

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, March 13, 1935.

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

Prayer by the Rev. Mr. Mayhew of Gardiner.

Journal of the previous session read and approved.

From the Senate: Bill an act to amend the charter of Aroostook Trust Company, S. P. 624.

Comes from the Senate received by unanimous consent, and under suspension of the rules given its several readings and passed to be engrossed without reference to a committee.

In the House received by unanimous consent, and under suspension of the rules given its three several readings and passed to be engrossed without reference to a committee in concurrence.

Papers from the Senate disposed of in concurrence.

Senate Bill in First Reading

S. P. 319, L. D. 351: An act relating to the duties and functions of the Maine State Pomological Society.

From the Senate: Report of the committee on Judiciary reporting ought to pass on resolve proposing an amendment to the Constitution to authorize the use of voting machines in elections, S. P. 114, L. D. 25.

Comes from the Senate report read and accepted and the resolve passed to be engrossed.

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

From the Senate: Report of the committee on Judiciary reporting ought not to pass on bill an act relating to registration of pleasure cars by paupers, H. P. 135, L. D. 360, which was accepted in the House on March 6th.

Comes from the Senate report and bill recommitment to the committee on Judiciary in non-concurrence.

In the House, on motion by Mr. Finden of Fort Fairfield, that body voted to recede and concur with the Senate in the recommitment of this bill to the committee on Judiciary.

From the Senate: Resolve appropriating money to complete the fish way at Aroostook Falls, H. P. 1487,

L. D. 664, which was passed to be enacted in the House on March 7th and passed to be engrossed in the House on February 28th.

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

In the House, on motion by Mr. Gray of Presque Isle, tabled pending further consideration.

From the Senate: Bill an act to amend the city charter of Bangor, H. P. 1529, L. D. 674, which was passed to be engrossed in the House on March 5th.

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

In the House, on motion by Mr. Eddy of Bangor, tabled pending further consideration.

Orders

On motion by Mr. Thompson of Chelsea, it was

Ordered, that the use of the hall of the House be granted to the committee on Inland Fisheries and Game for the afternoon of Thursday, March 14.

Reports of Committees

Mr. Woodbury from the Committee on Agriculture reported ought not to pass on bill an act providing for the branding of butter, eggs and dressed poultry (H. P. No. 1114) (L. D. No. 313)

Mr. Clarke from same Committee reported same on bill an act regulating the sale of fresh eggs (H. P. No. 111) (L. D. No. 310)

Mr. Bragdon from the Committee on Claims reported same on resolve in favor of William Arey Heath of Brooksville (H. P. No. 323)

Same gentleman from same Committee reported same on resolve in favor of E. G. Hodgkins of Carmel (H. P. No. 657)

Reports read and accepted and sent up for concurrence.

Mr. Cambridge from the committee on Claims reported ought not to pass on resolve in favor of John H. Simmonds of Portland (H. P. No. 957)

Report read and accepted.

On motion by Mr. Jacobson of Portland, the House voted to reconsider its action whereby this report was accepted; and on further motion by the same gentleman the resolve was tabled, pending acceptance.

Mr. Coolidge from the committee on Claims reported ought not to pass on resolve in favor of C. H. An-

derson of Monmouth, and other exhibitors (H. P. No. 1304) as it is taken care of otherwise.

Mr. Devereux from same Committee reported same on resolve in favor of P. W. Merrill of Leeds (H. P. No. 1247)

Mr. King from same Committee reported same on resolve in favor of Roland E. Smith of So. Portland (H. P. No. 750)

Mr. Mosher from same Committee reported same on resolve in favor of Maud K. Sheldon of Carmel (H. P. No. 1248)

Same gentleman from same Committee reported same on resolve in favor of Raymond W. Smith of So. Portland (H. P. No. 751)

Mr. Gray from the Committee on Judiciary reported same on resolve creating a Commission on Interstate Compacts affecting labor and industry (H. P. No. 1328) (L. D. No. 581)

Mr. Jacobson from same Committee reported same on bill an act to amend the primary election law, by providing for an advisory convention in the selection of party candidates for Governor and for the nomination of all candidates for county office except State Senators in county conventions (H. P. No. 316) (L. D. No. 78)

Same gentleman from same Committee reported same on bill an act relating to notices by assenting employees (H. P. No. 587) (L. D. No. 166)

Same gentleman from same Committee reported same on bill an act relating to abortion (H. P. No. 590) (L. D. No. 169)

Mr. Philbrick from same Committee reported same on bill an act relating to responsibility for accidents to passengers in motor vehicles (H. P. No. 442) (L. D. No. 120)

Same gentleman from same Committee reported same on bill an act relating to medical attendance of injured employees (H. P. No. 586) (L. D. No. 165)

(Tabled by Mr. Donahue of Biddeford, pending acceptance of the report)

Mr. Weatherbee from same Committee reported same on bill an act relating to examination of employees by physician of employer (H. P. No. 585) (L. D. No. 164)

(Tabled by Mr. Donahue of Biddeford, pending acceptance of the report)

Mr. Willey from same Committee reported same on bill an act to

provide for the nomination of candidates for State and County offices by political party conventions subject to right of appeal to primary elections (H. P. No. 1205) (L. D. No. 453)

Mr. Burnham from the Committee on Legal Affairs reported same on bill an act relating to assessors (H. P. No. 1335) (L. D. No. 543)

Mr. Chase of Baring from same Committee reported same on bill an act to provide a town manager form of government for the town of Bluehill in the county of Hancock (H. P. No. 1075) (L. D. No. 411)

Same gentleman from same Committee reported same on bill an act relating to the discharge of firearms across highways while hunting (H. P. No. 302) (L. D. No. 76)

Same gentleman from same Committee reported same on bill an act relating to the licensing of dogs (H. P. No. 1336) (L. D. No. 544)

Mr. Fogg from the Committee on State Prison reported same on bill an act making use of copper metal mandatory in the purchase or production of motor vehicle plates (H. P. No. 1215) (L. D. No. 461)

Mr. Wentworth from the Committee on Temperance reported same on bill an act relating to licenses for sale of liquor and alcohol (H. P. No. 1226) (L. D. No. 436)

Mr. King from the Committee on Claims on resolve in favor of Winterport Ferry Company (H. P. No. 426) reported that legislation thereon is inexpedient.

Reports read and accepted and sent up for concurrence.

Mr. Burnham from the Committee on Legal Affairs reported ought to pass on bill an act to provide for the surrender by town of Mount Chase of its organization (H. P. No. 851) (L. D. No. 295)

Mr. Chase of Baring from same Committee reported same on bill an act to extend the charter of the Patten Water and Power Company (H. P. No. 698) (L. D. No. 219)

Same gentleman from same Committee reported same on bill an act to extend the charter of the Vancboro Water Company (H. P. No. 699) (L. D. No. 220)

Mr. Fogg from the Committee on Temperance reported same on bill an act relating to local option provisions (H. P. No. 1364) (L. D. No. 593)

Reports read and accepted and

the bills having already been printed were read twice under suspension of the rules and tomorrow assigned.

Majority report of the Committee on Temperance reporting ought not to pass on bill an act authorizing the dispensing of medicinal liquor on prescription (H. P. No. 1362) (L. D. No. 591)

Report was signed by the following members:

Messrs. Bissett of Cumberland
Tompkins of Aroostook
Billings of York
—of the Senate.

Fogg of Rockland
Wentworth of Kennebunk
Fowles of Randolph
Oliver of Bath
Stilphen of Dresden
Hobbs of Hope
—of the House.

Minority report of same Committee reporting same in a new draft (H. P. No. 1713) under same title and that it ought to pass

Report was signed by the following member:

Mr. Alden of Auburn
—of the House.

On motion by Mr. Wentworth of Kennebunk, the majority report was accepted and sent up for concurrence.

First Reading of Printed Resolves

(H. P. No. 665) (L. D. No. 749)
Resolve in favor of the town of Canton.

(H. P. No. 975) (L. D. No. 750)
Resolve in favor of the estate of Ella M. Bagley.

(H. P. No. 1709) (L. D. No. 751)
Resolve in favor of C. Herbert Perry.

Passed to Be Engrossed

(S. P. No. 164) (L. D. No. 658)
An act to repeal acts incorporating the town of Concord.

(S. P. No. 290) (L. D. No. 265)
An act relative to fees for registration of vehicles.

(H. P. No. 1603) (L. D. No. 692)
An act relative to trapping in York County.

(H. P. No. 1632) (L. D. No. 727)
An act relating to poultry.

(H. P. No. 1637) (L. D. No. 728)
An act relative to Game Preserve in York County.

(H. P. No. 1639) (L. D. No. 729)
An act concerning security for loans to farmers and others.

Mr. GRAY of Presque Isle: Mr.

Speaker, if I am in order under Rule 7 of the Joint Rules: It appears that there is a word that should be changed merely a typographical error in the printing of this bill; and I would suggest, under this Rule, in Section 6-D, fifth line, and the ninth word of that line, changing the word "it" to "they".

The SPEAKER: The Clerk will make the correction as a clerical amendment.

Thereupon the bill had its third reading and was passed to be engrossed

(H. P. No. 1640) (L. D. No. 730)
An act relating to Bail Commissioners.

(H. P. No. 1645) (L. D. No. 731)
An act to authorize the town of Whiting to withdraw from the Maine Forestry District.

(H. P. No. 768) (L. D. No. 732)
Resolve in favor of John K. Forhan of Canton.

(H. P. No. 1107) (L. D. No. 733)
Resolve in favor of Arthur G. Thombs of Castine.

(H. P. No. 1246) (L. D. No. 734)
Resolve in favor of the Danforth Water Company.

(H. P. No. 1303) (L. D. No. 735)
Resolve in favor of William Burgess of Waterville.

(H. P. No. 1633) (L. D. No. 736)
Resolve in favor of the town of Castine.

(H. P. No. 1634) (L. D. No. 737)
Resolve in favor of Harvey I. Dillingham for damage inflicted to sheep by dogs.

(H. P. No. 1635) (L. D. No. 738)
Resolve in favor of Augustus S. Burke and R. Bourbeau of Fairfield to compensate them for land taken for sewer appurtenant to Central Maine Sanatorium.

(H. P. No. 1636) (L. D. No. 739)
Resolve relating to fishing in Round and Long Ponds in Livermore.

(H. P. No. 1638) (L. D. No. 740)
Resolve relative to Game Preserve in York County.

(On motion by Mr. Davis of Newfield recommitted to the committee on Inland Fisheries and Game for the purpose of changing the form only.)

(H. P. No. 1641) (L. D. No. 741)
Resolve authorizing the Forest Commissioner to sell certain public lots in Webster Plantation in Penobscot County.

(H. P. 1642) (L. D. No. 742) Re- solve authorizing the Forest Com-

missioner to convey certain land in Drew to Josephine Morse.

(H. P. No. 1643) (L. D. No. 743) Resolve authorizing the sale of State's interest in certain lands.

(H. P. No. 1644) (L. D. No. 744) Resolve empowering and directing the Forest Commissioner to convey a lot of land in Wallgrass Plantation.

(H. P. No. 1646) (L. D. No. 745) Resolve permitting the United States Government to purchase certain lands in the State.

Amended bill (S. P. No. 139) (L. D. No. 55) An act for use of temporary number plates.

Was reported by the Committee on Bills in the third reading, read the third time and passed to be engrossed as amended by House Amendment 'A' in non-concurrence and sent up for concurrence.

(H. P. No. 563) (L. D. No. 709) Resolve relating to fishing in Carrabassett River (H. P. No. 1712) substituted for bill an act relating to fishing in Carrabassett River.

Passed to be Enacted

(Emergency Measures)

S. P. 386, L. D. 422: An act to amend the law relating to Loan and Building Associations.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and forty voting in the affirmative and none in the negative, the bill was passed to be enacted.

H. P. 1542, L. D. 679: An act relating to taxation of trust and banking companies.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and forty-three voting in the affirmative and none in the negative the bill was passed to be enacted.

H. P. 1629: An act to incorporate the town of Hodgdon School District.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and forty voting in the affirmative and none in the negative, the bill was passed to be enacted.

Passed to be Enacted

(S. P. No. 100) (L. D. No. 668) An act relating to salary of members during Special Session of the Legislature.

(S. P. No. 101) (L. D. No. 669) An act to fix the fees for members of the Board of Examiners of Podiatrists.

(S. P. No. 194) (L. L. No. 143) An act relating to persons maintaining licensed homes for children.

(S. P. No. 196) (L. D. No. 145) An act relating to disposal of minor children in divorce proceedings.

(S. P. No. 230) (L. D. No. 193) An act relating to clerk hire in the office of the Clerk of Courts of Waldo County.

(Tabled by Mr. Payson of Brooks, pending passage to be enacted.)

(S. P. No. 293) (L. D. No. 665) An act to incorporate the Bethel Library Association.

(S. P. No. 378) (L. D. No. 666) An act relating to European Corn Borer.

(S. P. No. 379) (L. D. No. 399) An act relative to kidnapping.

(S. P. No. 387) (L. D. No. 423) An act to amend the law relating to Loan and Building Associations.

(S. P. No. 389) (L. D. No. 425) An act to amend the law relating to Loan and Building Associations.

(S. P. No. 93) (L. D. No. 418) An act relating to the discontinuance of railroad crossings.

(S. P. No. 461) (L. D. No. 682) An act relating to proceedings in the Probate Court.

(S. P. No. 462) (L. D. No. 680) An act to provide for the investigation of divorce cases in which the custody of children is involved.

(H. P. No. 702) (L. D. No. 222) An act relating to clerk hire in

County offices in Oxford County.

(H. P. No. 852) (L. D. No. 296)

An act relating to Islesboro Transportation Company.

(H. P. No. 1177) (L. D. No. 383)

An act relating to Law Court briefs.

(H. P. No. 1549) (L. D. No. 653)

An act to assure proper branding of potatoes.

Finally Passed

(H. P. No. 829) (L. D. No. 676)

Resolve changing the name of Corinna Bog and Stream.

(H. P. No. 1486) (L. D. No. 667)

Resolve in favor of William C. Boyles of Castle Hill.

(H. P. No. 1527) (L. D. No. 672)

Resolve in favor of Samuel Dana, Representative of the Passamaquoddy Tribe of Indians.

(H. P. No. 1528) (L. D. No. 673)

Resolve in favor of John S. Nelson, Representative of the Penobscot Tribe of Indians.

Orders of the Day

The Chair lays before the House the first matter tabled and today assigned, House report ought not to pass of the committee on Legal Affairs on bill an act relating to use of materials in construction of public projects, H. P. 598, L. D. 174, tabled on March 6th by the gentleman from Rockland, Mr. Sleeper, pending acceptance; and the Chair recognizes that gentleman.

Mr. SLEEPER: Mr. Speaker and members of the House: The reason I tabled this bill one week ago was that I wanted to find out whether I had any solid ground to stand on in advocating the passage of this bill. I find that I have. I also wanted to see the outcome of a hearing yesterday on a bill that was very similar. I am sorry to report that I do not consider, from the hearing given that bill, that the committee will be favorable to the bill. I went in there expecting an orderly hearing—I was not there at the time the hearing started. The principal opponent of this measure said—I am not mentioning any names—but he said “I licked him once, and I will lick him again”—

Mr. WILLEY of Falmouth: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman may state his point of order.

Mr. WILLEY: My point of order is, Mr. Speaker, that the hearing conducted in the Judiciary committee was a fair hearing, and there was no such statement made—

The SPEAKER: The gentleman has not mentioned any committee and the point is not well taken.

Mr. SLEEPER: (continuing) There was a man there who took notes on the exact words that were said, and the principal opponent of this measure said: “I licked the proponent of this measure once, and I will lick him again.” Those do not sound to me like the words of a grown man.

So, to be sure of the ground I stood on here, as well as the ground I stood on back home, I called up this morning the President of the Chamber of Commerce and I told him what had transpired, and I said to him: “What will I do?” He said: “Find out what the Legislature thinks.” That is what I would like to find out.

You will be told that this bill is very dangerous, that all other states will hold it against Maine if we create this high tariff wall around the State, if we have the courage to give preference to Maine material, to the hiring of Maine men, and distribute money through the State.

Now the first thing is: Do any other states have this same law? I will say that they do. One is the State of California, probably the richest state in the Union. Anyone who is not born in California cannot even get a job there. Another state, the second largest in the Union, the state of Illinois, has a law so strict that products not only have to be manufactured from materials in the state, and labor must be hired in the state, but in the production of iron and steel they have to use Illinois coal in the smelting of such products.

Another state is Tennessee. Another state is Indiana. Another state is Massachusetts, the richest state in New England. Another large political organization is the city of New York. It might be of interest to the members to know that up until the last few years one of the largest industries in this State was the granite industry. There were several thousand people who received a dollar or a dollar and twenty cents an hour for cutting stone. A city in Massachusetts, the largest buyer of granite, passed an ordinance that all the granite used by the state would have to come in the rough, and all the finishing work with all the expense and wages for finishing would have to be done in that state. That law alone cost the

state a million dollars a year, and then you ask us if such a law would be dangerous.

I would like to read you two letters from neighboring states that I received from the office of the State Purchasing Agent. The first one is from our neighboring state of New Hampshire:

"Dear Mr. Sleeper:

"I have your letter of March 1st and am interested in your efforts to confine purchasing, in so far as possible, to Maine concerns.

"Although there is no New Hampshire statute which fixes the policy of this office, it is our purpose and practice to encourage New Hampshire concerns to bid on all requirements for state departments and institutions, and to give them preference wherever prices and quality are equal. For instance, if out-of-state bidders and in-state bidders submit uniform bids on a given commodity, the out-of-state bidders are excluded from consideration in making the award.

"It is, of course, unnecessary for me to go into detail regarding the justice of such a policy. You have undoubtedly approached the matter from the several angles presented. However, I am glad to go on record as being in favor of any effort to promote business within our own state and to give our taxpayers the opportunity to benefit by any business which the state can reasonably give them.

"Very truly yours,

"HAROLD CHENEY,

"State Purchasing Agent."

I also have a letter here from the Commonwealth of Massachusetts, Commission on Administration and Finance. I will quote:

"I attach hereto copy of the rules and regulations governing purchasing and invite your attention to the last paragraph on page three. The rules and regulations of Massachusetts say: 'The Purchasing Bureau shall give preference in the purchase of supplies and materials, other considerations being equal, in favor, first, of supplies and materials manufactured and sold within the Commonwealth, and, second, of supplies and materials manufactured and sold elsewhere within the United States.'"

I mention now a personal case. I mention the fact that at the first hearing the only opponent of the measure was a salesman for a

certain concern selling a certain product in large quantities to the State. I quote further from the above mentioned letter from the Commonwealth of Massachusetts:

"The prices of domestic cement, as I understand it, are the same, no matter what part of the United States is bought, and if I were charged with the responsibility of buying cement, I would certainly patronize the local industry, first, because the state would profit and second, it would benefit the state by giving men employment and property made available for taxation."

I will not read the whole of that letter, but that is the sum and substance of it.

I have a similar letter from Rhode Island, the substance of which is in the last paragraph, in which it says they give preference to Rhode Island concerns, all conditions being equal, second, to New England concerns, and third, to the country at large. I do not believe there is any need for me to go further into the subject. We all know that if these other states, California, Illinois, Massachusetts, Indiana, and Tennessee, and the city of New York, have adopted this same policy, that it cannot be a dangerous policy.

I have no doubt that some of the members of the committee reporting this bill will get up and say that it is a dangerous policy, that there will be a vicious back-lash developed in our private industry. They will undoubtedly tell you that Mr. John Jones, in northern New York state, coming into a department store and seeing the clerk bring down a package of sheets bearing the label of the Pepperell Manufacturing Company, Biddeford, Maine, will say: "I do not want those sheets; they come from Maine, and the Legislature of Maine has given preference to Maine concerns." They will probably tell you that Mr. John Doe, of New York, eating an elaborate meal at the Ritz-Carleton Hotel, when he comes to the vegetable course, will inquire of the waiter: "Are these Maine potatoes? If so, take them out, and bring me Idaho potatoes. I do not want anything to eat from a state that has the fortitude and courage to encourage their local industries."

Probably they will tell you that Colonel Culpepper, down in At-

Ianta, Georgia, had rather go bare-foot, like the niggers that live down side of the railroad track, than wear shoes from a state that has the courage to encourage its local industries.

Do the local industries of the State of Maine need encouragement? Every large industry in this State is on the decline. Every paper mill in this State is operating at a loss. In every seaport town in this State, where they used to build ships that went all over the world, there is now not a ship being built.

Canada, to the north, can duplicate every product this State can manufacture—lumber, products of the sea; and if a tariff ever goes through, the market will be flooded with these Canadian products. Do our industries need encouragement? Do they need any help this State can give them? They certainly do.

In one of the hearings a prominent Senator said that the greatest product of the State of Maine is its young men and women. I agree with him there, but it is to Maine's everlasting disgrace and shame that nine out of ten of every smart boy and girl raised in this State has to go somewhere else to find their place in the sun, and when they reach that place in the sun, they enrich that state, and not Maine.

They will tell you that the summer people will not like this bill, that they will not come here. I think you will find that eight out of ten of the summer people are people who were natives, born here, and forced out of this State because they could not find economic advantages here; and they come back here in the summer to get as much of our beautiful climate as they can. All of the summer people come here because they love the State. They do not come here because we have not the courage to encourage our industries.

I have children growing up here. As I grow older, I would like to have those children near me. I would like to have those children have a chance in this State. I do not want a daughter of mine to have to go to Connecticut to get over twelve dollars a week teaching school. I do not want a son of mine to have to go to Massachusetts to get over fifteen dollars a week for working for some concern. I want them to stay in this

State. You want your children to stay in this State. I think the State of Maine has been made the dumping ground of other states of the Nation long enough.

A prominent member of this House, in making a survey of the stores in this state, found less than five and one-half per cent of all of the products sold in those stores were manufactured in this State; and in the chain stores, the five and ten-cent stores, he found this ratio was only three per cent.

I want to have it specifically understood that I have no personal interest in this bill, which is more than the opponents of the bill can say. I am only interested in encouraging Maine industry. I venture to say that the money spent for Oregon and Washington lumber, and Canadian lumber, would run into hundreds of thousands of dollars. I know what it runs into on cement—I am not going to argue cement—but it is six to seven hundred thousand dollars. I think we could keep that money here and use it to good advantage.

I would like to know if this Legislature is in favor of giving any encouragement to Maine industry, and if you are, I urge that you substitute the bill for the report and give the bill passage.

The SPEAKER: Does the gentleman from Rockland (Mr. Sleeper) make that as a motion, that the bill be substituted for the report?

Mr. SLEEPER: Yes, Mr. Speaker.

The SPEAKER: The question before the House is on the substitution of the bill for the report of the committee. The Chair recognizes the gentleman from Fairfield, Mr. Davis.

Mr. DAVIS of Fairfield: Mr. Speaker and members of the Eighty-seventh Legislature: This is an important matter. It is a matter that was given considerable thought by the members of the Legal Affairs Committee.

At first glance, and from a hasty perusal of the bill, you might expect that it had considerable merit, but if you give it careful study, I think it will lead you to four conclusions, or four reasons why this bill should not become a law, and I will give you those four reasons as we saw them, in just a moment.

First of all, it has been pointed out here that other states have a similar law. California, Illinois, Tennessee, Indiana, Massachusetts,

for the states, and for a large center, the city of New York. But the gentleman from Rockland (Mr. Sleeper) goes on to say—and in so saying he admits that the state of New Hampshire—and he reads a letter from the Purchasing Agent of that State—does not consider it necessary to have such a law on their statute books. And why? Because they do purchase products from New Hampshire concerns, producers and manufacturers, without such a law; and a little later I think I can prove to you that the State of Maine also purchases from its producers and manufacturers, and the State of Maine does not need such a law. In these other states, and in Massachusetts, a sixth state that has such a law, as I understand it, it may be necessary—it may be that the set-up is such that producers and manufacturers in those states are suffering. If that is so, and if I were an inhabitant of one of those states, I should heartily endorse the passage of such a bill as this. But it is not needed in the State of Maine.

Now to get back to those four reasons. First of all, I should like to tell you, for the benefit of those who could not be at the hearing for some reason or other, that the only proponents of this bill came from Rockland or Thomaston—with all due respect to the gentleman from Rockland (Mr. Sleeper)—and I have a high regard for him, and I think he is doing a good job for his district, and I admire him for standing up and trying to get something for Rockland and Thomaston. But we have the rest of the State to consider, you and I. This is a local affair. The proponents of the measure, as I said, all came from Rockland. The bill is a Rockland bill, or a Thomaston bill. A representative of the Portland Cement Company appeared, and the Representative from Rockland appeared, a member of the Chamber of Commerce appeared—all from Rockland or Thomaston.

And why was it opposed by one lone opponent? This is—regardless of the fact that the gentleman says he is not going to argue cement—a cement bill. That was all that was argued before our committee—cement. Figures were propounded. The opponent of this measure is a salesman of character and standing in Maine communities. He felt undoubtedly that this was directed

more or less at him, and had it been directed at you or me, I am sure that you and I should have appeared at that hearing.

There are four reasons, as I suggested in the first place, why this measure should not be passed. The first is that there is no general public demand for it—and I probably have covered that ground pretty well by telling you who appeared before the committee,—all representatives of Rockland and Thomaston.

Now in reading the bill, you will notice that it refers to dealers in sand, gravel, rock, stone, granite, wood and lumber, and the manufacturers of such products. Now would you not naturally expect to find dealers in at least one other of those products than cement appearing before the committee? Would you not expect to find a lumber dealer there? Would you not expect to find a granite dealer there, or a wood dealer, or the manufacturers of those products? Therefore I think the committee was justified in feeling that there was no State-wide general demand for this sort of legislation.

The second reason I have set down as a reason why this bill should not be passed is because it is setting up a trade barrier against the rest of the country. All arguments to the contrary, I really and truly believe that. In going into another state and being told that Maine has shown preference to its dealers in those commodities, and manufacturers of these commodities, do you not suppose that is going to have its effect? We ship from this State large quantities of canned products, Maine potatoes, corn, Maine fish—and I am wondering if it would not have its effect!

I wonder if the gentleman from Rockland (Mr. Sleeper) has considered what the effect will be in his own locality, which is more or less of a fishing center, around Rockland and Thomaston. Do you think that you could say to the other states: "Look here now, we will have no more of your raw material or finished product coming into this State. Henceforth we buy Maine products and Maine-manufactured articles only." Do you think such a statement would fall upon sympathetic ears, or would they, as a matter of fact, resent it, and would we find ourselves the victims of our

own near-sightedness? I say to you again that although this bill, on its face, looks to be State-wide, to my mind it is Nation-wide, and if passed, would reflect the results later in this State.

Probably one of the best reasons why this measure should not be passed is because it conflicts with Federal laws. In that connection I should like to read to you from Section 8 of the Rules and Regulations for Carrying out the Provisions of Title II of the National Industrial Recovery Act, as follows:

"Section 8. All contracts for the construction of highways under this act shall require the contractor to furnish all materials entering into the work, and no requirements shall be contained in any contract in any state providing price differentials for, or restricting the use of materials to, those produced within the state. No bid will be accepted from any contractor who has not signed or is not complying with the applicable approved code of fair competition adopted under Title I of the National Industrial Recovery Act for the trade or industry or subdivision thereof concerned, or, if there be no such approved code of fair competition, who has not signed or is not complying with the provisions of the President's Re-employment Agreement."

It goes on further to point out other matters that do not apply to this particular discussion. The point is: "No requirement shall be contained in any contract in any state providing price differentials for, or restricting the use of materials to, those produced within the state."

After all, in passing laws for this State, I think you will all agree that we as Representatives should give careful consideration to such proposals, to see that they do not conflict with Federal laws, rules or regulations. I do not know why it is not proper for me to discuss cement figures with you, to illustrate my fourth point, that this legislation is not needed since the figures submitted to our committee were entirely figures taken from the cement industry. I should like to call your attention to this much: These are figures taken from the Purchasing Department of this State, and they are figures which represent the total purchases of cement by this State during the

last few years, from 1930 on,—the last five years.

In 1930 the Lawrence Portland Cement Company, which is the Maine company, the Thomaston plant, sold the State of Maine 110,967 barrels of cement. Their next largest competitor sold 1,939 barrels, the Alpha Portland Cement Company. Out of a total purchased of a little over \$325,000 worth of cement in 1930, this State purchased from the Thomaston plant \$310,709.50 worth of cement.

In 1931 the Thomaston plant sold the State of Maine 133,854 barrels of cement, which came to \$321,972.66. The largest competitor, as against this 300 odd thousand dollars' worth of purchases, was the Alpha Portland Cement Company, who sold \$2,297.58 worth.

In 1932 there was purchased from this Thomaston plant 113,896 barrels, amounting to \$267,690.46. Their nearest competitor sold \$4,387.56 worth.

In 1933 this plant sold 44,244½ barrels of cement, amounting to \$114,710.84, and their nearest competitor sold \$3,027.87 worth.

In 1934 the picture changed; the Federal Government came into highway construction projects, and through this Section 8 of Title II of the NRA Code and Regulations, it was impossible to show any preference to Maine producers or manufacturers. It was a gentlemen's agreement at that time that each purchaser and each manufacturer should share during that year as evenly and as equally as possible. In 1934, therefore, we find that the total sales to the State by the Thomaston plant were \$6,222,34. Their next highest competitor sold \$4,111.55 worth. Their next highest competitor sold \$2,400.91 worth, and the next nearest is way down to \$387.25 worth. It was not split exactly four ways, as you can see. The Thomaston plant sold half again as much cement to the State as its nearest competitor in 1934, and three times as much as its next highest competitor.

The total figures for those five years are illuminating. There was sold by this Thomaston plant to the State of Maine during those five years 405,365½ barrels of cement, at a total cost to the State of \$930,204.80, and its nearest competitor during those five years, as compared to 1930, sold \$17,086.28 worth of cement to the State.

Those are the amounts in barrels, and the amounts in dollars and cents that have been purchased by the State through its Purchasing Department. These figures came from the Controller's office, and they include the Purchasing Department, the Highway Department, and all the Departments of State. Those are the grand totals, and those figures would indicate there is not much need of legislation of this sort.

The trouble, I think, with the Thomaston plant, is that sales of cement have materially decreased all over the country. For example, I have the figures here for the last six years, showing all cement sold both to private and to public concerns in this State, and it drops from 1930, at a time when there were 835,878 barrels of cement sold in this State, down to 261,018 barrels, in 1934. That is what all companies sold in this State. The marked decrease in market for cement, and the admitted lack of salesmanship for the Thomaston plant, I believe, in a large measure, practically wholly accounts for the distressed condition at this time. I have figures here that go into all accounts of the State in detail, showing contracts by different departments and individuals working for the State, but I do not feel that it is necessary to fill the Calendar full of all these figures. I will simply give you these: In the bridge division of the State Highway Department, contract construction, 49¼ per cent of all cement purchased was from the Thomaston plant. In the bridge division, contract construction, 32½ per cent of all cement was purchased from this Thomaston plant; and in the concrete paving projects for 1933 and 1934, on which contractors furnished the cement, 60 per cent was purchased from this Thomaston plant. I think you will agree that without any law on our books such as this, the State has purchased wherever possible and whenever possible from this particular cement company, and will continue to do it without any such legislation.

In the hearing referred to by the gentleman from Rockland (Mr. Sleeper) yesterday, I noticed that the State Purchasing Agent made this remark: That perhaps twenty times as many products came into the State from outside sources as

we bought outside the State. I think that is what he said.

It seems to me we should be careful what we do in the matter of this bill. I am taking up considerable time with these cement figures, but I do so because they were the only figures submitted to our committee. We had no others to base any opinion on. No other people appeared before the committee, either pro or con. It reminds me somewhat of the Scriptures, in St. Matthew, where we are told that "Man shall not live by bread alone," and I think we can appropriately paraphrase that: "Maine shall not live by cement alone." We have several and varied industries in this State, and if they were all for this bill, they would have been represented at that hearing. I hope that the motion of the gentleman from Rockland (Mr. Sleeper) will not prevail.

Mr. SLEEPER: Mr. Speaker, I was really hoping that my opponent would definitely prove to me and give me some concrete evidence of some salesman from some concern in Massachusetts, or some salesman from some concern in Illinois, or some salesman from some concern in other states that have adopted this dangerous policy. I was hoping that he would show me where these salesmen had been thrown out into the street, where contracts had been broken because salesmen came from such a dangerous State. He has failed to show us anything. I did not want to quote cement, because I will admit that if this bill went through, that cement plant in Thomaston possibly would do a little better. I noted with interest his figures, and I noticed a gradual decline, coming down until 1934, when only a fraction of the cement that had been sold before was sold to the State.

I will admit that Abraham Lincoln was a great President, but he is dead. The last five years are dead. I am looking forward to the next five years, the next ten years. I would like to see this State take its place among the Nations. I do not glory in the fact that this State has the lowest per capita wealth of any state north of the Mason and Dixon Line. I do not glory in the fact that every boy and girl in this State who is smart has to get out of the State to get a living. I do not glory in any of those facts. I would like to see

something done. If it is cement you are arguing about, we will take that out of the bill—put it on lumber, put it on granite, put it on any products manufactured in the State. I think we are big enough down there to give up the cement business. I would like to fill this room up with three hundred cement workers, out of work, and have the gentleman tell them the same thing. You cannot tell men who are out of work that you will feed them with figures and facts. They want work. That is all we want; we don't want any money. One county asked for money, because they were hard-up, and they got it. We do not want any money down there; we want work; we want State contracts, the same as other states are giving.

I want to tell you about this cement plant. It may be a detriment to this State—I do not know—but I know that I could not get a man in that plant to come up here and testify, because they said that if the State did not care enough about their business, they would shut down.

I am interested in my community; I am interested in the people that sent me up here, and you know as well as I, without quoting Scripture, that no chain is stronger than its weakest link, and if Knox County is poverty stricken, then the whole State is that much weaker. I ask you whether a concern is of any value to this State that pays out in salaries \$1,371,000 in a period of five years, pays out in taxes \$131,000 in that period, pays out in freight to the railroads \$685,000, pays out for power and light and other things \$878,000? We need that money here. That totals up over \$3,000,000. Do you want to shut that plant down? And do you want to shut down other plants of a similar nature? If you do, you will vote against my motion. I think the State of Maine can use that \$3,000,000. I have not seen any two many dollars floating around. I do not think the rest of you have. If you can point out to me one bit of concrete evidence where this act that has been enacted by other states has proven dangerous, I will gladly withdraw the bill, but they have not done it. They have quoted me figures, and I could quote you figures. We argued figures for an hour, and I got the worst of it, be-

cause I could not talk as loud as the other opponents. (Laughter)

He mentioned the fact that the Federal Government did not give preference to local labor and material. The code explicitly states that all preference must be given to local labor and material, and the NRA Code Administrator for the cement business, who incidentally, perhaps, comes from northern New York state, said that this local provision meant American products. I have never been able to find that "local" meant "American" in any dictionary, and I have been hunting for two weeks.

I do not know whether you noticed it or not, but in the last issue of the daily paper I read in the headlines that Maine labor and Maine materials are to be given preference at Togus on the Federal project. They are going to use lime from Maine, cement from Maine, lumber from a concern right here in Augusta, hardware from another concern in the State. If the Federal Government also endorses this dangerous policy, why should we,—who represent this state and must want to see the State get everything it can,—why should we not want to adopt this most dangerous policy? If they would only prove it was a dangerous policy, I would gladly withdraw the motion, but they have proven no such thing, and I still insist and still make the motion that the bill be substituted for the report and that it shall be given passage.

Mr. MACE of Augusta: Mr. Speaker, ladies and gentlemen of the House: When this bill was introduced in the Legislature I could conceive of no reason why any member of this House should oppose it. We have listened to speeches from different members of the House in regard to the beauties of Maine and in regard to Maine leading in different propositions. We have heard that the news has gone forth to the Rocky Mountains and the sun-kissed clouds of California that we hold our election in September. We have listened to those things but we have steadily failed to show to the people of Maine that this is a splendid State to live in. We adhere to old customs, but we have to furnish Senators, Representatives and Governors for twenty-two other states in this Union.—we have to send them from Maine.

I was one of the members who, early in the session, wrote to different merchants in the different counties of the State. We received letters from eighty merchants in this State. It was a humiliating thing, the news that we received. The questionnaire that we sent out read: "What degree of material, manufactured and agricultural, do you sell in your stores produced in Maine?" The replies were from two to five per cent and the largest return included a county where the agricultural products were more than in any other section and it went from two to seventeen per cent. Now that is a humiliating fact.

It has been argued here this morning that this is a sectional question, that it comes from one section of the State. It comes from one county in the State, and unfortunately that is the only county that has a manufacturing industry of that kind. I do not care where it comes from, whether Washington county, Aroostook county, York county, or Knox county.—I am for the industries of the State of Maine first, last and all the time.

Now they say that we must pay attention to the ill effect it will have upon us. Do you realize that ninety to ninety-two per cent of the money that you spend goes into the manufacturing industries in other states? That is a fact. Now if there is anything that we can do to protect our own industries, if there is any one thing that the members of this Legislature can do to go on record and say to the workers of this State "We are behind you, we want to protect your industry," I do not think that would be a gesture that would be wrongfully interpreted by the workers of the State. We have now in this State fifteen or eighteen thousand people out of employment, and for the sake of the manufacturers of this cement,—this seems to be a question of cement,—I do not care what the industry is, the lumber industry needs to be protected, we have the great forests of Maine, the pulpwood industry is only heard of, it is a forgotten industry, and our other industries are the same. If we do not get behind our own industries and fight for our own people who are out of employment, I do not think the people of the other states will.

I think, Mr. Speaker, that this question is a great question in Maine, and when the vote is taken,

I move that it be taken by the yeas and nays.

Mr. DAVIS of Fairfield: Mr. Speaker, I grant that this is an important measure, and if I thought that by voting for it I was voting to help the unemployment situation, the idle workers in this State, I would not hesitate a minute to vote for it; and if I led anyone to think that I am prejudiced against this bill, or if I led anyone to believe I am trying to influence anyone's else vote from the fact that this originated in one community, I apologize for that. I did try to point out that if there was a general public demand for this bill, the proper place to have it brought out was before the committee.

I can give you a concrete example, if I may borrow from testimony brought out before another committee for another measure, where preferential laws did work to the undoing of the state which has such a law on its books. That state was Wisconsin, if I remember correctly. The testimony came out in this fashion: A representative appearing before this particular committee was a representative of a Maine snowplow manufacturer. Bids were put out by the state of Pennsylvania for snow-removal equipment, and bids were entered with the state by a manufacturer in the state of Wisconsin and the Maine manufacturer. It so happened that the state of Wisconsin had also a preferential law which forbade coal from Pennsylvania coming into Wisconsin. In spite of the fact that the Wisconsin manufacturer's bid was lower than the Maine manufacturer's, bid the Maine manufacturer got the bid, and it was generally known that the only reason he got it was because Pennsylvania could not ship her coal into Wisconsin.

If that can be accepted as one concrete example of what a preferential law will do for us, I am opposed to it.

Mr. FOGG of Rockland: Mr. Speaker, I agree in principle with this bill, but I do not think it is necessary to write this into law. We have another industry in my city, the Rockland Lime Company, and that company is very much opposed to this bill. I hardly know what to say further. When the vote is taken, I hope that the motion of the gentleman from Rock-

land, my colleague, does not prevail.

Mr. DESMOND of Portland: Mr. Speaker, I have some communications from the city of Portland relative to this matter, and the communications are very favorable to it. I have no communications that are unfavorable.

Oren Hooper's Sons, Portland, say:

"We very strongly urge your support of Legislative Document No. 24 which is an act granting preference to Maine bidders. We know that a large amount of State business has gone out of the State, and feel that as taxpayers Maine firms should be given preference over outside firms if their prices are not more than five per cent higher. A Maine business has been hard hit and certainly needs to have the business of the State remain in the State."

I have another letter from Kendall and Whitney, Portland, Maine

— Mr. DAVIS of Fairfield: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman may state his point.

Mr. DAVIS: I gather from the quotations from the letter that this communication refers to another legislative document entirely, a legislative document providing for preferential bill of five per cent, and has no bearing on this particular question.

The SPEAKER: If that fact is so, the point is well taken and the gentleman will confine himself to the discussion of the bill before the House. If the fact is as stated by the gentleman from Fairfield (Mr. Davis) that your remarks are directed to a bill now in committee, and not to the bill which is now before the House, the point of order is well taken. You will confine your remarks to the bill now before the House, which is House Paper 598, Legislative Document 174.

Mr. DESMOND: Mr. Speaker, this letter I have makes no reference to any legislative document. It says: "We understand there is a bill coming before the State Legislature to provide for granting a preference to Maine bidders when bids are sent out for supplies for State use. We think that this is a very desirable measure, and we feel that this State business should be given to Maine firms, provided the difference is not more than five per cent between

their prices and that of the outside firm—"

The SPEAKER: The Chair calls the attention of the gentleman from Portland to the fact that he is out of order. He is talking about Maine bidders, which has nothing to do with the present matter before the House. Does the gentleman wish to proceed in order?

Mr. DESMOND: Mr. Speaker, I will say, in reference to this matter that is before the House, that I endorse it and shall support it.

Mr. SLEEPER: Mr. Speaker—
The SPEAKER: For what purpose does the gentleman from Rockland rise? Does the gentleman wish to speak again upon the question?

Mr. SLEEPER: Yes, sir.

The SPEAKER: The gentleman from Rockland (Mr. Sleeper) asks the consent of the House to speak for the third time. If there is no objection he may proceed.

Mr. SLEEPER: Mr. Speaker, in regard to the statements of my colleague, I took that very much to heart myself. That is why I wanted to find out if there was a backlash to a bill of this kind. I will admit that the Lime Company in Rockland is a large company and has done considerable business, and has been a positive asset to the State, but I am convinced that the Lime Company would not suffer one cent's worth of loss of business if this bill were passed. Again, I ask you, if the opponents of this measure have shown where one contract has been broken by salesmen from concerns of those states that have adopted this dangerous policy.

Naturally, I would not want to hurt our second largest industry. If I did, I would not even have put in the bill. In fact, the cement plant about which there was so much talk at the meeting is not even in the district I come from, and the Lime Company is. I am speaking for the welfare of the county and the State as a whole. Again I say, if you do not like the cement issue, take it out, and put it on lumber, or granite, put it on any product that the State has, I for one am getting sick of seeing our products poured into the markets of the United States at a fraction of their real value—milk sold in Boston for two and a half cents a quart and peddled out at eleven cents a quart; potatoes dumped all

over the United States for thirty-five cents a barrel, and sold for more than that by the peck; fish and lobsters dumped on the markets of the country at a fraction of their value.

If you do not want to encourage Maine industries, I would like to know it. Certainly I would not advocate a measure that would hurt any business, especially in my district. Naturally, I do not want to go against the people down there. I am just egotistical enough to want to be re-elected, and I would not advocate any policy which would hurt them. I think that the rank and file, everybody in the State, want to see this measure passed. Remember that the opponents of this bill have not proven one single instance where this bill is dangerous, and I have proven to you that several of the largest states in this country have adopted a similar measure. Are we taking a wrong step when we adopt this bill? Certainly we are not.

Mr. WENTWORTH of Kennebunk: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Kennebunk, Mr. Wentworth, now moves the previous question. For the information of the members of the House the purpose of the previous question is to end debate, and no debate shall be allowed until the question of consent is determined. The previous question shall be submitted in the following words: Shall the main question be put now? No member shall speak over five minutes on the motion for the previous question. No remarks shall be addressed to the merits of the matter under consideration. After the previous question is ordered, the vote shall be taken forthwith on the main question and a call for the yeas and nays, or for a division, shall be in order.

The gentleman from Augusta, Mr. Mace, has asked for the yeas and nays vote. The gentleman from Kennebunk, Mr. Wentworth, has moved the previous question. Before the Chair can entertain that motion, it is necessary that one-third the members present shall authorize the Chair to entertain it. All those in favor of the Chair entertaining the previous question will rise and stand until counted and the monitors will make and return the count.

A division was had.

The SPEAKER: Obviously more than one-third of the members

present having arisen, the Chair will now put the question. Are you ready for the question? The question now before the House is shall the main question be put now? All those in favor will say aye, contrary-minded no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The gentleman from Augusta, Mr. Mace, has asked for a roll call. Before the yeas and nays vote can be ordered, it is required that one-fifth of the members present shall signify their desire that the vote be so taken. Those in favor of the roll call will rise and stand until counted and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously more than one-fifth of the members having arisen, the Clerk will call the roll. I wish to notify the members at this time that they must remain in their seats until the roll is called and the results announced. Are you ready for the question? The question now before the House is this: The gentleman from Rockland, Mr. Sleeper, has moved to substitute the bill for the report of the committee, ought not to pass, on bill an act relating to use of materials in the construction of public projects, H. P. 598, L. D. 174. The Clerk will call the roll.

YEA—Allan; Austin, Exeter; Austin, Parkman; Ayer, Boucher, Bramson, Bubar, Burgess, Burrill, Campbell, Carleton, Carswell, Churchill; Clark, Plymouth; Clarke, Cooper; Cole, Connolly, Cook, Coolidge, Cote, Crowell, Cummings, Currier, Demers, Dennett, Desmond, Donovan, Dorr, Dow, Drisko, Eddy, Elliot; Ellis, Castle Hill; Eveleth, Forbes; Forgue, Lewiston; Fortin, Gibbons, Goss; Gray, Brooksville; Hagan, Hammond; Harriman, Gardiner; Harriman, Prospect; Hastings, Hathorn, Heald, Hearn, Hobbs, Jandreau, Jillson, Kilroy, King, Labbee, Latno, Lausier, Lebel, Leonard, Lewis, Lindsey, Mace, Macheu, Mallett; Martin, Dexter; Martin, Oakland; McKay, Newton, Noyes, Payson, Phair, Poulin, Roach, Rush, Scates, Seabury, Sennett, Shaw, Sleeper; Stoddard; Thompson, Belfast; Thurston, Wallace, Wheeler, Woodbury, Worthen, Wright.

NAY—Alden, Belaire, Bragdon, Burnham, Bushey, Cambridge; Chase, Baring; Chase, Limington; Chase, Sebec; Crosby; Davis, Fairfield; Davis, Newfield; Deering, Devereux, Donahue; Ellis, Rangeley; Findlen, Flinders; Fogg, Rockland; Fowles, Gleason, Graves; Gray, Presque Isle; Hall, Haskell, Hestock, Higgins, Hill, Jacob-

son, Kendrick, Leclair, MacKenzie, Mason, Oliver, Palmer, Philbrick, Pike, Proctor, Richardson, Russ, Ryder, Sawyer, Sewall; Smith, Bangor; Smith Van Buren; Sprague, Stickney, Stilhpen, Story; Thompson, Chelsea; Tupper, Vaughan, Weatherbee, Webber, Wentworth, Willey, Young.

ABSENT—Brown; Doyle, Caribou; Doyle, Skowhegan; Lancaster, Mosher, Parsons, Patterson.

Yes—86.

No—57.

Absent—7.

During the roll call Mr. Jacobson of Portland addressed the Chair as follows:

Mr. JACOBSON: Mr. Speaker, due to the fact that I was not in my seat during the debate, I do not feel that I am qualified to vote.

The SPEAKER: The Chair must rule that the gentleman must vote during the roll call.

The SPEAKER: Eighty-six having voted in the affirmative and 57 in the negative, the motion to substitute the bill for the report prevails.

Thereupon the rules were suspended, the bill received its first and second reading and tomorrow assigned.

The Chair lays before the House the second matter on the Calendar assigned for today, majority report ought not to pass and minority report ought to pass of the committee on Legal Affairs on bill an act to permit Sunday movies, H. P. 341, L. D. 243, tabled March 6th by Mr. Bramson of Portland pending the motion of Mr. Stilhpen of Dresden to accept the majority report; and the Chair recognizes the gentleman from Portland, Mr. Bramson.

Mr. BRAMSON: Mr. Speaker, last week I asked that this bill be retabled for the purpose of getting additional information. I am not yet in possession of this information. This morning I was informed by proponents of the bill that they were waiting for additional information regarding it and they requested me to ask further continuance. Therefore, I move that this bill be retabled and specially assigned for Wednesday, March 20.

The motion prevailed.

The Chair lays before the House the first unassigned matter, bill an act to repeal the organization of the Plantation of Lang, H. P. 600, L. D. 671, tabled March 5 by Mr. Wright of Madison, pending third

reading; and the Chair recognizes that gentleman.

Mr. WRIGHT: Mr. Speaker, I offer House Amendment A and move its adoption.

The SPEAKER: The Clerk will read the amendment.

House Amendment A to H. P. 600, L. D. 671, entitled: "An act to repeal the organization of the Plantation of Lang."

Amend said bill by inserting after the enacting clause thereof 'Sec. 1.'

Further amend said bill by adding at the end thereof the following:

'Sec. 2. Effective Date of Act. This act shall become effective for the purpose of reference to the qualified legal voters of Lang Plantation 90 days after the adjournment of the legislature, but shall not become further effective until ratified by a majority of the legal voters of said Lang Plantation present at the annual plantation meeting to be held in the year 1936; and an article shall be inserted in the warrant for said meeting setting out in its entirety the provisions of this act and that it is to be voted on at that meeting.'

Mr. CHASE of Baring: Mr. Speaker, this bill was given a lengthy hearing in the committee. It received the endorsement of the Attorney General, the Commissioner of Education and the Tax Commissioner. It also received the endorsement of the sheriff and the three county commissioners of Franklin county. The adoption of this amendment would defeat the purposes of the bill. I therefore move its indefinite postponement.

The SPEAKER: The gentleman from Baring, Mr. Chase, moves the indefinite postponement of the amendment. Are you ready for the question? All those in favor of the indefinite postponement of the amendment will say aye, contrary-minded no.

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

On motion by Mr. Chase, the bill had its third reading and was passed to be engrossed.

The Chair lays before the House the second unassigned matter Senate report ought to pass of the committee on Salaries and Fees on bill an act relating to the salary of Register of Deeds in Waldo county, S. P. 200, L. D. 670, which came

from the Senate the report accepted and the bill passed to be engrossed, and which was tabled in the House on March 6th by Mr. Payson of Brooks, pending acceptance in concurrence; and the Chair recognizes that gentleman.

On motion by Mr. Payson, a viva voce vote being taken, the bill was referred to the committee on County Estimates in non-concurrence.

The Chair lays before the House the third unassigned matter, House report ought not to pass of the committee on Legal Affairs on bill an act authorizing municipalities to operate electric lighting systems, H. P. 1339, L. D. 546, tabled March 6th by Mr. Chase of Baring pending acceptance; and the Chair recognizes that gentleman.

Mr. CHASE: Mr. Speaker, I move the acceptance of the ought not to pass report.

Mr. HIGGINS of Ellsworth: Mr. Speaker and members of the House: I would like to briefly give you a short resume of the hearing before the Legal Affairs committee. This bill, you will notice, was unanimously reported ought not to pass. For years in the State of Maine, and at the present time, we have a system of publicly owned utility plants and that system of plants is a controlled system, controlled by the Public Utilities Commission. Any party who has a grievance can be heard before that Commission. Beyond that, if any municipality in the State of Maine feels that it is not having the type of electrical service that it wishes from its public utility company, or the rates are not as they should be, that municipality can complain to the Public Utilities Commission; or, more than that, it can come before this Legislature and petition for a charter, and on the merits of every individual case this Legislature will or will not grant it a charter to have a municipal plant. That is our present situation, and what would this proposed law do? It would give blanket authority to every municipality in the State of Maine to own and operate a municipal plant. There are several reasons why the Legal Affairs committee is opposed to the idea of granting this blanket authority so that every municipality could, if it wished, establish a lighting plant. It seems to me that we often hear it said

over here that there is no public demand for a bill; but I ask you, ladies and gentlemen, is that not the first question that will come to anyone's mind when considering the passage of a bill that is State-wide in its application. Is not that the first step to be taken? That is the first point we are raising why this bill should not have passage.

At the hearing there was no public demand for it. One man appeared as a proponent of the bill and I presume he was the man who drew it; and I think that gentleman has been at variance with the utility companies for some period of time. There was one other speaker there who said he would like lower rates, and so on and so forth, from the utility companies, and, of course, that is a thing that all persons desire. The public was not represented. There were no attorneys there representing the public. There were no petitions there before us, and there were no letters on file to be read. In other words, when this matter was heard before the Legal Affairs committee, there were apparently only two men in the State of Maine who had enough interest in it to be there. The bill will not stand the first test, the test that it meets the approval of the State of Maine. They do not come here and tell us that they wish it; it has not their endorsement.

I believe the next reason why the committee reported the bill in the way it did was that we felt that the State of Maine, with its thousands of citizens, in the past few years had followed the policy of private ownership, and we had invited expansion of utilities facilities under that type of ownership. Under that type of ownership, thousands of people in the State of Maine have invested in the securities of utility companies and millions of dollars have been invested by our citizens. Now is it a fair proposition that this Legislature should consider granting a blanket authority to every municipality to go into direct competition with these public utility companies that are owned by thousands of stockholders in this State. Let us not get the idea for a moment that these utility companies are some distant object like the "big bad wolf." These utility companies are the people of the State of Maine, citizens of the State of Maine, and

I do not believe that this Legislature, any more than our committee, feels that we should reverse our policy so suddenly that we might cause a loss of millions of dollars to the citizens of our State by endorsing the proposition of a municipally owned plant.

Of course, in the consideration of the utilities question, we always get the question of rates. What do we find has been the history of rates? Very briefly, in the year 1917 there had not been a rate increase in the State of Maine. The only change had been in the way of reduction. What do we find during the more immediate years, the depression years, when we have had a falling off of revenue, or, rather, when the utility companies have had a falling off of revenue, with added taxes, both Federal and State. Instead of an increase of rate we find a reduction. The only change that has taken place has been in the way of reduction. The utilities have absorbed the added cost and the added taxes and the additional loss of revenue has also been taken care of. I think it is enough to say that the policy is in the direction of lower rates all the time. In my own county, we have had a drop this very month, starting with next month at reduced rates on a certain class of service.

Briefly, let us look at the history of municipally owned plants. That is an interesting question. The thing that we are considering is giving every municipality in Maine a chance to own their own plant if they wish. We find in the United States that up to the year 1932 there have been 3,900 municipal plants established, and up to that same year, 1932, 2,100 or fifty-four per cent of those plants had closed. We find further that up to that same year, 1932 there had been 2,800 generating plants established by municipal governments, and up to that same year there were only 1,878 of them left in operation. That was a heavy mortality rate for the municipal plants of 66 per cent. In looking up the years from 1920 to 1930, what do we find? We find that 437 municipal plants have been opened and 323 of that same number have been closed for the year 1932, a still greater mortality rate of 74 per cent. Then taking the years from 1927 to 1932, we find that there have been scarcely one hundred plants established and

some 612 closed. In other words, the brief history of these municipal plants is that they are closing much more rapidly than they are opening, which does not speak well for a very healthy condition of these municipal plants.

In view of these facts it seems to me that this House should give great consideration to the unanimous report of a committee. The unanimous report of the committee ought not to pass was because there is no demand for this sort of legislation. It would be unfair to the present stockholders and bondholders of our private utility companies if we were to reverse our policy so suddenly. There is no thought of service being anything but adequate. We all know that the trend of rates is in the right direction, downward and the history of municipal plants certainly does not encourage us to offer to the municipalities of this State a chance to create a plant if they see fit. I hope that this House will sustain the report of the Legal Affairs committee that this bill ought not to pass.

The **SPEAKER**: The Chair recognizes the gentleman from Hampden, Mr. Leonard.

Mr. **LEONARD**: Mr. Speaker, I grew up in the Penobscot valley in the days when the woodsman laid down his axe and the river driver stuck his cant dog in the log jam and went ashore and settled their differences in a fair and open fight before their fellow men. Today there is no fair fight between the people of this State and the power interests. It is the poor man against a rich nation-wide organization with highly paid workers trained for fight from every angle. They have tried in this State to control the votes of those who work for them and filled the pockets of their hangers on with money to control the export power vote and some of these seem to be further rewarded by holding high office in this building today. From my observations it seems that the power interests still have a large control over the Legislature and the affairs of this State.

February 19th, 1932, George S. Williams, Vice-President and General Manager of the Central Maine Power Company addressed a meeting of the employees urging strict economy to keep the company in solid financial condition. He chose

this subject enclosed in quotation marks: "We have been on a big joy ride and all of a sudden got out of gas". This statement, it seems to me, was absolutely right. What delightful rides we all could have if we were spending the other fellow's money. How pleasant it might have been if many of us had not come to the point where we have no gas and no money to buy more.

Four years ago, on the floor of this House in legislative session, I said that the power interests were coiled like a snake around everything tangible or intangible in this State; that some day the people would find themselves in the stomach of this snake. For this statement I was ridiculed by an editorial in the Bangor Daily News. When this Insull snake was attacked how much of the two hundred million dollars that it had eaten out of New England was found in its stomach? This power snake still lives with us and you are still feeding it.

A few years ago the Central Maine Power Company was earning twenty per cent on its capital. Under this set up the capital should have been reduced rapidly and the rates lowered. What happens when such earnings occur in these companies? A holding company is formed or several are formed and this earned money is sopped up by the capitalists. The customers get no relief and are held as slaves and the same old tribute collected. The Public Utilities Commission was created to protect the people; to see that dealings between the power companies and their customers were honest and just. This Commission, whose functions are as important as any Court in this State, are bound and tied as though they did not have brains enough to spend rightly the small yearly amount allowed them. Their past statements show the return of unused money and I fail to see where one cent has been misused.

It was humiliating to me and it must have been to them. Men of their type going before the Appropriations Committee asking what they thought would be needed for them to carry on in a sane and prudent manner. What they asked for should not have been cut in making up the budget. You may say this Commission has allowed these companies to issue too many bonds.

They never have had help or money enough to investigate the books of the large companies. They have had to rely on statements given them by these companies fixed to show what they want to show. This Commission has been held down, checked and rechecked, by power interests. These power interests have worked to get the men they want on committees. They seem to have planned to keep needed money from the Utilities Commission so they could not investigate a company of any size. This Commission has only one engineer to combat thirty from Stone & Webster in the present investigation of the Bangor Hydro-Electric Company. This engineer is a good one, but forced to work for less money than engineers in the Highway Department, getting about half what he is really worth. If this Commission could have had engineers to have gone into the Wyman Dam project the big engineering mistake might have been found and fourteen millions of the people's money would not have been dumped into that rat hole. I am an independent Republican and I am glad that the rule or ruin power gang is breaking down. I am glad to know that the man who has always fought them, vetoed their bills, who was beyond the bribe of money, or offers of going to Congress; the man who carried his message to the people of this state, is now in Washington, the Honorable Ralph O. Brewster.

In a statement sent out January 1st, 1932, signed by Walter S. Wyman, President, you will find these words:

"Recently the New England Public Service Company, who owns nearly all the common stock of the Central Maine Power Company and which had put into the Treasury of that Company \$7,500,000 for which it took Central Maine Power Company's notes, by vote of its directors, turned over those notes to Central Maine Power Company thereby creating a contributed surplus of \$7,500,000 which gives the Company a total common stock capital and surplus as of November 30, 1931 of \$11,427,044.83"

From whence came this \$7,500,000 tossed about from one company to another like an autumn leaf? What prompted this great generosity? Was it caused by the Federal investigation at Washington that called Mr. Wyman there for questioning?

In my primary campaign in June,

1932, I made a statement in a political advertisement regarding this transfer. I made it from memory and made a mistake because I made it six million dollars too small. Mr. Edward H. Merrill, attorney and lobbyist for the Central Maine Power Company, came to my home in Hampden and presented the following statement for me to sign, headed as follows:

"To the Voters of Penobscot County:

"In a political advertisement published in the Bangor Daily News, June 11th, 1932, I made the following statement:—During a Federal investigation, one million five hundred thousand dollars were returned to the Central Maine Power Company and us from such a combination (referring to Central Maine Power Company and its holding companies). This statement I find to be wholly without foundation and false and I hereby withdraw the same."

I did not withdraw it and then received from Mr. Merrill the following letter on June 28th:

"Law Offices

MERRILL & MERRILL

Merrill Block

Skowhegan, Maine,
June 28, 1932.

Mr. Roger G. Leonard,
Hampden, Maine.

Dear Sir:—

We have extended you every courtesy with respect to the false statement concerning the Central Maine Power Company and its parent company, which you caused to be published in the Bangor News. I have been to see you personally relative to a retraction of the same, and have further extended you the courtesy of again calling the matter to your attention by telephone. As attorney for the Central Maine Power Company in its behalf I must insist that you immediately publish the retraction of said statement which I furnished you. As I told you when at Hampden, if you wish to add thereto that you published the same in good faith, believing the statement to be true at the time you published it, you are at liberty to do so.

Unless this retraction is immediately published and that without qualification, you will have to suffer the consequences of your original action in this matter.

Yours very truly,

MERRILL & MERRILL,
EFM.W By Edward F. Merrill."

A man's happiness, honor, fortune or career, means nothing to a cruel soulless Shylock corporation. It is the pound of flesh even to your very heart.

I make these statements to show what happens to any man who stands up against them and tells the truth as he sees it. Years ago the railroads dominated the Legislature and people of this State and their policy as stated by one of their magnates was to charge all the traffic would bear. After a while they wake up and find that most of their traffic is gone. The power interests have followed along the same path; are taxing the people more than the traffic will bear and are coming to the same end. I have asked them and am asking them now to come down to common ground, adjust themselves to new conditions and not only protect themselves but the investors whose hard-earned money they control.

The attorney for the Central Maine Power Company agrees with me that if rates are reduced there would be a large increase in the use of electricity and that the company would make more money. He also stated before the committee that his company was working on a reduction of their rates.

Where cities and towns have put in their own electric plants in competition with private owned plants it has forced the rates down. Seattle, Washington's rate dropped from 20c a K. W. hour to 5c; Springfield, Illinois, from 11 to 6c; Pasadena, California, from 15c to 5c; Jamestown, New York, from 10c to 5c; Lincoln, Nebraska, from 12c to 5c; Toronto, Canada, from 8c to 1c. Tacoma, Washington has one of the lowest rates in the country. There is a special rate of 1c for heating, lighting and cooking which, after 800 kilowatts drop to ½c. This rate is so low that they are heating their homes with electricity. The city of Tacoma furnishes 2500 farmers with service at 5c for the first 20 kilowatt hours and one cent on all after 20 kilowatts. Competition is a regulator that works and it doesn't require lawyers, engineers and certified public accountants with their endless tables, schedules and exhibits.

In a town or city owned plant the earnings stay at home and the cost of the plant paid off and rates are reduced.

In a private owned plant the earnings are taken by holding

companies and investors outside our State and the cost of the plant increased and the rates kept up as high as possible. The city owned plant is out of politics. The private owned ones in this State have their paid lawyers and lobbyists and control our affairs with the lavish use of money we furnish them. The Bangor Hydro-Electric Company now being investigated by the Commission say they are going to spend \$150,000 to \$200,000 of the money we have contributed, our own money, to defeat us, and cut a hole in our pockets and continue to remove all the money they can. They say our banks have more money than they can find good investments for. Light and power has become a necessity. How could a bank invest its money in anything better than a good local power and light plant? How can a man invest his money in anything better than a good local power and light plant? How could money be invested in anything better for the community? It would mean better homes, better business and more industries. There would be no watered stock, no over-capitalization, and the management could be carefully watched by the people and the bank itself and a halt called before any large loss could occur.

We are not asking in this bill for any rights a town or city in a free country should not have. Any established power and light company that objects to this bill acknowledges that they fear open competition. They know they cannot stand up against a good, honest, well conducted company. A well conducted company would not contain any watered stock, with a long list of high paid officials, and would not be paying thousands of dollars a year to high power lobbyists and lawyers.

The interest on watered stock and excess capital costs the people of this State several hundred thousand dollars a year. We are asking that in the future towns and cities may be able to free themselves of these unjust burdens.

I have seen and worked against unjust things in utility propositions for years. I have always intended to be truthful and state facts as I see them. I have also tried in legislative work to work for the interest of the people. In supporting

this bill you are working for the people. In voting against it you are working for the power interests, one of the great curses of this State today, and against the tax-ridden citizens of this State.

If in my remarks I have made any statement that is not true, I will gladly retract it as publicly as I have made it.

Mr. Speaker, I move that the bill and report be recommitted to the committee. The gentleman from Ellsworth (Mr. Higgins) stated that it was a unanimous report. I am informed that it is not, that some members did not know that the report was made. Therefore, I ask that it be recommitted.

The SPEAKER: The gentleman from Hampden, Mr. Leonard, moves that the bill be recommitted to the committee on Legal Affairs, and the Chair recognizes the gentleman from Ellsworth, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, I ask for a division on the motion of the gentleman from Hampden Mr. Leonard.

The SPEAKER: Are you ready for the question? The question is on the motion of the gentleman from Hampden, Mr. Leonard, that the bill be recommitted to the committee on Legal Affairs. All those in favor will rise and stand in their places until counted and the monitors will make and return the count.

A division of the House being had,

Fifty-eight voting in the affirmative and 53 in the negative, the motion to recommit prevailed, and the bill and report were recommitted to the committee on Legal Affairs.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Hill.

Mr. HILL: Mr. Speaker, inasmuch as the hour is growing late and there are committee hearings some at 1:30 and some at two. I move that the House now adjourn.

The SPEAKER: Before adjournment, the Clerk will read the notices and the Chair will request the Door-keeper to close the door until they are read.

Thereupon the notices were read by the Clerk, and the House then adjourned until ten o'clock tomorrow morning.