

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

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HOUSE.

Wednesday, March 14, 1917.

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

Prayer by the Rev. Mr. Cochrane of Hallowell.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Resolution relative to the preparedness meeting at Portland, Maine, March 16.

Resolved, the House concurring, that the Legislature attend a preparedness meeting to be held at Portland, Friday, March 16.

Came from the Senate, read and passed.

In the House passed in concurrence.

From the Senate: An Act to amend Chapter 229 of the Private and Special Laws of 1849, entitled "An Act incorporating the trustees of the fund for the support of the episcopate of the Protestant Episcopal church in the diocese of Maine," as amended, came from the Senate recommended to the committee on judiciary.

On motion by Mr. Baxter of Portland, the House voted to concur with the Senate in recommitting the bill to the committee on judiciary.

From the Senate: An Act providing for court jurisdiction in criminal cases originating in Hibberts Gore.

Came from the Senate, recommended to the committee on judiciary.

On motion by Mr. Farrington of Augusta, the House voted to concur with the Senate in recommitting the bill to the committee on judiciary.

From the Senate: An Act relating to municipal elections in the town of Mount Desert.

Came from the Senate with Senate Amendment A adopted, and passed to be engrossed as amended.

On motion by Mr. Chaplin of Bridg-

ton, the House voted to insist on its former action and ask for a committee of conference.

The Chair appointed as such committee of conference Messrs. Chaplin of Bridgton, Barnes of Houlton and Murray of Bangor.

Senate Bills on First Reading.

Senate 290. An Act to amend Chapter 215 of the Private and Special Laws of 1867, and authorizing the city of Saco to provide, equip and maintain a hospital.

Senate 136. Resolve authorizing the county of York to procure a loan.

On motion by Mr. Sawyer of Madison, the rules were suspended for the consideration out of order of Resolve in favor of the town of Solon to repair Robin Hill in said town. On further motion by the same gentleman, it was voted that the House appoint a committee of conference. The Chair named as such committee Messrs. Sawyer of Madison, Holt of Gouldsboro and Kneeland of Lincoln.

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. Farrington of Augusta: An Act to amend Sections 85 and 87 of Chapter 2 of the Revised Statutes, relating to the State contingent fund. (500 copies ordered printed.)

By Mr. Eaton of Rumford: Resolve on the pay roll of the House of the 78th Legislature.

By the same gentleman: Resolve in favor of certain employees of the House of Representatives.

Education.

By Mr. Barnes of Houlton: An Act to amend Section 85 of Chapter 16 of the Revised Statutes, providing a maximum annual tuition in secondary schools of the State. (1000 copies ordered printed.)

By Mr. Phillips of Southwest Harbor: Resolution and petition of Lamoine Grange in the town of Lamoine,

asking for the passage of An Act to provide for the distribution of State school funds on the basis of aggregate attendance; also resolution and petition of Ocean View Grange in the town of Tremont, in favor of same; also resolution and petition of Bayside Grange, in the city of Ellsworth, in favor of same.

By Mr. Canary of Bucksport: Resolution and petition of Floral Grange, in the town of Bucksport, in favor of same; also petition of Highland Grange, in the town of Penobscot in favor of same.

Inland Fisheries and Game.

By Mr. Gurney of Portland: Petition of O. F. Gooch and 23 others, residents of Bar Harbor, in favor of the enactment of a law changing the present open season on various game birds.

Public Health.

By Mr. Picher of Waterville: Remonstrance of Warren J. Foss and 75 others against the proposed law creating a State Department of Health.

By Mr. Ellis of Gardiner: Remonstrance of H. M. Louton and 25 others of Gardiner, against Senate Bill 212, relative to a State Department of Health.

Reports of Committees.

Mr. Purington, from the committee on banks and banking, reported "ought to pass" on bill, An Act to amend Section 27 of Chapter 52 of the Revised Statutes, relating to the investment of saving deposits.

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

Same gentleman, from same committee, on bill, An Act to amend Section 100 of Chapter 98 of the Revised Statutes, relating to loan and building associations, reported same in a new draft under same title and that it ought to pass.

Mr. Wilson, from same committee, reported "ought to pass" on bill, An Act to amend Section 24 of Chapter 52, of the Revised Statutes of 1916, with reference to deposits of married women or minors.

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

Mr. Hartwell, from same committee, reported "ought to pass" on bill, An Act to prevent officers and employees of banking institutions from making copies of records.

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

Mr. Morin, from same committee, reported "ought to pass" on bill, An Act to amend Section 43 of Chapter 52 of the Revised Statutes, relating to the custody of securities owned by savings banks.

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

Mr. Clifford, from the committee on claims, on Resolve in favor of Ernest Graffam of Poland, reported same in a new draft under same title and that it ought to pass.

Mr. Garcelon, from the committee on legal affairs, on bill, An Act to extend the charter of the Lubec, East Machias and Machias Railway 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 to amend Chapter 121 of the Private and Special Laws of 1913, to enable the annual meetings of Madison Water District to be held at any time during the month of July.

Same gentleman, from same committee, reported "ought to pass" on bill, An Act to amend Section 1 of Chapter 82 of the Private and Special Laws of 1891, relating to the supplying of the city of Auburn with pure water.

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

Mr. Descoteaux, from the committee on labor, reported "ought to pass" on bill, An Act to repeal Section 12 of Chapter 128 of the Revised Statutes, relating to intention to defraud in lumbering operations and commonly known as the peonage law.

(Tabled by Mr. Dutton of Bingham pending acceptance, and especially assigned for Thursday, March 22.)

Mr. Emerson, from the committee on public utilities, reported "ought to pass" on bill, An Act to amend the

charter of the Central Maine Power Company.

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

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

Mr. Descoteaux, from the committee on labor, reported "ought not to pass" on bill, An Act to amend Section 8 of Chapter 350 of the Public Laws of 1915, entitled "An Act relative to the hours of employment of women and minors."

Mr. Garcelon, from the committee on legal affairs, on bill, An Act to provide for a police commission and for the appointment and terms of members of the police force of the city of Auburn, reported that the same ought not to pass as subject matter is covered in another bill.

The reports were accepted.

The SPEAKER: The Chair lays before the House bill, An Act to amend Section 60, Chapter 8 of the Revised Statutes, relating to the Maine Forestry District. Came from the Senate, where it was presented by unanimous consent, this morning, and comes down for concurrence.

On motion by Mr. Purington of Mechanic Falls, the rules were suspended, and the bill considered out of order.

On further motion by the same gentleman, the House voted to concur with the Senate in referring the bill to the committee on State lands and forest preservation.

Passed to Be Engrossed.

Senate 179. An Act to amend Section 125, Chapter 53, 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 Company to take water from Chemo lake and its tributaries."

Senate 278. An Act to amend Section 30 of Chapter 56 of the Revised Statutes of 1916 so that existing branch tracks may be used by parties other than those for whom they were originally built and also so that rail-

roads may be required to build additional branch tracks.

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 annual appropriation for the encouragement of industrial education.

Senate 285. An Act to amend Section 14 of Chapter 16, Revised Statutes, 1916, to provide for the approval of plans for the reconstruction of remodeling of school buildings.

Senate 284. An Act to amend Section 146 of Chapter 16 of the Revised Statutes, relating to the annual 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 annual appropriation for schooling of children in unorganized townships.

Senate 279. Resolve for the appointment of delegates to the conferences of the National Tax Association.

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

House 301. An Act to amend Section 25 of Chapter 30 of the Revised Statutes, relating to inspector of buildings.

House 217. An Act to amend Section 24 of Chapter 5 of the Revised Statutes of 1916, relating to the registration of voters.

House 218. An Act to amend Section 19 of Chapter 5 of the Revised Statutes of 1916, relating to the registration of voters.

House 279. An Act to supply the town of Bucksport with water.

House 290. An Act to authorize Oxford Electric Company to extend electric lines to and within the town of Hebron and to purchase the electrical equipment and franchises of Trustees of Hebron Academy.

Mr. BAXTER of Portland: I have an amendment to offer to House Bill No. 290, and I move its adoption.

The SPEAKER The Chair will read the amendment.

"Amendment A. Amend House Bill 290, entitled 'An Act to authorize Oxford Electric Company to extend its electrical lines to and within the town Hebron and to purchase the electrical equipment and franchises of Trustees of Hebron Academy' by adding thereto the following words to be known as Section Five:

'It shall be unlawful for said corporation to transmit electric current for sale or use beyond the limits of this State, and to contract with any person, firm or corporation for the transmission or sale of any electrical 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 franchises to any other corporation, firm or person now transmitting or having the right to transmit electric power beyond the confines of the State, without express authority of the Legislature.' "

Mr. EATON of Rumford: Mr. Speaker, I move you that this amendment be tabled.

Mr. BARNES of Houlton: Mr. Speaker, may I inquire of the gentleman from Portland (Mr. Baxter) through the Chair, what is the source of power of this Oxford Electric Company?

Mr. BAXTER: Mr. Speaker, I am not familiar with the charter of the Oxford Electric Company. My only object in offering that amendment was, as I stated some time ago, that I believed that when these various electric companies now doing business in the state came to this Legislature for powers and for amendments to their charters, it would be for the interest of the State to attach this amendment, which does not interfere with their rights in any way so long as they do business within the State of Maine. It simply says that they shall not contract with any company which has the right to take power out of the State of Maine. I do not want the members of this

House to feel that I am in any way obstructing the rights of any electric company, but if we are going to insist upon the established principle that electric companies must confine their operations to the State of Maine, it seems perfectly reasonable, that, no matter how small an amendment may be asked for, we should attach this clause to each charter. There is a bill before this House, introduced by the gentleman from Elliot, Mr. Cole, which entirely changes the law in regard to taking current outside the State of Maine. If this House in its wisdom should see fit to adopt this proposed law, it would be only just for us to give to these individual corporations the right to take electric current out of the State of Maine; but until we do change our policy I think we should insist upon this amendment being put on these various charters. If this proposed law passes, I will be the first one to rise here and propose a law which gives to every corporation in the State the right to take electric power out of the State, so that there shall be no discrimination. I do, however, want to state my position on this proposed law. I shall oppose it. I shall oppose any change in the present policy of the State of Maine in regard to transmitting electric current beyond the confines of this State. Until such time, however, as the State policy is changed, I want to do all I can to maintain that policy, and want to assure you again that I am not asking for anything unreasonable, and that I simply believe it is consistent for us to attach this amendment to each charter as it comes before us.

The SPEAKER: The Chair would call the attention of the House to Rule 36, which the Chair will read: "No motion or proposition on a subject different than that under consideration shall be admitted under color of an amendment." The bill before us provides that the Oxford Electric Company may purchase the rights and franchises and poles of a company now doing business within the town of Hebron. To the Chair, the amendment seems not germane to the bill, and the Chair rules it out of order.

Mr. BAXTER: Mr. Speaker, I should like to inquire of the gentleman from Houlton, Mr. Barnes, if he would enlighten us in regard to this question, because if I am in error, I shall be only too glad to correct myself.

The SPEAKER: The only question before the House is on the ruling of the Speaker. If an appeal is to be taken, the discussion will have to be on that.

Mr. BAXTER: Mr. Speaker, I hesitate very much to take an appeal from the ruling of the Chair, because I had hoped that we would get through this session without being obliged to do that; but I do think that I shall be obliged to so appeal. This is an amendment. Is it in order, Mr. Speaker, for me to continue my remarks? I do not want to transgress in any way.

Mr. BARNES of Houlton: Mr. Speaker, is there any motion before the House?

The SPEAKER: There is no motion before the House.

Mr. BAXTER: The Speaker asked if I took exceptions to his ruling. As I understand it, it is in order for me to explain my position.

The SPEAKER: Does the gentleman appeal from the ruling of the Chair?

Mr. BAXTER: I am about to appeal from the ruling of the Chair.

The SPEAKER: Then the gentleman from Portland, Mr. Baxter, is in order.

Mr. BAXTER: As I understand it, it is in order for me to explain why I appeal from the ruling of the Chair. This House Document No. 290, gentlemen, is an act to authorize the Oxford Electric Company to extend its electrical lines into a certain town. That being the case, and this being a public service corporation, it seems to me perfectly in order for me to offer an amendment. The amendment does not differ in any way from the amendment which I have offered to half a dozen different electrical com-

panies' franchises. I cannot make any distinction in my own mind between this franchise and that of some other companies except the fact that this is a smaller company, doubtless. It does not serve as many communities; but the situation so far as I know is identical. Now I ask through the Chair the gentleman from Houlton, Mr. Barnes, if he would explain whether or not there is any difference. I am willing to be convinced; I want to be convinced if I am wrong in any way; and it seems to me only fair and just that I should be enlightened, and that the members of this House should be enlightened, if there is any reason why my proposed amendment is unjust or unfair. I think it would be unjust and unfair if this amendment should not be adopted, if this situation should not be explained, because what becomes of those companies which have already accepted this amendment? The Milo Electric Company has accepted it and the bill has been signed by the Governor. The Knox County Light & Power Co. has already accepted this amendment to its charter. Why should not the Oxford Electric Company? It is true that this franchise authorizes this company to take over some electrical properties belonging to Hebron Academy. That does not make any difference in my mind, Mr. Speaker and gentlemen of the House, it is simply putting this amendment on to this franchise just as has been done in every other case. There is a bill on the table here, an amendment to the Western Maine Power Company's franchise, which simply attaches this same amendment to it. That is coming before the House today, and it seems to me, gentlemen, that now is the time for us to take sides on this question. If the ruling of the Speaker is sustained, I see no reason why in the few days to come he may not apply that same ruling to every other proposed amendment that I, or any other member, may offer in regard to transmitting electric power out of the State. I assure you, gentlemen, it is not pleasant for me to appeal from the ruling of the Chair. If there was any other way that I could

accomplish it, I assure you I would adopt that other method but, under the circumstances, I feel that I would not be doing my duty to those who sent me here, and to the principles which I advocate, if I did not appeal from the ruling of the Chair.

The SPEAKER: The Chair wishes to state that this discussion is on the ruling of the point of order, the point of order being that the amendment proposed by the gentleman from Portland (Mr. Baxter) is not germane to the bill which we are considering.

Mr. BARNES of Houlton: Mr. Speaker, I realize that in taking part in the argument which is now before us, a man stands as good a chance of being damned as of being one of the tentacles of the octopus; but I happen to know something of the situation of the towns of Norway, Paris and Hebron. I further appreciate the fact that so long as my policies are my policies, they are very harmless; but when it becomes imminent that my policies may become the policies of the State of Maine, it is well for us to look into them before we adopt them. I further took the position in my remarks prefatory to the ruling of the Speaker that since there are almost countless little corporations generating more or less electricity and under varying and differing conditions in the State of Maine, that, as a matter of fact and justice and fairness, each should be considered upon its own circumstances and merits and I further make the statement and proposition that before anybody dictates a policy to the State of Maine, he should have sufficiently digested the facts concerning any proper charter which he wishes to amend so as to know, whether it exists on the face of the earth, whether it is steam or water, and whether its entire product under the laws of nature is now being used up. The framing of the policy of the State of Maine relative to the generating of electricity is a very taxing proposition. The generating and sale of electricity in Maine covers a very broad field. Now what are the facts in this particular case? The Oxford Electric Company is chartered to generate and sell electricity in the towns of Paris and

Norway, and its plant is on an outlet of Pennessewasse Lake, the outlet being a tributary of the Little Androscoggin river which flows into the Androscoggin river. It is a little stream that is in a state of nature, not even floatable to logs. It has a tiny pond. It runs many months of the year on coal. It was owned at one time entirely by Augusta capital, and I am not informed as to whether it is now or not, but my impression is that it is still so owned. It has never been a paying proposition. It runs an electric road of a mile and three-quarters in length and supplies electricity to some industries and domestic users in the towns of Norway and Paris. In the adjoining town of Hebron, there is the old Hebron Academy, the sanatorium and the cemetery. That's about all there is to Hebron. Now Hebron Academy has her little plant, poles, wires and fixtures, and Hebron Academy now has an opportunity to sell those poles, wires and fixtures to the Norway and Paris Street Railway, as it used to be called—now the Oxford Electric Company. Unless the towns of Paris and Norway are burned to the ground, and the domestic users and power purchasers of Norway and Paris are all dissipated, the Oxford Electric Company will never have any electricity to ship out of the State of Maine. Now the ruling of the Speaker is on the proposition that Amendment A or B or C or X or Y or Z, whichever one it is, shall be considered not germane to the bill. The bill provides that the Oxford Electric Company is authorized to purchase, and that the trustees of Hebron Academy are authorized to sell, the poles, rights and franchises of the Hebron Electric Company; the location of poles, wires and fixtures of said Hebron Academy are confirmed and made valid; and the trustees are authorized to sell under the provisions of Chapter 205 of the Private and Special Laws of the year 1903, which purchase shall be subject to the approval of the Public Utilities Commission, as provided in Section 3 thereof. It is a violent stretch of reason or the imagination to see how the amendment which has been read to us is germane to this bill, and I hope the ruling of the Speaker will be sustained.

Mr. FARRINGTON of Augusta: Mr. Speaker, it has been really a surprise to me, as these various amendments have come in and have been adopted on different bills, that there has not been any question raised before today. I am not at all interested in this bill and do not know anything about it; but I feel that it is only fair to me to say that I believe the Speaker's ruling should be sustained here. There are any number of precedents in the National Congress to this end. Rule 36 that has been cited would seem to cover it in itself; but in the National Congress this matter has come up repeatedly. An example, a bill was passed in the National Congress giving the right of way to a railroad company; and there was an attempt to place upon it an amendment that the Government should be unable to buy that road, and it was ruled that the amendment was not germane. As I have said, it seems strange that this point has not been raised before. I shall feel obliged to support the ruling of the Chair in this matter.

Mr. PURINGTON of Mechanic Falls: Mr. Speaker, this situation as described in that bill I am quite familiar with. The gentleman from Houlton (Mr. Barnes) was not quite correct in his statement. The Oxford Electric Company, under an act of the last legislature, was allowed to buy the franchise and property of the Mechanic Falls Company and it assumed all its contracts and there is no danger of their selling any power. The only power that they own is developed from a power about a mile from my village and from the power in Norway spoken of by Mr. Barnes. They have no power to convey out of the State. Now the Mechanic Falls corporation did not feel able to build its line and extend its wires to Hebron; so the Trustees of Hebron Academy wanted light so much that they build their own line and equipment and leased power from the Mechanic Falls Company. They have now become tired of that. It is a burden on them and they cannot take care of the wires so easily as the Oxford Electric Company, and they are simply carrying out with the Hebron people

the contract that they entered into. There is not the least danger of their transmitting any power out of the State. I understand the gentleman from Bangor (Mr. Baxter) has modified his original amendment in some cases, and I can see no particular reason why it should not be in this case. I hope the ruling of the Chair will be sustained. We are simply carrying out a contract entered into—a contract I drew myself; simply changed it at the request of the Hebron people.

Mr. GURNEY of Portland: Mr. Speaker, one of the most important questions that confronts the State of Maine is whether or not a limitation such as is found in Chapter 56, forbidding public service corporations from transmitting electricity out of the State is constitutional or not. There are decisions in other states that such a restriction upon the right of commerce is unconstitutional. We have the law in Maine, as I have said, forbidding the transmitting, without special permission, of any electricity outside the limits of this State. It is apprehended that that particular section of our statute is unconstitutional. Mr. Baxter has attempted to introduce a policy for the benefit of the entire State to limit each charter when it comes before this body asking for an amendment—to limit each charter by special amendment so that it shall no longer have the right, even if that law be declared unconstitutional, to send electricity out of the State. The point is precisely that the courts will say in the future to any corporation that may ask the power, although our law is unconstitutional, you have, by amendment which the Legislature after due deliberation has adopted, you have agreed so far as your rights go, that you will not transmit electricity without the limits of the State. It was testified before the judiciary committee the other day that the State of Maine has a larger horsepower potentially for the development of electricity than any other state in the Union, that by the use of less than half of what we are capable of developing we can light every house, heat every home and turn over every

mill in the State of Maine. Our wild lands have all gone from us; this is practically the last thing we have, and it is a heritage that this State and this Legislature must guard very jealously.

Now to come down to the immediate question, gentlemen, the ruling of the Chair is, I understand, that this amendment is not germane to the particular question involved.

We all feel a hesitancy about taking any step that might be interpreted as discourtesy towards our Speaker; but I do not think that that is the necessary interpretation that must be given to the thing. It is a question whether or not we are big enough ourselves to attempt temporarily to wipe that rule off the books—temporarily to suspend it in the face of an exigency that we may regret all of our lives.

Now what would happen if we allowed this corporation to have this right to transmit electricity outside the State and our general statute was ultimately found to be unconstitutional? Other corporations will immediately transmit their power, it is within the range of possibility, to that particular central station and over their lines send the power outside of the State of Maine in unlimited quantities.

I submit it is not an act of discourtesy to our Speaker, but a question of whether or not we are big enough temporarily to suspend that rule and sustain the point that we will control our own electricity until it is determined definitely whether this law on our statute books is sufficient for the purpose.

Mr. WILSON of Portland: Mr. Speaker, I think if any gentleman will read this proposed bill he cannot help agreeing with the ruling of the Chair. The bill itself simply provides that this Oxford Electric Company shall have the right to purchase property now within the limits of the town of Hebron, and if any man, in this body or any where else, can explain to me how a bill confined to the purchase of property in the town of Hebron allows the transmission of electricity outside the State, I would like to have it done right now. If you read the bill carefully, it simply says that the Oxford

Electric Co. shall be authorized to take over the electrical appliances now in the town of Hebron and operate them in the town of Hebron. How are you going to make it any stronger? Why doesn't that satisfy the gentleman from Portland?

It does not seem to me that we are here to amend the charter of the Oxford Electric Co. on another matter. The only matter for consideration, especially under the ruling of the Chair, is whether the Oxford Electric Co. shall be allowed to do business within the town of Hebron; that is, whether they shall be allowed to do legally just what they have been doing for some time.

As the gentleman from Mechanic Falls has said, this is a situation with which he is especially familiar, and I happen to be a member of the committee before which this bill was heard, and there was no opposition to it. No one appeared at that hearing to suggest that any amendment such as is now offered be attached to that bill; and it was then stated, and it has never been contradicted anywhere that I know of, that the only purpose of this bill was to relieve the trustees of Hebron Academy from the expense of rebuilding a pole line from Mechanic Falls to the academy. It was stated that this line was put in several years ago by the academy trustees for the purpose of furnishing light to the buildings there, that now the poles of the town have decayed and they need replacement, and the trustees do not feel able to do it. It is simply a question, gentlemen, whether you want this academy, one of the oldest, most reputable schools in the State of Maine, to have a favorable opportunity to furnish light for the students to work with. If you do, I submit you should support the ruling of the Speaker. If you do not, vote the other way.

Mr. BAXTER of Portland: I believe it is in order for a member to speak twice and not more than twice on the same question. If it were a question merely of the Oxford Electric Co. transmitting electric current outside the State of Maine, I should not offer this proposed amendment, but the vital part of this amendment is this,

that the Oxford Electric Co. shall not at any time in the future consolidate or unite or contract with any other company; that is, the right to transmit electric current beyond the confines of this State is the gist of this amendment.

None of us believe that the Oxford Electric Co. itself will ever do this, but to show you what the plan is and what is in the air I want to review House Document No. 254, which is an act to amend the charter of the Central Maine Power Co.

Now the Central Maine Power Company controls the situation in the heart of this State and covers a territory from 200 to 300 miles north and south, and perhaps half or two-thirds of that east and west. Now at the hearing last week before the judiciary committee on the gentleman from Bingham, Mr. Dutton's bill, I asked the vice-president of the Central Maine Power Company what his policy was toward transmitting electricity out of the State, and he was very frank in his answer. He said he believed it would be for the interests of the State to construct a trunk line, an electric trunk line, running right across the State of Maine, into which all the powers would feed as they came down along and met the line, and then to take the surplus current to Connecticut. I do not know just why he used Connecticut, but anywhere out of the State.

Now what would be the situation if this little Oxford Electric Company was on that line? That one company with the proposed amendment that I offer might block that whole scheme, and that is what I want to do. You can never tell how small a matter will upset such a big plan.

Now the Central Maine Power Company comes to us here with this proposed amendment to its charter, which, by the way, I do not oppose in any way if they will accept the amendment which I suggest. It permits the Central Maine to purchase the following companies—

Mr. WILSON of Portland: I rise to a point of order. The gentleman from Portland, Mr. Baxter, is not discussing the matter under consideration.

The SPEAKER: The Chair regards the point of order as well taken. The question is on the ruling, and the ruling was that the amendment under consideration is not germane to the subject of the bill.

Mr. BANTER: Mr. Speaker, pardon me one moment. The gentleman from Mechanic Falls, Mr. Purington, told us about the Oxford Electric Company, as did also the gentleman from Houlton, Mr. Barnes, and I simply want to show why I feel that this company is in the same situation as the other companies, even though it is a small company, and if you will allow me two minutes more I will finish, unless you are going to rule very strictly on the question.

The SPEAKER: The gentleman from Portland is granted two minutes.

Mr. BAXTER: The Central Maine Power Company wants to purchase the Bath and Brunswick Light and Power Company, the Penobscot Bay Electric Company, the Waldoboro Water and Electric Company, the Hartland Electric Light and Power Company, the Union Light and Power Company, the Newport Light and Power Company and the Wis-casset Electric Light Company.

Mr. WILSON of Portland: Mr. Speaker, I rise to a point of order. If the gentleman wishes to discuss the Oxford Electric Light Company I do not object. If he wishes to discuss the Central Maine Power Company I do object.

The SPEAKER: The Chair grants the gentleman two minutes.

Mr. BAXTER: I hope he will take out the time of the interruption. (Applause.)

Now, gentlemen, here is this little company; it amounts to very little when you consider the whole situation in Maine, but that little company might block the scheme and plan of the great big Central Maine Power Company if it ever wanted to pass through that section of the State and take power out of the State. That is why I proposed this amendment to this small, apparently insignificant franchise.

The gentleman from Houlton, Mr. Barnes, referred to this as my policy, and not the policy of the State of Maine. It is not my policy; I am not crowding this policy on the State of Maine, but I simply offer it to the members of this Legislature hoping that they in their judgment will look at the question as I do. I do not pretend to have any greater light or any more information than the other members of this House, but I simply present it to you, and I want you to understand it, and I know if you understand it you will act upon it intelligently. I want the issue clear. This is not an issue between the Chair and myself in any way at all. The question is simply whether this amendment to this little franchise is germane to the question before the House.

Mr. BARNES of Houlton: Mr. Speaker, just one word more lest we be confused. Lawyers are supposed to know a bit more about what the words in a charter mean than those who have not made a study of the law. That the Speaker's ruling is correct and that the motion of the gentleman from Portland is not germane to the subject is plain to a real lawyer; for so surely as I can read and interpret the acts of the statutes of Maine incorporating the Oxford Electric Company and its two constituents, the Paris and Norway Street Railway Companies, so surely do we know that by their charter rights they are limited to an area that does not approach the confines of the State.

If this were in a town lying against the State lines and they had a right to go to the State lines, the motion would be germane, but it lies there inside Oxford county, far from the State line. Before this company, or its successors, can ship a particle of electricity over the boundary, they must come to a future legislature and get the right to lay their poles over other townships.

I hope a little later to be able to agree with my brother from Portland when the policy of Maine demands some hampering of a corporation in its charter rights, but I realize that this is not the time and that this little corporation does not need this amendment. I sincerely hope that the ruling of the Chair will be upheld by the House.

Mr. ALLAN of Portland: Mr. Speaker, I do not want to take but a moment, but it does not seem fair to me to force this issue on the appeal from the ruling of the Chair, that is to force the issue on the question of carrying electricity in or out of the State of Maine. I, personally, would rather vote upon the issue directly than vote upon the issue as presented here. As I understand it, in cases of this kind in our Congress, it is customary in many cases to take different action, and I move that the appeal lie on the table, which is really sustaining the Chair in its ruling.

Mr. REDMAN of Ellsworth: Mr. Speaker, as I understand the question, it is whether or not this amendment is germane. That is the precise question. I do not want to take exceptions to the ruling of the Chair; I would rather that this matter would not come up in this particular form, but it seems to me that if you grant this corporation the right to set up poles and put up wires, that right may subsequently become a unit in a complete system which would carry our power outside the State of Maine. To be sure, this corporation itself could not carry that power outside the State of Maine, but if you give them this extension of their charter right—if you allow them to set up poles with wires on those poles to extend their system—it seems to me that that at least has a possibility of subsequently becoming a part of a unit in a system which would transmit current outside the State of Maine. It seems to me that, in that respect, looking at it from that point of view, the position taken by the gentleman from Portland (Mr. Baxter) is correct, and that the amendment is germane.

Mr. ALLAN of Portland: Mr. Speaker, I move you the appeal lie on the table.

Mr. NEWCOMB of Scarborough: Mr. Speaker, I want to second Mr. Allan's motion, and in saying that, I want to say also that I do not want to vote not to sustain the Speaker in his position and I do not want to vote so that my constituents will say, "Newcomb, you left a hole for the electricity to go out of the State of Maine." I hope Mr. Allan's motion will prevail. (Applause.)

Mr. MERRILL of Gray: Mr. Speaker, those are my sentiments exactly, and, furthermore, if we are dependent entirely upon the town of Houlton for advice, of course we shall have to depend on it.

Mr. BAXTER of Portland: Mr. Speaker, I am not going to speak a third time. I simply want to say that as I interpret the rules of parliamentary law, when a point of order is raised, it is not amendable; it is debatable if the Speaker allows it, but it cannot be laid upon the table.

The SPEAKER: The Chair was about to make that statement.

Mr. BAXTER: Mr. Speaker, I was about to say, in view of the feeling here towards the Speaker, and in view of the friendly relations of the members and myself and the Speaker, that I do not insist upon this point of order. I appreciate the suggestion which the gentleman from Portland, Mr. Allan, made, which was seconded by the gentleman from Scarborough and the gentleman from Gray, and I withdraw my appeal from the decision of the Chair in the interests of harmony and good feeling, and we can take up this matter some other time when the issue shall be clearly defined. (Applause.)

The SPEAKER: The Chair would inquire of the gentleman from Portland, if he will withdraw his amendment?

Mr. BAXTER: I move it be laid upon the table. Perhaps that would be the better form, Mr. Speaker,—lay it upon the table pending its third reading and passage to be engrossed.

The SPEAKER: Pending its adoption?

Mr. BAXTER: I move the amendment be laid upon the table.

The SPEAKER: The amendment has not been adopted yet. The gentleman can present the amendment and move it be tabled for printing.

Mr. BAXTER: I would make that motion, Mr. Speaker.

The SPEAKER: The Chair would suggest to the gentleman from Port-

land that inasmuch that the Chair has ruled that the amendment is not germane he cannot very well receive it at the table.

Mr. BAXTER: Very well, Mr. Speaker, I withdraw the amendment.

The bill was then given its third reading and passed to be engrossed.

House 235. An Act to amend Section 14 of Chapter 58 of the Revised Statutes, relating to the extension of charters of street railroads.

House 185. An Act relating to Vassalboro, China & Windsor Light & Power Co. (Tabled on motion by Mr. Buzzell of Belfast pending its third reading.)

House 139. An Act authorizing Fort Kent Electric Co., its successors and assigns, to erect and maintain a dam across Wallagrass stream in Wallagrass Plantation, Aroostook county, at its power station as now located on said Wallagrass stream. (Tabled on motion by Mr. Baxter of Portland, pending its third reading.)

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 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 Indian 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 215. An Act to amend Section 157 of Chapter 53 of the Revised Statutes of 1916 in relation to the payment of premiums on official bonds.

Mr. Brewster of Portland offered House Amendment A as follows and moved its adoption:

"Section 157. Any court or officer whose duty it is to pass upon the account of any person or corporation required by law to give a bond, may, whenever such person or corporation has given any such surety company as surety upon said bond, allow in the settlement of such account a reasonable sum for the expense of procuring such surety. The premium on account of all official bonds required by law to be given by county officials, shall be paid from the treasuries of their several counties."

The amendment was adopted.

The bill was then given its third reading and passed to be engrossed as amended by House Amendment A.

House 355. Resolve reimbursing Samuel N. Packard for the loss of two cattle.

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

Mr. Washburn of Perry offered House Amendment A as follows and moved its adoption:

"Amend said resolve by striking out all of the same and substituting therefor the following:

'Resolved, that there be and hereby is appropriated the sum of \$2425 for the repair and furnishing of the building known as the Teachers' Old Home on Old Town Island No. 1, said sum to be expended under the direction of the teachers on said island."

The amendment was adopted.

The resolve was then given its second reading and passed to be engrossed as amended.

Passed to Be Enacted

An Act to annex certain islands in Casco Bay to the county of Sagadahoc and the town of Phippsburg.

An Act to extend the charter of the Androscoggin Valley Railroad Co.

An Act to amend Section 48 of Chapter 56 of the Revised Statutes, relating to inspection of railroads.

An Act to amend Section 34 of Chapter 68 of the Revised Statutes, relating to special administrators.

An Act to amend Section 27 of Chapter 9 of the Revised Statutes, relating to returns by railroad companies for purposes of taxation.

An Act requiring the placing of warning signs at grade crossings.

An Act to amend Section 76 of Chapter 16 of the Revised Statutes, relating to the inspection of secondary schools.

An Act to amend Section 34 of Chapter 24 of the Revised Statutes relating to highway crossings of railroads.

An Act to authorize the town of Richmond to acquire the property of Richmond Water Works and to construct and maintain a system of water works within said town.

An Act to amend Section 39 of Chapter 30 of the Revised Statutes, relating to the inspection of safeguards and repairs by town officers or fire engineers.

An Act to extend the charter of the Bluehill Water Co.

An Act to revive and extend the charter of the Penobscot Bay Water Co.

An Act additional to Chapter 82 of the Private and Special Laws of 1903, entitled "An Act to Incorporate the Gardiner Water District."

An Act additional to Chapter 7 of the Revised Statutes, relating to the purity of elections.

An Act to amend Section 1 of Chapter 177 of the Private and Special Laws of 1897, relating to the taking of smelts in the Saco river.

An Act to authorize the National Camps and Hotel Co. to construct and maintain a wharf in Sebago lake.

An Act to legalize the doings of the Fairfield Center cemetery association.

An Act to change the name of Marsh island.

An Act to repeal Chapter 276 of the Private and Special Laws of 1911, relating to the construction of public build-

ings on public grounds by the city of Portland.

An Act to extend the charter of the Waldo Street Railway Company.

An Act to provide for physical connection and certain auxiliary service between steam railroads and electric railroads

An Act to extend the charter of the Lincoln Sewerage Company.

An Act to amend Chapter 8 of the Private and Special Laws of 1887 and to set off certain real estate of Theodore B. and Addie S. B. Weston from the Madison Village Corporation.

Resolve, in favor of the Bath Military and Naval Orphan Asylum, for maintenance and other purposes, for the years 1917 and 1918.

Resolve, in favor of the several state normal schools and the Madawaska Training School for the construction of new buildings and for permanent repairs and improvements.

Resolve, providing for a commission to investigate the advisability of making improvements in Portland harbor.

Resolve in favor of the board of dental examiners, for equipment, printing and postage.

Resolve, appropriating money for expenses of the electoral college.

Resolve, proposing an amendment to the Constitution of the State of Maine relative to the tenure of the office of sheriff.

(On motion by Mr. Farrington of Augusta, tabled until tomorrow, March 15).

An Act to enable the town of Presque Isle to assume the obligations of the Presque Isle Village Fire Department arising out of a contract with the Presque Isle Water Company.

The SPEAKER: This act carries the emergency clause and will require a two-thirds vote. As many as are in favor of the passage of this act will rise and stand until you are counted.

A division being had.

One hundred and eighteen having voted in the affirmative.

The bill was passed to be enacted.

Orders of the Day

On motion by Mr. Wilson of Portland, unanimous consent was given, and that gentleman presented under suspension of the rules the following order and moves its passage:

Ordered: That 500 extra copies of House Document No. 364, New Draft, be printed, one-half of said number to be delivered to the banking department for distribution.

The order received a passage.

The SPEAKER: Pursuant to the order that was passed two weeks ago, the matters on the calendar of today that are tabled will be taken up in the order in which they appear.

The SPEAKER: The Chair lays before the House, Senate Doc. No. 150, An Act relating to the Clark Power Co., tabled by the gentleman from Portland, Mr. Baxter, pending its third reading.

Mr. BAXTER of Portland: Mr. Speaker, in view of the discussion which we have had this morning on this general question, I think it might be better for us to postpone the consideration of this bill for a day or two. I think that the members of the House will want an opportunity of thinking over this question, and although I was planning to offer an amendment to this charter, if the Chair will allow and the members of the House agree, I ask that this be tabled for a day or two so that we can take it up later after we have digested what has happened here this morning. Consequently, I move it be laid upon the table, Mr. Speaker.

The SPEAKER: Will the gentleman assign any special day for it?

Mr. BAXTER: I should prefer not to unless it is necessary. Of course it will not be taken up on any day, under the gentlemen's agreement, unless everybody is here, and if nothing is done in the meantime, it will be taken up in the regular order next Wednesday.

The question being on the motion of the gentleman from Portland, Mr. Baxter, to table the bill pending its third reading,

The motion prevailed.

The SPEAKER: The Chair lays before the House Senate report of the committee on public utilities, reporting "ought to pass" on Senate Document No. 218, entitled "An Act to enlarge the powers of the Western Maine Power Co.," tabled by the gentleman from Augusta, Mr. Gannett, pending acceptance of the report in concurrence.

On motion by Mr. Gannett of Augusta, the report was accepted in concurrence, and on further motion by the same gentleman, the bill was given its two several readings, and on further motion by the same gentleman, Friday, March 16, assigned for the third reading of the bill.

The SPEAKER: The Chair lays before the House majority and minority reports of the committee on labor, majority reporting "ought not to pass" and minority reporting "ought to pass" on House Document 115, entitled "An Act to repeal Section 35 of Chapter 49, Revised Statutes, relative to contract requiring notice of intention to quit work or discharge of employes," tabled pending acceptance of either report by the gentleman from Corinth, Mr. Morison.

Mr. MORISON of Corinth: Mr. Speaker, House Bill No. 115, to which these reports apply or refer, is an act to repeal Section 35 of Chapter 49 of the Revised Statutes of 1916, relative to contract requiring notice of intention to quit work or discharge of employes. A similar bill was introduced in previous legislatures, and in each instance failed to pass, and at this session, the committee on labor are divided in their opinion and they have made two reports.

The section which the bill seeks to repeal is short, and in order that the House may understand the question, I will ask permission to read the section.

"Any person, firm, or corporation engaged in any manufacturing or mechanical business, may contract with adult or minor employees to give one week's notice of intention on such employee's part, to quit such employment under a penalty of forfeiture of one week's wages. In such case, the employer shall be required to give a like notice of intention to discharge the employee; and on failure, shall pay to such employee, a sum equal to one week's wages. No such forfeiture shall be in force when the leaving or discharge of the employee is for a reasonable cause. Provided, however, that the enforcement of the penalty aforesaid, shall not prevent either party from recovering damages for a breach of the contract of hire."

Now, House Bill 115, purposes to repeal that law. The majority report of your committee on labor purposes to retain that law. Therefore, Mr. Speaker, I move the acceptance of the majority report.

The SPEAKER: The gentleman from Corinth, Mr. Morison, moves that the majority report "ought not to pass" be accepted.

Mr. DESCOTEAUX of Biddeford: Mr. Speaker, I have listened to what the gentleman has said just now about the committee bringing in a divided report, and about this being up here three or four times. It is true that this is not a unanimous report of the committee, and once the bill was indefinitely postponed while I was at home.

Now this bill seeks to repeal the law which has been read by the last speaker and which says you may contract. It is true that is the way the law reads, but if you go to any of these establishments that have this contract, you have got to sign or you cannot get work. So much for that part of it.

It says that no such forfeiture shall be enforced when the leaving or discharge of the employee is for a reasonable cause. The worker has not got any reasonable excuse, no matter what happens, if the overseer or foreman for whom he is working on this contract says he hasn't. It is up to him whether he will accept any excuse or not. I

know of cases, at home principally, where this has been very much abused. There was a lady that gave her notice Monday morning to get through Saturday night, and Wednesday night of that week the mill shut down for some reason or other, and Monday morning she took her trunk to the depot, with the intention, of course, of going away. She went over to get her pay, and the overseer told her that she would have to work the other three days. While that was a legal excuse, she worked her notice. She was not to blame because they shut down.

I know a number of cases like that I know of two men who were arrested on a Saturday night before election on Monday and who got thirty days in the county jail. When their time was up, they went back there to work and they never got their week's pay. Wasn't that a legal excuse?

I could stand here all day and tell you of cases where this law has been abused. I hope and I believe that the members of this House will vote in favor of the minority report "ought to pass," and I ask for the yeas and nays when the vote is taken.

Mr. MORISON of Corinth: Mr. Speaker, I yield to the gentleman from Dexter, Mr. Dearth.

Mr. DEARTH of Dexter: Mr. Speaker and gentlemen of the House, it does not seem to me that it is necessary to discuss this question very extensively. It seems to me that the law as it is is fair and right, both to the employer and the employee. It seems to me to be a question of applying the Golden Rule, "Do as you would like to be done by."

Now in my experience, I have had cases such as the gentleman from Biddeford has suggested. I have had employees come to me who for some excuse wanted to leave the employment of their employer and wanted to get their pay, and I asked them if they had worked or given their week's notice, and invariably they had not. When I investigated the cases by questioning them, they did not have a reasonable excuse; they had got piqued at some little thing or disappointed,

and I advised them to go back and give their notice, and in nine cases out of ten, they have done it, and most of them have afterwards told me that that was the proper thing to do and they were glad that they had done it. That is, they acted manly with their employer, and after they got over this feeling, they were glad that they had done so.

Now, I cannot see any hardship here. There cannot be any question but what if a man wants to leave the employ of his employer, he can give that week's notice without any great inconvenience to him, and it is his duty to the man who employs him. The employer cannot discharge him without giving him that week's notice, and I feel that if the gentleman from Biddeford sits down and takes this question in to the inner sanctum sanctorium of his conscience and there considers the question, outside of prejudice, outside of any desire to get at the other fellow, that he must decide that the law as it is is fair and just to both parties. Let's look at it in that light; let's apply the Golden Rule and use the fellow that we work for in the same way as we would like to have the fellow that we work for use us. I hope that the motion to adopt the majority report of the committee will be carried.

Mr. MURPHY of Calais: Mr. Speaker, the condition of labor ever has and ever will be a matter of vital interest to the world. Sometimes just and equitable conditions are found. Only too often, labor is forced by circumstances to accept conditions that tend to sap their vitality, enervate their minds and give rise to feelings that find manifestation in protest, and at that time there is violence.

The gentleman from Dexter, Mr. Dearth, thinks that the people ought to give a week's notice, but I see no reason why they should. When people who work for a living with their hands and brains are hired by a corporation, they are hired by the day as a rule, and every night at six o'clock their time is up, and I see no reason why they should be forced to

work longer against their wishes. I hope, Mr. Speaker, that the motion of the gentleman from Biddeford, Mr. Descoteaux, will prevail.

Mr. DESCOTEAUX of Biddeford: Mr. Speaker, the labor committee had a hearing on this bill a few weeks ago and there were three men opposed to the bill. One was Mr. Norman Fay who runs a machine shop in Dexter. While he was opposed to the repeal of this law, he will not use this contract law. This law has been on the books for 30 years and today I do not believe there are three mills in the entire State that use it. Just think of it! These men are opposed to it and they come here year after year. They do not use it, and yet they do not want it repealed. Just imagine, gentlemen, when a man has to go to work and give a week's notice to get through! Look at it! If I have got a man working for me, there is nothing to prevent me from giving an excuse for discharging that man. I never heard of an employer that gave a week's pay to a man he let go yet. Down South, where conditions of labor are very poor, they have not got a law like this. I hope, Mr. Chairman, my motion prevails.

Mr. MURRAY of Bangor: Mr. Speaker, I did not intend to speak on this matter. I am neither for labor nor against it, but I take issue with my brother Dearth when he says this is a fair law. It is an unfair law. First, no matter what the circumstances are which cause the laboring man to leave his job, he has no redress, and his employer keeps his money. That in itself is enough reason why that law should be repealed.

Labor is ever complaining, sometimes justly and sometimes unjustly. I submit that many times the claims of labor are unjust, but I do submit that when a body of lawmakers make laws, they always manage to put some one little thing into the law which deprives the laborer of his rights. The corporation, and it appears so today, is well protected, and the laborer, by reason of his lack of training, is not.

I want to look at the law for something else that may be there, if the House will pardon me a minute. I see nothing at

present, but if I had a chance to study it, I might. But I do say right now that my colleague, Mr. Descoteaux, has mentioned several instances—I know of none and you members may or may not know of some—and I can see under this law where labor can be abused. If any law is upon our statute books which may do harm, it should be removed. I therefore hope that the minority report will be accepted.

The SPEAKER: The question before the House is on the motion of the gentleman from Corinth, Mr. Morison, that the majority report "ought not to pass" be accepted, and the gentleman from Biddeford, Mr. Descoteaux, has asked for the yeas and nays. As many as are in favor of voting for the yeas and nays, will please rise. It takes one-fifth.

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

The SPEAKER: The clerk will call the roll. As many as are in favor of the motion of the gentleman from Corinth, Mr. Morison, that the majority report, "ought not to pass," be accepted, will say yes when their names are called; those opposed will answer no.

YEA—Albert, Alden, Allan of Portland, Allen of Sanford, Anderson, Andrews of Norway, Andrews of Warren, Averill, Babb, Barnes, Baxter, Besse, Bowman of Detroit, Boynton, Brackett, Bragdon, Brewster, Brown, Buzzell, Cates, Chaplin of Bridgton, Chaplin of South Portland, Charles, Clark of Harrison, Clarke of Randolph, Clason, Clement, Clifford, Coffin, Cole of Eliot, Cole of Etna, Conary, Crediford, Cummings, Cushman, Daigle of New Canada Pl., Daigle of Wallagrag. Day, Dearth, Dow, Dutton, Eaton, Ellis of Gardiner, Ellis of York, Farrington, Fletcher, Flint, Gannett, Garcelon, Greenlaw, Hanson, Hall, Hammond, Harris, Hart, Hill, Holbrook, Holley, Holt of Gouldsboro, Hooper, Howard, Hutchins, Jenkins, Jennings, Jordan of Baileyville, Jordan of Cumberland, Larrabee, Leavitt, Lenfest, Lewis, Libby, Longley, Lyford, McNally, Merrill, Morison, Newcomb, Nicholas, Packard of Newburg, Pattee, Pendexter, Phillips, Purington, Ranney, Redman, Richards, Russell, Snow of Mars Hill, Stearns, Stubbs, Tuttle, Wagg, Washburn, Watts, Williams, Wilson—96.

NAY—Ames, Berry, Billings, Bolduc, Boman of Vinalhaven, Burbank, Bussabarger, Corliss, Descoteaux, Emerson, Fleming, Frost, Goldthwait, Grant, Gurney, Harmon, Hartwell, Holt of Skowhegan, Hunt, King, Kneeland, Knight,

Langley, Largay, Lawrence, Levesque, Meserve, Morin, Murphy, Murray, Neilon, O'Connell, Packard of Rockland, Picher, Reed, Rounds, Rowe, Ryder, Sawyer of Eden, Sawyer of Madison, Sisson, Snow of Bluehill, Stanley, Turner, Watson, Welch—46.

ABSENT—Driscoll, Drisko, Messer, Muttu, Powers, Speirs, Tate, Webb—8.

Ninety-six having voted in the affirmative and 46 in the negative, the majority report "ought not to pass" was accepted.

The SPEAKER: The Chair lays before the House majority and minority reports of the committee on taxation; majority reporting "ought not to pass" and minority reporting "ought to pass" on Senate Document 102 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," tabled by the gentleman from Augusta, Mr. Farrington, pending acceptance of the minority report in non-concurrence.

On motion by Mr. Gurney of Portland the minority report was accepted in non-concurrence, and on further motion by the same gentleman the rules were suspended and the bill given its two several readings.

Mr. BARNES of Houlton: Mr. Speaker, I wish to inquire whether this is the bill which the Senate passed or accepted the majority report on?

The SPEAKER: The same thing.

Mr. BARNES: We have now accepted the minority report?

The SPEAKER: We have now accepted the minority report and have given it its first and second readings.

Mr. BARNES: Can it be given its readings when the House and Senate are differing upon it?

The SPEAKER: The House can assign a time for it.

On further motion by Mr. Gurney of Portland the rules were suspended and the bill was given its third reading and passed to be engrossed.

The SPEAKER: The Chair lays before the House Senate Document No. 122, An Act to amend Section 75 of Chapter 16 of the Revised Statutes, relating to the payment of tuition by towns not maintaining standard schools of secondary grade, tabled by the gentleman from Houlton, Mr. Barnes, pending its third reading.

On motion by Mr. Barnes of Houlton the bill was given its third reading and passed to be engrossed.

The SPEAKER: The Chair lays before the House Senate Document No. 243, Resolve relating to equestrian statue of Major General Oliver O. Howard and a standing statue of Brevet Major General Joshua L. Chamberlain at Gettysburg, tabled by the gentleman from Waterville, Mr. Berry, pending its first reading.

On motion by Mr. Berry of Waterville the resolve was given its first reading, and on further motion by the same gentleman was laid on the table pending its second reading.

The SPEAKER: The Chair will take this opportunity to say that it would regret it extremely if it were called upon to call the attention of any individual member of the House to certain elementary requirements which forbid personalities in debate. I speak of this in justice to one member of the House. The Chair wishes to make itself clear in regard to the matter of ruling on an amendment. The Chair wishes it understood that it is simply a question of difference of judgment. If the Chair rules that an amendment is not germane to the subject, no matter what the subject of the bill may be or what the amendment may be, the ruling has nothing whatever to do with the point of view of the Chair or the point of view of the member introducing the amendment as to the merits of the bill under discussion. It has nothing to do with the opinion of the members nor with the opinion of the occupant of the Chair as to whether or not the bill itself is a good bill or a proper bill for the State of Maine. It is sim-

ply an opinion by the Chair that a particular amendment does not belong to a particular bill. It is simply a difference of judgment, and in all cases the House is the body that decides whether it wishes a particular amendment to be incorporated into a particular bill. The Chair can only state its opinion, and then it is for the House to decide whether or not the ruling is correct. The same thing has come up once before in the House, and to avoid a ruling on that point, the bill was sent back to the Senate. It is not a question of individual belief about the proposition under discussion at all; it is simply a question of whether or not in the opinion of the Chair a particular amendment belongs to a particular bill. The gentleman who proposes the amendment might have precisely the same view of the bill, believe precisely the same and vote precisely the same as the Chair who ruled it out; I say that it might happen, and it is simply one of the duties of the Chair to decide whether or not in its opinion a particular amendment is germane to the subject matter of the bill. It is, as I say, only a question of difference of opinion and it has nothing to do with the subject matter of the bill so far as belief whether or not the bill should become a law is concerned, or whether the amendment should be a part of the bill and become a law.

The SPEAKER: The Chair lays before the House, Senate report of committee on legal affairs, reporting "ought to pass" on Senate Document 249, entitled "An Act to authorize the county of Oxford to remodel, enlarge and repair the registry of deeds building of the Western Registry District of said county," tabled by the gentleman from Rumford, Mr. Eaton, pending the acceptance of the report in concurrence.

On motion by Mr. Eaton of Rumford, the report was accepted in concurrence, and on further motion by the same gentleman, the rules were suspended and the bill given its two several readings.

The SPEAKER: The Chair lays before the House Senate report of the committee on appropriations and financial affairs, reporting "ought to pass" on Senate Document 256, entitled "Resolve in favor of certain private charitable and benevolent institutions for the care, support and education of indigent persons and for other purposes," tabled by the gentleman from Portland, Mr. Anderson, pending second reading.

On motion by Mr. Anderson of Portland, the resolve was re-tabled pending its second reading.

The SPEAKER: The Chair lays before the House Senate Document No. 271, Resolve in favor of the State hospitals for maintenance and other purposes, tabled by the gentleman from Portland, Mr. Rounds, pending its passage to be engrossed in concurrence.

Mr. ROUNDS of Portland: Mr. Speaker, this will take quite a large sum of money. We heard, among other matters discussed here yesterday something about money to be appropriated from the State Treasury, and I took some pains, after the remarks made here yesterday, to find out whether we had any money in the State Treasury or not. I find that we have not the money in the State Treasury that was supposed to be there on the first of January, 1917, even though it was heralded throughout this State in 1916 that there was so much money in the Treasury that our predecessors had left us. Therefore, having got this information from the Auditor, I want to enlighten the members of this House a little mite as to where we stand on that subject.

The Auditor states that we have a permanent school fund of \$482,720.54, the Penobscot Indian Fund of \$88,092.44, the Passamaquoddy Indian Fund of \$90,297.66, the Houlton Academy Fund of \$2,000, the Foxcroft Academy Fund of \$1,000, the Hebron Academy Fund of \$1,000, the Madawaska Territory School Fund of \$5,000, the School District No. 2, Madison, \$1000, the Augusta State Hospital, Gilman Legacy, \$1,000, the Augusta State Hospital, Williams

Legacy, \$1,000, State School for Girls Fund, \$10,819.15, State School for Boys. Sanford Legacy, \$700, Sanford Legacy for Deaf, Dumb and Blind, \$600, Jordan Forestry Fund, \$1,000, or a total permanent fund of \$686,229.79.

I find that there is no such a fund in existence. That fund was wiped out; the Lord only knows when, and we have been told that we had so much money on hand. There is over \$686,229 dollars that cannot be found.

I accuse no man of any dishonesty, but I want to show the people of the State of Maine that we are not in as good a financial condition as we thought we were when we came to this Legislature; and I want to say that we are appropriating a lot of money here for institutions, which I think is right, but we cannot get along on the budget system of five mills, asked for by our Executive, if we go on and appropriate this money. If we are to appropriate this money, we must have the money to spend. We have not the money, and we are paying six per cent., gentlemen, as I am informed by the Auditor, on the most of this permanent fund, which is a large percentage of interest.

There is another fund that it has been whispered around this State House we were going to make a raid on, but it seems that our predecessors have made a raid on these other funds. There are \$165,500 in that fund. That is an automobile fund. That automobile fund is this way: in 1917, there is due from that fund \$54,000; in 1918, there is due from that fund \$79,000; therefore, that fund is pretty nearly wiped out, though I am told that we are to appropriate at this Legislature this spring money for some bridges up in the northern part of the State. Therefore, I simply want to inform the members before we go appropriating any more money that we have got to raise the tax rate.

Mr. Speaker, with that explanation, I will move that Resolve No. 271, tabled by me, be passed to be engrossed in concurrence.

The motion prevailed.

The SPEAKER: The Chair lays before the House House Document No. 454, An

Act to provide for a county law library at Rumford, in the county of Oxford, tabled by Mr. Stearns of Hiram, pending its third reading

On motion by Mr. Stearns of Hiram, the bill was given its third reading and passed to be engrossed.

The SPEAKER: The Chair lays before the House House Document No. 478, Resolve in favor of an appropriation for necessary repairs on the State Armory at Portland, tabled by Mr. Barnes of Houlton pending its second reading.

On motion by Mr. Barnes of Houlton the resolve was given its second reading and passed to be engrossed.

The SPEAKER: The Chair lays before the House House Document No. 479, Resolve in favor of an appropriation to purchase steel lockers for National Guard armories, tabled by the gentleman from Houlton, Mr. Barnes, pending its second reading.

On motion by Mr. Barnes of Houlton the resolve was given its second reading and passed to be engrossed.

The SPEAKER: The Chair lays before the House House report of committee on bills in the third reading, on "Resolve proposing an amendment to the Constitution of the State of Maine empowering the Legislature to authorize towns to divide into voting districts for purposes of holding elections," House Document No. 488, tabled by Mr. Anderson of Portland pending acceptance of the report.

On motion by Mr. Anderson of Portland the report was retabled.

The SPEAKER: The Chair lays before the House House Document No. 499, "An Act relating to the May term of the supreme judicial court in the county of Oxford," tabled by the gentleman from Mexico, Mr. Hutchins, pending third reading.

Mr. Hutchins offered House Amendment A as follows:

"House Amendment A to House Document 499.

"Amend House Document 499 by striking out all after the enacting clause and inserting the following:

"The May term of the supreme judicial court within and for the county of Oxford shall be held at Rumford on the second Tuesday in May of each year. Said May term, however, shall be held with the grand jury. The March term of said court for said county is hereby abolished. The term of the supreme judicial court shall be held at Paris within and for said county on the second Tuesday of February in each year. Said February term shall be held with the grand jury."

On motion by Mr. Hutchins, Amendment A was adopted, the bill had its third reading and was passed to be engrossed as amended.

The SPEAKER: The Chair lays before the House House Amendments A and B to House Document No. 502, entitled "An Act to provide for the registration of resident hunters," tabled by the gentleman from Lisbon, Mr. Clason, pending the adoption of Amendments A and B, both of which are printed and in the hands of the members.

Mr. CLASON of Lisbon: Mr. Speaker, last Friday when I introduced these two amendments the gentleman from Hope, Mr. Grant, inquired of me when it should be taken from the table. I told him it would be taken from the table any time that was satisfactory to every member present. In the course of the discussion it was found that it would come up anyway today. Now if by any reason anyone here does not wish to have these amendments come up today, I should be glad to table them to some time satisfactory to all. I believe it is something worthy of the consideration of all. If there is no objection I would be glad to take them up at this time.

Mr. BARNES of Houlton: Would the gentleman from Lisbon, Mr. Clason, care to take those up tomorrow?

Mr. CLASON: Any time that it is agreeable to anybody in the hall.

On motion by Mr. Clason of Lisbon, House bill No. 502, with Amendments A and B, was re-tabled and assigned for consideration on tomorrow morning.

The SPEAKER: The Chair lays before the House, reports A and B of the committee on labor, report A, reporting "ought not to pass" and report B, reporting "ought to pass" on bill, entitled "An Act relative to the hours of labor of conductors and motormen," tabled by the gentleman from Biddeford, Mr. Descoteaux, pending the acceptance of either report.

On motion by Mr. Descoteaux of Biddeford, the reports were re-tabled and assigned for consideration on Wednesday, March 21.

The SPEAKER: The Chair lays before the House, report of the committee on salaries and fees, reporting "ought not to pass" on bill, An Act to amend Section 1, Chapter 204 of the Public Laws of 1915, relating to the salaries of registers of probate in Piscataquis county, tabled by the gentleman from Brownville, Mr. Ryder, pending the acceptance of the report.

On motion by Mr. Ryder of Brownville the bill was recommitted to the committee on salaries and fees.

The SPEAKER: The Chair lays before the House, House report of committee on salaries and fees, reporting "ought not to pass" 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," tabled by the gentleman from Portland, Mr. Rounds, pending the acceptance of the report.

On motion by Mr. Rounds of Portland, the report of the committee was accepted.

The SPEAKER: The Chair lays before the House, House report of com-

mittee on salaries and fees, reporting "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 register of deeds in Waldo county, tabled by the gentleman from Portland, Mr. Rounds, pending acceptance of the report.

On motion by Mr. Buzzell of Belfast, the report of the committee was retabled and especially assigned for consideration on tomorrow morning.

On motion by Mr. Brewster of Portland,
Adjourned until 9.30 o'clock tomorrow morning.