

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

AUGUSTA
KENNEBEC JOURNAL PRINT
1916

HOUSE.

Tuesday, February 27, 1917.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Sisson of Island Falls.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

Senate 205. An Act to amend Section 10 of Chapter 117 of the Revised Statutes, relating to stenographers of the supreme judicial court.

Senate 58. An Act to amend Chapter 396 of the Private and Special Laws of 1909, authorizing the construction of a bridge across Ogunquit river in the town of Wells.

Senate 158. An Act to provide a penalty for evading taxicab and public automobile fares.

Senate 208. An Act to secure information relating to the yearly cut of timber from the wild land townships.

Senate 204. Resolve for indexing the documents filed by the legislatures of Maine since 1820, now in the office of the secretary of the Senate.

Senate 206. Resolve in favor of the Maine School for Feeble Minded for maintenance and other purposes for the years 1917 and 1918.

The following bills, resolves and petitions were presented, and, on recommendation of the committee on reference of bills, were referred to the following committees:

Education.

By Mr. Harman of Stonington: An Act to amend Section 172 of Chapter 16 of the Revised Statutes of 1916, relating to teachers' pensions. (500 copies ordered printed.)

By Mr. Barnes of Houlton: An Act to provide for tuition in normal schools in certain instances. (500 copies ordered printed.)

By Mr. Snow of Mars Hill: Resolve in favor of the secretary of the com-

mittee on education for certain committee expenses.

Inland Fisheries and Game.

By Mr. Averill of Prentiss: An Act providing for a bounty on bears in Aroostook, Penobscot, Piscataquis and Washington counties. (500 copies ordered printed.)

By Mr. Langley of Lewiston: An Act to amend Section 61 of Chapter 32 of the Revised Statutes of the State of Maine, relating to inland fisheries and game and the record of the purchasing of furs. (500 copies ordered printed.)

By Mr. Watson of Parkman: Petition of Giles M. Fogg and other citizens of Piscataquis county, in favor of opening Whetstone Pond to ice fishing.

By Mr. Tate of Topsham: Remonstrance of F. C. Wright, D. D., and 38 others of Topsham, against House Bill No. 44, relating to Sunday hunting.

By Mr. Lewis of Boothbay: Remonstrance of Franklin F. Phillips of Boothbay Harbor against same; also remonstrance of William A. Cochran and 28 others of Edgecomb against same.

By Mr. Farrington of Augusta: Remonstrance of William R. Wood and 17 others against same.

By Mr. Allan of Portland: Remonstrance of W. W. Andrews and 20 others of Portland, against same.

By Mr. Ryder of Brownville: Remonstrance of A. J. McNaughton and 8 others of Foxcroft, against same.

By Mr. Rowe of Yarmouth: Remonstrance of Mrs. Emily F. Skillin and 34 others of North Yarmouth, against same.

By Mr. Bussabarger of Lubec, Remonstrance of Fay V. Walls and 12 others against same.

Judiciary.

By Mr. Barnes of Houlton: An Act to establish the Farm Lands Loan Commissioners of Maine and to authorize the investment of certain moneys now on deposit in the State treasury, known as the Reserved Land Fund. (1000 copies ordered printed.)

By the same gentleman: An Act to provide for the division and manage-

ment of the school fund from the sale of timber and grass, and from trespasses on reserved lands, and amending Sections 20 and 21 of Chapter 8 of the Revised Statutes. (1000 copies ordered printed.)

By Mr. Brewster of Portland: An Act amending Section 14 of Chapter 41 of the Revised Statutes, in relation to the license fee for itinerant vendors. (500 copies ordered printed.)

By Mr. Barnes of Houlton: An Act to authorize and direct the county commissioners of Aroostook county to enlarge and repair the court house at Houlton, in said county. (1500 copies ordered printed.)

By the same gentleman: Petition of Fred A. Thurlough and 5 others, residents of Aroostook county in favor of same; also petition of C. F. Daggett and 24 others, residents of Presque Isle, in favor of same; also petition of Herbert W. Trafton and 29 others, residents of Fort Fairfield, in favor of same; also petition of Leonard A. Pierce and 29 others, residents of Aroostook county, in favor of same.

By Mr. Emerson of Lewiston: Remonstrance of Benjamin F. Keegan and 76 others against the passage of the police commission bill of Lewiston, unless it contains the referendum clause; also remonstrance of F. O. Golden and 27 others, against same; also remonstrance of George Kavanagh and 38 others, against same.

Legal Affairs.

By Mr. Fletcher of Kennebunkport: An Act to amend Section 1 of Chapter 113 of the Revised Statutes, relating to the election of county treasurers. (500 copies ordered printed.)

Library.

By Mr. Sisson of Island Falls: An Act to amend Chapter 4, Sections 76, 78, 79, 80 and 81 of the Revised Statutes of 1916, relating to free public libraries. (500 copies ordered printed.)

Salaries and Fees.

By Mr. Reed of Bangor: An Act to amend Section 42 of Chapter 117 of the Revised Statutes of Maine, relating to expenses of county commissioners. (500 copies ordered printed.)

Sea and Shore Fisheries.

By Mr. Harman of Stonington: An Act to amend Section 35 of Chapter 45 of the Revised Statutes of 1916, relating to measurement of lobsters. (500 copies ordered printed.)

State Sanatoriums.

By Mr. Barnes of Houlton: Petition of Thomas W. Bubar and 18 others, residents of northern Maine, in favor of the passage of a Resolve establishing the Northern Maine Sanatorium.

Taxation.

By Mr. Barnes of Houlton: An Act to amend Chapter 9, Section 33 of the Revised Statutes of 1916, relating to the taxation of owners of parlor cars. (500 copies ordered printed.)

Ways and Bridges.

By Mr. Welch of Machiasport: Remonstrance of A. J. Preston and six others against the passage of Senate Bill No. 151, taking the control of the highways from the said Plantation No. 14, Washington county; also remonstrance of Seth E. Gray and six others against same.

Reports of Committees.

Mr. Wilson, from the committee on banks and banking, reported "ought to pass" on bill, "An Act to amend Section 107, Chapter 52, Revised Statutes, relating to loans by loan and building associations." (On motion by Mr. Murphy of Calais, the rules were suspended and the bill given its two several readings.)

Mr. Ryder from the committee on federal relations, reported in new draft, under same title, and "ought to pass" on "Resolve to provide for the appointment of a commission to perfect plans for the celebration of Maine's Centennial and the 300th anniversary of the landing of the pilgrims."

Mr. Gurney, from the committee on judiciary, on bill, "An Act to provide a police commission for the appointment of the police force, and a chief of police for the administration of the police force, Lewiston, Maine," reported same in new draft, under title of "An Act to provide for a police commission for the city of Lewiston to promote the efficiency of the

police department thereof," and "ought to pass."

Mr. EMERSON of Lewiston: Mr. Speaker, I move that pending the acceptance of the report of the committee that it lie on the table for printing in its new draft and that 1500 copies be ordered printed so that we may know what the new draft is. I believe the citizens of Lewiston should have the opportunity of knowing about this in as much as there was a referendum in the original bill.

The SPEAKER: The Chair simply reiterates its former statement that the Chair understood that under the rules the report should be accepted and the new draft lie on the table for printing. Under the joint rules, only 500 copies would be printed, but the gentleman can make it 1500 if he wants to.

Mr. EMERSON: Mr. Speaker, my desire was that this might be distributed to our people in order for them to understand the situation. There being a referendum in the original bill, they did not take any action. They thought it was going to the people and the people would decide it, and the people ought to have a voice in the matter. My only object is to be fair, and I feel, gentlemen of the House, that we should have a fair chance in this bill to have a referendum attached.

The SPEAKER: The Chair would ask the gentleman from Lewiston (Mr. Emerson) if he does not understand the position as stated by the Chair. If this report is accepted this morning, the bill lies automatically on the table for printing and it will appear tomorrow morning.

Mr. EMERSON: I understand your position in the matter, Mr. Speaker, and I have stated mine.

The SPEAKER: The gentleman from Lewiston, Mr. Emerson, moves that the report lie on the table pending acceptance. A motion to lie on the table is not debatable.

A viva voce vote being doubted.

A division was ordered.

Mr. EMERSON: Mr. Speaker, I move that the yeas and nays be taken on this matter so that we may stand recorded and know where we are at.

Mr. BREWSTER of Portland: Mr. Speaker, I would ask that the Chair define the issue. I do not understand what the trouble is about.

The SPEAKER: The Chair will state the issue. The matter before the House is on House Report from the committee on judiciary reporting "ought to pass" on bill in new draft and the gentleman from Lewiston makes the motion that the report lie on the table pending acceptance.

Mr. BREWSTER: If that is not done, will the question be on the acceptance of the committee's report?

The SPEAKER: The question then will be on the acceptance of the report.

Mr. BARNES of Houlton: Mr. Speaker, I rise for information. As I understand, this is a long and somewhat detailed bill providing for a new election or appointment of police commissioners for Lewiston and the control of the police department of Lewiston. I understand that it came before the committee on judiciary. I understand that it is reported in a new draft. I further understand that the regular order would be that on the acceptance of the report of the judiciary committee, which cannot prejudice anybody, that the bill will be printed and back in our hands a printed bill tomorrow and we will all know something about the subject matter and be able to take a position. Now do I understand that a vote in the negative on the question would simply put the matter in regular order, and result in a printed bill which would be before us here tomorrow morning? Is that correct, Mr. Speaker?

The SPEAKER: A negative vote on the gentleman's motion would bring the matter up in regular order off the table tomorrow morning. If the motion of the gentleman from Lewiston prevails, under the order

adopted two weeks ago, this would be removed from the table tomorrow pending acceptance of the report.

Mr. BARNES: And if the motion of the gentleman from Lewiston should not prevail, then it would be in order for the House to move the acceptance of the report and have the bill printed for tomorrow morning.

The SPEAKER: The question then would be on the acceptance of the report.

Mr. FARRINGTON of Augusta: Mr. Speaker, as I understood the motion of the gentleman from Lewiston, Mr. Emerson, he wanted the report tabled pending acceptance and 1500 copies ordered printed. I think that was the motion. Now under the rules, if tabled after acceptance of the report, we would have only 500 copies. I think the motion of the gentleman from Lewiston, in order to get the extra number of copies, is a proper motion; and, while I shall vote at the proper time to accept that report, I believe in justice to him he should be allowed to have his extra number of copies and that his motion should be sustained.

Mr. BARNES of Houlton: Mr. Speaker, can we not prescribe the number of copies to be printed on the acceptance of the report?

The SPEAKER: The Chair is of the opinion that no copies could be ordered printed before the report is accepted, because it is not before the House until that time.

Mr. FARRINGTON: Mr. Speaker, the motion was to table the report pending acceptance, and the motion to print the report and the bill which accompanies it in new draft is always in order, as I understand the procedure.

The SPEAKER: The Chair understands that the House can order anything printed by a majority vote.

Mr. DESCOTEAUX of Biddeford: Mr. Speaker, I believe it is right that the report should be tabled and the copies ordered printed, so we may know what the new draft is.

Mr. MURRAY of Bangor: Mr. Speaker, it seems to me that it is only fair to Lewiston, or to any other city which is about to have such a law as this cast upon it, to at least have the opportunity to read the bill, with plenty of time therefor. If they had a referendum on the bill when it came in here, and it is now taken off, it seems to me that this is quite important. I can see no harm in its being tabled and printed so that the people of Lewiston can read it and act intelligently on it. I think this is only fair.

Mr. COLE of Eliot: Mr. Speaker, under Rule 10 of the joint committee, every bill or resolve that comes in here must be and is reported and is laid on the table automatically pending the acceptance of the committee's report and printed. Now, if we are one day ahead on the printing, the report of the committee means nothing. Any amendments that are needed will have to be made in due order as the bill goes through whether you laid a bill on the table this morning without the acceptance of the report, and order the printing, or whether you accept the report and let it be printed automatically, changing the number of copies to be printed from 500 to 1500. If the gentleman from Lewiston desires 1500 copies, I think no member of the House will object and it seems to me you are gaining one day's time; otherwise you are not benefiting the gentleman from Lewiston if automatically tomorrow it goes on and must be acted upon. The acceptance of the report does nothing except carry the report along in the usual order of business. Even after the report is accepted, it does not mean that the bill will pass or fail to pass this House.

It simply means that the machinery will be set in motion whereby the House will be in a position to act in due season. When it comes up tomorrow morning, the gentleman can again move to lay the matter on the table if he desires, and the people of Lewiston will have plenty of time to consider the matter. I believe every member of the House will be willing that it be laid on the table long enough so that the gentleman from Lewiston, and all

his constituents, may have due time to consider the bill and have due time to prepare any amendments desired to be added to this bill, or marshal his forces against it if he so desired. It seems to me the matter should go along in its usual order.

The SPEAKER: The Chair is indebted to the gentleman from Eliot, Mr. Cole, for his reference to Rule 10. There is nothing stated in that rule about the number of copies to be printed. The question before the House is on the motion of the gentleman from Lewiston, Mr. Emerson, who moves that the report be laid on the table pending acceptance. The Chair is very sure that every member of the House understands the status of the matter, and it simply puts the work of the House ahead one day by having these copies printed.

The question being on the motion of the gentleman from Lewiston, Mr. Emerson, that the report be laid on the table pending acceptance.

A viva voce vote being doubted,

Mr. Emerson moved that the vote be taken by the yeas and nays.

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

The SPEAKER: The clerk will call the names of the members and, as the names are called, those who are in favor of the motion of the gentleman from Lewiston, Mr. Emerson, will say aye, those opposed will say no. The clerk will call the roll.

YEA—Albert, Allan of Portland, Andrews of Warren, Babb, Berry, Bolduc, Boman of Vinalhaven, Burbank, Bussabarger, Corliss, Cummings, Descoteaux, Dow, Driscoll, Disk-, Dutton, Emerson, Farrington, Fleming, Fletcher, Goldthwait, Grant, Gurney, Harmon, Hartwell, Holbrook, Holt of Gouldsboro, Holt of Skowhegan, Hooper, Hunt, King, Kneeland, Knight, Largay, Lawrence, Lenfest, Libby, Longley, Meserve, Messer, Morin, Murphy, Murray, Neilon, O'Connell, Packard of Newburg, Packard of Rockland, Pattee, Phillips, Picher, Ranney, Redman, Reed, Richards, Rowe, Russell, Ryder, Sawyer of Eden, Sawyer of Madison, Snow of Bluehill, Snow of Mars Hill, Speirs, Stearns, Stubbs, Turner, Tuttle, Watson, Welch, Webb, Williams, Wilson—71.

NAY—Alden, Allen of Sanford, Ames, Anderson, Barnes, Baxter, Besse, Bowman of Detroit, Brewster, Brown, Buzzell, Cates, Chaplin of Bridgton, Charles, Clark of Harrison, Clarke of Randolph, Clason, Clement, Clifford, Coffin, Cole of Eliot, Cole of Etna, Conary, Creditford, Cushman, Daigle of New Canada, Daigle of Wallagrass, Eaton, Ellis of York, Flint, Gannett, Garcelon, Greenlaw, Hanson, Hall, Hammond, Harris, Hart, Hill, Holley, Howard, Hutchins, Jenkins, Jennings, Jordan of Baileyville, Jordan of Cumberland, Langley, Leavitt, Lyford, McNally, Merrill, Pendexter, Powers, Purington, Rounds, Sisson, Stanley, Wagg, Washburn, Watts—60.

ABSENT—Andrews of Norway, Averill, Billings, Boynton, Brackett, Bragdon, Chaplin of South Portland, Day, Dearth, Ellis of Gardiner, Frost, Larrabee, Levesque, Lewis, Morison, Mutty, Nicholas, Tate—18.

EXCUSED—Newcomb—1.

When Mr. Farrington of Augusta was reached on the roll call, he made the following statement:

I do not want to be misunderstood in my vote on this matter. When this comes to the final clash, I shall be against the gentleman from Lewiston, Mr. Emerson; but I do believe in this instance that the courtesy of the House as to printing ought to be extended to him, and for that reason I shall vote yes.

When Mr. Newcomb of Scarboro was reached in the roll call he made the following statement:

Mr. Speaker, I was called out before the Public Utilities Commission, and I do not really feel that I could vote intelligently on the matter and therefore would like to be excused.

Seventy-one having voted in the affirmative and 66 having voted in the negative,

The motion prevailed, and the report was laid on the table pending acceptance and 1500 copies of the new draft ordered printed.

Public Utilities.

Mr. Gannett, from the committee on public utilities, on bill, "An Act to authorize the Public Utilities Commission to investigate proposed changes in the rates of any public utility and to order refunds in certain cases," reported same in new draft under title of "An Act to authorize the Public Utilities Commis-

sion to investigate proposed changes in the rates of any public utility and to suspend the same pending investigation," and that it "ought to pass."

Mr. Merrill, from the same committee, reported "ought to pass" on bill, "An Act to amend Section 57, Chapter 55, of the Revised Statutes, to authorize revision of the decrees of the Railroad Commissioners."

Mr. Wilson, from the same committee, reported in new draft and "ought to pass" on bill, "An Act to extend the charter of the Rumford Falls & Bethel Street Railway."

Mr. Allan, from the same committee, reported in new draft under same title and "ought to pass" on bill, "An Act to extend the charter of the Washington County Light & Power Company."

Ways and Bridges

Mr. Clason, from the committee on ways and bridges, reported "ought to pass" on bill "An Act to amend Sections 7, 33 and 35, of Chapter 25 of the Revised Statutes, relating to funds for State highways."

The reports were accepted and the several bills ordered printed under the joint rules.

Mr. Webb, from the committee on inland fisheries and game, on petition of Charles A. Thompson and 25 others for a law prohibiting fishing through the ice in Blunt's pond, in the town of Lamoine, reported that "same be placed on file as subject matter has already been acted upon."

Mr. Stanley, from same committee, on petition of N. K. Lincoln and 41 others, relating to fishing through the ice in Androscoggin lake, reported "that same be placed on file as the subject matter will be incorporated in the revised code of inland fish and game laws which will be reported later."

Mr. McNally, from same committee, on bill, An Act to amend Section 18 of Chapter 33 of the Revised Statutes of 1916, relating to fishing through the ice, reported "that same be placed on file, as the subject matter in a new draft (permitting ice fishing during the month of April in certain waters in Aroostook,

Washington, Hancock, Penobscot, Piscataquis and Somerset counties) will be incorporated in the revised code of inland fish and game laws which will be reported later."

Same gentleman, from same committee, on bill, An Act additional to Chapter 33 of the Revised Statutes (1916) relating to fishing in tributaries to Prestile stream in Aroostook county, reported "that same be placed on file, as the subject matter has been incorporated in the revised code of inland fish and game laws which will be reported later."

Mr. Flint, from same committee, on bill, An Act to amend Section 43 of Chapter 33 of the Revised Statutes, 1916, relating to the use of deer in lumber camps, reported "that the same in a new draft (permitting the use of two deer each season in a lumber camp, instead of prohibiting the use of deer therein) will be incorporated in the revised code of inland fish and game laws which will be reported later."

Same gentleman, from same committee, on bill, An Act additional to Chapter 33 of the Revised Statutes (1916) relating to hunting from automobiles, recommended that "same be placed on file and that the subject matter will be incorporated in the revised code of inland fish and game laws which will be reported later."

Mr. O'Connell, from same committee, reported "ought not to pass" on bill, An Act to amend Section 70 of Chapter 33, of the Revised Statutes, relating to licensed marketmen.

Mr. Ferry, from same committee, reported "ought not to pass" on bill, An Act to amend Section 18 of Chapter 33 of the Revised Statutes, relating to fishing through the ice in Upper Stone pond, now known as Virginia lake, in the town of Stoneham, in the county of Oxford.

Mr. Babb, from same committee, reported "ought not to pass" on bill, An Act to amend Section 18 of Chapter 33, of the Revised Statutes of 1916, relating to fishing through the ice in Unity pond, in the towns of Unity, Burnham and Troy, Waldo county.

The reports were accepted.

First Reading of Printed Bills and Resolves

House 381. An Act to amend Section 31 of Chapter 3 of the Revised Statutes, so as to provide for a maximum number of annual reports of the Public Utilities Commission.

House 382. An Act additional to Chapter 51 of the Private and Special Laws of 1907, relating to the pollution of the waters of North, or Varnum's pond.

House 384. An Act to extend the charter of the North Bridgton Village Corporation.

House 385. An Act to amend Chapter 132 of the Private and Special Laws of 1913, relating to the ferry between Indian Island, so-called and the city of Old Town.

House 386. An Act to amend Section 28 of Chapter 64 of the Revised Statutes, relating to registration of vital statistics.

House 387. An Act relating to the jurisdiction of the municipal court of Dexter.

House 388. An Act amendatory of the existing law relating to review by the supreme judicial court of certain orders, decrees and decisions of the Public Utilities Commission.

House 389. An Act providing for court jurisdiction in criminal cases originating in Hibbert's Gore.

House 390. An Act to amend Chapter 239 of the Private and Special Laws of 1913, relative to Lincoln Municipal court, giving the recorder of said court authority to issue warrants upon complaints for criminal offenses.

House 393. An Act to give more power to the local sealers of weights and measures and their deputies.

House 391. Resolve in favor of Freeman Boynton of Boothbay Harbor, in the county of Lincoln, for refund of money paid in lieu of military service in the late war of the Rebellion.

House 392. Resolve to amend Chapter 32 of the Resolves of 1905, as amended by Chapter 96 of the Resolves of 1909, relating to the authority of the commissioner of agriculture.

Passed to Be Engrossed

Senate 201. An Act changing the name of McGurdy Pond to Hilton Lake.

Senate 60. An Act to amend Section 1 of Chapter 11, Revised Statutes of Maine, relating to the collection of taxes and the commitment of poll taxes in incorporated places. (Tabled on motion of Mr. Allan of Portland and specially assigned for consideration on Friday morning.)

Senate 196. An Act to extend the charter of the Rockland, South Thomaston and St. George Railway.

Mr. ALLAN of Portland: Mr. Speaker, I wish to offer an amendment.

The SPEAKER: The Chair lays before the House bill, An Act to extend the charter of the Rockland, South Thomaston and St. George Railway. The gentleman from Portland, Mr. Allan, moves the adoption of Amendment A, as follows:

Amend by striking out the entire second section of the act and substituting in its place the following:

"Section 2. Nothing herein contained is intended to repeal, or shall be construed as repealing, the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of Chapter 55 of the Revised Statutes."

Mr. ALLAN: Mr. Speaker, the force of the amendment is that the act referred to the Acts and Resolves of 1913 instead of the Revised Statutes of 1916.

The question being on the adoption of the amendment,

The amendment was adopted.

The bill then received its third reading and was passed to be engrossed as amended.

House 375. An Act to amend Section 67 of Chapter 45 of the Revised Statutes, relating to scallops.

House 376. An Act relating to the digging of clams within the limits of the towns of Newcastle and Damariscotta.

House 93. An Act to amend Section 10 of Chapter 9 of the Revised Statutes of 1916, relating to the re-assessment of real and personal property.

House 120. An Act to amend Section 11 of Chapter 222 of the Public Laws of 1909, as amended by Section 11 of Chapter 40 of the Public Laws of 1911, relating to damage done to domestic animals by wild animals or dogs.

(On motion by Mr. Sisson of Island Falls, recommitted to the committee on agriculture.)

House 373. Resolve in favor of the town of Westfield for reimbursement for expense incurred on account of State pauper.

House 374. Resolve in favor of A. L. Dow & Company.

Passed to Be Enacted.

An Act to amend Chapter 195 of the Private and Special Laws of 1887, entitled "An Act to amend an act incorporating the city of Waterville."

An Act to amend Section 56 of Chapter 53 of the Revised Statutes, relating to retiring of guaranty capital of mutual fire insurance companies.

An Act to amend Sections 4 and 5 of Chapter 78 of the Revised Statutes, relating to the sale of real estate and contingent remainders.

An Act to amend Section 1 of Chapter 85 of the Revised Statutes, relating to the bonds of sheriffs.

An Act to provide whole family protection for members of fraternal benefit societies.

An Act to authorize the York Shore Water Company to acquire and own certain local securities.

An Act to extend the charter of the Quebec Extension Railway Co.

An Act to amend Section 45 of Chapter 64 of the Revised Statutes, relating to the care and custody of minors.

An Act to provide compensation for town clerks for issuing and recording of burial permits.

An Act to provide for the incorporation of industrial banks.

(Tabled by Mr. Baxter of Portland, pending passage to be enacted.)

An Act to extend the charter of the Salisbury Cove Water Co.

An Act to amend Section 23 of Chapter 124 of the Revised Statutes,

relating to assaults upon or interference with officers.

An Act to provide for a centennial week in 1920, and authorizing cities and towns to raise and appropriate money for the observance thereof.

An Act to create the Van Buren Sewerage District.

An Act to amend Section 38 of Chapter 40 of the Revised Statutes, relative to Old Home Week.

An Act granting Charles H. Scott a right to maintain a ferry across Egg-moggin Reach in Hancock county.

Finally Passed

Resolve in favor of Charles F. Barnes for services as page at the organization of the 78th Legislature.

Resolve in favor of recording and other officers of the House of Representatives of the 77th Legislature for services at the organization of the House of Representatives of the 78th Legislature.

Resolve in favor of the co-operative survey of the boundary line between the State of Maine and the State of New Hampshire.

Resolve appropriating the sum of \$500 for a coat of arms of the State of Maine for the Senate chamber.

Orders of the Day.

On motion by Mr. Baxter of Portland, Senate Document, No. 130, "An Act to amend Chapter 419 of the Private and Special Laws of 1897, as amended by Chapter 155 of the Private and Special Laws of 1899 and by Chapter 308 of the Private and Special Laws of 1901 and by Chapter 387 of the Private and Special Laws of 1907, entitled 'An Act to incorporate the Penobscot East Branch Log Driving Company,'" was taken from the table.

Mr. BAXTER: This bill, Mr. Speaker and gentlemen of the House, relates to the Penobscot East Branch Log Driving Company, which asks for an amendment to its charter. This company was incorporated in 1897, and the Legislature has amended its charter three times—in 1899, 1901 and 1907.

This is a log driving company, as its name implies, and it has power to build

dams, erect piers and booms, and to transact such other business as is proper for such a company.

The bill in itself is in my opinion of but minor importance, except as regards the principles which it involves and, having these in mind, I think it should have our careful consideration. It marks what I hope will be the dividing line between the policy of the past and that of the future.

When I tabled the bill I stated that I would endeavor to outline this morning certain principles which it seemed to me this House might well adopt in dealing with these various water power, reservoir and log-driving bills.

It will give you an idea of the amount of legislation before us when I tell you that there are 33 bills in the committees relating to these questions. They are in three classes: First, the electric bills; second, the reservoir bills; and, third, the log-driving and dam and boom bills. All these companies are here asking either for new charters or for amendments to their existing charters, and I should like to discuss briefly what seems to me to be a proper action for us to pursue.

First, if we take up the electric light and power bills that are before us, it should be unnecessary for me to state to this House that I am not opposed to the proper and legitimate development of our electric powers by private enterprise, but for fear that some of you may have been purposely misinformed, I want to state here and now that I believe in the private development of these powers and that I want to encourage that in every way and that I want to encourage the development by private capital of the resources of the State of Maine.

We should remember that in 1909 this legislature passed an act which prevented the transmission of electric current outside of the State, on the principle that this is one of the State's greatest natural assets and should be kept within the State for the benefit of our own people. Gov. Milliken at that time was a member of the legislature and did everything in his power to help the passage of this law, for he also believed that this great asset should be kept for the benefit of our own people,

and he worked with that end in view and also for the preservation of the lakes of Maine, which was quite an issue at that time.

Some of the water power companies have maintained that this act is unconstitutional. Be that as it may, none of them have cared to test the constitutionality of this act, and it has been accepted as the established policy of the State. But I do not think that they have entirely given up this question, for I have it on direct information that, had it not been for the agitation which has commenced here, some of the large electric companies would have had already prepared bills granting to them special rights to transmit electric current out of this state for their own purposes, and plausible arguments had been prepared to support them.

In order, however, that we may make this policy a definite one, I suggest that the following amendment be placed on all electric power charters which come before us, either as new charters altogether or as amendments to old charters, and I will read the proposed amendment to you, which, by the way, has already been accepted by two of the companies that have presented their bills to us. The proposed clause is as follows:

"But it shall be unlawful for said corporation to transmit electric current for sale or use beyond the limits of this State, or to contract with any person, firm or corporation for the transmission or sale of electric current beyond the limits of this State, and said corporation shall not be permitted to acquire in any manner the franchises of, or consolidate with, or transfer or lease its property, rights and franchise to any other corporation, firm or persons now transmitting or having the right to transmit electric current beyond the confines of the State, without express authority of the Legislature."

It seemed to me to be advisable to make this clause as broad as possible, for, as you all know, there are certain corporations at the present time which have the right to transmit electric current beyond the confines of this State, and that right cannot be taken away from them.

This clause has already been ac-

cepted by two of the companies asking for amendments to their charters. It matters not how small or how large the additional privileges are, which these companies are asking of us. It seems entirely reasonable that they should definitely accept an amendment of this sort which serves notice on everybody that the policy of keeping our electric current for the benefit of our own people is from now on to be insisted upon.

The second class of corporations to which I have referred, is that of reservoir companies and perhaps they are of even more importance than the electric companies. I think that in this class it is our duty to protect the interests of the State of Maine, perhaps even more than in that of the electric companies, for if the State is ever going into the reservoir business, if it ever plans to take control of this asset, I believe it will do so either by developing some of the undeveloped storage reservoirs or, perhaps, by taking over some of the developed reservoirs and making suitable arrangements with the companies along the rivers so that the State can be recompensed for its outlay.

These storage reservoirs are the real source of our water supply, and whatever we do now to protect them, will make it just so much easier for those who come after us and who will be brought face to face with this situation.

There are several new charters before us for reservoir purposes, as well as several amendments to existing charters.

Now, some may say that perhaps it is unfair to insist upon this proposed amendment, which I shall read to you, being placed upon charters which come here for amendment only, but it seems to me that this is the answer to make: We can say to these companies, "You have enjoyed these privileges throughout these years; doubtless they have been for your advantage and for your profit, and we want to encourage you and we will give you these additional rights, but on this one condition, that when the time comes, if ever it does come, that the State wants to take over the franchises which it has granted to you, it shall have the right

to do so, and it will pay you for all the property which is represented, but it will not pay you for the franchises which it gave you—it will not pay you for the franchises which you have received for nothing—when the State takes them over, it ought not to be obliged to pay you for them." I do not see how any company can honestly refuse to accept such an amendment.

Now, the amendment which I suggest be placed on the reservoir companies, reads as follows:

All the property, rights and franchises within the State of Maine, acquired, directed, owned, held or controlled by this corporation or its successors or assigns, at any time after this act shall take effect, shall be subject to be taken over and become the property of the State, whenever said State shall determine by proper legislation that the public interests require the same to be done. Upon the taking effect of such legislation, the ownership of said property, rights and franchises shall immediately be transferred to and vested in said State, and said State shall make just compensation to the owner or owners thereof for the property, rights and franchises so taken, except the franchise conferred by the State of Maine upon this corporation, which said franchise shall be wholly excluded in the determination of the amount to be paid to said corporation by the State. The fair value of the property, rights and privileges so taken by the State, subject to the exemption hereinbefore mentioned, shall be determined by agreement between this corporation and such officers and agents of the State as shall be thereunto authorized to act in its behalf by the act which authorized the taking of said property, rights and privileges; and failing of such agreement within six months after said act takes effect, the supreme judicial court in any county where any of the property, rights and privileges so taken are situated, may upon petition of either party appoint three disinterested persons as appraisers to fix and determine the amount of money to be paid for the fair value of the property, rights and privileges so taken, subject to the exemption aforesaid. The

method of procedure and duties and powers of the appraisers to be determined by the act authorizing such taking."

Now, the third class of companies to which I have referred, is the log-driving and dam and boom companies. This class of companies resembles that of the reservoir companies, for most of them have the right to condemn property and to erect piers, dams, and even booms. Now, as electric power develops and as the science of electricity develops in the years to come, it does not require a stretch of the imagination to foresee the time when, perhaps, even these log-driving dams may become valuable for water power purposes, they may become parts of great storage reservoir systems, and on that account I suggest that on all new charters, even for log-driving dams, this same clause be applied. It may not be necessary to apply it to amendments to log-driving charters, for in dealing with this matter we do not want to go into trivial or unimportant matters, but I do believe that on new charters we should insist upon this clause in order to protect whatever interest the State of Maine may later want to have in these log-driving companies. We should grant these charters and at the same time protect the State's interest in them.

Now I do not intend to make a speech on the general water power question at the present time, but we are approaching the end of this session, we are already in the ninth week, and something must be done with these 33 bills that are before us. I hope that this Legislature will adopt some policy, either that which I suggest or that which may be suggested by some other member, so that in the future we may have something definite upon which to base our plans and so that the door will not be left wide open as it has been too often in the past. Once established everybody will understand just what their rights are.

The people of Maine pride themselves on their independence and upon their freedom, but when it comes to the question of water powers, I do not think we realize how little freedom we have.

Take it in the United States, for instance, the United States government

reports that of all the developed water horsepower in the United States used by public service corporations 18 companies control over one-half of it, or in actual figures, two million, three hundred and fifty-six thousand, five hundred and twenty-one.

When you come to the State of Maine, the situation is even worse. Sixteen companies in the State of Maine control 91 per cent. of all our developed horsepower. Two companies control 30 per cent., one of those companies controlling 16 1-2 per cent. of all the developed water horsepower of the State of Maine, and the second controlling 13 1-2 per cent.

Now, when we look at this in this light, you can see the importance of our doing something to protect the interest of those who are to come after us.

These very companies that I have referred to are actually interested in some of these 33 bills that are before us. Perhaps they resent any interference or any discussion of their measures. They often seek to belittle the efforts of any member who stands in their way. Their representatives are as regular in their attendance upon this Legislature as you and I are. I have no quarrel with them, nor with the corporations which they represent, but when we are dealing with this subject, we must not overlook the fact that their interests are entirely selfish in the matter. They are well paid for their services. They are here to inform us and to instruct us and to tell us the way in which we ought to do, but we are here with an entirely different purpose in our minds. Our action should be entirely unselfish so that we can go back to those who sent us here and render a favorable report. We are at a disadvantage. We come and go, but these corporation attorneys are here at every session and their work is never interrupted.

This bill, Senate Bill No. 130, relating to the Penobscot East Branch Log Driving Company, it seems to me, does not require the amendment which I suggest. The additional privilege which it asks is simply to maintain additional piers and booms along certain waters, and although in the future some development

might come about so that this territory might be taken into a great reservoir system, it is so remote that I do not feel like asking that that amendment be put upon this charter. But when any new charters come up, even if they are as mild and as reasonable as this, I think it would be fair to say to the gentlemen behind them, "If you want these new privileges, gentlemen, we are going to ask you to accept this clause, so that the State of Maine may sometime take away these privileges and pay you for everything but the franchises."

If I understand the position of this bill, Mr. Speaker, it was tabled pending its passage to be engrossed. I move now that this bill, Senate Document No. 130, be passed to be engrossed.

The motion prevailed.

On motion by Mr. Speirs of Westbrook, House report of committee on public utilities, reporting "ought to pass" on bill, An Act to amend Section 8, Chapter 58, Revised Statutes, relating to approval of location of street railroads, was taken from the table.

And on further motion by the same gentleman the report of the committee was accepted.

Mr. BAXTER of Portland: Mr. Speaker, I tabled a measure on its passage to be enacted, and I have an amendment here. I refer to the act providing for the incorporation of industrial banks. There was a clerical error, and the words "bank examiner" were used instead of "bank commissioner," and that is all that the amendment provides for. I should like to submit House Amendment A to Senate Document 138, An Act concerning industrial banks, defining same, and providing for their incorporation, powers, su-

pervision and control, and move that it be accepted.

The SPEAKER: If the gentleman from Portland, Mr. Baxter, will make the prior motion to reconsider the vote whereby that was tabled.

On motion by Mr. Baxter of Portland, Senate Doc. 138 was taken from the table and on further motion by the same gentleman the House voted to reconsider its vote of Feb. 16, whereby the bill was passed to be engrossed in concurrence, and the gentleman then offered House Amendment A, as follows:

Amend the act providing for incorporation of industrial banks by striking out the word "examiner" in the 14th line of Section 4, and the first, fourth and eighth lines of Section 8, and the third line of Section 9, and substituting therefor in each instance the word "commissioner."

The amendment was adopted.

On further motion by the same gentleman, the bill as amended was passed to be engrossed and sent up for concurrence.

Mr. Barnes of Houlton presented out of order, under suspension of the rules, the following order, and moved its passage:

Ordered, the Senate concurring, that bill, An Act providing for the employment of a medical inspector for the State Board of Health and to enable the State Board of Health to do more effective work in some directions, be recalled from the committee on public health.

The order received a passage.

On motion by Mr. Brewster of Portland,

Adjourned until 10 o'clock tomorrow morning.