

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

SENATE.

Wednesday, March 19, 1913.

Senate called to order by the President.

Prayer by Rev. John W. Steele of Hallowell.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Resolve in favor of the commissioners of pharmacy.

In the House this resolve was referred to the committee on appropriations and financial affairs.

In the Senate, on motion by Mr. Murphy of Cumberland, the resolve was tabled for printing pending reference in concurrence.

House Bills in First Reading.

An Act to amend Chapter 151 of the Private and Special Laws of 1887, entitled "An Act to create the Roman Catholic Bishop of Portland and his successors, a corporation sole, as amended by Chapter 47 of the Private and Special Laws of 1891."

An Act to incorporate the Stockholm Water Company.

An Act authorizing the city of Bath to levy assessments for street improvements. (On motion by Mr. Bailey of Penobscot, pending first reading, recommended to the committee on legal affairs.)

An Act to enable Old Orchard, Maine, to assess taxes for street sprinkling.

An Act to amend Section 79 of Chapter 8 of the Revised Statutes as amended by Chapter 186 of the Public Laws of 1909 relating to the collection of inheritance taxes.

An Act relating to special insurance brokers.

An Act to amend Chapter 7 of the Private and Special Laws of 1836 in relation to Mt. Desert bridge.

An Act prohibiting certain forms of prostitution and for the competency of certain evidence at the trial thereof.

An Act to amend Sections 1, 2, 6 and 10 of an act entitled "An Act to incorporate the Madison Water Company."

An Act to enlarge the powers of the Scarborough Water Company.

An Act to amend Section 102 of

Chapter 15 of the Revised Statutes relating to the preparation of blank forms by the State superintendent of public schools.

An Act to amend Section 1 of Chapter 93 of the Revised Statutes, as amended by Chapter 86 of the Public Laws of 1911, relating to the recording of personal property mortgages and sales.

An Act relating to the construction of sidewalks in the town of Sanford. (Recommended to the committee on legal affairs in concurrence.)

An Act additional to Chapter 23 of the Revised Statutes for the Prevention of False Fire Alarms.

An Act to amend Chapter 393 of the Private and Special Laws of 1909.

An Act to amend Section 8 of Chapter 325 of the Private and Special Laws of 1897, entitled "An Act establishing a municipal court in the city of Waterville."

An Act to prevent usury by foreign corporations.

An Act limiting and defining the liabilities of keepers of hotels, inns and boarding houses.

An Act to incorporate the Livermore and Augusta Railway Company.

An Act to incorporate the Bluehill Water Company.

An Act to incorporate the Southwest Harbor Water District.

An Act to incorporate the Interurban Ferry Company.

Resolve in favor of a feeding pond at the Knox County Hatchery, at Camden, Maine.

Resolve in favor of paying certain bills contracted for placing a rail in the rear of the House of Representatives, and marking the members' desks.

Resolve in favor of the Canaan Lake Fish Screen Association, of Camden, Maine.

A communication was received from the office of secretary of State, transmitting a list of public bills approved by the Governor and the date of such approval.

Placed on file.

The PRESIDENT: Unless there is objection, the Chair will lay before the

Senate at this time under the head of Messages from the Executive and Heads of Department, the veto message of the Governor, which was assigned for consideration this morning.

The bill is: An Act relating to the jurisdiction of the superior court in the county of Kennebec, and to fix the salary of the judge thereof. The question is: Shall this bill become law notwithstanding the objection of the Governor?

Mr. BAILEY of Penobscot: Mr. President, I yield the floor to the senator from Kennebec, Mr. Dutton.

Mr. DUTTON: Mr. President, after a matter of this kind has passed both branches of the Legislature, and has been vetoed by the Executive, a discussion of it and a request on the part of the friends of the bill for its passage notwithstanding the veto of the Governor is not wholly free from embarrassment.

I confess that I would gladly shrink from the responsibility which I feel that I owe to the 63,000 people in Kennebec county whom I represent. For, Mr. President, I have assumed during this short period that I have been a member of this Legislature that I was here under my oath as a senator in this chamber to carry out, as near as I could, according to my conscience, the will of the people, and the will of the whole people; that I was not here as the representative of any political party, but that I was the legal representative of every one of those 63,000 people whom I represent regardless of any political ideas which they may have or regardless of whether they may have voted for me or have been opposed to me for their choice in this Senate.

So, feeling as I do that I stand here as a representative of the people, and standing here as a lawyer of the county of Kennebec, which has known a George Evans, a Lot Morrell and a James G. Blaine, and which in the future will send other men to these halls after I and my colleagues here have been forgotten; and a county which will send other men to the Representatives' hall to speak for the people of the county of Kennebec, I am one of those, Mr. President, who believe that most men, certainly most men who are elected to office

carry out their oath of office according to their convictions.

And with that responsibility which I feel, I want to state this morning in a few words to the honorable senators the reasons which I believed were proper to present to the judiciary committee for consideration and favorable report, on this measure.

Let it be understood in the first place, Mr. President, that this is not a measure or a bill coming from the occupant of this office. In no sense of the word is the honorable justice who occupies the office of judge of the superior court of Kennebec county coming to the Legislature and asking for this change. Who are they who ask for this change? This is not a salary matter, as has been stated here, and I do not say this in criticism of the Governor; but if he has based his veto upon what he says here, it is upon a mistake as to the terms of the bill which he has vetoed.

I cannot conceive, Mr. President, of a man after carefully reading this bill, who could say this; in speaking and giving his reasons as he has of the large number of laws presented to this Legislature asking for an increase of salary, he places this bill upon the same basis, and says this: "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."

Mr. President, I do not take issue with the Governor upon that proposition. I do not take issue with the Governor upon that proposition at all. I agree with him, as I did earlier in the session when there was presented here a bill to this Legislature and tabled by me, asking for an increase in the salary of the State superintendent of schools, from \$2500 up to \$4000, with no enlarged duties, just a mere increase in salary. I felt then as I do now that the occupant of that office in accepting it had made a contract with the State of Maine and that the salary should not be increased. What was the result? The result was while many of us here were opposed to this increase of salary, it was generally understood that it was an administration measure and

many of us gave way and let the matter go through.

Here is an entirely different proposition of the lawyers who have the interests of their clients at heart, and the interest of Kennebec county at heart; they came before the judiciary committee and asked for, what? They asked to have made here in this county a real court. A real court, not a municipal court, but a real court, knowing and believing I say that they had in that office a man capable of filling the office of judge of a real court.

What did they do? They found that the jurisdiction we have now is \$500 in civil actions, and with the great pressure of business upon the supreme court judges, and with the desire to relieve them so that they could attend to the business in the other counties of the State, the lawyers of Kennebec county, knowing the judge of this court, came to the Legislature and asked us to do, what? To increase the jurisdiction of this court; asked us to take it from \$500, just a little above the average jurisdiction of the municipal courts in this State, and put it at \$1000, so that it would be on a basis of a real court; so that the general business of the county of Kennebec could be carried on in that court; so that the judges of the supreme court might be relieved and have more time given them to take care of the very large equity practice that there is in this county.

As the lawyers in this body well know, many of the lawyers of other counties come here for their hearings. Many of them have assigned hearings here that involve matters in other counties, and in that way the work of the supreme court is much relieved.

Nor is that all. They doubled this bill; they proposed to double it for the convenience of the people of Kennebec county. They doubled the jurisdiction of that court, they doubled its business.

Nor is that all. We have had an experience here that is painful to say the least. This court at the present time in its jurisdiction is not much above that of a municipal court. This court could not try murder cases. Under the provisions of our court, un-

der the statute creating it, when the grand jury found an indictment for murder, what happened? Supposing that an indictment came in April after the adjournment of the March term of the supreme court; suppose it came in April and supposing the grand jury should find an indictment against a person. What happens? Under the statute creating that court, that indictment goes automatically over, to what? Over to the next term of the supreme court which holds its session the third Tuesday of October. And generally in practice they do not get into the trial of that case until way into November.

There is a senator sitting in this body that knows and knows painfully that that is true, and I refer to the distinguished senator from Androscoggin, Senator Morey, who had the misfortune of having a woman indicted for murder in this county. A woman indicted for murder and under the statutes and under the interpretation of the State she was not at first admitted to bail.

If, fellow senators, a person with the presumption of innocence thrown about him, as the Constitution of the State of Maine and the Constitution of the United States places upon them, and further with the provisions in the Constitution under the bill of rights that everybody within the United States shall be granted a speedy trial, if an innocent person, or a person with the presumption of innocence thrown about them with its protecting folds, shall he I say be automatically required to languish in jail from April to November with no possibility of getting a trial?

These were the conditions, Mr. President, which last year prevailed when it was afterwards proved that an absolutely innocent woman, an absolutely innocent woman, was subjected to this treatment.

And, Mr. President, it as for these considerations, and in consideration of the justice that comes from it that the lawyers of Kennebec county, the lawyers who have always—I do not mean the lawyers of Kennebec county alone, but the lawyers as a whole—have

always stood for the rights between man and man and the rights of man—moved in this matter.

You will find among our numbers the strongest defenders of individual rights, the strongest defenders of individual liberty, among the legal profession. And the lawyers came to the Legislature and asked to have that statute changed. And what did they do? They drew a charter; they increased the jurisdiction of the court in civil matters five hundred dollars, and made it one thousand dollars, doubling the civil business of the court. Then what did they do? They gave to the judge of that court, who is in every way competent, without his asking for it, without his desire, they put upon him the additional burden of the trial of murder cases. We hope we will not have a trial for murder in our midst, but we think we have a judge very capable of trying those cases. The leading lawyers of Kennebec county came to the Legislature and asked for this change. There is no politics in this matter. Every lawyer, and every well-informed citizen of my county, whether Republican or Democrat, is in favor of this proposition. Why? To make a court that can do the business of this great county. What is the proposition here? As I have said, and the senators can well see, we have not asked merely for an increase of salary. The presiding justice of that court has not asked for any increase of salary. But the lawyers of this county have asked him to assume an additional burden, and we thought it due to the present justice of that court, that they receive an additional compensation.

Now I say while it may not have been intended to be so placed, it in no degree covers the situation when this matter is placed upon the same basis with some office holder elected, last September, who comes to the Legislature for an increase of salary. I am not in sympathy with that and I do not approve of it, and I will not vote for it when it comes up. They knew, as the Governor says, what the salary was and accepted it and made a contract with the State of Maine. This is entirely different.

If it had been the intention, Mr. President, to start this procedure in order to put a stop to these increases of salary, would not this veto have applied properly to the State superintendent of schools—no new work was put upon him under the statutes of the State, he is practically a collector of data—I do not say this in criticism of the Governor—instead of starting in and defeating the purpose of the people of Kennebec County in trying to make a court?

I have said this, Mr. President and fellow senators, in justification of my asking this Legislature to do this. I would not ask this, or any other Legislature, to do anything that I did not believe in myself.

I want you, fellow senators, to understand the situation when you vote upon this question. It is not a request from an office holder for an increase of salary. It is a demand from the representatives of sixty-three thousand of people that they be given a tribunal in which to conduct their business.

Mr. HERSEY of Aroostook: Mr. President, it is a solemn thing for a legislative body to overrule the veto of its Governor. It ought never to be done without the most solemn and impressive reasons given by that body, and in which the good of the State is involved.

Listening to the senator from Kennebec, this morning, his reasons did not impress me. They seem to be reasons coming from a senator who is somewhat honestly influenced by his surrounding environment, but feels as a member of the Kennebec bar that the bar is not getting all it desired out of this private bill, feeling, no doubt, that he is practicing before a judge in his local court for which he would desire to do something. Now standing here as a senator, I stand as most of you do, uninfluenced by any local conditions in this matter. To be sure, in my own county I have many applications, and they appear in bills before this Legislature, for increases in salaries.

My county has some of the 52 measures pending before this Legislature mentioned in the Governor's message,

and I thought, as you thought, that if those fifty-two measures are to be threshed out in this Legislature, as this measure from Kennebec that was vetoed, was threshed out, to go before a committee and have an ex parte hearing where the men in favor of salary appear and want it, and the people hear it, you and I felt that we wanted to be heard for our county, for our clerk of courts, for our register of probate, for our officers in our county, that asked for an increase of salary, we wanted a hearing and wanted to get as much of an increase as possible.

I can see, as you all can see, if that does occur in the closing hours of the Legislature, what a lobby, what trading among those who come here and advocate those measures, there will be. What an influence would be brought upon this Legislature. "You vote for my county and I will vote for your county; you vote for my officers and I will vote for yours." I do not say that such a thing could be carried out, but it is such influences that we ought not to have.

While I can appreciate the feelings of the senator in speaking for his measure from his county, I admire the strength of character and manhood, the ability and the courage of the Governor of this State, who dares to veto a measure from his own county and from the bar of which he is a member. Not a matter from the county of Androscoggin or from the county of Cumberland, but he selected matter from his own county to veto.

The senator says that you should make an exception in this case, above all others. Why? First he says it came from the judiciary committee. I am a member of that committee and voted for the bill. It was perhaps a matter that ought to have gone to the committee on salaries and fees, but along with it was an increase in the jurisdiction and the members said it was properly before our committee. We voted with the understanding that all these measures would be heard before some committee, and we would hear this one, and we voted as we believed that the salary ought to be.

As the Governor said, the same percentage would be raised on these meas-

ures throughout the State if they were heard and threshed out.

Because I voted for this bill, I do not believe now in over-riding the Governor's veto.

And the senator says that on another ground this bill should be excepted from anything else because the judge of the court did not ask for it, but his friends did ask for it; the members of the Kennebec bar appeared for it, and the senator appeared for it. I do not believe the judge of this court was unaware of the fact that his salary was to be raised, and I do not believe he has objected to it up to the present time. It is not necessary for a judge to appear in person and ask for an increase in salary. You do not see officers appearing in any of these matters. His friends and representatives appear and ask for it. That is no reason.

The judge did accept the office with the salary as it was, and I say that accepting it with the salary he had no business to ask that it be increased any more than a man who was elected to another office.

The Governor was correct when he said that there should be a policy in this Legislature and a policy in this State in regard to these matters. These matters increase from year to year. There are more demands for increase of salary at every Legislature. About ten years ago the State adopted a policy and that was to appoint a commission in vacation to investigate all the offices of the State. There are as many men now holding office in the State of Maine, today, who are not before the Legislature asking for an increase of salary as there are those who are asking for an increase, and those who are not asking may be entitled to as much of an increase as those who are asking.

This commission if appointed would examine everyone, whether asking for an increase of salary or not, and that commission would say, if they are getting too much, that they should be cut down, and if they are getting too little, they should have an increase. Every 10 years it should be revised. That is the policy of the State, and that is the policy we should pursue, and not come to the Legislature and have this

cat hauling to see which can get the most.

I think the Governor is right and I think we ought to agree with him and appoint a commission of that kind.

The senator from Kennebec is not without his remedy in regard to the increase of the jurisdiction. It can be done without bothering the salary matter. It does not defeat that matter at all.

He says that this Legislature, Mr. President, has established a precedent in this matter during the present session by raising the salary of the superintendent of schools. It seemed to me that the senator, standing in his place and knowing why that salary was raised, knowing all about it, would not use that as an illustration, this morning, knowing as he does, and many of the senators here know why that salary was raised; that the superintendent of the school of Maine had an offer or many offers to leave this State at three times the salary we are giving him after raising it; that his term of office would expire very shortly, and that to keep him, a really efficient officer, we must in some way increase his salary; that we must increase his salary or let him go. There is not a single official asking for an increase of salary who is going to leave his office if the salary is not increased. The judge will not resign if the salary is not increased.

We treated the matter of the superintendent of schools, and he, a very efficient officer, sacrificed thousands of dollars by remaining with us after we had increased that salary.

It seems to me that we ought to treat this matter from a financial point of view and say for the good of the State, that we should have some policy for treating each case, on the ground that all the salaries should be looked over, and if they should be increased, make return to the next Legislature, and then you will have no more of this stuff in the next Legislature to contend with. Or you can let the fight go on and let them gather at the Capitol from 16 counties; let all these measures come up and let us fight them out and have a merry time. Raise the salaries and then go home and meet the people.

How then? Some one has an increase in salary that he ought not to have had, and because there was no one there to represent the people of the State.

And I am glad that the Governor, as I said before, has selected his own county and a member of his own bar, a judge of his own county to veto that salary measure.

I say that the Governor should be sustained for the good of the people of the State.

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

The yeas and nays were ordered and the secretary called the roll. Those voting yea were: Messrs. Allan, Allen, Bailey, Boynton, Dutton, Flaherty, Hastings, Jillson, Mansfield, Morey, Moulton, Packard, Reynolds—13. Those voting nay were: Messrs. Burleigh, Chase, Clark, Colby, Cole, Conant, Emery, Hagerthy, Hersey, Maxwell, Murphy, Patten, Richardson, Smith, Stearns, Walker, Wing—17.

Thirteen voting in the affirmative and 17 in the negative, the motion was lost, less than two-thirds having voted in the affirmative, and the bill failed to become law.

Mr. STEARNS of Oxford: Mr. President, I desire to introduce an order to convey a message to the House of Representatives, and I move its passage:

Ordered, that the secretary of the Senate convey a message to the House of Representatives informing that body that bill, An Act relating to the jurisdiction of the superior court in the county of Kennebec and to fix the salary of the judge thereof, Senate Document 118, which was returned by the Governor without his approval, has not received the affirmative vote of two-thirds of the members of the Senate.

The motion was agreed to, and the secretary conveyed the message.

Subsequently the secretary reported that he had delivered the message with which he was charged.

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

Judiciary.

By Mr. Conant of Waldo, Petition of members of the Woman's Christian Temperance Union of Winterport for the passage of House Bill No. 200 known as the White Slave Bill.

Appropriations and Financial Affairs.

By Mr. Morey of Androscoggin: Resolve in favor of William H. Mitchell, secretary of the Committee of the 76th Legislature for investigation into the causes of the high price of coal.

Education.

By Mr. Conant of Waldo: Remonstrance of George H. York of Winterport; of Unanimous Vote of Citizens of town of Monroe against passage of bill granting State Aid to Parochial Schools.

Placed on File.

Mr. Conant of Waldo, presented Resolution of North Waldo Pomona Grange, No. 24, representing 500 members in favor of distribution of Common school funds according to aggregate attendance in common schools.

By Mr. Conant of Waldo: Remonstrance of C. A. Phillips and 65 others against passage of bill, "An Act to regulate the packing, shipping and sale of apples."

State Lands and Forest Preservation.

By Mr. Hastings of Androscoggin: An Act to establish a State Game Farm for the purpose of propagating useful game birds and other birds, game and fur bearing animals and to supply forest tree seedlings. (On motion by Mr. Wing of Franklin, tabled for printing pending reference.)

School for Feeble Minded.

By Mr. Hagerthy of Hancock: Resolve relating to the appointment of a Committee to investigate the property and management of the Home for Feeble Minded

Public Health.

By Mr. Boynton of Lincoln: Resolve providing for an epidemic or emergency fund.

By Mr. Smith of Penobscot: Petition of Joseph Vallier and 41 others; of Louis St. Marie and 41 others; of Louis Gendron and 49 others; of Alfred Belanger and 51 others; of Joseph

E. Tremblay and 42 others; of Gedeon Trechette and 20 others; of George Belanger and 35 others; of Alphonse Cote and 41 others; of Nelson Fontaine and 61 others; of Arthur Dauphin and 29 others; of Xavier Gendreau and 34 others; of Joseph H. Vallier and 29 others; of Eugene L. Labarre and 19 others; of Phillippe Duchette and 46 others; of Alphonse Marchaud and 43 others; of Ernest Valiere and 41 others; of Chan Houleand and 20 others; of Gideon Pepin and 39 others; of Joseph Bruchu and 34 others; of Thos. Ruel and 48 others; of A. Lamothe and 49 others; of Barthelme Beauheir and 34 others; of Phillippe Glaude and 39 others; of Onesine Letourneau and 13 others; of Louis Cote and 31 others; of Jos. Berry and 40 others; of Francis J. Fournier and 34 others; of Mathias Doyon and 23 others; of John A. Beliveau and 35 others; of Alex Corriveau and 28 others; of John Marcox and 33 others; of Victor Tonsignant and 47 others; of A. Neveux and 32 others; of George Simard and 32 others; of Henry Blanchette and 32 others; of Joseph Palardis and 49 others; of Antonio Landry and 33 others; of Madarais and 24 others; of Louis Telletier and 35 others; of Willie Cyr and 41 others; of Parpacre Neaulte and 41 others; of Alev Vanasse and 22 others of Anede Hamel and 35 others of Biddeford; of C. E. Michaud and 44 others of Livermore Falls; of Prarre Gamache and 2 others of South Berwick; of Pierre Belanger and 39 others of Fairfield; of W. A. McClure and 58 others of Livermore Falls; of George R. Desjardins and 116 others of Oldtown; of Joseph H. Pepin and 45 others of Livermore Falls; of Joseph Marian and 79 others of South Berwick; of J. Fartunat Lord and 6 others of Bath; of Jacques Letoureau and 39 others; of Jean Perron and 55 others; of Zepahirin Roy and 25 others; of Leona Petit and 37 others; of Laura St. Marie and 14 others; of Gabriel Loignon and 32 others; of Thomas Hannah and 16 others; of Alexandre Borduas and 31 others; of Delphis Ledoux and 23 others; of Joseph Daudier and 50 others; of Georgian Ross and 34 others; of Henry Huot and 31 others; of Willie Brochu

and 28 others; of Alexis Bisailon and 20 others; of Joseph E. Roberte and 28 others; of Frank Ledoux and 30 others; of Charles Rossel and 44 others; of Hanri Girard and 39 others; of Albert Roy and 30 others; of Leon Cote and 69 others; of Henry R. Cantara and 33 others of Severe Belisle and 19 others; of Cleophas Bergeron and 13 others; of Joseph E. Neault and 38 others of Biddeford to substitute, in the mater of repeal of Catholic Bishop of Portland, the petitioners' new draft to New Draft of Judiciary Committee.

By Mr. Smith of Penobscot: Petition of L. C. La Flecheand and 43 others of Caribou to repeal Chapter 151 of Private and Special Laws of 1887, creating Roman Catholic Bishop of Portland to substitute in its stead incorporation of Roman Catholic Parishes.

Senate Bills in First Reading.

An Act to regulate the dealing in securities.

An Act to supply the town of Winthrop with pure water.

An Act to incorporate the Sandy Stream Log Driving Company.

An Act to amend Sections 2, 3, 4, 5, 6 and 9 of Chapter 17 of the Public Laws of 1905, regulating the practices of veterinary surgery, medicine and dentistry. (On motion by Mr. Allen of Kennebec, tabled pending second reading.)

An Act to license stallions for public service.

Report of Committees.

Mr. Maxwell from the committee on railroads and expresses, on bill, An Act to provide adequate punishment for any person who shall engage or act in the capacity as a locomotive engineer or train conductors upon any railroad in the State of Maine as hereafter provided in this act, reported same "ought not to pass."

The report was accepted.

Report of the majority of the committee on judiciary on bill, An Act to regulate the practice of Osteopathic physicians, reported the same in a new

draft under the same title, and that it "ought to pass."

(Signed)

DUTTON.
HERSEY.
WATERHOUSE.
SMITH of Presque Isle.
SMITH of Patten.
DURGIN.

Report of the minority of the committee on the same bill, reported same "ought not to pass."

(Signed)

STEARNS.
SMITH of Auburn.
SANBORN.
DUNTON.

Mr. STEARNS of Oxford: I move that both reports pending acceptance of either report, lie on the table.

The motion was agreed to.

Mr. Dutton from the committee on judiciary, on bill An Act to incorporate the Winthrop Water District, reported same "ought to pass." (This bill having been printed, was given its first reading.)

Mr. Bailey from the committee on legal affairs, on bill An Act to register the sale of firearms by dealers, reported same "ought to pass." (This bill having been printed, was given its first reading.)

Mr. Cole from the same committee, on bill An Act to prevent the use of the name of the State by private or semi-public corporations or associations, reported same "ought to pass." (This bill having been printed, was given its first reading.)

Mr. Bailey from the same committee on bill, An Act to authorize the Bangor Railway and Electric Co. to take water from Chemo lake and its tributaries, reported same in a new draft under the same title, and that it "ought to pass."

Mr. Wing from the committee on inland fisheries and game, to which was referred the bills entitled "An Act to provide for a resident's hunter's license," and "An Act to provide for a license for residents to hunt wild birds and wild animals," with petitions and remonstrants against the same, reported same in a new draft under title of "An Act providing for a license for residents of the State to hunt on the wild

lands of the State," and that it "ought to pass."

Mr. Maxwell from the committee on railroads and expresses, on bill An Act to incorporate the Houlton Street Railway Company, reported same in a new draft under the same title, and that it "ought to pass."

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

Final Reports of Committees.

Mr. Colby from the committee on claims, reported that that committee had acted on all matters referred to it. The report was accepted.

Passed to Be Engrossed.

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

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 appointments of town auditors.

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.

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 work.

Resolve in favor of Lucinda P. Brackett.

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

An Act to amend Paragraph 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 88 of the Public Laws of 1909 relating to the appropriation for procuring plans and specifications for school buildings.

Resolve for the purpose of operating the fish hatcheries and feeding stations for fish and for the protection of fish, game and birds, and for printing the report of the commissioners of Inland Fisheries and Game.

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

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 19, Chapter 65 of the Revised Statutes, relating to duties of registrars of probate.

An Act to amend Section 5 of Chapter 15 of the Public Laws of 1907 and also 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 to enlarge the powers of the Sheepscoot Water Power Company.

(On motion Mr. Stearns of Oxford, recommitted to the committee on judiciary.)

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.

(On motion by Mr. Murphy of Cumberland, tabled pending second reading.)

An Act to incorporate the Bowdoinham Water and Electric Company.

(On motion by Mr. Stearns, the vote whereby this bill was passed to be engrossed, was reconsidered, and the bill was tabled pending its passage to be engrossed.)

Passed to Be Enacted.

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

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

An Act to amend Section 3 of Chapter 162 of the Public Laws of 1905, entitled "An Act enlarging the duties and fixing the compensation of the attorney general."

An Act authorizing Hernando E. Allen to erect and maintain a wharf in tidewaters at Starboard in the town of Machiasport.

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

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

An Act to authorize the extension of a wharf in tidewaters in the town of Lubec, county of Washington.

An Act to ratify the organization and amend the charter of the Hiram Water, Light and Power Company.

An Act to amend Section 51 of Chapter 15 of the Revised Statutes, as amended by Chapter 48 of the Public Laws of 1905, and as amended by Chapter 238 of the Public Laws of 1909, and as amended by Chapter 113 of the Public Laws of 1911, relating to the election of truant officers.

An Act to amend Section 34 of Chapter 15 of the Revised Statutes, as amended by Chapter 173 of the Public Laws of 1911, relating to the management of schools and the election of superintendent of schools by the superintending school committee.

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

An Act to extend the provisions of Chapter 315 of the Private and Special Laws of 1909 entitled "An Act to incorporate the Penobscot Bay Water Company," as extended and amended by Chapter 255 of the Private and Special Laws of 1911.

An Act to amend Section 9 of Chapter 275 of the Private and Special Laws of 1863, relating to certain powers of the city of Portland.

An Act addition to Chapter 181 of the Private and Special Laws of 1911 entitled "An Act to establish in Cumberland county a county farm."

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

An Act to increase the efficiency of the public schools of Maine by retiring teachers of long service with pensions.

Orders of the Day.

The Chair laid before the Senate for consideration the first matter specially assigned for today, an Act relating to the entry of "nolle prosequi" in criminal cases, Senate Document No. 310, the pending question being the second reading of the bill.

Mr. MOREY of Androscoggin: I yield to the Senator from Oxford.

On motion by Mr. Stearns of Oxford, the bill was recommitted to the committee on judiciary.

The Chair laid before the Senate for consideration the second matter specially assigned for today, an Act authorizing the Atlantic Shore Railway to increase its capital stock, Senate Document No. 224, the pending question being the adoption of House Amendment A.

Mr. EMERY of York: I yield to the Senator from Oxford.

On motion by Mr. Stearns of Oxford, the bill was tabled and reassigned for Tuesday of next week.

The Chair laid before the Senate for consideration the third matter specially assigned for today, House Docu-

ment No. 360, an Act permitting the use of automobiles in the town of Eden.

Mr. PATTEN of Hancock: Mr. President, a further examination of the bill shows no amendment was necessary. I therefore move that the bill be put on its passage to be engrossed.

The motion was agreed to and the bill was passed to be engrossed.

The PRESIDENT: This bill carrying an emergency clause requires a two-thirds vote of all the members of the Senate.

A rising vote was had and 22 Senators voting in favor of the passage of the bill was passed to be enacted.

On motion by Mr. Bailey of Penobscot, the vote where by Senate Document No. 541, an Act to regulate the business of dealing in securities, was assigned for a second reading tomorrow morning, was reconsidered, and on further motion by the same senator was tabled and assigned for consideration Tuesday morning of next week.

Mr. BAILEY: I would say in connection with that motion that this is a bill to regulate the business of dealing in securities, in stocks and bonds, otherwise called the "blue sky law" and at the hearing before the committee there seemed to be a good deal of interest and many people appeared, and I do this for the purpose of allowing all those who wish to examine the bill and to offer any amendments to do so before it is specially assigned.

On motion by Mr. Packard of Knox, Senate Document No. 147, Report of the Committee on Judiciary "ought not to pass," on bill "An Act granting to Hollis M. Shaw pole rights in the streets and highways of the town of Union and Warren in the County of Knox, State of Maine," was taken from the table.

Mr. Packard: I move that it be re-committed to the committee on legal affairs.

The PRESIDENT: The report of the committee on judiciary is "ought not to pass." The Senator from Knox moves that the judiciary committee be

discharged from further consideration of this bill.

Mr. STEARNS of Oxford: The judiciary committee are perfectly willing to be discharged.

Mr. HERSEY of Aroostook: I would inquire if they have not been discharged already.

The PRESIDENT: I will state that the question being on the acceptance of the adverse report of the committee on judiciary, "ought not to pass," this bill may be brought before the Senate in one of two ways, either by substituting the bill for the adverse report, or by discharging the committee from further consideration of the bill. If the report of the committee should be accepted, further action on the bill could not be had, and in order for the Senator from Knox to accomplish the purpose which I understand he desires to accomplish, it will be necessary first to discharge the committee on judiciary from further consideration of the bill.

The motion was agreed to.

On further motion by the same senator, the bill was referred to the committee on legal affairs.

Mr. PACKARD: I would say, Mr. President, in explanation, that the legal affairs has a bill that really belongs on the end of this one, and they have not reported that yet, and the idea was to let them have both and then report "ought to pass" or "ought not to pass," as they see fit.

On motion by Mr. Wing of Franklin, Senate Document No. 290, Order of the appointment of a Special Joint Committee to inquire into the amount of compensation and services rendered by all State and county officials whose salaries are determinable by the Legislature, was taken from the table.

The pending question is action upon the disagreeing action of the two branches, the Senate having passed this order and the House having indefinitely postponed it.

On motion of Mr. Wing the Senate insisted and asked for a committee of conference.

The Chair appointed as members of the committee of conference on the part of the Senate, the senator from

Franklin, Mr. Wing, the senator from Sagadahoc, Mr. Maxwell, and the senator from York, Mr. Cole.

On motion by Mr. Packard of Hancock, Senate Document No. 546, An Act to compel the printing of all State papers and documents under proper sanitary conditions, was taken from the table, and on further motion by the same senator the bill was referred to the committee on labor in concurrence.

On motion by Mr. Patten of Hancock, House Document No. 125, An Act relating to the change of name of the town of Eden, was taken from the table.

On further motion by the same senator, Senate Amendment A to House Document No. 125 was adopted: Amend Section 2 by inserting in the second line after the word "any" the word "annual."

On further motion by the same senator the bill was given its first reading, and its second reading was assigned for tomorrow morning.

On motion by Mr. Hastings of Androscoggin, Senate Document No. 484, An Act in relation to islands belonging to the State, was taken from the table, and on further motion by the same senator the bill was committed to committee on bills in second reading, and tomorrow morning was assigned for the second reading of the bill.

On motion by Mr. Bailey of Penobscot, joint order directing that resolves calling for financial aid be accompanied by statement of facts certified and sworn to by municipal officers, was taken from the table.

Mr. BAILEY: Mr. President, that order is of no force and effect at this time, because the period, the date, for introducing orders for aid in the way of appropriating money has long since passed and gone, and we certainly do not want to establish a rule which will bind our successors in office. And again, I do not think that as to the merits of the order, that it had any prohibitive force or helped in any way the committee in deter-

mining the merits of the claim, and therefore I move that it be indefinitely postponed.

The motion is agreed to.

On motion of Mr. Allen of Kennebec, Senate Document No. 193, An Act to incorporate the Kennebec Realty Company, was taken from the table.

On further motion by the same senator, House Amendment A was adopted in concurrence, and the bill was given its first reading as amended.

The PRESIDENT: The Chair will suggest that all senators who have matters upon the table, take them off this week at the earliest possible moment unless there is some reason for asking that the matter remain on the table.

On motion by Mr. Wing of Franklin, Senate Document No. 289, majority report "ought to pass" and minority report "ought not to pass" of the committee on judiciary on bill entitled "An Act in relation to the Ellsworth municipal court," was taken from the table.

Mr. WING: I would inquire, Mr. President, what the action of the House was.

The PRESIDENT: This is a majority and minority report from the committee on judiciary on an act in relation to the Ellsworth municipal court, the majority report "ought to pass," the minority report "ought not to pass." In the House the minority report "ought not to pass" was accepted. The pending question is upon the acceptance of the minority report in concurrence with the House.

Mr. WING: I move that we concur with the House in the acceptance of the minority report "ought not to pass."

The motion was agreed to.

On motion by Mr. Morey of Androscoggin, resolve in favor of higher education for municipal officers was taken from the table, and on request by the same senator the resolve was read by the secretary.

Mr. MOREY: I move that this be indefinitely postponed, Mr. President. That act, introduced in the lower House, sent up here for concurrence, requires this Legislature to say that

during the present year a chair shall be established in the University of Maine for the education of its students to fit them for municipal life. Now then, under the decisions of the court, and our court, some three or four years ago, the supreme court of this State held that the University of Maine was no more a State institution than was Colby, Bates or Bowdoin College, distinctly held that in a tax case. And were it a State institution, we then would have no right to dictate what the curriculum of that university should be. That is left to the board of trustees entirely and the professors of the college. And it seems to me that this bill, introduced I do not know by whom, if it should be passed, it would have absolutely no binding authority upon the University of Maine. It is something that we have no right to do, and something that it seems to me that the time should not be taken up in the reference to a come taken up in its reference to a component of this resolve.

The motion was agreed to.

On motion by Mr. DUTTON of Kennebec, Senate Document No. 457, Resolve for further public instruction in forestry, was taken from the table.

Mr. DUTTON: Mr. President, this resolve is unusual in its features in this respect. It not only means an appropriation for the year 1913 and the year 1914, but it purports to bind all future Legislatures to the effect that each year thereafter an appropriation is hereby made for the sum of \$5000. Now I have no special interest in this at all. I came in here and I saw it and heard it as other senators saw it and heard it, but it struck me then and it strikes me now that it is an expenditure of money at this time that the State can ill afford. I seriously question the expediency of this order. I tabled it for the sole purpose of calling the attention of the Senate to it. If the Senate wants to make this appropriation of \$10,000 and add it to the sum total of taxation for the next two years, why I do not object to it. It is in effect not increasing a salary to an office but it is creating an office with a salary of \$5000, to be divided perhaps between certain men

who may go about the State instructing people in forestry. Now a bill went in this morning which provides that the boys in our State, in effect, shall not hunt birds and game in our woods without a license, for which they are obliged to pay under the terms of that bill, a bill to establish game preserves and game farms, \$1.10. Now one man comes to the Legislature and asks us to pass a law to keep the boys out of the woods, and another man comes to the Legislature and asks the appropriation of \$5000 to go around telling the boys what a hemlock or a spruce tree is. I move that this resolve be indefinitely postponed.

Mr. COLBY of Somerset: This resolve came before a committee on forest preservation and was very carefully considered. I am afraid that the senator from Kennebec don't know entirely what he is talking about. For many years there has been an appropriation, or for several years at least, there has been an appropriation of \$2500 for each year. The Legislature has appropriated it for instruction in forestry at the University of Maine in Orono, and it has been doing a great work under that appropriation. Instructor Bristow of the college came before our committee; he was fully conversant with the subject and he asked for double the appropriation which he had been getting. He said that nearly all of the boys that came to the college wanted to take the course, and unless there was more appropriation they could not do it. The committee considered it very carefully. It was a unanimous report of both the Republicans and the Democrats upon the committee. The instruction is given at the university by an instructor who is thoroughly conversant with the work. No one goes round over the State talking about it. It is simply given in classes at the University of Maine. And while I would not insist on the clause on the latter end of the resolve, I do think that it would be a serious mistake for this State not to appropriate that money for the coming two years, at least. It is only a question of time when, if we do not educate the people of the State of Maine that we will not have any forests that will be of any value

as for lumber or for the protection of game, or for anything else. We will simply have a mass of small undergrowth and brush in northern Maine. And for one I don't wish to be instructed by some senator in this matter that doesn't ever go into the woods or doesn't know anything about it.

Mr. RICHARDSON of Penobscot: Mr. President, this proposition was informally discussed before our committee and we were informed by a man who seems to know the circumstances at Orono that since the work was undertaken the interest in the study of forestry has very greatly increased and that they are positively unable to properly instruct the students who wish the instruction and that the addition is imperative—that this appropriation is imperatively needed, and I hope sincerely that it will be passed.

Mr. WALKER of Somerset: Mr. President, I move that we amend the resolve by striking out the words "and

annually thereafter," which is acceptable, as I understand.

The PRESIDENT: That motion will not be in order till the motion of the senator from Kennebec has been decided. If the motion of the senator from Kennebec should be decided in the negative, the motion of the senator would then be in order. The motion of the senator from Kennebec is that the resolve be indefinitely postponed.

A viva voce vote was taken and the motion was lost.

Mr. WALKER: I move the adoption of the amendment to the resolve.

On motion of Mr. Bailey of Penobscot, the resolve was tabled and specially assigned for consideration, tomorrow morning.

On motion of Mr. Hastings of Androscoggin.

Adjourned until tomorrow morning, at 9.30 o'clock.