

# MAINE STATE LEGISLATURE

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**Legislative Record**

of the

**Seventy-Third Legislature**

of the

**State of Maine.**

1907.

O. Hill, to pay expenses for State School for Boys, etc.," reported same ought not to pass. Report accepted.

On motion of Mr. Sewall of Sagadahoc the following resolve was received under suspension of the rules and took its several readings and was passed to be engrossed, namely: "Resolve providing for additional quarters for State departments."

On motion by Mr. Putnam of Aroostook, Adjourned.

## HOUSE.

Wednesday, March 27, 1907.

Prayer by Rev. Mr. Clark of Gardiner

Papers from the Senate disposed of in concurrence.

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

Resolve being an amendment to a Resolve entitled "Resolve making appropriations for the Penobscot tribe of Indians, passed by this Legislature."

Bill, to open Brassua lake to ice fishing.

From the Senate: Majority and minority reports of committee on appropriations and financial affairs, on resolve providing for the participation of the State of Maine in the Jamestown Ter-Centennial Exposition.

These reports came from the Senate the majority report "ought not to pass" adopted in that branch.

On motion of Mr. Smith of Patten, the House concurred with the Senate in the adoption of the majority report.

From the Senate: Resolve to reimburse the State treasurer for the expense of surety bond. (Read twice and passed to be engrossed under a suspension of the rules.)

From the Senate: Resolve in favor of the clerk in the office of the commissioner of highways. (Read twice and passed to be engrossed under a suspension of the rules.)

An Act relating to domestic animals, came from the Senate indefinitely postponed.

Mr. Libby of Amity, moved to recede and concur with the Senate.

On motion of Mr. Flaherty of Portland, the bill was tabled.

Bill, to provide a way to free toll bridges, came from the Senate with Senate Amendment "B."

On motion of Mr. Gleason of Mexico, the vote was reconsidered whereby the bill was passed to be engrossed, Senate Amendment "B" was adopted and the bill was then passed to be engrossed as amended.

Majority and minority reports of the committee on railroads and expresses on bill, in relation to fares on the Washington County Railroad, came from the Senate with the report and bill indefinitely postponed.

On motion of Mr. Hall of Dover, the House receded and concurred with the Senate.

An Act to amend certain sections of Chapter 32 of the Revised Statutes, relating to inland fisheries and game, came from the Senate with House Amendment "A" rejected, and Senate Amendment "A" adopted.

On motion of Mr. Peacock of Lubec 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.

The bill was then passed to be engrossed as amended by Senate Amendment "A."

An Act to amend Chapter 364 of the Private and Special Laws of 1905, entitled "An Act to create the Portland Bridge District and to confer additional powers on said District," came from the Senate with Senate Amendment "A."

On motion of Mr. Murphy of Portland, the House reconsidered the vote whereby the bill was passed to be engrossed, and concurred with the Senate in the adoption of Senate Amendment "A."

Mr. Murphy offered House Amendment "A," which was adopted, and on further motion by the same gentleman the bill was passed to be engrossed as amended.

Order for the purpose of determining the expediency of repealing Sections 14 to 35 inclusive, of Chapter 29 of the Revised Statutes, and considering the substitution for the agency system the plan of dispensing intoxicating liquors through reputable drug stores, came from the Senate indefinitely postponed.

On motion of Mr. Edwards of Lewiston, the House receded and concurred with the Senate in its action.

The following resolves were introduced under a suspension of the rules, and referred to the committee on appropriations and financial affairs.

By Mr. Hill of Monticello—Resolve in favor of F. O. Hill, to pay expenses of committee on State school for boys and special committee on fish and game.

Resolve in favor of the clerk and stenographer to the committee on State lands and State roads.

By Mr. Martin of Rumford—Resolve in favor of the clerk to the committee on telegraphs and telephones and State prison.

By Mr. Lane of Brewer—Resolve in relation to money credited to Dalias Plantation in error.

#### Reports of Committees.

Mr. Jordan from the committee on appropriations and financial affairs, reported ought to pass on resolve in favor of the clerk to the committee on taxation. (Resolve read twice and passed to be engrossed under a suspension of the rules on motion of Mr. Jonnson of Waterville.)

Mr. Scates from the same committee, reported same on resolve in favor of Leon S. Lippincott, substitute mail carrier of the House. (Resolve read twice and passed to be engrossed under a suspension of the rules on motion of Mr. Newton of Webster.)

Mr. Stubbs from the same committee reported same on resolve providing for memorial tablet at Fort Popham. (Resolve read twice and passed to be engrossed under a suspension of the rules on motion of Mr. McKinney of Bridgton.)

Mr. Stubbs from the same committee reported same on resolve in favor of Francis O. Hill, of Monticello. (Resolve read twice and passed to be engrossed under a suspension of the rules on motion of Mr. Scates of Westbrook.)

Mr. Joy from the same committee reported same on resolve in favor of the special messenger to the Speaker. (Resolve read twice and passed to be engrossed under a suspension of the rules on motion of Mr. Havey of Sullivan.)

Mr. Joy from the same committee reported same on resolve in favor of C. W. Berry, secretary to the committee on mercantile affairs and insurance. (Resolve read twice and passed to be engrossed under a suspension of the rules on motion of Mr. Hall of Dover.)

Mr. Joy from the same committee on order relating to financial statement

reported a resolve relating to financial statement prepared by order of the Legislature, and that it ought to pass. (Resolve read twice and passed to be engrossed under a suspension of the rules on motion of Mr. Joy of Eden.)

Mr. Weeks from the Somerset county delegation, reported ought not to pass on Bill, "An Act to amend Chapter 485 of the Private and Special Laws of 1901, establishing a municipal court in Skowhegan. (Report accepted.)

Mr. Folsom, from same delegation, reported same on Bill, An Act to amend Section 16 of Chapter 440 of the Private and Special Laws of 1901, relating to the municipal court at Skowhegan. (Report accepted.)

Mr. Havey, from the committee on county estimates, reported resolve laying a tax on the counties of the State for the years 1907 and 1908, and that it ought to pass. (Resolve read twice and passed to be engrossed under a suspension of the rules on motion of Mr. Havey.)

#### First Reading of Printed Resolves.

Resolve in favor of the clerk and stenographer and messenger to the committee on the judiciary. (Read a second time and passed to be engrossed under a suspension of the rules on motion of Mr. Danforth of Skowhegan.)

Resolve in favor of Walter J. Mayo, secretary of the committee on military affairs. (Read a second time and passed to be engrossed under a suspension of the rules on motion of Mr. Lane of Brewer.)

On motion of Mr. Havey of Sullivan, the vote was reconsidered whereby the House passed to be engrossed bill, to amend certain sections of Chapter 32 of the Revised Statutes, relating to inland fisheries and game.

Mr. Havey offered amendment "C," by striking out all of Section 5.

On motion of Mr. Johnson of Waterville, the bill and amendment were tabled.

#### Passed to Be Enacted.

An Act for the better collection of taxes.

An Act to incorporate the Portland Water District.

An Act in the interest of humanity to animals.

An Act to incorporate the Monson Light and Power Company.

An Act to extend the open season on wild ducks.

An Act to provide for the State of Maine to take land for the purpose of building and operating fish hatcheries.

An Act to amend Section 25 of Chapter 8 of the Revised Statutes relating to the taxation of railroad companies.

An Act to amend Sections 4 and 7 of Chapter 92 of the Revised Statutes, relating to the foreclosure of mortgages.

An Act to amend Section 42 of Chapter 8 of the Revised Statutes relating to the taxation of express companies.

An Act to amend Section 3 of Chapter 51 of the Revised Statutes relating to railroad maps.

An Act to amend Section 50 of Chapter 41 of the Revised Statutes, relating to the taking of eels in Pemaquid river.

An Act to amend Section 15 of Chapter 80 of the Revised Statutes, relating to the employment of prisoners committed for crime.

An Act to amend Section 11 of Chapter 80 of the Revised Statutes, in relation to the powers and duties of county commissioners.

An Act to authorize the county commissioners of Washington county to create a sinking fund for the purpose of paying the bonded debt of said county.

An Act to amend Specification 10 of Section 6 of Chapter 9 of the Revised Statutes, relating to the exemption from taxation of lands set apart for the production of forest trees.

#### Finally Passed.

Resolve in favor of Rose Kelley.

Resolve for the re-arrangement and better preservation of the flags in the cases in the rotunda.

#### Orders of the Day.

On motion of Mr. Dunton of Belfast, resolution to establish postal savings banks for depositing savings at interest with the security of the government for the payment thereof, and for other purposes, was taken from the table, and on further motion by the same gentleman the resolution was indefinitely postponed.

On motion of Mr. Mayo of Foxcroft, bill relating to operation of motor vehicles, was taken from the table and on the further motion of the same gentleman the bill was referred to the next Legislature.

On motion of Mr. Hill of Monticello, bill, relating to holding courts in Aroostook county and bill relating to holding of trial courts in Aroostook county, were taken from the table and on further motion by Mr. Hill they were indefinitely postponed.

On motion of Mr. Murphy of Portland, bill relating to cutting and removal of wires and poles, was taken from the table.

Mr. Murphy moved that the bill be indefinitely postponed.

Mr. DANFORTH of Skowhegan: Mr. Speaker, it seems to me that this bill ought not to be indefinitely postponed until it is carefully considered by the members of the House. A bill was introduced into the last Legislature by which it was intended to fix the responsibilities between individuals and lighting companies in regard to the damages that might be done in moving buildings through streets. That bill was not satisfactory and the matter was referred to this Legislature. There has been a measure put in and I understand it has been agreed to by various companies and individuals who are interested in it. The judiciary committee has reported unanimously in favor of this bill. It provides that a person intending to move a building through streets where there are electric wires shall notify the company owning the wires, giving them three days' notice to remove them, and the expense in regard to removing the wires is to be determined by the selectmen. It seems to me that this bill is fair; it adjusts the damages equitably between the parties. I hope the bill will receive a passage.

Mr. MCKINNEY of Bridgton: Mr. Speaker, telephone and telegraph companies in our villages have all the privileges of the streets and sometimes a good deal more without expense to themselves. I hope there will be no bill passed here by which there will be any remuneration for the com-

panies. They have spoiled our villages and they have taken our streets and we have allowed them to do so; they have put their wires on the shade trees and many times have destroyed them. So far as I am concerned I shall never be willing that they shall have any remuneration for taking their wires away long enough for us to do the business of our town on the streets.

Mr. HORIGAN of Biddeford: Mr. Speaker, the committee on towns had two hearings on the bill to prevent the moving of buildings. Representatives of electric light companies and people who make a business of moving buildings appeared. It was the unanimous opinion of that committee that that bill ought not to pass, and the opinion of the committee was confirmed by the House. This bill is the same under a different guise. Its object has been once decided in the House; and I believe that this bill ought to be indefinitely postponed.

Mr. COBB of Gardiner: Mr. Speaker, I think the present law provides that we notify the companies when we desire to move buildings, and they remove the wires and put them back at their own expense; and I think they ought to. They have the privilege of using our streets and now they come here and want to forbid us from moving our buildings through the streets unless we pay them for the privilege. A bill similar to this has been turned down. There is a great deal of opposition against this bill in my town; and I think we ought to look after the interests of the common people. I hope the bill will be indefinitely postponed.

Mr. WALDRON of Dexter: Mr. Speaker, under the present law by giving a company three days' notice they must remove their wires before a building can be moved. At the hearing it developed that in certain instances parties had moved buildings under the present law where the expense of cutting the wires and moving the poles was a great deal more than the value of the buildings moved. That seemed to be a hardship on the company. The bill simply leaves the matter with the municipal officers of the several towns so that after a hearing if in their judgment it is deemed right they may ap-

portion the expense as they may think it advisable. It is simply a matter of referring the equities of the case to the municipal officers of the town. In that light the committee think that it ought to pass. It seems to me that there is nothing inequitable or wrong about it.

Mr. DECKER of Weld: Mr. Speaker, if anyone will read this bill carefully they will come to the conclusion that everything about it is in favor of the telegraph and telephone companies. I hope every man will read carefully the latter part of the bill before he votes in its favor. Everything is in favor of the companies, and if those who move buildings injure the wires or anything there is a penalty put on here of five hundred dollars fine or imprisonment for the term of three years.

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

The motion was agreed to.

On motion of Mr. Davis of Poland, majority and minority reports on bill in relation to duties of telegraph companies, was taken from the table.

Mr. Gordon of Wells, moved that the bill be indefinitely postponed.

Mr. MILLIKEN of Island Falls: It seems to me that this is a reasonable bill. It has been passed by the Senate. I see no reason why a company should not keep its office open during the hours mentioned in the bill. If there is a place where an office is not kept open it seems to me the bill is a proper one, and I hope at this time it will not be indefinitely postponed.

Mr. BROWN of Auburn: In my city we have a telegraph office that is not kept open, and we cannot send a telegram unless we go to Lewiston. We feel in view of the privileges that are granted to these great corporations, building up the gigantic monopolies that they are building, that it is time the people of the State of Maine received from them some little respect. I understand a despatch came here from a certain gentleman in the State to table that bill. I don't know for what purpose. I am well acquainted with the gentleman from Poland (Mr. Davis) and I don't know as he knows for what purpose. It seems to me there are rights and privileges which belong to the side of the State of Maine. I hope that this bill will not be indefinitely postponed.

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

The motion was lost.

Mr. Gordon of Wells, moved that the bill be tabled for printing.

The motion was lost.

On motion of Mr. Brown of Auburn, the rules were then suspended, the bill passed to be engrossed.

On motion of Mr. Weld of Old Town, bill, relating to telegraph, telephone, gas and electric companies, was taken from the table.

The pending question is the adoption of House amendment "A," and second reading.

Mr. Weld moved the adoption of the amendment.

Mr. DYER of Buckfield: I object to the amendment. The present law which this amendment will change provides that no corporation shall have authority without special act of the Legislature to make, generate, sell, distribute or supply gas or electricity in any city or town in or to which another company are generating or supplying gas or electricity or authorized so to do. The amendment cuts that out. Under the present system a company which goes into a town is protected in its business. By this proposed amendment whenever such a company is started another company, no matter how small or how irresponsible, may go to that same town and set up any kind of a machine and compete with the company already there and say to the company, "You must buy us out or we will ruin your business." The question is whether we are going to allow these companies to be at the mercy of a few people who may want to force some one of them to buy something which it not worth anything. I submit that people who have invested large sums of money have rights in this matter. This is the same bill practically which has been before the judiciary committee and the same as one which has been before the legal affairs committee, and which were adversely reported upon. I object to the acceptance of the amendment. If this were allowed, if the other concerns are forced to buy out these new comers, the people of the State would

be the ones to pay in the end and because the rates would go up.

Mr. LOVEJOY of Milo: I object to this amendment. There is a company in my town of Milo composed of the citizens of that town. They have formed this company and have invested their money and are doing a little business there in electricity. There are other corporations in that town which are watching their opportunity to get in there and compete with this company. I say it is unfair and unjust. One of the companies I refer to has got millions of dollars, and I do not see why that company under this amendment could not get in there and force our people to the wall; and I hope that this amendment will not prevail.

Mr. HILL of Machias: I endorse the remarks of the last two speakers. This amendment ought not to pass.

Mr. WELD of Old Town: This bill without this amendment is wholly in the interests of corporations and not in the interest of the people of the State.

"It is this provision, which caused one of the bitterest fights between rival corporate interests of this Legislature session. The Bodwell Water Power Co., and Penobscot Chemical Fibre Co., on the one side and the Bangor Railway & Electric Co., on the other side were pitted against each other and with the aid of powerful lobbies were striving for supremacy. It is this law which gives to the Bangor Railway & Electric Co., a virtual monopoly in and throughout the county of Penobscot of the right to generate and sell electricity for any and all purposes, and the beginning of this great and far reaching power had its birth in the organization under the general law in 1889 of the Old Town Electric Co., with a capitalization of only \$25,000.

"This company, in the fancied security of its position, fortified by legislative enactments, like the robber barons of old, stands behind the legislative embattlements of its stronghold and defies the people and arrogantly asserts that to engage in the business, which it claimed was thus set apart for the exclusive benefit and advantage of this corporation, must come to them and make petition for the privilege and ar-

range terms upon which to engage in such business, rather than to go to the Legislature, which represents the people and is supposed to safeguard their interests.

I believe the diagnosis is fairly accurate in stating that at no distant day a standing army will be needed to protect the vested interests granted by the Legislature of our State.

Mr. HALL of Dover—I do not wish to attribute to the gentleman from Old Town any unfair motives in offering this amendment, but that amendment takes from the general law what has been maintained and has been dear to the hearts of all these local corporations for years. It looks to me like a wicked effort to take the protection from these companies that have been furnished protection. It strikes a hard blow to all the local corporations in the State, corporations owned in the town, principally electric light corporations. I see no reason why we should offer any injury to these corporations. They are mostly owned by people within the towns. It is necessary and desirable that our towns be lighted and how are we to light them except by these local corporations? Under the protection of the laws of Maine and on your promise that this capital shall be protected, we have organized these lighting plants throughout the State; we have issued our stock to pay for it, and to get money enough to go on and build the plants we have mortgaged our stock in the way of issuing bonds, and these bonds are in our savings banks, among our citizens, have been bought by widows and orphans. And now are we to take off the protection from all these little plants and allow these bonds to become worthless? I think this amendment is unfair, wrong, and should not be passed.

Mr. DUNTON of Belfast—When I came to this Legislature I brought a petition for the incorporation of a new electric light company in the city of Belfast and I introduced a bill for that purpose which was referred to the committee on legal affairs. Our present electric light company is owned in Boston. That petition was based upon the fact that there were serious complaints against that company, that it was not serving the company as it should; and that was the only ground upon which it was introduced. The presi-



dent of that company came before the committee at the hearing and gave reasonable assurance that he would improve the service of this company; and I told my people that it was the policy of the State of Maine to respect the vested rights of these companies; and I moved that the petition and bill be referred to the next Legislature, in order to give that company the right to serve the public as it is bound to do, and I say with that protection that is all the protection that the public needs. Our city is not large enough for two companies to do a successful and profitable business. I say that the policy of the State of Maine should be respected. Why should a company which has in good faith invested its money and is rendering fair service, why should it be driven out of business by another company, and why should the law allow another company to organize in that place for the purpose of forcing the first company to buy it out? This amendment reverses the policy of the State of Maine which has always been adhered to, and I am opposed to it on principle; and this amendment should not be adopted.

The question being on the adoption of amendment "A,"

The amendment was lost.

On motion of Mr. Dyer of Buckfield, the rules were then suspended, the bill received its second and third readings and was passed to be engrossed.

On motion of Mr. Flaherty of Portland, bill relating to domestic animals was taken from the table.

Mr. Martin of Bangor moved that the House insist and ask for a committee of conference.

The motion was lost.

On motion of Mr. Stuart of Belgrade, the House then voted to recede and concur with the Senate in the indefinite postponement of the bill.

On motion of Mr. Hill of Monticello, majority and minority reports of the joint special committee reporting on order to investigate the fish and game department, was taken from the table.

Mr. Hill moved that the majority report be accepted.

The motion was agreed to.

Mr. DONIGAN of Bingham—Mr.

Speaker, in presenting the minority report of the committee appointed to investigate the fish and game department, will say that I have endeavored to be fair and present matters strictly according to the evidence given at the hearing, and I believe I am justified in every word, line and sentence I have uttered. It has been stated by members of the committee that the investigation was a political move and the order was presented to make political capital. I show you a bunch of about 100 letters from my constituents which show whether or not this statement has any foundation. I do not wish to cast any reflection on the honorable members of the committee, but I wish every member of this house could read every word of the testimony before deciding for or against my report. I would be the last person, I hope, to do an injustice to any member of the fish and game commission, but I do believe when a member accepts a position on such a committee he should put everything one side and act for the best interests of his State. Mr. Carleton testified that for eight years he rode on passes and charged fares to the State, amounting to \$2450. The majority of your committee put this to one side by reference to his former testimony. Let me read what the Stetson investigating committee said: (Testimony of Jan. 24.) Without expressing any opinion as to the legality of charging to the State traveling expenses not actually incurred, we feel that the practice is wholly repugnant to the moral sense of the people of the State, and should be condemned whenever and wherever found."

What a difference in committees. Oh; for a committee on education to investigate and report on this department.

Mr. Carleton stated that he charged for writs and legal papers and for settling cases which he said he and his wardens had a right to do. In one case he charged \$33.00. Here is what the Revised Statutes states on page 370, Chapter 32, Section 59, after giving 20 pages of the game laws, it says: "Each county attorney shall prosecute all violations of this chapter occurring within his county when such cases may come to his knowledge or when he may be so requested by the commissioners or any

officer charged with its enforcement." Does this warrant his charges? He stated that he spent two weeks campaigning and deducted nothing from his pay as commissioner. Do the Democrats or Republicans of the House approve of this, even if the majority of the committee did?

I will read a clipping from the Kennebec Journal of a few days ago to show the working of this department.

"Calais, Me., March 24.—There has been an interesting case on the docket here for the last day or two, the result of the activity of Game Wardens George U. Dyer and Moses Kneeland, who dropped unexpectedly on the Lambert Lake House, run by former Game Warden "Billy" Hodgkins, and found there, so they say, six deer hearts, three deer heads, a quantity of venison and part of a moose.

"Hodgkins, who is one of the best game hunters as well as among the best known guides and camp proprietors in Maine, was brought to Calais for trial. The trial has been postponed by order of Chairman L. T. Carleton of the commission, who says he wishes to make a more thorough investigation before proceeding with the prosecution.

"Added interest is given to the matter because Hodgkins for many years was Mr. Carleton's favorite guide in his trip to Sebocis and Schoodic lakes, and for several years after that gentleman became a commissioner was one of his most active wardens."

It is rumored, Mr. Speaker, that this man Hodgkins will never be prosecuted for reason best known to he and Mr. Carleton, but this I personally know nothing about.

Game Warden Ross testified that he charged 20 days pay to the State in Jan. 1905, and I received this letter from the clerk of courts of Washington county.

"Bingham, Maine, Feb. 28, 1907.

Clerk of Court,

Machias, Me.

Dear Sir:

Will you kindly inform me the number of days Geo. Ross was attending court in Washington county in Jan. and Feb. 1905?

Yours truly,

(Signed) A. F. Donigan."

6 Scott St., Augusta, Me.

"Machias, March 2, 1907.

Replying to the above will say that the only record in this office relating to same is the Sheriff's bill of the days attendance of the court officers, and in the bill he has 17 days attendance credited to Geo. W. Ross at the Jan. term, 1905, of S. J. Court.

Yours, truly,

(Signed)

P. H. Longfellow,

Clerk, Per. H. Asst.

A true copy.

Attest: (sd.) H. R. Thompson.

Here is a little of Ross' testimony: "Question. Will you give to the committee the explanation you have in regard to that? (the letter). Answer. Yes, sir, I drew my pay from the court, \$2 a day. I don't know how many days I got and I charged up my salary and my hotel bills to the State just the same, because that was the understanding, the trade I made with the commissioners when I hired." Is this business, Mr. Speaker, the way you or I would do it? He dodged all this at the first hearing. Henry Redman, who has killed more beaver for Mr. Carleton than any other game warden, could not be found when he was wanted to give evidence as to how many he had killed.

I was elected by Republican votes and I will submit to you Mr. Speaker and gentlemen, if I have not been fair on all questions I have voted for or against this winter.

I have no words of condemnation to say for the Republican members on this committee who no doubt wrongfully believed that by signing such a report they were holding their party together, but I have the utmost contempt for the Democrats who for friendship or otherwise and without moral courage have signed away the people's money by endorsing what they knew was wrong after taking their oath of office.

Governor Cobb has a chance of a lifetime. No governor of Maine, no governor in the United States has ever had such an opportunity to show courage and backbone and love for his State where he took the oath of office rather than for the State House ring, who by their actions nearly caused a change in the seat of government. Had I not believed fully in Gov. Cobb's honesty and that he would show the people of Maine

that no man or set of men under him could confess to have taken from this grand old State thousands of dollars and still be retained in office by merely stating that they had or would stop looting and plundering its treasury by false accounts, I would not have voted to have retained the capital at Augusta. It was not a question with me and others of poor accommodations in or out of the State House, I was undecided on account of the State House ring, but I believed then and I believe now that Gov. Cobb will be honest, no matter where it hits.

How about Governor Folk? Do the people despise him for taking the bull by the horns? When President Roosevelt was elected many people cried and thought it was about the downfall of this republic, but after five years what? Every person in the United States loves him whether he be Democrat or Republican. Why? Simply for his courage. Governor Cobb, if you are honest, you will put your party on a new footing; if you are not, you will assassinate it.

I believe that on every board of commissioners in this State there is one Democrat except on the Commission of Inland Fisheries and Game. Why should they not have one member of this board? But I do not care so much for the party as I do for the honesty of the men.

I hope that the majority report will not be accepted.

Mr. Speaker, I would like to have the clerk read the minority report before it is voted upon.

The SPEAKER: The Chair has already put the question and the majority report was accepted.

Mr. DONIGAN: I move to reconsider the vote.

The SPEAKER: Isn't your report in the printed report?

Mr. DONIGAN: Yes.

The SPEAKER: The clerk may read the minority report if the gentleman desires.

(The clerk here read the minority report.)

Mr. HILL of Monticello: Mr. Speaker, I am sorry that the majority report is so long that we may not have it read this morning. The majority report includes the entire evidence, and if any-

one will read the evidence taken before the committee they will see why we came to the conclusion that we did. I desire to state that were I not acquainted with all the evidence presented to that committee, after hearing that minority report read I should certainly be in favor of accepting it; but if you take that evidence and go over it you will find good reasons for concluding precisely as the majority of the committee did. That minority report is one of the cleverest drawn documents I have ever read. I hope the House will insist that the vote which we have already taken will be sustained.

Mr. SCATES of Westbrook: I would like to ask the gentleman from Bingham a question. Did I understand you to say that Mr. Ross, the game warden, charged fees for services to the county and was paid by the county and at the same time charged the State for those same services and the game commission allowed them?

Mr. DONIGAN: That was the testimony, that he charged 17 days' pay to the county of Washington and 20 days' pay to the State of Maine, which makes 37 days in the month of January and his board was charged to the State of Maine.

Mr. EDWARDS of Lewiston: Mr. Speaker, I happened to be one of the members of this committee as also was the Senator from Cumberland (Mr. Curtis), and I signed the majority report. I did not see one particle of evidence, as a Democrat, not taking political matters into account, against this department; and I think in fairness to us that we should have the majority report read at this time. It is a long report, but I think it should be read.

The SPEAKER: I will say that the majority report covers some 84 pages. (Laughter.) It has been printed and is upon the desks of each member.

Mr. EDWARDS: I would like to have all except the testimony read.

Mr. DONIGAN: I would like to ask the gentleman from Lewiston a question. Did the gentleman tell me that he was a friend to Mr. Carleton and that he would not do anything to injure him?

Mr. EDWARDS: No, sir.

Mr. DONIGAN: Did the gentleman

say that he would not sign that report where Mr. Carleton went on the stump and stumped the State for two weeks and deducted nothing from his pay as commissioner?

Mr. EDWARDS: I said there was only one thing that I objected to that Mr. Carleton did—I was not in favor of his taking the stump. But it didn't come into this report at all. And I will say this, that the gentleman from Bingham came to me personally and said that notwithstanding the evidence he wanted me to sign with him a minority report. (Laughter.)

Mr. DONIGAN: I beg your pardon. I did not. I asked no man to sign that minority report, either Democrat or Republican.

The question being shall the majority report be read,

The motion was lost.

The question being on the motion to reconsider the vote whereby the House voted to accept the majority report, Mr. Donigan moved that the yeas and nays be called.

The motion was lost.

Thereupon a division was had and the motion to reconsider was lost by a vote of 24 to 57.

Mr. SCATES of Westbrook: I would inquire how many voted for the yeas and nays.

The SPEAKER: The Chair would state a sufficient number did not request the yeas and nays.

Mr. SCATES: I am very glad to learn that the gentleman of this House do not want a yea and nay vote on this question.

Mr. DONIGAN: I am very sorry. When I came here I had the greatest regard for the 73rd Legislature, and I am very sorry that they would not register their names on this and not white-wash this "Carleton" affair.

The SPEAKER: We will proceed with the business of the House.

On motion of Mr. Jacobs of Athens, resolve in favor of screening Kingsbury pond, was taken from the table, and on further motion by the same gentleman the resolve was indefinitely postponed.

On motion of Mr. Murphy of Portland, bill, for better preservation of plans of cities, towns and plantations, was taken from the table, and on further motion

by the same gentleman the bill was indefinitely postponed.

On motion of Mr. Milliken of Island Falls, resolve for screening of Medomak pond, was taken from the table.

Mr. Milliken then offered a statement of facts to go with the resolve.

The resolve was then passed to be engrossed.

On motion of Mr. Milliken of Island Falls, report of committee on education, reporting on bill, to provide schools with flags "ought not to pass," was taken from the table.

The pending question being the substitution of the bill for the report.

The motion was agreed to.

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

Resolve providing for the expense of the justices of the supreme judicial court at sessions of the Law Court, came from the Senate read twice and passed to be engrossed under a suspension of the rules in that branch.

On motion of Mr. Milliken of Island Falls, the rules were suspended the resolve was given its two readings and was passed to be engrossed, in concurrence with the Senate.

Resolve in favor of the clerk to the committee on appropriations and financial affairs, came from the Senate read twice and passed to be engrossed under a suspension of the rules.

On motion of Mr. Knowlton of Monson, the rules were suspended, the resolve was given its two readings and was passed to be engrossed in concurrence with the Senate.

An Act to amend an Act entitled "An Act additional to Chapter 49 of the Revised Statutes, relating to insurance and insurance companies, approved March 6th, 1907", came from the Senate with Senate endorsement "A"

Mr. Danforth of Skowhegan, moved that the bill with the amendment lie on the table.

The motion was agreed to.

Mr. Waldron of Dexter, moved that the amendment be printed.

The motion was agreed to.

Mr. Donigan from the committee of conference on Bill, "An Act to provide

for the ownership and maintenance of highway bridges by the State, reported that the committee cannot agree.

The report was accepted.

Mr. Tolman of Portland, moved that the House recede and concur with the Senate.

On motion of Mr. Pike of Eastport, the motion of Mr. Tolman of Portland was laid upon the table.

Resolve with reference to the rebate of taxes on railroads, came from the Senate read and adopted.

Mr. Pike of Eastport, moved that the House adopt the resolve in concurrence with the Senate.

The motion was agreed to.

On motion of Mr. Wood of Bluehill, Adjourned until three o'clock this afternoon.

#### Afternoon Session.

The following resolve, coming from the Senate, passed to be engrossed under a suspension of the rules in that branch, received their two readings and were passed to be engrossed by the House under a suspension of the rules in concurrence.

Resolve in favor of witnesses, officers and counsel in the hearings on the Harry J. Chapman resolve.

Resolve in favor of the clerk and stenographer to the joint special committee on salaries and fees.

Resolve in favor of H. M. Sewall, chairman of the committee on gubernatorial vote.

Resolve in favor of the stenographers to the presiding and recording officers of the Senate and House.

Resolve in favor of the State House employees.

An Act prohibiting the publication relating to patent or other medicines of language of immoral tendency or ambiguous character, protecting the public from the indiscriminate distribution of samples of medicine, came from the Senate with Senate amendment "A" and House amendment "A" rejected and Senate amendment "B" adopted, and passed to be engrossed as amended.

On motion of Mr. Dow, the House voted to non-concur with the Senate, and insist and ask for a committee of conference.

The Speaker appointed on the part of the House Messrs. Dow of Brooks, Mullen of Bangor and Skidmore of Liberty.

An Act to abolish the office of public binder and to authorize contracts for state binding on the basis of competitive bids, came from the Senate with House amendment "B" to House amendment "A" rejected, and passed to be engrossed as amended by House amendment "A".

Mr. Skidmore of Liberty moved that the bill lie on the table until tomorrow morning.

The motion was lost.

On motion of Mr. Gleason of Mexico, the vote was reconsidered whereby the bill was passed to be engrossed.

Mr. Gleason moved that House amendment "B" to House amendment "A" be rejected in concurrence with the Senate.

The question being on receding and concurring with the Senate in rejecting House amendment "B" to House amendment "A", a division was had and the motion was agreed to by a vote of 53 to 38.

On motion of Mr. Gleason the bill was then passed to be engrossed as amended by House amendment "A".

Resolve to amend Section 2 of Article 10 of the Constitution of the State of Maine, came from the Senate with Senate amendment "A".

On motion of Mr. Mullen of Bangor, the votes were reconsidered whereby this resolve was passed to be enacted and passed to be engrossed, Senate amendment "A" was adopted and the bill was then passed to be engrossed as amended.

The following bill was passed to be enacted: "An Act to incorporate the Wilton Water District."

The following resolve was finally passed: "Resolve in favor of the clerk in the office of the commissioner of highways."

#### Orders of the Day.

Special Assignment: 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."

On motion of Mr. Merriman of East Livermore, the House voted that each speaker be limited to give minutes on

this bill and the next one on the calendar. (Applause.)

The question being on the motion to substitute the minority report for the majority report.

The motion was lost.

On motion of Mr. Waldron of Dexter, the majority report was then accepted.

Mr. Flaherty of Portland, moved that the bill be indefinitely postponed.

The motion was lost.

On motion of Mr. Smith of Patten, the rules were suspended, the bill received its three readings and was passed to be engrossed.

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 question being on the motion to substitute the minority report for the majority report.

The motion was agreed to.

On motion of Mr. Stearns of Norway, the rules were suspended and that gentleman introduced a bill, to correct a clerical error in a bill passed by the House entitled "An Act relating to the municipal court of the town of Norway."

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

M. Milliken, from the committee of conference on the disagreeing action of the two branches on Bill, to provide for a transferable two-cent mileage on the Bangor & Aroostook Railroad, reported that the committee were unable to agree.

The report was accepted.

On motion of Mr. Milliken, the House voted to adhere to its former action.

On motion of Mr. Morneau of Lewiston, Bill to fix the salary of the clerk of the municipal court of the city of Lewiston, was taken from the table.

The pending question being the adoption of House amendment "A," to strike out "\$1800" and insert "\$1200."

Mr. Morneau moved the adoption of the amendment.

The question being on the adoption of the amendment, a division was had and the amendment was adopted by a vote of 63 to 31.

On motion of Mr. Morneau the bill

was then passed to be engrossed as amended.

On motion of Mr. Waldron of Dexter, Bill, to regulate fares on railroads, was taken from the table.

On motion of Mr. Waldron, the House voted to adhere to its former action.

On motion of Mr. Weeks of Fairfield, Resolve providing for a State auditor was taken from the table, and on further motion by the same gentleman it was indefinitely postponed.

On motion of Mr. Kendall of Bowdoinham, report of the committee on shore fisheries, reporting "ought not to pass" on bill relating to the taking of clams, was taken from the table, and on further motion by the same gentleman the bill was indefinitely postponed.

On motion of Mr. Newbert of Augusta, order for investigation of liquor agencies, was taken from the table, and on further motion by the same gentleman the order was indefinitely postponed.

On motion of Mr. Tolman of Portland, communication from commissioner of highways, relating to bridges, was taken from the table, and on further by the same gentleman it was ordered placed on file.

On motion of Mr. Decker of Weld, Bill, relating to compensation of selectmen, was taken from the table, and on further motion by Mr. Decker, the rules were suspended, the bill received its second and third readings and was passed to be engrossed.

On motion of Mr. Davies of Yarmouth, the opinion of the justices of the Supreme Judicial Court relating to the taxation of railroads, was accepted and paced on file.

On motion of Mr. Hall of Dover, Bill, relating to disposal of insurance on Moosehead Lake Fish Hatchery, was taken from the table, and on further motion by Mr. Hall the bill was indefinitely postponed.

On motion of Mr. Knowlton of Monson, Resolve in favor of the International Longfellow Society, was taken from the table, and on further motion of Mr. Knowlton it was indefinitely postponed.

On motion of Mr. Johnson of Waterville, "An Act to correct clerical errors in Chapter 32 of the Revised Statutes

and acts amendatory thereto, to regulate the length of trout, landlocked salmon, white perch and black bass which may be taken, to prohibit the sale of trout, landlocked salmon, white perch and black bass and to regulate the transportation of deer out of the State, was taken from the table.

Mr. Havey of Sullivan, withdrew amendment "C"

The bill was then passed to be engrossed as amended by amendment "A."

The following bill was passed to be enacted. "An Act to amend Section one of Chapter 55 of the Revised Statutes, relating to telegraph and telephone companies, gas and electric light companies.

On motion of Mr. Emery of Jay, the House took a recess until 5.15 o'clock.

#### After Recess.

On motion of Mr. Pike of Eastport, Reports "A" and "B" of Committee on Judiciary, on Bill to authorize Portland to appropriate money for State capitol building, reporting "ought not to pass" and "ought to pass in new draft," were taken from the table.

Mr. Pike moved that the reports be referred to the next Legislature.

Mr. JOHNSON of Waterville: Mr. Speaker, if opportunity had been offered before the motion was made I should have moved that both reports be indefinitely postponed, as that seems to me to be the proper action at this time. I see no reason why the matter should be referred to the next Legislature. It seems to me it should be closed as far as this Legislature is concerned.

Mr. PIKE of Eastport: Mr. Speaker, this is a matter that cannot be properly discussed at this time owing to the fact that we are so near the end of this session, and it seems to me entirely fitting and proper that this matter should go over to the next Legislature.

Mr. SCATES of Westbrook: I understand that there is a resolve coming into this Legislature for the appropriation of three thousand dollars for the year 1907 and three thousand dollars for the year 1908 for new quarters, if I am correctly informed.

The SPEAKER: The question is on the motion to refer the reports to the next Legislature.

Mr. MURPHY of Portland: It seems to me as the judiciary committee has reported five to five on the matter the least that the gentlemen opposed to Portland can do is to allow the matter to be referred to the next Legislature.

Mr. JOHNSON: I am not opposed to Portland. I did sign one report of the judiciary committee believing that that report was right, and I have no doubt that the gentlemen who served with me and who signed the other report felt that they were right also. But it is not a question at the present time of whether we are opposed to Portland or not; it is a question of closing up the matters which we have had before us at this session. I see no reason why we should in these closing hours of the session refer a matter of this importance to the next Legislature. It seems to me that the indefinite postponement of both reports will take care of the whole matter. I hope the House will not refer it to the next Legislature.

Mr. SCATES: It would seem as though if that resolve is coming in here that I have mentioned, it is a part of this same State House proposition, and that it is only fair to the people who favor the removal of the capital that this thing should be laid on the table until the other resolve comes in, if it does, and take them both up together; and I hope this House will vote to do that.

Mr. NEWBERT of Augusta: I cannot see any relation between this enabling act which the city of Portland has asked for and any possible resolve that may be presented to this Legislature. Personally I know of no resolve. It seems to me the motion suggested by the gentleman from Waterville is entirely proper and should appeal to the good sense of the members of this House.

The SPEAKER: The gentleman from Waterville, as I understand it, has made no motion.

Mr. JOHNSON: I move that the consideration of the two reports be indefinitely postponed.

The SPEAKER: The Chair understands that a motion to indefinitely postpone takes precedence of the motion of the gentleman from Eastport (Mr. Pike.)

Mr. Scates moved that the motion be laid on the table.

On this motion a division was had and the motion was lost by a vote of 47 to 67.

The question then being on the indefinite postponement of the two reports,

Mr. Flaherty of Portland, moved that the yeas and nays be called.

The motion was agreed to.

The SPEAKER: All those in favor of the indefinite postponement of the two reports will answer yes as their names are called; all those opposed will answer no. The Clerk will call the roll.

YEA:—Allan of Dennyville, Allen of Columbia Falls, Allen of Mt. Vernon, Allen of Richmond, Baldwin, Barrows, Brawn, Brown, Charles, Cobb, Colcord, Copeland, Crosby, Cyr, Danforth, Davidson, Donlero, Donigan, Dow, Duncan, Duntun, Dyer, Edwards, Emerson, Farrar, Folsom, Gallagher, Hadlock, Hall of Dover, Harriman, Hathorn of Detroit, Havey, Herrick, Hibbard, Higgins, Hill of Monticello, Johnson of Waterville, Joy, Kelley, Kendall, Knowlton, LaBree, Lane, Libby, Lovejoy, Lynch, Martin of Kumford, Mayo, Merry, Milliken, Montgomery, Mullen, Newbert, Newcomb, Newton, Noyes, Perry of Fort Fairfield, Perry of Randolph, Pooler, Skidmore, Smith of Patten, Sprague, Stearns, Stevens of Jonesport, Stevens of Portage Lake, Stuart, Stubbs, Thomas of Howland, Tolman of Glenburn, Tucker, Wardwell, Weeks, Weld, Wight, Wood.

NAY:—Brackett, Chase, Davies, Davis, Decker, Emery, Farnham, Flaherty, Frost, Fulton, Giddings, Gleason, Goodwin, Gordon, Hall of Caribou, Harris, Harthorn of Milford, Haskell, Hawkes, Horgan, Irving, Jordan, Langley, Leighton, Lord, Loring, McClutchy, McKinney, Merriman, Minahane, Moore, Murphy, Perkins of Alfred, Perkins of Kennebunkport, Pike, Safford, Scates, Skillin, Spear, Stover, Tarbox, Theriault, Thomas of Harpswell, Tolman of Portland, True, Walliron of Dexter, Waldron of Portland, Walker, Whitehouse, Witham, Young.

ABSENT:—Barker, Blanchard, Clark, Grinnell, Hill of Machias, Jacobs, Johnson of Calais, Leader, Lowe, Martin of Rumford, Merrill, Morneau, Oram, Peacock, Pinkham, Preston, Reynolds, Smith of Lisbon, Snow, Strickland, Titcomb.

Yeas, 75; nays, 51; absent, 21.

So the motion prevailed.

Mr. Davies of Yarmouth, moved to adjourn.

The motion was lost.

Mr. JOHNSON: I move to reconsider the vote by which we have voted to indefinitely postpone the reports; and I hope the House will vote against me.

The motion was lost.

On motion of Mr. Danforth of Skowhegan, Bill, relating to limitations of actions against executors and administrators, was taken from the table.

Mr. Danforth offered House amendment "A" which was adopted, and on motion by Mr. Danforth, the rules were suspended, the bill received its three readings and was passed to be engrossed as amended.

Mr. Dow of Brooks, from the committee of conference on the disagreeing action of the two branches of the Legislature on Bill, prohibiting the publication relating to patent or other medicines in language of immoral tendency or ambiguous character and protecting the public against the dangers of the indiscriminate distribution of samples of medicines, reported House amendment "B" and that all other amendments be rejected.

The report was accepted.

Mr. Joy from the committee on appropriations and financial affairs, reported ought to pass on resolve in favor of the clerk and stenographer to the committee on State lands and State roads. (Resolve read twice and passed to be engrossed under a suspension of the rules on motion of Mr. Joy.)

Mr. Joy from the same committee, reported same on resolve in favor of the clerk to the committee on telegraphs and telephones and State prison. (Resolve read twice and passed to be engrossed under a suspension of the rules on motion of Mr. Hadlock of Cranberry Isles.)

Mr. Joy from same committee, reported same on resolve in relation to money credited to Dallas plantation in error. (Resolve read twice and passed to be engrossed under a suspension of the rules on motion of Mr. Skidmore of Liberty.)

On motion of Mr. Davies of Yarmouth,

Adjourned.