

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

SENATE.

Wednesday, March 15, 1911.

Senate called to order by the President.

Journal of previous session read and accepted.

Papers from the House disposed of in concurrence.

Resolve that the Land Agent be authorized to convey to O. E. Winchenbaugh of South Thomaston, Knox county, Maine, an unnamed ledge in Muscle Ridge channel, came from the House by that branch referred to the committee on State lands and State roads. On motion by Mr. Kellogg of Penobscot, tabled.

House Bills on the First Reading.

Resolve in favor of the Maine State prison.

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

Legal Affairs.

By Mr. Donigan of Somerset—Bill, An Act in relation to the practice of surgery.

Reports of Committees.

Mr. Fulton for the committee on education, on Bill, An Act to amend Section 3 of Chapter 177 of the Public Laws of 1909, relating to the common school fund and the means of providing for and distributing the same, reported that same "ought not to pass."

The same senator for the same committee, on Bill, An Act to provide for payments from State school funds, reported that same be referred to the next Legislature.

Mr. Milliken, for the same committee, on Bill, An Act to change the method of electing superintendents of schools, reported that the same "ought not to pass."

The reports were accepted and sent down for concurrence.

Mr. Fulton for the committee on education, on Bill, An Act to amend Section 62 of Chapter 48 of the Public Laws of 1905, relating to Free High schools, reported the same in a new draft under the title of "An Act to

amend Section 62 of Chapter 15 of the Revised Statutes as amended by Chapter 48 of the Public Laws of 1905, relating to Free High schools," and that it "ought to pass."

Mr. Foss, for the committee on appropriations and financial affairs, on Resolve providing for the payment of certain deficiencies, accrued prior to January one, 1911, reported that the same "ought to pass."

Mr. Kellogg, for the committee on interior waters, on Bill, An Act to change the name of Goose pond in Cumberland county, reported that the same "ought to pass."

The same senator for the same committee, on Bill, An Act to amend Section 36 of Chapter 94 of the Revised Statutes, relating to the creation of ponds for cutting ice, reported that the same "ought to pass."

The reports were accepted and the several bills and resolves were tabled for printing under joint rules.

Majority report of the committee on Education, reporting "ought to pass" in a new draft under the same title on Bill, An Act to provide for the distribution of the school mill fund and the common school fund and to amend Sections 122, 123 and 126 of Chapter 15 of the Revised Statutes, and Section 3 of Chapter 177 of the Public Laws of 1909, relating to the distribution of the common school fund.

(Signed) Fulton, Blanchard, Milliken, Sawyer, Thompson, Robinson, Miller.

Minority report of same committee, reporting that same be referred to the next Legislature.

(Signed) E. W. Murphy, E. V. Allen.

On motion by Mr. Fulton of Sagadahoc, the majority report of the committee was accepted and the bill was tabled for printing under joint rules.

The PRESIDENT: I will announce that the second reading of bills and resolves will be passed at this time in order that the committee may have an opportunity to finish their work.

Passed to be Enacted.

An Act to incorporate the town of Eagle Lake.

An Act relating to the assessment of taxes in organized plantations included in the Maine forestry district.

An Act to provide for the weekly payment of wages.

An Act to amend Chapter 359 of the Special Laws of 1909, relating to maintenance of a dam across Big Machias stream, in the town of Ashland.

An Act to incorporate the Maine Title Insurance Company.

An Act in relation to the Rumford Falls Municipal Court.

An Act to incorporate the Winter Harbor Light Company.

An Act relative to the Bangor and Brewer bridge.

An Act relating to the board of overseers of the poor of city of Portland.

An Act to provide for the State certification of all teachers of public schools. Tabled on motion by Mr. Gowell of York.

An Act to appropriate moneys for the payment of salaries fixed by law for the year 1911.

An Act to incorporate the Dean Hill Cemetery Improvement Association.

An Act to authorize the removal of the bodies of deceased persons from the old cemetery in the plantation of Elliottsville.

An Act to authorize the mayor of the city of Portland to appoint commissioners of cemeteries and public grounds.

An Act giving the Rumford Falls Village Corporation additional powers to raise money.

An Act to establish the Lubec, East Machias and Machias Railway Company.

An Act to incorporate the Knox County Central Railroad.

An Act granting certain powers to the Pennamagan Power Company.

An Act to amend Section 10 of Chapter 3 of the Revised Statutes, relating to the powers and duties of the Maine Library Commission.

An Act to regulate the investment of deposits in banks and trust companies.

An Act to amend Sections 11 and 13 of Chapter 222, of the Public Laws of 1900 relating to licensing of dogs.

An Act to prohibit the removing of waste or packing from the journal box or boxes of locomotives and railroad cars.

An Act for the better protection of forests from fire.

An Act granting certain powers to the Eastport Water Company.

An Act to prevent the throwing of refuse or mill waste into the Baskahegan stream.

An Act to regulate ice fishing in Fitts pond, sometimes called Little Fitts pond, in the town of Clifton, in the county of Penobscot.

An Act to incorporate the Sangerville Village Corporation.

An Act to incorporate the Norridge-wock Water Company.

An Act to protect striped or sea bass, in the waters of the Sheepscot river and its tributaries.

An Act to regulate the transportation of fish and game beyond the limits of the State of Maine for breeding, scientific and advertising purposes.

An Act to repeal Chapter 382 of the Private and Special Laws of 1907, relating to fishing in Wesserunnett stream and tributaries, in the county of Somerset.

An Act relating to the Vassalboro, China and Windsor Light and Power Company.

An Act to repeal Chapter 137 of the Private and Special Laws of 1903, relating to the charter of the city of Auburn and the creation of the Board of Public Works.

An Act to ratify the change of name of Brunswick Power Company.

An Act to incorporate the Franklin Water Company.

An Act to extend the charter of the Scarborough and Cape Elizabeth Railway Company.

An Act to incorporate the Cherryfield Water Company.

An Act in relation to the appointment of guardians by consent.

An Act to extend the charter of the Rangeley Lakes and Megantic Railroad Company.

Orders of the Day.

On motion by Mr. Boynton of Lincoln,

Senate Document No. 166, Bill, An Act to amend Section 1 of Chapter 136 of the Revised Statutes, relating to sentence in criminal cases, was taken from the table.

The same senator then moved that the bill receive its second reading and be passed to be engrossed at this time.

Mr. STAPLES of Knox: Mr. President, that is the Hastings bill, so called, is it not?

The PRESIDENT: Yes, it is.

Mr. STAPLES: Mr. President, before that motion is put I desire to be heard upon this matter. Pending that motion, I have another motion to make, and I will address the Senate at the present time.

I am somewhat surprised that the committee on temperance, composed of men that I know, and in whom I have always had a great deal of confidence, has reported this bill. I do not stand here particularly to object to jail sentences in any kind of liquor cases, but I do stand here this morning in defence of the supreme court of the State of Maine. I regard this bill as a reflection upon every judge of the supreme court in the State of Maine. We have been proud for a great many years of our eminent men who have adorned the bench of Maine. I claim that they are men of high standing, of learning, honest, honorable, and that they are second to no judiciary in New England today. For time to come their wisdom will be verified to everybody who takes occasion to read the reports of the judges of the supreme court of the State of Maine.

This bill takes from them all discretion in a certain class of cases. It would be a sorry day, in my judgment, for the people of the State of Maine if that discretion was taken from the judges of the supreme court. What would you say, senators—and this rum case, you may call it, stands upon the same footing as all other criminal cases—what would you say if a bill was introduced in the Senate to take away all discretion of the judges of the supreme court in cases of larceny? Or to take away all discretion of the judges in cases of manslaughter, or arson, or any other crime? The judges hear the cases and they know all of the facts in each case. Every case stands upon its own merits. You cannot say that the

same sentence shall be imposed upon all defendants alike, for each case stands upon its own merits. Would you say that the young girl of 17 who might have been induced to break the law, should receive the same sentence as the hardened criminal?

I know that every judge of the supreme judicial court feels that this is an infringement upon his rights. They believe that justice can be better subserved by leaving with them this discretion in all cases. Every lawyer who has practiced law at the bar has seen the wisdom of leaving this discretion with the judge, for some receive more and some receive less sentences, according to the circumstances surrounding the different cases.

For us to say here, because this is a rum case—I do not stand here, I do not care what that law may be—but I do stand here to defend the court of the State of Maine. I apprehend that every lawyer in Maine who practices law would be against this, and the wisdom of the most conservative in the State of Maine would be against it.

There are two kinds of legislation, destructive and constructive. This certainly is not constructive, but it is destructive of the integrity, of the purity of the supreme court of the State of Maine. It is an outrageous slander upon the court which I for one will not stand here and submit to have done, and I do not believe this Senate will have it done.

This matter was threshed out here two years ago, and I opposed it then as I do now, and upon the same grounds. Nobody can be trusted more than the judges of the supreme court. We are proud of them, and we are willing to place ourselves in their hands and believe that we will have justice done in all cases. My friend has revamped it; and my brother Hastings had it here two years ago. We should have buried it so deeply two years ago that it never could have been resurrected. Two years ago Governor Fernald vetoed that bill. I respect him and commend him for it.

Chief Justice Peters said that to take away the discretion of the court in such matters was unconstitutional, and I believe that he was right. He was

one of the most eminent justices we ever had in the State of Maine. He was loved and respected by everybody for his noble qualities and his kind heartedness, and I speak of him with a great deal of reverence. I am willing to be guided by what that eminent jurist has said.

This is an important matter; it is an important matter for the rights and the liberties of the people. Shall the people of the State of Maine say to the supreme court judges, all of them honorable and eminent men, "We have suspicion of you, we do not dare to trust you in this matter and therefore we are going to say by act of Legislature that you shall have no discretion whatever in this matter."

I do not think the people call for it. I know they do not call for it if they understand it. I can imagine and see in my mind's eye a girl of 17 years who may be by the inducement of her parents brought into court. I can see standing opposite her an old veteran who has been tried for years for the same offence, and I see the judge sitting upon the bench having no discretion between that youthful girl and that old offender; both must go to jail. You take away the discretion of the court and you say that both shall go to jail, and the same sentence fixed upon one as upon the other. I would as soon have you take away the discretion of the court in all matters, as in this one. Some people are crazy on these matters. It will work itself out; the people of the State of Maine will work it out in the interests of good morals. Let us be cautious what we do in this matter. Do you desire that the supreme court shall have no discretion in this matter? Oh, no, my friends, this Democratic Legislature will never, in my judgment, enact such a law, and say to the judges of the supreme court of Maine, "We have no confidence in you in this matter. We are going to tie your hands." It would be a stigma upon the judges of the supreme court of Maine that I trust never will become law.

I am earnest, gentlemen, about this matter, because I have practiced law for 30 years; I have been county attorney six years; I have handled a

great many criminal cases upon one side and the other, and when I thought the verdict of the jury was wrong in convicting a man, I have thanked Heaven that as a last resort we could go before the judges of the supreme court, and they, having some discretion allowed them, and knowing all the facts, would deal out justice in the matter. I have found it so, and I hope the supreme court of Maine will not be shorn of this great matter of discretion in all cases.

I could not say any more if I talked longer. I have covered the ground, I think, to the best of my ability. Do not let this legislation be a black mark upon the judiciary of the State of Maine, that noble body of men we are all so proud of, whose opinions are recognized throughout the length and breadth of this county as second to no judiciary of any State in New England or the country.

Oh, no, gentlemen, you will not do that.

And now, Mr. President, with these remarks I move that this bill be indefinitely postponed, and that the vote be taken by the yeas and nays.

The question being upon the indefinite postponement of the bill (Senate Document No. 166) the yeas and nays were ordered and the secretary called the roll. Those voting yeas were: Messrs. Allan, Blanchard, Chandler, Clifford, Foss of Androscoggin, Foss of Cumberland, Hill, Kellogg, Mullen, Noyes, Pendleton, Staples, Stearns, Theriault, Winslow—15. Those voting nay were: Messrs. Boynton, Dodge, Donigan, Farrington, Gowell, Irving, Leach, Mayo, Milliken, Moulton, Osborn, Sanborn, Smith—13.

And the motion to indefinitely postpone was adopted.

On motion by Mr. Osborn of Somerset, House Document No. 158, Bill, An Act defining the Main Trunk Line of Highway through the State, was taken from the table.

MR. OSBORN: Mr. President, I now move that this bill be indefinitely postponed. Upon that motion I wish to state briefly as I can my reasons for asking for its indefinite postponement.

I believe that unless we can pass a

law that will improve upon the present law, we better not pass any law at any time. I am under the impression that this Act would not better the present law in regard to the trunk lines and highways. I wish to read to you the law we have, and all we have, in regard to trunk lines and highways, on the statute book at the present time so far as I know.

Section 13 of the State road law provides:

"Section 13. After providing for the payment of State aid applied for, the balance of the fund or any part thereof may be expended by the State commissioner of highways in rebuilding and improving the main thoroughfares of through travel in the State, with the object of establishing a complete system of continuous main highways throughout the State. The location of roads to be improved under this section and the apportionment of funds for the same shall be determined by the State commissioner of highways subject to the approval of the Governor and Council. The same general provisions made for the construction and maintenance of other State roads under this act shall apply to roads constructed under authority of this section, except that the whole cost of construction may be paid by the State."

Under that law we have built some pieces of trunk lines of road, and I understand that a large part of the expenditure has been paid by subscription. That is, persons interested in trunk lines of road have contributed very largely to build such roads. It seems to me that is a very proper thing that they should, those who are immediately interested in the construction of a piece of State trunk line of road, it is no more than fair that they should meet part of the expenditure, because under this law it could not be assessed on the community, it must be borne by the State, that is, it is raised by assessing all the people of the State, and placed in some particular locality where the benefit to be derived would be to only a few people.

This bill as I see it cuts out the au-

thority of the Governor and Council. They have nothing to say as to where this money shall be applied; they cannot take into consideration the fact, nor the highway department, either, that parties anxious for a trunk line would contribute largely to its support. It simply defines certain pieces of highway as trunk lines of the State, and forces the State highway department to expend such moneys as are available, for that line only. They have no discretion; it must be built there. The trunk line described in this Act starts in at Kittery and goes through to Bangor, and from Bangor goes to Fort Kent; and then another piece is taken up from Portland to Augusta by the way of Brunswick. You will see if you look over the State highway department report for 1903, that the distance covered by this proposed line of road will be about 500 miles. The State, if you pass this bill, is committed to construct trunk line systems in this State 500 miles in length. There is no way we can raise the funds for it except by assessment. This State cannot raise money, as other states have done, because our debt limit is such that we cannot do it. This simply means to commit this State to a large expenditure of money in the future for the purpose of constructing a trunk line of highways. Who are to be benefitted? I think it is a generally admitted fact that it is done chiefly to attract summer visitors who travel in automobiles. I do not object to that. I do not say it is not a desirable thing to do, but ought the State of Maine to assess all the people of the State for the purpose of building a trunk line of highways through the State that can never benefit a large portion of its people? That is a proposition I think should have careful consideration.

Another thing, the expense of building this trunk line. It is estimated that from eight to ten thousand dollars per mile will be necessary. These estimates are always below the actual cost. When you take into account the cost of constructing bridges and all the expenses of such a line, I have no doubt it will very much exceed the estimates.

It means that we are committing ourselves to the expenditure of at least five million dollars for the construction of a trunk line of highways from Kittery to Fort Kent. I am aware of the fact, and I think most of the members of the Senate are aware of the fact, that it will be very many years, most of us here will be passed to another world before they will complete such a line of highways. Before this is ever built from Bangor to Fort Kent, all the people now here will have passed away. The chief idea at present is to get a trunk line to Portland and possibly on to Augusta and it may be to Bangor. When you get it there, if you ever do, the people of this State will have got about enough of building trunk lines of highway at the expense of all the people of the State, and long before it makes the great distance of 225 miles from Bangor to Fort Kent there would be other parts of the State clamouring for a trunk line. The west end of our State would have lost their interest in the development of Aroostook county long before they extended the line from Bangor to Fort Kent, as is proposed.

In the northern part of the State they need their support to carry this through. It is sometimes possible to catch suckers with a bare hook. It may be here today, but I sincerely hope they will realize in the northern part of the State that another generation will handle this matter long before their trunk line is called for. We cannot build any great distance in years. Suppose we appropriate one hundred thousand dollars per year. It will require quite a number of years before you get to the northern part of Maine with this line even if it is confined to the line as now defined, but where is the man who does not believe that future Legislatures may not change this line?

I do not wish to take up the time of the Senate. I presume very many have given this thought and study, but I do want to call your attention to this one more fact: We came here professing that we came here to economize, and to see that the State was

not committed to large appropriations of money. I believe that was necessary, and when the bridge bill that proposed to put one-third of the expense of building bridges of the State of more than forty feet in length upon the State—only one-third of it—and the benefits of that bill would reach to every part of the State, and when it was asked that the bill be laid aside on account of the financial condition of the State—and only a small amount was called for next year—I was willing to have it laid aside.

By this proposition we are committing the State to the expenditure of more money than anyone ever conceived the bridges of the State would cost. It is said that we do not know what the bridge bill would cost, but where is the man who would say what the trunk lines would cost?

It is said that other states are building trunk lines, and that is true, but ought we not to consider that the State of Maine is not circumstanced as is Massachusetts. Massachusetts is small in territory and it is very wealthy, and its population in proportion to its territory is large. They can build trunk lines across that State without going 500 miles, but in the State of Maine if you commit the State to the construction of trunk lines as this bill proposes, there are just as many and just as good reasons that other lines should be built throughout the State, and they will be just as insistent in their demands for them, if that is to be the policy of the State.

Let us allow the law to remain as it is. Let the State highway department, with the advice and consent of the Governor and Council, whenever there are funds available, apportion certain amounts to the State trunk lines, and leave it to their discretion where it shall be applied. This law simply says, "whatever funds may be available." According to the law passed at the last session of the Legislature, we raised the amount assessed for State highway purposes from one-third of a mill to three-fourths of a mill on the dollar of the State's valuation. That led to a very large increase

in the sum for State highway purposes. At that time a change was made in the distributive feature of the law, but not one that would take up all that increase, and but a small part of. I believe it was the purpose of those who designed the law at that time to raise a sum of money to build trunk lines. I think that is confessedly their purpose today; I think the State highway department conceded that. It was their purpose to raise a sum of money in addition to what was actually needed among the towns, for the purpose of apportioning it to the trunk lines. But the financial condition of the State did not admit of their using very much of that for that purpose, hence it is now claimed there is due the highway department some eighty thousand dollars, I think, which the friends of the trunk line claim should go to the extension of the trunk line of road. If this bill is passed, I do not know of any reason why they will not put in this claim that the money should be expended on the trunk line of the roads. I think the department would be committed, if this is available, to the expenditure of that money.

Leave it where it is, in the hands of the highway department and in the hands of the Governor and Council.

Mr. WINSLOW of Cumberland: Mr. President and fellow senators, this matter to me is one of great importance. I have very carefully looked into the subject matter. I believe there is not at the present time so State-wide a duty that we should perform as this one which will bring the greatest number of people into our State. We know within the past few years of the increased travel we have had from the automobile people. Only a short time ago, at one of our hearings here in the interest of an automobile law, the hotel people put up that cry of change to come in here, instead of 10 days as the bill called for that limitation, they would not have it that way and we changed it for their benefit. The manager of the Augusta House was here and made the statement before this committee that last season alone of the automobile travel, which was in addition to all previous

records, that they had taken in over \$5000. We heard very much in other directions, down through the State. The report came from different hotels; the larger number and the best reports came from the hotels located where they were more accessible to the main travel over our highways, referring particularly to Poland Springs. We all know the wretched condition of certain portions of the roads of this State, and more particularly to what is termed the gateway to the State of Maine. Coming in as they do from Portsmouth, leaving the roads that we know of beyond that locality, leaving those nice roads, what has been the result of their travels over our roads, commencing at Kittery? There are certain times of year when those roads are almost impassable. That does not apply simply to early spring but any time through the season of continued rains the roads are practically impassable, I might say, to any sort of team, without mentioning automobiles.

I well remember an instance, only three years ago, of one of my attempts to drive a motor car from Worcester through to Portland. We had a rain from the time we left Worcester to the time we left Boston, and when we got to Kennebunk there we went into the ditch and one and one-half hours were consumed in digging out. That was the condition of the road, particularly through Kennebunk. We all know and have read of the condition of the road from there west through Kittery, particularly through Wells. There has been agitation, and plans have been developed for a State roadway from Kittery to Portland. There are three, and I do not know but what there are four stretches of that road already completed through a section of Kittery, a section of Wells and one section out of Portland.

I do not know of any one single, identical measure that we might adopt that would be more for the interests of the State than for a trunk line that would bring in the enormous number of people that already come this way. We lose a great many of them, and our reputation in the past for poor roads is the cause of it.

Now the mere fact of this Legislature

passing such an act as this, not for the next year or perhaps the next half-dozen years, but that we propose to construct a highway through our State, even though we do not construct a single mile of it, looking at it in this light, is it not one of the best advertisements that we could put out? It would be known all over the middle section of the country that this is what we propose to do and is it not to be a great advantage to this State to have such an act carried through here whether we build the road or not?

This bill does not say that we shall build the road. We certainly cannot expect to build it under the present financial condition of the State, but we want the outside people to know that we are going to build it, and we wish to show that we are progressing. You know that it has been said, and broadly, too, that we are 10 years behind the times. I do not know but that we might say we are more than 10 years behind our sister states. What has New Hampshire done in the way of State roads, and they have been doing it but a short time? Massachusetts, alluded to as a small state, to be sure the State of Maine covers about all the other New England states—what has Massachusetts done? What has made Massachusetts, and what has made New Jersey? It is only about five years ago that New Jersey was said to have the meanest roads in the country, and today she has the best. Pennsylvania comes next.

The road question is one that perhaps most of the people do not look at so thoroughly as a person who owns and operates his own automobile. It is beyond a doubt that automobiles have come to stay. They are increasing. The Secretary of State can furnish you with statistics to show they are increasing. We should encourage those people who journey through our State.

My experience has taught me this: I drive at least 7000 miles—that was my record last year—over a good many of the roads of some of the other New England States. There are certain times of the year when many of our roads can be considered passable, but we have many roads that should be taken care of in the way of repairs. We have had that very sub-

ject brought before us in the Bridge committee, roads that are unsafe, practically, for a carriage to pass over them.

We have sufficient law to take care of all roads that any town or county cares to build. You can build as many as you wish to and the State will help you. Here is a trunk line for the purpose of bettering the communities of this State, and even though it is not all built, and even though it is built in piecemeals, small pieces at a time; that road to connect with the various highways mapped out through our State, and mapped out here distinctly (holding up a map); these red lines show roads amounting to 635 State highways that have been constructed.

It would not be amiss for me to say, would you, if you were constructing a steam railroad, would you naturally build the branches first? You would naturally build the main line first and connect your branches to it. We made a mistake. We commenced six years ago to build these roads. We should have commenced at that time on that trunk line, and I believe the time is coming now when we should not allow this measure to fall by the way.

Gentlemen, I am in your hands.

Mr. KELLOGG of Penobscot: Mr. President: I do not want to say but just one word on this matter. The Senator from Somerset has let it go out here that he thinks this is going to increase the money raised from our taxes, this trunk line proposition. Now as the law has been, all the surplus left over after the State aid has been paid, has been applicable to these trunk lines, to the trunk lines designated by the Governor and Council. He said that last year there was about \$80,000 added to it, and if that ever comes back to the State highway department it will probably go on to the trunk line system. He gave the impression that the appropriation had been increased this year. I think he is mistaken in regard to that. The bill has gone through appropriating \$250,000 for State highway purposes this year, when last year we had \$320,000.

Now then, after the State aid is paid to the different towns in the State, the

balance of the fund by this bill is to be laid out on this trunk line, beginning at Kittery and going to Fort Kent, and it says "continuously towards the northern end." I will admit that is wrong, and there should be an amendment offered leaving it in the commissioner's hands where this money should be applied, instead of confining him to a continuous line. There may be parts of the line between Augusta and Portland, or between Augusta and Bangor, where money is needed and it should be left in the hands of the commissioner where this money shall be spent. The senator thought the trunk line system should be left as it is now. You all have three maps, and that (indicating) is what you call the trunk line system of the State of Maine.

Mr. SANBORN: Mr. President: That map does not show the trunk line

Mr. KELLOGG: Mr. President, these black lines show what he would like to have called the trunk line. Well, there is a road that had been constructed in the past year in pieces by the State Highway Commissioner, and further than that the State Highway Commissioner has gone toward Rockland, and toward the western part of the State, and in fact all over the State, wherever they would raise one thousand dollars or twenty-five hundred dollars, they would say, "You come to us; we have raised twenty thousand dollars, you give us as much more." In the western part of the State it is the same. They have had influence to bear upon him and he has gone all over the State.

I say that this bill is better; he is not under any influence to take him all over the State; he must put his money on the trunk line. We, in the upper part of the State, do not expect to see this built up there, but we would like to see it built in this part of the State so that it will bring some money up there. When you get into Aroostook county you will find good roads. I rode in Aroostook county some this year in an automobile and I know that the roads are good. I cannot see any objection to this bill, with an amendment that I would like to offer.

My amendment is—you all look at House Bill No. 158. I would strike out in lines 6, 7 and 8 of Section 1, the following: "Said reconstruction work shall begin at the Kittery end of said trunk line and shall be carried on continuously towards the northern end."

I would strike that out and leave it to the State Highway Commissioner to lay out the money on the line wherever he sees fit.

Mr. WINSLOW: Mr. President: That would be satisfactory to me.

Mr. KELLOGG: Mr. President: I move that this bill lie on the table until tomorrow morning, so that I can have that amendment printed and then offer it.

Mr. OSBORN: Mr. President: If in order, before a vote is taken—

Mr. KELLOGG: Mr. President: Is the question debatable?

The PRESIDENT: No, it is not.

The question being on the adoption of the motion of Mr. Kellogg to lay the bill on the table, the motion was agreed to.

On motion by Mr. Mayo of Hancock, unanimous consent was granted and he presented under suspension of the rules Bill, An Act to incorporate Swans Island Water Company, and the same was referred to the Committee on Legal Affairs and sent down for concurrence.

On motion by Mr. Donigan of Somerset, the vote whereby the report of the committee on State lands and State roads, on Bill, An Act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof, etc., was accepted, was reconsidered.

On further motion by the same senator, the bill and report were re-committed to the committee on State lands and State roads.

On motion by Mr. Irving of Aroostook, unanimous consent was granted and he presented under suspension of the rules Bill, An Act amendatory to Chapter 3 of the Private and Special Laws of 1887, entitled "An Act to supply the people of Presque Isle with pure water," and the same was referred to the committee on judiciary, and sent down for concurrence.

On motion by Mr. Staples of Knox, Senate Document No. 179. Resolve in favor of the School for Feeble Minded, was taken from the table.

Mr. STAPLES: Mr. President, I tabled this Resolve yesterday because the statement of facts did not accom-

pany it. I now present a statement of facts, and move that the resolve take its second reading.

Mr. MILLIKEN of Aroostook: Mr. President, on the question of second reading, I have no objection to the bill or any feature of it, and I presume the committee studied it carefully as all committees are supposed to study such matters, and that the amount asked for of that committee is necessary.

I want to call the attention of the Senate to the fact that this resolve provides for the sum of five thousand dollars for the year 1912 to be used to build a new barn. I shall have occasion, I apprehend, to ask for some appropriations soon for educational matters upon which there is a division of opinion, and upon which some members of the committee regretfully took contrary views.

I wish to state this as a precedent now for future use.

The bill was then given its second reading.

Mr. DONIGAN of Somerset: Mr. President, I move to table this bill and have it assigned for tomorrow, as I wish to offer an amendment to cut out that five thousand dollars.

The motion was agreed to.

On motion by Mr. Sanborn of Piscataquis, Senate Document No. 46, Bill, An Act to repeal so much of Section 1 and 2 of Chapter 157 of the Public Laws of 1907 as requires and authorizes the holding of the term of the supreme judicial court at Dover in the county of Piscataquis on the first Tuesday of May in each year, was taken from the table.

On further motion by the same senator, committee report A of the committee on judiciary "ought to pass" was adopted and the bill was tabled for printing under joint rules.

On motion by Mr. Staples of Knox, Senate Document No. 86, An order relating to the payment of bills for legislative advertising, was taken from the table.

Mr. STAPLES: Mr. President: This order was indefinitely postponed in the

Senate, was sent down to the House and they did not concur. Inasmuch as my friend, the senator from Aroostook, has behaved very nicely lately, and as the session is getting very near its close, I move that the Senate recede and concur with the action of the House.

The motion was agreed to.

On motion by Mr. Irving of Aroostook, House Document No. 269, Bill, An Act to remove the Northern District Registry of Deeds from Madawaska to Van Buren, in the county of Aroostook, and to authorize and empower the county commissioners of Aroostook county to erect and construct a building for said Registry of Deeds at said Van Buren, was taken from the table.

Mr. IRVING: Mr. President: I wish to offer an amendment, Senate Amendment A to House Amendment A to House Document No. 269:

"Amend House Amendment A by striking out in Section 3 the word 'district' in the 49th line and in the 50th line and inserting the words 'Aroostook county.'

Also amend Section 4 by striking out in the sixty-ninth line the word 'district' and inserting the words 'Aroostook county.'"

Mr. President, I would like to have the senators understand clearly the position in our county. In Aroostook county we have two registry offices, one in the southern and one in the northern portion; one at Houlton and one at Madawaska. It seemed to be generally known to people interested that with the registry office in the northern district, the deeds and mortgages on file there were not properly protected. They are in an old shack of a building, and it was thought something ought to be done to protect the records there. It also seemed to be the general opinion that the location should be changed on account of the fact that where it is now located it is away from the railroad and not easy of access. Therefore a bill was drawn, I think projected from the county commissioners of the county, providing that an amount not exceeding \$5000 should be raised for a

new registry in Aroostook county. This bill was referred to the Aroostook delegation. The bill was properly advertised and a hearing was held thereon. The matters were threshed out I think fairly on both sides. The two points designated or argued on for a location were Van Buren and Fort Kent, and after discussing, pro and con, it was decided by a large majority vote of the delegation to locate the registry at Van Buren. We supposed that settled the matter, but evidently it did not, for when the matter came up in the House it was amended by referring the matter to the people of the northern registry in a referendum.

I do not know that I would have anything in particular to say in opposition to that, were it not for one fact under this referendum to the people of this district, the town of Van Buren is obligated to pay the sum of \$3000. Each town, Van Buren and Fort Kent, is obligated to supply a lot, but in addition Van Buren is obligated to pay \$3000. It strikes me that it would be eminently unfair for part of the county to vote on this. I seems to me the referendum should apply to the whole county, for the whole county is interested. Three thousand dollars is involved. I cannot see any reason why the county should not be allowed to vote, and in Senate Amendment A to House Amendment A it provides that House Amendment A be changed so that we will have the vote of the entire county instead of the district. I think that is an absolutely fair thing. I cannot see how we can reasonably say that the whole county shall not vote on a proposition that involves a cash payment for the whole county. That would be simply taxation without representation.

That is about the whole gist of the matter, and all the question involved as I understand it.

I would say further this one thing: We felt as we voted on that in the delegation meeting that it was imposing no hardship on any man in the northern registry whether it was located at Fort Kent or Van Buren.

Van Buren under House Amendment A is obligated to raise \$3000 and Fort Kent is obligated to raise nothing except a lot, and each is obligated equally on that.

Mr. THERIAULT of Aroostook: Mr. President: I shall take the time of the Senate only for a moment at this time in discussing this little family trouble that we seem to be having in the northern part of Aroostook county in reference to the location of this registry of deeds.

I was going to go into the matter of the preliminaries that came up before this Legislature, but Senator Irving has set the matter out thoroughly so that we may get at the principal point now.

It is true that the delegation voted by a majority vote, the vote stood 9 to 4, in favor of the town of Van Buren. The amendment was added in the House and adopted in the Senate. The county had been divided into two registry districts, the northern and the southern. This division took place sixty-six years ago. Now papers that the law requires to be recorded in the northern district must be recorded in the town of Madawaska, so that the people in the northern district are the ones directly interested. The people of the southern district already have their recording office at Houlton, and if my colleague should have a paper recorded he would have it recorded in Houlton, and people in the southern part, where they have Houlton for the county seat, should not have to pass on this matter.

What is the reason they wish to vote? It is not because the town of Van Buren was obligated, because it voluntarily obligated itself in order to get this registry. Do you think the town of Van Buren, if it was entitled to this registry, do you believe it would voluntarily pay out the sum of \$3000 to get it? Don't you see there is a joker there? These people want to pay for this location in order to satisfy the whims of the people in that town. I know of individuals, even, who would erect a county building at their own expense in order to have it in their village square. They would erect it as a monument to their selfishness.

These people want to vote on this because they are liable to save \$3,000. They are going to circulate from one end of the southern district to the other the fact that they will save a large amount of money by voting for Van Buren. Is that fair?

I believe the location of the county build-

ing should be left to the people directly interested. Is it fair for the people to vote on this because the town of Van Buren has obligated itself to the payment of \$3,000? I would have no objection to Van Buren cutting that out. I believe those people are entitled to someth'ng. The great towns of Houlton and Caribou, with their stately houses; Houlton has its court house, but we have nothing but the little office established in this little two by four building in 1885. Although the people have to go down to that court house, a distance of 50 miles to reach there, yet the people of the northern district would wish to have continued where they located it, this little office.

I believe the senators will vote to leave this matter to the people directly interested, and not leave it to the people not particularly interested, except in the saving of \$3000 that the town has offered, and had no business to offer it in the least.

In regard to this referendum, I do not believe in local matters it should be extended over a broad area. The people of the southern district care not where the registry may be, and they should not be called upon to vote upon the matter. The sum of \$3000 is not a great sum of money for the county to raise. The county of Aroostook is a great county. It is a rich county. It is a county developing and it has a valuation of some thirty millions of dollars. How much will a farmer have to pay to raise this \$3000? A farmer taxed \$3000 would have to pay the sum of 30 cents on a valuation of thirty millions. It is one-tenth of a mill taxation on the county.

I am as interested in Aroostook county as is my brother and fellow senator, Senator Irving. What I want to say, gentlemen, in this matter is that I want to see one section of the county give a fair deal to another section. I happen to live in that northern section, but I do not believe that the people of Smyrna Mills and Carey Plantation want to vote on this question. They are not giving the people fair play.

I believe you will vote down this amendment.

Mr. MILLIKEN of Aroostook: Mr. President: As the senator has said.

this is a family matter and I am almost ashamed to have anything said about it here. It was settled, we supposed, by the delegation. I want to say at the outset that the people of the northern registry have only one interest in the matter not shared by those in the southern district, and that is that those records be kept safely, because on the safe keeping of the records depends the title to the land in that section. The people in the southern part of the county have an equal interest with them to have the records kept safely. I think it does not matter at all to any citizen of the northern registry, except the journey to the registry of deeds, where the registry is located provided the records are kept safely. It is not like a building at a county seat and I hope members will not confuse this issue with the issue of a county seat. Houlton is the county seat. On a question involving the county seat every citizen of the county would be interested for he would have to go there. On the question of where a registry of deeds is to be located, the average citizen cares very little. A postage stamp carries his deed or mortgage there. The people in the southern part of the county have interests identical with those of the people in the northern part, so far as they go to visiting the office.

We have with them a common interest, alluded to by both senators, that is that we have to pay for it, and I submit there is nothing unfair about it at all, and if it is to be voted on at all it should be voted on by all the people.

Mr. STAPLES: Mr. President: I would like to ask a question. What has been the habit in that northern section, is it not left entirely in the hands of the northern district as to whom they shall have for register of deeds? Does the whole county vote on that?

Mr. MILLIKEN. Certainly.

Mr. THERIAULT: Mr. President: I will say so far as the two districts are concerned one is independent of the other, that is the people of the southern district do not vote at the September election for the register of deeds

for the northern district, and we do not vote for the register of the southern district.

I ask that the vote be taken by the yeas and nays.

The question being upon the adoption of Senate amendment A to House amendment A to House Document No. 269, offered by Mr. Irving, the yeas and nays were ordered and the secretary called the roll.

Those voting yea were: Messrs. Boynton, Donigan, Farrington, Hill, Irving, Kellogg, Milliken, Mullen, Pendleton—9. Those voting nay were: Messrs. Allen, Blanchard, Chandler, Dodge, Osborn, Sanborn, Smith, Staples, Stearns, Theriault, Winslow—18.

So the motion to adopt the amendment was lost.

The bill was then given its second reading and was passed to be engrossed.

Mr. LEACH of Hancock: Mr. President: I wish to give notice that tomorrow I shall take up House Document No. 306, Bill, An Act relating to the duties of State and local assessors, and shall move that it be indefinitely postponed.

On motion by Mr. Boynton of Lincoln, a recess was taken until half-past one this afternoon, in order that the committee on bills in the second reading may have an opportunity to complete their work.

Afternoon Session.

Senate called to order by the President.

Passed to be Engrossed.

An Act authorizing Kingsbury Plan-tation to build its roads.

An Act to amend the charter of Kibbie Dam Company.

An Act to extend charter of Runk-ford Falls and Bethel Street Railway.

An Act regulating the use of rights and locations in streets.

An Act to extend charter of Waldo Street Railway Company.

An Act to incorporate the Lincoln Water Company.

An Act relating to jurisdiction of Bar Harbor municipal court.

An Act relating to Baptist Religious Society of North Yarmouth.

An Act to incorporate the Monson Water Company.

An Act relating to terms of supreme judicial court in Aroostook county.

An Act relating to town and city by-laws and ordinances.

An Act authorizing Booth Brothers and Hurricane Isle Granite Company to construct a railroad crossing in town of St. George.

Resolve in favor of Waldo County General hospital.

Resolve for providing for an epidemic or emergency fund.

Resolve providing for carrying on work of State Survey Commission.

Resolve for appointment of delegates to conference of tax commission.

Resolve in favor of High school in town of Dixmont.

Resolve in favor of Penobscot tribe of Indians.

Resolve authorizing land agent to sell certain public lots in Cary plantation.

Resolve in favor of repairing road known as Lake road in township C.

Resolve in favor of Hospital of Daughters of Wisdom of St. Agatha.

Resolve in favor of State School for Boys.

Resolve for the purpose of operating fish hatcheries and feeding stations.

An Act regulating fees for sealing milk bottles.

An Act relating to sealing of measures.

An Act to render more wholesome milk supply of cities and towns.

An Act to incorporate Westfield Light and Power Company.

An Act to incorporate the Bayville Village Corporation.

Resolve in favor of navigation on Sebec lake.

An Act to amend Chapter 70 of the Public Laws of 1907, entitled "An Act amending Chapter 164 of the Public Laws of 1905, relating to location and assessment of damages for property taken for public uses." (Tabled on motion by Mr. Milliken of Aroostook pending passage to be engrossed.)

An Act to amend Chapter 37 of the Private and Special Laws of 1909. (Tabled on motion by Mr. Milliken of Aroostook pending second reading.)

An Act to authorize the town of York to lease certain lands within said town. (Tabled on motion by Mr. Gowell of York.)

An Act authorizing the construction of a wharf into the tide waters of Casco Bay in the town of Cumberland. (Tabled on motion by Mr. Milliken of Aroostook.)

An Act to amend Chapter 359 of the Private and Special Laws of 1903. (Tabled on motion by Mr. Milliken of Aroostook, pending second reading.)

An Act to incorporate the Guildford Water District. (Tabled on motion by Mr. Gowell of York, pending second reading.)

On motion by Mr. Milliken of Aroostook, Senate Document No. 176, An Act relating to the marking of historical sites, was taken from the table.

Mr. MILLIKEN: Mr. President: This provides for the establishment of a commission for the purpose of marking historical sites. I said yesterday in relation to this matter unless I got further light upon it I should move to indefinitely postpone the bill. No one has said anything about it, and I do not know whether anyone cares about the bill or not. I move that the bill be indefinitely postponed, and if anyone wishes to take it up tomorrow I shall make no objections.

The motion was agreed to.

On motion by Mr. Stearns of Oxford,
Adjourned.

HOUSE.

Wednesday, March 15, 1911.

Prayer by Rev. Mr. Gibson of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

First Reading of Printed Bills and Resolves.

An Act to amend section 12 of chapter 55 of the Revised Statutes relating to telephone companies.

Resolve for the preservation of the regimental rolls in the office of the adjutant general.

An Act to limit the number of fish which may be taken in one day in certain tributaries to Wilson Lake which lake is situated in the town of Wilton, also in Alder Brook, a tributary to Weld Pond which pond is situated in the town of Weld, down as far as

Hildreth's mill dam so called, all in the county of Franklin.

An Act to amend sections 49 and 51 of chapter 9 of the Revised Statutes.

An Act to render valid the doings of the Madawaska Improvement Company.

An Act to incorporate the Northern Penobscot Water Company.

Resolve in favor of a highway bridge over the St. John river between Van Buren, Maine, and St. Leonard's, New Brunswick.

The House Order, directing that all joint standing committees shall make final report on or before March 20th, came from the Senate amended by Senate Amendment A, by inserting after the word "Committees" the words "except the committee on appropriations and financial affairs."

The amendment was adopted and the order as amended received a passage.

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

Judiciary.

By Mr. Skehan of Augusta—An Act to amend chapter 256 of the Laws of 1909, relating to trustee process.

Legal Affairs.

By Mr. Percy of Bath—An Act for the investigation of the small loans business.

By Mr. Dunn of Brewer—Remonstrance of P. J. Kelley and 44 others of Bangor and vicinity, against the proposed consolidation of Sea and Shore Fisheries with Inland Fisheries and Game Commission.

Also Remonstrances of the following persons against same:

By Mr. Merrifield of Rockland—Remonstrance of John E. Doherty and 69 others of Knox county.

Also Remonstrance of A. C. McLoon and 44 others of Knox county.

By Mr. Harmon of Stonington—Remonstrance of John P. Barbour and 39 others of Hancock county.

By Mr. Small of Machiasport—Remonstrance of F. H. Wilder and 64 others of Cutler.

By Mr. Bogue of East Machias—Remonstrance of C. Hollis White and 26 others of East Machias.