

MAINE STATE LEGISLATURE

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Legislative Record
OF THE
Eighty-Fifth Legislature

OF THE
STATE OF MAINE

1931

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, March 18, 1931.

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

Prayer by the Rev. Mr. Pressey of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

(At this point Representative Farris of Augusta assumed the Chair, as Speaker pro tem, amid the applause of the House).

From the Senate:

Report of the committee on Judiciary reporting ought not to pass on bill an act to change section numbering of Chapter 54 of the Revised Statutes. (S. P. 512) (L. D. 753)

Comes from the Senate report read and accepted.

In the House, on motion by Mr. Biddle of Portland, tabled pending acceptance of the report in concurrence.

Senate Bills in First Reading

S. P. 546, L. D. 847: An act with reference to the meaning of the word "distributor" as applied to distributors of gasoline.

S. P. 527, L. D. 846: An act relating to fees for registration of trailers.

S. P. 354, L. D. 377: An act authorizing the establishment of a Federal Fish Hatchery in Maine.

S. P. 425, L. D. 531: An act relating to closing of accounts of public utilities.

S. P. 118, L. D. 114: An act having reference to the authorization and approval of issues of stocks, bonds and notes by public utilities.

S. P. 441, L. D. 580: An act relating to procedure before Public Utilities Commission.

S. P. 224, L. D. 845: An act relative to digging clams in the town of Kennebunk.

S. P. 117, L. D. 115: An act having to do with increases in the capital stock of railroad corporations.

Mr. Smith of Bangor presented House Amendment A, as follows, and moved its adoption:

House Amendment A to Legislative Document 115, an act having to

do with increases in the capital stock of railroad corporations and amending Section 21 of Chapter 63 of the Revised Statutes.

Said Section 21 of Chapter 63 of the Revised Statutes, as amended by Legislative Document No. 115, hereby further is amended by striking out the first sentence of the second paragraph of said amended Section 21, and substituting therefor the following:

"When any class of stock is increased for the purpose of retiring interest-bearing obligations at or before maturity, or for the purpose of retiring preferred capital stock, said stock need not be offered to the stockholders but may be issued in exchange for interest-bearing obligations or the preferred stock to be retired in such amounts, at such prices and on such terms and conditions as shall be determined by a majority vote of the stockholders or as shall be determined by the Board of Directors, if the stockholders by a majority vote delegate such authority to the board."

Thereupon Amendment A was adopted.

From the Senate: Report of the committee on Legal Affairs reporting ought not to pass on bill an act to permit the city of Auburn to pension members and former members of its Fire Department (H. P. 836) (L. D. 318) on which the House voted to adhere to its former action whereby the report was accepted.

Comes from the Senate that body insisting on its former action whereby the report was recommitted to the committee on Legal Affairs in non-concurrence, and asking for a committee of Conference, with the following conferees appointed on its part: Messrs. Greenleaf of Auburn, Southard of Kennebec and Holman of Franklin.

In the House, on motion by Mr. Allen of Sanford, that body voted to insist and join in the committee of conference.

The SPEAKER pro tem: The Chair will appoint on that committee Messrs. Breen of Lewiston, Blaisdell of Franklin and Mrs. Morey of Lewiston.

The following petitions were received and, upon recommendation of the committee on reference of bills, were referred to the following committees:

Agriculture

By Mr. Sawyer of Greene: Petition signed by E. W. Furbush of Greene and 48 other apple growers in favor of the Wallingford Apple Bill. (H. P. 1309)

(On motion by Mr. Perham of Paris it was voted to refer the following petitions to the committee on Legal Affairs, without reading).

Legal Affairs

By Mr. Hiscock of Abbot: Petition signed by Giles M. Fogg of Abbot and 22 others in favor of liberalizing the Sunday Blue Laws. (H. P. 1310)

By Mr. Burgess of Rumford: Petition signed by Harry E. Dyer of Hanover and 40 others in favor of same. (H. P. 1311)

By Mr. Rogers of Greenville: Petition signed by I. Augustus Harris of Greenville and 34 others in favor of same. (H. P. 1312)

By Mr. Eastman of Stow: Petition signed by Chas. Cotton of Hiram and 35 others in favor of same. (H. P. 1313)

By Miss Martin of Bangor: Petition signed by Charles A. Gregory of Bangor and 64 others in favor of same. (H. P. 1314)

By Mr. Edwards of Bethel: Petition signed by I. E. Mills of Andover and 21 others in favor of same. (H. P. 1315)

By Mr. Boody of Windham: Petition signed by Wm. E. Webb of So. Windham and 7 others in favor of same. (H. P. 1316)

By Mr. Viles of Madison: Petition signed by D. M. Owens of Madison and 16 others in favor of same (H. P. 1317)

By Mr. Bearce of Hebron: Petition signed by L. J. Farrar of Sumner and 31 others in favor of same (H. P. 1318).

By the same gentleman: Petition signed by Harry B. Marsh of Dixfield and 12 others in favor of same (H. P. 1319)

By the same gentleman: Petition signed by F. M. Marshall of Dixfield and 134 others in favor of same (H. P. 1320)

By Mr. Hatch of Lovell: Petition signed by Levi Butters of North Lovell and 19 others in favor of same (H. P. 1321)

By Mr. Perham of Paris: Petition signed by Roscoe Slattery of Paris and 9 others in favor of same (H. P. 1322)

By Mr. Burgess of Rumford: Petition signed by Albert T. Belyea

of Rumford Point and 36 others in favor of same (H. P. 1323)

By Mr. Cooper of Chelsea: Petition signed by George E. Clark of No. Whitefield and 21 others in favor of same (H. P. 1324)

By the same gentleman: Petition signed by Ray Glidden of Coopers Mills and 38 others in favor of same (H. P. 1325)

By Mr. Perham of Paris: Petition signed by Fred J. Lydic of Baileyville and 25 others in favor of same (H. P. 1326)

Pensions

By Mr. Viles of Madison: Petition of Mrs. Margaret Ross of Madison and 338 others in favor of Old Age Pension (H. P. 1327)

By Mr. Fenlason of Anson: Petition of Chas. H. Skillings of Industry and 85 others in favor of same (H. P. 1328)

By the same gentleman: Petition of H. S. Taylor of Anson and 98 others in favor of same (H. P. 1329)

Ways and Bridges

By Mr. Ellis of Rangeley: Petition of J. Sherman Hoar of Rangeley and 61 others in favor of a bill and resolve to authorize construction of a new State Highway through the town of Rangeley (H. P. 1330)

By the same gentleman: Petition of Ernest Demeritt of Rangeley and 35 others in favor of same (H. P. 1331)

ORDERS

On motion by Mr. Bennett of Presque Isle, it was

Ordered, that 500 copies of the new draft of House Paper 750, L. D. 272, bill an act to provide a Town Council and manager form of government for the town of Presque Isle in the county of Aroostook be printed.

Mrs. MOREY of Lewiston: Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tem: The member may state her question.

Mrs. MOREY: Knowing that this will probably be a long session, and at the request of some gentlemen who fear perhaps that the strain on their brains may be too much if not allowed to smoke, I move that permission be granted them to smoke.

The motion prevailed. (Applause)

Reports of Committees

Mr. Briggs from the Committee on Appropriations and Financial Affairs on bill an act appropriating money for the State Geologist. (H. P. 778) reported that the same ought not to pass as it is covered by other legislation.

(Tabled by Mr. Palmer of Bangor, pending acceptance of report)

Mr. Holbrook from the Committee on Appropriations and Financial Affairs on resolve in favor of Bangor Anti-Tuberculosis Association, of Bangor, Maine (H. P. 689) reported that the same ought not to pass as it is taken care of in appropriation bill.

Mr. Plouff from same Committee reported same on resolve in favor of Good Samaritan Home Association of Bangor, a charitable and benevolent institution (H. P. 464)

Reports read and accepted and sent up for concurrence.

Mr. Carleton from the Committee on Appropriations and Financial Affairs reported ought not to pass on resolve in favor of a Memorial to the Maine Volunteer Signal Corps (H. P. 76) (L. D. 55)

(Tabled by Mr. Smith of Bangor, pending acceptance of report)

Mr. Carleton from the Committee on Appropriations and Financial Affairs reported ought not to pass on resolve in favor of the Knox Academy of Arts and Sciences (H. P. 75)

Same gentleman from same Committee reported same on bill an act to provide for an Armory Erection Fund (H. P. 690)

Mr. Goodrich from same Committee reported same on bill an act relating to better fire protection for municipalities (H. P. 1029)

Mr. Hussey from same Committee reported same on resolve in favor of the town of Brunswick (H. P. 779)

Mr. Hathaway from the Committee on Public Utilities reported same on bill an act relating to inventories and rates of electrical companies (H. P. 1108) (L. D. 686)

Reports read and accepted and sent up for concurrence.

Mr. Eaton from the Committee on State Lands and Forest Preservation reported ought not to pass on bill an act relating to the suspension by the Governor of open season for fishing and hunting (H. P. 231) (L. D. 128)

Mr. EATON of Calais: Mr. Speaker and members of the House: I know that this is a matter that many of the members are interested in, and I would like to say that there is another bill coming before the Senate that will take care of this matter. The committee felt that the other bill would apply much better than this one. Therefore, I move that this report be accepted.

Thereupon the report was accepted and sent up for concurrence.

Mr. Goodrich from the Committee on Appropriations and Financial Affairs on bill an act to provide for the audit of the books and accounts of institutions receiving assistance from the State (H. P. 942) (L. D. 422) reported same in a new draft (H. P. 1332) under same title and that it ought to pass.

Mr. Rogers from the Committee on State Lands and Forest Preservation on resolve in favor of L. C. Hathaway (H. P. 503) reported same in a new draft (H. P. 1333) under same title and that it ought to pass.

Mr. Friend from same Committee on resolve authorizing the Forest Commissioner to convey a certain lot of land to H. M. Lincoln (H. P. 670) reported same in a new draft (H. P. 1334) under same title and that it ought to pass.

Mr. Melcher from same Committee on resolve in favor of William H. Soucia (H. P. 229) reported same in a new draft (H. P. 1335) under same title and that it ought to pass.

Reports read and accepted and the new drafts ordered printed under the Joint Rules.

Mr. Goodrich from the Committee on Appropriations and Financial Affairs reported ought to pass on bill an act relating to the University of Maine. (H. P. 941)

Mr. Wright from same Committee reported same on resolve appropriating money to restore the early records in the office of the Register of Deeds, for York County. (H. P. 461)

Mr. Briggs from same Committee reported same on resolve in favor of the Block House at Fort Kent. (H. P. 160)

Reports read and accepted and the bill and resolves ordered printed under the Joint Rules.

Mr. Hussey from the Committee on Appropriations and Financial Affairs reported ought to pass on bill an act repealing obsolete appropriation law. (H. P. 1006) (L. D. 543)

Report read and accepted and the bill having already been printed was read twice under suspension of the rules and tomorrow assigned.

Majority report of the Committee on Taxation on bill an act for the taxation of billboards and the regulation and control of outdoor advertising (H. P. 29) (L. D. 44) reporting same in a new draft (H. P. 1336) under same title and that it ought to pass.

Report was signed by the following members:

Mrs. CARTER of Androscoggin
Mr. JACKSON of Cumberland
—of the Senate.

Messrs. ALLEN of Sanford
BURKETT of Union
CRAM of Mt. Vernon
BLANCHARD of Wilton
—of the House.

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

Report was signed by the following members:

Mr. WEYMOUTH of Penobscot
—of the Senate.

Messrs. HATHAWAY of Milo
WHITE of Crystal
HARRINGTON of Patten
—of the House.

On motion by Mrs. Day of Gorham, tabled pending acceptance of either report, and 500 copies of the new draft ordered printed.

First Reading of Printed Bills and

Resolves

H. P. 921, L. D. 860: An Act relating to the Attorney-General.

H. P. 1274, L. D. 861: An Act relating to ice fishing in Mousam Lake, Square Lake and Goose Pond, situated in the towns of Shapleigh and Acton, in York county.

Mr. ALLEN of Sanford: Mr. Speaker, I offer House Amendment A and move its adoption.

House Amendment A to House Paper 1274, bill an act relating to ice fishing in Mousam Lake, Square Lake and Goose Pond, situated in the towns of Shapleigh and Acton, in York county.

Amend said bill by striking out the word "Saturday, Sunday and Monday," wherever they appear, and inserting in place thereof the words "Saturday to Monday, inclusive."

The amendment was adopted.

(H. P. 1301) (L. D. 862) An act es-

tablishing the Natanis Game Preserve in the town of Vassalboro in the county of Kennebec.

(H. P. 1302) (L. D. 863) An act relative to the issuing of hunting licenses.

(H. P. 1303) (L. D. 864) An act to incorporate The Lubec Cemetery Corporation.

(H. P. 1304) (L. D. 865) An act relating to pauper settlements.

(H. P. 1305) (L. D. 866) An act to incorporate the Berwick Cemetery Association.

(H. P. 48) (L. D. 867) Resolve in favor of Harry W. Hill of Limerick.

(H. P. 1295) (L. D. 868) Resolve in favor of Howard F. Dollard, compensating him for damages.

(H. P. 1296) (L. D. 869) Resolve in favor of Elwyn Houston of Wells.

(H. P. 1297) (L. D. 870) Resolve in favor of Maurice E. Gould of Sherman Mills.

(H. P. 1298) (L. D. 871) Resolve in favor of Horace Kelly.

Passed to be Engrossed

(S. P. 421) (L. D. 528) An act relating to the care of neglected and abandoned animals.

(S. P. 451) (L. D. 608) An act relative to the promotion of medical education.

(S. P. 509) (L. D. 752) An act to authorize York Harbor to appropriate money to improve a certain part of York River.

(S. P. 535) (L. D. 836) An act relating to inspectors of buildings.

(S. P. 538) (L. D. 838) An act to incorporate the Madawaska Village Corporation.

(S. P. 539) (L. D. 840) An act relating to the construction and maintenance of bridges on State highways.

(S. P. 540) (L. D. 837) An act forbidding sirens on motor vehicles with certain exceptions.

(H. P. 701) (L. D. 849) An act relating to the Penobscot Tribe of Indians.

(H. P. 777) (L. D. 323) An act regulating the transportation of poultry.

(H. P. 798) (L. D. 325) An act providing for a State Game Farm.

(Tabled by Mr. Hills of Northport pending third reading)

(H. P. 948) (L. D. 427) An act re-

lating to classification of registered guides.

(H. P. 1057) (L. D. 613) An act relating to hunting from railways.

(H. P. 1060) (L. D. 616) An act relating to a biennial revision of Fish and Game Laws.

(H. P. 1078) (L. D. 654) An act to provide for cooperation between the United States Department of Agriculture, the Commissioners of Agriculture of the New England States, and the Maine Department of Agriculture in the collection and publication of statistics and for other purposes.

(H. P. 1088) (L. D. 662) An act to provide for the appointment of a Commission on Revision of the Inheritance and Estate Tax Law.

(H. P. 1293) (L. D. 850) An act relating to supervision of Indian Old Town school.

(H. P. 1294) (L. D. 851) An act exempting charitable organizations from excise tax.

(S. P. 533) (L. D. 835) Resolve in favor of Mrs. Gladys Malcolm.

(At this point Speaker Merrill resumed the Chair, Mr. Farris retiring, amid the applause of the House)

Passed to be Enacted

(S. P. 33) (L. D. 9) An act to give municipal courts jurisdiction of certain offenses.

(S. P. 96) (L. D. 116) An act to prevent the polluting of the waters of the West Basin of China Lake.

(S. P. 108) (L. D. 791) An act relating to deer on Mount Desert Island, and in certain other localities.

(S. P. 142) (L. D. 713) An act to change the name of Soward Island to Treasure Island.

(S. P. 185) (L. D. 795) An act relating to fishing in Long Lake, Kennebec County.

(S. P. 188) (L. D. 792) An act to regulate fishing in Moose Horn Lake, formerly known as Shaw Pond, in Somerset County.

(S. P. 192) (L. D. 796) An act to amend and extend the charter of Kennebec Reservoir Company.

(S. P. 205) (L. D. 813) An act to incorporate the town of Lincoln School District.

(S. P. 209) (L. D. 774) An act to incorporate the Maine Heating Corporation.

(S. P. 218) (L. D. 153) An act relating to dental hygienists and appropriation and contributions for dental hygienist service, by towns, individuals and organizations.

(S. P. 361) (L. D. 303) An act relating to reservation of motor vehicle plates and numbers.

(S. P. 384) (L. D. 488) An act relating to sending of ballots to city, town and plantation clerks.

(S. P. 386) (L. D. 490) An act relating to the number of ballots to be provided at elections.

(S. P. 457) (L. D. 576) An act relating to the investment of municipal trust funds.

(S. P. 531) (L. D. 812) An act relating to the manufacture of beverages.

(S. P. 548) An act to amend Chapter 135 of the Private and Special Laws of 1930, relating to the erection and construction of a Court House at Ellsworth, Maine.

(H. P. 91) (L. D. 62) An act relating to red, silver, silver black, or black foxes.

(H. P. 93) (L. D. 64) An act relating to pools at State Fish Hatcheries and Feeding Stations.

(H. P. 95) (L. D. 66) An act relating to licenses issued by the Department of Inland Fisheries and Game.

(H. P. 106) (L. D. 75) An act relative to the trapping of fur-bearing animals.

(H. P. 129) (L. D. 53) An act removing protection from lobsters and crabs in Georges River.

(H. P. 132) (L. D. 815) An act to prohibit the catching of smelts in the Cathance River except by hook and line.

(H. P. 182) (L. D. 132) An act prohibiting the shooting of wild birds and waterfowl on Simpson's Pond, in Roque Bluffs.

(H. P. 183) (L. D. 133) An act relating to the taking of smelts in the tributaries of Three Mile Pond.

(H. P. 185) (L. D. 135) An act relating to fishing in the Big Magalloway River.

(H. P. 186) (L. D. 136) An act relating to trapping on the Rangeley Game Preserve.

(H. P. 188) (L. D. 138) An act to regulate fishing in Swift River Tributaries.

(H. P. 189) (L. D. 139) An act closing Dry Pond to hunting.

(H. P. 191) (L. D. 141) An act

to close Duck Pond, known as Meeting House Pond, and Sprague's Pond, in Phippsburg, to ice fishing.

(H. P. 409) (L. D. 195) An act closing the tributaries of Thomas Pond to all fishing.

(H. P. 536) (L. D. 169) An act authorizing Commissioner of Inland Fisheries and Game to take necessary steps to exterminate vermin.

(H. P. 541) (L. D. 174) An act to protect muskrats in the town of Wilton, in the county of Franklin.

(H. P. 547) (L. D. 181) An act to regulate the hunting of wild birds in Rangeley Lake.

(H. P. 549) (L. D. 183) An act regulating fishing in Round Mountain Lake.

(H. P. 551) (L. D. 185) An act regulating fishing in Leeman Brook, or Ladd Brook, so-called, in Abbot.

(H. P. 552) (L. D. 186) An act opening Ladd Brook to fishing.

(H. P. 554) (L. D. 188) An act relating to fishing in Swan Lake.

(H. P. 557) (L. D. 191) An act relating to personal recognizances in fish and game violations.

(H. P. 572) (L. D. 789) An act to change the names of certain waters in Piscataquis County.

(H. P. 597) (L. D. 220) An act to grant a new charter to the city of Brewer.

(H. P. 612) (L. D. 212) An act authorizing the Standish Fish Hatchery and Fur Farm, Inc., to control Horse Pond Stream and Mink Brook.

(H. P. 666) (L. D. 817) An act to regulate the taking of clams in the town of Sullivan.

(H. P. 697) (L. D. 226) An act relating to fee for game and fur farming licenses.

(H. P. 702) (L. D. 229) An act relating to dealer's registration under the Motor Vehicle Law.

(H. P. 706) (L. D. 231) An act to incorporate the Sebasco Mosquito Abatement District.

(H. P. 880) (L. D. 818) An act relating to the construction of a road in the city of Augusta.

(H. P. 884) (L. D. 819) An act relating to the construction of a road in the town of Oakland.

(H. P. 885) (L. D. 820) An act relating to the construction of roads in the town of Sidney.

(H. P. 891) (L. D. 821) An act relating to road construction in the town of Athens.

(H. P. 958) (L. D. 449) An act relative to corporations without capital stock.

(H. P. 963) (L. D. 454) An act relating to the statute of limitations in certain actions.

(H. P. 986) (L. D. 507) An act relating to apothecaries and the sale of poisons.

(H. P. 1144) (L. D. 721) An act relating to the salary of the County Commissioners of Androscoggin County.

(H. P. 1171) (L. D. 740) An act relating to payment of damages done by dogs or wild animals.

(H. P. 1189) (L. D. 778) An act to enable special officers of Bangor police to receive benefits of department.

(H. P. 1233) (L. D. 804) An act relating to primary nominations.

(H. P. 1234) (L. D. 800) An act to incorporate the Vanceboro Water Company.

(H. P. 1235) (L. D. 801) An act to increase the salary of the Treasurer of Washington County.

(H. P. 1265) (L. D. 806) An act relative to the taxation of motor vehicles.

(H. P. 1273) (L. D. 822) An act relating to a road in the town of Ludlow.

Finally Passed

Resolve in favor of the town of Stetson. (S. P. 4) (L. D. 790)

Resolve in favor of the town of Frankfort. (H. P. 49) (L. D. 700)

Resolve in favor of the town of Stockton Springs. (H. P. 69) (L. D. 698)

Resolve in favor of the town of Danforth. (H. P. 500) (L. D. 786)

Resolve in favor of the town of Stetson. (H. P. 516) (L. D. 787)

Resolve in favor of Christine Libby to compensate for damage done by dogs. (H. P. 519) (L. D. 823)

Resolve in favor of Frank Moulton of Alfred. (H. P. 1199) (L. D. 788)

Resolve in favor of the town of St. Albans. (H. P. 1263) (L. D. 807)

Resolve in favor of E. M. Wylie, of Pittston. (H. P. 1272) (L. D. 824)

Orders of the Day

The SPEAKER: The Chair lays before the House the first unassigned matter, Senate report ought to pass in new draft from committee on Library on resolve for the purchase of "Maine Legislature 1820-1931", S. P. 211, new draft S. P. 530, L. D. 811, which came from the Senate report accepted and new draft passed to be engrossed, tabled on March 11 by the gentleman from Portland, Mr. Carleton,

pending acceptance of report in concurrence, and the Chair recognizes that gentleman.

Mr. CARLETON: Mr. Speaker, may I take up under Orders of the Day a matter of yesterday?

The SPEAKER: There is a matter that the Chair has just laid before the House under Orders of the Day and the pending question is acceptance of report in concurrence.

Mr. CARLETON: Mr. Speaker, I now move that we reconsider our vote of yesterday on House Paper 626.

The SPEAKER: The Chair will inform the gentleman that he was recognized because he tabled the first unassigned matter, which is not the matter the gentleman is now referring to. The first unassigned matter is Senate report ought to pass in a new draft, tabled by the gentleman from Portland, Mr. Carleton, March 11, pending acceptance of report in concurrence.

Thereupon, on motion of Mr. Carleton, the House voted to accept the report in concurrence, and the resolve was given its first reading and tomorrow assigned.

The SPEAKER: The Chair lays before the House the second unassigned matter Senate report ought to pass, committee on Library on resolve for the purchase of the history of York, Maine, S. P. 212, which came from the Senate report accepted and resolve passed to be engrossed, tabled on March 11 by the gentleman from Portland, Mr. Carleton, pending acceptance of report in concurrence, and the Chair recognizes that gentleman.

Thereupon, on motion by Mr. Carleton, the House voted to accept the report in concurrence, and the resolve was given its first reading and tomorrow assigned.

The SPEAKER: The Chair lays before the House the third unassigned matter Senate report ought to pass committee on Library on resolve for the purchase of one hundred copies of the history of the town of Cushing, S. P. 325, tabled on March 11 by the gentleman from Portland, Mr. Carleton, pending acceptance of report in concurrence, and the Chair recognizes that gentleman.

Thereupon, on motion by Mr.

Carleton, the House voted to accept the report in concurrence, and the resolve was given its first reading and tomorrow assigned.

The SPEAKER: The Chair lays before the House the fourth unassigned matter Senate report ought to pass committee on Library on resolve for the purchase of one hundred copies of "Pioneers of Maine Rivers," S. P. 513, which came from the Senate report accepted and bill passed to be engrossed, tabled March 11 by the gentleman from Portland, Mr. Carleton, pending acceptance of report in concurrence.

Thereupon, on motion by Mr. Carleton, the House voted to accept the report in concurrence, and the resolve was given its first reading and tomorrow assigned.

The SPEAKER: The Chair will recognize the gentleman from Portland, Mr. Carleton, and inquire if he wished to make a motion. The Chair interrupted the gentleman in his first remarks, and wishes now to recognize him that he may make those remarks.

On motion by Mr. Carleton the House voted to reconsider its action of yesterday on House Paper 626, resolve for the purchase and distribution of Ward's-Syllabus Digest of Maine Reports whereby the House voted to recede and concur with the Senate in the recommitment of this bill to the Judiciary committee.

A viva voce vote being taken, the motion to reconsider prevailed; and on further motion by the same gentleman the report and resolve were retabled.

The SPEAKER: The Chair lays before the House the fifth unassigned matter, House report ought not to pass of the Committee on Sea and Shore Fisheries on bill an act relating to smelt fishing H. P. 993, L. D. 435, tabled March 11 by Mr. Patterson of Freeport, pending acceptance of the report; and the Chair recognizes the gentleman from Freeport, Mr. Patterson.

On motion by Mr. Patterson the bill and report were retabled, pending acceptance of the report.

The SPEAKER: The Chair lays before the House the sixth unassigned matter, bill an act to increase the salary of the judge of the

municipal court of the city of Biddeford, H. P. 1277, L. D. 830, tabled March 11 by Mr. Authier of Sanford, pending second reading; and the Chair recognizes the gentleman from Sanford, Mr. Authier.

On motion by Mr. Authier the bill had its second reading, and that gentleman offered House Amendment A and moved its adoption.

Mr. AUTHIER: Mr. Speaker, my reason for offering this amendment is to straighten out an error.

House Amendment A to L. D. 830, an act to increase the salary of the judge of the municipal court of the city of Biddeford.

Legislative Document No. 830 is hereby amended by striking out the whole of said bill and substituting in place thereof the following:

"Sec. 1. Judge of Biddeford municipal court, salary; recorder.

From and after the first day of April, nineteen hundred thirty-one, the judge of the municipal court of the city of Biddeford shall receive an annual salary of sixteen hundred dollars, payable quarterly, out of the county treasury on the first days of July, October, January and April, which shall be in full for all his services. And in case of the death, resignation or removal from office of the judge, his recorder shall act as and shall receive the salary of the judge until the judge's successor is appointed and qualified, and shall be subject to all the provisions of law pertaining to the office.

Sec. 2. Repealing clause. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed."

Thereupon the amendment was adopted, and tomorrow assigned.

The SPEAKER: The Chair lays before the House the seventh unassigned matter, an act relating to regulation of loans by trust companies, S. P. 353, L. D. 376, tabled March 11 by Mr. Briggs of Caribou, pending passage to be enacted; and the Chair recognizes the gentleman from Caribou Mr. Briggs.

On motion by Mr. Briggs, the bill was retabled pending passage to be enacted.

The SPEAKER: The Chair lays before the House the eighth unassigned matter, House report

ought to pass of the committee on Legal Affairs on bill an act repealing the prohibition of exhibition of prize fight pictures, H. P. 619, tabled on March 12 by the gentleman from South Portland, Mr. Gray, pending acceptance of report, and the Chair recognizes that gentleman.

Mr. GRAY: Mr. Speaker, I move the indefinite postponement of this bill, an act repealing the prohibition on exhibition of prize fight pictures, House Paper 619.

Mr. Speaker and ladies and gentlemen of the 85th Legislature:

I have one regret this morning and that is that I have to oppose the sponsor of this bill, my good friend and colleague, Representative Goudy of South Portland, but it is in your hands, and may this bill whether it is passed or no, stand on its own merits.

I do not stand here today representing the Maine Christian Civic League, nor the churches of the State of Maine, for I realize that they can well take care of their own battle fronts, but I do stand here today in opposition to this prize fight bill, the repealing of this prize fight measure, in behalf of the boys and girls of our homes; the adults may take care of themselves, but we are the safe guardians of our children.

If I may ask you to use your imagination and invite the children of our State into this Legislative Hall, and I would request that the doors be swung wide open. Down these halls would come hopping and skipping, with joyous laughter on their lips, the children of our State, and they would file in front of the desk, yea, even they would climb to the Speaker's desk, and there they would stand with mute appeal asking you for your protection of their childhood days.

Thirty-five years ago I was janitor of one of the largest social clubs of Lowell, Massachusetts, and it was my duty to help construct the squared circle and to place the water buckets with the sponges in the corner and to place the gong which announced to humanity the contest upon that canvas, which was drawn taut. I am not proud of these deeds and these human beings going on the mat like two wild beasts, and the audience standing there with loud applause, but I

speak from experience and not from newspapers.

In the Saturday Evening Post of March 7th several pages of that magazine were taken up by pictures of the heavyweight champion slacker of the world, Jack Dempsey. A few days ago, in the Hall of Flags of our State, with bared heads we witnessed the unveiling of that memorial to Harold K. Andrews, the first one of our boys who laid down his life for the maintaining of civilization, and doing what he thought was right. Into my home, and from my home, our home, Mrs. Gray's and my home, they took two of our precious lads, and with your sons they went across the sea, and many of them did not return but lie below the sod on the fields of France. They took up the battle at Chateau Thierry, and from the trenches went over the top into No Man's Land and offered their lives as a sacrifice, while this heavyweight slacker stayed at home and had his three square meals per day and had his beautiful rest at night, while your sons and my sons fought his battle. Today it is asked that this bill may be repealed, and in its place a law which permits these brutal exhibitions to be perpetrated upon the homes of the State of Maine, so that your children and my grandchildren can go in there and see those brutal exhibitions.

The proponents of this bill will say that this law was enacted when Jack Johnson was colored champion—they did not want to cast his face upon the screen fighting a white man. Whether it be a negro or a white man or a Chinaman, they all are creations of God Almighty, and one is as bad as the other.

See them as they come upon the squared circle, see those two men who were created in the image of their Maker as they come like wild beasts upon each other and mash and smash until the end of the round, or before the end of many rounds, they lay there a helpless mass with blood running from their eyes, ears, nose and mouth, a complete wreck.

Last Saturday evening in the city of Augusta there was a boxing exhibition—they called it boxing but what is the difference, gentlemen,

between the fists of twenty years ago and the fists of today? No matter what they call it, it amounts to the same thing. A young man lay down there, knocked out, and for more than five minutes was unconscious before they brought him back.

We spend in the State of Maine millions of dollars for the education of our youth, and to teach culture, refinement, and high standards of moral living. The church bells of the Protestant and Catholic churches ring out, and the faithful mother takes her offspring that they may attend the House of God for spiritual instruction. On Monday afternoon, after the close of school, the innocents pour out into the streets of every town and city of the United States. The first thing that confronts them is the picture of a prize fight to be shown at a Saturday matinee which the children may see at reduced rates. They go in there and stay for half or three quarters of an hour, watching that brutal exhibition. Is that what we spend our millions of dollars for? These mothers who so carefully guard their children and take them to the House of God for spiritual instruction—what is the use? They will throw the doors wide open, and they care not how they get their sheekles, but you and I, as fathers and mothers, are responsible for our children.

Any argument upholding a measure legalizing the public showing of moving pictures of prize fights would apply with equal force to legalizing prize fights within our State. Whatever may be said in favor of boxing as a healthful and wholesome sport, it cannot be denied that prize fights which are promoted upon a commercial basis are an occasion of gambling. Prize fights are in the same class with the gladiatorial combats in the arena of ancient Rome, which were outlawed by the Christian conscience of the world. The ideals of manhood exemplified in prize fights are not the ideals upon which the rising generation is likely to build a character that can be trusted to administer the affairs of State and Nation in such a manner as to promote the highest welfare.

I believe that the men and women of Maine who wrote into our statutes the present prohibition of

such showing of moving pictures of prize fights were actuated by sincerely good motives, and that they were truly representing the public opinion of the great majority of Maine's citizens. I do not believe that there has been so great a change in public opinion as to justify the claim that this proposed bill legalizing the showing of pictures of prize fights is demanded by any considerable portion of Maine's citizens. I do not see how such forms of entertainment would be of any moral or intellectual benefit to anyone; but I can see how it might tend to brutalize our children and youth. Instead of legislation to broaden the scope of doubtful pictures that may be shown in the State, I believe that a stricter censorship should be inaugurated. While we may not be able to make people Christian, or even moral, by legislation, we should guard against the danger of promoting un-Christian ideas and ideals, and of making immorality easier by legalizing anything that tends to evil.

We love the dear old State of Maine, her beautiful Penobscot, Kennebec, and Androscoggin rivers that flow majestically down through her fertile valleys to the sea, her hundreds of sun-kissed sparkling lakes and hundreds of miles of coast line, of gorgeous scenic beauty, and Mount Katahdin, with her majestic peak, stands as the great silent sentinel overlooking her domain.

In closing, there is something more sacred and dear to our hearts, than our dear old State, and that is the children in our homes, who are given to us by God as a sacred trust; and in their behalf I urge you, ladies and gentlemen of this Legislature, to cast your vote of disapproval against this prize fight bill. I thank you.

Mr. BURKETT of Portland: Mr. Speaker, I do not plan to speak on the merits of this bill. I notice, however, that the bill proposed to repeal Section 31 of Chapter 135, which I will simply read for the information of the members: "Whoever publicly exhibits any photographic or other reproduction of a prize fight shall be punished by a fine of not more than five hundred dollars."

Thinking perhaps some of the members may not know what the bill provides, I simply rise to make that explanation.

The SPEAKER: The question before the House is on the motion of the gentleman from South Portland, Mr. Gray, to indefinitely postpone. Is the House ready for the question?

Mr. GOUDY of South Portland: Mr. Speaker and members of the 85th Legislature: I seem to be introducing the wrong kind of bills down here this session. No matter what bill I introduce, there is always somebody to oppose it. I do not think that this House can go very wrong, because we all know we have an Angell watching over us from Saco. This side of the House is well protected, because I have a Church at my right. I am sure I have a Friend in Skowhegan, and I do not think I can go very wrong because I have a man before me who is always Wright. (Laughter)

I personally cannot see why this particular law is on the statute books. I cannot see where it would in any way affect the morals of our children. You know now the kind of pictures they are seeing. For instance, at one time, the Strand Theatre in Portland sent out word that they would broadcast the result of a certain championship bout, but of course they were not allowed to show the pictures of the bout; so I, along with some others, went over to hear the broadcast that would come over the megaphone at the Strand Theatre. Instead of a prize fight picture they had a picture of a horrible bull fight, and I know there were one or two women in the audience who became nauseated at the exhibition of that picture of the bull fight, and they went out. In my opinion, it would have been a good deal better to have allowed the picture of an up-to-date championship bout.

One other thing I cannot understand: You can go to the different sporting associations in Portland, and you can witness a twelve-round bout, two six-round bouts, you can witness the bouts in person, but there is a law forbidding you to see a moving picture of them.

Of course it is true that this law was put on our statute books at the time when Jim Jeffries and Jack Johnson signed up for their championship bout. It was believed that Johnson would win, and I think for that reason this law was put on the statute books, as moving pictures in those times were not as prominent as they are now, the pictures were different and the conditions

were different. Way back in the old days they fought 127 rounds with bare fists, and each man was knocked down and knocked out, and that ended the round. Those things were different then, and perhaps you would not want to see them on the screen today, but I do not think you can recall in your mind, at least for several years back, where any championship fighter has been incapacitated or crippled for life; they all seem to be doing fine, and at least some of them have absolutely no marks on them to show they ever were in a fistic encounter.

I think perhaps you would be interested in hearing what others have to say who are more acquainted with and better versed on the subject than I am. The Portland Express, under the heading "A Worthless Law" says: "Representative Goudy of South Portland, is going to ask the Legislature to repeal the law which forbids the exhibition of motion or other pictures of prize fights. The Cape representative says he is seeking to de-bunk Maine of at least one of her useless laws, and if that is his idea, we know of no better place to begin. He will have a long way to go before clearing the decks, but if he succeeds in this, he may be encouraged to try others. There is an ample field.

"Personally, this writer does not care whether he ever sees a moving picture of a prize fight or not. We saw a private showing of the Dempsey-Tunney fight in Portland once, being a scofflaw to that extent, and saw another one in Quebec, and were not greatly enthralled by either.

"Having thus established our neutrality, we may add that in our opinion a more inconsistent or absurd law doesn't stand on the statute books of any state. There may have been excuses for it when it was enacted but there's none now.

"The law in question is found in section 31 of chapter 135 and is very brief. It reads: 'Whoever publicly exhibits any photographic or other reproduction of a prize fight shall be punished by a fine of not more than five hundred dollars.'

"It will be noticed that nothing is said about moving pictures. It is 'photographic or other reproduction.' The law has generally been interpreted as applying to movies, but as far as the text reads, we

don't see why it doesn't include newspapers, most of whom print pictures of fights once in a while.

"But we are not trying to say to the newspaper, 'You're another' in this presentment. The chief point is that we are forbidden by law to see a picture of that which we can behold in life, under full sanction of the law.

"Of course there is no such thing as a prize fight nowadays in the old fashioned sense, when bruisers would appear in the ring and punch each other into insensibility with bare fists. That went out of fashion years ago. The kind that we do have are staged almost every week in Portland as in other cities. Within certain prescribed conditions the law permits them and everybody goes who thinks the show is worth the price of admission.

"But let someone go down and take a moving picture of one of these contests and show the same, he would be liable to a fine of \$500. It is no academic proposition either, for such a fine was imposed in Portland not many years ago.

"If there is any defense for this law or any reason for it, we would be glad to have the same set forth. But we cannot conceive what it could be.

"I have heard of men who objected to moving pictures of prize fights, but those same gentlemen would stay at home and listen to them over the radio, and when their wives objected to it, they would go over to their neighbor's and listen to the fight over his radio. I read as follows:

"Among the many bills now before the Legislature is one introduced by Representative Goudy of South Portland, which, if passed, will repeal the law forbidding the showing of prize fight pictures. As Ned Lehan recently pointed out in the 'Low Down', an Evening Express feature, the purpose of the Goudy bill is to 'de-bunk' the existing code. Under the laws, newspapers are prohibited from publishing fight pictures any more than motion picture theatres are allowed to show them on the screen. Practically every paper in the State uses such pictures, but the moving films are frowned upon by the authorities, at least in Cumberland County. In fairness, if nothing more, the Goudy measure deserves consideration, as through any strict

interpretation of law the theatre manager and the newspaper publisher have no more than equal rights.

"When actual prize fights are permitted to take place legally there seems no reason why motion pictures of prize fights should be prohibited. We are somewhat out of the beaten path here in this Northeastern corner of the United States, and rarely are our promoters able to present champions to their patrons. That the boxing fan should have the privilege of watching the masters in action, if only in a motion picture, would harm no one and would add something to the joy of living for those who daily follow the pugilistic happenings through the newspapers.

"The Goudy measure, while not of the utmost importance, is presented in a spirit of fairness, coupled with common sense. There is no valid reason why it should not pass. Ever since the Dempsey-Tunney meeting in Chicago the Federal Government has made no real attempt to prevent the transportation of such films from state to state, a ruling that the law effects originals, along with public opinion, having led to this change of policy."

Now my idea in presenting this bill was this: I can sit at home in my parlor and listen to a fight over the radio. Why should not some of those who want to see moving pictures of them be allowed to go to a show and see them. You all admit that most of the pictures they show are worse than any championship prize fight picture you might see on the screen. In fact they do have prize fight pictures, but they do it with actors and so forth and so on, and they have a good deal more cruelty to them than real championship bouts.

I do not like to read this one, because I am afraid I might break my arm trying to slap myself on the back, but this is the way it was written and I want to give it to you as it is:

"Representative Clinton T. Goudy of South Portland, is to be commended for having introduced into the Legislature a bill which, if carried, will 'debunk' Maine of 'at least one of its useless and worthless laws.' Representative Goudy has sensibly asked for the repeal

of the law which forbids the showing of motion pictures of other photographic reproduction of prize fights. It seems to us that the repeal of that law has been long overdue. If the welfare of Maine's citizenry ever demanded the adoption of such an imbecile law, that time has long since passed. The large majority of Maine people of this day and date, we believe, are sufficiently civilized, even sophisticated, so as to be violently swayed by any replica of an actual prize fight they might view in a newspaper or upon a theatre screen.

"There was, of course, that comparatively recent local case wherein the movies were blamed for some near-tragic gun play, but we cannot conceive of anyone, regardless of how lofty his pugilistic ambitions may be, emerging from a cinema showing of some ring battle and starting in to practice left hooks on the jaw of some innocent by-stander. If such were the effect upon every person, the mere studying of a pug's picture in the paper would be enough for the spouse to start divorce proceedings on the grounds of cruel and abusive treatment. Riot calls could be expected every time a fight club ran a legal show anywhere in this fair (???) State which permits boxing bouts and yet prohibits pictures of the same."

"The prohibitory law against the showing of prize fight pictures here in Maine and the other states dates as far back as 1910 when Jim Jeffries, in the role of 'the white hope,' finally succumbed to the superior ring prowess of the truly great negro fighter, Jack Johnson.

"But whatever it was that prompted the law, both it and the law itself have long since become useless. The law is nothing more than a farce today.

"How farcial is the law was brought to my mind by a personal experience of not so many weeks ago. Late one afternoon I received a most mystifying telephone call. The voice of a friend inquired if I were to be busy that evening. Informed that I was at leisure, his next question, a rather personal one, was "Have you got a buck?" As it happened to be pay day, I was able to answer in the affirmative without hesitation. "Then be at my office shortly after six

o'clock,' came the bewildering advice. 'It's something that will interest you.'

"Wracking my gray matter for a possible solution of all the secrecy, I at last concluded it must be one of those bargains on some 'Scotch worsted that was just smuggled into the country', but still that question about the dollar bothered me. I knew that while most of that 'smuggled' suiting was worth just about that amount, the usual price was much higher. Upon arrival at our rendezvous, I was introduced to several men who did not exactly salaam upon learning my occupation. In fact, I believe I was permitted to remain only after each person had solemnly cautioned that names and places were to be strictly under my hat. After that had been settled upon, I glanced about the room and noticed some purported Scotch merchandise resting upon the table. It wasn't the dry goods that I had expected to find but the samples were fine.

"By this time I had been acquainted with the treat that was in store for me. I was numbered among the select thirty or forty who were to be privileged at a special showing of some smuggled prize fight pictures. We were all to be the abettors of an atrocious crime and like so many Night Riders, our little group crept stealthily forth into the darkness to join our fellow criminals. The fear of detection and the terrific consequences menaced us all. But the die had been cast. There was no turning back now. We must go on. It all reminded me so much of the experience of the youth who had run ten cases of champagne from Rhode Island into Massachusetts a week after the Eighteenth Amendment had been effective and whose nonchalance was visably spoken about every three minutes with his companion's repeated assertion that about 10 years in Atlanta awaited them both if apprehended.

"There is not much more of the tale to relate. After taking a few liberties with another law that offers a fertile field for some more debunking and partaking of a splendid meal, we watched the motion pictures of the Firpo-Brennan, Villa-Buff, Villa-Wilde, Leonard-Tendler, Firpo-Dempsey, one of the

Sharkey-Maloney, and the last Tunney-Dempsey fights. All things combined to make a most enjoyable evening but most of those making up the respected and influential gathering derived the keenest thrill from having sneaked something over on the law. What an adventurous accomplishment to hand down to the grandchildren!"

Now I am not going to burden you any longer. The bill was introduced; I believe that the statute should be repealed, and I am just wondering whether you are going to ignore our Legal Affairs Committee's report that it ought to pass.

Mr. JACOBS of Auburn: Mr. Speaker, I am not going to bother any of you with any extended remarks or printed matter in regard to this. I think it is a moral question. The morals of this State may not be lowered, possibly, by having these pictures placed upon our screens before our youth, but it surely will not improve them.

I am against the proposition of repealing this law on account of the youth of our State. I had just as soon have my grandchildren read six or a dozen novels or read in the papers of these prize fights. They cannot comprehend them as they can when they see them on the screen. I think that we are doing an injustice to the youth of our State in repealing this law. Many of you will read books that you do not want your children to read. Let us face this problem, ladies and gentlemen, let us keep this on the statute books where it belongs, and save the youth from these pictures which I do not believe are right for them to see.

Forty millions of people before the advent of the spoken screen attended pictures weekly throughout this country. After the spoken screen, eighty million people, and last year a hundred and ten million a week frequented our picture houses throughout this country. It is increasing.

This, no doubt, is a monetary proposition for those who wish to foist it upon us, but, ladies and gentlemen, I stand here not backed by the church or backed by the Civic League, although I believe in the principles they advocate. They are the guide boards which

point the way to right living and right thinking for thousands throughout the State of Maine, the Christian civilization of this State.

I appeal to you to use your judgment and your reason to not vote in favor of this law but to indefinitely postpone, as my friend, Mr. Gray, has so ably expressed it.

Mr. THOMPSON of Belfast: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Belfast, Mr. Thompson, moves the previous question. As many as are in favor of the Chair entertaining the previous question will rise and stand until counted and the monitors have returned the count.

A sufficient number arose.

The SPEAKER: The question now before the House is shall the main question be now put? As many as are in favor of the Chair putting the main question now will say aye; as many as are opposed will say no.

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

Mr. JACOBS: Mr. Speaker, I move that when the vote is taken for the indefinite postponement of the bill, it be taken by a rising vote.

A division of the House was had.

Fifty-nine having voted in the affirmative and 64 in the negative, the motion for indefinite postponement was lost.

The SPEAKER: The pending question is on the acceptance of the report ought to pass.

Thereupon, on motion by Mr. Goudy, a viva voce vote being taken the report ought to pass was accepted, and the bill ordered printed under the Joint Rules.

The SPEAKER: The Chair lays before the House the ninth unassigned matter, bill an act relating to special provisions for towns peculiarly located, S. P. 487, L. D. 648, tabled March 12 by Mr. Potter of Bangor, pending third reading; and the Chair recognizes the gentleman from Bangor, Mr. Potter.

On motion by Mr. Potter the bill was retabled, pending third reading.

The SPEAKER: The Chair lays

before the House the tenth unassigned matter, House report ought not to pass of the committee on Judiciary on bill an act creating the office of Registrar of Motor Vehicles, H. P. 909, L. D. 363, tabled March 12 by Mr. Clement of Durham, pending acceptance of the report; and the Chair recognizes the gentleman from Durham, Mr. Clement.

Mr. CLEMENT: Mr. Speaker, I now yield the floor to the gentleman from Gray, Mr. Morrill.

On motion by Mr. Morrill the bill was retabled, pending acceptance of the report.

The SPEAKER: The Chair lays before the House the 11th unassigned matter, resolve in favor of the State School for Boys, H. P. 867, L. D. 755, tabled March 12 by Mr. Carleton of Portland, pending second reading; and the Chair recognizes the gentleman from Portland, Mr. Carleton.

Mr. CARLETON: Mr. Speaker, I move that this resolve be indefinitely postponed as it has been taken care of by other legislation.

Mr. PERHAM of Paris: Mr. Speaker, as House Chairman of the Committee on State School for Boys, State School for Girls and State Reformatories, I wish to retable this matter for the reason that we wish to wait until the supplementary report of the Appropriations Committee is out. There are some things that absolutely require our so waiting. I wish to table this resolve as well as the next one until this report is out and in the interim I will have a chance to talk with Mr. Carleton, which I have not had the privilege yet of doing.

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

The SPEAKER: The Chair lays before the House the 12th unassigned matter, resolve in favor of the State School for Girls, H. P. 1181, L. D. 757, tabled March 12 by Mr. Carleton of Portland, pending second reading; and the Chair recognizes the gentleman from Portland, Mr. Carleton.

Mr. CARLETON: Mr. Speaker, I move that this resolve be indefinitely postponed. It is being taken care of in another way, which fact perhaps many are not familiar with.

Mr. PERHAM of Paris: Mr. Speaker, I move that this resolve be retabled. It may seem that Mr. Carleton and myself are at odds but we are not. There are some members of the committee who wish to get the matter straightened out, and as long as we must wait for the supplementary report, we want a chance to talk it over with Mr. Carleton before acting. I move that it be retabled at this time.

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

The SPEAKER: The Chair lays before the House the 13th unassigned matter, Senate report ought to pass of the Committee on Judiciary on bill an act to provide for continuous revision of the Statutes and legislative assistance, S. P. 278, L. D. 249. This came from the Senate report read and accepted and the bill passed to be engrossed. In the House the report was tabled March 12 by Mr. Burkett of Portland, pending acceptance in concurrence; and the Chair recognizes the gentleman from Portland, Mr. Burkett.

On motion by Mr. Burkett, the report was accepted in concurrence, the bill had its two several readings.

Mr. BURKETT: Mr. Speaker, I now offer House Amendment A and move its adoption, as follows:

House Amendment A to Legislative Document 249, bill an act to provide for continuous revision of the Statutes and legislative assistance.

Amend said act by striking out in section three thereof the words "of forty-five hundred dollars."

Thereupon Amendment A was adopted, and tomorrow assigned for the third reading of the bill.

The SPEAKER: The Chair lays before the House the 14th unassigned matter, House report ought to pass in new draft of the Committee on Library on resolve for the purchase of "Bibliography of Maine Imprints," new draft H. P. 1266, tabled March 12 by Mr. Carleton of Portland, pending acceptance of the report; and the Chair recognizes the gentleman from Portland, Mr. Carleton.

On motion by Mr. Carleton the report was accepted, and the new draft was tabled for printing under the Joint Rules.

The SPEAKER: The Chair lays before the House the 15th unassigned matter, House report ought to pass of the Committee on Library on resolve providing for purchase of two hundred copies of Maine Province and Court Records, Vol. II, H. P. 627, tabled March 12 by Mr. Carleton of Portland, pending acceptance of the report; and the Chair recognizes the gentleman from Portland, Mr. Carleton.

On motion by Mr. Carleton the report was retabled, pending acceptance.

The SPEAKER: The Chair lays before the House the 16th unassigned matter, House report ought to pass of the Committee on Library on resolve to preserve the early vital records of the city of Westbrook, H. P. 628, tabled March 12 by Mr. Carleton of Portland, pending acceptance of the report; and the Chair recognizes the gentleman from Portland, Mr. Carleton.

On motion by Mr. Carleton, the report was accepted, and the resolve tabled for printing under the Joint Rules.

The SPEAKER: The Chair lays before the House the 17th unassigned matter, House Amendment A to bill an act to authorize the construction of a wharf in Long Lake at Naples, H. P. 1264, L. D. 805, tabled March 12 by Mr. Robie of Westbrook, pending adoption; and the Chair recognizes the gentleman from Westbrook, Mr. Robie.

Mr. ROBIE: Mr. Speaker, I move the indefinite postponement of this amendment to the bill. I will say that in my opinion it does not give the proponents of the bill a fair show for the reason that it states that the selectmen of the town shall call an election by referendum if, prior to July 1, 1932, they shall be requested so to do, said election to be held on such day as they shall determine within sixty days after receipt of that request. The fact is that the selectmen of the town of Naples, who are the political enemies of the proponent of this bill, with this amendment in force, could use their office to defeat the purpose of the bill. Therefore, I move the indefinite postponement of the amendment.

Mr. THOMAS of Harpswell: Mr. Speaker, it seems to me that the gentleman who has preceded me, Mr. Robie of Westbrook, shows a

certain weakness when he wants to refuse voters of the town of Naples the right to pass on this question. This amendment, Mr. Speaker, only asks to give to these people the right to settle their own affairs. Now I am not acquainted with conditions in Naples, but, Mr. Speaker, I understand—and I think from very good authority—that down there on the shore of Long Lake is a very beautiful place, and those people there—and I think I am well convinced in my own mind, and, if I did not think so, I would not say so,—I think those people are bitterly opposed to having anything placed on that particular spot at Long Lake in Naples. Now those people ought to have the right to say what they want there in Naples, and, if they have not got that right, who has? Why should we, the members of the House of Representatives, undertake to tell these people what they shall have and what they shall not have? It seems to me that this is a fair proposition, and why not? It is the way that all questions in the United States of America are settled, by a vote of the people.

These people have just simply asked to have this amendment tacked on to that bill to give them their rights, and I submit to you that the members of the House of Representatives should not turn down a proposition of that kind. This is a referendum wholly within that town, and if they vote to give Mr. Bove the right to build a wharf there, certainly Mr. Bove will feel that the people are with him, and if they refuse to give him that right, they are only doing just what they might do to any other person there.

I am not in a position where I can particularly debate this bill, but I can certainly debate the amendment. This amendment lies wholly within that town and those people should have the right to say what they shall have in that town. They are dependent on summer travel and the tourists who come to that beautiful little lake; and when they are so vehement to keep that particular spot clear, it is because they are interested in their town and its beauties, and their town is one of the most beautiful spots of the State of

Maine, and why should they not have the right to keep it so? The people there have no particular animus against any particular individual. They are simply interested in their own beautiful town, as I am interested in mine, and if this were my town I should and could certainly tell you people more about it. Why should the House of Representatives go on record as saying that these people shall not have the right to say what they will have? That is the question before you members of the House of Representatives, and it is the whole question. I am sure that the members of the House will not find it in their hearts to tell those people what they shall have and what they shall not have there in Naples, and I sincerely hope that the members of this House will vote to sustain that amendment, and why not? I can see no possible reason why they should not give them that right.

Mr. FARRIS of Augusta: Mr. Speaker, this is a very simple little bill. It gives Augustus F. Bove of Naples, the right to erect a wharf upon his own land on Long Lake in the town of Naples. The opponents of this bill appeared before the committee on Interior Waters and they did not ask for any referendum, they did not want any referendum. They fought it out in the committee room and then the committee reported that it ought to pass in its present form. I will read:

“Augustus F. Bove of Naples, his assigns, executors and heirs are hereby authorized and empowered to construct and maintain a wharf opposite land owned by him in Long Lake in the town of Naples in the county of Cumberland, his said land being located between the Casino property and the bridge, and to extend the same into said Long Lake far enough to allow the landing of boats and steamers.

“No building shall be erected on said wharf and no part of the wharf shall extend above the level of the adjacent highway. The wharf shall be maintained in good condition for the free use of the public.”

Now this is a private proposition and no one wanted a referendum in the committee room. Mr. Thomas comes here and represents two

people who are in competition with Mr. Bove. They do not want anybody else to come in there and have a boat landing which will be in competition with another one constructed down there and run by other parties. I think it unfair for anyone to come to this House and try to tuck a referendum on a bill like this and Mr. Bove should have equal rights with others we have granted rights to do things on their own land, and I am against the adoption of the amendment to this bill.

Mr. ROBIE: Mr. Speaker, I will say as House Chairman of the committee on Interior Waters, that the committee considered this bill very carefully before making their decision. I might also say that so far as we could see it was a matter of personal jealousy and spite to cause the defeat of this particular measure. As Mr. Farris has stated, a certain group of people are trying to stop Mr. Bove from making progress there. So far as I can see there is no necessity for this referendum and if it is tacked on there it accomplishes the purpose I have stated and will defeat the bill.

The SPEAKER: The question before the House is on the indefinite postponement of Amendment A. All those in favor of its indefinite postponement will say aye; those opposed no.

A viva voce vote being taken, the amendment was indefinitely postponed.

On motion by Mr. Farris of Augusta, the bill then had its second reading under suspension of the rules and tomorrow assigned.

The SPEAKER: The Chair lays before the House the 18th unassigned matter House report ought to pass of the committee on Insane Hospitals on resolve in favor of the Augusta State Hospital for new construction, H. P. 943, tabled by Mr. Morse of Oakland, March 12, pending acceptance of the report; and the Chair recognizes the gentleman from Oakland, Mr. Morse.

On motion by Mr. Morse, the report was retabled, pending acceptance.

The SPEAKER: The Chair lays before the House the 19th unassigned matter communication of

State Highway Commission relative to section of State highway in the towns of Moscow and Caratunk, L. D. 783, tabled March 12 by Mr. Leonard of Hampden, pending consideration; and the Chair recognizes the gentleman from Hampden, Mr. Leonard.

Mr. LEONARD of Hampden: Mr. Speaker and members of the Eighty-fifth Legislature: Most taxpayers believe we are not getting enough roads built for the money spent, and I among that number. We do not think good business methods have always been followed.

Now as to the Bingham-Caratunk road: You have the report of the Highway Commission which I asked for. The Federal Government never made any special agreement about this road. The 50% that the Commission says the Government pays might be misleading to the public. The part the Government pays comes from the money allotted to the State each year, so you see 75% of the money put into this road comes directly out of our Highway Fund in a division of this kind. The road was built through a very rough hilly section as shown by the Engineer's report, and I am not doubting the cost as much as I am the way this project was handled.

The first section of this road was built by the Central Maine Power Company and cost \$165,990.97. No contract was made with the Central Maine Power Company for this 4 1-5 miles,—just a verbal agreement. Not a very business like transaction from either side. The statement submitted to us by the Highway Department shows that the whole cost was \$165,990.97, and that when the road was completed the Central Maine Power Company owed, and still owes, the State \$39,653.47.

The second section was let to W. H. Hinman Inc. and cost \$284,872.39. There was an agreement with the Central Maine Power Company for this section dated Oct. 22nd, 1929. I asked to see this contract. I did not see it but was handed a copy later. I will not read this contract but ask that it be printed in the record. This contract says nothing as to how or when the Central Maine Power Company is to pay the State for its share of building the road. The Highway Commission has lately sent them a bill for the balance

due on the whole road for over \$111,000. I think if the Augusta Trust Company had furnished the State this money there would be some interest to pay.

This new road with its side-hill cuts and ravines, with heavy fills that will wash and settle for a number of years, will be an expensive road to keep up compared with the old road with its settled, solid base and the much more level contour of the river valley.

The metal culverts in this road cost over \$26,000. You can see by the amount of culverts used in the new road that drainage was quite a problem. These are bought by the Highway Commission and put in by the contractors. Three companies submit bids to the Highway Commission which are always exactly alike. The Chief Engineer says there is no difference in the quality of their products. A statement shows the State purchased over \$100,000 worth from three companies: Penn Metal Company furnished a little over \$8,000; Berger Manufacturing Company a little over \$9,000; and the New England Metal Company \$100,000. The last company's products Mr. Paul Sargent, former Chief Engineer of the Highway Department, and Mr. Clyde Smith, a former Highway Commissioner to May, 1930, are interested in selling; and in that statement regarding those culverts, in 1929 they purchased from this Penn Metal Company \$37,000, in 1930 they purchased over \$99,000. This has taken place since Mr. Murray was removed from the Commission. When these culverts go to pieces, as they have in the past, it will be a costly job in heavy fills to replace them. Re-inforced concrete culverts cost less to buy, and, in the judgment of those who have had experience, are superior.

Auto hire paid by the State on this road was \$3,685.73. The State allows 10c per mile for car hire. Auto hire cost more than \$300 per mile on this road.

When the Bangor Hydro Electric Company created Graham Lake on Union River, they spent about \$90,000 rebuilding the roads and the State allowed them \$7,000.

Two years ago the International Paper Company said they would pay the cost of building new roads on their Fish River project.

I understand the Great Northern Paper Company did not ask the

State to pay for roads which they had to build to get around the flowage made by them between Medway and Millinocket.

The Highway Commission said they were planning to spend \$22,500 per mile on the old road up the valley, and they say, also, that no survey of this road has been made on which to base their figures. The length of these two roads would be about the same. The Engineer could not give me the exact length of the old road. If the State had fixed the old road up the valley at Murray's estimate of \$2,500 per mile it would have cost \$66,386.25. The State's part of the new road is \$286,612.24. This shows that the new road has cost the State \$220,225.99 more than Murray's estimate. Had the Highway Commission built the road up the valley at \$22,500 per mile, it would have cost \$265,545. The cost to the State for the new road is, so far, \$286,354.30, showing a loss of over \$20,000 and a very costly road to keep up. After the road was completed the State paid almost \$10,000 for tarring, which I think was right.

The hand of the Power Trust is upon our roads, our rivers and our forests. It rests upon our schools, our homes, our hotels, our farms and our factories. Its grasp is upon our banks, our newspapers and news stands. It tries to guide us in our elections and holds firmly its chess men in our Legislatures. The coils of this boa constrictor are wound round about everything, tangible or intangible, that we own. We shall find some day that we are in the stomach of the snake. I remember reading in a magazine something like this: "If you can control a man's finances, you can control his business, his politics and his religion." Two years ago the Spear Committee, after their investigation of the Highway Commission, said: "It is the opinion of the Committee that the present form of Commission has outlived its usefulness, and that a new system should be inaugurated. The Committee, therefore, definitely recommends a re-construction of this system by legislation."

From this settlement made by the Highway Commission there is said to be no repeal.

The water has gone over the dam

and it seems to me that about \$200,000 of our road money is at the bottom of this newly created Wyman Lake.

The SPEAKER: Does the gentleman from Hampden, Mr. Leonard, wish to make any motion in connection with this matter?

On motion by Mr. Leonard, the communication from the Highway Department was accepted and placed on file.

Following is the agreement between the State Highway Commission and the Central Maine Power Company of October 22, 1929, which Mr. Leonard desired inserted in the record:

THIS AGREEMENT made this twenty-second day of October, 1929, by and between the State Highway Commission of the State of Maine, and Central Maine Power Company, a corporation duly organized and existing under and by virtue of the laws of the State of Maine and having its principal place of business at Augusta, in the County of Kennebec and said State,

WITNESSETH: In consideration of the construction of a road, together with suitable bridges, in the town of Moscow and Plantation of Caratunk, county of Somerset and said State, the location of said road being described as follows: Beginning at Station No. 227, said station being the point where the present Federal Aid Project No. 124-A now under construction ends; thence running northerly a distance of approximately three and three-quarters miles to the dividing line between said town of Moscow and said Plantation of Caratunk; thence running northerly from said Caratunk Plantation a distance of approximately three and three-quarters miles to a point where said road to be constructed joins the present state highway, the total

distance to be constructed being approximately 7.6 miles, said Central Maine Power Company agrees to contribute toward the construction of said highway the sum of Seven Thousand Five Hundred Dollars (\$7500) per mile and to pay the entire cost over and above the sum of Thirty Thousand Dollars (\$30,000) per mile.

Said Central Maine Power Company further agrees to pay 25 per cent of the total cost of constructing the two bridges necessary to complete the construction of this proposed highway.

IN WITNESS WHEREOF the said State Highway Commission has caused its name to be signed by its individual members, thereunto duly authorized, and Central Maine Power Company has caused its corporate name to be signed and its corporate seal affixed by Harold D. Jennings, its Treasurer, thereunto duly authorized, all as of the day and year first above written.

STATE HIGHWAY COMMISSION
OF THE STATE OF MAINE

By Frank A. Peabody
Clyde H. Smith
Edward E. Farnsworth

CENTRAL MAINE POWER COMPANY

By Harold D. Jennings,
Treasurer.

Signed, Sealed and Delivered in
the presence of
Lucius D. Barrows
to F. A. P., C. H. S. and E. E. F.
Nathaniel W. Wilson

A TRUE COPY:

Lucius D. Barrows,
Chief Engineer.

ATTEST:

Eloise Lawrence,
Justice of the Peace.

On motion by Mr. Farris of Augusta,

Adjourned until tomorrow morning.