

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

**SENATE.**

Thursday, March 13, 1913.

Senate called to order by the President.

Prayer by Rev. Robert Lawton of South Gardiner.

Journal of previous session read and approved.

The following resolution came from the House, read and passed by that branch and sent up for concurrence, and was read by the secretary:

Whereas Chapter 39 of the Public Laws of 1911, requires the weekly payment of wages by the State, its officers, boards and commissions to every mechanic, workman and laborer who is employed by it or them,

And whereas it has been made known to this Legislature through a communication received from the State treasurer that the State, its officers, boards and commissions are not complying with this law that mechanics, workmen and laborers so employed do not receive their pay oftener than once a month.

And whereas it is not creditable to the State, its officers, boards and commissions to disregard and nullify a law that is enforced upon others less able to comply with it,

Therefore, be it resolved that the commissioner of labor and industry be and hereby is instructed to bring this matter to the attention of the Governor with the object of having the law complied with, at least, insofar as it applies to mechanics, workmen and laborers by a monthly salary.

Mr. DUTTON of Kennebec: Mr. President, for the sole purpose of having an opportunity to read this resolution myself and study the scope of it, I move that it be laid on the table.

The motion was agreed to.

An Act permitting the town of Pittsfield to obtain a supply of pure water.

This bill was introduced in the House, under suspension of the rules on the 11th day of February, and sent up to the Senate for concurrence.

In the Senate unanimous consent was denied. The bill came from the House, that branch insisting upon its action and asking for a committee

of conference. On motion by Mr. Colby of Somerset, the bill was tabled.

An Act to incorporate the Pittsfield Water District.

This bill was introduced in the House, under suspension of the rules on the 11th day of February, and sent up to the Senate for concurrence.

In the Senate unanimous consent was denied. The bill came from the House, that branch insisting upon its action and asking for a committee of conference. On motion by Mr. Colby of Somerset, the bill was tabled.

**House Bills in First Reading.**

An Act authorizing the Atlantic Shore Railway to increase its capital stock. (House Amendments A and B adopted in the House. Pending the adoption of the amendments on motion by Mr. Emery of York, the bill and amendments were tabled and specially assigned for next Wednesday).

An Act for the improvement of streets. (Tabled on motion by Mr. Murphy of Cumberland pending commitment to the committee on bills in second reading).

An Act to authorize Hernando E. Allen to erect a wharf in tide waters at Starboard, town of Machiasport.

An Act to amend Chapter 40 of the Revised Statutes, as amended by Chapter 46 of the Public Laws of 1907, Chapters 70 and 257 of the Public Laws of 1909, and Chapters 55, 118 and 143 of the Public Laws of 1911, relating to the issuing of age and schooling certificates.

An Act to extend the jurisdiction of the Kennebec County Agricultural Society.

An Act relative to sealing milk bottles and jars.

An Act to authorize the Calais Street Railway Company to sell electricity.

An Act to authorize the towns of Mexico and Rumford in the county of Oxford to purchase the toll bridge between said towns erected and owned by the Mexico Bridge Company.

An Act to amend Sections 41, 42, 43 and 44 of the Revised Statutes as amended relating to the employment of superintendents of towns composing school unions.

An Act to revise the charter of the city of Eastport.

An Act to extend and amend the charter of the Brewer Water Company.

An Act to authorize the extension of a wharf in tide waters of the town of Lubec in the county of Washington.

An Act to extend the rights, powers and privileges of the Barrows Falls Light and Power Company.

An Act to renew and extend the charter of the Androscoggin Valley Railroad Company.

An Act to amend the charter of the Central Maine Power Company.

An Act to incorporate the Kingman Telephone Company.

An Act to extend the charter of the Lubec, East Machias and Machias Railway Company.

An Act to amend Chapter 5 of the Revised Statutes relating to Boards of Registration.

An Act to incorporate the Sullivan and Sorrento Electric Light and Power Company.

An Act to amend Chapter 173 of the Private and Special Laws of 1887, relating to the Cornish Village Improvement Society, and to make valid the organization of said society, incorporated under said chapter.

An Act relating to rebating and twisting of life, personal, accident and health insurance.

Resolve in favor of unpaid bills on the Van Buren Bridge.

Resolve in favor of repairing bridge in town of Amity.

Resolve in favor of a survey for a bridge between Madawaska, Me., and Edmundston, N. B.

Resolve in favor of aid in repairing highway in town of Grafton.

An Act to authorize the York Light & Heat Company to furnish electricity to the inhabitants of Pine Point and Grand Beach.

An Act to revive the organization and amend the charter of the Hiram Light & Power Company.

An Act to incorporate the Harrison Water Company.

Majority and minority reports of the committee on inland fisheries and game on bill, an Act to provide a close time on bull moose. Majority report

"ought to pass." Minority report "ought to pass in a new draft."

In the House the minority report "ought to pass in a new draft" was accepted.

The pending question was the adoption of the minority report in concurrence with the House.

Mr. ALLEN of Kennebec: Mr. President, I move that we concur with the House in adopting the minority report.

Mr. President, I see that the senator from Franklin is standing. Is there anything special?

The PRESIDENT: The Chair will state that under the prevailing practice the Chair will recognize the chairman of the committee reporting a bill.

Mr. ALLEN: Do I have the floor, Mr. President?

The PRESIDENT: Yes.

Mr. ALLEN: Mr. President, I cannot speak when the senator is standing. (Laughter.)

Unfortunately for me, I have a little attack of indigestion, this morning. If I were not anxious for this bill to move along, I would have it tabled. However, it was not caused by the moose question.

In regard to this question, gentlemen, I will state in the first place that the committee gave a prolonged hearing and in this hearing many things developed in regard to the moose law. I will be frank in saying that personally before this hearing I felt that possibly a close time would be preferable, but after what developed at the hearing, I felt obliged in all fairness to what I considered the best interests of our fish and game, game especially, in this line, and I signed the minority report.

It was not proven to the satisfaction of all members of this committee that a close time for a period of years on moose was the proper thing. To be sure, we learned from this hearing that from the county of the senator from Franklin they have disappeared from that locality. They have disappeared from some other localities in our State, but have not left the old State of Maine.

That is some of the enlightenment that has been brought out to this commit-

tee, and in substantiating this fact, I will call your attention to the shipments of moose some of the past years as recorded by the express company of our State and reported to the commission: In 1903 there were 232 moose shipped; 1904, 222; 1905, 207; 1906, 238; 1907, 255; 1908, please note this, 151, in 1908; in 1909, 185; 1910, 225; 1911, 253; 1912, 218.

You will notice, gentlemen, that in the last three years, 1910, 1911 and 1912, they exceeded the years 1908 and 1909 by quite a large number. In those years, 1908 and 1909, if I remember correctly, there was not a report here before this Senate calling for a close time on bull moose. While they did not get quite so many those years, yet if they had come and called for it at that time, claiming that the moose were being killed off, the report of the years 1910, 1911 and 1912, would have contradicted fairly and squarely any claim of that kind.

We learned from this hearing that in the eastern part of the State the moose are thicker than they ever have been in the remembrance of the people located there. We learned, considering the fact that moose are thick in the eastern part of the State, that many guides and camp owners have built camps, and are preparing to take care of the sportsmen hunting moose. They say to us this: "Why did we not come up and call for a close time on moose when we did not have any in Somerset and Franklin counties, and the northern part of Penobscot county was overrun. The moose were in the State then and they are in the State now.

I submit to you, gentlemen, as they did not call for a close time in those years when they did not have any moose, is it just and fair that we now close the best hunting that Washington county and some parts of Aroostook county have ever known?

During the year 1912, the Maine Central, running into the eastern part of the State, handled 167 moose, while the Bangor & Aroostook only handled 51. What does this show? It shows a change of the haunts of the moose and that is all. In the year 1912 there were non-resident licenses issued to the number of 2529.

We learned, too, from the investigation of this question, that the Provinces are overrun with moose. And you stop and think; there is simply an imaginary line between the Provinces and the State of Maine. They do not have to jump over a barbed wire fence. They pass and repass as they see fit. We learned also that the open time in the Provinces being earlier than ours in this State, they go down on the border, those moose hunters, and they call the moose. It was told our committee that from two or two and one-half miles out of Maine into the Provinces, before our present open season is off, they will call moose out of Maine into the Provinces and shoot them. They have a perfect right to do that.

**Think, gentlemen,** of a line up and down our eastern border in those forests that are subject to the call of the hunters from the Province of New Brunswick. We cannot prevent that. Now shall we go up and close the hunting of moose to everyone and let this calling continue?

We have heard many times of "the powers behind the throne." There seems to be some unknown power that has circulated these cards that I show you. It was not the minority of the committee that did it. They were in the House before they voted on this matter. What was the result in the House? The House voted 100 to 37 to sustain this minority report. These cards were found on all our desks, "The Last Stand of the Moose." It is a question what that means. From the best authorities we can get, we find that moose wander into different localities in search of particular kinds of food. We have learned to the satisfaction of this minority of the committee at least, that in some sections like northern Somerset and Aroostook, this particular food has been pretty well devoured by them and they are moving into the sections where they can get more of it.

I notice on this card, nicely gotten up by somebody, it says, "The commissioners of inland fisheries and game, guided by the best possible sources of information available, unanimously recommend a four-years close time on the moose." I do not question the honesty or the sincerity of this commission, but I do want to open your eyes

just a bit. How many years have this commission been interested in this moose question, and how long have they been serving this State as commissioners? After you think of it I wish to say to you that Mr. Carlton, the best authority on moose questions in Maine, today, stands with the minority of this committee on this moose question. He claims, law or no law, the time will come when moose will be extinct, the same as the buffalo. We hear how they were killed off, but how many of you expect them to be on the plains and live around villages? They lived there when it was a wide prairie. I have had the privilege myself of walking over many of the wallows they left. They do not live with human beings and do not like to hitch up with them.

Moose move around and change their ground, and are likely to go, with the caribou. Mr. Carlton says they will and that nothing will keep them within our borders when they wish to move out. Shall we put on a close time so that no one can kill them and let them go to the Provinces, and let every hunter there go and slay our moose? I think, considering our new draft, it makes quite a protection from the old law. The old law gave a month and a half of open time on moose, and a \$15 license. Our new draft, by this minority committee, provides an open time of only 30 days, and an increase of the license fee of \$25.

I submit to you, gentlemen, that as 1912 gave 218 moose, I submit when you take off one-third of the open season and add \$10 to the license, are we not ourselves offering a good, fair, honest protection to the moose?

I hope the Senate will sustain this minority report.

Mr. WING of Franklin: Mr. President, it was my intention when I arose before, to make a motion that the report lie on the table and be considered Tuesday of next week. However, I have no objection to its consideration at this time.

I am not a hunter and I am not personally interested in this law. The only interest which I have in the matter is as a member of the committee on inland fisheries and game, and on the broad

ground of its benefits to the State of Maine.

In 1875, if I remember the situation correctly, we had no protection for moose, and at that time moose were practically exterminated in the State of Maine. There was a law enacted, placing a close time on moose, and after the time had expired, from 1880 to 1890, we had the best moose hunting we have ever had in Maine. The numbers increased materially. The moose is a large animal, and one that is hunted a great deal. Hunters come from all sections of the United States, and we have noticed in recent years a gradual disappearing of the number of moose in this State. The time was when the entire State of Maine contained a great many moose, but the supply has been diminishing until now we find that only a small section of Maine has any moose.

The committee, after a very careful and full hearing on the matter, was satisfied that it was necessary to place a close time in order that we may save what moose we have in Maine. The evidence of those who testified before the committee all shows that with the exception of the northeastern section of the State, moose had practically disappeared.

Now it seems to me that with an open season on moose, and only a small territory in this State where there are any moose at the present time, it will be a very easy matter to exterminate every moose that we have in Maine. And seven of the committee recommended a close time of four years. The commissioners of inland fisheries and game, after a very careful consideration of the whole question, are unanimously of the opinion that we should have a close time of four years.

The chairman of the committee referred to Mr. Carleton's statement. Mr. Carleton was not at the hearing as a disinterested party. Mr. Carleton was employed and acted as attorney for some of the gentlemen in Washington county and he appeared before the committee as a paid attorney for those Washington county people in opposition to this law.

Mr. COLBY of Somerset: Mr. President, it has been said that the caribou left the State of Maine and perhaps of their own accord on account of the feed,

and that the moose was also bound to leave the State in a short time.

Thirty-five years ago I was a pretty small boy then, I took a trip into the deep woods with my father, into one country in the traverse of the Canadian Pacific Railway. An old gentleman who was engaged in the business took us in from the settlement with his horses. While we were en route we met five caribou, and that old gentleman at once seized his rifle and shot down those five caribou. That has always lingered in mind as reckless slaughter. That thing continued with the caribou until they became extinct in the State of Maine. It may be that they left in part on account of the food, but surely such things as that helped their going away.

Of course we have the close time on moose, only a short time to hunt them, and this slaughter has not occurred with them, but the time is bound to come and not far distant when the moose are bound to become extinct in the State of Maine.

It has been said that on account of the camp owners in Washington and Aroostook counties, we ought to give the people of Maine and non-resident hunters a short time at least to hunt and kill moose. Two years ago this summer I had occasion to stop at one of the sporting camps in our section where there were 60 people, and during that time, I was there three or four days, there was a cow and a bull moose that used to come to the edge of the pond every day a little way from the camp. Those people were mostly non-residents and mostly from New York and Pennsylvania. At least one-half told me that was one of the great enjoyments of their stay there to see that pair of moose come out there. It seems to me from that condition that all of the non-resident people who come into this State to spend the summer do not come to kill the game, although some do come for that purpose. I do not think that anyone would want to travel or stay in our woods unless we had some wild animals there.

I have the utmost regard for the people, the representatives from Aroostook and Washington counties, who fought this thing through for their constituents as they say. Of course,

they were absolutely conscientious in the matter. I do question the right of a paid official of this Legislature to help lobby such a bill through, as it was seemed to be lobbied through, yesterday, to a certain extent.

The senator from Kennebec has told us there were more moose killed in 1912 than in 1908. I think that is simply because there were more people hunting them, and the moose had become bunched, so to speak, in two counties of the State. To my mind they happened to be there simply on account of the natural law of mating. Every one knows there are more moose in the Province of New Brunswick than in any other section in the world.

As far as our union of states is concerned there are only practically five states that have the moose.

While it might work a hardship on some camp owners and on some residents, for the time being, over Washington and part of Aroostook to have this law put on, it seems to me the Legislature ought to consider what is the best thing for the whole State, and it seems to me that this close time on bull moose would be for the best interests of the whole State.

The senator also spoke of moose and caribou and other animals similar, and that they would not live in villages. They would not, but we still have nine million acres of wild land, and I do not think all that territory will become villages in four years.

I hope the majority report will be accepted.

Mr. HASTINGS of Androscoggin: Mr. President, as a member of this committee and also one of the signers of the minority report, I naturally think it my duty to a certain extent to explain the situation in regard to this matter. I am going to argue to you that the whole committee are protectionists, so far as bull moose go; that we have the idea of protecting these moose always, and have had it both in the majority and the minority report.

The only question is that we differ as to the conditions of this protection. As has been said, there was a very full discussion of this matter by the proponents and opponents of this bill at

the committee hearing, and it is true that at this committee hearing and on this evidence, it seemed that the moose had sought new fields, had gone to new places. In other words, it seemed that moose were plenty in Oxford, Somerset and Aroostook counties, and that there was a scarcity in Washington, eastern Penobscot and Aroostook, that conditions had changed and reversed. The theory of the minority is that it seems to be fact that the moose had been slaughtered in this State. I submit, Mr. President, that there were other reasons for that being true, or in other words, in the 9,000,000 acres, as stated by the senator from Somerset, that still exist, lying next to New Hampshire, that portion of this wild land in Oxford and Franklin counties, and in the eastern part of Aroostook county, are the sections of the State that are operated hardest by the lumbermen, and must of necessity create more or less of a disturbance.

It is not natural for the moose family to range to any great extent near a disturbance in the forest. There was another cause for this migration, that the counties of Washington and Hancock had been visited by large forest fires and there has been an abundance of feed that moose exist upon following those fires, and from the fact that those large areas were burned over, lumbering has ceased and that was another attraction for the moose.

When the moose were plentiful in Oxford, Franklin, Somerset and Northern Aroostook and a scarcity existed in Hancock, Washington, Eastern Penobscot and Eastern Aroostook there was no demand for close time and no claim of sectionalism by anybody from the counties where a scarcity of the same existed.

The minorities idea was by recommending an additional appropriation of \$25,000 for the year 1913 and \$25,000 for the year 1914, to be expended by the fish and game commissioners in reorganizing, perfecting and increasing the warden and patrol system of the department which to them seemed to be insufficient and unsatisfactory together with the shortening of the open season and increase of non-resident license was the quickest and

most direct way to preserve the greater asset of Maine, a living wild, moose.

No most assuredly not, neither the minorities members think it advisable to entirely surrender the direction of more fish and game legislation to the guides, who work for higher and whose labors are largely confined to one particular section of the State, and whose minds might be biased in favor of legislation for that section as against the whole.

The minority members recommend four years of a rigid enforcement of the present laws with a twenty-five thousand dollars worth of more efficient and increased service rather than to antagonize investments already made by citizens of our State, who were led to make such investments largely through the establishment of a fish and game commission and of laws enacted by our State.

While Minnesota has set apart one million acres as a perpetual preserve for the protection of moose, the minority member of this report believe that under the present regime Maine has through its fish and game commission set aside 77 townships along the northern border of our State to be patrolled by one ranger whose duty is to prevent the illegal killing of moose, which I submit, Mr. President, because of the physical and practical impossibility of one man being able to even approximate a proper supervision of his territory is equivalent to open up this vast territory of 77 townships or about 1,540,000 acres to the ravages of poachers not only of Maine but New Brunswick and the province of Quebec as well, and we believe the preservation of the game of the State demands a more efficient supervision of the ranges of the moose and other large game instead of an entire close on any large game.

The minority members concur in the statement that the moose are not extinct and insist that the evidence presented at the several hearings before the committee indicated by a large preponderance that a shortening of the open season to one month and an increase of non-resident license fees would accomplish the desired result and disturb business less than four years' close time.

The minority members hope and be-



lieve that when this matter comes up two years hence, the proponents instead of asking for a close time on moose will coincide with the present minority report and vote more money to pay for proper patrol of the game preserves of the State which is the better way to preserve the moose.

Once in two years, we have an election in the State of Maine, and elect senators and representatives to the Legislature of said State, who, when assembled at Augusta can fairly be said to represent the people of the State of Maine, in fact, do represent the people of Maine. Last week, in the House of Representatives of this Legislature a vote was taken upon this very question, preservation of the moose, and the great majority of the people of Maine through their representatives sent here by this great majority of people to legislate upon just such questions decided so far as the representative branch of this legislature is concerned by the very decided vote of 100 to 36 or 37, that minority report was the better way to legislate for posterity for the preservation of the moose. I hope, Mr. President, when this vote is taken we shall concur with the House in accepting the minority report.

Mr. ALLEN: Mr. President, possibly I had better explain a little before we vote upon this. I will say now in justice to the senator from Franklin and the majority report members, that this matter is all harmonious, and whichever way it goes, the senator from Franklin and I can shake hands.

I want to say further, that being chairman of this committee, and being on the minority, I did not consider it a proper thing for me to lobby on this matter. And no senator that sits here can say I have.

After hearing the statements I want you to vote just as you think right. If you vote with us, it is all right and if you vote against us, it is all right. There is no quarrel here. It is simply a question of which one is right. We cannot both be right.

I did not read this card a great deal, but I cannot help smiling when you

speaking of the lobby, when this card says that "moose killing is legal in one other state." I wonder how many moose they kill in Indiana, Iowa or Kansas. Of course this is brought up to us as a great illustration, until you stop to think about it, for there is only a small part of the country where they have moose. We might as logically state that we do not kill grizzly bears in the State of Maine.

I dislike to refer in any way to a personal experience, but I will just a little as the matter has been brought out on other lines. I have been in the big woods hunting every year for 20 years, and while I am not a moose hunter, it takes a lot of money to hunt moose, I have not in any of these years seen moose signs and tracks any more plentiful than I saw them last fall away up north of the Moosehead regions. The moose are in the State and it is just a question of just how best we shall protect them.

Mr. COLBY: Mr. President, the senator from Kennebec must have misunderstood my statement. I did not make that remark in regard to any member of the Legislature. I stated that I questioned the right of any paid official of this Legislature to lobby a bill through this Legislature. I know that was done to a great extent. I know that members of the House, several, came to me of their own accord and stated that they did not understand the question when they voted. I had no reference to any member of this Legislature. I did have reference to a paid official of this Legislature, and I take no retraction on that.

Mr. ALLEN: Mr. President, I feel that the senator misunderstood me. I make no objection to his remark. I wanted the Senate to understand as far as I am concerned, and I think I can safely say as far as the senator from Androscooggin is concerned, that we have taken no experts here to lobby this through. We propose to stand on the best judgment of these 31 senators.

Mr. WING: Mr. President, I ask that when the vote be taken, it be taken by the yeas and nays.

A sufficient number having arisen, the yeas and nays were ordered.

The PRESIDENT: The question is upon the adoption of the minority report in concurrence with the House.

So many as are in favor of adopting the minority report in concurrence with the House will say yes when their names are called. So many as are opposed to the adoption of the minority report will vote no.

The secretary will call the roll.

The roll was called. Those voting yea were: Messrs. Allan, Allen, Burleigh, Clark, Cole, Hastings, Hersey, Mansfield, Morey, Packard, Reynolds—11. Those voting nay were: Messrs. Bailey, Boynton, Chase, Colby, Conant, Dutton, Emery, Flaherty, Hagerthy, Jillson, Maxwell, Moulton, Murphy, Richardson, Smith, Stearns, Walker, Wing—18. Absentees: Patten—1.

Eleven having voted in the affirmative and 18 having voted in the negative, the minority report was not accepted in concurrence.

Mr. WING: Mr. President, I move that the majority report be adopted.

The motion was agreed to and the bill having been printed, was given its first reading and its second reading was assigned for tomorrow morning.

#### House Bills in First Reading (Continued).

An Act for the better protection of shell fish within the town of Kennebunkport in the county of York.

An Act to regulate the sale of morphine and other hypnotic or narcotic drugs. (On motion by Mr. Murphy of Cumberland, tabled pending commitment to the committee on bills in second reading.)

An Act to establish a uniform poll tax. (In the House this bill was indefinitely postponed. On motion by Mr. Wing of Franklin, the bill was tabled.)

An Act to enlarge the powers and jurisdiction of the Western Somerset municipal court. (In the House this bill was indefinitely postponed. On motion by Mr. Walker of Somerset, the bill was tabled, pending action on the disagreeing action of the two branches.)

An Act requiring the report of the State Board of Health of certain occupational diseases due to poisoning or other causes.

Resolve in favor of the Maine School for Feeble-Minded.

Resolve in favor of the Maine School for the Feeble-Minded.

Resolve in favor of the Maine School for the Feeble-Minded.

Resolve in favor of the Maine School for the Feeble-Minded.

Resolve in favor of Jotham Stevens of Embden.

Resolve in favor of the town of Belmont.

An Act to amend Chapter 6 of the Revised Statutes, relating to the regulation and conduct of elections.

In the Senate this Bill was passed to be engrossed, and came from the House indefinitely postponed by that branch.

Mr. HERSEY of Aroostook: Mr. President, I had supposed when this Massachusetts bill, so-called, had passed this Senate almost unanimously, had gone to the House, had there been fully debated and passed the House by a large majority, that one public measure for the benefit of the people of the State had finally succeeded in passing this Legislature. It shows what a poor, insignificant sort of an amateur politician I am. I then believed that this matter was standing on its merits, was treated in the Senate on its merits, and in the House on its merits, and the great press of the State had endorsed it before it passed these two Houses and congratulated the people that they had a ballot, a reform ballot for which the people had been fighting for years, and that now a piece of legislation of benefit to the people of the State had finally passed.

And I strutted some. It has been called my pet measure, although I have no pet measures. I put the bill in many years ago and have been fighting it through different Legislatures up to the present time as a matter of principle, not that I have any more interest in the matter than the people have. I thank God I have no pet schemes and that nobody has any strings on me. I thank God, senators, that what little I do in this Legislature, I do because I believe what I am doing is right, and not because there is some little private interest behind the thing or because I am trying to play politics or because I want to return to the old times and the old time boss and politician.

Naturally I received a great many telegrams, and lots of congratulations. After the passage of this measure in the House, nearly every business man in Portland wrote me, I had telegrams from all over the State, from business men, stating me that they congratulated me because this grand bill had finally become law.

That was after the bill had passed the House and everybody thought everything was safe and I was congratulating myself that I was somewhat of a statesman, you know. Ha! I did not know anything about the matter! That night I took a little trip over to Lewiston with a legislative party from the Augusta House, and we had a quiet, restful evening, the first one I have had for many weeks. I came back and went to bed. A friend of mine met me in the morning and said, "Do you know what they have done to you?" I said, "What?" He said, "They are going to kill your ballot bill. It is all fixed. Mr. So and So was here, last night, at the Augusta House and there was a little gathering." The old sores and bosses of the Democratic party, and the old Republican barnacles that we scraped off the ship of State, last fall, were going to fix it. So I looked in the morning Waterville Sentinel and it gave a very good account. It says:

"The Massachusetts ballot law, one of Senator Hersey's pet measures which had been passed by the upper body, was nailed in the House, today, on its passage to be engrossed. This killing had been planned over night."

That is where I fail as a legislator in planning, over night. I am no good 'over night' (laughter). I cannot get a bill through this Legislature somehow in this fight "over night." I am no good in organizing a lobby.

And when this measure was defeated in the House, Mr. President I thought of the two months I had been here in this Legislature. I have not been to my home; I have not seen my wife and family or the people of my town. I have worked days and nights and Sundays to carry on the work of the Legislature in its important measures. Then I thought of the home, and I felt dis-

couraged and homesick, and I really thought I would not care if the Legislature adjourned and we all went home, today.

This Sentinel report is very good; it says: "This killing had been planned over night, and scouts were carefully watching for the appearance of the measure. By some error it did not appear on the calendar and it slipped by before any one noticed. A newspaper man discovered the fact and passed along the tip to opponents of the measure. The vote was promptly reconsidered and then the bill gleefully beheaded to the tune of 75 to 66. The vote on its passage to second reading, Tuesday, had been 71 to 59. The stand-patters led this revolt and were assisted by a few Democrats."

And so the congratulations and letters I have received, the flowers, senators, that were for the wedding will be turned over for the funeral. (Laughter.)

While I sat here in my seat, the mail clerk passed me a letter, a bouquet which I consider the most valuable of them all, for it came from one of the dearest friends of my life, a man before whom I practiced in the courts for a great many years, a man whom I admire and love, that great, brainy jurist, Chief Justice Emery. And I want to present this bouquet and have it referred to those having charge of the funeral:

"Boston University Law School,  
Ashburton Place, Boston,  
Office of the Secretary,  
March 12, 1913.

Dear Senator:

I congratulate you on your efforts and their success in inducing the Legislature to adopt the Massachusetts ballot system. I have long believed in it as the best mode of having a free, untrammelled ballot, where every candidate shall stand on his own merits, and not on the party.

I hope you carry the bill through to final success.

Sincerely yours,

(Signed) L. A. EMERY."

Yes, the Sentinel says they are having a gleeful time. Those old barnacles trying to crawl again on to the ship of State, and they know the only way

is by that old ballot; the only way they can get hold of the machine again and they are having a gleeful time.

Some years ago there was in the newspapers an account of the death of Mark Twain; full details that he had died and where and when the funeral was to be. Mark saw the account and wrote to the newspapers this: "Details of my death have been greatly exaggerated."

I want the press, the boys sitting here in the Senate, today, to send out to the papers they represent that any account of the death of the Massachusetts ballot has been greatly exaggerated, for behind it all there are the people who still have the initiative, and who can yet enact a bill in spite of this Legislature. It is not a constitutional matter. They can initiate the law and pass it. They still have the primary. That was refused by the Legislature but they got it by their own power, and they will take this matter into their own hands and when they get it they will put it beside the primary, and these men who defy the people, today, must go to the primary, they must go to the electorate and the people "won't do a thing to them."

Mr. President, while the preliminaries are being arranged for the funeral, I move that the Senate insist and ask for a committee of conference, and pending action that the bill be tabled.

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

#### Judiciary.

By Mr. Stearns of Oxford: Petition of Howard A. Clifford in favor of Senate Document No. 307, relating to nuisances.

#### Appropriations and Financial Affairs.

By Mr. Hagerthy of Hancock: Resolve in favor of John W. Higgins.

#### Education.

By Mr. Reynolds of Kennebec: Remonstrance of Clarence N. Flood and 3 others against any change of method of apportionment of State common school funds as recommended by a legislative committee to inquire into the same.

#### Insane Hospitals.

By Mr. Dutton of Kennebec: Resolve

in favor of the Maine Insane hospital. (On motion by Mr. Packard of Knox, tabled for printing pending reference.)

#### State Lands and Forest Preservation.

By Mr. Allen of Kennebec: Resolve in favor of the Industrial School for Girls at Hallowell for medical examination and treatment with supplies.

#### Reports of Committees.

Mr. Walker from the committee on education, on report of the special joint committee of the Seventy-fifth Legislature to investigate the present and proposed methods of distribution of school funds, reported that the same has been placed on file.

Mr. Patten from the same committee, on Resolve in favor of the Aroostook Central Institute, reported same "ought not to pass."

Mr. Cole from the committee on Sea and Shore Fisheries, on bill, An Act to amend Chapter 2 of the Public Laws of 1911, relative to scallops, reported same "ought not to pass."

Mr. Allen from the committee on Pensions, on Resolve in favor of Perlie A. Haskell of Sidney, reported same "ought not to pass."

Mr. Maxwell from the Sagadahoc Delegation, on bill, An Act relating to the records of instruments affecting or conveying title to real estate in the County of Sagadahoc and now recorded in other counties, reported same "ought not to pass."

Mr. Emery from the York County Delegation, on bill, An Act to authorize and empower the County Commissioners of the County of York to raise and expend a certain sum of money on the Court House and County Offices connected therewith, reported same "ought not to pass."

The reports were accepted.

Mr. Morey from the joint special committee to investigate the cause of the high price of coal at the present time and during the past year in this State, reported a bill, An Act to protect trade and commerce against unlawful restraints and monopolies, and that it "ought to pass."

Mr. Morey: Mr. President, pending the acceptance of the report and the bill, I move that both lie on the table for printing, and that 1000 extra copies be

printed; and that the stenographic report be placed on file.

The motion was agreed to.

Mr. Hersey from the committee on judiciary on bill, An Act to amend the charter of the city of Ellsworth, reported same in a new draft under the same title, and that it "ought to pass."

Mr. Walker from the committee on education, on bill, An Act to amend Section 16 of Chapter 15 of the Revised Statutes as amended, relating to the withholding of State school funds from delinquent towns, reported same "ought to pass."

(On motion by Mr. Murphy of Cumberland, tabled pending acceptance of report.)

Mr. Murphy from the same committee, on bill, An Act to amend Section 1 of Chapter 198 of the Public Laws of 1909, as amended, relating to the school equalization fund, reported same in a new draft under the same title, and that it "ought to pass."

Mr. Walker from the same committee, on resolve in favor of Freedom Academy Association, reported same in a new draft under title of resolve in favor of Freedom Academy Association in the town of Freedom, and that it "ought to pass."

Mr. Murphy from the same committee, on resolve in favor of Limerick Academy, reported same in a new draft under the same title, and that it "ought to pass."

Mr. Murphy from the same committee, on Resolve in favor of the Trustees of Bridgton Academy, reported same in a new draft under the same title, and that it "ought to pass."

Mr. Maxwell from the committee on railroads and expresses on bill, an Act concerning a New England Railroad Conference, reported same in a new draft under the same title, and that it "ought to pass."

Mr. Maxwell from the same committee, on bill, an Act to amend Section 67 of Chapter 52 of the Revised Statutes, relating to accidents on railroads, reported same "ought to pass." (This bill having been printed was given its first reading.)

Mr. Allen from the committee on pensions, on bill, an Act relative to the retirement of veterans in the ser-

vice of the State, reported same "ought to pass."

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

#### Passed to Be Engrossed.

An Act to amend the primary election law and reduce the number of ballots required to be printed.

Resolve in favor of the Penobscot Tribe of Indians.

Resolve in favor of aid in reconstructing a bridge in the town of Verona.

Resolve in favor of aid in repairing the Lake road in Oxford county.

Resolve providing for an appropriation for the protection of trees and shrubs from the introduction and ravages of the Gypsy moths for the year 1914.

An Act additional to Chapter 79 of the Revised Statutes relating to transfer of actions and other matters to the law court in case of death of the presiding justice.

Resolve in favor of repairing highway in town of Somerville.

Resolve to determine the ownership, location and value of islands along the coast of Maine.

An Act additional to Chapter 181 of the Laws of 1911 entitled "An Act to establish in Cumberland county a county farm."

An Act to amend Section 9 of the Special Laws of 1883, relating to the city of Portland.

An Act to extend the provisions of Chapter 215 of the Private and Special Laws of 1909, being "An Act to incorporate the Penobscot Bay Water Company," as extended and amended by Chapter 155 of the Private and Special Laws of 1911, to March 26, 1915.

An Act relating to the compulsory assignment of real estate mortgages under certain circumstances.

An Act to repeal Chapter 179 of the Public Laws of 1911 providing for the exemption of mortgages on real estate from taxation.

An Act for the better regulation of dentistry in the State of Maine and to reorganize the Board of Dental Examiners.

An Act to authorize a union of towns in maintaining town farms.

An Act to incorporate the Pleasant River Gulf Improvement Company.

An Act to amend Section 45 of Chapter 10 of the Revised Statutes, relating to the sale of land for taxes in incorporated places.

An Act to incorporate the Waterville Chamber of Commerce.

An Act to extend and enlarge the charter of the Ocean & Northern Railroad Company.

An Act to incorporate the State of Maine Fire Insurance Company.

An Act to extend the charter of the Mutual Fire Insurance Company.

An Act to incorporate the Kingfield Chamber of Commerce.

An Act to incorporate the Harvey Memorial Crittenton Home.

An Act to repeal Chapter 199 of the Public Laws of 1911 entitled "An Act to provide for the nomination of party candidates by direct primary."

An Act to incorporate the Corinna Water Company.

An Act to amend the charter of the Rumford Falls Light & Water Company.

An Act to authorize the county commissioners of Oxford county to procure a copy of volume one of the records of deeds in the western registry of deeds for said county.

An Act to enlarge the purposes of the Huse Spool & Bobbin Company.

#### Passed to Be Enacted.

Resolve for aid in repair of the Wiscasset bridge.

Resolve providing a State pension of Betsey A. Dyer.

Resolve authorizing the highway commissioner to construct a suitable office or shelter for the immigrant inspector at Van Buren, and appropriating money therefor.

#### Orders of the Day.

The PRESIDENT: The Chair lays before the Senate for consideration the first matter assigned for today, House Document 193, Resolve for the further improvement of marketing the farm products and purchasing supplies for the farm products and purchasing supplies for the farm. The pending question is the commitment of the bill to the committee on bills in second reading.

Mr. MURPHY of Cumberland: Mr. President, I tabled this bill the other day. I have not any particular objection to the passage of the bill, but as there have been so many things that have come up here for consideration of an educational nature, I thought I would like to look into it.

As a matter of fact, this resolve calls for an appropriation of \$3000 each year, for 1913 and 1914, to be expended under the direction of the commissioner of agriculture for salaries, clerk hire and other expenses and a man well qualified for the work to be appointed by the commissioner of agriculture to instruct the farmers along the lines of co-operation in marketing farm products and purchasing farm supplies.

I simply want to call your attention to the fact that this bill calls for \$3000 a year for 1913 and 1914.

I will read the statement of facts:

"The organization of the farmers' exchanges was started about a year ago, and was done by lecture work from the men employed by the Department of Agriculture. Up to date we have 19 local exchanges incorporated under the laws of the State for \$10,000 capital stock, and we also have a State Union which is made up of the different local exchanges in different sections of the State. This work is along the line of educating the farmer to put his crops onto the market in better condition and to receive better prices, and for the purchase of farm supplies co-operatively. The appropriation of \$3000 is asked for to continue this work by the Commissioner of Agriculture in instructing the farmers further and bringing about better conditions of marketing farm products."

Mr. President, I attended the hearing several days ago in the committee on agriculture, and one gentleman there offered this in evidence, that a certain party in packing apples for market and transportation out of the State, after properly preparing his barrel, he proceeded to fill it partly with apples, and then inserted in the middle one big pumpkin, and then packed around that apples and more

on top and then headed it up for the market.

I submit that anyone educated as highly as that does not need any further education and advice in the way of preparing farm products for market.

I do not wish to have it understood that this particular exchange is responsible for any such thing as that.

I will say that if my friend Hersey can give me any reason why I should vote for this bill, I shall be willing to vote for it. But I would like to see why they should receive \$3000 a year when so many meritorious things are turned down.

Mr. HERSEY of Aroostook: Mr. President, in reply to the senator from Cumberland, I wish to say that I am not interested in this bill, I know nothing about it, and I do not wish to know anything about it, and I have no reason for his voting for it and do not intend to give any.

Mr. MAXWELL of Sagadahoc: Mr. President, I will just say a word in answer to the senator from Cumberland county. There has been a disposition on the part of some to make it very easy for the farmer to get a mortgage on his farm. I think if it is possible under this bill to educate that farmer so that he can pay that mortgage off, we had better make this appropriation.

Mr. MURPHY: Mr. President, I would like to have the gentleman from Sagadahoc county state how much money was appropriated for this particular request two years ago, and if it is not an increase, and if the prospect is not good for further increases to be supplied by the State.

Mr. MAXWELL: Mr. President, in answer to that I will say that I think it is true all along the line, and I think it is true of any state that is growing and is progressing.

The PRESIDENT: The pending question is upon the commitment of this bill to the committee on bills in the second reading.

Mr. MURPHY: Mr. President, I move that the resolve be indefinitely postponed.

Mr. MAXWELL: Mr. President, I call

for the yeas and nays on that vote.

Mr. MOULTON of Cumberland: Mr. President, this matter of a Farmer's Exchange was not organized two years ago and of course they did not ask for any appropriation from the Legislature then. Since that time, as the statement of facts will show, there has been organized 19 exchanges in the State.

At the hearing before the committee on agriculture it was shown that these exchanges have worked good for the farmers of the State, in one particular thing, in buying their fertilizers, this year, through the exchanges. In buying this way the farmers have been able to obtain their fertilizer \$2 per ton cheaper than two years ago. And for that very reason, the organization of these exchanges, it seems that an appropriation of \$3000, if by so doing they can reduce the price of fertilizer that comes into this State \$2 a ton, it seems to me is a good investment for the State and for the farmers of the State, and I shall vote for this appropriation.

Mr. MURPHY: Mr. President, I wish to submit again that I think competition would bring about the same result, and it seems to me unnecessary for the State of Maine to appropriate \$6000 for the next two years for anything of the sort. I think the money could be put to a better use.

Mr. DUTTON of Kennebec: Mr. President, I do not want to discuss this question. I want information. I would not like to put myself in the position of voting against anything that is of interest to the farmers of this State. I think that this measure has been reported here unanimously by this committee, and some reason should be given to the Senate why we should make this appropriation and what it is to be used for. If it is for the sole purpose of creating an office, I cannot vote for it. Others may feel the same way.

Mr. WALKER of Somerset: Mr. President, I am not prepared to vote on this matter now. I would like to have some information before placing myself on record, either this morning or at some future time. Unless we can

have that information, this morning, I move that it lie on the table.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate for consideration the second matter assigned for consideration, today, Senate Document 453, an Act to create a Public Utilities Commission, prescribe its powers and duties, and provide for the regulation and control of public utilities. The pending question is the second reading of the bill.

Mr. STEARNS of Oxford: Mr. President, I am willing to yield the floor to the senator from Androscoggin, Senator Morey.

Mr. MOREY of Androscoggin: Mr. President, I move that we go into committee of the whole and discuss this proposition. There are some minor details it seems to me, in which several question should be asked from those familiar with the bill, and it may be they can answer satisfactorily. It seems to me there are a few minor matters that should be taken up in committee of the whole. I think we can get at results quicker.

Mr. STEARNS: Mr. President, I think that perhaps we ought to give this matter a little consideration. There are members or the subcommittee who are particularly interested and have information, and whom perhaps I would like to consult, and I would ask that we have a recess for 10 minutes.

A recess was taken.

#### After Recess.

Senate called to order by the President.

Mr. MOREY of Androscoggin: Mr. President, during recess a consultation was had and I understand that the following is practically agreed upon; that the motion to go into committee of the whole be withdrawn; that members of the Senate desiring to make any amendment to the bill to have them ready, tomorrow morning, and that, next Tuesday we go into committee of the whole and consider the bill and amendments.

I therefore upon that understanding withdraw my motion.

Mr. Wing of Franklin offered the

following amendments, A and B, and moved their adoption:

#### Senate Amendment "A" to Senate Bill No. 453.

Amend Section 15 of Senate Bill No. 453, by adding to said section after the word "commission" in the third line thereof, the words, "Provided, however, that nothing contained in this act shall require any public utility engaged in interstate commerce, to do, or not to do, anything contrary to the requirements of any federal law, relating thereto."

#### Senate Amendment "B" to Senate Bill No. 453.

Amend Section 16 of Senate Bill No. 453 by striking out the words "thirty-first day of December," in the second line of said section, and inserting in lieu thereof the words "thirtieth day of June"; and by striking out the word "February" in the fourth line of said section and inserting in lieu thereof the word "September."

Mr. STEARNS of Oxford: Mr. President, I understand that the senator moved the adoption of these amendments. I hope the senator will withdraw the motion, because I think the understanding that was made during the recess was that such amendments as are ready this morning should be introduced and lie on the table together with the bill until tomorrow morning, at which time other amendments were to be presented, prepared in the meantime, and this whole matter then to come up for consideration. Tuesday, all amendments being on the table for printing, and all having an opportunity to examine them and take them up for discussion.

The PRESIDENT: The Chair understood the motion merely as formal.

Mr. WING: Mr. President, I so understood it, and the statement of the senator from Oxford is satisfactory.

The PRESIDENT: These amendments will lie on the table for printing.

Mr. Stearns offered the following amendments and moved that it be tabled for printing:

#### Amendment "C" to Senate Document No. 453,

Entitled "An Act to create a Public



Utilities Commission, prescribe its powers and duties, and provide for the regulation and control of public utilities."

Amend Section 9 by striking out all of lines 131 and 132, and substituting in place thereof, the following: "Water for municipal and domestic use," so that that portion of Section 9, defining the term "water works" shall read as follows:

The term "water works" when used in this act, includes all reservoirs, tunnels, shafts, dams, dikes, head-gates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment or measurement of water for municipal and domestic use.

Mr. Richardson of Penobscot offered the following amendment and moved that it be tabled for printing.

**Amendment "D" to Senate Bill No. 453.**

Amend Section 19 of Senate Bill No. 453 by striking out the word "January" in the 10th line of said section, and inserting in lieu thereof the word "July."

The PRESIDENT: The Chair lays before the Senate for consideration the third matter assigned for today, Senate Document 310, An Act relating to the entry of nolle prosequi in criminal cases.

The pending question is the second reading of the bill.

Mr. PACKARD of Knox. Mr. President, I yield the floor to the senator from Androscoggin, Senator Morey.

Mr. MOREY of Androscoggin: Mr. President, as it is late, I move that this matter be reassigned for Wednesday of next week.

The motion was agreed to.

On motion by Mr. Richardson of Penobscot, Senate Document 461, an Act to amend Section 2 of Chapter 250 of the Public Laws of 1909 relating to the payment of fees accruing to State institutions and departments, was taken from the table, and on further motion by the same senator, was

referred to the committee on appropriations and financial affairs.

On motion by Mr. Bailey of Penobscot, Senate Document 462, an Act relating to the payment to minors under decree of court, was taken from the table, and on further motion by the same senator, was referred to the committee on legal affairs.

On motion by the same senator, Senate Document 463, an Act providing for appeals in the case of location of wharves or fish weirs, was taken from the table, and on further motion by the same senator, the Senate non-concurred with the House in the reference of this bill to the committee on judiciary, and the bill was then referred to the committee on sea and shore fisheries.

On motion by Mr. Conant of Waldo, Senate Document 377, Resolve in favor of the Maine Wesleyan Seminary and Woman's College, was taken from the table,

On further motion by the same senator, the bill was given its first reading.

On motion by Mr. Bailey of Penobscot, unanimous consent was given, and that senator introduced, out of order, a report of the committee on legal affairs on that part of the Governor's message on the primary election law and the corrupt practice act which was referred to them together with accompanying bill in a new draft, and that it "ought to pass."

The report was accepted, and the bill tabled for printing under the joint rules.

On motion by Mr. Cole of York, House Document 239, an Act amending Section 3 of Chapter 162 of the Public Laws of 1905, entitled "An Act enlarging the duties and fixing the compensation of the attorney general, was taken from the table.

On further motion by the same senator, the bill was given its first reading.

On motion by Mr. Chase of Piscataquis.

Adjourned until tomorrow morning at 9.30 o'clock.