

MAINE STATE LEGISLATURE

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Legislative Record

of the

Seventy-Third Legislature

of the

State of Maine.

1907.

would discuss a matter of this kind for fifteen minutes or half an hour, as I was assured this matter was discussed, in its various phases, and arrive at a conclusion, as expressed unanimously, that this is a good business proposition—would they pick out five members and pay their expenses to Augusta at three different hearings to urge this matter before your committee, unless it was their deliberate judgment that the matter was a very important one and should be acted upon as the commission has asked?

Mr. SIMPSON: I think they would, if the president of the association so desired.

Mr. CLARKE: As I understand this matter the chief objection of the senator from York lies in the fact that the exposition is soon to open and they would not be able to complete the building in suitable time. As a matter of fact I am informed by the commission that they have their plans all completed and ready to put them into operation immediately and have simply been waiting and waiting for an opportunity to do so and that it would take them but a very short time. I hope the members of this Senate will have sufficient respect for the judgment of the gentlemen who appeared before the committee to act upon this matter favorably; and I hope they will not go so far as to humiliate the people who go down there by declaring that this state is too poor to make a suitable representation after every other state this side of the Pacific coast has declared its willingness to do and its opposition to such a humiliating policy.

The question being put upon the motion to substitute the minority for the majority report the motion was lost.

On motion of Mr. Simpson of York the majority report was accepted.

On motion of Mr. Tartre of York the Senate adjourned.

HOUSE.

Tuesday, March 26, 1907.

Prayer by Rev. Mr. Gibson of Augusta.

Papers from the Senate disposed of in concurrence.

The following came from the Senate passed to be engrossed in that branch under a suspension of the rules, and in the House under a suspension of the rules received their several readings and were passed to be engrossed in concurrence:

Resolve in favor of Walter B. Clarke, chairman of the Longfellow centennial committee.

Resolve in favor of Frank Fellows, messenger to the President of the Senate.

Resolve in favor of R. G. Hawes.

Resolve in favor of George W. Stearns, chairman of the committee on education.

Resolve in favor of the secretary to the committee on public buildings and grounds.

Resolve in favor of H. R. Thompson.

Resolve authorizing a temporary loan for the year 1907.

Resolve authorizing a temporary loan for the year 1908.

Resolve in favor of A. E. Irving.

Resolve in favor of the clerk and stenographer and the messenger to the committee on legal affairs.

Resolve in favor of the clerk and stenographer to the committee on railroads and expresses.

An Act to increase the salary of the register of deeds for the county of York.

An Act to amend Section 1 of Chapter 173 of the laws of 1905, relating to the compensation of registers of deed. (Senate amendment "A" adopted in concurrence.)

An Act to regulate and establish mileage rates for the conveyance of passengers over the steam railroads within this State, came from the Senate, that branch voting to adhere to its action in indefinitely postponing the bill.

On motion of Mr. Milliken of Island Falls, the bill was laid on the table.

An Act to provide for a transferrable

two-cent mileage on the Bangor & Aroostook Railroad, came from the Senate that branch voting to insist and appointing a committee of conference.

An Act to regulate ice fishing in certain lakes, ponds and streams in Aroostook, Penobscot and Piscataquis counties, came from the Senate with Senate amendment "A."

The House reconsidered its vote whereby the bill was passed to be engrossed, Senate amendment "A" was adopted in concurrence and the bill was then passed to be engrossed as amended.

An Act to amend Section 11 of Chapter 116 of the Revised Statutes as amended by Section 1 of Chapter 53 of the Public Laws of 1905, relating to the compensation of members of the government, came from the Senate with House amendment "A" rejected.

On motion of Mr. Milliken of Island Falls, the vote was reconsidered whereby the bill was passed to be engrossed, and on further motion by the same gentleman the House receded and concurred with the Senate in its rejection of House amendment "A," and on further motion by Mr. Milliken the bill was passed to be engrossed.

Mr. Perry of Fort Fairfield introduced Resolve in favor of C. W. Perry secretary to the committee on mercantile affairs and insurance. (Referred to the committee on appropriations and financial affairs.)

Passed to Be Enacted.

An Act to amend an act approved Feb. 19, 1907, entitled "An Act to amend Chapter 107 of the Private and Special Laws of 1905" entitled "An Act to incorporate the Stockton Springs Water Company."

An Act to amend Section 47 of Chapter 47 of the Revised Statutes, relating to corporations.

An Act relating to the office of register of probate of Aroostook county.

An Act to amend Section 95 of Chapter 49 of the Revised Statutes, as amended by Chapter 121 of the Public Laws of 1905, relating to notice of injury to Casualty Insurance Companies.

An Act to amend Section 32 of Chapter

8 of the Revised Statutes, relating to excise tax on palace or other cars, for which extra compensation is charged for riding therein.

An Act to amend the city charter of the city of Portland, pertaining to powers and duties of the mayor.

An Act to establish a salary for the judge of the Rumford Falls municipal court.

An Act to change the terms of the supreme judicial court in the county of Piscataquis.

An Act to provide for the transfer of persons from the insane department of the State prison to the building for the criminal insane upon the Arsenal grounds of the Maine Insane hospital at Augusta.

An Act to provide for a clerk for the register of deeds for the northern registry of deeds for Aroostook county.

An Act to amend Section 4 of Chapter 85 of the Public Laws of 1905, relating to the appointment of receivers.

An Act to incorporate the Maine Title Guarantee Company.

Finally Passed.

Resolve in favor of the Senate postmaster.

Resolve relating to title and sale of gun house in Kittery, York county, formerly used by Company B, Artillery, 4th Regiment, Maine Volunteer Militia.

Resolve in favor of Harry P. Hawes.

Resolve in favor of aiding the building of a bridge between Machiasport and East Machias.

Resolve in favor of Benjamin F. Colcord.

Resolve in favor of the town of Bucksport to aid in the repair and rebuilding of Verona bridge.

Resolve in favor of the town of Verona.

Resolve in favor of the Maine Insane hospital.

Resolve in favor of secretary of committee on banks and banking.

Orders of the Day.

Special Assignment: Majority and minority reports of the committee on temperance reporting on bill to regulate the sale of liquors by State liquor commissioners and town agents, "ought to pass" in new draft, and "ought not to pass."

Mr. Newbert of Augusta, moved that the minority report be substituted for the majority report.

On motion of Mr. Merriman of East Livermore, the House voted to limit the time of speeches on this question to 10 minutes.

On motion of Mr. Dunton of Belfast, the was tabled until the bill for the repeal of State liquor agency law was acted upon.

Special Assignment: Majority and minority reports of committee on temperance reporting on bill to amend the Sturgis law, "ought to pass" and "ought not to pass."

On motion of Mr. Folsom of Norridgewock, the bill was tabled pending the consideration of bill for repeal of Sturgis law.

On motion of Mr. Merriman of East Livermore, speeches on bill for repeal of Sturgis law were limited to 10 minutes.

Special Assignment: Majority and minority reports of the committee on temperance reporting on bill for repeal of Sturgis law, "ought not to pass" and "ought to pass."

Mr. NEWBERT of Augusta: I move to substitute the minority report for the majority report. The bill is so well known that much discussion would be a waste of valuable time. I believe the Sturgis law to be wrong in principle; I know it by observation to be bad in operation. It is contrary to the spirit of our institutions. It is un-Democratic, it is thoroughly un-American. No law was ever placed on our statute books that so quickly became unpopular, that so quickly inflamed the public passion, which has so generally irritated the people of the State of Maine as has this. The people object to having guardianship thrust upon them. Our localities are justly jealous of their local rights. We object to the State of Maine performing the part of paternalism and setting a board of officials over the sheriffs whom the people of the several counties have elected. It never has worked well. I believe the Sturgis law to be a dismal failure.

In five counties of this State in one year for the support of this Sturgis law we have spent more than we spent in the same year for the University of Maine, more than we paid on our bonded debt in 1905, more than we spent on State roads, more than we spent on roads and bridges, ten times

what we spent for academies, almost as much as we spent on normal schools, two-thirds as much as we spent on our high schools, six times what we spent for the education of the blind, nearly four times what we pay for fighting consumption at the State Sanitarium, over half what we pay for soldiers' pensions, and nearly as much as we used to pay for State printing. Extend the system all over the State of Maine and continue it for ten years and this piece of gigantic foolishness would cost the State of Maine more than the Civil War. There are other misdemeanors and even other crimes than liquor selling. If the special attention and expenditure of money devoted to enforcing the law against that misdemeanor should be directed towards enforcing all our criminal laws it would cost \$100,000,000 a year to run the State of Maine, and the State would in time become as free from sin as the Garden of Eden before the serpent added apples to the bill of fare for Adam and Eve.

Mr. THOMAS of Howland: Mr. Speaker and fellow representatives, as a temperance man believing as I do in the temperance principles I would not feel that I was doing my duty were I to sit here and listen to the remarks of the gentlemen upon this floor without adding with them my opinion in this matter and I wish to say that I have the greatest respect and admiration for Mr. Sturgis, founder of the Sturgis bill. He was honest. In bringing his bill he realized as we do today the necessity of the enforcement of the prohibitory law and in good faith brought this bill hoping that it would tend to do the work which seemed so much needed and if this law has not done all that it was expected to do you must confess it has done some good and I am going to tell you gentlemen that a temperance law no matter how poor it may be enforced is far ahead of open rum shops, therefore I would not be in favor of the repeal of the Sturgis law unless something better is substituted to take its place, for gentlemen, it is gratifying to me to know that any move has been made to suppress the liquor traffic in the State of Maine and I say

amen to that. I do not feel confident myself to offer any better law than this to regulate the enforcement of the of the prohibitory law but I do believe there are men wise enough in this Legislature to do so. And now to sum the whole matter up gentlemen, we may come here year after year and and law after law to our statutes until doom's day and if we don't have them enforced we shall be no better off than we are today. The water wheels in our great mills would be of no use to the operators as far as the running of those mills, unless put in motion and the same thing applies to our temperance laws. They are utterly useless unless enforced. I am satisfied gentlemen that with my rather radical views on this temperance question that I would not be a very good man to regulate the sale of intoxicating liquors, but if I was to have it sold at all I would put it in the hands of the druggists with stringent laws governing its sale, for if it is only required for medical and chemical purposes there would be plenty of room in the common drug stores for such required liquors.

Mr. DOW of Brooks: Mr. Speaker, I feel that some explanation of the action of the committee might be appropriate. Your committee have considered the so-called Eaton bill and that bill puts into the hands of the Governor the power to remove sheriffs who neglect to do their duty, with the proviso that a sheriff appointed in place of the one removed shall be of the same political party as the one removed; and your committee thought favorably of that bill. But that is a constitutional matter and will not go into effect for two years. In the meantime I believe the people of the State at large demand that some just means of enforcement should be in the hands of the State officials. Your committee were heartily in favor of the Heath bill. It is concise and systematic. But if we are to adopt the Eaton bill two years from now we thought we ought not to do away with this bill which is under discussion; we thought we had better allow the Sturgis matter for two years to remain where it is. We say there should be some means of dealing with officials

who deliberately nullify the law; and we say that that this Sturgis law, while it is not all that we might wish, while we realize that to a certain extent it is unpopular in some portions of the State, we believe that under the present conditions we as temperance people of the State of Maine should stand by that with the understanding that it is only as a temporary measure; it is only to tide over the time until we can have a more potent law and one which is better adapted to meet the needs of the people. For these reasons we favor the Sturgis law. By a fair majority you opposed resubmission of the prohibitory amendment. I submit that it is unjust to the Governor that he shall have no power to enforce the law which he is required to enforce and it is unjust to every principle of civic righteousness and good government; and I ask that the majority report be sustained.

Mr. McKINNEY of Bridgton: Mr. Speaker, it does not seem to me that the Sturgis law has accomplished the purpose for which it was intended. The gentleman from Brooks says we must have something to help in the enforcing of the law; and yet it is a fact if the truth had been told on this floor, that the portion of the State of Maine which has nullified the law the most and most continually, the Sturgis commission has not gone near, but have persistently staid away. Notwithstanding the fact that they have been called upon time and time again to go into those places where it is well known that rum is freely sold, they have declined to do so. Notwithstanding the fact that the newspapers of the State have called upon them and asked them why they have not gone into those portions of the State, they have remained silent. It has not been denied. If we need a commission to enforce the law through our regular officers, we also need a commission to look after the Sturgis commission to see that they enforce the law.

I do not care whether this law is repealed or not. If I thought more of politics than of what I believe is right I should hope you would not repeal the law. But I will tell you one reason why I shall vote for the repeal of the Sturgis law. I have had but few pe-

titions from my town upon any question that has been before this House, but there was one petition asking for the repeal of the Sturgis law, and that contained the names of 102 citizens of my town, 62 of whom were leading Republicans and 40 leading Democrats of my town. The list of Republicans contained the name of the only United States officer in my town, the postmaster, and it contains the name of nearly all the leading business men of the town; and it seems to me that a list with 102 names of the business men of my town is sufficient to represent the sentiment of my town. I shall therefore vote for the repeal of the Sturgis law.

Mr. SAFFORD of Kittery: Mr. Speaker, I do not believe that the oath taken by the Sturgis commissioners can be made any more sacred than that of the sheriffs of our several counties. I may be a little old-fashioned in my ideas, but I believe in the system of government that we adopted from old England. I believe if we proceed upon that system there will be no need of appointing commission upon commission to see to the enforcement of the laws. I am opposed to those expedients. I am a temperance man. I believe in prohibition and in legislative prohibition. We have had an experience in this State long ago, in the State Constabulary. How did that operate? I can only speak for the county of York. We knew when that when the constables went into the cities in York county to enforce the law the local officers kept in abeyance. They not only did not aid the constables, but threw obstacles in the way of their enforcement of the law. That was the result. That is the history we have had of the enforcement of the temperance law in this State. Now I believe, Mr. Speaker that if we cannot enforce the laws through the legitimate channels, through the acknowledged authority of the sheriffs of the counties, we cannot enforce it at all. We had better acknowledge that there is something wrong in our system of government. I voted against resubmission, but I will vote in favor of the repeal of the Sturgis law, and I will use all my efforts as a temperance man to have

that law enforced through the sheriffs of the several counties of our State. We understand the difference in feeling in Penobscot and Lincoln, in Androscoggin and in York, but how can we rectify that by legislation? We have to confront the situation as we find it. Now let us go back to the first principles, and if the sheriffs in the counties cannot enforce the law, then I am in favor of their removal.

Mr. MONTGOMERY of Camden: Mr. Speaker, in addition to what has been stated I wish to add that we not only had the constabulary law of 1867, but we had a similar law in 1889, that lasted for 11 years. It was the same law in effect as the Sturgis law. All the difference was that it required the signature of 30 citizens to have them appointed in the different counties. That law stood for 11 years, and not one county acted under it, and in 1891 the Legislature had the courage to repeal it and get it off the statute books. With the experience that we have had in the last two years we ought to have the courage to repeal this law. Here is a law authorizing or empowering the Governor to depose a sheriff in a county, as though that law was necessary today, as though it was necessary to change the constitution of this State for that particular purpose, when it is not necessary, and if we study the constitution and history of our State we will see that it is not necessary. This Legislature has the power of impeachment whenever any officer high in authority in the county or in the State fails to do his duty—at all times the Governor may call the Legislature together for that particular purpose. It is not true that any officer high in authority cannot be impeached at any time. He can be, and no additional law is necessary. The law is strong enough and well enough as it is today.

Mr. McKinney of Bridgton moved that when the vote is taken it be by the yeas and nays.

The motion was agreed to.

The SPEAKER: The question is on the substitution of the minority for the majority report, and the majority report is that the bill "ought not to pass." All those in favor of substituting the minority for the majority report will say yes when their names are called;

all those opposed will say no. The Clerk will call the roll.

YEA:—Allan of Dennyssville, Allen of Mt. Vernon, Baldwin, Brawn, Brown, Charles, Copeland, Cyr, Davidson, Davis, Decker, Dondero, Donigan, Duncan, Dunton, Edwards, Emery, Farnham, Folsom, Flaherty, Fulton, Gallagher, Grinnell, Hall of Dover, Harriman, Harthorn of Milford, Hathorn of Detroit, Havey, Hibbard, Higgins, Horgan, Jacobs, Johnson of Waterville, Jordan, Kelley, LaBree, Lane, Leighton, Lowe, Lynch, Martin of Bangor, McClutchy, McKinney, Merri-man, Merry, Montgomery, Morneau, Mul-len, Murphy, Newbert, Newcomb, Noyes, Perry of Randolph, Pike, Pooler, Preston, Reynolds, Safford, Scates, Skidmore, Skillin, Smith of Lisbon, Snow, Spear, Stevens of Jonesport, Stover, Strickland, Tarbox, Thomas of Harpswell, Tolman of Glenburn, Tolman of Portland, True, Tucker, Waldron of Portland, Walker, Weeks, Weld, Witham, Young.

NAY:—Allen of Columbia Falls, Allen of Richmond, Barrows, Chase, Clark, Cobb, Colcord, Crosby, Danforth, Davies, Dow, Dyer, Emerson, Gleason, Gordon, Hadlock, Hall of Caribou, Harris, Haskell, Hawkes, Herrick, Hill of Monticello, Irving, Joy, Kendall, Langley, Libby, Lord, Loring, Lovejoy, Martin of Rumford, Mayo, Milliken, Newton, Peacock, Perkins of Alfred, Perkins of Kennebunkport, Perry of Fort Fairfield, Powers, Smith of Patten, Sprague, Stearns, Stevens of Portage Lake, Stubbs, Theriault, Thomas of Howland, Waldron of Dexter, Whitehouse, Wight, Wood.

ABSENT:—Barker, Blanchard, Brackett, Farrar, Frost, Giddings, Goodwin, Hill of Machias, Johnson of Calais, Knowlton, Leader, Merrill, Minabane, Moore, Oram, Pinkham, Stuart, Titcomb, Wardwell.

Yeas, 78; nays, 50; absent, 19.

So the minority report was substituted for the majority report.

On motion of Mr. Newbert of Augusta the rules were suspended and the bill was given its three several readings and passed to be engrossed.

Special Assignment: Majority and minority reports of committee on temperance reporting on bill to amend the Sturgis law, "ought to pass" and "ought not to pass."

Mr. Folsom of Norridgewock moved that the bill be indefinitely postponed.

The motion was agreed to.

Special Assignment: Majority and minority reports of committee on temperance, reporting on bill for repeal of State liquor agency law "ought to pass" and "ought not to pass."

The pending question being on the substitution of the minority for the majority report,

Mr. Dow of Brooks moved that the motion to substitute the minority for the majority report lie on the table for the purpose of considering the Heselton bill, so called, which is the first on today's assignment.

On motion of Mr. Dunton of Belfast, Majority and minority reports of committee on temperance, reporting on bill to regulate sale of liquors by State liquor commissioner and town agents, "ought to pass in new draft" and "ought not to pass," was taken from the table.

On motion of Mr. Johnson of Waterville the bill was tabled for printing, and assigned for tomorrow morning.

On motion of Mr. Waldron of Dexter, majority and minority reports of committee on temperance, reporting on bill for repeal of State liquor agency law "ought to pass" and "ought not to pass," was reassigned for tomorrow morning.

Special Assignment: Bill, relating to advertising patent medicines.

The SPEAKER: The pending question is the adoption of Senate amendment "A" in concurrence.

Mr. WELD of Old Town: Mr. Speaker, I understand by the amendment that Section 2 is stricken out, that is, there is no protection under this bill as amended in the Senate against the indiscriminate leaving of medicines at the doors of residences. Now, in my own town of 7000 inhabitants to my personal knowledge the lives of a large number of children have been imperilled by the leaving of samples of medicines at the doors of houses, and I suppose it is a matter of common occurrence in the smaller communities that the lives of children are endangered by the indiscriminate practice of leaving samples of medicines at the doors of residences. I say it is a needed thing that the children should receive the protection. In my own experience I have known of five cases, four of which were fatal, that have arisen from the taking of medicines that were left at doors.

Mr. DOW of Brooks: Mr. Speaker, I do not know what the reasons are for the striking out of that section, but I know that we considered the matter very carefully in our committee. This

is a matter of protection against an evil that has become widespread in its influence, one of the most dangerous customs that exist today, one which threatens the health and lives of thousands of innocent children throughout our State. You may go where you will in any of the villages or cities of our State, even back in the country towns, and you will find package after package left at the doors of houses, distributed where the children will get them, medicines that have been prepared for the purpose of gain and not for any beneficial effects. The gentleman from Old Town, the gentleman from Blaine and the gentleman from Monticello, all practical physicians, will tell you what any of the practical physicians in this House or in this State will tell you, that this is one of the greatest menaces to the health of the children of this State today, and I believe this is a measure which we should take hold of in order to protect the children, and I object to the striking out of this section.

Mr. FULTON of Blaine: Mr. Speaker, I hope this House will not adopt the amendment offered to this bill. I do not wish to be understood as saying that all patent or proprietary medicines are without merit. There may be some merit in some of them. Every practising physician has had experience in the matter of the nostrums that are thrown around at the doors of people's houses. It is something that has occurred in the experience of every physician, and only a short time ago I knew of an instance where a sample of medicine had been left at a house and given to a child, and as a result of that several physicians were obliged to work for a considerable time on that child to counteract the effects of that medicine. It seems to me that we need not take any time in discussing this matter, and I say to you that if you take out that section you take out all the teeth that are in that law. I hope the amendment will not be adopted.

Mr. MURPHY of Portland: Mr. Speaker, I have been asked to say something in relation to this bill. There are two ways of looking at the bill. If the doctors will tell of the

nature of the trouble that the patients had, what the nature of the poison was that was contained in the medicine I have no doubt that the matter can be made plain to us. There are a great many harmless compounds that are given out as samples that are used externally. Now, the question is, how much are you going to damage the business, and especially the toilet articles and such things as that. As far as I am concerned I am perfectly willing to vote either for or against the bill. It is almost six of one and half a dozen of the other.

The SPEAKER: The question is on the adoption of Senate amendment 'A,' which is to strike out Section 2 of the bill.

A viva voce vote being had,

The amendment was rejected.

Mr. JOHNSON of Waterville: Mr. Speaker, would a House amendment be in order at this time?

The SPEAKER: It would be in order.

Mr. JOHNSON: I will call the attention of the members of the House to Section 2, and it seems to me that it is very broad in its terms; and it seems to me that it is drawn so broadly that it might include a sale, a proper and legitimate sale at a drug store. My amendment is to strike out the words "or otherwise" in the 11th line of Section 2.

The amendment was adopted.

The bill as amended was sent to the Senate.

Special Assignment: Majority and minority reports of committee on judiciary, reporting on resolve to amend constitution relating to the powers of the Governor "ought to pass in new draft" and "ought not to pass."

Mr. MONTGOMERY of Camden: Mr. Speaker, I move that the minority report be accepted in place of the majority, and on the subject I wish to speak very briefly. In substance, the resolve is to change the constitution of the State so that a sheriff not fulfilling his duty in regard to the enforcement of the prohibitory law may be removed on application to the Governor. Heretofore it has been left to the Legislature to do that work of impeaching sheriffs or other officers,

certain other officials, an example of which we have had before us recently. An attempt at the present time to change the constitution is simply an attempt to reconstruct the old constabulary law in the form of the Sturgis law. It is just as unnecessary as that is unnecessary. It cannot have any beneficial results in this form, because if the Governor removes then he has to reappoint from the same political party as that from which the sheriff belonged who has been removed. Would it be possible to find a Republican that would accept the position when his fellow Republican has been removed from that place. He would be a renegade Republican that would accept it, and that same thing would be true of the other party. It would result in nothing if the law was passed, but it is unnecessary. If the Legislature is not in session there is a provision that it may be called together for that purpose, and when the great subject of impeachment is necessary to call the Legislature together for that purpose, and it should not be left to any single person. The wisdom of the past indicates that, and it should be left there. That is why I think the minority report should be accepted in place of the majority.

Mr. McKinney of Bridgton was at this point called to the chair.

Mr. DAVIES of Yarmouth—Mr. Speaker, it appears from reading the resolution that this merely provides for the giving of power to the Governor for the removal of a sheriff who shall fail to do his duty. The amendment that was offered by the Senate provides in case a sheriff shall be deposed the new incumbent in the office shall be appointed from the same political party, and that is all that the Eaton resolution, so called, provides for. That is directly in line with legislation that is being passed in other states and is by no means novel. In Iowa a similar law has been enacted. These facts I merely mention that you may bear in mind that we are not launching out upon an unknown sea. The gentleman from Camden (Mr. Montgomery) says that it can have no beneficial results. I am free to say that I think there are very few counties in this State where just such a constitutional amendment could not have been used to a very good purpose. When

the sheriffs of our various counties take the law into their own hands and make statements that they have substituted a method of their own in preference to the laws which are upon our statute books, I say the time has come when it is necessary that something should be done which will give to the Governor of this State the power to depose that official. I feel sure that a great many of you living in the respective counties in the south-easterly part of the State have known administrations of the various sheriffs who have occupied the office where this law and its provisions and its operations would not only be salutary but would be just.

I differ with my friend from Camden (Mr. Montgomery) in his statement that men would be all alike in a political party; for it does not by any means follow that because one incumbent of a sheriff's office should violate the provisions of a sacred oath that another who might hold that office would do likewise. Now, the matter of impeachment by the Legislature is rather unwieldy. It takes too long a time and it is difficult of accomplishment. And, Mr. Speaker, I desire at this time to oppose the acceptance of the minority report in place of the majority report.

The Speaker at this point resumed the chair.

Mr. SMITH of Patten—Mr. Speaker, I think the ground of this matter has been fully covered in the remarks of the gentleman from Yarmouth (Mr. Davies). As I understand it, he has correctly stated the sentiment of the judiciary committee in reporting this resolution, the Eaton bill, so called. As has been stated, it is simply a proposition to submit to the people of this State as to whether or not they will adopt a constitutional amendment providing that the Governor and Council be empowered, after due notice and hearing, to remove a sheriff who fails to perform the duty imposed upon him under the law. It is not a new and untried thing. As has been stated, it is the constitutional law in several states. It was the law of the constitution under which this State was born, and it existed as a part of the organic law of this State until 1857 when it was stricken out, due to a political revolution and a political entanglement existing at that time.

It was stricken out purely and solely upon political grounds. It was the same agitation that a short time before that removed by impeachment a judge of the supreme court of this State. The majority of the judiciary committee believe that it should remain a part of the constitution of the State. The majority of your committee believe that when a sheriff fails to perform those duties which devolve upon him he shall be removed after proper hearing. I do not believe the members of this House feel that a Governor and Council of this State, whether Republican or Democrat, Prohibitionist or Socialist, would ever except after the most flagrant violations of duty, exercise that power if it was invested in them. The majority of the members of the judiciary committee offer to you in the interest of good government this proposition which eliminates the provisions that you have objected to: we give you a constitutional provision whereby you can regulate and control this thing under the provisions of the constitution of the State of Maine. I hope that the minority report will not be substituted for the majority, and that the majority will be adopted by the members of this House without regard to party.

Mr. JOHNSON of Waterville: Mr. Speaker: I am pleased to find that some of my friends who failed to hear a few days ago any demand from the people of this State that the prohibitory amendment to the constitution of our State should be submitted to them, when at least two-fifths of the voters of the State had expressed their desire to have that question submitted to them in unmistakable terms. Now, at a mere suggestion from somebody it is proposed by some of my friends who opposed a resubmission of the Fifth Amendment to the people, finding there was no demand and no call for it because from somebody's suggestion or from political exigency it is now necessary to submit in these the last days of the 73d Legislature by vote of both branches this amendment to the people to vote upon. If that was removed from our constitution in 1857 for political reasons, it is now sought to be replaced for political reasons. But what have we not tried by this prohibitory

law and our special enactments? You have had your State constabulary, your Sturgis bills, imprisonment for the first offence which you did not mean when you passed it, passed for political effect, and now another measure supported for political effect and from the exigencies in which you find yourself involved, submitting to the people of the State this question with no demand for it. Where did the call come from until you met here and a majority of the members of this House had this question presented of whether the Sturgis bill should be repealed or not? And then this make-shift to submit to the people this question of removing the sheriffs.

But the sheriffs in the part of the State from whence comes the gentleman from Yarmouth announced no new doctrine if they announced nullification of law. Had you never heard of it before? Had we never heard it from the eastern part of the State, from higher officials than a sheriff? I remember that the temperance people came here in 1891 and had enacted a law which said that for the first offence of which he was convicted a liquor seller should be fined and in addition thereto imprisoned. Were the provisions which you supposed you had written into the laws of the State enforced? There are county attorneys chargeable with the prosecution of offenders besides the sheriffs. There are judges not only in your municipal courts, but in higher courts who have within their power the enforcement or the nullification of law. But as a special remedy because some counties happened to elect Democratic sheriffs we are now asked and the Democratic minority is asked to join in submitting an amendment to the constitution that the Governor may remove sheriffs from office. It is un-Democratic, un-Republican and entirely inconsistent with our government. The Governor has powers enough. I don't believe in centralizing in him any more powers. I have faith in the people of the State of Maine that they can elect the officers whom they desire and govern themselves well. Have patience with the people. If they make mistakes they will remedy them. I have more confidence in the people of the different

counties of our State than in any Governor who may be elected. Trust the people of Maine to right any wrong. Leave the constitution as it is. I hope this majority report will not be adopted. (Applause.)

Mr. DAVIES of Yarmouth: Mr Speaker, it has been borne in upon me the last few days that the Governor along certain lines has had too much power. But in this particular phase of the administration of our laws my mind does not resist the impression that the Governor has not sufficient power. When it comes to the matter of political exigencies confess that I am at a great disadvantage with my distinguished friend from Waterville (Mr. Johnson). So far as that matter might have concerned my attention I give you my fullest assurance that it never had suggested itself to me. I saw by the sentiment of this House when I came here early in the session that undoubtedly the measure which we have called the Sturgis law was to be repealed, and it suggested itself to my mind at that time, and it has been commented on very often since that time by myself and by my friends, that something must be done for the purpose of keeping the delinquent sheriffs into line, irrespective of what their political affiliations may be. The question that we are concerned with is good government and whenever a sheriff takes the law into his own hands and says "I do not believe in the law—I have substituted a law of my own," then republican government has ended, and will my friend from Waterville deny that? Now when it comes to the question of nullification in Cumberland county, I say that no man has openly declared on the stump within my recollection that he was a nullifier. If he was, he was satisfied to keep it to himself, as I should suppose he would prefer to. I am not prepared to say what any man's sentiments were on the question of nullification until he made them manifest to me, or to some one who might have told me. But when a man says he is a nullifier and repeatedly says so when I am perfectly willing to take his word for it. And I should like to inquire from the distinguished gentleman from Waterville if he ever knew of but one sheriff from Cumberland county

who openly declared that he was a nullifier.

Mr. JOHNSON: I understand the gentleman from Yarmouth asks me a question, whether I have ever known of but one instance where a sheriff proclaimed himself to be in favor of nullification. I say I have known a score of instances where by their acts known to all men and speaking more plainly than words can speak, they have so declared and profited by it in your own county of Cumberland and also in others in the State of Maine. (Applause.)

Mr. DAVIES: If the gentleman is satisfied with the reply to the question, I am. I thought it was perfectly fair, speciously fair, at least, and I think some of you will agree with me, that the answer was hardly sufficient to be a direct reply to the question. The matter that is now pending is this—and we had a proposition somewhat similar to it yesterday—no referendum—don't need it—all bosh. This is a question of referendum, whether the electors of this State will place into the constitution of the State of Maine a clause which will give to the Governor power to remove sheriffs who violate the provisions of a sacred oath. Why be afraid of them? Don't you think that our moral standard in the State of Maine is sufficiently high so that we can trust the electors of this State with that proposition at a general election? Now, the made to the referendum the other day was that it was a special election and it would cost altogether too much money. Now here is a proposition for a referendum at a general election. Can the same complaint be urged against that, that it is too far away and somebody might forget what he wanted to vote. I think we can very safely and very reasonably trust the electors in this State with deciding whether the Governor shall have sufficient power and authority to remove a sheriff who has wilfully violated the provisions of his oath of office. I can see absolutely no reason why anyone should refuse to give the electors of this State the opportunity to pass upon this question.

Mr. MONTGOMERY: Of course I

expected some reply from the gentleman from Yarmouth. Now if his earnestness was unfeigned and he sincerely and honestly knew that a sheriff in any of the counties of the State had declared himself a nullifier of the law he would have had us sit in judgment upon it with an address to the Governor while we have been here to remove that official. The earnestness that he has displayed is not real, and it cannot be.

Mr. HORIZAN of Biddeford: Mr. Speaker, while listening to the arguments of the gentlemen who have preceded me I have been wondering who is to remove the Governor, or who is to be given the power to remove the Governor when he does not do his duty. An instance occurred in our county within the past year, where the county attorney of the county of York came to the legislative halls of the State of Maine, came to the present Governor and complained to him that the local officials were nullifying the prohibitory law, and he asked the Governor to insist that they take hold and help him enforce those laws. Did the Governor do it? He did nothing. The demand was made upon him to help enforce that law and he refused to do it. It seems to me that so long as the Governor has the power to convene the Legislature and to propose impeachment proceedings against any sheriff that he will only have to do that thing once, and the history of that one time will be a menace and a club over all future sheriffs so that they will feel obliged to and will enforce the laws without giving this great power to the Governor of the State of Maine. You may have Governors who will be honest, you may have Governors who will try to enforce all laws, but you will certainly get some who will be just as your sheriffs have been, just as the judges of your municipal courts have been and just as the judges of your higher courts have been and will be, who will play into the hands of the political party which has made them what they are.

Mr. WALDRON of Dexter: Mr. Speaker, I am surprised at the position of my Brother Johnson and some other

members of this House who fought on the floor of this House like tigers a short time ago to get the referendum into the constitution, and now they are taking the directly opposite view of the matter. This is a movement in favor of good government solely and alone. I have in memory a time far back when the Democratic party were in favor of the extension of slavery into the territories. That is a day when the Republican party was right in resisting it and that the Democratic party, as usual, was wrong. So it has been throughout, the Democratic party has been against the government and the Republican party has been in favor of the power of the government. Now, when it comes to a matter of the strength of the government, I don't care whether it is to be put into the constitution or into the laws, no government is good government unless it has authority to maintain its laws and has officials who will properly and efficiently enforce those laws; and if it is necessary to amend the constitution of this State to do it, then I hope this House will vote to amend that constitution and submit this matter to the people.

Mr. NEWBERT of Augusta—The gentleman from Dexter (Mr. Waldron) who is in this House by the scanty majority of one vote innocently remarks that this is not a party question. If the same gentleman had votes enough at his back he would have been mighty glad to make it a party question and ride rough shod over a hopeless minority.

Mr. TOLMAN of Portland—Mr. Speaker, this is getting down to a question of politics pure and simple. I was inclined to vote for the referendum and did. I don't know but if I had it brought up to me today I should be inclined to vote against it, because it seems to me that the referendum was only to be used where it referred to the Republican party. (Laughter.)

Mr. WALDRON—I don't care to make any further address except to reply to my friend from Augusta (Mr. Newbert). If that gentleman had been in the Dexter town meeting yesterday where my distinguished friend Mr.

Brown, who contested my seat, was and had seen the contest there where upon two separate votes in that meeting I received two votes to one for him, he would hardly have said what he did today. (Laughter.)

Mr. Johnson of Waterville, moved that when the vote be taken it be by the yeas and nays.

The motion was agreed to.

The SPEAKER—The question before the House is upon substituting the minority for the majority report. All those who are in favor of substituting the minority for the majority report will say yes when their names are called; all those opposed will say no. The Clerk will call the roll.

YEA:—Allan of Dennysville, Brawn, Brown, Charles, Copeland, Dondero, Duncan, Durcan, Dunton, Edwards, Farnham, Flaherty, Frost, Gallagher, Grinnell, Harriman, Harris, Harthorn of Milford, Havey, Hibbard, Higgins, Horigan, Johnson of Waterville, Jordan, Kelley, Leighton, Lowe, Lynch, Martin of Bangor, McClutchy, McKinney, Montgomery, Moore, Morneau, Mullen, Murphy, Newbert, Noyes, Perry of Randolph, Pooler, Preston, Scates, Skidmore, Skillin, Snow, Stevens of Jonesport, Stover, Strickland, Thomas of Harpswell, Tolman of Portland, True, Tucker, Waldron of Portland, Walker, Weld, Witham.

NAY:—Aller of Columbia Falls, Allen of Mt. Vernon, Allen of Richmond, Baldwin, Barrows, Brackett, Chase, Clark, Cobb, Colcord, Danforth, Davidson, Davies, Davis, Decker, Dow, Dyer, Emerson, Emery, Folsom, Fulton, Gleason, Goodwin, Gordon, Hadlock, Hall of Caribou, Hall of Dever, Haskell, Hathorn of Detroit, Hawkes, Herrick, Hill of Monticello, Irving, Jacobs, Joy, Kendall, Knowlton, LaBree, Lane, Langley, Libby, Lord, Loring, Lovejoy, Martin of Rumford, Mayo, Merriman, Merry, Milliken, Newcomb, Newton, Peacock, Perkins of Alfred, Perkins of Kennebunkport, Perry of Fort Fairfield, Pike, Reynolds, Safford, Smith of Lisbon, Smith of Patten, Sprague, Stearns, Stevens of Portage Lake, Stuart, Stubbs, Tarbox, Theriault, Thomas of Howland, Waldron of Dexter, Weeks, Whitehouse, Wight, Wood, Young.

ABSENT:—Barker, Blanchard, Crosby, Cyr, Farrar, Giddings, Hill of Machias, Johnson of Calais, Leader, Merrill, Minahane, Oram, Pinkham, Spear, Titcomb, Tolman of Glenburn, Wardwell.

Yeas, 56; nays, 74; absent, 17.

So the motion was lost.

On motion of Mr. Smith of Patten the majority report was accepted.

On further motion by Mr. Smith the rules were suspended, the resolve was

given its two readings and was passed to be engrossed.

On motion of Mr. Skidmore of Liberty, Adjourned until 2 o'clock this afternoon.

Afternoon Session.

A communication was received from Justice William P. Whitehouse transmitting the opinion of the justices of the supreme judicial court in answer to the questions submitted by the House in relation to the taxation of railroads.

On motion of Mr. Davies of Yarmouth the opinion was tabled for printing.

Special assignment: Report of committee on legal affairs reporting on bill to abolish office of State Binder, "referred to next Legislature."

The pending question being on the acceptance of the report.

Mr. GLEASON of Mexico: Mr. Speaker, I move that the bill be substituted for the report. If this is done I shall offer an amendment to the bill. When this matter was first brought before the committee no one appeared in behalf of this bill because the one presenting the bill was obliged to be away. By some mischance the friends of the bill did not learn just when the hearing was to take place and the committee reported adversely. Later the bill was recommitted and the hearing that took place occurred on the day on which the debate on resubmission took place in the House.

At the hour at which it came up both Mr. Heath, who appeared for the State Binder, and myself were engaged before another committee, thus keeping the legal affairs committee waiting for an hour so that finally when we were able to go before the committee several of them were absent. At no time were there more than six present. In the midst of the hearing came the announcement that the vote on resubmission was about to be taken in the House and the hearing was suspended in order that the members might vote on that question. Returning to the committee room there were for a time only two members present, though after a time one or two more came in. At no time were all the members present during the hearing, and I feel that if they had been present and if they had learned all the facts they would have taken a different stand from

what they did. I think those who did attend found some merit in the proposition to abolish the office of State Binder; otherwise instead of referring it to the next Legislature they would have made the same report as before.

If I can show that this law is now largely obsolete, that in the nature of the case it must be so and that if the office of State Binder is abolished a saving to the state in round numbers of \$5,000 a year will be effected, I think you will agree with me that this bill ought to pass.

I have no other motive than to serve the State. I have nothing whatever to say concerning the gentleman who occupies the office of State Binder. This question is simply in relation to the business of binding the State's books and documents. The law by which the office was established was passed in 1895, in the same year in which the office of State Printer was established. The law is divided up into 21 classifications. The first seven apply to binding and the next 13 apply to the ruling of blanks. So far as the present law is concerned it applies to only a very small part of the business that is done in this department, this department of State bindery, and its effect is to send into one channel all the thousands of dollars worth of business that goes into this office.

I take up first the part relating to ruling, beginning with Class 7, which relates to railroad commissioners returns. In regard to this matter of ruling, at the present time the blanks for returns of steam railroads are furnished entirely by the Interstate Commerce Commission, and none whatever through the State Binder. As to the street railroads, I believe there are two lines on a 24-page book on the first page which are ruled by the State Binder and all the rest of the ruling is done by the printer.

So far as that is concerned the State Binder, if he does anything at all on this, and he himself states that he does not know whether he does or not, rules merely two lines for which the statute authorizes him to receive 10 cents a copy. Also when that book is bound into a pamphlet there are three staples put through it and for that he gets 10 cents a copy if he does it, and he himself says he does not know whether he does or

not. So far as that part of the law is concerned it seems to me it is practically obsolete. Class eight is returns of insurance companies. Those are purchased already made. The binder has nothing to do with it. That section is out of the law. Class nine relates to blanks for accounts of committee on warrants. This applies to only a very small quantity. All the blanks that are used there are practically without ruling. They are used on typewriters where ruling is not necessary. Class 10, pay roll of the executive council--there are seven Executive Councillors. Their names are put on one pay roll. This provision of the law requires that for 12 blanks to be used in making out the pay roll of the Executive Council. This provision is provided for that alone. It seems to be absurd that 12 mere pay rolls should require legislation. Class 11--blanks for application for continuation of pensions. This class is entirely out of existence, so far as ruling is concerned. That is, they use blanks but they have no ruling. Class 12 has no ruling on them. Class 13, blanks for school returns. In that department there is but one at the present time being ruled. Class 14, no ruling. Class 15, none. Class 16, none. Class 17, there is one very small blank that comes under that class. Class 18, several blanks, but no ruling whatever required. Class 19, none. Class 20, one form ruled and one not ruled; but there are 15 others that are used in that department where no provision whatever is made for them. They don't come under the law. I submit the following table:

TABLE I.

Table showing the number of ruled forms now used in the several departments provided for and not provided for by the bindery law. Last column has reference to department, not to class:
Department.

	No. forms provided for by law.	No. not provided for by law.
R. R. Com.—Returns,	none (cl. 7)	19
Ins. Com.—Returns,	none (cl. 8)	18

Council Com. on war-rants—Blanks	none (cl. 9)	none
Council payroll,	1 (cl. 10)	none
Pension office—Applica-tion for continuation of pension,	none (cl. 11)	2
Pention office—Statem't of facts of applicant,	none (cl. 12)	2
School—Returns,	1 (cl. 13)	2
Council—Certificates,	none (cl. 14)	1
Land office—Blanks for vacant lots,	none (cl. 15)	
Land office—Blanks for lots sold to settlers,	none (cl. 16)	
Pension payroll,	1 (cl. 17)	
Pension—Blanks for dis-charges and deaths,	none (cl. 18)	
Adj. Gen.—Blanks for return of companies,	none (cl. 19)	
Adj. Gen.—Morning re-ports,	1 (cl. 20)	

57

So that in these 14 classes into which the forms of six departments are arranged there are four blanks now in use that come within the law and 57 that do not.

Moreover, there are several depart-ments that are not mentioned in the law at all and that have numerous blanks that require ruling. (See the list.)

Ruled blanks not referred to in law.

Railroad Commissioners	19
Insurance Commissioners,	18
Council	1
Pension Office	2
School returns	2
Adjutant General's Office	15
Total	57

Ruled blanks not referred to in the law; departments not mentioned:

ADDITIONAL RULED BLANKS.

Sec. State's office	65
Bank Examiner	13
State Assessors	8
Sea and Shore Fisheries	8
Fish and Game Dept.	2
Forest Commissioner	2
Treasurer	3
State Entomologist	2
House and Senate Calendars	1
Blanks for Acts and Resolves	4
Blanks for Com. Reports, forms	31
Attorney General	1
Vital Statistics (State Board of Health)	1
Total	142

Here then are numerous departments of the State government, some of them using a large number of ruled forms that are not mentioned in the law at all. The 142 ruled forms in these departments, to-gether with the 57 before mentioned, make 199 forms now in use in the several de-partments and outside and provisions of the law, as against only four which come within the law.

Does not that show that this law, as regards ruling at least, is obsolete? Does it not show the impracticability of pro-viding by unchanging for classes of work that are always changing and even ceas-ing?

Returning to that part of the law which has to do with binding. This comes under the first six classes. Under classes one, two, three and four, considerable work is still done, and I pass over them because the effect of the law is merely to keep in effect the prices of 1895.

Class five relates to the Acts and Re-solves that are required to be bound in one-quarter cloth and the law provides that they shall be bound for 12 cents a copy. It is a very cheap binding and is no longer in use. Ignoring the law they have bound it in a different binding with a round back instead of a square back. It is now bound for 50 cents a copy, and there is nothing in the law whatever which provides that that book shall be bound or paid for in that binding. I am told that the secretary of State author-ized the binder to bind the book in this binding.

I have stated that there would be a saving of something like \$5000 a year in this work. I sent copies of the several reports issued by the departments to three binders, one in Auburn, one in Portland and one in Concord, New Hamp-shire and I give the results in table II on page 873.

These are all that furnished figures in time for use. I have summarized the re-sults in the following table:

TABLE III.

Saving on 27 jobs of book binding:	
Auburn—Merrill & Webber.	
Augusta,	\$14,245.90
Auburn,	10,775.00
Saving,	\$3,470.90
Portland—Lakeside Press.	
Augusta,	\$14,245.90
Portland,	10,114.75
Saving,	\$4,131.15
Concord, N. H.—Runford Printing Co.	
Augusta,	\$14,245.90
Concord, N. H.,	9,469.75
Saving,	\$4,776.15

These figures represent the saving that might be effected on a portion of the work only and only that portion where the prices of the State Binder were avail-able, taken from actual bills rendered by

TABLE II.

Reports.	State Binder.	Portland.	Auburn.	Concord, N. H.	Totals, State Binder.	Totals, Portland.	Totals, Auburn.	Totals, Concord, N. H.
6000 Commissioner Agriculture, 1905.	.305	.26	.28	.25	\$1,830.00	\$1,560.00	\$1,680.00	\$1,500.00
2000 Railroad Commissioners, 1906.	.288	.25	.28	.23	575.00	500.00	560.00	460.00
4000 State Assessors, 1906.	(1904) .298	.25	.28	.23	1,192.00	1,000.00	1,120.00	920.00
2500 Insurance Commissioner, 1906.	.288	.25	.28	.23	720.00	625.00	700.00	575.00
2000 State Treasurer, 1906.	.288	.16	.18	.15	576.00	320.00	360.00	300.00
2225 Bank Examiner, 1905.	.288	.25	.28	.23	640.80	556.25	623.06	511.75
3750 Supt. Public Schools, 1905.	(1904) .326	.18	.18	.16	1,222.50	675.00	675.00	600.00
950 Adjutant General, 1901.	.288	.19	.18	.20	273.60	180.50	171.00	190.00
1250 Attorney General, 1903-4.	.288	.18	.18	.16	360.00	225.00	225.00	200.00
200 State Prison, 1905.	.288	.15	.15	.16	57.60	30.00	30.00	32.00
500 Insane Hospitals, 1905.	.288	.17	.18	.16	144.00	85.00	90.00	80.00
200 State School for Boys, 1905.	.288	.15	.18	.15	57.60	30.00	35.00	30.00
1000 State Librarian, 1903-4.	.288	.18	.20	.16	288.00	180.00	200.00	160.00
500 Sea and Shore Fisheries, 1903-4.	.288	.17	.15	.15	144.00	85.00	75.00	75.00
200 Industrial School for Girls, 1905.	.288	.15	.15	.16	57.60	30.00	30.00	32.00
2000 Inland Fisheries and Game, 1901.	.29	.16	.17	.15	580.00	320.00	340.00	300.00
2800 State Board of Health, 1904-5.	.288	.18	.20	.16	806.50	504.00	560.00	448.00
500 Agricultural Exp. Station, 1905.	.288	.18	.20	.17	144.00	90.00	100.00	85.00
3750 Ind. & Labor Statistics, 1905.	(1904) .295	.18	.20	.15	1,106.25	675.00	750.00	562.50
2750 Forest Commissioner, 1906.	(1904) .305	.20	.20	.19	838.75	550.00	550.00	522.50
600 Registrar Vital Statistics, 1904.	.288	.18	.18	.18	172.80	108.00	108.00	108.00
500 Maine Dairymen's Ass'n, 1905.	.288	.17	.18	.18	144.00	85.00	90.00	90.00
1500 Commissioner of Highways, 1906.	.288	.19	.18	.19	432.00	285.00	270.00	285.00
800 House Journal, 1/2 buffing.	.51	.40	.45	.41	408.00	320.00	360.00	328.00
400 Senate Journal, 1/2 buffing.	.51	.39	.43	.40	204.00	156.00	172.00	160.00
2000 Laws of Maine, half cloth.	.50	.35	.33	.33	1,000.00	700.00	660.00	660.00
300 Laws of Maine, sheep.	.90	.80	.80	.85	270.00	240.00	240.00	255.00
					\$14,245.90	10,114.75	10,775.00	\$9,469.75

him. The appropriation for the State Binder is \$1800 and under him these 27 jobs take \$14,245.90 of that sum while under the highest priced concern of the lot they would take only \$10,775. And I may add that these probably do not represent the bottom figures which these concerns would probably make on an actual competitive bid, as two of them distinctly stated that in quoting prices for public inspection they could not allow their bottom prices to become known to their competitors.

Therefore, where \$14,000 worth of work can be done for \$10,000 how much can \$18,000 worth be done for? Why, somewhere around \$13,000. That means a saving of \$5000 a year on \$18,000 worth of work at present prices. Is it not worth saving?

The committee reported that this bill be referred to the next Legislature. I feel that in justice to the binder himself it would be no more than fair that he should continue in office during the present period for which he was elected, and for that reason the amendment which I

offer allows him to remain in that office until that time. That relieves the Legislature from the embarrassment which would come from putting a man out of office who, so far as the office itself is concerned, if it is to exist, is as worthy as anybody else to occupy it and gives him an opportunity to straighten out his business. If it goes to the next Legislature it will be uncertain for him and for everybody else.

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

The motion was agreed to.

Mr. Gleason offered House amendment "A."

The amendment was adopted.

Mr. Johnson of Waterville, offered amendment "B" to amendment "A."

The amendment was adopted.

On motion of Mr. Gleason the rules were then suspended, the bill received its three readings and was passed to be engrossed as amended.

On motion of Mr. Skidmore of Liberty, report of committee on education on bill relating to free high schools,

reporting "ought not to pass," was taken from the table.

The pending question is on the acceptance of the report.

Mr. SKIDMORE: Mr. Speaker, I move to substitute the bill for the report of the committee.

I wish you to bear with me while I say a few words in behalf of the children of our country towns. Next to the State public schools, which is intended to reach every child in the State and give them a good common school education, and this is the foundation upon which rests the educational monument of our State. Next come the Free High school system, which is the next step toward giving to our children a better education at a minimum cost to the towns and to the State.

It costs to maintain the Free High schools on the part of the State a little over \$50,000 and a greater part of this goes to pay the tuition of scholars who attend academies; so that it leaves only about \$37,000 to assist the towns and cities towards maintaining their Free High schools. There were, in 1905, 239 Free High schools; in 1906, 235, a decrease of four schools, which of itself proves that the Free High School act as it is now upon our statutes is detrimental to the country towns and to the Free High school.

There are in the State of Maine attending the Free High schools 13,256 scholars. Of this number there comes from the cities 3606, so you see that nearly 10,000 of the scholars come from the country towns and it is for them that I ask that the bill be substituted for the report of the educational committee, because the act as it now stands is class legislation in favor of the large towns and of the cities as against the small towns. In the first place it places a double burden upon them by not only making them maintain a Free High school, but also obliging them to pay a tuition to the fitting schools of our State if any of their children wish to attend the those schools. And it also weakens the schools in the small towns by taking from them the talent, which if it were not for this law would stay at home and by so doing would attend school there and by their presence strengthen the school and place it upon a firm base

so that every scholar in the town is benefited by this result.

We are told that the law as it now stands is in favor of the poor boys and girls of our small towns. But such is not the fact, as it assists only those who are able to attend school away from home, the well-to-do and the rich, against the poor boy and girl whose parents are not able to send them from home, by not only taking from them their schools by forcing a burden upon their parents that they are not able to bear. It is plain to be seen that if ever the act was intended to help the poor children—which I believe it was not, but only to help the academies—it falls far short of its purpose, and should be amended to carry out the intent and purpose of the law.

The golden age of the country towns we hope is in the future; that of their degradation in the past. We must not take from them the right to grasp and profit by this golden age by diligence and honesty of purpose. The children of the country towns are dependent upon you for their future glory and education. Be wise with them and treat them honestly. If you educate them right and give to them the benefit of our knowledge, they will be wiser than we. I am pleading that justice be done to these children and not pleading for the grown-up men and women of our State. We have heard our ablest members of this House and they are able men—men who stand high—pleading before our courts and whose reputations have gone beyond the boundaries of our State, plead the cause of our railroads, of our insurance companies, of our fish and game laws, of our banks, of our wild lands, of our beautiful lakes, of the referendum, of beautiful Portland, situated on Casco bay, of Augusta, the capital of the State, the county seat of imperial Kennebec, of the gray squirrel, of the deer and of the dog; but not one word for the benefit of the children of our country towns.

And in conclusion let me say that if you deem it necessary and are the friend of every poor boy and girl who attends school in the little red school-house situated in the vale and upon the hillside from whose window the boy can see the trees bud in the spring and

the leaves wither and fall in the fall; and to see the reflection of the summer sun in our placid lakes and to be chilled by cold blasts of winter—from Fort Kent to historic Kittery, if you are willing and as ever ready to appropriate money for their benefit as you were to appropriate \$65,000 for the University of Maine, \$35,000 for Brown-tail moths, \$25,000 for propagation of fish, \$15,000 for the Sisters of Charity, Lewiston, \$125,000 for the Eastern Maine Hospital \$11,000 for the Central Maine Hospital, and now pending \$2500 to ascertain the habits of the wild animals of Maine; if you are ready and deem it wise to appropriate your money and my money and all of ours combined the people's money for the purposes, why not, then, I say appropriate a lump sum direct from the treasury of this State for this purpose and not try to saddle a double burden upon the country towns of our State.

As a native of our small country town and as a citizen of the good old State of Maine which we all reverence, loving her institutions and her people, let me beg of you and beseech you in the name of the small towns, in the name of humanity and rugged honesty, in the name of these neglected children upon whose neck rests the head of their stronger and more powerful neighbor, that whatever else may be done, see to it that the children of the small towns, my children and the children of my constituents and of your constituents, have the same rights and the same privileges and the same opportunities as the children of the larger towns and of the cities. I leave the children of the country towns in your hands. Deal justly with them.

Mr. MILLIKEN of Island Falls: Mr. Speaker, I am sure that the members of the committee on education have no other desire than to do everything possible for the interests and welfare of the school children of the State, particularly in the small towns in the State. In connection with that I might say that nearly all the members of the committee come from small towns. The effect of the bill is simply to bring down the standard which we have established as to the grade of high schools. The standard is fixed. The ob-

ject of this bill is to break it down and leave it where we won't have much of any standard to go by. The effect of the present law upon a town which is having a hard struggle to maintain a high school is to keep it up to the standard grade. If it does not, then the scholars of that town may go to another town and their tuition must be paid by the town where they live. There is therefore an inducement for every small town to endeavor to maintain its school up to the standard. The result is, if you take away that standard and that inducement, to reduce the grade and quality of the average high school maintained in the small towns of this State. To my mind the effect of the gentleman's bill would be exactly the contrary of what he says, and it seems to me that his plea is more like the plea which is sometimes made in a town meeting against the raising of the proper amount of money for schools that it is for the school children of the State. There was no question in the minds of the members of the committee but that the bill ought not to pass. We did not feel that we were safe in undertaking to upset this standard that we have.

Mr. FULTON of Blaine: Mr. Speaker, I wish to concur with the remarks of the gentleman from Island Falls. I belong to one of those small towns and for years we have maintained a free high school and yet not up to the standard of the fitting school, and yet we have felt that we ought to give to the boys and girls of that town the privileges of the schools in other towns. I think it would be a backward step to take any other position. When we cannot establish a standard high school let the scholars go elsewhere; and I have failed to find any man in my section objecting to paying the tuition for the boys and girls to go to standard schools in the neighboring towns.

Mr. Havey of Sullivan, moved that the motion lie on the table, and that the bill be printed, and its consideration assigned for tomorrow morning.

The motion was lost.

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

Mr. Skidmore moved that the yeas and nays be called.

The motion was lost.

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

The motion was lost.

On motion of Mr. Lord of Parsonfield, the report of the committee was then accepted.

On motion of Mr. Cobb of Gardiner, resolve in favor of Moosehead Fish Hatchery, was taken from the table.

Mr. Knowlton of Monson, offered amendment "A."

The amendment was adopted, and on motion of Mr. Knowlton the rules were suspended, the bill received its three readings and was passed to be engrossed.

On motion of Mr. Emery of Jay, bill to incorporate the Wilton Water District, was taken from the table.

On motion of Mr. Emery the vote was reconsidered whereby the bill was passed to be engrossed.

Mr. Emery offered amendment "A," which was adopted, and then on motion of Mr. Emery the bill was passed to be engrossed as amended.

On motion of Mr. McKinney of Bridgton, report of committee on judiciary, reporting on bill to establish a new method of voting at elections, "ought not to pass," was taken from the table.

The pending question being on the adoption of the report,

Mr. MCKINNEY: Mr. Speaker, because of certain facts which have come to my knowledge I feel that I ought to speak on this measure. When this Legislature first opened I introduced three bills, one which made it necessary for the towns and cities to have swinging doors in front of their voting booths in order to have a secret ballot; another bill was a copy largely of the Massachusetts law with regard to balloting; another was with regard to the purity of elections. The reasons why these bills were introduced was because I believed that the people demanded a different ballot from the one we have. There is hardly a newspaper in the State of Maine that has not advocated the adoption of the Massachusetts ballot. These bills were referred

to the judiciary committee, numbered two, four and five. It required a good deal of time and research to prepare those bills. A hearing was ordered on the bills. I went before the committee. A Republican from Portland asked permission to go before the committee and assist me at the hearing and he did so. A gentleman sitting here, a Republican, also requested that he might be permitted to assist me in presenting those bills. There was no opposition to them. After the hearing several members of the committee, both Democrat and Republican, spoke to me favorably in regard to those bills. I asked them that I might have notice if they proposed to report adversely upon the bills in order that I might have an opportunity to discuss them in this House. I constantly inquired of the members of the committee, not only of my own party but those of the other party, when they would be ready to report. They informed me that they had been referred to a sub-committee of three, and I had positive assurance from a member of the committee that when action was taken I should know it. After ten weeks of this session had gone by, one Friday night when the Democratic member of the sub-committee was absent, the other two members of the sub-committee reported to the full committee against the adoption of all those bills. On Saturday morning, when only 30 members of the House were present, they came in here and the reports of that committee were adopted, went to the Senate and were adopted, before we had any opportunity to know what action had been taken by the committee. I say those bills were important enough to have had a hearing before this House. I say that the people of the State of Maine, regardless of party, desire a different ballot from what we have. Thousands of votes are thrown away at every election because they are spoiled; thousands are never counted because they are defective. At the first of the session there was a contest in the Senate and they seated the Republican senator on a certain construction of the ballot law; in this House they reversed the action of the Senate because by the reversing of the deci-

sion in the Senate they seated the Republican member in this House; and we all know that this has been the case since this ballot has been in existence, and that every committee has made rulings of their own and that ruling has always been in favor of the majority.

I have very good evidence I think that the reason why these bills were kept so long in the hands of the committee and why they were passed on the Friday night when the Democratic member of the sub-committee was absent, and why they came into this House on Saturday morning when only 30 members were present. It was because certain bosses of political parties in this State had issued their dictum that there should be no ballot laws passed at this session. I do not deny to the committee the right to obey the dictates of those who rule in the State of Maine; but I stand here to say that the time will come in the State of Maine when the people will be heard and when the bosses of no political party will come to this House and dictate what legislation shall come before it or what legislation shall be passed by it. The people are getting pretty sore in regard to these matters. I felt that it was my duty to stand here before the adjournment of this Legislature and let the members of this House, and not only the members of this House but the voters of the State of Maine, understand that it is impossible for the minority party to come here with any law without its being made a political football and being kicked out of the House regardless of the will of the majority of the people.

I do not believe that this bill is any better or as good as the bill that we have in the State of Maine today. I only had this bill tabled and called it up at this hour that I might say a word and have it known that we have had no opportunity to present those bills before this House and before the people of the State. With regard to the purity of elections bill, they have such a bill in Massachusetts, in New York, and in many of the other states. There are too many of the politicians of the State of Maine who do not care for the purity of elections law. And yet when we

come here with a purity of elections law requiring our State and county and town committees to give account of the amount of money spent, these bills are turned down and are passed through this House when the members are absent and when they have no opportunity to act upon them. I have no desire to have any further action taken in regard to this bill and therefore I move the adoption of the report of the committee.

The report of the committee was then adopted.

On motion of Mr. Merriman of East Livermore, the rules were suspended and he introduced as an amendment to a bill already introduced, a Bill entitled "An Act to amend An Act to incorporate the Livermore Falls Sewer District." (Read three times and passed to be engrossed under a suspension of the rules on motion of Mr. Merriman.)

On motion of Mr. Hall of Dover, reports "A" and "B" of committee on insane hospitals on order to inquire into the expediency of insuring the insane hospital, reporting "legislation inexpedient" and a resolve "ought to pass," were taken from the table.

Mr. HALL of Dover: Mr. Speaker, this originated from an order introduced into the House. The committee have somewhat different opinions in regard to the policy of insuring these buildings. All of the outbuildings, all of the wooden buildings, the barns and so forth, not connected with the main Insane hospital are insured for something like \$47,000. This matter came up in connection with the question of insuring the main hospital building. The report which I signed, report "A," and which was adopted by the Senate, reported that legislation was inexpedient. Our reason for reporting in this way was in the first place that the buildings are practically fireproof. They have made arrangements for an ample supply of water for fire purposes and it seemed to us that the State could well afford to insure those fireproof buildings. We divided practically even on these two reports in order to get an expression of the Legislature on the matter. A fire broke out in the laundry some time since and the trust-

tees claimed that they were censured by some parties for not having the buildings insured, and they brought the matter before the committee. The committee in turn bring the matter to you for you to establish the policy of the State as to whether or not those public buildings should be insured. Twelve thousand dollars for five years insures the hospital building in Augusta for \$400,000. That is about 40 per cent. of the value. The amount put on the Bangor hospital is about \$200,000. That hospital has already cost about half a million dollars. Mr. Macomber showed me a list of insurance as it is usually put onto such buildings. Taking the small amount here as compared with the whole value of the hospital and dividing that into innumerable small items or small parts of the buildings, it did not seem to us that in case of fire we would get an amount of money sufficient to warrant the outlay of the insurance. Consequently we returned this report "A."

Mr. WELD of Old Town: Mr. Speaker, the cheap rate of insurance and the large amount expended on these buildings seemed to us to warrant a certain amount of insurance. It would cost the State of Maine \$2400 a year to maintain an insurance of \$635,000. The rate of insurance is very reasonable. Now I wish to say as a member of the minority party in this House that in my opinion the large amounts that have been appropriated for hospitals are not sufficiently large. You have across the river four or five wards that ought to be immediately renovated to place them in proper condition. I don't think a dollar has been appropriated more than should have been I only think we should have appropriated more.

Mr. FULTON of Blaine: Mr. Speaker, as a member of the committee I signed report "B" in favor of the resolve for the insurance of the Insane hospital. Once years ago the hospital was almost destroyed by fire and a number of the inmates lost their lives. While insurance would not have prevented fire, it certainly would have given to the State some means with which to rebuild the institution. We thought it best to bring this matter to the attention of the members of the Legisla-

ture. It seems to me that it is very poor business policy to allow those buildings, property in which the State has invested a large amount of money and which are liable to receive damage or partial destruction at any time, to remain without insurance. The rate is very reasonable. It is said that the buildings are practically fireproof, but there are yet some portions on the inner part of the buildings which are liable to be burned out as in the case of the laundry. In the hospital across the river while the greater part is fireproof, one wing at least is not fireproof. That would be easily a prey to fire and a serious menace to the rest of the institution in case it should burn. No business man or farmer would consider that he was doing a wise thing to allow his buildings to go without insurance. What is good policy for an individual is good policy for the State. I trust that the Legislature will decide that money should be appropriated for insurance of the Insane hospital.

Mr. SCATES of Westbrook: Mr. Speaker, it seems as though we can never satisfy the institution across the river. They have been before four different committees for appropriations, the finance, legal affairs, agriculture and the Insane hospitals. We have appropriated for 1907 over \$370,000 for the Insane hospitals. Isn't that about enough. The State is as strong as any fire insurance company and can afford to carry her own risks.

Mr. HALL: In order to bring the matter before the House I move that report "A" be accepted in concurrence with the Senate.

The motion was agreed to.

On motion of Mr. Montgomery of Camden the rules were suspended and he introduced a resolve in favor of the special messenger to the Speaker. (Referred to the committee on appropriations and financial affairs).

On motion of Mr. Davies of Yarmouth the rules were suspended and he introduced a resolve in favor of Hon. Lorenzo T. Brown, and on further motion by Mr. Davies the rules were suspended, the resolve received its two readings and was passed to be engrossed.

On motion of Mr. Horigan of Biddeford, bill for the protection of deer in York county was taken from the table, and on further motion by Mr. Horigan the bill was passed to be enacted.

On motion of Mr. Milliken of Island Falls resolve for the conveyance of Irony Island to Lemuel H. Stover was taken from the table. Mr. Milliken offered a statement of facts and moved that the resolve be passed to be engrossed.

On motion by Mr. Milliken bill relating to Caribou municipal court was taken from the table.

Mr. Hall of Caribou offered House amendment "A," which was adopted, and on motion of Mr. Hall was passed to be engrossed as amended.

On motion of Mr. Milliken resolve in favor of J. Merrill Lord was taken from the table.

Mr. Milliken offered House amendment "A," which was adopted, and the bill was then passed to be engrossed as amended.

On motion of Mr. Newbert of Augusta resolve for the publication of index to Private and Special Laws was taken from the table.

Mr. Newbert of Augusta, Mr. Merriam of East Livermore and Mr. Saford of Kittery favored the passage of the resolve; Mr. Harriman of Bucksport, Mr. Stearns of Norway, Mr. Waldron of Dexter and Mr. Pike of Eastport, opposed its passage.

The question being on the motion to indefinitely postpone the resolve,

The motion was agreed to.

On motion of Mr. Stearns of Norway, bill for the better protection of sheep was taken from the table.

On motion of Mr. Stearns, House Amendment "A" was adopted.

Mr. Kendall of Bowdoinham offered amendment "B."

The question being on the adoption of Amendment "B."

The amendment was adopted.

Mr. McKinney of Bridgton offered Amendment "C."

The question being on the adoption of Amendment "C," a division was had and the motion was lost by a vote of 27 to 42.

On motion of Mr. Kendall the rules were suspended, the bill received its

three readings and was passed to be engrossed as amended.

On motion of Mr. Dyer of Buckfield, resolve relating to a State Board of Charities and Corrections, was taken from the table and on further motion by Mr. Dyer the rules were suspended, the resolve received its two readings and was passed to be engrossed.

On motion of Mr. Dyer, Bill relating to assessment of taxes for street sprinkling was taken from the table.

On motion of Mr. Dyer, House Amendment "B" was adopted. Mr. Tolman of Portland offered Amendment "C" to Amendment "B."

The question being on the adoption of Amendment "C."

The amendment was adopted.

Mr. Horigan of Biddeford moved that the bill be laid on the table.

Mr. Tolman of Portland moved to reconsider the vote whereby the House adopted Amendment "C" to Amendment "B."

Mr. Horigan then withdrew his motion to table.

The question then being to reconsider the vote whereby amendment "C" to amendment "B" was adopted,

The motion was agreed to.

On motion of Mr. Tolman, the bill then received its third reading and was passed to be engrossed as amended.

On motion of Mr. Gleason of Mexico, bill to establish the salary of the State superintendent of schools and to further define his duties, was taken from the table.

On motion of Mr. Pike of Eastport, the vote was reconsidered whereby the bill was passed to be enacted, and on further motion by the same gentleman the vote was reconsidered whereby the bill was passed to be engrossed.

Mr. Wood of Bluehill offered amendment "A" providing that the act shall not apply until the present incumbent vacates the office.

The question being on the adoption of the amendment,

A division was had and the amendment was lost by a vote of 9 to 64.

On motion of Mr. Gleason of Mexico, the bill was then passed to be engrossed, and on further motion by the same gentleman the bill was passed to be enacted.

On motion of Mr. Goodwin of Sanford, bill relating to Atlantic Shore Line Railway was taken from the table, and on further motion by Mr. Goodwin the rules were suspended, the bill received its three readings and was passed to be engrossed.

On motion of Mr. Davies of Yarmouth,
Adjourned.

SENATE.

Wednesday, March 27, 1907.

Senate called to order by the President.

Prayer by the Rev. Mr. Kierney of Augusta.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

The following House bills on motion, under suspension of the rule took their second reading and were passed to be engrossed.

An Act to amend chapter 352 of the laws of 1905 relating to the Caribou Municipal Court.

(House amendment A adopted.)

Resolve in favor of J. Merrill Lord, Chairman of House Committee on Elections.

(House amendment A adopted in concurrence.)

Resolve providing for the appointment by the Governor of a Committee to inquire into the advisability of creating a State Board of Charities and Corrections.

Resolve, that the land grant agent be authorized to convey to Lemuel H. Stover of Brunswick, Maine, certain ledges in Casco Bay known as "Irony Island."

Resolve in favor of W. S. Knowlton to pay expenses of investigation of office of State Superintendent of Schools.

An Act to amend chapter 47 of the Revised Statutes relating to the better protection of sheep, came from the House with House amendments A and B adopted in that branch. On motion of Mr. Bailey of Somerset this bill was tabled.

Resolve in favor of Moosehead Fish hatchery. House amendment A adopted in concurrence.

Majority and minority reports of the committee on Temperance on Bill "An Act to repeal chapter 92 of the Laws of 1905 entitled 'An Act to provide for the general enforcement of the laws against the sale and manufacture of intoxicating liquors.'" Majority report that it "ought not to pass,"