

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

SENATE.

Thursday, March 30, 1911.

Senate called to order by the President.

Prayer by Rev. Mr. Allen of Jonesboro.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

Report of the committee on apportionment, Resolve to apportion 151 representatives among the several cities, towns and plantations in the State of Maine, with House amendment A and House Amendment B adopted.

The report was received and House Amendments A and B were adopted in concurrence.

Under suspension of the rules, the resolve was then given its two readings and was passed to be engrossed.

Resolve in favor of B. H. Mayo.

Mr. MAYO of Hancock: Mr. President, I want to explain that just a little. That is a case where the error was my own. I inadvertently omitted to put the one before the forty-three, and it leaves me short in my mileage just twenty dollars. If the Senate sees fit to vote that to me, all right. And if they don't, why I shall feel just as kindly towards them. It was my fault altogether.

On motion by Mr. Milliken of Aroostook, the rules were suspended and the resolve was given its two readings and was passed to be engrossed.

Resolve in favor of the joint standing committee appointed to investigate the financial condition of the State.

Under suspension of the rules, this resolve was given its readings and was passed to be engrossed.

Senate Document 233, Resolve in favor of the Eastern Maine Conference Seminary at Bucksport.

This resolve came from the House indefinitely postponed.

Mr. MAYO of Hancock: Mr. President, Will you give me just a moment in regard to this matter. It seems that two years ago at the last Legislature \$20,000 was appropriated to the East Maine Conference Seminary un-

der the condition that the people connected with it would raise an equal amount of \$20,000. I understand that \$10,000 has already been raised by subscription, and they feel if they could have a little extension of time—the time is extended under the present conditions until July 2d—they feel if they could have a little extension of time they could raise the other \$10,000; and by doing so they will not only get the \$20,000 appropriated by the State but they will get the \$10,000 that has been subscribed to them by general subscriptions. Now it seems to me, under these conditions, that something might be done in this matter to help them a little. It is a school that is patronized all over our county and several of the other counties, through Waldo and Washington, and in fact it is the only preparatory school we have in that part of the State. I feel that it would not only help the people interested in the school but it would be a great help to the young people of our section who are trying to get an education. And one particular point that I would make is that if they don't get this extension, although they will try to meet the conditions at this time, they are not only going to lose the appropriation that was made by the State but they are going to lose this \$10,000 that is already subscribed by private subscription. I hope the Senate will try and do something in this matter.

Mr. MULLEN of Penobscot—Mr. President, I believe that this proposition is merely in the nature of extending the option.

THE PRESIDENT—Exactly what it is.

Mr. MULLEN—I understand they have a right between now and the first of July to accomplish what they were bidden to accomplish by the last Legislature in order to get the \$20,000, and it seems to me that they ought not to be put to any extra hardship between now and the first of July, if they could do it easier in a year or six months' longer time, and I think it ought not to go that way.

THE PRESIDENT—The Senator from Hancock, Mr. Mayo, moves that

the Senate insist upon their action.

Mr. BOYNTON of Lincoln—Mr. President, I would simply say that if the action of the House stands it will not be necessary for the Appropriation Committee to insert in their appropriation bill the amount of \$20,000 for what may take place after the 2nd of July. If these people can raise their \$20,000 between now and the 2nd of July the money is available, otherwise it reverts to the Treasury, lapses. And the question is, shall we insert in our bill—shall we appropriate \$20,000 to give them two years more to try in?

Mr. FULTON of Sagadahoc—Mr. President, This matter of the Bucksport academy came before the Educational Committee and was very carefully considered by them. There were some things learned, and one was that it was a sectarian institution under the direct charge of the Methodist church. The Committee did not believe that they should assist a sectarian institution. It is a worthy institution and a good institution, and they have, as I understand, a fund of some \$25,000 there now which they are holding as a sort of an endowment fund rather than to put it into this building which needs some repairs. They have got the \$10,000 subscribed, but the next \$10,000 comes harder—it is harder to get hold of. Now of course the Committee does not object, if they can get that \$20,000 within the limit, the 2nd of July, but I think the Educational Committee would object to extending this beyond the 2nd of July.

Mr. MILLIKEN of Aroostook—Mr. President, I think the chairman of the Committee was not present, as I recollect it now, when the vote was taken on this matter. I think I heard the motion in the committee that the bill resolve, be passed in new draft, extending the precise conditions imposed by the resolve two years ago. The resolve as originally introduced here gave them the opportunity of applying to this purpose funds available from other sources than by special subscription. The Committee did not believe—nobody on the committee, I

think, believed that that should be done. I think, however, that on my motion the vote was taken in the committee to report this resolve in new draft, and as I said in the Senate the other day—I make this statement now to make myself entirely clear in the matter—I made the motion to substitute this resolve in new draft for the report, believing that the report "ought not to pass" was a clerical error. My recollection may be at fault in the matter. However that may be, the Committee is not insistent upon its dignity one way or the other, and the facts have been very clearly stated before the Senate. It is simply a question whether we shall continue the option so to speak for two years more. And on the question of the appropriation, let me say that this \$20,000 has already been charged up to the extravagance of the last Legislature and in one sense does not involve any new appropriation; \$20,000 is figured as being paid when this condition is complied with.

Mr. MAYO—Mr. President, It has been said that this school is a sectarian school. It is called the East Maine Conference Seminary. But I beg to say to you that it is not sectarian so far as the students are concerned that attend there. There are students from all denominations and they are allowed and instructed to go to all the churches. I know that is the fact. Not only Protestants, but Catholics, attend that school. And the condition of this endowment was such, as I understand it, that they must raise their \$20,000 by public subscription. Now if that is the case, this seems to me to be rather a hardship, after this money has been appropriated, that we cannot have an extension of time.

I move that we insist upon our former action and ask for a committee of conference.

The motion was agreed to, and the President joined upon such committee on the part of the Senate. Messrs. Mayo, Mullen and Milliken.

House Document No. 650, An Act to amend Section 95 of Chapter 125 of the Revised Statutes, relating to the observance of the Lord's Day.

This bill came from the House, that Branch insisting on its former action and calling for a committee of conference.

Mr. MILLIKEN of Aroostook—Mr. President, I move that the Senate adhere, and if anything necessary to be said on that motion, I will say that this was a bill introduced and advocated by Mr. Higgins.

The motion to adhere was agreed to. House Document 517, An Act authorizing the State Land Agent to sell certain property of the State at the Belgrade Fish Hatchery in the county of Kennebec.

This bill came from the House, Senate amendment A not adopted, and the House insisting on its previous action, asked for a committee of conference.

Mr. MILLIKEN—Mr. President, The situation is simply this. We voted here by a majority the other day to have this property sold and have the money go into the treasury. As I understand it now, some persons interested in the fish and game matters have taken the position if they can't have the money to spend somewhere else they don't want the bill to go through anyhow. I should hope that the Senate would insist upon its former action and ask for a committee of conference. The effect of killing the resolve of course would be to prevent the sale of the property. If the resolve goes through in its present form the property will be sold, the money will go into the treasury, we will get the use of it, and at the next session, if the Legislature wishes it can make the appropriation for the cottage. I want to say I believe we ought to abandon entirely and forever, the policy of making these criss-cross appropriations, allowing a department to sell something and apply the proceeds to some other purpose without any direct appropriation from the Legislature. I believe whenever any property in the State is sold the money should go into the treasury, and if the Legislature wants to appropriate it for any special purpose, in that department or any other, the discretion of the Legislature should decide.

The President joined on the part of

the Senate on the conference committee on the above resolve, Messrs. Milliken, Winslow and Kellogg.

Majority and minority reports of the committee on Education, on Resolve in favor of the Farmington Normal School, came from the House, that Branch having accepted the minority report, "ought not to pass."

Mr. MILLIKEN of Aroostook—Mr. President, Is this the same report that was read yesterday?

The PRESIDENT—There was a resolve in favor of the Farmington State Normal School, as I understood, and as I remember the majority report was accepted and the resolve was passed to be engrossed.

On motion by Mr. Milliken, the resolve was tabled until he could look into the matter.

Two reports of the committee on Legal Affairs on An Act to incorporate the Federal Trust Company of Biddeford, Maine, came from the House, that Branch having indefinitely postponed the bill.

The Senate concurred in the action of the House.

Report of the Cumberland county delegation, on An Act relating to the salary of the Judge of Probate of Cumberland county, came from the House, indefinitely postponed.

The Senate concurred in the action of the House.

Report of the committee on Taxation, on Resolve in favor of the tax on incomes, came from the House, reporting two resolves, one, Resolve in favor of national taxation of incomes, and the other Resolve in favor of an amendment to the Constitution of the State, allowing State taxation of incomes.

Mr. OSBORN of Somerset—Mr. Speaker, I suppose that the report just read coming from the Committee on Taxation is designed to cover the resolve introduced in the Legislature at an early part of the session. When I learned of the report made by our Committee on Taxation, I was somewhat surprised because it occurred to me that the question that was really before this Legislature was not met in a straightforward manner as it should be met. I am under the impres-

sion, Mr. President, that a party platform, endorsed by a convention of the representatives of the different political parties in a state should have some binding force upon the members of the Legislature elected upon that platform. Now it is a well known fact that the question in regard to an income tax meant a Federal income tax assessed by the national government for state purposes. The Congress of the United States proposed to the several states an article making constitutional the passage of such an act. For many years in the past history of this nation we were under the impression that the Constitution had that right, and it has been exercised. Yet in the year 1894 an adverse decision was rendered by the Supreme Court of the United States, and that decision has a somewhat remarkable history. I do not care to repeat that history here today. It is not necessary. But it is a fact that one of the Honorable Justices of that Supreme Court reversed himself on that question and thereby reversed the decision of the Supreme Court of the United States. But that has nothing to do with our duty here in Maine. It is also a fact that in the course of the last presidential election this question of a national income tax as a means of supplying a part of the national revenue was a matter that was discussed through the length and the breadth of this land, and a distinguished statesman, who is now the President of the United States, took the ground in his campaign speeches in several of the Western States, where it was well known that the idea of a Federal income tax was popular, that the Constitution ought to grant the right to the national government to levy a tax upon income and that a bill might be drawn that would not be thrown out of court. Yet when that matter was under discussion in Congress, the President, for reasons of his own, I know not what, appeared to change his mind—the constitutionality of the matter was a matter of such grave doubt that it should be referred to the people. Congress took action and referred this matter to the people for their ratification. Consequently at the next election it was up to the people to take up this matter and to express themselves in their party platform. Let me read to

you, Mr. President, the expression of the two great parties of our State upon this point. The Democratic platform adopted at the last State convention says: "The Democrats of Maine in convention assembled declare to the people of this State that if entrusted with power they will endorse the amendment to the Constitution of the United States relative to the taxation of income." The Republican platform: "We favor the ratification by the next Legislature of the amendment to the Federal Constitution, as proposed by Congress, relative to an income tax." I see nothing in that, Mr. President, that admits of any misunderstanding or any evasion or any cross fire whatever in regard to a State income tax. I do not question the honesty or the sincerity of gentlemen who claim to believe that the State should assess tax upon income as a part of its policy for raising State revenue. I am not sure that I would object to that proposition. But I say, Mr. President, that this question of raising a part of the State revenue by an income tax is a new proposition to the people of the State of Maine and to this Legislature. No such question has been ut up to the people in the course of our political campaigns or afterwards except to the taxation committee, and this Legislature knew nothing of their report or what it would be until a few days ago when their report came forth. Now I submit at this late day in the session of this Legislature we should refuse to bring in here measures that were radical, and something that the people have not seriously considered previously in this State, this matter of raising State revenue. Yet here in the closing hours of the session we are supposed to put this measure through, to raise a part of our income by assessing a tax upon income for State purposes. Now I am not prepared to say that that is not a just and a right proposition; but I am prepared to say that that is no reason, no excuse for dodging obligations that we are under by our platform pledges to deal with this question of a national income tax. I know it is argued that a national income tax would take money from the State of Maine and perhaps carry more of it to be expended in other portions of the nation than would come back here. But if that

is true, is it not also true that the people of the State of Maine are likely to pay by any method of taxation that the national government may invoke—they may pay out more than they will get back? And is it any more of a hardship that the wealth of the State of Maine, the men who have large incomes, should pay from their pockets money that will never come back than it is for the average citizen to be taxed upon the necessities of life, the tools of industry, his clothing and his food, and with the full knowledge that the State will not be likely to get back so much as it contributes. That is a question of consideration, because one class of men may pay a part of their tax to the federal income and not get back so much as they pay out, while another class, who are not able to make themselves perhaps heard, are paying steadily all the time many times as many dollars for the Federal government's support as they ever expect to get back. I do not think that that phase of the question should affect us very seriously. But here is a proposition: If men of large incomes in this nation are taxed for a part of the nation's support they will become interested in power of appropriations. If they find that they are obliged to reach down in their pocket and pay out an important part of this money for the support of the national government, they will be interested as to the amount of the expenditures of the Federal government, and they are the men that have an influence, an important influence, in this matter. While they realize that whatever the national expenditures may be, while they perhaps pay no more than the average citizen towards the government's support, yet if the thing is changed, if they realize that larger appropriations means get right into their pockets and take something out of them, we shall see a determined effort on their part to retrench expenditures for the national government. We are of course familiar with the vast increase in the national expenditures in recent years, and those expenditures have borne heavily upon the average citizen throughout the length and breadth of the land. Argue the matter as long as you will, and as thoroughly as the head of the scholar in the State of Maine or

the Nation can do it, and you will rest it finally in this, that if you increase the expenditures of your government and increase the burden upon the average citizen, you will make it more difficult for him to meet the difficulties of every day life. And there rests the great proposition of the advance in the cost of living. It is due to the advance in the cost of the government more than to any other cause. I do not wish to prolong this discussion, Mr. President, but I do want to make it distinctly understood that I came here, as I supposed under a pledge, a pledge that every citizen in the State of Maine had a right to believe had been given by the two great political parties, that this question of a Federal income tax should be met in a straightforward manner, that it was the purpose of the Legislature to endorse and to adhere to that resolution. Now, Mr. President, as I understand it—and in fact I do not clearly understand it, just what the import of that resolution is, and that is one reason why I asked permission the other day to introduce a resolve that we meet this matter directly and squarely. Now Mr. President, I move you that a resolve that I have here in regard to this matter of an income tax be substituted for that bill as reported, if in order.

The question being upon the acceptance of the report of the committee, the Senator from Somerset moved to non-concur with the action of the House, and substitute the Resolve presented by himself.

Mr. NOYES of Somerset: Mr. President: As a member of the Taxation committee, we took this matter up very thoroughly from time to time. I will admit that it was a very hard question for the committee to get at, and they felt that they rather favored a state income tax, but to get it fairly before the Legislature the Resolve introduced was to favor a state income tax, and if that was not reported favorably on by the Legislature, then we asked them to report favorably on the national income tax, and left it to the Legislature. One of the hard things that the committee found in regard to the national tax was that there was no proportional part that would come back to the State. The money would be collected and it would all go west and we would not get it all back. That is one of the things the committee looked at. If the State income tax is not

passed we thought the national one should be.

Mr. IRVING of Aroostook: Mr. President: and gentlemen of the Senate: As I understand, the question before this body is, if I understand the proposition fairly, as to whether we shall adopt the ratification of article XVI, or the income tax amendment to the Federal Constitution, or substitute a Maine income tax. Now as the Senator from Somerset, Senator Osborn, has said, both parties were pledged to support the ratification of the Federal income tax amendment. Personally I was in favor of that, and I declare to the members of the Senate that I gave it no serious thought, that I did not understand the working of it, and I believe it is safe to assume that not five per cent. of all the people in the State of Maine know about the working of it. They did not dig into the practical working of it or did not find out how it would work in case we voted to ratify the Federal amendment, in case we gave power to Congress to assess a tax on the incomes of the State of Maine and all the States. After coming to the Legislature, this Resolve came before the Taxation Committee and I think that every member of that committee, the ten men making up that committee—I believe they were all in favor of adopting that resolution. And again I say that it is safe to assert that not one man of the ten understood the working of it. They had not given it careful thought. They had not dug into the practical working of it. But when we did begin to investigate, and the more we did dig into the working of the Bill, the change came about, that we didn't want to do it. We repudiated the idea of allowing the Federal Congress—allowing Congress to come into our State and assess our incomes and have the money go into the national treasury to be appropriated as Congress saw fit. And out of the argument, pro and con, in regard to the working of an income tax a Bill there was formulated and drafted, a tentative Bill in regard to the taxing of incomes in Maine by the State—a state income tax Bill—and that Bill as it has now been amended is House Document No. 764, which I presume all of you have looked at and examined carefully. Now I don't know that any member of the Taxation Committee is really satisfied with the draft. I do not know

what changes might be made, what amendments might be offered, to make it more fair and equitable. Some objection has been made to this draft in section first, the ninth line, that the graduated tax will be on the amount so received and above \$2000. That would be the starting-point of assessing the income tax. Now it has been urged by different members of this Legislature that that means, under the construction of this Act, the gross income would amount to \$2000 or over. But I cannot see how that construction can be made, because in Section 2 it reads "from all the gain, profits or income" and we certainly could not construe the gross income as meaning profits. It could not in any way be construed as meaning that, I think. That would be one of the objections that might be ruled out. However, it might be well to amend it so that it would be clear that it would be the net incomes. The word "gross" might be stricken out.

Now the national resolve, or the 16th amendment to the federal constitution, it seems to me is sweeping, and perhaps not all of the members of the Senate have read or comprehended just what the amendment is or how it reads. It reads like this: "Congress shall have power to levy and collect taxes on incomes from whatever source derived without apportionment among the several states and without regard to any census or enumeration." You can see by the reading of that that we give them absolute power to do what they will—from any source whatever to tax incomes under the provisions of that amendment. Now, do we want to give Congress that power to tax incomes from whatever source derived? Would it be a wise thing to do? It has been urged by our people, and I think urged quite frequently, that Congress is extravagant, that they do expend large sums of money, that immense amounts of money are put in the rivers and harbors and irrigation projects, for building battleships, and all that sort of thing. Now can't we see that with Maine's representation growing smaller every decade in our national council, as it must necessarily grow smaller, that when Maine's money goes into the treasury of the United States, that we have very little chance of getting anything back in proportion to



what we pay in? The West, and especially the extreme West, is growing rapidly. They have the soil and the climate and they are getting the people. And as they get the people, as their population grows and multiplies, as it must—the East is contributing to the West all the time in population—do we want to contribute to them of what little wealth we have? Maine's representation in Congress has decreased during the last decade. The apportionment now about to be made makes Maine's representation less. While we hold the same number of congressmen and senators, still the aggregate number in the national Congress has increased so that Maine's representation is less. In the next decade it will certainly be decreased more. So that our pull, if I may use the word, in Congress will be lessened all the time, and the pull from the West will be increased all the time in the years that are to come. That must necessarily be so. Now the proposition up before this body is to choose between the federal income tax and the State.

What objection can be urged to a Maine income tax? What good reason can be advanced why Maine should not assess a tax on her own income and use it for State purposes to pay, or help to pay, the running expenses of her own State? It is not a new idea, or a revolutionary idea, as suggested by Senator Osborn. It is practiced now. They have now in six states of the Union a state income tax. I can see no reason why even if we should have an income tax it should not be a State income tax. This question was argued before the taxation committee and it is safe to assert that no question that came before that committee was given more deliberate consideration than this income tax question. We did spend a lot of time in arguing on both sides of the question. You can see that nine of the 10 men favor an income tax and were opposed to a federal income tax. And that report was caused by the fact that we did inquire into the merits and the demerits of the case, and a change of heart was brought about in the case of those nine men, because at first every man of them was in favor of the Federal income tax. That can go for what it is worth, but that is the way we figured

it out. Now to my mind there is only one question involved in this discussion, and that is, will we give the Federal government the power to assess a tax on incomes or will we reserve the right to ourselves? That is all the question that comes up, as I see. We are pledged in a way, we will admit, to the people of Maine to enact an income tax law to levy a tax on income. Do you believe that it makes any difference to the average man of the State of Maine whether we enact a State income law or a Federal law? And do you believe they know very much about the workings of it? I am very sure they do not unless they have studied the question. I am very sure it is safe to assert that on the floor of this Senate. Now it is my strong conviction that if we levy a tax on income we should do it by a State law. I think that is a right and reasonable thing to do, if there are no objections that could be urged against the levying of any tax that could not be urged as well against the Federal tax. The provisions can be just as lenient as under the Federal tax. And the strong point I urge is this, that if we enact a State income tax, we can have the power in ourselves so that at any time we can change it. We shall only have to submit to it for two years at the most. If it is found at that time that it imposes a burden, if it is found at that time that wrongs are being enacted under the levying of such a tax, when the Legislature meets we can change it. But if we vote to ratify the 16th Amendment to the Federal Constitution and allow the Federal government to assess a tax on our income, we never can change it. If we once allow them the privilege, we are forever prohibited and cannot change it, if we allow them to incorporate it into the Constitution of the United States. Now as I have said before, it is possible there may be some changes that ought to be made in this draft as submitted by the committee.

Mr. OSBORN: I should like to ask the senator one question. Does he believe that a platform pledge made last June should become so stale by the time of the meeting of this Legislature that it should have no binding effect

upon the members of this Legislature?

Mr. IRVING: I would answer the senator that I believe pledges are sacred and should be kept to the extent of our ability to keep them. I also assert that the spirit of the pledge would be kept if we enacted a State income law instead of a federal law. I believe it would be satisfactory to the people if they would investigate the matter and see the workings of it. I don't know that I have anything more to say in regard to it.

Mr. OSBORN: I want to call attention a little more clearly to the point, the one point which I think he has endeavored to bring out, that if the Federal government is given power to assess upon the incomes of the people in the State of Maine for a part of our portion of the contribution to the support of the Federal government, that money, the whole of it, will not come back here into the State of Maine; we shall get only a small part of it, much less than we pay out. Well now, if we raise our portion of the Federal income tax by custom house taxation, by tariff, by levying upon the products of industry, the tools of industry, clothing, food, which the average man is forced to pay, I want to know how we are going to get back any more of that money than you would if a part of it is contributed from the incomes of the rich. That point is just the same. The State of Maine may not get so much back as it is forced to contribute—I doubt if it will—but that part of the proposition does not enter into this matter, because it is just as sure that the State of Maine will not get back as much as it will pay out under one manner as it will under the other manner. The simple question is which will affect the people the most, to pay a part of this money out of a tax on large incomes or to pay all of it by a tax upon the necessities of life of the average man. And I hope we shall not get led away on that proposition.

Mr. BOYNTON: May I ask—the question before the House, as I understand it, is upon the bill, resolve—the order which he made, introduced by the senator from Somerset, Senator Osgood. Will the Senate cause that to

be read that we may know what it is.

The PRESIDENT: The resolve is Resolve ratifying a proposed amendment to the Constitution of the United States giving Congress power to levy an income tax on the states.

Mr. BOYNTON, of Lincoln: Mr. President: I think we have all, or it has been our duty at least to have studied this question and know exactly how we want to vote and what we want to do. Now to bring this matter before the Senate properly I will move the indefinite postponement of the resolve offered by the senator from Somerset, and later will move to concur with the House in acceptance of the majority vote, and upon that motion I would ask the yeas and nays, upon the indefinite postponement of the resolve of the senator from Somerset.

Mr. MILLIKEN, of Aroostook: Mr. President: Before that motion is put I want to say a few words. I hope that this matter will be more carefully discussed, especially by members of the taxation committee, because I think although, as the senator from Lincoln has said, it is our duty to be informed fully upon this question; many members of the senate in the rush of business at this session have not had full opportunity to look into this question, especially to look into the particular question that has been raised by the suggestion of the State income tax. Now I am frank to say that I have not been so puzzled about any matter that has come up this session on the question of what was right for me to do as I have on this very question. There are some things that have not puzzled me at all. I have had no question as to the motives or the sincerity of purpose of the gentleman who has made the suggestion to the committee embodied in this new bill for the State income tax, because my long acquaintance with him and his reputation throughout this State preclude any suggestion involving any imputation on his sincerity or honesty. He is known to be one of the most highminded and straightforward men. That question does not bother me at all. There is another question, how-

ever, that has bothered me a good deal. I do believe that there are some men in the other House who want to offset one against another in the hope that between the two this Legislature will pass neither proposition, and we shall have no income tax. There may be some question between the proposition offered by the senator from Somerset and the one reported by the committee. But on the question of the attitude of any gentleman who is trying to prevent the passage of any income tax proposition, there can be no question, and that merits, and has received, very severe criticism. I want to read the criticism upon the attitude of those particular gentlemen which occurs in an editorial in the Waterville Sentinel published yesterday morning. It reads as follows:

"The Democratic party was elevated to power in Maine last September after a strenuous campaign. The Democratic party went into power upon a platform of principles which was placed before the people of this State as embracing the needs of the times and the pledges therein enunciated. A portion of the platform reads as follows:

"The Democratic party of Maine, in convention assembled, declares to the people of our State, that, if entrusted with power, it will endorse the proposed amendment to the Constitution of the United States relative to the taxation of incomes."

This is a clean-cut, understandable pledge. It had no greater force during the sunny days of June when it was made than it had on the 28th day of March, when the Democratic House of Representatives repudiated that pledge made to the people of Maine.

Yesterday the income tax amendment was again considered by the House of Representatives. It was debated even by Democratic members who knew during the campaign what their pledges were, who knew yesterday what their pledges were. During the campaign the ratification of the amendment was a just obligation. Yesterday the ratification of the income tax amendment was defeated when it

should have been ratified by a united Democratic majority.

The act of yesterday was as perfidious as was the kiss of Judas. In every way was it as fully a complete betrayal. Whether the explanation of the act of yesterday is as simple as was the hire of Judas, it is not our province to say or to insinuate. But behind the defeat of ratification there must be a power which menaces not only party success but the sacredness of the principles of government."

Now I do not understand that the writer of that editorial intended to apply that criticism to every man that voted against the Federal amendment in the House. I do understand that it might have been properly applied to any man who voted that way intending by that act to prevent the passage of any income tax at this session.

Now I can't add any light on the merits of this question. I don't know very much about it myself. But so far as I am concerned I don't want to have the Senate get into the position of locking horns with the House on this question, for that is precisely what some gentlemen want to bring about, and they want to prevent the passage of any income tax law at this session. Now I am going to vote for the motion that has just been made by the Senator from Lincoln to indefinitely postpone the resolution offered by the Senator from Somerset, although it might have been accomplished just as well by voting down the substitute for this report. I am going to vote for this State income tax. But I am not going to vote for the indefinite postponement of the motion to the exclusion of any vote for a Federal income tax, because when that Federal income tax question comes up, as I understand it will later, on the report of this committee, I want to vote for a Federal income tax, and I am frank to say that out of it all and out of my present state of mind on this question has come this conclusion for my own guidance; I am going to vote for the State income tax and for the Federal income tax. I don't believe they are mutually exclusive.

I see no objection whatever for a State income tax provided we do have a Feder-

al income tax. I am going to vote for them both. Because I don't want to have it said—it has been suggested in these corridors that this proposition of the income tax is going to be stopped in the Senate, taken care of in the Senate, and I hope the Senate will vote for both of them and let the House of Representatives take its choice between the two propositions. The one thing I want to avoid is any disagreement between these two Houses which will result in denial to the people of Maine of the plain promise that both parties have made to them to enact an income tax.

Mr. OSBORN: Mr. President: I would like to ask— I don't quite understand that the question of a Federal income tax can come before this Senate if we adopt the report of the committee and vote for a State income tax.

The PRESIDENT. The report of the committee was if the Representatives didn't care for a State income tax, they recommended the Federal income tax, in their report.

Mr. OSBORN: Mr. President: Then do we take up the matter of the Federal income tax? I am willing; if we can take up this matter of Federal income tax first and get that out of the way, then I am willing.

Mr. MILLIKEN: Mr. President: Let me say for myself that I want to vote for the Federal income tax sometime if I get a chance. I don't want to vote for it in connection with the motion now pending because that vote would exclude the State income tax and cause a collision in the House of Representatives. If this can be withdrawn and brought up independently some time and not exclude the vote for the State income tax. I wish it might be done. And I want to be strictly understood as being in favor at this time of voting for both of them.

Mr. OSBORN: Mr. President: To make myself clear, I want to say this: I understand that my resolution cannot be received except by unanimous consent. Now I have no doubt but what there are some gentlemen here who will object to it and get it out of here, and we should not get any vote here if we adopted this State income tax. Now that is my position. I want to express myself on this matter by vote, that is all.

Mr. SANBORN of Piscataquis: Mr. President: I would like to vote on the Federal income tax first if it is in order, and if that be voted down then we can take up the State income tax and vote on that.

Mr. BOYNTON: Unless the Senator from Somerset wishes to withdraw his resolution I would now ask that the question be put and that the yeas and nays be ordered on its indefinite postponement.

Mr. GOWELL, of York: Mr. President: Do I understand that the resolve offered by the senator from Somerset is an endorsement of the national income tax pure and simple?

The PRESIDENT: It is.

Mr. IRVING: Mr. President: In case we vote to indefinitely postpone this resolution of the senator from Somerset, we still have a chance to act on the federal income tax on the report of the committee.

The question being on the indefinite postponement of the resolve offered by Mr. Osborn of Somerset, ratifying the proposed amendment to the Constitution of the United States and authorizing Congress to impose a tax on incomes in the states, the yeas and nays were ordered and the secretary called the roll. Those voting yea were: Messrs. Allan, Blanchard, Boynton, Chandler, Dodge, Donigan, Farrington, Foss of Cumberland, Fulton, Hill, Irving, Kellogg, Mayo, Milliken, Mullen, Noyes, Theriault, Winslow—18. Those voting nay were: Messrs. Foss of Androscoggin, Gowell, Leach, Moulton, Osborn, Pendleton, Sanborn, Staples, Stearns—9.

So the resolve was indefinitely postponed.

Mr. BOYNTON: Mr. President: I now move that we concur with the House in the acceptance of the majority report.

The PRESIDENT: The senator from Lincoln moves that the Senate concur in the action of the House in adopting the majority report of the committee.

Mr. MILLIKEN: Mr. President, may I understand the situation. If we adopt now the majority report and pass the bill in concurrence with the House, this is the only income tax

bill that we are offered by the House. If the House adheres to its present action and the bill goes through this will be the only bill that we can accept. If the House should afterward turn this bill down, we can then have an opportunity to vote on the federal income tax bill. With that understanding I vote that this bill be adopted.

The PRESIDENT: The senator from Lincoln moves that the Senate now concur in the action of the House in adopting the majority report of the committee on taxation.

Mr. MULLEN: I don't think I am anywhere near through on this proposition. I would like to inquire just what bill the House presents to vote on. Is it 764?

The PRESIDENT: 764.

Mr. MULLEN: Then, Mr. President, before we vote on that I want to ask the committee some questions in relation to it, if I may, if I am not out of order.

The PRESIDENT: You have that privilege.

Mr. MULLEN: Mr. President, I want to call attention to line 6 in Section 5, and I would like to ask the Senate members of the committee if this Bill as drawn is the proper Bill and if it is right as they understand it. Section 6—I will call attention to what I mean, perhaps you can explain it very easily—line 5—"cities, towns, plantations liable to taxation under the provision of paragraph A. Section 2." Now where is paragraph A, Section 2? I can't find it. It is not on this.

Mr. IRVING: Mr. President: I would say to the Senator that this is a new draft as amended in the House. This is not the regular Bill that came from the Taxation committee.

Mr. MULLEN: Mr. President: For the benefit of the Senators and myself too, to make myself clear, I have heard it rumored in the corridors and all round that there is a joker in this. I don't know whether it is sincere or whether it is not, but I want the Senate and the House and the State to understand that for one I want to stand by the platform of the Democratic party. Next to that, if the House won't, and my fellow legislators won't give me that, then I will take the State law, but I want to know that we are getting the law when I vote on it, and

I am not a lawyer, so I will ask the question, Mr. President and Senators, at this time, and this Bill as printed here certainly does not mean anything at all.

Mr. OSBORN: Mr. President, I request that before we have a vote upon that measure, that it be read in the final draft, and I should also like to ask the opinion as to the legality of it of some of our lawyers here.

Mr. MAYO: Mr. President: I am on that taxation committee and I notice on page 3 of this law, lines 19 and 20, something that I had never seen before and that is the exception—except salaries of the United States Judge and Judges of the Supreme and Superior Courts of the State. It might have been there, but I didn't notice it.

The PRESIDENT: That has been put in by amendment of the House.

Mr. DONIGAN of Somerset: Mr. President, I just want to state my position and that is, I favor a state income tax, but if we cannot have a State income tax I favor the national income tax, but for fear that they would understand that I didn't favor an income tax, I move that this be taken by the yeas and nays so we will know how we stand.

The question being on the motion of the senator from Lincoln, that the Senate concur with the House in the acceptance of the majority report of the committee on taxation on this Resolve.

The secretary called the roll. Those voting yea were: Messrs. Allan, Blanchard, Boynton, Chandler, Dodge, Donigan, Farrington, Foss of Cumberland, Hill, Irving, Kellogg, Mayo, Milliken, Noyes, Chandler, Theriault, Winslow,—17. Those voting nay were: Messrs. Foss of Androscoggin, Fulton, Gowell, Leach, Moulton, Mullen, Osborn, Staples, Stearns,—9.

So the majority report of the committee was accepted in concurrence.

The resolve was given its first reading.

Mr. GOWELL of York: Mr. President: Pending second reading, I move that the resolve be tabled. If I am correctly informed there should be some amendments offered if it is to become a law.

The motion was agreed to.

By unanimous consent, Mr. Milliken

of Aroostook presented the following report, and requested that it might receive immediate consideration and be sent to the House, and moved its adoption:

"The committee on conference to which was referred disagreeing action of the Legislature relating to distribution of State school funds have had the matter under consideration and ask leave to recommend as follows:

That the bill providing for an equalization fund be amended to reduce the amount to \$27,500 and given a passage.

That the bill providing for encouragement of industrial education be amended to reduce the amount to \$27,500 and given a passage.

That the cost of district supervision in unions of towns be taken from the common school fund.

That the order providing for appointment of a committee to investigate propositions for distribution of school funds and report to the next Legislature be given a passage.

That the bill providing that aid to High schools be taken from common schools funds, also both the bills providing for changes in method of distribution of common school funds be referred to the next Legislature.

Provided, however, that in the event of a decision of the supreme court during the session of this Legislature declaring any part of the distribution of the present school fund unconstitutional, the committee recommend the passage of some bill providing for the distribution of the school fund on the basis of average attendance in school.

Signed, C. E. Milliken, Howard Winslow, Edward Murphy, P. H. S. Wilson, Chas. H. Drummond."

On motion by Mr. Fulton of Sagadahoc, the report was tabled.

Resolve to appropriate a sum of money to pay clerical services of the committee on telegraph and telephones, came from the House, that Branch having accepted the report of the committee on appropriations and financial affairs, "ought to pass," and then, under suspension of the rules gave the

resolve its several readings and passed it to be engrossed.

The report of the committee was accepted in concurrence, and the resolve giving its first reading. Under suspension of the rules, the resolve was given its second reading and was passed to be engrossed.

Resolve in favor of Carl C. Jones, clerk of the committee on taxation, came from the House, that Branch having accepted the report of the committee on appropriations and financial affairs, "ought to pass," and then under suspension of the rules the resolve was given its several readings and was passed to be engrossed.

The report of the committee was accepted in concurrence, the bill given its first reading, and then under suspension of the rules was read the second time and was passed to be engrossed.

The PRESIDENT: An order came from the House yesterday, directing that 5000 extra copies of the Record for March 21 be printed.

In the Senate was amended, and it now comes back from the House endorsed "indefinitely postponed."

Mr. GOWELL of York: Mr. President: I move that the Senate adhere. The motion was agreed to.

An Act in favor of the law student who is obliged to labor during his term of study.

This bill came from the House, indefinitely postponed.

The Senate concurred in the action of the House.

An Act to amend the law in regard to the registration of dentists, came from the House, reported by the committee on legal affairs, "ought to pass in a new draft." The report of the committee was accepted in that branch and the bill was then indefinitely postponed.

The Senate concurred in the action of the House.

Resolve relating to the payroll of the House, came from the House, that branch having accepted the report of the committee on appropriations and financial affairs, and under suspension of the rules was given its several readings and was passed to be engrossed.

Mr. MILLIKEN of Aroostook: Mr.

President: Is there any endorsement on that resolve in regard to referring it to the next Legislature? (Laughter.)

The PRESIDENT: I think not.

The bill was given its first reading, and then under suspension of the rules was read the second time and was passed to be engrossed.

Resolve in favor of John L. McCready, postmaster of the House.

This resolve was indefinitely postponed in the Senate yesterday. It came from the House, that branch insisting upon its former action, and asking for a committee of conference.

Mr. DONIGAN of Somerset: Mr. President: I move that we adhere.

The motion was agreed to.

An Act to regulate the number, also the number of pounds of landlocked salmon, trout, togue and white perch, that can be taken or had in possession by one person in one day.

This bill was passed to be engrossed in the Senate, and came from the House indefinitely postponed.

On motion by Mr. Gowell of York, the Senate receded and concurred in the action of the House.

Two reports of the committee on legal affairs, on An Act relating to the liability of employers to make compensation for personal injuries to employes, came from the House. Report A, referred the bill to the next Legislature and Report B is that it "ought to pass in a new draft." Report A was accepted in the House.

The Senate adopted the majority report in concurrence.

Senate Document 247, An Act to amend the charter of Mexico Water Company, passed to be engrossed in the Senate, came from the House referred to the next Legislature.

On motion by Mr. Stearns of Oxford, the Senate voted to insist upon its former action and asked for a committee of conference.

The President appointed on such committee on the part of the Senate, Messrs. Stearns, Allan and Sanborn.

An Act for the better protection of lobster fisheries.

This Bill was passed to be engrossed in the Senate, and came back from the House indefinitely postponed.

The Senate receded, and concurred in the action of the House.

### Passed to Be Enacted.

An Act to regulate ice fishing in Androscoggin county.

An Act to incorporate the Farmington and Augusta Railway Company.

An Act to establish the Yorkshire Municipal court.

An Act to amend Chapter 256 of the Public Laws of 1909, relating to trustee process.

An Act amendatory of and additional to Chapter 48 of the Revised Statutes, relating to annual examination of savings banks and trust companies and verification of savings deposits.

An Act to amend Section 24 of the Public Laws of 1907, as amended by Chapter 69 of the Public Laws of 1909, relating to contracts for building highways.

An Act to amend Chapter 28 of the Revised Statutes, as amended by Chapter 194 of the Public Laws of 1909, in relation to doors swinging outward, fire escapes, or egresses from factories, workshops, tenement houses, halls, factory inspection and so forth.

An Act relating to insurance on public buildings and other State property.

An Act to amend Chapter 2 Section 39, of the Revised Statutes, relating to persons before whom the oaths required by the constitution to qualify civil officers may be taken and subscribed.

An Act to incorporate the Maine Institute of Music and Liberal and Fine Arts.

An Act to permit Plantation 14 to assume the maintenance of its roads and bridges.

An Act relating to the termination of contracts for the sale or transfer of real estate.

An Act relating to the taxation of steam railroads. This Bill containing an emergency clause, a rising vote was taken upon its passage. 24 voting for and none against its passage, the Bill was passed to be engrossed.

### Finally Passed.

Resolve in favor of the Eastern State Normal School.

Resolve providing for an appropriation to prevent the spread of glanders in the Plantations of Jackman, Moose River and Dennistown.

This Resolve, containing an emergency clause, a rising vote was had upon its

passage. 24 voting for its passage and none against, the Resolve was finally passed.

#### Orders of the Day.

On motion by Mr. Fuiton of Sagadahoc, the report of the conference committee on the disagreeing action of the Legislature on "An Act to provide payment of funds for free High schools," and on "An Act to provide for the payment from the State funds of amounts paid on account of union superintendent," was taken from the table.

On further motion by the same Senator, the report was accepted and sent down for concurrence.

An Act relating to the compensation of the justices of the Supreme Judicial and Superior courts, was taken from the table on motion by Mr. Staples of Knox.

Mr. STAPLES: Mr. President: I have read the amendment and it is satisfactory and I now move that the report be accepted.

On further motion by the same Senator, House Amendment A was adopted in concurrence, and under suspension of the rules the bill was given its two readings and was passed to be engrossed.

(Mr. Gowell in the chair.)

On motion by Mr. Winslow of Cumberland, the Senate reconsidered the vote whereby An Act relating to the salary of the judge of probate for the county of Cumberland, was indefinitely postponed.

The bill was given its first reading.

Mr. MILLIKEN: Mr. President, how much does that increase the salary of the judge?

The PRESIDENT: It is the same.

Mr. WINSLOW: Mr. President, I will state that this matter came up before the delegation asking for a salary of \$3000, and out of that \$3000 the judge is obliged to pay his clerk hire, and that expense is increased so that it will be but a fair salary. The salary now is \$2500.

Mr. MILLIKEN of Aroostook: Mr. President, I want to refer to this, and other matters, that have gone through here. Last session I suffered long through the committee on salaries and fees, and we turned down all these matters because we found after much investigation that the people in the counties did not want salaries increased.

I called attention to the matter when

the first one came up, and I wish to call attention to this one.

Under suspension of the rules, the bill was given its second reading and was passed to be engrossed.

On motion of Mr. Winslow of Cumberland, House Document 759, Resolve to amend Article 22 of the constitution, relating to cities of 40,000 inhabitants or more to increase the municipal indebtedness to 7½ per cent., was taken from the table.

Mr. WINSLOW: Mr. President, I move that the resolve be put upon its passage.

Mr. NOYES of Kennebec: Mr. President, I don't know as I have any particular objection to this, except that it was probably lucky for the city of Augusta that they didn't have this four years ago. I understand that there is another matter on the table in regard to Augusta; providing that after Augusta has reached its 40,000 inhabitants that it shall be forever after the seat of government. I think if this Portland measure goes through, this one making Augusta the seat of government should also go through. While at the present time, and for the next few years, I do not think there would be any trouble whatever, but some of the younger generation that will come up might consider it a feather in their caps to remove the Capitol from Augusta. I think the State generally has had all they want of the State House fight at the present time. I think if you let this bill go through that you should also pass the one in relation to Augusta, that is to follow.

The PRESIDENT: This resolves comes to the Senate with a divided report, and the question is on the acceptance of the report, A and B. Report A is "ought not to pass" and report B is "ought to pass." In the House, report B was accepted.

Mr. MILLIKEN: Mr. President, the senator from Kennebec has been looking appealingly in my direction for some time. I do not believe I can vote for an amendment to the Constitution to permit any one city to increase its debt limit. I should like to oblige my friends from Cumberland county, but it seems to me if the debt limit is wise for one city it is wise for all. If any city government finds itself in need of



more money than its debt limit would produce, it should increase its taxation. I think this bill would encourage city governments to issue bonds for the payment of taxes instead of having a larger tax rate, and thus make a good showing on the taxation question. This bill involves the Constitution of Maine and I realize the fact that it is rather fashionable to suggest amendments to the Constitution. I do not wish to vote for amendments for particular cities or towns. I want to say that if the Portland amendment is adopted, although I do not share in the apprehension of the senator from Kennebec, if this other amendment is introduced I will vote for that if the Portland amendment goes through, on the principle that what is "sauce for the goose is sauce for the gander."

The PRESIDENT: (Reading from resolve) "This resolution shall not be construed to apply to the city of Augusta which is forever conceded to be the seat of government of the State after it reaches a population of 40,000."

Mr. MULLEN: Mr. President, I understood that the House afterward reconsidered that action and indefinitely postponed Amendment A, and that the resolution only applies to Portland.

Mr. WINSLOW of Cumberland: Mr. President, you haven't the whole of the bill; that amendment has been taken out by the House, so that the matter in regard to the State Capitol being at Augusta was not considered in that bill.

The PRESIDENT: The paper referred to by the senator from Cumberland is in these papers.

On motion by Mr. Mullen of Penobscot, the resolve was tabled.

Mr. Stearns of Oxford presented the following order and moved that it have a passage. "Ordered, the House concurring, that 300 additional copies of the Legislative Record of March 21, be printed for the use of the Legislature."

Mr. STEARNS: Mr. President, I will say that the supply is exhausted and some of us would like a few copies of this particular record, and it is absolutely impossible to find any about the State House.

The order was given a passage and sent down for concurrence.

On motion by Mr. Donigan of Somerset, Resolve in favor of the postmaster of the Senate, was taken from the table.

On further motion by the same senator, the resolve was indefinitely postponed.

On motion by Mr. Milliken of Aroostook, An Act for the encouragement of industrial education was taken from the table.

Mr. MILLIKEN: Mr. President, this resolve originally provided for \$50,000, and if I understand the situation, an amendment has been introduced in the House reducing the amount to \$27,500, and in that case, I move that the Senate concur with the House in the adoption of the amendment and that the bill be given its two readings and be passed to be engrossed.

Mr. OSBORN of Somerset: Mr. President: Is that fund to be taken from the common school fund, so called?

Mr. MILLIKEN: Mr. President: I will say that four propositions involving the taking of some additional money from the common school fund were presented to the committee and considered. I will say that the suggestion in this case, as in the case of the others, comes I think direct from the administration, as a fund for the encouragement of industrial education, including manual training in schools, trade schools in cities and evening schools—and all schools under the head of industrial education. The amount incorporated was \$50,000, and second an increase in the equalization fund, so called, giving the State Superintendent or Public Schools authority to add to the appropriation for any particular town where in his judgment the burden of taxation was already larger than the average for the support of schools. And third, that the expense of supervision of districts of towns, that is, in unions of towns, be taken from the common school fund, about \$50,000, and that the appropriation for High schools be taken from the common school fund. That amounts to about \$118,000. These matters were all considered by the committee on Education, and since that time the committee on Appropriations has threshed these matters all out very thoroughly and I think the other

members of the committee have been in conference with those who brought these matters here. It was thought that to take all these amounts out of the common school fund would too seriously interfere with the plans of the towns or the amounts available. I think the reason for the suggestion was perhaps that these amounts if taken from the common school fund, instead of being appropriated under the general appropriation would relieve the general appropriation expenditure of that sum.

It was felt that this total amount would be far too large. The final and unanimous agreement was to recommend that the amount for industrial education be reduced to \$27,500, and the amount of equalization funds be reduced to \$27,500, and that the proposition to take out the High school money be referred to the next Legislature, but the district supervision of union of towns be taken out of the common school fund.

There will be taken out first from fifty to sixty thousand dollars for supervision for union of towns. Next there will be taken out \$27,500 for industrial education, and next there will be taken out the excess of \$15,500, above the amount actually used last year for equalization fund, making a total of \$103,000. Now there is to be an addition to the common school fund of about \$60,000 on account of the increased valuation, so that the total change in the program proposed would be only about \$40,000 out of the total school fund of \$1,500,000. That would be so slight a change, only about 3 per cent., that the committee thought so much could be done without seriously interfering with the plans of any town. While I did not favor the taking of the amount out of the towns for supervision, yet some concessions had to be made, and I do believe that the supervision of districts can be more properly taken out of the common school fund than the High school fund, for it is really connected with the common schools. This was followed from what I understood to be the direct desire of the administration, that something should be taken out on these lines.

I hope after this agreement has been reached with a good deal of toil and trouble that the members of the Senate will assent to it.

Mr. OSBORN of Somerset: Mr. Pres-

ident: I want to express my disapproval of taking from the common school fund any part of those funds to be expended for industrial education, so-called. Of course, we know that that means a certain sum of the school money will be used by our cities and large towns for the benefit of their schools. I do not question the utility of those schools, but if that sort of schools are to be maintained, they should be maintained in the municipalities that are to be benefitted. I am aware of the fact that the statement has been passed here several times that several of our cities were now getting more money than they knew what to do with. I think here is an opportunity for them to establish industrial schools from their own school fund, and not from the school fund of the State. I can assure you that a great majority of the small towns are not getting any more money than they can use, and to take from them a small amount and place it where they will not be benefitted, and where it will be to the benefit of the large communities, to my mind is wrong.

Mr. MILLIKEN: Mr. President: Let me say that argument so far as it pertains to the small towns does apply. Any town that wants to take advantage of the provisions of this bill and establish industrial training, has the right to do so. I believed, and the committee believed, that industrial education for common schools is chargeable upon the common schools. As far as balancing the town against the city goes, and assuming this can be for the benefit of the cities, that argument could be advanced for taking the equalization fund out of the school fund for the benefit of the small schools. I believe both funds will be proper and will benefit the schools and will work no injustice on the small or the large towns.

While I have no authority to speak in any way for the administration, I do know that the Governor is anxious that something should be done to encourage industrial education. This was recommended two years ago by Governor Fernald. A commission was appointed to look into it, and this is the only

chance we have to establish some program in this State at this session of the Legislature looking toward industrial education.

Mr. NOYES of Kennebec: Mr. President: I want to ask the senator one question. This is practically a unanimous report, is it not?

Mr. MILLIKEN: Yes.

House Amendment A was adopted in concurrence and under suspension of the rules, the bill was given its two readings and was passed to be engrossed.

(The President in the Chair.)

On motion by Mr. Boynton of Lincoln, Senate Document 260, An Act to amend Paragraph 1 of Section 42 of Chapter 15 of the Revised Statutes, as amended providing for the payments from State school funds of amounts paid on account of union superintendents, was taken from the table.

Under suspension of the rules, the bill was then given its two readings and was passed to be engrossed.

Mr. GOWELL of York: Mr. President: I ask unanimous consent of the Senate to introduce a bill out of order. This bill was handed to me and I simply do this by request and, although the time is very short to get anything through, it has been recommended by the supreme court. It simply adds the words in their proper place, "libels for divorce," conferring jurisdiction upon the Cumberland county court in those matters. We had a meeting of the bar in Portland yesterday and they heartily favored this bill and said that they would like to have the Statute amended at this session. It is entitled, "An Act in relation to the superior court of Cumberland county."

The bill was received by unanimous consent, and under suspension of the rules was given its two readings and was passed to be engrossed.

Mr. BOYNTON of Lincoln: Mr. President: House Bill No. 493, An Act to repeal Chapter 142 of the Public Laws of 1905, relating to the support of alien paupers. Yesterday we adhered to our former action, and I would now like to move that the vote whereby we adhered be reconsidered. I am aware that this is not in order, but I

only ask the same courtesy that has been extended to others from the Legislature in moving for reconsideration of matters of this kind. I do this for the purpose of offering an amendment.

Mr. MILLIKEN: Mr. President: I wish the senator would lay that on the table for a few minutes until I can talk with him about the matter.

Mr. BOYNTON: Mr. President: I will say that the amendment, if the vote is reconsidered and the bill comes back here, the amendment I wish to offer is this: "Senate Amendment A to House Bill 493. Amend by striking out the emergency clause."

Mr. MILLIKEN: Mr. President, I thought every pauper bill was dead and buried. I believe, so far as I am concerned, that the removal of the emergency clause would not change my feeling about the bill. I wish the senator would not urge this. It seems to me this ought to be settled. We have voted on it twice, and we have voted once to indefinitely postpone it, and the matter came again on the disagreeing action of the Senate and we voted to adhere by a majority of two or three. I still think that the senator misunderstands the purport of the bill and the effect of the statute of 1905 that is sought to be repealed. I think if he did understand it more fully, that he would not have the same feeling he has now.

Mr. OSBORN of Somerset: Mr. President, perhaps gentlemen would like to hear from the senator from Lincoln more fully. Perhaps I did not understand him the other day, but I arrived at the conclusion that he thought under the present law towns or municipalities could go back for a number of years and dig up alien pauper claims and manage to get them paid through the instrumentality of the law of 1905.

Mr. BOYNTON: Mr. President, I think that I said all I could, or all anyone could say, the other day. Of course there is no question now before the house to speak upon and I speak only by unanimous consent, and only to reiterate what I said, that this law of 1905, as interpreted by the courts, makes it possible for towns, cities, to dig up pauper claims, no matter how far back they may run, alien pauper claims. Of course the Gov-

error and Council pay no attention to them. They are taken to them and they turn them down, and then they come to the Legislature, the same as other claims, and they go to the committee on claims, or some other committee, and are allowed and paid. The committees think it is a hard thing to turn down alien pauper claims. The cities all have this law under consideration; it has not been understood and they have not got onto it until this last year or so. The only interest I have in this is my interest in the State and the amount of money that is to be taken out of the State, principally by cities, where the large alien claims come from. They do not come from the small towns.

I move that this vote be reconsidered.

Mr. OSBORN: Mr. President, I would like to ask the senator if he understands that an alien pauper under this law of 1905 does not become chargeable to the municipality where he resides provided he has resided there five consecutive years?

Mr. BOYNTON: Mr. President, I so understand it.

Mr. OSBORN: Then he never gains a pauper residence under that law?

Mr. BOYNTON: I do not understand that he does.

Mr. OSBORN: Mr. President, if that is so it would have some force with me.

Mr. MILLIKEN: Mr. President: I am not a lawyer, so I am perfectly free to give an opinion on a law I helped to pass, and which I think no one will understand until the court rules on it. I think the Senator's objection to the statute is that he believes that this statute is retroactive in its effect and somehow establishes a legal claim against the State on matters arising before the statute was enacted. "Chapter 142, An Act additional to Chapter 27, Section 1. The Revised Statutes shall not be construed to make any town liable for relief furnished an alien or his family since the statute went into effect, but such relief shall be under the provisions of the Revised Statutes, Sec. 33, Chap. 27."

I am sure the Legislature of 1905 understood the passage of this law to have the following effect: To provide that after the taking effect of this Act the State should be liable for the support of alien paupers. The Section of

the Statutes referred to is that which makes the State liable for State paupers in unorganized townships. This statute in 1905 specifically provides that the old statute shall not be construed as having meant that the State is liable for the support of alien paupers, but after 1905 the State shall be liable for the support of alien paupers. I do not see how anyone can possibly believe that the statute of 1905 created any liability on the part of the State for the support of alien paupers prior to that time.

I think the Legislature meant to make that plain. They said in effect that after 1905 the State should be liable. It is undoubtedly true that towns have come here with claims to the Governor and Council and have sought to get them passed. For all I know some may have come to the committees here and sought to get claims allowed that accrued before the statute was passed, but the statute had no effect upon those claims whatever. They were not legal claims and to repeal the statute would have no effect upon them. As I understand it, the law of 1907 modifies this, and some claims that have come here were strictly illegal, because that provision was not compiled with.

I do not think the real objection that the Senator has would exist in his mind if he understood the statute as the Legislature did that enacted it.

Mr. BOYNTON: Mr. President: The Senator has seen, of course, the decision of the lower court which makes the trouble. The Senator was here when that law was made, and it has been stated, I think correctly, that this law was made especially to fit one case that existed in Sidney, and had no other purpose in view when it was made except to help some attorney in getting a pension for an alien pauper in Sidney. I think that can be verified.

Mr. OSBORN of Somerset: Mr. President: I want to put myself right in this matter. When I voted against the repeal of this law I was not aware of the fact that this law of 1905 deprived an alien from gaining a residence providing he had lived in a municipality five years. I say now that I shall have to reverse myself in that matter

and I hope the motion of the Senator from Lincoln will prevail.

The question being on the adoption of the motion of the Senator from Lincoln, that the Senate reconsider the action whereby the Senate voted to adhere to its former action, the motion was agreed to.

The Senator from Lincoln then offered Senate Amendment A to House Document 493.

Mr. STEARNS of Oxford: Mr. President: What is the present status of this matter?

The PRESIDENT: I think the last motion was to indefinitely postpone, and in that action the House did not concur, and we then voted to adhere. The motion before the Senate is the motion of the Senator from Lincoln to amend the Bill.

Mr. STEARNS: Mr. President: I desire to protest and object to the action to reconsider the vote and the acceptance of the amendment.

The PRESIDENT: The motion to reconsider has been carried. The amendment is now before the Senate. The Bill has had its first reading and is now ready to be amended.

Mr. STEARNS: Mr. President: Has the action been reconsidered whereby it was indefinitely postponed?

The PRESIDENT: It has not.

Mr. BOYNTON: Mr. President: I move that the amendment be adopted and that the vote be taken by the yeas and nays.

The question being on the adoption of Senate amendment A: "Amend by striking out the emergency clause and also by striking out Section 2," the yeas and nays were ordered, and the secretary was directed to call the roll.

Mr. ALLAN of Washington: Mr. President: To get this matter properly before the Senate, should not the vote whereby the Bill was indefinitely postponed be reconsidered.

The PRESIDENT: The Chair rules that if the Bill was indefinitely postponed, a motion should be made to reconsider that action.

Mr. BOYNTON: I make that motion.

Mr. MILLIKEN of Aroostook: Mr. President: I believe it takes a two-thirds vote to do that, and I want to

object to it unless the rules are suspended.

Mr. BOYNTON: Mr. President: I move that the rules be suspended, and that the action whereby this Bill was indefinitely postponed, be reconsidered.

On motion by Mr. Milliken, a sufficient number having arisen, the yeas and nays were ordered and the Secretary called the roll. Those voting yeas were: Messrs. Allan, Boynton, Clifford, Dodge, Donigan, Farrington, Foss of Cumberland, Fulton, Hill, Kellogg, Leach, Mayo, Moulton, Mullen, Noyes, Osborn, Pendleton, Sanborn, Staples, Winslow—20. Those voting nay were: Messrs. Blanchard, Gowell, Irving, Milliken, Stearns, Theriault—6.

So the rules were suspended.

The question being on the motion of the Senator from Lincoln to reconsider the action whereby the Bill was indefinitely postponed, the motion was agreed to.

Senate amendment A was then adopted, and the Bill was given its second reading and was passed to be engrossed.

On motion by Mr. Osborn of Somerset, the report of the committee of Conference on the disagreeing action of the two Branches, on An Act defining the main trunk line of highway through the State, was taken from the table.

The PRESIDENT: The report of the Conference committee was that the Senate recede and concur.

Mr. OSBORN: Mr. President: This matter has been fully discussed two different times and it seems to me that the leading point in the proposition should be fairly understood. The State in the construction of trunk lines under the present law, without this change, has built certain pieces of trunk line roads and the communities have contributed to some extent, and citizens to quite an extent, toward their construction. If this Bill becomes a law, that will be cut out, for there is no discretion left to the Governor and Council and the highway department as to going anywhere else with the money except on this designated road.

Another point. The trunk line road which is to be taken up and constructed from Kittery to Portland, or a considerable portion of it, is not where the State road money has been ex-

pended, and the road bed has not been prepared for a macadamized road, and the money in the different communities has been put elsewhere, and therefore all expense to the road would come on the State. I know in my own community we have placed out State road money along where this trunk line is to pass, and have thereby reduced the expenditure that would be incurred in constructing the trunk line. I think there are other portions of the State that are just as much entitled to the trunk line as this long piece of highway that is marked out for the trunk line.

I hardly think it can be argued that the long distance from Bangor to Fort Kent is more essential as a trunk line of highway than several other portions of Maine. If this Bill passes, of course it is amendable by future Legislatures, and before many years there will be such a cry go up from other parts of the State that other lines will have to be built in order to carry this along.

The question was raised here the other day that to appropriate a large sum of money for a trunk line of highway would be very likely to cripple the State highways through the other parts of the State, and the Senator from Cumberland advanced the idea that we were doing wrong in putting our money out all over the State previous to building a main trunk line.

If this goes through, other matters will have to be abandoned in order to build this trunk line of highway to encourage summer travel in automobiles. I hope the Senate will adhere to its former vote.

Mr. WINSLOW of Cumberland: Mr. President: I move that when the vote be taken it be taken by the yeas and nays.

Mr. BLANCHARD of Franklin: Mr. President: I don't know as I can add anything to what I said the other day, any further than that we passed a Bill here yesterday authorizing the Governor and Council to use any unexpended money in the treasury for roads, and it is now up to the judgment of this Senate as to whether we want this money expended under the direction of the State highway commissioner. I have talked with the highway commis-

sioner since the other day, and he thinks it would not be wise legislation, as he told me.

The PRESIDENT: The question is shall the report of the committee on Conference be adopted.

Mr. KELLOGG of Penobscot: Mr. President: I want the Senate to distinctly understand that Senator Osborn is wrong in one particular. This Bill does not call for one cent more money than we have appropriated. It takes care of the surplus.

In regard to the remarks of the Senator from Franklin, I have talked with the highway commissioner and he does not seem to have talked to the Senator as he talked to me, for he seemed to think the Bill would be an advantage.

Mr. BLANCHARD: Mr. President: He thought the trunk line as now planned would be sufficient, but thought it was not good policy to dictate how and where he should lay out the money.

Mr. KELLOGG: Mr. President: This Bill leaves it to him to put the money where he sees fit.

Mr. OSBORN: Mr. President: This Bill designates a certain line of highway through the State, and it is no use for the Senator to try to deceive himself with the idea that the Department can put the money where it sees fit. It must be put somewhere on this trunk line.

Mr. FULTON of Sagadahoc: Mr. President: This Bill does designate the particular line, and I believe it is what the State wants. I hope the Bill will go through.

The yeas and nays were ordered, and the secretary called the roll. Those voting yea were: Messrs. Allan, Boynton, Farrington, Foss of Cumberland, Fulton, Gowell, Hill, Kellogg, Moulton, Mullen, Noyes, Winslow—12. Those voting nay were: Messrs. Blanchard, Dodge, Donigan, Irving, Mayo, Milliken, Osborn, Pendleton, Sanborn, Staples, Theriault—11. Two pairs were announced. Mr. Stearns announced that he was paired with Mr. Edwards; that he should vote no, and that Mr. Edwards, if he were present, would vote yes. Mr. Leach announced that he was paired with Mr. Smith; that he would vote no, and Mr. Smith would vote yes.

So the motion to adopt the report of

the Conference committee, was adopted. Sent down for concurrence.

The Bill was then given its first reading, and under suspension of the rules, was then given its second reading and was passed to be engrossed.

On motion by Mr. Kellogg of Penobscot, House report on House Document 718, Resolve authorizing the Governor and Council to use any unexpended balance in the treasury for the maintenance of bridges, was taken from the table.

The Senator then offered Senate amendment A: "Amend by adding to the title after the word 'bridges' the word 'highway.' "

The amendment was adopted and under suspension of the rules the resolve was given its several readings and was passed to be engrossed.

Mr. Boynton, for the committee on Appropriations and Financial Affairs, on Resolve providing for the payment of salaries and mileage of members and officers, and for other expenditures incident to the Seventy-fifth Legislature, reported that the same "ought to pass."

The report was accepted and under suspension of the rules the resolve received its two readings and was passed to be engrossed.

"An Act to ratify and confirm the organization of Yarmouth Manufacturing Company, and to give said company additional powers."

"An Act to amend section 6 of chapter 9 of the Revised Statutes relating to taxation, and to provide for exemption of mortgaged real estate and double taxation."

"An Act to abolish the office of recorder of the Western Hancock Municipal Court."

"An Act to amend Section 51 of Chapter 79 of the Revised Statutes, as amended by Chapter 157 of the Public Laws of 1907, relating to the term of the Supreme Judicial Court for Piscataquis County."

"An Act authorizing the city of Portland to construct public buildings upon public grounds."

"An Act to regulate the practice of embalming and the transportation of the bodies of persons who have died with infectious diseases."

"An Act to more fully provide for

the registration of motor vehicles, licensing of persons operating same, regulating speed, prescribing the amount of license and registration fees and making penalty for the violation of certain provisions of this act."

"An Act to amend Chapter 15 of the Public Laws of 1907, as amended by Chapter 34 of the Public Laws of 1909, relating to the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases."

"An Act to authorize the treasurer of the county of Piscataquis to pay James L. Martin, Louis C. Ford, W. R. L. Hathaway and Verna C. Keene of Milo, and C. M. Wescott of Patten, Penobscot County, Maine, their fees in the Joseph Cyr inquest."

"An Act authorizing the Secretary of State to prepare and publish a list of corporations delinquent in the payment of their franchise taxes."

"An Act to amend 133 of the Private and Special Laws of the year 1909; in regard to the use of automobiles on the Island of Mount Desert."

"An Act to incorporate the Hartland Water Company."

"An Act to amend Section 26 of Chapter 15 of the Revised Statutes, to provide for school privileges for scholars living at fog warning stations and life saving stations."

"An Act to authorize Androscoggin County to issue bonds to enable it to provide for the payment of temporary loans and contingent expenses."

"An Act to amend the charter of the Messalonskee Electric Company, now called the Central Maine Power Company."

"An Act requiring street railroads to file profiles with their locations."

"An Act to amend Chapter 88 of the Public Laws of 1907, as amended by Chapter 138 of the Public Laws of 1909 relating to compiling and teaching of local history and local geography in the public schools."

"An Act to provide for the payment of pensions granted by special resolves of the Legislature."

"An Act to repeal Chapter 121 of the Public Laws of 1909, relating to the prevention of tuberculosis among cattle."

An Act to provide for State certification of all teachers in the public schools.

This Bill was indefinitely postponed in the Senate. The House insisted on its former action and asked for a committee of Conference.

Mr. OSBORN of Somerset: Mr. President: I move that we adhere.

Mr. MILLIKEN of Aroostook: I move that we agree to a committee of Conference.

The motion was adopted, and the President joined on such committee on the part of the Senate, Messrs. Milliken, Gowell and Fulton.

On motion by Mr. Boynton of Lincoln, a recess was taken until 2.30 o'clock this afternoon.

#### After Recess.

On motion by Mr. Boynton of Lincoln, An Act consolidating the management of the State Institution for Insane and for the Feeble Minded, was taken from the table.

The same Senator then offered Senate Amendment A, "Amend by striking out Section 5 and substituting therefor the following: 'Said hospital trustees shall receive \$5.00 per day for their services when actually employed.'"

The Amendment was adopted and the Bill as amended was then passed to be engrossed.

Resolve in favor of John Bradbury came from the House, amended by the adoption of House Amendment A.

The Senate reconsidered the action whereby the Bill was passed to be engrossed, and House Amendment A was adopted in concurrence.

The Bill as amended was then passed to be engrossed.

Resolve in favor of the State Librarian, passed to be engrossed in the House without reference to a committee, was received in the Senate, read twice and passed to be engrossed under suspension of the rules.

The committee of Conference, upon the disagreeing action of the Legislature, on An Act to provide for State certification of teachers of the public High school, reported that the Senate recede and concur with the House.

Mr. OSBORN of Somerset: Mr. Pres-

ident: As I remember it, that measure was rejected here by quite a decisive vote. I move that we reject the committee's report.

Mr. MILLIKEN of Aroostook: Mr. President: I hope that motion will not prevail in any event.

Mr. FULTON of Sagadahoc: Mr. President: I will say that Senator Gowell is not very particular about the matter, and did not sign the report with the other members of the committee.

Mr. GOWELL of York: Mr. President: My position is simply this: This is one of those Bills we have talked about as something that will not do very much harm. I took quite an active part in passing it and so did not sign the report, as I did not wish to prolong the session and because the other members were in favor of the Bill. Personally I do not think we need the Bill but I did not care to make any active opposition.

Mr. OSBORN: Mr. President: I move for a yea and nay vote on the acceptance of the report.

Mr. MILLIKEN: Mr. President: May I suggest that the Senator allow the motion to be made "Shall the report of the committee be accepted?"

Mr. Osborn accepted the amendment.

The yeas and nays were ordered and the Secretary called the roll. Those voting yea were: Messrs. Blanchard, Boynton, Farrington, Foss of Cumberland, Fulton, Irving, Milliken, Moulton, Winslow—9. Those voting nay were: Messrs. Dodge, Donigan, Foss of Androscoggin, Gowell, Hill, Kellogg, Leach, Mullen, Noyes, Osborn, Pendleton, Staples, Stearns, Theriault—14.

So the report of the committee was not accepted.

On motion by Mr. Kellogg of Penobscot, the Senate voted to adhere to its former action.

House report of the committee on Education, on An Act to amend An Act for the equalization of school privileges, came from the House.

The report of the committee was accepted in concurrence.

House Amendment A was adopted in concurrence.

Under suspension of the rules, the



Bill was given its two readings and was passed to be engrossed.

**Passed to be Enacted.**

An Act to incorporate the David Improvement Company.

Mr. Boynton, for the committee on Appropriations and Financial Affairs, on An Act to appropriate money for the expenditures of government for the year 1911, reported that the same "ought to pass."

Under suspension of the rules, the Bill was read twice and was passed to be engrossed.

On motion by Mr. Hill of Penobscot, An Act in relation to the packing, branding and grading of apples was taken from the table.

Mr. HILL: Mr. President: I move that the Bill be indefinitely postponed.

Mr. STEARNS of Oxford: Mr. President: I would ask if the Senator from Penobscot means to indefinitely postpone the entire Bill, or the amendment which was offered?

Mr. HILL: Mr. President: I will withdraw my motion, and move to take the Bill from the table and leave it in the hands of the Senator.

The motion was agreed to.

Mr. STEARNS: Mr. President: I think there is no opposition and can be no objection to the passage of this Bill. I think there are very many reasons why the amendment offered by the Senator from Penobscot should be adopted. There has been very little legislation this session so far as I am able to discover in the interest of the farmer, and I believe that this amendment is directly in the interest of the apple grower, which has become an industry of great importance in the state of Maine.

If it is to be left to me, I feel that I must in justice to my convictions move that the amendment be adopted.

Mr. BOYNTON of Lincoln: Mr. President: This is to be a very familiar subject because it was one of the first Bills that appeared here, Senate Bill 99. We have wresled with this Bill in all kinds of forms and ways, and finally got it referred to the next Legislature, and have bade it good bye, and have for several nights slept well.

Now the Senator from Oxford—I certainly admire him for his fighting qualities, and a good many others—presents that same old Bill as an amendment.

Two years ago the apple growers came here and asked this Legislature to formulate a Bill regulating the packing, branding and sorting of apples. A great deal of care and attention was given it and a good Bill was worked out, and so far as I know, except a little spot in Oxford county, it gives the apple grower entire satisfaction, and all they want now in the way of apple legislation is to be let alone and let this law be, which is entirely satisfactory to them.

I certainly hope the amendment will not be adopted, and in order to bring it to a head, I will move that the proposed amendment be indefinitely postponed.

Mr. STEARNS: Mr. President: I thank the Senator for the compliment he has paid me. I certainly think fighting qualities are admirable, and I think there is no one who has those qualities to a greater extent than the Senator from Lincoln.

I invite the attention of the Senate to the discussion of yesterday in relation to how this Bill happened to be here. I said yesterday that I didn't understand how this Bill could be reported out of the committee on Legal Affairs. I ask every Senator who is interested in it to turn to the Legislative Record, page 660. You will find that this particular Bill was taken from the table by Mr. Bisbee and he moved that it be recommitted to the committee on Agriculture as Senate Bill No. 99 of the same title was already before that committee and they wanted to get the two Bills together so they could report upon them at the same time. That motion was agreed to.

I don't understand why the Bill comes from the committee on Legal Affairs. There are a few, as I understand it, who are absolutely satisfied with the present workings of the apple law, and those few, are those who are willing that the old practice of "deaconing" apples should continue. There is a law now which has absolutely no teeth in it. It was the desire of those interested to have an inspection clause that

had teeth in it so that their apples might be inspected and their product go for what it was, and that the man who had an honest pack should receive what he ought to receive for it, and not have his product cheapened on account of the dishonest fellows.

That is why I stand here for the inspection clause, which is the amendment which is now before the Senate, and I shall be very glad to have the Senate adopt the amendment.

Mr. KELLOGG of Penobscot: Mr. President: I did pay a little attention to this Bill at the first of the session for the reason that several of the traders at home said to me, "If you can get anything through so that we can get a good barrel of apples, I wish you would try to do it this winter."

I have just talked with Senator Hill, and he says that he thinks the amendment is a good thing and ought to be passed.

I hope the motion of the Senator from Lincoln will not prevail for I think this is something we should take a little interest in.

Mr. BOYNTON: Mr. President: I will say that the law we now have does away with the "deaconing" of apples. There is a fine and everything that the people need, and the people are trying to live up to it. This Bill on the table simply corrects an error in the size of the boxes. The amendment creates an apple inspection carrying a small appropriation. I have never yet seen the first apple shipper, grower or packer, who has any use for apple inspection in the State of Maine.

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

Mr. MILLIKEN of Aroostook: Mr. President: The fact that this Bill has been lost or has gone to a strange committee, is not remarkable, for we have had a great many experiences of that sort. I had to introduce the same Bill the third time the other day to get it through, and a representative from my county has been chasing a matter all day that is lost.

What is there about this amendment that anyone should object to? If the Senator will point out an objection, I shall be glad to listen to him.

Mr. BOYNTON: Mr. President: The

whole objection is the inspection, creating a board of inspectors, and so far as I can see it is not called for, neither by shippers, growers or packers.

Mr. BLANCHARD of Franklin: Mr. President: I differ with the Senator from Lincoln. I think that both the producers and shippers want the Bill. I know they do in my section. The law of two years ago has done some good, but it has not been properly enforced. I certainly hope this amendment will be adopted, for I think it will be a great benefit to the raisers and to the shippers.

The question being on the indefinite postponement of the amendment, a division was had, and six voting for and thirteen against the indefinite postponement, the motion was lost.

The amendment was then adopted and House Document 734, An Act to amend Chapter 247 of the Public Laws of 1909, relating to the packing and branding of apples, was given its first reading, and under suspension of the rules, was read the second time and was passed to be engrossed.

On motion by Mr. Milliken of Aroostook, the joint order in relation to the appointment of a joint special committee to investigate present and proposed methods of the distribution of school funds, was taken from the table.

The President joined on the part of the Senate on such committee, Messrs. Milliken and Mullen.

On motion by Mr. Milliken, the order was given a passage in concurrence.

Mr. Milliken: Mr. President: I request that this order, together with two Bills in relation to the school fund, passed here this morning, be sent to the House at once.

On motion by Mr. Winslow of Cumberland, Resolve to amend Article 22 of the Constitution, relating to cities of forty thousand inhabitants or more to increase the municipal indebtedness to 7 1-2 per cent., was taken from the table.

In the House, report B was accepted. The Senate accepted House report B, in concurrence, and the Bill was given its first reading.

The PRESIDENT: This Bill has received various treatments in the House,

having been amended several times and the amendments all withdrawn. Shall the Bill receive its second reading at this time?

Mr. MILLIKEN: Mr. President: I suppose there is to be a vote on this sometime, and finally it will have to be passed by a two-thirds vote. I shall be obliged to vote against it on its final passage, and I suggest that we have a vote on it now. I ask for a yeay and nay vote.

The question being, shall the rules be suspended and the resolve receive its second reading at the present time, the yeas and nays were ordered and the secretary called the roll. Those voting yeay were: Messrs. Allan, Blanchard, Clifford, Dodge, Foss of Androscoggin, Foss of Cumberland, Fulton, Hill, Kellogg, Leach, Moulton, Mullen, Pendleton, Sanborn, Staples, Winslow—16. Those voting nay were: Donigan, Farrington, Irving, Milliken, Noyes, Osborn, Stearns, Theriault—8.

So the rules were suspended and the Bill was given its second reading and was passed to be engrossed.

On motion by Mr. Milliken of Aroostook, Resolve proposing an amendment to the State Constitution in regard to the seat of Government, was taken from the table, and was given its first reading. Under suspension of the rules, the Bill was given its second reading and was passed to be engrossed.

An Act to provide for the nomination of party candidates by direct primaries, came from the House, having been received, given its three readings and passed to be engrossed under suspension of the rules.

In the Senate, the Bill was received and under suspension of the rules was given its two readings and was passed to be engrossed.

Resolve laying a tax on the counties of the State for the years 1911 and 1912.

This resolve came from the House, having received its three readings and passed to be engrossed under suspension of the rules.

In the Senate, the Bill was received and under suspension of the rules was given its two readings and was passed to be engrossed.

An Act to provide for the nomination

of candidates of political parties by primary election, came from the House with two reports. In the House the majority report was accepted, "ought not to pass."

On motion by Mr. Stearns of Oxford the reports were tabled pending acceptance of either.

An Act repealing Section 31 of Chapter 3 of the Revised Statutes, to abolish the office of State auditor of printing, came from the House, accompanied by two reports from the committee on Legal Affairs, the majority report "ought to pass" accepted.

The Senate concurred in adopting the majority report and under suspension of the rules the Bill was given its two readings and was passed to be engrossed.

The report of the committee of Conference on the disagreeing action of the two Branches on An Act relating to the compensation of the trustees of the University of Maine and the trustees of the State Normal School, reported that the Senate recede and concur.

The report of the committee was accepted.

On motion by Mr. Milliken of Aroostook, An Act to incorporate the Young Men's Christian Associations and the Young Women's Christian Associations of this State, was taken from the table.

Mr. MILLIKEN: Mr. President: I will say that this Bill has been changed somewhat and the proponents are not sure whether this is in the form they want or not, and at their request I move that the Bill be indefinitely postponed.

The motion was agreed to, and the Bill was indefinitely postponed.

#### Passed to be Enacted.

An Act to incorporate the Casco Bay Water Company.

#### Finally Passed.

Resolve in favor of F. W. Hill, Chairman of committee on Agriculture.

Resolve in favor of the joint standing committee on Ways and Bridges.

Resolve in favor of Charles W. Hurley.

Resolve in favor of the clerk to the committee on Apportionment.

Resolve in favor of William G. Hodgkins of Damariscotta, secretary of In-

sane Hospitals committee.

Resolve in favor of John M. Lyons, the clerk of the committee on Labor.

Resolve in favor of the clerk and messenger to the committee on Railroads and Expresses.

Resolve in favor of messenger to committee on Taxation.

Resolve in favor of Harry Stetson, secretary of committee on Interior Waters.

Resolve in favor of R. H. McCready.

Resolve in favor of Edward W. Wheeler.

Resolve in favor of the clerk on committee on Manufactures.

Resolve in favor of E. V. Allen, secretary of the committee on Education.

Resolve in favor of the Maine School for Feeble Minded.

Resolve in favor of Hortense K. Hopkins.

Resolve in favor of the clerk, stenographer and the messenger to the Judiciary committee.

Resolve in favor of Wilbur F. Dresser, the chairman of the Joint Special Committee on Portland Bridge for expenditures made in connection with hearing on Portland Bridge.

Resolve in favor of the clerk to the committee on Banks and Banking.

Resolve in favor of the official reporter of the House.

Resolve in favor of chairman of committee on Indian Affairs.

Resolve in favor of roads in Indian Township.

Resolve for a co-operation agreement with the United States for the purpose of creating forest reserves at the headwaters of the navigable streams of the State.

Resolve in favor of repairing Mattawamkeag Bridge.

Resolve in favor of Susan E. Dumphe, widow of Charles Dumphe, late of Company G, Sixth Regiment of Infantry, Maine Volunteers, Civil War.

Resolve in favor of clerk and typewriter to committee on Interior Waters.

Resolve in favor of the clerk of the committee on Mercantile Affairs and Insurance.

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

Resolve in favor of clerk, stenogra-

pher and messenger to the Legal Affairs committee.

Resolve in favor of the official reporter of the Senate.

Resolve in favor of Charles W. Hurley.

An Act relating to the compensation of the trustees of the University of Maine and the trustees of the State Normal School.

The PRESIDENT: The Senate has accepted the report of the committee of Conference on this Bill. The question before the Senate is the adoption of House Amendment A: "House Amendment A to House Document 222. Strike out in the title 'and trustees of the State Normal School.' "

The Amendment was adopted and the Bill was given its second reading and was passed to be engrossed.

Mr. GOWELL of York: Mr. President: I move that House Bill 764, relating to the State income tax, be taken from the table, and I will then yield to the Senator from Aroostook.

The motion was agreed to.

Mr. IRVING of Aroostook: Mr. President: This Bill was tabled for the purpose of offering an amendment. Before we got ready to get the amendment around, we were called into conference with the Governor and he ruled that if we passed the Bill as it was read this forenoon, or in accordance with House Bill 764, that is, to have the exemption only \$2,000, he could endorse and sign the Bill. He urged that the Bill be amended in accordance with the Bill reported from the Taxation committee, which made the exemption \$5,000. In accordance with the Governor's wish, we have made that amendment, together with some others.

If you will take the Bill and follow me carefully, you can follow the amendments that were made. "Senate Amendment A to House Bill 764. Amend Section 1 by striking out the figures '1911' in the first line and inserting in place thereof the figures '1912'; also by striking out the word 'two' in the fifth of Section 1 and insert in place thereof the word 'five,'" so that it would read "a graduated tax on the amount so received over and above five thousand dollars;" then in Sec-

tion 2, "amend Section 2 by inserting after the figure '2' the letter 'A.'" That is Paragraph A that Senator Mullen could not find this morning. "Also by striking out all in the fifth, sixth and seventh lines of Section 2 after the word 'income' in the fifth line," so that the Section would read, "On all such gains, profits or income exceeding \$5,000." "Also by striking out the word 'two' in the twenty-second line of the same Section and inserting in place thereof the word 'five'; also by striking out the word 'amounts' in the twenty-fifth line and inserting the word 'rates.'" That would seem to give a more understandable meaning to the Section; that is, changing the rate of the tax for that particular class. "Also by striking out all of said Section 2 after the word 'established' in the twenty-sixth line and inserting in its place the following: 'and the tax provided for in this Section shall be levied only upon gross profits or incomes in excess of \$5,000.' "

There was an objection made under the old Bill that it really didn't tie up the income and make the exemption solid. We think this makes it solid and no income will be taxed under \$5,000. Then in Section 4 "Amend Section 4 by striking out the word 'two' in the twenty-first line and inserting in place thereof the word 'five.'" There is one other amendment and that will be for your consideration, "also by adding Section 10. 'This Act shall not apply to corporations which pay an annual excise or franchise tax in the State of Maine.' And it would seem to me that it would not be the wish of this Senate body to impose a tax on corporations that are already taxed and pay an excise tax or a franchise tax, such as railroads. At the present time they do pay what might be termed, an income tax. I think that exemption of the corporation tax would be the same as in the new amended Bill, that all corporations having an income of \$5,000 pay a corporation tax, and of course it would not be right to impose another tax along the same lines.

In order to save time in making these amendments we did not copy the whole Bill. It is a long Bill and would necessitate quite a little time to do it.

Mr. President, I move that these amendments be adopted.

Mr. MULLEN of Penobscot: Mr. President: I want to suggest another amendment, or rather a correction. The last word in the twenty-fourth line on page 5, the word 'complication.' I don't know what they meant, but I suppose it should have been 'compilation.'

Mr. GOWELL of York: Mr. President: I will say that we noticed that and thought we would take it up in the second reading. It is simply a clerical error.

Mr. STAPLES of Knox: Mr. President: I listened this forenoon very carefully to the discussion of this state income tax. I have been in favor of a national income tax for many years. The object of a national income tax would be to reach those men of great fortune that we cannot reach in any other way, and before we get through with this session I hope in some manner we may pass a national income tax law or recommend it to be passed, that is, recommend to Congress that the State of Maine is in favor of a national income tax, because we have advocated that for a great many years, and I believe it is the only way that we can get at the millionaires of this country.

But that is not the proposition now before the Senate. The proposition before the Senate now is a state income tax, and I wish briefly as a lawyer to give my views upon this proposition. I believe by the statutes of the state we all know that personal property is taxed. Income is personal property, and you propose to tax that part of the personal property in one way. The other personal property that you may have as stock of goods, or as stock upon the farm, is taxed in another manner. That you will agree with me would be the status providing this law is enacted. Now I wish to put myself on record as saying at this time that it would be entirely, purely, unconstitutional; because the Constitution declares that all property shall be taxed equally and alike. I don't believe if you pass this Bill, it would pass before the Supreme Court in the State of Maine ten minutes. And I say to you, let us consider well before we put

ourselves in a position—intelligent men as we are—as they are in this body—before we undertake to pass a law that would be a laughing-stock to the people of Maine. I declare now, and I wish to go on record as saying to this body, that this law is purely and simply unconstitutional, for the reasons that I have given. You cannot tax personal property under the constitution of the State of Maine today in two different manners. It must be taxed alike. If you assess an income tax in one manner—because income is personal property—and your stock of goods in the store, which is also personal property, is taxed in another manner—you don't want to go on record as being in favor of passing a law like that which it is plain is purely and simply unconstitutional. It does not matter about your raising it from \$2000 to \$5000 so much—but I was glad to hear that the Governor would veto it. If he had gone a little further and said he would veto it because it is unconstitutional, I would have been very happy to have had it so. Let us not put up to the people of this state, and the Supreme court of this state a law, which, the very minute you undertake to enforce it, will raise the constitutional question, and if this session was to be in force three weeks longer I would consider it as a solemn occasion under the Constitution of the State of Maine to submit that question to the Supreme Court before we put it to vote. But we have not time to do that. I don't like the Bill any way. I don't believe that the people of this state want it. My friends, let us look at this matter fairly and squarely. I am not going to discuss the amendment; I am not going to discuss the merits of the Bill; because I don't think it is any use to do it here. But I put it squarely on the ground of unconstitutionality, and I hope the amendment will not prevail, and I am going to make a motion that the amendment and the Bill be indefinitely postponed, and ask for the yeas and nays.

Mr. MULLEN: Mr. President: Is this vote to be upon the adoption of the amendment?

Mr. STAPLES: Mr. President: It is upon the indefinite postponement of the

amendment and the Bill; all go together.

Mr. MULLEN of Penobscot: Mr. President: Before voting on the indefinitely postponement of this Bill, I want it to be understood that I am in favor of income tax. I believe that we should have an income tax, and that the party that is dominant in this Legislature should have stood upon the platform of their party and have adopted the proper tax and the one that they told the people they were going to adopt. If I believed that this was constitutional, I would vote for it as long as I can't get anything else, but I don't believe it and I shall vote with the Senator from Knox.

Mr. STAPLES: Mr. President. That the remarks of the Senator from Penobscot may not be misleading—I with him am in favor of a national income tax and I think we will manage to get it before we get through.

Mr. GOWELL of York: Mr. President: I will say that the Senator from Penobscot has made my speech. I haven't any to make at the present time. But I want to go on record as being in favor of a national income tax, and I supposed that was the one we were to consider at this session, and as we all know it is only a few days ago that we expected it to come before us in that form. While I have not looked into the matter enough to discuss the Bill with very much intelligence, I know there is a great deal of doubt on the part of many attorneys as to some phases of the Bill, and I will say that if the Bill is to be passed it is essential that it should be amended, I think. I want to vote for the amendment if that is the only Bill that will be passed, but I shall vote with the Senator from Knox for indefinite postponement, and then I hope the Senate will take up in some form the resolution which has been before it in regard to ratifying the amendment to the United States Constitution.

Mr. IRVING of Aroostook: Mr. President: I don't know as I have got anything in particular to say to change any Senator's mind as to how he shall vote on this bill. It was the almost unanimous opinion of the Taxation Committee that the State income tax

bill was preferable to the Federal. However, I should feel, as the Senator from Penobscot and the Senator from York do, that if this Senate feels like voting this out here, I should feel like standing for the Federal income tax bill. But I do think that it might be advisable to allow this bill to pass. We have only got to pay that one year. It does not come into effect until 1912. And we can then investigate in regard to the working more fully of the Federal income tax. You know if we do vote for a Federal income tax bill, and the amendment is ratified and it becomes a constitutional law,—why, we have it hitched to us for all time and there is no way of changing. Now I think it might be well enough to allow this to pass and try it for one year, and then we could change it at the next session of the Legislature.

The question being upon the motion of the Senator from Knox to indefinitely postpone House bill 764, together with the amendments offered by the Senator from Aroostook, the yeas and nays were ordered and the secretary called the roll. Those voting yea were Messrs. Blanchard, Foss of Androscoggin, Foss of Cumberland, Fulton, Gowell, Hill, Leach, Moulton, Mullen, Osborn, Pendleton, Sanborn, Staples, Stearns, Theriault,—16. Those voting nay were: Messrs. Allan, Boynton, Dodge, Donigan, Farrington, Irving, Kellogg, Milliken, Noyes,—9.

So the bill was indefinitely postponed.

Mr. MILLIKEN: Mr. President: Is there not a national income tax law mixed up with this committee?

The PRESIDENT: Yes. The Chair now rules that the Senate may consider that part of the report that applies to the national income tax.

Mr. MILLIKEN: Mr. President: I move that the resolve giving Congress power to lay and collect a tax on incomes be adopted.

Mr. MILLIKEN: Mr. President: I want to say, as I said this morning, that I am going to vote for every income tax that I get a chance to vote for in the hope that we shall adopt something in the nature of an income tax before I go home. I voted for the state income tax this morning because it was the first that seemed to offer any

prospect of being adopted. Now that has been disposed of, and I am going to vote for this one, and if the motion prevails and it goes to the House I hope we shall reach some concurrent action before adjournment. I think everybody will agree that it will be a serious calamity on top of the other things that we have not done at this session if we should adjourn without endorsing some income tax.

Under suspension of the rules, the resolve received its two readings and was passed to be engrossed.

Mr. ALLAN of Washington: Mr. President: I move to take from the table the motion of Senator Kellogg which was to indefinitely postpone House Bill 746, An Act to grant to H. L. Gooch the right to maintain a dam on the East Machias river.

The motion was agreed to.

Mr. ALLAN: Mr. President: This bill gives Mr. Gooch the right to build a dam on the East Machias river and make some improvements on the river. I understand there is no objection there, but the objection comes to that part of the bill which allows him to collect toll on logs and pulp wood that go over his dam.

I hope the motion of the Senator from Penobscot will not prevail, and if it does not, I shall then offer an amendment cutting down the rate of toll 60%.

Mr. MILLIKEN: Mr. President: I think I can state this matter clearly before the Senate in just a few minutes. It is a case merely of H. L. Gooch asking for authority to build and maintain a dam in connection with his mill on the East Machias river. There is probably authority enough under the Mill Act for him to build the dam, as far as that is concerned, and that question was asked of his counsel before the committee. But Mr. Gooch, or his counsel, felt that perhaps there was some question about his authority under the Mill Act, in view of the fact that he could not get title to the land on the opposite shore from his mill. The committee had no objection to granting him authority to build the dam, but the committee did not feel that it was proper to grant him a toll upon all lumber and logs and pulpwood coming down into that mill

pond, coming down the river. Now it is urged in defense of the toll that charters have been granted giving a right to improve streams and charge tolls. There is no question about that. Various charters have been granted on various streams, and it is becoming the policy of the state to grant charters to public service corporations and charge them with the duty of improving streams to make them more navigable.

But I want to call the attention of the Senate to the fact that this is merely a charter for allowing Mr. Gooch to build a dam in connection with his mill, and while it is true that the bill included the authority to improve the stream for a short distance, about a mile and a half above the mill pond, it was not apparent that that was the main purpose for which toll was asked. And the committee felt that if this man were to be granted the right to charge toll on all the logs and lumber that came down into his mill pond from the fact that he had built a dam and connected it with his mill, as every mill owner does, every mill owner in the state who owns a dam in connection with his mill, might reasonably come here and ask for tolls on logs and lumber coming into his mill pond, on the ground that his mill pond facilitates driving. In most instances mill ponds do facilitate driving. They submerge some rocks. But it has not been held reasonable in this state to grant any toll for a mill dam.

Now on the question of the amount of toll. The amount of toll originally asked was ten cents a thousand on lumber and a corresponding amount on pulpwood. The amendment offered in the House and accepted there puts the charge up to twenty-five cents, which would be a large toll even for a long stream with extensive improvements.

Now gentlemen, I don't know whether I have made it plain—it is very plain to me with the experience I have had on the Committee on Interior Waters and my experience as a lumberman, that this toll ought not to be granted, and the committee reported the bill without the toll, giving him the right to maintain his dam, but not giving him toll. The disagreement is really

upon that amendment offered in the House. And I should not object to the bill going through without the amendment, but if the bill is to carry with it toll I hope the motion of the Senator from Penobscot will prevail.

Mr. ALLAN, of Washington: Mr. President: I will say that this bill has passed the House, and when the motion of the Senator from Penobscot was made the other day I knew nothing about the matter, but I laid it on the table.

It struck me that the rate of toll was too large, and after I talked with the gentleman who introduced the bill we decided to cut the rate of toll down to ten cents per thousand on logs and five cents per cord on pulpwood, and if the bill is not indefinitely postponed I shall offer that amendment.

Mr. KELLOGG, of Penobscot: Mr. President: I think this bill was before the committee twice. As I understand it, we will say that the stream runs the other side of this chamber. A man wants to build a dam right down here somewhere to flow the water back into this chamber. He has a mill over here. That is the proposition exactly. He is building this dam for his own benefit and he wants to charge toll on all logs that will come down through that dam, come down the river, where he is not supposed to make any improvements at all. All he has got to do is to put his gateway into the dam and let the logs go through the gates. He is not improving the stream one particle. This dam flows nearly up to the level, he wants to raise the dam so that it will flow up to about the level of the lake about a mile above his dam. He is not improving the stream above or below the dam. He is building a dam to float his lumber into this little logan hole, at his mill. I can see on reason why he should be granted toll.

Mr. ALLAN: Mr. President: In the bill it provides that he shall improve the river and in talking with some of the people who own timberland on that river, in talking with them this morning they said that this dam would be a great thing in driving the stream, that they had no objection to it whatever.

Mr. MILLIKEN: Mr. President: Of course any dam in one sense improves the stream as I said a moment ago, and



it may be he intends to blast off a few rocks above this dam, but this charter provides that that toll shall continue and that the maintenance of the dam shall come out of these tolls—tolls continue until the investment shall be discharged. On the question of the interest of the land owners I want to say that it didn't appear before the committee that the land owners knew anything about this matter. Nothing was introduced to show whether they objected or not. I have since been told that some of them have been seen and don't object, but we all know that the notice given was not sufficient to give notice to all land owners interested. This is a large river. There is a tremendous area of land above, and the pulpwood that comes down that stream can't be got to a railroad, if this bill goes through, without being subject to a toll of six cents per cord.

The question being on the indefinite postponement of the bill, a rising vote was had, eight voting in favor of indefinite postponement, and twelve against, the motion to indefinitely postpone was lost.

Mr. Allan then offered the following amendment: "Amend Section 3 by striking out the words "twenty-five" in the fourth line and inserting in their place the word 'ten,' and strike out the words "twelve and a half" and insert the word 'five.'"

The amendment was adopted and under suspension of the rules the bill was given its two readings and was passed to be engrossed.

The order passed in the Senate this morning in relation to the printing of 300 extra copies of the Record of March 21, came back from the House indefinitely postponed.

On motion by Mr. Gowell of York, the Senate voted to adhere.

The committee of conference on the disagreeing action of the two Branches on An Act authorizing the State land agent to sell certain property of the State at the Belgrade Fish Hatchery, reported that same "ought to pass as acted upon by the House."

Mr. MILLIKEN of Aroostook: Mr. President: The committee agreed upon this matter with the exception of my-

self. I am still unsatisfied, but will simply make that statement.

The report of the committee on conference was accepted.

An Act to provide for the payment of State aid for free High schools, out of the State school fund.

Mr. OSBORN: Mr. President: I understand that the committee on conference report that this bill be referred to the next Legislature.

I move to accept the report of the committee.

The PRESIDENT: The only report I find here is that the report was accepted in the Senate and then the bill came from the House referred to the next Legislature.

On motion by Mr. Osborn, the bill was referred to the next Legislature in concurrence.

An Act authorizing the State land agent to sell certain property at the Belgrade Fish Hatchery.

Under suspension of the rules, the bill was given its two readings and was passed to be engrossed.

Mr. BOYNTON of Lincoln: Mr. President: I ask consent of the Senate to present a resolve in favor of clerk and stenographer and the messenger to the Judiciary committee.

The original resolve has been misplaced and this one is substituted for that.

The resolve was received, given its two readings and passed to be engrossed under suspension of the rules.

An Act relating to the assessment of the county tax in the several counties for the year 1911, came from the House, passed to be engrossed.

Under suspension of the rules, the resolve was given its two readings and was passed to be engrossed.

An Act for the assessment of the State tax for the year 1911.

This bill passed to be engrossed in the Senate, came from the House amended by House amendment A.

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

**Passed to be Enacted.**

An Act to extend the charter of the

Dover and Foxcroft Water District.

Resolve in favor of Cordelia Andrews, widow of Freeman B. Andrews, came from the House, passed to be engrossed under suspension of the rules.

Under suspension of the rules. The resolve was given its two readings and was passed to be engrossed.

A recess was taken until five o'clock.

#### After Recess.

House document 91. Resolve ratifying the proposed amendment to the Constitution of the United States, giving Congress power to lay and collect taxes on incomes, came from the House amended by the adoption of House amendment A, "That the Secretary of State be directed to notify the Secretary of State of the United States of the passage of this resolve."

The amendment was adopted in concurrence.

Mr. STEARNS of Oxford: Mr. President: May I take from the table at this time the primary election bill tabled by me this afternoon? I will say at the time I tabled these matters I supposed they were the various reports upon the two primary election bills before the Judiciary Committee, that is, the Davies primary election bill so-called, and the Administration, or Pennell, or Clifford bill—been called by various titles—which was also before the committee. I understand that the majority report of the committee on the Administration bill has been accepted this afternoon in my absence. That being the case, the only thing now before the Senate is the Davies bill. This has two reports, the majority report, which is Report A, signed by the six Democratic members of the committee—I think this was divided in that way—and Report B, the minority report, which was "ought to pass"—the majority vote being "ought not to pass."

This, the Senate will understand, is the bill which comes under the initiative and the referendum. And if the Legislature should see fit to pass this bill, the bill would become a law; but if the Legislature refuses a passage to this act, then it goes to the people under the provisions of the initiative and

referendum. That must either become a law under the action of this Legislature or go to the people. I move, Mr. President, that the Senate non-concur with the House in the acceptance of the majority report and that the minority report of "ought to pass" be substituted.

The PRESIDENT: The Senator moves that we non-concur with the House in adopting the majority report of the committee on Judiciary, which was that the "Davies bill" ought not to pass. That report was accepted in the House; and he further moves that the minority report, "ought to pass" be substituted.

Mr. STAPLES of Knox: Mr. President: That matter was before the Judiciary Committee and I take the same position now that I did there. I was opposed to the primary election bill. I was opposed to the Pennell bill. I give my reasons. If you adopt the primary election bill it will be almost impossible for any man of moderate means to become a candidate for office. Why? Everybody who has been in politics any, to run for office, knows that it is a very expensive matter to get voters out at the polls. If you have a primary election bill, you have got, if you are a candidate, to go round your whole district and get the voters out to the polls for the primary election, or caucus, as we call it, the nomination of any candidate. Now anybody that has been in the business any at all knows that it would be very expensive to get them out at the primary in the first place. Then if you are unfortunate, or fortunate enough—it would depend upon the office somewhat—to be nominated, then you have got to go over the whole ground again to get them out at the election. I don't believe there is any call for it by the voters of the State of Maine. And it would operate in this way, that a man would have to be very wealthy, or quite wealthy at least, to be a candidate for office for the reasons that I have given.

I move that we concur with the House that the matter ought not to pass. Of course there is a referendum attached to both of them and they come before the people. I want to put myself on record as opposed to it for that reason. I move that the Senate con-

cur with the House, "ought not to pass."

Mr. MILLIKEN of Aroostook: Mr. President: I want to say just a word in answer to what the Senator from Knox has said. I want to put myself on record as being squarely in favor of the principle of direct primaries, and I don't think there is any force whatever in the argument he has advanced about the expense. The proposition is to give the people a right to express directly their choice.

Now the main difference, as I understand, between the two proposed bills, is that the so-called Administration bill confines the operation of this principle to nomination for governor, Representatives in Congress, United States Senators. I believe it would be a very foolish thing for this Legislature to go on record as endorsing the proposition which in effect says to the people of Maine, you may nominate the governor and representatives in Congress by direct primaries but we don't want you to nominate us by that method. And I am in favor of the Davies bill as opposed to the so-called Administration bill largely for that reason.

And I want to say further that I object to the proposition embodied in this so-called Administration bill which provides for an entrance fee of \$50— if you want to be a candidate for governor you will have to pay \$50, and so on down. I hope that the motion of the Senator from Knox will not prevail.

Mr. STAPLES: Mr. President: I want it to be understood that I am opposed to both of them, the Administration bill and the Davies bill. I voted against it in committee. If it comes to the people, I will vote against it there.

Another thing, the delegates are chosen by the people to a convention. They, or the people who nominate them, represent the party in each town. Each party is represented. I think it is safe to leave it in their hands.

The PRESIDENT: The Senator from Knox moves that the Senate concur in the action of the House in adopting the majority report of the committee on Judiciary.

Mr. STAPLES: Mr. President: And I will move that the vote on that propo-

sition be taken by yea and nay vote.

Mr. GOWELL of York: Mr. President: I was one member of the Judiciary Committee to sign the minority report on the Davies bill so-called, because that bill was presented with 12,000 signatures. We had so many primary bills before us that we thought that one would be sufficient, and that one must be considered any way under the law at the present time, come in under the referendum. For that reason some of us endorsed that bill because it must come before the people if it was not enacted into law at this Legislature.

Mr. STEARNS: Mr. President: I desire to inquire as to what report was accepted upon the so-called Administration bill which was passed this afternoon. I make that inquiry because there were three reports upon that bill submitted. There were reports A, B and C. Report A was that the bill ought to pass, signed by four members of the Judiciary Committee. Report B was ought not to pass signed by two members. And report C, ought not to pass, with a recommendation that unless the Davies direct primary bill so-called was enacted without any change, that the Pennell bill, so-called be submitted to the people with the Davies bill. My inquiry is as to which one of those three reports was accepted this afternoon.

The PRESIDENT: I think Report A. I am not positive. The question before the Senate is on the motion of the Senator from Knox that we concur in the action of the House in adopting report A, majority report of the committee on Judiciary.

The yeas and nays were ordered and the secretary called the roll. Those voting yea were: Messrs. Allan, Blanchard, Boynton, Dodge, Donigan, Farrington, Foss of Androscoggin, Fulton, Hill, Kellogg, Leach, Moulton, Mullen, Noyes, Osborn, Pendleton, Sanborn, Staples, Winslow,—19. Those voting nay were: Messrs. Gowell, Irving, Milliken, Stearns, Theriault,—5.

So the majority report was adopted in concurrence.

Passed to be Enacted.

An Act to amend Chapter 8 of the

Revised Statutes as amended by Chapter 136 of the Public Laws of 1909, Chapter 124 of the Public Laws of 1905, and Chapter 137 of the Public Laws of 1909, in relation to the collection of inheritance taxes."

"An Act to amend Chapter 80 of the Revised Statutes of 1903, as amended by Chapter 117 of the Private and Special Laws of 1905, relating to the expenses of the County Commissioners of Cumberland County;"

"An Act to consolidate the State Water Storage Commission and the State Survey Commission, and to amend certain sections of Chapter 212 of the Public Laws of 1909, creating a State Water Storage Commission, and repealing Chapter 99 of the Public Laws of 1899 and Chapter 144 of the Public Laws of 1905."

**Finally Passed.**

"Resolve in favor of the city of Oldtown;"

"Resolve in favor of the clerk to the Committee on Agriculture;"

"Resolve in favor of the Washington State Normal School;"

"Resolve in favor of Juliette Moody;"

"Resolve in favor of the chairman of the Committee to attend the funeral of the late Amos Allen;"

"Resolve authorizing the County Commissioners of Cumberland County to secure plans for a bridge."

Mr. OSBORN of Somerset: Mr. President: I desire to ask to be excused from further service on the special committee on State finances. I understand there will be some work for them to do a little later on, and it will quite inconvenience me to attend to it.

The request of the Senator was granted, and the President appointed in his place upon the committee Mr. Noyes from Kennebec.

A recess was taken until eight o'clock this evening.

**EVENING SESSION.**

Thursday, March 30.

Senate called to order by the President.

**Passed to Be Enacted.**

An Act to amend chapters 8 and 9

of the Revised Statutes relating to the duties of the State and local assessors.

An Act additional to chapter 144 of the Revised Statutes, in relation to commitments to the Insane Hospitals.

An Act to regulate the number, also the number of pounds, of land-locked salmon, trout, togue and white perch which can be taken or had in possession in any one day by one person.

An Act to amend sections 34 and 35 of chapter 16 of the Revised Statutes relating to conveyance of pews in meetinghouses to organized parishes or incorporated churches.

An Act to amend and extend the charter of the Dover and Foxcroft Water District.

An Act to incorporate the Sandy River Power and Development Co.

An Act relating to the supervision of the business of plumbing.

An Act for better protection of shell fish within the town of Pembroke, in the county of Washington.

**Finally Passed.**

Resolve in favor of the erection of a suitable monument to Commodore Samuel Tucker.

Resolve in favor of Chick Hill Road, in Penobscot and Hancock counties.

Resolve in favor of the Children's Hospital, Portland.

Resolve in favor of J. P. Tucker, Secretary of the Committee on School for Feeble Minded.

Resolve in favor of State House employees.

An Act for the assessment of State tax for the year 1911, came from the House, amended by House amendment B, "Amend said act by striking out all after title and before the enacting clause; amend Section 3 by striking out the word 'April' in the first line and inserting the word 'July;' amend Section 4 by striking out the word 'April' and inserting the word 'July;' amend by striking out Section 8."

Mr. MILLIKEN of Aroostook: Mr. President, what is the effect of striking out Section 8?

The PRESIDENT: Section 8 is "This Act shall take effect when approved." Is it the pleasure of the Senate to recon-

sider the action whereby this bill was passed to be enacted?

Mr. MILLIKEN: Mr. President, is there another amendment as well as this one?

The PRESIDENT: Amendment A was adopted this afternoon.

Mr. MILLIKEN: Mr. President, may I ask before the vote is declared on reconsideration, if someone will explain the purpose of the amendment? An amendment was passed this afternoon and I understand the effect of this passed this afternoon and the one here tonight raises the taxes from five mills to six mills, and puts it off until July 1st instead of when the bill is approved; takes out the emergency clause.

The PRESIDENT: That is correct.

Mr. MILLIKEN: Mr. President, will someone explain the purpose of the amendment?

Mr. STAPLES: Mr. President, I understand that the purpose of the amendment is this: We find ourselves confronted with a proposition of indebtedness of a million dollars of money for matters that are unpaid, bequeathed to this administration, and it is deemed advisable to pay the million dollars of indebtedness, unpaid warrants and the other debts we are confronted with at this time. I understand six mills will cover all of that amount, this indebtedness that has been bequeathed to us by the former administration. It is the purpose to make the six mills for 1911 and four mills for 1912. If we raise six mills this year we will have wiped out the indebtedness that is confronting us. We want to pay the debts that we are up against, and I do not suppose there is any Republican in this body who will object to our paying these Republican debts.

Then when that is wiped out we believe that four mills for 1912 will pay all the running expenses of the State, and in two years—while the first proposition was for five mills for each year, a tax of four mills for 1912, we claim, will take care of the running expenses of the State by using economy for that year.

Mr. MILLIKEN: Mr. President, I always have a thirst for useful information and will the Senator from Knox be kind enough to tell me how far short

the ordinary revenues of the State at five mills for 1911 would come to paying these debts that confront this administration?

Mr. STAPLES: Mr. President: Well, I should say, considerable. I have not computed it, but to quite a large sum. I stated before that 6 mills would pay the indebtedness that we are up against and that was bequeathed to us, and 4 mills would pay the running expenses for 1912.

Mr. MILLIKEN: Mr. President: May I ask the senator through the Chair, assuming that he is speaking for the administration, when it is proposed to use this 6 mills to pay these bills?

Mr. STAPLES: Mr. President: I will say as soon as we can collect it.

Mr. MILLIKEN: Mr. President: I would like to ask the senator when that will be.

Mr. STAPLES: The first of July.

Mr. MILLIKEN: This year, 1911?

Mr. STAPLES: Yes.

Mr. MILLIKEN: Mr. President: So far as I know the Governor has distinctly recommended to the Legislature that the tax rate for 1912 be 5 mills. He recommended in his first message that the tax rate for 1911 should be 5 mills and expressed the hope that for 1912 it would be 3 mills. He called the Legislature together the other day for the sole purpose of informing us the tax rate for 1912 was to be 5 mills. I would like for some one to tell me whether this proposition has come from the Governor, for if it has he must be operating through some caucus or some selected coterie or leaders of the party.

Mr. STAPLES: Mr. President: I understand it has been the desire of the Governor, there has been so much said about unpaid claims, that after consultation with the leaders of the majority party of this Legislature, it was deemed wise not only by the Governor but also by the leaders of the party, that we pay all the debts that we can, and we are willing to take the responsibility of paying these debts that have come to us from the previous administration.

For heaven's sake, is a man going to stand up here and object to our paying your debts? You have told us

a great deal this winter about debts. We have cut down the appropriation for the Home for Feeble Minded, and other matters. Why? We have cut down the appropriation for these things because we have to pay these Republican debts. We have cut down the appropriations for all the beneficiary institutions of the State, not because we wanted to but because we have to pay the debts of the Republican party, and does that party object to our paying their debts? If they do, it is a strange idea, and I can't see why they should object.

Mr. MILLIKEN: Mr. President: I have not begun to object. I am searching for information. I understand from the last remarks of the senator that the Governor has changed his mind since his address of the other day and thinks he is wrong.

Mr. STAPLES: Mr. President: I don't know about that, as good men as you and I sometimes change their minds.

Mr. MILLIKEN: Now Mr. President, this suggestion comes to me as a complete surprise. I did hear some time ago that there was a proposition to meet in the committee of ways and means and report such a rate for 1911 and 1912. I understand that idea was abandoned, and the committee made a unanimous report of the 5 mill rate for both years.

The Governor assembled the Legislature and announced the tax rate would be 5 mills for each year. Each town has made its plans on the basis of a State tax rate of 5 mills. Now at this 11th hour a new scheme is suggested, or a return to the other scheme.

I got here yesterday morning about 7 o'clock and was here until about 12 last night to close up some matters. I saw evidence of a conclave, but did not realize until today what it was.

I wish to say a few words on paying Republican bills, and on the very vague suggestion made that the revenues for 1911 would not be sufficient, and then on this proposition to levy 6 mills for 1911.

I want to say right here that as I view it this 11th hour proposition is a very fitting close, a dramatic climax.

to this farce of economy and this talk about paying Republican bills that has been kept up throughout this session. I will say now that in my judgment, if this proposition comes from the Governor, it is purely for politics, a last attempt to change his mind, or that he has made a mistake.

On the first question of the revenues of this year and the Republican bills to be paid, I have it from the very best authority, from the committee on appropriations and financial affairs, that based on the ordinary revenue which we might expect for 1911, and the appropriation which the committee expected to be made something like a week or ten days ago, there would be a deficit of something over \$400,000. That is allowing for the payment of all claims that have come over from last year; with the appropriations the Legislature has made for 1911, the revenues of the year would be insufficient by something like \$400,000. Of course \$300,000 would be taken care of by carrying over into 1912 the \$300,000 temporary loan, which I understand it is intended to do. It is also apparent that not all of the appropriations which the committee reported on have gone through, to the amount of at least \$50,000. Taking out this \$400,000 and the \$50,000 of resolves that have not gone through, we now find we have \$50,000 to take care of.

It is well known to every member of this Senate, and was stated by the taxation committee some few days ago, that very important increases have been made in the revenue from the railroad, telegraph and telephone companies, passed through on emergency measures and available to the amount of \$180,000 each year for two years. There is a great deal more than enough for the deficit in prospect for 1911.

The first objection I have to this scheme, aside from the trouble to the towns throughout the State, is the opinion I have formed upon the best information I can get that no such thing is necessary; that the ordinary revenues of 1911 will take care of the expenditures of the government and any deficit that may exist by

carrying over the loan of \$300,000 to the next year.

What will be the effect of this change, assuming that there is a deficit to be taken care of in 1911? This thing is proposed and advocated upon the ground that it will permit the payment of these so-called Republican bills this year, and the senator says: "Will any Republican get up and object to the payment of these bills this year?"

What is the actual effect to be? Everybody knows, I suppose, who has looked into the question of raising revenue for the State and the expenditures of the State, that the money that comes in from State taxation is not available and in the State treasury until the first of January of the following year. It is true the tax is committed on July 1st, but it is also true, as every senator no doubt knows, that the money does not get into the possession of the State until the first of the following year. And everybody knows who has followed the workings of this tax rate and the expenditures of the State, that the tax rate for the current year, in this instance 1911, determines not the amount of revenue available for that year but the amount available from taxation for the following year.

A great deal has been said about the last administration, comparing it with this, and I want to compare for a moment the revenue the last administration had to work on in 1909 and 1910 compared with the prospective revenue of the present administration. During 1909 Governor Fernald had for available revenue from direct taxation the amount produced from the State tax of 1908, assessed on the valuation of 1906, at the rate of three mills on the valuation of 1906, \$294,732,990. This three-mill tax produced revenue of \$1,134,198.97 and was the revenue available for 1909, and it came into the State treasury January 1, 1909. The Fernald administration had to do business with, during 1910, a revenue from the tax assessed not that year, but from the tax assessed for 1909, a rate of three mills on a valuation of \$428,212,465, and that tax produced \$1,284,637.40, making the total amount of the revenue from State taxes available for use by the Fernald administration during the two years of 1909 and 1910 \$2,468,836.37.

Let us look at the prospective revenue

of the Plaisted administration for 1911 and 1912. The tax rate for 1910 of five mills and the revenues collected by that tax which came into the treasury the first of January of this year is the amount available for this year, and that amount is fixed, which is five mills upon the valuation of 1908, \$428,212,465, producing a revenue of \$2,141,062.33. Assuming that the tax rate for this year is five mills, and that the tax is collected and comes into the treasury on the first of January, 1912, the available revenue for the Plaisted administration during the second year will be five mills upon the valuation of 1910, \$451,780,119, producing a revenue of \$2,258,900.59, or a total for the two years of \$4,399,962.92.

That is the total revenue that the Plaisted administration will have for the two years from direct State taxes. Compare that with \$2,468,836.37, which the Fernald administration had available for two years. There is something to take into consideration when they talk about Republican bills and deficit. I was going to allude somewhat fully to that the other day in connection with another matter when the senator from Knox interfered and I refrained. I pointed out the other day that this Legislature has declined to appropriate anything for new buildings for State paupers and for roads and bridges, a total of practically a million and a half dollars of appropriations made by the last Legislature for purposes for which this Legislature has made no appropriation at all.

I have just shown that from the proceeds of the State tax assessed in 1910 and 1911 which will be available on the first of January, 1911, and the first of January, 1912, respectively, the Plaisted administration will have a five-mill tax for each year, under the original plan of a five-mill tax rate for both 1911 and 1912, almost twice as much revenue available as the Fernald administration had.

What is to be the effect of raising this 1911 tax rate to six mills? It will be precisely this: It is going to give the Plaisted administration 11 mills of tax to spend, namely, the five mills which was raised in 1910, assessed, and was available the first of January, 1911, which will be spent during 1911, and the six mills raised

in 1911 and available the first of January, 1912—and they will leave for the following administration—whoever comes in January 1st, 1913—an available tax of only four mills from a tax rate of four mills assessed for 1912 but not available for use until January 1st, 1913.

I do not assume to know whether this is a political suggestion or not, but if it is only designed to produce revenue during 1911 to pay Republican bills, as the senator says, that accrued during 1910, it is unwise for two reasons. First, because the necessity does not exist and if it did exist this proposition would not have the desired effect. But the effect is to be to enlarge by just that amount the available funds for the Plaisted administration, and to decrease the available funds for the following administration. I think we shall hear, if this is adopted, in the fall of 1912 the Democratic party asking the people to look at the magnificent results the party has accomplished, the reduction of the tax rate in 1912 to 4 mills, and that it is on the basis of Democratic economy, when the real fact will be just the contrary, namely, that 6 mills was put back to 1911 in order to have that extra mill of revenue to spend in 1912, and the following administration beginning Jan. 1, 1913, will be doomed to get along in 1913 with 4 mills from the tax of 1912.

Now this has been put up to me within a very few hours, and I heard it as a serious proposition for the first time this afternoon. I am very much astonished at the suggestion coming at this late hour, and if the Governor had intended a different policy, this either shows his ignorance or a desire to play politics. I believe, in the light of this last proposition, this finale to the farce played here, when he told you of the necessity for economy and the saving that has been made by this Legislature, he tried to frighten everybody with a bogey man, in order that somebody may satisfy his vanity by pointing to the large balance in the treasury Jan. 1, 1913.

I want to say now that whoever is asked to admire that balance when the time comes, should remember how it

was procured, for throughout this Legislature we have heard no suggestion of an increase in the tax rate to pay Republican bills. Deliberate injustice has been done here in the name of economy to every interest in the State. If it were true that the tax of 6 mills for 1911 would have paid these bills in 1911, and if it were true that this tax was to be assessed, why not have been fair and honest from the beginning and have advocated that extra mill for 1911 with a 5 mill tax in 1912, on the theory that with that tax proper and adequate appropriations might be made?

I will say this: That the only effect of this change and the effect I believe is intended, will be to add to whatever balance there might otherwise be in the treasury Jan. 1, 1913, the sum of approximately \$451,781.12, or the extra one mill of available revenue which the Governor will gain by this proposition. The other effect will be to enable the Democratic orators to compare a 4 mill tax rate in 1912 with this 6 mill rate in 1911 and to restrict the following administration to a decreased revenue for 1913 and put it up to them that they must reduce their tax to 4 mills for 1913 and 1914 or they will be liable to the charge of extravagance if they do put their tax rate back to 5 mills where it is now.

Mr. STAPLES: Mr. President: The senator says that he is somewhat surprised and I know that he is. I am aware that he expected that the Democratic party, the majority in this Senate, would not have the courage to raise the tax rate to 6 mills to pay the debt that the Republican party bequeathed to them. You must recollect that Governor Plaisted found the treasury of the State in a greatly different condition than the Fernald administration found it. It is a fact that there was \$568,000 in the treasury besides the mill tax and all the other tax you raise. You dissipated that, you ran us in debt a million or more and we are trying to pay it, and we have the courage to say to the people of the State that we will pay those debts for the good name of the State and not have anybody's warrants lingering along in



the face of the voters and taxpayers of this State.

What is the fact about this? A few days ago the senator and myself agreed that it was bad policy to transfer to the next Legislature certain honest debts, and he agreed with me at that time, rather than postpone those matters that it would be better to raise the tax two mills on the dollar and pay them up. That is the fact about it. I haven't any doubt but what the senator from Aroostook if we hadn't taken the emergency clause out, when he had a good chance he would have killed the whole bill. We got scent of what he was after, and we think it is the consensus of opinion not only to the leading Democrats of the State, but to the business men of the State, Republicans as well as Democrats, that we should make some provision to pay those debts that have been forced upon us to pay by the administration of the Republican party. What is the fact about it? The appropriation made this year amounts to about \$4,000,000. There are about \$400,000 in warrants drawn by the last administration when they didn't have a dollar in the treasury to pay them with. Those men need their money and we, the majority party, say to you that they ought to have it. We must pay them immediately, and we shall pay them this year. It is a business proposition. I know it takes the wind out of the sails of the Republicans for they wanted to make campaign material out of it. Oh, no, you have all you could attend to to patch up and get the men of the State to forget the great heritage you transmitted to the majority party now in power.

Six mills will bring an income from taxation of \$2,720,000, by actual figures that I have in my hand. There ought not to be any politics in this matter. I am very sorry if we have taken the wind out of the Republican sails. I shall go home rejoicing that for once I stood upon the floor of the Senate, a member of the majority party trying to do something to build up the business of the State. And so we are going to pay the people who hold these \$385,000 worth of warrants, some of which have stood for six months. We

say it is wise and good business policy for the majority party, or any party, to pay their debts. They should be paid this year, and we are going to pay them. I hope we will have in the treasury of the State when we get through this administration of two years a goodly sum in the treasury. We regret that we had to cut down the appropriations as a matter of necessity. It was not our choice. If we had had money enough we would have given some, particularly to the most deserving institutions, but we could not do it. We will raise enough money to pay this Republican indebtedness and carry on the administration on 6 mills for this year, and the people of the State regardless of party will say "well done, good and faithful servants!"

I am surprised at the course taken by the Republican minority. I am aware they were in hopes we would keep on the emergency clause so that they could kill the bill that way. We caught on, and while the emergency clause could not be left on we are bound to pay this debt, and there are not Republicans enough in the Senate to hinder us. If you had the power, according to your own conversation, you would refuse to pay these debts, debts of your own contraction. You should thank the Democratic party that is going to pay the debts you contracted.

I am ready to take the consequences, and will say to you that you cannot make any campaign capital out of it. I am willing to go on the stump and tell just what we did, and when I tell the people what you did you will look like a thirty cent piece.

Mr. MILLIKEN: Mr. President: May I ask the senator a question?

Mr. STAPLES: Any amount of them.

Mr. MILLIKEN: Mr. President: I understood the senator to make some reference to the lost emergency clause, as though that made any difference as to the time the income from the tax is available. Does it make any difference?

Mr. STAPLES: Mr. President: Of course it does, for we purpose not only to say we will pay these debts, but we are going to raise the revenue to

do it, we are going to have the tax assessed and the money put into the treasury.

Mr. MILLIKEN: Mr. President: Another question. When, in the opinion of the senator, is the money from the tax of this year coming into the treasury?

Mr. STAPLES: Mr. President: Sometime in the early fall. If it had not been for you and those whom you represent we would have had an emergency clause on the bill and had the money here a good deal earlier, but because you have hindered us these men must wait longer.

Mr. MILLIKEN: Mr. President: I must ask the pardon of the Senate for asking a few questions. In the judgment of the senator from Knox would the money have come into the treasury earlier had the bill gone through with emergency clause?

Mr. STAPLES: It would have come sooner.

Mr. MILLIKEN: How much sooner?

Mr. STAPLES: I don't know.

Mr. MILLIKEN: Mr. President: The Senator has said that we must have this done in order to pay these poor people who are waiting for their money. I would ask the Senator whether or not it is a fact that a balance has been carried in the treasury since the first of January of from \$200,000 to \$300,000

Mr. STAPLES: I don't know.

Mr. MILLIKEN: Mr. President: I would like to ask the Senator if he knows what the average balance in the treasury has been.

Mr. STAPLES: Mr. President: All I know, I know what the balance was when Governor Fernald came in, \$586,000. I don't apprehend the Republican party has had much of any balance the first of January any year.

Mr. MILLIKEN: Mr. President: If it is a fact that the State treasury has carried an average balance of two or three hundred thousand dollars since the first of January, wouldn't it be a good idea to commence paying some of these people,—if they have had the money since that time? And having that money, is it not a mistake not to have paid those people

The Senator has alluded to some scheme he thinks he has discovered towards stop-

ping this bill. We know perfectly well we cannot stop anything the Senator and his party desire to put through.

We do desire to express, in view of this sudden and strange procedure, our views. We want some of the members of the majority party to understand that although we come from the country we can see through a ladder. The Senator has said a good deal about what has been spent by the past administration and what will be spent under this administration. The last administration had six mills from the State tax to work with, three mills each year, assessed on a lower valuation. This administration will have ten mills assessed on a higher valuation, and this proposition here is simply to ask for eleven mills for this administration instead of ten mills. That is all there is to it. I am free to say that I am disgusted with the shifting policy that seems to have been pursued by the administration. It is not dignified. The Governor made a suggestion about taxation in his inaugural address and called the Legislature together lately for the purpose of making another declaration, and now he has turned another somersault and expressed his views through some conclave or gathering of distinguished men of his party.

I do not care to argue this matter any further, but simply want to say, as I said in the beginning, that in my opinion it is pure politics and a pure, unadulterated attempt to be able to point with pride two years from now to a balance in the treasury, or a record, or something that has been created in this way; that to my mind is not candid and in my judgment is not sincere.

Mr. STAPLES: Mr. President: I want to answer one question as to how much money there is in the treasury at present and why we have not paid these bills. The fact is the treasury has just about money enough to pay the legislators and send them home. Now I suggest another thing that may be feasible and proper, and it is this, if we raise a tax of six mills to pay this indebtedness, I have no doubt but what the Governor and Council, if they have faith enough in the people of the State of Maine, if we raise the mill tax to six mills, enough to pay this indebtedness, that money can be borrowed and those warrants

that have come down to us unpaid, can be paid, and they will be paid.

Mr. MOULTON: Mr. President: I rise to a point of order.

Mr. MILLIKEN: Mr. President: I rise to ask a question.

The PRESIDENT: The Senator may ask one question.

Mr. MILLIKEN: Mr. President: I want to ask a question about this new suggestion that money can be borrowed. How will that be done?

Mr. STAPLES: I am not going to tell you. This party in power has ability enough to borrow money and pay its debts.

Mr. STEARNS, of Oxford: Mr. President: I promise you, sir, and the Senate, that I will only take a moment, but I do wish that single moment. I simply say this, that I understood the Senator from Knox the first time he spoke upon this proposition, to suggest that one of the reasons for the increase in the tax rate was because there has been said so much about claims that they thought they would increase the tax. I assume he has referred to certain claims which were argued upon the floor of the Senate a short time ago.

I have not been known this winter, I think, for my much speaking. I have only spoken a few times. I asked the indulgence of the Senate one time while I urged the payment of bills I believed to be honest bills, and the Senator from Knox agreed with me, and the Senator from Penobscot, but we were told that they could not be paid because they had not the money and must pay the old debt, and the suggestion was that the tax rate could not be increased, for I suggested that proposition at that time. It does occur to me it would have been fair and just had we understood that the tax rate was to be increased so that we might have said that these bills, acknowledged to be honest bills, which the Committee on Claims acknowledged to be honest claims, could have been paid by the Legislature, and this excuse made here would not have been necessary.

The question being upon the adoption of House Amendment B, the amendment was adopted, and the bill as amended under the suspension of the rules received its two readings and was passed to be engrossed.

#### Passed to Be Enacted.

An Act to appropriate moneys for

the expenditures of government for the year 1911.

An Act to appropriate moneys for the expenditures of government for the year 1912.

These two bills containing an emergency clause, a rising vote was taken upon their passage, and 24 voting for their passage, and none against, they were passed to be enacted.

An Act to incorporate the Anson Water Company.

An Act to amend Section 50 of Chapter 51 of the Revised Statutes, relative to the duties of railroad commissioners.

An Act relating to the removal of county attorneys by the Governor.

An Act to amend Section 34 of Chapter 15 of the Revised Statutes, relative to the election of the superintendent of schools.

An Act to confirm and make valid the organization and proceedings of the Franklin Power Company.

An Act amending law relating to ward lines relative to wards of cities.

An Act to provide a close time on wood ducks, so called.

#### Finally Passed.

Resolve in favor of clerk, stenographer and messenger to the committee on appropriations and financial affairs.

Resolve on the pay roll of the Senate.

Resolve in favor of Louise E. Cartley, for stenographic services to committee on Agriculture.

Resolve in favor of the Arcostook State Normal School.

Resolve in favor of the Central Maine Fair Company, and repealing resolve in favor of the Central Maine Fair Association.

An Act to amend Chapter 80 of the Revised Statutes of 1903 as amended by Chapter 117 of the Private and Special Laws of 1905, relating to the expenses of the county commissioners of Cumberland county.

This resolve came from the House, recalled from the Governor, endorsed "indefinitely postponed."

The Senate reconsidered the action whereby they passed this bill to be enacted and then indefinitely postponed the bill.

Resolve providing for carrying on the work of the State Survey Commission, came from the House, recalled from the Governor and indefinitely postponed.

The Senate reconsidered the action whereby the resolve was finally passed, and concurred in the action of the House in indefinitely postponing the resolve.

An Act relating to abandoned burying grounds, came from the House, recalled from the Governor, and indefinitely postponed.

The Senate reconsidered the action whereby the bill was passed to be enacted.

Tabled on motion by Mr. Gowell of York.

The PRESIDENT—I am glad to announce that the desk of the Senate is clear.

Mr. GOWELL of York—Mr. President, I ask unanimous consent to present an order out of order:

“Ordered, that the gavel which has been wielded so fairly by President Clifford in preserving order throughout the present session, be presented to him.” I move that the order have a passage.

The PRESIDENT—I am somewhat overcome by that order, and being a modest man, request that the secretary of the Senate make that motion.

The secretary of the Senate put the motion, and upon a rising vote being taken the motion was unanimously adopted.

The PRESIDENT—The President wishes to say that he appreciates very much the acts of the members of the Senate, and he only hopes that he will be able to have as many good friends in the future as he has had during the last three months. (Applause.)

Mr. STAPLES of Knox—Mr. President, It occurred to my mind, while

I don't make any motion to that effect, if I were to come here another term and the Senator from Aroostook should come, I should want a gavel myself.

Mr. GOWELL of York—Mr. President, We have all heard during this session about the bequest from the last Legislature of a million and a half of debts. This is not politics, but we have not heard anything about the million and a half of dollars in new buildings which the last Legislature will have as a monument to its expenditures, nor anything about the \$350,000 spent on this State House, of which we are all so proud, and the members of the last Legislature take just as much pride in the manner in which that money was expended as we do. I hope the Senator from Knox will tell his people what has been done with this money and what we have to show for it, and I hope in the next Legislature he will not have to speak of the matters referred from this Legislature to that one. I have appreciated the Senator's remarks very much, but I hope he will tell them about some of the good things this Legislature has done, if he is fortunate enough to be here—and I think he will, for if we are to have a Democrat from Knox county, I do not know of anyone I would rather have to represent that county than my venerable friend from Knox county.

Mr. STAPLES—Mr. President, I should have been much pleased with the Senator's remarks if he had not called me venerable.

Mr. GOWELL—Mr. President, I intended to convey the idea that the Senator was venerable only in experience and service.

On motion by Mr. Mullen of Penobscot,

Adjourned.