

# MAINE STATE LEGISLATURE

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Legislative Record

Seventy-Fifth Legislature

SPECIAL SESSION

STATE OF MAINE

1912

**HOUSE.**

Friday, March 22, 1912.

Prayer by Rev. Mr. Cochran of Hallowell.

Journal of yesterday read and approved.

The **SPEAKER**: The first matter under consideration, this morning, is House Document No. 1, a Resolve amending Section 15 of Article 9 of the constitution, relating to a bond issue for State roads. What is the pleasure of the House with reference to the resolve?

Mr. **STRICKLAND** of Bangor: Mr. Speaker, I move that the House resolve itself with a committee of the whole for the consideration of House Bill No. 1.

The motion was agreed to.

The **SPEAKER**: The Chair appoints as the presiding officer of the committee of the whole the gentleman from Bangor, Mr. Strickland, who will now take the Speaker's place.

**In Convention of the Whole.**

Mr. Strickland of Bangor in the Chair.

The **CHAIRMAN**: Is it the pleasure of the committee that the clerk of the House serve as secretary of the committee?

The motion was agreed to.

The **CHAIRMAN**: The matter under consideration before the committee is House Document No. 1, "A resolve amending Section 15 of Article 9 of the Constitution relating to a bond issue for State roads." Is the committee ready for discussion?

Mr. **SCATES** of Westbrook: Mr. Chairman and gentlemen of the committee: Here is a matter upon which, as I understand it, we are all agreed; and if that is the fact there is not much use in taking up the time of this committee in discussing the proposition. It is a very simple and plain proposition, simply proposing an amendment to the Constitution whereby the people of the State may amend the Constitution in order to allow the State to loan its credit for road purposes; and, as I understand it, the Democrats of this House, the Republicans of this House, the men from the

cities and the men from the rural communities are all practically in favor of this proposition. We all want good roads, and ultimately of course will come up the matter of legislative action at the next session of the Legislature or at some time in the future. This is simply permissive, and until we can get this there will be nothing done of a practical nature or an extensive improvement of the roads of this State.

It is a humiliating fact, but nevertheless an unquestionable fact, that our good old State of Maine is behind every other state among the Eastern states on this matter of good roads; and it is a fact that no other state among the Eastern states will be so much benefited from some system of good roads as would the State of Maine. Now, gentlemen, I do not want to discuss the proposition at all because, as I understand it, we are all agreed upon it, and if that is so then there is no use in my taking up the time of this House in any discussion of the matter.

The **CHAIRMAN**: Is there anything further to be said upon the matter?

Mr. **HERSEY** of Houlton: Mr. Chairman, I wish to offer an amendment to House Bill No. 1, "strike out in the eighth and ninth lines the word 'at any one time,'" so that said section as amended shall read as follows: "Except that the Legislature may authorize the issuing of bonds not exceeding two million dollars in amount payable within 41 years at a rate of interest not exceeding four per cent. a year, payable semi-annually, which bonds or their proceeds shall be devoted solely to the building and maintaining of State highways."

The **CHAIRMAN**: In other words, that that may be the total issuance of all bonds for State road work, never to exceed \$2,000,000?

Mr. **HERSEY**: Not unless we have other authority. Let me state my position. I think, as a lawyer, left as it is, any Legislature might issue,—might vote upon and issue under that authority repeatedly. I do not think it is the intention, and it ought not to be the intention of the authors of

this act, or this bill or resolve, that that authority should be given. I think it should be limited to one bond issue at the present time, and if the future should necessitate another issue there might be another authority given.

The CHAIRMAN: The committee has heard the remarks of the gentleman from Houlton in regard to an amendment. Is there anything further to be said upon that subject?

Mr. HERSEY: Mr. Chairman, in order to make myself plain, I would suggest that if a \$2,000,000 issue is not enough to do the work we should make it more, but do not repeat.

Mr. AMES of Norridgewock: Mr. Chairman, I would like to ask if that means that there shall not be outstanding any more than \$2,000,000 at any one time, but that it should be maintained at \$2,000,000 after payments were made.

The CHAIRMAN: Will the gentleman from Houlton please explain the matter?

Mr. HERSEY: Mr. Chairman, I don't understand it so. I think what we raise—we are authorized to raise a certain amount by constitutional amendment for the building of good roads, and I do not think that we ought to give that authority to every Legislature that might meet in regular or special sessions and issue \$2,000,000 or more of bonds on the top of what we already have.

Mr. SCATES of Westbrook: Mr. Chairman, I don't think the gentleman from Houlton comprehended really the question of the gentleman from Norridgewock. As I understood it, his question was this: Supposing there should be \$2,000,000 of bonds issued, and supposing that that \$2,000,000 by some means or other should be paid in 10 years, entirely liquidated, could the State then thereafter make another bond issue of \$2,000,000 to meet the needs of the State under this act or this resolve as drawn, or, after that \$2,000,000 was once issued and paid whether any more bonds could be issued. That is the question as I understand it.

Mr. AMES: Or even a less sum, but not to exceed \$2,000,000.

Mr. HERSEY: My opinion is, Mr. Chairman, if I may answer the gentleman from Westbrook, that this resolve is for a single bond issue and stops there. I think that the bill as it is now unamended means that you may keep up issuing bonds at every session of the Legislature, whether general or special.

Mr. SCATES: And if bonds are issued and paid, then the State never could issue any more bonds?

Mr. HERSEY: Not under this authority, not unless we should have that authority right along.

The CHAIRMAN: As I understand the gentleman from Houlton now, he did not mean that the State might not at some future time issue more bonds.

Mr. HERSEY: I do not mean to issue any more under this bill.

The CHAIRMAN: Under this resolve or under this amendment to the Constitution.

Mr. HERSEY: Yes.

Mr. AUSTIN of Phillips: Mr. Chairman, it seems to me it is a pure misunderstanding as I look at it and there is necessary to be made some amendment to the wording of the resolve. It seems to me on account of the wording of the present resolve the matter is open to the same criticism that has been made by the gentleman from Houlton; that is, that an amendment to the constitution passed in these words, as I look at it, would allow the issuing of two million dollars at any special session or at any session of the Legislature in the future. On the other hand, the gentleman from Westbrook I think had the understanding that the wording conveyed a mistake, that at no time during the forty-one years should the bonded indebtedness of the State for the purpose of building good roads exceed two million dollars. As I understood the matter when it was put up the first time by those interested in good roads the intention was this: That it was simply to raise the borrowing capacity of the State for this specific purpose, that is, for the purpose of building roads, to the amount of two million dollars, just the same as by the Constitution the borrowing capacity of the State is limited to three hundred thousand dollars now,

which is inadequate for the public needs of a modern state of this size.

Now, Mr. Chairman, I cannot commit myself for the other members of the minority party because I do not think it has been a matter of consultation by that party, but I believe the minority party is to a man in favor of legislation of this kind; but, as I say, while not being able to commit the minority party, it seems to me they would favor the idea at set forth by the gentleman from Norridgewock and the gentleman from Westbrook, that the bonded indebtedness which is to be taken care of by the automobile proceeds, and which is to be used for the improvement of our permanent highways, shall at no time in the future until the Constitution may be subsequently amended, exceed the amount of two million dollars. It seems to me there will have to be some further amendments made to the amendment offered by the gentleman from Houlton in order to bring that about. I have not drawn any amendment because this matter came up quite unexpectedly; it seems to me, however, that we ought to get together and agree on an amendment which will allow the borrowing capacity of the State to be increased to that extent to the amount of two million dollars or whatever amount we may agree it shall be; not that the State may issue two million dollars or less at any one time or that our bonded indebtedness may be taken up and perhaps in thirty-five years from now be only five hundred thousand dollars. Perhaps we may need our two million dollars more as much thirty-five or forty years from now as we do now. If that is the case I think we all agree it is a straight business proposition, and what we want is to bring about a wording of this proposed amendment so that it will be clear to the layman as well as to the professional man that we mean that the borrowing capacity of the State shall be limited to the sum of two million dollars or whatever sum we see fit to make it during the forty-one coming years.

Mr. PETERS of Ellsworth: Mr. Chairman, I don't think we disagree about the matter, and I suggest to the gentleman from Houlton (Mr. Hersey) that we leave the section exactly as it was and add these words, which if it meets with

the views of the various gentlemen might take the place of the amendment already offered:

"Provided, however, that bonds issued under the authority of this section shall never exceed two million dollars in the aggregate." That will leave the authority of the State free to issue bonds not exceeding two million dollars at any time, but never in the aggregate to exceed two million dollars.

Mr. HERSEY: Mr. Chairman, my understanding, as far as I have discussed the matter, is that the State is to have authority to issue two million dollars in bonds for the purpose of good roads; and the State is to have forty-one years in which to pay what? That two million dollars. If we keep issuing bonds for two million dollars at every session of the Legislature of course we would increase our indebtedness. Now, it seems to me we have forty-one years in which to pay that indebtedness and only one bond issue, otherwise it seems to me that we cannot keep our borrowing capacity at the extent of two million dollars for good roads, otherwise forty-one years won't pay the debt. I think the forty-one years in there means that we have forty-one years in which to pay any indebtedness on the two million dollars raised on new bonds to take care of the new bonds. I will withdraw my amendment, Mr. Chairman, and further on during the course of the matter we can probably get together and agree on something that will make it plain so that we will all understand it alike.

The CHAIRMAN: The gentleman from Houlton withdraws his amendment.

Mr. PETERS: Mr. Chairman, I will offer an amendment which may possibly meet the situation.

Mr. SCATES of Westbrook: Mr. Chairman, I would like to state just one matter further. This was brought to my mind by the remarks of the gentleman from Houlton. Of course in fact the State must pay those bonds within forty-one years; they may pay them sooner. The whole proposition which has been up to the people of the State is this: That this automobile money shall be used for the interest on those bonds. Without any question of doubt the receipts from the automobiles this year

will amount to approximately \$115,000 or \$120,000, as near as the secretary of State can estimate it. That tax will increase each year and the amount of the increase will depend in a great measure on the condition of the roads. Now, \$115,000 will pay the interest on two million dollars at 4 per cent. and redeem the principal in 28 years, that is according to the figures which have been made out, \$120,000 a year will pay the interest on two million dollars, and if the bonds are serial as they should be, it will pay the entire principal in 28 years. I simply want to make that fact plain.

Mr. BISBEE of Rumford: Mr. Chairman, I would like to ask the gentleman from Westbrook, through the Chair—I don't know, and I have not heard much about this, but in the bill it only specifies raising two million dollars, and I would like to ask the gentleman how this money is to be expended, and where it is to be expended, and under whose direction?

Mr. SCATES: In reply to that I will say that the gentleman from Rumford Falls will have to ask somebody wiser than I am. I don't know what the next Legislature will do. This is simply permissive; I suppose it depends somewhat on who comes here next session.

The CHAIRMAN: The question is on the adoption of the amendment offered by the gentleman from Ellsworth, to amend House Resolve No. 1, by adding after the twelfth line the words "Provided, however, that bonds issued and outstanding under the authority of this section shall never in the aggregate exceed two million dollars."

Mr. WEYMOUTH of Saco: Mr. Chairman, I believe that proposition is in line with the general understanding that this proposition was to be put up and for that reason I second the amendment.

Mr. TRAFTON of Fort Fairfield: Mr. Chairman, I think we are all agreed upon what we want but I am afraid this amendment will not quite fix it as we want it yet. I myself do not clearly understand it. Will the Chairman please read the amendment once more.

(Amendment read by the Chairman.)

Mr. TRAFTON: Now, it seems to me, Mr. Chairman, that with that proviso in there it would not have the effect of lim-

iting the total amount of bonds that were ever to be raised. My idea is to fix it so that we cannot have at any one time outstanding more than two million dollars. We might have a resolve for two million dollars passed here next year and then in twenty years or at some future time when that debt was paid we could have another bond issue if we needed it. As I understand it, we want to make an amendment here which will allow an issue of two million dollars of bonds and then when that is paid or partially paid, if necessary, have other issues of bonds. That is the way I understand it.

Mr. PETERS: I would like to ask the gentleman in the matter of his supposed case, the State issued two million dollars one year and then paid that, and in a few years issued more, whether there would be at any one time outstanding and unpaid more than two million dollars?

Mr. TRAFTON: I think not,—issued and outstanding. I may be mistaken in my understanding of the language.

Mr. PETERS: The amendment simply provides that bonds issued under the authority of this section and outstanding,—that all bonds issued and outstanding under the authority of this section shall never in the aggregate exceed two million dollars; that is, outstanding bonds under this section shall never be more, unpaid and outstanding, than two million dollars. That is what it is intended to mean and if it is not clear it is a misfortune in the language.

Mr. AMES of Norridgewock: I would like to ask the gentleman from Ellsworth if strictly speaking the accrued interest on that would not run it below or increase it above that amount.

Mr. PETERS: I don't think so.

Mr. AMES: That was the only question that came to my mind, at the end of three months there would be some interest to make it exceed the two million dollars.

Mr. DAVIES of Yarmouth: Mr. Chairman, perhaps there is some little misunderstanding as to the words "is-

sued and outstanding." Could the word "issued" there be eliminated so that it might be a little plainer? Perhaps not, but it seemed to me that possibly that was a superfluous word. This is a very important matter and it is a matter that should receive the candid consideration of all the members of the committee, and as it is a proposed constitutional amendment it should be gone over very thoroughly in order to eliminate every unnecessary word that may be there that we get precisely what we mean, and I merely offer this suggestion along that line.

Mr. PETERS: It might be that that would simplify it, that it may be simplified by the elimination of that word, but the idea I have had in mind was that the word "issued" applied to the origin of the bond. That is, we are trying to describe what bonds shall never in the aggregate exceed two million dollars. They are the bonds which are issued, authorized and grow out of this resolve; and then the other element is that those bonds so issued shall never in their outstanding aggregate amount exceed two million dollars. Now it may be that the word "issued" could be eliminated without any loss of clearness, but I rather have the other impression. It might be well to discuss the matter, but my impression is the other way, that it ought to be there as showing the origin of the bond.

Mr. SNOW of Brunswick: Mr. Chairman, I would like to say just a word. I do not see that this Legislature has any more power than any other Legislature and I don't see that this fight or this talk we are having over this matter amount to much because, supposing, for instance, we should pass this bill, if the Legislature should see fit to set that bill aside next winter and the people uphold that method they could do it, so what does that amount to?

Mr. HERSEY: Mr. Chairman, I wish to say that the amendment offered by the gentleman from Ellsworth meets my views in the matter, and I simply wish to say that in no view of the case could we ever get more than the two million dollars indebtedness under this amendment, and I think that is accom-

plished by his amendments and I heartily agree with it.

Mr. PETERS: Mr. Chairman, I would like to ask the gentleman from Yarmouth (Mr. Davies) if he thinks the word "issued" can possibly bring in anything into the consideration that ought not to be there? Of course this is quite an important matter and bondmen bidding on these bonds will study every letter of this resolve, and if it means anything other than we think it means we ought to know it now; and I will ask the gentleman whether or not he thinks the word "issued" detracts any from the clearness of the amendment.

Mr. DAVIES: I am not sure that it does, Mr. Chairman. The point, however, occurred to me in line with what has been suggested, that if there was any criticism to be made that this was the proper time and the proper place to make it. My remarks were only in the line of being perfectly sure that the Constitutional amendment or the proposed Constitutional amendment and the amendment offered by the gentleman from Ellsworth were perfectly clear and plain to the members of the House. I did not have the amendment before me.

Mr. TRAFTON of Fort Fairfield: Mr. Chairman, in reading over Section 15 of Article 9 of the Constitution of Maine another question comes to my mind, whether or not that would not limit the original purposes of this section.

Mr. DAVIES: Will the gentleman please read the section?

Mr. TRAFTON: Section 15 provides as follows: "The State is authorized to issue bonds payable within twenty-one years, at a rate of interest not exceeding six per cent a year, payable semi-annually, which bonds or their proceeds shall be devoted solely towards the reimbursement of the expenditures incurred by the cities, towns, and plantations of the State for war purposes during the Rebellion, upon the following basis." Then follows the basis of payment. I am afraid we are getting somewhat mixed here.

Mr. AUSTIN of Phillips: Mr. Chairman, I move that a committee consisting of the gentleman from Fort Fairfield, Mr. Trafton, the gentleman from Westbrook, Mr. Scates, and the gentle-

man from Ellsworth, Mr. Peters, withdraw and submit to this committee any amendment which they may think proper to cover the ambiguity of the language in this section; and I further move that the committee now take a recess for fifteen minutes.

The motion was agreed to.

#### After Recess.

Mr. TRAFTON of Fort Fairfield: Mr. Chairman, the sub-committee begs leave to report the following amendment to House Resolve No. 1: To House Document No. 1, that there be substituted for the first page thereof the following:

#### "STATE OF MAINE.

"A Resolve amending Article IX of the Constitution.

"Resolved, two-thirds of the Legislature concurring, that the following amendments to the Constitution of the State be proposed:

"Section 17. The Legislature may authorize the issuing of bonds not exceeding two million dollars in amount at any one time, payable within forty-one years, at a rate of interest not exceeding four per centum per annum, payable semi-annually, which bonds or their proceeds shall be devoted solely to the building and maintaining of State highways; provided, however, that bonds issued and outstanding under the authority of this section shall never, in the aggregate, exceed two million dollars.

"Section 14 or said Article 9 is amended by adding after the word 'except,' in the fifth line thereof, the following words: 'For the purposes of building and maintaining of State highways,' so that said Section 14, as amended, shall read as follows:

"Sec. 14. The credit of the State shall not be directly or indirectly loaned in any case. The Legislature shall not create any debt or debts, liability or liabilities, on behalf of the State, which shall singly or in the aggregate, with previous debts and liabilities hereafter incurred at any one time, exceed three hundred thousand dollars, except for the purpose of building and maintaining of State highways, to suppress insurrection, to repel invasion, or for purposes of war; but this amendment shall not be construed to refer to any money that has

been, or may be deposited with this State by the government of the United States, or to any fund which the State shall hold in trust for any Indian tribe.' "

The CHAIRMAN: Will the gentleman from Fort Fairfield explain to the members of the committee more in detail just what this means so that we may get it better fixed than perhaps by reading the amendment.

Mr. TRAFTON: Mr. Chairman, the amendment which we propose so far as the main question is concerned, is simply the amendment which was proposed here on the floor of the House by the gentleman from Ellsworth, except that we have put in as a separate section to that Article nine of the Constitution, the other amendment which we proposed to section fourteen is simply for the purpose of making it uniform, that is, so that this purpose of building State highways may come within the excepted cases for which an additional bond issue may be made. As section fourteen stands now, the State debt is limited to \$300,000, except in certain cases, and we have added the building of State highways to those excepted cases, and that is all.

Mr. Deering of Portland moved that the report of the sub-committee be accepted.

The motion was agreed to.

The CHAIRMAN: Is it the pleasure of the committee that the report on the bill, ought to pass as amended, be accepted? Is there anything to be said upon that subject? The committee having voted to accept the report of the sub-committee, it follows that they have adopted the amendment.

Mr. PLUMMER of Lisbon: Mr. Chairman, I have no amendment prepared here but it occurs to me that if money is to be borrowed it should be altogether for the building and not for the maintaining of State highways.

The CHAIRMAN: If the committee has accepted this amendment I do not know as any remarks can be made upon it at this time, if it is so understood that they have so accepted.

Mr. PLUMMER: What do I understand to be the situation?

The CHAIRMAN: I understand the gentleman from Portland, (Mr. Deer-



ing) moves that the committee accept the amendment.

Mr. PLUMMER: Is that motion open to discussion?

The CHAIRMAN: The House so voted.

Mr. PLUMMER: I move that we reconsider the vote whereby we voted to accept the report of the committee, if that is the situation, that it cannot be amended now.

The question being on the acceptance of the amendment reported by the sub-committee.

Mr. PLUMMER: Mr. Chairman, it strikes me that the words "and maintaining" wherever they occur in the draft should be struck out; and I move that these words be struck out wherever they occur. The maintaining of roads by the State should be done from the current revenue; it should not be done, as it seems to me, by the issuing of bonds. The bonds are for the building of the roads and when they are once built they should be maintained from the current revenues.

Mr. SCATES: Mr. Chairman: It does not seem advisable to limit this thing right down to such a narrow compass. You must give your Legislature a certain amount of latitude, and of course what goes into the Constitution cannot be changed; the whole idea of the act is for the construction of roads, and it seems important and it did to the sub-committee that that word "maintaining" be left there simply as a safeguard. Now, what happens? Under our present law as it is, today, in the State of Maine, the State in connection with the town will go to work and spend a lot of money for construction. I know of one town that built a large portion of good highways. Of course that has not commenced to go to pieces,—and they came up to the highway commissioners and wanted to know if some of their State aid fund could not be used to protect that road and to preserve that road. What did the highway commissioner tell them? That road had cost more than \$8000 a mile, and he was obliged to tell them under our present law not one dollar of money of which the State furnished the smallest part could go to preserve

and protect a road of which the State had built about one-half. Now, that don't seem to be right, but that is the condition we have been up against now under our present law. It is not the intention to have any of that money go for maintenance, and still under certain circumstances it might be advisable; we hope it never will be, but if you eliminate that word "maintaining" there can never a dollar be used for that purpose. Now don't let's put ourselves in that position, and I hope the amendment of the gentleman from Lisbon will not prevail.

Mr. PLUMMER: Mr. Chairman: The object of this amendment, as I understand it, is to give us a chance to get some good roads. If the money from these bonds can at any time in the future be used to keep the roads up that we have already got we cannot get any more, provided, at that time they see fit to do it,—provided the Legislature or the people see fit to utilize the money for that purpose at that time. It seems to me the condition is practically this: If the town builds a schoolhouse it may properly issue bonds for the construction of that schoolhouse because the schoolhouse is going to last a good while; but it would be absurd to issue bonds of any kind of outstanding obligations to keep that schoolhouse painted and in repair; that should be provided from the repair fund raised at the annual meeting. The situation is the same, it seems to me, with regard to this road proposition. If it be true, as I have no doubt it is, as stated by the gentleman from Westbrook, that we cannot use the State money now to keep State roads in repair then the law manifestly needs changing; and if we cannot do it now let us do it as soon as we can, if we ever come here again. This provides that a bond issue should not be used to pay current expenses.

Mr. AUSTIN of Phillips: Mr. Chairman, I rise to a point of order. I think we are proceeding still further under a misapprehension. The motion, as I understood it, of the gentleman from Lisbon was to reconsider the vote whereby we accepted the report

of the committee. As I understand it, by inadvertence the Chairman did not put the vote, the motion as made by the gentleman from Lisbon to reconsider the vote, but did re-put the motion to accept the amendment as submitted by the committee. Now my point is this: That the motion as submitted by the gentleman from Lisbon to reconsider the vote whereby we accepted the report of the committee has not been put to this House, and until that motion is put it strikes me this is out of order.

The CHAIRMAN: The point of order is well taken. The Chair was under the impression that it did put that motion to reconsider. The Chair takes this opportunity to state to the committee what occurred, as several members of the committee have come in since the committee came to order. The sub-committee reported an amendment to House Document No. 1, and upon motion that amendment was adopted. The gentleman from Lisbon afterwards moved a reconsideration and the question now is the reconsideration of the adoption of the amendment. Those in favor of reconsideration of the adoption of the amendment will say aye, those opposed, no.

The motion was lost.

The CHAIRMAN: The matter is refused a reconsideration, and the amendment is adopted by the committee. The question now comes upon the bill as amended, or further discussion.

Mr. PETERS: Mr. Chairman, I move that the bill be reported as amended, ought to pass.

Mr. DAVIS of Guilford: Mr. Chairman, I think about one-third of the members of the committee were out at the time that was reported, and will the Chair kindly read the report of the committee.

The Clerk read the report of the committee.

Mr. OTIS of Rockland: Mr. Chairman: I rise to make a parliamentary inquiry. I wish to know if any amendments are now in order or whether they will be in order after the committee shall have reported the

bill, or whether they will be in order in the House?

The CHAIRMAN: The committee has voted to report the bill to the House as amended. As I understand it, that does not prohibit any amendments in the House during the passage of the bill, but the committee has already voted to report the bill as amended.

Mr. OTIS: I ask if an amendment is in order now.

The CHAIRMAN: Not at the present time because the committee has already voted to report to the House, ought to pass; on motion of the gentleman from Ellsworth it has been moved that the committee rise and report to the House on the bill, and that the bill as amended ought to pass.

Mr. OTIS: They will do so, but they have not done so yet, have they?

Mr. PETERS: I think the Chair is under a misapprehension. I moved that the bill as amended be reported by the committee of the whole, ought to pass; discussion arose on the other side of the hall and I think that prevented the Chairman from putting the motion to the House. At that time a gentleman asked for a re-reading of the whole amendment and I failed to put the actual motion to the House.

The CHAIRMAN: Then I will say to the gentleman from Rockland that I think the better procedure under the situation would be that any more amendments might be or had better be offered during the passage of the bill through the House.

Mr. OTIS: Do I understand the Chair rules that amendments are not now in order?

Mr. PETERS: Mr. Chairman, as I understand the situation, the question now pending is on the motion to report the bill, ought to pass. If any gentleman has a further amendment which he desires to have adopted of course that motion should be denied, voted down. Of course there is no reason why the gentleman in the passage of the bill through the House cannot propose any amendment he desires, but it would be simpler if it could be all considered here at the

same time; and if the gentleman has an amendment which he desires to have considered I would cheerfully withdraw my motion that the bill ought to pass as amended in order to give the gentleman an opportunity to offer any amendments so that they may be considered now without any delay; and if the gentleman says he has a motion to amend I will withdraw my motion that the bill ought to pass.

Mr. OTIS: I have no amendment to offer, but Mr. Plummer moved to reconsider for the purpose of offering an amendment and the House did not reconsider, and it appeared to me that an amendment would be in order at this time if he wished to offer it. That was the point I was making.

Mr. PETERS: I misunderstood the gentleman from Rockland. If he has no amendment I will now insist on my motion that the bill be reported, ought to pass.

The CHAIRMAN: The Chair will rule that no amendment can be made.

Mr. PLUMMER: When can we offer these amendments?

The CHAIRMAN: The question is on the motion of the gentleman from Ellsworth that the bill ought to pass.

The motion was seconded by Mr. Celby of Bingham.

The question being on the motion of Mr. Peters of Ellsworth that the committee of the whole rise and report to the House, ought to pass, as amended on House Document No. 1.

The motion was agreed to.

The CHAIRMAN: And will the committee suggest some member to report the bill to the House?

On motion by Mr. Newbert, the chairman of the committee was delegated to report the bill, ought to pass, to the House.

The purpose for which the committee was formed having been accomplished the duties of the committee were ended.

#### In the House.

The Speaker resumed the chair.

Mr. STRICKLAND of Bangor: Mr. Speaker, the committee of the whole House having had under consideration House Document No. 1, have at-

tended to their duties and beg leave to report that the same ought to pass as amended.

The SPEAKER: Gentlemen, you have heard the report of the committee. This bill is reported back to the House and the House takes notice of the report of the committee, and is it the pleasure of the House that the report of the committee be accepted. As many as are in favor thereof will say aye; those opposed will say no.

The report was accepted.

On motion by Mr. Strickland, the rules were suspended and the resolve adopted its first reading.

Pending the second reading of the resolve.

Mr. PLUMMER of Lisbon: Mr. Speaker, I am aware of the fate which awaits this amendment which I am about to offer, but, nevertheless, in order that it may be voted upon on its merits purely, I move that the words, wherever they occur in the amendment or in the resolve as reported from the committee "and maintaining" or "and maintenance," whichever it may be, be stricken from the resolve. I made all the talk I have to make on the bill previously.

The question being on the motion of Mr. Plummer to amend by striking out the words "and maintaining,"

The motion was lost.

On motion by Mr. Peters of Ellsworth the resolve received its second reading and was passed to be engrossed.

On motion by Mr. Scates of Westbrook a recess was taken until 2.30 o'clock in the afternoon.

#### Afternoon Session.

The SPEAKER: The first matter for consideration is House Bill No. 2, An Act to provide for the use of uniform ballot boxes and for the preservation of ballots cast at elections.

Mr. NEWBERT of Augusta: Mr. Speaker, I move that the House go into committee of the whole for the consideration of House Bill No. 2.

The motion was agreed to.

The SPEAKER: The Chair appoints as the presiding officer of the committee