

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

**Seventy-First Legislature**

OF THE

**STATE OF MAINE.**

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1903.

**HOUSE.**

Friday, March 27, 1903.

Prayer by Rev. Mr. Hayden of Augusta.

Papers from the Senate:

An Act relating to treasurers and collectors in cities and towns. (Tabled pending its third reading on motion of Mr. Oakes of Auburn.)

Resolve in favor of Mathias Cullnan of Belfast. (Tabled on motion of Mr. Libby of Mechanic Falls.)

An Act in addition to and amendatory of Chapter 116, Section 5, Revised Statutes, in relation to fees of sheriffs and their deputies, came from the Senate indefinitely postponed.

On motion of Mr. Allen of Sanford, the House receded and concurred.

An Act relating to corporations, came from the Senate indefinitely postponed.

On motion of Mr. Drew of Portland, the House insists and asks for a committee of conference.

The Speaker joined on that committee Messrs. Drew of Portland, Smith of Presque Isle and Weeks of Fairfield.

Resolve in favor of A. W. Butler as secretary to the committee on county estimates and bills in third reading, came from the Senate indefinitely postponed.

On motion of Mr. Smith of Presque Isle, the House receded and concurred.

Resolve in aid of building bridge across the Penobscot river between the towns of Lincoln and Chester, came from the Senate amended by Senate amendment A.

On motion of Mr. Weatherbee of Lincoln, the vote was reconsidered whereby this resolve was passed to be engrossed, Senate amendment A was adopted and the resolve was then passed to be engrossed as amended in concurrence.

Resolve to aid the town of Frenchville in building bridge across Gagnon stream. (Tabled on motion of Mr. Gagnon of Van Buren.)

Resolve to provide for a stenographer and typewriter when needed and for extra clerk hire in the office of the State superintendent of public schools, came from the Senate the resolve sub-

stituted for the report of the committee reporting ought not to pass.

On motion of Mr. Thomas of Topsham, the House receded and concurred, and on further motion by Mr. Thomas, the rules were suspended, the resolve received its two readings and was passed to be engrossed.

On motion of Mr. Smith of Presque Isle,

Ordered, The Senate concurring, that the committee on rules and business of the House be instructed to confer with a similar committee appointed on the part of the Senate for the purpose of fixing the time to which the Legislature shall adjourn.

On motion of Mr. Oakes of Milford, resolve in favor of the town of Frenchville was taken from the table, and on further motion by Mr. Oakes the House insists and asks for a committee of conference.

The Speaker joined on the part of the House Messrs. Oakes of Milford, Gagnon of Van Buren and Josselyn of Portland.

On motion of Mr. Clarke of Nobleboro,

Ordered, That the Senate be respectfully requested to return to the House the bill relating to the alewives fishery at Damariscotta Mills.

From the Senate: Resolve in favor of the Maine State prison.

On motion of Mr. Hinckley of Lisbon, the votes whereby this resolve was passed to be enacted and passed to be engrossed were reconsidered.

Mr. Hinckley of Lisbon, offered House Amendment A to correct a clerical error of \$3000 in the resolve. The amendment was adopted and the resolve was then passed to be engrossed as amended.

The committee of conference to which was referred the disagreeing vote of the Senate and House on bill, relating to the taxation of mortgages, reported that they were unable to agree.

On motion of Mr. Burrill of Ellsworth, the House adhered.

The committee on conference, on the disagreeing vote of the Senate and House on bill, An Act to prevent the throwing of sawdust and other mill

waste into the tributaries of Seven Tree pond and Crawford pond in Union and Warren, reported that they recommend that the vote whereby the same was passed to be engrossed in the Senate and the vote whereby the same was referred to the next Legislature in the House, each be reconsidered, and that said Act be amended by adding thereto Section 3, as follows:

"This Act shall take effect, January 1, 1905," and that as amended said act be passed.

The report was accepted.

On motion of Mr. Littlefield of Rockland, the vote was reconsidered whereby the bill was referred to the next Legislature, and on further motion by Mr. Littlefield, the rules were suspended, the bill was read twice, the amendment was adopted, the bill was read the third time and was passed to be engrossed as amended.

From the Senate: Resolve in favor of George D. Gaddis of East Machias. (Read twice and passed to be engrossed under suspension of the rules).

From the Senate: Resolve in favor of C. C. Libby chairman of the committee on education. (Read twice and passed to be engrossed under suspension of the rules).

From the Senate: An Act to license foreign executors, administrators, guardians and trustees to receive and dispose of personal property. (Read three times and passed to be engrossed under suspension of the rules).

#### Orders.

On motion of Mr. Oakes of Auburn, Ordered, That Representative N. T. Abbott be excused from attendance after March 27, 1903, and that his pay, including travel, be made up in full for the session.

On motion of Mr. Oakes of Auburn, Ordered, That J. W. Davidson of Hammond Plantation, be excused from further attendance, and that the clerk be directed to make up his pay to the end of the session, with travel.

On motion of Mr. Smith of Presque Isle,

Ordered, That on and after Saturday, March 28, 1903, N. A. Nickerson of Orrington, be excused from further attendance, and that the clerk be directed

to make up his pay and travel for the entire session.

On motion of Mr. Briggs of Auburn, the report of the committee on appropriations and financial affairs on Senate order increasing the pay of the official stenographer of the Senate, was taken from the table, and on motion of Mr. Rice of Farmington, the House receded and concurred with the Senate in the passage of the order.

#### Limitation of Municipal Indebtedness.

On motion of Mr. Oakes of Auburn, resolves providing for an amendment to the constitution relating to limitation of municipal indebtedness, was taken from the table.

Mr. OAKES of Auburn: Mr. Speaker, this is an amendment to the constitution of the State as it stands today, and it provides that the limit of indebtedness of the municipalities of the State should be raised from 5 to 7 1-2 per cent., that is to say, the towns and cities of this State, if this resolve should be adopted by this Legislature and afterwards by the people, would be able to extend their indebtedness 50 per cent. more than is allowed at the present time. The matter, as I look at it, is of great importance. It seems to me that it would tend inevitably to extravagance on the part of our towns and cities, and I am inclined to think that there is enough extravagance in the air at the present time without increasing any such tendency on the part of the towns or elsewhere. I therefore make this motion at the present time, not with any intention of obstructing it, but for the purpose of obtaining an expression as to whether it is desirable that it should have a passage.

Mr. DREW of Portland: Mr. Speaker, up to 1877 there was no constitutional limitations as to the power of municipalities to borrow money for municipal purposes. At that time it was deemed wise by the Legislature to propose an amendment to the constitution limiting their power to 5 per cent. of their valuation. That amendment was submitted to the people and adopted. At that time the rate of interest which municipalities were obliged to pay were on an average over 6

per cent. in this State, so that the people at that time thought that the debt should not exceed 5 per cent. We have progressed in this State in many ways. The people are demanding better school houses in which their scholars should be educated, they are demanding better roads, they are demanding better and more expensive bridges and public buildings.

Now, Mr. Speaker, the rates of interest at which towns can borrow money on is from  $3\frac{1}{4}$  to  $3\frac{1}{2}$  per cent., and if we pass this amendment and it is submitted to the people and they adopt it, and the towns should vote to hire money for these municipal purposes, then the burden of maintaining that debt would not exceed the burden that was imposed upon towns 25 years ago when they had to pay 6 per cent. It seems to me that it comes with ill grace from the gentleman from Auburn (Mr. Oakes) to tell us what the public policy should be in regard to municipal indebtedness. If he will look to his own city of Auburn he will find there that they have a municipal indebtedness, directly and indirectly, of nearly 10 per cent. of their valuation. They were up to their limit, and some 12 years ago they came over here with a bill which I think was drawn in the office of the gentleman from Auburn—with his ingenuity and the ingenuity of his associate—to get around the provisions of the constitution and allow that city to go in debt. They have a valuation there of about seven millions, and their indebtedness is about \$600,000. Now, I do not think that the city of Auburn is bankrupt. I think it is wise for the Legislature to give them that legislation to get around the provisions of the constitution; but after he has well taken care of his constituents I think it is with ill grace in him to come up here and oppose this measure. Take the city of Lewiston. They had some extraordinary expenditures in extending their water works and they were up to the limit. What did they do to get around the provisions of the constitution? They made an assessment of taxes A and B, and the statute says and the constitution says that they can borrow money beyond the tax that is levied, but they made it with the dis-

tinct understanding that that tax should be abated. In my own city of Portland we are up to the limit, but we want to progress, we want to build more and better bridges. We have one bridge there which the United States government has ordered to rebuild. It will cost in the neighborhood of \$300,000. We do not feel that we should build that and pay for it all in one year. Now, is it a fair proposition that the owners of property should pay entirely for the permanent improvements in the city? Why not let us go along and borrow money and pay it gradually? I do not believe if a business firm or an individual that owes  $7\frac{1}{2}$  per cent. of their assets, that they are a bankrupt concern. I do not believe that a city or town that owes  $7\frac{1}{2}$  per cent. is a bankrupt concern. I think it is wise legislation that we should pass this bill and submit it to the people. The people can be trusted, and if this is a poor amendment they will vote it down and all we ask is that the people of the State of Maine shall have the right to say whether they can amend this or not.

New England states are a conservative body of people. Maine has a provision of 5 per cent. limit; New Hampshire, none; Vermont, none; Massachusetts, none; Rhode Island, none; Connecticut, none; New York, 10 per cent. of the value of the real estate in cities except for water work, without any limitations as to towns and villages. All we ask is that this be submitted to the people. Let them have a chance to vote and allow them to say whether this shall be incorporated as a part of the organic law of the State. (Applause.)

Mr. OAKES of Auburn: Mr. Speaker, I am not exactly able to see what the matter of Lewiston and Auburn has to do with this question; neither am I able to see what the situation in Portland has to do with the question. If it is a proper thing that the constitution of the State of Maine should be changed on account of one or two or three cities, that is one thing. If the question is to be considered on its merits, then I ask the Legislature simply to consider whether on the whole this is a wise general policy for

the State to pursue. If it is, I want to see it done. If it is not, then we ought to stop.

Mr. DREW of Portland: Then way not give the people a chance to say whether it shall be done?

Mr. OAKES: It may be wise to do so. It is for the House to say.

The question being on the motion to indefinitely postpone the resolve, the motion was lost.

The resolve was then read a second time and was passed to be engrossed.

On motion of Mr. Davis of Waterville, bill, An Act to authorize steam railroad corporations to build and operate street railroads, was taken from the table.

Mr. CLARKE of Nobleboro: Mr. Speaker, I have not changed my mind since last night and I do not think the committee have changed their minds, but inasmuch as there seems to be a well-defined objection to this legislation I withdraw whatever objection I have to the indefinite postponement of this bill, and I think I voice the sentiment of the committee and the friends of the bill.

The question being on the indefinite postponement of the bill,

The motion was agreed to.

On motion of Mr. Irving of Caribou, report of the committee on appropriations and financial affairs reporting ought not to pass on resolve to provide for expense of examination of candidates for the Cecil John Rhodes scholarship, was taken from the table.

Mr. IRVING of Caribou: Mr. Speaker, my purpose in tabling the bill was because I thought that perhaps the House, and possibly the committee on appropriations, were laboring under a misapprehension as to the nature and scope of the resolve. The will of the late Cecil John Rhodes provided that a sum of \$3000 be given for two young men a year from each state, and the provisions of the will were that these two young men should pass an examination and be recommended by a commission appointed by the governor and heads of the educational department of the state. There are some forty or fifty applicants in this State at the present time, and there will naturally be more or less expense

associated with their examination, and I submit that they should not serve at least without their expenses being paid. Hence, this resolve for \$100 to defray the expense of this commission. I do not believe that the State of Maine can afford to advertise the plea of poverty which has been made here to the extent that they are unable or decline to make this appropriation to provide means by which two young men may have the benefit of this scholarship at Oxford, England. We are informed that every other state in the Union has complied with the conditions of the will, and it was the sense of the committee on education that it was the simple plain duty of this State to make this appropriation. If you accept the report of the committee on appropriations you not only advertise this poverty but you also prevent and deprive two young men from this State each year from enjoying the scholarships. I move that the resolve be substituted for the report.

Mr. PETTENGILL of Rumford: Mr. Speaker, in regard to the position of the committee on financial affairs on this matter, I would say that this is a gift which comes to the State of Maine from a man in England. If our State had gifts enough of this kind and they all took an appropriation to go with them for all time, the result might be ruinous. That kind of gifts is not the desirable kind. As I understand it, whatever we appropriate runs for all time.

About the matter of the State commission, an appointment on this commission is an honorary appointment, one year one man is appointed and another year another man. This commission will not be the only one that serves in this State without pay. We have got several that receive no pay, regularly appointed by the governor, positions of honor, and they do more or less work and do not expect any pay. It is so with this commission. Being a position of honor, ordinarily you will find those commissioners will be either presidents or professors of colleges. It should be so. It seems to me that it is for the benefit of their boys; and the committee felt as

though this should be considered as an honorary appointment with no salary attached to it.

Mr. IRVING of Caribou: I wish to say in reply that while it may be an honorary position to serve on this commission, I doubt very much if the gentleman from Rumford or any other members of the House would care to bear the necessary expense of a long examination of from eighty to one hundred applicants for this position. I do not believe that you can find a commission that is willing to do so.

Mr. STEARNS of Millinocket: Mr. Speaker, it seems to me that when we have colleges and college presidents coming to this House and asking for appropriations and when they tell us what small salaries they are receiving there is no college president or college professor that can afford to give us time and pay his expenses to become a member of this commission. It seems to me that it is just and right that at least the small sum of one hundred dollars should be given by this State to help pay a part of the expense that would necessarily be incurred in the examination of these students. I understand that there is now a large number of applicants for these positions, and it seems to me that the State of Maine should take a step in advance instead of going back. I realize that our finances are not in as good a condition as they seemed to be at the beginning of the session, but at the same time one hundred dollars each year is but a small amount, and I think it will be a matter of justice to everybody, to the young men and to the commissioners that we should give this amount for the expenses of this commission.

Mr. PERKINS of Wilton: I would ask if that was a condition of the will that one hundred dollars should be paid by the State?

Mr. IRVING: I will say that the provision of the will is that the students shall pass an examination before a commission.

Mr. PERKINS of Wilton: It seems to me that as these candidates must be good scholars and athletes, and from some of the colleges of our State, the professors and teachers of the colleges

should have interest enough in this matter to give to their alumni a free examination.

Mr. CLARKE of Nobleboro: Mr. Speaker, it occurs to me that this is rather a curious situation when we consider the fact that the matter of an appropriation of one hundred dollars for a perfectly legitimate and just purpose has caused more discussion than an appropriation of \$60,000 or \$80,000 for bridges during the entire session. I believe that this money is appropriated not only for a legitimate but for a just purpose. I believe that it is an imposition to ask professors of colleges to stand the expense required to serve on this commission, and spend their time without pay. I hope that the motion of the gentleman from Caribou will prevail.

Mr. DOWNING of Sorrento: Mr. Speaker, I would like to say in reply to the gentleman from Nobleboro that now the steed has been stolen and we propose to shut the stable door. (Applause).

The question being on the motion to substitute the resolve for the report,

The motion was agreed to.

On motion of Mr. Irving of Caribou, the rules were suspended, the resolve was read twice and was passed to be engrossed.

Passed to be enacted: An Act to amend Sections 2 and 16 of Chapter 48 of the Revised Statutes, relating to corporations.

On motion of Mr. Sewall of Bath, the vote was reconsidered whereby the House passed to be engrossed bill, An Act for the protection of shore birds.

Mr. Sewall offered House amendment C, to insert before the word "Lincoln" the word "Knox."

The amendment was adopted, and the bill was then passed to be engrossed as amended.

On motion of Mr. Pettengill of Rumford, report "A" of the Committee on Legal Affairs, reporting "ought to pass" on bill in new draft, An Act defining and enlarging the duties of juries in trials of misdemeanors, and report "B" of same committee reporting "ought not to pass" on bill, An Act defining and enlarging the duties of

juries in trials of misdemeanors was taken from the table, and report "B" was accepted.

On motion of Mr. Pettengill of Rumford, order relating to taxation of land in unincorporated places, was taken from the table and passed.

On motion of Mr. Butler of South Thomaston, bill, An Act relating to a franchise tax on sleeping and palace cars, was taken from the table.

On motion of Mr. Butler, the vote was reconsidered whereby this bill was passed to be engrossed.

Mr. Butler offered House amendment A, by striking out the words "and all business from points in other states or countries to points in other states or countries and passed through the state of Maine."

The amendment was adopted and the bill was then passed to be engrossed as amended.

On motion of Mr. Libby of Mechanic Falls, bill, An Act to amend Section 4 of Chapter 91 of the Revised Statutes relating to notice of foreclosure on mortgage of personal property, was taken from the table.

The bill was then passed to be enacted.

On motion of same gentleman, bill, An Act to grant certain powers to the Hancock county trustees of public reservations, was taken from the table.

The bill was then passed to be engrossed.

On motion of Mr. Thompson of China, report of the Committee on Taxation relating to the taxation of lands in unincorporated places, was taken from the table, and on further motion by the same gentleman, the same was referred to the next Legislature.

On motion of Mr. Thompson of China, resolve for screening lakes, was taken from the table.

Mr. THOMPSON of China: Mr. Speaker, it is a question for us to decide whether it shall be the duty of the people locally to care for these fish, or whether it shall be the policy of the State to screen the lakes, and it seems to me that we need to develop some local interest in this matter, that we of the State of Maine are doing

a great deal to stock these lakes with fish, making large appropriations for that purpose, and that we want to develop some local interest in this matter. It seemed almost dangerous to me to put upon the State the burden of doing this work.

It is not so much the cost of the screens that the State is putting in, but that it takes away from the people locally that interest. We recognize the principle that it is not safe to take away from local communities, interest in this matter. We were told that we should not reduce the school fund locally, because people would lose their interest in schools. I believe if this resolve passes that in two years from now and in the future we shall have practically this work to do by the State; and I move that the resolve be indefinitely postponed.

The motion was agreed to.

On motion of Mr. Weeks of Fairfield, An Act to cede jurisdiction of State of Maine to the United States of America over so much land as has been or may be hereafter acquired for public purposes of the United States, was taken from the table.

The bill was then passed to be enacted.

On motion of Mr. Clarke of Nobleboro, the vote whereby the House passed to be enacted bill relating to the alewife fishery at Damariscotta Mills, was reconsidered, and on further motion by Mr. Clarke the vote was reconsidered whereby the bill was passed to be engrossed.

Mr. Clarke offered House amendment A, by inserting after the words "fifteenth day of July" the words "in the years 1903 and 1904."

The amendment was adopted and the bill was then passed to be engrossed as amended.

#### Automobiles on Public Ways.

Mr. SEWALL of Bath: Mr. Speaker, at the request of the gentleman from Brunswick (Mr. Potter) I moved to take from the table bill, An Act to regulate the use of automobiles and motor vehicles on the public ways.

The motion was agreed to.

Mr. SEWALL: Mr. Speaker, the gentleman from Brunswick (Mr. Pot-



ter) introduced this bill on behalf of or at least with the approval of the Automobile Club of Maine, and those gentlemen were present in full numbers at the hearing. It did not seem to me then nor does it seem to me now that that bill was framed in the interests of the people of our State who use the roads of our State. The Automobile Clubs of the United States have taken uniform action lately, and they have come to the different states for legislation to regulate themselves. There is no doubt about this point, that you must do something, and there is no doubt also that you must recognize the existence of automobiles and motor machines, and must not exclude them, but must try to come to some equitable arrangement, recognizing the right of the party using them but keeping always before you the fact that the majority of the people of this State especially, are not in a position to use them and are very often brought in conflict with them. You must remember that the owners and drivers of automobiles, however well disposed they may be, are carried away, always one of them in a locality, with an infatuation, with the machine, which leads them to absolutely reckless consequences, and the serious feature of this all has been that these well meaning gentlemen are all of them well to do, and have really got into their minds the fixed impression that they may do as they please, they may do all the damage they please and that a mere money payment will settle all. I think it will come back to everybody here that there is at least one offender of that sort in every part of our State, and because of the existence of these offenders it behooves our State to adopt the rule which shall recognize their existence even if it does not give to the well behaved and well meaning all the rights they wish.

I object particularly to section two, which provides that, "the municipal officers of cities and towns shall have no power to regulate the speed of such vehicles except to fix the limits of what may be regarded as the compact and built up portions thereof, and to permit a greater speed than eight miles an hour but not greater than fifteen miles

an hour." I know of no reason why, with the average intelligence of the people of our towns and cities, I know of no reason why the Automobile Club of Maine, acting in concert with the Automobile Club of New York and other states, where absolutely different conditions prevail, should come to this Legislature and on behalf of thirty or forty very respectable gentlemen, should ask the Legislature of Maine to take out of the hands of our town and municipal officers the power to regulate the speed of these machines. Towns and cities have that power as regards the electric roads. Your steam railroads are not allowed by statute to go through cities and towns at whatever speed they like, and yet these gentleman come here and through a very able and honored fellow member ask you to take this power, this natural and inherent power in our towns and cities, to take it bodily away from them so that they may ride on unobstructed and at will. Yesterday you had the case of Bar Harbor before you. I approved of that bill but I regret that it could not have waited until today so that the gentleman interested in it could have incorporated in it a provision which I have incorporated in this bill by my amendment to section seven. My amendment to section seven provides that they may exclude absolutely, if they choose, from these roads where the natural conditions are dangerous—that they may exclude absolutely the use of those machines. And I believe that that amendment rests upon a firm position. The House indorsed the position yesterday when it gave passage to the bill excluding certain ways and roads in Bar Harbor. And there is no difference at all between those roads and every road in every county, except in this particular that the residents of that particular section of Bar Harbor are very influential and rich men. When the president of the Automobile Club of Maine appeared before the committee which reported this bill, and these very roads at Bar Harbor were brought up as instances where it was impossible to get by one of these machines with a horse he deliberately replied, "Then let the horses keep off those roads."

Now this House yesterday showed its approval of the principle I contend for, that where you find on any streets or ways that a meeting of automobiles and horses would be attended with unusual danger, those towns and cities have a right to exclude them altogether. You have endorsed that principle, and I wish it made applicable anywhere, to Bar Harbor and to every town and city in this State where the municipal officers feel that they should act in the interests of their people.

Section 8 in the bill provides a punishment by fine. I do not know why the gentleman who reported that bill, should be so eager to cut down the penalty as found in other states in this Union. A bill such as that proposed here, is proposed largely for its moral and deterrent effect, to put some curb over these people who are so carried away with their sport that they have no regard for the rights of others. In the state of New York the penalty is a fine for the first offense not exceeding \$50, for second offense a fine not exceeding \$50 or imprisonment not exceeding six months or both. In Massachusetts, for violating any provisions of the act, fine not exceeding \$200 or imprisonment not exceeding ten days or by both. In Maine we propose to have a fine not exceeding \$25 and nothing said of imprisonment, no further penalty, and nothing for second offense. Now I submit that since we desire this bill to act as a deterrent, as a protector of the majority of people, you should put in that section, incorporate there, the amendment I propose, amendment C, which makes a fine of not more than \$50 or imprisonment for not more than ten days. I move to amend by House amendment A, by striking out sections two and three, and amendment B, to amend section 7 by adding at the end of the first sentence the words "and may exclude automobiles and motor vehicles from such places," and by striking out the second sentence of said section.

Mr. POTTER of Brunswick: Mr. Speaker, these various amendments should have been offered to the House before. The judiciary committee, by a unanimous report, directed me to re-

port this bill to the House, over a week ago. I object to these amendments being sprung upon the House during the closing hours of the session without sufficient notice and without sufficient reason. The judiciary committee gave a hearing on this matter two months ago. All gentlemen interested were invited to be present. The gentleman from Bath (Mr. Sewall) made an eloquent speech. The matter was referred to a sub committee of the judiciary. That committee, I have a right to say, has given a good deal of care and time and attention to the bill with the sole purpose of making a fair bill, and the report of the sub committee to the full committee was followed by the unanimous report of the judiciary committee of the House.

Every state that has attempted to frame a general automobile bill, has attempted to do two things, both of which should be accomplished if the bill is to be a fair one. In the first place, the bill in the interest of the public should impose upon riders of automobiles and users also suitable restrictions for the benefit of the public. That is one side of it. Those restrictions should be uniform throughout the State in order that the riders of automobiles and the public may know what their rights and duties are. And, on the other hand, the bill, if it is to be a fair bill, should include some uniform rights for the riders of automobiles. The Legislature that imposes restrictions, should also confer some rights upon the riders of automobiles. They should be uniform. They should be made here in the Legislature and not by 300 legislatures in three hundred separate towns in the state. Now, the gentleman from Bath, not presuming to be unfair, has made to the House an exceedingly unfair statement of my position. I offered, at the request of the Automobile Club of Maine, this bill and had it referred to the judiciary committee. I did not appear as attorney for the Automobile Club. I held no brief then, I hold no brief now, for the Automobile Club. It is both unjust and ungenerous for the gentleman from Bath to make the reference he has to me in connection with the Automobile Club.

Mr. SEWALL: I made no statement that the gentleman was attorney for the club.

Mr. POTTER: Now, then, the judiciary committee had before it two bills. Those bills differed. For instance, the Automobile Club wanted to have the right to ride at the rate of 20 miles an hour in the country and eight miles an hour in the compact, built-up portions of cities and towns. The gentleman from Bath, proposed in his bill that it be fifteen miles an hour, and the committee adopted the recommendation of the gentleman from Bath. The Automobile Club's bill contained no prohibition against racing. The bill of the gentleman from Bath contains such a provision, and we adopted it and put it into one of the sections of the bill. The bill of the Automobile Club said nothing about bells to be rung, to give signal of approach, and the bill of the gentleman from Bath retained that provision, and the committee adopted it. The bill of the Automobile Club said nothing about carrying lighted lamps and the bill of the gentleman from Bath contained a provision to that effect, and the committee adopted that. The committee further provided that every person riding and operating an automobile shall on request or signal cause such machine to stop until the horse is past. We inserted that provision in the bill. We added to the bill section seven, which I am advised, and so far as I can ascertain the facts I am correctly advised, is a more drastic provision than is contained in any law in any state. It provides that the municipal officers of any city or town may designate danger points by a "go slow" signal, that the automobile approaching one of those points must slow down to four miles an hour. Section seven is the longest provision of the bill. It is a rigid restriction upon the users of automobiles. It was inserted against the remonstrants of the Automobile Club of Maine, and it was inserted upon my motion, and I drafted that provision of the bill. I had much more criticism from the Automobile Club than even from the gentleman from Bath.

There is another thing by which we attempted to make this bill still more drastic in its provisions. We attempt-

ed to make a general rule allowing municipal officers on appeal to the supreme court to do the thing which the gentleman from Bath would like to have done, to allow exclusions all over the state where in the judgment of the municipal officers such exclusions should be necessary. A member of the supreme court gave it as his opinion that that provision was unconstitutional. It was on that account solely that it was omitted from the bill.

Now, those are the restrictions in the bill; and the committee added to its prohibitions what they considered to be suitable penalties. After we have written all the reasonable restrictions that occur to us, and after attempting to put in one more which the court holds to be unconstitutional, the next provision in the bill is that the automobiles shall have some rights, some uniform rights. The only sections in the bill conferring any rights upon the automobiles are sections two and three. The gentleman from Bath cannot name another provision or another section of the bill containing any rights which the bill proposes to confer on automobiles. I will read those provisions:

Sect. 2. The municipal officers of cities and towns shall have no power to regulate the speed of such vehicles except to fix the limits of what may be regarded as the compact and built up portions thereof, and to permit a greater speed than eight miles an hour but not greater than fifteen miles an hour.

Sect. 3. The users, drivers and operators of all such vehicles shall except as herein provided, be subject to all the obligations, and entitled to all the rights, in the use of such highways, town ways, public streets, avenues, driveways, parks and parkways, as the users, drivers and operators of vehicles propelled by manual or animal motive power are subject or entitled to.

Why did I insert in the bill that the municipal officers should have no power to regulate speed except to fix the limits in compact and built up portions of cities and towns? Because, gentlemen, the bill regulates that matter itself. It is for the Legislature to regulate the speed. This bill provides a fifteen mile limit as the maximum rate. It provides an eight mile limit in the compact and built up portion of

cities and towns, and no automobile can exceed that. It provides a four mile limit, which is the rate which a man can walk, at danger points. Now I ask the House if in addition to that we should confer upon every board of municipal officers in the State the power to make additional and independent and possibly arbitrary restrictions on the rate of speed? No state in the Union has attempted to draft a general automobile bill and leaving to municipal officers to regulate the matter of speed after the bill has regulated it.

Section three contains a provision which every judge of every court in this State would instruct a jury would be the law:

Section 3. The users, drivers and operators of all such vehicles shall, except as herein provided, be subject to all the obligations, and entitled to all the rights, in the use of such highways, town ways, public streets, avenues, driveways, parks and parkways, as the users, drivers and operators of vehicles propelled by manual or animal motive power are subject or entitled to.

The automobile is a vehicle which has come to stay, which is entitled to the use of the streets subject to reasonable restriction. The bill imposes those restrictions. Subject to those restrictions the automobiles should have the same right as other vehicles have. If you strike out that section of the bill you give to municipal officers the power to exclude, arbitrarily perhaps, by mere whim or caprice automobiles from any town in the state. The purpose of the gentleman from Bath under what he calls amendment A is to strike out of the bill all the rights, every single one of them that this bill would confer on riders of automobiles. It strikes down absolutely one of the main objects of any general automobile bill. It makes of every board of municipal officers a little petty legislature of its own to say where they shall go and at what rate of speed. It makes it possible for the rider of an automobile when he reaches a town line to know whether he has a right to cross it and at what rate of speed. He does not know, under the penalties proposed by the gentleman from Bath, whether he is going to jail or to the next town.

Now, I appeal to the sense of candor and fairness of the House whether or not these automobiles are not entitled to some privileges, whether a general automobile bill should include, as the gentleman from Bath would have it, a string of prohibitions and penalties and nothing else, or whether it should confer some rights. The purpose of the bill is two fold, it is to impose duties and to confer rights. If we have not imposed duties enough, let the House add some more.

If we have, then confer on riders of automobiles, subject to these restrictions, the same rights that other vehicles have. The proposed amendments are inconsistent with the object of an automobile bill. The bill should be killed or the amendments should be voted down.

If in the last section of the bill we have not made the penalties severe enough, then there is a debatable question. If the members think that the maximum fine should be increased, and that imprisonment ought to be imposed, I am inclined to think that the members of the judiciary committee would not object. I hope the amendments of the gentleman from Bath will be defeated—at any rate, with the possible exception of the one in regard to penalty.

Mr. MORRISON of Eden: Mr. Speaker, if those amendments are adopted I shall consider this an eminently fair bill, and believe that it ought to pass. I hope that the house will adopt the amendments.

Mr. POTTER: The bill introduced yesterday by the gentleman from Eden excludes certain ways in Bar Harbor, where he says it is dangerous to have automobiles. Senator Clark of Hancock called the attention of the judiciary committee to those ways, and it was partly on account of them that we attempted to draw a general provision allowing reasonable exclusions when necessary. But we encountered the opinion of the Court that the provision was unconstitutional, and the committee finally concluded not to make a special provision for Bar Harbor, and that has been made by special Act. Those ways in Bar Harbor were the only ways to which the attention of the committee was called as being ways from which automobiles should be excluded. My point is that if there are to be further exclusions, if there are similar cases to this, then the legislature should decide instead of municipal officers, or, if by the municipal officers then it should be subject in some way to appeal, so that exclusions may not be created as the result of local prejudice.

Mr. SEWALL: Mr. Speaker, I have simply stricken out sections two and three by my amendments which took away from the towns and municipalities their power to regulate the speed of these machines as they have the power to regulate the speed of an electric railway, and I do not see why forty gentlemen should have any greater power in our towns and villages than the owners of the street railways. And then, in section seven, where he recognized that something had got to be done by reason of the dangerous roads such as have been described at Bar Harbor, I simply did for the state of Maine and for every county in it, what the house did yesterday for the town of Eden. If that is not a fair proposition then I would like to know what is. Then I came to the penalties and I adopted a much more moderate scale of fines and penalties than you find in the state of Massachusetts and the state of New York; and I protest against the imputation coming from the gentleman from Brunswick especially interested in these machines that there is anything

unjust in an attempt to defend our highways which are being encroached upon every day by electric and steam railroads, and very properly too, and to defend what is left of them to the people who use them and to whom these highways in Maine are dedicated. The gentleman threatens you, so to speak, with the charge that your bill which you passed yesterday is unconstitutional. He does so because he said he consulted a Justice of the Supreme Court who said that he thought that exclusion might be unconstitutional. But certainly a proposition, a general proposition of exclusion has less to commend it to his view than the individual exclusion. A general exclusion would commend itself to the Court far more readily than an individual exclusion.

And he is without any authority whatsoever when he attempts to tell you the state of legislation in the Union, and to say that in adopting this course we are marking out a new and untried course. In fact, the whole matter of legislation on the subject of automobiles is in such a state that no one knows where it is today or where it will be tomorrow. It is in an experimental and developing state. I deny that you have here a bill stringent in any particular or peculiar in any particular. It is a most moderate and conservative bill. It leaves to your towns and villages the power that they now have, whatever that may be, but it does provide in these exceptional cases for the power of exclusion, and that power I think will be exercised for the good of every section of this state. I move the adoption of amendment A.

The question being on the adoption of House amendment A, a division was had and the amendment was adopted by a vote of 71 to 17.

The question being on the adoption of House amendment B, the amendment was adopted.

The question being on the adoption of amendment C, the amendment was adopted.

Mr. POTTER: Mr. Speaker, I move that this bill as amended be indefinitely postponed, and I hope that the House will be consistent with itself and support that motion.

The motion was lost.

The bill was then read a third time and was passed to be engrossed as amended.

#### Orders.

On motion of Mr. Pike of Lubec, Ordered, That L. H. Stover of Brunswick, be excused from further attendance at the session of the Legislature, and that the clerk be instructed to make up his pay to the end of the session.

On motion of Mr. Butler of South Thomaston,

Ordered, That F. W. Thurlow is hereby excused from further attendance at this session of the Legislature, and that the clerk is hereby directed to make up his pay and mileage to the end of the session.

On motion of Mr. Drew of Portland, The House adjourned until three o'clock this afternoon.

#### Afternoon Session.

An Act to establish the salary of the county attorney for the county of Knox, came from the Senate referred to the Knox county delegation with instructions to report not later than at the next session of the two bodies.

On motion of Mr. Kimball of Rockland, the vote was reconsidered whereby this was passed to be engrossed, and on further motion by Mr. Kimball the House receded and concurred with the Senate in referring it to the Knox County Delegation.

Majority and minority report of the committee on taxation on bill, An Act to repeal Section 28, Chapter six of the Revised Statutes, relating to taxation of corporations, came from the Senate, that branch adopting the majority report in non-concurrence, and calling for a committee of conference.

On motion of Mr. Thompson of China, the House voted to insist and join a committee of conference.

The Speaker joined on the part of the House Messrs. Thompson of China, Weeks of Fairfield and Libby of Mechanic Falls.

The majority report of the committee on appropriations and financial affairs on bill, An Act to provide for the representation of the State of Maine at the Louisiana Purchase Exposition at St. Louis, Missouri, and making an appropriation therefor, came from the Senate indefinitely postponed.

Mr. White of Dyer Brook moved to recede and concur.

The motion was lost.

On motion of Mr. Burrill of Ellsworth, the House voted to insist and ask for a committee of conference.

The speaker joined on the part of the House Messrs. Burrill of Ellsworth, Swett of Portland and Allen of Sanford.

#### Orders.

On motion of Mr. McGregor of Enfield,

Ordered, The Senate concurring, that the sum of fifty dollars be paid to F. E. Blake for clerk hire and expenses paid by him as secretary of the committee on salaries.

On motion of Mr. Abbott of Shapleigh,

Ordered, That Samuel A. Hill, representative from Buxton, be excused from further attendance at this session of the Legislature and that the treasurer be instructed to make up his pay and mileage in full for the whole session.

On motion of Mr. Weeks of Fairfield, Ordered, That the Senate concurring, the joint special committee on revision of the rules be authorized to report at the adjourned session of the Legislature in September next.

On motion of Mr. Wentworth of Lebanon,

Ordered, that David W. Libby, representative from Newfield, be excused from further attendance at this session of the Legislature and that the treasurer be instructed to make up his pay and mileage in full for the whole session.

On motion of Mr. Libby of Mechanic Falls,

Ordered, that Gideon T. Cook of Casco, be and hereby is excused from further attendance at this session of the Legislature after March 27, 1903, and that the clerk of the House be instructed to make up his pay in full to the end of the session with travel.

Special Assignment: Majority report of the committee on appropriations and financial affairs, reporting ought not to pass on bill, An Act to provide for the establishment of a commission to investigate the causes of floods and overflows of rivers and so forth, and minority report of same committee, reporting ought to pass in new draft bill under the same title.

On motion of Mr. Weeks of Fairfield, the reports were tabled.

On motion of Mr. Oakes of Auburn, bill, An Act relating to collectors and treasurers of towns, was taken from the table, read the third time and passed to be engrossed in concurrence with the Senate.

Mr. DAVIS of Waterville: Mr. Speaker, I am profoundly grateful to the House for this evidence of repentance.

On motion of Mr. Campbell of Cherryfield, bill, An Act to establish a bounty on porcupines, so called, for the better protection of timber land, was

taken from the table, read a third time and passed to be engrossed.

On motion of Mr. Drew of Portland, the House voted to take up matters on the House Calendar and dispose of them in the order in which they appear on the calendar.

An Act to amend Section 16 of Chapter 66 of the Public Laws of 1893, relating to the militia. (Passed to be enacted).

Report of the committee on the judiciary, reporting ought not to pass on bill, An Act to amend Chapter 46 of the Revised Statutes of 1883. (Report accepted).

Bill, An Act in relation to the office of treasurer and tax collector in the town of Winslow. (Indefinitely postponed on motion of Mr. Reynolds of Winslow).

#### State Laboratory of Hygiene.

Majority and minority reports of the Committee on Appropriations and Financial Affairs, reporting ought not to pass and ought to pass on bill, An Act relating to the public health.

Mr. SEWALL of Bath: Mr. Speaker, I tabled this matter so that members of the medical fraternity in this House might have an opportunity to express their opinions in regard to it. The physicians of my city assure me that it enables the poor people of our State who cannot, in cases of contagious diseases, determine and have no way of determining either for themselves or through their physician as to whether they have these diseases or not, and in consequence their houses are quarantined—that such an Act would enable them to get free of charge an investigation of the germs or sputum and put them in the position so that they could be relieved of a quarantine that would otherwise be enforced upon them. I have no interest in the measure and no information in regard to it that would entitle me to ask the attention of the House, but I believe that it is not without merit and I hope that somebody who has informed himself upon the subject will make a statement about it.

Mr. DODGE of Troy: Mr. Speaker, I will say that this matter came before our committee and it was their unani-

mous opinion that it ought to pass. As it carried an appropriation it went before the Committee on Appropriations and Financial Affairs, and they have returned a divided report; and if in order at this time I would move that we substitute the minority for the majority report.

Mr. PETTENGILL of Rumford: Mr. Speaker, this calls for the establishment of a State laboratory. I think it is a matter of merit, and the only reason I signed a report against it was because it established a new institution for the State to care for for all time at more or less expense. I am informed that there are private establishments in the State where this examination is being done. My only reason for signing the report I did is the condition of the State's finances.

Mr. MORRISON of Eden: Mr. Speaker, I want to say a word in favor of this measure. It seems to me that there ought to be at least one reliable place in the State where physicians could send in samples that they might be thoroughly investigated, and so assist us in diagnosing diseases. You know that even in the case of diphtheria there are cases that no physician, I don't care how many cases he has had, there is no physician who can say that it is a case of diphtheria or that it is not. And I believe that there should be a place where a physician could send to a reliable bacteriologist and get returns in a short time. I therefore would favor Dr. Dodge's motion to substitute the minority for the majority report.

Mr. SWETT of Portland: Mr. Speaker, I will say that I have had some conversation and some correspondence with one of the most eminent physicians in the State who is also a member of the faculty of Bowdoin college. He spoke to me about this matter two or three weeks ago and asked me to do what I could in favor of it. He stated, as the gentleman from Eden has stated, that it is sometimes impossible for the best physicians to determine for several days in regard to a case of diphtheria without the proper means of analysis. This is a matter that is not of any local interest to the city of

Portland, as I understand it. I believe we are already provided with the means for determining those things, but he told me that in the smaller and remote towns of the State, physicians could send through the mail a sample and it could be determined what the disease was and then by the modern system of telephoning in a few minutes after the determination was reached they could inform the physicians even in remote towns as to the exact nature of the disease, and in that way it would be a very valuable assistant to the physicians throughout the State; and upon his representation I signed the report in favor of the bill.

Mr. OAKES of Auburn: Mr. Speaker, I would like to ask the gentleman from Eden (Mr. Morrison) to state for the information of the House whether it is possible to make such an examination as is necessary to determine the nature of the germs without a special laboratory and special means for that purpose—whether this could be accomplished in any other way than by this appropriation?

Mr. MORRISON: Mr. Speaker, in order to develop these germs we have to have a certain culture in which we put them and develop them for several hours, and there are a great many different diseases, and therefore a great many germs, and to fit up for developing the different germs would surely cost a physician a thousand or fifteen hundred dollars, and besides the busy practitioner is all out of practice in regard to this matter, he is not competent to go through with the delicate work that is necessary to give you a positive diagnosis, and if you are not positive in your diagnosis it is of no use whatever. I have tried to put considerable stress on the matter that we should have a reliable place and in that place we ought to have a reliable man, a man that every one knows is perfectly competent to go through with these minor details and carry everything out so that you feel you are positive that the diagnosis is a correct one; and it would not be practicable for the average physician throughout the State to attempt to conduct these experiments providing that he had the means to

work with. You cannot be an expert on everything. You can be an expert on some things. But the field of medicine, and the field especially of bacteriology, is altogether too broad. A man in order to be a good bacteriologist must be a man who puts in his entire time and effort in that direction, and he must be a man who is not lazy. That is very important.

In the case of diphtheria, to which I have referred, when I first commenced the practice of medicine I was called with two or three other physicians to see a case of a young lady about sixteen or seventeen years old, a robust young woman, and one of the physicians thought she had diphtheria and another thought she did not, and so forth, and in a family that was hard to restrain she ran around among the other members of the family and at last after about four or five days she died. She had three sisters from sixteen to 22 or 23 years of age, all robust, strong women.

This case was a case of tracheal diphtheria that worked down into the lungs, and at no time during the disease could any physician have told that it was a case of diphtheria. But at about the time she died we then were of the opinion that it was, but she had succeeded in infecting all three of the other girls and inside of three weeks those other three succumbed to the disease. There was a whole family of four bright, smart young ladies who all died in three weeks, just by not having a place to find out whether that first case was a case of diphtheria or not. If we had such a place and could have sent a sample, we might have restrained her for a day or two until we got word back from the State laboratory that it was diphtheria, and those other three might have been saved. Now, gentlemen, perhaps you do not see those cases, but occasionally a physician sees cases of great sadness, on account of not being able to determine what the disease was at the beginning, and death resulting in consequence.

Mr. McGREGOR of Enfield: Mr. Speaker, I would like to say a word about this matter because in my

opinion it is very important. It is well known that a large proportion of our rural people are served by the country physicians. I suppose that almost any physician who is educated in his profession understands theoretically all about this question, but it is a matter of time and experience and constant watchfulness to make an expert bacteriologist. Now, we come to the point where we have a case which possibly we might think was tonsillitis, which of itself would be a comparatively mild trouble, and we treat it on those grounds, and later it will prove to be a case of diphtheria, and in the meantime all who have come in contact with the patient are more or less liable to infection. There is a case where great injustice is done to the family. Or, we have a case which we think possibly may be diphtheria, and we treat it as such. We quarantine our patient, and later it proves to be a case of tonsillitis. In that case we have done an injustice by keeping this person secluded, away from his occupation, and we have made trouble generally. Now, in those cases on the border line like those between diphtheria and tonsillitis, if it was your child or my child I believe we would not hesitate a moment over a question of a few thousand dollars to have that thing perfectly understood.

I understand in relation to this bill for a laboratory that Dr. Young has asked for the very smallest sum that he can possibly get along with. He has not got room in his department to establish a laboratory here in the Capitol building. He has got to pay rent outside, and moreover in order to have the thing of any value whatever he has got to have an expert man who cannot be obtained for a song. Now, \$3000 is the least sum for which he can get that kind of a man to do the work, and he has got to pay a sum for rent besides that. Consequently the sum that he asks for is the minimum sum, and if you cannot give him that, he does not wish for it at all, because he cannot make a move in that direction unless he has what he asks for. It would seem to me that a State of this size and wealth and importance is en-



titled to such an institution. We find it in almost every other state. It is true that we have certain physicians in the State in various places, in Portland for instance and Bangor, who make a specialty of this thing and do this work. Those of you who are well to do and able can get that examination made, but the large mass of the people in the country, the poorer people, are debarred from anything of the kind because an examination of that kind is very costly. I hope that this motion will prevail.

Mr. PERKINS of Wilton: Mr. Speaker, I have nothing against this appropriation for a laboratory in which to make a proper and thorough analysis which will determine the nature of disease germs in any epidemic or contagious or infectious diseases. But I recognize the fact that where and when so much is referred to somebody else for investigation and scientific examination and the physician is relieved from that responsibility, it is natural for him to neglect the necessary study on his part which would well qualify him to tell more definitely and quickly the nature of some of these contagious and infectious diseases. We all know that when we can throw the responsibility upon somebody else, we neglect to inform ourselves; and it seems to me that if the doctors in the State would take more pains to inform themselves of the symptoms and the diagnoses of infectious and contagious diseases, they could make an early diagnosis and apply the remedy themselves, when it would take time to send germs or sputum away for investigation and it might prove in many cases to be too late for the patient. Although I have nothing against, as I said, making this appropriation for a State laboratory—I believe in these laboratories for scientific investigation of infectious diseases—but in view of the financial condition of our State and in view of the fact that there are numerous places in the State where these scientific examinations are made, it seems to me for the present at least that this matter might be deferred for a period of two years.

Mr. DODGE of Troy: Mr. Speaker, I wish to say just a word more. When this matter came before our committee there were eminent physicians from Bangor, Lewiston, Bath, Portland and other places in the State, and they all thought that this was an urgent necessity for the State of Maine, and that the only mistake we had made was in putting it off for so long a time. It is no experiment, either. I think all the other New England states have a state laboratory of this character, and Massachusetts, at least, has two or three. In regard to the work to be done in this laboratory, I will say that not only does it apply to diphtheria, but it is of as much importance to make an early diagnosis of tuberculosis. As you are aware the approach of that disease is usually very insidious, and for a time the patient and the patient's friends all think that he has not tuberculosis. Now, by examining the sputum we can tell in the very earliest stages whether we have a case of tuberculosis or not; and our only hope in tuberculosis is in that early stage. They are dying today in the State of Maine at the rate of about one thousand of the young people of the State each year with consumption. It was the testimony of as good an authority of this disease as Dr. Weeks of Portland, before our committee that 75 per cent of that number could be saved if we could recognize the disease in its earliest stage.

Now, again, in typhoid fever, there are some cases so plainly marked that they are easily recognized by a physician. There are cases which are not so easily recognized, and by examining a drop of blood from the patient's arm we can tell in the earliest stages of the fever whether we have typhoid fever or not. Again, the water supply of the State is not always good, and it is of importance to have a chemical and microscopical examination of our drinking water and make it free to everybody in the State who may wish to have water examined. To show the importance of this, I will simply suggest the condition in this city this winter. There have been over 200 cases of typhoid fever in the city of Augusta during the past fall and winter. There

has been trouble somewhere and it has probably been with the drinking water.

I think this is one of the most important measures that has come before the Legislature this winter and I trust that it will have a passage.

Mr. PETTENGILL: I wish to ask if it is the purpose in this laboratory to treat all free, rich and poor?

Mr. MORRISON: I understand it that way, that if we supply the laboratory and pay a man a salary, it was to be a free laboratory.

Mr. PETTENGILL: I do not want to be considered by this House as being antagonistic to this particular measure because I believe it has some merit in it, but the position of your committee on financial affairs is this. Not one measure has been presented to us this winter but what has had merit in it. I do not think that any member of this House would present a bill or a resolve carrying an appropriation unless there was merit in it. But the question is this, we have a certain amount of money, and the question that presented itself to us was how best shall we apply it? Where is it most needed? We have not money to give to all of these things. Now, my sympathies are pretty strong in favor of this institution, I admit, but it seemed to me as though we might wait two years. But it is for you to say. Somewhere there has got to be a stopping place.

The question being to substitute the minority report, ought to pass, for the majority report,

The motion was agreed to.

The minority report was then adopted, and on motion of Mr. Morrison of Eden, the rules were suspended, the bill received its three readings and was passed to be engrossed.

Motion to substitute minority for majority report of committee on education reporting "ought not to pass" on bill relating to the apportionment of the State school fund and mill tax and minority report of same committee reporting, as amended, that bill in new draft, under same title, "be referred to the next Legislature." (Referred to the next Legislature on motion of Mr. Thompson of Orono).

Bill, An Act to repeal Public Laws of 1903, relating to treasurers and collectors. (Indefinitely postponed on motion of Mr. Davis of Waterville).

Bill, An Act relating to the treasurer and collector of the town of Acton. (Indefinitely postponed on motion of Mr. Wentworth of Lebanon).

Majority and minority reports of the committee on the judiciary, reporting ought not to pass and ought to pass on bill, An Act relating to election of road commissioner in the town of Boothbay Harbor.

On motion of Mr. Oakes of Milford, the minority report was substituted for the majority report in concurrence with the Senate, and on further motion by the same gentleman the rules were suspended, the bill received its three readings and was passed to be engrossed.

The committee of conference to which was referred the bill, An Act to establish Patriots' Day, report that they are unable to agree and recommend that the House adhere.

The report was accepted, and on motion of Mr. Drew of Portland, the House voted to adhere.

#### Passed to be Enacted.

An Act to set off a part of Reed Plantation and annex the same to Drew Plantation.

An Act to amend Section 100 of Chapter 47 of the Revised Statutes, as amended by Chapter 161 of the Public Laws of 1895, relating to the investment of funds of savings banks.

An Act to regulate fishing in the streams in Salem and Strong in Franklin county.

An Act relating to the open season for fishing in Wilson Lake in the town of Wilton.

An Act to regulate the taking of black bass in waters lying wholly or partly in the county of Hancock.

An Act to permit the use of purse seines in Damariscotta river.

An Act relating to fire wardens in the town of Bucksport.

An Act in regard to the use of roads in the town of Eden.

An Act to amend Section ten of Chapter 19 of the Revised Statutes, relating to the law of the road.

An Act authorizing the town of Caribou to hold stock to the extent of four thousand dollars in a company forming for the purpose of erecting a public building or town hall.

An Act to provide for the preservation of town records of births, marriages and deaths previous to the year 1892.

An Act to amend Chapter 33 of the Public Laws of 1887, relating to the burial of widows of soldiers in certain cases.

An Act to authorize Bion M. Pike to maintain and extend a wharf into tide waters of Johnson's bay in the town of Lubec, county of Washington.

An Act to authorize Bion M. Pike to maintain and extend a wharf to the harbor line and into tide waters of Lubec Narrows in the town of Lubec, county of Washington.

An Act to authorize the Portage Lake Mill Company to build and maintain piers and booms and to operate a steamboat in Portage Lake.

An Act to authorize the town of York to construct and maintain sewers in said town.

An Act to authorize Clarence H. Clark to extend and maintain a wharf in Lubec Narrows.

An Act to authorize Jacob C. Pike to maintain and extend a wharf in Lubec Narrows.

An Act to amend Section 48 of Chapter 284 of the Public Laws of 1891, entitled "An Act to consolidate and simplify the laws pertaining to sea and shore fisheries, as contained in Chapter 40 of the Revised Statutes, and in amendments and additions thereto."

An Act to repeal so much of Chapter 30 of the Revised Statutes as amended by Chapter 42, Section five, of the Public Laws of 1899, as amended by Chapter 379 of the Private and Special Laws of 1901, as prohibits fishing through the ice in Palmer Pond, so called, in Mayfield Plantation in the county of Somerset.

An Act to amend Section eleven of Chapter 30 of the Revised Statutes, as amended by Chapter 42 of the Public Laws of 1899, as amended by Chapter 258 of the Public Laws of 1901, relating to close time for game birds.

An Act to incorporate the Peaks Island Water and Light Company.

An Act to extend the powers of the Union River Light, Gas and Power Company.

An Act for the protection of lobsters with eggs attached.

An Act to supply the people of Bangor with pure water.

An Act to establish the salary of the county attorney of the county of Washington.

An Act to establish the salary of the judge of probate in the county of Washington.

An Act to authorize the navigation by steam or electricity of Range Ponds in the town of Poland.

An Act to amend Chapter 149 of the Private and Special Laws of 1895 entitled "An Act to divide the town of Sullivan and incorporate the town of Sorrento."

An Act to amend Section twelve and following sections of Chapter 43 of the Revised Statutes in relation to meridian lines and a standard of lengths.

An Act to amend Section ten of Chapter 60 of the Revised Statutes relating to divorce.

An Act to amend Sections 38, 40 and 51 of Chapter 64 of the Revised Statutes relating to executors and administrators.

An Act to amend Chapter 422 of the Private and Special Laws of 1901, relating to the East Pittston Village Corporation.

An Act in relation to lime and lime casks.

An Act to authorize the acceptance of the conveyance of Widows' Island, Maine, by the State of Maine.

An Act to make valid the election of treasurer and collector of taxes held during the month of March in the year 1903.

An Act to increase the salary of the county attorney of Sagadahoc county.

An Act to amend Section 2 of Chapter 508 of the Private and Special Laws of 1885, as amended by Chapter 134 of the Private and Special Laws of 1887 and Chapter 527 of the Private and Special Laws of 1893, and Chapter 425 of the Private and Special Laws of 1901, relating to Norway Municipal Court.

An Act in relation to the treasurer and collector of taxes of the city of Waterville.

An Act to amend Section 107 of Chapter 11 of the Revised Statutes, relating to Normal Schools.

An Act to define the powers and duties of superintendents of schools.

An Act to incorporate the Farmers' Telephone Company.

An Act to authorize the Skowhegan and Norridgewock Railway and Power Company to extend its lines to and into the town of Smithfield.

An Act to grant additional powers to the Auburn, Mechanic Falls and Norway Street Railway.

An Act to incorporate the Lumbermen's Electric Railway Company.

An Act in relation to railroad surveys.

An Act to incorporate the Houlton and Danforth Electric Railroad Company.

An Act to amend Section 29 of Chapter 116 of the Revised Statutes, relating to fees and costs of magistrates.

An Act to amend Chapter 87 of the Revised Statutes, as amended by Chapter 218 of the Public Laws of 1893, and Chapter 133 of the Public Laws of 1895 and Chapter 120 of the Public Laws of 1899, and Section 32 of Chapter 81 of the Revised Statutes, relating to the limitation of actions against executors and administrators.

An Act to abolish the issuing of separate executions for costs by disclosure commissioners.

An Act to repeal Section 23 and Section 24 of Chapter 39 of the Revised Statutes, relating to paper.

An Act relating to the powers and duties of administrators de bonis non.

An Act relative to treasurer and collector of taxes of the city of Hallowell.

An Act relative to the treasurer and collector of the city of Bangor.

An Act relative to the treasurer and collector of taxes for the town of Brownfield.

An Act relative to the treasurer and collector of taxes in the town of Oakfield in Aroostook county.

An Act to amend Chapter 11 of the Public Laws of 1887, as amended by Chapter 44 of the Public Laws of 1899,

authorizing cities and towns to accept legacies, devises and bequests and to raise money.

An Act to amend an act relating to the municipal court for the city of Lewiston.

An Act to amend Sections 17 and 19 of Chapter 105 of the Private and Special Laws of 1861, relating to the election of mayor, aldermen common councilmen, wardens and ward clerks in the city of Lewiston.

#### Election of U. S. Senator by the People.

Report "A" of the committee on the judiciary on joint resolution petitioning Congress to call a convention under article 5 of the Constitution to provide by amendment for the election of United States Senators by the people, reporting that same be referred to the next Legislature, report "B" of same committee, reporting "ought to pass" in new draft, joint resolution under same title, and report "C" of same committee, reporting "ought not to pass" on same resolution.

Mr. Drew of Portland, moved that report "A", referring the resolution to the next Legislature, be adopted as the report of the committee.

Mr. DAVIS of Waterville: Mr. Speaker, I move that we substitute report "B" for reports "A" and "C".

There may have been more important measures than this before the House at this session, but this measure it seems to me is so very important that it ought to be considered at this time, and that it ought to be considered in the form of report "B." This is not a Trojan horse that the members need to be afraid of. This is something that is in line of legislation, if it finally comes to fruition, that will be of great benefit to the State of Maine and to every other State in the Union. As is well known, I presume, to the members of the House, the constitution of the United States, article five, provides that two-thirds of both Houses under the constitution, can submit a constitutional amendment. It also provides that the Legislatures of two thirds of the states can compel Congress to call a convention for proposing amendments.

Now, Mr. Speaker, I do not think this need be argued at any great length,

and I do not propose to do so. I merely wish to say that the trend of events, the wishes of the people in this country, a majority of them, I believe to be for legislation of this kind. Four times has a resolution for the election of senators by the people passed the National House; and to show that it was not political in its character two of those Houses were Republican and two Democratic. The resolution, of course, met its Waterloo in the Senate. But, in spite of this, the states go on from time to time putting themselves upon record on this all important matter, and it was only last November as the members will recollect that Illinois voted for this measure by a large majority, and that state as you know went 90,000 Republican majority.

This is a thing that concerns the people, and I know of no good reason why report "A" should be adopted. I see no earthly reason why report "C" should be adopted. But it does seem to me proper and right that report "B" should be adopted, and that we should ask Congress to take cognizance of this matter. And, Mr. Speaker, I want this House to go on record as believing in and indorsing the election of United States Senators by the people, and thus get back once more to the jury to decide these matters. (Applause). I move that this vote, when it is taken, be taken by the yeas and nays.

The motion was agreed to.

Mr. LITTLEFIELD of Rockland: Mr. Speaker, I hope the motion of the gentleman from Waterville will not prevail. I will not undertake at this time and at this late day to discuss the proposition as to whether either the one or the other, report "A" or report "C", whether the report to refer the matter to the next Legislature or the report "ought not to pass", should be adopted. I myself signed the report of "ought not to pass". I have no doubt the report recommending a reference to the next Legislature was signed by members of the committee for the reason which I shall give and the only reason I think it is necessary to urge, why we should not at this time adopt the report of "ought to pass."

The resolution was introduced into this House not earlier than last week. It came to the judiciary committee at the meeting I think before its final meeting. This is not simply a resolution of the sense of this House in favor of one proposition or the other. This is a resolution of importance and it should receive before it is passed widespread discussion, and it certainly should receive mature, candid and extended consideration by the members of this House. There was no opportunity for the judiciary committee to give it that consideration. I think there is no opportunity for this House to give it that consideration. This resolution is proposed under Article V of the United States constitution, which provides, "The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the Legislatures of two-thirds of the several states." Now, this is not simply a request to Congress to vote to propose a constitutional amendment. No action by direct proposition to propose a constitutional amendment. No action by Congress is necessary. If this resolution is passed by this Legislature and is then passed by a sufficient number of other Legislatures to make two-thirds of the several states, Congress has no choice whatever about it. The delegation of the State of Maine in Congress is divided upon the subject. The Representatives, I think, have voted at some time—whether the present Representatives or not I do not recollect—in favor of this proposition. The Senators have voted against it. Now, we are proposing over the heads of our Representatives in Congress to propose to the United States a constitutional amendment affecting the election of our Senators—and we are to do it without mature and deliberate discussion and consideration. I have no choice particularly whether the report which I have signed or the report to refer to the next Legislature, is passed. If it is the sense of the House, or they are of the opinion that on the whole it is a thing which they favor, it is proper to refer it to the next

Legislature where it will be fully considered and the action will be taken deliberately when it is taken; and it being a matter of so much importance, not simply the sense of this House but one step toward a constitutional amendment to the constitution of the United States, I submit that the motion of the gentleman from Waterville should not prevail.

Mr. DAVIS: Mr. Speaker, one word in reply to that. I think it is hardly true that members here have not, in their individual capacity and for themselves, thought a great deal about this question. I do not think this argument that because a measure comes at the last end of the session, it necessarily means that it cannot be digested, or that those proposing and interested in it have not had time to think about it and to form some opinion in regard to it. It is not a serious matter to consider or to make up one's mind upon. It is a question of whether we shall go to the people in a matter of this sort.

The question being on the motion to substitute report B for reports A and C, the yeas and nays were called.

YEA—Benner, Bussey, Butler, Cameron, Carleton, Coburn, Davis, Dodge, Downing, Dudley, Farnsworth (Pembroke), Gagnon, Hill (Erownfield), Hill (Winterport), Jones, Josselyn, Libby (Mechanic Falls), McIntire, McNamara, Merriam, Mewer, Mills, Nelson, Nickerson, Parrott, Pike, Pooler, Putnam (Houlton), Reynolds, Bice, Sewall, Snowe, Stover, Swett, Thomas (Harpwell), Thompson (Orono), Thurlow, Tremblay, Waterhouse, Watson, Weeks, White.

NAY—Allen (Sanford), Bailey, Barker, Blanchard, Bodwell, Boyd, Brewster, Briggs, Burrill, Buxton, Buzzell, Campbell, Clarke (Nobleboro), Clark (Prospect), Cole, Cook, Cordwell, Dilling, Drew, Eaton (Calais), Eaton (Wells), Farnsworth (Tremont), Favour, Foss, Furbish, Gannett, Gardner, Greenleaf, Hawkes, Hayes, Hill (Buxton), Hinkley, Howes, Hubbard, Irving, Knapp, Knowlton (New Portland), Libby (Newfield), Little, Littlefield, Manson, McGregor, McKusick, Mead, Morrison, Nash, Newcomb, Norton, Oakes (Auburn), Oakes (Milford), Page (Skowhegan), Patterson, Peaslee, Perkins, Pettengill, Poor, Potter, Purinton, Putnam (Danforth), Randall, Ross, Sargent, Savage, Shackford (Harrington), Shackford (Poland), Smith (Hartland), Smith (Madison), Smith (Presque Isle), Stearns, Sturgis, Tapley, Tartre, Thomas (Topsham), Thompson (China), Todd, Tripp, Twambly, Wentworth.

ABSENT—Abbott, Albert, Allen (Well-

ington), Blake, Curtis, Daniels, Davidson, Hall, Haskell, Howe, Kelley, Kimball, Knowlton (Camden), Lamb, Leavitt, Libby (Oakland), Low, Maybury, McFaul, Page (Drew Pl.), Ruggles, Shaw, Spear, Sutherland, Sweeney, Taylor, Thornton, Weatherbee, Williams.

So the motion was lost.

On motion of Mr. Drew of Portland, report "A" was then accepted.

### Finally Passed.

Resolve in favor of the city of Eastport.

Resolve in favor of the town of Fort Kent.

Resolve in favor of the town of Edmunds.

Resolve in favor of the clerk to the committee on revision of the statutes.

Resolve in favor of repairing Mattawamkeag bridge.

Resolve favoring the establishing of a National Forest reserve in the White Mountain region.

Resolve in aid of repairing the bridge across the Narraguagus river in the town of Milbridge.

Resolve in favor of John W. Manson, secretary of the committee on legal affairs.

Resolve in favor of the city of Rockland on account of money paid to the Hallowell Industrial school for the care of Mary Newell, a minor and member of the Passamaquoddy tribe of Indians.

Resolve in favor of rebuilding bridge across the west branch of the St. Croix river, connecting the town of Princeton with Indian township.

Resolve in favor of Mathias Cullnan. (Indefinitely postponed on motion of Mr. Libby of Mechanic Falls).

Senate order passed in concurrence.

Bill relating to tax on sleeping and palace cars, came from the Senate indefinitely postponed.

Mr. Thompson of China moved that the House insist and ask for a committee of conference. A division being had, the motion was agreed to by a vote of 77 to 3.

The Speaker joined on the part of the House, Messrs. Thompson of China, Allen of Sanford and Sargent of Brewer.

### Water Storage Commission.

Majority report of committee on appropriations and financial affairs, re-

porting "ought not to pass" on bill to provide for the appointment of a commission to investigate the causes of floods and overflows of rivers, etc., and minority report of same committee, reporting "ought to pass" in new draft bill under same title.

Mr. THOMPSON of China: Mr. Speaker, it seems to me that this is only the beginning of another commission, and today we have practically created one new department for the State, and you are aware how the people over the State of Maine feel in relation to creating new departments. A few years ago it was submitted to the people of the State to be voted upon—and I see that we are very zealous in regard to recommending the referendum—the question of having a State auditor, and the people turned it down simply because it was a new commission. This legislation, it seems to me, is not in accordance with the will of the people of the State; and in view of the legislation that we have passed in the last three days, it certainly seems to me that it would be a mistake to create this new commission that must lead to a new commission finally; and furthermore we ought to leave something for another Legislature to do, and I move that the matter be indefinitely postponed.

Mr. SARGENT of Brewer: Mr. Speaker, this is a matter which came before the committee of which I am a member, the committee on interior waters—and I submit that you have all heard something about the storage of water during the session. The committee on interior waters reported unanimately that this bill should pass; and when you take into consideration the great water powers that exist in this State I think you will readily see that this commission is needed as much as any commission in this State. I will submit to your consideration the fact that we have more than 1500 lakes and ponds, covering 2300 square miles, and over 5000 rivers and streams affording more than 2,500,000 horse power, more available water power than in any equal area of the surface of the globe.

Now, gentlemen, with all this vast water power in the State of Maine,

with the number of freshets that we are liable to have every spring, it is of the utmost importance that this commission be appointed for the purpose of ascertaining some method of preventing the overflow of rivers and water courses and to provide for the storage of water, to prevent these enormous freshets that carry thousands and thousands of dollars worth of property away. I say that this commission is needed as much as any commission that we ever had. It is of vast importance. In the State of Maine we have untold wealth in our water power, we have had nothing done in regard to this since 36 years ago. This legislation places before the people of this State the way and the manner by which we can control the waters of this State from doing the damage they frequently do. I say that this is a commission that should be appointed, and after due consideration by the committee on interior waters who unanimately reported that it ought to pass I hope that the motion will not prevail. (Applause).

The question being on the motion to indefinitely postpone.

The motion was agreed to.

On motion of Mr. Weeks of Fairfield, the House adjourned until eight o'clock this evening.

### Evening Session.

Papers from the Senate disposed of in concurrence.

### Political Caucuses.

An Act relating to political caucuses, came up on its passage to be enacted.

On motion of Mr. Burrill of Ellsworth, the vote was reconsidered whereby this bill was passed to be engrossed.

Mr. BURRILL: Mr. Speaker, I think if we pass this bill in relation to political caucuses, it will take two or three Philadelphia lawyers to interpret its provisions. To my mind it is more complicated than the Australian ballot law, and I move that the bill be indefinitely postponed. (Applause).

Mr. OAKES of Auburn: Mr. Speaker, the caucus bill that is before us tonight is a bill which has been drafted

after much consideration, the bill being in the first place before the judiciary committee as a whole and then referred to a sub-committee of the judiciary committee consisting of Messrs. Weeks, Littlefield and Drew, and received very careful consideration. The caucus bill is a measure which was advocated and demanded by the Republicans in their last State convention. The caucus bill is a measure which is demanded by the Republican party, and I think by the Democratic party, throughout this State. It is a necessity in order that we may have fair and honest elections. Our elections commence in our caucuses. They are not simply the work of election days. They include the preliminary work of the caucuses.

A few words should be said in explanation of this bill. The gentleman from Ellsworth, in moving its indefinite postponement speaks of it as a bill which would require the skill of a Philadelphia lawyer to understand. In its essence that is not so at all. The essence of the bill is simply to draw the line between the parties, to provide a means by which it may be understood and determined in a caucus who belongs to that caucus. Now, is there any gentleman in this House who wants to say to the people of the State of Maine that he does not believe in having Democrats sit in a Democratic caucus and Republicans in a Republican caucus? That is the fundamental idea of this bill, to determine definitely and in such a way that mistakes shall not be possible, who belongs in one particular caucus. The question is one which confronts us at every caucus wherever there is a contest. In our Republican caucuses it is a temptation perhaps, when a fight is hot, for candidates to get their friends from the other party to come in and support them; it is a temptation to members of the other party, who want to dictate to the Republican caucus, to do so, and so, for Republicans to go into the Democratic caucus. This is a bill which is for the benefit not of one party nor of two parties, but of all parties.

It should be said in the first place that the bill has one principal idea, to

provide, as I say, the line which shall be drawn between the two parties or three parties, to say that no man shall go into a party to which he does not belong, or take part in its caucus, and to furnish a simple and direct and positive means of ascertaining whether he belongs to the party or not. This is provided for by requiring him to enroll himself once for all in the clerk's office of the town to which he belongs, where he resides, where he is a qualified voter. Now, there is nothing very intricate nor elaborate nor hard to understand about that—a simple form requiring his signature, and when that is done his enrollment is complete. That is all it is necessary for a man to look out for in order to designate his party. Having designated his party the law provides that he shall not go into any other party until he has made a change. And it provides also that he shall not participate in any other party until a certain time has elapsed after the change has been made, so that he cannot make a shift in a moment and by changing the enrollment at once obtain a right to go into a party to which he does not belong. That is the gist of the law. It also provides what I think every member will say is a fair measure, that there shall be a certain notice given of every party caucus, and it provides, in order for the caucus to be held in accordance with this law, that the notice shall be posted seven days so the persons who are entitled to participate in it shall know when the caucus is to be held and where and under what conditions it is to be held.

Now, the check list, under this caucus law, may be used or not as it is required. Are there any provisions in that respect which are undesirable or which any member of this House would say for a moment are not required by the necessities of our experience, which our experience, has shown to exist? The law provides also, in order to meet certain objections which were urged and which were not fully understood at first, that for the first enrollment the committees of the different parties may see to it that persons who are understood to be of one party, to be of their



respective parties, to see to it that those persons are enrolled as of that party subject to change by the person himself. Now, that is the substance of this act. It is not an intricate act. In its practical workings, it will allow a Republican who wishes to identify himself in the party movements, who wishes to act with his party—it will allow this man to go to his town clerk and write his name, a record is made of it and from that time on until he chooses to change it there is nothing further to be done. He is identified with that party until he gets ready to make a change. When he wants to he can do so, and the machinery is all over so far as he is concerned. It seems to me that that is simple and that it is not beyond the understanding of anybody in any part of the State.

Now, Mr. Speaker, I feel, and many of us feel, that this is a measure of the utmost importance; that this is a measure which reaches into every branch of the business of this State. It does not end. The effect of this caucus law if adopted does not end with the caucus itself. It reaches beyond the caucus. It reaches into the election, into the executive department, into the Legislature, it reaches into all the affairs of the State of Maine. Are you going to say off-hand that this law which has been carefully considered, which has been proposed in response to the demand of the Republicans of the State of Maine assembled in their state convention, in response to the experience which demands it of all parties in this State—are you going to say that forsooth somebody will say this law is complicated, and therefore we will have nothing to do with it.

I venture to say that gentlemen who say this about the proposed law, have not even read it. Now, the question is for this House. This bill, after being acted upon by the committee, after being reported to the judiciary committee and accepted by them, reported to this House, been passed through its several readings here, been before this Legislature for months. This question—it comes up now and objection is made to it on its final passage. I say to you, members of this House, that you will make a great mistake if you do not

treat this matter seriously as it deserves, if you do not deliberately and carefully sanction this movement and give this act a passage, an act which is the result of careful thought, of careful deliberation and aimed to meet a pressing necessity in this State. It is not my act. It is not the act of Mr. Mills. It is not the act of any one man in this assembly, but it is the result of careful thought and careful deliberation, aiming to meet the demands of the Republican party assembled in their State convention.

I urge upon you the importance of passing this law, of passing it as we have presented it in its present form, and of going back to meet your constituents with the understanding that you have at least tried carefully, faithfully and honestly to give them that which they have demanded in their State convention. (Applause).

Mr. HILL of Brownfield: Mr. Speaker. I move that when the vote is taken on this question it be taken by the yeas and nays.

The motion was agreed to.

Mr. LIBBY of Mechanic Falls: Mr. Speaker, I want to offer just one word. We hear all along the line in every campaign, from the clergy down to the street politician, that the primaries are the root and source of all political action; and we oftentimes blame the common people because they do not attend the primary meetings and caucuses of our party. But the bald fact is, and it is just as well to be truthful about it, that the people have become disgusted with the way in which our primaries are conducted, and something ought to be done, some action ought to be taken; and when the Republican party in State convention in this State of Maine have declared that a caucus law ought to be framed and passed in this Legislature, I say the time has come to do it. (Applause).

The lateness of the hour and of the session seems to preclude an amendment, for I certainly wish to offer an amendment which shall make this law apply to every town in Androscoggin county. At the Republican convention in our county it was voted unanimously to recommend to this Legislature the passage of a caucus law.

Now, whether that law is the best that could be framed or not I am not prepared to say, but I do hope that this law can be changed and made to apply to every town in our county, and I would like to offer an amendment to that effect. There is only one danger about it and that is on account of the lateness of the hour and the lateness of the session, and I do not wish to endanger the passage of this bill by making an amendment at this time, but that something should be done in this direction I have no sort of doubt. I believe that no thinking Republican in this House can for one moment say that something of this kind ought not to be done. If we mean anything by our declarations in convention we should at this time pay some heed to the declarations we have put out. If we desire to advertise that our planks which we put into our platforms and the declarations we make are made for buncombe and amount to nothing but campaign rot to be peddled out to catch the voters of the State, let us say so and have it understood in that way. Otherwise let us stand up like men and attempt to do something in this matter to correct what every man knows is a crying evil in the State at this time. No harm can come to anybody, nobody can suffer by making political parties to be attended by the people who belong to those political parties and not by those who belong to others; and this is a move in the right direction. (Applause).

Mr. BURRILL of Ellsworth: Mr. Speaker, I do not think that the gentleman from Poland nor the gentleman from Auburn are more desirous of purity in elections and in caucuses than I am, but I do not think that this bill, as it is framed, will result in that. This bill to my mind will simply mix up the ordinary person who has not studied law and been admitted to practice in this State. The second section of this bill provides, in the first place, that every voter be sure that his name is on the check list, go there and sign a certificate that he belongs to such and such a party. Section five says, "To facilitate the first enrolment under this Act the town

committees of each political party shall on or before January first, 1904, file with the town clerk a list of the legal voters in their respective towns, who are believed by them to be members of their party, giving the exact residence of said voter as near as may be, and such descriptions of said voters, if necessary, as will serve to identify them, and the same shall constitute a legal enrolment under the provisions of this Act, of all voters appearing upon the list of only one of such committees, and not otherwise enrolled, and the clerk shall record the same as required in section three with the same effect as if made pursuant to the provisions of section two."

Gentlemen, what was the result of a similar provision to that in the Bangor caucus law? The present mayor of the city of Bangor, Mr. Beal, who was elected by the Republicans up there—his name was left off the check list. He supposed that his name would be on and the result was that he could not attend the Republican caucus at that election. Gentlemen, mistake after mistake of that kind is sure to result under this law. For that reason I hope that it will be indefinitely postponed.

Mr. MILLS of Stonington: Mr. Speaker, inasmuch as I took some interest in preparing a measure which was presented to the committee together with my friend Mr. Oakes of Auburn, and inasmuch as the committee appointed a sub-committee to make up this present bill, I believe I should say just a few words.

While presenting the bill to the committee, or just before presenting it, I received letters from almost all counties in the State, from the leading men in the counties, advocating the passage of a caucus bill. Not all of them agreed with the provisions of my bill, but all the letters I received advocated the passage of some caucus bill. The gentleman speaks of this bill being so complicated and so mixed up that it would puzzle a Philadelphia lawyer to understand it. That may be true, but I do not think it would puzzle any farmers of the State of Maine, for all they have to do is to go into the caucus and simply sign their name in-

dicating that they are a member of the Republican or Democratic party, and that gives them a right to participate in the caucus. They only have to go to the town clerk and enroll themselves. They can do it themselves. True, section five provides that the Republican committee and the Democratic committee can make up the list of the Republicans as nearly as they understand it, but the Republican and the Democrat, each one of them, has a right to change that list when he wishes to participate in a caucus—if he has been enrolled as a Republican and he wishes to take part in a Democratic caucus, he can change his enrollment. It is at his option to say with which party he shall enroll. But there is this provision, if he takes part in one caucus he shall not take part in the caucus of any other party in the next ensuing six months, and I think you will agree with me that that provision of the bill is correct and right.

We have surrounded our elections with every possible precaution; we have enacted laws to guarantee the purity of our elections, that men shall not vote more than once in any election; but we have left the caucuses so far entirely open, and this bill it seems to me is as simple as any bill that can possibly be framed.

Mr. BARKER of Bangor: Mr. Speaker, I desire to correct the impression that the gentleman from Ellsworth entertains. The Bangor caucus law is not a failure, nor does it result in any trouble.

When we first had it in Bangor, under the provisions of our law which are very similar to this, they enrolled each man as they could best ascertain what he was. Then the board of registration sent out postal cards to him informing him how he was enrolled, and he had five days to go in and change that enrollment if he so desired. And if he refused to give his party, he was put down as of neither party and he could not go into a caucus;—and if a man has not got party enough to put himself down and take the trouble to record himself as of one party or another, I firmly believe that he has got no right to go into a caucus of a party. And when the gentleman from Ellsworth stated in regard to the present mayor of Bangor being improperly enrolled, he was correct. Some mischievous gentleman did put down Mr. Beal as a Democrat, and Mr. Beal promptly went in and corrected

the statement, as any other man could have done under the law, and did vote in the next caucus; and if the gentleman from Ellsworth imagines for a moment that any legislation would keep Mr. Beal out of a caucus, he is wrong. I know better. (Applause).

Our caucus law has been a great success to us, all told. It has kept our caucuses much more clean than they ever were before. The people understand it thoroughly and it is just as complicated as this proposed law; and if you can have it all over the State you will get better elections and better politics all through—and there is a chance for improvement, gentlemen. (Applause).

Mr. LITTLEFIELD of Rockland: Mr. Speaker, I desire to say one word as representing the sub-committee that drew this bill. There is every indication and prospect that there will be a spirited contest two years from now, and as the gentleman from Stonington has stated, from the cities and larger towns there is an urgent call for a caucus law. This caucus law the judiciary committee and the sub-committee do not claim to be perfect. If it accomplishes its purpose, the credit is due the gentleman from Fairfield because he put into shape the purposes that were sought to be carried out by this caucus law, and those purposes were simple, and were three and no more, and I submit that the caucus law carries the three purposes out in a simple way. The first is enrolment, and the law makes the enrolment as simple and as easy and as little trouble to the voter as it possibly can be. The second is reasonable notice of the caucus so there can be no snap caucus. The third is a provision that on the demand of a small number of voters the check list shall be used. Now, there are those three things in it and that is all there is in it, and I think that any gentleman will be able to understand it when he wishes to put it into operation.

There is a demand not only for honest elections but for honest primaries, and this caucus law by the design of the sub-committee was made simply to cover the very essentials of an honest and proper caucus law. And I submit, gentlemen, not applying to towns of less than two thousand inhabitants, and there being an urgent call from the larger towns and cities for some caucus law, we should take action at this time and pass this caucus law. (Applause).

Mr. THOMPSON of China: Mr. Speaker, I hope that this law will be passed and it is my opinion that in two years from now this law will be enacted, and it will be amended to include smaller towns than two thousand inhabitants. I have probably been in as many of the small towns of the State of Maine for the past two years as perhaps any other gentleman on the floor of this House, and I have heard complaints and demands that there should be a caucus law even in these small towns, and I hope the bill will receive a passage.

Mr. CAMPBELL of Cherryfield: Mr. Speaker, representing one of the small towns of less than two thousand inhabi-

tants I wish to resent the insinuation of corruption in the primaries in the smaller towns. It is not a fact. I tell you that in the smaller towns the purity of the primaries is unquestioned. A Democrat would no more think of taking part in the primaries of these small towns than an unwashed man would seek to participate in the communion of the Baptist church. I tell you, gentlemen, that the small towns do not ask for this caucus law, neither do we object to its adoption by the larger towns and cities. The primaries in the smaller towns are conducted strictly on party principles. While we are exempted from this caucus law we will gladly join in purifying the primaries in the corrupt cities and larger towns.

Mr. DOWNING of Sorrento: Mr. Speaker, in regard to the matter of purity in the caucuses in the small towns, I shall have to differ with the gentleman from Cherryfield. (Laughter.) I know not how it is in a little village like Cherryfield, but in the large, and almost the city from which I come, where there are less than two thousand inhabitants, about fifty voters. I do know that Democrats get into a Republican caucus. (Laughter.)

I do not wish to take up any of the precious time tonight in talking upon this subject, but I do want to put myself on record as most emphatically in favor of this law as being in the interests of the purity of elections and good government, and I sincerely hope that it will prevail. (Applause.)

Mr. HILL of Brownfield: Mr. Speaker, I live in one of the small towns in the rural districts, and I must confess that the best we could do in my town at the election was 118 Republican votes. At the caucus we had no trouble in getting out 125 Republican votes. And if any gentleman can account for that in any other way than one party participating in the caucus of another, he can do that which I am unable to do.

Mr. SWETT of Portland: Mr. Speaker, I move the previous question.

The motion was agreed to.

Mr. DAVIS of Waterville: Mr. Speaker, I would like about half a minute.

The SPEAKER: Take it.

A MEMBER: Time's up. (Laughter and applause.)

Mr. DAVIS: The gentleman who made that remark will be sorry when he hears what I am going to say. I am heartily in favor of this caucus law. (Applause.) If for no other purpose than to keep Democrats out of Republican caucuses. (Laughter and applause.)

Mr. BURRILL of Ellsworth: Mr. Speaker, if it is in order, I seem to have stirred up so much commotion, I withdraw my motion.

The SPEAKER: It cannot be done. It is in the possession of the House.

The question being on the motion to indefinitely postpone the bill, the Clerk called the roll.

YEA—Burrill, Pike.

NAY—Allen (Sanford), Allen (Welling-ton), Bailey, Barker, Benner, Blanchard, Bodwell, Boyd, Brewster, Briggs, Bussey, Butler, Buxton, Buzzell, Cameron, Campbell, Carleton, Clarke (Nobleboro), Clark

(Prospect), Coburn, Cole, Cook, Cordwell, Davis, Dilling, Dodge, Downing, Drew, Dudley, Eaton (Calais), Eaton (Wells), Farnsworth (Pembroke), Farnsworth (Tremont), Favour, Foss, Furbish, Gagnon, Gannett, Gardner, Greenleaf, Hawkes, Hayes, Hill (Brownfield), Hill (Buxton), Hill (Winterport), Hinckley, Howe, Howes, Hubbard, Irving, Jones, Josselyn, Kimball, Knapp, Knowlton (New Portland), Leavitt, Libby (Mechanic Falls), Libby (Newfield), Libby (Oakland), Little, Littlefield, Manson, McGregor, McIntire, McKusick, Mead, Merriam, Mewer Mills, Morrison, Nash, Nelson, Newcomb, Nickerson, Norton, Oakes (Auburn), Oakes (Milford), Page (Skowhegan), Porrott, Patterson, Peaslee, Perkins, Peitengill, Poor, Potter, Purinton, Putnam (Houlton), Randall, Rice, Ross, Sargent, Savage, Sewall, Shackford (Harrington), Shackford (Poland), Shaw, Smith (Hartland), Smith (Presque Isle), Snowe, Stearns, Stover, Sturgis, Sutherland, Swett, Tapley, Tartre, Thomas (Harp-swell), Thomas (Topsham), Thompson (China), Thompson (Orono), Thornton, Thurlow, Todd, Tremblay, Tripp, Twambly, Waterhouse, Weeks, Wentworth, White.

ABSENT—Abbott, Albert, Blake, Curtis, Daniels, Davidson, Hall, Haskell, Kelley, Knowlton (Camden), Lamb, Low, May-bury, McFaul, McNamara, Page (Drew Pl.), Pooler, Putnam (Danforth), Reynolds, Ruggles, Smith (Madison), Spear, Sweeney, Taylor, Watson, Weatherbee, Williams.

So the motion was lost.

Mr. BURRILL of Ellsworth: Mr. Speaker, I have an amendment which I wish to offer to the bill.

Mr. WEEKS of Fairfield: Mr. Speaker, I make the point of order that an amendment is not in order at the present stage. An amendment is not in order on the passage of the bill to be enacted.

The SPEAKER: The vote was reconsidered whereby the bill was passed to be engrossed, and the gentleman from Ellsworth moved to indefinitely postpone it upon its passage to be engrossed. The amendment is in order.

Mr. Burrill offered House amendment A, by adding the following: "Section 15. This Act does not apply to the city of Ellsworth."

Mr. WEEKS of Fairfield: Mr. Speaker, I did not intend to address the House this evening on any question, but I want to say here and I want to say it emphatically that during four or five sessions we have had caucus laws introduced, referred to committees and reported back to the House. Upon every occasion those caucus laws have been amended, and the bills have been knocked from one House to the other until they became in such shape that they were defeated. Now, if this caucus law passes at this session, it is my opinion that every amendment must be voted down; otherwise it will be defeated. (Applause.)

The question being on the adoption of the amendment.

The amendment was lost.

The bill was then passed to be engrossed.

An Act to confer certain power upon the trustees on the University of Maine.

An Act in relation to agricultural societies.

An Act to make the bridge of the proprietors of the Wiscasset bridge a public bridge.

An Act for the protection of the wild hare or rabbit.

An Act relating to the political caucuses.

An Act to amend chapter 495 of the Private and Special Laws of 1893, relating to the destruction of fish in the Eastern Penobscot river in the town of Orland.

An Act appropriating one-half of the tax received from trust and banking companies to the school fund.

An Act to regulate the police force of the city of Portland.

#### Finally Passed.

Resolve in favor of Connor Plantation.

Resolve to aid the town of Frenchville in building a bridge across Gagnon's stream.

Resolve in favor of Wallagrass Plantation.

Resolve in favor of repair of bridge across the Saint Croix river near Squirrel Point in Baileyville.

Resolve providing for clerk hire in the state library during the legislative session of 1903.

Resolve in favor of the State House employes.

Resolve providing for the collection of information in regard to the large bridges within the State.

Resolve in favor of the Bangor Children's Home.

Resolve in favor of the Eastern Maine General Hospital.

Resolve in favor of the Board of Cattle Commissioners of the State of Maine for the prevention of the foot and mouth disease among cattle.

Resolve in aid of navigation on Lewey, Long and Big lakes.

Resolve in favor of the town of New Sharon.

Resolve in favor of the Maine Insane Hospital.

Resolve in favor of G. E. Morrison, chairman of the committee on salaries and the committee on military affairs.

Resolve in favor of Drew Plantation.

On motion of Mr. Butler of South Thomaston,

Ordered, That C. S. Thomas of Harpswell, be excused from further attendance and that he receive pay in full, including travel.

An Act to regulate the use of automobiles and motor vehicles upon public ways, came from the Senate, the amendments rejected and the bill passed to be engrossed.

Mr. Sewall of Bath, moved that the House insist and asked for a committee of conference.

On this motion a division was had, and the motion was agreed to by a vote of 74 to 21.

The Speaker joined on the part of the House, Messrs. Sewall of Bath, Little of Lewiston and Eaton of Calais.

Resolve in aid of building bridge across the Penobscot river between the towns of Lincoln and Chester, came from the Senate indefinitely postponed.

Mr. White of Dyer Brook, moved that the House recede and concur with the Senate.

Mr. OAKES of Milford: Mr. Speaker, this being a Penobscot county matter I do not like to speak upon it, but it is a question of merit. It is a necessity for the people of the town of Chester. It is a very small, sparsely populated town, and their only means of getting to civilization is by crossing the river by means of a ferry. According to the evidence presented to the committee on ways and bridges, it is an expense to the town of Chester of some two thousand dollars per year for ferrying; and if the gentleman will withdraw his motion I would like that a committee of conference be appointed.

The question being on the motion to receive and concur with the Senate,

The motion was agreed to.

Resolve in favor of the Western State Normal School at Gorham, came from the Senate with House amendment rejected, and the bill passed to be engrossed.

Mr. Purinton of Gorham, moved that the House insist and asked for a committee of conference.

The motion was lost.

On motion of Mr. Drew of Portland, the House voted to receive and concur with the Senate.

On motion of Mr. Purinton of Gorham, Adjourned.