

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

**Seventy-Second Legislature**

OF THE

STATE OF MAINE.

---

1905.

**HOUSE.**

Wednesday, Feb. 8, 1905.

Prayer by Rev. Mr. Spencer of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

The following petitions, bills, etc., were presented and referred:

**Judiciary.**

By Mr. Littlefield of Rockland: Petition of W. O. Fuller, Jr., and 100 others of Rockland for passage of optical bill recommended by the Maine Association of Opticians.

By Mr. Kinsman of Augusta: Petition of Bricklayers, Masons and Plasterers' Union of Augusta for an act to extend the liability of employers; of Bricklayers, Masons and Plasterers' Union of Augusta for passage of an act to extend the liability of employers.

By Mr. Bunker of Anson: Petition of George L. Hovey and 9 others for legislation to prevent sale of merchandise in bulk to defraud creditors.

By Mr. Russell of Readfield: Remonstrance of E. A. Leeman and 9 others of Readfield against change of law relating to trustee process.

By Mr. Kinsman of Cornville: Remonstrance of W. F. Smith and 16 others of Hartland against same.

By Mr. Martin of Rumford: Remonstrance of E. W. Howe and 24 others of Rumford against same; of J. H. Brown and 10 others of Freedom against same; of C. M. Plummer and 5 others of Montville against same; of Adams & Knight and 8 others of Unity against same; of Chute & Mitchell and 9 others of Burnham against same.

By Mr. Kinsman of Augusta: Remonstrance of J. H. Cogan & Co. and 22 others of Augusta against same.

By Mr. Copp of Cornish: Remonstrance of Jerome W. Cole and 12 others of Parsonsfield against same.

By Mr. Page of Appleton: Remonstrance of Chas. A. Simmons and 8 others of Appleton against same.

By Mr. Walker of Lovell: Remonstrance of O. L. Stanley and 9 others of Porter against same; of C. P. Hubbard and 27 others of Lovell against same.

By Mr. Scribner of Springfield: Remonstrance of B. R. Somerville and 13 others of Kingman against same.

By Mr. Tupper of Bangor: Petition of Kenney & McMahon and 40 others against same.

By Mr. Gannett of Augusta: Bill, an act to amend the charter of the Augusta Water District.

By Mr. Witham of Concord: Bill, an act to incorporate the Fall Brook Dam and Improvement Company.

By Mr. Morey of Lewiston: Bill, an act to amend section 22 of chapter 6 of the Revised Statutes relating to the regulation and conduct of elections.

By Mr. Poor of Belfast: Bill, an act to amend chapter 180 of the private and special laws of 1879 establishing the police court of the city of Belfast.

By Mr. Gannett of Augusta: Bill, an act additional to and amendatory of chapter 29 of the private and special laws of 1887 entitled, "An act to incorporate the Kennebec Light and Heat Company."

By Mr. Talpey of York: Bill, an act to amend section 4 of chapter 455 of the private and special laws of 1901, entitled, "An act to incorporate the York Beach Village Corporation."

By Mr. Irving of Presque Isle: Bill, an act to authorize the Maine and New Brunswick Electrical Power Company, Limited, of New Brunswick, to exercise certain franchises in this State. (Tabled for printing pending reference on motion of Mr. Powers of Houlton.)

**Legal Affairs.**

By Mr. Grant of Freeport: Petition of Harris M. Cushing and 110 others of Freeport praying that an investigation be made regarding the non-enforcement of the prohibitory law in Cumberland county.

By Mr. Dudley of Castle Hill: Petition of selectmen of Masardis and others in favor of the passage of the bill to legalize the doings of the town of Masardis.

By Mr. Seavey of Bridgton: Petition of A. G. Hobb and 28 others of Bridgton relating to the optical bill.

By Mr. Gray of Paris: Petition of F. C. Merrill and 10 others in favor of an act to regulate the practice of optometry in the State of Maine; of

Samuel Richards and 8 others for same.

By Mr. Bean of New Sharon: Petition of Frank W. Butler and 68 others of Farmington in favor of the passage of the optical bill recommended by the Maine Association of Opticians.

By Mr. Tupper of Bangor: Petition of George E. Chase and 18 others to prevent irresponsible persons from fitting glasses; of M. C. Pierce and 16 others for same.

By Mr. Thompson of Roque Bluffs: Petition of C. B. Donworth and 24 others of Machias asking for the passage of the optical bill; of L. M. McCouldrick and 24 others for same.

By Mr. Baxter of Portland: Petition of Edgar R. Dow and 38 others for same; of Robert B. Swift and 18 others for same; of George H. Babb and 34 others for same; of C. H. Porter and 37 others for same; of Herbert A. Harmon and 9 others for same; of E. S. Pendexter and 18 others for same; of Theora Hilton and 31 others for same; of Wallace E. Easton and 39 others for same; of William H. Milliken and 37 others for same; of A. M. Wentworth and 34 others for same; of C. L. Clark and 35 others for same; of John P. Hobbs and 31 others for same; of Freeman Gowen and 30 others for same.

By Mr. Reed of Portland: Petition of John W. Bowers and 146 others for same.

By Mr. Baxter of Portland: Remonstrance of Charles S. Norcross and 38 others of Chesterville against the passage of a compulsory vaccination law.

By Mr. Dudley of Castle Hill: Bill, an act to legalize the doings of the town of Masardis; also bill, an act to organize Portage Lake plantation.

By Mr. Baxter of Portland: Bill, an act authorizing the construction and maintenance of a wharf into the tide waters of Casco bay in the town of Falmouth, Maine.

By Mr. O'Brien of Lewiston: Bill, an act making 58 hours the hours of labor in manufacturing and mechanical establishments.

#### Financial Affairs.

By Mr. Jordan of Yarmouth: Peti-

tion of L. R. Cook and 45 others in aid of Maine State Sanatorium Association.

#### Banks and Banking.

By Mr. Gannett of Augusta: Bill, an act to extend the charter of the Somerset Trust Company.

By Mr. Kinsman of Augusta: Bill, an act to amend section 76 of the Revised Statutes relating to loan and building associations.

#### Agriculture.

By Mr. Baldwin of Boothbay Harbor: Petition of E. W. Wooster and 6 others of Hancock for an act to amend section 8 of chapter 32 of the Revised Statutes relative to protection of wild birds; also bill, an act to amend section 8 of chapter 32 of the Revised Statutes relative to the protection of wild birds.

#### State Lands and State Roads.

By Mr. Cobb of Gardiner: Petition of the Renaissance Club of Gardiner for preservation of fields and forests.

By Mr. Leonard of Milo: Petition of E. S. Chase and 86 others of Piscataquis county for an appropriation to repair a roadway in townships five and six in Piscataquis county; also Resolve providing for the repair of a roadway in townships five and six in Piscataquis county.

#### Ways and Bridges.

By Mr. Turner of Whitefield: Petition of H. W. Clary of Whitefield and 39 others in favor of Wiscasset bridge.

By Mr. Cobb of Gardiner: Petition of Charles F. Clark and others for aid in repairing and caring for Gardiner and Randolph bridge; also petition of Edwin T. Bussell and others for same; also Resolve in favor of city of Gardiner and town of Randolph.

#### Inland Fisheries and Game.

By Mr. Irving of Presque Isle: Petition of F. L. White and 41 others of Presque Isle praying for a law to close the tributaries of Squa Pan lake in Aroostook county.

By Mr. Cole of Etna: Petition of Joseph E. Friend and 75 others of Etna and vicinity requesting that Etna and Parker ponds be closed to ice fishing for the term of five years from April 1, 1905.

By Mr. Dudley of Mapleton: Petition of W. B. Hallett and G. W. Green and 50 others, residents of Portage and Ashland, praying for a law to prevent the throwing of sawdust and other mill waste into Fish river and its tributaries in the county of Aroostook.

By Mr. Walker of Lovell: Petition of Orson E. Andrews and 100 others for repeal of law relating to taking smelts in Mill Brook, Lovell, Oxford county.

By Mr. Cobb of Gardiner: Remonstrance of W. P. Giddings and 22 others, citizens and business men of Gardiner, against the repeal of law protecting deer in organized towns and plantations.

By Mr. Walker of Lovell: Bill, an act to amend chapter 321 of the private and special laws of 1903 relating to taking smelts in Mill Brook.

By Mr. Washburn of Minot: Bill, an act to regulate the taking of white perch and black bass in Whitney and Hogan ponds in the county of Oxford, and Tripp pond in the county of Androscoggin.

#### Shore Fisheries.

By Mr. Tracy of Winter Harbor: Petition of Alfred Hamilton and 49 others relating to law regulating use of purse and drag seining in waters east of Penobscot bay and river.

By Mr. Turner of Whitefield: Petition of the selectmen of Alna and Newcastle for the protection of oysters in Dyer's and Sheepscoot rivers.

By Mr. Thompson of Roque Bluffs: Petition of John N. Watts and 25 others, citizens of the town of Roque Bluffs, protesting against legislation permitting seining where it is now prohibited in the waters of Washington county.

Also petition of W. G. Stone and 107 others of Machias protesting against same; of Alfred K. Ames and 113 others of Machias against same.

By Mr. Allan of Dennysville: Petition of Warren Pope and 123 others of East Machias against same.

By Mr. Longfellow of Addison: Petition of F. A. Chandler and 98 others of Addison against same; of Darius D. Joy and 95 others of Addison against same; of H. M. Leighton and 35 others of Columbia Falls against same; of H.

M. Leighton and 56 others of Harington against same.

By Mr. Sawyer of Milbridge: Petition of G. H. Stanwood and 37 others of Steuben against same.

By Mr. Wilder of Pembroke: Petition of Emund L. Wilbur and 26 others of Pembroke against same; of John Humphries and 22 others of Perry against same.

By Mr. Johnson of Calais: Petition of H. W. Eaton and 83 others of Calais and St. Croix river against same.

By Mr. Hanson of Machiasport: Petition of Charles H. Beale and 78 others of Jonesport against same.

By Mr. Tracy of Winter Harbor: Protest of J. B. Cole and 36 others of Gouldstoro against legislation permitting seining in the waters of shore towns of Hancock county.

By Mr. Grant of Freeport: Bill, an act for the better protection of shellfish within the town of Freeport.

#### Towns.

By Mr. Hanson of Machiasport: Protest of Frank Wallace and 33 others of Head Harbor Island in the town of Jonesport, against said island being removed from jurisdiction of Jonesport and annexed to the town of Roque Bluffs.

#### Temperance.

By Mr. Reed of Portland: Petition of Stroudwater W. C. T. U. for passage of the act appointing a commission for the enforcement of the prohibitory law.

By Mr. Milliken of Island Falls: Remonstrance of G. A. Greaves and 14 others of Silver Ridge against resubmission.

By Mr. Tracy of Winter Harbor: Remonstrance of Alvah Reed and 29 others of Northeast Harbor against resubmission.

By Mr. Littlefield of Rockland: Remonstrance of R. W. Bickford and 23 others of Rockland against same.

By Mr. Merrill of Skowhegan: Remonstrance of L. W. Weston and 75 others against same; of Harry Dinsmore and 63 others against same; of Leslie R. Randall and 30 others of Ripley against same.

By Mr. Russell of Readfield: Remonstrance of the Maine Annual Conference of the Methodist Episcopal church

at its annual session held at Rumford Falls, March 3 to April 4, 1904, against same.

#### Labor.

By Mr. Kinsman of Augusta: Petition of Central Labor Union of Augusta, Hallowell and Gardiner for an act creating a State board of arbitration; also petition of Central Labor Union of Augusta, Hallowell and Gardiner for same.

By Mr. Cobb of Gardiner: Bill, an act to provide for the preservation of health of workmen in foundries. (Tabled for printing pending reference on motion of Mr. Cobb of Gardiner.)

#### Taxation.

By Mr. Cushman of Woodstock: Petition of Lewis W. Farnum and 15 others asking for the enactment of the bill relative to the increase of the school tax fund by one mill.

By Mr. Kinsman of Cornville: Petition for equalization of taxation by L. S. Reed and 16 others of Harmony.

By Mr. Howes of Palmyra: Petition of W. A. Blaisdell and 17 others of Palmyra in favor of the Merrill railroad bill; of E. C. Cook and 15 others of Palmyra for same.

By Mr. Cushman of Woodstock: Petition of Lewis W. Farnum and 15 others asking for the repeal of section 25 of chapter 9 of the Revised Statutes. (Tabled on motion of Mr. Higgins of Limerick.)

#### Salaries.

By Mr. Cushman of Woodstock: Petition of G. E. Stevens and 13 others asking the adoption of the report of the committee on the abolition of the fee system.

#### Kennebec County Delegation.

By Mr. Kinsman of Augusta: Petition of H. P. Reed and 12 others for passage of the bill in relation to original plans of towns in Kennebec county.

#### Reports of Committees.

Mr. Miller from the committee on pensions, reported "ought not to pass" on bill "An act to amend section 4, chapter 145 of the Revised Statutes, relating to pensions to soldiers of the Aroostook war."

Mr. Kinsman from the committee on inland fisheries and game, on petition

of M. C. Allen and 55 others in favor of an open season for killing deer on Mt. Desert Island; also petitions of C. C. Morrison and 30 others and of E. N. Walls and 28 others for same, reported that the petitions be referred to the Hancock county delegation.

Same gentleman from same committee, reported same on petition of O. W. Albee and 12 others for an extension of the close time on deer on Swan's Island, Hancock county.

Same gentleman from same committee on petition of C. H. Cole and 20 others for an act to prevent fishing in Kennebunk pond in the town of Lyman, reported that the same ought to be referred to the commissioners of inland fisheries and game, as the subject matter of the petition properly comes under their jurisdiction by the general law.

Same gentleman from same committee, reported same on petition of F. W. Bond and others, with statement of facts for an act to regulate fishing in Alder brook, Penobscot county.

Same gentleman from same committee, reported same on petition of M. C. Trafton and 54 others, asking that a law be enacted prohibiting the catching of fish in any manner from Little river, so called, in Cornish, from June 1 to April 1 in each year for a period of five years.

Same gentleman from same committee, reported same on petitions of Harry E. Clark and 23 others, P. I. Andrews and 72 others and George A. Field and 33 others for an act to prevent taking fish from Branch brook in the county of York.

The reports were accepted and sent to the Senate.

Mr. Powers from the Committee on the Judiciary, reported "ought to pass" on bill "An Act to ratify and confirm the organization of the Penobscot Valley Gas Company and to give said company additional powers.

On motion of Mr. Oakes of Milford, the report was tabled, pending acceptance and bill ordered printed.

Mr. Baxter from the committee on Legal Affairs, reported "ought to pass" on bill "An Act authorizing the construction of a wharf into the tide

waters of Casco bay in he town of Falmouth, Maine."

Mr. Swett from the committee on Appropriations and Financial Affairs, reported "ought to pass" on resolve "In aid of Temporary Home for Women and Children at Portland."

Same gentleman from same committee, reported same on resolve "In favor of the Maine Eye and Ear Infirmary."

Mr. Morey from same committee, reported "ought to pass" in new draft under same title on resolve "In Favor of the Central Maine General Hospital."

Mr Knapp from the Committee on Banks and Banking, reported "ought to pass" in new draft under same title, on bill "An Ace to amend and extend the charter of the Kineo Trust Company, Dover, Maine."

Mr Smith from the Committee on Interior Waters, reported "ought to pass" on bill "An Act to authorize F. C. Robinson & Sons to build and maintain piers, booms and bouys in Portage lake, in the county of Aroostook."

The reports were accepted and bills ordered printed under joint rules.

#### First Reading of Printed Bills.

An act to extend the charter of the South Portland Trust and Banking Co.

An act to amend and extend the charter of the Millinocket Trust Co.

An act to incorporate the Gardiner Trust Co.

An act to amend Section 79 of Chapter 48 of the Revised Statutes relating to the authority of the bank examiner over trust and banking companies.

An act to change the name of Cabbage Island to Independence Island.

An act to amend Chapter 326 of the Private and Special Laws of 1864 entitled "An Act to incorporate the Pasadumkeag Boom Co.

An act to incorporate the Clinton Trust Co.

An act to authorize the construction of a highway bridge across York river.

An act to amend Section 80 of Chapter 48 of the Revised Statutes relating to the cash reserve in trust and banking companies.

An act to incorporate the Bethel Trust Co.

An act to amend Chapter 11 of the Private and Special Laws of 1903 for the purpose of correcting errors therein, making the sections of said chapter read consecutively, and to ratify the acts heretofore done by said district under said Chapter 11.

An act to extend the provisions of Chapter 241 of the Private and Special Laws of 1903 entitled "An act to supply the town of Lisbon with pure water."

An act to amend Section 1 of Chapter 26 of the Private and Special Laws of 1887, as amended by Chapter 487 of the Private and Special Laws of 1897, relating to the taxation of certain plantations.

An act to divide the town of Tremont and incorporate the town of Southwest Harbor.

Resolve in favor of the Society of the Sisters of Charity for the use of the Healey Asylum, Lewiston, Maine.

Resolve in favor of the Bar Harbor hospital located at Bar Harbor, Maine.

#### Passed to be Engrossed.

An act to amend section 24 of chapter 144 of the Revised Statutes relating to insane persons.

An act to amend section 6 of chapter 65 of the Revised Statutes relating to probate courts.

An act to increase the salary of the judge of the municipal court for the city of Lewiston.

An act to authorize the town of Winthrop to erect and maintain a wharf in lake Maranacook in the county of Kennebec.

An act to amend the charter of the Security Trust Company.

An act authorizing the Orono Water Company to take water from Chemo lake and Chemo stream in the town of Bradley.

An act to authorize the Houlton Water Company to generate, sell and distribute electricity.

An act to authorize the Great Northern Paper Company to hold stock of the West Branch Driving and Reservoir Dam Company.

An act to grant Jesse K. Mitchell and John J. Cameron the right to establish and maintain a ferry between Sullivan and Hancock.

An Act to incorporate the Hamilton Trust Co..

An Act to extend the charter of the Waldo Street Railway Co.

An Act to amend the charter of the Limerock Railroad Co.

Resolve in favor of the Maine State Sanitorium Association.

An Act to amend Chapter 407 of the Private and Special Laws of 1903, relating to fishing in Long pond, Hancock county.

Resolve for the purpose of operating hatcheries and feeding stations for fish and for the protection of fish.

Resolve in favor of the president and trustees of Bowdoin College.

**Passed to be Enacted.**

An Act to authorize the United Gas and Electric Company to sell its property and franchises to the Dover Gas Light Company.

An Act to authorize the construction of a wharf or wharves into the tide waters of Penobscot river in Bucksport.

An Act to authorize the Dover Gas Light Company to acquire the property and franchises of the United Gas and Electric Company.

An Act to provide for the treatment of persons suffering from the effects of the habitual use of narcotics.

An Act to prevent the pollution of the waters of Nequasset lake.

An Act to amend Chapter 154 of the Private and Special Laws of 1895, as amended by Chapter 229 of the Private and Special Laws of 1901, relating to the charter of the Wiscasset Water Company.

An Act to amend paragraph 4 of Section 1 of Chapter 73 of the Revised Statutes, relating to sales of real estate by license of court.

An Act to amend Section 39 of Chapter 93 of the Revised Statutes relating to the filing of certificates of liens on real estate.

An Act to amend Section 26 of Chapter 69 of the Revised Statutes, relating to the disability of adults under guardianship.

An Act relative to the Winter Harbor Gas and Light Company.

An Act relating to fishing in the tributaries of Webb's river above Goodwin Brother's mill dam in Carthage, county of Franklin.

An Act in relation to the assessment of taxes on the estates of deceased persons before the appointment of executors or administrators of such estates.

An Act to incorporate the State Trust Company.

**Finally Passed.**

Resolve appropriating money for the support of traveling libraries.

Resolve in favor of the Children's Aid Society of Belfast.

Resolve in favor of the Maine State Library.

Resolve in favor of Aroostook State Normal school.

Resolve in favor of the Young Women's one of Lewiston.

**Orders of the Day.**

The following were introduced under a suspension of the rules:

By Mr. Reed of Portland: Petition of F. Austin Tenney for passage of optical bill recommended by the Maine Association of Opticians. (Referred to the committee on Legal affairs.)

By Mr. Seavey of Bridgton: Bill, an act to authorize Stillman L. Wentworth to build and maintain a wharf in Long lake in the town of Naples. (Referred to the committee on interior waters).

By Mr. Morrison of Eden: Bill, an act to grant certain powers to the town of Eden.

Also petition of E. H. Wakefield and 49 others for a special act granting certain powers to the town of Eden; petition of Edgar J. Trussell and 11 others for same; petition of Clifford Willey and 32 others for same; petition of B. S. Higgins and 37 others for same. (Referred to the committee on towns).

By Mr. Treworgy of Surry: Petition of Frank P. Merrill and 39 others of Bluehill for appropriation in aid of the Maine State Sanatorium Association. (Placed on file).

By Mr. Sargent of Brewer: Petition of J. S. Ayer and 9 others of Brewer against change of law relating to trustee process. (Referred to the committee on the judiciary).

Petition of F. H. Sparks and 30 others of Brewer and Orrington to enact a law that shall prevent winter fishing in Brewer pond; petition of A. S. Gould and others of Orrington, Brewer and Penobscot for same.



On motion of Mr. Reed of Portland bill, an act to prohibit sales of merchandise in bulk in fraud of creditors, was taken from the table, and on further motion by the same gentleman it was referred to the committee on the judiciary.

On motion of Mr. Reed bill, an act to provide for the appointment of a probation officer for the county of Cumberland, was taken from the table, and on further motion by the same gentleman it was referred to the Cumberland county delegation.

### State Printing.

On motion of Mr. Sewall of Bath bill, an act to abolish the office of State printer, was taken from the table.

Mr. SEWALL: Mr. Speaker, I move that the House concur with the Senate in its reference of this bill to the committee on legal affairs.

Mr. SMITH of Madison: Mr. Speaker, I move an amendment to the motion by substituting the committee on State printing for the committee on legal affairs. I move this amendment because I think this should properly go to the committee on State printing. The committee on State printing, and the result of their work will show whether or not it is best to abolish the office of State printer. The Legislature especially agreed that this committee should investigate this matter, and it would interfere seriously with our work, I think, if our work was divided. I do not know of any special reason why this should be referred to the committee on legal affairs, unless it is desired to have it referred to a legal committee; but I can say, as a member of the committee, that I have the honor of being associated with five of the representative lawyers of this Legislature, and I think that any legal questions that arise can be properly attended to by that committee. I hope, therefore, that the House will vote to have this bill referred to the committee especially created to consider these matters.

Mr. REED of Portland: Mr. Speaker, I have no desire as a member of the committee on legal affairs to get any business that does not belong to us. We have enough on hand to keep us reasonably busy, and personally I have no

desire to investigate this particular matter, but I know there is a feeling on the part of many members of our committee and others that this matter has been thoroughly thrashed out in the Senate, and that we should concur with them and should not make a different disposition of it.

I have before me the order creating the committee on State printing, which I think perhaps is not understood by all the members of the House, and I will read it:

"Ordered, the House concurring, that a joint select committee of three on the part of the Senate, with such as the House may join, be appointed to consider the general matter of the State printing and to ascertain any of the ways, if any, in which the present volume of State printing may be reduced without detriment to State interests, and what changes, if any, are advisable in the existing law, and what prices should be paid for work under existing conditions; and to report by bill or otherwise."

The authority conferred upon this committee is to consider this matter of the State printing, not the matter of the State printer. The two things are separate and distinct. The committee on State printing is to determine if the bulk is excessive, to determine if the price is excessive, to determine in what way savings may be made to the State and what changes are necessary in this matter of printing. When we come to the question of abolishing one of the regularly appointed State officers it does not seem to me that it should be referred to a committee having special powers, when it is by any means doubtful as to whether the authority of that committee is sufficient to act. I think it is a well-known principle of parliamentary law that while a standing committee may consider any matter which may be referred to it, a special committee is strictly bound in the consideration of any matter before it by the limits of the authority prescribed by the Legislature or body appointing it, and it should not consider matters outside of its established jurisdiction by the order appointing it until the authority so to do has been previously granted. It seems to me, if this is to go to the

committee on printing, there should be first an order passed properly extending the powers of that committee to consider the question of whether the office of the State printer should be abolished. If they have that power and if it is conferred upon them. I have no desire to limit their powers in any way or to keep this matter from them; but as the matter now stands, and as the authority to them by this House and Senate now reads, it seems to me that this matter should be referred to one of the legal committees.

I have no personal feeling in the matter and I do not believe any member of the committee has, except to have the matter considered by a proper committee. We can confer with that committee, if it seems necessary, so we might be able to act intelligently.

Mr. LITTLEFIELD of Rockland: Mr. Speaker, may I ask what action was taken on the bill in the Senate?

The SPEAKER: The bill was introduced by the Senator from Knox (Mr. Staples) and comes down from the Senate referred to the committee on legal affairs.

Mr. LITTLEFIELD: It seems to me, Mr. Speaker and gentlemen of the House, that it is questionable whether the title of this bill complies within the joint rules of this Legislature. It is not in substance and effect a bill to abolish the office of State printer. It accomplishes that purpose. Its title would not indicate that it was the same matter that has been referred already to the committee on printing; but I think a reading of the bill will show that the real question for consideration under that bill is whether we shall do the printing in the way we have been doing it or whether it shall be done by contract. If done by contract, it might or might not abolish the office of State printer. In substance and effect it would do it, but the question is not simply whether we abolish the office of State printer, but under this bill it is a question as to what change in the law should be made as to the way in which the State printing is done, whether it shall be done under the law passed by the Legislature fixing the price and must be done in accordance with the prices fixed

by the Legislature, or whether the Governor and Council shall contract with the lowest bidder to do the State printing. Isn't that the substance of that bill? Isn't that all there is to it? And in a moment I shall have occasion to call your attention to the fact that this is precisely the thing for which we have created this joint special committee on printing.

Now I have no desire to entrench upon any of the business of the committee on legal affairs, or to prevent anything from going to the committee on legal affairs; but I think there are reasons and weighty reasons, why the same matter should not be under investigation by two committees of this Legislature who may report opposite conclusions. I think that the committee on legal affairs, when they have this bill before them to investigate what we have created a special committee to investigate, would themselves refer the bill back to the House stating that the same subject matter they were expected to investigate under it was already being investigated by a committee, not an ordinary committee, but a committee we have authorized to spend money for that purpose.

Mr. SEWALL of Bath: Mr. Speaker, may I interrupt the gentleman?

The SPEAKER: Does the gentleman from Rockland desire to be interrupted?

Mr. LITTLEFIELD: Certainly.

Mr. SEWALL: I would ask the gentleman from Rockland if I understand him correctly to say that if this bill were referred to the committee on legal affairs, it would have the authority to report back to the House that it has not jurisdiction of the matter?

Mr. LITTLEFIELD: I would answer the gentleman from Bath by saying that any committee may do so, and it has frequently been done by the judiciary committee. When it has before it matters which it finds are already under investigation by some other proper committee, it can report back to the House and recommend that those matters also be referred to that committee; and not only it can do that, but if it finds that the committee already has the same subject matter under consideration, I submit, Mr. Speaker and

gentlemen, it is its duty to do it. This House should not be running two committees at cross purposes on the same matter. If the matter is to be thrashed out, it should all be thrashed out before the same and one committee and the House act upon the report of one committee.

Mr. SEWALL: How would it be in the case of any committee if in its judgment the matter referred to was not in its jurisdiction? In your opinion, would it apply to the act of any committee?

Mr. LITTLEFIELD: It would. It is the duty of this House, the duty of both Houses to refer all bills to the proper committee, not to take them away from a committee particularly appropriate to that purpose. If there are two committees, each having jurisdiction of the same subject matter, then all bills in relation to that subject matter should be referred to one of those committees. I think that is reasonable parliamentary law; I think it is conducive to the conduct of the business of the House.

Now this bill was introduced by the senator from Knox, my friend, Mr. Staples. He is on the committee on legal affairs. More or less senatorial courtesy operates in the other end of the Capitol. Bills are referred there out of senatorial courtesy, or courtesy to some senator. I apprehend, in fact I believe, that senatorial courtesy had a great deal to do with the reference of this bill which was referred by a very narrow margin. Now we are not governed by senatorial courtesy; we are only to look at the propriety of a reference; we are only to look at the orderly conduct of the business of this Legislature. Now for what was this joint select committee on printing created? The gentleman from Portland (Mr. Reed) has read the order and I only need to call attention to this part of it. They are to consider the general matter of State printing. And in another clause, a little farther along, they are to determine what changes, if any, are advisable in the existing law. Isn't that a subject as to whether it should be done in the way it is now done or by contract? Doesn't "changes in the existing law" include the whole

subject matter under what kind of law the printing should be done? This bill is not for the abolishment of the office of the State printer alone. It is primarily whether the existing law as to the State printing shall be changed and what change in the existing law shall be made. It is entitled, to be sure, an act to abolish the office of State printer. It may have that result; but it comes directly within the scope of this order which provides that that committee is to inquire into what changes, if any, are advisable in the existing law as to the way in which the State printing is done. That is all there is of the bill. If that is not all there is of it, three-fourths of that bill certainly, or nine-tenths of it, is mere surplusage. It is not necessary, in order that the State printing may be done under a law similar to the present law, that there should be an official called the State printer. It has no necessary connection with it. It may be done under the existing law without any such office. This bill is one coming precisely and directly within the terms of the order creating the joint special committee.

More than that, on January 18, the gentleman from Bath, (Mr. Sewall) introduced a special order to enable that committee particularly to be empowered to fully investigate this matter, directing that the joint select committee on State printing be authorized to employ a stenographer and summon witnesses to appear and produce books and papers and other documents and give evidence pertaining to the inquiry with which the committee is charged. Under that order the committee is authorized to spend such sums of money as may be necessary. They have got to pay for these things. We have authorized them to spend what may amount to several thousand dollars for the purpose of investigating what? To investigate as to what change shall be made in the law as to the way in which the State printing shall be done under the laws as they now exist, or to report that there shall be a change in the law so that the State printing shall be let to the highest bidder. It is competent, under this bill,

for the committee on legal affairs to report that the printing should not be done by contract or should be done by contract. In order to arrive at that conclusion they must go over precisely the same ground that we have authorized a special committee on printing to go over and have given them money with which to obtain witnesses that shall give them full information; and I submit that senatorial courtesy, because the gentleman in the Senate from my county wanted this matter referred to the committee on legal affairs of which he is a member, should not prevail and make it necessary, if they thoroughly investigate it and pass themselves on the matter of printing whether it should be done by contract or otherwise, what is for the best advantage to the State, to go over the same ground and ask, as they ought to ask, for an additional order from this House to enable them to spend money to find it out—two committees going over the same ground at the same time at the expense of the State of Maine, when it can all be done by one committee perfectly competent and able to do it; and I submit that the proper and orderly reference of this bill requires that it be referred to the committee that already has that matter under investigation and has proceeded to summon witnesses to investigate the whole matter.

I hope, therefore, that the amendment offered by the gentleman from Madison (Mr. Smith) will prevail and that this will be referred to the special committee on State printing, and that after creating such a committee and placing upon it some of the best members of this House, we will not take it away from that committee or give it to another committee to investigate precisely the same subject matter.

Mr. SEWALL of Bath: Mr. Speaker, the gentleman from Rockland (Mr. Littlefield) has elucidated the points he has made with ability and I confess that the state of mind in which I found myself when this matter came down from the Senate was one of doubt on the very point which he has raised, and for that reason I interrupted what might be the orderly course of proceedings and tabled that measure com-

ing from the Senate instead of permitting it to go to the committee on legal affairs to which it was referred in the Senate. I had another reason, too, in tabling it and that is, I noticed a suspicious activity that day and the day before on the part of certain gentlemen in this building who have accepted the investigation of the State printing rather as a matter of disagreeable necessity than as a matter of choice and who, I have reason to believe, were thoroughly opposed to abolishing the office of State printer. It is a pretty safe rule to follow in this body that when your are in doubt as to the attitude of your opponents at a juncture like that, to put the measure under consideration upon the table where you can investigate it and take it up for full consideration such as I hope we are going to have, this morning.

The action of the Senate, of course, is action which it is proper for us to pass in review. Ordinarily I suppose, in regard to measures coming from the Senate and referred, as the gentlemen introducing those measures desire them to be referred and coming here, ordinarily and without some good reason, the action of the House will be to concur in the action of the Senate. I doubt if I have any more respect for senatorial courtesy or as much respect, as has the gentleman from Rockland himself. I have been on record within quite recent times in expressing the idea to which I firmly hold, that this body stands closer to the people of this State than the other House, and for that reason I have never seen the time when I would willingly exchange a seat in this body for a seat in what is called the Upper House. At the same time, Mr. Speaker, the action that the Upper House, after full consideration and after thorough debate and after a most commendable spirit of independence, took on this bill, although it was introduced by the leader of the minority party who had it go as he desired it to go, ought to have some weight, and I know that the gentleman from Rockland (Mr. Littlefield) from the county of the senator who introduced this measure, would be the last man to say, because the senator from his county, a leader of the minority party

in the State, introduced a bill, that that bill is without merit, or that his judgment as to the proper disposition of the bill ought to be entirely disregarded.

The bill was referred after a thorough debate to the committee on legal affairs, and it was not entirely or wholly or in the greatest part due to senatorial courtesy that it was so referred. If you will read the report of the Senate debate of that day you will notice that it was brought out, just as the gentleman from Portland (Mr. Reed) brought out before this House, that it was not the proper way to abolish that office—for that is what this bill amounts to if it is enacted into law. I conceive that it would be without precedent to abolish a State office by referring it to a joint select committee, and the Senate itself and this body the same day I believe, took a stand on exactly that point when in the matter of abolishing the State liquor commissioner they referred it to a legal committee instead of a committee which to the minds of many might properly have had charge of the matter.

There was another element that entered into that discussion. There was a feeling in the Senate on the part of those who referred this matter to the legal affairs committee that perhaps from the situation of the committee on printing and the manner in which it was brought into existence, there would not be the same favorable consideration for abolishing the office of State printer from the committee on printing that there would be from this committee on legal affairs. Now the joint select committee on printing was organized under this order which has been read: "Ordered, the House concurring, that a joint select committee of three on the part of the Senate, with such as the House may join, be appointed to consider the general matter of the State printer and to ascertain any of the ways, if any, in which the present volume of State printing may be reduced without detriment to State interests, and what changes, if any, are advisable in the existing law and what prices should be paid for work under existing conditions." Now the first point this committee were directed to consider was to ascertain in what ways, if any,

the volume of State printing may be reduced without detriment to State interests, and what changes, if any, are advisable in the existing law. That means, as plainly to my mind as possible, the existing law as to prices, as to volume and as to the conduct of that printing while the office of State printer remains. And then follows, "and what prices should be paid for work under existing conditions." And I submit to you all who were present here, when that joint select committee was appointed, that morning after the session, who are familiar with the discussion which brought that committee into existence, that there was not in the mind of the author of that resolution anything at all about abolishing the office of the State printer whatsoever.

Now that gentleman from Rockland (Mr. Littlefield) tells us that if you refer a measure to a committee—I asked him particularly on that point—it is within the power of the committee to decide that it has or has not jurisdiction. And I submit that if you send this to the committee on printing, and I have good reason for making the statement, that you are more than likely to have that committee on printing, by a vote in which it has lined up twice on very important matters of testimony, refer this matter back to the Legislature when it is too late for the Legislature to take any action, with the reply that it is without jurisdiction in the matter whatsoever. Byron says, and what Byron says goes in this matter, or has gone so far, that the best prophet of the future is the past; and without disclosing matters of executive session I can say that my colleagues and myself, and I have been joined by perhaps the most eminent legal member of the committee—the gentleman from Madison (Mr. Smith) spoke of the legal gentlemen as all sharing his views—very good company if you could always keep it—but one of those gentlemen did not share his views in executive session on a very important matter as to the scope of our inquiry,—now judging the future from the past I say that it is more probable, under the very dicta of the gentleman from Rockland, if you land this bill to

abolish the office of State printer where the gentlemen who don't want that office abolished wish to land it, that here at the end of the session, when we are all crowded up with important measures, that may be referred back to you on the plea that the committee is without jurisdiction.

Now as bearing on the scope of the inquiry and the object for which the committee was appointed, you can all of you recall a discussion that took place here the night before the organization of the session; and the reply to the offer of a fellow-citizen of mine to do the printing ten per cent. cheaper than it is now being done was a resolution introduced here, without any notice to the friends of that gentleman who had been attacking the present system of State printing, calling for the appointment of a select committee on printing. Do you believe, any of you, that the senator from Kennebec had it in his mind that there would ever come before the committee, and least of all that that committee would favorably report on it, a proposition to abolish the office of State printer? The matter of abolishing that office had not been under discussion at all the night before. It was entirely a matter of rates, a matter of volume of business and at what price that could be done for; and I submit that that was all that was honestly and fairly in the mind of the author of the resolution, and that was all that that committee was appointed to ascertain. And I have not seen yet either in the House or in the committee any evidence that the present regime who have charge of the State printing are disappointed in the manner or the situation or the personnel of that committee. I will be the last one to reflect in anyway upon my colleagues either on a committee or in this body. My criticism is not that they have taken one side on this question; my criticism is that they have not taken the view that those have taken who feel that the existing system is wrong, and that those who do share that feeling are in a very weak minority on that committee. I am as sensitive as any member can be as to the prerogatives of a member of this House, and as jealous as anybody can be that the

rights of a committee of which I am a member shall not be encroached upon; but I am more sensitive on another point, and that is that the people whom I represent, the people whom you represent, shall have no cause to criticize us in the faithful discharge of our public duty. And I do believe that the people of this State wish this investigation to be broad; I do believe, moreover, that they wish the door to be left open, if this body shall so finally decide, to abolish this office altogether; and I feel that you go far towards shutting the door if you do not concur with the Senate and send this bill to the committee on legal affairs who will have, beyond any doubt, the power to act on this particular point.

Mr. SWETT of Portland: Mr. Speaker, I desire to offer a few words, expressive of the ideas which have occurred to me from this discussion. In my humble judgment this is perhaps the most important measure that will come before this Legislature. No question that has been raised here has created so much discussion in the newspapers, in my judgment, as this matter of State printing. It is believed, whether justly or not, by a large proportion of the people of Maine that there is something wrong in the matter of the State printing. Is there a member of the House who does not know what the result would be if this House should adopt the course so ably advocated by the distinguished gentleman from Rockland? Why, we might as well vote to lay this whole subject on the table now. There is no man here who does not know what the result will be, that we should get no more information than the committee got from the State printer himself who testified that he could not tell what it cost, that his books were not kept in such a way that he could tell what it cost. Is there a man qualified to conduct even a peanut stand who runs his business on any such a principle as that? I don't believe it. I believe that this House believes that all that the gentleman from Bath asks for, all that the gentleman from Portland advocates, is right upon this subject, that the people may know whatever their printing costs more than it ought to.

I believe we should be false to our duty to the people of Maine if we do not vote to sustain the position taken by the gentleman from Portland (Mr. Reed) and the gentleman from Bath (Mr. Sewall) in this matter of State printing.

There is no chance of any wrong in following that course. We shall merely get at the facts, that is all, and that is what we want, that is what the people of Maine want. But it is perfectly absurd, in my mind, to think that there will be any change in this matter, if there are any wrongs that they will be righted, if we fail to sustain the gentleman from Bath in his position.

Mr. SEWALL: Mr. Speaker, I call for the yeas and nays on the adoption of the amendment.

Mr. LITTLEFIELD: Mr. Speaker, before that question is put, without encroaching on the time or patience of the House, I wish to say just a word. I hesitated some time as to whether I would open my mouth again. It is no funeral of mine whether the State printer goes up or down. The gentleman from Bath (Mr. Sewall) has referred to Byron, and about all I know about Byron is that on Christmas last I received as a present a very beautifully-bound copy of Byron's works, and any other Byron has just as much to do with me in this matter as that Byron a copy of whose works I received Christmas.

This matter seems to have degenerated into a discussion as to whether the committee appointed for this purpose will report one way or the other, whether in advance we can discount the action of the people whom we have appointed from our number to investigate that matter. Any such suggestion from the gentleman from Bath or the gentleman from Portland is a reflection upon that committee. Any such suggestion being made is the best reason in the world why the matter should be referred to that committee. I do not care what result that committee may reach. I assume that the committee will fairly and honestly investigate the matter. I do not know that I am in favor of re-

taining the office of State printer, whether I am in favor of that, or whether I am in favor of having the printing done by contract; I have not made up my mind; I have not investigated it sufficiently to make up my mind; and I do not think any gentleman on this floor has a right to say what the minds of any committee are in that matter. I assume that they will fairly do their duty. If they won't, and you think they won't, discharge them and put somebody else in their place who will do it.

A MEMBER: Good.

Mr. LITTLEFIELD (continuing): The creature is not greater than his creator, and the gentleman from Bath can bring in a minority report, and if that committee does not fairly and honestly do its duty and he brings in a minority report and he can demonstrate to us that that minority report is for the best interest of the State, I will hold up both hands in his favor whether the committee report one way or the other. Whether we think we know what they will or will not do has nothing to do with the question here under consideration. It is a question of whether we shall have two committees investigating the same thing at the expense of the State. I do not know what the committee think, I have not attended their hearing, I do not know anything about it. I have not made up my mind, and I do not propose to make up my mind until I have all the facts, and then I shall do what I think is for the best interest of the State.

Mr. SEWALL: Mr. Speaker, I wish to say that the matter of going over the ground twice is not rightly put. In my honest judgment the committee on printing cannot go over the ground once, or half over that ground. Composed as we are of unprofessional printers, with a star witness who is not a professional printer, we have been unable to ask the necessary questions to draw out the information; and there is no reason to think that we do not want to ask the questions or that the State printer does not want to answer them. But here we are, both unable to do what we want to do. It is now in the middle of the session. It is approaching the crowded part of the ses-

sion, and this joint select committee on printing, investigating perhaps, to quote the gentleman from Portland, the most interesting subject before the people of the State today, has had only one witness before it, has not got through with him, and has actually had four hours of session. Do you mean to say, even admitting that the two committees would go over the same ground, that there is not ground enough for them to travel on at this time? We have just got under the shell, but we discovered at the very first session that there was a condition of affairs existing in the matter of the State printing—not reflecting on the State printer alone, or, perhaps, not the major part—or I might even temper the remark more than that—but there is a condition of affairs existing in the matter of State printing which is a severe reflection upon the whole administration of the State and which the people want changed and want changed speedily; and for my part, I would like to have half a dozen committees go to work on that subject as soon as possible.

We are asking you now only to put one of the legal committees at work in this matter, we are asking you to do that chiefly because we want it to be left open to this Legislature at the proper time to abolish that whole office if it should be necessary to do so, and because the only safe and sure way to keep that door open is to put upon the committee of legal affairs exactly what this bill puts upon it, the consideration of the question of abolishing the office. The committee on State printing will go on the even tenor of its way to do the work which was especially assigned to it.

Mr. MERRILL of Skowhegan. Mr. Speaker, it certainly is a question, well known to the members of this House, and during the past year much has been said, much has been written about it, that the people of this State, whom we have the honor to represent, are greatly interested in the question of public printing. Whether there is any reason or not, there are a great many people in the State of Maine who believe honestly that the office of State printer has been to a greater or less

extent a graft. We are here to look after the interests of our constituents. We are here to see right and justice done so far forth as we can, let it fall wherever it may.

At the meeting of this body, just before its organization, this question was brought up. It created more or less feeling; and while I do not desire and will not reflect upon this special committee, because I believe every gentleman upon that committee will do what he thinks to be right, yet it is a fact known by all of you gentlemen, and it is whispered in the air around this House, that the report of that committee might just as well be brought in tomorrow morning as four weeks later. I do not know that there is any ground for that; I do not allege that there is; but I do feel that while there is that feeling abroad, it is our duty to that committee, to our constituents and to the State printer, that this bill should be referred to the committee on legal affairs. Why? Because if there is any foundation for the whisperings, it certainly should. If there is no foundation for them, then for the committee itself, for the report going out to our constituents, it should be referred to a committee that is entirely free to pass upon the question.

Gentlemen, I hope that the motion of the gentleman from Bath (Mr. Sewall) will prevail.

Mr. SEWALL: You did not put my motion, I believe, Mr. Speaker, that the yeas and nays be taken.

The SPEAKER: The chair has not had an opportunity to put the main question yet.

Mr. POOR of Belfast: Mr. Speaker, from the references made to the special committee on printing, and the way the arguments are tending, and the whisperings referred to by the gentleman from Skowhegan, and the lining up that the gentleman from Bath refers to, it seems to me that the true question would be the abolishment of the special committee on printing rather than the State printer.

The SPEAKER: The question before the House is upon concurring with the Senate.



Mr. SEWALL: Am I right in asking if the question would not be upon the amendment offered by the gentleman from Madison (Mr. Smith)?

The SPEAKER: The main question is upon concurring with the Senate on the motion made by the gentleman from Bath. The gentleman from Madison has moved practically to non-concur and refer it to the committee on printing. The motion to concur takes precedence and must be voted on first. And on that the yeas and nays are called for.

The question being, shall the yeas and nays be ordered.

The motion was agreed to.

M. LITTLEFIELD: It makes no difference to me, Mr. Speaker, how the matter is voted on, but I understood the motion of the gentleman from Madison to be an amendment to the motion of the gentleman from Bath, by substituting in place of the committee on legal affairs the committee on State printing, and it would seem to me that the amendment to the motion was in order before the main question.

The SPEAKER: The chair rules that the motion of the gentleman from Bath is to concur with the Senate. The chair also rules that the motion of the gentleman from Madison is practically a motion to non-concur. When two motions are made, one to concur and one to non-concur, the motion to concur must have precedence and be put to the House first. Now the House has before it a bill to abolish the office of State printer. It comes from the Senate referred to the committee on legal affairs. The gentleman from Bath moves that the House concur with the Senate and refer this bill to the committee on legal affairs. Upon this motion the yeas and nays have been ordered. Those who are in favor of referring this bill to the committee on legal affairs will vote yes when their names are called; those opposed will vote no. The clerk will call the roll.

YEA:—Albert, Allan, Barrows, Baxter, Bean, Belleau, Berry, Bradford of Friendship, Bradford of Livermore, Briggs, Bunker, Burkett, Byron, Clark, Cole, cousins, Cushman, Davis of Benton, Davis of Guilford, Dennison, Dudley, Fawsette, Foss, Fulton, Garcelon, Giddings,

Goodwin, Grant, Gray, Hagerthy of Sedgwick, Hall, Hanson, Hastings, Hathaway, Hill, Hodgkins, Howes, Hussey, Ingersoll, Irving, Johnson of Calais, Johnson of Waterville, Jones, Jordan of Cape Elizabeth, Jordan of Yarmouth, Josselyn, Kinsman of Cornville, Knapp, Laliberte, Leighton, Libbey, Lougee, Martin, Merrill of Dixfield, Merrill of Skowhegan, Miller, Morey, Morton, Mullen, Nash of Damariscotta, Nash of Kennebunk, Newbegin, Oakes of Auburn, Oakes of Milford, Page of Appleton, Page of Hampden, Peacock, Pendleton, Percy, Philbrook, Purinton, Putnam, Reed, Sargent of Brewer, Sargent of Castine, Scribner of Charleston, Scribner of Springfield, Seavey, Sewall, Shaw, Smart, Smith of Saco, Sparrow, Staples, Stevens, Swain, Swett, Terreault, Thomas, Thompson of Orono, Thompson of Roque Bluffs, Tracy, Treworgy, Turner, Usher, Vittum, Walker, Washburn, Weatherbee, Webb, Webster, White, Whitmore, Wilder, Witherspoon, Witt—126.

NAY:—Baldwin, Cobb, Copp, Downs, Gannett, Hale, Higgins, Johnson of Hallowell, Kimball, Kinsman of Augusta, Langigan, Leonard, Littlefield, Marshall, Milliken, Morrison, Newcomb, Poor, Powers, Russell, Sanborn, Smith of Madison, Stearns, Talpey, Thurlough, Tupper, Verill—27.

ABSENT:—Abbott, Blanchard, Bliss, Buzzell, Hagerthy of Ellsworth, Hutchins, Jillson, Longfellow, Norcross, O'Brien, Perry, Price, Sawyer of Milbridge, Sawyer of Smithfield, Shevenell, Trickey—17.

PAIRED:—Holmes, yes; Smith of Madison, no.

So the motion prevailed and the House concurred with the Senate in referring the bill to the committee on legal affairs.

On Motion of Mr. Libbey of South Berwick,

Adjourned.