

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Monday, March 20, 1905.

Senate called to order by the President.

Prayer by Rev. Mr. Plant of Gardiner.

Journal of the last session read and approved.

Papers from the House disposed of in concurrence.

Read and Assigned.

Resolve in favor of Harry B. Conway of Calais.

Bill, An Act for the better protection of lobsters and to prevent the transportation of lobsters out of the State, from June first to October first of each year.

Mr. Simpson of York moved that this bill be indefinitely postponed.

Mr. GARDNER of Penobscot: Mr. President: Before the motion is put I will move that the matter be tabled. It is a matter of some importance, and I would like to look into it.

The question being put upon the motion of Mr. Gardner to table the bill, the motion was lost, a division showing that five senators had voted in favor of the motion, and 13 senators against the same.

The pending question being upon the motion of Mr. Simpson of York to indefinitely postpone.

Mr. HESELTON of Kennebec: Mr. President, Personally I should like to hear an explanation from some party who knows about this measure, and why it should be indefinitely postponed. There must be some reason for it.

Mr. Simpson of York thereupon read the bill, as follows:

"Section 1. No person or corporation shall, between the first day of June and the first day of October in any year, carry or transport out of the State, any lobster or lobsters, taken in the waters adjacent to said State and within the limits thereof, except such as are canned, and except female lobsters with the eggs attached consigned to the United States Fish Commission.

Section 2. Any person, or the directors or officers of any corporation violating the provisions of this Act, shall be punished by fine of not less than two dollars nor more than five dollars for each lobster so unlawfully carried

or transported out of the State or by imprisonment not less than thirty days or more than ninety days for each offense." Now, Mr. President, we are not allowed to ship any lobsters from the 1st day of June until the 1st day of October, each year. The people that own pounds can buy these lobsters of fishermen at their own price, four or five cents a lobster, and can keep them until the 1st of October, and then ship them to another State. The fishermen will suffer, and those owning pounds will make lots of money from the operation. That is the reason why I, for one, would object.

Mr. GARDNER of Penobscot: Mr. President: Before the motion is put, as I am at a disadvantage in debate upon a question so far away from my section, as a lobster bill. But as I understand the matter, it is this: We have today protection for game in our State, and for birds in our State, and for things that are inland. We prohibit the exporting and transporting of the things Nature has given us in this locality all over the country, except within certain restrictions. I suspect that this Armour trust which controls most everything, and will soon control the very air we breathe, comes down here and are behind this business. Carload after carload go to Denver, Chicago, and everywhere else; and a plain citizen in this State cannot get a lobster to eat. The price has gone up all out of reason. I say if we are going to spend a thousand dollars for the protection of lobsters, there should be some restriction against shipping them ad lib al. over this country, against the interests of this State. We are doing everything we can to encourage and foster the coming of visitors into our State, and are protecting our fish and game, and we are doing everything we can to get visitors to come here from the West and South, and the Northwest in the summer. If there is anyone thing a summer visitor wants when he comes here it is lobster; and they are fixing it now so that this immense trust can come here and seize every lobster, and control their sale; and when they get them out of the State they fix the price so that a plain citizen cannot get any, and the visitors who come down here on

the coast to spend their money, cannot get any. This bill is in line with our laws protecting and fostering our natural resources. We protect our game. We do not permit these men to carry our partridges out of the State. Formerly there was a good business done in my section in the way of killing deer and sending them out of the State regardless of restriction; but we have now said they shall not deplete the forests of game and send it outside the State. This bill as I understand it is in line with that, so that we shall not allow this trust to control the lobsters caught off this coast and to fix it so that hotels and visitors who come here can get no lobsters. We used to get lobster salad in a decent restaurant in this city for 25 cents. We cannot get it now for 75 cents. I went to a restaurant the other day here, and told the proprietor that I wanted a lobster salad, and asked him what it would cost, and he said they charged him 75 cents for a common lobster salad. I do not see why we should not fix it so that visitors who come into this State should have opportunity to have some lobster, and not have this Armour trust take every lobster that is caught here from these traps or crates and ship them out of the State. I don't know why we should not put some restriction upon it. I have not been able to get one for two years in my country; and if the fishermen will bring them ashore and the trust does not seize them, I will pay and I think the visitors that come here will pay a fair price. It seems to me it is fair to restrict them from being taken from the State, in the interest of the consumer and the hotels and in the interest of and for the pleasure of the people who come here to spend their money and of the plain citizen who wants, once in a while, some lobster salad.

Mr. SIMPSON of York: Mr. President, I am very well aware that this is an important matter; and that is the reason I wanted to have something to say on the matter. This bill was presented by the gentleman from Oxford county. The lobsters up in Oxford county are quite good; and it looks as if something were being cov-

ered up; and I believe that the lobster trust was the means of this bill being presented.

Mr. TUPPER of Lincoln: Mr. President, the lobster fishery is the most important fishery on the coast of Maine. The commissioner in page 10 of his report, says: "In the value of the catch, both in 1903 and 1904, the lobster fishery takes the lead of all the fisheries in the State, being an aggregate of 25,199,263 pounds, valued at \$2,286,828."

Now you have probably all seen in the papers within a short time reports about a syndicate being organized to buy up the whole lobster fishery on the Atlantic coast; and instead of this bill being introduced for the benefit of the people of Maine, in my opinion it is introduced for the benefit of this lobster syndicate. They propose to buy up the large dealers in the State of Maine, and the small dealers they are going to freeze out. Along our coast we have numerous dealers in lobsters, who buy from fishermen and sell direct to people in Chicago, New York and nearly every city of the United States. Nearly all of the hotels in the large cities of this country are supplied direct from these small dealers along our coast; and if they are prevented from supplying these hotels during the months of June, July, August and September—and this syndicate which has been formed gets the trade during those four months—these small dealers are ruined in their business and they would have to get other work.

There is nothing else for them to do during these four months, and they must sell their lobsters for any price they can get, and the wealthy men who can buy up those lobsters, and store them in pounds until October, can then commence shipping them, and this syndicate can, from some point situated in New Brunswick or on the coast of Massachusetts, supply during these four months their customers from outside the State, and from October can supply from the lobsters they have bought during this close time at a small price, not only getting the lobsters cheap of the fishermen during those four months, but, having this large stock caught on the coast of Maine, it will reduce the price very much during the remaining months; so that I hope the

bill will be indefinitely postponed, as it means much to our section.

Mr. SHACKFORD of Washington: Mr. President, I have a protest here from 53 lobster fishermen of Jonesport against this bill, that is, if it is in order to present it.

The PRESIDENT: You may present it as a part of your remarks.

Mr. SHACKFORD: These people who have signed this petition did not know about this until Saturday afternoon. It was gotten up on very short notice, and for me to present to the Senate when this bill came up for consideration today. They are very much against this bill.

The PRESIDENT: The senator from Washington offers the following petition: "To the Honorable Senators and Representatives in Legislature assembled: We, the undersigned, citizens of Jonesport, protest any legislation which will change the present law relating to the shipping of lobsters out of this State."

Mr. MILLS of Hancock: Mr. President, I have only a few things to say on this subject. I was not aware there was such a bill in the Legislature until it was brought to my attention through the papers Saturday.

This bill was introduced by the gentleman from Oxford county. It has never been before any committee, and the people of the State know nothing about it. I know nothing about the trust which has been spoken of here, and nothing about the syndicates, which have been or may be formed. I know nothing about their interest in this bill, and I know nothing about how it will affect them or their business; but I do know, gentlemen, and every man who is acquainted with the industry of the lobster fishery along the coast of Maine knows how this law, if passed, would affect the plain people that are spoken of here. Every man who knows anything about the lobster business knows how such a bill would affect the fishermen scattered all along the coast from Quoddy Head to Casco bay.

It seems to me it is the most monstrous proposition that has been introduced here, and the most important one, considering the lack of hearing that it has had. There are hundreds of people in the county which I have honor in part to represent, who earn their living in the summer by lobster fishing, and they usually ship their fish themselves. They ship them in

barrels to the dealers in Boston or New York, as it may happen to be. The passage of this bill would throw them out of business entirely, and they would have to go into some new line of work by way of supporting themselves.

I hope the gentleman from Penobscot, arguing in favor of this bill, will be influenced by his interest for the people along the coast; I hope he will bear in mind that this concerns them, and if they had a chance to express themselves regarding this bill they would one and all express themselves against it. In view of that fact, which is a fact, Mr. President, I hope he will vote against the bill.

Mr. GARDNER. I moved here originally that we lay this matter upon the table until at least a fair understanding of the merits of this bill could be given. I see the same opposition that we have against this bill was made in my country on the game business; originally the hunters opposed any restrictions upon shipping out of the State. You are meeting the same opposition from these fishermen that we had in my section with reference to the shipments I have referred to. Until you hear the virtue of it.

Mr. MILLS. May I ask a question?

Mr. GARDNER. Yes.

Mr. MILLS. What is the virtue of it?

Mr. GARDNER. I am trying in my feeble way to argue the virtue of it, and if I fail to convince him it is my misfortune. I say, gentlemen, we should at least have this matter laid on the table until we can understand the thing. There are other members of the Senate interested in this matter, who are not present, and I urge that you do not indefinitely postpone this bill without at least, a fair knowledge of it; and I say that my original proposition to lay this on the table was fair and in a line with what is customary in this Senate, but as that motion was not debatable I was not able to say what I wanted to.

Now I trust the members of this Senate will not vote to indefinitely postpone the bill, and I am willing to again move, or to allow anyone else to move, that the matter be tabled until the Senators can investigate it, and consult with people in the community who know about it, and be able to give a fair expression of opinion. I trust the

motion to indefinitely postpone will not prevail, but that the matter may be tabled so that we may have a chance to look into it.

Mr. PHILLOON of Androscoggin: Mr. President, on almost any measure of merit it is safe to trust it to its merits, and in view of the fact that the lobster industry is not represented by the honorable senator from Oxford county, I will myself vote to let the matter lie upon the table, and later hear it discussed on its merits, when we can all act more intelligently.

The question being put upon the motion to indefinitely postpone, and a vote being had, the Chair declared itself in doubt. Mr. Simpson thereupon called for a division.

Mr. GARDNER: I would again urge upon the Senate that it has been customary and usual during the proceedings of this session to allow such a question to be laid upon the table.

Mr. MILLS: Is the matter still open for debate?

The PRESIDENT: It is not. The question is now upon division; I permitted the senator from Penobscot to speak, there being no objection.

A division being had, ten senators voted in favor of the motion, and ten senators voted against the same; thereupon the Chair voted against the motion, and the motion to indefinitely postpone was lost.

On motion by Mr. Gardner of Penobscot, the bill was tabled, and Wednesday next assigned for its consideration.

Senate document 113—"An Act to establish a law uniform with other states relative to insurance policies." This bill having been passed by the Senate to be engrossed was sent to the House, and in that branch was indefinitely postponed. It was then returned to the Senate, which voted to insist; it went back to the House, and that branch insisted and asked for a committee of conference, and appointed as conferees on the part of the House Messrs. Briggs, Higgins and Reed. The Senate insisting upon its action, the Chair appointed as conferees upon the bill Messrs. Clark, Shaw and Staples.

House document 312—"An Act relating to trustee process." Indefinitely postponed by the Senate at the last session, and sent back to the House. That branch insisted upon the passage of the bill, and

asked for a committee of conference, and appointed as conferees on the part of the House Messrs. Johnson, Reed and Higgins. The Senate voted to insist, and appointed as conferees Messrs. Staples, Gardner and Putnam.

House document 261—"An Act authorizing the codification of the sea and shore fishery laws." This bill in the Senate was passed to be engrossed, adopting House amendment A. The bill was then returned to the House, and in that branch was further amended by House amendments B and C. The Senate on motion by Mr. Tupper of Lincoln, voted to reconsider the vote whereby the bill was passed to be engrossed, and on further motion by the same senator House amendments B and C were severally adopted, and the bill as amended was passed to be engrossed.

Senate document 191—"An Act relative to moving buildings through the streets," was referred to the next Legislature by the Senate, and sent to the House; that branch non-concurred with the Senate, and the bill was returned to the Senate at last Saturday's session. The Senate thereupon insisted upon its action, and asked for a committee of conference. Owing to the absence of members of the committee on towns, and especially the chairman, the Chair did not appoint a committee of conference on that day. At this session the Chair appointed as conferees upon this bill on the part of the Senate Messrs. Staples of Knox, Clark of Hancock, and Philoon of Androscoggin.

Mr. PUTNAM of Aroostook presented resolve in favor of A. D. Russell, and on motion by the same Senator the resolve was referred to the Committee on Appropriations and Financial Affairs.

Statement of facts accompanying minority report of the Committee on Insane hospitals, presented by Mr. Morse of Waldo, and on his motion the same was tabled for printing.

Mr. Sturgis of Cumberland presented bill, "An Act to make valid the action of the town of Standish in uniting the former school districts of South Standish and Bonny Eagle," and asked that the same be received without reference to any Committee.

Mr. STURGIS. Mr. President, the former districts of South Standish and Bonny Eagle had failed to maintain

the average of 8 scholars, and it was the desire of the town to unite the two districts, and in order to proceed under the general law it is necessary that the superintending school committee recommend such action; otherwise the town cannot take any action whatever. I do not believe very much in that law, still it is the law. Two members of the superintending school committee had resigned, and there was but one member. The selectmen upon application inserted an article in the warrant, article 36, which was: "To see if the town will vote to unite the former school districts of South Standish and Bonny Eagle; also to fix and arrange for the location of a new school district for scholars of such new district." After the election of the town officers three new members were elected, two of those qualified, and recommend the union of the two districts named, and the location of the school building for the use of the new district thus formed.

There is no doubt in my mind but what the action of the town was perfectly legal, but one man was opposed to it, and I may say there were but seven persons in the town who voted against the proposed action. The one opposed to it has been to Portland and consulted some lawyer who informed him that as the recommendation was after the insertion of the article in the warrant it would not be legal. It is the desire of the town that the two districts be united, and they have decided upon a location for a school; and in order to prevent any unnecessary delay, which might be caused by the person who is opposed to the location, I desire to have this bill passed to make valid the action of the town.

On motion by Mr. Sturgis the bill took its two several readings, under suspension of the rules, and was passed to be engrossed.

Orders.

Mr. POTTER of Cumberland. Mr. President. I have an order which embodies a suggestion made to me some time ago by Commissioner Morrill. I shall move the reference of the order to the Committee on Judiciary, but I wish to say that I do not expect the Committee to do anything with it, except to suggest its reference to the next Legislature. I merely offer it to call the

matter up, and to call attention to it.

"Ordered, The House concurring that the Committee on Judiciary inquire into the expediency of enacting a general law classifying the municipal and police courts of the State, and providing for uniformity in respect to jurisdiction, rules of pleading and practice; removal of causes to higher courts by appeal or otherwise, salaries, fees, costs, and other matters of courts of the same class; and to report by bill or otherwise." The order received a passage.

On motion by Mr. Staples of Knox it was ordered that the Committee on Appropriations and Financial Affairs be directed to make up the pay-roll of members, officers, employees and chaplains of the Senate and House, as at the last session.

Read and Assigned.

Resolve in favor of C. O. Purington, secretary of the Committee on Agriculture.

Resolve in favor of G. W. Irving, chairman of the committee on education.

An Act to amend Section 35 of Chapter 65 of the Revised Statutes, relating to costs in contested cases.

Mr. Potter for the committee on judiciary on bill "An Act to establish the Lincoln county municipal court," reported the same "ought to pass" in new draft under same title. Report accepted.

"An Act to incorporate the Kittery Water and Electric Light Company" was passed to be engrossed.

Passed to be Enacted.

An Act to amend Section 1, Chapter 129, of the Revised Statutes, relative to corrupting water used for domestic and other purposes.

An Act to amend Section 3 of Chapter 92 of the Revised Statutes, relating to mortgages of real estate.

An Act to amend Section 7, Chapter 128, of the Revised Statutes, relating to malicious mischief.

An Act authorizing cities and towns to raise money for the extermination of insect pests.

An Act to apportion the expenses of bridges between towns. (Upon motion of Senator Plummer this was tabled.)

An Act to provide for certain expenses of the law terms of the supreme judicial court.

An Act to prevent the fraudulent issue and use of transfer tickets upon public conveyances.

An Act to create a bridge commission to investigate bridges connecting the State of Maine and the state of New Hampshire.

An Act to amend Section 16 of Chapter 23 of the Private and Special Laws of

1899, entitled an Act to establish a municipal court in the town of Newport.

An Act to provide blanks, books and stationery for the municipal court in Newport.

An Act to amend an Act entitled an Act in relation to political caucuses in the city of Bangor.

An Act to incorporate the Bangor Water District.

An Act to incorporate the Van Buren Water District.

An Act to amend the charter of the Northeast Harbor Water Co.

An Act to incorporate the Hampden Water Company.

An Act to amend the charter of the Wilton Water Company.

An Act to extend the charter of the Maine and New Hampshire railroad.

An Act to incorporate the Peaks Island Railroad Company.

An Act to establish the Lubeck and Machias Railway Company.

An Act to authorize the Fort Halifax Power Company to furnish electricity for power purposes.

An Act to extend the charter of the Meduxnekeag Light and Power Company.

An Act to incorporate the Union Cemetery Improvement Co.

An Act to repeal Chapter 623 of the Private and Special Laws of 1893, and Chapter 142 of the Private and Special Laws of 1895, amendatory of said Chapter 623, authorizing the town of Athens, in the county of Somerset, to expend a portion of its school money in Somerset Academy.

An Act authorizing the payment of an annuity by the city of Portland to Lizzie A. Johnson.

Orders of the Day.

On motion of Senator Staples of Knox, House bill No. 518 was taken from the table, being An Act to incorporate the Monterey Association.

Mr. STAPLES: Mr. President, the Senate will perhaps recall what I said in regard to this bill the other day, when I moved its indefinite postponement.

The first objection is that the title of the bill—to incorporate "the Monterey Association" did not give any information to the citizens of Lincolnville or of Northport as to what this bill was; and not until after it was introduced into this body did it appear what the Monterey Association meant to convey. Hence you will see at once that the word "Monterey" as published in the newspapers came to these people in Northport and Lincolnville conveying no idea, and it is not strange that they did not know what it meant—while, in fact, it does mean a great deal to them.

The towns of Lincolnville and Northport are situated about eight miles from Belfast, and there is a place called Pitcher's Pond that has been built up on the shores of the pond of that name by the citizens of Belfast as a place for summer residences.

Now, this is a private corporation, fathered by three men not living in that city, but in Camden; and they propose to come in with that drastic bill as a private

corporation to take the property of the citizens at Northport and Lincolnville, and appropriate it by eminent domain. You will see in Section 3—"For performing the acts 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; but not the right to take, except by purchase, any existing mill or to deprive the same of water. It may enter upon lands to make surveys and locations, and shall file in the registry of deeds for Waldo county plans," etc. In other words they propose in this case to take the private property of these individuals down there as by eminent domain, as much as a railroad would, taking it for public uses.

Then they claim that "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." But Pitcher Pond has the right to flow it two feet higher by law than what the Dam is as now built. Should they flow it up to where they have the right to, then the hundreds of summer cottages would be overflowed there, and be ruined for their purpose.

I dare say it is a small place down there, but there is no one in those towns asking for it—no one knew anything about it but the three men, non-residents from outside the town, who undertake to come into Northport and Lincolnville and take by the right of eminent domain the property of those individuals I have referred to for private uses. Therefore I say it is wrong, and I move that the bill be indefinitely postponed.

The question being put, the motion prevailed; and the bill was indefinitely postponed. The same senator thereupon moved to reconsider the vote whereby the bill was indefinitely postponed. The motion was lost.

On motion by Mr. Pierce of Aroostook, House document 514, bill "An Act to amend Section 22 of Chapter 6 of the Revised Statutes relating to the better arrangement of shelves in the polling places," was taken from the table. On further motion by the same senator, the bill was indefinitely postponed.

On motion by Mr. Shaw of Sagadahoc, House document 546, "An Act to amend Section 52 of Chapter 32 of the Revised Statutes relating to search," was taken from the table. On further motion by the same senator the bill took its several readings, under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Staples of Knox, House bill 467, "An Act to provide for the appointment of a commissioner of highways," was taken from the table. The same senator further moved that the bill be indefinitely postponed.

Mr. STAPLES: Upon that motion I wish to say a few words. I hope each senator will look at this bill. I am in favor, Mr. President, and ever have been, of good roads, and in favor of anything that will tend to give us better roads in the State of Maine; but I cannot see what

benefit we are to derive from this bill, if you will take the pains to read its various sections. In the first place it is a bill calling for about \$5000 of appropriations. If you will look at the first section you will see that it provides for the appointment of a commissioner whose salary shall be \$2500 a year, and in addition thereto \$1000 for an assistant clerk; and you will see that his expenses also are to be added, not exceeding \$1500, with an office here at the State House, not exceeding \$5000, a most better position than that under the much-celebrated Sturgis commission, I think—a good deal better, and I cannot see what good we are to derive from a commission of this kind. If anyone will show me what good result any town will derive, of how it will be benefited by the passage of this bill, I make no objection to it. Section 2. Said commissioner shall be provided with an office at the State Capitol. It shall be the duty of said commissioner to compile statistics relating to the public ways in the cities and towns of the State, and to make such investigations relating thereto as he shall deem expedient, in order to secure better and more improved highways in the State. It shall be his duty by means of maps, charts, cuts, drawings, prints, publications, printed or written articles, lectures, or otherwise, to disseminate knowledge throughout the State concerning the best known economical methods for the building and maintaining of highways, including bridges and highways, in the cities and towns, and particularly to impart such information, in manner as aforesaid to the county commissioners of counties, the street commissioners of cities, the selectmen of towns, and other municipal officers whose duties it may be to have the care and management of the expenditure of money and the building and keeping in repair of the highways of the State, etc."

Now, Mr. President, that is the duty of the road commissioner—to make out drawings, charts, maps, etc. If this bill had said that that commissioner should have the charge of the State appropriation for good roads, there might have been some sense in it; but I would like to ask you, senators, if you think the country towns, or any town in the State of Maine will receive any benefit from the passage of this act. Recollect that it will involve an expense of \$5000, and this commissioner has nothing to do excepting to draw charts, etc., and to lecture, once in a while, through the State of Maine. The most ridiculous part of it is that somebody up in Aroostook county may come down and ask this theoretical engineer how to build a road up in Aroostook or Penobscot county. It may be argued that it is a step in the right direction—that we are on the road to better highways; but if you draw a bill drastic enough to do some good I will not object to an appropriation of \$5000; but as a friend to public road building in the State of Maine, I cannot see how we are going to get any benefit from this bill, because it does not point out any method whereby the country towns, or the road commissioners can

be benefitted by the measure. Five thousand dollars is quite a sum to be appropriated. Do you think any of your towns are going to be benefitted by this bill? I think you will be satisfied it is a measure not adapted to the welfare of our towns in the State of Maine. We have not arrived at it yet. We appropriated this year \$40,000 for State roads, and it is well appropriated, I apprehend, and there are men just as good in every town and city, just as capable to build your roads; and I move that the matter be indefinitely postponed.

Mr. STURGIS of Cumberland: Mr. President, this bill was presented to the committee on ways and bridges, and an extended hearing was given here in this chamber. All the members of the State Board of Trade are in favor of the passage of this bill, or some bill of like nature. We expend as much in the State of Maine in a single appropriation for roads by the different towns as for any other one thing, except schools; and almost everyone will agree that a large portion of that money is wasted in the different towns through a lack of knowledge how to build a road properly. The intention of this bill is to provide someone who may be able to give the towns some information as regards the best way of expending the money in the building and repairing of highways. The senator from Knox says that if we would present a bill which would do something, he would vote for it. We had another bill which called for an appropriation of \$20,000 in order that we might have some money to work with, but it was not felt that the State at this time would feel like appropriating \$20,000 and starting the matter with that; but it is felt that he may do a large amount of work in instructing road commissioners in various towns; and he is obliged, as the senator read to give them information without charge. He is to go there and advise them upon the building of the roads. There is a further thing which he may do, and that is in the construction of bridges. There is hardly any man in a town who knows how much it will cost to build an iron bridge. He don't know the cost of angle iron, or whether angle iron will be required; and last year, in this State, we built 43 iron bridges and one man got the contract for 42 of them. He got it because he bid as low as anybody else, everybody else knowing exactly what he would bid; and nobody knows whether they paid anywhere near what the bridge ought to have been built for, or not. It would have been the duty of this engineer to advise the towns as regards the cost of iron bridges and \$5000 could be saved in ten towns of this State, ten of the ordinary towns of this State, if a man were to go through them and give them good advice as to building roads and they were to build under his instructions. His salary would be saved in ten towns in one year. People go and haul in a little dirt, and along comes a rain and washes it out. It is my opinion that a road properly built with the soil that lays beside it, barring extraordinary freshets, etc., is good for three years; but

there are few towns in this State that build roads in that way. Everybody knows that all the people in the State are asking and working for better roads; and that we are appropriating \$40,000 which is to be expended under the direction of the county commissioners. Now, county commissioners no doubt do the best they can, and build what in their opinion is a permanent road, so far as they go, but they haven't any knowledge of road building, and they go there and lay out and designate a certain road as a State highway upon which the money is to be expended continuously. I have talked with some county commissioners who have done this work, and they expend a certain amount here in permanent improvements, and here they find a piece that will bear skipping, and they skip that, and go down and put in another piece of permanent improvement in the shape of a stone water-course. It is my opinion that State money shall not be spent in any such way. The water-courses should be built by the town itself. The bill provides at first that these commissioners should have charge of the money which the State appropriated for State roads; but, in order to do that it necessitated a change in the statutes in regard to the control as at present vested in the county commissioners; and the committee thought it would be unwise to make that change at this time, as perhaps two years from now this man would not have demonstrated he was worth the \$5000, and we might not desire to continue it; and if we did not have to make any change in the statutes we could put this back on the county commissioners again, but thought that they would allow this man for two years to act as an adviser to the road commissioners and the selectmen of the various towns; and if at the end of that time he did not demonstrate that it was worth \$5000 a year to the State, they could do away with the commission; and if he did the law could then be changed, and the duty devolve upon him of seeing whether the highways were built as was the intention under the good roads appropriation.

Now there is not any question but within a few years we shall have an appropriation from the United States government, to be used for State roads. If we do, it will then be necessary to have some such officer as this to look after the expenditure of the money which we shall receive from the government; and we shall at the same time, probably, appropriate something from the State, of which he will have charge.

If he demonstrates within two years that he is of value, you can keep him. If he does not, you can discharge him; but there is not any doubt in my mind that the office will be retained. The State of New Hampshire this present year has passed an act creating a state engineer of roads, and appropriating \$135,000 annually for five years. They propose to have some better roads. We did not feel that the State would do anything of that kind at the present time, but we felt that this was a step in the right direction, and I

hope that the motion to indefinitely postpone will not prevail.

Mr. STAPLES of Knox: Mr. President, the State roads are now in the hands of the county commissioner of each county, and I do not believe that anybody can be appointed in the State of Maine who has any better knowledge than the county commissioners of the several counties—that is, so far as the State roads are concerned.

Now it is taking it out of their hands virtually by appointing this commission, and I am not in favor of a commissioner at this time, believing it should be left in the hands of the county commissioner—so far as the State roads are concerned.

It is a fact that in the State of Maine the last two or three years as good and permanent roads have been constructed as in any state of the union; and you cannot find an engineer whom you could appoint here that could build roads equal to those built in my county this year under the supervision of the commissioner of the county.

In regard to highways—I don't believe a great deal of money has been wasted. Of course in some towns it has not been laid out perhaps as economically and as well as it ought to have been; but the people are making improvement in that respect, and I think that today we are much farther ahead of what we were five years ago in our country roads in regard to repairing of highways, and I do not think at this time, with the \$40,000 appropriated for State roads, it is needed.

Now one word in reference to continuance. That was obviated by an amendment to the law this winter, so the towns could not build a piece of road here, and then another piece there, but it must be continuous for the year. Therefore you can commence south or north and lay out all the money appropriated in a continuous line, and you cannot skip one place or another place there.

Mr. GARDNER of Penobscot: Mr. President, I would say just a word. I must agree with the senator from Knox that I believe it is unwise, and to say that it will not suit my constituents at this time, to appoint a commission to disseminate information in regard to our country roads; and so long as it shall be the duty of the citizens of my town to raise a large amount of money and expend it upon these roads I want the man whom the citizens of my town shall select to be the man who must pass upon the question of how this money shall be expended.

And I believe that the county commissioner, whose principal duty it is to consider the location where the State road shall be—I believe when they have done this that the man in my town elected to expend our money will be the one to do the best service.

I think this is a case where the cart is before the horse, and until the State shall raise the money directly, and expend it under the direction of State officials, I think it is unwise to hamper and restrict the spending of money in the different towns and municipalities of this State by means of a commission; and I trust the

Senate will not vote to establish a commission to cost \$4000 or \$5000 to disseminate any information which the road commissioner or anybody else could have free access to from public documents that may be procured from Washington.

A yea and nay vote was called for and ordered, and the question being put upon the motion to indefinitely postpone the vote resulted as follows: Those voting Yea were—Messrs. Brown, Curtis, Gardner, Irving, Mills, Morse, Owen, Philoon, Fierce, Shackford, Staples (11). Those voting Nay were—Messrs. Bailey, Heselton, Plummer, Potter, Shaw, Simpson, Stetson, Sturgis, Tupper (9).

So the motion prevailed, and the bill was indefinitely postponed. Mr. Staples thereupon moved to reconsider the vote whereby the bill was indefinitely postponed, and on motion by Mr. Sturgis of Cumberland, the motion to reconsider was tabled, and tomorrow assigned.

On motion by Mr. Philoon of Androscoggin, bill to amend Revised Statutes relating to conduct of elections was taken from the table; and on further motion by the same senator the bill was passed to be engrossed.

On motion by Mr. Heselton of Kennebec, report of committee on State printing, submitting bill to abolish the office of State printer, was taken from the table, and the report of the committee was accepted. The bill "An Act to abolish the office of public printer, and to authorize contracts for State printing on the basis of competitive bids," was thereupon read and assigned.

On motion by the same senator bill in relation to sentences in municipal and police courts was taken from the table. Senate amendment A was offered by the same senator as follows. "Amend Section 1 by striking out in the first and second lines the words "a municipal or police court," and substituting therefor "any court," and also by adding after the word "fine" in the third line the words "only without imprisonment." The bill was tabled pending the adoption of the amendment, and assigned for tomorrow.

Passed to be Enacted.

An Act in relation to the South Paris Village Corporation, and to establish a system of municipal lighting.

On motion by Mr. Stetson of Penobscot, the Senate adjourned to meet on Tuesday, March 21, 1905, at 10 o'clock in the forenoon.