in favor of Clyde H. Smith, Charles Murray and Edwin T. Clifford (S. P. 823) tabled earlier in today's session pending first reading.

Mr. SPEAR: Mr. President, I wish to state that Chairman Clyde H. Smith has been to me within a short time and stated that he would like to withdraw his bill for counsel fees. I want this to appear in the record.

Mr. President, I now yield the floor.

The PRESIDENT: The Senator from Cumberland, Senator Spear, yields the floor. Is there any Senator who desires to speak on the matter?

Mr. MURCHIE of Washington: Mr. President, in the absence of some action what will the proceed-

ing be? Do I understand correctly that in the absence of a suspension of the rules the resolve will simply be referred to the next Legislature?

The PRESIDENT: The Chair will state that the Senator from Cumberland, Senator Spear, has yielded the floor. The question before the Senate is on the motion of the Senator from Cumberland, Senator Spear, that the rules be suspended and the resolve be given its two several readings and be passed to be engrossed without reference to a committee.

Mr. WEATHERBEE of Penobscot: Mr. President, I understand that if the motion to suspend the rules does not prevail then the matter automatically, under the rules, goes to the next Legislature?

The PRESIDENT: The Chair will state that under the rules, unless some action is taken by this Legislature under a suspension of the rules, this matter will automatically be referred to the next Legislature.

Mr. WEATHERBEE: Then Mr. President, I hope that the rules may not be suspended.

The PRESIDENT: The Chair will again state that the question before the Senate is on the motion of the Senator from Cumberland, Senator Spear, that the rules be suspended. In order to suspend the rules a two-thirds affirmative vote is required. Is the question plain and is the Senate ready?

A division of the Senate was had.

Two having voted in the affirmative and twenty-three in the negative, the motion to suspend the rules was lost.

The PRESIDENT: The Chair will state that under the present situation if no further action is taken this matter is automatically referred to the next Legislature. If this Legislature desires to dispose of it now the Chair thinks the proper course would be to again suspend the rules and indefinitely postpone the resolve. Otherwise, the resolve is automatically referred to the next Legislature.

Thereupon, on motion by Mr. Minott of Cumberland, the rules were again suspended and the resolve was indefinitely postponed.

Mr. Douglas of Hancock under suspension of the rules presented "Resolve to appropriate money for the purpose of operating fish hatcheries and feeding stations for fish,

for the protection of fish, game and birds and for printing the report of the Commissioner of Inland Fisheries and Game, and for maintenance of the Maine State Museum and for other expenses incident to the administration of the Department of Inland Fisheries and Game. (S. P. 824)

On motion by that Senator, the rules were suspended, the resolve was given its two several readings and passed to be engrossed.

Sent down for concurrence.

Mr. Douglas of Hancock presented bill an act relating to the disposition of money collected under the provisions of the Inland Fish and Game Laws. (S. P. 825)

On motion by that Senator, the rules were suspended, the bill given its two several readings and passed to be engrossed.

Sent down for concurrence.

Mr. SPEAR of Cumberland presented resolve in favor of the Chaplains of the Senate of the Eighty-fourth Legislature. (S. P. 826)

On motion by that Senator, the rules were suspended, the resolve given its two several readings and passed to be engrossed.

Sent down for concurrence

The PRESIDENT If there is no further business at this time the Senate will recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

From the House; out of order: Report of the majority of the Committee on Inland Fisheries and Game, on bill an act to regulate ice fishing in the Belgrade Chain of Lakes, so-called, in the counties of Kennebec and Somerset (H. P. 815) (H. D. 264) reporting that the same ought to pass.

(Signed) DOUGLAS
MCLEAN
J. M. WHITE
CLARK
ANGELL
MackINNON

The minority of the same committee, on the same subject matter, reporting that the same ought not to pass.

(Signed) BOULTER
GREENLEAF
HILL
RACKLIFF

Comes from the House, majority report "ought to pass" accepted, and the bill passed to be engrossed.

In the Senate:

Mr. GREENLEAF of Androscoggin: Mr. President, I move the acceptance of the minority report.

Mr. DOUGLAS of Hancock: Mr. President, is the time to debate this now or later?

The PRESIDENT: The Senator is in order to debate the matter now.

Mr. DOUGLAS: Mr. President, it is seldom that it occurs in a man's Legislative career that he must feel it his duty to vote and speak against a friend of long standing. I wish to make explanation at the start of what little talk I may make, in regard to Belgrade Lakes. In the three months consideration of this bill we considered everything from every angle that could possibly be worked out and if some of you took the pains to read the fish provisions of this bill you will remember that we opened up the lakes to ice fishing for a week end of two weeks the last of January. In that bill was a provision that should the Commissioner find that that pond or lake, wherever situated, was being depleted by ice fishing he was given authority to close it. That was not acceptable to one man and my talk was along these lines, and I think I have a right to say along those lines of publicity, that I have devoted several hours of my lifetime trying to induce non-residents to come to Maine. The talk was, that if we opened those lakes to fishing that the non-resident would not come.

Now, I have in my mind a feeling which seems strange to some of those within the sound of my voice, that the man who lives here in this state, who has his family here, who works here, who pays his taxes here, should be considered in some way by these legislative bodies. He has a right, after he has paid his taxes, and is conducting himself as any citizen should, he has a right to have some consideration at our hands, here, and I consider that when you have given a non-resident ten months in the year to fish in any of these lakes, and especially in the winter—which is now in controversy—that when you have given a non-resident ten months, and have given the man who lives here and pays his taxes here only eight

days, you have not given him any too much. Thursday of each week for two months! Is that giving him too much? Will that deplete these lakes? I say, No, and I tell you, gentlemen and ladies of the Senate, that I don't believe that any one man can control this Senate. I have heard it said, "We can fix the Senate; we can prevent Belgrade Lakes from being opened up." I don't think there is a man here in this Senate today who feels any more than I do for the man who has devoted his lifetime to building up a business there and if I honestly thought for one moment that anything would happen there that would in any way injure him I would be the last one to stand here and say one word in opposition. But I cannot believe it. I cannot believe, from the knowledge that I have gathered in the years that I have studied the fish and game proposition—having been a fisherman and being a fisherman today and having studied these things—I know from my standpoint that nothing can happen to injure the interests of those people. On the other hand you can give these men who live here a few days in which to fish. They talk about the mill hands going there in thousands to fish that lake. How many mill hands can go down there in March to fish that lake?

And I am asking you in all sincerity if it is a fact, as has been stated to me, that one man alone can control the votes of this Senate? If he can, I will say that he is a wonder. He should be Governor of this State, and I told him if he did it I would vote for him.

Now, I ask you, gentleman, to please accept the majority report and open those lakes up to those men who want to go there for one day a week for eight weeks in February and March.

I hope the motion of my colleague and my fellow member of the committee who worked three months on this with me (Senator Greenleaf of Androscoggin), that his motion will not prevail.

Mr. HARREMAN of Kennebec: Mr. President, it would hardly seem as though anything more need be said. After this bill has passed the House without a dissenting vote, without any objection of any kind, I think that the remarks of the Senator from Han-

cock, Senator Douglas, who is Chairman of the committee and who signed the majority report should be enough.

And as a member of the delegation from Kennebec County where these lakes are located, and as a resident of that county, I feel that I can say just a few words in regard to this situation.

The Senator from Hancock, Senator Douglas alluded to the fact that one man had practically controlled the ice fishing in these lakes for a great many years through his control of the Senate.

Now I had a little something to do with this bill two years ago, being a member of the Senate and saw some of the conditions that existed here, in checking up on the vote, and two years ago the bill was defeated here in the Senate on a vote of fifteen to thirteen, with two members absent. Of course that made a majority, and it was all that was necessary. But I, and others, tried to make a check of the members of this Senate two years ago, not asking for any pledges how they would vote but asking them to hold an open mind until they heard both sides of the case. It seemed to me very unfair that one gentleman should invite certain members of the Senate, several members of the Senate at different times, out to dinner, entertain them at a hotel and incidentally get to talking with them on legislation and bring up the Belgrade Lakes matter, and ask them as a personal favor to vote against the bill before they heard both sides of it. That seemed to me very unfair indeed. So I didn't ask any Senator to pledge on this bill until he heard both sides of the case.

Kennebec County's representation in the legislature was united for the opening of these Lakes two years ago. They were united with one exception, that one man felt he could not vote either for or against the opening of them. Other than that one man who did not vote, we were united in opening them for ice fishing this year.

Several Senators two years ago expressed the opinion that this was largely a local matter and where the delegation from Kennebec County was for it, they would back it. The Senators who felt that way two years ago voted for the bill

without thought that they had pledged themselves to vote against it.

It seems to me it is an unfair way to get at legislation. We, as members of this legislature are elected by the people to represent them here in this legislature and to carry out their wishes as best we can. When people from the towns and surrounding places interested send us practically their unanimous opinion about certain legislation, it seems to me we should do our duty and carry it out. I am wondering why Kennebec County should be picked on as one of the counties to have its leading lakes closed to ice fishing when the leading lakes of other counties are open to ice fishing.

In checking up on this little "joke book" as some have called it, the laws on Inland Fish and Game, we have found without going into too many details, in eleven counties there are thirty-four lakes closed to ice fishing, not principal ones either. In Kennebec County alone there are forty-two lakes closed to ice fishing and they are the principal lakes in the county. Piscataquis County, with its large Moosehead lake and good fishing up there,—practically all their principal lakes are open to ice fishing.

It seems to me, as the Senator from Hancock, Senator Douglas has said, it is no more than fair to give the people some chance to have their say in this matter who pay their taxes, contribute to stocking these lakes and maintaining them and it seems as though they should have some right in their leisure time in the winter to do a little fishing. It has also been said by the Senator from Hancock, Senator Douglas that sometimes we have two particular friends interested in both sides of legislative matters and it is absolutely necessary sometimes to take a stand against our best friends.

We are not here to represent one or two personal friends. We are here to represent our constituents and the people of the county. We, as Senators, are here to represent our county, and I feel this bill is justified and should have a passage, and I certainly hope the motion of the Senator from Androscoggin, Senator Greenleaf, will not prevail.

Mr. GREENLEAF: Mr. President,

as there are several Senators absent who, I am sure, would like to vote on this bill, I move it lie on the table.

The motion to table prevailed.

Passed to be Enacted

(Out of order)

An act to provide for a town manager for the town of Winthrop, in the county of Kennebec (H. P. 863) (H. D. 286.)

The PRESIDENT: Is there anything on the table which any Senator feels he can take off before recess? If not, is it the pleasure of the Senate to now recess until one-thirty o'clock this afternoon

After Recess

The Senate was called to order by the President.

From the House, out of order: Resolve in favor of William E. Brown (S. P. 810) which was passed to be engrossed in the Senate, April 11th.

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.

Thereupon, that body voted to recede and concur with the House in the adoption of House Amendment A and the bill as so amended was passed to be engrossed in concurrence.

House Bills in First Reading

(Out of order)

An act relating to ice fishing in Alewife Pond. (H. P. 595)

An act to close the tributaries to Big and Little Bear Pond, situated in the town of Hartford, Oxford County, and in the town of Turner, Androscoggin County. (H. P. 828)

An act relating to fishing in the tributaries to St. Croix Lake in Aroostook County. (H. P. 822)

An act to close the Tacoma Chain of Lakes to ice fishing. (H. P. 1465) (H. D. 509)

An act to close to fishing in the tributaries to Long and Square Ponds. (H. P. 301)

An act to regulate fishing in the tributaries of Three Mile Pond in the county of Kennebec. (H. P. 737)

An act to close ice fishing in

Mousam Lake, Square Lake and Goose Pond, in the county of York. (H. P. 401)

An act regulating fishing in Pleasant River, and its tributaries, in the towns of Albany, Bethel, and Mason, Oxford County. (H. P. 829)

An act to prohibit the trapping of muskrat in Soudabcook Stream in the town of Carmel. (H. P. 813) (H. D. 263)

An act relating to fishing in Great Works Stream. (H. P. 140) (H. D. 64)

An act to regulate fishing in Clearwater Pond. (H. P. 236) (H. D. 77)

An act closing Songo Pond in the towns of Albany and Bethel, in Oxford County, to ice fishing. (H. P. 808) (H. D. 259)

An act to close to all fishing Little River and its tributaries. H. P. 395) (H. D. 118)

An act to close to all fishing the tributaries of Colcord and Bickford Ponds. (H. P. 396) (H. D. 119)

(The rules were suspended and the foregoing bills were given their second reading and passed to be engrossed)

From the House, out of order, the following order:

Ordered, the Senate concurring, that it is the sense of the Legislature that under the circumstances no attorney's fees or expenses of any of the Highway Commissioners be paid by this Legislature.

Comes from the House, read and passed, and letter of Commissioner Murray, relative to that subject, ordered attached.

In the Senate:

Mr. SPEAR of Cumberland: Mr. President, before the passage of that order would it not be proper to hear the accompanying letter?

The Secretary read the letter: "April 13, 1929. Members of the 84th Legislature: Owing to the apparent misunderstanding in regard to the bills which have been presented to the Legislature covering attorneys' fees and expenses for the State Highway Commissioners, I wish to state that I have hired my attorney and have always expected to pay him. My bill was given to Senator Spear because Folsom Merrill, attorney for Clyde H. Smith, advised my attorney that Senator Spear wished me to do so; and upon the further representation by the said Folsom Merrill to

my attorney that the Spear Committee agreed to pay these attorneys' fees before the resignation of Clyde H. Smith and Edwin T. Clifford were given and before the Spear Committee made its report to the Legislature. I have always paid my bills and do not want anybody to feel that I am asking anything that I am not entitled to. So, under these circumstances, it will be perfectly agreeable to me to have the Legislature refuse to pay the bill and I hope it will take such action. (Signed) Charles Murray, Member of the State Highway Commission."

Mr. SPEAR of Cumberland: Am I in order, Mr. President

The PRESIDENT: The Senator is in order.

Mr. SPEAR: I am referring to the Aldrich order introduced this morning in the House in reference to my connection with the events which preceded the presentation of the counsels' bills to me. Part of the statement accompanying the order is misleading and incorrect. Mr. Merrill, seeking, as he told me, at the suggestion of some other person, the person authorized to receive such bills, came to me, believing that I was the proper person to present the two bills, that I might see that they received proper consideration. I received them in the regular course for consideration at the proper time and then I suggested that as long as two bills had been presented, the third might as well be received for consideration at one time in one process. At that time I expressed no opinion of my own as to the propriety of payment of these bills by the Legislature. Moreover, I never said at any time that the joint investigating committee had agreed to pay these bills. Any implications to that effect in the statement already referred to is untrue. I yield the floor.

The PRESIDENT: The question before the Senate is on the passage of the order in concurrence with the House.

Thereupon, the order was passed in concurrence.

Reports of Committees

Mr. Douglas, from the Committee on Inland Fisheries and Game, on bill "An act to prohibit the taking of large smelts with a dip-net in any

of the tributaries to Sebago Lake" (S. P. 283) (S. D. 129) reported that the same ought not to pass.

The same Senator, from the same committee, on bill "An act to remove closed season on white perch in Lake Webb, in Franklin County" (S. P. 270) reported that the same ought not to pass.

The same Senator, from the same committee, on bill "An act to establish the legal length of square-tailed trout and landlocked salmon in Cumberland County" (S. P. 285) (S. D. 131) reported that the same ought not to pass.

The same Senator, from the same committee, on the following bills, with accompanying petitions:

"An act to regulate the hunting and trapping of fur-bearing animals." (S. P. 284) (S. D. 130)

"An act to amend section 14, of chapter 219 of the Public Laws of 1917, relating to guides." (S. P. 281) (S. D. 127)

"An act relating to bull moose in the county of Waldo." (S. P. 206)

"An act relating to the hunting of foxes." (S. P. 286) (S. D. 132) reported that the same ought not to pass.

The reports were severally read and accepted.

Sent down for concurrence.

Mr. Douglas, from the Committee on Inland Fisheries and Game, on bill "An act to continue the closed time on the tributary of Thompson Lake, flowing into Thompson Lake at Oxford, Oxford County, known in Oxford and Otisfield as Greeley Brook and in Norway as Lombard Brook, until July 11, 1935, (S. P. 207) reported that the same ought to pass.

The same Senator, from the same committee, on bill "An act to close Toddy Pond to white perch fishing" (S. P. 36) reported that the same ought to pass.

The same Senator, from the same committee, on bill "An act relating to fly fishing in the Kennebec River between Bingham and Moosehead Dam," (S. P. 96) reported that the same ought to pass.

The same Senator, from the same committee, on bill "An act relating to the regulation of the taking of smelts in Sebago Lake and its tributaries" (S. P. 574) (S. D. 243) reported that the same ought to pass.

The same Senator, from the same committee, on bill "An act to close the tributaries to Duck Pond" (S. P.

277) reported that the same ought to pass.

The same Senator, from the same committee, on bill "An act to regulate the taking of salmon in St. Georges Lake in the town of Liberty, in the county of Waldo" (S. P. 269) reported that the same ought to pass.

The reports were severally read and accepted, the bills each given their two several readings under suspension of the rules, and passed to be engrossed.

Sent down for concurrence.

Passed to Be Enacted

(Out or order)

An act relating to license fees for small loan agencies. (S. P. 649) (S. D. 300)

An act making it unlawful for any person while upon any public highway, to endeavor by words, gestures or in any other way, to beg, invite or secure transportation in any motor vehicle not engaged in passenger carrying for hire, and providing a penalty therefor. (S. P. 737) (S. D. 390)

An act relative to Clerk of County Commissioners. (S. P. 803) (S. D. 430)

An act relating to finger prints and photographs of criminals. (H. P. 1743) (H. D. 815)

An act to provide for the appointment of a commission to recommend changes in the Sunday law. (H. P. 1748) (H. D. 820.)

Finally Passed

(Out of Order)

Resolve, in favor of Greenfield Maine Apple Growers of Greenfield, Penobscot County, Maine, compensating it for damages to apple trees by deer and for fencing against deer. (S. P. 897)

Resolve, appropriating money to pay pauper claims heretofore approved by the Committee on Claims. (S. P. 898)

Resolve, in favor of Lewis Fitch compensating him for damages. (S. P. 711.)

Resolve, in favor of Henry W. Sargent, compensating him for damages. (S. P. 812)

Mr. WEATHERBEE of Penobscot: Mr. President, the subject matter in this resolve having been cared for in another manner, I move that this resolve be now indefinitely postponed in non-concurrence.

The motion to indefinitely postpone prevailed.

Resolve, in favor of B. E. Lurchin, compensating him for storage of dynamite and exploders in his building. (S. P. 813)

Resolve, in favor of E. F. Drew, compensating him for damages. (S. P. 814)

Resolve, in favor of Henry Soucie, of Township number 14, Range 6, Aroostook County, Maine. (S. P. 815)

Resolve, in favor of setting aside a tract of land as game preserves. (H. P. 1540) (H. D. 558)

Resolve, to modify the conditions of the gift from B. C. Jordan to the State for the purpose of encouraging cultivation of forests. (H. P. 1755) (H. D. 825)

(Emergency Measure)

"An act relating to bounty on porcupines or hedgehogs." (H. P. 135) (H. D. 60)

Comes from the House, having failed to receive a passage in that branch.

In the Senate, on motion by Mr. Spear of Cumberland, that body voted to insist and asked the House to join in a Committee of Conference and subsequently the President appointed as members of such committee on the part of the Senate, Senators SPEAR of Cumberland
WHEELER of Oxford
CROSBY of Penobscot.

(The Senate resumed under Orders of the Day)

On motion by Mr. Oakes of Cumberland, the Senate voted to reconsider its former action whereby the report of the Committee on Fish and Game relating to an act to establish the legal length limit of square-tailed trout and land-locked salmon in Cumberland County (S. D. 131) "ought not to pass" was accepted.

Mr. OAKES of Cumberland: Mr. President, I move that we substitute the bill for the report, and I think I should explain that motion. This matter was thought to have been included in the big fish and game bill and for that reason the people who are supporting this and who had been working on the big fish and game bill did not support this before the committee. The committee, having no support for the bill, reported it out "ought not to pass." The matter came up in another way this morn-

ing and was brought to my attention and I telephoned Mr. Bowie in Portland who drew the bill for one of the fish and game associations in Cumberland County and asked him what he wanted to be done about it. He said he wanted it passed and I asked him to get in touch with the other officers of his association and get word to Mr. Douglas if they wanted anything done. Mr. Douglas has just handed me this telegram: "J. Sherman Douglas, State House, Augusta, Maine. Have Cumberland County twelve inch salmon bill reported ought to pass. No committee appearance because assumed large general bill would pass supported by Pine Tree Fish and Game Association. (Signed) P. A. Bowie."

Thereupon, the bill was substituted for the report and under suspension of the rules the bill received its two several readings and was passed to be engrossed.

On motion by Mr. Slocum of Cumberland, the Senate voted to reconsider its action whereby the report of the Committee on Inland Fisheries and Game "ought to pass" on an act relating to regulation of taking smelts in Sebago Lake and its tributaries (S. P. 574) was accepted; and on further motion by the same Senator the bill and the report were laid upon the table pending the acceptance of the report.

On motion by Mr. Oakes of Cumberland, out of order and under suspension of the rules, it was

Ordered, the House concurring, that there be paid to Nunzi Neapolitana the sum of one hundred and twenty five dollars for extra services rendered the Legislature.

Mr. MARTIN of Kennebec: Mr. President, I move the rules be suspended in order that I may introduce a resolution out of order. This is simply a resolution thanking the chaplains for their services here this year.

The rules were suspended and that Senator introduced out of order the following resolution:

"Resolution in appreciation of Senate Chaplains. Resolved, that the Senate wishes to and hereby does express to its several chaplains its deep appreciation for the inspiration and guidance derived from the morning devotional exer-

cises; and it is hereby ordered that a copy of this resolution be sent by the Secretary of the Senate to each of the men and women who have officiated as chaplains."

Thereupon the resolution was adopted.

The PRESIDENT: The Senate will now recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

From the House, out of order: Report of the Committee of Conference, on bill "An act to consolidate the general superintendence, management and control of the state prison, the reformatory for men and reformatory for women under one board of trustees and to provide for the temporary transfer of inmates (H. P. 1675) (H. D. 729) reported that they are unable to agree.

Comes from the House, report was read and accepted.

In the Senate, the report was read and accepted and that body voted to adhere.

House Bills in First Reading

(Out of Order)

An act prohibiting fishing in Swift River tributaries, and Swift River Pond, Franklin County. (H. P. 1764)

An act relating to catching trout in South Branch Stream, so-called (H. P. 144) (H. D. 65)

An act relating to moose (H. P. 1765)

An act to limit fishing in Hill's Pond, in Perkins Plantation, in the county of Franklin, to fly fishing and plug fishing only, and to limit the number of fish taken therein (H. P. 1762)

An act for the protection of black bass in the inland waters of the State. (H. P. 1763)

An act to appropriate money for the expenditures of the Government for the remaining months of the fiscal year ending June Thirtieth, 1929. (H. P. 1753)

(The rules were suspended and the bills were each given their second reading and passed to be engrossed.)

An act relating to bounty on porcupines or hedgehogs (H. P. 1766)

(Under suspension of the rules the bill received its second reading.)

Mr. SPEAR of Cumberland: Mr. President, I would like to inquire the meaning of this bill.

The PRESIDENT: The Secretary will read the bill, or perhaps the Senator from Cumberland, Senator Spear, may inquire through the Chair of the Senator from Hancock, Senator Douglas.

Mr. DOUGLAS of Hancock: I will answer the question of the Senator from Cumberland, Senator Spear, Mr. President. The other bill that was in for repealing the hedgehog bounty was a different bill. This is a bill for a bounty on hedgehogs that puts teeth into it. We have tried to avoid any way possible for them to beat the State. That, after you get by the emergency, is the meaning of it.

Thereupon, on motion by Mr. Spear of Cumberland, the bill was tabled pending passage to be engrossed.

Report of Committee

(Out of Order)

Mr. Dunbar, from the Committee on Ways and Bridges, on bill "An Act authorizing the Parklap Construction Corporation to construct, maintain and operate a toll bridge across the Penobscot river in the vicinity of the town of Prospect and the town of Bucksport." (S. P. 259) (S. D. 109) reported that the same ought not to pass.

The report was read and accepted.

Sent down for concurrence.

Passed to be Enacted

(Out of Order)

An act relating to the use and operation of motor vehicles on the highways. (S. P. 742) (S. D. 399.)

An act relative to fishing and hunting. (S. P. 767) (S. D. 412.)

Mr. SLOCUM of Cumberland: Mr. President, I believe this is a new fish and game bill.

The PRESIDENT: The Senator is correct.

Mr. SLOCUM: Mr. President, I am sorry that I feel that I must oppose this measure, and I understand, and am speaking to the motion, that it be passed to be enacted. The measure at present looks to me to be in the position of a

confection that was recently sold by different candy concerns, chocolate covered pickles. The original bill that was introduced to revise and simplify the fish and game laws was a very good measure. I was in hopes that it would be passed. There was one provision in it that I didn't agree with, namely, that it invalidated the present resident hunting and fishing licenses. The bill has now been so cut down and revised that it is in effect the pickle with the chocolate coating removed and we are at present asked to swallow the pickle without the pleasurable reaction of the chocolate coating. I don't believe that we have the moral right, although I admit we have the legal right, to invalidate the present resident licenses and while I believe that the principles involved here are for the best interest of fishing and hunting I do not think it right to invalidate those licenses now in force.

I agree that the Senator from Hancock, Senator Douglas, has done a great deal of very good work and I am very sorry, with him, that we were unable to put through a recodification of the law.

Mr. DOUGLAS of Hancock: Mr. President, I hate to take any of the time of this Senate to again discuss it with the Senator from Cumberland (Senator Slocum). I don't quite get his idea of the pickle and the chocolate covering. It seems to me that the sour part of this long amendment has been taken out and they have left the chocolate. You all know that this part of the bill that we are now accepting needs no defense. This bill has not been torn to pieces, as the Senator from Cumberland (Senator Slocum) would seem to think. The fishing part of it has been eliminated. I hope that the motion of the Senator from Cumberland (Senator Slocum) will not prevail.

Mr. SLOCUM: Mr. President, I made no motion. I was speaking to the motion of enactment but I am sorry to have to disagree with the Senator from Hancock (Senator Douglas).

The PRESIDENT: As there are objections to the enactment of this bill the Senate will vote on the enactments separately.

A viva voce vote being had.

The bill was passed to be enacted.

An act relating to investments in industrial bonds by savings banks. (S. P. 816)

Finally Passed

(Out of order)

Resolve providing for a statue of Hannibal Hamlin to be placed in the National Statuary Hall at Washington. (H. P. 1759) (H. D. 828)

Orders of the Day

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table, report of the Committee on Inland Fisheries and Game, "ought to pass" on an act relating to the regulation of the taking of smelts in Sebago Lake and its tributaries, (S. D. 243), tabled by that Senator earlier in today's session pending acceptance of the report.

Mr. SLOCUM of Cumberland: Mr. President, two years ago this matter was gone over very fully and at that time an act was passed to make it necessary for any person taking smelts other than for bait purposes to have a license. They were then allowed to take only one peck per family per day. It was put through in an effort to protect the small smelts which are feed for salmon. Personally, I believe they should be protected but there are a large number of people in Cumberland County who feel otherwise and I believe the motion is in order to engross, and I hope it will not prevail.

Mr. DOUGLAS of Hancock: Mr. President, it seems as though what the honorable senator from Cumberland, Senator Slocum hasn't already got in the record, he wants to say in regard to this. This bill is for the protection of salmon in his lake. The small fish are the feed for the salmon and when you take them you are losing the feed for the salmon. The committee had abundant hearings on the bill and we went over it very carefully, and it was considered important that they should not be taken.

Mr. MINOTT of Cumberland: Mr. President, this bill was introduced by me at the request of the Sebago Fish and Game Association. It is also sponsored by the Pine Tree Fish and Game Association, and the Cumberland County Fish and Game Association.

Mr. SLOCUM: Mr. President, I wish to rise again for I personally believe the bill is right. I was speaking for constituents who do not believe in the principle of the bill.

The PRESIDENT: The Chair will state that the report of the committee was "ought to pass." The report was accepted and then the action was reconsidered. The pending question is on the acceptance of the report. Is it the pleasure of the Senate that the "ought to pass" report be accepted?

The report of the committee "ought to pass" was accepted.

Thereupon, the rules were suspended and the bill was given its two several readings, and was passed to be engrossed.

On motion by Mr. Greenleaf of Androscoggin, the Senate voted to take from the table, majority report "ought to pass", Minority report "ought not to pass" on an act to regulate ice fishing in the Belgrade Chain of Lakes, (H. D. 264), tabled by that Senator earlier in today's session pending acceptance of the Minority report.

Mr. GREENLEAF of Androscoggin: Mr. President, this fishing through the Belgrade Lakes section constitutes a business in which there is a large investment. The people of that locality derive a large part of their livelihood from the fishing, the people who are attracted there in the summer time by fishing in the Belgrade chain of lakes. Now, to my mind, the argument which has always prevailed in this Senate, in keeping these lakes closed to ice fishing, is a matter of expediency. It seems to me that in a community that has spent over a hundred thousand dollars, easily, in advertising the fishing and summer recreation ground, can ill afford, and it seems it would be very poor policy for us to take any action which would bring about the publicity that the opening of the Belgrade chain is sure to do.

There in the town of Belgrade, the selectmen are all against the opening of these waters, and also in the neighboring village of Rome. There are more licenses sold in the Belgrade region than in the combined region of Moosehead and Rangeley Lakes, which will give you an idea of the amount of busi-

ness that comes in there. Now, of course the people out of the state—this shows the number that come into that section—it is the people out of the state that bring in the business and spend the money there. In arguing, I am not arguing so much for the out of state fishermen as I am the people in this locality and the merchants in these towns, that the business they bring in here should not be interfered with. The valuation of the town of Belgrade has doubled that of any other village of the same population in Kennebec County.

Now the town of Rome, back in 1899 wanted to give up its charter and become a plantation because their financial condition was such that they preferred to revert to this standing as a plantation in order to cut down taxation. Since that time the valuation of this town has trebled due to the number of camps that are built around there, and the hotels and the out-of-state summer trade. I don't think that the merchants of Waterville could very well afford to favor the opening of the Belgrade chain of lakes. I do not understand that they do. As I understand it, there is a crowd of fishermen there who are anxious to fish in these waters. They do not ask much, as the Senator from Hancock, Senator Douglas has said, and it seems to me that they can well afford to forego this small amount they ask for, due to the harm they will cause outside. If we vote to open these lakes, the newspapers will come out with the information that the Belgrade Lakes are to be opened for ice fishing. The people don't read outside of that. They don't know how many days, and they don't care. They will read that the Belgrade Lakes are open to ice fishing and then they will come to Belgrade next summer and if they do not catch as many fish as they usually catch—it may be an off-season—they blame it to ice fishing and they won't come to Belgrade any more. They will go elsewhere. This has been hashed over a good many times and I have heard it, and I certainly hope my motion to accept the minority report will prevail.

Mr. DOUGLAS of Hancock: Mr. President and members of the Senate. The fellow who feels that he

is licked, has not the truth on his side unless he fights to the last inch. I have a feeling that I am licked but I am still fighting and I'd just like to say to you now that not a member of this Senate have I approached and asked to vote. I could not say at this minute who will vote with me and who will vote against me. I have the feeling that the word has gone around and I am licked. However, I will fight for what I think is right and I just wish to comment on a few of the statements my fellow Senator from Androscoggin (Senator Greenleaf) has made. He says on that lake and chain of lakes over a hundred thousand dollars has been spent. On Moosehead, how many hundred thousand dollars has been spent?—and Moosehead is open to fishing.

I wanted a little picture when he says the people around that vicinity are satisfied with this, and I just want to picture you on a farm up there that your father cleared up that borders on or near that lake. He sits there and eats what he has on the table and sometimes it seems as though he would like to have a change. He looks out the window and he says, "I wonder why I could not go down there and get a fish." But no, because there are personal or individual reasons why, personal or individual privileges why. He cannot go down there, neither can he fish there during the ice season.

I understood at the hearing that a great many merchants from Waterville were satisfied that the lake should be opened a little, but not to deplete it. One day, Thursday, in a week, for the month of February and the month of March, cannot deplete it, as I said this morning. I cannot believe the merchants are so obsessed with the idea that they should be closed when the people who trade with them want to go down there and fish. He says it is the same old story. Your votes will prove it whether the story has been kept going or not. The merchants of Waterville have said, I will agree, the foreigners will come down there by the thousand on that lake Thursday and fish it dry. I will agree that some aliens in Waterville could come there and fish on a Thursday, but if they are taxpayers and they are

living here in this grand old State and their families are here, why should we deprive them of the right to go there and fish a little bit. Who would advertise it outside of the State that Belgrade was open for a little while to ice fishing? Surely no camp owner would do it, would advertise that it was open in the winter and the only knowledge that would be around would be those in the nearby vicinity who would be so pleased that after all these years they could get a mess of fish in the winter.

I thank those who may stand with me and I thank the others who may act with fair minds, feeling that they are doing what is right. If we disagree, it is all right. If we agree, I will be happy. I thank you.

Mr. SLOCUM: Mr. President, I am very glad to be able to be in the record as being on the same side as Senator Douglas.

Mr. WEEKS of Somerset: Mr. President, I could not let a vote be taken on this matter without first taking away from Kennebec County the fact that part of this beautiful chain of Belgrade Lakes is in Somerset County. In the very southern part of my county two of the seven lakes are situated. I have lived in the town of Fairfield and a neighboring town is Smithfield, in which one of these lakes is, practically all of my life. As a boy I fished through all of them. I can remember back twenty-five years ago when these lakes were open and were used a great deal by the residents. I can picture the roads about those lakes. I can picture the old dilapidated farm. I have seen during the past twenty-five years a wonderful change take place. The little town of Smithfield has grown to a vast summer resort with cottages lining practically all the shores of East Pond. I have talked with people in Smithfield and I have found there is a petition of 132 names against the opening of these lakes to ice fishing. If you go ahead and open them now to ice fishing, you are absolutely bound to put a quietus upon the development in the southern part of my county, and I cannot let this matter go ahead without protesting against such action being taken and I certainly hope

the minority report "ought not to pass" will prevail.

Mr. DOUGLAS: Mr. President, I would like to ask for a division.

The PRESIDENT: The question is on the motion of the Senator from Androscoggin, Senator Greenleaf, that the minority report "ought not to pass" in non-concurrence be accepted. The Senator from Hancock, Senator Douglas, asks for a division.

A division of the Senate was had.

Twenty having voted in the affirmative and seven in the negative, the motion to accept the minority report "ought not to pass" prevailed.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, an act to establish a State Highway Commission, (H. D. 827), tabled by that Senator earlier in today's session, pending passage to be engrossed in concurrence.

Thereupon, the same Senator offered Senate Amendment C and moved its adoption:

"Senate Amendment C to House Document 827, entitled an act to establish a State Highway Commission. Amend by adding thereto before the enacting clause the following:

"Emergency Preamble

"Whereas, the system now provided by law for the administration of the highway department of the State government is deemed by the Legislature to be inadequate to serve the best interests of the State, and

"Whereas, a situation now exists in the relations between the state highway department as now constituted and the federal government, which imperils the welfare of the state of Maine, and

"Whereas, the season for the construction and repair of the state highway system begins annually on or about the fifteenth day of April, which is prior to the period when an act of the legislature not bearing an emergency clause would take effect, and

"Whereas, in the judgment of the legislature it is necessary that immediate provision should be made for a reconstitution of the highway department, and

"Whereas, in the judgment of this legislature these facts constitute an emergency within the meaning of the constitution of the state of Maine and therefore require the following legislation as immediately necessary for the preservation of the public peace, health and safety."

Mr. MURCHIE of Washington: Mr. President, I am rather surprised that there isn't something to be said for the passage of this amendment, but I rise to oppose it because nobody at this time seems to say anything in its favor. Like Senator Douglas, I am very reluctant at this late time in the session to take the time to argue a losing cause, and I am definitely and positively assured that this is a losing cause. Nevertheless, I do take the time because it seems to me that this is the most serious issue that has been presented to the Maine Legislature during the present session and may very well be a more serious issue than will be presented to any Legislature for a good many years to come.

We are asked to adopt as an amendment to the so-called Gillespie bill,—a bill showing on its face that no emergency exists,—an emergency preamble and we are asked to take this action in order that we may legislate out of office Charles Murray of Bangor, a member of the State Highway Commission, a man whom, a committee of this Legislature, in a report filed this week, has found to be a proper person to hold the office. Now I am not personally interested in the welfare of Charles Murray. It has been my opinion since the highway situation developed early in March that it would be necessary, before the adjournment of this Legislature, that the members of the State Highway Commission should either retire from office or be legislated out of office, and regardless of the fact that the Gillespie bill raises an absolutely fictitious issue, I voted for it yesterday, or at least did the equivalent of voting for it, in not voting against it. I assented to it.

The present problem isn't the welfare of Charles Murray or any other individual or group of individuals in the State of Maine. The question is not whether the rights of Charles Murray shall be infringed, but whether the rights of the people of the State of Maine ac-

corded to them in our most solemn document shall be infringed.

The Constitution of the State of Maine provides that no bill or act shall take effect until ninety days after the adjournment of the Legislature, except an emergency measure, and contains this language dealing with the question of an emergency: "An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety."

Now, there is no need of arguing the question that there is nothing in the present highway situation or in the personality or physical structure of Charles Murray that it in any way imperils either the public peace, public health or public safety.

There is a good deal in the present situation, created by the press of the State of Maine, that imperils the good standing of the State of Maine, but there is no intimation that any lack of peace is likely to result. I think words cannot properly describe the contemptible nature of the campaign carried on by the Portland Press Herald this past winter against the good name of the State of Maine, carried to the extent in one editorial where the writer quoted, as if he believed a report published in the Boston Evening Transcript, that any citizen of the State of Maine over twenty-one years of age and reasonably interested in politics knew was absolutely false. I refer to the circulation given to the rumor that as a result of a trade between the Governor and Clyde H. Smith, whereby because Clyde Smith eliminated himself from the primary campaign as a candidate against Fred Hale, he was given his appointment on the Highway Commission. I don't know whether there was a trade between Governor Brewster and Clyde Smith, but I do know and every member knows that neither in 1927 when the legislature was in session or at a later date, or when Clyde Smith was appointed, did Clyde Smith ever dream of running against Fred Hale for the United States Senate, and I say that the newspaper which published that, knowing it was false, engaged in a campaign for which it should be ashamed.

The public peace and next the public health—it may be, although

I don't believe it, that Mr. Murray is carrying with him some contagious or infectious disease which is going to be spread through this legislature or the State of Maine, and if so, the people down at the Augusta House should not permit him to enter the hotel. I think we may safely dismiss that possibility, and so the final thing is the public safety and I have heard it intimated in the corridors that public safety is involved because of the condition of our roads and that is a rather healthy thing to send out and broadcast over the limits of the United States that the roads of Maine are in such a desperate condition that the public safety requires some action by this legislature.

Tribute was paid in this body at the time the Carlton export measure was passed, by me to Walter S. Wyman, of Augusta, sincerely, and by the Senator from Kennebec (Senator Martin) to the Senator from Sagadahoc (Senator Carlton) sincerely. I don't wish to detract from the credit due to either one of those eminent gentlemen. I do wish to refer for a moment to the language of one who, if anyone, is so entitled, is in my opinion, entitled to be considered the "first citizen" of the State of Maine—not temporarily, that title belonging to the Governor from year to year—but over a period of twenty years, the first citizen of the State of Maine in public life; and in my opinion the first citizen in my memory is Honorable William T. Cobb of Rockland. Governor Cobb on March 11th issued a public statement in which he said, "The question of securing a government appropriation for the roads of Maine is, in my judgment, of no importance whatever if that money can come only by doing presumably honest men a grave injustice, and it is far better for the future welfare of the State to do without improved roads than it is to allow any citizen to suffer under an accusation which he asserts is false and which he claims can be disproved."

I subscribed to that statement even before it was issued, but it was worded much better than I could word it. I have subscribed ever since. I was glad to see the Highway Commission given a hearing on the grand jury plan. I was glad the result was as it should be—the committee reporting that nothing could

be found which justified the removing of those men from office. After it was filed I was entirely willing, and am willing now that Charles Murray should be legislated out of office. I do not think the rights of any individual are of sufficient importance to stand in the way of adopting a proper highway program but I do think the constitutional rights of all the people of the State of Maine are of sufficient importance so that the statement of Governor Cobb expresses it all too mildly.

The question of securing a government appropriation for the roads of Maine is, in my judgment, of no importance whatever, if that money can come only by violating thoroughly, absolutely and unequivocally the plain, clear, clean-cut declarations of the Constitution of the State of Maine.

On January 1st or January 2nd or whatever day this legislature opened, we, in this body, and those in the other body, stood up and subscribed to the following oath, "I do swear that I will support the Constitution of the United States and of this state, so long as I shall continue a citizen thereof. So help me God." And now with the Constitution of Maine stating that an emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety, we are asked to pass an emergency measure on the preamble that has just been read. Assigning four grounds to constitute an emergency, waiving the specific knowledge, first that the present system is wrong, second that there is an existing jam between the State of Maine and the Federal Government, stated as imperiling the welfare of the State of Maine, but referring to the language of Governor Cobb, and we all know that is all this meant, imperiling the chances of the State of Maine getting \$1,400,000 or so much of it as might seep through during the interval between the time this might become effective under the emergency clause and the time it might become effective without the emergency clause. The third ground that the season will open before an act without the emergency clause would take effect, and the fourth ground, a restatement of the first, that a reconstitution of the Highway Department is necessary.

I want to refer a minute to that reconstitution of the Highway De-

partment. I don't know how many may have taken the trouble to look up the present State Highway commission law and to compare it with the proposed measure, but I want to say now that if I had been the individual who drew this bill, I think I would have taken great pains to have made some additional changes to those which have been made. Now, the allegations are, as I said, that the present system is wrong, and we must set up a new one, yet the act to establish a State Highway Commission, House Document 827, that measure which we are asked to attach the emergency clause that we may abolish the present system and set up a new one is an almost verbatim copy of the present law. "The State Highway Commission," (Section 3 of Chapter 25 of the Revised Statutes), "shall consist of three members, appointed by the governor, with the advice and consent of the council." And the Gillespie bill reads "The State Highway Commission shall consist of three members appointed by the governor with the advice and consent of the council." An entirely, absolutely different board and different system and different constitution,—if your imagination is sufficient. And then the language varies. The Gillespie bill provides that the original appointment shall be three men, one for one year, one for two years and the other for three years. Of course the present law doesn't read that way for the Commission has been in operation for some time. But I think if you went back to the original bill you would find the language as to the appointments is identical. The Gillespie bill says, "Vacancies occurring during a term shall be filled for the unexpired term." That is identically the same language as is used in the present law. In the next sentence the drafter made a wonderful and remarkable change. The present provision is that the Commission shall annually change chairmen, and the Gillespie bill changes it,—it says "The commission shall choose a chairman from its members every year". The difference between "annually" and "every year" is the foundation for the emergency clause. It may be sound. I do not believe it.

It goes on, "The attorney general shall be attorney for the the commission and shall without additional compensation give the commis-

sion such service as it may from time to time require." Absolutely identical to the present bill. "The commission shall be furnished with suitable offices at the seat of government." Identically the same, except that the present bill has added, "and shall perform all the duties and may exercise all the powers expressly or impliedly given by this chapter." I suppose they left it out because they knew they could exercise those powers without putting it in, and it makes a difference.

In the next sentence the drafter makes a remarkable change. The present bill says they "shall make annual reports to the governor and council," while the new bill says they "shall make an annual report," which I assume is different. A little further on the present bill states that the report shall be transmitted to the Secretary of State on or before the first day of January in each year, while the present bill limits the report not to the entire problems, but the physical affairs to be filed on or before the thirty-first day of December. A clean-cut, absolute change of twenty-four hours.

I was interested, earlier in the day, to note that our body at the other end of the corridor, and I assume it is proper to refer to this because the action has been taken official cognizance of in this body, the House rejected the emergency clause on the hedgehog bill, and I submit in all probability there is at least an equal emergency.

I wish to make a correction. The Speaker of the House is here and he just shook his head that it is not a fact. I misunderstood the action that was reported, but whether they did reject the bounty on hedgehogs, I recur to my statement that this is not an emergency. The bill itself, past and present legislation, shows clearly that it cannot be an emergency and that the preamble itself reinforces that conclusion.

I neglected to call attention to the second section of the Gillespie bill which amends Section 34 of Chapter 117 of the Revised Statutes, and that is perhaps another basis for the emergency. The wording of the present law and the proposed law is identical except that the words "one thousand" are stricken out and the words "three thousand, five hundred" are inserted in their place.

I don't want to make a joke of

this matter, Mr. President, although it seems to me it is a joke to say that there is any emergency, but I want to repeat what I have said. I am not interested in Charles Murray. I will legislate the man out of office with anyone, regretfully, but the present situation is one that I believe requires, if we follow orderly procedure, that the Highway Commission should be changed, that Mr. Murray, regardless of whether or not he is a good commissioner, should go, but I believe as I have already stated, that the question on which we now vote transcends in importance any question on which this or any other legislature in my time has been asked to pass upon, and transcends of course very far the personal welfare of any one individual.

If we pass this legislation with an emergency clause, we deprive the people of the State of Maine absolutely of their right to invoke a referendum and pass again on the proposition of increasing the salary of the members of the State Highway Commission, and many of us will remember that in 1921 an act to increase the salary of the members of the State Highway Commission was passed by the legislature, submitted to the people on referendum and rejected by the people. There is the issue.

Are you, for the sake of getting rid of an individual, going to deny to all the people of the State of Maine their sacred, constitutional rights?

Mr. DWINAL of Knox: Mr. President, this controversy over the manner in which the affairs of the Highway Department have been conducted, has been going on now for more than two years. Bitterness has been invoked between individuals and factions and consequently hasn't been an unimportant factor of the discussion. Naturally this agitation over the State has been reflected somewhat here in the halls of the Legislature, but when the duty of settling that difficult problem and of clearing the situation devolved upon the Legislature, clearly there were two situations which were uppermost in the minds of both bodies. First, the duties which we owe to the State of Maine under our oath of office which the Senator from Washington (Senator Murchie) has read, and second, the desire to do

full justice to the individuals concerned. It was in discharging the obligations under this second consideration that both bodies joined in selecting a committee to investigate the doings of the Highway Commission and report; and that committee did investigate and honestly reported on the facts to the Legislature, that there was nothing in the doings of the Highway Commission that should be charged against them as malfeasance, misfeasance or unfitness to hold office. We have tried to do full justice to each member of the Commission and we think that we have done so.

This amendment, like the bill to which it is proposed to attach it, is offered for the purpose of serving the interests of the State of Maine, which we must all agree is an interested and entirely innocent party in the whole matter. It is offered for the purpose of remedying an uncertainty which seems to exist in the minds of the public and to make possible the resumption of the cooperative relations between this Highway Department and the Federal Government in the matter of their joint projects. It is offered for the purpose of clearing the situation in order that we may now go forward with the support of all the citizens without hindrance and without delay in carrying on the highway construction and repair program of this season. I think that a distinction may be drawn between an emergency in the matter of a commercial or private interest and that which concerns the organization of the government itself, and I would call attention to the fact that the Senator from Washington (Senator Murchie) made no objection to the emergency in the matter of the sardine industry which went through, and certainly if there was no objection there, there could be none in the matter which concerned the government itself. I hope the motion will prevail.

Mr. MURCHIE: Mr. President, after that closing, it seems proper that I add a few words further. It is true, as the Senator from Knox, (Senator Dwinal) has said, I made no objection to the emergency clause on the sardine measure. It is also true, as the Senator from Knox probably does not know, that I stated very frankly to several

members of this body and very frankly to different people who were interested, that I could not see the justification of putting the emergency clause on the sardine bill and I will say now that had the issue on the propriety of putting the emergency clause on the sardine bill been raised, I would not have voted for it. There is, however, this justification for putting this emergency clause on the sardine bill, that the purpose of the bill is to establish a certified quality of sardines, and that the sardine season opens prior to the time when a bill passed by this Legislature would become effective, and that to secure the benefit of the legislation for the current year, it was necessary to attach the emergency clause. I believe now, as I believed then, that the construction was being severely strained when we said that an emergency existed but there were no particular rights of all the people of the State of Maine involved in the sardine issue. The legislation effects a few canners, most of whom, at least, were in favor of it.

This measure effects the administration of the largest and most important administrative department in the State of Maine and is one in which I should think the people of the State of Maine might very well take a real interest.

One thing more I want to say. The Senator from Knox (Senator Dwinal) stated in the course of his remarks that the members of the Spear Committee had done full justice to the members of the State Highway Commission. I do not think he has heard me deny it, nor is it particularly material whether or not full justice is done to any one of those men. The State should do full justice to every man. Any committee of this Legislature should do full justice to any man, but the thing I am immediately interested in is that we, as members of this Legislature, should do full justice not to any individual, but to the people of the State of Maine, whom we are sent here to represent.

Mr. MARTIN of Kennebec: Mr. President, I trust that the amendment will be adopted and I believe that a real emergency is before us. I dislike to disagree with my distinguished friend from Washington

County, Senator Murchie, and I appreciate the exceedingly able address which he has made. I know that he has a real feeling for sardines because it has been my pleasure to eat sardines with him several times during this session and I am sure that if this had been for the protection of sardines he would not have opposed the emergency clause. But this bill, as he says, is for the protection of the public and I believe it is an emergency affecting the public health.

Senator Murchie has referred to the newspapers and I am very glad that he did not refer to the paper that we are all very proud of in this county, the Kennebec Journal, whose editorials I believe have been on a very high plane this session. And I would like to add a few words of comfort, possibly, to the Senator from Washington (Senator Murchie). I agree with him that some of the editorials in the paper that he referred to have not been, it seemed to me, written with that fair spirit which should guide the pen of an editorial writer. And particularly regarding the matter of the editorial relative to Clyde Smith, to which he referred, I will say, as a word of comfort to the Senator, that one day when I was reading the editorials I noticed that they referred in one place to the worst legislature—it might not have said the worst, but it was something like that which I didn't agree with. And then later on it said, "If the 78th legislature adjourns without doing something it will be a very bad legislature"—or words to that effect. So I could see that whoever writes those editorials was referring to the 78th Legislature, and this being the 84th Legislature, the reference to which the Senator refers was concerning a legislature a number of years ago. I give that to the Senator from Washington (Senator Murchie) as possibly explaining why some of the editorials have not been as he would desire them.

I also want to go on record as saying that I think it is proper—and the only report that the Spear Committee could have made—in giving a decision that showed that the Highway Commissioners had not been guilty of any misfeasance in office. We in Kennebec, I think, never for one moment doubted that that would be the result. We have

known Mr. Clifford for many years and there is no more honest, rugged type of man in the State of Maine than he is. Clyde Smith from a neighboring county, we have admired for many years and knew the result concerning him, and I find that I have to admire Charles Murray, a man coming over here from a foreign country and making his own way, a man of unusual ability—and those who know him best say he has exceptional ability in road building—and he has done much for the State of Maine. I am glad that the Legislature has gone on record in giving these men a clean recommendation.

The question before us is whether there is an emergency and it seems to me that what the arteries are to the human body, the roads of our State are to the State of Maine. Good roads are necessary for the safety and for the health of Maine. They are the arteries of Maine, and we are faced today with the situation whereby our road program is held up. Now, the question is whether there is an emergency and it seems to me that there cannot be any real debate that there is an emergency. I appreciate all that the distinguished Senator from Washington (Senator Murchie) has said, but there is a delay in our road program. The question is whether tonight—if late tonight we adjourn—we will adjourn without a proper road program or whether having adopted an emergency measure we can adjourn and know that the road program of our State will go on at once, that a new commission will be appointed. And there is this difference, at least, in the new bill. If the Gillespie Bill were not a new bill it would have been reported out by the committee as already covered by existing legislation. It is evidently a new bill. If it were not a new bill I cannot conceive that the Senator from Washington, Senator Murchie, would have voted for it yesterday, or the day before, whenever it was before us. It is a new bill. The idea is to keep three men on the job practically all the time. And the rights of the public are preserved in this matter. We have the right to say whether this is an emergency—this Legislature has that right. If we say it is an emergency any individual who wishes has a perfect right to go

to court and determine whether there is an emergency. We are not depriving the people of any rights. The courts will see that the rights of every citizen of this State are protected. And because there is an emergency, because the road program more or less depends upon this, it seems to me proper at this time and at this place to pass the amendment, and I want to say that in passing that amendment I do not for one minute want to be considered as legislating out of office any man. That is not the purpose of this amendment. It is not introduced for that purpose. It is to create a new commission, and the Governor can appoint, with the advice and consent of the council, any three people in Maine whom he chooses.

Mr. MURCHIE: Mr. President, may I ask the Senator from Kennebec, Senator Martin, a question through the Chair?

The PRESIDENT: The Senator from Washington, Senator Murchie, desires to ask a question through the Chair of the Senator from Kennebec, Senator Martin, and the Senator from Kennebec may answer if he wishes.

Mr. MURCHIE: Mr. President, I would like to ask the Senator through the Chair if he heard the report that has been current around the State House for some few days that two of the members of the State Highway Commission have resigned from office?

The PRESIDENT: The Senator may answer if he desires.

Mr. MARTIN: I will say, Mr. President, that my recollection is refreshed.

Mr. MURCHIE: And, Mr. President, asking the Senator from Kennebec one more question, would it not be a fact that as a result of the passage of this bill the right of the Executive to appoint will merely be increased from two members to three members?

The PRESIDENT: The Senator from Kennebec, Senator Martin, may answer if he desires.

Mr. MARTIN: Mr. President, I think the Senator from Washington is mathematically correct.

The PRESIDENT: Is there further debate? The Senator from Cumberland, Senator Spear, has moved that when the vote is taken it be taken by the Yeas and Nays.

Those in favor of the motion will rise.

A division of the Senate was had. A sufficient number having risen the Yeas and Nays were ordered.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Spear, to adopt Senate Amendment C. Those in favor of adopting Senate Amendment C will vote Yes when their names are called. Those opposed to the amendment will vote No when their names are called. Is the question plain and is the Senate ready? The Secretary will call the roll.

The Secretary called the roll.

YEA—Bond, Boulter, Campbell, Carlton, Carter, Crockett, Crosby, Dunbar, Dwinal, Greenleaf, Leland, Martin, Minott, Mitchell, Nickerson, Noyes, Oakes, Pinkham, Spear, Weeks, Weatherbee, Wheeler—22.

NAY—Allen, Bragdon, Douglas, Harriman, Littlefield, Murchie, Page, Slocum—8.

Twenty-two having voted in the affirmative and eight in the negative, Senate Amendment C was adopted.

Mr. DWINAL: Mr. President, I offer Senate Amendment D and move its adoption: "Senate Amendment D to House Document 827. Amend by adding to said bill Section Four as follows. 'Section Four. In view of the emergency set forth in the preamble this act shall take effect when approved.'"

Thereupon, Senate Amendment D was adopted and the bill as amended by House Amendment B and Senate Amendments C and D was passed to be engrossed in non-concurrence.

On motion by Mr. Weeks of Somerset, the Senate voted to take from the table, Veto Message from the Governor on "An act to provide for the relief of needy dependents of disabled veterans of the World War," (S. D. 389) tabled by that Senator earlier in today's session pending consideration.

Mr. WEEKS of Somerset: Mr. President, it is certainly with a feeling of regret that at this time I have to oppose the Governor of this State. I hope that he will not take anything which I have to say as in any way reflecting upon him personally. I have supported him

loyally and now we have come to a difference of opinions which I believe is honest in both of us. In 1919 the Legislature of this State passed an act providing for the care and support of dependents of disabled veterans. In 1923 this act was amended so that the relief to be furnished depended upon the connection of that disability with service. The World War forces of this state have come to this Legislature and asked you to pass a law to restore the same effects as were carried in the law of 1919. While I in a way can see the reasons which the Governor has seen for vetoing this act I can hardly believe that he has seen some of the cases which I have. The World War which we have just gone through was different from any other war in which this country ever took a part. The use of gas was one of the most destructive forces used by the enemy. As a result of that gas years afterwards a man might become afflicted with tuberculosis; he might be afflicted with stomach ulcers or other results of injury to which there could be no service connection which could be reached.

Now, this act is intended to take care of those situations. It is intended to give to dependents of those needy veterans the care which they should have. This principle is not a new one. It has been adopted in other legislatures of this state. In fact, Mothers' Aid, the basis upon which we now keep some families together, is the basis upon which we ask this act to be passed. It is the idea of providing for these veterans the care which they should have, free from the worries of maintaining their homes intact.

Now, that is a clear-cut issue for you people to decide as to whether or not you want to render to the World War veterans this service. It has been stated through the corridors, I am told, that the officials of the American Legion throughout this state, or some of them at least, are not in favor of this bill, but I want to assure the members of this Senate that I cannot find any state official of the American Legion but who is absolutely behind this bill in every detail, as are also the organizations of the Red Cross and the Veterans' Bureau who know of

the needy cases that the passage of this act will take care of.

If I wanted to go into the matter with him in detail I might paint to you a picture of the cases which I have personally seen in the sanatorium at Fairfield; I could tell you about friends of mine who have died from tuberculosis undoubtedly originating in the service of their country. Now, we only ask for you to pass this bill until the United States Government can, in time, take care of all of these veterans, and I hope that you will vote with me and not sustain the objections of the Governor.

Mr. MARTIN of Kennebec: Mr. President, I would like to support the remarks of the Senator from Somerset, Senator Weeks. It is an unpleasant duty for me to oppose the Governor whom I have known for many years and whom it has been a great pleasure for me to support at the polls and also through the entire legislative session, but in this matter it seems to me that we are justified in not agreeing with the views of the Governor. The matter was heard very carefully. As was stated the other day, before the Judiciary Committee, the American Legion was very much interested in this bill. Its members were exceedingly fair in what they requested. In fact, they requested a lower amount than many of the Committee felt was wise or proper and they could have had a much larger amount.

This is of benefit to the needy dependents, and I have here a book of laws in similar states and while I have not examined them all I understand that practically every state in the Union looks out for the needy dependents of its soldiers. Massachusetts, the report which I have here says of soldiers' relief, "Any amount necessary will be paid for the support of an honorably discharged man or his dependents." I quote Massachusetts and New Hampshire because they are our neighbors. New Hampshire: "will be paid to men and dependent families." And I am assured that practically the same provision prevails in every state in the Union. In other words this is simply an act, not of charity, but of justice, an act that we should be proud to perform for the needy dependents, and is in accord with

progressive legislation as well as just legislation.

Mr. SLOCUM of Cumberland: Mr. President, being a disabled veteran, having been in hospitals for a number of months, having seen any number of disabled veterans, not being entitled to the benefits of this act myself but appreciating the full value of this act, I am sorry that I have to disagree with our worthy Governor and I hope that this bill will become a law in spite of his objections.

Mr. OAKES of Cumberland: Mr. President, I simply wish to add a word. I have yielded to the judgment of the Governor in many cases this year, believing that he was a safe leader to have, when his judgment and mine have conflicted. I do, however, feel that in this particular instance we are justified and can only do right in voting to pass this bill notwithstanding the opinion of the Governor. And I think it is only fair to the Governor to say that he, too, is a World War veteran. But other states have gone even further than we. The original plan of this bill conforms to the present plan. It was changed in the meantime but it is now, in my opinion, time that we should go back to the original plan. The Judiciary Committee worked very hard on this matter. They were very careful about all the safeguards possible in the legal phraseology of this bill to avoid any misuse of it and the committee feels very strongly that the bill should be passed.

Mr. MINOTT: Mr. President, in view of the absence of some of the members at the time the veto message was read, would it be proper to ask that it be again read?

The PRESIDENT: The Chair will state that it is proper. The Secretary will read again the Governor's message.

(The Secretary read again the message.)

Mr. DOUGLAS of Hancock: Mr. President, I, with the others, regret very much to take the stand that I feel I should take, having followed our excellent Governor through six years of different campaigns up to this time, but now comes the parting of the ways and I repeat what I said the other day, as you will remember, that all of us who served as four-minute men would be recreant in our duty if at this late

day we did not stand by those to whom we promised everything.

The PRESIDENT: Is there further debate? The Chair will state that in order for the bill to become a law notwithstanding the objections of the Governor, it requires a two-thirds affirmative vote of each branch of the Legislature. The question before the Senate is, shall the bill become a law notwithstanding the objections of the Governor? Those in favor of the bill becoming a law notwithstanding the objections of the Governor will vote Yes when their names are called. Those opposed to the bill becoming a law and desiring to sustain the Governor, will vote No when their names are called. Is the question plain and is the Senate ready? The Secretary will call the roll.

The Secretary called the roll.

Yea—Allen, Bond, Boulter, Campbell, Carlton, Carter, Crockett, Crosby, Douglas, Dunbar, Dwinall, Harriman, Leland, Littlefield, Martin, Mitchell, Murchie, Nickerson, Noyes, Oakes, Page, Pinkham, Slocum, Weeks, Weatherbee, Wheeler.—26.

Nay—Bragdon, Greenleaf, Minott, Spear.—4.

Twenty-six having voted in the affirmative and four in the negative, the veto of the Governor was not sustained.

Mr. MURCHIE of Washington: Mr. President, I rise to a question of personal privilege.

The PRESIDENT: The Senator may state the question.

Mr. MURCHIE: Mr. President, in discussing the question of the emergency clause on the Gillespie bill a few moments ago I made the statement that the writer of a certain editorial in the Portland Press Herald must have known at the time the editorial was written that the paper was in substance broadcasting a misstatement of facts. I have been told since that time by the writer of the editorial that at the time it was written he had heard a report that prior to the campaign the suggestion had seriously been made that Mr. Smith might become a candidate for United States Senator in the primaries. I do not believe that that suggestion was seriously made, but it is sufficient to change the tenor of my remarks in that the writer of

the editorial did believe that it was so seriously made and in accepting his statement I wish to retract my statement in so far as I based any allegation on the fact that he must have known better. I do not mean by that, that I accept as entirely proper the campaign of the Portland Press Herald editorials.

The PRESIDENT: The Senate hears the remarks of the Senator from Washington, Senator Murchie.

The Chair will state that there are still two matters remaining on the table.

On motion by Mr. Oakes of Cumberland the Senate voted to take from the table an act relating to the registration of non-resident trucks (S. D. 111) tabled earlier in today's session by that Senator; and on further motion by the same Senator the bill was indefinitely postponed.

The PRESIDENT: Does the Senator from Cumberland, Senator Spear, desire to handle now the matter that he has on the table, an act relating to the bounty on porcupines?

Mr. SPEAR of Cumberland: Mr. President, I would like to have that kept on the table until after we dispose of the other bill.

(Emergency Measure)

An act to authorize the promulgation of rules and regulations of the Commissioner of Inland Fisheries and Game. (S. P. 822)

This bill, carrying the emergency clause, required the affirmative vote of two-thirds of the membership of the Senate on its passage to be enacted.

Twenty-six Senators having voted in the affirmative and none opposed, the bill was passed to be enacted.

The PRESIDENT: The Senate will recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

Reports of Committees

The Committee of Conference, on the disagreeing action of the two branches of the Legislature on "Resolve proposing an amendment to the Constitution to provide for an

additional issue of highway and bridge bonds" (S. P. 740) (S. D. 394) reported that both branches recede and concur in the adoption of Senate Amendment "C" and in the passage of said bill as amended.

The Secretary read Senate Amendment C: "Senate Amendment C to Senate Document 394. Amend said resolve by striking out in line two of Section 17 thereof the words 'thirty-six' and inserting the words 'thirty-one'; also by striking out all of Section 17 after the words 'semi-annually' in the sixth line thereof as far as and including the words 'of the State' in the eleventh line thereof and inserting in place thereof the following: 'the proceeds of all bonds hereafter issued and outstanding under authority of this section to the extent of ten million dollars shall be devoted solely to the construction of the present system of state highways designated prior to April 1st, 1929, provided, however, that not exceeding two million, five hundred thousand dollars of such proceeds may be used for the reconstruction of state highways forming a part of that system heretofore contracted and provided for; further, that not exceeding one million five hundred thousand dollars of such proceeds may be used for the construction of state highways hereafter to be designated. The proceeds of all bonds hereafter issued and outstanding under authority of this section to the extent of five million dollars shall be devoted solely to the building of interstate, intrastate, and international bridges.'"

Thereupon, on motion by Mr. Dwinal of Knox, the report of the Committee of Conference was accepted.

The Senate, under suspension of the rules, reconsidered its former action whereby the bill was passed to be engrossed. Senate Amendment C was adopted.

Mr. MURCHIE of Washington: Mr. President, does this amendment strike out the previous amendment?

The PRESIDENT: The Chair does not think so.

Mr. MURCHIE: Now, Mr. President, a question of parliamentary procedure. Does that amendment eliminate Senate Amendment B or A or both?

The PRESIDENT: Senate Amendment A was withdrawn. Senate Amendment B was adopted. The

Chair does not understand that Senate Amendment C eliminates Senate Amendment B.

Mr. MURCHIE: Then, Mr. President, before the vote is taken I ask unanimous consent to withdraw Senate Amendment B.

Unanimous consent to withdraw Senate Amendment B was given.

Thereupon, the resolve as amended by Senate Amendment C was passed to be engrossed.

The Committee of Conference, on the disagreeing action of the two branches of the Legislature on bill "An act to amend section 8 of chapter 224 of the Public Laws of 1923, as amended, relating to the use of moneys received from the tax on gasoline, conditional on an amendment to the Constitution to authorize highway and bridge bonds" (S. P. 249) (H. D. 218), reported that both branches recede and concur in the adoption of Senate Amendment "A" submitted herewith and the passage of said bill as amended.

The report of the committee was accepted.

Thereupon, under suspension of the rules, the Senate reconsidered its former action whereby the bill was passed to be engrossed.

The Secretary read Senate Amendment A: "Senate Amendment A to Senate Paper 249. Amend Senate Paper 249 by adding at the end of Section 2 thereof the following, 'and provided further that this act shall not take effect unless an act to provide for an increase of the tax on gasoline submitted to the people for their acceptance shall fail to be accepted by the people.'"

Senate Amendment A was adopted and the bill as so amended was passed to be engrossed.

From the House, out of order: Report of the Committee on Inland Fisheries and Game, on bill "an act relating to fishing in Magalloway waters" (H. P. 1153) (H. D. 372) reported that the same ought not to pass.

Comes from the House, report read and accepted.

In the Senate, on motion by Mr. Wheeler of Oxford, tabled pending acceptance of the report.

House Bill in First Reading

(Out of order)

An act to incorporate the Penobscot River Bridge Company. (H. P. 1768)

(On motion by Mr. Weatherbee of Penobscot, tabled pending first reading.)

Passed to be Enacted

(Out of order)

An act to authorize the County Commissioners of Sagadahoc County to pay D. B. Cornish to reimburse him for road construction in Phippsburg, Maine. (S. P. 821)

An act relative to acknowledgment and record of deeds and other instruments. (H. P. 1756) (H. D. 826)

An act relating to declarations upon a contract in writing. (H. P. 1680) (H. D. 732)

An act to authorize the County Commissioners of Hancock County to pay Henry W. Sargent for damage to land and land taken for a ferry. (H. P. 1761)

Finally Passed

(Out of order)

Resolve in favor of the State Park Commission. (S. P. 320) (S. D. 425)

Resolve pertaining to the construction or purchase of a new motor boat for the Sea and Shore Fisheries Commission. (S. P. 795) (S. D. 427)

Resolve to provide for a memorial to Harold T. Andrews, the first Maine man to lose his life in the World War. (S. P. 805) (S. D. 431)

Resolve appropriating money to pay claims heretofore approved by the Committee on Claims. (S. P. 809)

Resolve in favor of a memorial for William Pitt Fessenden. (H. P. 755) (H. D. 830)

On motion by Mr. Spear of Cumberland, under suspension of the rules, the Senate voted to reconsider its action whereby this resolve was passed to be engrossed.

Thereupon, that Senator offered the following amendment and moved its adoption: "Senate Amendment A to House Document 830. Amend said resolve by adding at the end thereof, 'same to come out of surplus revenue construction funds.'"

Senate Amendment A was adopted, and the resolve as so amended

was passed to be engrossed in non-concurrence.

Orders of the Day

On motion by Mr. Spear of Cumberland, the Senate voted to reconsider its former action whereby it voted to insist and ask for a committee of conference on an act relating to a bounty on porcupines or hedgehogs (H. P. 135) (H. D. 60) tabled earlier in today's session by that Senator pending passage to be enacted in non-concurrence.

Mr. SPEAR of Cumberland: Mr. President, as I understand it this is a repeal of the present porcupine bounty law.

The PRESIDENT: The Chair so understands.

Mr. SPEAR: Before the Senate votes on this, Mr. President, I would like to state that the difficulty with which the state has been confronted is the matter of illegally paying claims. The difficulty has been that in order to get your bounty you have got to bring in the nose and some feet of these porcupines. Some people, I understand according to the statements of the State Treasurer and his assistants, have cut these skins up into various pieces and have brought in a dozen or fifteen or twenty noses, or what purported to be noses, and the town treasurers have paid the bounty and the State has to reimburse them unless they have found something crooked was going on. They have had to pay about \$30,000, which is rather a serious matter. Nobody complains at paying a reasonable bounty on these animals if they are doing any damage but I should think that if there wasn't any crooked business going on about all the porcupines in Maine must have been killed off. I therefore hope that this bill will receive passage.

Mr. GREENLEAF of Androscoggin: Mr. President, do I understand that this is the bill for the repeal of the hedgehog bounty?

The PRESIDENT: The Chair will say that it is.

Mr. GREENLEAF: I would like to state, Mr. President, that the situation has been well put by the Senator from Cumberland (Senator Spear). This is a case where the

State without doubt, according to the evidence presented, has been defrauded of a great deal of money with the aid of a deer hide and a little shoe-blackening and a varnish brush, and I think that this bill should become a law.

Mr. WHEELER of Oxford: Mr. President, I may be mistaken but my recollection is that there were only certain seasons of the year in which this bounty was paid. I'm not very familiar with these matters but that is my recollection of the act passed two years ago.

The PRESIDENT: Is the Senate ready for the question? This being an emergency act requires the affirmative vote of two-thirds of all the members elected to this body.

A division of the Senate was had. Mr. MURCHIE of Washington: Mr. President, in explanation of my not voting I will say that I am heartily in favor of the bill but I do not recognize it as an emergency.

Twenty-two having voted in the affirmative and one in the negative, the bill was passed to be enacted in non-concurrence.

On motion by Mr. Wheeler of Oxford, the Senate voted to take from the table, House Report from the Committee on Inland Fisheries and Game "ought not to pass" on, an act relating to fishing in Magalloway Waters (H. D. 327) tabled earlier in today's session by that Senator pending acceptance of the report; and on further motion by the same Senator the report was accepted in concurrence.

The PRESIDENT: Pending the arrival of further papers from the House the Senate will recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

From the House, out of order: Report of the Committee of Conference, on bill "An act to authorize the Treasurer of State, under the direction of the Governor and Council, to issue bonds for state highway and bridge construction, conditional on the adoption by the people of a constitutional amendment authorizing such bonds" (H.

P. 1728) (H. D. 801) reported a new draft, and that the House and Senate recede and concur in the passage of said new draft, as submitted herewith.

(House had previously accepted minority report, "ought not to pass" and Senate had accepted majority report "ought to pass in new draft" and passed the new draft to be engrossed.)

Comes from the House, Committee of Conference report accepted, and new draft reported by the Committee of Conference, under the same title (H. P. 1769) passed to be engrossed.

In the Senate, the report of the Committee of Conference was accepted.

Thereupon, that body voted to suspend the rules and reconsider its former action whereby the "ought to pass" report of the Committee was adopted and the bill passed to be engrossed; the new draft was accepted, and received its first reading.

Thereupon, the rules were suspended and the new draft was given its second reading and passed to be engrossed in concurrence.

From the House, out of order: Report of the Committee of Conference, on the disagreeing action of the two branches of the legislature on bill "An Act to authorize the Treasurer of State, under the direction of the Governor and Council, to issue bonds for bridge construction, conditional on the adoption by the people of a constitutional amendment authorizing such bonds" (H. P. 1300) (H. D. 445) reported that the House recede and concur with the Senate in the acceptance of the majority report "ought not to pass," the matter therein contained being incorporated in another bill.

Comes from the House, report accepted, that branch having receded and concurred in the acceptance of the majority report "ought not to pass."

In the Senate, the report of the Committee of Conference was read and accepted in concurrence.

From the House, out of order: Bill "An Act to permit the residents of Readfield, Kennebec County, to fish through the ice in that part of Lake Maranacook, lying north of the line between Readfield and Win-

throp in said County." (H. P. 806) (H. D. 257)

(Which bill was recalled from the files by joint order passed earlier in today's session.)

Comes from the House, that branch having substituted the bill for the "ought not to pass" report of the Committee on Inland Fisheries and Game, and having subsequently passed the bill to be engrossed, as amended by House Amendment "A," in non-concurrence.

In the Senate, House Amendment A was read.

Thereupon, on motion by Mr. Hariman, that body voted to concur with the House in substituting the bill for the report, and the bill received its first reading; on further motion by the same Senator the bill was given its second reading, House Amendment A was adopted and the bill as so amended was passed to be engrossed in concurrence.

On motion by Mr. Weatherbee of Penobscot, the Senate voted to take from the table, an act to incorporate the Penobscot River Bridge Company (H. P. 1768) tabled earlier in today's session by that Senator pending first reading.

Mr. WEATHERBEE of Penobscot: Mr. President, we have recently passed a bill authorizing the building of a public toll bridge across the Penobscot River at Bucksport and the bill provided for a referendum. Now, it seems to me that that bill ought to go to the people with our endorsement of the public-owned bridge principle unimpaired and we ought not at this time to diminish our endorsement of a public-owned bridge by enacting a provision for a privately owned bridge. The positions seem to be conflicting. We ought to stand for one or the other. It is unfair to the public-owned bridge proposition for another bridge to be pending that would make it possible for a privately owned toll bridge to be erected instead of a public bridge. If we pass this measure now we are simply inviting opposition by the proponents of the privately owned toll bridge to do everything in their power to defeat the public bridge in a referendum and that certainly is not fair to this Legislature; it is not fair to the distinguished Senator from Waldo County who favored the publicly

owned toll bridge. Now, to my mind, the best solution of this proposition is that the present bill be referred either to the next Legislature or to the special session of the Legislature that will be held later, next fall. Therefore, I move that this matter be referred to the special session of the Legislature to be held some time next fall.

The motion to refer prevailed.

The PRESIDENT: The Senate will recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

From the House, out of order: "Resolve in favor of the Chaplains of the House of the Eighty-fourth Legislature." (H. P. 1767)

Which resolve was given its two several readings, under suspension of the rules, and passed to be engrossed without reference to a Committee, in concurrence.

From the House, out of order: Report of the Committee of Conference, on the disagreeing action of the two branches of the Legislature, on bill "An Act relating to a tax on gasoline" (H. P. 1224) (H. D. 412) reported that both branches recede and concur in the adoption of House Amendment "A" submitted herewith and pass said bill as amended.

(Senate had previously accepted majority report of Committees on Ways and Bridges and Taxation, "ought not to pass" in non-concurrence.)

Came from the House, Committee of Conference Report accepted, and the bill passed to be engrossed, as amended by House Amendment "A," in non-concurrence.

In the Senate, the report of the Committee of Conference was accepted.

Thereupon, that body voted to reconsider its former action whereby the majority report "ought not to pass" was accepted; the minority report "ought to pass" was accepted in concurrence and the bill received its first reading. The rules were suspended and the bill was given its second reading. House Amendment A was read and adopted in concurrence and the bill as

so amended was passed to be engrossed in concurrence.

From the House, out of order: Report of the Committee of Conference, on the disagreeing action of the two branches of the Legislature, on "Resolve proposing an amendment to the Constitution to provide for an additional issue of bridge bonds" (H. P. 1301) (H. D. 446) reported that the House recede and concur with the Senate in the adoption of the majority report "ought not to pass."

Came from the House, read and accepted, majority report "ought not to pass" accepted in concurrence.

In the Senate, Committee of Conference report read and accepted in concurrence.

From the House, out of order: Report of the Committee of Conference, on the disagreeing action of the two branches of the legislature on bill "An Act to provide funds for the construction of State Highways" (H. P. 1225) (H. D. 409) reported that the House recede and concur with the Senate in the adoption of the majority report "ought not to pass."

Came from the House, read and accepted, majority report "ought not to pass" accepted in concurrence.

In the Senate, Committee of Conference report and accepted in concurrence.

From the House, out of order, the following order:

ORDERED, the Senate concurring, that a Joint Select Committee be appointed to consist of sixteen (16) members, four (4) on the part of the Senate, and twelve (12) on the part of the House, representing all of the sixteen (16) counties of the State, to be appointed by the President of the Senate and Speaker of the House respectively, and to be known as the "Recess Committee on the Fishing Laws of the State of Maine." Said Committee shall codify, simplify and revise the Fishing Laws of the State, and report by Bill at a Special Session of the Eighty-fourth (84th) Legislature, if held; otherwise, during the first week of the Eighty-fifth (85th) Legislature. Said Committee shall hold hearings at Augusta and at such other places in the State as they may deem necessary. The

members of said Committee shall be reimbursed for their actual expenses incurred in carrying out the provisions of this Order. Said Committee may employ expert and clerical assistance. The total expense to the State of said Committee shall not exceed Two Thousand Dollars (2,000), and shall be paid from Inland Fisheries and Game Department funds.

Comes from the House read and passed.

In the Senate, the order was read and passed in concurrence and the President appointed as such a committee on the part of the Senate, Senators DOUGLAS of Hancock, GREENLEAF of Androscoggin, DWINAL of Knox, WEEKS of Somerset.

Reports of Committees (Out of Order)

Mr. Dunbar, from the Committee on Claims, submitted its final report.

Mr. Bragdon, from the Committee on Commerce, submitted its final report.

Mrs. Pinkham, from the Committee on Education, submitted its final report.

Mr. Douglas, from the Committee on Inland Fisheries and Game, submitted its final report.

Mr. Oakes, from the Committee on Judiciary, submitted its final report.

Mr. Dwinal, from the Committee on Legal Affairs, submitted its final report.

The same Senator, from the Committee on Mines and Mining, submitted its final report.

Mr. Weatherbee, from the Special Committee on Revision of Statutes, reported that they have acted on all matters referred to them as a legislative committee, and have begun their work as "Commissioners on the Revision of Statutes."

The reports were severally read and accepted.

Sent down for concurrence.

The PRESIDENT: The Senate will recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

Additional House Papers, out of order:

From the House, out of order: Bill "An Act relating to bounty on porcupines or hedgehogs." (H. P. 135) (H. D. 60) which was passed to be enacted in the Senate April 13, that branch voting to adhere to its former action whereby the bill failed of a passage to be enacted.

In the Senate, on motion by Mr. Spear of Cumberland, the Senate voted to adhere.

(Emergency Measure)

An Act to establish a State Highway Commission. (H. P. 1758) (H. D. 827)

This bill, carrying the emergency clause, required the affirmative vote of two-thirds of the membership of the Senate on its passage to be enacted.

Twenty-two Senators having voted in the affirmative and five opposed, the bill was passed to be enacted.

From the House, out of order: Report of the Committee on Judiciary, on bill "An Act relating to licensing operators of motor vehicles after their conviction of operating the same while under the influence of intoxicating liquors" (H. P. 1468) (H. D. 511) reported the same in a new draft, under the same title (H. P. 1699) (H. D. 831) and that it ought to pass.

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

In the Senate, on motion by Mr. Oakes of Cumberland, the Senate voted to concur with the House in the indefinite postponement of the bill.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An act relating to bounty on porcupines and hedgehogs (H. P. 1766) tabled earlier in today's session by that Senator pending passage to be engrossed in concurrence; and on further motion by the same Senator the bill was passed to be engrossed in concurrence.

The PRESIDENT: The Senate will recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

From the House, out of order, the following order:

ORDERED, the House concurring, that there be paid to Nunzi Napolitano the sum of one hundred twenty-five dollars for extra services rendered the legislature.

(In Senate, earlier in today's session read and passed and sent down for concurrence)

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Oakes of Cumberland, the Senate voted to recede and concur.

Additional papers from the House, out of order, disposed of in concurrence.

Passed to Be Enacted

(Out of Order)

An Act to provide for building a bridge across the Penobscot River, at or near Bucksport, to be known as the Waldo-Hancock Bridge. (S. P. 541) (S. D. 364)

An Act to regulate fishing in the tributaries of Three Mile Pond in the county of Kennebec. (H. P. 737)

An Act to regulate fishing in Clearwater Pond. (H. P. 236) (H. D. 77)

An Act to close the Tacoma Chain of Lakes to ice fishing. (H. P. 1465) (H. D. 509)

An Act to close to all fishing the tributaries of Colcord and Bickford Ponds. (H. P. 396) (H. D. 119)

An Act to close the tributaries to Big and Little Bear Pond, situated in the town of Hartford, Oxford County, and in the town of Turner, Androscoggin County. (H. P. 828)

An Act closing Pleasant River in the towns of Albany, Bethel and Mason, and its tributaries to fishing. (H. P. 829)

An Act to amend section 92 of chapter 211 of the Public Laws of 1921 as amended by chapter 122 of the Public Laws of 1927, relating to appropriation and use of motor vehicle fees. (S. P. 579) (S. D. 247)

An Act relating to fishing in the tributaries to St. Croix Lake in Aroostook County. (H. P. 822)

An Act relating to fishing in Great Works Stream. (H. P. 140) (H. D. 64)

Finally Passed

(Out of Order)

Resolve to appropriate money for the payment of the account of William E. Brown, a member of the State Highway Police. (S. P. 810)

Passed to Be Enacted

(Out of Order)

An Act closing Songo Pond in the towns of Albany and Bethel, in Oxford County, to ice fishing. (H. P. 808) (H. D. 259)

An Act to prohibit the trapping of muskrat in Sourdabscook Stream in the town of Carmel. (H. P. 813) (H. D. 263)

Finally Passed

(Out of Order)

Resolve to provide a Committee to investigate and recommend regarding sales tax. (S. P. 786) (S. D. 428)

Resolve in favor of the Chaplains of the Senate of the Eighty-fourth Legislature. (S. P. 826)

House Bill in First Reading

(Out of Order)

Resolve for the construction, maintenance and repair of roads, bridges and ferries. (H. P. 1771)

(The rules were suspended and the resolve was given its second reading and passed to be engrossed in concurrence.)

Reports of Committees

(Out of Order)

Mr. Spear, from the Committee on Appropriations and Financial Affairs, on bill "An Act to apply surplus funds toward State construction" (S. P. 609) (S. D. 281) reported the same in a new draft, under the same title, and that it ought to pass.

The report was read and accepted, the bill given its two several readings under suspension of the rules, and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland, out of order and under suspension of the rules, it was

Ordered, the House concurring, that the sum of \$2572.38 be expended to defray the expenses incurred by the Committee for the investigation of the State Highway

Commission, appointed under House Document 657, the same to be paid from the contingent expenses of the Eighty-fourth Legislature.

Sent down for concurrence.

Additional paper from the House, out of order, disposed of in concurrence.

Report of Committee

(Out of Order)

Mr. Spear, from the Committee on Appropriation and Financial Affairs, on "Resolve on the Pay Roll of the Senate of the Eighty-fourth Legislature" (S. P. 818) reported that the same ought to pass.

The report was read and accepted, the resolve given its two several readings under suspension of the rules, and passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: The Senate will recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

Passed to Be Enacted

(Out of Order)

An Act to close to fishing in the tributaries to Long and Square Ponds. (H. P. 301)

An Act relating to catching trout in South Branch Stream, so-called. (H. P. 144) (H. D. 65)

An Act to close to all fishing Little River and its tributaries. (H. P. 395) (H. D. 118)

An Act to limit fishing in Hill's Pond, in Perkins Plantation, in the county of Franklin, to fly fishing and plug fishing only, and to limit the number of fish taken therein. (H. P. 1762)

An Act for the protection of black bass in the inland waters of the State. (H. P. 1763)

An Act prohibiting fishing in Swift River tributaries in Oxford County. (H. P. 1764)

An Act relating to moose. (H. P. 1765)

An Act relating to the disposition of money collected under the provisions of the Inland Fish and Game Laws. (S. P. 825)

House Bill in First Reading

(Out of Order)

Resolve on the Payroll of the House of Representatives of the Eighty-fourth Legislature (H. P. 1770)

(The rules were suspended and the resolve was given its second reading and passed to be engrossed in concurrence.)

The PRESIDENT: The Senate will recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

Reports of Committees

(Out of Order)

Mr. Spear, from the Committee on Appropriations and Financial Affairs on the following resolves:

Resolve in favor of Nunzi Neapolatana for his services as clerk of the Committee on Governor's Message. (S. P. 802)

Resolve in favor of Claridel Bradstreet. (S. P. 817) reported that the same ought not to pass.

The report was read and accepted. Sent down for concurrence.

Passed to Be Enacted

(Out of Order)

An Act relating to fly fishing in the Kennebec River between Bingham and Moosehead Dam. (S. P. 96)

An Act to close Toddy Pond to white perch fishing. (S. P. 36)

An Act to continue the closed time on the tributary of Thompson Lake, flowing into Thompson Lake at Oxford, Oxford County, known in Oxford and Otisfield as Greeley Brook and in Norway as Lombard Brook, until July eleven, 1935. (S. P. 207)

An Act to close ice fishing in Mousam Lake, Square Lake and Goose Pond in the county of York. (H. P. 401)

An Act relating to ice fishing in Alewife Pond. (H. P. 595)

An Act relating to the regulation of the taking of smelts in Sebago Lake and its tributaries. (S. P. 574) (S. D. 243)

An Act to regulate the taking of salmon in St. Georges Lake in the

town of Liberty, in the county of Waldo. (S. P. 269)

An Act to close the tributaries of Duck Pond. (S. P. 277)

An Act to establish the legal length limit of square-tailed trout and land-locked salmon in Cumberland County. (S. P. 285) (S. D. 131)

The PRESIDENT: The Senate will recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

Report of Committee (Out of Order)

The Committee on Appropriations and Financial Affairs, on the following resolves:

"Resolve in favor of Donald Giddings." (S. P. 753)

"Resolve in favor of Francis J. Cayouette, Clerk, Stenographer and Messenger of the Military Affairs Committee." (S. P. 772)

"Resolve in favor of Arthur H. Ashmore." (S. P. 733)

"Resolve in favor of Melbourne H. MacFarlane." (S. P. 732)

"Resolve in favor of Arthur H. Ashmore for services as Clerk of the Committee on Manufactures." (S. P. 778)

"Resolve in favor of George H. Chick for services as Clerk, stenographer and messenger for the Committee on Maine Publicity." (S. P. 796)

"Resolve in favor of the Clerk, stenographer and messenger of the Library Committee." (S. P. 768)

"Resolve in favor of Paul N. Devine, messenger to the Legal Affairs Committee." (H. P. 1760)

"Resolve in favor of Dorothy MacFarlane for services as stenographer to the Legal Affairs Committee of the Eighty-fourth Legislature." (H. P. 1738)

"Resolve in favor of Kenneth F. Lee for services as Clerk of the Legal Affairs Committee of the Eighty-fourth Legislature." (H. P. 1739)

"Resolve in favor of Edith Bissett." (H. P. 1737)

"Resolve in favor of Donald Giddings." (S. P. 756)

"Resolve in favor of the messenger of the Committee on Judiciary." (S. P. 788)

"Resolve in favor of the stenographer of the Committee on Judiciary." (S. P. 789)

"Resolve in favor of the Clerk of Committee on Judiciary." (S. P. 787)

"Resolve in favor of Arthur H. Ashmore for services as clerk of the Committee on Interior Waters." (S. P. 791)

"Resolve in favor of Royal Overlock, messenger for the Committee on Ways and Bridges." (S. P. 801)

"Resolve in favor of Melbourne MacFarlane, stenographer for the Committee on Ways and Bridges." (S. P. 800)

"Resolve in favor of I. W. Case, clerk of the Committee on Ways and Bridges." (S. P. 799)

"Resolve in favor of Donald Giddings." (S. P. 792)

"Resolve in favor of Charles F. Marble as clerk of Committee on State Prison." (H. P. 1734)

"Resolve in favor of the Secretary and Clerk of the Committee on State Lands and Forest Preservation." (S. P. 776)

"Resolve in favor of Edith Bissett." (S. P. 755)

"Resolve in favor of E. F. Baker, clerk of Sea and Shore Fisheries Committee." (S. P. 727)

"Resolve in favor of Paul N. Devine, clerk of Committee on Sanatoriums." (S. P. 757)

"Resolve in favor of Donald Giddings." (S. P. 758)

"Resolve in favor of Earle R. Hayes, Clerk of Committee on Salaries and Fees." (S. P. 759)

"Resolve in favor of the Assistant Clerk on the Committee on Revision of Statutes." (S. P. 798)

"Resolve in favor of Clarence W. Peabody." (S. P. 797)

"Resolve in favor of Paul N. Devine, Clerk, stenographer and messenger to the Committee on Public Utilities." (S. P. 793)

"Resolve in favor of Charles F. Marble." (S. P. 760)

"Resolve in favor of Paul N. Devine, clerk to Committee on Public Buildings and Grounds." (S. P. 790)

"Resolve in favor of Charles F. Marble." (S. P. 746)

"Resolve in favor of Donald Giddings." (S. P. 752)

"Resolve appropriating money for clerk hire on Committee on Inland Fisheries and Game." (S. P. 765)

"Resolve in favor of E. F. Baker,

clerk of Indian Affairs Committee." (S. P. 731)

"Resolve in favor of the clerk and messenger of the Federal Relations Committee." (S. P. 804)

"Resolve in favor of Josephine B. Marshall for services to the Eighty-fourth Legislature." (S. P. 739)

"Resolve in favor of A. G. Eustis." (S. P. 747)

"Resolve in favor of Edith Bissett." (H. P. 1721)

"Resolve in favor of the clerk of the Committee on Counties." (S. P. 764)

"Resolve in favor of Claridel Bradstreet, stenographer to Committee on Claims." (S. P. 771)

"Resolve in favor of Grace M. Frost, clerk to Committee on Claims." (S. P. 770)

"Resolve in favor of Carl F. Fellows." (H. P. 1757)

"Resolve in favor of L. T. Carlton, Jr., for services to the Eighty-fourth Legislature." (S. P. 820)

"Resolve in favor of Earle R. Hayes, clerk of Committee on Banks and Banking." (S. P. 777)

"Resolve in favor of Arthur H. Ashmore, for services as clerk of the Committee on Aeronautics and Radio Control." (S. P. 773)

"Resolve in favor of Erlon L. Newdick for services to the Eighty-fourth Legislature as clerk of the Committee on Agriculture." (S. P. 769)

reporting the same in a new draft, under the title of "Resolve in favor of clerks, stenographers and messengers of the several committees of the Eighty-fourth Legislature." (H. P. 1772) and that it ought to pass.

The report was read and accepted in concurrence, the resolve given its two several readings under suspension of the rules, and passed to be engrossed in concurrence.

Finally Passed

(Out of Order)

Resolve on the Payroll of the Senate of the Eighty-fourth Legislature. (S. P. 818)

Resolve on the Payroll of the House of Representatives of the Eighty-fourth Legislature. (H. P. 1770)

(Emergency Measure)

Resolve for the construction,

maintenance and repair of roads, bridges and ferries. (H. P. 1771)

This resolve, carrying the emergency clause, required the affirmative vote of two-thirds of the membership of the Senate on its final passage.

Twenty-eight Senators having voted in the affirmative and none opposed, the resolve was finally passed.

(Emergency Measure)

An act to apply surplus funds toward state construction. (S. P. 827)

This bill, carrying the emergency clause, required the affirmative vote of two-thirds of the membership of the Senate on its passage to be enacted.

Twenty-nine Senators having voted in the affirmative and none opposed, the bill was passed to be enacted.

The PRESIDENT: The Senate will recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

Reports of Committees

(Out of order)

Mr. Dunbar, from the Committee on Ways and Bridges, on the following resolves:

"Resolve in favor of the town of Mercer." (S. P. 77)

"Resolve in favor of the town of Appleton." (S. P. 123)

"Resolve in favor of the town of Swanville." (S. P. 188)

"Resolve in favor of the town of Milbridge." (S. P. 251)

"Resolve in favor of the town of Dresden." (S. P. 330)

"Resolve to improve the road leading from the State Highway in Fairfield to the State Sanatorium." (S. P. 331)

reported that the same ought not to pass.

The report was read and accepted. Sent down for concurrence.

Mr. Bond, from the Committee on Ways and Bridges, submitted its final report.

The report was read and accepted. Sent down for concurrence.

(Additional papers from the

House, out of order, disposed of in concurrence.)

Passed to Be Enacted

(Out of Order)

An Act to authorize the Treasurer of State, under the direction of the Governor and Council, to issue bonds for state highway and bridge construction, conditional on the adoption by the people of a constitutional amendment authorizing such bonds. (H. P. 1769)

An Act to permit residents of Readfield in Kennebec County to fish through the ice in Lake Maranacook in said county. (H. P. 806) (H. D. 257)

(Emergency Measure)

"An Act to appropriate money for the expenditures of the Government for the remaining months of the fiscal year ending June thirtieth, 1929." (H. P. 1753)

This bill, carrying the emergency clause, required the affirmative vote of two-thirds of the membership of the Senate on its passage to be enacted.

Twenty-six Senators having voted in the affirmative and none opposed, the bill was passed to be enacted.

The PRESIDENT: The Senate will recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

House Bills in First Reading

(Out of Order)

An Act for the Assessment of a State Tax for the year one thousand nine hundred and twenty-nine. (H. P. 1773)

An Act for the Assessment of a State Tax for the year one thousand nine hundred and thirty. (H. P. 1774)

An Act to appropriate moneys for the expenditures of the Government and for other purposes for the year from July first, nineteen hundred and thirty to June thirtieth, nineteen hundred and thirty-one. (H. P. 1775)

An Act to appropriate moneys for the Expenditures of the Government and for other purposes for

the year from July first, nineteen hundred and twenty-nine to June thirtieth, nineteen hundred and thirty. (H. P. 1776)

(The rules were suspended and the bills were given their second reading and passed to be engrossed in concurrence.)

The PRESIDENT: The Senate will recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

Finally Passed

(Out of Order)

Resolve in favor of clerks, stenographers, messengers of the several Committees of the Eighty-fourth Legislature (H. P. 1772)

Passed to be Enacted

(Out of order)

An Act relating to the use of moneys received from the tax on gasoline, conditional on an Amendment to the Constitution to authorize highway and bridge bonds. (S. P. 249) (H. D. 218)

An Act relating to a tax on gasoline. (H. P. 1224) (H. D. 412)

Finally Passed

(Out of Order)

Resolve to appropriate money for the purpose of operating fish hatcheries and feeding stations for fish, for the protection of fish, game and birds and for printing the report of the Commissioner of Inland Fisheries and Game, and for maintenance of the Maine State Museum and for other expenses incident to the administration of the Department of Inland Fisheries and Game. (S. P. 824)

Resolve in favor of a memorial for William Pitt Fesseden. (H. P. 755) (H. D. 830)

Resolve in favor of the Chaplains of the House of the Eighty-fourth Legislature. (H. P. 1767)

(Constitutional Amendment)

Resolve proposing an amendment to the Constitution to provide for an additional issue of highway and bridge bonds. (S. P. 740) (S. D. 394)

This resolve, being a constitution-

al amendment, required the affirmative vote of two-thirds of the membership of the Senate on its final passage.

Twenty-five Senators having voted in the affirmative and none opposed, the resolve was finally passed.

(Emergency Measure)

An act relating to bounty on porcupines or hedgehogs (H. P. 1766)

This bill, carrying the emergency clause, required the affirmative vote of two-thirds of the membership of the Senate on its passage to be enacted.

Twenty-five Senators having voted in the affirmative and none opposed, the bill was passed to be enacted.

Reports of Committees

(Out of Order)

Mr. Spear, from the Committee on Appropriations and Financial Affairs, submitted its final report.

The report was read and accepted. Sent down for concurrence.

At this point the President announced the members, on the part of the Senate, of the Committee to Investigate and Report concerning a sales tax. The President appointed, Senators MURCHIE of Washington, CARTER of Androscoggin.

The PRESIDENT. The Senate will recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

Passed to Be Enacted

(Out of Order)

An Act to appropriate moneys for the expenditures of the Government and for other purposes for the year from July first, nineteen hundred and twenty-nine to June thirtieth, nineteen hundred and thirty. (H. P. 1776)

An Act to appropriate moneys for the expenditures of the Government and for other purposes for the year from July first, nineteen hundred and thirty to June thirtieth, nine-

teen hundred and thirty-one. (H. P. 1775)

An Act for the Assessment of a State Tax for the year one thousand nine hundred and thirty. (H. P. 1774)

(Emergency Measure)

An Act for the Assessment of a State Tax for the year one thousand nine hundred and twenty-nine. (H. P. 1773)

This bill, carrying the emergency clause, required the affirmative vote of two-thirds of the membership of the Senate on its passage to be enacted.

Twenty-eight Senators having voted in the affirmative and none opposed, the bill was passed to be enacted.

The PRESIDENT: The Senate will recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

On motion by Mr. Murchie of Washington, it was

Ordered, that a message be sent to the House of Representatives informing that body that the Senate has transacted all the business which has come before it and is ready to adjourn without day.

Which was read and passed, and the Senator from Washington, Mr. Murchie, was appointed to convey the message, subsequently reporting that he had discharged the duty assigned him.

Subsequently a message was received from the House of Representatives by Mr. Stanley of Porter that that body had transacted all the business before it, and was ready to adjourn without day.

On motion by Mr. Weeks of Somerset, it was

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.

Which was read and passed, and

the President appointed as Senate members of such Committee.

Senators WEEKS of Somerset,
SLOCUM of Cumberland,
CAMPBELL of Washing-
ton.

Subsequently the foregoing order came back from the House read and passed in concurrence, the Speaker having appointed as members of such Committee on the part of the House:

Representatives

KITCHEN of Presque Isle,
HAMMOND of Van Buren,
MELCHER of Rumford,
FOSTER of Ellsworth,
ALDRICH of Topsham,
SMALL of Freedom,
RACKLIFFE of Old Town.

Mr. Weeks of Somerset from the Committee subsequently reported that the Committee had attended to the duties assigned it, and that the Governor was pleased to say he would communicate with the two branches of the Legislature forthwith through the Secretary of State.

Subsequently, the Secretary of State, the Honorable Edgar C. Smith, came in and laid before the Senate the following communication:

“State of Maine
OFFICE OF THE GOVERNOR
Augusta
April Thirteen, 1929.

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

I herewith transmit a list of the acts and resolves passed by the present session of the Legislature. I have approved 495 acts and 179 resolves. One act was passed without my approval. This makes a total of 496 acts and 179 resolves.

I have no further communication to make.

Respectfully submitted,
(Signed)

WM. TUDOR GARDINER.”

Which was read and ordered placed on file.

Sent down for concurrence.

Subsequently the foregoing communication came back from the House, ordered placed on file in concurrence.

On motion by Mr. Carlton of Sagadahoc, at eleven o'clock and forty-five minutes in the afternoon, Saturday, April 13, 1929, J. Blaine Morrison, President, declared the Senate of the Eighty-fourth Legislature adjourned without day.