

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, March 13, 1917.

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

Prayer by the Rev. Mr. Dow of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Communication from Hon. W. E. Lawry, secretary of the Senate.

In the Senate, March 9, 1917.
To Hon. W. R. Roix, Clerk of the House.

Notice is hereby given that on Resolve to reimburse Freeman Boynton for money paid in lieu of military service in the Civil War, House Document No. 391, the Senate insists on its former action, and joins as a committee of conference on the part of the Senate Messrs. Conant of Waldo, Grant of Cumberland and Butler of Knox.

Respectfully,

W. E. LAWRY, Secretary.

On motion by Mr. Farrington of Augusta, the communication was received and ordered placed on file.

From the Senate: An Act to extend and amend the charter of the Eastern Maine Railroad.

This act was given its third reading and passed to be engrossed in the House on March 7.

In the Senate, Senate Amendment A was adopted and the bill was passed to be engrossed as amended by Senate Amendment A.

On motion by Mr. Farrington of Augusta, the vote was reconsidered whereby House Bill 246, An Act to extend and amend the charter of the Eastern Maine Railroad, was passed to be engrossed, and on further motion by the same gentleman, Senate Amendment A was adopted in concurrence and the bill was passed to be engrossed as amended.

From the Senate: Ordered, the House concurring, that the Senate and House of Representatives hold one session each day beginning at 9.30 o'clock in the forenoon until otherwise ordered.

Came from the Senate, read and passed.

In the House, the order received a passage in concurrence.

Senate Bills on First Reading

Senate 281. An Act to change the date of the annual meeting of the Farmington Village Corporation.

Senate 282. An Act to amend Section 139 of Chapter 16 of the Revised Statutes, relating to the appropriation for the encouragement of industrial education.

Senate 283. An Act to amend Section 14 of Chapter 16 of the Revised Statutes of 1916, to provide for the approval of plans for the reconstruction and remodeling of school buildings.

Senate 284. An Act to amend Section 148 of Chapter 16 of the Revised Statutes, relating to the appropriation for the support of normal and training schools.

Senate 285. An Act to amend Section 118 of Chapter 16 of the Revised Statutes, relating to the appropriation for schooling of children in unorganized townships.

Senate 179. An Act to amend Section 125 of Chapter 53 of the Revised Statutes, relating to special insurance brokers.

Senate 277. An Act to amend Chapter 195 of the Private and Special Laws of 1913, entitled "An Act to authorize the Bangor Railway and Electric Co. to take water from Chemo lake and its tributaries."

Senate 278. An Act to amend Section 30 of Chapter 56 of the Revised Statutes, relating to the construction and use of railroad branch tracks.

Senate 279. Resolve for the appointment of delegates to the Conferences of the National Tax Association, and providing for the expenses of such delegates.

Senate 280. Resolve in favor of the Maine State prison for maintenance and current expenses.

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

Appropriations and Financial Affairs.

By Mr. O'Connell of Millinocket: Resolve providing for the payment of a bounty on bears killed in the State.

By Mr. Ellis of York: Resolve in favor of Joseph D. Phillips, secretary to committee on insane hospitals.

Education.

By Mr. Jordan of Baileyville: An Act to amend Section 66 of Chapter 16 of the Revised Statutes, relating to the ages between which children are required to attend school. (500 copies ordered printed.)

By Mr. Snow of Bluehill: Resolution and petition of Rainbow Grange, in the town of Brooksville, asking for the passage of an act to provide for the distribution of State school funds on a basis of aggregate attendance; also resolution and petition of Arbutus Grange, in the town of Surry, in favor of same.

By Mr. Holt of Gouldsboro: Resolution and petition of Schoodic Grange, in the town of Franklin, in favor of same; also resolution and petition from John Dority Grange, in the town of Sullivan, in favor of same.

By Mr. Cates of Vassalboro: Remonstrance from Winslow Grange, No. 320, P. of H., and citizens of the town of Winslow, against any change in the method of distribution of State school funds.

Indian Affairs

Mr. Washburn of Perry: An Act to amend Section 12, Chapter 14, Revised Statutes, 1916, relating to adoptions into the Penobscot Tribe of Indians.

Inland Fisheries and Game.

By Mr. Harman of Stonington: An Act making fire wardens game wardens.

By Mr. Garcelon of Auburn: Remonstrance of George E. Kinney and 10 others of the city of Auburn against passage of House Document No. 44, being "An Act to repeal Section 73 of Chapter 33, Revised Statutes, relative to Sunday being a closed season for game or birds."

By Mr. Washburn of Perry: Remonstrance of T. B. McDonald and 34 others of Robbinston against the passage of any act requiring the licensing of resident hunters; also remonstrance of Robert Cleveland and 48 others of Robbinston against same.

Judiciary.

By Mr. Tuttle of Caribou: An Act to amend Section 51 of Chapter 80 of the Revised Statutes, relating to the holding of court in Aroostook county. (1500 copies ordered printed.)

By Mr. Barnes of Houlton: An Act to provide for the expenses of the Legislature, for salaries fixed by law, for departmental expenses of the State government and for the maintenance of the several State institutions during the period of the biennial sessions of the Legislature. (500 copies ordered printed.)

By Mr. Cole of Eliot: An Act to amend Section 1 of Chapter 60 of the Revised Statutes, entitled "Transmission of electric power beyond the limits of the State prohibited." (2000 copies ordered printed.)

Legal Affairs.

By Mr. Garcelon of Auburn: An Act to amend Sections 27 and 34 of Chapter 85 of the Revised Statutes, relating to the power of sheriffs to appoint subordinate assistants. (500 copies ordered printed.)

Public Health

By Mr. Garcelon of Auburn: An Act to amend Sections 12 and 13 of Chapter 37 of the Revised Statutes, relative to the inspection of milk, and to provide a penalty for interference with inspectors appointed by cities and towns in the performance of their duties. (500 copies ordered printed.)

Public Utilities.

By Mr. Gannett of Augusta: An Act to regulate motor vehicles as common carriers. (500 copies ordered printed.)

Orders.

Mr. Baxter of Portland presented the following order and moved its passage.

Ordered, the Senate concurring, that an invitation be and hereby is extended to Honorable Gifford Pinchot of Washington, D. C., to address the members

of the Maine Legislature on Wednesday evening, March 21, on the subject of conservation, and the use of the Hall of the House of Representatives is hereby extended to Mr. Pinchot for that purpose.

Mr. BAXTER: Mr. Speaker, I have been in communication with Mr. Pinchot, but am not sure whether or not he can accept this invitation. It seemed to me that, if we could get him to come here and address us on the general subject of conservation, it would be a most interesting occasion for the members; and if this order is adopted, I move that it be sent by special messenger to the Senate in order that they may take action upon it this morning.

The order received a passage.

On motion by Mr. Tuttle of Caribou, it was

Ordered, that the use of this hall be granted to the Commissioner of Agriculture, Wednesday evening, March 14, for the reproduction by request of the Aroostook County pictures.

On motion by Mr. Farrington of Augusta, it was

Ordered, that the Speaker of the House be directed to procure a typewriter and typewriter operator for the balance of the present legislative session.

On motion by Mr. Washburn of Perry, the rules were suspended and House Report on Bill No. 496, Resolve in favor of several academies institutes, seminaries and colleges for maintainance and for repairs and improvements, was taken up out of order, the resolve coming back from the Senate reported recommitting to the committee on education for correction.

On further motion by the same gentleman, the House voted to concur with the Senate in recommitting this resolve to the committee on education.

Reports of Committees

Mr. Frost, from the committee on claims, reported "ought to pass" on resolve in favor of the town of Phillips.

Mr. Clifford, from same committee, on resolve in favor of the town of Orneville, reported same in a new draft, un-

der same title, and that it ought to pass.

Mr. Frost, from same committee, reported "ought to pass" on resolve in favor of Samuel N. Packard. (The rules were suspended and the resolve given its first reading.)

Mr. O'Connell, from the committee on inland fisheries and game, on bill, An Act providing for a bounty on bears in Aroostook, Penobscot, Piscataquis and Washington counties, reported same in a new draft, under title of An Act to provide for the payment of a bounty on bears killed in the State, and that it ought to pass.

Mr. Chaplin of Bridgton, from the committee on legal affairs, reported "ought to pass" on bill, An Act to amend Section 25 of Chapter 30 of the Revised Statutes relating to inspector of buildings. (The rules were suspended and the bill given its two several readings.)

Mr. Brewster, from same committee, reported same on bill, An Act to amend Section 24 of Chapter 5 of the Revised Statutes of 1916, relating to the registration of voters. (The rules were suspended and the bill given its two several readings.)

Same gentleman from same committee, on bill, An Act additional to Chapter 5, Revised Statutes, imposing an added duty on Boards of Registration and municipal officers acting as a Board of Registration, reported same in a new draft, under same title, and that it ought to pass.

Same gentleman from same committee reported "ought to pass" on bill, "An Act to amend Section 19 of Chapter 5 of the Revised Statutes of 1916, relating to the registration of voters."

(The rules were suspended and the bill given its two several readings.)

Same gentleman from same committee reported same on bill, "An Act to amend Section 157 of the Revised Statutes of 1916, in relation to the payment of premiums on official bonds."

(The rules were suspended and the bill given its two several readings.)

Mr. Conary from same committee reported same on bill, "An Act to amend Paragraph 1 of Section 4 of Chapter 72 of

the Revised Statutes, relating to the appointment of guardians."

Same gentleman from same committee reported same on bill, "An Act to supply the town of Bucksport with water."

(The rules were suspended and the bill given its two several readings.)

Mr. Anderson from the committee on legal affairs on bill, "An Act to create the committee on Odd Fellows' Home of the Grand Lodge of the Independent Order of Odd Fellows of the State of Maine and their successors, a corporation," reported same in a new draft, under title of "An Act to incorporate the Odd Fellows' Home of Maine," and that it ought to pass.

Same gentleman from same committee on bill, "An Act to amend Chapter 455 of the Private and Special Laws of 1901, amended by Chapter 305 of the Private and Special Laws of 1905, entitled 'An Act to incorporate the York Beach Village Corporation,'" reported same in a new draft, under same title, and that it ought to pass.

Mr. Gannett from the committee on public utilities reported "ought to pass" on bill, "An Act to authorize Oxford Electric Company to extend its electrical lines to and within the town of Hebron, and to purchase the electrical equipment and franchises of trustees of Hebron Academy."

(The rules were suspended and the bill given its two several readings.)

Same gentleman from same committee reported same on bill, "An Act to amend Section 14 of Chapter 58 of the Revised Statutes, relating to the extension of charters of street railroads."

(The rules were suspended and the bill given its two several readings.)

Mr. Merrill from same committee on bill, "An Act to incorporate the Smyrna and Oakfield Water Company," reported same in a new draft under same title and that it ought to pass.

Same gentleman from same committee reported "ought to pass" on bill, "An Act relating to the Vassalbro, China and Windsor Light and Power Co."

(The rules were suspended and the bill given its two several readings.)

Mr. Wilson from same committee on bill, "An Act to authorize the town of Yarmouth to supply gas and electricity," reported same in a new draft under same title and that it ought to pass.

Mr. Howard from committee on salaries and fees on bill, "An Act to amend Paragraph 2, Section 45 of Chapter 117, Revised Statutes of 1916, relating to clerk hire in county offices," reported the same in a new draft under same title and that it ought to pass.

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

Majority report of the committee on inland fisheries and game, reporting "ought not to pass" on bill, "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."

(Signed) Messrs. Chick, Merrill, Flint, O'Connell, Babb, Stanley, Berry, Webb, McNally

Minority report of the same committee on same subject matter, reporting "ought to pass" in a new draft, under title of "An Act to amend Section 69 of Chapter 33 of the Revised Statutes of the State of Maine, relating to inland fisheries and game and the record of the purchasing of furs," and recommending that the same be incorporated in the revised code of inland fish and game laws, which will be reported later, instead of being passed as a separate act.

(Signed) HASTINGS.

On motion by Mr. Flint of Monson the majority report was accepted.

Report "A" of the committee on labor, reporting "ought not to pass" on bill, "An Act relative to the hours of labor of conductors and motormen."

(Signed) Messrs. Butler of Franklin, Stanley, Hanson, Cushman, Morison.

Report "B" of the same committee, on same subject matter, reporting "ought to pass" in a new draft, under title of "An Act relative to the hours of labor of street railway companies."

(Signed) Messrs. Burleigh, Jordan, O'Connell, Webb, Desco-teaux.

On motion by Mr. Descoteaux of Biddeford, both reports were tabled pending acceptance of either, and 500 copies of the new draft ordered printed, and the matter specially assigned for consideration on Wednesday, March 21.

Mr. Packard, from the committee on claims, reported "ought not to pass" on resolve in favor of the town of Kingman.

Mr. Clifford, from same committee, reported same on resolve compensating John H. Rice for damages to an automobile caused by a collision with an automobile owned by the State.

Mr. Flint, from the committee on inland fisheries and game, on bill, An Act to amend Section 39 of Chapter 33 of the Revised Statutes and providing for the seizure of jacklights, reported that the same be placed on file, as the subject matter of said bill 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 Tim and Mud ponds, in T. 2, R. 4, W. B. K. P., Franklin county, with petition of Harold S. Viles and 11 others for same, reported that the same be placed on file, the subject matter will be incorporated in the revised code of inland fish and game laws, which will be reported later.

Mr. Anderson, from the committee on legal affairs, reported "ought not to pass" on bill "An Act for the protection of life and property against loss or damage from steam boilers and steam engines operated by incompetent persons";

Mr. Murray from same committee, reported same on bill "An Act to provide a police commission for the appointment of the police force and a chief of police and inspector for the administration of the police force of Bangor, Maine;"

Mr. Chaplin of Bridgton, from same committee, reported same on bill "An Act to change the date of annual town meetings;"

Mr. Conary, from same committee, re-

ported same on bill "An Act to amend Section 49 of Chapter 5 of the Revised Statutes, relating to the registration of voters."

Same gentleman from same committee reported same of bill "An Act to amend Section 38 of Chapter 120, Revised Statutes of 1916, relating to desertion and non-support of families."

Mr. Gannett from the committee on public utilities, reported same on bill "An Act to authorize Lewiston, Augusta and Waterville Street Railway to discontinue its present tracks on State street, in Augusta."

Mr. Merrill from same committee reported same on bill "An Act authorizing the town of Cape Elizabeth to issue its bonds for the construction of sewers."

Mr. Tate from same committee reported same on bill "An Act to amend the charter of the Portland Water District."

Same gentleman, from same committee, on bill "An Act relating to railroad tracks crossing Congress street near the Union station in Portland, for the better protection of the public," reported legislation inexpedient.

Mr. Howard, from the committee on salaries and fees, reported "ought not to pass" on bill "An Act to amend Section 1 of Chapter 337 of the Public Laws of 1915, relating to amounts to be paid for probate clerk hire in Piscataquis county."

Same gentleman, from same committee, reported same on bill "An Act to amend Section 1 of Chapter 204 of the Public Laws of 1915, relating to the salaries of registers of probate in Piscataquis county." (Tabled by Mr. Ryder of Brownville pending acceptance.)

Mr. Jenkins, from same committee, reported same on bill "An Act to amend Section 1 of Chapter 204 of the Public Laws of 1915."

Same gentleman, from same committee, reported same on bill "An Act to amend Section 43 of Chapter 117, Revised Statutes of 1916, relating to the salaries of registers of deeds."

Mr. Holt, from same committee, reported same on bill "An Act to amend

Section 1 of Chapter 141 of the Public Laws of 1915, entitled 'An Act to equalize the salaries of registers of deeds.'"

Mr. ROUNDS of Portland: Mr. Speaker, there were two reports put in on some of these and I do not know which ones they were now. I suppose they were the ones reported but I am not sure. At any rate, I would like to have some of them lie on the table until I can find out. I know I wanted to put in a minority report on some of them that went through. I would state my reason for so doing. These come out of the county delegations, and the county delegations were before us and wanted these salaries raised. They are to pay the bills, we are not; the Legislature of Maine is not to pay them. We have found out that some of the salaries are ridiculously small in the different counties, while some of these others are ridiculously large. We find one or two clerks around these buildings who are getting \$2500 a year, and we find that one of the brightest lawyers—so bright that the Legislature of Maine appointed him to revise the Statutes—is only getting \$1000, while some of the clerks in this building under commission form are getting \$2500. The treasurer of the State of Maine, under \$150,000 bond, is only getting \$2000. It is going from bad to worse and I say that it is time, if the county delegations want this, that the State of Maine should let them have it. That is why I want to know whether these are the ones that I want to table, as I wish to make a minority report to this House.

The SPEAKER: The gentleman from Portland, Mr. Rounds, moves that the report on An Act to amend Section 1 of Chapter 141 of the Public Laws of 1915, entitled "An Act to equalize the salaries of registers of deeds" be tabled.

The motion was agreed to.

Mr. Holt from same committee, reported "ought not to pass" on bill, "An Act to amend Paragraph 15, Section 45, Chapter 117 of the Revised Statutes, relative to clerk hire in the office of the register of deeds in Waldo county."

(Tabled by Mr. Rounds of Portland, pending acceptance.)

The reports were accepted.

First Reading of Printed Bills and Resolves

House 517. An Act amending Chapter 121 of the Private and Special Laws of 1915 establishing a closed time on lobsters in Machias bay and adjacent waters in the county of Washington.

House 518. An Act to amend Section 74 of Chapter 45 of the Revised Statutes of 1916, relating to fishing for smelts in West Bay and West Bay stream, in the town of Gouldsboro, Hancock county.

House 519. An Act authorizing Fort Kent Electric Co., its successors and assigns, to erect and maintain a dam across Wallagrass stream in Wallagrass plantation at its power station as now located on said Wallagrass stream.

House 521. An Act authorizing the American Realty Co. to erect and maintain piers and booms in the St. John river in the plantation of St. John and the plantation of St. Francis.

House 531. An Act to provide for electric lights on the streets of the Indian village situate on Old Town Island No. 1, in the reservation of the Penobscot tribe of Indians.

House 532. An Act to provide a common on Old Town Indian Island No. 1, within the Indian reservation of the Penobscot tribe of Indians.

House 533. An Act for the relief of members of Passamaquoddy tribe of Indians found destitute beyond tribal reservations.

House 534. Resolve in favor of teacher's school and hospital on Indian Island, Old Town, Maine.

Passed to be Engrossed

Senate 266. An Act to amend Section 24 of Chapter 26 of the Revised Statutes of 1916, relating to the registration of manufacturers and dealers in motor vehicles.

Senate 127. An Act to prevent defacing identification marks on motor vehicles.

Senate 122. An Act to amend Sec-

tion 75 of Chapter 16 of the Revised Statutes, relating to the payment of tuition by towns not maintaining standard schools of secondary grades. (On motion by Mr. Barnes of Houlton, tabled, pending its third reading.)

Senate 111. An Act to amend Sections 5 and 40 of Chapter 4, relating to Board of Registration of Voters.

Senate 107. An Act to amend Section 21 of Chapter 83 of the Revised Statutes of Maine, relating to the authority of county commissioners to procure temporary loans.

House 530. An Act authorizing Ward & Bradbury, Incorporated, its successors and assigns, to erect and maintain piers, piles and booms, in the St. John River.

Passed to be Enacted.

An Act to amend Chapter 424 of the Private and Special Laws of 1907, and changing the time of the annual meeting of Kittery Water district.

An Act to amend Section 30 of Chapter 24 of the Revised Statutes, relating to the crossing of railroad tracks by town ways and highways.

An Act to ratify and confirm the consolidation of the Knox Gas & Electric Co. with the Rockland, Thomaston & Camden Street Railway.

An Act to extend the charter of the Rockland, South Thomaston & St. George Railway.

An Act to amend Section 42 of Chapter 117 of the Revised Statutes, providing for the monthly payment of salaries of county commissioners.

An Act confirming and ratifying the organization of the Penobscot Law Library Association.

An Act to extend the provisions of Chapter 214 of the Private and Special laws of 1915, entitled "An Act to authorize the town of Lisbon to supply gas and electricity."

An Act to ratify and confirm the incorporation of the Pine Grove Cemetery Association of Brownfield.

An Act authorizing the sale of the property and assets of the Dead River North Branch Log Driving Company, and providing for the dissolution of said corporation.

An Act to amend Section 2 of Chap-

ter 64 of the Revised Statutes, relating to marriage of feeble-minded persons.

An Act to authorize the Public Utilities Commission to investigate any proposed changes in the rates of any public utility, and to suspend the same pending investigation.

An Act to amend Section 8 of Chapter 58 of the Revised Statutes, relating to approval of location of street railroads.

An Act to ratify the change of name and amount of capital stock of Mercantile Trust Company, and to amend its charter.

An Act to amend Section 27 of Chapter 52 of the Revised Statutes, relating to investment of deposits by savings institutions.

An Act authorizing the sale of the property and assets of the Dead River Log Driving Company, and providing for the dissolution of said corporation.

Finally Passed.

Resolve in favor of the town of Mechanic Falls for the payment of additional State School funds for the year nineteen hundred fifteen.

Resolve providing an increased teacher's pension for John F. Moody.

Resolve in favor of Peter W. Ranco, representative of the Penobscot tribe of Indians.

Resolve in favor of the Maine School for Deaf for maintenance and repairs.

An Act to require and make valid the doings of the municipal officers of Vinalhaven in laying out a way over the tide waters across Indian creek in said Vinalhaven, and authorizing the construction of a suitable bridge across the same.

The SPEAKER: The Chair will state that this carries the emergency clause, and requires a two-thirds vote of the members. As many as are in favor of the passage of this resolve will rise and stand until counted and the monitors have returned the count.

A division being had,

One hundred and twelve voting in the affirmative, the bill was passed to be enacted.

On motion by Mr. Sisson of Island Falls, House Document 495, Resolve in favor of Joseph H. Underwood of Fayette, to reimburse him for money paid out for testing of his cattle in 1915, after the sanitary commissioner of Maine had refused and neglected to act as required by law, was taken from the table.

Mr. Sisson then offered House Amendment A as follows and moved its adoption:

"That said resolve be hereby amended by striking out all the same and substituting therefor the following:

'Resolved, that there be, and hereby is, appropriated the sum of \$100 to be paid to Joseph H. Underwood of Fayette, to reimburse him for certain expenses and losses incurred in obeying the orders of the livestock sanitary commission.'

The amendment was adopted, the resolve had its second reading and was passed to be engrossed as amended by House Amendment A.

On motion by Mr. Farrington of Augusta, majority and minority reports of committee on taxation, majority reporting "ought not to pass" and minority reporting "ought to pass" on Senate Document No. 38, entitled, "Resolve, relative to the distribution of certain monies in the State treasury belonging to certain cities and towns in Maine," tabled by that gentleman on March 9, was taken from the table, the pending question being the acceptance of the majority report in concurrence.

Mr. FARRINGTON of Augusta: Mr. Speaker, I move that we accept the majority report in concurrence with the Senate.

The motion was agreed to.

On motion by Mr. Farrington of Augusta, majority and minority reports of the committee on taxation, majority reporting "ought not to pass" and minority reporting "ought to pass" on Senate Document No. 102, entitled "An Act to amend Section 26 and Section 37 of Chapter 9 of the Revised Statutes, relating to State taxation of rail-

roads and telephone and telegraph companies," tabled by that gentleman March 9, was taken from the table, the pending question being the acceptance of the majority report in concurrence.

Mr. FARRINGTON of Augusta: Mr. Speaker, I now move that we accept the majority report in concurrence with the Senate.

Mr. BARNES of Houlton: Mr. Speaker, the members of the House have had placed upon their desks this morning a compilation of figures to which I wish at this time to call your careful attention.

We assembled here ten weeks ago to do the business of the State. Some of us came from districts that were strongly Republican or strongly Democratic, to assume our duties here, to represent our constituents and to serve the interests of all the people of the State. Some of us rode in on a wave, to our own surprise and to the surprise of the people who nominated us in June. It was a magnificent wave. It rolled over the State from Kittery to Kent. It was the Milliken wave, and a majority of the Milliken men are here, and today, for the first time, we are about to vote upon a Milliken measure.

The administration of the State will be praised or blamed, according as our acts are good or ill. The administration gets the praise or blame—not us. I may be called to account for having voted so and so in the judiciary committee with a bunch of nine other lawyers, all of whom, myself included, should have known better; I may be blamed for that, if we should happen to make an error, but neither the House nor the Senate will be blamed for the failure of the administration.

When our splendid Governor assumed office in your presence here, he had certain objects in view, one of which, Gentlemen of this House, was that the business of the State of Maine should be put upon a business basis, that we should take counsel together and determine what we must spend, and then, as men, that we should take counsel together and determine how we should get it; and for seven weeks the Governor, with such assistance as he

could get, with our Appropriations Committee, the choice men of the Legislature of Maine from a financial standpoint, and with the representatives of every committee that might possibly carry an appropriation, sat in counsel together through long days, and they determined first what sums of money Maine would probably spend.

Some of us are not interested in figures, and some of us are not expert in figures, and few of us are students of taxation, but have you any doubt, if it is shown to you on Page 25 of the Budget Message to the Legislature, that in the years 1917 and 1918 the State of Maine will spend \$13,818,146.67? Is there any man here in his sound senses that has any doubt that the State will spend thirteen million, eight hundred thousand dollars? No. We will spend the money, gentlemen. If you raise it, all is well; if you do not raise it, there will be a deficit.

Did any member when he came to the House to enter upon his work this year have any idea that there was a surplus in the treasury on which we could call? Did he take the report of the treasurer of the State of Maine for 1916 and read the report showing the balance sheet of the treasury, December 31, 1916? And did he for an instant flatter himself that there was over a million dollars subject to our draft? If he did, let him read the foot note, which says, "This balance sheet does not include interest on lands reserved for public uses fund as collected from 1848 to 1916." Plus this sum, the lands reserved fund would amount to \$873,000, and the above item of excess cash over permanent fund would disappear, leaving a cash deficiency of \$96,624.14.

If any man came to the Legislature of Maine with the idea that there was any balance to draw from and to go towards the making up of this thirteen million eight hundred and eighteen thousand, he was misinformed; and, with great pains, the officials of the State have published the reports to show him that he was misinformed. This million dollar balance, or this million three hundred thousand dollar balance, or this million five hundred thousand dollar balance, which we

heard so much about during the campaign, is a myth. It is a fox-fire to lure you down into the quagmire of debt. Whoever is imbued with the idea that there is a sum to draw upon in the treasury of the State of Maine is laboring under an illusion.

We will spend thirteen million eight hundred and eighteen thousand and the rest of it. We will spend more. Every man, every corporation and every state spends more than he starts out to do or it starts out to do.

Now, determined that his administration should stand before the business men of Maine as a business administration, the Governor suggested in your own hearing the alternative. The State Auditor of the administration that had just relinquished the reins had said that a mill tax of eight mills was necessary to carry on the business of the State. After conference with the Governor, the appropriations committee and the other committees whose work would carry resolves, and after their seven weeks' work, the Governor came in here and read to you the result, and you have had it. The appendix to the Governor's Message, including the Budget, recommended to you by the Governor and by your committee on appropriations, you have, and certain taxation acts were recommended, as shown to you on Page 5 of the Budget Message.

The indirect taxes, nine in number, carry a gross of \$748,489.44, the equivalent of a tax of a mill and a half on the entire valuation of the State for one year, or three-quarters of a mill for each of the two years 1917 and 1918.

You were also then presented with a statement showing that with this seven hundred forty thousand plus all of the departments of the State could be cared for, all the regular expenditures of the State could be made, and certain appropriations could be made for our charitable institutions and the quasi-public institutions of the State which the State has so long been accustomed to make. And all those appropriations were pared down to the quick; no institution in Maine and no department in Maine was awarded a dollar where it was deemed that they could by any sacrifice get along without it.

The committee on taxation, whose duty it is to hear the evidence and report, selected, from the six, one of the measures for hearing. It was next to last on the list, but the most offensive to certain sections of the State of Maine. They had a hearing upon it on a certain Thursday, and adjourned for eight days—significant—that that measure might be reported into the Senate and House and returned to the Governor who had asked for it before any other taxation measure could be taken up.

It was my pleasure to attend the hearing. It had been widely advertised. It took place in this House. W. J. Thompson, the master of the State Grange, presented the measure. He represented the proponents; he spoke exhaustively on the subject, and just for a minute, after his close, I addressed the committee on taxation—two from Augusta, two from Portland, and two from Skowhegan. What difference does it make as to where the rest were from! I asked them briefly to hear the proponents for these measures, the whole of them, to give the Governor's suggestions fair treatment and to report back to him on the matter carrying \$750,000, that together the executive and legislature might plan how we were to get this \$13,000,000, if this were not to pass and these were to be taken up serially.

The hearing, so far as the proponents were concerned, was closed, and the opponents began. Mr. Speaker and Gentlemen of this House, the hearings before the taxation committee at this present legislature are unique. It is a misfortune that they cannot be attended by every member of the legislature. This was the charge made against the proponents of this bill. Who were the proponents? They were Governor Milliken, and that day they seemed to be W. J. Thompson, the State master of the organization containing in its number 60,000 farmers of Maine, and the unfortunate representative from Houlton; and we were assaulted by this proposition, spoken with apparent deliberation, by one of the bright men representing the opponents: "The proponents of this measure are unfair, unjust and dishonest." A serious indict-

ment! I deny it, and I am here today to argue my side of the proposition, that the Governor, W. J. Thompson and Barnes from Houlton, on this proposition are neither unfair, unjust, nor dishonest, and I will address myself to it in the reverse order.

The matter has already come up and has been discussed in one chamber of the legislature, and I submit now to you that if the reports given in the daily papers of the speech as it was released to them on Thursday night, are anything like the speech as given—and you have the speech now in the legislative record placed upon your desk today—I submit to you today that at present in this legislature, that chamber which has long had the reputation of being the deliberative body, has abdicated, and if there is to be any deliberation, it falls upon us, the House, and, as far as taxation measures are concerned, it is well for Maine that the House this year is a deliberative body.

Are the suggestions of the proponents dishonest? Let's see. How many of us are students of taxation in Maine? How many of us are experts on taxation? What is this proposition? This proposition is that a portion of the excise tax, the excise or franchise tax of the railroads, telegraphs and telephones of Maine, a portion of which heretofore has been rebated to certain cities and towns in Maine or repaid them as an excise or franchise tax, is not, as the gentleman in the other chamber attempts to make the State of Maine believe, a tax on the stock of a corporation. An excise or franchise tax is a tax on the franchises. A corporation which is a railroad has a monopoly of the transporting of freight and passengers. A corporation which is a railroad is a common carrier of passengers and exclusively, barring out everyone else, it gets from the State the great privilege of transporting all the commerce of the State over its lines of steel, and for that privilege it pays a franchise tax. To whom? To its creator. Who is the creator of the corporation? The creator of the corporation is the sovereign State, and a franchise tax or excise tax could justly and honestly be held in toto to 100 per cent. to the State, and I

challenge any lawyer who values his reputation one ounce to contradict it.

Once more, a franchise tax, an excise tax on a corporation, can only be levied by its creator, the sovereign state, and, if the state chose to hold it all, it could not be called dishonest by any man who knows what the English language means or has the slightest knowledge of the law relative to taxation and corporations.

Now, back in 1881, when this law was passed, there were few railroads in Maine, no telephone, and very little telegraph business, but the railroad business had grown to such an extent after being aided for a generation by the State, that it could well be subjected to a tax in addition to the tax on its real estate; and in the legislature of 1881 it was determined by an insistent majority that the railroads should begin to pay a tax.

Now if you will study the history of taxation in Maine, in any other state in the nation, or in any country in the known world, you will learn that tax acts are, without exception, matters of compromise. The different railroads in Maine in 1881 were ably defended in the corridors of the old State House, as the railroad lobbyists looked after the interests of their employers, and it developed before the session had gotten very far through that it would be impossible to levy a tax on railroads by the State if the State was going to keep the money. And what happened? A compromise was effected whereby, if the state took the tax, in order to satisfy the voters of the legislature from certain cities in Maine, a portion of the money which the state exacted from its franchise tax upon the railroads was to be returned to the homes of those voters in the Senate and House of Representatives of 1881. Now, that is the fact.

It is said that the levying of a tax on the gross earnings of a corporation, a franchise tax, is dishonest. It is false. It is said that taking away this bit of money from the cities and towns which then secured it, is dishonest. Now, let's see about that. That is an entirely distinct proposition.

As it stands today, according to the

figures given us by your Committee and your Governor, it is estimated that \$225,000, if the law is not changed, will be up to be distributed in the year 1917—\$225,000 to be cut up into portions and distributed among sixteen cities and towns in Maine, which is some melon to cut.

Who furnishes to the railroads of Maine their profit? Every man, woman and child that opens a can of corn or ships a bunch of shingles or a bushel of turnips or a can of milk or ever rides on a railroad train—they are the persons that make the franchises of the railroads of Maine worth something. Every inhabitant of every city or town in Maine, from the boisterous Allegash down to the quiet old Piscataqua, that eats an orange or lemon, or ships out a pound of any commodity, or ever buys a railroad ticket—every such person contributes to the earnings of the railroad and makes its franchise valuable.

Now, if any such thing is to be considered as rebating any part of the money extracted from the railroads by a franchise tax, to whom should it be returned? To the person who owns the stock in the railroad and has those valuable papers put snugly away? Yes, on the old age-worn rule that "to him that hath shall be given," that is proper. But to the men who are legislating on the taxation problem in Maine and determining how this thirteen million eight hundred eighteen thousand dollars shall be accumulated, which shall later be divided and a portion taken out to pay the expenses of the State of Maine, "to him that hath shall be given" is wrong; there should be no "given" about it.

All of us contribute to making the railroad properties of Maine valuable; each of us adds his little share to the gross earnings of the railroads; and, if Maine, the creator of the corporation, who assesses the corporation tax, the franchise tax, has in her mind the idea of distributing that to anyone, she should distribute it to those who gave it to her. There is one way to do it, gentlemen, and that is to leave it in the treasury of the

state, and then all the property of Maine will receive the benefit.

Now, let's see. You will spend the \$13,000,000. In order to get the \$13,000,000, your committee and your Governor have figured \$750,000 right here as quick assets. They are figuring on having the \$750,000 when they make this long list of 20 pages, itemized, in order to pay the expenses of the State. The State assessors in the spring of 1917 will collect into the treasury of Maine the railroad, telegraph and telephone tax, if the law has not changed, \$225,000 of it will later be taken out by the treasurer and distributed to certain cities and towns in the State. If that \$225,000 is taken out to be returned to various cities and towns in the State, or, let's put it this way, so sure as that \$225,000 is taken out of the treasury of the State and distributed among certain cities and towns in the State, just so sure \$225,000 more must be put back there. There is only one other way that you can do it, for it is not probable that the taxation committee, made up as I suggested to you, will enact an income tax, and I stand here to say that I hope the State or Maine will not enact an income tax, because I see in the very near future the high probability that the federal government will enact an income tax that will mean something to those who have incomes over \$750.00. If this \$225,000 is taken out of the treasurer's hands and distributed to certain cities and towns in the State, \$225,000 more must be put back there, for these \$13,818,000 will be expended. You can put \$225,000 into the State treasury with the laws that we have now only by one means, and that is by increasing the State tax.

Now, if you do not know anything at all about taxation, as I did not once upon a time, whether the State tax is increased or decreased makes mighty little difference in your minds. If you are only a poll tax payer, it does not make any difference to your pocket. If you own any property in the State of Maine, raising or lowering the State tax makes a difference to you.

Now, the figures that are on your table, \$225,000, require that nine-twentieths of a mill be added to the State tax that this

money may be distributed. Distributed to whom? I made the astounding statement a few moments ago "distributed to 16 cities and towns," and I tell you now, if I am able to add and subtract, that that is a fact and that not more than 16 cities and towns profit by cutting this melon.

Why, the amount of misinformation upon it is appalling. I hold here a letter sent to me by the selectmen of a certain town in Aroostook County, apparently signed by a member of this House, based upon an absolutely false proposition that he, as I know, would never have signed if he could have understood it, in which the attention of the board of selectmen of that town is called to the fact that the town receives \$5.94 from a rebate from the railroad and telegraph tax and advising them they better see about it.

Now, let's see. It will take, in addition to the state tax, nine-twentieths of one mill to put the \$225,000 back. Gentlemen, I am not trying to juggle figures; I am not trying to mislead you, hoodwink you or trouble you, for you have got the table right before you.

In the first column is the name of the town; in the second column is its valuation, or as correct a copy of it as the stenographer and printer could manage to make from the assessors' valuation; and in the third column is the amount of refund which goes to any town under this law as it now stands; and in the fourth column is what it costs that town to get the mill fund under the nine-twentieths of a mill tax.

I was interested, so I looked up and tried to find out what it cost the town to get its \$5.94. Now I will not tell you what the town is so that the particular gentleman who signed the letter may not know that I know it is he, for I assume a great many gentlemen's names have been used in signing these letters and I assume that 576 first selectmen of the State of Maine have received such a letter. But I find that if nine-twentieths of a mill tax is added to the valuation of that town, in order to get \$5.94 the town will pay an outlay to the State of Maine of \$224.31. That is business that is grand good business for Portland, for Bangor, for Skowhegan and for thirteen other towns.

Turn to the middle of that list where they are classed by representatives, and I will tell you that you will not find nine representative classes that profit by it; and you will find in the statement that the balance of the legislative classes includes more than 216 towns that do not get one cent, but all contribute, and you will find 510 towns that get less than they give.

In Androscoggin county, the first on the list, even the city of Lewiston, getting a refund of \$5,106.78, has to pay for it \$9,169.14. The county loses \$12,959.57, unless you repeal this rebate. If there were a town or city among those fourteen cities and towns in Androscoggin county that profited by it, you might say to the town of Wales, for instance, which gets \$11.81 and pays \$109.61, "Why, there is a town in your county that profits by it, be generous."

I pass over Aroostook county, my county, the county that was goaded at the hearing.

Let's take up Cumberland. It is the first county in which a single city or town gets more than it gives. Portland, getting a refund of \$70,204.99 only has to pay \$33,981.84. This makes a clear net gain of \$36,223.15. It must be a pleasure to Androscoggin, which has contributed \$12,959.57 more than she gets, to know that she is paying one-third of the bonus that Portland takes. But the rest of them are losses. Westbrook loses \$2,557.23; Brunswick \$314.28; Bridgton, \$74.73; Gorham, \$1,070.65; Pownal and Freeport \$710.82; Cumberland and Falmouth, \$1,113.88; Scarborough and Cape Elizabeth, \$1,543.31; So. Portland, \$964.08; Baldwin, Sebago and Standish lose \$386.20; Harrison, Otisfield and Windham lose \$966.23. You can add those figures up yourself and subtract the sum of the refund from the nine-twentieths of a mill tax of your own class, and you will get the answer. There is a town in Cumberland wherein a man died a few years ago, and the probate law required that a valuation of his estate be made, and seven assessors woke up to the fact that there was a bunch of taxable property in that town. That is one town in the county of Cumberland that profits

by it, owing to the fact that the Chandler estate is taxed there. But, gentlemen, after all, what are we coming around to? We are coming around to that error on the part of the assessors in every city and town in Maine who will not assess a tax. This town, gentlemen, wins \$193.04. Will the representative of that town vote to keep the rebate law? Let's see. Does he represent that town alone? No; he represents two others, and one of them gets not one penny, but contributes \$243.62. There is also a third town, and the third town gets not one penny and contributes \$133.58. That representative, when he votes, is voting not only for the town where that rich man died, but he is voting for the other two towns which do not get a cent. Gentlemen, Cumberland county is proud of Portland. The whole State is proud of Portland. When the Cumberland delegation vote here by yeas and nays soon, they will vote whether they will allow Portland or not to take \$9,319.98 more than the other towns of Cumberland get and give it to Portland.

Take Franklin county. There are four representative classes and losses in every one, and a total loss through the county of \$3,895.29.

Take Hancock county. Now, there is a good county to talk about. If you happened to come from a county whose population is growing and whose valuation is growing, you have a different feeling than you do if you represent a county whose population is not increasing and whose valuation is not increasing. Let's see how this bill that, according to the orators, is just and has been in existence since the foundation of the world, should now be scrutinized or looked at. Let's see how this bill works for Hancock county! Eden pays \$3,094.09 and she gets \$179.86. There is a class in which stands Bucksport, and Bucksport stands to win \$53.99, but the gentleman representing Bucksport represents four more towns that I know about. What will he say to Verona? Verona gets 12 cents and pays \$37.49. What will he say to Dedham? Dedham gathers in not a penny and she pays \$59.06. What will the citizens of Castine say to the senators of Hancock county when they speculate that to get \$85.59, the town of Castine pays \$265.65?

There is another class in which one city makes money. Ellsworth gets \$418, lacking a few cents, but with Ellsworth are these towns, and as I read them over to you, you will know from hearing their names whether they are populous and wealthy. I refer to Trenton, Aurora, Ammerst, Otis, Mariaville, Wainam, Plantation 21 and Plantation 33. The town of Trenton pays \$65.42 and gets no refund. Of the rest of Hancock county, Mr. Harman's district pays \$648 more than it gets; Representative Holt's district contributes \$1,015.72 more than it gets; Representative Snow's district contributes \$730.62 more than it gets; Representative Phillip's district contributes \$1,855.05 more than it gets. These gentlemen know, and I do not, whether their towns in their representative classes are able, to say nothing about the law of the matter—whether under the constitution of Maine one city can tax its people and turn it over to another city. They know whether those little towns down there in Hancock county can afford to do it. And Kennebec! In order that Augusta and Gardiner may win, the other cities and towns in Kennebec county, beginning with Waterville which loses \$2,334.32, lose \$8,116.44.

Knox! Some of you know the situation in Knox as to population and wealth. Knox loses in every single class, and the county loses \$3,339.33. For what purpose? In order that the money may be returned to Portland, Bangor, Skowhegan and Ellsworth and 12 more cities and towns.

Lincoln county! Lincoln is but a little county. Lincoln is not growing apace in wealth. Lincoln has no money to throw away, and the first representative class in that district, comprising five towns, has two in which they do not receive a cent; and that Dresden may get \$7.21, she contributes \$162.62. The next class, represented by Representative Richards, has two towns that do not get a cent, and all together they contribute \$794.19 more than they all get. The next class, represented by Representative Lewis, has three towns that do not get a cent. Think of Southport! Talk about it being just! Southport, receiving not a penny, but contributing \$275.88. For whom? Why, not for

the advantage of a single city or town in any of the last three counties that I have read.

Oxford! Good old, bucolic Oxford! Why, there is a town in Oxford county where the waters wasted themselves over the rocks just twenty years ago without a habitation or an inhabitant, save one or two who for the looks of the good, old hills were hanging on; and since that time it has become the metropolis of Western Maine. And hear you this! Because certain men moved in on to the six square miles of Rumford, in the county of Oxford, because certain men who had in their strong boxes some stocks and bonds moved in there 16 years after the law was passed, the six square miles of Rumford get \$12,336.15 as a rebate on railroad, telegraph and telephone tax, when all the rest of Oxford county says, "Nay, we pay \$5,521.06 more than we get."

Penobscot wins in one class, but she wins so much you cannot hope to reform her. That class is Bangor. Boys, the stakes are too high. \$32,856.73 will not be relinquished by any of the members who are sitting in the game this winter. Brewer loses \$846.08; Old Town loses \$1,561.41; Dexter and Garland lose \$696.28; Corinna, Newport, Dixmont and Etna lose \$708.44. Let me not bother you to read the whole of it, but the towns and cities outside of Bangor in the county of Penobscot contribute \$10,608.73, that Bangor, Portland and 14 other cities and towns in the State of Maine may have a small tax rate.

Piscataquis loses \$2598.92.

Sagadahoc. Bath wins \$2512.75; Perkins, Topsham, Richmond and Georgetown lose \$617.14; Arrowsic, Bowdoin, Bowdoinham, Phippsburg, West Bath and Woolwich lose \$793.30.

Somerset. Skowhegan gains, and every other district loses.

Waldo. Belfast wins, and every other district loses. Brooks, Swanville, Searsport, Waldo, Monroe and Jackson together lose \$325.65; the county outside of Belfast loses \$2593.60.

In Washington county every district loses, and the total is \$3024.60.

In York every district loses, and in order that her sister city in the same locality may get this \$36,000, old York contributes \$12,528.20.

I said I would not read Aroostook; but I must read you one to show that the amount of the refund varies from large sums down to small. I would cite you to the fact that certain towns participate in this rebate to the extent of one cent each, but I cannot find that town just at the present minute. I will tell you that Phippsburg, in Sagadahoc county, which receives five cents, contributes \$198.07, Peru, in Oxford county, which receives six cents, contributes \$143.30; and Windsor, in Kennebec, which receives the same sum, six cents, contributes \$127.71.

They said we were dishonest; they said we were unjust. The third count in the indictment was that we were unfair. Unfair! Now all the press of the State of Maine, so far as I have been able to read it, has agreed with the gentlemen of the Senate who determined 20 to 8 that this proposition should receive consideration, and in their editorials, in all sorts of specious argument, they maintain that the Senate is right; and one of them, whose opinion I value the highest, suggests that since these things come to pass advancement for a time in Maine had better cease. Suppose we take that for the text to show about the fairness!

Advancement in Maine for the present should cease! Why? Because Portland does not want to pay but 22 mills tax; because Augusta, which apparently, according to the State assessors' reports, has never taxed anything except real estate, animals, carriages and automobiles, Augusta, whose banks are lined year after year with timber to be sawed, which she can tax no matter where it is on the first day of April,—Augusta is staggering under a tax rate of 26.95. So far as I know, that is the highest city tax rate and the lowest city tax rate.

Now I suppose if a poor section hand lived in Portland and had a great family of children, whose children can walk any time of the day or night or any time of the year over its brushed and watered and swept asphalt streets, skipping along on their way to school, in those splendid

schoolhouses,—this poor railroad section hand who gets \$1.75 a day, and who has purchased a little house perhaps on which he has got a bond for a deed, and on which he pays taxes, although he does not own a penny perhaps in it, hardly a penny in it will be touched by the nine-twentieths mills. I suppose when he puts his family to bed at night he realizes that if an alarm should sound, the forces of the whole city in its fire department or police department would rush around and throw a cordon around his house and protect his children. I suppose that on a Sunday morning as he dresses them up and sends them out to church service, or goes with them in the afternoon to the great City Hall where without let or hindrance and without a penny's cost they can listen to the greatest pipe organ in the world,—I suppose that that man, whose little hut is taxed at the rate of 22 mills is suffering as compared with the section-hand who has to live in the town of Mars Hill, in Aroostook county, and whose children plow through the mud half-way to their knees, except when they are on the half-mile of sidewalk that the double township boasts, and go to the cheerless and cold schoolhouses and thumb over the dirty and worn books, who haven't any police protection except what their own fathers and mothers give. I suppose if that man happens to be lucky enough to get a bond for a deed for a little house to live in, he must say it is fair that Portland should be rewarded and her tax rate kept down to 22 mills while his is up to 40. Gentlemen, I deny the last and third charge in the indictment.

I do not ever believe in asking men to vote wholly because it affects their pocketbook, because I realize it is good economy to spend money sometimes, but you have the figures before you, and I am done with them. They are not exactly as one would make them up if he went into it with a little more time than was at my disposal; but do not forget that all the real estate of Maine contributes to pay this tax, and wherever I have left out a town—and I have left out a great many—it has hurt my case and helped the case of the 16 cities and

towns. Do not forget, again, when you look it over, that in the representative classes in this hall there are only nine or ten that profit; that there is not a single county whose senators can vote for the interests of their people on a tax proposition, as I remember it, except Cumberland, Penobscot and Sagadahoc.

Once more! It is an excise tax or a franchise tax. The cities and towns could not assess it. Nobody can assess it but the State of Maine. Let's have that sure. It is a franchise tax that no one else can assess. O, but these gentlemen who have been assessing taxes for years say that this revenue belongs to the cities and towns of Maine. Gentlemen of the Legislature, if the assessors of Maine would assess the taxes, even on the 22 mill rate, against the property in the city of Houlton, her tax rate would be cut down to 8 mills in 12 months. Why, if a poll had been taken by the Chairman of the State Assessors of the value of the estates represented by the gentlemen who attended the last taxation hearing in the Senate last week, if he had jotted their names and the values they represented down on his book, and had been able to go and tax it himself, there would be no raising of the tax rate of the State of Maine this year, and your \$750,000 would be here for you, and you would have millions more than you need to use. The State is the only one that can assess the tax because it is a franchise tax, and the people who have made the railroads profitable and the telegraphs and telephones profitable are all the people of Maine, and that portion of them that own property that can be taxed are the people that are interested. If you are going to rebate it to anybody, for mercy's sake, why rebate it to Portland, Bangor, Bath and Skowhegan? If it is going to be sent back to anybody, turn it back to the people who produced it—the property of the State of Maine.

This is a new idea in Maine—indirect taxation. It has had the careful study of the wisest men in the Legislature, of your Committee of Appropriations and Financial Affairs, and the Governor with such assistance as

he could get. Gentlemen of this Chamber, regardless of what has happened today, I ask of you, do not turn it down. Let's hear them all and let's determine whether we shall continue to return a reward amounting to \$36,000 to the treasury of the City of Bangor because its assessors do not assess a tax on the property in Bangor, or whether we shall say to the assessors of all the cities and towns in Maine, assess a tax upon the property that is yours, and this tax which has been taken from the earnings of everybody in Maine will be used by Maine to pay her right charges and her little debts.

Mr. Speaker, when the time comes for this matter to be put to a vote, I wish to make a motion that the vote be taken by the yeas and nays.

Mr. FARRINGTON of Augusta: Mr. Speaker, I would like to ask through the Chair, for the benefit of the House, to what rate of taxation the nine-twentieths of a mill would be added on the line of the argument just made by the gentleman from Houlton (Mr. Barnes)?

The SPEAKER: The gentleman from Houlton may answer.

Mr. BARNES: if the equivalent of \$225,000, the amount which the Governor says the railroads, telegraphs and telephone tax rebate will amount to, is raised by direct taxation, it will require an increase of nine-twentieths of one mill or add an additional nine-twentieths of one mill to the State tax.

Mr. FARRINGTON: To your five mills, as recommended by the Budget, may I ask, Mr. Speaker?

Mr. BARNES: I can only repeat, that to raise \$225,000 by direct tax, nine-twentieths of a mill on all the property of the State of Maine will have to be collected by the Treasurer.

Mr. FARRINGTON: Mr. Speaker, as I have listened to the arguments of the gentleman from Houlton, I have almost lost track of the real issue. This report, the majority report, comes from the committee on taxation with the

minority report, and was accepted in the Senate by a vote, as I remember, of twenty-three to five—a rising vote. Of course this House is not bound by the vote of the Senate on any matter. It is always easy to raise the cry of "Wolf," so that people may get under cover. It is easy, with that cry, often times to obscure the real issue. Now we have listened to a reading of what would be lost by certain towns and counties if this report "ought not to pass" should be accepted. As I remember, in the House, when the Governor presented his Budget for our consideration, on page five he stated to us that if we were to keep within his recommendation of five mills, we must pass all of the additional revenue measures which were recommended by him. Now, Mr. Speaker, there is no man in this Legislature who yields in his allegiance to the man who fills the Executive Chair more than I. And I do not believe that a Legislature ever assembled whose members were more ready and willing and anxious to stand with the Governor on all things which he had at heart for the interest of the State, in so far as that could be done in harmony with what might be the reasonable views of the members of the Legislature. Now when we are told that we must, in order to have a five mill rate, pass certain set revenue measures, which undoubtedly are approved by the Governor, and which may bear the stamp of approval of the committee on appropriations and financial affairs, right there we come to a point where honest men may differ and may differ reasonably; and I hardly think it would be expected that one hundred and fifty-one members of this House would agree in all those matters. The Senate showed its feeling with reference to one of these measures—we have it before us at this time.

Now it has been stated that we are about to cut a melon. Why, gentlemen, it would appear from that as though this were a proposition that was requiring the State of Maine to give something it had never given before. That is not the point at all. There was a time when stock in railroad companies was taxed in the cities and towns in the State where it was owned.

There came a time when the Legislature saw fit to take away from the cities and towns the right and the power to tax stock in the town where it was owned. My brother from Houlton, Mr. Barnes, has stated that this is a franchise tax. I want to read you the language of the law: "Every corporation, person or association operating any railroad in the State, under lease or otherwise, shall pay to the Treasurer of State for the use of State an annual excise tax for the privilege of exercising its franchises and the franchises of its leased roads in the State," and mark this: "which, with the tax provided for in Section Four of Chapter ten, is in place of all taxes upon such railroad, its property and stock." The State took away from the towns and cities the right to tax the stock, as it had been doing, and turned it all over to the State, and along as a part of that went the agreement with the State that it would turn back one per cent to the towns and cities, and it has been doing so. Gentlemen, this bill which is before you is simply a bill to repeal that, so that the State would break faith with the towns and cities and those towns and cities will not receive what they have been receiving. Where is your melon on that proposition? It is not a new thing, and when I move for the acceptance of this majority report "ought not to pass", it simply means that I do not believe that the State of Maine should take away that from the cities and towns which they have been given all these years. I believe they should continue to have it. It might be that the State of Maine would take away from the cities and towns the right to tax other articles of personal property. You can see what that would mean if carried to its logical conclusion, and that is all there is before this House today. You can obscure it with a multiplicity of figures; you can say that this city is losing and that town is gaining, but that is not the issue, and it blinds the issue when you say it. This nine-twentieths of a mill simply means that if we are obliged to go above the five mill rate recommended by the Governor in his Budget, that the cities and towns in that pamphlet which has been put upon

your desks will simply have to pay that amount of nine-twentieths of a mill over and above the five mill tax rate. I am not going to discuss at this time whether we can get along on a five mill tax rate or not, but I do not believe we can. I do not believe, Mr. Speaker and gentlemen of this House, and I am going to venture the assertion, and say it boldly, that I do not believe our constituents would attach to us any censure or any blame if we found under the increased cost of living that we have today that we had to go before the people with two sixes. I know that these things, Mr. Speaker, have been pared down to the quick; but there are some things in here before this Legislature which will have to be passed in addition to the recommendations of the Governor, and it will not be strange if we have to go above the five mill rate for the two years. It perhaps may not be strange if we have to go to the two sixes for each of the two years. It does seem to me, however, that we should not allow ourselves to be blinded or prejudiced by this pamphlet which has been placed before you here. It is not a case of what cities gain or what cities lose; it is simply a question of whether by your vote you want to take away from the cities and towns now receiving this refund that which they have received in the good faith of this State. And when it is attempted to show you by that last column, that you lose that amount in your various districts and towns, I say, Mr. Speaker, that it is not a fair statement of the question. I do not think it is intended to be unfair, but it simply means that that is the part of the tax that will have to be raised out of the five mills, or five and a half, or six mills, whatever it may be. It does not represent loss and gain. There is no melon to cut and it is a question of good faith whether you say by your vote that this bill should not become a law, and by so saying say that these towns be entitled to take back that which the State took from them and which simply represents a portion of the tax upon the stock held in those towns. The franchise tax was made in lieu of all those taxes. This is not, as far as I

can see, a party measure at all. It is a matter upon which we vote as we are influenced by our best judgment and our sense of what is right and fair, and it certainly would not be fair for the House to say that it would not accept this report, and, by saying that, prevent this money from going back where it belongs. That does not mean that these cities and towns are suffering losses and I beg you, gentlemen, to think of that when you cast your vote.

Mr. ALLAN of Portland: Mr. Speaker and gentlemen; I want to stand here, first, and exhibit myself as a member of the committee on taxation. The first thing I want to do is to exhibit myself as a member of that committee, coming from Portland, standing with certain other cities of this State. I want to exhibit myself as a member of a committee which has been assumed to have desired to knock down, one after the other certain revenue measures proposed by the Executive Department of this State. I want to show myself; I want to put it up to you. There are other measures that this committee may have to consider. I want to say to you also that, as a member of that committee, I have not up to this present moment made up my mind on any of these taxation measures. We were charged with that by a speaker at the time of the hearing on this very measure. I want to say to you now that I stand here for the good of the entire State, for the good credit of this State, for the fairness of this State and for no other reason. It is the first time in the history of this bill that I have heard it dubbed the "Milliken Bill" or an administration bill. If it is the Milliken Bill, with all the respect that I may have for the Executive of this State, I am ashamed of it.

Now, gentlemen, I do not know how much time may be allowed me, but I want to call your attention to a few facts about this bill. I had not intended to speak at all until Saturday morning, but so many things have occurred, so much talk has been made in the lobbies among the members, that it seems to me that I should be

false, at least to myself and city, if I did not have something to say about this particular bill. I want to say to you in discussing it that I do not wish to indulge in ridicule; I do not intend to indulge in sarcasm; but I want to say to you that the opinion of every member of this House, coming as it does from honest hearts, should have the respect and consideration of every member here. You have a right to your opinion; you have a right to differ from me if you see fit; but I do want to say to you that I come here in opposition to this bill even as a member of the committee on taxation. I want to say to you first that it works an injustice, notwithstanding my brother from Houlton, on many of the cities and towns of this State, and I want to tell you further that it is really unfair and inequitable and causes an unequal division of the taxation. It puts more of a burden upon some parts of our State than it does upon others.

Now I know that you may say that the city of Portland is well able to bear any expense. Gentlemen, that I cannot deny—I do not want to deny it. I am not for a moment unmindful of the wealth and prosperity of the city of Portland. Neither am I unmindful of the fact that she pays from one-sixth to one-seventh of the State taxes of the State of Maine, and I know that without our property, without our prosperity, the taxes of this State would be very much higher in the future than they have been in the past. I am really, gentlemen, sorry that our wealth is not distributed about over the State. I would that every city and town of the State had a portion of the wealth that we have; I would that they were as well located. Gentlemen, I think sometimes that the spirit of the city is very much misunderstood by the gentlemen from the country; and I will say further that I think the spirit of the country is just as much misunderstood as that of the city. I am sorry for it. Now, gentlemen, to illustrate what I want to get at, let me call your attention to the fact that the towns of New England were the first governmental unit that we ever had. They took care of their own affairs, they collected all their taxes on real estate and personal prop-

erty, and finally on the intangibles, or the property disappearing from the eyes of the assessors. Now in 1880, a time of good business prosperity, corporation business had increased, railroad stocks and bonds had become an important factor in our economic values, and the time came that the State wanted more money. It saw an opportunity. The State noticed that all the railroad stock was escaping taxation, that property was in hiding and being transferred outside of the State; and in order to raise this money they conceived the idea of assessing a tax upon the earnings, not only of the railroads in 1880, but following along until they took up telephone, telegraph and other stocks,—a kind perhaps of excise tax which was similar to the tax on the earnings of these roads and corporations. Now, gentlemen, from 1880 to the present time this entire bill has been through legislature after legislature. It has been considered by tax commission after tax commission, made up of the brightest, most capable men of the State of Maine who knew what they were doing, who were considering the interests of the State and realized the benefits accruing to it therefrom. The fiscal arrangement with many of our towns has been made with reference to this entire tax, and, as I understand it, works clearly and well. Last year you remember, the State collected about \$1,100,000, of which they turned back to the cities and towns \$250,000. But what happens now? The State still wants more money. Will the time ever come when our State will not want more money? I sincerely hope not, we need it.

Now this bill provides in effect, if it is carried by your votes today, that this \$225,000 shall be taken away from the cities and towns and carried into the State treasury. This, I know, will not apply to you all. There are many towns that will not receive one dollar of this money perhaps, or a very small part of it; but why, gentlemen, should you be aggrieved? Put it right up to yourselves in a frank, manly way. Is the city of Portland, the city of Bangor, or the city of Lewiston responsible altogether for their wealth? The location of our cities, fundamental conditions connected with them, everything of

that kind has a great deal to do with bringing property into those cities. Now this stock that they are talking so much about represents just so much money of our citizens, does it not? Is it not just as much the property of our cities as the farming utensils of the farmer are the property of the town? Would you want the State to come in and take away from you the taxable property of your town—for instance the farming implements and stock—allow the State to use it and refuse to allow the town to assess it? The cities are not complaining at the franchise tax on these railroads. We are willing to support any fair tax on stock or on corporations. What we are complaining of is this,—that when they take this property away from us and tax it to the State, they make it absolutely non-taxable in the city or town where it is located. How is this arrangement made? In 1880 when this bill was passed, the amount to be returned was decided upon after a full consideration of all these equities, of all the difficulties of collection, and the power of hiding away; and the amount collected was about equal to what they were receiving. Was there anything unfair about that? Should they not have a right to tax their own property? The city of Portland is willing to pay every dollar of tax the State may assess. We will not flinch a bit no matter whether it is five mills or six mills, but we ask to retain the right that was given in 1881 and reaffirmed by legislature after legislature, to have the equitable amount of that property which we gave up to the State returned to us from year to year. It is the practice of our court in this State in considering equity matters to see that no decree works hardship upon the defendant in any case. We stand here today the highest court in the State to which the Supreme court of this State has to bow. Shall we not consider whether this bill, if passed, would inflict hardship of any kind on any city or town of this State?

I suggest to you when you come to record your vote on this matter that you consider the equitable part of it; that you consider whether or not in right, justice and good conscience you will do as this bill proposes.

Mr. SISSON of Island Falls: Mr. Speaker, one of the most famous of the popular novels of a few years ago was entitled "Within the Law." As I remember that work of fiction the heroine was unjustly imprisoned, and on release came out a hater of society and determined to beat the game and studied all possible opportunities of beating the game, still within the law; and every one of us well knows that it is possible to have certain jokers in laws by which their effect is sometimes nullified. Every one of us knows that the State of Maine laws are not above that thing, and it matters not what in 1881 the Legislature had to do as a solace unto the cities then. The way it stands now, there is a tremendous leak in the Treasury that has got to be stopped. What a peculiar way of permitting the State funds to slip away! Just because they are used to it, is that the only reason why they should keep at it—because they are in the habit of having it? So men and women are in the habit of taking morphine, but we forbid them. So may we say if you stop my taking my neighbor's goods, I shall thereafter have a complete readjustment of my affairs; and so may the cities and towns, of which my town is one, afford a readjustment of their affairs. I call to your minds at this time a law like that that has never been repealed. It reads in four words "Thou shalt not steal," and the way the present law stands in regard to railroad tax and telephone and telegraph tax, it is nothing but grand larceny within the law. Mr. Speaker, my town is one of those that is going to lose by the repeal of this law; but how is it that it is one of those towns? It is because two men happen to live there who control the stock of the telephone company that serves all the surrounding country. Five and ten times the population of my town is served by the company owned by those two men. Any day that either one of them wants to move, lured by the "Great White Way," that city into which he goes will have that much that has been coming to my town. Those two men, because they happen to live there, bring several hundred dollars into

the town. Now under what form of justice and fairness can you say that that is right? Because one-fifth has leaked out, the other towns surrounding mine must needs pay three-fourths, perhaps five times the amount that my town received for it. That is the simple way in which it works out. Mr. Speaker, this matter has already come up in the Senate, that august assembly made up of city men. Country senators are getting scarce. You may charge it to the direct primary if you will, but they are getting scarce and there is too much of this "To the devil with the country; let them pay for the city's bacon." I stand here to protest, as one representing one of those sixteen favored towns that no more shall there be permission to a favored few to suck away one-fifth of the railroad, telegraph and telephone tax. Let the State fund be a State fund, to be distributed as a State fund; but let it no more be dribbled out, merely because some one or a few have their residence in a certain locality. When this vote is put I hope that, though my town loses by it, you do not accept the majority report of that committee.

Mr. BOMAN of Vinalhaven: Mr. Speaker, just a word: I wish to call attention to this pamphlet where it refers to Cumberland County. The total valuation is given in the pamphlet as \$13,916,368, while the valuation of Portland alone is \$75,515,194. Now gentlemen, if this is incorrect, now do we know that this pamphlet is correct in the rest of its details?

Mr. WILSON of Portland: Mr. Speaker, I move the previous question.

A sufficient number having arisen, the previous question was ordered.

The question being on the motion of Mr. Barnes of Houlton that the yeas and nays be called,

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

The SPEAKER: The Chair will state the question so all may understand it. The question, gentlemen, is on the motion of the gentleman from Augusta, Mr. Far-

rington, that the House accept in concurrence the majority report of the committee on taxation, and the Chair will read the majority report: "The majority of the committee on taxation, to which was referred the bill entitled 'An Act to amend Section 26 and Section 27 of Chapter 9 of the Revised Statutes, relating to State taxation of railroads and telephone and telegraph companies,' have had the same under consideration and ask leave to report that the same ought not to pass." As the clerk calls the names of the members those who are in favor of the motion of the gentleman from Augusta, Mr. Farrington, that the House concur with the Senate in adopting the majority report, which is "ought not to pass," will answer yes when their names are called; those who are opposed will answer no. The clerk will call the roll.

YEA—Allan of Portland, Allen of Sanford, Ames, Anderson, Babb, Baxter, Berry, Besse, Bolduc, Boman of Vinalhaven, Bragdon, Brewster, Cates, Cole of Etna, Conary, Corliss, Dutton, Eaton, Emerson, Farrington, Fleming, Fletcher, Frost, Goldthwait, Gurney, Hanson, Hartwell, Holbrook, Holt of Skowhegan, Hunt, Jennings, Jordan of Baileyville, King, Kneeland, Knight, Langley, Lurgay, Levesque, Merrill, Morison, Murphy, Murray, Newcomb, Packard of Newburg, Pattee, Reed, Rounds, Sawyer of Eden, Tate, Turner, Wilson—51.

NAY—Albert, Aiden, Andrews of Norway, Andrew of Warren, Barnes, Billings, Bonney, Bowman of Detroit, Brown, Burbank, Bussabarger, Chaplin of Bridgton, Chaplain of South Portland, Charles, Clark of Harrison, Clarke of Randolph, Clason, Clement, Clifford, Coffin, Creditford, Cummings, Cushman, Daigle of New Canada Pl., Daigle of Wallagress, Day, Dearth, Dow, Ellis of York, Flint, Gannett, Garcelon, Greenlaw, Hall, Harmon, Harris, Hart, Hill, Holley, Holt of Gouldsboro, Hooper, Howard, Hutchins, Jenkins, Jordan of Cumberland, Lawrence, Leavitt, Lenfest, Libby, Longley, McNally, Meserve, Morin, O'Connell, Pendexter, Phillips, Picher, Purington, Ranney, Richards, Rowe, Russell, Ryder, Sawyer of Madison, Sisson, Snow of Bluehill, Snow of Mars Hill, Speirs, Stearns, Stanley, Stubbs, Tuttle, Wagg, Washburn, Watts, Welch, Williams—77.

ABSENT—Averill, Boynton, Brackett, Buzzell, Cole of Eliot, Descoteaux, Driscoll, Drisko, Ellis of Gardiner, Grant, Hammond, Larabee, Lewis, Lyford, Messer, Mutty, Neilon, Nicholas, Packard of Rockland, Powers, Redman, Watson, Webb—23.

Fifty-one having voted in the affirma-

tive and 77 in the negative, the motion was lost.

On motion by Mr. Farrington of Augusta, the reports were tabled, pending acceptance.

The SPEAKER: The Chair calls the attention of the members to the well known principle of parliamentary practice, which makes it not permissible to refer to the action of the other house of a legislature, or to refer to a debate there. Such action is liable to lead

to a misunderstanding and ill will between the two houses.

Further, the action of the other body should not be referred to to influence the body the member is addressing. On occasions other than this morning, members have transgressed this rule.

On motion by Mr. Bussabarger of Lubec,

Adjourned until 9.30 o'clock tomorrow morning.