

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

SENATE.

Tuesday, March 18, 1913.

Senate called to order by the President.

Prayer by Rev. Paul S. Phalen of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act to authorize N. F. Huston and others to build a wharf in tide waters of the city of Belfast.

In the House this bill was received under suspension of the rules after the time limit had expired for reception for private legislation.

In the Senate the bill was referred to the next Legislature in non-concurrence with the House.

From the House: Resolve in favor of Heien Gaffney.

In the House this resolve was received and referred to the committee on claims.

In the Senate, on motion by Mr. Emery of York, the resolve was referred to the committee on appropriations and financial affairs, in non-concurrence.

From the House: Report of the committee on judiciary, "ought not to pass," on an Act additional to Chapter 11 of the Revised Statutes relating to supplying typewriters to registrars of deeds.

In the House this report was accepted. Subsequently the bill was recommitted to the committee on judiciary.

In the Senate the bill was recommitted to the committee in concurrence.

From the House: An Act to compel the printing of all State papers and documents under proper sanitary conditions.

In the House this bill was referred to the committee on labor.

In the Senate, on motion by Mr. Packard of Knox, the bill was tabled for printing pending reference in concurrence.

House Bills in First Reading.

An Act to authorize the town of Sanford to own, maintain and operate a gas plant.

An Act to authorize the town of Boothbay Harbor to retire its bonded indebtedness and to issue new bonds.

An Act to amend Paragraphs X of Section 1 of Chapter 73 of the Revised Statutes, relating to sales of real estate by license of court.

An Act to amend Section 1 of Chapter 38 of the Public Laws of 1909, relating to the appropriation for procuring plans and specifications for school buildings.

An Act to authorize and ratify the appointment of the Portland Music Commission.

An Act to authorize the appointment of Portland High School Commission.

An Act establishing a close time on lobsters in the waters of Jonesport and Addison, in Washington county.

An Act additional to Chapter 4 of the Revised Statutes, relating to appointment of town auditors.

An Act to amend the charter of the Camden & Rockland Water Company.

An Act to amend Section 1 of Chapter 41 of the Public Laws of 1903, relating to the duties of the commissioner of sea and shore fisheries.

An Act for the better protection of herring and herring fisheries in the waters of St. Croix river and Passamaquoddy bay in the county of Washington.

An Act to prohibit lobster pot fishing in York river.

An Act to amend the Act establishing the Northern Aroostook municipal court.

An Act to amend Section 13 of Chapter 53 of the Revised Statutes in relation to the taking of land by street railroad companies.

An Act to regulate the size of smoked herring boxes.

An Act for the better protection of clams within the town of York in the county of York.

An Act to create the Temple Water District.

An Act to incorporate the Bowdoinham Water and Electric Company.

Resolve for the purpose of operating the fish hatcheries and feeding sta-

tions for fish and for the protection of fish, game and birds, and for printing the report of the commissioners of inland fisheries and game.

Resolve in favor of Mary Buswell Ridlon of Bridgton.

Resolve in favor of Annie Jones.

Resolve in favor of the town of Hollis.

Resolve in favor of the Aroostook Central Institute.

Resolve in favor of Monmouth Academy.

Resolve in favor of the Nasson Institute for young women, Springvale, for maintenance and extension of its work.

Resolve in favor of Lucinda P. Brackett.

Resolve in favor of Law Reporting Company. (On motion by Mr. Morey of Androscoggin, tabled pending commitment to the committee on bills in the second reading.)

From the House: Senate Document 316, An Act to amend Sections 2, 9 and 12 of Chapter 195 of the Public Laws 1911, in relation to the control of contagious diseases among cattle, sheep and swine.

This bill was originally reported to the Senate from the committee on agriculture. The report of the committee was accepted, the bill read twice and passed to be engrossed.

In the House, House Amendment A was adopted, and the bill was subsequently recommitted to the committee on agriculture, as amended.

In the Senate, the vote whereby this bill was passed to be engrossed, was reconsidered, and House Amendment A was adopted in concurrence, and the bill, as amended, was recommitted to the committee on agriculture, in concurrence.

Mr. DUTTON of Kennebec: Mr. President, may I inquire what House Amendment A is?

The secretary read the amendment. "HOUSE AMENDMENT A TO SENATE DOC. NO. 316.

"House Amendment A to Senate Bill No. 316. Section three is hereby amended by adding the following:

"Provided, that any registered vet-

erinarian in good standing may have the right to use the tuberculin test by filing with the commissioner of agriculture evidence of his registration and that he is in good standing. Upon receipt of such evidence the commissioner of agriculture shall issue a permit granting him the right to practice for the department. The live stock sanitary commissioner having sufficient evidence that he is incompetent or has been engaged in fraudulent practices in the use of the tuberculin test, shall suspend him from practicing by written notice, which notice shall state the reason for his suspension. The live stock sanitary commissioner shall immediately file with the governor and council the evidence of incompetency or of fraudulent practice in the use of the tuberculin test. The governor and council shall give the party a hearing, and if they find he is incompetent or has been engaged in fraudulent practice in the use of the tuberculin test they shall notify the commissioner of agriculture to strike his name from the list; but if found competent, or not guilty of fraudulent practice in the use of the tuberculin test, they shall notify the live stock sanitary commissioner of their finding, and he shall notify the party that he can resume practice for the department."

On motion by Mr. Dutton, the bill was recommitted to the committee on agriculture in concurrence.

From the House: An Act to incorporate the Jackman Water, Light & Power Company.

This bill was originally reported to the Senate, the report of the committee was accepted, and Senate Amendment A was adopted, and the bill was passed to be engrossed, as amended. It came from the House, that branch having adopted Senate Amendment A in concurrence. The House also adopted House Amendment A to Section 14.

On motion by Mr. Dutton of Kennebec, pending reconsideration of the vote whereby the bill was passed to be engrossed, the bill was tabled.

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

Appropriations and Financial Affairs.

By Mr. Dutton of Kennebec: Resolve in favor of the official reporter of the Senate.

Senate Bills in First Reading.

An Act to authorize sheriffs and jailers of the several counties in their discretion to furnish money and transportation to prisoners about to be discharged from jail.

An Act relating to increase in the capital stock of corporations organized under special acts or general laws for the performance of a public duty. (On motion by Mr. Murphy of Cumberland, tabled pending commitment to the committee on bills in second reading and specially assigned for next Thursday.)

An Act to amend Section 15 of Chapter 15 of the Revised Statutes, as amended, relating to the approval of school accounts.

An Act to amend Section 5 of Chapter 184 of the Private and Special Laws of 1891, relating to drains and sewers in the city of Portland.

An Act to amend Section 19 of Chapter 65 of the Revised Statutes, relating to the duties of registrars of probate.

An Act to amend Section 5 of Chapter 15 of the Public Laws of 1907 and Section 6 of said Chapter, as amended by Chapter 34 of the Public Laws of 1909 and Chapters 84 and 176 of the Public Laws of 1911, relating to the protection of trees and shrubs from dangerous insects and diseases.

An Act relating to the incorporation and admission of assessment casualty insurance companies and conditions relating to such companies.

An Act relating to the enforcement of law regulating the sale and analysis of agricultural seeds, commercial feeding stuffs, commercial fertilizers, dairy products, drugs, foods, fungicides and insecticides.

An Act to enlarge the powers of the Sheepscot Valley Power Company.

Reports of Committees.

Mr. Colby from the Committee on State Lands and Forest Preservation, on Resolve to dedicate Crooked Island,

so called, in Great Pond in the town of Rome, Kennebec county, to the public use of the inhabitants of the State of Maine," reported same "ought not to pass."

The report was accepted.

Mr. Conant from the Committee on Agriculture, on bill An Act to amend sections 2-3-4-5-6 and 9 of Chapter 17 of the Public Laws of 1905, relating to the practices, of veterinary surgery, medicine and dentistry, reported some in a new draft under the same title, and that it "ought to pass."

Mr. Conant from the same Committee, on bill An Act to license stallions for public service, reported the same in a new draft under the same title, and that it "ought to pass."

Mr. Colby from the Committee on Interior Waters, on bill An Act to incorporate the Sandy Stream Log Driving Company, which was re-committed to the Committee, reported same in a new draft under the same title, and that it "ought to pass."

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

Passed to Be Engrossed.

An Act to amend chapter forty of the Revised Statutes as amended by chapter forty-six of the Public Laws of nineteen hundred seven, chapters seventy and two hundred fifty-seven of the Public Laws of nineteen hundred nine and chapters fifty-five, one hundred eighteen and one hundred forty-three of the Public Laws of nineteen hundred eleven relating to the issuing of age and schooling certificates.

An Act to amend sections forty-one, forty-two, forty-three and forty-four of the Revised Statutes as amended relating to the employment of superintendents of towns comprising school unions.

An Act relating to the transportation of fish taken in waters in Davis Town, Stetson Town, Seven Ponds Town and Massachusetts Gore, so-called, in Franklin county. On motion by Mr. Stearns of Oxford, tabled pending passage to be engrossed.

An Act to prevent the pollution of the waters of Sebago Lake.

An Act to incorporate Androscoggin Electric Company.

An Act to incorporate the Penobscot

Valley Gas Company.

An Act to make the certificate of the official court stenographer sufficient authentication of a report of evidence for the Law Court in the event of the death of the official stenographer.

An Act relating to fraternal beneficiary associations, doing casualty business only.

An Act to protect trade and commerce against unlawful restraints and monopolies.

Mr. HERSEY of Aroostook: Mr. President, this bill I understand grows out of the coal investigation and is a committee bill.

Sometime early in the session when the matter was under debate in the Senate, I turned to the record of January 9th, and I said as follows:

"Mr. President, I must thank the senator from Androscoggin for the frankness in which he has expressed himself in answer to my position. I think he and I agree upon this matter as lawyers that in the State of Maine today our trust laws are defective and do not reach this matter at all and cannot reach it, and I think I agree with him that the duty of this Legislature is now at the present time to remedy that law and make it more effective to reach this very matter if we can and do it constitutionally, and I will warmly support him in any measure he may introduce looking to that end."

On that day a committee was appointed from this Legislature of which the senator from Androscoggin was chairman, to investigate the coal trust in Maine. That committee, from my understanding of it, made a very careful, thorough, painstaking investigation, and made an elaborate, exhaustive report to this Legislature of all the evidence taken. They made a carefully prepared report of their findings. They accompanied that report with a most splendid bill, correcting the present, ineffective trust laws of the State. That bill I have examined and I am heartily in favor of its passage.

At this time, Mr. President, I want to say, as one member of this Legislature, that I think the Legislature ought to congratulate the senator from

Androscoggin and the members of his committee for the faithful, impartial and exhaustive report they have made, and the most splendid bill they have given this Legislature. I think it is due to this committee and to the senator from Androscoggin, and I take great pleasure in moving the passage of this bill.

The pending question being the second reading of the bill, it was given its second reading, and was passed to be engrossed.

An Act to amend Chapter 122 of the Public Laws of 1911, relating to corrupt practices at elections, Senate Document 478.

On motion by Mr. Bailey of Penobscot, Senate Amendment A to Senate Document 478 was adopted, as follows: "Senate Document A to Senate Document 478. Amend by adding to Section 6 the following: 'Nor shall it apply to candidates who are their own political agents, the return required of such candidates under the provision of Section 7 of this act being sufficient.'"

The bill was given its second reading, as amended, and was passed to be engrossed.

An Act to amend the Primary Election Law.

An Act to amend Section 124 of Chapter 6 of the Revised Statutes, relative to the canvass of votes by the Governor and Council.

An Act relating to the organization of corporations under private and special laws.

Resolve for retracing and defining the lines around reserved or school lands of plantations and townships.

An Act to amend Section 4 of Chapter 54 of the Revised Statutes relating to inspection of power boats and vessels engaged in transporting passengers for hire.

Resolve in favor of the Maine Insane Hospital.

An Act to amend Sections 109 and 113 of Chapter 15 of the Revised Statutes as amended, relating to the State Normal schools and their management.

An Act relating to fire inspectors and removal of fire hazards.

An Act relating to standard provis-

icons for accident and health policies.

An Act to establish a State Highway Commission and to provide for an issue of State Highway Bonds.

An Act to establish a State Nursery to encourage the reforesting of the waste lands of the State of Maine.

Passed to Be Enacted.

An Act to authorize the construction and maintenance of a dam and other structures in the St. Francis river.

An Act to amend section 38 of chapter 47 of the Revised Statutes, relative to giving notice of the time and place of sale of shares of stock in corporations to pay assessments.

An Act to amend section 8 of chapter 195 of the Public Laws of 1911 relating to the disposition of cattle reacting to the tuberculin test.

An Act to amend sections 74 and 78 of chapter 15 of the Revised Statutes relating to free High schools.

An Act to amend section 16 of chapter 54 of the Revised Statutes in relation to the sale of unclaimed merchandise.

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

An Act to restrict and regulate private banking.

An Act amending and correcting the limits of the Maine Forestry District as defined and established by chapter 193 of the Public Laws of 1909.

An Act granting the Penobscot Tribe of Indians the right to establish and maintain a ferry between Indian Island, so-called, and the city of Old Town.

An Act to extend the charter of the Farmington & Augusta Railway Company.

An Act to incorporate the Brownfield Electric Company.

An Act to incorporate the Washington County Light & Power Company.

An Act to amend section 4 of chapter 78 of the Public Laws of 1909, relating to the better protection of the people of Maine from the diseases known as tuberculosis.

An Act to amend chapter 215 of the Resolves of Maine for 1897 as amended by chapter 108 of the Private and

Special Laws of 1903, relating to the tuition of students in Agriculture at the University of Maine.

An Act to revive and extend the charter of the Shawmut Water Company.

An Act authorizing the selectmen of Dexter to sell Good Templars' hall in said town.

An Act authorizing the Sebago Lake, Songo River and Bay of Naples Steamboat Company to construct and maintain a wharf at South Casco, in the county of Cumberland.

An Act to incorporate the Madison Water District.

An Act relating to the jurisdiction of the superior court in the county of Kennebec, and to fix the salary of the judge thereof.

An Act repealing the law providing for the inspection of lime casks.

An Act to incorporate the town of Connor.

An Act relating to the Jerguson Manufacturing Company.

An Act to extend the powers of the Limerick Water and Electric Company.

An Act to incorporate the Ashland Water Company.

An Act to repeal Chapter 503 of the Private and Special Laws of 1828, as amended by Chapter 508 of the Private and Special Laws of 1874 and by Chapter 254 of the Private and Special Laws of 1876, relating to taking fish in Narraguagus River.

An Act to permit the shipment, once in ten days, under special license tag, of ten pounds of fish caught in Moosehead Lake.

An Act to incorporate the Lincoln Light and Power Company.

An Act to amend the charter of the Livermore Falls Light and Power Company, by enlarging the rights, powers and privileges of said company.

An Act to amend Chapter 613 of the Private and Special Laws of 1893 entitled "An Act to establish the Western Hancock Municipal Court."

An Act to incorporate the Pleasant Hill Cemetery Association in the town of Webster.

An Act additional of Sections 96, 97 and 98 of Chapter 49 of the Revised

Statutes, relating to the qualifications of insurance agents and brokers.

An Act to amend the charter and extend the rights of the Goodall Worsted Company.

An Act relating to the use of automobiles in the town of Mount Desert in Hancock county.

An Act to amend Section 13 of Chapter 4 of the Revised Statutes as amended by Chapter 79 of the Public Laws of 1907 and as further amended by Chapter 200 of the Public Laws of 1909 relating to the election of Road Commissioners.

Finally Passed.

Resolve providing a State pension for Abbie M. Dinsmore.

Resolve for the permanent improvement of the main highway leading from the town of Franklin, in Hancock county, to the town of Cherryfield, in the county of Washington.

Resolve for aid in building a bridge across Moose River near its mouth.

Resolve in favor of navigation on Rangeley Lake, Mooselucmeguntic Lake and Cupsuptic Lake.

Resolve providing for a State pension for James R. Hunton.

Resolve for aid in building a bridge across Passadumkeag Stream, in Grand Falls Plantation.

Resolve for aid in repairing the highways in the town of Cutler.

Resolve for aid in repairing and permanently improving a highway in the town of Ripley.

Resolve for aid in building a bridge across Sandy Stream in the Plantation of Lexington.

Resolve for aid in building a bridge across the Umclucus Stream in Oxbow Plantation, in Aroostook county.

Resolve for aid in building a highway bridge in the plantation of New Canada.

Resolve in favor of the Washington State Normal school for equipment, repairs and permanent improvements.

Resolve in aid of navigation on Sebago Lake.

Orders of the Day.

The PRESIDENT: The Chair will state that unless there is objection, the public utilities being the main subject for consideration, today, involving

the greatest amount of time, the Chair will permit routine matters to be taken up first, and then other matters specially assigned for today, and take up public utilities last.

On motion by Mr. Stearns of Oxford, the vote whereby the Senate passed to be engrossed Senate Document 477, an Act to amend the primary election law, was reconsidered.

On further motion by the same senator, the bill was tabled pending its passage to be engrossed.

On motion by Mr. Walker of Somerset, Senate Document 302, an Act to enlarge the powers and jurisdiction of the Somerset municipal court, was taken from the table.

On further motion by the same senator, the bill was indefinitely postponed in concurrence.

On motion by Mr. Bailey of Penobscot, Senate Document 531, an Act to authorize the city of Lewiston to issue its bonds to the amount of \$100,000 to pay its bonds now outstanding and maturing in the year 1913, was taken from the table.

On further motion by the same senator, the bill was tabled and specially assigned for consideration Thursday.

On motion by Mr. Hersey of Aroostook, Senate Document 17, an Act to amend Chapter 6 of the Revised Statutes, relating to the regulation and conduct of elections, was taken from the table.

The PRESIDENT: The pending question is the action upon the disagreeing action of the two branches, the Senate having passed the bill to be engrossed, and the House having indefinitely postponed the bill.

Mr. HERSEY: Mr. President, I move that the Senate insist and ask for a committee of conference.

The motion was agreed to, and the Chair appointed as Senate members of the committee of conference, Messrs. Hersey of Aroostook, Boynton of Lincoln and Stearns of Oxford.

On motion by Mr. Morey of Androscoggin, House Document 360, an Act permitting the use of automobiles in the town of Eden, was taken from the table.

Mr. PATTEN of Hancock: Mr. President, I move that we reconsider the vote whereby this bill was passed to be engrossed. I make this explanation, that an error has been discovered in the bill, and I make this motion in order that an amendment may be offered. I ask that the bill be specially assigned for tomorrow.

The vote was reconsidered and the bill assigned for consideration tomorrow.

The PRESIDENT: The Chair lays before the Senate for consideration the first matter specially assigned for today, House Document 210, an Act to regulate the use of hat pins and other decorative utility.

Mr. DUTTON of Kennebec: Mr. President, that we may not drift too far from the consideration of the real question before us, I ask that the bill be read.

(The bill was read by the secretary.)

Mr. DUTTON: Mr. President, I now yield to the senator from Knox, Senator Patten.

Mr. PACKARD of Knox: Mr. President, I offer Senate Amendments A, E and C to House Document 210, and move that they be tabled for printing and specially assigned for one week from next Thursday.

The amendments were read by the secretary, and tabled for printing.

On motion by Mr. Bailey of Penobscot, the vote whereby the Senate accepted the report of the committee on legal affairs, "ought not to pass," on an act licensing stationary firemen, was reconsidered, and on further motion by the same senator, the bill was recommitted to the committee on legal affairs.

The PRESIDENT: The Chair lays before the Senate the report of the committee on railroads and expresses, "legislation inexpedient," on an Act for the abolishment of grade crossings, tabled on motion by Senator Burleigh. The pending question is the recommitment of the bill to the committee in concurrence.

Mr. BURLEIGH: Mr. President, I yield to the senator from Sagadahoc.

Mr. MAXWELL of Sagadahoc: Mr.

President, this bill came from the railroad committee at the very first of the session. The hearing was advertised and at the meeting, as I remember it, two gentlemen appeared, one in explanation of this bill and another in favor of some bill along the line of grade crossings.

It was thought at that time by the committee that the bill was not in proper shape to be acted upon, and I think it was tabled for something like seven weeks. At our last meeting, two weeks ago, this bill was submitted in a new draft, and the new draft was advertised and a hearing ordered. At our last meeting no one appeared in favor of this matter, not even anyone to explain the bill. Since that time I have learned that the gentleman who drafted this new bill was away at the time attending court in another section of the State and was unable to be present.

I had thought, when this matter came up, and I asked Senator Burleigh to table it, I thought of asking the Senate to non-concur with the House, and move that the report of the committee be accepted, but after consultation with some interested in this bill, or in a new draft to be submitted, I am willing that the bill be recommitted to the committee. I therefore move that the bill be recommitted to the committee on railroads and expresses in concurrence with the House.

The motion was agreed to.

The PRESIDENT: The chair now lays before the Senate the next assignment, Senate Document No. 453, An Act to create a Public Utilities Commission.

Mr. STEARNS of Oxford: I move the Senate now proceed to consider Document No. 453 in committee of the whole.

The PRESIDENT: Before putting the question the Chair thinks it is proper to suggest the main differences in procedure between the committee of the whole and the regular session of the Senate, this being the first instance of this procedure in this session. The committee of the whole on precisely the same footing as any of the regular committees of the Senate, of the Legislature. It may consider

amendments. It may consider bills. It may consider anything in connection with the subject matter committed to it. It may not amend or change the bill in any respect. But it may consider amendments or changes and report the results of its consideration to the Senate. The chairman of the committee of the whole will be designated by the presiding officer unless the Senate elects otherwise, in which case the choice must be made by the Senate before the committee goes into session. The chairman of the committee of the whole will take the desk occupied by the secretary of the Senate, the assistant secretary of the Senate will act as clerk of the committee. The committee of the whole may not adjourn. It may not take a recess. Its session may be terminated only by a motion that the committee rise, in which case the chairman will report to the Senate, and the Senate will take a recess or adjourn, if it desires to do so. In the committee of the whole, neither the motion to postpone to a day certain, the motion to adjourn, the motion to indefinitely postpone, the motion to lay upon the table, or the motion to commit to a committee, can be entertained. Neither can the motion that the previous question now be put be entertained. A member may speak as often as he can get the floor, and the debate can be limited, only by vote of the committee limiting it to a certain length of time. No yea and nay vote can be had in a committee of the whole.

The Senator from Oxford moves that the Senate will now proceed to resolve itself into a committee of the whole to consider Senate Document 453, with the proposed amendments.

(Motion was agreed to.)

THE PRESIDENT: The Chair designates the Senator from Franklin, Senator Wing, as chairman of the committee of the whole.

**In Committee of the Whole.
Senator Wing in the Chair.**

THE CHAIRMAN: The Chair lays before the committee Senate Document No. 453 and the various amendments offered to that bill, and awaits the pleasure of the committee.

Mr. MILLIKEN: I move that the amendments proposed be considered in the order in which they affect the bill, section by section in the order in which they affect the bill and not in the order of the letters. I will state for the information of the committee that I make this motion merely for the sake of order of procedure with regard to the bill itself, there being several interlocking and overlapping amendments, it being clearer and easier to consider the bill in that way.

Mr. MOREY: According to my understanding in regard to the rules that I think should obtain in committee of the whole, for instance, the first one, point of order—that is, should the points of order referred by the committee of the whole be decided by the chair, which would be the rule unless we agree to refer any disputed point of order to the President of the Senate, and unless we so agree then the ruling of the chair is final and the point of order cannot be taken to the president of the Senate. That is the first point I want to lay before the committee of the whole. And the second is returning to sections. For instance, suppose we start in with Section 10, and then under the arrangements we might then skip to Section 17. Under the rule governing the committee of the whole we could not go back into Section 15 because we had passed it. And it seems to me that we ought to adopt a rule permitting a return to sections, so that we may have the fullest and the frankest discussion of the question. Otherwise, a thing might logically come under Section 15 and we could not go back to Section 9, under the ordinary rule. That we ought to determine in advance, otherwise under the rules we should be barred.

Mr. MILLIKEN: Mr. Chairman, I made the motion in regard to consideration of the amendments with the idea of taking them up in the order the senator suggested. It seems to me his suggestion in regard to permitting a return to sections is entirely proper. No one desires to have any member of this committee cut off by any arbitrary rule from the fullest possible consideration of this

bill in all of its sections. It seems to me that the rule that the senator suggested ought to be adopted.

Mr. MOREY: I move that as the first rule, that the chairman of this committee of the whole decide the questions on points of order and that his decision shall govern us.

Motion agreed to.

Mr. MOREY: I now move, Mr. Chairman, that we have a right to return to sections that may be passed over in the discussion.

The CHAIRMAN: The senator from Aroostook has a motion before the committee, that the amendments be taken up by sections.

Motion agreed to.

Mr. MOREY: I move that we have a right to return to sections after discussion.

The CHAIRMAN: It is moved and seconded that after a discussion of any section we have a right to return to that section.

Mr. MOREY: Or to any intervening section.

Motion agreed to.

Orders of the Day.

Mr. HERSEY of Aroostook: Mr. Chairman, before taking up the several sections of this bill that have a proposed amendment attached, I wish, on behalf of the sub-committee who drafted this bill, to make a preliminary statement that we may better understand the work before us. And the first is that we are here at the present time in this Senate engaged in the work of carrying out our party platform according to our pledges. Both the Republican and the Democratic parties had in their platform a plank at the last election, pledging themselves to a public utilities bill. At that election, adopting that platform, the Progressive party in the State of Maine today was a part of those two parties, and I understand, since that, the Progressive party stands for the same thing, a public utilities measure, at this Legislature. So far we are all agreed. The Governor in his message laid before the Legislature this public measure as an administrative measure, which he asked to have passed, enacted and adopted. Early in the session the committee on the Governor's message made a report

to this Legislature, recommending that that part of the Governor's message advocating and recommending a public utilities bill be referred to a special committee to be appointed by the President of the Senate and the Speaker of the House. There was some dissatisfaction expressed at that report on the ground that the Speaker and the President might appoint someone on that committee in favor—so the newspapers said of course—in favor of interests in Maine that seek under this measure immunity and protection.

In the interests of peace and harmony, that this measure might not fall between those who disagreed about a special committee, this Legislature voted that this matter be referred to the two legal committees of the Legislature, the judiciary and the legal affairs, and this bill was so referred.

To offer a basis for action I presented to the Senate a bill, as a foundation on which to work. In the House the gentleman from South Paris, Mr. Wheeler, presented also a public utilities bill, and I believe that he was actuated by the same motive that I was, to give to this Legislature a foundation, a basis, on which to take action. These bills were offered as a basis to draft a bill that would meet the wants of the people of our State. Those two legal committees met, some 29 lawyers, and of course we could not draft a bill in such a committee as that. But we could hold public meetings and get all the information we could from the great public, as to what the public wanted or didn't want in a bill. And we had two public hearings upon this matter, one in the House of Representatives, I think, the other in the Senate, at which the public were invited, which had been advertised thoroughly, in which every one was requested to give his opinion and to present his views upon what a public utilities bill should be. Well, a few appeared before us and took a part in that deliberation in public. A great many persons appeared, or a great many attorneys representing great, large and powerful interests in the State of Maine. But a great many of those attorneys were silent, and looked on and said nothing, although they had in their pockets a

great many propositions which they wanted put into the bill, to help build of course, a good bill. The suggestions were very barren of any help to the committee. But this occurred when you asked one of these gentlemen who seemed interested in utilities: "Why didn't you say something at the public meeting?" "Well, you are going to have a sub-committee, aren't you?" "Yes." "And you will have a meeting somewhere?" "Yes." "I (the attorney) would like to sit down with your sub-committee and help you draft a bill. Now I have made a great study of this matter," the attorney would say. "I have been through everything; I think I can be a help to your committee. I would like to sit down and help you in this matter and I am willing to give you my services to make a good public utilities bill that will meet everything." Another one would come to you and say: "Here is an amendment," "here is a proposition." "Here is a part of this bill we would like to have put into it,"—shove it into your hands—"We will wait and see your committee and talk it over with you."

Well, the big committee of 20 lawyers met and appointed a sub-committee to draft a bill, because you couldn't do it in any other way, and that sub-committee gave notice through the press, "we will meet in secret, meet in executive session and consider this matter." No one man, whether he was attorney or not, outside of the legislators, could have any private sessions with that sub-committee. or sit down and talk it over with us in committee and show us how to draft a bill. Well, it was not on the ground that the sub-committee felt that they would be corrupted. It was on the ground that they wanted a bill to go into this Legislature that was free from any influences, if it were possible to so present a bill to you, so carefully considered, so worked out free from adverse influences, that we could say to you and ask you to adopt that committee's report for the people of this State.

Now, Mr. Chairman, as to the personnel of this committee. The committee, on the part of the Senate was composed of the senator from York, Senator Cole, and myself; on the part of the House,

the gentleman from South Paris, Mr. Wheeler, the gentleman from Dover, Mr. Peaks, the gentleman from South Portland, Mr. Sanborn, and the gentleman from Patten, Mr. Smith. The gentleman from South Paris, Mr. Wheeler, had made quite a study of this measure. He was in the House in the last Legislature, 1911, and was on the legal affairs committee, to which committee was referred a public utilities bill, and he faithfully worked during all that session to get a good bill out of that committee. He made investigations of public utilities, and it was a great help to our sub-committee that the gentleman from South Paris was a member of that committee. With his knowledge, with his disinterestedness, with his perfect fairness, he sat down with our sub-committee and gave us the full benefit of his experience. And if this public utilities bill goes through this Legislature, much of it will be due to the work of the gentleman from South Paris, Mr. Wheeler. The gentleman from Dover, Mr. Peaks, who has his first term in the Legislature, was the secretary of our committee—a bright, faithful young lawyer who is going to make his mark in the world, and who was of great assistance to our committee as the secretary in the investigation. The gentleman from South Portland, Mr. Sanborn, is not a crank, not a radical, nor an over-conservative. He is a well-balanced young man, and in the makeup of this bill he took a very prominent part, and no interest in this State will suffer, nor will the people of this State, from any action taken by the gentleman from South Portland, which was always perfectly fair on every measure and in every paragraph of this bill. The gentleman from Patten, Mr. Smith, an old member of the Legislature, well trained, gave the committee careful and painstaking efforts. He was here during all the days of the week, the Saturdays and the Mondays, staying here all the time, and devoted his attention practically to this bill, and great credit is due to him for the amount of labor he put upon it. The senator from York, Mr. Cole, brought to that committee his long experience as a commercial lawyer dealing with great interests and himself an attorney for many years for large corporations and railroads in this State. I now

want to say for him that he showed the utmost fairness in looking after the interests of large corporations as well as the people of the State. As to myself (excuse these blushes), "in the Legislature of 1909 I presented to the Legislature of Maine what was then a public utilities bill to enlarge the powers and duties of the railroad commissioners of Maine. Some of you here, today, were in that Legislature with me and know the fight on my part to get that commission enlarged and a utilities bill through. And I remember at the close of the Legislature, after a long fight, that the gentleman from Waterville, the leader of the Democracy, Mr. Pattangall, across the aisle from me, said "Let it go to the next Legislature; I will be with you for a utilities measure that will take in all the public service corporations of the State of Maine," and the record show that I said to Mr. Pattangall: "I agree that this bill shall be indefinitely postponed on the statement of the gentleman from Waterville that he will do that." Well, I came back in the Legislature of 1911 and the gentleman from Waterville also came back. I was in the minority. He was in the majority. I went to him early in the session and said to him: "Are you going to introduce a public utilities bill into this Legislature?" and he says: "I am. It is going to be an administrative measure and we are going to put it through." I said: "I will do the best I can for you." He referred it to his committee, and there hearing after hearing was had during the Legislature in that committee. During the closing days of the Legislature a bill was reported to the House. I had the honor of presiding over the House when that bill came up for debate, and Mr. Pattangall rose in his place and said in substance: "The bill has not been so carefully considered as we would like. In a great many portions of the bill we have not had time to go through it as we should. It needs to be more carefully considered. I do not recommend that it should pass this Legislature. I ask that it go over to the next Legislature." And it fell between the two Houses. If I know anything about the Legislature of 1911,

the policy on the part of the majority was that it didn't want to pass much legislation. They said: "If you don't pass any laws, then you can't pass any bad laws. If you don't do anything, why, of course they can't find fault for what you did." And so the measure went over. Whether the Democratic party made a mistake by doing that at that time is not for me to say. I only know that in the platform of both parties at the last election they declared for this bill.

Now then we come to the present hour. The bill is before us. And I want to say to you right here, that when the sub-committee got together and organized, we had before us a great deal of material—not only material collected from the last Legislature upon public utilities, but we had before us the combined experience of a good many years of public utilities in other states. We had before us legislation that had been tried. We had before us bills from other states where they had had the experience and found them all right. We had before us the mistakes of 30 states, who had adopted utilities matters, for us to avoid. And I want to say to you this—there is not a paragraph in the bill we present to you, today, that is the invention of any member of this sub-committee or was evolved from us. Every paragraph represents the experience and the approval of some state that has tried it out and proved it. This bill is no experiment, no untried thing. We have not put before you a single experiment but what has been tried by some state and found to be a good thing. We have profited from the mistakes of other states. Further than that, your committee took this view, that they would give you a bill that you could use and work. Now it does not meet the platform of the Republican party, or the Democratic party, or the views of the Progressive party, that this Legislature passes a bill, a utilities bill. You must pass a bill that means something, that is reliable, that can accomplish its object and its purpose, and that can regulate. Now with that in view we went to work—I believe without any influence

outside of the committee upon us—to draft a bill that would do justice between the people and its public service corporations. Well, maybe there was no work about it! You know what it means to sit down and work day after day, and night after night, long into the night, to consider every objection and every measure. That committee had before them all these 40 amendments that are here. We have considered everything that is put in here as an amendment. And I want to say to you, that after this bill was reported and printed and presented to you Senators, after these 40 amendments have been presented here in this Senate and after this sub-committee had gone through thoroughly those 40 amendments, there were only two that we could conscientiously say should be allowed. One of those is to change to word “or” to an “and” dropped out in the transcribing of the bill; the other is to put in where it says Section 63, I think, and then skipped to 65 in the numbering of the bill. Now with those two things, the committee’s bill should go through this Legislature. But your committee have not stopped there. There are a few amendments, I understand it, here that don’t affect the life of the bill, that don’t affect the working of the bill, some of the members here have offered in good faith to the bill, that should be allowed in the interests of harmony and peace here in the Legislature—they don’t affect the bill in the least, and we are willing that those amendments should go in and be allowed. But there are amendments here that Senators have offered—the same amendments we had offered to us in the sub-committee, the same amendments that have been slipped into our hands in the lobby, amendments offered to this bill that go to its very life, and could not be allowed. And we ask you in the discussion of these amendments, Mr. Chairman, that when this committee that considered these faithfully say to you that they ought not to be allowed, that you will consider that that opinion should have some weight in this Legislature in considering this bill. I know there are men in this Legislature who looking at this bill will say perhaps “I will

be affected by it,” or “some friend of mine will be affected by it, and it ought not to be so, it ought to be changed to this.” Why do you know—Yes, you do—that the railroads want an amendment here that will help them and they are willing that the telephone and telegraph companies and every other public utility shall be regulated; and the telegraph and telephone companies come in here and say, “Why, we want our amendment, look after us, but we don’t care how much you regulate the other fellow.” And the big one says, “I want an amendment that will apply to the little fellow.” The little fellow says “Look after the big fellow and I will take care of myself.” And then there are a great many things in the bill, perhaps looking upon it you will say, “Well, I don’t know about that, whether they ought to do that or not. Here is a public utility,” they say, “we are running all right, we are not doing anything wrong, nor we won’t do anything wrong, it ought not to be regulated, not touched upon.” Perhaps it never will be regulated by this commission. A great many public utilities in this State for years will not be touched by the commission in any way, it won’t be necessary to do it. But we believe the commission should have authority, if necessary, to do it. Why, you have been out in the woods without a gun. There were plenty of bears and wild animals around and you felt kind of scary, didn’t you? You were not likely to meet any wild thing. The chances were against that, that you wouldn’t meet any. But when you want a gun you want it awfully bad. It may not be necessary in the case of many corporations, to do much with them in this State. They are doing a good business, honest and square. But you want power. You want authority. When you want a gun, you want it. And we have given to the commission certain wholesome powers over the public utilities in this State, the power of control and regulation of the public utilities for the benefit of the public. We have said by this bill that the three commissioners to be

appointed by the Governor and Council are to be on the same footing with the judges of the Supreme Court, by their standing and by their salaries, experts to do the business in a dignified way, and we wish to put into their hands and keeping the public utilities of the State for the benefit of the people, and we believe they should have power, power enough to regulate utilities and conduct them for the benefit of the whole people of the State.

Now Senators, I have explained to you our position. Look at this from the standpoint we looked at it, for the benefit of the people of the State of Maine, for a good utilities bill, let Democrats and Republicans lay aside their party feeling in the matter, and don't ask who is going to get any praise for it in this Legislature, but ask yourselves the question, "As a Senator, as a legislator, what ought I to do to get a good bill?" and if you are satisfied that the committee have acted conscientiously and fairly and squarely in the matter between the public and the utilities, then endorse the matter by endorsing this bill.

The CHAIR: The Chair now lays before the committee Amendment E to Section 1, and it is Senate Document No. 469.

Mr. MOREY of Androscoggin: Mr. Chairman, gentlemen of the committee: The amendment reads as follows: "Amend Section 1 in the second line thereof by inserting after the word 'commissioners' the following words: 'One of whom shall be a Republican, another a Democrat and the third a Progressive.'"

In the opening remarks of the Senator from Aroostook he truthfully said that both the Democratic party and the Republican party had expressed the wish in their platforms that a public utilities bill should be adopted, and that the Progressive party has expressed in no uncertain terms through its members who have been taken from both of the parties that it was their wish that a public utility bill should be established. It is, and should be, a non-partisan measure. The way the bill is drafted, the first section, as it now stands, the Governor of the State

would not be confined to any party in the selection of the commissioners. By the proposed amendment he would select from each of the three parties. It needs but a passing glance to show that the parties in this State are quite nearly equal in numerical strength, and the bill which if it passes in the State substantially as it was reported by the gentlemen from this committee, will mean the placing in the hands of three men power almost untold. If modifications such as have been suggested be not made, then there is no bill in my judgment ever presented to the State, or, enacted into a law, that will carry with it the power that this bill carries. It reaches down into little industries. It reaches hold of the large corporations. It takes the mighty interests of the State; it adds to it the smaller industries, which I do not believe the people of the State had in mind when they unanimously, practically, by their parties, endorsed a utilities' bill. And so this commission in its makeup should be represented by the three great parties of the State. It should be non-partisan in its make-up. It should not be left so that any Governor may take from any party the three commissioners, notwithstanding two-thirds of the people of the State may be of different political affiliations and say to them, we will put the power of controlling the State in the hands of three men who, perhaps, sometime, when the crucial test may come, will waver from their sense of obligations to the public, to their obligation to the party, to which they belong. And so as it is conceded to be a non-partisan matter, a selection from each one of the parties it seems to me would be eminently proper and fair.

There is another reason why it seems to me it would be a good thing to do. In our Legislature we are made up of three parties. No one party itself is able to put this act through. It should be the combined effort of all the parties and should go to the people of the State as an act of the Legislature for the welfare of the State joined in by the parties. What will be the beneficial result of that? This bill, in whatever form it passes, will be subject to run the gauntlet of the referendum in the

State. It will need then the combined efforts of the three parties to make it become a law. It must have it at the polls, and it not only is a sense of fair play, what would commend itself in an act that is admittedly non-partisan, but it would ensure its passage by the people when it comes before them. If representation, for instance, is given to but one party, what would the other parties do if it came clothed with all the power that may be given to this act when it is enacted into law? And so I think that the first thing to do is to make the commission non-partisan, and our bill will be non-partisan when we get done with it. It will be a bill that we hope to frame for the best interests of the people of the state of Maine. Rob it of any political significance and say that while this act is a distinct departure from our previous form of government, yet we will so safeguard the rights of all parties that we want it to go to the polls as an instrument, as an act under which they may be content to relinquish part of the government that they have heretofore enjoyed, and for these reasons I move the adoption of amendment E to Section 1.

Mr. COLE of York: The committee in drafting this bill had in mind the various points that the senator has expressed. He does not want a partisan bill; neither did the committee. The committee in drafting this bill placed the members of the commission upon the high footing of the supreme court. It gave them full power to decide, and finally decide all questions of fact, paying them a salary equal to the salary of the supreme court. It had faith in the Chief Executive of the State, that he would appoint only to that court men who were qualified to act and act in an unbiased manner. This commission is not created for the benefit of those who go upon the commission as members of the same. It does not ask the Chief Executive to appoint the members of his party, or the members of the Progressive party, or the members of the Democratic party. It asks him to appoint three men capable of executing the powers conferred upon them under this bill, and it does not believe that partisan politics in any degree, or the name of any political party, should be incorpor-

ated into this bill any more than you would incorporate it in the act appointing the supreme court, or amend your Constitution that it should be politically constituted. He asks that there be one Republican, one Progressive and one Democrat. These commissioners are appointed for the long period of seven years. Who knows, when the next appointment comes, where there will be a Progressive in the State of Maine? Who knows where the Republican party is going to be seven years from now? And judging from the past there will be mighty few Democrats perhaps seven years from now to choose from. I don't know why it is not making class legislation, and if I were not a Republican, I have a right to be a Prohibitionist or a Socialist, and under his amendment I am forever barred from ever being appointed. It seems to me that it is unwise. And your committee considered that and they put in the very bill itself that the members of this court, if you please, this commission, should have no affiliation with any political party in any campaign or on any committee. They may be removed if they do it. And we believe that it is unwise to put party politics or party names into this measure, and we ask that the amendment be rejected.

The question being on the adoption of Senate Amendment E to Senate Document 453, the amendment was rejected.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document 529, Senate Amendment L-1.

On motion by Mr. Hersey of Aroostook, the amendment was rejected.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document 522, Senate Amendment E-1.

On motion by Mr. Hersey, the amendment was rejected.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document 475, Senate Amendment S to Section 9.

Mr. COLE of York: Mr. Chairman,

I move the adoption of Senate Amendment C.

Mr. MOREY: Mr. Chairman, will you have the amendment read?

The amendment was read by the clerk, as follows:

"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."

The motion was agreed to and Amendment C was adopted.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Amendment G-1.

Mr. COLE: Mr. Chairman, that amendment seems to have been put in through a misunderstanding of the definition of express companies.

The general impression seems to have gone out that every little stage line under this bill becomes a public utility.

It is not so. Perhaps a word of explanation on the part of the committee will show why that was put in after careful consideration and several long painful hours in the committee. There were members of the committee who realized that there were conditions in several sections of the State which warranted the including of this term in the bill. It does not

include the stage itself. It does include the express company which may use a stage for forwarding express, if it was doing business between Boston and Augusta over railroad lines and maintained an office on the railroad lines and its express matter was forwarded from Boston to the country town, prepaid, using the stage line as a carrier. That is, the stage line so far as the express company is concerned under regulation of express matter for that stage, becomes a part of that public utility. It is only when the stage is used for carrying through express from the point of shipment to the point of destination, something for persons ten miles in the country, where they do not maintain an office, and the express line stops at Augusta and the stage driver of his own volition, pays the express charges there.

The stage driver could not be compelled to take the packages, but he does take them, gets the money and puts it in his pocket. Per chance if a large bundle came, he is not obliged to take it.

It is only when the express company guarantees to deliver and expects money for payment that that word "stage" has any bearing whatever.

We believe we must include this, in order to control the express companies and make a whole bill. It was not intended to follow the express company to the extreme end of their destination where the express company did not have an office.

Mr. MOREY: Mr. Chairman, the section reads as follows:

"The term 'express company' when used in this act included every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in or transacting the business of transporting any freight, merchandise or other property for compensation on the line of any common carrier, or auto State line within this State."

If it is intended to limit this only to express companies, applying it only to them, in the ordinary acceptance of the word, I have no fault to find with the word "stage." But I think it should be made more definite and certain. I claim as this stands now the

word "stage," in a fair reading of this section, will leave it so that a man owning a stage, if he transports any commodity for hire, is an express company.

If it is intended to limit it to express companies using them to transport their freight, I think it could be arranged. I think now it takes in the stage owner.

Now suppose there is a man from Readfield running a stage to Augusta and taking from a shoe store out there packages, every morning and bringing them to Augusta and receiving so much compensation for doing it. Under that section is there any question but what he would be termed an express company and made a public utility? There are 40 or 50 stage lines throughout the country transacting business and transporting freight for compensation. If the man who owns the stage line receives packages to be carried to the destination at the end of his stage line, or anywhere along it, it brings him directly within the meaning of this section. I have not the slightest objection to the express companies being included, but the stage lines throughout the State should not be made public utilities. In connection with Section 9, as regards public utilities, just turn to Section 38:

"Section 38. No public utility shall henceforth sell, lease, assign, mortgage or otherwise dispose of or encumber the whole or any part of its property necessary or useful in the performance of its duties to the public, or any franchise or permit, or any right thereunder, nor by any means whatsoever, direct or indirect, merge or consolidate its property, franchises or permits or any part thereof with any other public utility, without having first secured from the commission an order authorizing it so to do."

Then you take Section 36—if that contention is right about the stage, and I think everyone will believe it does apply to it—look at Section 36:

"Section 36. No public utility shall issue any stocks, bonds, notes or other evidences of indebtedness unless payable within one year from date thereof, for money, property or services in

payment for same, either directly or indirectly, until there shall have been recorded upon the books of such public utility the order of the Commission as herein provided; and no indebtedness shall in whole or in part, directly or indirectly, be refunded by any issue of stocks or bonds or by any other evidence of indebtedness running for more than 12 months, without the consent of the Commission."

Then on Page 8, we come to the next Section:

"The term 'common carrier' when used in this act, included every railroad company, street railroad company, express company, dispatch, sleeping car, dining car, drawing room car, freight, freight line refrigerator, oil, stock, fruit, car loaning, car renting, car loading and every other corporation, etc."

It seems that one section makes the stage an express company and the next section makes the stage a common carrier, and the next section makes a common carrier a public utility.

I believe that the stage drivers in the State of Maine should not be made public utilities.

Mr. COLE: Mr. Chairman, we had no such intention, and we believe we had excluded them. The only place in the bill where it is used is where an express company does business over a stage line or through a common carrier or through an auto line. There we did not see how the stage company could have any more connection with the railroad company than if they carried over a stage line.

Mr. MOREY: Mr. Chairman, "The term 'express company' when used in this act, included every person or corporation, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in or transacting the business of transporting any freight, merchandise or other property for compensation on the line of any common carrier or stage, or auto stage line, within this State."

Suppose the owner of the stage line is carrying freight, is carrying parcels every day; that makes him a person engaged in common carrying. The following section states:

"The term 'common carrier' when

used in this act, includes every railroad company, street railway company, express company, etc."

The previous section makes a person transporting over a line an express company. I think the express company ought to be followed through, but if the owner of a stage line from Readfield makes a contract to carry so many cases of shoes to Augusta every day, he is transporting freight for hire, and he has a stage line and is a public utility.

Mr. COLE: Mr. Chairman, I think perhaps the senator has injected a comma after the "carrier." There is no comma after "common carrier." The word "common carrier" has been defined, and I think this comes within the limitation mentioned.

We all go to Boston very often and deliver our tickets to the Armstrong Company. They see fit to deliver our baggage, but we do not call them common carriers. They are not obliged to take trunks. A stage line is not bound to take anybody's business unless they wish to, and unless they wish to take it we cannot force them to.

If a man puts out a sign "John Smith, Express Company," and takes every man's express, then it makes no difference whether he runs from Readfield to Augusta or to Portland to get the business; he is an express company and should be regulated. If I hire a man to haul goods for me to the railroad station, he does not become a common carrier. He is being paid for it. He is not obliged to carry my goods.

We have no objection to this amendment if it is going to make trouble. We do not believe that anybody can misunderstand it, unless they want to.

Mr. MOREY: Mr. Chairman. I do not know as that is hardly the proper way to get at it. I am not purposely misunderstanding it.

Mr. COLE: I do not wish to be understood as thinking that you are.

Mr. MOREY: This section provides that the term "express company" used in this act includes every corporation or person, or their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in transacting the business of transporting any freight, merchandise or other proper-

ty for compensation on the line of any common carrier or stage, or auto stage line within this State.

Any man, if he has an express company and is transporting so many cases of shoes to Augusta every day, that makes him a person engaged in the work for compensation, and he is carrying on his business in that way. You cannot find a stage line in Augusta that it not carrying on business that way.

Mr. BAILEY of Penobscot: There seems to be no misunderstanding concerning the intent of the committee; it is simply the way of getting at it. If the motion is in order, I move that we pass over this for the time being.

The CHAIRMAN: A dilatory motion is not in order.

Mr. HERSEY of Aroostook: Mr. Chairman, I give to the senator from Androscoggin the utmost honesty in the matter. I do not see how we can misunderstand it. I call the senator's attention to the fact—the term "express company" we all understand in the ordinary sense. "The term 'express company' when used in this act includes every corporation or person, the lessees, trustees, receivers or trustees, appointed by any court whatsoever engaged in or transacting the business of transporting any freight, merchandise or other property for compensation on the line of any common carrier or stage, or auto stage line, within this State."

Now all stage companies carry their express over railroads and by vessels, and by carrying it over railroads, the railroads do not become express companies by doing that, nor does a vessel become an express company by carrying this freight, neither does a stage line become an express company by carrying this freight.

Do you not understand it?

Mr. MOREY: I think I do.

Mr. BAILEY: I move that we reject this amendment G-1.

The Chair put the motion and on a viva voce vote was in doubt as to the result.

A rising vote was then taken, and 14 being in favor of rejecting the amendment and 10 being opposed, Senate Amendment G-1 was rejected.

The CHAIR: I now lay before the

committee Senate Amendment G to Section 9, Senate Document 498.

Mr. COLE: Mr. Chairman, the committee after a substitute amendment for Amendment G: "Strike out the amendment offered and insert in place thereof the word 'steamboat' so that said section, as amended, will read as follows in the 138th line: "The term vessel when used in this act includes every steamboat which is owned, controlled or operated or managed for public use in the transportation of persons or property for compensation within this State."

That cuts out motor boats, sailing vessels and everything of that kind. Our reason for this is that many of the common carriers are not only common carriers on the land, but also on the water and there could be no fair valuation taken of a common carrier unless you take into consideration every part of the property. There can be no rates fixed unless the commission had power over all property owned by the corporation. This term "vessels" does not include private vessels going up and down the coast doing a private freight business, but only a vessel as a common carrier, which, like a railroad, is bound to take any person or any person's freight, and has a price for carrying same. Our amendment is limited to steamboats, and it strikes out all other craft.

I move the rejection of Senate Amendment G and the adoption of the substitute amendment offered in place of same.

The motion was agreed to, and Senate Amendment G was rejected, and the substitute amendment offered by the committee was adopted.

THE CHAIR: The next matter for consideration is Senate Amendment F to Section 9, Senate Document 497.

Mr. MOREY: "The term 'water works' when used in this act, includes all reservoirs, tunnels, shafts, dams, or dikes, etc., fixtures or personal property owned, connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment or measurement of water for power irrigation, reclamation or manufacturing, or for municipal, domestic or other beneficial use."

The amendment asked the striking

out the words "dams or dikes" and the words "or other" in the 132nd line.

Mr. HERSEY: That was taken out.

Mr. MOREY: So that it appears, Mr. Chairman, that the words "or other" were stricken out, and that of course becomes unnecessary.

The question is now on the words "dams or dikes." Certain dams and dikes, of course, would be necessarily included. I put in that amendment to see if the discrimination could not be made against others.

Take the case we discussed a few days ago in the Senate, the Gooch dam, so-called, where the right was given to build a dam, and he was allowed to collect tolls until the dam was paid for, and therefor to collect nothing except for maintenance. Now that dam would make the owner under this section a public utility. Of course in large dams and dikes used in connection with waterworks, it is essential that they should be included.

Mr. COLE: As it is now, it is limited to waterworks for municipal purposes.

Mr. MOREY: Then as it is limited to dams only for municipal purposes, I withdraw that amendment.

Mr. HERSEY: I move that Senate Amendment F be rejected.

Mr. MOREY: I withdrew my amendment.

Mr. HERSEY: You cannot withdraw your amendment.

Mr. MOREY: At any time before an amendment is acted upon, a motion to withdraw is in order.

Mr. HERSEY: I simply want the record all right. I think we had better reject it.

The motion was agreed to, and Senate Amendment F to Section 9 was rejected.

THE CHAIRMAN: The next matter for consideration is Senate Amendment H to Section 9, Senate Document 499.

Mr. MOREY: This is to amend Section 9 further by inserting after the word "used" in the 147th line, the words "in connection with any regularly established steamboat line."

The term "wharfinger" includes every person or corporation owning, controlling, operating or managing any dock, wharf or structure used by ves-

sels in connection with or to facilitate the receipt or discharge of freight or passengers for compensation within this State.

This amendment is to insert after the word "used" in the 147th line, the words "in connection with any regularly established steamboat line." That is, if the wharf is limited to steamboat lines that come for freight, I do not think that was intended to be included, and then it is all right, but as it stands now, it seems to be very objectionable. "The term 'wharfinger' when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees, appointed by any court whatsoever, owning, controlling or operating or managing any dock, wharf or structure used by vessels in connection with or to facilitate the receipt or discharge of freight or passengers for compensation within this State."

I suppose there are hundreds of wharves on the Maine coast, and up in a small cove perhaps a man has a wharf, and his neighbor perhaps is building an addition to his house. A small schooner comes and lies at the wharf and discharges its cargo and gets a few dollars while there. That being a place where they could discharge their freight, the owner of that wharf would be made a public utility. If this section was limited to the operation of steamboats, then it would cut out the use of these wharves for all these small matters, which I do not think was ever the intention of the committee. I do not know just how the amendment has left it.

Mr. COLE: We have amended the term "vessel," and wherever it is used, it now means "steamboat."

Mr. MOREY: Then this will apply only to steamboats? Mr. Chairman, that use wharves, so that there should be included in the act all of those docks and wharves that have to do with anything coming under the definition of common carrier. It seems to me for that reason that nothing can be read into any section of the bill that is not read into it as a whole and taken as a whole. You cannot say that a ferry is a regularly established steamboat

line for it is not so termed in ordinary use.

Mr. COLE: We do not want to read anything into this bill or insert anything that is not necessary.

Mr. MOREY: Then it would leave the section just the same. You relied upon a previous definition as to steamboats and ferries?

Mr. COLE: Yes, the section in regard to ferries is under common carriers on Page 7: "The term 'railroad' as used in this act, includes every commercial, interurban and other railway other than a street railroad and each and every branch and extension thereof by whatsoever power operated, together with all tracks, bridges, trestles, rights of way, subways, tunnels, stations, depots, union depots, ferries, yards, grounds, terminals, terminal facilities, structures and equipment and all other real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property."

Mr. MOREY: It seems to me that if we leave this section: "The term 'wharfinger' when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any dock, wharf or structure used by vessels in connection with or to facilitate the receipt or discharge of freight or passengers for compensation within this State," that it should include tug boats.

Mr. COLE: A tug boat is not a steam boat according to this bill, nor is a motor boat.

Mr. MOREY: Then we should amend this section further to include ferries as well as tug boats.

Mr. COLE: The section includes the transporting of persons or property for hire.

On motion by Mr. Hersey of Aroostook, Senate Amendment A was rejected.

The CHAIRMAN: We will now take up Senate Amendment I to Section 9, Senate Document 500.

Mr. HERSEY: Mr. Chairman, I move the rejection of that amendment.

Mr. MOREY: I asked to amend Section 9 by inserting after the word "by" in the 146th line the words "any street railroad, railroad or steamship lines." The definition of vessels has been adopted as to steamboats and the management of wharves, etc., and the taking and transporting of freight, and this amendment is unnecessary.

The motion of the senator from Aroostook was agreed to and the amendment was rejected.

Mr. MILLIKEN of Aroostook: Mr. Chairman, I am willing to work as many hours as anyone, but we are to meet again by common consent, this afternoon, and there are two committee hearings before we can meet again. I move that the committee rise and that the chairman of the committee be instructed to report to the Senate progress, but not completed, and ask to sit again.

The motion was agreed to and the committee of the whole dissolved.

IN SENATE.

THE PRESIDENT: The Chair recognizes the senator from Franklin, Senator Wing.

Mr. WING: Mr. President, the committee of the whole to which was referred bill, An Act to create a Public Utilities Commission, prescribe its powers and duties, and provide for the regulation and control of public utilities, Senate Document 453, with accompanying amendments, reports progress and requests to meet again as committee of the whole, at 3.30 o'clock this afternoon.

The report of the committee was accepted and permission was granted the committee to meet again this afternoon.

On motion by Mr. Stearns of Oxford, a recess was taken until 3.30 o'clock this-afternoon.

After Recess.

Senate called to order by the President.

On motion by Mr. Stearns of Oxford, the Senate resolved itself into a committee of the whole for further consideration of Senate Document 453, with amendments.

The Chair designated the Senator from Franklin, Senator Wing, as Chairman of the committee of the whole.

In Committee of the Whole.

The CHAIRMAN: The Chair laid before the committee for its consideration Senate Amendment J, Senate Document 501.

Mr. MOREY: I would ask in relation to Senate Amendment F, which in the Legislative record antedates this one just referred to, what the recollection of the Chairman is in reference to the disposition of that amendment.

The CHAIRMAN: Senate Amendment F, the vote was to reject; Senate Document 497.

Mr. MOREY: I think there has been an error in regard to that, because certainly there is an error in the printing. That is why, for one, I was misled on it. You will see in the printing, Senate Document 497, that the words 'municipalities or water districts' are left off and are put on as the heading of Senate Document 498. The amendment was, amend said section by adding after the word "State" in the 137th line, the words, "but the term 'Water Company' when used in this act shall not include water companies when owned by" the next words were left off and put on the next Senate Document, and that as far as I was concerned slipped by without attention, and I move Mr. Chairman, that we taken that matter up.

Mr. MILLIKEN: Mr. Chairman, I presume we may get into difficulty if we go to reconsidering votes, but it seems to me if any misapprehension has occurred that there ought to be opportunity to straighten it out, and I recall now that the Senator from Androscoggin mentioned it when this matter was under discussion. The discussion was entirely in regard to the first paragraph and the last paragraph was not referred to, and it seems to me, Mr. Chairman, in view of that fact that it would be well to proceed until the list of amendments has been gone through with and then take up this one by unanimous con-

sent, if the committee please—If that would be satisfactory.

Mr. MOREY: It is all right.

The CHAIRMAN: The Chair lays before the committee for consideration, Senate Document No. 501, Senate Amendment J.

Mr. HERSEY: I move the rejection, Mr. Chairman. Senate Amendment J has been taken care of by other amendments.

The motion was agreed to and the amendment was rejected.

The CHAIRMAN: The Chair lays before the committee Senate Document No. 502, Senate Amendment K, Section 15.

On motion by Mr. Morey of Androscoggin, the amendment was rejected.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document No. 512, Senate Amendment U.

Mr. COLE: I move that it be rejected on the ground that under the bill, Section 15, no public utilities shall keep any other books, accounts, papers or records of its business transacted than those prescribed or approved by the Commission, and it seems to me that that is full and complete enough, and this allows, by implication at least, another set of books to be kept—provided it keeps one set approved by the commission it may keep any other books it chooses. And it was to avoid that, the utility keeping two sets of books, one for the commission and the other for itself. I move its rejection.

The motion was agreed to and the amendment was rejected.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Amendment A.

On motion by Mr. Cole of Androscoggin the amendment was adopted.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document No. 473, Senate Amendment B.

On motion by Mr. Cole of Androscoggin, the amendment was adopted.

The CHAIRMAN: The Chair lays before the committee Senate Document No. 523, Senate Amendment F-1, Section 17.

Mr. COLE: I move that that be rejected. Senate Amendment F-1 says, "strike out all after the word 'items' in the second line of Section 17." Section 17 as printed in the bill reads: "The commission shall provide for the examination and audit of all accounts and all sums"—that is the way it would be left under the amendment—but the bill as printed and recommended by the committee says: "The commission shall provide for the examination and audit of all accounts and all items shall be allocated to the accounts in the manner prescribed by the commission." And the reason for that is, Mr. Chairman, that when the commission prescribes certain books and accounts and the manner of keeping those books, it will prescribe that certain items, certain expenditures, certain income shall go under certain headings, and it will not be possible for any public utility to put interest charges under operating expenses, and therefore perhaps come before the commission with the idea that its operating expenses are so large that it must raise its rates on account of large operating expenses, when those operating expenses are one sum, and operating expenses plus interest charges are altogether a different charge. We believe that all of those expenditures should be under their proper headings.

The motion was agreed to and the amendment was rejected.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document No. 513, Senate Amendment V to Section 19.

Mr. COLE: Section 19. "Every public utility shall file with the commission within a time to be fixed by the commission, schedules which shall be open to public inspection, showing all rates, tolls and charges which it has established and which are in force at the time for any service performed by it within the State"—

The CHAIRMAN: Are you considering No. 513?

Mr. COLE: 513—it adds "within the State" in the eighth line after "therewith." Now our reason for moving the

rejection of that, Mr. Chairman, is that there are many public utilities operating in part within the State of Maine and in part within other states, and the commission in attempting to fix the rates or schedules of a utility within the State of Maine would have to know something of the income and expenditures of that utility on the part that is not within the State of Maine, and therefore we don't think it is fair, even to the utility, wherever it may be located, as for instance, the Boston & Maine Railroad operates in three states—now it might be unjust to the Boston & Maine Railroad not to look into its condition, the amount of its bonded indebtedness and all of those things, on the system as a whole. So we don't believe it ought to be confined to within the State.

The motion was agreed to and the amendment was rejected.

The CHAIRMAN: The Chair lays before the committee Senate Document No. 476, Senate Amendment D to Section 19.

Mr. RICHARDSON of Penobscot: Senate Amendment was offered by me in good faith, as I understand it, and provides for changing the word "January" in the tenth line of said section, and inserting in lieu thereof the word "July." This would make the last four lines read: "The rates, tolls and charges shown on the schedules first to be filed shall not exceed the rates, tolls and charges which were in force on July 1st, 1913." This provision, Mr. Chairman, was asked for because since January 1, 1913, there have been rates accepted which have been approved by the Interstate Commerce Commission. These rates bear on traffic within the borders of the State and also on interstate commerce, and therefore the two railroads interested, the Maine Central and the Bangor & Aroostook Railroad, which have made these rates, ask that that change be made so that the rates which shall be filed be in force on July 1, 1913.

Mr. COLE: The committee in fixing the date of January 1st did not do it without considering all phases. We believed that it was only fair to the public corporations that the rate which was in force at the date of the opening of this

Legislature, when it became known that a public utilities bill was to be considered and probably passed, there was then existing fair rates for the utilities, that if the rates were fair on the first day of January there would be no need of any change, and the rates existing on the first day of January would be fair rates from which to start. We did not believe that any honest corporation would jack up its rates after they found that a bill had passed this Legislature. But there would be the opportunity to do so, because there would be 90 days from the time this bill passed the Legislature before it could become operative under the law, and therefore there might be an opportunity to change a rate, and while it would not be possible for the large corporations to do that perhaps and make a change in all the rates, and no desire to do it, yet there might be some trouble with small corporations, which we want to guard against just as much exactly as we do the large ones, which would change their rates, doing business within a limited space, and then the burden would come upon the people to come before this commission and get these rates reduced. So far as the explanation that the senator from Penobscot has given, that has all been taken care of by Amendment A. And then if Amendment A had not been adopted, every member of this Senate will realize that this Legislature cannot pass any law which is opposed to any law of the United States, or any commission acting under the authority of the United States. Therefore, any rate which has been raised by the authority of the Interstate Commerce Commission between January 1st and July 1st must of necessity be accepted by the commission as the rate which is existing and the established rate of that utility. So we do not believe there is any need of that change in view of the adoption of Amendment A.

Mr. MILLIKEN: Mr. Chairman, it seems to me that in any event this amendment should not be adopted. If it is desired to take care of the situation that has been referred to by the Senator from Penobscot, some other amendment should be adopted,

perhaps in language like this, making an exception of rates that have been approved by the Interstate Commerce Commission. But I think all the members of this committee will see upon reflection what a door this amendment as it is at present would open. Of course, we understand that the large utilities doing interstate business are all under control of the Interstate Commerce Commission, but the great amount of smaller utilities in this State, including the power companies, and the light companies and the water companies, are not under any control at the present time, and this would open them a wide door, permitting them to raise their rates to any amount they might see fit before July 1st. Personally I believe that the committee is right in their position, that the other provisions of the bill especially with amendment "A" will take care of the emergency that the Senator from Penobscot has suggested; but in any event I suggest for his consideration that if he desires to take care of that objection, he offer a separate one and not insist upon the adoption of this one in the present form.

The motion was agreed to and the amendment was rejected.

The CHAIRMAN: The Chair lays before the committee Senate Document No. 508, Senate Amendment Q to Section 27.

Mr. COLE: Senator Morey introduced that amendment, and I presume has a reason for the same.

Mr. MOREY: Yes, Mr. Chairman and gentlemen of the Committee, I thought I had a very good reason for introducing that amendment. The section provides: "Corporations for the operation of telegraphs or telephones and corporations for the operation of both telegraphs and telephones, and corporations for the purpose of making, generating, selling, distributing and supplying gas or electricity or both for lighting, heating, manufacturing or mechanical purposes, in any city or town, or two or more adjoining cities or towns within the State, or for either or any of

such purposes, may be organized under the provisions of Sections 5 to 10 inclusive of Chapter 47, but no corporation so organized, person or association shall have authority, without the consent of said public utilities commission to furnish its service in or to any city or town in or to which another corporation, person or association is furnishing or is authorized to furnish a similar service." That takes away rights that now exist, which have been very much abridged and limited by an Act passed in 1895. Now at that session of the Legislature the authority was restricted so that no corporation organized hereunder shall have authority without special act of the Legislature to make, generate, sell, distribute or supply gas or electricity or both for any purpose in or to any city or town in or to which another company, person or firm are making, generating, distributing or supplying, or are authorized to make, generate, sell, distribute or supply gas or electricity or both, without the consent of such other company, person or firm. Now then that law provided that no corporation should establish its plant in any other town where there is one existing without the consent of the Legislature, but it didn't say, corporation, person or association. Up until this time a person or an association would have its right to establish its plant in a town in competition irrespective of getting an Act of the Legislature, and it was thought at the time that this law was passed that the rights were taken in a great degree from the people when they couldn't put in another town where plants already existed, plants of a similar nature without the consent of the Legislature. But even that Act didn't go to the extent of depriving persons or associations from so doing. Now then this section not only includes the corporations organized but also persons or associations. It takes from the people at large, persons or associations desiring to establish these plants, the very right that they had, and those are included in the public utilities. And it seemed to me that the matter had already gone too far, in 1895, and if you incorporate into

this act persons and associations as well as corporations, that the rights of the people are very much further restricted, and so I provided by that amendment to strike out those words whenever they occur and to leave the act as it is, and to give the power to come to the Legislature so far as it is now enjoyed in concurrence with the public utility commission; that is, leave the matter as it is, but give the right to the person desiring to establish a rival corporation either to the board of public utilities or to the Legislature—in any event strike out the words "person or association" because that is carrying the matter too far and infringing too much upon the rights. That is my reason for inserting that.

Mr. COLE; When the committee started to draft this bill it outlined a general plan of action. It first made up its mind that it must not to any extent change the substantive law of the State; that it would take the law as it found it, and if the law were wrong the next Legislature could change it to meet the needs of the times and the people. This committee did not feel called upon to change any particular amount of the substantive law. The law under this section gives a monopoly, and this bill is built wholly upon the monopoly plan is the law of the State of Maine at the present time; that when a public utility has once gained a right to go into the municipality and furnish it with light, heat, power, telephone, telegraph, etc., any other utility of the same kind cannot go in on that same ground to compete with it. Whether that law be right or wrong, I do not know, and we are not here to discuss it, because it is the law, and this committee in framing the bill simply attempt to take the law as it is, and to put the public utilities commission in charge of utilities as they do exist. And therefore it became necessary to incorporate these two words in this Section, because a person under our definition may be a public utility. An individual as well as a corporation may own an electric lighting plant, and he may have his wires strung around over a town. There is no

more reason why he, if he is selling his product to the people, should not be regulated than if he were a corporation. There is no more reason why a person, if he stretches a telephone line across his town and sells his product to customers, why he should not be regulated any more than the New England Telephone & Telegraph Company should be regulated. Any person is a public utility within the definition of utility who sells his product to all takers. Therefore it became necessary in order to carry out the monopoly idea in the State of Maine, to put persons on the same par that corporations are put, and there is no reason why a corporation should not be protected,—no reason why you should allow an individual to get a foothold any more than you would allow another corporation to get a foothold. And there is a provision within this very bill which the committee have drafted, that if any public service corporation, or any utility as we call it in the bill, is not giving the service that it should give to the people, then the people may go before the commission and make their complaint, and if they have gone before the commission and made their complaint and the remedy cannot be had which they seek, then they may come to the Legislature for any relief that they desire; but they must first go to the public utilities commission. Now the reason for that as plain, simply because every public utility must earn an income to pay an interest on its stock and there is no reason in the wide world why the stockholder who puts his money into a corporation should not be protected by the laws of the State of Maine so that that corporation may earn him an income on the money he has invested, and that being true there is no reason why the monopoly plan should not be protected until it is changed by law. And if we are to change it by law, it is not for this bill to change it; but it has included within this bill all persons or associations as well as corporations who may become competing factors with existing utilities. For that reason we believe that those words are rightly in there. And also, so far as by spe-

cial act of the Legislature, as I have already explained, we believe that should provide that when they have exhausted their rights before the utilities commission then they may come before the Legislature to seek their rights, but we believe they should first go to the utilities commission, and that the public utility which is on the ground should certainly have the consideration of the commission before any competitor is allowed to come into that territory. Now I want to say that the committee does not give that as their personal idea. They simply take the law as they find it and incorporate it into this bill.

Mr. MOREY: The very idea of the amendment was that the statute as I have said before only took in corporations, but this utilities bill takes in persons or associations. The senator from York says that it is desired if a person engages in selling electricity or any other commodity of that nature that he should be subject to the control of the public utilities. Well, now, that undoubtedly is sound reasoning. But the person now, or the association, has the right to go into any place where a corporation exists, of course first getting local authority, but he has the right to do it. This bill takes away that right for a person or association to establish a plant. And further any corporations desiring to compete have the power and the authority now to come to the Legislature for relief. That is taken away until they first exhaust the entire requirements of the public utilities. My claim is that the Legislature of this State should be always open for remedy or relief for persons or corporations, and it is unwise to further restrict or extend the monopoly by excluding persons and associations in the territory and by forbidding them to come to the Legislature in the first instance. The Legislature can generally be trusted to do that which is fair in the matter of competing companies, and my amendment makes it a concurrent action with the board of public utilities.

Mr. COLE: Now the definition of a person when used in this act includes an individual, a co-partnership and a volunteer association. Having that definition in mind, when we came to this section

we thought it not only right and proper but just to include under this all those parties, whether corporations or persons, who come within the purview of the utilities bill or under the direction of the public utilities commission. If the view of the senator from Androscoggin is correct it is not a long stretch for the imagination to conceive how a dozen men forming an association, not going to the trouble of organizing a corporation but forming an association and appointing one, two or three trustees, can go into any territory in the State of Maine, with the same amount of capitalization they would have if they were a corporation, and do exactly the same things that they would do if they were incorporated under the general laws or by special act of the Legislature. It was to do away with that possibility and to protect corporations in the rights which the statutes have given them and guaranteed them, that these two words were put in there.

So far as the next is concerned "or by special act of the Legislature"—we wanted to create a public utilities commission which should have some dignity to it, and that every person should have to go to that commission before he came to the Legislature. My brother says the Legislature is open to all persons. So are the courts of the State of Maine. But the public utilities can't get into the courts of the State of Maine if you adopt this bill. They stop with the public utilities commission, except any points of law—on all matters of fact this bill makes the public utilities commission the court of final resort. It does not stop there so far as the Legislature is concerned. It simply says that it is the duty of the people to go first to the public utilities commission for their rights, and if their rights are not given them by that commission, then they may come to the Legislature. And we believe that in that way, and in that way only, can the dignity and the power of the public utilities commission be sustained.

Mr. BAILEY: Mr. Chairman, it seems to me that the amendment offered by the senator from Androscoggin, Mr. Morey, goes to the very foundation of a public utilities commission. The idea of a public utilities commission is to regulate or control these public utilities, and if they

are going to abide by the decision of the public utilities commission it is only fair to them that they shall have a monopoly in the particular territory in which they are. Because otherwise they might be put to great disadvantage; if their rights are to be regulated, to be fixed, their manner of doing business is to be fixed and regulated, the idea of a public utilities commission is that there shall be a monopoly; and if the amendment provides that any person, it is perfectly conceivable that a person may have a larger working capital, may have more influence than a corporation, and if persons, and as the Senator from York says, associations, are not to be regulated, are not to come in under this section, why it seems to me it is going to destroy or materially lessen the effect of the public utilities commission as an object of benefit to the people of the State, and therefore I move that the amendment be rejected.

The motion was agreed to and the amendment was rejected.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document 514, Senate Amendment W to Section 28.

On motion by Mr. Cole the amendment was adopted.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document No. 503, Senate Amendment L to Section 28.

Mr. WALKER of Somerset: I move amendment L be rejected.

Mr. COLE: Senator Morey introduced that amendment. I think we should give him a hearing on that amendment.

Mr. MOREY: That was disposed of when the committee voted to adopt and to allow persons or associations to stay in this bill and to take away the right of the people to go to the Legislature in concurrence with the public utilities. As long as that has been adopted that disposes of Section 28. It is no use to vote on that because that is disposed of.

The motion was agreed to and the amendment was rejected.

The CHAIRMAN: The Chair lays before the committee for consideration

Senate Document No. 504, Senate Amendment M.

On motion by Mr. Milliken of Aroostook the amendment was rejected.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document No. 515, Senate Amendment X, to Section 29.

On motion by Mr. Cole of York the amendment was adopted.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document No. 516, Senate Amendment Y to Section 32.

Mr. COLE: That amendment was offered by a public utility in all good faith and allows the use of free service to municipalities, various things,—that is, it would allow an electric light company to light the municipality free of charge; it would allow a telephone company to give free telephone service to town officers, etc. The committee, after considering that in the original draft, cut it out, making it absolutely prohibitive, believing that they were doing the proper thing not only by the company itself but by the municipality, in prohibiting free service. We do not prohibit in the bill free service for benevolent or charitable purposes. Any public utility may do that. But we do not believe that any municipality in the State of Maine has any right to expect or demand from any public utility any service which it may demand as the result of holding up that public utility till it gets those demands granted. We believe that the municipality is on no better plane than the individual, and that the town or city in which we live is as well able to pay for its electric lighting, as well able to pay for its telephone service as each individual who lives in that town, and that, therefore, if any municipality wants telephone service or electric light service or any other kind of service, it should get it at the same rate and in the same way as individuals living in that municipality get it. We believe it takes away from town officers any hold that the public utility has upon them, and we believe that it protects the public utility from being held up. And I move the rejection of amendment "Y."

The motion was agreed to and the amendment was rejected.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document No. 517, Senate Amendment Z to Section 32.

Mr. COLE: The committee move the adoption of Senate Amendment Z, Mr. Chairman, on the ground that there are many contracts existing by public utilities at the present time which were not made with any intent to defraud, were made with the best of intentions; that these contracts have some time to run, that people have come under obligations on account of certain contracts which have been made in all good faith, and that those contracts ought to be allowed to run their natural lifetime. Therefore we believed that it was only fair to the individuals and fair to the public utilities that such existing contracts as are in effect, as were in effect on the first day of January should not be regarded discriminatory, and we move the adoption of that amendment.

The motion was agreed to and the amendment was adopted.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document No. 530, Senate Amendment M-1 to Section 35.

Mr. COLE: That changes one word in the 22nd line of Section 35, page 22 of the bill, and substitutes in that line "and" for "or" regarding the issue of stocks, bonds and other evidences or indebtedness heretofore lawfully authorized and issued instead of or issued. We move the adoption of that amendment, Mr. Chairman.

The motion was agreed to and the amendment was adopted.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document No. 513, Senate Amendment A-1, Section 36.

Mr. DUTTON of Kennebec: Senate Amendment "A 1" is offered for the purpose of making certain the meaning of Section 36 in connection with the provisions of Section 35. Section

35 provides in substance that no corporation, or any utility shall issue any stocks, bonds, notes or other evidences of indebtedness for the purposes of construction or improvement of its lines without the consent of the commission. This begins on line at the bottom of page 21 and continues until the middle of line 35 at the top of page 23. These provisions cover practically all the purposes for which stocks and bonds may be issued for use within this State in aiding the utility in carrying out its work. Now they must first go to the commission and get the consent of the commission. There is, as you will see, Mr. Chairman, in the latter part of this provision a section which relates to that portion of the franchise of a public utility operated without the State of Maine. It is as follows: "Provided, however, that no public utility shall be required to apply to the commission for authority to issue stocks, bonds, notes, or other evidences of indebtedness, for the acquisition of property for the purposes of carrying out its corporate powers, construction, completion, extension or improvement of its facilities, or the improvement or maintenance of its service outside the State." I take it that it was the purpose of this committee in amking this draft to exclude that portion of the franchise of a utility from the authority of the commission, and it has been justly and properly done. Now then Section 36 goes on to say that after the commission has granted permission to a utility to issue its stocks, bonds or debentures for the purposes set forth, that no utility shall issue its stock or bonds until it has first recorded upon its books the order of the commission permitting it to do so. Now Section 36 is so drawn that there is perhaps a possibility, if not a probability, that it applies to the proviso beginning in line 35 and extending to line 42 in page 23. Now if there is any possibility of such construction, I have no doubt the committee and everybody concerned would like to have it clarified. This amendment was offered in this form, by inserting after the word "issue" in the first line of Section 36, the words "under the provision of the

preceding section." Now upon reflection it would seem that this does not add to the clearness of the two sections and I would suggest that instead of adopting Senate Amendment A-1, that to Section 35 be added after the word "state" in the 42nd line, the words "and this proviso shall apply also to the following section." That is, where a corporation issues stock or bonds for the improvement of its franchise outside of the State of Maine, it should not be required, as it is not intended to, that they should have recorded upon their books the order of the commission before that can be done, and it does not go by the merits of the case, only makes the two provisions clear. And, Mr. Chairman, I move that Senate Amendment A-1 be rejected to section 36 and that in place thereof Section 35 be amended by adding the words, after the word "state" in the 42nd line, "and this proviso shall apply also to the following section."

Mr. HERSEY: If the amendment of the Senator from Kennebec makes this section as clear as his explanation, I have no objection to having it allowed.

Mr. MILLIKEN: I suggest for the convenience of the record that this amendment be offered in substitution, so that in our record this will be amendment A-1 as amended.

The CHAIRMAN: It is moved and seconded that the amendment offered by the Senator from Kennebec, Senator Dutton, be adopted in place of amendment A-1, be substituted for that amendment.

The motion was agreed to and the amendment was substituted.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document No. 525, Senate Amendment H-1 to Section 37.

Mr. COLE: The amendment is offered on the 37th section which is a very short one: "No public utility shall declare any stock, bond or scrip dividend or divide the proceeds of the sale of its own or any stock, bond or scrip among stockholders without the consent of the commission." The

amendment as offered strikes out the words "or any" so that it would deal "of its own stock." We believe that this amendment ought to be rejected, that there ought to be no stock dividend of any kind, either of the stock of the corporation or the stock of any other corporation which it has acquired, and that one of the reasons for this bill is to prevent stock watering. We move the rejection.

The motion was agreed to and the amendment was rejected.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document No. 519, Senate Amendment B-1.

Mr. COLE: The committee move to reject the amendment as offered and substitute therefor the following amendment: "Nothing in this section shall apply to the property, franchises, permits or rights of any utility owned and operated exclusively outside of the State." And that simply means that there are a great many corporations, not only in the United States but in foreign countries, organized under the laws of the State of Maine, operating under the laws of the State of Maine, and we do not intend, and never intended that the public utilities commission in the State of Maine should have any jurisdiction over any corporation, under whatever law formed, unless it was operating within the State in whole or in part. We move the adoption.

The CHAIRMAN: Moved and seconded that we adopt the amendment offered by Senator Cole in place of B-1.

The motion was agreed to and the amendment was substituted.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document No. 520, Senate Amendment C-1 of Section 38.

Mr. COLE: We move the adoption of Senate Document No. 520, and in explanation will simply say that this allows any public utility, as any railroad or any utility already owning 51 per cent. of the stock of another utility, to acquire the remaining amount of the stock. That is, if it already owns a controlling interest, it might as well own all of it, because

it controls it, and gives them the power to consolidate.

The motion was agreed to and the amendment was adopted.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document No. 520, Senate Amendment D-1 to Section 39.

Mr. HERSEY: Mr. Chairman, I move that we reject Senate Amendment D-1.

Mr. MILLIKEN: Mr. Chairman, I agree with the motion, but I think some explanation ought to be made. I will take the time of the committee for just a few moments. The amendment, as the members of the committee will notice, strikes out in Section 39, in the 14th, 15th and 16th lines, the provision "except where the purpose of such connection is primarily to secure the transmission of local messages or conversations between points within the same city or town" and inserts in place thereof the words "between different localities which cannot be communicated with or reached by the lines of either company or alone." Now this committee, I take it, in drawing this bill, has followed, as they did in the other instance, a provision of the existing law in the matter of physical connections. We have a law now which purports to make it obligatory upon a telephone company to connect with another telephone company upon demand. The law is perhaps defective for reasons that will be evident on examination. But in the bill as the committee have framed it, the situation is like this: A telephone company is protected from demands by a local line within a local exchange for physical connections. It is also protected by the so-called monopoly clause from future intrusions of other telephone companies into its territory except with the consent of the Public Utilities Commission. The clause that is sought to be stricken out, does give to the public utilities commission the authority, however, to order physical connection between telephone companies when in the judgment of the public utilities commission such physical connection is required by the welfare of the public. Now I want to call the attention of the committee to the fact in this

instance, as in all the other instances of this kind that have confronted us in this bill, that this piece of legislation differs from the other statutes in the past that Legislatures have framed in this respect—that we are not now enacting a hard and fast law to provide that telephone companies regardless of circumstances; we are now providing a tribunal which shall have jurisdiction over such cases. The amendment was prompted, as I understand it, by the fear of telephone companies that they would suffer hardships on account of the requests of other companies for physical connection. Now the whole thing comes down to this: The bill provides that whenever in the judgment of the utilities commission this connection between telephone companies is required, they shall have the power to order it, and certainly in my judgment they should have that power, and so far as the telephone company is concerned we must assume that this public utilities commission is composed of men of a sufficient degree of integrity and of a sufficiently wide business experience so that we can trust their judgment: for the public utility telephone company and all the others are to be, as has been said, completely in the hands of this commission so far as their rights to the management of their business is concerned; and I hope that the amendment will be rejected upon the motion of Senator Hersey.

Mr. STEARNS of Oxford: Mr. Chairman, I would ask the senator from Aroostook through the Chair whether or not he thinks this amendment does not recognize, in principle at least, a change of policy on the part of the State.

Mr. MILLIKEN: Mr. Chairman, I do not think I understand the question of the senator exactly.

Mr. STEARNS: My inquiry was as to whether the senator did not recognize that this was in effect a change in the policy of the State in relation to its attitude toward the utilities of this kind in the nature of municipalities?

Mr. MILLIKEN: Does the senator mean the bill or the amendments?

Mr. STEARNS: The bill itself.

Mr. MILLIKEN: I do not think there is any change in regard to the theory, if you mean the physical part of it. The senator, as I understand, refers entirely to the physical connection?

Mr. STEARNS: Yes.

Mr. MILLIKEN: My view is this: That the State of Maine has undertaken to provide by law,—and the senator will recollect that the law was amended at the last session for the purpose, I assume, of making it more stringent,—that telephone companies must make connection with any other company on demand. The law has never been invoked, so far as I know. There has been no tribunal to determine upon what terms the physical connection should be made.

There is a clause which says that rates shall be equitable between companies. This is carrying into effect that provision, but makes it less stringent, so to speak, for it provides that any company may connect with another upon demand leaving only discretion in rates. But it provides that a company must connect with another when in the judgment of the commission a connection is desirable. And while it carries out the policy attempted to be adopted before, it tempers it in the discretion of the commission. I see no possible objection to it from the point of view either of the small telephone companies or the large ones.

Mr. STEARNS: I did not intend to oppose the rejection of the amendment. I was asking for information.

I move that Senate Amendment D-1 be rejected.

The motion was agreed to.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Amendment M to Section 41, Senate Document 545.

Mr. COLE: The amendment as offered, while it does amount to very little, goes to a certain extent to the heart of this very bill, and I thought perhaps that the senator from Aroostook this morning when he was handing out those beautiful brickbats to the committee, would go into the bill a little and explain some of its features.

It seems to me, if the Senate will bear with me a minute, that I can give you an explanation, which a casual reading does not give you of the intent of this part of the bill, under the head of procedure, and show you why this amendment goes to the very heart of it.

There are three ways in which an investigation may be had under public utilities. This part of the bill is different from any other bill in the country, and we believe that it built on broader planes than any other bill.

Any 10 citizens, firms or corporations may make complaint to the public utilities commission that any rates are unjust or discriminatory or unreasonable, and upon receiving that complaint—it must be in writing—the public utilities commission starts an investigation. In any other bill they immediately start a public hearing. We felt in drawing this bill that we wanted to be just as fair to the corporations as to the people, and just as fair to the people as to the corporations; that the public utility commission must be a mediator between them.

There is no desire to punish one or to protect one or the other. We believed there were many people who might have a little personal grudge, as people are apt to have against public utilities doing business in their neighborhood. Perhaps a small company has tried to build up a business, and we all know how easy it is to find fault with the services we are getting although the utility is giving the best possible service it can give with its limited capital.

The committee felt, in view of that fact, that it was only fair that we give the utility every assistance we could and not want to hamper it and crowd it down and bring it into public disrepute, and so we opened the door to something not upon any other bill in the country, and the commission after receiving this formal complaint from 10 citizens, notified the utility that the complaint has been made, and the nature thereof. Now within 10 days that utility has an opportunity to remedy the fault of which the complaint was made or to show some disposition to do something of the kind. Believing the commission would be made up of fair,

honorable men, we believed that the commission, if the utility intended to do what was right, and would do what was right, could obviate a public hearing.

If the utility did not show any disposition to do what was right after ten days, then on ten days' notice from the commission, a public hearing was had, and they would go into a regular public hearing where every bit of evidence would be taken.

That is one of the methods of getting at a hearing. On the other hand, the commission itself, as it looks over a city and sees the various public utilities, may in riding over some electric or steam railroad, or in using the telephone system somewhere, or in viewing an electric light plant in its travels, may see things that ought to be remedied, and on its own volition may notify the public utilities that something ought to be done and gives the public utility time to do that thing or show some possibility of doing it before some person outside may know the public utility commission is trying to do anything.

We believed that was fair. Then if the utility does not do anything, the commission of its own volition may go ahead and change rates or change schedules, or new rates may be made, after a formal public hearing in which all parties interested must be heard.

Third, there may be two public utilities in one locality or two electric railroads centering in one section. It may not be feasible to let both run in on the same rails. One may not be able to get in there, so we make use of the tracks of another road, when not used by the other road, and may be discriminated against by the owner of the track. That public utility may make complaint that it is being treated unfairly, and in that case the commission can give the other company ten days to straighten out things and see what is right, and if it does not, upon complaint a formal public hearing is had.

Then there may be times, perhaps, when people, as I have said, may be prejudiced and not knowing the circumstances of the utility, may make

complaint. We believe that this commission would be made up of honest-minded men, men of judgment and experience, and that after being satisfied that the petitioners are responsible and that a hearing is expedient, will go ahead and have it. But we believed that they should have discretion in the matter; that no 10 men out here in a little town can kick up a fuss against a small telephone company when it is doing all its capital will allow. We did not believe that the citizens in a city where there is an electric light plant that is not working well—as they often do not work well naturally—should interfere with that company until it had a chance.

The commission may say that it is not feasible to have a hearing within 10 days; that the public utility says it is going to fix things and increase their plant and in that case we can give it three months.

Take an electric light system that is using a steam plant and has perhaps outgrown its plant. Its lines have been extended and it is now carrying a heavy load. There is not one plant that is not carrying a heavier load at some times than at others, and the complaint comes when it is carrying the heaviest load. The public will always judge it when it is doing its level best and still cannot keep up. That utility has a complaint lodged against it by 10 people and in the time given by the commission—perhaps from the fact that new dynamos have been ordered; and they can give them six weeks or two months, and they can put in new dynamos and increase the efficiency of their plant.

We believe that this is a broad bill, giving discretionary power to the commission, and that we are paying \$5000 a year to men to have some discretion, and that they should have some rights and be able to use their judgment as to whether a public utility is doing its duty by the people or not.

If, as I have said, a utility will fix up things satisfactorily, then a hearing is expedient, and it seems to me that is the spirit of those two little phrases in here which, if you cut them out, cut out the discretion given to the commission.

Mr. MOREY: Mr. Chairman, the bill, as I understand, was framed that all parties might have their rights. Now then, the commission has got to have the power to regulate the rates, to say to the people that they shall not have rival companies without their express consent, and if they have any complaints to make they should go to the public utilities with them under a form of procedure, and that the company offending would be entitled to answer. Now in line ten that right may be denied: upon the complaint of ten or more responsible people, when they present their claim to this public utilities commission, they can receive it, they can say they are all responsible men but it is not expedient to grant a hearing. There is no appeal from their decision, and they would have it in their power to say whether a matter was expedient so people could get relief or not. There is no appeal from it. Ten responsible citizens are just as likely to be honest in their request as the three gentlemen come posing the board or commission, and it is provided further on in this bill, so that this might become effective, that if any complaint is made wilfully and maliciously without reasonable ground, then that the public utilities commission could make those complaining pay the cost of the proceeding, and that is a sufficient safeguard against responsible men starting out on a proposition unless they have some merit to it. And if then they come to this tribunal and want this matter investigated, why then it should be that this commission should be forced to give a hearing. Responsible men are reasonable men nine times out of ten; if they saw machinery being set up in a place they would not want to force anything to an issue. If there was some temporary trouble with an electric light plant they would not think of starting a proceeding. It seems certain that those few words should be stricken out. You say to the people of the State, when ten reasonable men, responsible men come before this commission with a just com-

plaint, you shall be heard. But if that complaint is not proper, is malicious or vindictive, then you shall pay the cost of the proceeding. It seems to me that is a right that ought to go with this bill, that the people should have, and not make it discretionary but mandatory that they should proceed with a hearing.

Mr. HERSEY: I want to all the attention of the Senator from Androssoggin to the reading of this bill as it is, and then to the reading as it would be with his principle put into it, or his language. This is the way it reads now—"the commission, being satisfied that the petitioners are responsible and that a hearing is expedient shall proceed with or without notice, to make an investigation thereof." With your amendment, Senator, this would be the practical reading of it—the commission being satisfied that the petitioners are not responsible, that a hearing is not expedient, shall proceed with or without notice to make an investigation thereof. Mr. Chairman, we say when there is a petition made to the selectmen of our town to lay out a way, they must be satisfied of two things, first that the petitioners are responsible and second that the way is one of public necessity, or they don't lay it out. And here with this great commission, when they find the petitioners are not responsible, that the hearing is not expedient, shall they not have authority to say so?

Mr. MOREY: I never made any such statement—or the Senator clearly misunderstood my remarks, that they should not be responsible. I say that that is all right, being satisfied that they are responsible. I didn't say that they were not responsible.

Mr. HERSEY: Your amendment takes it out. Read your amendment.

Mr. MOREY: That is provided later on by the application of costs, that the persons presenting a groundless complaint should be held responsible for the costs. In the laying out of a way, the county commissioners are satisfied that the persons making the request are responsible and then they determine whether the way shall be

aid out or not, but they always give a hearing. And it is the question of getting a hearing.

Mr. BAILEY: Mr. Chairman, it seems to me that we could trust a matter of this sort to men of the calibre that we have on this public utilities commission if this thing goes through, and that they in their discretion would necessarily lean towards the petitioners, and if there was any question of their responsibility or not, why their ideas at least, or their sympathy would be towards the petitioners and they would decide that they were responsible. But I think the word ought to be in there, because I can see how a man might go up to the county jail and get ten petitioners for a petition to this commission. So I think it ought to be formed to prevent any abuse of it.

The motion was agreed to and the amendment was rejected.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document No. 506, Senate Amendment O to section 44.

Mr. COLE: Mr. Chairman, the idea of this hearing was that every party should be free to come to this commission and be heard on the merits of the case, that it might be a burden, with a commission and the great State of Maine behind that commission, to send all over the State for all kinds of witnesses, if the prevailing party had to pay the costs if the rates of the service were not changed. Therefore we felt that the State of Maine could better stand its part of the expense than to put the expense upon honest men who came honestly to the commission for what they believed to be honestly their rights, and the committee in framing this section left out the matter of costs. The amendment as offered however, reads, "If after such public hearing the commission decides that the complaint against the public utility was maliciously or frivolously

brought it may order the complaint to pay the cost of such hearing; but if the commission decides that the complaint was justified it shall order the public utility to pay the costs of such hearing." It is a question based upon the intent of this bill whether it is wise to incorporate any such costs. The only costs that are allowed are costs of appeal to the law court. In that case the same costs are allowed as would be allowed in every other case. As far as the first part of it is concerned, the maliciously and frivolously bringing the complaint, I don't see any objection to it. So far as the latter part is concerned, it seems to me that it may deter honest people from bringing complaint, when if they knew they had to pay the costs if they were beaten they would be willing to pay their own expenses and such minor expenses as might be attendant to the hearing on their side. But as I say, if this commission is to award costs against them, when the power of the State can be used to compel witnesses to come here which any public utility might require from all sections, the poor man would have very little show. We believed that it was better to leave the costs to each party to pay his own. Now I think this was offered by Senator Morey. I would like to have the Senator's ideas.

Mr. MOREY: I offered that amendment: If the complaint is willfully and maliciously brought, without any foundation, the person bringing it should pay the expense—or persons. If the complaint is justified—and this amendment does not provide for the complainants' paying the cost in any event, it is only in those cases where it is maliciously and frivolously brought, that would be for the commission to say in regard to that, whether it was brought maliciously or frivolously. They might not be able to sustain

their case when they brought it, but that would not make it maliciously and frivolously done, and unless it was so done they would not be subjected to the costs; but if it was made to appear that it was done without any reasonable ground and maliciously and frivolously, they should be required to pay. But, on the other hand, the public utility, which would be the offending party and against whom these costs should be brought, it does not seem that they should further escape without the payment of any costs, because it would be by their own act that these matters were brought about, because of their failure to so conduct their matters as to satisfy the public utilities commission in rendering the judgment that the matter had been brought justifiably. No reason why they should not pay the costs of it.

Mr. COLE: I fear the senator entirely misunderstands the intent of this bill. This bill is not to punish any public utility. That is not the intent in any part of it, and it does not go to the essence of the public utilities that they are doing anything with a criminal intent. It simply goes to the public utilities that is charging a higher rate, or a higher toll, or carrying people on a higher schedule than this committee think is right. It is not making the public utility a criminal, and there is no intent to punish the public utility. If the commission thinks the utility can cut down rates or give people better service or at a lower rate, it is not making the utility pay costs as a matter of punishment, after hearing, but simply to help the people in their rights from the utility. We do not believe that a utility has been doing wrong, for its rates have been perfectly legal until the

change to the public utilities commission.

So far as frivolous bringing of complaints is concerned, Section 48 goes to the essence of that. This ten days was given for the commission to look into matters and satisfy itself that the petitioners were responsible. And we do not believe that during the ten days intervening the commission can be fooled. In other words, somebody is on the job during the ten days, and if the complaint is found to be frivolous, it will be dismissed.

On motion by Mr. Hersey of Aroostook, Senate Amendment O was rejected.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Amendment I-1 to Section 45, Senate Document 520.

Mr. COLE: Section 45 of the bill, Senate Document 453, says in substance that no public utility shall change its rates without the consent of the commission.

The amendment as offered will simply do away with that whole section, the intent of it, and substitute therefor a provision that once in four years the public utility without notice to the commission or to anyone else can jack up their rates, as they please; that every two years the rate fixed by the commission shall expire, and then if the public wants to get the rates down again it must petition for a new hearing and go all over the thing again. We do not think that it is right or just. We have provided if a public utility is doing business at a low rate that it can petition the commission and get its rate raised.

A provision has been made whereby utilities have the same right to protect

themselves against low rates that the public has to protect itself against high rates.

I move the rejection of this amendment.

The amendment was rejected.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Amendment J-1 to Section 54, Senate Document 527.

Mr. COLE: I hope if there is any senator here that has anything to say on this that before the vote is put, will feel free to say it. I am simply talking as a member of the sub committee, and the committee feel perfectly free towards any member who has anything to offer. We do not believe this bill is perfect. We do not want anyone to accept it simply because we think it is right.

Now Amendment J-1 again takes the heart out of this bill, and leaves the commission stranded. It is by all means the most far reaching amendment that has yet been offered. Innocent on its face, it is the surgeon's knife going right to the vitals of the bill.

Under this bill every fact is conclusively found by the commission. There can be no appeal from the final decision of this commission to any court of the State of Maine so far as questions of fact are concerned. Questions of law that arise go up to the Supreme Court in the same manner in which questions of law go from other courts, and are certified by the clerk of the public service commission.

This amendment says that injunction may issue suspending or staying any order of the commission. This is the very thing that is held up in every other public utility except one in the United States, and that is the thing we

attempted to avoid, and make the decision rendered by the utility without injunction.

We have said in this bill that the final judgment of the commission shall end everything; that no injunction shall issue, and we believe it is right, and that so far as matters affected are concerned the commission shall stand on the same plane as the Supreme Court.

We believe that this Court after a few years will be made up of experts to whom we pay \$5000 to the chairman and \$4500 to the other members, and that they will be just as able to pass upon facts within their own knowledge as the Supreme Court. We do not believe it is wise to allow a stay of matters of fact by injunction. Final findings of fact by the commission must immediately go into force. Matters of law may go to the Court. If the Court decides that the commission had no jurisdiction then its findings are vacated and the utility goes back to the same low rate as though the findings had never been made.

On the other hand, if the Supreme Court finds the law is with the commission and sustains the commission, then the findings of fact stand and no injunction should issue.

I move the rejection of this amendment.

The motion was agreed to and the amendment was rejected.

The CHAIRMAN: The Chair lays before the committee Senate Document 528, Senate Amendment K 1 to Section 67.

Mr. HERSEY: Just one little word, Mr. Chairman, and that is "wilfully" to be inserted in Section 67 after the word "shall" in the second line. "Section 67. Any director or officer of any

public utility who shall wilfully directly or indirectly issue or cause to be issued any stocks, bonds, notes or other evidences of indebtedness contrary to the provisions of this act, etc.”

In doing the ordinary business of this world, Mr. Chairman, it is pretty hard to convict anybody in the courts of crime, for fine or imprisonment, where the word “wilfully” is in the statute. A man may kill another, and if he can show that the killing was without any wilful intent, why, he does not get more than ten years; he is guilty of manslaughter only and not of murder, because the intent cannot be proved, the malicious, wilful intent.

You put that word in the statutes and public service corporations will issue their stock, bonds, etc., and you cannot convict one of them of wilfully doing it.

As the section stands now, the very act of doing it, if they do it, they cannot hide behind the clerk or the stenographer or the office boy and say that they issued those stocks or bonds and that they did not know anything about it.

I move that the amendment be rejected.

The motion was agreed to.

The CHAIRMAN: The Chair lays before the committee Senate Document 507, Senate Amendment P to Section 70.

Mr. MOREY: That is the amendment that was discussed this morning, Section 1, Page 17. And that went to not taking matters to the Legislature until first exhausting the rights of the commission. I desire to have that matter amended. It was voted down, giving the concurrent right to go to the Legislature as well

as to the public utilities, and this Section 70 was to strike that out, because if permission were given to adopt that amendment, giving that concurrent right to go to the Legislature, this section would be surplusage.

On motion by Mr. Stearns of Oxford, Senate Amendment P was rejected.

The CHAIRMAN: The Chair lays before the committee Senate Document 509, Senate Amendment R to Section 71.

Mr. COLE: Mr. Chairman, Amendments R, S and T are the same. They go to the abolition of the water storage commission.

The committee felt that the duties of the water storage commission so overlapped the duties of the public service commission in many ways, that those duties could be performed by the public service commission, the utility commission having jurisdiction over all the public utilities that are generating electric power by water and at the same time would have jurisdiction over every water plant.

There was naturally a desire to prevent overlapping on account of the expense, for both would require hydraulic engineers, and the engineers could do the work of both commissions, and the same maps could be used by both commissions.

We believed that these three amendments should be rejected.

Mr. MOREY: Mr. Chairman, the Legislature of 1909 created the Public Storage Commission. The members of the commission, three gentlemen, together with the Governor and the land agent constitute this commission. The three members of the commission receive no compensation and never have. They are established here, and Mr. Babb, as I understand it, has done very excellent work.

I do not find out exactly what features of this act the public utilities commission will cover. Take Section 2 of Chapter 212, Public Laws of 1909, An Act to create a State Water Storage Commission. “Section 2. The commission shall proceed at once to

collect information relating to the water powers of the State, the flow of rivers and their drainage area, the location, nature and size of the lakes and ponds in the State and their respective value and capacity as storage reservoirs, and such other hydrographic data as they may deem of value in devising the best methods for the improvement of the natural storage basins of the State, and the creation of new storage reservoirs, with a view to conserving and increasing the capacity of the water powers of the State."

Take Section 3 of the same act: "The commission shall so far as possible work in conjunction with the State Survey Commission, and with such State Survey Commission join with the United States geographical survey in making a topographical survey of the State in so far as it relates to the collecting of data bearing on the water powers and storage reservoirs of the State. The State Survey Commission shall place at the disposal of the State Water Storage Commission all information, and copies of reports, maps and plans collected by them and bearing on the hydrography of the State."

It goes on that way section after section. The Water Storage Commission is a separate department and of the greatest importance to the State, getting all the data in regard to the water storage capacity of the State. Is it possible that the committee of the State, selected to supervise all the business of the State shall take the place of this committee that is doing so much for the State? It is simply striking out this water storage commission.

I went this morning at no special suggestion by Mr. Babb, I am not at all acquainted with him; I went to his room this morning. I said to him "Is the work of this commission over?" He said to me "There is work for years ahead that can be done." When you take this commission and abolish it when it is doing so much, you are striking another blow where you have been striking so many.

Mr. HERSEY: Mr. Chairman, has

not the senator been deceived in the bill? I call his attention to Section 72. "The office of railroad commissioner and the boards created and known as railroad commissioners and State water commission are hereby abolished and the tenure of office of all officers and clerks connected with said board is hereby terminated. All powers now vested in said boards together with all the duties and privileges now imposed or conferred upon said boards by and under existing laws are hereby imposed and conferred upon the public utilities commission.

All proceedings pending before the railroad commissioners or before the state water storage commission at the time this act takes effect shall be transferred to the docket of the Public Utilities Commission and be reheard or decided by it as justice may require. All existing decisions, orders and decrees of the railroad commissioners in force when this act takes effect shall continue until modified or reversed by the Public Utilities Commission. Said commission shall have custody and control of all records, maps and papers pertaining to the offices of the railroad commissioners and the state water storage commission."

The law from which the senator quoted still remains a law of the State. The law has not been abolished. But the boards have been changed to the public service commission and they have the right to employ expert assistants. Mr. Babb may be an expert. These boards are simply consolidated so that we can do better work for the State. We have not touched the railroad laws of Maine or the railroad commission law.

Mr. MOREY: I did not speak of the railroad commission.

Mr. HERSEY: Your law is not affected. It is simply transferred to another management.

I move the rejection of this amendment.

The motion was agreed to.

Mr. MILLIKEN: Mr. Chairman, before the committee arises, I think the senator from Androscoggin desires to refer by common consent to Amendment F.

I would like to suggest to the senator, if I may, that he, by unanimous consent, be allowed to offer the last paragraph, which I understand is the part he wishes to discuss as to whether or not the term "water company," shall include municipal water company. I suggest, Mr. Chairman, that the senator have unanimous consent to offer that amendment in place of Amendment F, which was rejected.

There was no objection.

Mr. MOREY: This amendment amends Section 9 by adding after the word "State" in the thirty-second line "the term water company when used in this act shall not include water companies when owned by municipalities or water districts."

I wanted to raise the question and ask that the amendment include cities and water districts from the operation of this act.

Here are the different cities of our State owning their water supplies, and it is proposed to put them under the operation of the public utilities commission. The cities can no longer regulate, have the power to regulate, the price of the water for which they supply the inhabitants of their city. I object to this. Is it right that the people of the State should surrender their rights to this new government?

Mr. COLE: It seems to me, Mr. Chairman, only fair that all the people of the State should have all benefit of all the laws of the State, and if a person is unfortunate enough to be living within the precincts of a municipal water district, and is not getting the quality of water or the kind of service which he desires, that he should have someone besides the local board to go to for assistance. I cannot see any difference between a municipal and a private water plant which is supplying water to the people of the State of Maine.

I do not think that a municipality should have any greater rights than individuals when the public interests at large are at stake as they are in the consumption of water for domestic use.

Suppose the source of a water supply was polluted and the city refused to

change it or suppose the lines were limited and the people asked to have the lines extended on their streets, is it not better that the people of the State of Maine should have one commission to go to whether it be a municipal or a private plant, and have their rights adjusted?

I do not believe that any municipality in the State of Maine will be affected by this commission unless the rights of the people need to have that municipality affected.

There seems to be a general fear that this public utilities commission is to upset all kinds of business. Mr. Chairman, I do not believe if the intent of this bill is carried into effect by the public utilities commission, that you or I will ever know there is one in existence. I do believe if there is abuse being carried on by any public utility the people will have this commission to go to.

Because we include municipal plants in this commission, it does not mean that the commission is going to any community and regulate its utilities unless there is need of regulation. Where there is need of regulation, it is evident that the city is not doing its duty for the people. I think that everything should be included in the bill.

On motion therefor, the amendment was rejected.

Mr. COLE: Mr. Chairman, I think the senator from Androscoggin has some amendment which he wishes to offer under the express company definition.

Mr. MOREY: I have not prepared that amendment, but if it is going to be entertained, I will sit down and draft one very quickly, but if it is not to be adopted, there is no need of doing it.

Mr. MILLIKEN: Mr. Chairman, I wish to announce to the committee that the Senate as soon as it arises will have to receive a message from the Governor, and it occurs to me that the committee might rise now, receive the message, and that the senator might draw his amendment and then the Senate could again go into a committee of the whole and consider that amendment.

I move that the committee rise and that the chairman report progress and ask leave to sit again.

The motion was agreed to and the committee arose.

IN SENATE.

Senate called to order by the President.

Mr. WING of Franklin: Mr. President, the committee desires to report progress and ask leave to sit again. The report was accepted and leave was granted the committee to sit again at such time as shall be set.

The following message was received from the Executive Department, and was read by the Secretary.

To the Senate and House of Representatives:

Gentlemen—I herewith return to you "An Act relating to the jurisdiction of the superior court in the county of Kennebec, and to fix the salary of the judge thereof," without my approval.

My reasons for this are as follows: I understand there are 52 measures now pending before the Legislature, for the increase of salaries of public officers, all of which have been referred to committees, but upon which hearings have not as yet been held.

Such a situation at this time is unusual, and I do not believe it is possible, within the time that the Legislature is likely to be in session, unless the session is to be prolonged to an unusual length, that these matters can receive proper consideration. It amounts to a very extensive revision of the salary list of public officers. I am willing to admit, as is claimed by many of these officers, that the salary list has not been revised for a number of years and that such a revision is necessary.

By this I refer to the whole list of public officers, both State and county; but if an attempt is made to do this before the present Legislature, in the short time it is liable to sit from now on, in my judgment it will be accomplished only by extensive log-rolling, a most pernicious method of legislation. At the hearings before the committees probably only the parties interested in getting their salaries increased will be represented. The State will have no one there to pre-

sent its side of the question. That side will be left wholly in the hands of the committee, with little opportunity for obtaining all necessary information.

This is not reason, it is true, why the salaries should not be based on a different schedule for the future; but the matter is one which, in every way, demands much consideration, careful thought and patient work, to determine what is a right and proper remuneration in each case.

If the whole subject is passed over to the next Legislature and a commission or committee appointed to attend to the matter, as above suggested, in the meantime the public will have a chance to be heard, through the columns of the press, on the stump, and in other ways, upon their side of the question.

In regard to the salary which this bill especially provides for, I wish to say, first, in my judgment the present salary is not as large as it should be, but whether it should be increased from \$2700, as it now is, to \$4200, is a question. From 1878 to 1890, a period of 22 years, no less a person than our eminent chief justice was judge of this court. During this time his salary was \$2000, \$1725, and I think for a year or two \$2700, and it is now. During the greater part of this period the court had full concurrent jurisdiction with the supreme judicial court in all civil cases in Kennebec county, except real actions and equity matters; and it had full criminal jurisdiction, including the trial of murder cases. From 1890 to less than two years ago the Hon. Oliver G. Hall was judge of this court with said salary of \$2700, and with substantially the same jurisdiction which the court now has. The present incumbent has held the position for less than two years and is eminently fitted for it, and without doubt is giving complete satisfaction to the public, and I should be the last man in Maine to detract in any way from the influence and dignity of any of our judicial officers; rather would I strain a point to see them fully paid for their services; but they are public officers and the question of taxation is constantly before us.

A much better method in my judgment would be to pass an order appointing a committee of seven members, three from the Senate and four from the House, and not all of one political party from either branch; to be appointed by the President of the Senate and Speaker of the House, with authority, between now and the next session of the Legislature, to examine into the question of the salaries of all public officers, to recommend such salaries as they deem proper for each, and report to the next Legislature, at the beginning of the session, providing them with such data as they find applicable to each particular case or group of cases.

In this way time can be taken to revise the salary list in a non-partisan, impartial and fair manner, just to the officers and to the tax payers alike.

The question of salaries of public officers is not a party question. Men who occupy these positions are entitled to a just and fair compensation, without regard to their political alliances. They are all charged with the performance of public duties which takes their time, and for which they should receive reasonable compensation. Those who are holding these offices at present asked for and accepted them with a thorough knowledge of the amount of present salaries. In most cases a sharp contest was made for each office, and the successful candidates have no right to expect that their salaries would be increased during their term of office. These officers practically made a trade with the State, when they accepted these offices, to perform their duties for the salaries then fixed, and it seems to me that they are in honor bound to carry out their contracts. If any of them should resign or die, so that others would have to be appointed to fill the vacancies, I have no doubt there would be many applicants for each place at the salaries now fixed, and all competent men.

The State treasurer's report for 1912 shows that he paid out during that year for salaries for public officers, including the judiciary, but not including the pay roll of the Legislature, about five hundred thousand dollars. An increase of salary as pro-

posed in this bill, from \$2700 to \$4200, would be an increase of about fifty-six per cent. I have no doubt that many of the fifty-two bills providing for an increase of salary of other public officers above referred to, in justice to all, may call for as large a per cent. of increase as does this; and no doubt the public officers who have not asked the Legislature at this session for any increase of salary, in many instances will, in justice, require proportionately large increases. If this percentage of increase is applied to all the officers of the State, it would increase the salary roll two hundred and eighty thousand dollars, which would have to be raised by taxation in some form or other.

Hence I think you will see the justice of having this subject patiently and carefully considered, taking much more time than is possible for the Legislature, at this state of its session to give to this important matter.

If you should feel that there are any special cases among the fifty-two pending, where the salaries are so radically low as to demand an increase for the next two years, I would not be opposed to the same, in case you provide for a commission to readjust the entire salary list, whose report may be acted upon by the next Legislature.

I cannot believe but what the distinguished judge of our Superior Court will agree with the position I am taking upon this matter, and would prefer to wait two years for an increase of salary rather than to be subjected to criticism as he might be under the act which you have passed.

That part of the act which changes the jurisdiction of the Superior Court for Kennebec county and the Superior Court for Cumberland county, in both civil and criminal matters, in my judgment is not of such importance that the administration of justice in either county will be in any practical way hindered or delayed for the next two years on account of my veto of this act, for the reasons above given, but I do not know that I have any

serious objection to such amendments or changes in the matter of jurisdiction, as are proposed by this measure, but I think they should come to me in a separate bill from that in which the salary of the justice of the Superior Court for Kennebec county is fixed, especially as it includes the jurisdiction of two different courts in two counties of the State and applies to the salary of only one of the judges of said court.

I trust that you may act upon the suggestions herein contained, rather than present to me for approval the fifty-two measures for increase of salaries, or any considerable part thereof, at this session of the Legislature.

(Signed) WILLIAM T. HAINES.

The PRESIDENT: The vote whereby the Senate passed this bill to be enacted is, under the provisions of the Constitution, automatically reconsidered.

The question is: Shall this bill become a law notwithstanding the objection of the Governor?

Mr. BAILEY of Penobscot: Mr. President, I move that we postpone the vote upon this subject until tomorrow morning.

The PRESIDENT: The Chair will state that since the point was raised in the other message, the Chair has examined very carefully the question, and rules, as then, that a veto message may not be deferred indefinitely, but it may be deferred for a day certain.

The question is upon the motion of the senator from Penobscot.

Mr. DUTTON of Kennebec: Mr. President, I was going to suggest a little longer time, and I would suggest next Tuesday morning.

Mr. Wing of Franklin: Mr. President, it seems to me that we should act upon the matter a little sooner than next Tuesday, and I ask for the yeas and nays upon this motion.

Mr. BAILEY: Mr. President, before the vote is put, perhaps to save time in calling the yeas and nays, if the senator will state his objection, perhaps a roll call could be obviated.

Mr. WING: Mr. President, we are getting towards the last part of the session and there are a great many

matters pending before the committees, and it seems to me that the matter should be acted upon at once. If it could be taken up tomorrow morning, I should have no objection.

I move that the motion be amended so that the message can be considered tomorrow morning.

Mr. DUTTON: Mr. President, I should like to gratify the senator from Franklin. I am willing to take it up tomorrow morning.

The motion of the senator from Penobscot was adopted and the consideration of the veto message was postponed until tomorrow morning.

Mr. DUTTON of Kennebec, I move to take from the table an order in relation to the appointment of a committee to investigate the scope, etc., of the State School for Boys and the Industrial School for Girls, tabled by me, March 12th.

The motion was agreed to.

Mr. DUTTON: Mr. President, will the secretary read the order?

The Secretary read the order:

"Ordered, the House concurring, that a joint special committee of five, two on the part of the Senate and three on the part of the House, be appointed to serve without pay to investigate proposals relating to extensions of the scope of the work and equipment of the State School for Boys at South Portland and the Industrial School for Girls at Hallowell, and for the establishment of a reformatory for women, and report to the next Legislature by bill or otherwise."

Mr. DUTTON: Mr. President, the last Legislature appointed a joint standing committee to investigate all of these public institutions. That committee was in session during the recess of the Legislature, and spent a great deal of time in its deliberations. It was commonly charged by members of the majority party here in this Legislature that the design and intent of that committee was somewhat of a political nature; that the purpose of the appointment of that committee was to cast possibly some reflection upon these institutions or upon their administration. Whatever the real purpose of it was the order was

sufficiently innocent upon its fact. Those institutions were investigated and a report made to this Legislature.

Now, Mr. President, if there has been anything in the suggestion that that committee, that spent so much money in investigating these public institutions, was designed and intended for a political purpose, there may be something in it that we ought not to follow. However innocent this order introduced by my colleague may be upon its face, it may lead the majority party to charge that it was done for a political cause.

This school at Hallowell happens to be right here and, Mr. President, I see no reason why a committee of this Legislature cannot investigate that institution if it begins its duties early in the session and reports so that the matter will be before the Legislature early.

Now on the other hand, I see no reason why institutions no larger than the State School for Boys should not be investigated by a committee of the Legislature, if it begins its duties early in the session, and a well informed and intelligent report is made to the Legislature.

I see no reason for the future service of the Legislature for the appointment of this committee. I have no doubt that this is done with an honest and honorable purpose by my colleague here, but, Mr. President, I see in the first place no reason for it. And I object to the appointment of a committee to go on and do something which may be used for an entirely different purpose.

I move the indefinite postponement of this order.

Mr. ALLEN of Kennebec: If I should stand before this Senate and recommend one thing today and tomorrow stand and oppose it, you might have reason for believing that there was something underhand when we introduced an order of this kind.

However, I believe that that cannot be charged against me, nor against any member of the committee that had these institutions in charge.

It is strongly intimated by my colleague that there is some cat in the

meal, some hidden purpose you know. Gentlemen, it has been said many times here during this session this winter that the judiciary committee had so much on their hands that they knew nothing else. I think it was well said in some cases. What does the gentleman sitting beside me know about these institutions which this committee has in question? Has he looked into them at all? Has he served upon the committee? I do not believe it is possible for any member of this Senate to know the doings, ins and outs of all the other committees. It is an impossibility, and I dislike to have him directly or indirectly hint that this committee has something hidden, something unfair, something unjust in our purposes, and I know that every member of the committee of these State institutions will stand behind me in my statements.

It was squarely and fairly for the benefit of these institutions why we introduced this order. It was not to cast any reflections on either of the trustees or the officials of either one of these institutions. The gentleman has mentioned the fact in regard to our starting in early, and he might as well have said that if we had been smart enough, we might have planned out something. I will tell you finally that we have been trimmed clear to the core and have not been allowed anything only a sufficient sum to keep the institutions in existence. There have been so many calls for money that we have had to succumb and have but a living account for these institutions.

Considering this, we fairly and squarely talked this matter over with the committee, and some of the members of these institutions, and thought a committee might be appointed to act in the recess and take these matters up in connection with the trustees, and get behind something and push it through the next Legislature, something that will be an honor to the trustees of the institutions. I say that they need assistance and when we introduced this order, we introduced it in good faith.

I hope the order will have a passage.

Mr. WALKER of Somerset: Mr. President, I have just a word to say. Through the courtesy of the committee of which my friend, Senator Allen of Kennebec, is chairman, I visited those institutions. And Mr. Chairman, if there is any gentleman in this Senate who is interested in any cause, I believe it is that senator who has just spoken. I have the greatest confidence in the consideration of this matter by him and his committee, and I trust that the motion of the senator from Kennebec, Senator Dutton, will not prevail.

Mr. MURPHY of Cumberland: Mr. President, just a word. We visited the State School for Boys and we visited the Industrial School for Girls. They had asked for an appropriation for a new building. We could not see our way clear, from the way the case was presented to us, with the other requests for appropriation from the various educational establishments.

There is not any intention here of getting back at anybody. The committee and each and every one of the schools showed that the management was all right and that those connected with them were all right. But in the presentation of plans for a new building at Hallowell, we were not satisfied, and we will not be satisfied until it is investigated further.

I simply say this of Senator Allen, that what he said is perfectly right. We have no desire to get back at anyone. When we ask for an appropriation, we want to know just what we want.

The question being on the indefinite postponement of the bill, Mr. Dutton called for yeas and nays.

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

Those voting yea were: Messrs. Allan, Dutton, Flaherty, Jillson, Moulton, Reynolds, Stearns—7. Those voting nay were: Messrs. Allen, Bailey, Boynton, Burleigh, Chase, Clark, Colby, Cole, Conant, Emery, Hagerthy, Hersey, Manseld, Maxwell, Morey, Murphy, Packard, Patten, Richardson, Smith, Walker, Wing—22. Absentees: Hastings.

Twenty-two having voted in the negative and seven in the affirmative, the motion to indefinitely postpone did not prevail.

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

Mr. STEARNS of Oxford: Mr. President, I move that the Senate now resolve itself into a committee of the whole for further consideration of Senate Document 453.

The motion was agreed to, and the Chair designated as chairman of the committee of the whole the senator from Franklin, Senator Wing.

In Committee of the Whole.

The committee called to order by the chairman.

Mr. MOREY: Mr. Chairman, I offer an amendment to Senate Document 453, Page 8, in relation to stages. The amendment is as follows: "Add at the end of line fifty-five the words 'when such freight, merchandise or other property is regularly prepaid to its destination.'"

Mr. HERSEY: Mr. Chairman, I move the adoption of the amendment.

Mr. STEARNS: Mr. Chairman, I suggest this amendment be substituted for the one we rejected.

Mr. MILLIKEN: Mr. Chairman, I move that this amendment be adopted in place of amendment G-1.

The motion was agreed to.

Mr. MILLIKEN: Mr. Chairman, before I make the motion for the committee to rise, I want to say just one word about this sub-committee. I do not want that this committee should finish its work without just a word in regard to the work which the sub-committee of the legal committees of the House and Senate have performed. They have done a prodigious work. No more laborious work was ever done by any committee I know something about it for I have been in touch with their work. I have seen them when I was leaving the State House at seven o'clock, and I know that their sessions lasted until 11 or 12 o'clock, and I want to say a word of personal tribute to the thorough, patient and very laborious work they have performed.

I move that the committee rise and report to the Senate the amendments that are to be adopted, of which the chairman has a list, and the amendments that are to be rejected, to this Senate Document No. 453.

The motion was agreed to and the committee of the whole dissolved.

IN SENATE.

Senate called to order by the President.

The PRESIDENT: The Chair will state while the chairman of the committee is preparing his report, that this report will consist, as members are aware, of recommendations to the Senate. The committee of the whole has no authority to adopt amendments, but will recommend that certain amendments be adopted and certain amendments be rejected.

Is it the desire of the Senate that the amendments adopted be considered separately? It is entirely competent to consider them together.

Mr. STEARNS of Oxford: Mr. President, I move that the amendments be acted upon together, those to be rejected acted upon together, and those adopted acted upon together.

The motion was agreed to.

Mr. WING of Franklin: Mr. President, the committee of the whole beg leave to submit the following report.

The committee of the whole Senate to which was referred Senate Document 453, An Act to create a Public Utilities com-

mission, prescribe its powers and duties, and provide for the regulation and control of public utilities, together with Senate amendments, have had same under consideration, and ask leave to report that the following amendments be adopted:

Senate Amendment C; Senate Amendment G as amended; Senate Amendment A; Senate Amendment B; Senate Amendment W; Senate Amendment X; Senate Amendment Z; Senate Amendment M-1; Senate Amendment A-1 as amended; Senate Amendment N-1 as amended; Senate Amendment C-1; Senate Amendment G-1 as amended; and that all other amendments in the list be rejected.

The report was accepted, and the list of amendments adopted by the committee were then adopted.

The list of amendments rejected by the committee were indefinitely postponed.

On motion by Mr. Stearns of Oxford, the bill, Senate Document 453, as amended, was given its second reading and passed to be engrossed.

On motion by Mr. Stearns of Oxford, Adjourned until tomorrow morning at 9.30 o'clock.