

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

SENATE.

Tuesday, March 25, 1913.

Senate called to order by the President.

Prayer by Rev. Fred P. Stanley of Hallowell.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

House Bills in First Reading.

An Act relating to the entry of nolle prosequi in criminal cases.

An Act to amend the act which constitutes the police court for the city of Rockland.

An Act creating a State board of charities and corrections.

An Act to grant additional powers to the Rockland, South Thomaston and St. George railway.

Resolve in favor of the Lee Normal academy. (On motion by Mr. Walker of Somerset, House Amendment A was adopted in concurrence.)

An Act relating to the election of assessors in the city of Portland.

An Act to amend Sections 40 and 42 of Chapter 15 of the Revised Statutes as amended relating to the continuance of unions of towns former for the employment of a superintendent of schools.

An Act to incorporate Machias Valley Light & Power Company.

An Act for the abolishment of Grade Crossings of Railroads.

An Act to amend Section 8 of Chapter 18 of the Revised Statutes as amended by Chapter 48 of the Public Laws of 1909 relating to the State Board of Health.

Resolve in favor of the Eath Military and Naval Orphan Asylum at Bath, Maine.

Resolve for laying County Taxes for the year 1914.

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

Appropriations and Financial Affairs.

By Mr. Hersey of Aroostook: Resolve in favor of Mary H. Perkins for services as stenographer to the President of the Senate and Speaker of the

House and for clerical assistance in the office of the secretary of the Senate.

By Mr. Colby of Somerset: Resolve in favor of Charles R. Kingsbury.

Senate Bills in First Reading.

An Act to amend Section 67 of Chapter 206 of the Public Laws of 1909, relating to reenlistment in National Guard.

Reports of Committees.

Mr. Cole from the committee on legal affairs, on bill, An Act to create a State police force, reported same "ought not to pass."

The report was accepted.

Mr. Patten from the committee on towns, submitted its final report, that the committee had acted on all matters referred to it.

The report was accepted.

Passed to Be Engrossed.

An Act to incorporate the York County Power Company. (On motion by Mr. Morey of Penobscot, tabled pending second reading.)

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

An Act to repeal Chapter 315 of the Private and Special Laws of 1903 entitled "An Act to incorporate the Madunkunk Dam and Improvement Company."

An Act to amend Chapter 217 of the Acts and Resolves of 1911 increasing the corporate limits of the Porter-Kearr Falls Village Corporation of Porter.

Resolve in favor of Law Reporting Company.

Resolve to aid in repairing Springfield Normal Academy.

Resolve relating to repairing and improvements of Capitol Building.

Resolve authorizing the compilation and publication of the insurance laws of Maine.

An Act to amend Section 51 of Chapter 28 of the Revised Statutes relating to the investigations of fires and the inspection of buildings.

An Act for the protection of deer in the town of Isle au Haut in the County of Hancock.

An Act to amend Section 3 of Chapter 229 of the Public Laws of 1909 relating to the State Board of Arbitration and Conciliation.

Resolve in favor of survey for a road in the towns of Amherst and Clifton.

An Act relating to payment of funds to minors under any decree of court.

An Act to create the office of Assistant Attorney General.

Resolve for the revision and consolidation of the Public Laws.

An Act establishing a close time on lobsters in certain waters of Hancock County.

An Act to establish the Lincoln Municipal Court.

An Act to authorize cities and towns to appropriate and expend money for advertising purposes.

Passed to Be Enacted.

An Act relating to fraternal beneficiary Associations doing casualty business only.

An Act relating to standard provisions for accident and health insurance policies.

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

An Act to enlarge the powers and amend the charter of the Scarborough Water Company.

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

An Act to make the certificate of the official court stenographer sufficient authentication of a report of evidence for the law court, and to prescribe the course of procedure in the courts in the event of the death of the official stenographer.

An Act to amend chapter 66 of the Private and Special Laws of 1881, entitled, 'An Act to incorporate the Island Cottage Company.

An Act to incorporate the Penobscot Valley Gas Company.

An Act to establish a County Farm in the County of Penobscot.

An Act to amend Section 39 of Chapter 39 of the Revised Statutes, relative to the weights of certain commodities.

An Act to incorporate the Livermore and Augusta Railway Company.

An Act to provide for scientific investigations in agriculture in Aroostook County.

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

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

An Act to authorize the Auburn Water Commissioners to sell certain of their property.

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 limiting and defining the liabilities of keepers of Hotels, Inns and Boarding Houses.

An Act to amend Section 99 of Chapter 49 of the Revised Statutes, relating to special Insurance Brokers.

An Act to incorporate the Androscoggin Electric Company.

An Act to amend Sections 1, 2, 6, 10, 11 and 12 of an act entitled 'An Act to incorporate the Madison Water Company.

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.

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

An Act relating to the Fort Kent Electric Company.

An Act to prevent usury by foreign corporations.

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

An Act relative to weights and measures.

An Act additional to chapter 28 of the Revised Statutes for the prevention of false fire alarms.

An Act to incorporate the Bluehill 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 incorporate the Kennebec Realty Company.

An Act to incorporate the Stockholm Water Company.

An Act to amend Chapter 131 of the Public Laws of 1911, relating to taxing insurance in companies not authorized to do business in Maine.

An Act extending the charter of the Fort Kent Water Company.

An Act to amend Section 26 of Chapter 51 of the Revised Statutes in relation to the taking of land by railroad companies.

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

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

An Act to amend Section 14 of Chapter 128 of the Revised Statutes, relating to malicious mischief and trespasses on property.

An Act relating to the insurance of property owned by the State.

An Act relating to mutual fire companies transacting factory and mill insurance only.

An Act providing for the appointment of two delegates to a New England Railway Conference, and the payment of their expenses.

An Act to repeal Chapter 64 of the Public Laws of 1909, and require mufflers on motor boats.

An Act to incorporate the Farmington-Oakland Interurban Railway.

An Act to incorporate the Readfield Chamber of Commerce.

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

An Act to amend Section 44 of Chapter 41 of the Revised Statutes as amended by chapters 20, 30 and 91 of the Public Laws of 1905 as further amended by Chapters 12, 35, 123 and 133 of the Public Laws of 1907, as further amended by chapter 165 of the Public Laws of 1909, and as effected by Chapter 50 of the Public Laws of 1911, relating to the taking of smelts.

An Act to amend Section 51 of Chapter 79 of the Revised Statutes as amended, by the Public Laws of 1907,

and 1911, relating to trial terms of the Supreme Judicial Court.

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

An Act to authorize the 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 the transportation of fish taken in the waters of Davis Town, Stetson Town, Seven Ponds Town, and Massachusetts Gore, so called, in Franklin County.

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

An Act for the better protection of herring and herring fisheries in the waters of the St. Croix River and Passamaquoddy Bay in the County of Washington.

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

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

An Act to authorize the city of Lewiston to issue its bonds to the amount of One Hundred Thousand Dollars to pay its bonds now outstanding and maturing in the year 1912.

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 of Chapter 65 of the Revised Statutes relating to the duties of Registers of Probate.

An Act to change the name of the town of Eden to the town of Bar Harbor.

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 to incorporate the York and Oxford Railroad.

Finally Passed.

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

Resolve in favor of building a feed-

ing Pond at the Knox County Hatchery at Camden.

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

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 Maine Insane Hospital for the purchase of a mangle for the laundry at said institution.

Resolve providing for an appropriation for control of contagious diseases among domestic animals.

Resolve in favor of aid in constructing a bridge in the town of Milo.

Resolve providing for the screening of Shiloh Pond in Franklin County.

Resolve in favor of screening Gardner's Lake, so called in Washington County.

Resolve in favor of Lizzie Bean.

Resolve in favor of Monmouth Academy for repairing and remodeling the building at said institution.

Resolve in favor of Nasson Institute for maintenance and extension of its work.

Resolve providing a State Pension for Mary Buswell Ridlon.

Resolve in favor of the Aroostook Central Institute for repairs, improvements and payment of debts.

Resolve in favor of Lucinda T. Brackett.

Resolve for the purpose of operating the fish hatcheries and Feeding Stations and fish and for the protection of fish, game and birds, and for printing the report of the Commissioners of Inland Fisheries and Game.

Resolve re-imbursing the town of Hollis for money expended for a State Pauper.

Resolve in favor of Freedom Academy Association in the town of Freedom.

Resolve in favor of Limerick Academy, providing for the payment of aid money, not received by it for the year 1904.

Resolve providing an additional State Pension for Annie Jones.

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 Wa-

terville." (On motion by Mr. Wing of Franklin, tabled pending passage to be enacted.)

Resolve in favor of Bridgton academy for the repair of the buildings at said institution. (On motion by Mr. Murphy of Cumberland, tabled pending final passage.)

An Act to amend Sections 14 and 15 of Chapter 393 of the Private and Special Laws of 1909, relating to the Millicocket municipal court. (On motion by Mr. Wing of Franklin, tabled pending passage to be enacted.)

An Act to amend Section 1 of Chapter 41 of the Revised Statutes, as amended, relating to the duties of the commissioner of sea and shore fisheries. (On motion by Mr. Cole of York, tabled pending passage to be enacted.)

An Act to amend the first paragraph of Section 36 of Chapter 15 of the Revised Statutes, as amended, in relation to the accurate keeping of school records and accounts.

Resolve in favor of screening Squaw Pond Lake, so called, Aroostook county. (On motion by Mr. Burleigh of Aroostook, tabled pending final passage for correction of title.)

Orders of the Day.

Mr. WALKER of Somerset: Mr. President, I would ask the Chair in regard to the status of the resolve in favor of the Lee Normal academy.

The PRESIDENT: According to the recollection of the Chair, that resolve came from the House this morning with House Amendment A, and that amendment was adopted in concurrence with the House. The resolve was given its first reading, and its second reading was assigned for this afternoon.

On motion by Mr. Walker, the vote whereby this resolve was assigned for second reading this afternoon, was reconsidered.

On further motion by the same senator, the vote was reconsidered whereby the Senate adopted House Amendment A in concurrence.

On further motion by the same senator, pending adoption of House Amendment A in concurrence, the resolve was tabled.

On motion by Mr. Conant of Waldo, the vote whereby the Senate accepted yesterday the report of the committee, "ought not to pass," on an Act to provide for the permanent improvement of land within the limit of any highway or town way adjoining any land not known as wild land, (House Document 211) was reconsidered.

On further motion by the same senator, the bill was recommitted to the committee on ways and bridges.

Mr. DUTTON of Kennebec: Mr. President, either yesterday or Saturday there was an order introduced here in reference to putting a rail back of these seats, in the rear of these seats. Since the passage of the order, there has been more or less discussion in regard to the matter, and for the purpose of getting an expression from the senators as to whether this is necessary or convenient for those who sit on the back seats, I move that we reconsider the vote whereby that order was passed.

The PRESIDENT: The Chair will state for the information of the senator that the matter was in the form of a resolve, and is now before a committee.

(The motion of the senator from Kennebec was withdrawn.)

On motion by Mr. Richardson of Penobscot, unanimous consent was given, and that senator presented out of order report of the committee on appropriations and financial affairs, "ought to pass," on resolve relating to payment of fees to town clerks in relation to inheritant taxes.

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

On motion by Mr. Wing of Franklin, the report of the committee on agriculture, "ought not to pass," on bill, an Act to amend Chapter 195 of the Public Laws of 1911, entitled, "An Act to extirpate contagious diseases among cattle, sheep and swine," was taken from the table.

On further motion by the same senator, the Senate non-concurred with the action of the House in accepting the report of the committee,

and the bill was then recommitted to the committee on agriculture.

On motion by Mr. Walker of Somerset, House Document 193, (tabled on his motion), Resolve for the further improvement of marketing farm products and purchasing supplies for the farm, was taken from the table.

Mr. WALKER: Mr. President, I would say that I tabled this resolve March 13th. It had been moved that the resolve be indefinitely postponed, and on that motion the yeas and nays were ordered. I tabled it for the sole purpose of informing myself in relation to the matter before I went on record and voted for or against the measure.

I have an amendment which I wish to offer at this time which cuts down the appropriation \$2000. In conference with the chairman of the committee on agriculture, that amendment is acceptable.

The PRESIDENT: The Chair will state that the pending question, the indefinite postponement of the resolve must be first disposed of before an amendment can be offered. If the senator from Somerset desires to request that the ordering of the yeas and nays be waived, by unanimous consent, the Chair is of the opinion that it can be done.

Mr. WALKER: Mr. President, I ask that the ordering of the yeas and nays be waived.

Mr. MURPHY of Cumberland: Mr. President, I understand this is the bill I spoke on and moved its indefinite postponement. I will say that if it is satisfactory to Senator Walker, I am perfectly willing to withdraw my motion. I ask unanimous consent to withdraw my motion.

The motion was withdrawn.

Mr. Walker then offered Senate Amendment A to House Document 193, as amended, by House Amendment A. Amend by striking out the word "three" in the first line of the resolve, and inserting in place thereof the word "two," so that said section, as amended, shall read as follows: "Resolved: that the sum of

\$2000 be appropriated each year for 1913 and 1914, etc."

The amendment was adopted, and the resolve, as amended, was assigned for second reading this afternoon.

Mr. FLAHERTY of Cumberland: Mr. President, I would like to inquire in regard to the standing of Senate Document 555, an Act to amend Chapter 5 of the Revised Statutes, relating to registration of voters.

The PRESIDENT: The Chair will state for the information of the senator, that Senate Document 555 appears on the calendar as having been tabled for printing pending reference in concurrence. The printing having been accomplished, the bill was taken from the table and referred to the committee in concurrence.

Are there any further formal motions of routine matters?

The Chair lays before the Senate for consideration, the first matter assigned for today, Senate Document 755, an Act relative to compensation to employes for personal injuries received in the course of their employment and to the prevention of such injuries.

Mr. STEARNS of Oxford: Mr. President, yesterday when this matter was taken from the table and the amendments offered, it was again tabled and assigned for consideration this morning. At that time there was some suggestion about amendments which might be offered by the senator from Androscoggin, Senator Morey.

There have been other senators interested in this bill who are considering the matter and would like to consider further some questions in regard to amendments. In order to give all senators full opportunity to examine thoroughly the provisions of this bill, and to offer such amendments as they may desire, I move that this bill and amendments be tabled and re-assigned for the session, tomorrow morning, and that the time within which amendments may be offered be extended until this afternoon.

I would like to say, Mr. President, that I hope all senators will thorough-

ly prepare themselves and between now and this afternoon present all the amendments they desire to offer, so that there may be no further delay in this regard.

The motion was agreed to, and the bill and amendments were tabled and specially assigned for tomorrow morning.

On motion by Mr. Packard of Knox, Senate Document 561, Resolve in favor of the Old Town-Orono Anti-Tuberculosis Association of Old Town, was taken from the table.

On further motion by the same senator, the resolve was given its second reading and was passed to be engrossed.

The PRESIDENT: The Chair invites the senator from Aroostook, Senator Hersey, to take the chair for the remainder of the session. (Applause)

Senator Hersey in the Chair.

The PRESIDING OFFICER: The next matter upon the calendar is An Act authorizing the Atlantic Shore Railway to increase its capital stock, Senate Document, No. 24, tabled by the senator from Oxford, Senator Stearns. The pending question is the adoption of the House Amendment A.

Mr. STEARNS of Oxford: Mr. President, I ask that the secretary read House Amendment A.

Mr. STEARNS: Mr. President, without further information than we have at hand from the reading of the amendment it would seem to be a very strange proceeding, and I feel that it can be readily seen from this amendment that there is an attempt on the part of some one to collect a bill and to do so through the agency of the State of Maine in this manner. The purpose of this rider or amendment seems to be very apparent, and I move, Mr. President, that the amendment be indefinitely postponed.

Mr. DUTTON of Kennebec: Mr. President, the senator from Oxford states, in the absence of further information than appears upon the face of the amendment, I have been requested to explain to the Senate the situation involved in this amendment. I am in-

formed that this is a claim against this corporation before it reorganized.

Two years ago the Legislature authorized the reorganization of this corporation, and at that time the same gentleman in the House objected to the ratification of that reorganization upon the ground that it defeated the collection of a claim of this nature, and particularly this one, and he was assured if he allowed that reorganization to go through that this claim would be paid.

Now, Mr. President, I take it to be a matter of common knowledge—at any rate there has been so much of it carried on in the State of Maine that we all ought to know something about the practice of reorganizations of corporations of this kind. Why, I have no doubt that the senators from Somerset recall with some pain the reorganization of the Somerset Railroad Company, when a legislative act merely changed its name from Railroad Company to Railway Company, thereby creating a new corporation and defrauding every town from Oakland to Bingham, and many, very many, of the inhabitants thereof. I have no doubt that the honorable senators from Washington recall with pain the history of the reorganization of the Washington County Railroad, when their county, which had put in more than half a million of dollars, lost every cent they had put in, and fought it out and tried to protect their rights in the circuit court of the United States and failed.

It may be true that this is an extraordinary measure; that it is unusual; that we are setting a precedent. But what is true here? We are trying to put a stop to a bad practice. We are not setting a precedent for a bad practice. We are trying to put a stop to a bad practice.

Now I know something about the history of the Atlantic Shore Railway Company—a little something about it. It has had a history very similar to this from its very inception. The history of the Atlantic Shore Railroad Company is about like that of a horse dealer who sells horses by all sorts of puffing conversation, and then further than that takes his note in pay-

ment for the horse. What does he do? The first thing he does with that note is to put it in the bank so that when it comes due he can bring suit upon that note and any defense by the maker of the note is shut off.

Now what is the history of the Atlantic Shore line? Exactly the same. The bondholders, which were nothing more than the real owner of the note—the bondholders foreclosed and took possession of this road. The same parties that owned the note, the real owners of the note, foreclosed and took possession and shut out the bondholders who had put their actual cash into it. And then what happened? The very identical parties that owned and controlled this railroad when this bill was contracted, when this bill was incurred, or the matter upon which this judgment was based, are in ownership and control of that road now.

Now why should this Legislature be used, as it was used two years ago, to ratify the reorganization of a railroad company, or any other corporation that simply by a method of "now you see it and now you don't see it" allows them to defraud somebody?

And there are very few reorganizations carried on in this State that do not trim somebody. Are we to encourage that kind of business? Or shall the Legislature say to the people who want to re-organize, and have reorganized and got a legislative act ratifying their reorganization, to get them out and into the name of another corporation for the sole purpose—no other purpose could have been possible, although a plausible reason might have been given, to get out from under their act—say the so-called bondholders who are now in control of this railroad, are free—legally, technically free from their debts, and the obligation to pay the parents of this boy that they killed is one of them.

Now some of the people that came to this Legislature to ratify this reorganization, after its ratification to help them get out from under their debts, have come here and ask for special privileges. It may be an unusual thing, but I submit to the sen-

ators that it is a proper thing, to say that before the Legislature of Maine grants them these additional rights, they shall put the condition upon it that they shall meet their honest obligations.

Mr. STEARNS: Mr. President, I am not in a position of sufficient information to answer the senator from Kennebec at length, but I submit to the Senate that the suggestion with which he closed his very eloquent remarks ought to be sufficient to satisfy the Legislature and this Senate, that this is not an attempt to make this corporation pay its honest debts. It is a simple proposition to force this corporation to pay one single small debt to one single individual.

It is not upon a broad basis. He has placed this one proposition to pay one Dorr the sum of \$600.

Now as I understand it, proceedings were begun in 1910 in the United States Circuit Court for the foreclosure of the mortgage which the senator has referred to, a mortgage of some two million and a half of dollars; that under that foreclosure the property was ordered by the court to be sold and that it was sold. It was sold under the authority of the court, and, as he has suggested, there were bills, some suits pending against this corporation. They were not able to pay their interest charges. They went into the hands of a receiver, went into the hands of the courts, a master was appointed and this property was sold. It absolutely changed hands. Are you going to say that under a reorganization, after a new concern, new parties come in and take possession and purchase this property, that they, after coming to the Legislature and having their acts confirmed by the Legislature, that they shall then be charged with the payment of a bill which existed back of the reorganization?

Why, I am surprised that the senator upon Kennebec, with his experience from these matters, stands here and urges that proposition for a moment.

Of course there have been losses. The bondholders lost; when they re-

organized, as I understand it, a committee of the bondholders bought in this property, and all who desired came in, and some stayed out.

Those that stayed out only got a matter of ten per cent, as I remember it—as I have been told, I know nothing about it—only a matter of ten per cent. These bondholders lost largely upon this proposition. And yet the senator says that this person who brought suit back of the reorganization should be reimbursed, should be paid—this bill should be paid and that these bondholders who lost heavily, that they should go without their money. Why not pay them all? If they had the money they would be glad to do it. Under the reorganization they didn't have the money to do it. They did this under the authority of court. Everything that they did was done regularly, as it must have been done in order to receive the sanction of the court.

Now they come to this Legislature and ask to increase their capital stock. For what purpose? Under the reorganization there were certain income bonds issued, and they are not now—while they are doing better business and increasing and improving the affairs of that railroad company, they are not now, as I understand it, able to pay a proper return or to meet their interest charges as they should, and they have asked for an increase of capital stock in order that they may issue preferred stock to make up a part of these income bonds and in order to make further improvements. Now if these improvements and extensions are made, they will have to be made under the direction of the Public Utilities Commission, and there is no reason why they should not be allowed to go ahead and do this and not be encumbered by this bill of \$600 which is the outcome of a suit which was brought over the line in New Hampshire.

The fact is this suit that was pending was not brought here in the State of Maine but was brought over in New Hampshire, and if, as the senator has suggested, it is to recover for the death of a child, it would seem to indicate at

least that the courts of New Hampshire had some question about the facts involved and the conditions or the judgment would have been for more than the sum of \$600. It is not possible that there may have been some trading and some dickering in order to get into the courts of New Hampshire? Why didn't they bring their suit in the courts of Maine.

Now I have no doubt there are other facts in connection with this case which might properly be explained. If I were in possession of them I would be glad to give them to the Senate. But it seems to me there has been enough already said to indicate what the purpose of this bill is, what the purpose of this amendment is.

These parties are here properly, asking for that which has been done over and over and over again in the Legislature of this State,—increase of their capital stock. This rider is put on, this amendment is put on simply and solely for the purpose of one individual collecting a bill in which he is interested. I submit that it is not fair, not fair to the bondholders who have lost largely, not fair to other claimants, not fair to those who had bills against this company aside from this individual, and that there is no more reason why this should be paid than there would be that the senator from Kennebec should have to pay for a grocery bill which might have been incurred prior to the time that he sold a piece of real estate and gave title to it,—no more reason why this should be allowed than in an instance of that kind. And I can not believe that the good sense of this Senate will allow such an amendment to be adopted.

Mr. ALLEN of Kennebec: Mr. President, I am not very well versed on this question, but I am sorry when any senators here compare a grocery bill with the killing of an 8-year-old boy. I think it is out of comparison. And that is one of these preferred claims that is tacked on in this amendment, as I understand the matter—it is simply paying the parents the small, insignificant sum of six or seven hundred dollars for an 8-year-old boy which this railroad killed. I, for one, hope this amendment will pass.

Mr. WING of Franklin: I fear that the senator from Kennebec does not un-

derstand the real situation. As I have been informed, this railroad company had issued first mortgage bonds on their plant, they had issued first preferred stock and preferred stock, and there was also a large indebtedness and this \$600 was included in the indebtedness of the company. The company was unable to pay their bills. They became insolvent and all of the property was sold, sold to a new company, that had absolutely no legal connection with the old company, and at the price which was paid the property was not worth enough to pay fifty cents on a dollar of the first mortgage bonds.

Consequently, the preferred stock, the second preferred stock, and the indebtedness was all wiped out of the transaction. That is the condition. And the new company that was organized had none of those legal obligations that the old company had remaining against it. So far as legal matters go it was an entirely new company. And it seems to me that it would be unwise to say to that new company that had bought this property and paid for it, that you must now take up the old debts of the new company and pay them. The proposition is just the same as it would be if a man should sell a lot of land that was owing, and afterwards the Legislature should say that so long as he had this land that he should pay some of the debts of the party who sold it.

The PRESIDING OFFICER: The question is on the motion of the senator from Oxford that Senate Amendment A be indefinitely postponed. Are you ready for the question?

Mr. DUTTON: I ask for the 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. Bailey, Boynton, Chase, Colby, Conant, Emery, Hersey, Jillson, Richardson, Stearns, Wing—11.

Those voting nay were Messrs. Allan, Allen, Burleigh, Clark, Dutton, Flaherty, Hagerthy, Mansfield, Maxwell, Morey, Moulton, Murphy, Packard, Pat-ten, Reynolds, Smith, Walker—17.

Absentees, Mr. Hastings—1.

Eleven having voted in the affirmative and 17 having voted in the negative, the motion of the senator from

Oxford did not prevail.

Mr. DUTTON: Mr. President, I move the adoption of amendment A.

The motion was agreed to.

The PRESIDING OFFICER: The pending question is the first reading of the bill as amended.

Mr. EMERY of York: Mr. President, I move that this bill be indefinitely postponed.

A viva voce vote was taken and the Chair being in doubt as to the result a rising vote was had, and nine having voted in the affirmative and 18 having voted in the negative, the motion of the senator from York did not prevail.

The bill as amended was given its first reading.

Mr. DUTTON: Mr. President, I move the rules be suspended and that the bill be given its second reading.

Mr. STEARNS: Mr. President, I would like to ask the senator from Kennebec what is the meaning of this great haste in relation to the passing of this bill, with such an amendment as has now been attached to it.

Mr. DUTTON: Mr. President, if the senator desires further time, I will withdraw my motion.

The PRESIDING OFFICER: The next matter on the calendar, an Act to regulate the business of dealing in securities, Senate Document No. 541, tabled on motion of Senator Bailey. The pending question is commitment to committee on bills in second reading.

Mr. BAILEY of Penobscot: Mr. President, as there are some parties here who perhaps may want to offer amendments to the bill I move that it be re-assigned for this afternoon.

The motion was agreed to and the bill was retabled and specially assigned for this afternoon.

The PRESIDING OFFICER: The next matter, an Act to regulate and establish mileage rates for the conveyance of passengers over the steam railroads within the State, House Document, No. 486 tabled by motion of Senator Maxwell. The pending question is commitment to committee on bills in second reading.

Mr. MAXWELL of Sagadahoc: I

would ask, at the request of Senator Packard, that this bill be reassigned for tomorrow morning.

The motion was agreed to and the bill was tabled and reassigned for tomorrow morning.

The PRESIDING OFFICER: The next matter is an Act to provide for the care and treatment of tubercular patients, Senate Document No. 333, tabled on motion of Senator Allen. The pending question is the second reading.

Mr. ALLEN of Kennebec: Mr. President, this bill was tabled by me. I have not studied the bill a great deal, but in looking it over I find it has many good qualities. I am also reminded of the fact that in connection with this line of bills for tubercular treatment we have already passed several. I do not remember how many, but we have passed resolves carrying aid to different institutions for somewhere between twenty and thirty thousand dollars. No doubt some of the senators present have the exact figures. I have not looked that up.

While this is a question and an act of merit, and in looking the bill over I see many propositions that would naturally appeal to the State of Maine, for instance, in Section 3: "All persons in this State who are proper subjects for this sanatorium, who are unable to pay the fixed charges of said institution, upon recommendation of the municipal officers of the city or town of which the patient is a resident may be admitted to said sanatorium free of charge"—now that is a very commendable clause. Following: "All other persons who are proper subjects for said sanatorium shall pay four dollars and a half per week which shall be paid monthly."

This, compared with the present prices that our friends have to pay at Hebron, about \$15 a week, seems a great reduction, and, as I said before, there seems to be merit in the bill. But considering the fact that we have already assisted so many institutions of this nature in various parts of the State, there is a question in my mind if it is expedient to institute another institution in Maine, when we find in section seven that

it calls for an appropriation not to exceed one hundred thousand dollars. We are all well aware that our different institutions in the State of Maine have been calling on every hand for assistance; so much so that in many cases we have been obliged to refrain from granting them assistance on account of the lack of necessary funds, and that being the case it is a question in my mind if it is advisable for us at this time to establish another institution.

But having all respect for the senator from Knox who, I notice, introduced this bill, I will not make a motion to indefinitely postpone, but in order to give him a fair chance to bring forth his views on this matter I will yield the floor to him.

Mr. PACKARD of Knox: Mr. President, it seems to me, and did seem to me before I came over here, that this was something that the State of Maine ought to take hold of.

A good part of the other states have institutions of this kind, and Maine has put out a whole lot of money for providing institutions and does not seem to get much of any return.

The only one who can attend the private institution is somebody with a whole lot of money. If this becomes a law, it takes care of the poor people, and, as I understand it, they are the ones who need it, who are more apt to spread the disease than the well-to-do people.

Now in regard to the private institutions, they are getting on their feet so they can take care of themselves pretty nearly. Hebron institution had a large amount of money left it, a short time ago, and the others are doing well. Of these others a good part of them only take care of the local people; if they need assistance outside, they let the towns and people in that section assist them.

Now without doubt every senator here knows of people in his locality who are unable to go to any of the private institutions for the lack of money. I call to mind a case in my town. There is a man there that was in business, a small business. Last July he failed in business. He had a wife and two small children. The wife was taken with tuberculosis. She went to Hebron. She got there. She stayed there about a month and had to go home. She didn't have enough money to pay her bills. No-

where else for her to go. At home she is growing worse. The chances are she won't get well. Now no doubt there are other cases just like that all over the State.

A fellow from my town went to Hebron and the church paid his bills for a while. It was a poor church. He had to go home. He is in the last stages of consumption. There are cases all over the State just the same way.

Now in regard to the expense. If Maine keeps on putting out money for private institutions, it has got to put out a great deal more, every year, and not get anything in return, than is asked to be paid out for this one. It seems to me we had better put out money to take care of our people than we had to take care of cows and dogs and that kind of things. I understand there is a large appropriation before the Legislature for tuberculosis among cattle. Now which is the more important, human beings or cattle. I hope that every senator will consider the humane side of this question and vote for it.

Mr. MOREY of Androscoggin: Mr. President, gentlemen of the Senate, I think that all will agree on the merits of the proposition to establish a State sanatorium for consumptives, provided it can be shown that it will be for the best interests of the State, both from the point of effecting the cure of the consumptives, and as the best way of handling the matter financially. It is a matter that must be addressed to both propositions in order, as it seems to me, to obtain the assent of the Legislature.

Now what are the facts in regard to this proposal? No one questions for a moment the expediency of trying to cure consumptives. The report issued for the year 1911 of this State shows that there were 1054 people in our State during that year afflicted with consumption or tuberculosis, and with pulmonary tuberculosis 842 during the year of 1911. Appropriations have been made or asked for, and I think understood will be granted if they have not been already, for \$100,000 to prevent tuberculosis among animals. We have in this State in round number 750,000 in our population. Massachusetts, with a population of 3,300,000 has

established four of these state sanatoriums for consumptives, and not one of these has exceeded \$100,000 in its establishment. And the rates fixed by Massachusetts to the people who come into the institution for treatment are \$4 for the maximum rate. Now the cost is more than \$4.

Other states have established rates and fixed them for the people at around that price, although the cost is more. I hold in my hand the statements from several state institutions. In New Hampshire the actual cost per capita to the state is \$11.70; their rates for people who come to the hospital for treatment are \$4.75 a week. In Vermont the weekly per capita cost to the state is \$13.44; the amount for the people who come for treatment is \$7.

Now then what is accomplished at these sanatoriums for the people? And I might, before referring to that, take up the cost in other states. The Gaylord Farm Sanatorium in Connecticut, \$12.58 to the state, \$7 to the individual; New York State Hospital for Tuberculosis, \$8.91 for the expense to the state, \$5 to the patient; Wallum Lake, \$5 for the patient, \$10.31 for the state; Rutland State Sanatorium \$4 for the patient, \$9.28 for the state; and so I might go on with other institutions. But the states have seen fit to establish these sanatoriums and to make the cost charge right round four, five and six dollars to the patients who attend.

Now is that a reasonable thing to do? Let us look at the facts. What is being done in this State to carry on this work. Because it is agreed by everybody that the time has come when there is a demand from one end of the State to the other to carry forward this work. We find what the State has been doing with reference to private institutions, and the question is, shouldn't it better be done under the auspices of the State and the people directly get the benefit?

Now with Hebron—and what I have to say with reference to the institutions that have received appropriations—don't for a minute construe me as criticising any of the institutions, it is merely getting at a procedure that will

give the suffering people of the State, those who are not able to pay large sums, a chance to recover their health and save their lives. Now from the high expense attending, many, and very many, are precluded.

Now we will take what is done for Hebron and the others, and then see what is the best thing to do from a business standpoint. Now, in 1905 and 1906, there was appropriated, \$10,000 for 1905 and \$5000 for 1906 for Hebron; in 1907, \$15,000, and in 1908, \$15,000, making a total of \$36,000 for those two years; in 1909 \$47,500; \$12,000 for 1910. The appropriation for 1909 was divided as follows: \$20,000 towards debts of association, \$10,000 for construction and equipment of a new cottage, \$10,000 for obtaining and installing water supply, \$7500 for charitable purposes. The appropriation for 1910 was divided as follows: \$5000 for construction and equipment of a new cottage; \$7500 for charitable purposes—total of \$60,000. In 1911, \$12,500; in 1912, \$12,500. A total thus far given to Hebron institution of \$130,000. And I understand that there is not a single free bed in Hebron for any person in the State of Maine.

Now let us take up two or three more. In 1911, the Lewiston Association for the Prevention of Tuberculosis was granted \$500, and in 1912 \$500—\$1000 has been given to that institution.

And for the Central Maine Association in Waterville, \$1000 in 1911, \$1000 in 1912; up to last year a total of \$133,000. And so strong has the demand become throughout the State, and so many new organizations are springing up, that the following have asked for appropriations at this session of the Legislature. Some have been granted. The gentlemen on the finance committee can tell exactly how much better than I, because at the time these figures were tabulated the reports were not forthcoming and they can furnish the information, but the following had been asked for. Hebron Association asked at this session of the Legislature \$33,280; the Central Maine Association at Waterville asked for \$54,000; the Bangor Association asked for \$4000; the Lewiston Association asked for \$10,000; the Maine Association asked for \$5000; the Auburn Association \$1000; Old Town, \$200. Total, 107,480 asked for at this session. Springing up all over this

State are these places for the treatment of tuberculosis.

Now then, when Massachusetts, for instance, with a population of 3,300,000, has established four in the borders of its state at a cost not to exceed \$100,000, and furnishes to the people treatment and care for from \$4.50 to \$5 a week, I ask you why it is not a better business proposition than the establishment of these numerous smaller institutions, all of which, of course, must have their executive equipment and their buildings and matters of that kind.

Now the Governor's message was very strongly of the opinion that all should be done that could be done for work of this kind.

I quote from his address, at Page 26, on the question of tuberculosis, showing the importance that it had in his mind as something to be treated and cared for in some way by the State: "The question of health is one of vital importance to the people of the State, and we have had established for a great many years a State Board of Health. People who are in good health realize very little the extent of the disease, known the world over as 'the great white plague.' I am pleased to say, however, that from statistics given in the report of the State Board of Health for the four years ending December 31st, 1909, there has been a great reduction in Maine in the death rate from this cause during the last 13 years. 1882 to 1909, both inclusive. Deaths from tuberculosis of all kinds I find decreased from 1513 to 1059, and from pulmonary tuberculosis, from 1352 to 837—every year showing a steady and constant reduction."

Again on Page 27: "On a basis of economy, regard being had to the great loss of life from this dread disease, particularly the loss among young people, the State can well afford to use reasonable efforts and considerable financial aid in stamping out this disease. I understand that since the session of the last Legislature there has been formed the 'Maine Anti-Tuberculosis Association' and I understand they propose to present to this Legislature some well defined plans for carrying on this work with greater efficiency. Our State is so large that this

work must necessarily be done in a number of places. In fact, the work must be carried to the homes of the people, by showing them how to take care of their health, and especially how to treat persons when first affected with this disease, in order to secure their permanent recovery."

Now then the table of statistics further presented by our State shows that the mortality among the young, at the time when the life of the child is of the greatest importance to the State, has been great and is increasing. On Page 195 of our reports it is shown that the largest number of deaths occur between the ages of nine and 10 years. Seventy-one per cent. died at those ages, when their death entailed the greatest loss to the State. From the experience of the other states which have adopted this method of treatment at present, and from the figures showing conclusively what rate could be used for the people, and the amounts asked for continually increasing as this year,—\$106,000 these people come here and ask for,—with our population in our State where in the same proportion as Massachusetts and the other states one would be sufficient, at a cost not to exceed \$100,000—that is what they have done, it seems it is going to be for the best interests of the State, for the common people of the State, for the people who are suffering from the disease and who have not the money to go to these institutions where they must receive according to their method of running a large amount—they think it is at the best price—they have difficulty in reducing the price—that it is due the State to protect the lives of its citizens, and by stamping out the disease and further reducing it to make a direct asset to the State of Maine. That is on the business part of the proposition.

And what shall we say when it touches the humanitarian side? Why there is not a gentleman here but that would do everything in his own power to stop this disease. Every one in his own home, in his own community, knows here and there of a person dying around them, living as they are obliged to do in their homes.

where the others suffer from the contagion, impossible to get a living for their families and give the proper care to their children who are suffering and dying. And in our State, with its magnificent resources, coming as it can clearly within a tax rate that will be detailed further by gentlemen well in a position to know, to start out and give \$100,000 and appropriate it for the cause of humanity, where it will do more good in the saving of lives than anything that could be done by the Legislature, on this unanimous report of the committee carefully considered from every standpoint, knowing that we can afford it as we can conclusively show, every man will think he has done his duty by his State and by those poor people from one end to the other that look for relief to this Legislature, and every taxpayer in the State of Maine will say it was the best thing that has been done for many years for the people of Maine.

I hope that this measure will receive a passage. I think, as far as I am personally concerned, that it is an Act that will do more for the poor suffering people of our State than anything that we can do, and I know it will be shown to this Senate that it can well afford it within the finances of the State.

Mr. MOULTON of Cumberland: Mr. President, what I wanted to say was in regard to the hearing before the committee. This proposed legislation came into the committee asking for \$100,000 for a tuberculosis hospital. The committee advertised the hearing, and at that hearing there were somewhere about thirty people who appeared for the bill, and not a single person appeared in opposition.

And another thing, that we can say for this bill—that the State at the present time is appropriating much more money, and during the last ten years it has appropriated something over \$600,000 for stamping out tuberculosis both among our domestic animals and for the human race—\$600,000 during the last ten years. And during the last ten years the death rate from tuberculosis in the State of

Maine has not decreased one particle, any more than it would naturally decrease from the general education that has been going on through the Board of Health and the different medical societies. The death rate was higher this last year from tuberculosis in the State of Maine than it was two years ago, about 2 per cent. higher.

Furthermore there are in the State sanitoriums for the treatment of tuberculosis, but all those sanitoriums are for cases that are curable. There is not a place in the State that takes care of those people that have advanced cases of tuberculosis. It is those cases that become infectious. The State has been appropriating money to take care of the cases that are incipient, and has not accomplished anything. Is it not time to turn around and appropriate money to take care of these advanced cases which are the most dangerous and are the cause of any of the incipient cases? It seems to me there should be a place supplied by the State where a person without means can go and be taken care of, and so eliminate that infection which at the present time is a menace to the people.

So far as appropriating this money by the State is concerned, I think there is no question but what in 10 years' time, if the State should appropriate \$100,000 to take care of these advanced cases of tuberculosis, the mortality rate in the State of Maine would be reduced 50 per cent. I hope this bill will certainly pass.

Mr. PATTEN of Hancock: Mr. President, the question of tuberculosis is one of great importance to the State of Maine. Perhaps it is safe to say that no single measure has been before this body, this winter, in which so much is involved as in this question of tuberculosis.

The statistics given to you show that in the last 10 years the average number of deaths in this State from tuberculosis has been 910; from all kinds of tuberculosis, 1132. That means that there has died, each year, 910 from pulmonary tuberculosis; that each month there has died from pulmonary tuberculosis more than 76 people; from all kinds of tuberculosis more than 94 people. That means an average. Since the Legislature met, the first day of Jan-

uary, there has died in this State from pulmonary tuberculosis 210 people; from all kinds of tuberculosis 260 people. If those deaths all over the State were confined to this Legislature, it would wipe out the entire Legislature of Maine, the Governor and his Council, and all the heads of departments of this State. That shows you what the deaths from consumption mean to the State of Maine.

Another thing: We are losing by these statistics from all kinds of tuberculosis more than three persons every day. Since the Legislature adjourned, last Saturday, until it adjourns, this afternoon, if these cases had been, instead of scattered broadcast over this State, if they had been confined to the minority party in this Legislature, there would not be a Democrat alive, tomorrow morning. If it had been confined to the majority party, by the time it meets, next Monday, there would be no one in the party left except the honorable President, who probably would be immune.

Now, remember, gentlemen, that this is a preventable disease; it is a contagious disease; it is one that we can prevent and largely stamp out. It is not like many diseases that the State seems to have no control over. Science has demonstrated the fact that tuberculosis is contagious and is taken from persons, just as measles and scarlet fever is taken. And part of the effort is to prevent this disease.

As the gentleman has said, there is nowhere in the length and the breadth of the State of Maine a place where an advanced case of consumption can lay his head; no institution, either public or private, where an advanced stage of consumption can get in.

Gentlemen, allow me to tell you that is where the danger lies. A case of incipient tuberculosis, as far as danger is concerned to the family of the man is very small, while an advanced case is very dangerous.

You take an old lady or an old gentleman with a chronic case of tuberculosis, freely expectorating without any care, and with no chance to carry out hygienic conditions, and they are a source of constant danger. One such case is more dangerous running at

large in the State of Maine than all the incipient cases in the Hebron Sanatorium. There is where the danger lies. A person, today, can take care of himself by carrying out the instructions of his physician and become of very little danger to his friends and family, but take a man on the back streets, who has no education, disposition or means to prevent the disease and freely expectorating, his expectorations dry and the germs float in the air, and he becomes a constant source of danger.

Let me call your attention for a moment to that germ. You understand today that almost all diseases, especially consumption, are caused by a germ, a minute organism of a vegetable nature. It is called here the tubercular bacillus. It is very minute, so minute that in cultures and so numerous, that a cubic centimeter of 15 drops cultivated in a test tube will contain millions upon million of these germs; enough is scattered right and falling upon soil proper for them to grow and produce untold numbers of cases on consumption.

When the Savior was upon earth you remember he illustrated many cases by parables, and one of them, so striking, he gave to his disciples, the parable of the sower who went forth to sow. And some of the seed fell by the wayside and was trodden down and the birds took it. And some fell upon stony soil and was destroyed. And some fell upon good soil. That is no more true of the seeds of earth than it is of the germs of tuberculosis, which float invisibly in the air from place to place, now and then reaching a human being whose vitality is lowered or whose secretions are in proper condition and who takes them in in his breath and they become planted in his system, and the disease is started and unless it is some one who overcomes this disease, his death certificate is signed and sealed.

Up to this time all efforts that have been made for the relief and cure of consumption have been in its primary and early stages. I am not criticising in any way the institutions we have. We are giving to the institution at Hebron \$130,000. That does not relieve the State of contagion from consumption one particle.

The State is on the wrong track. This is an immense problem that concerns the State and we must face this proposition carefully and strongly. We pick here a case and there a case, but we do not strike at the root of this trouble. It is like a man in a thunder shower with an umbrella over his head. He keeps his own head dry but the earth is soaked. It is proper for the State to take incipient cases here and there and send them to the tubercular sanatorium and cure them. It is a commendable thing but the man or woman who gave that person his tuberculosis is at home sowing the seed broadcast. Until the State handles this question from the standpoint of the advanced cases, we never shall solve this problem. As has been stated by the senator from Cumberland, this reduction in the death rate of tuberculosis is apparent rather than real.

Great advancements have been made in diagnosing tuberculosis. A great many cases are now diagnosed as tuberculosis that 15 years ago were not. I refer to the incipient cases that are diagnosed and cured. That saves us from many deaths, whereas we are doing nothing absolutely to prevent contagion of this disease. Whether this particular resolve or act is correct or not, I am not prepared to say, but I ask you, senators, to consider this matter very carefully, because, sooner or later if this State intends to practically eradicate consumption from its borders, it must decide upon a measure that is both broad and sweeping. With the advanced cases where they are unable to surround themselves with proper hygienic conditions, they will have to be isolated just as today we isolate smallpox cases, or scarlet fever cases. Until we do that, the State is appropriating money not for the poor and needy but for those who are well-to-do.

Mr. FOYNTON of Lincoln: Mr. President, to my mind this is the most important matter that has come before this Legislature this winter. To my mind this bill should be passed, this sanatorium should be built.

The matter of expense is what comes to the minds of many senators, and if it were not for that, I believe there

would not be a dissenting vote in this Senate, today.

No if we cannot, under the basis of the five mill tax rate build this sanatorium, make this home, let us have a six mill rate, let us have a rate big enough to include this matter. Now I maintain that with a five mill tax rate we can build this sanatorium, establish this home and have money left in our treasury. Let me call your attention to the probably income of our State for the year 1913. On a basis of the five mill tax rate it would yield on a \$478,000,000 valuation, \$2,390,000. And the income from indirect taxes would amount to \$2,400,000. Probable lapses and cash liabilities \$100,000, making the total income of our State on a five mill tax rate for 1913, \$4,890,000.

Now for our common schools it will take four mills. It is not quite that amount, but call it four mills. For our common schools \$1,912,000. To maintain the departments of our State it costs \$2,171,000, making a total of \$4,083,000. That amount taken from \$4,890,000 leaves us \$807,000 which may be expended by our State for extraordinary purposes. And this is one of the departments, this \$2,171,000—the extraordinary purposes.

Now you will ask about the expenditure. Two years ago it cost to maintain the department of State 675,000. State roads \$250,000; pensions \$100,000, and so on down through the list. For the University of Maine there is appropriated this year for extraordinary expenditures—this does not include fixed charges for maintenance for the university—\$47,500; for hospitals \$24,000; home for the feeble minded \$30,000; normal schools, for dormitories, etc., \$26,000; for agriculture \$70,000; representing Maine at Gettysburg \$18,000; Revised Statutes \$10,000; roads and bridges \$80,000. I mean the small matters reported by the committee on ways and bridges, and approximately it may be \$30,000. I do not think it will exceed that. That makes extraordinary expenditures appropriated thus far \$460,000.

Departments and institutions will not live as economically as they did two years ago. I do not mean that, but

they cannot live at as low an expense, they must pay more for everything, and the State is increasing and everything costs more than it did. Let us add \$150,000 to that, and then you have \$566,500 of that \$807,000 used up. Now you add to this \$100,000 and you have \$666,500, and that leaves \$140,000 for the matters before the Legislature and not yet acted upon.

There are of course matters enough to swamp the whole matter of figures, but it is not presumed that they will be adopted by this Legislature. This is the basis upon which the Legislature of two years ago figured, a 10-mill tax rate for two years, and that is the same that I should suppose this Legislature would place. That rate carried the administration through, paid a million and a half of debts and landed with a few dollars in the treasury. If it was possible for that administration to go through and do that, is it not possible for this administration to do that at this time and still have to their credit the sum of \$200,000? These figures are based on a 10-mill rate for two years, and I believe these figures I have presented to you will carry this administration through, and you can establish your home for the consumptives which is so much needed.

Mr. RICHARDSON of Penobscot: Mr. President, I dislike to say anything that would lead any member of this Senate to think that I was in any way opposed to this fight upon tuberculosis. I am personally very much interested in it, and I have had the honor to assist in starting the work actively in my own town.

As a member of the financial committee we have heard a great many propositions for furthering this work and fight against tuberculosis, and that committee has aided some institutions, or, rather, recommended appropriations for some institutions, in some instances for new work. Before our committee it was evident that there was a very decided disagreement in opinion as to how best to fight tuberculosis. Some of the best authorities believed that it was not for the best interests of the State to have one central institution, but that it was better to have small institutions in various parts of the State. As to that I am not prepared to say.

Now the senator from Hancock, while ably defending this appropriation himself admits that he does not know who is behind this bill, and it looks to me as though it was putting the State in for a very large amount of money. The \$100,000 is but the first step. It is apparent that each year the cost of maintaining the institution will increase. Now, Mr. President, I feel that I am not sufficiently well posted on this proposition to vote intelligently on it. If possible, I wish to support it, and if I cannot see my way clear to do so, why I must vote against it.

I believe that there are others in this Senate who are in the same position. They do not feel that they know enough about the proposition to vote on it today. And I therefore move that this bill be tabled for consideration next Thursday.

Mr. MANSFIELD of Washington: Mr. President, I would like to say a little something upon this question.

The PRESIDING OFFICER: The motion is for a day certain and I understand that it is debatable upon that point only.

Mr. WALKER of Somerset: Mr. President, if the financial condition of the State would warrant it, I presume every senator present would like to grant the amount of money asked for here. I second the motion of the senator from Penobscot, Senator Richardson.

Mr. BAILEY of Penobscot: Mr. President, I second that motion also in order to give the rest of the Democrats in the Senate a chance to prepare some speeches upon it.

The PRESIDING OFFICER: The pending question is upon the motion of the senator from Penobscot that the bill be tabled and specially assigned for Thursday of this week.

Mr. ALLEN of Kennebec: Mr. President, if it is in order at this time I might suggest that at that time (Thursday) our finance committee should be in a position to give us correct data in regard to our finances. The senator from Lincoln allowed that we had about \$150,000 for extraordinary expenditures.

The PRESIDING OFFICER: I do not think you are in order except in regard to the time to be assigned for the consideration of this bill.

Mr. ALLEN: Mr. President, I have

a motion to make and I would like to explain my reason for it. I move that this motion of the senator from Penobscot be amended, and that it call for the exact figures in regard to our financial status. The senator from Lincoln stated that we only raised the appropriation from two years ago about \$150,000. I know from personal experience that we have had to raise \$150,000 for actual maintenance and I allow that other appropriations have been raised. There must be some misunderstanding, and I would like to have it corrected.

The PRESIDING OFFICER: I do not think your motion is in order. The question is on the motion of the senator from Penobscot, and specially assigned for next Thursday.

The motion was agreed to and the bill was tabled and assigned for next Thursday.

The PRESIDING OFFICER: The next matter specially assigned for today is an Act regulating the practice of professional public accounting.

The pending question is the first reading of the bill.

Mr. MURPHY of Cumberland: Mr. President, this is an Act to regulate the practice of professional public accounting. It seems to me that we do not understand much about this. I have not heard much from any one favoring this bill and I have heard some protesting against it. I will read Section 1. "That there be and hereby is created and established a board which shall be known as the Maine Board of Accountancy, vested with power to have and use a common seal and to make such rules, by-laws and regulations, not inconsistent with law, as they shall deem necessary to improve and promote the science and art of accounting, and to carry out the purposes and enforce the provisions of this act. Said board shall promote the standard of general education; the standard of special education in the science and art of accounting; the standard of moral character and general public experience as prescribed in this Act in all examinations conducted hereunder."

"Section 2. Within 30 days after this act takes effect, the Governor, with the

advice and consent of the Council, shall appoint three persons, who are citizens and residents of the State of Maine, to constitute and serve as the Maine Board of Accountancy. Two of such persons shall be skilled in the art of accounting who have previously been actively engaged in the profession of a public accountant, and the other shall be a practicing attorney in good standing in the courts of the State of Maine."

Gentlemen, it seems to me like the establishing of another board, and it calls for a fee of \$25 from each and every candidate who presents himself for examination. They are entitled to another examination without another fee. It says that all moneys collected shall be turned over to the State treasurer, and no money in excess of the amount collected shall be expended. It seems to me that \$25 is a pretty good sort of a fee. It seems to me that it is a bill for the benefit of a few. I don't know as I have any particular objection to this bill. As I said before, the only way that I heard of it was in the way of somebody objecting. I am agreeable to yield the floor to any senator that wishes to speak for this bill, and, if good and sufficient reason is given for the passage of this act, perfectly agreeable to vote for it; otherwise not.

Mr. STEARNS of Oxford: Mr. President was on the calendar for today and, I had not noticed that this matter not prepared to give the senator a great deal of information in relation to it, except that it was heard before the committee of which I am a member. Quite a large number of people appeared asking for the bill.

As I understand it, it was tending to create a board which might pass upon public accountants and give them a certificate which might entitle them to act as certified public accountants.

I understand that such boards are generally now in operation in other states; that those who are in the business at the present time of public accounting are at a disadvantage when placed over against those who have certificates. For instance, if a public accountant here in the State of Maine goes to Massachusetts to tes-

tify in court he is asked if he is a certified public accountant, and unless there is some board which can examine and determine as to whether they are fitted to perform this duty of public accounting, they have no certificate, and it was thought that it was an advantage for them. There are quite a good many public accountants in the State who are engaged in that business, and they desired to have a board, which would be no expense to the State, and the fee prescribed was one that they recommended themselves, one that they are willing to pay for the privilege of being examined. And there was no opposition whatever.

Several of the banks were represented, asking that it be given, and others who were interested. I have received several letters myself from different individuals who seemed to be interested in it. No opposition appeared. There appeared to be no special reason why it should not receive our favorable consideration, and we reported favorably. I hope that the senator from Cumberland will not feel it necessary to oppose the bill unless there is some special reason for objection which he will give to the gentlemen of the Senate.

Mr. MURPHY: I want to call the attention of the senators to another fact, that a similar board, instituted on similar lines, is now compelled to come before this Legislature and ask for an appropriation of \$1500 to defray the expenses of conducting their business, for the very reason that the people benefited, in the shape of the druggists, refused to pay the annual one dollar registration fee.

However, I am perfectly agreeable to withdraw my objections, if Senator Stearns sees fit to make a motion for the second reading of the bill.

Mr. STEARNS: I move that the bill take its first reading at this time.

The motion was agreed to, the bill was given its first reading, and its second reading was assigned for this afternoon.

The PRESIDING OFFICER: The next matter for consideration is the report of the committee on legal affairs on bill, an Act to prohibit marriages in certain

cases. The majority report, "ought to pass in new draft." Minority report, "ought not to pass." The pending question is the acceptance of either report.

Mr. BAILEY of Penobscot: Mr. President, this is a matter which has excited considerable comment, to say the least. Perhaps senators have listened to all the eloquence they care to, this morning. I move that this bill be postponed until this afternoon, for consideration, pending the acceptance of either report.

The motion was agreed to, and the bill was reassigned for this afternoon.

The PRESIDING OFFICER: The next matter for consideration is the report of the committee on legal affairs on bill, an Act to abolish the Belfast municipal court and substitute a police court in the city of Belfast.

The majority report of the committee is "ought to pass." and the minority report is "ought not to pass." The pending question is the acceptance of either report.

On motion by Mr. Murphy of Cumberland,

Adoourned until 3.30 o'clock this afternoon.

SENATE.

Tuesday afternoon, March 25, 1913.

Senate called to order by the President.

Prayer by Rev. Clayton D. Boothby of Augusta.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

Senate Bills in First Reading.

Resolve in favor of the Maine Insane hospital.

Resolve relating to the payment of fees to town clerks for reporting in relation to inheritant taxes.

Reports of Committees.

Mr. Flaherty from the Portland Delegation, on bill, An Act to amend the charter of the Portland Gas Light Co., (S. D. 5) reported same "ought not to pass."

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

Mr. Murphy from the Portland Delegation, on bill, An Act relating to the Portland Gas Light Company, (Senate Document No. 206) reported same in a new draft under the same title, and that it "ought to pass."

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

Majority report of the Portland Delegation on bill, An Act to incorporate the Portland Gas District, (Senate Document No. 211) that same "ought not to pass."

(Signed) Murphy, Rolfe, Kehoe, Haskell, Flaherty, Clark, Kelleher, Hogan.

Minority report of the same delegation on the same bill that the same "ought to pass."

(Signed) Sargent.

On motion by Mr. Flaherty of Cumberland, the majority report of the committee, "ought not to pass," was accepted.

The following committees submitted their final reports, which were accepted:

Committee on Temperance

Committee on Library

Committee on Federal Relations

Passed to Be Engrossed.

An Act relating to the entry of nolle prosequi in criminal cases. (On motion by Mr. Murphy of Cumberland, tabled pending second reading.)

An Act authorizing the city of Bath to levy assessments for street improvements.

An Act to repeal Chapter 30 of the Revised Statutes as amended by Chapter 74 of the Public Laws of 1909 and Chapter 201 of the Public Laws of 1909 relating to apothecaries.

An Act relating to municipal election by Mr. Patten of Hancock, tabled by Mr. Patten of Hancock, tabled pending second reading, and specially assigned for second reading tomorrow morning.)

An Act to regulate the practice of professional public accounting.

An Act to amend Section 12 of Chapter 4 of the Revised statutes, relating to choice of town officers.

An Act to incorporate the Machias Valley Light and Power Company.

Resolve in favor of the Bath Military

and Naval Orphan Asylum for maintenance and repairs.

An Act to amend Sections 40 and 43 of Chapter 15 of the Revised Statutes as amended, relating to the continuance of unions of towns formed for the employment of a superintendent of schools.

An Act to amend Section 2 of Chapter 15 of the Revised Statutes in relation to the continuance of schools failing to maintain an average attendance of at least eight pupils.

An Act for the abolishment of grade crossings on railroads.

An Act to amend Section 8 of Chapter 18 of the Revised Statutes as amended by Chapter 48 of the Public Laws of 1909, relating to the State Board of Health.

Resolve for the laying of the county taxes for 1914.

An Act relating to the election of assessors for the city of Portland.

Resolve for the further improvement in methods of marketing the farm products and purchasing supplies for the farm.

An Act to enlarge the powers of the Sheepscot Valley Power Company. (On motion by Mr. Boynton of Lincoln, tabled pending second reading.)

An Act to amend Section 67 of Chapter 206 of the Public Laws of 1909, relating to re-enlistment in National Guard.

THE PRESIDENT: Before proceeding to the unfinished business under orders of the day, if there are any routine matters to be disposed, they should be taken up now.

Mr. HERSEY of Aroostook: Mr. President, I ask unanimous consent to introduce under suspension of the rules a report of a committee.

Unanimous consent was given and that senator presented the report of the committee on judiciary on an Act to create and establish a public utilities commission, prescribe its powers and duties and provide for the regulation and control of public utilities, "ought not to pass as the subject matter is covered by a new draft."

The report was accepted.

On motion by Mr. Stearns of Oxford, unanimous consent was granted and that senator presented out of order the report of the committee on judiciary

"ought not to pass," on An Act to amend Chapter 5 of the Revised Statutes relating to the registration of voters.

The report was accepted.

On motion by the same senator, unanimous consent was granted and he presented the final report of the committee on judiciary.

The report was accepted.

On motion by Mr. Bailey of Penobscot, unanimous consent was given, and that senator introduced report of the committee on legal affairs on An Act in relation to the assessment and collection of inheritant taxes, reporting same in a new draft, under the same title, and that it "ought to pass."

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

Mr. WING of Franklin: Mr. President, I desire to offer some amendments to Senate Document 575, An Act relative to compensation to employes for personal injuries received in the course of their employment and to the prevention of such injuries.

The PRESIDENT: The Chair will state that under the motion of the senator from Oxford, this morning, Senate Document 575 is in order for amendments, this afternoon.

The senator from Franklin offers the following amendments:

Senate Amendment "D" to Senate Document No. 575.

Amend Senate Document No. 575 by striking out all of Paragraph 9 on the fourth page after the word "defined" in the 84 and 85 lines and inserting in place thereof the following:

"The Commission shall determine the 'average weekly wages' from such evidence as appears to them to be just and equitable."

Senate Amendment "E" to Senate Document No. 575.

Amend Section 11 of Senate Document No. 575 by striking out lines 1 to 24 inclusive, and inserting in place thereof the following:

"Section 11. A Commission is hereby created to be known as the Industrial Accident Commission of the State

of Maine, and it shall consist of three members. Which Commission shall be vester with and possessed of all powers and duties specified in this act and who shall severally sworn to the faithful performance of their duties and Within 10 days shall hold office for the term of three years or until their successors respectively shall be appointed and qualified to act. Within 10 days after this act becomes a law the Governor shall appoint three such persons to be members of the Industrial Accident Commission of Maine, one to hold office for one year, one to hold office for two years, and the chairman to hold office for three years. And any member of said commission for wilful neglect of duty or for malfeasance in office may after notice and hearing be removed from office by the Governor and Council. In case of a vacancy occurring through death, resignation or removal, the Governor shall with the advice and consent of the Council appoint a successor for the term of three years subject to removal, as aforesaid. Such chairman shall receive a salary of \$2500 per year and the other members of the Commission shall receive a salary of \$1500 per year. The members of said Commission shall also receive their travelling expenses actually and necessarily incurred in the performance of their duties.

Senate Amendment "F" to Senate Document No. 575.

Amend Senate Document No. 575 by striking out Paragraph 3 of Section 13 and inserting in place thereof the following:

Any employer desiring to become an assenting employer as here provided may file with the Commission his written assent in such form as the commission approve and shall be allowed to pay the compensation and benefits herein provided and make such payments direct to his employees under such conditions as the commission may determine. The commission shall require a deposit of cash, satisfactory securities or a bond running to the commission or their successors in office in such sum and in such conditions that may be determined by said commission for the faithful performance of the provisions of this act. Said deposit shall be

lodged with the State treasurer and a suitable voucher given thereof.

On motion by Mr. Wing, Senate Amendments D, E and F to Senate Document 575, were tabled and assigned for consideration, tomorrow morning, immediately after the morning hour.

The PRESIDENT: The Chair invites Senator Hersey to assume the Chair and finish the calendar.

Senator Hersey in the Chair.

The PRESIDING OFFICER: The first matter on the calendar as unfinished business this afternoon is majority and minority reports of the committee on legal affairs on an Act to abolish the Belfast municipal court and establish a police court in the city of Belfast. Majority report, "ought to pass, and minority report, "ought not to pass." This matter was tabled by Mr. Bailey of Penobscot, and the pending question is the acceptance of either report.

Mr. BAILEY of Penobscot: Mr. President, in some ways this matter was the most embarrassing that came before the committee on legal affairs, because it had to do not merely with a matter relating to a court, but the principal object of it, I want to say frankly—of the bill, as it turned out—was to abolish the judge of that court.

It seems that two years ago there was what was called a police court in the city of Belfast, and that police court was abolished and a municipal court was established in its place, and a judge was appointed to fill the position of judge of the municipal court. At the hearing before the committee it developed that nearly every lawyer, both Republican and Democrat, was in favor of the abolishing of this court, or in other words, of the abolishing of the judge.

The committee realized that this was a matter of some importance, a matter of some consequence, and a matter of a good deal of moment to the present incumbent of that office, and it gave the fullest consideration and hearing to all the parties, including the incumbent of the office himself.

Attorneys appeared in favor of the abolishing of this court and they presented evidence. The county attor-

ney of Waldo County, who by the way is a Democrat, a member of the State committee from that county, wrote a letter to the committee, not being able to be present. I will read from it. "Office of Benjamin F. Littlefield, Attorney at Law, Belfast, Maine. The first thirty-seven warrants coming from the Belfast Municipal Court, which included both appeal and bound over cases, were defective for lack of a proper seal upon the warrant, and I was obliged to get indictments by the grand jury on these same cases where the evidence seemed to warrant a conviction. At the next term of court the warrants in the appealed and bound over cases contained the same defect, lack of proper seal. Again, in a great majority of cases the body of the warrant has been defective, the result being that practically all of the cases coming from the municipal court have remained on file or been not prosessed."

The county attorney claims that on account of the inefficiency of the judge of the Belfast Municipal court, nearly all the warrants that came to the Supreme Court from his court had to be not prosessed or placed on file.

The county commissioners, which is a mixed board of Democrats and Republicans, were in favor, through their attorney representing them, of the abolishing of this court and of the incumbent in office. Where so many search and seizures and other criminal processes were not prosessed, the officers who served these different processes from that court received their costs, but the county got absolutely nothing in the way of fines to compensate them for the money paid out. So that the bills of costs had run up to a large figure, and the county, on account of the inefficiency, to put it mildly, of the judge of that court, was not able to collect any fines to offset the costs which were made.

The evidence showed that on several occasions after a man had been arrested upon a warrant, brought into court and was arraigned, his attorney calling the attention of the court to the fact that the warrant was not signed, that the judge then and there signed the warrant by which a man was dragged into court

—a most unusual, a most unprecedented proceeding.

There was further evidence that the attorneys had no confidence in the ability of the judge to decide causes in civil actions, and rather than take his judgment they waited and entered their cases in the supreme court, or if they entered them at all in the municipal court, that they were removed to the supreme court if that thing was possible.

Now, as I said before, the evidence presented to the committee seemed to warrant a majority of the committee in believing that the present incumbent of the office was inefficient, incapable and disqualified for filling the office to the satisfaction of the people of Belfast and of that county. It is a serious matter, Mr. President, when justice is hampered and delayed and hindered because of the inefficiency of the court. It does make considerable difference to litigants in the determination of their rights, whether the court which will hear them has ability, discernment, foresight, legal acumen, to decide those questions upon the merits and according to the law. If such is not the case, the decisions of the court have no standing, they do not have the respect of the community, and the people do not regard them as binding and as decisive.

Now, as I said before, this was an embarrassing matter, but there was no politics in it as far as I could see. And I wish to say now to all who are within the hearing of my voice that if this Legislature should see fit to adopt the majority report in this matter, the majority of this committee will have no objection to an amendment being placed on this bill that the judge of the police court shall be of the same political party as the former judge. Because I assure you that it is not—nor would I be in my place standing up here advocating this matter—it is not for the purpose of turning out a Democrat and putting in a Republican that the majority of the committee signed this report. It was for the purpose of enabling the people of that county to procure an able and an efficient judge.

Mr. MOREY of Androscoggin: Mr. President and gentlemen of the Senate: I wish to say a word or two in

regard to this matter, and, first of all, that I believe that Senator Bailey is acting absolutely in a spirit of non-partisanship. I do not believe for a moment that the purpose which actuated the majority of this committee in so reporting is based at all upon any political action.

I did not attend the hearing. I do not know the facts that were made to appear to the committee. But a divided report is put in here.

It has been frankly stated that the purpose of this Act is simply to remove a judge of a court for incompetency and inefficiency. No mistake about it. That is the purpose, the declared purpose, and the one which the Senate will be required to vote upon.

Now then, under the law of our State as we all know—nothing new, we all know it—to remove a judicial officer he must be impeached in his office, done by an Act of the Legislature on charges preferred, and he must have his opportunity to come into the Legislature, having his witnesses, and answer their accusations. That is the method of procedure in our State.

I was very glad to listen to the remarks of the senator from Penobscot in which, while he related the fault that was found with the judge of the court, nothing at all appeared in any way charging him with a dishonest act; simply an incompetent act.

I recognize, as we all must, the necessity of having a judicial system such as would inspire confidence in the people. The extent to which unsigned warrants were issued does not appear. Whether in more than one or two instances we do not know from the discussion thus far. But if we take that fault, I don't suppose there is a lawyer in this State but that has time and again seen a case not passed in the higher court because of the fact that a warrant though forgetfulness had not been signed.

I don't know the extent to which this occurred. In one or two instances it appeared that the judge put his signature on it when the man was brought into court. It was not in the interest of letting the criminal go, when he put his name on it. It was to hold the prisoner.

Now as far as the other matters are concerned, the defects in the body of the warrant, the proportion of the defects to the warrants was not given. We do not know. I never saw this gentleman but once. He appeared here in the Senate chamber the day of the hearing, a white-haired man of respectability, and if there is any fault, it is on account of his not being used to legal forms.

Now then can the Senate afford to say—the well established principle in our State is if any officer of a judicial nature is desired to be removed from his place, there is a well defined procedure, the way to do it—shall we say that on a report of a committee on a bill simply to change the name of a court, that you can remove from office in a manner other than that provided by the Constitution of our State, as long as there is nothing here savoring of dishonesty. Whatever the faults that may have existed and may have been corrected, we know nothing. In the absence of the opportunity of the man to face his charges, an old man, gray-headed man, a respectable man, shall we do what the Constitution of our State directly says is in violation of the well-established course?

Mr. BAILEY: In regard to the well established custom, we have a very good precedent to follow.

Two years ago at Belfast the incumbent of the Belfast municipal court was removed from office by abolishing his office, and at that time no claim was made as to his inefficiency, but it was simply done from political reasons. Now it seems to me that if a man can be legislated out of office simply for political reasons, surely there is no question but what he can be legislated out of office for inefficiency and for incompetency.

To be sure, there are ways by which a man can be directly impeached from office, but, as the senator says, he was an old man. That does not excuse him from not knowing the law and for not being able to fill the position to which he was appointed. Neither does it help people in the county where he administers justice. And we thought in the committee, after a good deal of care and

consideration, that it was the easiest, the most gentle way of helping those people in Waldo county to a better administration of justice, to report favorably on this bill.

The PRESIDING OFFICER: The pending question is the acceptance of either report. There is no motion before the Senate.

Mr. BAILEY: Mr. President, I move that the majority report of the committee be accepted.

A viva voce vote was taken and the majority report of the committee was accepted.

Mr. MOREY: Mr. President, I move that we indefinitely postpone this bill, and I call for the yeas and nays upon the vote.

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

Those voting yea were: Messrs. Allan, Boynton, Dutton, Flaherty, Hagerthy, Hastings, Jillson, Mansfield, Morey, Moulton, Packard—11.

Those voting nay were: Messrs. Allen, Bailey, Burleigh, Chase, Clark, Colby, Cole, Conant, Emery, Hersey, Maxwell, Patten, Reynolds, Richardson, Smith, Stearns, Walker, Wing—18.

Absentee: Murphy—1.

Eleven having voted in favor of indefinite postponement and 18 against, the motion of the senator from Androscoggin did not prevail.

The bill was then given its first reading, and its second reading was assigned for tomorrow morning.

The PRESIDING OFFICER: The next matter is an Act to incorporate the Ogunquit Village Corporation, House Document 521, tabled by Senator Stearns. The pending question is the adoption of Senate Amendment A.

Mr. STEARNS of Oxford: Mr. President, I yield to the senator from York, Senator Cole.

Senate Amendment A to House Document 521, was read by the Chair: "Amend House Document 521 by adding at the end of Section 5 the following words: 'Provided, however, that such 60 per cent. shall not be computed on any sums raised by the town to pay interest or principal on its indebtedness, but that said Ogunquit Village Corporation shall pay such por-

tion of the indebtedness of the town as its valuation bears to the valuation of the town.”

Mr. COLE of York: Mr. President, I yield to the senator from Androscoggin, who introduced this measure.

Mr. MOREY of Androscoggin: Mr. President, gentlemen of the Senate: The people of Ogunquit seek to be set aside into a village corporation and become divided from the town of Wells. Their Act provides that 60 per cent. of the money that is raised in taxes should be returned to them. There is no provision in the bill that they should assume any part of the existing indebtedness. The amendment asks that they pay the portion of the indebtedness that their valuation bears to the valuation of the town.

Now the total indebtedness of the town is \$16,000, and it is made up of three items. One is for a Town hall, another a High school building and a third a new school building. The Town hall is situated in Wells, four or five miles from Ogunquit, but it will be used by the people of Ogunquit for their municipal elections. There are 130 voters in Ogunquit. There are 540 polls in the town of Wells, including Ogunquit. The High school is situated in the town of Wells. It will be necessary for the pupils to go by trolley, as they are doing, some four or five miles to the High school. Last year there were 64 pupils in the High school. Of the 64 pupils in the High school, 22 came from Ogunquit, so that the people of Ogunquit used that building for High school purposes, and the cost paid for transportation was \$330, one-half of the entire transportation paid in the town of Wells.

The third matter constituting the indebtedness of the town of Wells, and which it is asked that Ogunquit pay its part, is the new school building. A new school building was erected in the village of Ogunquit, where they will have the entire use of it, at a cost of \$3400. And that is located, as I said, in Ogunquit where the people of Ogunquit will use it entirely. So that of this debt of \$16,000, made up of these items, equity certainly requires that they pay their propor-

tionate part. They have the exclusive use of the new school building, which cost \$3400. They have one-third of the students in the high school; and they use in common with the people of Wells the town hall.

Now then, what else? We find that the running expenses of this town, as ordinarily passed at their townmeetings, the entire amount is usually \$20,000. And if you increase the tax, as will have to be done when you pay back the 60 per cent. to the town of Ogunquit, the village corporation, you will have to add 25 per cent. extra which will make \$25,000 to be raised by taxation. Now if Ogunquit pays one-third of it,—and it is nearly one-third in population, one-third in valuation, and by common consent it is said to be about one-third of the town—the third of the \$25,000 that Ogunquit should pay would be \$8333.33. Now they are going to get a rebate back of 60 per cent., making a \$5000 rebate of their taxes of \$8,333, leaving actual payments \$3,333.33, and the balance of the general expenses of the town would be the \$16,666 to make up the \$20,000.

Instead of paying one-third of the expenses of the town, as they do now, they would pay one-fifth, not one-third, and their valuation is a third, and their population is a third.

Now having clearly shown that in this arrangement that they have made in regard to the assumption of one-third, that being a sort of equitable matter as nearly as all hands can arrange it, it now appears that this matter came into the House; it was said that an agreement was made. Mr. Lamont A. Stevens, who is present in the Senate chamber, says that he was representing the town of Wells, and he says as far as he was concerned, while there was another gentleman here, that there was no talk or conversation made with him in regard to any agreement.

They passed this bill in the house, amending the amount they were to contribute to the High school, from \$300 to \$700, but he claims that they did not take into consideration at all anything with reference to the payment of the present existing indebtedness of \$16,000 which is now upon the

town. And so as far as the proposition goes requiring the town of Ogunquit, if it should become incorporated, to pay its proportionate part of the existing indebtedness, when it can be plainly shown (as I have demonstrated, that they are receiving and are direct beneficiaries of it, why it seems as though this amendment should prevail.

I will read from a letter received from Isaac H. Storer, who was the superintendent of schools in the town of Wells, dated March 22nd. "I am interested in the bill incorporating the village of Ogunquit. I am opposed to the bill because I think it is unjust to the citizens of the town of Wells. I fail to find any one outside of Ogunquit who would like to see this bill go through. I also find some in Ogunquit who do not care to have it. I think the town of Wells is willing to grant Ogunquit her request for sewerage when the proposition is put up to the town squarely. I know there is a feeling in Ogunquit against us, but I think this matter ought and can be adjusted fair to all if this bill does not pass. Mr. Lamont A. Stevens will give you the history of the whole matter in a fair-minded manner. Anything you can do for us will be appreciated by your old friend, I. H. Storer, Bates '86."

Now with the explanation offered I trust that the Senate will grant the amendment.

Mr. COLE of York: Mr. President, this matter comes from the section of the State which I have the honor to represent and a section with which I am perfectly familiar in all its details.

Ogunquit is one of the fastest growing summer resorts we have in the southwestern section of the State. It is practically an outgrowth of York Harbor and Wells Beach, extending along the coast line east. The town of Wells is situated between the towns of York on the west and Kennebunk on the east and extends along the ocean front a distance of nearly 10 miles, a straight street all in sight of the ocean except where it turns a few curves or is hidden by the wood.

Ogunquit village is a summer resort, as is Wells Beach. There is a long track

of sand beach near the center of the town several miles in length. It is very thickly settled, and at the eastern end is Drake's Island, a summer resort that is growing very rapidly.

The people of Ogunquit for a number of years have been attempting to get modern improvements such as the class of people who come to our summer resorts and build good residences desire and demand.

These improvements have been denied them by the people of the town of Wells. The few who live in Ogunquit village, the 130 taxpayers and citizens, live there the entire year. All that they have invested in Ogunquit in real estate. It is not a non-resident summer resort, but is made up very largely by those owning cottages, who make their home there, and rent their cottages to those who come there to spend the summer. Consequently it cannot be said that this is a bill in favor of summer residents who are really non-residents of the village of Ogunquit in the town of Wells. It is really a bill in favor of a portion of the inhabitants of the town of Wells. Those people have been for a number of years in the annual town meeting of the town of Wells, and it has been a notorious fact that the scenes of those town meetings have been the stormiest of any in our elections. Blood has not exactly flowed, but there have been wild and exciting words spoken in those meetings and a bitterer feeling has never existed in any town than has been shown in that town on everything that has come up regarding the various localities in the town.

The people of Ogunquit, following the policy of the State, have petitioned this Legislature to give them certain rights as a village corporation. For a number of years the State of Maine has found that if those villages were to increase and improve, they must have certain rights which the farming sections of the town did not desire or demand. It has been the policy of the State to grant those village charters with a 60 per cent. rebate of taxes. Based upon that idea, our summer resorts are growing, increasing and improving. The people of the village of Ogunquit have gone into the annual town meeting at Wells and

have asked repeatedly for an appropriation for sewers. They have been turned down, because 130 are not a majority of 540. They have asked for the paltry sum of \$300 to light their streets through the summer months when the thousands of visitors are there, which would be only decent and fair to those who come there and spent their money. They have been turned down even though the electric light company goes through the main street with its cables.

I am not here representing the people of Ogunquit or of Wells. I kept out of the fight until the other day the people of Wells and Ogunquit here in this State House came together and called me to them and said: "We have come to a thorough understanding and we want you to represent both sides. We are perfectly satisfied when House Amendment A is accepted; everybody is going home well pleased with the result." House Amendment A went into the House and was accepted, being offered by the representative of Wells in the House, on the supposition that both sides were satisfied; both sides had gone home, and agreement had been reached, and it was supposed that was the end of the whole matter. To our surprise when it came into the Senate we found Senate Amendment A offered. That entirely upset everything.

It seems to me, gentlemen, in fairness to the agreement of the men, the selectmen of the town, and the attorney for the town, who were present representing Wells, the people who put this bill in here, representing the village corporation, who conceded \$400 extra, making \$700 in addition to the 40 per cent. to pay for their High school, and they only ask them to be treated as every other village corporation had been treated by the State of Maine—we believe that it is a fair, honest, honorable proposition; that it was an agreement between men whose word is worth something and we believe it is only fair that the Senate should regard the agreement of these men; that is not something for any one citizen to break. They came here not representing themselves. They came here representing the great body of the people of the town of Wells. A collection was taken up in order that before the judiciary committee they might oppose this bill. They did op-

pose it. The judiciary committee gave them a long patient and careful hearing and the committee reported the bill "ought to pass." Then these people came back again and after they came back here they reached the conclusion that they ought not to fight any more and should compromise. They did compromise, and House Amendment A is the result of that compromise. The valuation of Ogunquit is nearly \$400,000, approximately that. The average tax rate of Wells is in the vicinity of \$20 a thousand. The tax therefore paid by the village of Ogunquit is \$8000. Sixty per cent. of that which they will reserve to themselves is \$48000. Subtracting \$700 which it is to pay over to the town for maintaining the high school pupils, you will see that the village is not getting as much as it has been the policy of the State to grant to other village corporations, for it is only getting about \$4900, or 50 per cent of the assessed taxes.

So that, Mr. President, it seems to me that it is only a fair proposition that when these people agree that Amendment A should go through in the House, that this bill should not be tampered with in the Senate. This bill is not contrary to any policy of the State of Maine, but is absolutely in line with the policy of the State and it seems to me that it is the duty of every senator here to uphold that policy and keep inviolate the agreement of these men with each other, and they were honest with each other and left the bill here and went home, satisfied that that was the end of it.

As the senator representing that portion of York county, I ask every senator to stand by these men on both sides.

MR. MOREY: Mr. President, I am informed that neither of the selectmen were here, and that the attorney of the town was no here. I have no information whatever, but to go back to the town reports, on the proposition—that is no germane to the discussion, but perhaps it shows a reason why the town did not vote the appropriation asked for by the people of Ogunquit. You will find in the annual report of Wells, 1912, this resolve in their town warrant:

"Article 38. To see if the town will vote to build and construct a system of sewerage in Ogunquit village as needed and raise and appropriate sufficient money therefore. And choose a committee to do the same upon the petition of J. H. Littlefield and others." It was pointed out that this section of the warrant called for no specific amount, that a sewerage system might be installed the limit of which as to the expenditure of money was not stated. I do not see how any town could vote that proposition to install a sewerage system without any regard of what the expenditure might be.

Article 43 was in relation to the arrangement where the senator says they wanted to get \$300 to install an electric light system.

Mr. COLE: Mr. President, I want to say, as every senator, I presume knows, under these charters the State and county taxes are to be taken out first. Ogunquit pays her part of the State and county tax before she receives her 60 per cent.

Mr. MOREY: Mr. President, I would ask the senator through the Chair what objection there is to Ogunquit paying part of the indebtedness? The town is in debt \$16,000, including the new school building which is in Ogunquit. They have a right to use the Town hall, and they have a right to use the High school building. The town has that debt of \$16,000. The town only asks them to pay their part of their debt.

Mr. COLE: A rehearsal of the Town hall of the town of Wells would be the rehearsal of a civil war. The town of Wells, as I have said, has had some of the stormiest meetings of any town in southwestern Maine, and that Town hall was built against the objections of the village of Ogunquit and against the objections of a great part of the people in the town of Wells. It was simply forced upon upon them by overpowering numbers. I think perhaps the gentleman who is represented by the senator from Androscoggin, was one of those who fought hardest against it. But the people who lived at Wells wanted it at Wells and it was built there, and built almost large

enough for a City hall in Augusta, and it is used in its lower floors for commercial purposes. A rental is received from this which probably pays its running expenses, and in time will pay the entire cost of the whole building. Stores with plate glass fronts in the bottom. The upper floors are used as a Town hall. And the people of Ogunquit ought not to be punished for something which they fought against, and which town meeting after town meeting was held on, and, as I say, there was almost bloodshed. For it was notorious, the fight that was going on in Wells regarding the building of the Town hall after the first one burned, and regarding the school building at Ogunquit.

I have had this passed to me: Since the Ogunquit schoolhouse was built we have paid a \$500 note each year. Also the old schoolhouses were sold for \$850, so that probably at this time there is not very much left. But we now come back to the question of the senator from Androscoggin, Why does not Ogunquit pay its part of the bills? It is simply asking, Mr. President, that it may have what other village corporations are having, and in proportion to the amount of territory which it occupies it is already paying a great deal more, when Wells gets 40 per cent. back, than the rest of the town of Wells which is getting its entire amount. You understand this is a restricted territory here, and that it is a thickly settled population, and that it is being built up rapidly, and that its increase is an increase to the town of Wells, and that its voting population is so small that no matter what Ogunquit wants it simply pays the bills and can get nothing in return, because it is outvoted on every motion that is made in its behalf in town meeting. If it could have gotten what it wanted, if it could have had its sewerage, if it could have had its electric lights, if it could have had its sidewalks, it never would have come to this Legislature. That is the only reason it has for coming here, because it cannot get its rights, and it is a question of numbers overpowering the smaller number. It may go on paying its taxes forever, and unless you do something in favor of Ogunquit, as you have done for other villages, the Ogunquit must go

on as it has gone on in the past, in mud, in filth, in darkness.

And if you believe in the growth of the summer resorts, in the growth of the taxable property of the State of Maine, in the improvement of all of our villages which need improvement, and the getting away from that old hard-sneer doctrine that because I never had anything in my life I don't want anyone else to have any modern improvements, if you want to keep up with the spirit of the times in which every summer resort is keeping up, then you must vote for this charter in Wells, and you must vote against this amendment that is offered here. Because if you allow this amendment to go through, you have simply voted against the policy of all these other village corporations. You are simply opening the door where no other village corporation can come in here and get its 60 per cent. without someone putting in amendment A and amendment B and amendment C. In proportion to the size that it occupies on the fact of the earth in the town of Wells and in proportion to its valuation, Ogunquit, with a rebate of 60 per cent., is probably paying a larger proportion of the taxes than any other part of Wells occupying the same amount of territory, and when it retains its 60 per cent. less the State and county taxes, less the High school, you are only giving what is due to it in order that it may have the improvements which the times demand of every prosperous and progressive village.

I move that Senate Amendment A be indefinitely postponed, if it is in order.

A viva voce vote was taken and Senate Amendment A was rejected.

House Amendment A was then adopted in concurrence.

The bill was then adopted in concurrence.

The bill was then given its first reading as amended, and its second reading was assigned for tomorrow morning at 9 o'clock.

The PRESIDING OFFICER: The next matter is an Act to incorporate the Jackman Water, Light & Power Company, Senate Document 423.

The pending question is the adop-

tion of House Amendment A in concurrence.

(House Amendment A read by the Chair.)

Mr. COLBY of Somerset: Mr. President, I will say just a word in explanation of this matter. When the people wanted a charter secured, it was just for a water system, and through some mistake or in some way the clause in regard to light and power was put in, which they did not care for in particular, at least. There are other parties in this plantation which have power that they are developing for just this small plantation, so that it would establish no precedent that they might sell out and establish a combine for this amendment to be adopted.

House Amendment was adopted in concurrence, and the bill was then given its first reading, as amended, and its second reading was assigned for tomorrow morning.

The PRESIDING OFFICER: The next matter for consideration is the majority and minority reports of the committee on State lands and forest preservation on bill, An Act to amend Section 1 of Chapter 7 of the Revised Statutes, relating to the appointment of land agent. Majority report "ought to pass in new draft." Minority report "ought not to pass."

The reports were tabled by the senator from Knox.

The pending question was the acceptance of either report.

Mr. COLBY of Somerset: Mr. President, I move that we accept the majority report.

Mr. MOREY of Androscoggin: Mr. President, this bill changes the tenure of office of the land agent of the State. Under the existing law he has his term for a period of four years, subject to be removed by the governor at any time. The new bill on which the majority report "ought to pass" is a bill limiting the tenure of office to three years, and provides that in case vacancies should occur by death or resignation, that the limits for which the governor shall appoint

will be the remainder of the unexpired term.

The bill is framed undoubtedly to retain in office the present incumbent of the land office under the prior law. Under the law as it now stands, where a land agent was appointed for four years, subject at any time to be removed by the governor of the State. Mr. Mace, the retiring land agent, was appointed. Under that law his commission read that he was to be appointed for four years, and he was appointed April 12, 1911. Less than two years thereafter, on the 28th day of January, 1913, without any word or any warning, without any communication of any kind, he saw hanging in the halls of the State house the appointment of his successor.

Now of course that has been the law with reference to the appointment of land agents for a great many years in this State. It is perfectly plain what the purpose of the new law is.

As soon as the successor of Mr. Mace was appointed—there was no question about incompetency, it was simply an arbitrary act, a right that the governor had, there was appointed in his stead a gentleman as land agent—then immediately the bill was introduced asking to have his tenure of office fixed.

That is simply the proposition: six members of the committee reported that this "ought to pass," and four, taking in a Republican and three Democrats, reported that it "ought not to pass."

I think I have stated the case plainly and as it is,—all there is for the consideration of the Senate.

Mr. COLBY of Somerset: I did not intend to say anything on this matter in the Senate this afternoon, but it seems best, now that the senator from Androscoggin has seen fit to say something, for me to make just a little explanation.

In the two hearings that we had before our committee in regard to this, there was quite a little feeling entered into the matter, perhaps some unkind words said on both sides. Those matters have been fixed up, and if there was any ill feeling it has been apparently taken care of.

Now I don't know what object the

present incumbent might have when he had this bill introduced by Senator Dutton of Kennebec. This is not for me to say. I do not know as I care what he had in mind. We went through the matter very carefully in the two hearings of the committee. As chairman of that committee, in executive session, after the first hearing, I told the committee that absolutely I would have nothing to do with the bill for a four-year tenure because it seemed to me to savor of politics. The committee, or at least eight of them, agreed with me. We therefore decided, after talking it over carefully, that a three-year term would be absolutely fair for both parties. The appointment after the end of three years, if such a bill should be passed by this Legislature, would come in the middle of the next term of the Governor.

He might be Democratic, he might be Republican—the new appointment would come in the middle of his term. Now at least one of the committee who has signed the minority report has said all through the whole transaction that that was absolutely fair. At least a part of the leading Democrats around this State House have told the committee that it was absolutely fair.

Now this to my mind is one of the important offices in the State House. It has seemed, since I commenced to come to the Legislature to be kicked about in an unceremonious manner. I will agree with the senator from Androscoggin in regard to some of the remarks he has made in regard to Mr. Mace, in regard to the change from Mr. Mace to his successor. That can also be said of the former incumbent, Mr. Ring, of Orono. So I think that both parties are even on that, supposing the committee or any one concerned in it was trying to play politics.

Now there is no politics in it so far as the committee is concerned, or at least the majority, and I think the minority also are not playing politics. They think it is wrong to have this done. There seems to be some of the committee and some of the members of the Legislature who have a great deal to say about hearing from home

on this subject. Now I am not criticizing any one. If any one does not want this bill to pass they have a right to try to keep it from passing in any way they want to, I suppose.

But there is some misunderstanding. Some of these people that are writing from home in some way have got a misunderstanding of the bill. The bill is simply to have got a misunderstanding of the bill. The bill is simply to have a stated tenure of this important office so that it may not be kicked about as it has been for the last few terms.

I move the yeas and nays.

The pending question being on the motion of the senator from Somerset that the majority report "ought to pass in new draft" be accepted, that senator asked for the yeas and nays. A sufficient number arising, the yeas and nays were ordered.

The secretary called the roll. Those voting yeas were: Messrs. Allen, Burchleigh, Chase, Clark, Colby, Cole, Conant, Dutton, Emery, Hersey, Maxwell Patten, Reynolds, Richardson, Smith, Stearns, Walker, Wing—18. Those voting nays were: Messrs. Allan, Bailey, Boynton, Flaherty, Hagerthy, Jillson, Mansfield, Morey, Moulton, Murphy, Packard—11.

Eighteen voting in the affirmative and 11 in the negative, the majority report was accepted.

The bill was then given its first reading, and its second reading was assigned for tomorrow morning at nine o'clock.

The PRESIDING OFFICER: The next matter for consideration is Senate Document 541, an Act regulating the business of dealing in securities, tabled by Senator Bailey.

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

Mr. BAILEY of Penobscot: Mr. President, I wish to offer Senate Amendments A, B and C to Senate Document 541. I move that these amendments be tabled for printing and the bill and amendments be assigned for consideration next Thursday morning.

The motion was agreed to

Mr. WING of Franklin: Mr. President, I offer Amendments D, E, F, G, H, I, J, K and L to Senate Document

541 and move that they be tabled for printing and be assigned for Thursday morning.

The motion was agreed to and the amendments were tabled for printing and assigned for consideration, next Thursday.

The PRESIDING OFFICER: The next matter is the majority and minority reports of the committee on legal affairs on an Act prohibiting marriages in certain cases. Majority report "ought to pass in new draft"; minority report "ought not to pass."

The pending question is the acceptance of either report.

Mr. BAILEY of Penobscot: At this late hour I would not ordinarily take the time of the Senate to discuss this question, only for the fact that it has been an object of ridicule and disdain, and treated as a joke around the lobby, and wherever it has been discussed, so that I think there must be at least some misunderstanding or ignorance in regard to the main purpose of the bill and those things which were intended to be covered by it.

Let us look at Section one of the bill: "No person authorized to unite persons in marriage shall knowingly perform a marriage ceremony uniting persons in marriage, either of whom is an epileptic, imbecile, feeble-minded person, idiot, insane person, or person who has been twice convicted of felony and served two terms in any state's prison or penitentiary, or person apparently afflicted with pulmonary tuberculosis in its advanced stages, or with any contagious venereal disease."

I do not think that any thoughtful man would say that the provisions of that section were contrary to good judgment and to common sense, that a person who is an epileptic, an imbecile, feeble-minded, an idiot, insane person, and so on through the list, should be allowed to enter into the state of matrimony. In these days when men are spending large sums of money and using all the means which science has given them to bring forth a handsome piece of horseflesh, and also when the State of Maine itself is appropriating considerable sums of mon-

ey for the encouragement and the development and the breeding of blooded, healthy, profitable cattle, and even when a large number of our people are seeking to hatch and raise those things which we see so much in the roads if we travel in automobiles, and frequently fear, hens—should we not consider a law which would have a tendency to focus the public attention and bring to the people's mind the necessity of bringing forth men into the world more healthy, and better fitted to do the work of the world.

The scientists all over the country and all over the world are looking at this question. It has been to a certain extent that these questions have been kept under cover. There has been a sort of a false modesty in regard to them. They were not supposed to be discussed above a whisper or in mixed company, and it is only recently that the dreadful and baneful effects of the indiscriminate permission for people to marry have been felt and noticed in our institutions.

The State of Maine is appropriating hundreds of thousands of dollars for our insane hospitals and for our feeble-minded. Yet there is not one law upon our statute books which prevents an inmate of one of these institutions going forth partly cured and marrying and bringing forth his kind into the world, to be a charge upon the State, a burden to himself, and a rebuke to his parents. Is it not time that these things were considered and brought to the attention of the public?

There are two states in this Union which have such laws. Many states are considering them, because it is of the utmost importance that the vicious, the degenerate, the feeble-minded and the mentally defective should have some restraint upon their marriage so that they shall not bring those into the world who will be simply a hindrance to its work and to its progress. And as I say, when we are spending so much money to take care of these people, is it not well enough to consider some means to prevent them from coming into the world at all to require that attention in taking care of them.

Take two examples from real life. A young man, scarcely above 30, showed signs of that insidious and dreadful disease of locomotor ataxia. He was a young man of means. He consulted a physician. He paid large sums of money seeking a cure, but he steadily grew worse. At last the doctor told him in a kindly way, "I can do nothing for you. Your case is incurable." And the young man, stunned, said: "What have I done that I should bring this terrible affliction upon myself?" The doctor said: "My boy, it isn't your fault. Do you remember what the Bible says, 'the sins of the fathers are visited upon the children.'" And the young man in his agony, looking at his palsied and useless limbs, cursed the day he was born and those that gave him being. He dragged out a miserable existence for 10 years. How much better would it have been for that young man if he had never seen the light of day!

Take another example. A young man graduated from school, taking rather low rank. He took a position but he was unable to keep it. He did not have the perseverance, the ability, the staying qualities to keep the position, and so, discouraged, he dropped it. He secured another one but he was not satisfactory to his employer. He didn't have the ambition, the energy, to do the work which he set to do, and he was turned out of his position. His father sought others for him, but it was the same thing. He could not hold the position, he was not capable of doing the work. He became discouraged. He was weary of life and melancholy. That baneful stuff which no drug can purge from the human system consumed him. One night he jumped into the river. The winds and the waves sung his requiem. There was an inquest; the usual verdict; at night it appeared in the papers; men read it listlessly and forgot it within the hour. Yet that item contained an account of a wreck of incalculably more value than any argosy that ever sunk beneath the surface of the deep. It was the ruin of a soul because of the thoughtlessness, the indifference, the ignorance and the selfishness of his mother, who was an epileptic, so that he came into

the world under that blight, which kept him from doing the world's work and made him unable and incapable of competing with others in the work of the world.

You might go on and cite numerous instances. A young man in the State's prison can see the opening day and the bending sky and the glad earth only behind bars, why? because probably his father was a hardened and confirmed criminal before him.

And so I say, that in numerous instances, almost too many to count, the doctors who came before our committee gave many of them, where it would have been better for society, better for the person himself, if he had not been born.

There is considerable criticism of this bill because it requires an examination by a physician. It is said that it infringes upon the individual rights of the citizen. But I ask you, is it anything new, strange or unreasonable? You cannot go to a life insurance company and ask for a policy unless you pass a physical examination. And every one knows that life insurance companies conduct their business in a most scientific, sound and systematic manner.

Again, in most public workmen's compensation bills, in fact in the one before us for consideration, there is a provision that under certain circumstances the man cannot obtain the benefits of that act unless he submits himself to a physical examination by a physician employed by the commission.

So that I say that that is not unusual and is not arduous, but it is along the line. If these marriages are undesirable, how can you prevent them? Who is going to say? There must be someone to pass upon them, and by this bill, if the party does not wish to take the judgement of the physician, he may go as far as the supreme court and get their opinion on the matter.

I was reading in a paper that some legislator said this was a fool bill. It brought to my mind six years ago when I was at this Capitol and someone presented a public utilities bill, and the very

same expression was used. "That is a fool bill." But today both the great parties, in fact the three great parties have endorsed such a bill, and the people are demanding it. Any man who stands in front of it is in political jeopardy. It is the advancement of the times. These things may seem foolish at one time, but at another time they are absolutely essential to the well being of society. And at this time when this matter is being discussed, without this being brought forward, is it not well enough to heed the voice of science and the dictation of learning, because the people who came before our committee and advocated this bill were largely physicians. They are the ones who know and who come in direct contact with those to whom these dreadful facts are brought home.

Some one said sneeringly, "This is another way to give doctors a fee." But I resent that, gentlemen, because we know that there is no more liberal, and learned profession in the world than that of physicians. They spend their days and nights, some of them, in devising ways and means for the betterment of mankind, and when they come before a committee of the Legislature, eminent men, and advocate a bill like this, they are entitled to consideration for they know whereof they speak.

I for one thought it was well enough for the State of Maine to be in the advance column of civilization and progress rather than to be falling behind the general march.

Mr. Chairman, I move that the majority report be accepted.

The PRESIDING OFFICER: The pending question is on the motion of the senator that the majority report be accepted.

Mr. DUTTON of Kennebec: Mr. President, I do not desire to discuss this bill, but I ask for the 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, Bailey, Burleigh, Chase, Clark, Cole, Conant, Emery, Hagerty, Hershey, Jillson, Maxwell, Moulton, Richardson, Smith, Walker, Wing—17. Those voting nay were: Messrs. Allen,

Colby, Dutton, Mansfield, Morey, Reynolds, Stearns—7. Absentees: Messrs. Boynton, Flaherty, Hastings, Murphy, Packard, Patten—6.

Seventeen senators having voted in the affirmative and seven in the negative, the majority report of the committee was accepted.

The bill was then given its first reading.

On motion by Mr. Moulton of Cumberland, the bill was tabled pending second reading.

Mr. Wing of Franklin offered Senate Amendments H, I, J, K and L to Senate Document No. 575, and moved that they be tabled for printing and assigned for consideration next Thursday morning. The motion was agreed to.

The amendments were read as follows:

Senate Amendment "H" to Senate Bill No. 575.

"Amend Section 4 of Senate Bill No. 575 by striking out the words 'for a period of' in the 21st line of said section, and inserting in lieu thereof the words 'during the period that such dependency continues, but in no event for a period of more than.'"

Senate Amendment "I" to Senate Bill No. 575.

"Amend Section 4 of Senate Bill No. 575 by inserting after the word 'injury' in the 9th line of said section the words 'said compensation to be made during the period that such dependency continues, but in no event for a period of more than three hundred weeks from the date of the injury.'"

Senate Amendment "J" to Senate Bill No. 575.

Amend Senate bill No. 575 by striking out the words "but shall not continue" in the 32nd line of said section and inserting in lieu thereof the words "and shall continue only during the period that such dependency continues, but in no event"

Senate Amendment "K" to Senate Bill No. 575.

Amend Section 4 of Senate Bill No. 575 by striking out the words "for not" in the 40th line of said section and inserting in lieu thereof the words "during the period of such total incapacity, but in no event."

Senate Amendment "L" to Senate Document No. 575.

Amend Section 4 of Senate Document No. 575 by striking out the word "and" in the 47th line of said section and inserting in lieu thereof the words "during the period of such partial incapacity, but."

Mr. MURPHY of Cumberland: Mr. President, I move that we reconsider the vote whereby we assigned Senate Document 403 for its second reading. It is an Act to repeal Chapter 30 of the Revised Statutes relating to the payment of registration fees by apothecaries.

The motion was agreed to, and on further motion by the same senator, the bill was tabled pending second reading.

On motion by Mr. Walker of Somerset,

Adjourned until tomorrow morning, at 9 o'clock.