

MAINE STATE LEGISLATURE

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Legislative Record

of the

Seventy-Third Legislature

of the

State of Maine.

1907.

HOUSE.

Thursday, March 7, 1907.

Prayer by Rev. Mr. Hayes of Gardiner.

Papers from the Senate disposed of in concurrence.

Remonstrances against duplication of liberal arts courses at the University of Maine, came from the Senate referred in that branch to the committee on education.

On motion of Mr. Goodwin of Sanford, the House non-concurred with the Senate in its reference and ordered the remonstrances placed on file.

Petition for bench mark on Sebago lake, referred in the Senate to committee on interior waters, was in the House placed on file in non-concurrence on motion of Mr. Goodwin of Sanford.

Senate Bills on First Reading.

An Act to extend the charter of the Peaks Island Railroad Company.

An Act to amend Section 17 of Chapter 80 of the Revised Statutes relating to the power of the county commissioners to raise temporary loans.

An Act in relation to Elias Thomas Company.

An Act to prohibit the hunting of foxes by dogs in Swan's island.

An Act to amend Chapter 345 of the Private and Special Laws of 1901, entitled "An Act to authorize the erection and maintenance of dams, side dams, piers and booms in the Sandy stream, Gilman pond and Gilman stream in the plantations of Highland and Lexington and the town of New Portland in the county of Somerset and State of Maine, and to make improvements in said streams and pond."

An Act to quiet the title to real estate.

An Act to confer additional powers on the Duplex Roller Bushing Company, a corporation organized under the general laws of the State of Maine.

Resolve to amend Section 2 of Article 10 of the constitution of the State of Maine.

An Act to empower the Ben Venue Granite Company to erect and maintain wharves and docks on the shores of Crotch Island and Green Head in the town of Stonington.

An Act requiring steam plants in school buildings, churches and other public buildings to be in charge of competent persons.

An Act to incorporate the Stonington Water Company.

An Act to amend the charter of the United States Trust Company.

Resolve to provide a commission to inquire into the present system of assessing and collecting taxes, and, if possible, to provide for a better and more complete system of assessment and collection and report to the Governor and Council.

Resolve appropriating money for the purpose of obtaining information in regard to wild lands for the purpose of taxation.

An Act to amend Section 21 of Chapter 6 of the Revised Statutes, relating to the filling of vacancies in the office of ballot clerks.

An Act to incorporate the Oakland Trust Company.

An Act to incorporate the Ashland Trust Company.

Resolve in favor of Maine Soldiers' monument at national cemetery at Salisbury, North Carolina, came from the Senate amended by Senate Amendment "A."

The House reconsidered the vote whereby this resolve was passed to be engrossed, Senate Amendment "A" was adopted and the resolve was then passed to be engrossed as amended.

An Act to provide for the ownership and maintenance of highway bridges by the State in the several counties, came from the Senate indefinitely postponed.

On motion of Mr. Donigan of Bingham, the House voted to insist and appoint a committee of conference.

The Speaker appointed on the part of the House Messrs. Donigan of Bingham, Weeks of Fairfield and Danforth of Skowhegan.

Mr. Dow of Brooks presented petition of H. N. Prindle of Waterville for the adoption of an address to the Governor for the removal of Harry J. Chapman of the municipal court of the city of Bangor; also resolve in favor of the same.

The resolve was read by the clerk.

On motion of Mr. Martin of Bangor, the resolve was laid on the table.

On motion of Mr. Dow of Brooks, the resolve was ordered printed.

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

Judiciary.

By Mr. Hovey of Sullivan—Petition of F. A. Noyes and 23 others of Sullivan in support of an amendment to the constitution for Initiative and Referendum.

By Mr. Newbert of Augusta—Petition of Central Labor Union of Augusta, Hollowell and Gardiner for same; of Bricklayers, Masons and Plasterers Union No. 9 of Augusta; of Charles F. Tibbetts and 40 others of Augusta; of J. F. Bilodeau and 68 others of Augusta; of Louis Paquin and 63 others of Augusta; of Rev. A. A. Hamel and 37 others of Augusta, for same.

By Mr. Allen of Richmond—Petition of M. G. Buker and 36 others of Richmond; of A. C. Reid and 68 others of Richmond; of A. A. Alexander and 19 others of Richmond; of D. S. Reed and 13 others of Dresden, for same.

By Mr. Waldron of Dexter—Bill, An Act to amend Section 7 of Chapter 24, Revised Statutes, relating to operation of motor vehicles.

By Mr. Davies of Yarmouth—Bill, An Act to amend Section 1 of Chapter 85 of the Public Laws of 1905, relating to corporations.

By Mr. Weeks of Fairfield—Bill, An Act to amend Section 4 of Chapter 174 of the Public Laws of 1905, relating to the compensation of sheriffs.

Mercantile Affairs and Insurance.

By Mr. Blanchard of Auburn—Remonstrance of Edwin Smart and five others of Olamou against any change in the existing laws relating to fire insurance; of A. W. King and 22 others of Charleston against same.

Military Affairs.

By Mr. Walker of Biddeford—Petition of Everett L. Holt, Captain Co. G, 1st Regiment, N. G. S. M., and 18 others of Company G, in favor of the Flaherty bill.

By Mr. Cobb of Gardiner—Petition of John J. McKinnie of Gardiner and 42 others for same.

Insane Hospitals.

By Mr. Noyes of Augusta—Resolve

for appropriation of \$5000 to be expended by the treasurer and trustees of the Insane hospital at Augusta to increase the wages of the attendants and laborers in and about said hospital.

Portland Delegation.

Petitions in favor of Island Ferry Co. were presented as follows:

By Mr. Tolman of Portland—Of E. C. McDonough and eight others; of M. H. Dodge and 31 others; of Frank J. Merrill and 18 others; of Andrew H. Ward and 10 others; of William H. Green and 19 others.

By Mr. Jordan of Portland—Of Luther B. Roberts and 32 others; of George H. Pennell and 18 others; of Charles H. Ross and 33 others; of William J. Gardner and 25 others.

Placed on File.

By Mr. Skillin of Falmouth—Petition of P. E. Miller and 32 others of Cumberland for an act to prevent prize fighting and sparring exhibitions.

By Mr. McKinney of Bridgton—Remonstrance of A. G. Hobbs and 39 others against the duplication of the liberal arts course at U. of M.

By Mr. Farrar of Corinth—Petition of S. E. Mayo and 600 others, members of Pomona Grange of West Penobscot, for the retaining of the liberal arts course at the University of Maine.

By Mr. Smith of Patten—Petition of N. C. Martin and 32 others of Oakfield against abolishing the B. A. degree in University of Maine; of C. P. Welch and 13 others against same; of Frederick Parker and 73 others of Sherman against same.

By Mr. Erackett of Sebago—Petition of George H. Milliken and 85 others for the establishment of bench mark on Sebago lake.

By Mr. Charles of Mechanic Falls—Remonstrance of B. M. Pratt and nine others, taxpayers of Minot against removal of State capital.

By Mr. Harriman of Bucksport—Of W. A. Remick and 20 others of Bucksport against same.

By Mr. Charles of Mechanic Falls—Protest of 170 members of West Minot Grange against same.

By Mr. Skidmore of Liberty—Protest of 139 members of Tranquility Grange of Lincolnville against same.

By Mr. Noyes of Augusta—Protest of

170 members of Capital Grange of Augusta, against same.

By Mr. Gleason of Mexico—Protest of 118 members of Mystic Grange of West Dixfield against same.

By Mr. Lovejoy of Milo—Protest of 106 members of Pleasant River Grange of Milo against same.

By Mr. Farrar of Corinth—Protest of 143 members of Good Cheer Grange at North Bradford against same.

By Mr. Hall of Dover—Protest of 163 members of Parkman Grange at Parkman against same.

By Mr. Titcomb of Farmington—Protest of 98 members of Farmington Falls Grange against same.

By Mr. Young of Hiram—Protest of 109 members of Kezar Lake Grange against same.

By Mr. Dow of Brooks—Remonstrance against passage of druggists' bill by the unanimous vote of Cumberland District Lodge, I. O. G. T.; remonstrance against resubmission by citizens of Vassalboro; of Walter P. Perkins and 20 others of Cornish; of J. D. Haynes and 17 others of Thorndike, against same.

Orders.

On motion of Mr. Skidmore of Liberty,

Ordered, That a committee of five representing the House be appointed to attend the funeral services of Charles T. Randall, late member of this body from Montville.

The Speaker appointed upon that committee Messrs. Colcord of Searsport, Skidmore of Liberty, Dow of Brooks, Dunton of Belfast and Milliken of Island Falls.

On motion of Mr. Dow of Brooks, Ordered, That a committee of three be appointed to draw up and submit to this House suitable resolutions on the death of Charles T. Randall, late a member of this House from Montville.

The Speaker appointed upon that committee Messrs. Weeks of Fairfield, Havey of Sullivan and Mullen of Bangor.

Reports of Committees.

Mr. Crosby from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act to amend section 3 of Chapter 17 of the Public

Laws of 1905, relative to the practice of veterinary surgery."

Mr. Tarbox from the Committee on State Lands and State Roads reported "ought not to pass" on Bill "An Act in relation to the Bowerbank school fund."

Mr. Merrill from the Committee on Inland Fish and Game reported "ought not to pass" on Bill "An Act to prohibit the snaring of rabbits in Hancock county."

Same gentlemen from same Committee reported same on Bill "An Act to amend Section 7, Chapter 32, Revised Statutes, relative to close time on game birds."

Same gentleman from same Committee on petition of A. Ryder and 8 others of Patten for a law to prohibit the killing of game within ten miles of South Monument of Mt. Katahdin reported that the petitioners had leave to withdraw.

Mr. Stevens from the Joint Special Committee on Salaries and Fees reported "ought not to pass" on Bill "An Act to compensate the County Attorney of Aroostook county for clerk hire."

The reports were accepted and sent to the Senate.

Mr. Smith from the Committee on Judiciary reported "ought to pass in new draft under same title" on Bill "An Act to authorize the town of Van Buren to issue bonds."

Mr. Goodwin from same Committee reported "ought to pass in new draft" on Bill "An Act to incorporate the Bonney Eagle Light and Power Company," under title of "An Act to incorporate the Cumberland County Power and Light Company."

Mr. Montgomery from same Committee reported "ought to pass in new draft" under same title on Bill "An Act additional to Chapter 242 of the Privite and Special Laws of 1895," entitled "An Act to incorporate the city of South Portland."

Mr. Waldron from same Committee reported "ought to pass" on Bill "An Act in relation to the Springvale Library Association."

Same gentleman from same Committee reported "ought to pass in new draft under same title" on Bill "An

Act to amend the charter rights, powers and purposes of the Sebec Power Company as authorized by Chapter 209 of the Private and Special Laws of the State of Maine for the year 1905."

Mr. Lord from the Committee on Education reported "ought to pass" on Bill "An Act to amend Section 63 of Chapter 15 of the Revised Statutes, relating to tuition of high schools."

Mr. Newton from the Committee on Telegraphs and Telephones reported "ought to pass in new draft under same title" on Bill "An Act to amend the charter of the Ossipee Valley Telegraph and Telephone Company."

Mr. Charles from the Committee on Banks and Banking reported "ought to pass" on Bill "An Act to incorporate the Paris Trust Company."

Mr. Baldwin from the same Committee reported same on Bill "An Act to change the name of the Boothbay Harbor Banking Company to the Boothbay Harbor Trust Company, and to ratify certain doings in relation thereto."

Same gentleman from same Committee reported "ought to pass in new draft under same title" on Bill "An Act to amend Chapter 48 of the Revised Statutes, relating to savings banks."

Mr. Mayo from the Committee on Interior Waters reported "ought to pass in new draft under same title" on Bill "An Act to amend Chapter 64 of the Private and Special Laws of 1899, as amended by Chapter 472 of the Private and Special Laws of 1901 and by Chapter 48 of the Private and Special Laws of 1903 and by Chapter 205 of the Private and Special Laws of 1905, relating to the Wilson Stream Dam Company."

Mr. Merrill from the committee on inland fish and game on petitions of W. E. Hayward, L. W. Riggs, G. W. Manter and others for a law permitting ice fishing in Lakes Annabessacook and Maranacook in the county of Kennebec, one day in each week during February and March of each year, reported bill entitled "An Act to regulate ice fishing in Lake Annabessacook in the county of Kennebec."

Same gentleman from same commit-

tee on petition of E. E. Colbath and 21 others praying that Allen brook, so-called, and its tributaries, in the town of Exeter be closed to fishing for a term of four years from May 1, 1907, reported bill entitled "An Act to regulate fishing in Allen brook, so-called, and its tributaries, in the town of Exeter, county of Penobscot."

Same gentleman from same committee on petition of H. R. Pettengill and others, residents of Hancock county, praying for an amendment to Chapter 81 of the Public Laws of 1905, reported bill entitled "An Act to extend the open season for hunting the game bird known as the Golden Eye or Whistler in the county of Hancock."

Same gentleman from same committee on petition of B. L. Foss and 39 others praying that Boyd lake be open to winter fishing during February and March, making four months of ice fishing instead of two as it now is, reported bill entitled "An Act to regulate ice fishing in Boyd lake in the county of Piscataquis."

Mr. Barrows from the committee on claims reported "ought to pass in new draft under same title" in resolve in favor of Juno F. Curtis of Bingham.

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

Majority report of the joint special committee on salaries and fees reporting "ought to pass in new draft under same title" on Bill, "An Act to prohibit the issuance and acceptance of free transportation by State officials over steam and other railways."

(Signed)

Messrs. SEWALL,
PAGE,
MILLIKEN,
STEVENS,
SKIDMORE,
NEWBERT,
PEACOCK.

Minority report of the joint special committee on salaries and fees reporting "ought not to pass" on Bill, "An Act to prohibit the issuance and acceptance of free transportation by

State officials over steam and other railways.”

(Signed)

Messrs. LINDLEL M. STAPLES,
F. A. GIDDINGS,
W. T. REYNOLDS.

On motion of Mr. Milliken of Island Falls both reports were tabled, pending acceptance of either, and bill in new draft, reported by the majority of the committee, ordered printed.

Majority report of the committee on shore fisheries reporting ‘ought not to pass’ on Bill, “An Act for the better protection of shell fish within the town of Yarmouth in the county of Cumberland.”

(Signed)

Messrs. WYMAN,
FOSS,
SIMPSON,
BALDWIN,
PEACOCK,
THOMAS,
HIBBARD,
FARNHAM,
HERRICK.

Minority report of same committee reporting ‘ought to pass’ on same bill.

(Signed)

ORAM.

Mr. DAVIES of Yarmouth: Mr. Speaker, I move that the minority report be substituted for the majority report, and I hope the House will permit me to discuss the matter for a few moments—a matter which is purely of local importance. House Document No. 50 reads as follows: “An Act for the better protection of shell fish within the town of Yarmouth in the county of Cumberland.

Section 1. No shell fish shall be taken from any flats within the limits of the town of Yarmouth, in Cumberland county, except by written permit of the municipal officers of the said town of Yarmouth and North Yarmouth, and payment to the said towns for the privilege at such price as said towns may establish at any town meeting, any existing laws to the contrary notwithstanding; provided, that without such permit, any inhabitant within said towns, or any person temporarily resident therein, or the riparian owner of such flats, may take therefrom for

the immediate use of himself or his family, not exceeding one bushel at one tide.

Sect. 2. Any person taking shell fish contrary to the provisions of this act, shall be punished for each offence by a fine not exceeding \$10 or by imprisonment not exceeding 30 days or by both.

Sect. 3. This act shall take effect when approved.

In the year 1799 the flats at the front of four towns which bordered on the sea, Yarmouth, Cumberland, Harpswell and Freeport, were conveyed to the selectmen in the town of North Yarmouth by their various owners, North Yarmouth being the original town. When the town of Yarmouth was chartered and I think the other towns which were originally North Yarmouth came into existence, the Act of 1849 was passed, that the inhabitants of said town shall continue to hold and enjoy in common all the rights and privileges heretofore belonging to the inhabitants of North Yarmouth. So that in the year 1849 the various towns which came from and were made up from the town of North Yarmouth, owned the flats, that is, the land between high and low water mark, in common. Now, Freeport, which borders us on the east at the last session of the Legislature had this law enacted: “No shell fish shall be taken from any flats within the limits of the town of Freeport, in Cumberland county, except by written permit of the municipal officers of the said town of Freeport, and payment to the said town for the privilege at such price as said town may establish at any town meeting, any existing laws to the contrary notwithstanding; provided, that without such permit, any inhabitant within said town, or any person temporarily resident therein, or the riparian owner of any such flats, may take therefrom for the immediate use of himself or his family not exceeding one bushel at one tide.” You will observe that the language of the Freeport act is practically the same as that which is now pending. The town of Harpswell also passed two years before, an act which is similar. The The phraseology of that act is the

same in purport as the Yarmouth act. Bear in mind that the town of Freeport and the town of Harpswell at one time both belonged to the town of North Yarmouth. Under these two laws you will see that the towns of Harpswell and Freeport not only have the privileges of their own flats to the exclusion of everyone else, but they have the privilege of ours; and that we say is unfair. We want nothing more than to come in under the provisions of the general laws; and for that reason there is nothing in the act which I ask for that is in any way related to or connected with special legislation. It is merely a method for our taking advantage of the general law of the State. All that we have asked for under the conditions of this local bill is that we may enjoy the benefits which would naturally accrue to us if the flats had not been owned in the year 1789 in common. And since that time the towns of Freeport and Harpswell have had special legislation which prevents outsiders, not residents of those towns, from going there to take shell fish except under the license of the municipal officers; and you will bear in mind that those two towns were originally a part of the town of Yarmouth.

Twenty years ago the taking of shell fish from the flats in that locality was a thriving industry. A clam factory has been established in the town of Cumberland, which is the cause of all the opposition to this bill. But if Freeport and Harpswell and Scarborough and various towns in Sagadahoc have been able to secure proper legislation for the purpose of the protection of that industry, I see no reason why it should not be accorded to us. I do not think it would be the sense of this Legislature that a number of individuals who lived in our town prior to the time when the clam factory was operated, should be deprived of their livelihood and to which they wish to return at the present time. I realize that it may be said that some inhabitants of the town of Cumberland might also be deprived of a livelihood; but they have the fishing industry to rely upon which we have not. A question arose in the committee as to the number of

miles of flats which we have and which Cumberland has. Our frontage on the sea is not quite so many miles as that of Cumberland, but at the head of the Yarmouth river there is a large pulp mill, and for several miles down the river we find no clams because they cannot live on account of the waste from that pulp mill. So we have not a single mile more of flats which can be used for the purpose of digging clams than the town of Cumberland. I did not fulfil my duty before the committee if I failed to show that the law which we are asking for is not in any sense special legislation. It is exactly the opposite. We ask for the passage of a law which gives us the opportunity to operate under the general law, and without its passage we cannot avail ourselves of the rights and privileges of that general law.

The statement was made before the committee that we were not properly there because of the provision of the statutes requiring notice on petitions, because we had served no notice on the town. The word referred to in the statute is "petition." But this is not a petition, it is a bill, which is an entirely different matter. It was properly advertised and the town of Cumberland was properly represented here by counsel.

I move that the minority report be substituted for that of the majority.

Mr. BALDWIN of Boothbay Harbor—Mr. Speaker, I hope this motion will not prevail. This matter was very carefully heard by the committee and the committee almost unanimously reported that the bill ought not to pass. The opposition to this bill comes entirely from the town of Cumberland. The people in Cumberland feel that it would be an injurious to deprive them of the use of these flats which they have always had. In 1895 this matter came up here under a bill to protect the shell fishery of Cumberland and Yarmouth. This bill provided a close time from June 15 to September 15. This bill recognized the fact that Cumberland had the use and occupancy of these flats. So in view of the evidence that we had before us we did not feel that it was right that this bill should

have a passage; and I hope the motion will not prevail.

Mr. SKILLIN of Falmouth—Mr. Speaker, the people of Cumberland believe that this bill is entirely wrong. It seeks to take from them rights which they have inherited and which they have used from their earliest history. I am not against the protection of clams. I have fought for it for years, I have done everything I could to help protect those clams and I am willing to do it now but I am opposed to this bill. I am opposed to the people of Cumberland being deprived of their rights. Up to the time those towns were set off, these flats and the privileges pertaining to them had been enjoyed by those towns in common; and I doubt if they haven't those rights today, all of those towns. The town of Cumberland owns in those flats equally with the town of Yarmouth. Now the people of the town of Cumberland object to the town of Yarmouth saying to them that they shall have the right to exclude them from those flats and that if they go there they shall fine and imprison them. It is not a question of the protection of clams; it is a question of whether the town of Yarmouth shall assume these rights and exclude the town of Cumberland. Now, the town of Cumberland believes that it is unjust, they believe it is not fair and that it is not honest.

Mr. THOMAS of Harpswell: Mr. Speaker, I have always believed that in a great majority of cases silence is golden, but being a member of this committee and living on the shore and being acquainted with those people there and knowing the circumstances, I wish to say that I joined with the majority of this committee in reporting that the bill ought not to pass. I am surprised that the gentleman from Yarmouth (Mr. Davies) should want a bill to pass this Legislature which some of the best lawyers of the State say will be unconstitutional if it becomes a law. Does the gentleman want this Legislature to pass a special act to take from those people the God-given right to earn their living by the sweat of their brow and in the way that

they have always enjoyed in common? If this law was not unconstitutional it would still be very unjust. I have been informed lately that the people of the town of Yarmouth care but very little about this bill and that the people of North Yarmouth care nothing about it.

I live where the waves of old ocean wash my very threshold. I have fished along the Atlantic coast from the shores of Block Island to the coast of Newfoundland, and I defy anybody to tell me anything about the needs of the people along our water front. I started out as a fisherman at the age of fifteen. I saw the last traces of land as it faded away in the distance, and the waves of the ocean rocked me to sleep and I woke only to find that I had been dreaming of home. I know something about the hardships of the fishermen along our water front, I allow no man to tell me of their needs; and if I did not think this majority report was just I would never have agreed to it. Mr. Speaker, I hope that this bill will not have a passage. (Applause.)

Mr. ORAM of Bristol: Mr. Speaker, I was on that committee and signed the minority report I was convinced on the testimony before us that we should give the town of Yarmouth protection. All the towns that have asked for protection have received it. What would you think of a Legislature that would give to the town of A protection and give to B protection for their industries, and refuse protection to C? I believe that C should have the same rights under the same circumstances. So under those conditions I refused to sign the majority report.

The clam industry is a matter of great importance and unless a protective arm is extended to those towns which ask for it, that industry must soon perish. I was the only one who signed the minority report. I did it from a sense of duty, from an honest conviction brought about by the evidence which was produced before the committee. I ask this Legislature to accept the minority report when they only ask what you gave other towns two years ago. And why

shouldn't you give it to those towns to do justice to ourselves and to our people? So I stand on the report which I made and I hope you will accept it and will render a just and true decision toward this town which is asking for the protection of an industry. (Applause.)

Mr. HILL of Machias: Mr. Speaker, I feel that so large a majority of this committee would not have decided as they did without valid reasons. But on the face of the matter it seems unjust that the town of Yarmouth should not have the same protection that Cumberland and Falmouth have. The commissioners of shore fisheries have expressed themselves strongly in the matter of the clam fishing industry and protection to our shell fish, and the bill presented today is only to give the flats of Yarmouth the same protection that the other towns have. The committee could only have decided against this bill for some reason which has not been presented to us. So far, the argument has all been on the side of Yarmouth. I would like to hear from the majority of the committee why this decision was arrived at.

Mr. DAVIES: I understood the gentleman from Harpswell (Mr. Thomas) to say that he had understood that the people in Yarmouth were not generally in favor of the law.

Mr. THOMAS: That is what I understood.

Mr. DAVIES: Were you present in the committee when a petition was presented from the inhabitants, and do you know that there were nearly three hundred names on that petition?

Mr. THOMAS: No.

Mr. DAVIES: Did you know that there was a petition presented by the inhabitants of North Yarmouth?

Mr. THOMAS: I believe there was.

Mr. DAVIES: Do you know how many signatures there were on that?

Mr. THOMAS: I do not. I simply know that it is very easy to get up a petition.

Mr. DAVIES: It is very easy to convey a false impression.

Mr. SKILLIN: The gentleman from

Yarmouth (Mr. Davies) said that objection was made by the committee that proper notice had not been given. I understood him to say that it was not on a petition but upon a bill. Now he says that there are two petitions, one from Yarmouth and one from North Yarmouth; and if that is the case I think I was right in my objection and that they never should have been heard by that committee.

Mr. DAVIES: I would say that the petitions support the bill.

Mr. Skillin moved that when the vote was taken it be taken by the yeas and nays.

The motion was lost.

The question being on the motion to substitute the minority for the majority report, a division was had and the motion was adopted by a vote of 63 to 30.

The bill "An Act for the better protection of shell fish within the town of Yarmouth in the county of Cumberland," received its first reading.

Mr. Davies offered an amendment by adding after the word "tide" in the eleventh line the words "nor shall the inhabitants of said towns of Yarmouth or North Yarmouth enjoy any privileges in the flats of the town of Cumberland."

Mr. Skillin moved that the bill with the amendment be laid on the table.

The motion was lost.

The amendment was then adopted.

The bill was then read a second time.

On motion of Mr. Barrows of Hampden, the rules were suspended, the bill received its third reading and was passed to be engrossed as amended.

First Reading of Printed Bills and Resolves.

An Act to provide an additional term of the supreme judicial court for the county of Oxford.

On motion of Mr. Dyer of Buckfield, this bill received readings and was passed to be engrossed under a suspension of the rules.

An Act to incorporate the trustees of old Bridgewater Classical Academy.

An Act to amend Section 9 of Chapter 158 of the Private and Special Laws of 1903, relating to the Brunswick and Topsham Water District.

An Act for the better protection of alewives, shad and sturgeon in various rivers in Maine.

An Act to incorporate the Baker and Spencer Brook Dam & Improvement Co.

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

An Act to incorporate Ossipee Valley Power Co.

An Act to repeal Section 11 of Chapter 164 of the Private and Special Laws of 1844, incorporating the Elliot and Kittery Mutual Fire Insurance Co., relating to insurance of property carried by any other company.

Resolve in favor of Louis C. Stearns of Bangor, Me.

Passed to Be Engrossed.

An Act relating to the perfecting of the record of titles to real estate.

Passed to Be Enacted.

An Act to regulate fishing in the two West Richardson ponds, the two East Richardson ponds and the two Beaver ponds in the county of Oxford.

An Act to regulate fishing in Branch stream and Hasey brook in the town of Washington, county of Knox.

An Act in addition to Chapter 144 of the Revised Statutes, relating to the commitment of the insane.

An Act to amend Section 17 of Chapter 41 of the Revised Statutes, relating to measurement of lobsters.

An Act to incorporate the Van Buren Light & Power Co.

An Act in relation to the Frontier Steamboat Co.

An Act to amend Chapter 94 of the Private and Special Laws of 1903 entitled "An Act to prevent the pollution of the waters of Sebago lake."

An Act to grant certain powers to the Northeast Harbor Water Co.

Finally Passed.

Resolve for an appropriation for carrying on the work of the State Survey Commission.

Resolve in favor of a monument in memory of the soldiers of Maine who were at Valley Forge.

Resolve in favor of the Maine State library.

Resolve requesting delegation in Congress to oppose the consolidation of pension agencies.

Resolve in favor of Margaret Jane Tibbetts of Harmon.

Resolve in favor of Betsey Storer of Mount Vernon.

Resolve in favor of the assessors of Moro Plantation.

Resolve in favor of the town of Waldoboro.

Resolve in favor of the town of Liberty for money paid out on account of State roads.

Orders of the Day.

From the Senate: An Act to extend the powers and rights of the Brunswick Electric Light and Power Company.

The bill was read twice, and on motion of Mr. True of Portland, the rules were suspended, the bill received its third reading and was passed to be engrossed.

The following communication was received:

To the Honorable Speaker and Members of the House of Representatives:

Gentlemen: I hereby tender my resignation as a member of the House of Representatives of the Seventy-third Legislature from the town of Danforth to take effect at once.

Respectfully,

VARNEY A. PUTNAM.

The resignation was accepted.

On motion of Mr. Leighton of Westbrook, the vote was reconsidered whereby the House voted to ask for a committee of conference on bill relating to bench mark on Sebago lake.

Mr. Leighton moved that the House recede from its former position and concur with the Senate in accepting the report "ought not to pass."

Mr. McKINNEY of Bridgton—Mr. Speaker, I feel it is due to myself and to my constituency that I say something at this time on this matter. This bill was not originally drawn by myself. It was drawn by one of the best lawyers perhaps in the State of Maine and was put into my hands to present to this House. I was very glad to introduce the bill because it was a bill that interested several towns in the northern part of Cumberland county. Had I drawn the bill myself I would not have drawn so drastic a measure as this is. However, the bill was presented to the committee and there was a hearing on it here which lasted from 2 o'clock in the afternoon until 12 o'clock at night; and after

a proper consideration, I suppose, by the committee, six members of that committee reported to this House that the bill ought not to pass. Four members did not sign the report. When that report came into the House I made a motion that the bill be substituted for the report and laid on the table for printing, intending to take it up at a future time and discuss it in this House. Certain members of the committee came to me and said that they would like the report recommitting to the committee for further consideration. Out of courtesy to those members I acceded to that request, and a motion was made by a member of the committee to recommit the bill. There was a contest in this House and on a vote it was carried by a majority of more than two to one. However, when this reached the Senate, the Senate refused to concur, and I asked for a committee of conference. It was my intention if I could get that bill before the House to amend it, because I believed it was not necessary to place the bench mark as high as the bill calls for, and neither did I believe that it was necessary to make that bench mark last through the entire year, and I was willing to give the companies which were opposed to this bill eight months out of the 12 in the year. I explained this to the committee of conference and endeavored to have them recommit the bill to the committee. They unanimously declined to agree and therefore I was obliged to report to this House that the committee could not agree. When that report came before the House another member of the committee on interior waters moved that we insist and ask for another committee of conference. Yesterday, out of courtesy to the committee on the University of Maine, I laid that on the table until the close of the session when I asked that it be taken from the table; and it is now before the House on a motion by the gentleman from Westbrook (Mr. Leighton), practically to indefinitely postpone the whole subject by reconsidering the vote of yesterday and concurring in the action of the Senate.

Now, gentlemen, I do not propose to insist on this committee of conference. I am very sure that had my friends not attempted to assist me—although their

intentions were good and right and I thank them for it—if I could have had that remain as I first made the motion, to substitute the bill for the report, I am satisfied that I could have passed the bill in this House. I have become equally well satisfied at the present time that it is impossible to pass the bill through the Senate. This bill is a bill in the interest of the people. This bill is simply a bill to give to the people of my section of Cumberland county the rights that they have enjoyed for more than 80 years. You know, perhaps, that in 1821 a charter was granted to the Cumberland and Oxford Canal Company to build a canal from the town of Waterford to the Atlantic ocean at Portland. In order that they might navigate the canal from the foot of Sebago lake to Portland it was necessary that they should have there a dam; and it is admitted that they had permission to build that dam. That dam becoming somewhat dilapidated in 1857 it was necessary to rebuild it. It was rebuilt by the S. D. Warren Manufacturing Company, I think, or at least by the manufacturing companies on the Presumpscot river, they paying two-thirds of the cost while the canal company paid one-third. About 1870 the railroad company built the Ogdensburg road and the canal was abandoned; it was necessary no longer. Now, I want to state here that it never was the intention to dig a canal from the town of Waterford to tide water, but it was the intention to use Long lake, the Bay of Naples, the Sango river and Sebago lake as a part of the canal; and from that time up to I think 1857 when the last bill was passed by this Legislature giving away the rights of the canal to the Presumpscot manufacturing companies—until that time they had a right to navigate those lakes and the Sango river

Now we do not deny that by act of the Legislature the Warren Company and other manufacturing companies on the Presumpscot river have the right today to draw down the water below where it was essential to raise it in order that we can navigate the lake; but we do say that when they have had that privilege and that right up to 1857, this Legislature has no right to take away from the people of the northern part of Cumberland county the rights to navigate those

waters. And all we ask in this bill practically is to give us a bench mark sufficient that our boats, not only our steamboats and passenger boats but our freight boats, may be enabled to enter the lake by Songo river and thereby carry their passengers and their freight from one end of those lakes to the other.

Now I believe that the greatest question before the people of the State today is our inland waters. There are bills before this Legislature to draw the waters of our lakes four or six feet below their general level. When the day comes that the corporations of this State can destroy the waters of our lakes, can take them for manufacturing and for private purposes, when they do that they commit an act against the State of Maine that is more far-reaching in its results than any other act which has ever been passed by the Legislature of this State. I am unfortunate in the fact that I stand here alone. I have no great lobby paid for by the rich corporations to assist me. In opposition to me our corridors have been crowded for the last four or five weeks with the most powerful lobby that this State has ever known in opposition to the rights of the citizens who have sent me here to represent their interests. I say with shame as a member of this House that the lobbyists here today paid by the money of the corporations of this State, coming here to influence you and I to vote for corporate interests against the interests of the State is a disgrace to the Legislature of the State and a disgrace to our State itself.

We only ask the privilege of maintaining the finest water route there is in the State of Maine or in any other State of this Union. We have men come from all over our land, from the East and the West, from the North and the South, to enjoy the pleasure of that water trip. We have built hotels in our town. The people have come from New Jersey and New York, from all over the country, and built cottages that cost from \$3000 to \$12,000 because it was the most beautiful country that God has ever made. These people would not come here if this route is destroyed. We have only asked the privilege of bringing into our community those who would leave with us a

hundred thousand dollars in our hotels and in our farmers' homes that take boarders in the summer. We are asking the right for the people in the towns along that route to be enabled to run their canal boats through there in the summer season and carry their lumber and their products to the railroad. That is all we have asked. We have not asked to destroy the rights of any manufacturing interest on the Presumscot river, but we do ask that they divide with us. We offered them everything in reason but they have demanded their pound of flesh believing that their lobby and this House was sufficiently strong to govern the action of the House and the Senate.

Gentlemen, I am in a position now where this bill cannot come before this House and therefore I have no opportunity to amend it. I have no opportunity to defend my people—not through the action of enemies but of friends who believed that the motion made before this House would help me. I am not asking you to vote against this motion. S. D. Warren & Co. is an honorable company. I have done all I can do here; now I can only go to Mr. Warren in behalf of the people and ask him to use judiciously the waters of these lakes that we may have an opportunity to live as well as he. I shall not even vote against the motion which the gentleman has made. I have done my duty as far as I can to my constituency. I stand here today to make these remarks simply that my constituents may know and the people of the State of Maine may know that I have fought for the people and for the rights that God gave to them when he made this beautiful State of Maine, the grandest state on the face of the earth for six months at least in the year. I have travelled all over this land, I have travelled in foreign lands, I have seen some of the finest scenery there is in the world, and yet there is no spot on the face of the earth that is equal to the State of Maine with her lakes, her forests and her rivers—no place so beautiful for a summer home as in the State of Maine.

Born in the State of Ohio, I am not a native of Maine. My children were born here and have gone out into the

world to seek their fortunes. I am now a resident of this State, and while I am a resident I will stand by the State of Maine and her beautiful waters that God has placed here in our midst. Gentlemen, I am willing to leave this matter in your hands. I speak not for the motion nor against the motion. I leave it for the members of the House of Representatives to settle this matter as they deem right. (Applause)

Mr. JACOBS of Athens: Mr. Speaker, the remarks of the gentleman from Bridgton seems to throw some light on the action of the committee. I am not aware that there was any division in the committee on this matter. I learned from the gentleman from Bridgton that the committee stood six to four. That is something I did not know anything about. I thought it was settled when this committee after sitting in judgment from 2 o'clock until 12 at midnight and listening to the evidence and arguments, and I think their decision was a wise one that this bill ought not to pass.

Mr. SCATES of Westbrook: Mr. Speaker, I want to say to my friend from Bridgton and to every member of this House that the citizens of Westbrook and the people along the banks of the Presumpscot river do not want, never have and never will draw the waters of Sebago lake below their natural level. We do not want to draw them down to their natural level. Now what more do you want? Talk about Bridgton—Sebago lake could dry up and blow away and in 10 days Bridgton would never know the difference. She don't depend upon Sebago lake for her existence, but how would it be with the city of Westbrook with her 8000 people? Westbrook would be wiped from the face of the earth. I wish to say further that I have no interest in the personal fortunes of any manufacturers only so far as they pertain to the interests of the city of Westbrook.

Mr. LEIGHTON of Westbrook: I want it fairly understood that I have not been round in this lobby this winter; I have kept my mouth entirely shut. I understood the committee was a unit on this question of the bench mark. I am on the committee but I did not understand that there were

four against me on that committee. I am not here lobbying for any corporation. I work for one of the most honorable corporations on the face of God's earth or in the State of Maine. And what would Cumberland county be without the water of those lakes? We depend on those, 1275 of us in the S. D. Warren Co., and the rest up along the line—South Windham with one of the best woolen mills, one of the best pulp mills, Sacarappa with one of the best silk mills, one of the best electric light plants that belongs to the city of Portland, and where would these works have been if it had not been for this river company? These people of Bridgton would have had nothing. I stand here as a representative of 2200 people who work for a living. We cannot afford to burn coal and compete in the markets. No one in the State of Maine can compete with the South and the West by burning coal. It would double the cost of the horsepower. We ask nothing but common right.

Mr. FLAHERTY of Portland: Mr. Speaker, while listening to this discussion here I think the paramount issue would be the advantage this bench mark would be to the city of Portland. We have letters here from the chief engineer of our fire department in Portland saying that at times the water is inadequate to meet the demands if a conflagration should occur in Portland, and I know the people of Portland think that this bench mark if established would prove to be no disadvantage; and the principal thing is to protect Portland.

The question being on receding and concurring with the Senate,

The motion was agreed to.

On motion of Mr. Peacock of Lubec, the rules were suspended and that gentleman presented the following order:

Ordered, That the Clerk be and he is hereby instructed to make up the pay-roll and mileage of Varney S. Putnam of Danforth in full to the end of the session.

The order received a passage.

On motion of Mr. Joy of Eden, bill, An Act to incorporate the Winter

Harbor and Eastern Railway Company, was taken from the table.

On further motion by Mr. Joy the vote whereby the bill was passed to be engrossed was reconsidered.

Mr. Joy offered an amendment to Section three by inserting after the word "mentioned" in the fourth line the words "excepting the city of Ellsworth."

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

On motion of Mr. Knowlton of Monson, the bill to abolish Fast Day and create Patriot's Day was taken from the table.

Mr. KNOWLTON: Mr. Speaker, when I moved to lay that bill on the table I did so in good faith. I do not like to see those old things that we have enjoyed in the past done away with without the tribute of a sigh. I know in these practical days a lot of those good old things are regarded as too slow, and the argument in favor of abolishing Fast Day is that it is not kept as it ought to be and as it used to be. I admit that. That same argument would abolish almost every holiday we have. The Fourth of July instead of being a day devoted to patriotism is one devoted to rowdiness now-a-days mostly. We used to keep a good many anniversaries, but I am sorry to say many of them are not kept very well now. We used to keep our birthdays; we don't do that very much now-a-days. We used to celebrate our marriage day; our divorce courts have made it very disagreeable to do that now-a-days. I admit that we do not keep Fast Day as we ought to, but I cannot forget that those good old Pilgrims—and I thank God they lived and I am equally thankful that I did not live when they did—established that day, one day in which they could especially ask for the blessing of Heaven to come upon them. I am inclined to think we ought to keep it today. I am inclined to think that it would not be a bad idea to have our Governor once in two years try his hand at a little religious writing; and furthermore I am inclined to think if we substitute Patriot's Day instead of Fast

Day that there would be very little of the Battle of Lexington talked about on that occasion. Baseball and horse trots would occupy the time. But had I known that my friend from Portland (Mr. Jordan) had introduced this bill I should not have tabled it. The bill came in as a logical sequence of conditions. Portland is in favor of new things—new State House, new water board and a new day of celebration. And so I withdraw all objection I have to the passage of that bill, but I could not do so without protesting in my own feelings and to this House against the idea, and I would oppose it most heartily did the gentleman from Portland not assure me that he was in direct communication with a great many clergymen and that they were in favor of abolishing the day.

Mr. JORDAN of Portland: Mr. Speaker, I introduced that bill that the anniversary of Lexington should be substituted as a holiday and be known as Patriot's Day. This is in line with the action which has been taken in Massachusetts where Fast Day has been abolished and Patriot's Day substituted. Practical as well as sentimental reasons seems to justify this action, because Maine people as well as those living in Massachusetts should avail themselves of this opportunity to exchange days. I see no good reason why this change should not be made.

Mr. WALDRON of Dexter: Mr. Speaker, I had hoped that the gentleman from Monson when he arose, arose for a different purpose. I am not opposed to the adoption of a new holiday. I don't think we have enough, but I am opposed to the abolition of Fast Day, and I am going to move that this bill be indefinitely postponed. It is good day, it is an ancient day, it is a part of the history of the State of Maine. I move that the bill be indefinitely postponed.

Mr. NEWBERT of Augusta: Mr. Speaker, I cannot see why any man should stand on this floor in these modern days and champion Fast Day. I was a minister for 17 years and I never read a proclamation of the Governor that did not strike to my stom-

ach when he called upon the people of Maine in these modern days to fast and pray on a certain day in spring-time, when no man, no woman and no child obeyed the Governor and the Governor expected no person to obey that proclamation. It ought to be called by the different name, it ought to be written "F-a-r-c-e" Day. I think we ought to be reasonable and rational and honest on these questions. In the land of its origin it has been put aside and Patriot's Day put in its place. I sincerely hope that the motion to indefinitely postpone will not prevail.

Mr. McKINNEY of Bridgton: Mr. Speaker, I have been a clergyman for 37 years and always when I have read the Governor's proclamation, I have said to myself, "What folly." You cannot find a church in this country that can get a congregation sufficiently large to justify a minister in preaching on Fast Day. If there is any time in the year when we want to rejoice it is when the ice bonds of winter are broken and when the laws of nature take hold, of everything and bring it forth into new life and every heart is made to rejoice because of the warm sunlight that once more envelops the world. But to ask the people of this day and age of the world to fast and pray for fear the Lord will do some harm to us is perfect folly. I believe in praying every day in the year, but so far as fasting is concerned they might have fast days as often as they please, but for myself and family we should have food the same as on every other day.

Mr. WALDRON: I did not suppose, I was going to be opposed by the ministers of the gospel, for instance, by both of these gentlemen who were but who are not now ministers, and are now politicians who didn't use to be. It is all explained. (Applause).

Mr. McKINNEY—I have been for a good many years both a minister and a politician and I propose to continue.

Mr. WALDRON—I am sincere in making the motion I did, and I say now that you take a bad step when you abolish Fast day, and you will find when you go out over the State that the general run

of the people want Fast day retained. This is a proper day and a just day even if it is not in accord with the idea of modernizing everything over as the gentlemen have modernized their religion.

Mr. BROWN of Auburn—Mr. Speaker, I would like to ask these two gentlemen who are speaking against Fast day if they don't imagine the Apostle Paul had some reference to this when he said that some should depart from the faith? I would ask if the Scripture does not apply when it says that we should inquire for the good old ways and walk in them?

Mr. PERKINS of Alfred—Mr. Speaker, I rise to second the motion of the gentleman from Dexter.

Mr. NEWBERT—I did not know that this House was so religious; with this large Democratic minority I am amazed that there is so much religion here. I did not suppose that this question would be seriously discussed in the State of Maine. If it is to be discussed it is the chance of a lifetime for a humorist. The idea of trying to hold on to this day. I never knew a man to be a better religious man because he is hungry. I prefer to be full.

Mr. DUNTON of Belfast—Mr. Speaker, it seems to devolve on the Democracy to support the recommendation of our Governor in his inaugural address to abolish this Fast day. He recommended it very strongly in his address, and I have no doubt he was actuated by feelings of extreme reluctance to further engage in this gigantic farce in making that recommendation. I was a member of the committee that reported this bill and I take this occasion to express my desire that it may pass and I still insist that it ought to pass.

The question being on the motion to indefinitely postpone the bill, a division was had and the motion was lost by a vote of 36 to 55.

Mr. WALDRON—Mr. Speaker, I desire to change my vote from the affirmative to the negative.

The SPEAKER—The gentleman desires to change his vote. The vote is now 35 to 56.

Mr. Waldron then moved to reconsider the vote whereby the motion to indefinitely postpone was lost.

The motion was not agreed to.

The bill was then passed to be enacted.

On motion of Mr. McKinney of Bridgton, resolve relating to reprinting Maine reports was taken from the table.

Mr. MCKINNEY—Mr. Speaker, I move to indefinitely postpone the bill. I laid this bill on the table because I did not believe it was a just bill. This resolve is as follows:

Resolved, That Leon F. Higgins be and he is hereby authorized and empowered to reprint and publish all the Maine reports heretofore published, and the State librarian, under the direction of the Governor and Council, is hereby authorized and directed to contract for not exceeding one hundred volumes of each number for the use of the State, at a price not to exceed two and one-half dollars per volume, the same to be delivered as each volume is completed.

This resolve calls for the republishing of all the Maine reports. There are a hundred reports that have been published, and this gentleman proposes to republish those reports and the State librarian under the direction of the Governor and Council is authorized to contract for 100 volumes of each number for the use of the State at \$2.50 per volume. It will cost the State of Maine \$25,000 to purchase these 10,000 volumes. I have been informed by those who know that those volumes can be printed for \$1.75 a volume. We are to pay \$2.50 a volume for 10,000 volumes, and then give the publisher the right to sell those books to whom he pleases. The State librarian says that there is no need of them whatever, that if he had the books he does not know what to do with them except that they would be stored in the library to be carried away. I have spoken to the Governor and he says it is entirely unnecessary to republish these reports. Now, the question is, whether we want to pay out \$25,000 in order to help one man to publish the reports. I have talked with many of the lawyers and they are almost unanimously opposed to it, as I understand it. I don't believe that this State desires to vote away \$25,000 for this purpose.

On motion of Mr. Stearns of Norway, the resolve was tabled and tomorrow morning assigned for its further consideration.

On motion of Mr. Milliken of Island Falls, bill in favor of re-establishment

of boundaries of public lots in plantations, was taken from the table.

Mr. Milliken offered a statement of facts to be added to the resolve, and the resolve as amended was then passed to be engrossed in concurrence.

On motion of Mr. Tolman of Portland, Adjourned.