

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

**SENATE.**

Thursday Morning, April 3, 1913.

Senate called to order by the President.

Prayer by Rev. Roy W. Coons of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act in relation to the assessment and collection of inheritant taxes, Senate Document 598.

In the Senate this bill was passed to be engrossed. It came from the House amended by House Amendment A.

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

From the House: Senate Document 544, An Act to amend sections 2, 3, 4, 5, 6 and 9 of chapter 17 of the Public Laws of 1905, regulating the practices of veterinary surgery, medicine and dentistry.

This bill was reported to the Senate "ought to pass" by the committee on agriculture and was passed to be engrossed, as amended by Senate Amendments A and B.

It came from the House, passed to be engrossed, as amended by the Senate Amendments A and B, also amended by House Amendment A.

On motion by Mr. Moulton of Cumberland, pending the adoption of House Amendment A in concurrence, the bill was tabled and House Amendment A ordered printed.

From the House: Senate Document 587, An Act to establish the Lincoln municipal court.

This bill was reported to the Senate "ought to pass" by the committee on legal affairs and was passed to be engrossed.

It came from the House, amended by House Amendment A.

Mr. BAILEY of Penobscot: Mr.

President, this matter came before the committee on legal affairs and was given a very full hearing, and a very large representation from the Lincoln county bar appeared before the committee. And there were represented by petitions and letters a large proportion of the business men of the large towns in Lincoln county. They deemed it in the interest of justice, and in the interest of hasty justice, that such a court should be established as they had suffered many abuses under the trial justice regime.

I understand this amendment is put on largely as a matter of delay, and is not really in the interest of the bill. I move that we reconsider the vote whereby this bill was passed to be engrossed in the Senate.

The motion was put and did not prevail, and the Senate by refusing to reconsider that vote, refused to adopt House Amendment A.

From the House: Senate Document 472, Resolve in favor of the Maine Insane Hospital to liquidate its deficiency in certain accounts.

This resolve was reported to the Senate "ought to pass" by the committee on insane hospitals and was passed to be engrossed. It came from the House amended by House Amendment A.

The pending question was upon the reconsideration of the vote whereby the resolve was passed to be engrossed in the Senate.

Mr. SMITH of Penobscot: Mr. President, at the hearing the parties interested came before the committee and after due hearing we considered that these matters referred to ought to be taken care of. It was the unanimous report of the committee that the bill ought to pass, and I hope the Senate will stand with the committee.

I move that the Senate insist and ask for a committee of conference.

Pending the motion of the senator from Penobscot, on motion by the senator from York, Senator Cole, the resolve was tabled and assigned for this afternoon.

From the House: An Act to estab-

lish a neutral automobile zone with adjacent states.

In the House this bill was received under suspension of the rules, read three times and passed to be engrossed.

On motion by Mr. Stearns of Oxford, the bill was tabled.

Mr. COLE of York: Mr. President, I will ask the senator through the Chair if he will assign a day for the consideration of this bill.

Mr. STEARNS: Mr. President, I will say to the senator from York, through the Chair, that I have not myself yet read the bill. I do not know whether I will be prepared to discuss it this afternoon or not. I assure the senator that I will read it before the afternoon session, and if possible take it up then, if we have an afternoon session, and if we do not have an afternoon session, I will take it up tomorrow.

The bill was tabled and assigned for this afternoon.

**From the House:** An Act to empower the County of Aroostook to aid in the construction of a railroad through that county and to acquire and hold preferred stock of said railroad.

In the House this Bill was received under suspension of the Rules, read three times and passed to be engrossed.

The PRESIDENT: This being a private matter and the Senate having denied the admission of such matters the Chair cannot consistently grant unanimous consent to the admission of this matter, and the Bill should be referred to the next Legislature.

Mr. COLE of York: Mr. President, I move that the bill be indefinitely postponed, although I do not know as it can be indefinitely postponed.

The PRESIDENT: In the opinion of the Chair the reception of the bill can be indefinitely postponed.

The motion of the senator from York was agreed to and the bill was indefinitely postponed.

**From the House:** An Act to amend Chapter 191 of the Public Laws of 1911, entitled "An Act to extirpate contagious diseases among cattle, sheep and swine."

The report of the committee on this

bill was "ought not to pass." The bill was once before reported "ought not to pass," and was recommitted to the committee and now reported the second time "ought not to pass." In the House the bill was substituted for the report.

On motion by Mr. Moulton of Cumberland, the report of the committee, "ought not to pass," was accepted in non-concurrence with the House.

**From the House:** An Act to provide for the inspection of bakeries and confectionaries.

This bill was reported to the House "ought not to pass" by the committee on public health, and the bill was substituted for the report.

Mr. MOULTON of Cumberland: Mr. President, I move that we accept the report of the committee, "ought not to pass," in non-concurrence with the House.

Mr. COLE of York: Mr. President, I would like to ask the senator through the Chair to give us some reason why we should not concur with the wisdom of the House.

Mr. MOULTON: For one reason there is one bill already before the committee to which the committee gave its unanimous consent that it ought to pass, and that bill takes care of the principal things in this bill. And as this bill was not drawn as it ought to have been and as there were several things in it which were questionable we reported "ought not to pass" on this bill.

The motion of the senator from Cumberland was agreed to.

#### House Bills in First Reading.

Resolve in favor of Children's Hospital of Portland.

Resolve in favor of the commissioners of pharmacy.

An Act providing temporary clerk hire for the register of probate in Piscataquis county.

An Act providing temporary clerk hire for the clerk of courts in Piscataquis county.

An Act providing temporary clerk hire for the clerk of courts in Cumberland county.

An Act providing temporary clerk hire for the register of deeds in Oxford county.

An Act providing temporary clerk hire for the register of probate in Kennebec county.

An Act providing temporary clerk hire for the register of probate in Penobscot county.

An Act providing temporary clerk hire for the register of deeds in Penobscot county.

An Act providing temporary clerk hire for the clerk of courts in Aroostook county.

#### Senate Bills in First Reading.

Resolve in favor of Louis O. Haskell, clerk of the committee on education.

Resolve in favor of the clerk of the committee on labor.

Resolve in favor of Louis O. Haskell, clerk of the committee on agriculture.

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

Resolve in favor of C. M. Conant.

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

Resolve in favor of T. W. Prince for services rendered the committee on bills in second reading.

Resolve in favor of Cassie K. Turner for services as stenographer to the subcommittee on the public utilities commission.

Resolve in favor of Louis O. Haskell, clerk of committee on agriculture for committee trip expenses.

Resolve in favor of the clerk of the committee on sea and shore fisheries.

An Act to legalize and confirm the action of the Litchfield Plains' Cemetery Association at the annual meeting on the seventh day of December, 1912.

Resolve in favor of M. S. Hill, clerk to committee on taxation.

Resolve relating to amendments to the Constitution.

The joint standing committee on counties submitted its final report.

The report was accepted.

#### Passed to Be Engrossed.

Resolve in favor of the commission on enlargement of the State House for services rendered and also for clerk hire.

#### Finally Passed.

Resolve in favor of the State highway department to provide for deficiencies on certain contracts for bridge construction at Old Town and legalizing the acts of the Governor and Council relating to such construction.

This bill carrying an emergency clause, required a two-thirds vote of all the members of the Senate. A rising vote was taken and 22 senators voting in favor of final passage, the resolve was finally passed.

#### Orders of the Day.

##### Senator Stearns in Chair.

The PRESIDING OFFICER: Under orders of the day, the Chair lays before the Senate the first matter assigned for consideration, Senate Document 568, An Act to amend Section 2 of Chapter 250 of the Public Laws of 1909, relating to the payment of fees accruing to State institutions and departments.

The pending question is reconsideration of the vote whereby this bill was passed to be engrossed, tabled on motion of the senator of Kennebec, Senator Dutton.

Mr. DUTTON of Kennebec: Mr. President, this bill is designed, I have no doubt, to meet a situation that has existed in this State for a number of years, and is designed to work a reform in the various State departments and institutions.

The very first part of Section 2 of the bill says that "all fees or other income which may become due and payable to any institution, etc.," which is a sort of misnomer. It would tend to give the impression, properly no doubt, that there was now a large amount of fees payable to the State institutions, or the officers of the State institutions, which are not now returned to the State treasurer's office, or are not used in the administrative work of the institutions.

But stripped of all its verbiage this bill means simply this, that our State institutions like the State hospitals and State prison must carry on all of their business through the office of the State treasurer; that is, that the State treasurer shall be the paying teller of all these institutions; so that little or no

moneys shall remain in the hands of the officers of these institutions.

Now the idea, or the thing to be desired or attained here is commendable, that is, I suppose it is the purpose of the proponents of this measure to make it impossible for a condition of affairs to exist where the funds belonging to the State institution appropriated by the State, or private income of the institution, shall be misspent, if misappropriated, or misused.

Now it so happens that in some of our institutions there is little or no danger of this thing happening, for the reason that the treasurers of these institutions are required to give bond to the State. For instance, the treasurers of Insane asylums are required to give a bond up to \$20,000. I am informed that this is not true of the officer in charge of the State prison and some other institutions. I had supposed that the laws of the State required every officer who handled funds belonging to the State to give a bond for the faithful performance of his duties, and I think that if there is no law to govern all these cases one should be enacted even in these closing days of the Legislature, so that by no possibility can the State of Maine meet with a loss.

With all the intended merit there is in this bill I regret that the history of the bill is such—and I have no suggestion that applies to the proponent of this measure at all because he is acting in entirely good faith in this matter—but the history of it is such that I could not intelligently discuss the matter here so as to make members of the Senate understand the situation without going into matters that ought not to be discussed here. But I will venture to go this far, that this bill originated and has its existence, today, before this Senate, growing out of a personal controversy between the superintendent of the Maine Insane hospital and the treasurer of that institution.

Now these gentlemen are both friends of mine and I do not care to enter into that controversy. I think that the bill itself does not meet the situation that exists. The problem is one that is now

before the Executive and his Council, and I feel that they should not be embarrassed in coping with the situation by legislation of this kind. There is involved here a cumbersome administrative method that will entail much expense upon the State. In my own view of the situation, while I believe that all the finances of these institutions should be audited, and audited carefully, and perhaps audited more carefully than they now are, yet this does not arrive at a proper solution of the problem.

For instance, the State auditor, under the conditions that exist now, audits the bills that come into his department after they have been contracted—it don't make any difference what those bills are—but he can only pass upon the question after a prima facie liability, at least, has been incurred on behalf of the State. And the problem is right here, that this bill allows everything to go through the hands of the State auditor, as it should, and all bills are to be paid by the State treasurer—but wherein it does not meet the situation is this: Take an institution like either of the Insane hospitals. They have to have a very large amount of stock on hand, and there is more opportunity in the question of supplies for those institutions for the State to be wronged than in any other way.

Now the method devised here, designed to correct that, cannot correct it at all, for this reason. Here are bills for car load supplies. Use this hospital here as an illustration, a carload of supplies for this hospital. The State auditor passes upon that bill when it is presented to him. On his approval it is paid by the State treasurer, and if I read this correctly, this is somewhat of a departure from the previous provisions which require all bills before they are paid to be paid on the warrant of the Governor and Council, and I think that the Constitution so provides. But what assurance does the State of Maine have that these supplies have gone to that public institution. Instead of securing the State, you are making a wider gap and a greater possibility for men to go wrong.

What should be done, Mr. President,

is this. This act will necessitate the employment of more help in the office of State treasurer, and the expense of one, if not two, clerks to carry it out. What should be done? A law should be enacted to provide two additional clerks in the office of the State auditor, two of them, two auditing clerks. And these clerks should go to these various public institutions, and one of them audit the books and the other one take account of stock at the same time, on the same day, unexpected in their arrival. Then with a law like that there is no possibility of anything such as might happen under this provision.

This bill provides another thing. In the amendment which is before us it provides that the institution may have \$1000, I think, for the purchase of supplies at their door, their regular open market, to buy of the farmers around near this public institution. That is designed to take care of daily routine business with the farmers, the market which they now enjoy.

But the absurdity of the bill and the amendment is this. Take our institution over here. We have an income from various sources, not from the State but from those who owe the institution for one thing and another, for patients, of something like \$50,000, that is scattered along through the year. Now one treasurer and the superintendent collect these bills against the parties who owe them, and they have each month from \$8000 to \$10,000 coming into their hands, into the hands of the treasurer, and he gives a bond of \$20,000 to assure that that money is properly expended, and they use it now for the purposes of the institution. But under this bill they have got this \$10,000, or \$8000 to \$10,000, right in their hands, and they can't use or expend one cent of it, but they must come over here to the State treasurer's office and get \$1000 to use in buying butter and eggs and one thing and another, such as they buy at the door.

And when that \$1000 is gone the suggestion is that they come over and get another \$1000 for that purpose, notwithstanding the fact that they have got \$8000 or \$10,000 right in their

hands. Is there any reason in such a proposition as that?

The object to be attained, to safeguard the interests of the State, is a proper one, and something should be done, but I think that this does not cover the situation, and in the interest of having something done and something proper worked out, I think this matter ought to be referred to the next Legislature and be fully considered, and a bill presented at that time that would meet the situation and at the same time avoid the difficulty of legislation on a public act to satisfy or to take part in a matter of purely personal interest. And I move with all due respect to this act, and feeling kindly towards the idea involved in it, that it be referred to the next Legislature.

The PRESIDING OFFICER: The Chair will state that the pending question is the reconsideration of the vote whereby this bill was passed to be engrossed.

Mr. RICHARDSON of Penobscot: Mr. President, I was very much pleased at the outset to hear the senator from Kennebec acknowledge that the purposes of this bill are correct.

He is very much at fault if he thinks that the preparation for the bill has not been well made. This matter has been considered now for a period of six or eight years, and the first auditor the State of Maine had, before this personal controversy to which he refers was entered into, recommended identically this legislation. Surely Mr. Hatch could not be charged with entering into that squabble, that dirty squabble. Now, Mr. President, this matter has been threshed out in our corridors here for days. This bill has been lobbied against perhaps as much as any bill that has come before the Legislature. We have seen a public official of one of our largest institutions walking back and forth in our corridors button-holing legislators, because he thought that this bill was a reflection upon him personally. Such is not the case. It was not intended for that. It is simply to bring into the transaction of the affairs of the institutions good, ordinary business common sense—just that, and nothing more.

This proposition, this bill, this legislation, has been recommended by three different auditors. It was recommended by Mr. Hatch. It was recommended by Mr. Stevens. It is recommended, today, by Auditor Callahan. It was recommended two years ago by a committee of this Legislature which investigated the affairs of this institution where this controversy has arisen and that committee unanimously recommended just this legislation.

The senator feels that there may be a possibility that bills may be paid under this method of transacting business which are not properly audited. Indeed, the bill is aimed to check just such results, to prevent any bill being paid in the ordinary transaction of business until that bill has gone through the proper channels. At the present time these large bills, which he speaks of, go to that institution across the river to which he appears to think this legislation applies; the goods go in there, the bill is paid, and that bill may lay there in that institution for six months before the auditor sees it. That, I am told, is an actual fact. Those bills accumulate there for two, four, five and even six months before the auditor sees them. Now surely that is not good business. That is not proper conduct of the State's affairs, and that situation should be remedied.

We provide here that once each month there shall come into the custody of the State treasurer the income which any institution of this State receives. The State treasurer is the proper custodian of the funds of the State and he is appointed for that purpose. The income accruing to this institution across the river to which reference is made is thereupon appropriated for the uses of that institution, and those funds are drawn against as may be necessary for that institution.

At the same time there is sent a detailed statement of that income. If the senator or any other senator thinks that that is a cumbersome method, he should step right down into the office of the secretary of State and see the workings of identically the same system there, a system which has been in force for a long time, and I think I

can safely say that that official will say to you that that is a perfect system; and it is now working there and it surely is not cumbersome.

Surely also, the State treasurer is the proper official to pay any bills contracted against this State. Now then, let us say that there is a carload of flour bought for this institution, or for the institution at Bangor. The bill goes to the official ordering it, to the steward or treasurer of the institution—he checks up that bill, audits it, sends it to the State auditor. It goes through the regular channel as provided by the Constitution and of course this bill cannot set aside the provisions of the Constitution.

After it has been properly audited by the State auditor, then it goes to the treasurer, who pays the bill. Isn't that much better than having an official of an institution miles away from the treasury of the State pay the bill and having that bill perhaps lie in his office for weeks and months before the auditing officer of the State sees it, before it passes through his hands, before he knows that the bill is correct.

Surely no one will seriously object to that.

Now, Mr. President, as to this little intrigue across the river. I do not believe that any senator thinks for one instant that he is sent here to arbitrate on that. We are not here for that purpose. We are here to make good provisions for handling the affairs of this State.

In the report of the State auditor for the year 1909-10, are these recommendations: Auditor Hatch made some 19 recommendations for the improvement of the conduct of the business of this State. The second one on the list, and therefore I conceive that it is thought to be of some importance, is as follows:

"A provision of law requiring that all moneys or funds coming into the possession of any institution, department, or administrative branch of the government should be promptly paid into the State treasury under such regulations as the auditor may prescribe, and that the payment of all expenses and charges incurred by or on account



of such institutions, departments, etc., should be paid from the State treasury under such regulations as the auditor may prescribe."

Now that was written and reported to the Legislature of this State as a recommendation for the improvement of the business affairs of this State before, as I understand it, the present surgeon or physician had taken his place.

Again, we have a report from the last auditor, Mr. Stevens. I shall quote briefly from his recommendation which is now being put into print: "I would respectfully recommend that legislation be enacted to the end, that the expenses of all the State departments and institutions be paid direct from the State treasury to those to whom it is due." You see that covers all the circumstances. Naturally, therefore, all the receipts from the institutions must come into the hands of the State treasurer, pass through the auditor's hands.

Two years ago, as some of us and perhaps all of us know, this Legislature sent a committee across the river to investigate the institution, and here is their recommendation: "We recommend that all funds for use of the insane asylum shall remain in the State treasury, and that funds received from patients, sale of farm produce and all other income, shall be deposited to the account of the hospitals in the State treasury, and that all bills against the hospitals should be paid by the State treasurer, after having been approved by the State auditor, as these institutions are State institutions, not private, and should be treated as such." And that recommendation is signed by three senators and seven representatives making up that committee.

Mr. President, why should this discussion be narrowed to one institution? There are eight State institutions, and I just want to call the attention of this Senate to the fact that if this proposed law had been in force two years ago it would have been apparent to the proper officials of this State long before two years had elapsed that the affairs of the State prison were in an indescribable condition, that the institution was losing money regularly. Who knew it? Nobody. It would have been apparent to

the auditor if the bills of that institution had monthly come to the hands of the auditor for auditing and the receipts had been sent to the State treasurer. That state of affairs could have gone but a short time if these accounts had been properly audited, if proper knowledge had been had of the way affairs in that institution were drifting.

There is another institution in this State almost as large as the one to which the senator refers. On my way down I took occasion to interview the steward and treasurer of that institution. He has no objection whatever to the passage of this law. He will adapt his methods to the requirements of that law.

Now then, as opposed to the objection of the senator from Kennebec we have the recommendation of three expert officials of this State who are hired for just that purpose. They are experts and surely they are better qualified to pass on the requirements of these institutions and the proper conduct of their business and the handling of the affairs of these institutions than any one man. Mr. President, this bill should have a passage and I sincerely hope that it may.

Mr. ALLEN of Kennebec: Mr. President, I understood from the senator from Penobscot that there was some amendment to this bill. I wish he would give us some information as to where it is.

Mr. RICHARDSON: Mr. President, I am not sure whether the amendment has been printed or not. It is in the hands of the presiding officer.

(House Amendment A was read by the Chair.)

Mr. RICHARDSON: Mr. President, just a word on that amendment. Perhaps I should say that before this bill was put in it was submitted to a number of officials who would have to do with its workings. It was discovered that this bill as originally planned would work a hardship on some institutions of the State.

This amendment was drafted by the auditor of the State, and it is intended to correct any possible objection that may be had to the act. It provides that any treasurer of any institution may, in the discretion of the auditor, be advanced a sum of money not exceeding \$1000 at one time. That does not mean that he can have but \$1000 at one time, but that if he

requires to properly pay for supplies for the institution certain sums of money, the auditor may authorize an advance from the State treasury. It is practically in use today but it is done without authority of the law. This law gives authority to do just this. And it is intended that any large purchases should not be made by the treasurer, but should be paid for by the treasurer of the State. That is one of the principal things at which this bill is aimed, one of the principal objections to the methods of carrying on the affairs of the State.

Mr. ALLEN: Mr. President, why I asked about that amendment is this: The situation in the county of Kennebec is that probably not less than—I am making an estimate—\$10,000 worth of farm products are sold directly at the door of this institution. My colleague informs me that it is \$30,000 in a year. I wonder if that amendment—if giving that discretion to the State auditor is sufficient. Having all confidence in the State auditor, yet if he did not deem it discretionary to pay over that \$1000, where would the funds come from for the steward or the proper official in these different institutions—and I assume that the same facts obtain, the same conditions obtain, in these other institutions in different parts of the State—in case he should not deem it advisable, wherein would the remedy come and provision be made for the farmers to sell their products as they now do?

I have the feeling that the senator has a good motive, and that the bill in its general form, is a good thing, but I do not feel that I want to stand here and cut off the outlet the farmers now have and which I know about in Kennebec county, and I believe it is the same in other counties, is an excellent market. They carry their produce there and get their checks and go home satisfied.

I am wondering if the amendment would be a safe one for us. It looks to me as though the auditor could give the \$1000 or not, just as he saw fit, for the purpose, and in case he did not see fit, the farmer must carry his products there, get his bill and present it to the State treasurer, and after the Governor and Council audit it, he will get his

money. I do not think that it would be satisfactory, and I do not want to go on record as voting away the farmers' rights in that way. I would like to have more information from the senator from Penobscot along that line.

Mr. BOYNTON of Lincoln: Mr. President, living, as I do, in a part of the country that furnishes more or less farm produce to the hospital referred to, it seems to me that there is just one way to do business, and that is to do it right, and when you don't do it right you generally have trouble.

Now the right way for this institution to buy produce of our farmers, is for the farmer to bring his products there, make his trade with the steward, leave his bill for it, have it approved by the steward and turned over to the State authorities, and the State treasurer in due time, when it is properly audited, will send the farmer his check. Now that to my mind is the only way that the business should be done, not only in that institution, but in any other institution. There should be just two channels, bills come in here and be properly audited, money go out from here to the people who have sold the stuff. This method of the State buying goods by a dozen different stewards, paying for them out of the State's money, and sending the bills to the auditor months, or weeks, or days, as the case may be, after the money has been paid—I suppose that most any business man, doing business on business principles, would want his bills audited before he paid them. It seems to me that is proper.

Now many of the institutions in our State are run in a very crude, decidedly crude and unbusinesslike manner. There are many things that might have been said, but the senator from Penobscot has covered the ground very well. But I would make this prediction, that there is not a man in this Senate that could take \$3,000,000 in money and carry on the business that the State carries on in many of these institutions, in exactly the way they carry it on, and not be bankrupt inside of three years.

Mr. DUTTON: Mr. President, the question by the senator from Lincoln,

that the farmers bring in their eggs and butter and potatoes and one thing and another, and make a trade with the steward of the Insane hospitals and have him approve their bills and present them to the State auditor, and have the State auditor go through it, and then wait the time and pleasure of the State treasurer to receive a check, has all been covered in the reasons already given in the report of the land agent on the question of the employment of help for fighting fires; and a good Democratic friend of the senator from Lincoln recommended, and we have enacted into law, a provision to allow the land agent a sufficient fund to pay help to fight fires. The land agent in his report said that he found it impossible to get help when those men couldn't get their pay—they must wait, wait, wait, until all this red tape is gone through with.

The laborer would not market his labor with the forest commission. He would readily market it with the Great Northern Paper Co. They had no trouble in employing help. Do you suppose, for a minute, Mr. President, that the farmers of this State would bother with a few bushels of potatoes, or a few dozens of eggs, or butter, to go and get an approved bill? The farmers of Maine are not affluent enough to wait the time and pleasure of the red tape required. Rather would they go and discount their product and swap it off into something to carry home. The whole idea deprives the farmer of a market. It can't be done, and the same reasons given by the retired land agent apply in this case with equal, if not greater, force.

Now I regret exceedingly that the senator from Penobscot has in any way reflected upon either of the officials who are the cause, I say, of starting this controversy. I know he did not intend it to sound as broad as it did, but he referred to and criticised an officer of the State of Maine because he was round the halls of this State House interesting himself in this measure.

Now, Mr. President, I said here, a few minutes ago, that there was feeling between these two gentlemen—and they

are both friends of mine, I have hesitated to engage in their controversy, and I only do it in order that justice may be done to one of them who has been criticised here upon the floor of this Senate, and previously criticised upon the floor of the House.

Now, Mr. President, I hold in my hand the report of these hospitals, and in order that you may understand the situation, in order that you may understand the real feeling behind this legislation, in order that you may understand the animus connected with it—here are two men, the superintendent of the Maine Insane asylum here, who under the statute is to give his entire time to that institution, but notwithstanding that he occupies a position with a salary attached in connection with the medical school of Bowdoin College; notwithstanding that fact you go there to that office and ask for a copy of a commitment paper today and you have to pay for it; notwithstanding that fact that the statute so provides, he is engaged in private practice. I do not say this to criticise him, but in order that the situation may be understood.

And here this same gentleman, with whom I am on friendly terms, in getting out this report, starts in, in the list of officers of this institution, and places his name, Henry W. Miller, superintendent. And then the reports of previous years have followed with the name of the treasurer and steward of that hospital, appointed by the same authority and holding the same tenure of office. What does he do? Places way down here the name of the steward and treasurer of that hospital, and over his name puts the names of two nurses.

And they have asked the question, why a State officer has been around these corridors interested in this legislation. When, Mr. President, the committee who had this legislation in charge was being banqueted by a man with that feeling and animosity toward his co-ordinate officer, in rooms furnished by the State of Maine in this way: "Mahogany library table, \$135"—I am reading from the report which the senator held in his hand, the report made by a committee of the last Legislature—when he is being banqueted in a hall like this—mahogany dining ta-

ble, \$125; mahogany bed, \$115; 12 mahogany dining chairs, \$160; mahogany side-board, \$175; mahogany serving table, \$68; mahogany bureau, \$125; mahogany chiffonier, \$115; mahogany wing chair, \$82.50; mahogany easy chair, \$79.25; rug for living room, \$121; rug for bodouir, \$114; rug for dining room, \$91; rug for doctor's office, \$30.75.' And when these gentlemen interested in this legislation came out of this dining-room so sumptuously furnished they passed under silk draperies for the living room that cost the State of Maine \$176. And then gentlemen interested in this legislation stand here, after coming from a banquet feast in a banquet hall like that, criticising a State officer because he comes here to this State House to assert what? To assert the proposition that he is being legislated against.

I have no hostile feelings toward the superintendent of this hospital. None at all. But when by innuendo and insinuation from the various State officers and from committees in this Legislature, he comes here, and while he himself is behind the screen, while the treasurer stands out in the open in these corridors, asks this Legislature to legislate what? Legislate the man he has contrived and conspired to oust out of office, to legislate him out of office, and humiliate him the way he has attempted to humiliate him in this report. If the senator from Penobscot wants to get at the real situation, why doesn't he provide in this bill that every dollar earned in the time of the State shall be turned into the State; that you and I, Mr. President, and anybody else, can go to that insane hospital and get an affidavit and get copies of commitment papers without paying for them? I do not state this on information. I state it on personal knowledge.

Now then this superintendent has been here—and I do not detract from his capabilities—he has been here since October, 1910. The steward and manager of that hospital, who has been criticised in this hall, and who has been criticised in yonder hall, has for 30 years been a public officer in that institution, and for 21 years he has had charge of the State's finances. He has disbursed over five millions of dollars.

He has been investigated by legislative

committees, by different committees of previous Legislatures, and after the expenditure of more than five millions of dollars, nobody, be he enemy or anything else, has ever come forward and put his finger upon a single cent that Manning S. Campbell has misappropriated. And yet the gentleman from Penobscot criticises him here upon the floor of the Senate as he was criticised in yonder branch, and I feel it my duty as a representative of this county, as speaking here in the interests of the State of Maine, and in the interests of fair dealing, to speak a word for the man whom I have known for 15 years, to say a word for a man whom everybody has investigated, and his enemies have tried to smirch; and you are now asking to put this legislation upon the statute books of the State of Maine, and for what? For the alleged purpose of a better financial system and accounting. If you want to do something for the State of Maine and for these poor unfortunates over here in these hospitals, 125 of them now lying over there in the corridors of that place—if you want to do something for that institution, take hold of that proposition. If you want to get at the meat of the matter, go over there and ask the legislators to look at the written order that the superintendent of that institution has given that those patients, those poor unfortunates, people from whom the light of reason has been shut out—that they must be fed on oleomargarine.

Think of it! Yesterday an order came in here appropriating \$5000 for the unfortunates of the Ohio valley. It went through this Senate without a murmur. Yet over across the banks of the Kennebec is an institution where, as I said, 125 unfortunates are sleeping, huddled together in the open corridors of those wings. Not only that, those who sleep out in the open corridors and those who do not, that have better beds, are fed, in this State of Maine, where the farmers are producing butter to sell,—upon oleomargarine. And what for? In order that this new superintendent may in that and other things make a good record.

Is the State of Maine going to stand for conditions like this, and put an act upon the statute book to indirectly

smirch the man who protested against that expenditure when this new man came here. And there is the beginning of all the trouble. Manning S. Campbell protested against that expenditure of \$6500 for furnishing these sumptuous, these lavish, these luxuriant quarters at the expense of the State of Maine, when these examples of suffering humanity needed that money.

And now gentlemen, who have been banqueted in this banquet hall, come here to the Legislature and say that they are doing it for the public good.

Mr. MILLIKEN of Aroostook: Mr. President, I wish to ask unanimous consent of the Senate to explain this bill.

(Unanimous consent was granted.)

Mr. President, the suggestion of the senator from Kennebec in regard to this committee which reported this bill, and in regard to the source of the bill, although not so intended, probably, and although uttered in the heat of debate, seems to be so insulting that it demands a word from me.

In the first place I wish to say in regard to the history of this bill that neither of the officials referred to connected with the Insane hospital knew anything about this bill or had anything to do with its introduction in any way, shape or manner. I drew the bill myself after consultation with State Auditor Hatch, State Auditor Stevens, and State Auditor Callahan, and after reading the report of the investigating committee. The bill was introduced by Senator Richardson after further examination by him and after some modifications which were made.

Now as long as the matter has been referred to in the way that it has by the senator from Kennebec, I want to say a word in regard to the successive action taken by the various Legislatures of which I have been a member to improve the conditions under which the business affairs of the institutions of the State have been conducted. I have had something to do with several propositions of that kind; with one for competitive bids, in 1909, and the opposition to every one of the propositions has come from one source, Manning S. Campbell, treasurer and steward of the

hospital. Mr. Campbell appeared before the committee, in 1909, in opposition to what seemed to make for business-like methods. He was the only one who opposed it. He has opposed various propositions of that kind. And every time during my services in the Legislature that a proposition of this sort looking to business-like methods for the purchase of supplies has been attempted, there has been opposition from just one source, namely, from Manning S. Campbell, treasurer of the Insane hospital.

I make no charges against him and his honesty. But when a proposition is presented to the Senate in the light in which it has been presented by the senator from Kennebec and it is stated that this bill is the product of a grade of another official, and that the committee was influenced in such a way as he has stated, I think it is due to the people of the State of Maine that I should state the facts and for that reason I have taken the time of the Senate to state it.

Mr. RICHARDSON: Mr. President, the discussion seems to have gone far afield from the original matter.

We brought in here a bill which applies to eight institutions of the State. In some way we seem to have narrowed down to one institution only. That was not the intention of the committee or of anyone connected with the bill. I made no insinuation or charges against the man referred to. I never saw the man before I came to Augusta. We regard him above suspicion. I say he had no business to go in the corridors of this House and lobby against this bill that applied to every institution in the State. In regard to the other official I have met him but once or twice. I never banqueted in the mahogany hall referred to by the senator, so that I do not know whether he approved of this bill. In regard to paying for farm produce I believe perfectly in the sentiments advanced by the senator from Lincoln, that this is the way all supplies should be paid for. The bills should be approved and go to the State auditor and not paid at the back door of any institution.

We found very strong opposition to this proposition and in deference to that proposition, we presented this amendment that the treasurer might advance \$1000 for the payment of small bills. How is that different from the present method?

Mr. COLE of York: Mr. President, I did not intend to enter into discussion on this matter because I am not enough familiar with the bill or the circumstances, but it seems unfortunate to me that the matter should have taken the line it has taken, and I do not see how the bill can receive the due consideration which it should have under the discussion which has taken place at this time.

It seems to me that it has developed into practically an investigation of two officials of a State institution. It has narrowed itself down in the minds of members of this body where they will stand by one man there or where they will stand by another man, in one single institution. If we believe in the superintendent of the institution, then we shall vote for the bill. If we believe in the treasurer of that institution then we shall vote against the bill.

I do not think it is a fair proposition at this time to put up to the members of this body, for I do not believe any of us want to take any sides in washing the dirty linen of any official of any institution of the State of Maine. It seems to me that there is something "rotten in Denmark." I did not hear anything of this bill until within a day or two, but there are those who seem to be very strongly opposed to it, and others seem to be very strongly in favor of it. Whatever was the intent of the bill, however broad a scope was intended, at this stage it is gotten down to a contest between two officials of a great institution. I am not here to take sides for either of those officials. I never met either of them until this session of the Legislature, and have only met one casually. The superintendent I never have seen, and know nothing about him, but it was my pleasure, a few nights ago, to act under an order that opened the doors of

that institution and go there at night, and I want to say here as an official of this body that that institution across the river is a menace to the State of Maine. I want to say to you, my friends, that there is no one of you who knows anything of the interior conditions of that institution. And I will assume as a resident of this State and a member of this body that the State of Maine has not done its duty by that institution over there; that they have not opened the doors of that institution and let us know what is there.

We have given away thousands and tens of thousands of dollars to other institutions. I imagine that the committee on insane hospitals when they went to visit this institution, that they went in the day time, as I have been there in the day time and everything looked pleasant, everything looked clean, and I find no fault with that, and I find no fault with the clothing of the inmates, but when you find 120 of those poor unfortunates sleeping in the corridors of that institution, and find little rooms, about 10 by 10 with four inmates sleeping in them, and when you put your face into that room, you gasp for breath, then you make up your mind that the cattle of the farmers are better treated than those unfortunate people. There are rooms with just room enough for three cots, and the doors are closed at night, and there are rooms with just space enough for six cots and those rooms are occupied by those unfortunates and the doors are closed at night, and when you put your head into that room, you can imagine what it is.

I wish every member of the Senate could have been with me as we tramped through those corridors in the night, and my heart was bleeding with pity for those people, for I never knew before what that institution was. And I made up my mind that if an opportunity came I would open my mouth in this body, and if there is a dollar to spare in the State treasury I believe that it is our duty to expend it to help them. There are those there who are not there of their own choice. They are not there for any crime which they have committed against

the laws of the State of Maine. And if we maintain that institution for them, we owe it a duty to maintain it as well over there as they would have lived at home, at least in comfort and in cleanliness and in health.

Mr. President, there is a vast difference between the front door and the back door of that institution, as great a difference as there is between the front door and the back door of the great hotels which we enter. I am forcibly reminded of a boyhood experience that I had, when as a young boy, ten or eleven years of age, I entered the office of one of the great hotels of New England with an uncle, and while he was attending to business, his friend, the steward of that hotel, said to me, "Wouldn't you like to go through it, boy, and see it?" and I said "yes."

He took me by the hand and led me through, and finally we came to the kitchen and the back rooms, and I suppose, with boyhood's innocence, I opened my eyes in horror and gasped at the smell, and he said "I will tell you, there is a great difference between the front door and the back door of these institutions." And it is a good deal the same over there. We go into that palatially furnished institution, we go in and see the quartered oak and the nice tables, we go in and see the nice upholstered furniture that the officials and the trustees recline in when they go there, we go in and see the fireplaces and the nice chandeliers, and we say how well the State of Maine takes care of its unfortunates.

But little by little we traverse those long corridors and the rear door is opened, and the moment you enter the door of the old part of that institution you gasp for breath for the hot wave and the stench that greets you.

Now Mr. President, it seems to me it is a duty of the State of Maine to look into that institution, and I felt that night—and that was before I knew that any bill of this kind was in the Legislature coming before us for consideration—I felt that the superintendent of that institution had not done his duty; that if he had

done his duty, if he had come to this Legislature and explained the conditions there, if he had taken the committee on insane asylums over there in the night and told them what he ought to, and invited other members there, and had the welfare of the unfortunates that are under him at heart, he could have gotten an appropriation through which those people deserve to have.

And another thing, and an unfortunate part of it, it seems to me, as that those who are able to pay for their board and lodging over there are given the clean, nice, new, sanitary rooms and wards. But those unfortunates who are there as objects of charity are herded together like cattle. Nobody knows where they are. Nobody cares what becomes of them. And they are turned loose in the corridors by day and hived in their dens by night, and those who cannot be packed in the little dens are sleeping upon the floors of the wards.

But when you go through by day, as I followed the night visit by a day visit, everything is nice and lovely, the sun shines in, everything is bright and cheery so far as the building is concerned, and there is a vast difference between daylight and darkness as you go through.

This bill, it seems to me, Mr. President, has developed, as I said before, into a personal contest, and as one member of this Senate I dislike to record my vote for or against either party, and I move that the matter lay upon the table for further consideration.

Mr. BOYNTON: Mr. President, the question under discussion here is whether or not the State of Maine will attempt to better the business conditions of our institutions in the State. The quarrel between individuals, the corruption of things has not materially to do with the State's trying to better its financial condition.

Now the esteemed senator from York, Senator Cole, has pointed out a condition of affairs that exists at the hospital across the river. Now whose fault is it? Ever since I have been coming here to this Legislature, the authorities of that hospital have been coming here and asking year after year for more room, that they might accommodate the people that

the State compelled them to take. They have told the State Legislature year after year that they were cramed for room and asked them to build them new wings that they might take care of them in a suitable manner. The number is all the time increasing. What are they to do with them? Turn them out doors? No, they must take them and do with them the best they can. I have no doubt they do it.

Now the senator from York no doubt will come here next year if he has good luck, many of us will not. Now that should be one of the first things that any of the senators do who come here. It should be one of the first questions to arise in a senator's mind, to see to the needs of the institutions of our State. Do that first, and then see how much money you have got for private institutions, for roads and for bridges and all that sort of stuff, of which practically every member of this Legislature has a pocket full when he gets here. Forget that for once and see what your State institutions need, and do away with just such conditions as the senator, and I have no doubt, exist today across the river. It is not to my mind the fault of those people, the managers of those institutions, for they have again and again called the attention of the State to these things, only to have a deaf ear turned to them.

Mr. SMITH of Penobscot: Mr. President, I want to defend the gentlemen over across the river in this, that they came here this year and asked for appropriation to renovate two of the wings, and the committee went over there and investigated and found that they needed it. But when we came back here to the halls of the Legislature, the appropriation committee, the Governor and the representatives and the senators, a large number of them, said it would be impossible to make an appropriation, this year. But these gentlemen across the river urged it. They said they needed it. They showed the condition, both by day and by night, and the committee, a part of the committee, felt that we ought to report that, but a majority of the committee was not in favor of making the appropriation. But the gentlemen across the river

certainly asked for appropriations.

Mr. MURPHY of Cumberland: Mr. President, it seems to me it is not up to us to build a new addition to the insane asylum at the present time. There is no need of any great long speeches on the subject either. The question is whether or not we are going to pass this bill. It seems to me no one ought to object to an order on the State treasurer for any amount of money, given by a steward or whoever has authority to give such an order. It seems to me it ought to be negotiable just as so much money would be.

And I am opposed to laying this bill on the table. As far as the lobbying is concerned, we don't want any more of it, and the longer you put it off the more we will get of it. I want to be on record as favoring this bill and against laying it on the table.

Mr. WALKER of Somerset: Mr. President, I wish to go on record as favoring this bill. When I came into the Senate, this morning, I was undecided, but I have been listening to the arguments and have made up my mind that this is the proper course for me to take.

After listening to these arguments as candidly as I am able to do, it seems to me that the argument has drifted entirely from the subject matter, and I do hope, Mr. President, that we shall not be fooled by any argument which may be advanced here either for or against the farmer, or either for or against these two officials of the institution across the river, but that we shall devote our thoughts to the subject matter of this bill and vote accordingly.

The PRESIDING OFFICER: The Chair wishes to call the attention of the Senate to the fact that this debate continued by consent on the motion of the senator from York.

Mr. BAILEY of Penobscot: Mr. President, I move the previous question.

The PRESIDING OFFICER: The pending question is on the motion of the senator from York, Senator Cole, that the bill lies on the table.

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



The PRESIDING OFFICER: The question is now upon the motion of the senator from Kennebec, Senator Dutton.

Mr. ALLEN of Kennebec: Mr. President, I am glad I have learned one thing in connection with this discussion, the senator from Cumberland has been converted. He has been a noted tabler of bills all this winter, and this is the first time he has suggested a hurried action. So something has been accomplished.

I wish to say that I do not oppose this main bill. I want the senator from Penobscot to understand this, but I am particularly interested in that amendment, and I feel that I have a right to be, and in fact I can safely say that I have been interviewed by some of my people in my county on that one thing more than any other matter, this winter. If the senator from Penobscot can assure me that the amendment is broad enough to take care of that particular line, I should be glad to vote with him to sustain the bill.

Mr. RICHARDSON: Mr. President, the amendment the senator refers to was drawn by the State auditor for the identical purpose of taking care of the farmers and the small cash purchases made whatever they may be. I do not see how we can go farther than that. This amendment is aimed at just the objection which the senator has made. I think we can safely leave it to judgment of the auditor.

Mr. DUTTON: Mr. President, before the matter is disposed of, I would like to say that if in the heat of discussion I have said anything reflecting upon the committee, it certainly was not so intended, for I have great respect for the senator from Penobscot, and I stated that I thought the bill was designed to cover a situation which they no doubt thought it would cover. I do not wish my remarks to be construed in any way as a reflection upon the senator from Penobscot, or any member of his committee.

Mr. COLE: Mr. President, in order that I may explain the position in

which I am in regard to this matter, I would say it is a good deal like the practice of law in New Hampshire. They have a very loose practice there. I had a case there one time and it was very doubtful whether the parties according to our Maine pleadings were rightfully in court. I filed a demurrer, and the court said "I am going to overrule that demurrer. When anybody comes into this court, if you bring a case to collect a bill, if you amend it enough, we will grant you a divorce under it. As long as you are in court, that is all we ask." So when I visited that institution across the river the other night, I made a firm resolve that if the opportunity came to express my mind, I would do so. This seemed to be the nearest chance that I could mentally amend the bill enough to get in under it and I took the opportunity.

The pending question being on the motion of the senator from Kennebec that the bill be referred to the next Legislature, a viva voce vote was taken, and the motion was lost.

The pending question then being the reconsideration of the vote whereby this bill was passed to be engrossed in the Senate, the vote was reconsidered.

House Amendment A was then adopted in concurrence.

The bill, as amended, was then passed to be engrossed.

Mr. DUTTON of Kennebec: Mr. President, I would like to call up a matter that was passed yesterday in relating to the employes about the State House during this session of the Legislature. I move that we reconsider the vote whereby we accepted the report of the committee on that bill, the report of the committee on appropriations and financial affairs.

The motion was agreed to.

Mr. DUTTON: Mr. President, this is a matter which had a unanimous report of the committee. This is not another instance on my part of criticising the report of a committee. I think perhaps the situation is not understood. A hearing was held on this

bill before the committee. It relates solely to the employes who do work around the State House, and no one appeared before the committee, as I understand, in favor of it, and like a good many committees, they assumed that no one was in favor of the bill, and that they might as well report it "ought not to pass."

It has always been the custom for 20 years and has continued down to this present Legislature for the Legislature to make an appropriation of \$25 each for the men who work about this State House.

There is not only a precedent for this, but there is a good reason for it. Most of these men are required during the session of the Legislature to wear a uniform and they are put to additional expense on that account, and the idea of the Legislature has always been to not only reimburse them for that, but for additional time which they necessarily have to put in.

I feel that when this matter is brought to the attention of the Senate, we should be willing to pay this amount to these men, and for the purpose of getting an expression of the Senate, I move that we substitute the resolve for the report of the committee.

Mr. BOYNTON of Lincoln: Mr. President, on the last days of all sessions of the Legislature one of the chief occupations of the committee on appropriations and financial affairs is to look for petty graft, for it comes from all directions, employes or official, high or low, when it is not one thing it is another, to see if he cannot get a little more; have a little additional. He knew all the time what he should have, but he wants to get so much more for it will be so much clear gain.

Senator Dutton thinks this is a precedent handed down for a generation, but it was not so at the session, two years ago. Then this graft was cut off and now that we have it cut off, let it stay cut. These men down stairs knew exactly what their pay would be when they came here. They hadn't got in here and had their new places filled before this bill came to the Legislature, not only for themselves that

were in, but for those that were trying to get in, and I understand there were more than 100 applications for places. If it is thought necessary for the men to have \$25, let some of the other applicants come in. These men sit around the State House and during many months of the year do nothing, and simply because there is something to do during the session, they think they must have extra pay.

Mr. WALKER of Somerset: Mr. President, it looks to me if we appropriate \$25 for the men, that it would be more sensible to pay it to the men who did not get positions.

Mr. DUTTON: Mr. President, may I inquire of the senator of Lincoln through the Chair if he is correct in his statement in regard to this appropriation, last session.

Mr. BOYNTON: Mr. President, I will say that I am as positive of this as I can be of anything.

Mr. COLE of York: Mr. President, I think there is no doubt the senator from Lincoln is right for as long as the appropriation was made, Kennebec was Republican.

Mr. PACKARD of Knox: Mr. President, it seems to me if we are going to give \$25 to anyone, that we had better give it to the members of the Legislature for extra time spent here. That is all I would be in favor of.

Mr. DUTTON: Mr. President, I now move that the bill be substituted for the report.

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

The question being on the acceptance of the report of the committee, a viva voce vote was taken, and the report of the committee was accepted.

On motion by Mr. Richardson of Penobscot, unanimous consent was given, and that senator presented the following reports of the committee on appropriations and financial affairs:

"Ought to pass" on resolve in favor of Cassie K. Turner, for services rendered the committee on salaries and fees as stenographer.

"Ought to pass" on resolve in favor of the clerk and stenographer to the committee on banks and banking.

The reports were accepted, and the resolves were tabled for printing.

From the House: The report of the committee on the order of procedure in the removal proceedings in the case of William H. Hines, county attorney of the county of Androscoggin.

This report was received in the Senate, yesterday, accepted and sent down for concurrence. In the House, pending acceptance of the report, House Amendment A was adopted.

In the Senate, House Amendment A was adopted in concurrence.

The same amendment was adopted in concurrence in the cases of Lewis W. Moulton, John W. Ballou and Wilbert W. Emerson.

The several reports were adopted, as amended, in concurrence.

On motion by Mr. Hersey of Aroostook,

Adjourned until this afternoon, at half past three o'clock.

### SENATE.

Thursday Afternoon, April 3, 1913.

Senate called to order by the President.

Prayer by Rev. Herbert L. Nichols of Hallowell.

Journal of previous session read and approved.

On motion by Mr. Stearns of Oxford, unanimous consent was granted, and that senator presented the following order, which was adopted:

Ordered, that the Senate hold one session a day beginning at 9 o'clock in the forenoon until otherwise ordered.

Mr. STEARNS: Mr. President, I will say in explanation of this order, that it would seem desirable to hold a session at nine o'clock in the morning in order to give the Senate an opportunity to dispose of such routine matters as are very likely to come up before the Legislature goes into joint convention on the proceedings in relation to the removal of the various officers.

It is my understanding that the House will also meet at nine o'clock for the same purpose, and that was

the purpose of this order at this time.

Papers of the House disposed of in concurrence.

From the House: Senate Document 646, An Act to revise, collate, arrange and consolidate the inland fish and game laws of the State, both general and public, and private and special and the rules and regulations of the commissioners of inland fisheries and game now in force.

In the Senate this bill was passed to be engrossed. It came from the House amended by House Amendments A, B, C, D and E.

On motion by Mr. Wing of Franklin, the vote was reconsidered whereby this bill was passed to be engrossed.

Mr. ALLEN of Kennebec: Mr. President, I might say a word in explanation of these several amendments. They are for the most part for correcting little irregularities that accidentally occurred in codifying the laws; a few things that were overlooked but the amendments make no special change. The amendments are all suggested by the committee.

I move that the amendments be adopted.

The several amendments A, B, C, D and E were then adopted in concurrence.

The bill, as amended, was then passed to be engrossed in concurrence.

From the House: An Act regulating and establishing mileage rates for the conveyance of passengers over the steam railroads in the State.

This bill came from the House accompanied by a veto message of the Governor which was read by the secretary. The bill having originated in the House, the veto message was first received by that body. Two-thirds of the members of the House having voted affirmatively to pass the bill notwithstanding the objection of the Governor, the bill came to the Senate.

The PRESIDENT: The Chair will state that if two-thirds of the members of the Senate shall vote for the bill becoming a law notwithstanding the objection of the Governor, it will become a law. The pending question is shall the bill become law notwithstanding the objection of the Governor?

Mr. HERSEY of Aroostook: Mr. President, I must believe that the House acted this morning under a misapprehension of their duties in this particular. It is true that this bill that has been vetoed was before this Legislature, and I think without any question passed both houses and went to the Governor. It went along contemporaneously with the utilities commission, both being in the Legislature at the same time, and both passed and enacted about the same time. I don't know which one went through first. One has reached the governor and been approved, the utilities commission; the other has been vetoed.

The Governor is absolutely correct when he says in his veto message that the utilities commission that has been approved by this Legislature and approved by the Governor was organized for this very purpose of settling and regulating and establishing the rates of both passenger and freight service on railroads in this state.

Now I can understand why no objection was raised to this during the progress of these two measures. If the utilities commission had not become a law, there might be some reason for establishing mileage rates by a special act, and so both went on together. I cannot see but that the reasoning of the Governor is correct, that there is no use for this bill now. It is taking away, if you do anything, a part of the power of the commission.

Now it seems to me, Mr. President, that the commission established by this Legislature, the utilities commission, has great authority over this matter, more than this private act, circumscribed as it is, of trying to regulate mileage books.

Section 44 says: "If upon such formal public hearing the rates, tolls, charges, schedules or joint rates shall be found to be unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of the provisions of this act, the commission shall have power to fix and order substituted therefor such rate or rates, tolls, charges or schedules as shall be just or reasonable. If upon such public hearing it shall be found that any regulation, measurement, practice, act or service complained of

is unjust, unreasonable, insufficient, or unjustly discriminatory or otherwise in violation of any of the provisions of this act or if it be found that any service is inadequate or that any reasonable service cannot be obtained the commission shall have power" etc.

Now you cannot get a broader law than that to regulate the affairs and charges and mileage of railroads, and you should not attempt by any special legislation to restrict the power of your commission. And I say the Governor absolutely is right and should be sustained in his views.

On the other hand, Mr. President, it seems to me, from a legal standpoint, that there is a more serious objection to overriding the Governor's veto at this time than this, and the Governor has seen it in his message, when he called our attention to the fact that the act creating the public utilities commission would go into effect September next, and that the act to regulate mileage rates will not go into effect until July.

Now think a moment—you who are lawyers in the Senate will bear me out in this—that frequently legislatures enact legislation where one act seems to be antagonistic to and opposed to another; in other words, I have known two or three different acts, covering the same thing practically, passed by the same legislature, and the only way you found out which was law used to be years ago to find which one was signed first, and then say the one that was signed last overruled or repealed the first act. Now we have a referendum in which you have ninety days before it becomes a law after the Legislature adjourns. And if this becomes law and you override the Governor's veto, you have a utilities commission that goes into effect in September, and this law would go into effect in July. Just think of it. One is antagonistic to the other. You have attempted to fix mileage rates by a special act and in September another act becomes a law, September 1st, by which all laws inconsistent with it are repealed, and I say as a lawyer that you repeal this special law, if you override the Governor's veto, by the act in September.

Now shall we put that up to the

courts? Should there be a doubt about this? Should this matter come into the courts and be threshed out as to whether I am correct in my law or not as to this? It should not be so. Surely there is a conflict between these two statutes, and I say from my point of view, when the utilities commission goes into force September 1st, it repeals the prior act which goes into effect in July.

But there is something else, Mr. President, which seems to me a more serious objection than this. I don't suppose this Legislature wants to enact legislation unless they can accomplish something by it. The mere lumbering up the statute book with useless statutes is of no consequence to us. I was in the Legislature in 1909, and there came before the Legislature, as some of you remember, a mileage bill which was meant to apply to the Bangor & Aroostook Railroad. They issued a mileage book which was not transferable. The man's name who owned it had to be written in the book and he could not transfer it to his neighbor. And to avoid that we enacted a law. At that time you bought a thousand miles and you paid two cents a mile. It was very satisfactory, and the only thing that wasn't satisfactory was that you could not transfer it. And we enacted a law in 1909,—which is on the statute books, but was of no earthly consequence to us,—we thought we were doing a good thing—that the Bangor & Aroostook Railroad should not after this act became a law, issue any mileage book with anything on it in the way of signing your name, or that it should not be transferred or anything of that kind, so as to make it transferable to whom you pleased, pass from hand to hand, and we went home and thought we had done something for the people.

What did the Bangor & Aroostook do? Oh, they took off what you said they should take off, the transfer business, but they put it up to two and one-quarter cents. And we thought that we were doing a big thing. But we had to put our hands in our pockets and pay \$2.50 more for every thousand miles of mileage than

we had before, and you ought to have heard the people damn us.

Now if we enact this law, this little piece of legislation, that the railroads of this State that now issue a mileage book of a thousand miles must issue a five hundred mile book, what will happen to you? You know what will happen to us. We will not get any mileage books at all. The railroads will do business much the same. And they will do not the kind of business that we try to do, but they will do business in a business way. It will not amount to a fiddle to them whether they issue mileage books or not. Their affairs are directed by this commission. And neither this legislature nor any other legislature has a right under the law to oblige any railroad to issue mileage books. The courts have so decided over and over again. And they can simply say, "We will not issue any mileage books." Then where are we? The law don't amount to anything.

Now, I say because of those reasons, Mr. President, because of the reasoning of the Governor who is absolutely right, that you have organized a commission to do this very thing—because of the fact that the law going into effect September 1st will repeal any prior acts, you have made the law void—and third because the railroad can avoid what you seek to obtain without hurting them a bit—it seems to me that we ought not to stand here in our places and override the veto of the Governor.

Mr. COLE of York: Mr. President, I would like to ask if the amendment offered in the House has been incorporated in the new draft known as House bill No. 486.

The PRESIDENT: The Chair will state that the amendment was adopted in both branches and has been incorporated in the new draft.

Mr. COLE: Well, I just want to say a word, Mr. President, that it seems to me that perhaps this new draft incorporates something in it which even the public utilities commission would not have an opportunity to regulate, because it compels railroads who are able to organize small branch roads,

small railroads under a different title, and operate them as independent railroads at a must higher mileage and with altogether different regulations from the rules and regulations which govern the operation of the main lines. And I know that has been done in a number of instances within our own State.

The amendment which was offered in the House compels the railroad, when it is operating one of those so-called branch lines which is in reality a part of the great corporation itself, to allow the use of its mileage books good on the main line on these branch lines, although the two lines are operated under different titles, and different titles only—one management, one result, but to the public two entirely different results, because the mileage rates on the branch lines are a great deal in excess of the mileage rates on the main lines.

I do not know that under the public utilities bill, the public utilities commission would have any authority, with those two corporations organized as they are, to compel the lesser corporation to accept the mileage books of the greater corporation over the line of the lesser corporation. But it seems to me that if this bill should be enacted into law, that the railroads operating under those circumstances would be compelled to accept over their own lines, main lines or branch lines, their own mileage books. This bill does not attempt to regulate the rates, but it simply says that if the road does issue thousand mile books it shall issue five hundred mile mileage books. It is not proposed to compel them to issue either, but it does say that if they issue the one they shall issue the other.

This matter came up in the State of Massachusetts quite a number of years ago with the Boston & Maine Railroad, and all other railroads—I happen to know more of the operation of the Boston & Maine because I rode over that line, and for many years we were compelled if we wanted to buy a five hundred mile book, to get one in the state of Massachusetts and ride from the New Hampshire line to Bos-

ton, and from Boston to the New Hampshire line on that, and by regular fare from Newburyport to Portsmouth, which is my home city so far as travel is concerned.

After a few years, however, the Boston & Maine Railroad began to issue five hundred mile mileage books, good not only upon its main lines, but upon many of its branch lines. I presume that the other railroads within the State could just as well issue five hundred mile books as to issue one thousand mile books if they saw fit to do so.

The proponents under this bill do not attempt to regulate the price. That is still left to the utilities commission. It is only in the matter of the issuance of books, and I do not know that the Governor has not taken a wrong view of the matter. I think perhaps he did not understand the amendment that was included in it; and I am doubtful at the present time, after having studied the bill a little and having had that amendment brought to my attention as it was just a few moments before the session opened, whether the utilities commission can give the relief to the people who happen to live upon these branch lines, which they should have, because they are simply paying tribute to the same great corporation under a different name and for the purpose of extortion only. The Boston & Maine and the Maine Central and all these do not operate these branch lines under separate names without having some purpose in mind in doing it, and if that purpose is simply to get a larger mileage rate over the branch lines, it is done at the expense of the people who live on those branch lines, and if the State of Maine can give those people any relief, it seems to me that it is right and just that they should do it.

While I dislike to vote against the Governor, I fear that he may be mistaken although honest in attributing his veto to the fact that the public utilities commission has full control over it. But lest it may not have full control over it, I do not believe any damage will be done, I do not believe

that any injustice will be done to the Governor, and I believe that justice may be done to the people if we sustain this bill.

Mr. BAILEY of Penobscot: Mr. President, this bill, as I understand it from some of the railroad committees, came before it and it was discussed by them and the proponents of it and the representatives of the railroads. It was also afterwards amended by the proponents of the bill and by the committee, and after the bill had been shaped up it was reported to the House. It was practically satisfactory to the railroads who appeared at the reading.

Now if the bill is satisfactory to the railroads, and we must assume that it is satisfactory to the people of the State, I do not see why it should not be satisfactory to the Governor. It seems that the committee on railroads had a thorough hearing on this matter. The men who compose that committee are men of brains and intelligence, and they went over this matter and they made a unanimous report to this Legislature. The Legislature sustained their report and voted to pass this bill.

I myself, probably others, looked at the bill, or, at least, talked with some one before voting for it. It was laid on the table. I think the senator from Sagadahoc, Senator Maxwell, laid it on the table for three or four days in order that senators might get a chance to examine it. And there is a demand for such a bill as this. If, as I said before, the railroads are practically satisfied, and the people are satisfied, why should there be anything for the public utilities commission to do? The public utilities commission will be busy enough when they get started about things where the people are dissatisfied and where there is ground for complaint, and the reasoning of the Governor in his message does not appeal to me as being sound in this particular instance.

The bill, I can see, would be a help to the people of the State in that they will not have to buy so much mileage from scalpers, and they will not tie so much money up in thousand mile

books. And further than that, I think the reason why the railroads offered no serious objection to it was because they realized that people would put out more money for these five hundred mile books and that they, the railroads, would get the benefit of the people's money. I heard a senator say today that he bought three of the one thousand mile books on one railroad and one of the one thousand on the other in a year, so that the railroads got to a certain extent the benefit of his money for during the year he advanced so much to them.

More of the people will invest their money for the benefit of the railroads, and the railroads will get the benefit of that amount of money which they pay for these five hundred mile books. As it is in practice now, a man who travels but little will go to a scalper and hire a book, paying two and a quarter cents or two and a half cents a mile rather than put the money out for a book for his own use; because, as I said before, one of the thousand mile books requires the outlay of twenty dollars, whereas if this bill goes into effect I believe that those people who have patronized scalpers in the past will to a large extent buy books of their own, and it will be a saving to the people at large of our State. And I, for one, do not see how the public utilities could help or aid or explain or determine this matter any better than it has been already. As has been already stated, the bill simply says that where a railroad has issued a mileage book before for one thousand miles, it shall now issue one for five hundred miles, and I do not see where the public utilities commission would be brought in to fix or determine any question in regard to it. I believe it would be not only a benefit to the State and the people of our State, but also it would be a benefit to the railroads. And I think myself, Mr. President, that the Senate should vote to pass this bill notwithstanding the objection of the Governor.

Mr. HERSEY of Aroostook: Mr. President, I hope that what the senator from York, Senator Cole, has stated is not exactly true. I do not

mean that he has attempted to deceive us, it is his opinion that I am speaking about, that the public utilities is such a weak instrument, which he helped to make, that it cannot cover this case. I should be ashamed of this bill that he labored and worked for all winter if it cannot do what it was intended to do. In other words, if it cannot cover a branch railroad in the State, although the bill says, all railroads operated in the State. The river is covered, but the stream is not, the tributary is left out. I am sorry the senator did not find this out before the bill was passed to be engrossed. I also regret that the senator from Penobscot, Mr. President, has got the idea, although he was not on the railroad committee, that the railroads are clamoring for this legislation and want it. That was a surprise to me, that they wanted some law from this Legislature that would give them the right and great privilege of doing what this bill calls for them to do. Somebody is mistaken. I think it must be the senator from Penobscot.

Mr. President, I think that the utilities commission has absolute authority to regulate this matter. Further than that, that it will be regulated whether you overrule the Governor's veto or not; they will regulate the affairs of the railroad in this State regardless of this piece of legislation if you pass it. The commission has authority to raise rates, lower rates and change the acts and practices of railroads in every particular, and unless they have that authority, the commission will not amount to anything.

What happened in Massachusetts? Massachusetts had a different railroad law from what we have had for years. The committee regulates all the railroad affairs within that state. What happened there? The same thing that happened in Massachusetts will happen in Maine under the utilities commission, where the Boston and Maine today sells tickets just the same as it sells mileage, the same rate. There is no distinction. That will happen in Maine. A man will go to the ticket window of any railroad office and buy

a ticket for the same price that he pays for mileage. There will be no difference and you know it. That is the way it will be regulated.

Any bill that you pass here will not go into effect until July, and in September that will be done by the utilities commission, and you will pay for a ticket just what you pay for mileage. I cannot see what you are accomplishing, nothing but overriding your Governor.

Mr. PACKARD of Knox: Mr. President, being a member of the railroad committee, I wish to say that everything that the senator from Penobscot stated here is a fact. And also that I have talked with some of the representatives of the railroad since this veto came into the House, and they said that the law was agreeable to them.

Mr. ALLEN of Kennebec: Mr. President, I would say that as this bill, as you all know, laid on the table some time and was retabled, I asked the senator from Waldo what the matter was with it, and he says "nothing." He said that the railroad people were satisfied with it. And I believe why they were satisfied with it was because there was a public demand for it and they stood ready to meet that demand.

Realizing the fact that we passed a public utilities bill sometime ago which was signed by the Governor, then after that this bill came up and was tabled, I ask why the learned lawyer from Arcostook did not inform us that this was unconstitutional and have it indefinitely postponed then. It is my honest opinion, if the public utilities bill had not passed, this would have passed without a murmur. The people want it. The railroad people are ready to grant it. Now then if this is passed it becomes a law about July 1st. I want to ask the senators when it would become a law under the utilities commission? And what must we do as citizens of Maine to have this become a law? If I understand it correctly, we must take the initiative. We must start a petition. We must go to the trouble and expense of having a hearing to get up to the very point that we are at now in order to accomplish what we want to accomplish at this



time. I think it should have a passage.

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

The yeas and nays were ordered and the secretary called the roll.

Those voting yea were: Messrs. Allan, Allen, Bailey, Burleigh, Cole, Jillson, Mansfield, Moulton, Murphy, Packard, Patten, Richardson, Walker—13. Those voting nay were: Messrs. Colby, Conant, Dutton, Hersey, Reynolds, Smith, Stearns, Wing—8. Absentees: Messrs. Boynton, Chase, Clark, Emery, Flaherty, Hagerthy, Hastings, Maxwell, Morey—9.

Thirteen senators having voted yes and eight having voted no, the bill failed to become law notwithstanding the objections of the Governor.

From the House: Senate Document 575, An Act relative to compensation to employees for personal injuries received in the course of their employment and to the prevention of such injuries.

In the Senate this bill was passed to be engrossed. In the House it was passed to be engrossed in concurrence. In the House on its passage to be enacted, it was indefinitely postponed.

The PRESIDENT: The Chair believes that the proper procedure to be in the Senate the passage of the bill to be enacted, regardless of the fact that the bill failed to pass in the House. Subsequently the bill having failed to pass in the House, the Senate may ask for a committee of conference on the disagreeing action of the two branches.

The bill was then passed to be enacted.

Mr. STEARNS of Oxford: Mr. President, while I feel disappointed in the action of the lower branch, and almost compelled to give expression somewhat to my feelings at this time, I think that I will refrain from doing so, but I will ask and I move at this time that the Senate insist upon its action and ask for a committee of conference.

The motion was agreed to and the Chair appointed as the Senate members of the committee of conference on the disagreeing action of the two branches: The senator from Oxford, Senator

Stearns, the senator from Kennebec, Senator Dutton and the senator from Cumberland, Senator Murphy.

#### Senate Bills in First Reading.

Resolve in favor of Cassie K. Turner for stenographic services rendered the committee on salaries and fees.

Resolve in favor of the clerk and stenographer to the committee on banks and banking.

#### Passed to Be Engrossed.

Resolve in favor of Children's Hospital, Portland.

Resolve in favor of the Commissioners of Pharmacy.

An Act providing temporary clerk hire for the Register of Probate in Piscataquis county.

An Act providing temporary clerk hire for the Clerk of Courts in Piscataquis county.

An Act providing temporary clerk hire for the Register of Deeds in Oxford county.

An Act providing temporary clerk hire for the Clerk of Courts in Cumberland county.

An Act providing temporary clerk hire for the Register of Probate in Kennebec county.

An Act providing temporary clerk hire for the Register of Probate in Penobscot county.

An Act providing temporary clerk hire for the Register of Deeds in Penobscot county.

An Act providing temporary clerk hire for the Clerk of Courts in Aroostook county.

Resolve in favor of Louis O. Haskell, clerk of the Committee on Education.

Resolve in favor of the clerk for the committee on labor.

Resolve in favor of Louis O. Haskell, clerk to the committee on agriculture.

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

Resolve in favor of C. M. Conant.

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

Resolve in favor of T. W. Prince, for services rendered as clerk of the Senate committee on bills in the second reading.

Resolve in favor of Cassie K. Turner for services as stenographer to the sub-committee on the public utilities commission.

Resolve in favor of Louis O. Haskell, clerk of committee on agriculture, for committee expenses.

Resolve in favor of the clerk of the committee on sea and shore fisheries.

An Act to legalize and confirm the action of the Litchfield Plains Cemetery Association at the annual meeting on the 7th day of December, 1912.

Resolve in favor of M. S. Hill, clerk to committee on taxation.

Resolve relating to amendments to the Constitution. (As amended by Senate Amendments A and B.)

#### Passed to Be Enacted.

An Act relating to the Portland Gas Light Company.

An Act to amend section 15 of chapter 8 of the Revised Statutes, relating to the Board of State Assessors.

An Act to incorporate the York County Power Company.

An Act to amend section 51 of chapter 51 of the Revised Statutes, in relation to certificates of safety granted by the railroad commissioners.

An Act to amend section 61 of chapter 7 of the Revised Statutes relating to the prevention of fires from locomotives run through forest lands.

An Act to incorporate the Winthrop Water District.

An Act to incorporate the Kingman Telephone Company.

An Act to regulate the sale of morphine and other hypnotic or narcotic drugs. (On motion by Mr. Moulton of Cumberland, tabled and assigned for tomorrow morning.)

An Act to amend sections 14 and 15 of chapter 393 of the Private and Special Laws of 1909, relating to the Millinocket Municipal Court.

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

An Act to amend section 20 of chapter 67 of the Revised Statutes as amended by chapter 134 of the Public

Laws of 1911, relating to the distribution of personal estate.

An Act to amend section 5 of chapter 117 of the Revised Statutes relating to the salary of the officer appointed to attend the Superior Court of Cumberland county.

An Act to incorporate the Hampden Water Company.

An Act to amend section 3 of chapter 256 of the Private and Special Laws of 1907 in relation to the Cumberland County Power and Light Company.

An Act to provide for the determination and payment of damages in connection with the building of the State bridge between the City of Old Town and the town of Milford and the grading the highway and approaches thereto.

An Act amending section 37 of chapter 28 of the Revised Statutes relating to the protection of life in buildings used for public purposes.

An Act to amend paragraph 2 of section 13 of chapter 9 of the Revised Statutes relating to the taxation of personal property as amended by chapter 80 of the Public Laws of 1909.

An Act to incorporate the Interurban Ferry Company.

An Act to amend section 71 of chapter 79 of the Revised Statutes as amended by Chapter 196 of the Public Laws of 1911, relating to the jurisdiction of the Superior Court for Cumberland county.

An Act for the improvement of streets in thickly settled portions of cities and towns.

An Act to amend section 5 of chapter 113 of the Revised Statutes relating to personal property bargained and delivered to another which shall remain the property of the seller till paid for.

#### Finally Passed.

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

Resolve in favor of the Good Samaritan Home Association, for maintenance.

Resolve in favor of the Maine Home for Friendless Boys, for maintenance.

Resolve in favor of the Healey Asylum of Lewiston for maintenance.

Resolve in favor of M. J. Flaherty.

Resolve authorizing the State treasurer and the State auditor to ascertain and adjust the accounts in the State treasurer's office.

Resolve appropriating money to reimburse Charles M. Conant, chairman of the committee on ways and bridges, for certain committee expenses.

Resolve for the revision and consolidation of the Public Laws.

Resolve in favor of the Eastern Maine Orphans' Home, for maintenance.

Resolve in favor of the Children's Heart Work Society of Maine, for aiding neglected and unfortunate children.

Resolve in favor of Ina E. Chadbourne for services as clerk and stenographer of the committee on insane hospitals.

Resolve in favor of the North Yarmouth academy for repairs and improvements.

Resolve in favor of the Central Maine General hospital for maintenance.

Resolve in favor of the St. Elizabeth's Roman Catholic Orphan Asylum, for maintenance.

Resolve in favor of the Bar Harbor Medical and Surgical Hospital to partially defray running expenses.

Resolve in favor of the York County Children's Aid Society, for maintenance.

Resolve in favor of the Bangor Anti-Tuberculosis Association, for maintenance.

Resolve in favor of the official reporter of the Senate.

Resolve in favor of the clerk, stenographer and messenger to the judiciary committee for services rendered.

Resolve in favor of the Maine Insane Hospital for the erection of piazzas.

Resolve in favor of William H. Mitchell, secretary of the committee of the 76th Legislature for investigation into the causes of the high price of coal.

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

Resolve in favor of the official reporter of the House.

Resolve for the scientific investigation of scallops and the scallops fisheries.

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

Resolve in favor of the Maine anti-tuberculosis association, for maintenance.

Resolve in favor of Marion B. Holway, stenographer of the Senate.

Resolve in favor of Helen Gaffney for services as stenographer to the committee on claims.

Resolve in favor of the Holy Innocents' Home for Infants, for maintenance.

Resolve in favor of the Daughters of Wisdom, for maintenance.

Resolve in favor of the Central Maine Association for the relief and control of tuberculosis, for maintenance.

Resolve in favor of Lee Normal academy, for maintenance.

Resolve in favor of the Oldtown-Orono Anti-Tuberculosis Association, for the treatment of tuberculosis among the Penobscot Indians.

Resolve in favor of the Children's Protective Society, for maintenance.

Resolve in favor of the People's Ferry Company, for maintenance.

Resolve to establish a State nursery to encourage the reforestation of the waste lands of Maine.

Resolve in favor of the Waldo County General Hospital, for maintenance.

Resolve in favor of the superintendent of public buildings, to provide for rail in the Senate Chamber. (On motion by Mr. Cole of York, tabled and assigned for tomorrow morning.)

Resolve authorizing the land agent to investigate the cuttings of lumber on the public lots in the county of Aroostook,

Resolve in favor of the Augusta General Hospital, for maintenance.

Resolve in favor of the Trull Hospital Aid Association, for maintenance.

Resolve in favor of the Children's Aid Society of Maine, for maintenance.

From the House: An Act to amend chapter 129 of the Public Laws of 1913,

relating to the public utilities commission.

In the House this bill was received under suspension of the rules and was passed to be engrossed.

Mr. COLE of York: Mr. President, I desire to make an explanation of the bill. When the act to create the public utilities commission was printed, inadvertently there crept into the copy somehow, unknown to anyone, the word "not" in the fifth line of the 35th section, which makes affirmative a negative, and which instead of restricting the issue of stocks and bonds, gave absolute authority to issue stocks or bonds to the people interested without objection by the commission. How this was included is not known, and this is an act to do what should have been done in the original draft, or do what was done in the original draft, correct an error which crept in there.

I therefore wish to suggest, through the Chair that it might be well for people who send out copies of this bill to withhold them until this can be printed, for every public utility under this bill has absolute authority to issue all stocks and bonds which it wishes for 12 months without the consent of anyone. This is to amend that bill so that it shall be included in the bill.

That explains, Mr. President, all there is to the amendment.

On motion by the same senator, the rules were suspended and the bill was given its two readings and passed to be engrossed without reading in detail and without reference to a committee.

#### Orders of the Day.

The PRESIDENT: The first assignment this afternoon is the Resolve in favor of the Maine Insane Hospital to

liquidate a deficiency in certain accounts, Senate Document 472.

The pending question is the motion to insist and ask for a committee of conference.

Mr. COLE of York: Mr. President, I move that we insist and ask for a committee of conference.

The PRESIDENT: The Chair will state the parliamentary situation. This resolve was passed to be engrossed in the Senate, and now comes from the House with House Amendment A adopted. The Senate voted to indefinitely postpone House Amendment A.

The motion was agreed to, and the Chair appointed as Senate members of the committee of conference on the disagreeing action of the two branches, The senator from York, Senator Cole, the senator from Penobscot, Senator Smith, and the senator from Cumberland, Senator Moulton.

The PRESIDENT: The next matter is an Act to establish a neutral automobile zone with adjacent states.

Mr. STEARNS of Oxford: Mr. President, at the time this bill was tabled, I was not informed as to the nature of the bill. I now understand that this is in effect a reciprocity proposition between the States of Maine and New Hampshire. As far as I am informed, it is entirely proper and I move that the rules be suspended and that this bill take its several readings at this time and pass to be engrossed in concurrence.

The motion was agreed to, the bill was given its first and second readings and was passed to be engrossed.

On motion by Mr. Reynolds of Kennebec,

Adjourned until tomorrow morning at 9 o'clock.