

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Friday, March 17, 1905.

Senate called to order by the President.

Prayer by Rev. Mr. Quimby of Gardiner.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

House Bills Read and Assigned.

An act to incorporate the Kittery Village Corporation. (House amendment A adopted in concurrence.)

An act relating to the location and assessment of damages for property taken for public uses. On motion by Mr. Staples of Knox this bill was tabled.

An act to provide for the better collection of collateral inheritance taxes. (House amendment A adopted in concurrence.)

An act to amend section 16 of chapter 11 of the Revised Statutes relating to the recording of plans in registry of deeds in the several counties.

Resolve in favor of the Central Maine Fair Association. On motion by Mr. Brown of Kennebec this bill took its second reading under suspension of the rules, and was passed to be engrossed.

An act to prohibit the throwing of sawdust and other mill waste into Fish river, down as far as the dam of the Fort Kent Lumber Company, also in the tributaries of said river. (House amendment A adopted in concurrence.)

Resolve in favor of the city of Lewiston.

Resolve in favor of the city of Rockland.

An act to establish the Caribou municipal court.

An act to provide for the appointment of a probation officer for the county of Cumberland. This bill took its second reading under suspension of the rules, and was passed to be engrossed.

An act to amend the city charter and city ordinances of the city of Gardiner in relation to the election of city marshal and street commissioner. This bill having been passed by the

Senate to be engrossed in the Senate and sent to the House, was returned from that branch, House amendment A adopted by said branch. On motion by Mr. Morse of Waldo, the bill was tabled owing to the absence of the Senator from Kennebec.

An act to establish a law uniform with other states relating to insurance policies. This bill came back from the House having been in that branch indefinitely postponed. On motion by Mr. Clark of Hancock, the Senate voted to insist upon its action.

The following resolves were presented and referred:

By Mr. Mills of Hancock, Resolve in favor of the clerk of the committee on temperance. Referred to the committee on appropriations and financial affairs.

By Mr. Plummer of Androscoggin, Resolve in favor of clerk of the committee on telegraphs and telephones. Referred to committee on appropriations and financial affairs.

By Mr. Morse of Waldo, Resolve in favor of Albert W. Buck, messenger for the President of the Senate. Referred to committee on appropriations and financial affairs.

Reports of Committees.

Mr. Clark for the committee on judiciary, on bill, "An act additional to chapter 27 of the Revised Statutes, relating to alien paupers, reported same "ought to pass." Report accepted.

Mr. Putnam for the committee on appropriations and financial affairs, on resolve in favor of J. Perley Dudley, reported same "ought to pass." Report accepted.

The same Senator for the same committee on resolve in favor of the clerk to the committees on ways and bridges, reported same "ought to pass." Report accepted.

The same Senator for the same committee on resolve in favor of Thomas Anderson for services as postmaster to the Senate at the organization of the 72d Legislature, reported same "ought to pass." Report accepted.

The same Senator on resolve in favor of Edward K. Milliken reported same "ought to pass." Report accepted.

Mr. Simpson for the same committee on resolve in favor of clerk and stenographer to the committee on appropriations and financial affairs, reported same "ought to pass." Report accepted.

The following committees submitted their final report, that they had acted on all matters referred to them, namely,

The committee on federal relations.

The committee on insane hospitals.

The committee on temperance.

The committee on counties.

Said reports were severally accepted.

Passed to be Engrossed.

An act to amend sections 24 and 25 of chapter 3 of the Revised Statutes relating to printing.

An act to extend the close time on carlbou, and amend chapter 32 of the Revised Statutes relating to inland fish and game.

An act to change the name of the Dover Gas Light Company.

An act to amend section 9 of chapter 108 of the revised statutes relating to the service of venires.

An act to amend the charter of the Sebago Lake, Songo River and Bay of Naples Steamboat Company.

An act relating to Milo Electric Light and Power Company ratifying and confirming its proceedings.

An act to amend section 23 of chapter 114 of the revised statutes relating to disclosure commissioners.

Resolve in favor of M. H. Hodgdon, clerk, stenographer and messenger to the Commissioner on Inland Fisheries and Game.

Resolve in favor of the Eastern Maine Hospital. On motion by Mr. Morse of Waldo this resolve was tabled.

Resolve in favor of Maine Insane Hospital. On motion by Mr. Morse of Waldo this resolve was tabled.

An Act to close the tributaries of Big Concord Pond in the town of Woodstock, Concord county.

An act to prevent the throwing of sawdust and other mill waste in Little Madawaska river and its tributaries in Aroostook county.

Passed to be Enacted.

An act additional to chapter 49 of the Revised Statutes, relating to insurance.

An act additional to chapter 19 of the

Revised Statutes relating to contagious diseases among cattle.

An act to amend chapter 108 of the Revised Statutes in relation to the selection and service of jurors.

An act to amend section 11 of chapter 23 of the Revised Statutes relating to relocation of highways.

An act to provide for the appointment of receivers of corporations.

An act relating to the compensation of the Commissioners of Inland Fisheries and Game.

An act for the protection of ducks.

An act regulating fishing in Moxie Pond in the county of Somerset.

An act to change the close time for fishing in Long Pond, Cumberland county.

An act establishing close time for fishing on Thompson Pond from September 1 to January 1 of the following year.

An act regulating close time for fishing in Sandy and Half Moon Streams and their tributaries and the tributaries to Unity Pond in Waldo County.

An act to prohibit ice fishing in Brewer Pond, sometimes called Hynes Pond, situated in the towns of Orrington and Holden, Penobscot county, and Bucksport, Hancock county.

An act to amend chapter 321 of the Private and Special Laws of 1903, relating to the taking of smelts from the tributaries of Upper Kezar Pond in Lovell in Oxford county.

An act to improve the channel of Crooked river.

An act to authorize the improvement of Chandler's river for log-driving purposes.

An act to incorporate the Roach River Dam Company.

An act to incorporate the Mattagammon towboat Company.

An act to extend the corporate powers of the Sheepscot Manufacturing and Power Company.

An act to amend and enlarge the corporate powers and purposes of the Greenville Light and Power Company.

An act to authorize the Maine and New Brunswick Electrical Power Company, limited, of New Brunswick to exercise certain powers in this State.

An act to amend chapter 415 of the Private and Special Laws of 1863, entitled an act authorizing Drew Plantation to raise money for certain purposes.

An act to amend chapter 557 of the Private and Special Laws of 1893, entitled

an act to incorporate a home for aged men in Bangor.

An act to incorporate the United States Trust Company.

An act to incorporate the Old Town Trust Company.

Orders of the Day.

On motion by Mr. Morse of Waldo the Senate voted to reconsider the vote whereby it passed to be engrossed House document 487 "An Act regulating the taking of clams in the town of North Haven."

On further motion by the same senator Senate amendment "A" was adopted, and the bill as amended was passed to be engrossed.

Mr. Potter of Cumberland presented, out of order, report of the committee on judiciary on the manslaughter bill, so called.

Mr. POTTER. The change in the bill is very slight, so far as the number of words is concerned, but it may be important enough to have the attention of the Legislature distinctly called to it, and I therefore move that the bill be tabled to be reprinted, together with the report.

The motion prevailed, and Monday of next week was assigned for its consideration.

Mr. SHAW of Sagadahoc. Mr. President; with the consent of the senator from Hancock, Senator Clark, I move to take from the table Senate document 211, being report of the committee on legislative hearings, reporting bill relating to advertising hearings before legislative committees.

The motion prevailed, and the report of the committee was accepted.

The pending question being upon the first reading of the bill.

Mr. SHAW of Sagadahoc. Mr. President: I wish to thank you all for your courtesy in extending the time for the consideration of this bill during my absence, which was occasioned by illness.

I ask that this bill be read by the secretary and be made a part of my remarks. The bill was thereupon read by the secretary as follows:

AN ACT relating to advertising hearings before legislative committees.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. Hearings before legislative committees shall be advertised only as provided herein.

Sect. 2. In October, 1906, and biennially in October thereafter, the secretary of State shall receive such sealed bids as the publishers of daily newspapers published in the State may make, for advertising hearings before legislative committees of the incoming Legislature, and shall place such bids before the Governor and Council at their regular meeting next following, when said bids shall be publicly opened, and the Governor and Council may contract with one of such bidders for advertising under this act.

Sect. 3. Such bids shall be for furnishing, during the session or sessions of the incoming Legislature, the following: 1. To the secretary of State, for the use of members of such Legislature and the State departments, three hundred copies of each issue of the newspaper containing such advertisements, within sixteen hours after its publication, and said three hundred copies shall in every case be accompanied with six hundred bulletins containing such notices only, in form satisfactory to the Governor and Council.

2. The sending by mail upon the date of such publication, postage paid, a copy of such newspaper to any citizen who shall apply and pay in advance the sum of one dollar therefor.

Sect. 4. The advertisements herein provided for shall be published in each issue of such newspaper after their receipt by the publisher, to and including the day set for hearing; they shall be uniformly printed in type not larger than nonpareil, set solid, and without display either in the headings or in the body of the advertisements.

Sect. 5. When an assignment for a hearing is made by a legislative committee, it shall be the duty of its secretary to forthwith transmit to the secretary of State a notice giving the subject, time and place of hearing, upon a blank form to be furnished by the secretary of State.

Sect. 6. It shall be the duty of the secretary of State, 1. To transmit to the publisher of the newspaper with whom such contract is made, copies of the notices received by him under section 4, and keep a strict account thereof. 2. To cause to be posted in six conspicuous places in the State House, copies of the

bulletins described in section 3, immediately upon receiving them.

3. To audit the accounts for advertising said hearings, and report the same to the Governor and Council for their approval.

4. To furnish blank form, approved by the Governor and Council, to the several legislative committees, for the notices for their hearings.

Sect. 7. If satisfactory bids are not received under section 2 of this act, the Governor and Council may make such other arrangements for the advertising of such hearings as they shall deem to be for the best interests of the State.

Sect. 8. The expense of the advertising provided for herein shall be paid from the appropriation for printing.

Mr. SHAW. Mr. President, I wish to offer a short explanation of the bill itself. I think it is hardly necessary to say anything about Section 2, as its intent is very clear. Section 3 reads "Such bids shall be for furnishing, during the session or sessions of the incoming Legislature, the following: 1. To the Secretary of State for the use of members of such Legislature and the State Departments 500 copies of each issue of the newspaper," "Within 16 hours after its publication." That time limit is fixed as it is so as to allow papers that are published in the evening to be delivered here at the beginning of business hours the next morning. Of course the morning issue would be here very much earlier; and in fact the evening edition would be at the State House much earlier, but would not be delivered to the Secretary of State because he would not be in his office, perhaps, earlier than 8 o'clock in the morning.

The bulletins are—six of them—for posting in conspicuous places in the State House. The idea of myself was that two should be posted on each of the three floors, where they could be conveniently seen by the members or anyone who visited the State House.

The other bulletins could be used to send away by the members to their constituents, to notify them of hearings, and in this way to give them an especial notice by marking these bulletins and mailing them, the cost of which would be slight.

2. The sending to citizens of the State of a paper during the session at a nominal cost of one dollar. This was talked of, and we thought as well, perhaps, to put it at fifty cents. That seemed too small an amount, and one dollar did not seem unreasonable. If parties were interested in legislative matter, certainly they would be willing to pay that. I realize that it is a small amount to pay for the publication of a newspaper, but the additional part can be paid by the State.

I think the section is perfectly clear; and while I have seen some newspaper comments on it, I think it is hardly worth while to discuss that section any farther.

Section 4 provides particularly for the style of type, which is practically what is used today.

Section 5 provides that notice shall be given by the Secretary of the Committee to the Secretary of State.

Sections 6 and 7 provide for a uniform system of having these notices sent to the paper which is authorized to publish them, and also to keep a record of them in the office of the Secretary of State, so that at the end of the session it may be checked up, and the State may know that it is paying for what it authorized and nothing more.

Section 7 also provides that in the event the newspapers should not see fit to bid for this business the Governor and Council may make such other arrangements as they deem for the best interest of the State.

Section 8 provides for the payment of the business.

This matter has been in my mind ever since I have been a member of the Legislature, and this is my third term. It was brought to my mind in several ways. In the first place, I, myself, and I know that other members of the committees have been approached and urged very strongly to send all the notices possible each to his particular paper. It is a perfectly natural thing that a member from a certain district should feel disposed to favor his local paper, as he is aware that others are being favored in a similar manner. I have also known, and I know today, that it has been a practice by some—not by all of the newspapers of the State—to copy, without authority, notices from

other papers, and to render a bill therefor; and I know that in many cases those bills have been paid. I know, also, that in some cases payment has been refused. I also know, and have been told, that in some cases secretaries and clerks have not been particular enough to keep a true record of the authorized notices as they have sent them out: so that it has been difficult, and in some cases almost impossible, for them to check up accurately the bills as they have been sent to them.

Another thing that is called to my attention is the lack of law or system or rule, so far as I have been able to discover, for the sending out of these notices. I do know that in many cases parties in certain sections of the State do not receive a reasonable notice. Committees are not always aware where interested parties live within the State; and it is not strange that papers should not, in that particular locality, have the notice.

Therefore I say this matter has been in my mind for a long time. I have never looked into the cost to the State until the present session, when I called upon the Secretary of State, and asked him for a list of the amount paid to the several papers, with the total amount paid for the last session. I assure you, Mr. President, that I was very much surprised when I received the figures. I have the report here, or the statement that was handed to me by the Secretary of State, and I have put it in a somewhat different form, and recapitulated it. I wish to read from this report:

"Daily papers receiving \$100 or more:	
Portland Press	\$787.39
Portland Advertiser,	648.57
Portland Evening Express, ..	705.22
Lewiston Journal,	865.86
Kennebec Journal,	2,281.92
Bangor Daily News,	1,111.95
Biddeford Journal,	519.28
Gardiner Reporter-Journal, ..	281.70
Rockland Daily Star, ..'.....	432.41
Bath Daily Times,	376.02
Portland Argus,	790.13
Bangor Commercial,	925.19
Biddeford Record,	274.00
Lewiston Daily Sun,	554.51

Making a total, 14 papers,
of \$10,533.46

This is an average of \$752.39 for each paper. Of these papers Portland has 4, and receives \$2,911.22. Bangor has 2, and receives \$2,037.14. Lewiston has 2, and receives \$1,420.67. Biddeford has 2, and receives \$793.28. Four other cities have four papers, and receive \$3,371.15.

Weekly and semi-weekly papers receiving \$100 or more:

Waterville Mail,	\$416.25
Maine Woods and Woodsman,	176.00
Rockland Courier Gazette, ...	146.11
New Age,	721.60

These four papers receive, \$1,459.96 or an average of \$364.99. There are 59 other papers in this list in 52 cities and towns, and they receive the enormous sum of \$903.49, an average of \$15.31 and a fraction.

The total amount paid, according to the list furnished me by the secretary of State, is \$12,896.91. This, I learned later, is not all. The amount is more than this. I have no doubt but that the figures will reach at least \$14,000. After receiving these figures and considering the matter somewhat I thought I would introduce a bill myself; and the more I thought of it the more I thought that it was such a radical change that I would not do it, but that I would rather some others should bear the brunt with me. Therefore I introduced an order for the appointment of a committee to consider this matter, and this committee reported this bill, after careful consideration.

Mr. President, there are two important matters to my mind to be considered in connection with this bill. The first and most important is the notice to the people. I think that they should have all the notice that it is possible for the Legislature to give them within reason. I do not know as the present plan will do this. I doubt somewhat if it will, but I certainly think it will be an improvement. Take, for instance, the Bangor Daily News. It has regularly, after the session is well under way, from two, perhaps to four columns of notices. Many of its patrons do not know how business is conducted in the Legislature, and looking over that list would naturally assume that the notices are all there. We know bet-

ter. There is only one way to do so that they can get notice of all hearings and that is through the Kennebec Journal.

But the public generally, in my opinion, are not aware of that fact. They cannot do it through the New Age, because, I will venture to say, that notices are published in the New Age after the date of the hearings, or through any other weekly paper. Those two papers are authorized to publish all the notices and they are the only ones so authorized.

The second reason to be considered in connection with this bill is the expense to the State. I find, as nearly as I can get at it—which I assure you is not absolutely certain of being correct—in 1895 it cost the State \$5875 for these notices; in 1897, \$6375; in 1899, \$6900; in 1901, \$12,000; in 1903, about \$14,000.

By the way, Mr. President, I will say that this year I think it will be less. The committee after they were appointed, at their first meeting requested their secretary, Mr. Gray, to communicate with the secretary of state of other states to ascertain what it cost them, and I have their letters and telegrams. Some of our newspapers seem to feel that the cost to this State is very low. I have a clipping here from the Bangor Commercial, headed "No Star Chamber Law." I will not bore you with all of it, but just a quotation,—“The State of Maine pays but a small amount of money for newspaper advertising in comparison with that which other states of the Union pay for this purpose.” Let us see what some of the other states pay.

Here is a letter from the auditor of Massachusetts:

Boston, February 21, 1905.

Mr. Walter L. Gray, Secretary Special Committee, State House, Augusta, Maine.

My Dear Sir:

The secretary of the commonwealth has referred to me for a reply to your letter of Feb. 18. The law governing advertising of committee hearings in this state was amended in 1903, and I had the honor to draft the amended law. In answer to your inquiries, I would say that in ordinary cases two insertions is, in my opinion, ample no-

tice. No complaint is made by the people on that score. The law works well as a whole, and I have no suggestion to make which I think would improve matters in your State; but it is my opinion that the greater portion of the money spent in advertising these committee hearings is wasted, because the option given to the chairmen and clerks of committees to designate such papers as their judgment dictates places them under a stress, and in order to get rid of earnest solicitations they publish advertisements in papers of very small circulation at times. This has been partially offset by requiring the advertising to be done in daily papers where they are available; but the whole business is in my mind quite a humbug, to speak frankly, and if looked at from a business standpoint, a complete one.

I have talked with a good many newspaper men in this commonwealth, and talked with the committee having this matter in charge in 1903, and while we were in hearty accord, there was not quite courage enough in the committee to adopt the plan which I proposed, which plan, briefly, was this: That some state official be empowered to advertise for bids and to make a contract with one of the Boston papers to publish the advertisements of all committee hearings. I believe that a contract could be made, because of the largely enhanced circulation which would result to the paper publishing these notices, at a very favorable rate, and certainly at much less cost than is the case under the present plan. If one paper were known as the official gazette everyone in the whole commonwealth would know where to look for committee advertisements, and as all hearings would remain advertised until held and closed, the advertising would amount to something.

While, as I said before, the law works comparatively well, the plan which I proposed would be a distinct advantage, I believe.

I enclose copies of three of our blanks which will give you the law as it stands and the form upon which we send out advertisements.

Yours very truly,

(Signed) HENRY E. TURNER,
Auditor.

I have a telegram from him, dated March 15, in reply to a telephone message. The telegram addressed to myself says: "Advertising hearings last year slightly exceeds \$9200.

(Signed) "HENRY E. TURNER."

As a matter of fact, it was about \$9210, their sessions lasting nearly, if not quite, twice as long as ours.

Another one reads as follows:

Marrisville, Vt., Feb. 21, 1905.

Walter L. Gray, Esq., Augusta, Maine.

Dear Sir:

I am in receipt of your letter concerning the matter of advertising committee hearings. It has never been the law or custom in this state to have notice of committee hearings published in any paper in the state. The chairman of the committee gives such notices to parties interested as he thinks best.

This is signed by the secretary of state of the state of Vermont.

I have another from the Secretary of State of New Hampshire, which reads:

Concord, N. H., Feb. 20, 1905.

Walter L. Gray, Esq.,

Augusta, Maine.

Dear Sir:

It is not customary to advertise committee hearings in this state. The newspapers which report the Legislature give the notices of important hearings as items of news, which cost the State nothing. The custom here is to have notices of hearings read in session by the clerk, and also bulletins on large blackboards in the lobbies of the two houses.

I might add that this method seems to meet the requirements of the situation with us.

Very truly yours,

(Signed) E. N. PEARSON,

Secy. of State.

A telegram from the secretary of state of Connecticut received by me reads as follows: "Connecticut legislative committee hearings not advertised in the newspapers."

Another one from the secretary of state of the state of New York reads: "Notices of legislative hearings are publicly announced in each House, published in papers as news items without expense to the state. Ex-

pense publishing notices of hearings before mayors, on bills affecting cities, paid by cities affected."

This is an illustration of what it costs other States, some of which are much larger than our own.

The committee in reporting this bill, after carefully considering it, were actuated by a desire to serve the best interests of the State. How have they been received by some of the daily papers?

Criticism comes from but four cities, so far as I have seen; and from papers which have drawn large amounts from this advertising, and who of course hate to let go.

I have a clipping from the Bangor Daily News: "Senator Shaw's bill. Senator Shaw of Bath will introduce into the Senate, Friday, a bill for the suppression of information."—a further quotation from the same article—"Will the Legislature sanction this high-handed proceeding?"

I know for a fact that this same Bangor Daily News has copied repeatedly notices, without any authority whatever. They have done it this year. They did it in 1903. They were notified this year to discontinue. They presented their bill in 1903, and a part of it was rejected. Later they took that so rejected part to the Governor and Council, and I am informed that it was paid. Talk about "high-handed proceedings!"—I would like to know what you term that?

The Portland Argus says, "What the State pays for this advertising is the price the people pay for publicity, and this publicity is worth a great deal more to the people of Maine than it costs. Publicity is the surest safeguard against this, and the money spent for it is but a drop in the bucket compared with the amount it saves in the long run. The bill ought to be killed, and that in public interest far more than in the interest of the newspapers. The leading dailies, many of which are put to a considerable expense in maintaining correspondents at Augusta during a session of the Legislature—"

I was not aware before that the State was expected to pay for the

corps of newspaper reporters here at the State House. Possibly it has been done, and has escaped our notice; but if so, I think it is time to call a halt on that, unless it is deemed wise to continue it. In that case let us act manfully and openly—let us subsidize the newspapers of this State, and let the people know what they are paying them for this work.

I do not believe that all the newspapers of the State ask for any such thing; for I have seen it in but few papers. I suppose it is as necessary for a newspaper to keep correspondents as it is for me in my business to keep lumber in my yard to sell. They must furnish news which they sell to their people, the subscribers to their paper, and they do this at their own expense, getting in return a subscription price for their papers.

I also find that there seems to be no rule, law or regulation as regards the price for this advertising, which ranges from three to six cents per line per day in the different papers, so far as I am able to find. I am informed on what I consider good authority that these same newspapers do this same kind of advertising for private persons by the inch at an average of not exceeding 20 cents an inch, or 12 lines—which is about one and two-thirds cents per line. That is putting it low. It costs the State almost three times what it would cost you and I for the same quality of advertising. I can see no reason for that.

The Portland Press wants to know who has asked for this bill? No one has asked for it to my knowledge. I believe it is the duty of every member of this Legislature, if he discovers leaks, to use his best efforts to stop them, regardless of consequences.

Who asked for the investigation of the fee system two years ago? The public did not. If I remember correctly it originated with a number of members of that Legislature. What has been the result of that investigation? It was learned that the attorney general in 1903 received a salary of \$1000 and fees amounting to \$7640, a total of \$8640. In addition to this amount it

was costing the State many thousands of dollars for counsel fees outside of the attorney general's office, in connection with services required by the various state documents. It was learned that the secretary of State received in 1903 a salary of \$1500 and fees amounting to \$3945, making a total of \$5445.

I have never heard an unfavorable criticism made against either of these offices on account of the exorbitant compensation they received, because it was all in accordance with law.

I need not go into details in regard to the outcome of this investigation, as you have it before you in the form of bills reported by the committee on salaries, of which committee I am a member. The chairman of this committee informed me that he had gone over the figures carefully, and he finds that the State will save about \$32,000 a year from that investigation. This action was inaugurated without a single petition from the people of the State.

I have not heard any unfair criticism against Mr. Burleigh, the public printer, but who will assert that the agitation of the question of State printing by this Legislature will not result in a great saving to the State?

In this matter under discussion there was no petition from the people. I will say now, Mr. President and members, had I known at the first of this session what I know today in regard to this matter of advertising legislative committee hearings, my order would have called for investigation and not for consideration of the subject matter.

Your committee feels sure that the bill which they have reported is in line, at least of a reformation of a great and costly abuse.

Last Friday I was approached in this House by a well-known reporter and told that I was making myself unpopular with the papers by my action in this matter. Other members may have had similar experiences. I am following my plain duty as it appears to me, and the popularity or unpopularity of the movement does not concern me in the slightest degree.

The wholly unnecessary and manifestly unjust comments upon the committee and myself made by certain newspapers, because their grip on the State treasury is in danger of being loosened, is not the voice of the taxpayers of the State of Maine. I recognize the right of every newspaper and every citizen of this State to criticize every measure before this Legislature, and I believe that every honest legislator wishes to have a fair and honest criticism of measures before him, so that he can know what the people want; but, Mr. President, I resent such insults as have been hurled at me, and at other members of this committee, by a few only of the papers of this State. I consider it a gross insult to myself and the members of this committee from that few. More than that, I consider it a gross insult to every member of this Legislature—in fact, to every citizen of the State who voted to send these members here, to make such accusations as they have made against this committee.

Now, Mr. President and members of the Senate, I will leave this matter in your hands to deal with as you deem best. I feel that, so far as I am personally concerned, I have done my duty.

Mr. GARDNER of Penobscot: Mr. President: Before the question is put I should like to say just a word. I deeply regret that a man whom I respect and admire as much as I do the senator from Sagadahoc should feel that this matter has got beyond the ground of a public matter, and has become so personal; and in what little I have to say here in reference to this matter I shall endeavor to leave out all personality and discuss this question as a business proposition as it happens to be.

I assure the senator from Sagadahoc that I agree with him fully in the proposition that economy and system are two things we may need relative to these advertisements, but this method of getting at it does not happen to be the one I approve, and consequently in the vote I shall be obliged to vote against this bill. I believe that the advertising of our legislative hearings

and the public notices in all the papers of the State should be largely confined to the locality where the subject matter most directly interest the people. And I believe it has been the policy of the clerks and committeemen on every committee of this Legislature to see to it that outside of the Kennebec Journal and a few of the leading dailies in the State that the notices are confined as largely as they may be to that locality where the citizens are mostly largely interested in the particular subject matter for which the hearings are given.

I do not agree, Mr. President, that one paper in this State would be a sufficient or proper method of advertising our legislative hearings. I do agree with him that if some supervision, or some regulation, or some rule could be adopted so that through some central source or channel the clerk or secretary of all committees should submit the matters they propose to give hearings on to that center or source, and have the matter revised, and the judgment of an expert given, as to where the notices should be published that it would be worse.

And the matter of cost should be regulated also. I believe with the Senator fully that system and economy should be exercised in publishing these notices, but I think the people of this State should have the notices printed in the papers they take, and not confine it to one paper. I trust that the Senate will not change the method which has been in vogue so long, and that they will not oblige the citizens of this State to subscribe for a particular paper to get these notices, but that some action may be taken to establish a system, a rule, a regulation is a wise proposition.

But I must disagree in one thing, which is the personality about the Bangor News, and I would suggest that if the Governor and Council of this State have decided to pay any bill that has been presented, it is a bit unfair to characterize the settlement of those bills as "high-handed." Perhaps he meant the action of this paper in publishing the notices too broadcast, and with too great impartiality. It may be that the paper was high-

handed in publishing too many notices, and there we bring in the matter of regulation, rule, system. I trust the Senators will not vote to do away with the system which has been in vogue here so long, but that if a rule, a regulation, a system be needed we will provide it. I further hope that this bill which the Senator has introduced, and which I firmly believe he has introduced from business notion, and with a view to economy of expense--I trust this particular bill, the provisions of which I do not think are proper, will not pass.

I have had it in mind to have a heart to heart talk on this subject--that as the bulk of all the expense of the State comes from the publishing of notices for private legislation, it might be wise and it might be wholesome to enact a law requiring every party introducing such private legislation to pay a tax upon that sort of legislation, in order that the private legislation asked for by different people from this State should pay at least a part of the cost of advertising these hearings, because, as I say, the bulk of the expense of this State comes from the advertising of private legislation.

I wish some bill or act or resolve might be introduced here from this committee that would say that this private legislation for which we pay the advertising--and which we consider in numberless amounts--I wish something might be done so that whoever introduces a private resolve here might be asked to pay something toward the expense of giving this matter publicity, in order that those who object to it might come here and be heard before the committee.

Without further discussion of this matter I trust we will look at it in a businesslike way, and not pass such a radical and revolutionary, and as I say--unfair measure like this, and will give the people of the State a wide notice of all matters which come before us.

The PRESIDENT. The pending question is upon the first reading of Senate document 211.

The bill thereupon took its first reading.

Mr. GARDNER of Penobscot. Mr. President. I wish to test the temper of the Senate, and before

the second reading is assigned I move the indefinite postponement of this bill.

Mr. SHAW: Mr. President, I request that when the vote is taken it be by the yeas and nays.

The yeas and nays were ordered, and the question being put resulted as follows: Those voting yea were: Messrs. Ayer, Bailey, Bartlett, Brown, Clark, Gardner, Heselton, Irving, Knowlton, Mills, Morse, Owen, Philoon, Potter, Simpson, Staples, Stetson, Sturgis.--(18). Those voting nay were: Messrs. Pierce, Pike, Plummer, Putnam, Shackford, Shaw.--(6).

So the motion prevailed, and the bill was indefinitely postponed.

Mr. Heselton of Kennebec, introduced out of order the report of the special committee on printing and accompanying bill, the senator reserving the right for two members of the committee to sign said report.

Mr. HESELTON: I submit this report so that the bill may be printed and be forwarded at the earliest possible day.

The report of the committee was received and tabled for printing, together with the accompanying bill, pending the acceptance of the report.

Mr. HESELTON: Mr. President, I will say in explanation of the foregoing action that two members of the committee have not signed the report, both being absent. They are members of the committee on the part of the House, and I wish to reserve for them the right to sign the report after its acceptance, if possible.

The PRESIDENT: The Chair understands that the senator from Kennebec does not move the acceptance of the report at the present time, but moves that the same be tabled for printing, but the senator will understand that the names cannot be printed unless the report is signed before it is ordered to be printed.

Mr. HESELTON: The report will be signed before it is printed.

Mr. Potter for the committee on judiciary on bill "An Act to organize the plantation of Sandy River," reported same "ought to pass." Report accepted.

On motion by Mr. Staples of Knox, House document 312, report of the committee "ought to pass" on bill relating to

trustee process, the same being special assignment for today, was taken from the table.

The same senator thereupon moved that the bill be indefinitely postponed.

Mr. STAPLES: Mr. President, this matter is one that concerns a great many people in this State. Section 1 of the bill reads as follows—it is drastic in its measures, and affects everybody who would collect debts in the State of Maine—"Section 1. Whoever wilfully causes or aids and abets in causing such wages for personal services, as are exempted from attachment, to be attached by the trustee process, for the purpose of wilfully hindering or delaying their payment to the person to whom they belong, shall forfeit to the person injured thereby, or to the guardian or other person having the lawful custody of any such person, who is incompetent, a sum not exceeding fifty dollars, to be recovered in an action of debt."

The trouble with this bill, as I understand it in the Senate, is that if you attempt to pass this bill nobody will hereafter dare to trustee. A person, coming into your office—you are not supposed to know whether the trustee implied has anything due him from his employer or not, unless you go personally and spend half a day to find out. There is where the hardship comes in. A person comes into my office, and asks me to sue a trustee—a certain corporation—that corporation may be situated six miles from me—I may go there to find out—I presume the creditor is honest in believing that the corporation owes his creditor. I sit down and make out a trustee process and trustee that corporation, or an individual as the case may be; when I come to the disclosure I find that what was due him was exempt under the law of trustee process. Then the act says—if I wilfully do it—and that is a matter for a jury—the debtor would be mad, and he would sue me in an action of debt, and recover fifty dollars. This bill would virtually do away with the trustee process. The law as it stands is a safeguard to the merchants of this State. Under it they have a right to trustee. No reputable lawyer would dare to bring a trustee process under this proposed law because if he were summoned for a hearing he would hate to be sued and brought into court, and defend himself against a possible \$50 fine.

The trustee process, like all other processes, is a great lever for the business men of this State by which to collect their debts. I would not dare to bring a trustee process unless I went six miles away and found out that the man actually owed a creditor a certain sum of money that was not exempt under the law. I would not dare to do it. Therefore, fellow senators, you see it might work a great hardship. As I understand there is nobody that calls for this bill excepting two corporations in this State which are situated at Waterville, Maine. They did not want to be bothered with the trustee process. I find on examination that there are 2627 merchants and lawyers of this State who have protested against this bill, coming from every county in the

State. They are the best men—the most conservative business men in the State of Maine—who are protesting against this. Here is a bunch of petitions comprising the names of 2627 men in our State, protesting—they are not Tom, Dick and Harry, whom you find on the street—but they are the merchants and lawyers all over the State, from one end of it to the other—who are protesting against the passage of this bill, and they are divided as follows: I find that in Androscoggin county there 133 signers of these petitions; in Aroostook 100; in Cumberland 331; in Hancock 14; in Kennebec 425;—and I say right here they are the business men of the State, as you will see in looking over the petitions. Knox county 143; Lincoln 46; Oxford 173; Penobscot 479; Piscataquis 135; Sagadahoc 79; Somerset 22; Waldo 136; Washington 148; York 273—making 2627 men, who have come up here and protested against the passage of this bill—the best citizens of the State.

It is a drastic measure. It is offered simply to protect a few corporations. It is a great hardship upon any merchant who tries to collect his dues, and for that reason I ask that the matter be indefinitely postponed.

The question being put the motion to reconsider was lost. Senator Staples thereupon moved to reconsider the vote indefinitely postponing the bill. The question being put the motion was lost.

Mr. Clark of Hancock, by permission, out of order, introduced report of the committee as to initiative and referendum, and the senator said that he would have introduced the same earlier in the season, but for the fact that one member of the committee could not be found to sign the report in due season.

The same senator thereupon moved that the same be tabled for printing pending the adoption of the report.

On motion by Mr. Gardner of Penobscot, House document 410, relating to the alewife fishery at Damariscotta Mills, was taken from the table. The same senator further moved that the Senate nonconcur with the House in the passage of the bill to be engrossed.

Mr. GARDNER: Mr. President, I take this action by reason of consent of the people interested, who desire it to be sent back to the House; and I would say in brief explanation that I do not know anything about the bill, but act in pursuance of the desire of the people to have it sent back. The motion prevailed.

On motion by Mr. Clark of Hancock, House bill 505, "An Act to amend Sections 100, 101 and 102 of Chapter 25 of the Revised Statutes relating to State roads," was taken from the table.

Said bill thereupon took its second reading under the rules, and was passed to be engrossed.

On motion by the same senator, House bill 511, "An Act for the protection of children," was taken from the table, and on the same senator's motion took its second reading, and was passed to be engrossed.

By permission the same senator, out of order, presented the following order: Ordered, that the Governor be asked to re-

turn to the Senate House document 405, being bill in favor of Wiscasset bridge.

The order received a passage.

On motion by Mr. Bailey of Somerset, House document 431, "An Act to repeal acts incorporating the Skowhegan Village Corporation," was taken from the table.

On motion by the same senator, Senate Amendment "A" was adopted, and the bill as amended was referred to the committee on bills in second reading.

On motion by Mr. Staples of Knox, House document 518, "An Act to incorporate the Monterey Association," the same being specially assigned for today, was taken from the table.

The same senator thereupon moved that the bill be indefinitely postponed.

Mr. STAPLES: Mr. President, this bill has recently come to my notice by citizens living in that vicinity, who claim that up to a day or two ago they had no notice that such a bill was introduced, or was to come before this Legislature. I do not think that a bill just like it was ever introduced, and certainly such has never been passed by a legislature in Maine.

The bill gives the petitioners, who are a private corporation, a right to take property by eminent domain.

Mr. CLARK of Hancock: Will the senator from Knox give me the number of the bill?

Mr. STAPLES: The bill is House document No. 518.

Mr. CLARK: Will you kindly read the provision of that bill which gives the right of eminent domain?

Mr. STAPLES: Yes. (Reads.) "Section 3. For performing the act necessary for carrying out the aforesaid purposes, but not for pole lines, said corporation, its successors or assigns, shall have the power to take and hold, as for public uses, real estate, water rights and interests therein." This corporation asks to be incorporated under the name of the Monterey Association for the purpose of taking and supplying from the ponds in Northport and Lincolnville, Waldo county, as well as southerly and westerly of Knight and Pitcher ponds, and the inhabitants thereof, and buildings therein, water for domestic, sanitary, municipal, fire, and other purposes; generating, distributing, and supplying light, heat and power by electricity, or otherwise, for public use, and for any and all purposes in the towns of Lincolnville and Northport aforesaid, buying, holding, improving, operating and selling real estate and personal property, with the right to acquire and hold all property necessary and convenient for carrying out said purposes."

As you will see by Section 3, they are given the right to take water from that pond, or any land adjacent to those ponds under the right of eminent domain—the same right possessed by a public corporation such as a railroad—a thing never before given to a private corporation. It confiscates the property of these men.

Now they say this is not a village of any size at all—nobody ever supposed that they would ever want—for the present at least—to have water or electric lights in those places. It is for the very

purpose of speculation at the expense of the land-owners who live in Northport and Lincolnville adjacent to Pitchers pond.

Now "Said corporation shall not raise the waters of said Knight and Pitcher ponds to a greater height than it is now raised by the 'Pitcher dam' so called." I am informed that the owners of the "Pitcher dam" have a right to raise the dam two feet higher than it is at the present time. If they have this right, this company would have a right to raise the water as high as the "Pitcher dam" have a right to raise it, which would be two feet higher than it is at present. Along the shore of that lake the people of Belfast and of other places have built cottages, and if this bill passes, and they have the right to raise that water two feet—high as the Pitcher dam is—and as the Pitcher dam people have the right to raise it to—it would flow those people from Belfast out.

I object to this bill because they assume the right of eminent domain for a private corporation. Public corporations have a right to condemn property, but an instance has never been known in this State where a private corporation ever asked to take the property or rights that a railroad may take, or any other public corporation; and for that reason I think the measure is so drastic that it ought to be indefinitely postponed.

Mr. CLARK of Hancock: Mr. President, this matter came before the judiciary committee, and proper notice was given as to the hearing. I wish to inform the senator from Knox that when the matter came up we thought sufficient notice had not been given, although it had been published in proper papers in that county. We stopped in the middle of our hearing, and two weeks more notice were given, and in the notice we drafted the headlines of the bill, giving notice that the corporation proposed to take the right of eminent domain.

We at that time cut down the bill a great deal from what was asked for, and when the matter came before the committee I do not remember what was done, but I do think it is perfectly fair, after this committee has reported unanimously in regard to this matter, it should be put upon the table until the other members can get here to examine it.

Mr. STAPLES: I will withdraw my motion to indefinitely postpone, as I desire that every senator should have a chance to look thoroughly into the matter.

Mr. MORSE of Waldo: Mr. President, Although no motion is pending, I desire to say that I have some personal knowledge of this matter, and perhaps it would be as well to defer it until further notice. The gentleman from Knox has been pretty well over the situation as I understand it. It is very near my own home, and I know the location very well, but we do not know this company under the name of the Monterey Association, and no one from that section would ever know it under that title; so it passes along very nicely and glibly under that title, as I am sorry to say they do pass along here in such a manner.

The PRESIDENT: They even escape the vigilance of the senator from Knox.

Mr. MORSE: I am ready to let this matter rest, and when it comes up I shall be prepared to say something.

Mr. STAPLES: I am in a position this morning for "vicarious atonement" and for that reason will ask that this bill be tabled.

The bill was tabled on motion by the senator from Knox.

On motion of Mr. Heselton of Kennebec, House document 401, "An Act to amend the Revised Statutes relating to notice of injury to casualty insurance companies, was taken from the table, and on motion of the same senator Senate document "A" was adopted, and the bill as amended was passed to be engrossed.

Bill, An Act to assist in building a free bridge across the Sheepscot river between the towns of Wiscasset and Edgecomb, was announced by the President as returned to the Senate from the Governor, and on motion of Mr. Irving of Aroostook, the vote whereby the same was passed to be enacted in the Senate was reconsidered.

On further motion by the same senator the bill was tabled.

Passed to Be Enacted.

An Act authorizing the Ashland Company to erect dams and make improvements on Upper Aroostook river.

An Act to authorize the Sanford Light and Power Company to increase its capital stock and to acquire or purchase the rights of the Atlantic Shore Line Railway, and to furnish electric light, heat and power in the town of Sanford.

An Act to amend Chapter 175 of the Private and Special Laws of 1903 in relation to the Atlantic Shore Line Railway.

Finally Passed.

Resolve in favor of State School for Boys.

On motion by Mr. Philoon of Androscoggin, the Senate adjourned to meet on Saturday, March 18, 1905, at 10 o'clock in the forenoon.