

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.

Thursday, March 29, 1917.

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

Prayer by the Rev. Mr. Walsh of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act to grant additional corporate powers to the Maine Title Guaranty Company. Came from the Senate indefinitely postponed in non-concurrence. In the House it was passed to be engrossed March 20.

On motion by Mr. Tuttle of Caribou, the House voted to recede from its action and concur with the Senate in the indefinite postponement of the measure.

From the Senate: An Act to amend Section 100, Chapter 98 of the Revised Statutes, relating to loan and building associations. In the House March 20 passed to be engrossed. Came from the Senate indefinitely postponed in non-concurrence.

On motion by Mr. Wilson of Portland, the House voted to recede and concur with the Senate in indefinitely postponing the measure.

From the Senate: An Act to amend Section 15 of Chapter 136 of the Revised Statutes of Maine, relating to proceedings in court in criminal cases. Came from the Senate indefinitely postponed.

On motion by Mr. Flint of Monson, the House voted to concur with the Senate in the indefinite postponement of the measure.

From the Senate: Resolve in favor of Otto Nelson. In the House passed to be engrossed. Came from the Senate indefinitely postponed in non-concurrence.

On motion by Mr. Tuttle of Caribou, the House voted to recede and

concur with the Senate in the indefinite postponement of the resolve.

From the Senate: An Act relating to competency of witnesses. In the House passed to be engrossed. Came from the Senate indefinitely postponed in non-concurrence.

On motion by Mr. Allen of Sanford, the House voted to recede from its action and concur with the Senate in the indefinite postponement of the measure.

From the Senate: An Act relating to casualty assessment insurance companies. In the House passed to be engrossed. Came from the Senate indefinitely postponed in non-concurrence.

Mr. DESCOTEAUX of Biddeford: I move, Mr. Speaker, that we non-concur with the Senate and have a committee of reference.

The SPEAKER: The only motion the Chair could entertain would be a motion to adhere and insist and ask for a committee of conference. Non-concurrence is what obtains at the present time.

Mr. REED of Bangor: This bill was introduced by Mr. Dutton of Bingham and as he is not present in the chamber I move that it be tabled.

The motion prevailed.

From the Senate: An Act to provide for better telephone service. Came from the Senate indefinitely postponed.

On motion by Mr. Snow of Mars Hill, the House voted to concur with the Senate in the indefinite postponement of the measure.

From the Senate: An Act to prohibit the selling or giving away of air rifles to children under 14 years of age. In the House passed to be engrossed as amended by House Amendment A. Came from the Senate indefinitely postponed in non-concurrence.

Mr. WILSON of Portland: Mr. Speaker, I move that we recede from our former action and concur with the Senate.

Mr. BARNES of Houlton: Mr. Speaker, it is doubtful if two men in the House know what the bill is. I see three do. It has a tremendous amount of merit in it to those who are parents of little children. Few measures of any humanitarian value are going through, apparently. This is a bill that prevents a person selling an air rifle to a child under 14 years of age. I move that it be tabled pending concurrent action.

The motion prevailed.

From the Senate: An Act for the safe-guarding of employees in factories, mills and workshops against danger from fire. Came from the Senate indefinitely postponed.

On motion by Mr. Jordan of Baileyville, tabled pending concurrent action.

From the Senate: Resolve in favor of the town of Phillips. In the House indefinitely postponed. Comes from the Senate, that body voting to adhere to its action of March 22, at which time the resolve was passed to be engrossed.

Mr. ROUNDS of Portland: Mr. Speaker, I understand that is a school bill of \$100 and it was stated when I made the motion to indefinitely postpone that it would be taken care of in another way. Now, if the gentleman will say that it will be taken care of in another way, I will move that we insist and ask for a committee of conference. At any rate I will move that it lie on the table until we find out whether or not the Governor is willing to take care of it in another way.

On motion by Mr. Rounds of Portland, the resolve was tabled pending concurrent action.

From the Senate: Resolve in favor of the town of Washburn. In the House indefinitely postponed. Comes from the Senate, that body voting to insist on its former action of March 22, at which time the resolve was passed to be engrossed.

Mr. SNOW of Mars Hill: Mr. Speaker, when the bill was postponed I un-

derstood that the Governor and Council had agreed to see that the bill was paid without the resolve going any further; but as the Senate has now acted upon it, I move that we concur with the Senate and let it go along.

The SPEAKER: The Chair would suggest that if there is any misunderstanding between the two houses as to the status of the resolve, the House would be competent to insist and ask for a committee of conference; but the Chair has no wishes in the matter.

Mr. SNOW: I move that we recede and concur with the Senate.

Mr. TUTTLE of Caribou: Mr. Speaker, for fear that there may be some misunderstanding in this matter, I move that it be tabled.

Mr. DAY of Westfield: Mr. Speaker, I made the motion to have this indefinitely postponed the other day at the request of the Governor and Council, who said that there were other resolves of the same nature which would be disposed of.

The SPEAKER: The matter has now been tabled and can come up tomorrow for settlement.

From the Senate: An Act to prevent public discrimination by reason of religious creeds at places of public accommodation, resort or amusement. This comes from the Senate, where it had its two readings, Senate Amendment A adopted, and passed to be engrossed as amended by Senate Amendment A.

Mr. MESERVE of Naples: Mr. Speaker, I move that the bill be indefinitely postponed.

Mr. ROUNDS of Portland: Mr. Speaker, I would like 24 hours to look that bill over. We have a lot of different creeds and nationalities in Portland, and I would like the indulgence of the House for 24 hours to look the thing over and confer with my constituents; and I move that it be tabled.

The motion was agreed to.

From the Senate: An Act additional to Chapter 127 of the Revised Statutes, relating to the enforcement of the law against the sale of intoxicating liquors. Came from the Senate, bill read two several times and Senate Amendment A adopted; bill passed to be engrossed as amended by Senate Amendment A.

The SPEAKER: In order to consider Senate Amendment A, it will be necessary to reconsider the vote whereby House Bill 305 was passed to be engrossed.

Mr. FARRINGTON of Augusta: Mr. Speaker, has the amendment been read so that the House understands it?

The SPEAKER: Of course, the action should be reconsidered to bring it to the amendable stage before considering the amendment.

On motion by Mr. Farrington of Augusta, the House voted to reconsider its action whereby House Document 305 was passed to be engrossed.

Mr. NEWCOMB of Scarboro: Mr. Speaker, is that the bill in relation to liquor being left at other places than where billed to?

The SPEAKER: The Chair understands that it is.

Mr. NEWCOMB. Do I understand that the Senate attached an amendment?

The SPEAKER: That is the fact. The bill is now in the amendable stage and the Chair will read the amendment

Senate Amendment A to H. D. 305.

Amend by striking out in the sixth line of said act the words "except consignee," and insert in place thereof the words "other than the person, firm or corporation to whom it has been consigned unless upon written order in each instance of the bona fide consignee, or to any fictitious person or to a person under a fictitious name."

Also insert after the word "consignee" in the seventh line of said act, the words "or his agent in each instance duly authorized thereto in writing."

Mr. ROUNDS of Portland: Mr. Speaker, I see that the Senate has taken my cue and has put on what I tried to put on the first of it, that is, that a man having liquor come, would not have to go after it. The Senate is a little more conservative than the House, and is going to let an agent, express man, or anyone else get it; and the first thing you know you will have everybody going after it under fictitious names. Therefore, I am telling the House what they did against my protest the other day, and that now they are coming around to do just what I wanted them to do at that time if they pass this bill as it is now. (Applause.)

On motion by Mr. Farrington of Augusta, the House voted to concur with the Senate in adopting Senate Amendment A and on further motion by the same gentleman the bill was passed to be engrossed as amended by Senate Amendment A.

From the Senate: An Act to amend Section 100 of Chapter 52 of the Revised Statutes and increasing the authorized amount of accumulative capital of loan and building associations. In the House on March 20, this bill was passed to be enacted. Sent to the Senate, that body reconsidering the vote whereby the bill was passed to be engrossed and adopted Senate Amendment A; then passed the bill to be engrossed as amended by Senate Amendment A.

On motion by Mr. Wilson of Portland, the House reconsidered its vote whereby the bill to amend Section 100 of Chapter 52 of the Revised Statutes was passed to be enacted and on further motion by the same gentleman, the House reconsidered its action whereby the same bill was passed to be engrossed.

Mr. BARNES of Houlton: Mr. Speaker, may I inquire what was the report of the committee to which the bill was referred?

Mr. WILSON of Portland: Mr. Speaker, I will explain this whole matter in a few words.

Mr. BARNES: Do I have the floor, Mr. Speaker?

The SPEAKER: The gentleman from Houlton, Mr. Barnes, has the floor, and the inquiry was—

Mr. BARNES: What was the report of the committee to which the bill was originally referred?

The SPEAKER: Reported ought to pass.

Mr. BARNES: Mr. Speaker, I rise now to object to any action upon this bill adverse to the report of the committee which had it under consideration and whose report has been acted upon favorably by both bodies of the Legislature up to this time.

The SPEAKER: The question before the House is the motion to reconsider the vote whereby the bill under consideration was passed to be engrossed in order that the House may consider the Senate amendment; and it is entirely within the pleasure of the House whether it wishes to consider the amendment.

Mr. WILSON of Portland: Mr. Speaker, I will explain this matter to the House in a very few words. The committee on banks and banking, to which this bill was referred, reported "ought to pass." It was a bill providing for increase of capital stock of building and loan associations. We had two other bills which amended this same section, Section 100 of Chapter 52. Through some misunderstanding, two of those bills were reported. The object of all the proposed amendments to that section was to increase the capital from one million to two million dollars and the number of shares which might be held from 25 to 50. Now there was one bill which did all of that. There was one bill which raised from one to two million and one which raised from 25 to 50 shares. In the shuffle however, through some mistake or other, we got two bills reported, one of them raising the capital stock from one million to two million dollars and leaving the shares at 25, and another leaving the capital at one million and raising the shares to 50. We discovered what was going on and I had these bills held up in the Senate at the committee's suggestion that the matters be consoli-

dated; and this amendment as adopted in the Senate clears up the matter.

Mr. BARNES: May I inquire through the Chair what was the fate of the other bill to which the gentleman refers?

Mr. WILSON: The other bill, Mr. Speaker, will be indefinitely postponed when reached, if it has not already been done.

On motion by Mr. Wilson of Portland, the House voted to reconsider its action whereby the bill was passed to be engrossed.

The SPEAKER: The Chair will read Senate Amendment A. "Senate Amendment A to House Document No. 480.

"House Document No. 480 is hereby amended by striking out all of said document after the word 'two' in the fourth line thereof and substituting the following: 'and by striking out the word 'twenty-five' in the sixth line of said section and substituting therefor the word 'fifty,' so that said section as amended shall read as follows: 'Sect. 100. Capital stock; shares may be issued in series. R. S. C. 48, P. 56.

"The capital to be accumulated shall not exceed two million dollars, and shall be divided into shares of the ultimate value of \$200 each. The shares may be issued in quarterly, half yearly, or yearly series, in such amounts and at such times as the members may determine. No person shall hold more than 50 shares in the capital of any such association. No shares of a prior series shall be issued after the issue of a new series.'"

The SPEAKER: The question is on the adoption of Senate Amendment A in concurrence.

On motion by Mr. Farrington of Augusta, Senate Amendment A was adopted in concurrence, and the bill was passed to be engrossed as amended, in concurrence.

From the Senate: Resolve in favor of the co-operative survey of the boundary line between the State of Maine and the State of New Hampshire. On February 27th this resolve was finally passed in the House. In the Senate, that body reconsidered its vote whereby

the resolve was passed to be engrossed. Senate Amendment A was adopted and the resolve passed to be engrossed as amended by Senate Amendment A.

On motion by Mr. Flint of Monson, the House voted to reconsider its action whereby the above resolve was finally passed and on further motion by the same gentleman the House reconsidered its vote whereby the resolve was passed to be engrossed.

The SPEAKER: The Chair will read the amendment.

“Amendment A to Senate Bill No. 6. Amend Section 2 of Senate Bill No. 6, in the first line by substituting the word ‘three’ for the word ‘five’ so that said section as amended shall read as follows:

The sum of \$3000 is hereby appropriated to be used therefor on the part of the State of Maine when a like sum shall have been appropriated by the State of New Hampshire to defray its part of the expenses of said joint survey and marking.”

On motion by Mr. Flint of Monson, the House adopted Senate Amendment A in concurrence.

On further motion by the same gentleman, Senate Document No. 6, as amended by Senate Amendment A was passed to be engrossed in concurrence.

Senate Bills on First Reading

Senate 287. An Act to amend Section 24 of Chapter 48 of the Revised Statutes, relating to testing commodities offered for sale.

Senate 385. An Act relating to term of office of insurance commissioner.

Senate 398. An Act to provide for the establishment of polling districts in towns.

Senate 401. An Act to amend Section 45 of Chapter 117 of the Revised Statutes, relating to the amounts to be paid for clerk hire in the county offices.

Senate 402. An Act authorizing the treasurer of State to negotiate a temporary loan.

Senate 403. An Act to legalize the doings of the inhabitants of the town of Windham at the annual town meeting held on March 5th, A. D. 1917, and by adjournment on March 7th, A. D. 1917.

The rules were suspended and the bills

were given their three several readings and passed to be engrossed in concurrence.

Senate 405. Resolve providing an epidemic or emergency fund.

The rules were suspended and the resolve was given its two several readings and passed to be engrossed in concurrence.

From the Senate: Majority and minority reports of the committee on judiciary; majority report; the majority of the committee on judiciary on bill, An Act for the enforcement of liens on watches, clocks and jewelry for labor and material furnished in making and repairing same, have had the same under consideration and ask leave to report that the same ought to pass; signed Messrs. Hutchins, Barnes, Dearth, Farrington, Gillin, Cole. Minority report of same committee on same subject matter, reporting “ought not to pass,” signed Messrs. Baxter, Davies, Gurney. In the Senate the majority report was read and accepted and the bill given its two several readings and passed to be engrossed.

On motion by Mr. Dearth of Dexter, the majority report of the committee was accepted in concurrence, and the bill had its three several readings and was passed to be engrossed in concurrence.

From the Senate: Final report of the committee on State prison.

The report was accepted in concurrence.

Mr. EATON of Rumford: Mr. Speaker, there is an item on the calendar today in which I am particularly interested; and as I must leave before 12 o'clock on account of a business engagement I ask the indulgence of the House that the rules be suspended and House Document 625, bill, An Act to enable the town of Mexico in the county of Oxford to free the Mexico toll bridge to public travel, be taken from the table.

The motion was agreed to.

The SPEAKER: The Chair lays before the House House Document 625, to which the gentleman from Rumford, Mr. Eaton, refers.

Mr. EATON: I move you that the bill be given its first and second readings, Mr. Speaker.

The SPEAKER: The pending question is the first reading of the bill.

On motion by Mr. Eaton of Rumford the bill was given its two readings.

Mr. EATON: Mr. Speaker, I desire to offer House Amendment A.

The SPEAKER: The Chair understands the gentleman to move that the bill receive its third reading at the present time and the gentleman also moves the adoption of House Amendment A, which the Chair will read.

Amend House Document No. 625 by adding thereto the following section:

"Sect. 8. This act shall take effect when approved by a majority vote of the legal voters of the town of Rumford and Mexico at special town meetings to be held in said towns on the third Monday of August in the year 1917. It shall be the duty of the selectmen of said towns to call such meetings in the manner provided by law for holding special town meetings in said towns. The clerks of said towns shall reduce the subject matter of this act to the following question: "Shall the act to enable the town of Mexico in the county of Oxford to free the Mexico toll bridge to public travel be accepted?" And the voters shall indicate by a cross placed over the words "yes" or "no" their opinion of the same. The result of the ballot in each case shall be respectively declared by the selectmen of said towns and be recorded by the clerks of said towns and certificates thereof shall be filed by the clerks of said towns with the secretary of State."

Mr. EATON: Mr. Speaker, the selectmen of our town feel that we should not be called upon to expend the sum of \$5000 for the purposes mentioned without the voters of our town having the opportunity to express themselves; and that is my reason for offering this amendment.

Mr. HUTCHINS of Mexico: Mr. Speaker, this matter has now been before the Legislature since about the

second week, and I wish in as few words as I can to explain the situation up there.

About ten years ago, the representative from that district introduced a bill in this Legislature—they had had a toll bridge then for thirteen or fourteen years—with a view to freeing this bridge and opening it to public travel as a public way. At that time a bill went through, but that bill had been so changed and amended that it did not have any teeth in it when it got through and it did not have any appropriation. Four years ago, the town of Mexico, through its representative, came to this Legislature and asked for the privilege of the towns taking this over—the towns of Rumford and Mexico—and providing that town meetings should be held. The town of Rumford did not call any town meeting; they were not obliged to under the act. Two years ago they came again and they came at that time to form a bridge district. That bridge district was formed and an appraisal had of this property, and the decision of that board was appealed from to the Supreme court. The matter went to the law court and then came back for a second appraisal, and on the second appraisal the bridge company was awarded the sum of \$16,200. It cost in actual expense, besides a lot of time put in by the citizens of the town of Mexico, it cost in actual expense to this bridge district the sum of \$1400, making a total of \$17,600.

Now the situation in the town of Rumford has been, and is now, a little peculiar, and their attitude on this question is now, and has been, a little peculiar. Two years ago the town of Rumford came to this legislature and asked this Legislature to pass an act requiring the county of Oxford to pay \$25,000, and the county of Oxford, or the middle and west sections, asked for a referendum. The town of Rumford, however, said "We don't want it" and they had their lobby here and they did not give the referendum to the county of Oxford. The county of Oxford paid its \$25,000 and that went into a municipal and court building. Now I was not against that; the town of Mexico was not against it. It did

not appear here for it, either. It has paid its part in that instance. At this session, gentlemen of the House, the town of Rumford comes again, and rightly, I believe, to ask that at their term of the supreme court they should have a grand jury session. Again this middle and western section of the county asked for a referendum, and again Rumford says "We don't want it," and it was denied. Now, gentlemen, we have a proposition here of a bridge that stands that bridge district \$17,600, and no man can make a penny out of that, and the resolve went into this Legislature asking the State to appropriate the sum of \$15,000. Now, gentlemen, you well know that we had as good a committee on ways and bridges as could have been selected from this Legislature. They took the matter carefully under advisement, gentlemen—and I want to say to you here and now that when they were considering that matter and when we first went before them it was a pretty cold proposition. The frost stood out from every member of that committee, and they had to do it, gentlemen. Why? Because the Legislature was asking of that committee for nearly a million dollars and they did not have it to spend. Now the municipal officers of the town of Rumford came before that committee, gentlemen, and they said to that committee: "We don't want you to give that bridge to us; we can't afford it, gentlemen; it will be an awful burden to us." Gentlemen of the House, they were aided by an able attorney who is in this building at the present time lobbying against this proposition. They were aided by an able attorney, they presented their side of the case, and that committee, gentlemen, seeing far better than any of the proponents could explain to them, seeing by the attitude of the town of Rumford that we were helpless, did take an interest. Why? Because the town of Rumford at that hearing proved our case much better than the feeble efforts of any of the representatives of the town of Mexico could show it up to them. They had produced here, gentlemen, a bill for your consideration, and they ask in this bill that the State shall pay, not what

ing a new bridge, because then the amount which they would pay would be \$3520. We ask that State of Maine under this bill to pay \$520 less than that sum, and who bears the burden? Mexico is bearing that burden, not Rumford. We ask the State of Maine to pay 20 per cent. on \$15,000, and that only. Under the bridge act they would pay \$3520. The committee considered the matter as to the ability of the county to assist, as they would have to assist under the bridge act, and instead of the county paying \$5280 they have asked the county to pay \$3750. Who bears that extra burden? Is it Rumford. Not a bit of it. The town of Mexico is going to bear it and is willing to bear it, and we do not need any referendum to do it, either.

Now then we come to the town of Rumford; and I want to say to you, gentlemen, that the town of Rumford for about 20 years after Rumford Falls began to grow was a one-man town. Now, gentlemen, it is not a one-man town; it is ruled by two or three. The business men of the town of Rumford petitioned for this bridge to be freed by some method and it ought to be freed. Now where is it located? It is located nearly opposite the Oxford Paper Mill, nearly opposite the Maine Coated Paper Mill, very near the Maine Central railroad shop, which are all located in Rumford, and the people of Mexico and vicinity pay toll over this bridge to go daily to their work and from their work, and pay daily to go to the town of Rumford to spend their money with the Rumford merchants. They pay daily to go to the town of Rumford to deposit their little savings, for we have no banks over in Mexico. We put the most of our savings into tolls to the tune of \$50 a week, gentlemen. We have been doing it for 23 years and we are sick of it. Now we are asking Rumford for what? Not \$7700, gentlemen, that they would have to pay if this were a new bridge built under the bridge act, but \$5000; and I want you to consider for a moment what that means to the town of Rumford. The town of Rumford, gentlemen, has a valuation of \$5,000,000. Let me say to you that across the river our valuation there is \$756,000, but that does not show you the con-

dition. The town of Mexico is valued to the limit. Many a home there has a tax of a sum greater than it could be sold for today. What about across the river in the town of Rumford? \$5,000,000, and they have one mill, gentlemen, that is worth between seven and eight million—I refer to the Oxford Paper Co. Then they have the Maine Coated Paper Co., and that is a big plant, and they have the International Paper Bag Co., with two plants. They have, gentlemen, their nice buildings, worth many of them from fifty thousand to a hundred thousand dollars. They have their business section where you cannot buy a lot for less than ten to fifteen thousand dollars in many localities there. That is one reason, gentlemen, why certain interests in Rumford want to kill this proposition. In the whole town of Rumford you cannot buy a reasonable lot for less than five to fifteen thousand dollars. Across the river, if this is opened up, the workmen of that vicinity can make their homes, where many of them are now making their homes and paying from six to thirty or forty dollars a year for passage across this bridge. We ask them not for \$7700—and I say to you if their valuation was up to the town of Mexico's valuation, they would pay seven times under the act, yes, they would pay more than 15 times what the town of Mexico would pay. But we are not asking that. We are asking for \$5000; and what will that leave for the little bit of a town of Mexico to pay? \$5850, or \$850 more than Rumford pays; or under the act, gentlemen, if you were working under that and the present valuations were considered, we are paying \$4750 more than we ought to pay in the town of Mexico. The town of Rumford is paying under its present valuation \$2700 less than it ought to pay. The county of Oxford is paying \$1530 less than it ought to pay, and the State of Maine under this act, \$520 less than it ought to pay. Now have we been fair there in assuming this burden? Do you want us, gentlemen, besides paying \$1400 in counsel fees to get the price established, to go to work and have another fight over this and pay out some more money? A good many of us have not

got a dollar left to pay out, and we do not want to do it and I do not believe, gentlemen, that you want us to do it.

Now is it a burden? If so, where is the burden coming? We are willing to assume that \$5850 or any part of it, and we do not want to have a special town meeting to ask the voters about it either, because I know that my constituents will vote for it, and I know it would benefit the people.

Well, now, what about toll bridges in general? Do you like them? When you drive along to one and get held up, it isn't much, but it is a nuisance and it is a disgrace to our present civilization; and I believe, gentlemen, that this committee has worked hard and long and has worked wisely and well. They have considered it, gentlemen, far more than any voter will consider it in the future, and I say to them, and I say to this House, that I am perfectly satisfied with their result and I trust the amendment will not be adopted.

Now, gentlemen, I know that a lot of you have seen the town of Rumford and been in it. You know its beautiful buildings, know its good streets and know that they have everything that they need without a great burden; and, gentlemen, if they were burdened with taxes, they would ask these mills to pay a larger tax. They would ask the Power Company that my brother represents and is manager of to pay at least one-third of what they are worth, and they are not doing it now. Why they have a bond issue there of \$2,000,000, gentlemen—the Rumford Falls Power Co—I am not talking about the Oxford Paper Company now. The Rumford Falls Power Company has a bond issue of \$2,000,000, and do you suppose they have got the property to cover it? They have and double that and they tax them \$604,265. Now is it going to be any burden if you pass this without that referendum? If you think it is, put it on; but if you think that the town of Mexico has stood enough burden, and under this bill if you think it fair that the town of Rumford should stand their part, then put it to them straight and let them take their medicine and pay for this bridge and free it. I say to you, gen-

tleman, that I do not believe it would cause a blind man any eye strain to see that the town of Rumford is not burdened by paying \$5,000 to free this bridge, and they are getting advantages from it, gentlemen, because the town of Mexico pays them their money. The town of Mexico uses their bank, the town of Mexico gets all its heat, light and power from the town of Rumford, and the town of Mexico after a struggle of 10 years and after a burden of 23 years comes to you and asks you to stand with us and vote that this measure shall go through without any further trouble and without any further referendum or vote of the people. (Applause.)

Mr. EATON of Rumford: Mr. Speaker, in order to correct a statement made by the gentleman from Mexico, Mr. Hutchins, I desire to state that I do not represent the Rumford Falls Power Company in this House. I am a representative of the voters of Rumford, elected by them and I am voicing their sentiments when I ask that this amendment be adopted.

Mr. BARNES of Houlton: Mr. Speaker, fortunately, there are always at least two sides to any question. Now the House will pardon me for speaking for Oxford County because I lived in Oxford County from 1892 to 1911. I was county attorney for four years and I took my job seriously so I travelled through a great part of Oxford County in many of its devious ways. Occasionally I had business in Rumford, and if we could not catch the rascal in Rumford, we chased him across the toll bridge and got him in Mexico; so I know about the toll bridge.

Now, a toll bridge, gentlemen, to a certain extent is a nuisance; but a toll bridge is a splendid thing compared with a ferry. And do you know the Androscoggin River? Do you know it is a wide, big river and that it is crossed at many, many places on a ferry? It was only a few years ago that this bridge was constructed. As I remember it, a gentleman who lived in Bath furnished the funds and built the bridge and the populists rejoiced to a woman. It is a splendid thing and it thereafter became possible for men of small means who worked in Rumford to go across

into Mexico and get home sites at low prices and establish homes there. The town of Mexico grew up and the bridge was conceded and agreed by all hands to be a splendid thing. Now the legislature was consulted about it and only two years ago. That you know is a very short time in the history of a municipality. It is only two years ago that a bridge district was established, if my figures are right, and the gentlemen who owned the stock in the bridge sold it to the bridge district, which is comprised of Mexico and Rumford, and it was to be continued as the toll bridge for 10 years. It was supposed by that time it would clear itself. Now of course that would be a splendid proposition if the bridge were a good thing and if the bridge district took it; and if the bridge district during the 10 years in which it had its life could clear it so that it could become a free bridge, that would be first rate. Now I am told that they are enabled to pay up a thousand dollars a year. I should say that would rapidly clear it. Apparently Mexico and Rumford are the interested parties. You know they are tied together by a matrimonial bond — a steel bridge — and like other matrimonial bonds this has become a little bit irksome after a while and one of the consorts, you see, is objecting to this yoke. I anticipate that the one who wants the divorce in Mexico and for the reason of course that they can get across the bridge cheaper if made a free bridge. But let's see what the situation would be if the bridge had not been built—if the ferry were there. How about continuing as it is for just a short time longer and then freeing themselves? Now what do they ask? They ask that the Legislature of the State shall step in and shall cut this bond that connects them by making it a free bridge, but that they shall do it at the expense of the rest of Oxford county. Now Oxford county isn't a very wealthy county; and if I understand the law—I may be wrong of course—I cannot see how the bridge building matter should be considered here or how it would have any effect, remembering that the Legislature already, right here, have set down and figured that the people of Oxford county shall be taxed especial-

ly this coming year for Rumford and Mexico for they are united and interested in that supreme court business. Remember this, although you may get the other impression from the speaker who preceded me, that that arrangement was made by agreement of the town of Paris holding the February term after the committee had reported it out because they had agreed upon it. But here you are asked to tax all the property in the county of Oxford, all the farm property and visible property that the town assessors cannot help seeing—all of that you are asked to tax all over the county to free this bridge which by the united opinion of the best business men of that section will free itself in a very few years without any exorbitant tax on anybody. Now it is natural that the town of Rumford should object to the State and this Legislature assembled fixing the tax of Rumford every year. It is natural that they should say, "Why, let us settle our own tax." It is natural that Newry, Hiram and Porter, Grafton and such towns which will not be benefited one iota by putting this bridge over the Androscoggin at this northeastern corner of the boundary should say, "Do not tax us for it." I am speaking advisedly for the rural sections of Oxford county and there are men good and true here who will deny what I say if I am not stating it right. When you are talking about putting a tax on property can there be anything more fair than putting it to a referendum to the people who have to pay the tax? Gentlemen, you know the situation—some of you—up in the northeastern corner of Oxford county. It is a bridge across the Androscoggin river that affects a very small proportion of the population of the county and there is the rest of the county that is not interested in or benefited by it. Arrangements have been made by good business men so that it will free itself in 10 years' time. They asked for this two years ago and got it and were to be bound together for 10 years. It seems to me that the argument of the gentleman from Rumford, my friend Mr. Eaton, is the one that we should accede to; and it seems to me that my brother Hutchins would not

ask anything different except that he represents the people that work or earn their wages in Rumford and sleep in Mexico. It seems to me fair that the amendment be adopted.

Mr. HUTCHINS: Mr. Speaker, I did not understand that this referendum had any thing to do with the other sections of Oxford County than Rumford and Mexico. I did not understand that anyone was in favor of any referendum except the town of Rumford. Does the amendment call for a referendum to the County of Oxford?

The SPEAKER: The Chair understands not—the town of Mexico and the town of Rumford.

Mr. HUTCHINS: Mr. Speaker, I wish to say just one more word, and I hate to do it. But before that I wish to say a word that I am glad to say, and that is, if by any inference from my remarks any member of this House could consider that I referred to my Brother Eaton in a way that would suggest that he represented here at this time any company or any private interests, I wish them now to understand that I know he would not do it. But I do wish them to understand that the powers-that-be in the Town of Rumford are interested in those things and are protecting somewhat the prices of land in certain sections of the town of Rumford.

Now, I wish to refer to the financial situation of the Town of Mexico before closing. It is a town that has unusual burdens. It is a town that is poor and it has nothing to tax in the way of industries—absolutely nothing. The homes are taxed; the farms are taxed, and that is about all we have to tax. Our burdens do not come from that particularly, but from the fact that in Rumford the land is so high and rents are so high that the men working in those manufacturing plants and the paper mills come into the town of Mexico with their large families to live, and we are glad to welcome them. They come in there and our school burden, gentlemen, I believe, is unparalleled in the State of Maine. With the building of school-houses and the support of the common

schools and high schools, more than 50 per cent. of all the taxes we raise goes into schools. Now, we are not shirking that burden. I happen to be a member of the School Board, and I know what our burdens are. We are fitting boys and girls for college and we are going to continue to do it if our tax rate doubles again, and it has not been below 30 mills on a high valuation since I knew anything about the town of Mexico, and, with our valuation as high as it is across the river, our tax would be 90 mills, instead of 30. I say we assume that burden of our schools, and we are maintaining it, and we do not expect any relief under the school bill which would have given us over \$2000 a year in excess of what we are getting now. We do not expect any relief from that. The other branch of the Legislature will look after that and see that we do not get it.

But we do not want to continue paying \$50.00 a week, and I do not believe, if my Brother Barnes had to live over there for 23 years, that he would think that it was a very bright prospect for the future—if he had got to live there 23 years more, or 10 more, or 17 more, according to his own figures, before it could be freed.

I want to correct one other little statement, not false, but simply misleading, and unintentionally misleading, gentlemen, that the towns of Rumford and Mexico have made a bridge district. It is called the Rumford and Mexico Bridge District, but I want to say to you, gentlemen, that there is not an inch of Rumford in it, and the whole of Mexico is not in it. It takes out a small portion of that town of Mexico that formed that bridge district to take that proposition over. We have taken it over, and, if you say so, gentlemen, we will stand it for 17 years, but I do not believe you are going to say so. No, I will not say that—I will not admit that, for we will be back here in two years from now, and we will come with a lobby if we can afford to do it, and I move the previous question.

The SPEAKER: The question before the House is on the adoption of House

Amendment "A" on motion by the gentleman from Rumford, Mr. Eaton. Those in favor of the adoption of Amendment "A" will rise and stand until counted.

A division of the House being had, 22 having voted in the affirmative and 89 having voted in the negative,

The motion was lost.

On motion by the gentleman from Mexico, Mr. Hutchins, the rules were suspended and the bill was given its third reading and passed to be engrossed.

The SPEAKER: The Chair wishes to take this opportunity to state that it is very pleased that only one or two members have said anything about wishing to be excused next week. The Chair would call attention to Rule 19, which provides that no member may be absent more than two days without the consent of the House. Of course, ordinarily, if a member wishes to be absent, he comes to the Speaker and says that he wishes to be absent and asks if it will be all right, and the Speaker, being in a way the embodiment of the rules and the sentiment of the House, usually gives his permission, and everybody is satisfied.

Now, the Chair does not wish to assume any responsibility in regard to excusing members during the balance of this session. The Chair feels that many measures of importance are to be settled this week and next. We expect to get through the middle or last of next week in all probability. Several measures are coming up that must be settled, having the referendum attached and having the emergency clause, and it is absolutely necessary that 101 members be present here to vote. Matters of taxation and other matters, as I have said, of great importance, are coming up to be settled, and we have a committee on leave of absence. I will read the names of the gentlemen on that committee of the House: Besse of Clinton, Daigle of New Canada, Lawrence of Fairfield, Pendexter of Cornish, Clason of Lisbon, Holt of Skowhegan and Meserve of Naples.

Now, it is the wish of the Chair that this committee on leave of absence have

a meeting today or tomorrow at its convenience, and it is further the wish of the Chair, if any member wishes to be excused because he thinks he cannot by any chance come back next week and stay till the close of the session, that the member settle the matter with the committee on leave of absence, who shall report to the House, and if the House sees fit to accept the report that any member be excused, then it will be done in accordance with our rules. The rules were established by the House itself, and in this matter of attendance it seems to the Chair that the rules should be followed. The Chair does not want to assume the responsibility of excusing members.

Another thing, there was a little misunderstanding last week in regard to Friday afternoon's session. The Chair understood, and I think the majority of the members of the House understood, that that was to be a session for cleaning up the calendar and that courtesy did not need to be extended to any member because he failed to be present at that session. Now we shall have a session tomorrow undoubtedly, and, while in the first part of the session and during the middle of the session we do have a gentlemen's agreement that things are not taken up Friday for final passage and that questions are not taken up about which there is any difference of opinion. It does seem to the Chair that tomorrow we should hold a regular session of this House and that matters should be taken up in the regular order and settled, barring, of course, exceptional cases of illness or things of that sort. If we are to table matters and only half of the membership are to be here tomorrow, the Chair would like to know about it first. Is it the wish of the House that we have a regular session tomorrow and take up the calendar as we would in the middle of the week?

A viva voce vote being taken. It was decided to hold a regular session.

The SPEAKER: It will be impossible to state today probably whether we will have a session Monday or not, but tomorrow will be plenty of time for that.

Mr. BARNES of Houlton: Mr. Speaker, is it determined yet whether we will have a session on Saturday?

The SPEAKER: The Chair is unable to state, but we will know tomorrow by afternoon possibly.

Mr. GOLDTHWAIT of Biddeford: I would like to inquire if we will have a session this afternoon?

The SPEAKER: That will depend on the progress which we make this forenoon. Undoubtedly it will be wise to have a session. Are there any committee meetings this afternoon?

Mr. JORDAN of Baileyville: The committee on taxation have an executive session this afternoon.

The SPEAKER: The clerk informs the Chair that there are 38 matters on the calendar and that it will take an hour or an hour and a half to clean up the routine matters this forenoon. It seems wise to the Chair that we have a session sometime this afternoon. Is the meeting of the taxation committee at a fixed hour?

Mr. JORDAN: Mr. Speaker, I would say that we will introduce a notice that it will be held at the close of the session.

The SPEAKER: The committee on leave of absence will please note the mandates of the Chair. We will now take up the regular order of business.

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

Appropriations and Financial Affairs.

By Mr. Tuttle of Caribou: Resolve in favor of W. W. Groaton, document clerk, for preparing weekly printed index.

Taxation

By Mr. Allan of Portland: An Act to amend Chapter 9, Revised Statutes, relating to the taxation of insurance companies.

By the same gentleman: An Act to amend Chapter 9, Section 43, Revised

Statutes of 1916, relating to taxation of express companies.

Reports of Committees

(The gentleman from Bangor, Mr. Murray, assumed the Chair.)

Mr. McNally, from the committee on inland fisheries and game, on the following resolves:

Resolve in favor of screening Long pond in the towns of Mount Desert and Southwest Harbor, Hancock county.

Resolve appropriating money for the construction of a fishway at the outlet of Great pond, in the town of Mt. Desert and Southwest Harbor, on Mt. Desert Island.

Resolve in favor of screening the Stanley ponds in Hiram, in the county of Oxford.

Resolve appropriating money to aid in screening and maintaining a screen at the outlet of Garland pond, in the county of Oxford.

Resolve appropriating money for the erection of a screen in the outlet of Upper Kezar lake, in the town of Lovell.

Resolve to appropriate \$200 to screen Parke pond, in the county of Penobscot, with petition of S. A. Parks and others for same.

Resolve to screen Stetson pond, in the town of Stetson, county of Penobscot.

Resolve in aid of screening Oak pond, in Skowhegan, in the county of Somerset.

Resolve in favor of screening the outlet of Decker pond, in Somerset county, with petition of A. F. Donigan of Bingham and others.

Resolve in favor of screening the outlet of Moxie pond, in Somerset county, with petition of R. C. Jackson of Mosquito, and others, for same.

Resolve in favor of screening Wilson Lake, in Wilton, in the county of Franklin, with petition of E. H. Morrison, and others, for same.

Resolve appropriating money for the installation of a fish screen at the outlet of Lambert Lake, in Township 1, Range 3, Washington county, with Statement of Facts, and petition of C. F. Keef and others for same.

Resolve in favor of screening Cathance lake in Washington county, with petitions of H. B. Sprague, A. D. McFaul, E. R. Gardner, J. C. Pike, F. B. Keith, W. S. Cates and others for same.

Resolve in favor of screening Boyden's lake, in the county of Washington.

Resolve in favor of screening Adams pond, or Rockhave lake, in Newfield, in York county.

Resolve, in favor of maintaining the screen at the outlet of Cochnewagon lake, in the town of Monmouth, Kennebec county.

Resolve in favor of additional feeding pools at the Raymond fish hatchery, in the county of Cumberland.

Resolve in favor of John E. Sewell and C. F. A. Phair, which was recommended to said committee.

Reported the same in a new draft under the title of "Resolve appropriating money to aid in screening lakes and ponds and for other purposes," and that it ought to pass.

Same gentleman, from same committee, to which was referred the order of the Legislature authorizing and directing said committee to revise, collate, arrange, simplify and make such other changes in the Inland Fish and Game Laws, both general and public, and private and special, as might seem necessary for the best interests of the State as a whole, and to revise the rules and regulations of the commissioners of inland fisheries and game, have had the same under consideration and ask leave to submit the following report:

After a careful consideration of the present code of Inland Fish and Game Laws, the committee planned upon a revision embodying private and special restrictions as well as public laws, but as it seemed necessary to retain so many private and special restrictions, the committee decided to proceed along another line, with a view to devising some way of relieving future Legislatures of the constantly increasing mass of private and special fish and game legislation.

It is generally admitted that owing to the widely varying conditions existing in this State it is absolutely impossible to

regulate the taking of fish by a general law, or even by a code of county laws, as has been suggested; consequently, much special legislation of this character is absolutely necessary in order to properly conserve the inland fishing interests of the State as a whole.

In 1899 the commissioners of inland fisheries and game were given authority by the Legislature to regulate the taking of game and inland fish by adopting regulations restricting the taking thereof, the law granting this authority expressly stipulating, however, that said commissioners should not permit the taking of game or fish at a time when its taking was prohibited by the laws of the State. The intention of the framers of this law was to place all private and special legislation relating to hunting or fishing under the jurisdiction of the commissioners, but this scheme could not become effective until all private and special laws were repealed, leaving in the statutes only the general inland fish and game laws, which has never yet been done.

To illustrate: If waters are closed by act of the Legislature, the commissioners have no authority to open them, legislative action being necessary whenever the repeal of the law is desired, while if the waters are closed by the commissioners, they have authority, under certain conditions, to change the regulations.

As the mass of private and special legislation has assumed such proportion in recent years, it is of the opinion of the committee that the time has arrived when this matter should be handled entirely by the commissioners, therefore, in the revised code of laws herewith submitted, practically all private and special exceptions have been eliminated, leaving in the Statutes simply the general provisions.

If this plan is adopted by this Legislature, future Legislatures will be relieved of a vast amount of work, as legislative action will be necessary only when amendments to the general fish and game laws are desired.

If the revised code of laws recommended by this committee is passed by this Legislature, in order that the

hunting and fishing interests may be protected, the committee recommends the passage of an order directing the commissioners of inland fisheries and game to promulgate, within 60 days after adjournment of this Legislature, rules and regulations covering such private and special Legislation as is necessary, these regulations to embody such of the 1913 and 1915 Private and Special Laws as, in the judgment of the commissioners, should be retained at least for the present, and such special laws as have been recommended by this committee during the present session, these regulations to become effective when the repeal of the existing private and special laws takes effect.

As will be noted by Section 2 of the revised code of laws herewith submitted, the adoption of rules and regulations by the commissioners is safeguarded by providing that no regulations can be adopted, after the first code is promulgated, except upon petition of twenty-five per cent. of the legal voters of the locality to be affected, except in cases of emergency, and then only upon petition of the municipal officers, or upon petition of twenty-five interested citizens in case of territory located in unorganized townships. Public notice of the promulgation of rules and regulations of the commissioners is provided for by requiring publication of the same three successive weeks in a newspaper printed in the locality affected, and by filing copy of such regulations in the office of the clerks of courts in the locality affected. These regulations will also be given in an edition of the Inland Fish and Game Laws which is published by the commissioners.

The Committee would further state, so far as the general laws in the accompanying revised code are concerned, that no radical changes have been reported upon by the Committee and accepted by this Legislature.

In pursuance with the idea above outlined, the Committee have prepared and ask leave to Report the accompanying Bill entitled "An Act to Revise, Collate, Arrange and Simplify the Inland Fish and Game Laws of the State, both General and Public and Private and Special, and the Rules and

Regulations of the Commissioners of Inland Fisheries and Game now in force," and recommend that it ought to pass. (On motion by Mr. Flint of Monson 500 additional copies of the act ordered printed.)

Majority report of the committee on judiciary, reporting "ought not to pass" on bill "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."

(Signed) Messrs. Gillin, Baxter, Barnes, Farrington, Dearth, Hutchins, Davies.

Minority report of the same committee on same subject matter, reporting "ought to pass."

(Signed) Messrs. Deering, Cole of Eliot.

(On motion by Mr. Cole of Eliot, the reports were tabled, pending the acceptance of either.)

Majority report of the committee on judiciary, reporting "ought not to pass" on bill "An Act to create the Maine water power commission."

(Signed) Messrs. Gillin, Deering, Barnes, Farrington, Davies, Dearth, Cole.

Minority report of same committee, on same subject matter reporting same in a new draft, under same title and that it ought to pass.

(Signed) Messrs. Baxter, Gurney, Hutchins.

(On motion by Mr. Baxter of Portland, reports tabled pending printing of new draft.)

Mr. Baxter, from the committee on judiciary, on bill "An Act to incorporate the Van Buren Light and Power District," reported same in a new draft, under same title, and that it ought to pass.

(On motion by Mr. Baxter of Portland, the rules were suspended; the bill was given its three several readings, and on motion by Mr. Wilson of Portland it was tabled pending passage to be engrossed.)

Same gentleman, from same committee, reported "ought to pass" on bill

"An Act to provide for the division and management of the school fund from the sale of timber and grass, and from trespasses on reserved lands, and amending Section 20 and 21 of Chapter 8 of the Revised Statutes."

(On motion by Mr. Barnes of Houlton the rules were suspended; the bill was given its three several readings, and, on further motion by same gentleman, was tabled pending passage to be engrossed.)

(The Speaker resumes the Chair.)

Same gentleman, from same committee, reported same on bill "An Act to establish the farm lands loan commissioners of Maine and to authorize the investment of certain moneys now on deposit in the State treasury known as the reserved land fund."

(Rules were suspended and the bill was given its two several readings.)

Mr. ROUNDS of Portland: Mr. Speaker, is that the fund they are going to let out to farmers at 5 per cent?

The SPEAKER: The Chair would state that it is.

Mr. ROUNDS: Mr. Speaker, I understand we haven't any fund; it is only on paper.

Mr. Garcelon, from the committee on legal affairs, reported same on bill "An Act to amend Section 13, of Chapter 7, of Revised Statutes, relating to duties of election clerks."

Same gentleman, from same committee, on bill "An Act changing the name of the Auburn water commissioners to the Auburn water and sewerage board and transferring to it the sewer system of the city of Auburn with the powers and duties of the board relative thereto;" reporting same in a new draft, under title of "An Act to create the Auburn sewerage district, and transferring to it the sewer system of the city of Auburn"; and that it ought to pass.

(On motion by Mr. Garcelon of Auburn 2000 copies of the bill ordered printed.)

Mr. Brewster, from the same committee, on bill "An Act to amend Section 20 of Chapter 5 of the Revised Statutes of 1916 relating to registration

of voters," reported same in a new draft, under same title, and that it ought to pass.

Mr. Cushman, from the committee on military affairs, reported "ought to pass" on Resolve appropriating money for the erection and equipment of a State armory for the use of the National Guard in the city of Lewiston.

(The rules were suspended and the resolve was given its first reading.)

Mr. Turner, from same committee, reported same on Resolve appropriating money for the erection and equipment of a State armory for the use of the National Guard in the city of Bangor.

(The rules were suspended and the resolve was given its first reading.)

Mr. Sisson, from the committee on State sanatoriums, on Resolve in favor of the erection of the Northern Maine sanatorium, reported same in a new draft, under title of "Resolve in favor of the erection of a State sanatorium in the county of Aroostook for the treatment of persons suffering from tuberculosis"; and that it ought to pass.

Mr. Clason, from the committee on ways and bridges, reported "ought to pass" on bill "An Act to transfer the registration of motor vehicles from the office of secretary of State to the State highway commission."

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

Mr. Brewster, from the committee on education, on bill "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," reported that same ought not to pass, because legislation is inexpedient.

(On motion by Mr. Jordan of Baileyville, tabled, pending acceptance.)

Mr. Flint, from the committee on inland fisheries and game, reported "ought not to pass" on bill "An Act to amend Section 73 of Chapter 33 of the Revised Statutes (1916) relating to Sunday hunting and fishing."

Mr. Baxter, from the committee on judiciary, on bill "An Act to provide

for the establishment bonding or trust company in connection with trust companies, under certain regulations, and supervision of the bank commissioner and the insurance commissioner," reported that the same be referred to the next legislature."

Mr. Conary, from the committee on legal affairs, reported "ought not to pass, as legislation thereon is inexpedient," on bill, "An Act relative to the incorporation and management of Credit Unions."

Mr. Buzzell, from the same committee, reported "ought not to pass" on bill "An Act to amend Section 68, Chapter 11, Revised Statutes, relating to service of summonses for payment of taxes."

Mr. Conary, from same committee, reported same on bill, "An Act in relation to the salary of the superintendent of public printing."

Same gentleman, from same committee, reported same on bill "An Act to amend Sections 1 and 2, Chapter 128, Laws of 1909, relating to Maine labor and Maine contractors upon all work performed for State, municipal, charitable and educational institutions, buildings or public works, or any building or institution supported or aided by the State or municipalities."

Mr. Ames, from the committee on sea and shore fisheries, reported same on bill, "An Act relating to fish wardens."

The reports were accepted.

First Reading of Printed Bills and Resolves

House 762. An Act to amend Section 36 of Chapter 45 of the Revised Statutes, relating to seed lobsters.

House 703. An Act relating to marking lobsters in transit.

House 704. An Act repealing Paragraph 6, Section 6, Chapter 10 of the Revised Statutes, relating to the exemption of certain livestock from taxation.

House 701. Resolve for the publication of automobile registration.

Passed to be Engrossed.

House 566. An Act to amend Sections 85 and 87 of Chapter 2 of the Revised

Statutes, relating to the State contingent fund.

House 644. An Act to amend Section 51 of Chapter 82 of the Revised Statutes in relation to trial terms of the supreme judicial court.

House 699: An Act to amend Section 108 of Chapter 16 of the Revised Statutes of 1916, relating to teaching of the principles of kindness towards birds and animals in the public schools.

House 700. An Act to amend Section 85 of Chapter 16 of the Revised Statutes providing a maximum annual tuition in secondary schools of the State.

House 697. Resolve, making appropriation for the support of the bureau of inspection for 1917 and 1918.

Mr. WILSON of Portland: I move, Mr. Speaker, that the House recess until 2.30 this afternoon.

The SPEAKER: The Chair suggests that the recess, when taken, be taken until 2 o'clock.

Mr. WILSON: Mr. Speaker, I agree to the amendment.

On motion by Mr. Wilson of Portland, a recess was taken until 2 o'clock.

After Recess.

The SPEAKER: The Chair lays before the House as unfinished business, Senate Document No. 103, An Act to amend Chapter 295 of the Public Laws of 1915, relative to compensation to employees for personal injuries, tabled by the gentleman from Portland, Mr. Wilson, pending its third reading.

Mr. HALL of Wilton: Mr. Speaker, I move that the bill be indefinitely postponed.

Mr. JORDAN of Baileyville: Mr. Speaker, I object and yield to Dr. Sawyer of Madison.

Mr. SAWYER of Madison: Mr. Speaker and gentlemen of the House: The bill under consideration is Senate Bill No. 193 and it provides by an amendment to the law enacted in 1915, known as the Workmen's Compensation Act, for the selection of a surgeon or physician in case of accident.

This law as it now stands gives the

impression that the sole right to name the doctor or to select a hospital to which the patient should be sent rests with the employer or insurance company. Just why it was deemed necessary to incorporate such a condition in the first place, is not plain, because the insurance company wouldn't have the right to nominate or appoint some physician to take care of their interests in any particular case without such an article being inserted; and if this amendment is adopted (and I hope it may be) the insurance company will still have the same right.

As the law now stands, the wishes of the workmen are not only ignored, as it were, but the position of the insurance company is protected by legal enactment. To adopt this amendment in order that the workingman might know that he had a voice in the selection of the one who was to minister to his suffering while disabled by accident, is fair and just. I can see no reason for not giving the same privilege in an accident case that is allowable in a medical case, that is, the right to choose our own physician. This is a right that has been conceded both by the laity and by the profession for ages, and I believe that this is the only instance in history where any attempt has ever been made to destroy that right, and even the opponents of this bill claim that no such condition was intended, which of course should remove any objection they might have to the passage of this act.

To be sure, old line insurance companies have their paid examiners appointed by themselves; corporations have their regularly appointed medical men, but I never heard of any special legislation being invoked in such cases.

He who inspires hope and courage in the human breast is the best physician, and those qualities are determined by the one in distress, and the matter of choice should be left entirely with that one, if conscious, or with his friends if consciousness is impaired.

I am speaking from an experience of more than 30 years, and I believe I know whereof I speak, and I hope the motion to accept the minority report will prevail, as it will then satisfy the

workmen on this point and work no harm to the insurance company.

The SPEAKER: The Chair will state for the benefit of the members who have come in since the session opened that the question under consideration is on Senate Bill No. 103, and the pending question is that the bill be indefinitely postponed.

Mr. JORDAN: Mr. Speaker, I call for a division of the House.

Mr. DUTTON of Bingham: Mr. Speaker, this matter came before our insurance committee and we gave it careful consideration. It is the feeling of the Mercantile Affairs and Insurance Committee, after hearing all the evidence in regard to the time in which the Workmen's Compensation Law has been in force, that sufficient time has not passed for it to be properly tried out and that it is very unwise at this early date to attempt to make an amendment. We thought it would be better for the matter to be tried out for two years longer, and then if sentiment demanded any change in the Workmen's Compensation Law, there would be sufficient time to consider it; and I hope, gentlemen of the House, that you will entertain and favor the motion to indefinitely postpone this matter.

Mr. FARRINGTON of Augusta: Mr. Speaker, either I am confused or the gentleman from Bingham is. Is he talking about House 103?

The SPEAKER: Senate 103. The bill is to amend the Workmen's Compensation Law.

Mr. WILSON of Portland: Mr. Speaker, as the gentleman from Bingham, Mr. Dutton, has said, the Committee on Mercantile Affairs and Insurance heard this matter in connection with three or four other bills in regard to the compensation law. That law, as you all know, was passed only two years ago. It has been in active operation fourteen months and it will be fifteen at the end of this month. This is only one of several amendments which were proposed to that

law. This amendment was proposed in a separate bill. The other amendments were practically all put in one bill and will come up later.

Now I would like to call your attention to the reading of the law as it stands now. Section 10 of the Workmen's Compensation Law reads:

"During the first two weeks after the injury the employer shall furnish reasonable medical and hospital services, and medicines when they are needed, but the amount of the charge for such services and medicines shall not exceed the sum of thirty dollars unless in case of major surgical operations being required, and the employer and employee being unable to agree upon the same, the amount to be allowed for such medical services or medicines shall be fixed by the Commission upon petition by either party setting forth the facts."

It so happens, gentlemen, that the State of Maine is about the twentieth state in the Union which has adopted the Workmen's Compensation Law. I think there are three or four states which have adopted the law since we did. Yesterday I tried to find out what the medical provision was in these other states, and I have gone over the only available document which I could find in the library, and I would like to read to you briefly the situation.

In California, the law provides: "Such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches and apparatus, as may reasonably be required at the time of the injury and within ninety days thereafter, to cure and relieve from the effects of the injury, the same to be provided by the employer, and in case of his neglect or refusal seasonably to do so, the employer to be liable for the reasonable expense incurred by or on behalf of the employee in providing the same." In other words, the California law and ours are substantially similar except as to the number of days during which treatment shall be furnished.

In Connecticut it is practically the same thing. It says: "The employer

shall provide a competent physician or surgeon to attend any injured employee during the thirty days immediately following the injury, as such injury may require, and in addition shall furnish such medical and surgical aid or hospital service, during such thirty days, as such physician or surgeon shall deem reasonable or necessary. In the event of the failure of the employer properly to provide such physician or surgeon or such medical or surgical or hospital service, during any portion of such thirty days, the injured employee may provide such physician or surgeon or medical or surgical or hospital service at the expense of the employer. Or, at his option, the injured employee may refuse the medical, surgical and hospital service provided by his employer and provide the same at his own expense. If it shall appear to the Commissioner that an injured employee has refused to accept and failed to provide such reasonable medical, surgical, or hospital care, all rights of compensation under this act shall be suspended during such refusal and failure. The pecuniary liability of the employer for the medical, surgical and hospital service herein required shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living when such treatment is paid for by the injured persons." This law provides, like the California law, that in event of the failure of the employer to provide, the employee may have treatment and the employer shall pay for it.

In Illinois—"The employer shall provide necessary first aid medical, surgical and hospital services; also medical, surgical and hospital services for a period not longer than eight weeks, not to exceed, however, the amount of two hundred dollars. The employee may elect to secure his own physician, surgeon or hospital services at his own expense."

In Iowa—"At any time after an injury and until the expiration of two weeks of incapacity, the employer, if so requested by the workman, or any one for him, or if so ordered by the

court or Iowa Industrial Commissioner, shall furnish reasonable surgical, medical and hospital services and supplies, not exceeding one hundred dollars." In Iowa, it is not as favorable as it is here because the employer is not obliged to furnish treatment unless he is requested to do so.

Kansas has an entirely different provision which is not exactly applicable here. It provides "In case of the death of the workman without leaving any dependents the employer must pay the reasonable expense of his medical attendance and burial, not exceeding one hundred dollars." Evidently in Kansas they kill them outright.

Massachusetts—I suppose we are more directly connected with Massachusetts than is any other state in this line. Massachusetts reads: "During the first two weeks after the injury, the association shall furnish reasonable medical and hospital services, and medicines when they are needed." That word "association" needs a little explanation.

In some of the states you will note as I go along sometimes it says "commission," sometimes "association," sometimes "employer." In case it says either "association or commission," it means the state provided the state has an insurance of its own, and all this work is paid for out of the insurance fund. That is the difference. In the Massachusetts law an authority says, "All fees for services under the Act should be based upon the rate which would ordinarily be charged the injured workman were he to pay the bill himself."

Michigan—"During the first three weeks after the injury the employer shall furnish, or cause to be furnished, reasonable medical and hospital services and medicines when they are needed."

Minnesota—"Such medical and surgical treatment, medicine, medical and surgical supplies, crutches and apparatus as may be reasonably required at the time of the injury and thereafter during the disability, but not exceeding ninety (90) days, to cure and relieve from the effects of the injury, the

same to be provided by the employer and in case of his inability or refusal seasonably to do so, the employer to be liable for the reasonable expense incurred by or on behalf of the employee in providing the same; provided, however, that the total liability under this section shall not exceed the sum of one hundred dollars (\$100.00) in value; except that the court may, during said period of ninety (90) days, upon necessity being shown therefor, require the employer to furnish such additional medical, surgical and hospital treatment and supplies as may be reasonable, which, together with any sums or relief theretofore furnished shall not exceed in all two hundred dollars (\$200.00) in value."

Nebraska—"During the first twenty-one days after disability begins the employer shall be liable for reasonable medical and hospital services and medicines as and when needed, not however to exceed two hundred dollars in value, unless the employee refuses to allow them to be furnished by the employer; provided, however, that where the injured employee refuses or neglects to avail himself of such medical or surgical treatment, the employer shall not be liable for any aggravation of such injury due to said neglect or refusal."

New Hampshire—"In case of death without leaving dependents medical attendance and funeral expenses not to exceed one hundred dollars."

Apparently New Hampshire follows Kansas and proposes not to have any sickness.

New Jersey: "Medical and hospital services first two weeks. During the first two weeks after the injury the employer shall furnish reasonable medical and hospital services and medicines, as and when needed, not to exceed fifty dollars in value, unless the employee refuses to allow them to be furnished by the employer."

New York—"The employer shall promptly provide for an injured employee such medical, surgical or other attendance or treatment, nurse and hospital service, medicines, crutches and apparatus as may be required or be requested by the employee, during sixty days after the injury. If the em-

ployer fail to provide the same, the injured employee may do so at the expense of the employer. The employee shall not be entitled to recover any amount expended by him for such treatment or services unless he shall have requested the employer to furnish the same and the employer shall have refused or neglected to do so. All fees and other charges for such treatment and services shall be subject to regulation by the commission as provided in Section 24 of this chapter, and shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living."

Ohio—"Medical, hospital, etc., services from the State fund not exceeding in value \$200, and in case of death funeral expenses not exceeding \$150." Ohio is one of the States carrying insurance.

Oregon—"The commission shall have authority to provide, under uniform rules and regulations, first aid to workmen who are entitled to benefits hereunder, together with transportation, medical and surgical attendance and hospital accommodations for injured workmen at an expense not exceeding two hundred and fifty dollars (\$250) in any one case, and to contract therefor in its discretion. The commission may in its discretion authorize employers to furnish or provide, at the expense of the commission and upon terms fixed by it, such transportation, attendance and accommodations; provided, however, that all such transportation, attendance and accommodations shall be at all times subject to the supervision and control of the commission."

Rhode Island—"During the first two weeks after the injury the employer shall furnish reasonable medical and hospital services, and medicines when they are needed, the amount of the charge for such services to be fixed, in case of the failure of the employer and employee to agree, by the superior court."

Texas—"During the first week of the injury the association shall furnish reasonable medical aid, hospital services and medicines when needed, and if it does not furnish these immediately as and when needed, it shall repay

all sums reasonably paid or incurred for same, provided, reasonable notice of injury shall be given to the said association, and this provision requiring notice shall apply to all subsequent sections of this act providing for compensation."

Washington—"Supervise the medical, surgical and hospital treatment to the intent that same may be in all cases suitable and wholesome."

"There is no fund or provision for payment of charges for ambulance, physician, surgeon, hospital, nurse, medicine or surgical appliances. The 'first aid' provision was stricken out from the proposed act before passage by the Legislature."

West Virginia—"The commission shall disburse and pay from the fund for such injury to such employees as may be entitled thereto hereunder such amounts for medical, nurse and hospital services and medicines as it may deem proper, not, however, in any case to exceed the sum of one hundred and fifty dollars in addition to such award to such employees, payment to be made to the employee, or to the persons who may have advanced payment for same, as to the commission shall deem proper; provided, that in case any injured employee be entitled, under contract connected with his employment or otherwise, to hospital or medical service without further charge to him, no payment shall be made out of the workmen's compensation fund for hospital or medical services."

Wisconsin—"Where liability for compensation under Sections 2394-3 to 2394-31, inclusive, exists, the same shall be as provided in the following schedule:

"(1) Such medical, surgical and hospital treatment, medicines, medical and surgical supplies, crutches and apparatus, as may be reasonably required at the time of the injury and thereafter during the disability but not exceeding ninety days, to cure and relieve from the effects of the injury, the same to be provided by the employer; and in case of his neglect or refusal seasonably to do so, the employer to be liable for the reasonable expense incurred by or on behalf of the employee in providing the same."

I have already read the Maine law, and, gentlemen, you will notice that the Maine law is practically identical as it stands today with that of all these other states. While there are, I think, four states in which the law has been adopted, of which I have not a copy, I understand from what I believe to be reliable authority that the provision is substantially the same as it is in these other 20 states. In other words, there is not a state in this Union which allows a provision similar to the one which is proposed in this amendment. The employer, either directly or through the commission or the state insurance fund, pays the bill, and, although there is no provision, it practically allows him to collect a commission. That is the way I understand it.

During 14 months this law has worked here in Maine there has been no conflict in the matter of the selection of a physician. I understand in practically all cases the selection has been satisfactory to both employer and employee. It seems to me some class of people outside of the employees is more worried over this matter than the employees.

There is one objection which is raised and which I understand applies in all the states, to this proposition of allowing the employee to select his own physician to be paid for by his employer, and that is what is called "malingering." That is, it is claimed, that where the employee has had the right to select his own physician, there would be a tendency for him to sham sickness, and in Rhode Island, where this same act has been in operation for a considerable time, the commission in reporting have said this:

"Inasmuch as \$52,602 was paid out in medical fees, either by insurance companies or uninsured employers of labor in Rhode Island for the first year of the Workmen's Compensation Act, against \$70,260 actually paid out on account of deaths and disabilities, the question of malingering is worthy not only of careful consideration, but also of enough importance to justify any legislation which will reduce an unwarranted expense under the Workmen's Compensation Act."

"It has been estimated by various authorities that malingering accounts for approximately 25 per cent. of all medical fees paid out for accidents.

"If this percentage is correct it is important that all compensation laws should contain such provisions as would tend to decrease a totally unwarranted expense, and one which might well be termed a charge for encouragement of contemptible meanness.

"The wage earner who becomes a wilful malingerer is as despicable as the employer who attempts to evade just payments for non-preventable injuries.

"It is not the purpose of this report to dwell at length upon records which have been gathered in this and other countries concerning this question, all of which show the prevalence of malingering and the trouble in checking it.

"Malingering is more than a mere incident in connection with compensation laws. It is an evil which legislators have a perfect right to do all in their power to prevent.

"Probably one of the easiest methods of encouraging 'sham sickness' is the absence of any provision in compensation laws restricting the selection of physicians by employers.

"Such criticism cannot be inferred in any way as a reflection upon the great majority of physicians who would not belittle themselves by the encouragement of malingering for the sake of a few dollars; but it is meant for those few physicians in Rhode Island whom employers of labor complain of as constantly encouraging the prolongation of sickness among their patients for personal gain.

"Lawyers may be disbarred for illegal practice and the same law should apply to physicians found guilty of the encouragement of malingering. It is one of the few detriments of compensation practice which are hard to reach, but one, the results of which if not discouraged in every possible manner, are so far-reaching, so contagious and of such rapid growth that too much attention cannot be given thereto.

"As has been frequently stated in one form or another, in order to check frauds, impositions and malingering, investigations, surveillance and adjustments must be made by parties having a great financial interest in defeating such abuses.'

"Rhode Island, by reason of the density of its population, the variety of its industries, and the compactness of its accident area, can easily be made a profitable field for the study of this and other important features of compensation laws, without any great expense."

That last phrase relating to the compactness of the area in Rhode Island, does not apply very well to the case of Maine. You all know that in the manufacturing portions of the State, we have very little compared with Rhode Island. Our population is varied and scattered. But this compensation law is paid for in one way or another by local corporations. This is not a question of employer against employee, and I do not wish to be misinterpreted in what I have to say. I have just as much interest in the employee as any one and just as much interest in his being properly protected and cared for, but I do feel under all the circumstances, considering the fact that no other State has yet stepped across the line to the extent proposed by this amendment (many of these States having had the law for a great many years) that it is not the proper time for us to take that step. I think when the States which have had this thing in operation and have had it under the careful study of proper commissions, see fit to grant what is claimed under this section, it will then be time for the State of Maine to follow their lead. I hope the motion of the gentleman from Wilton, Mr. Hall, will prevail.

Mr. HOLBROOK of Brooks: Mr. Speaker, this bill, if I understand it right, the only change it makes is giving the employee the right to choose his physician and hospital. Am I right, Mr. Wilson?

Mr. WILSON: That is the apparent intent of it, Mr. Speaker.

Mr. HOLBROOK: The gentleman has explained why this works a hardship to the employers by possible collusion between the injured employee and the physician he might employ. I know that when I was injured and they brought me in an automobile to my house, a distance of perhaps one hundred rods and summoned two physicians, the company afterwards paid those physicians without any question the full limit of thirty dollars. While I do not exactly see the great benefit of this law to the employee, I think all these things are subject to revision by the accident commission of the State and I think that commission if a physician were summoned in an emergency would never refuse him his pay. The company is sure to pay that amount. I do not know as this would do any great harm; neither do I see how it would be of any great benefit to the employee.

Mr. SAWYER of Madison: Mr. Speaker, the gentleman from Portland has talked on the subject of malingering. Now Section 21 of the original act is the section that takes care of that. It says: "The employee shall after the injury, at all reasonable times during the continuance of his disability, if so requested by his employer, submit himself to an examination by a physician or surgeon authorized to practice medicine under the laws of this State, to be selected and paid for by the employer. The employee shall have the right to have a physician or surgeon selected and paid for by himself, present at such examination of which right the employer shall give him notice when requesting such examination." Now I understand that that takes care of the malingering part and will prevent malingering under any conditions whatsoever.

Now to come back to the change. The amendment is to Article 10, or Section 10, which provides, the law as it now stands "during the first two weeks after the injury the employer shall furnish reasonable medical and hospital services, and medicines when they are needed." Now that can be construed and is construed that the employer shall name the one who is to attend and also the hospital to which the em-

ployee shall be sent for treatment if such treatment is needed. Now the change in that is very slight and is as follows: "Section 10. During the first two weeks after the injury the employer shall furnish reasonable medical and hospital services, and medicines when they are needed, and the injured party shall have the right to select his physician and hospital to which he shall go." Now the addition of those last few words are all the changes there are in this section as contemplated by Senate Bill No. 103. Now I will submit, gentlemen, that there are two bills following this that will have more effect on the Workmen's Compensation Act than this one does under consideration, and for this reason I think it should receive a different consideration at our hands. I believe that the motion to indefinitely postpone is wrong and that the bill should be permitted a passage.

Mr. WILSON: Mr. Speaker, just a word of explanation. I would like to say that the gentleman from Madison (Mr. Sawyer) has mistaken the purpose of Section 21 of the law. Section 21, which he has just read, applies to the period of the two weeks waiting period, so-called. Section 10, to which this amendment applies, applies to the fourteen days' waiting period during which it is to be definitely ascertained what the nature and extent of the injury is. As I understand it, if there is a permanent injury, or a serious injury which requires hospital treatment, Section 21 would apply as soon as that treatment began; but in the majority of cases of trivial injuries or sickness, it would come under Section 10. Consequently, Section 21 would not obviate malingering as the gentleman supposed.

Mr. BARNES of Houlton: Mr. Speaker, I shall have to disagree with the gentleman from Portland, Mr. Wilson, and insist that the gentleman from Madison (Mr. Sawyer) is correct that after the injury--any instant after the injury--the employee must submit himself for an examination by a surgeon suggested by the company. Certainly, if we understand the wording of the statute, the gentleman from Madison is correct.

Do you not know that the great corporations all have a company doctor? If you do not know that, let me tell you that a corporation doctor appeared before one of the committees here this winter and testified that he did the job for a dollar a head. Now if you were a laborer and your skull was fractured, would you want your wife to have to be content with a dollar examination, or would you want her allowed while you were lying there unconscious to have a competent physician summoned? It is nothing to me; I hope I will never get in such a position; but certainly the injured man and his family should have the right to have their family physician if they have one or obtain a competent surgeon aside from the company doctor.

Mr. JORDAN of Baileyville: Mr. Speaker, I was very much interested in the remarks of the gentleman from Portland, Mr. Wilson, and his full explanation of the law concerning this particular point throughout our whole great country, and I am very much pleased to know that there are so many beautiful things being done for the laboring man. There was, however, one point that was not quite clear to me. If I understood the gentleman from Portland correctly, he seemed to suggest that the Committee on Mercantile Affairs and Insurance thought it was within their province to enter into some sort of collusion, or recommendation or something that might be effectual, to the effect that there should be no interference whatever with the law concerning the Workmen's Compensation Act. I hope this is not true and I do not believe it is. I believe that the gentlemen who served on the Committee on Mercantile Affairs and Insurance were honest in their judgment and impartial in their decision. That being the case, I certainly feel that all on the subject has been said that is necessary; but I did not want the precedent established that there could not be any interference with the law concerning the Workmen's Compensation Act.

Mr. DESCOTEAUX of Biddeford: Mr. Speaker, the gentleman from Portland, Mr. Wilson, quoted from the Massachusetts bill. He spoke about the Maine bill having just fourteen months' experience. I want to read the recommendations that Governor Walsh of Massachusetts made two years ago in Massachusetts as follows:

"One of the most important acts which Governor Walsh has persuaded the Massachusetts legislature to put on the statute books in its present session is the long House Bill No. 2682, amending the Workmen's Compensation Act. It is of vital interest to all the employees in the industries covered by the act, because it materially increases the compensation they will receive in case of injury.

The most striking changes brought about by the amendment to the law are here summarized:

(1) An increase in the percentage of weekly wage to be paid to injured employees from fifty to sixty-six and two-thirds per cent.

(2) An increase in the maximum payment of compensation on account of total incapacitation from \$3,000 to \$4,000.

(3) An increase in the number of weeks during which compensation shall be paid on account of partial incapacitation from 300 to 500 weeks.

(4) An increase in the maximum amount to be paid for partial incapacitation from \$3,000 to \$4,000."

Now I will go to the seventh—"(7) In case of emergency or for other justifiable cause, the right is given to the employee to call on his own physician, or a physician other than the one ordinarily provided by the insurer."

He says later on "All of these recommendations were generally acceptable to employees and employers alike. In fact, the representatives of labor and of the greater number of employees of the State, after meeting the members of the Industrial Accident Board and considering the facts and figures brought to their attention as the result of that Board's experi-

ence during the first year's administration of the law, agreed to the amendments which have now become the law of the commonwealth."

Now I do not see, gentlemen, that there is any need of quoting a number of states. Here is this law which was passed two years ago. It was understood that it was only a law passed that was kind of a skeleton that we were to amend every two years until we got a good law. There were practically no teeth in it at all. We have had it for fourteen months and I think it is time to do something toward amending it. There have been four or five amendments presented in this committee, not one of which has received a favorable recommendation and I think something is wrong. I hope the motion to indefinitely postpone will not prevail.

Mr. HOLBROOK of Brooks: Mr. Speaker, I think there is some misconception in regard to the scope of the law as to the company furnishing the physician. They do not expect the man injured in an industrial accident to wait for the company to summon a physician; they pay a regular physician I think without question. Every contract has a clause in it that the company can if they choose send a physician at any time to examine a man who has been injured for the purpose of ascertaining whether he is as badly injured as he claims. That is the meaning of that proviso as to the company sending the physician. I do not think it is the intention of the company in this respect to summon a physician employed by them. In my own case, I summoned the two physicians there at Brooks, and their bill was more than the company was liable to pay. The company paid the full amount of \$30 they were liable for without any question. This bill, as I have said, can do no harm, and I can see where it might do very much good. It seems to me that it would be a comparatively harmless addition to the law.

Mr. DESCOTEAUX of Biddeford: Mr. Speaker, the gentleman from Portland (Mr. Wilson) spoke about a man shamming sickness. No man

getting five dollars a week compensation who has a ten dollar a week job is going to sham sickness long.

The SPEAKER: The question is on the motion of the gentleman from Wilton, Mr. Hall, that the measure be indefinitely postponed. Those in favor of the motion will rise and stand until counted.

A division being had,

Twenty-seven voting in the affirmative and eighty-two in the negative, the motion of the gentleman from Wilton, Mr. Hall, was lost.

Mr. SAWYER of Madison: Mr. Speaker, is the report of the committee a divided report?

The SPEAKER: It is a divided report. The question before the House now is the third reading of the bill.

On motion by Mr. Sawyer of Madison, the bill was given its third reading and passed to be engrossed in non-concurrence.

The SPEAKER: The Chair lays before the House House Amendment A to House Document No. 519, entitled "An Act authorizing Fort Kent Electric Company to erect and maintain a dam across Wallagrass Stream," tabled by the gentleman from Wallagrass, Mr. Daigle, pending the adoption of House Amendment A.

On motion by Mr. Daigle, the House voted to retable the amendment until later in the day.

The SPEAKER: The Chair lays before the House House Report of Committee on Appropriations and Financial Affairs, reporting "ought not to pass" on Resolve providing for the payment of a bounty on bears killed in the State, tabled by the gentleman from Reed Plantation, Mr. Clifford, pending acceptance of the report.

On motion by Mr. Flint of Monson, the House voted to accept the report of the committee "ought not to pass."

The SPEAKER: The Chair lays before the House Majority and Minority Reports of the Committee on Sea and

Shore Fisheries, majority reporting "ought not to pass," and minority reporting "ought to pass" on House Document 95, An Act to amend Sections 35 and 38 of Chapter 45, Revised Statutes, relating to the measurement of lobsters, tabled by the gentleman from Biddeford, Mr. Goldthwait, pending acceptance of either report.

Mr. GOLDTHWAIT of Biddeford: Mr. Speaker and gentlemen of the House: I move that the minority report "ought to pass" be accepted. In explanation I wish to state as concisely as I can the truth of this matter. I will take it up under three heads, if you please.

We need the change in our present law, first, because of the present condition of the lobster fisheries; second, because of the fundamental errors in the existing law, and, third, because the law proposed is based on the correct principle and presents the best measure possible for conservation consistent with a continued successful prosecution of the fisheries.

I suppose the most casual and transient visitor to our shores is aware that lobsters are soon to be in the class of the great auk and the dodo; they are a rare bird. Twenty years ago many of us would go down to the seashore and we could buy a lobster for a reasonable price. It is not so today, and practically all they do get down to the shore, they ask the fishermen to break the law rather than to break their pocketbook. Seriously, however, the United States reports show the lobster catch of Maine has fallen off more than 50 per cent. in the last 20 years. The catch per pot in 1900 was 53; in 1913 it was 30. The State reports for a similar period show about the same result. In the last 10 years, Massachusetts, having the 10 and 1-2-inch law, which is our present law, experienced a loss in her catch of from 956,000 pounds down to 426,000 pounds—more than 50 per cent. At a hearing held in this hall two years ago by the fisheries committee, one of the oldest wardens in years of service testified that the fall off in catch since 1895, when the present law was enacted, was at least

50 per cent. Now while we are on this part of the discussion, we must not forget that the fisherman knows of this condition better than anyone else. He has been railed against as an ignorant and dishonest law breaker; but I think I know something of this sturdy, hard-working and courageous race, and I say to you that he is just as intelligent, just as honest and just as law abiding as we have allowed him to be under the laws we have given him. I sometimes marvel at his good deportment under some of the fearful and wonderful regulations that we have imposed upon him. He knows the conditions of that industry and that the consequences are the great increase in price as the scarcity grows. No fisherman will say that fishing with the same equipment and in the same manner as 15 or 20 years ago he could make even a bare existence. Perhaps, briefly, that is sufficient along the line of the present depleted condition.

Now let us take up the existing law and see whether fundamentally it is right, whether it has done what some claim for it or, rather, what many claim for it; because we find here that the present law is the best law for them all. The law on our statute books today relating to the measurement of lobsters provides that "no person shall buy or sell, give away or expose for sale, or possess for any purpose any lobster less than 4¼ inches in length, alive or dead, cooked or uncooked, measured in manner as follows: Taking the length of the back of the lobster, measured from the end of the bone of the nose to the center of the rear end of the body shell." This is what is commonly referred to as a 10½-inch lobster, that being the over an length. This law was passed in 1895 to prevent the canners destroying the lobsters. If you will search the files of the Kennebec Journal, as I have, in all the discussions at the time this law was passed, you will not find one word about conserving the lobsters—I mean as to the principle of the thing. It was that we must establish this measure at this point so that the canners would not destroy the lobsters. Many other reasons have been advanced by the

latter day adherants of this measurement law, but that is the fact. There is no evidence, to repeat, that the biological knowledge of the lobster was considered at that time at all. Now in the last 18 or 20 years careful investigation and study have determined certain facts that are vital and must be considered if we are to have any constructive legislation for the preservation of this species. It has been determined that the lobsters spawn but once in two years; formerly it was thought that they spawned every year. The female lobster carries her eggs attached to the under side of the tail for a period of ten or eleven months until they are hatched. The approximate number of eggs are eight inches, five thousand; 10 inches, twelve thousand; 14 inches, forty thousand, 16 inches, sixty thousand; 18 inches nearly eighty thousand, and that the rate of survival—now mark you, gentlemen, this is the vital point—the rate of survival of those eggs is not over two in thirty thousand. These facts show, first, that the lobster is a slow breeder. Second, that a close time, to be of any value in increasing the numbers of this species, must be of ten or eleven months duration. Third, that one large lobster as a breeder is worth eight or ten small ones; and, fourth, that the rate of survival makes it absolutely imperative that we return to the water the big breeder.

Now what is the proposed law, the bill under consideration? We who favor it think it presents the best measure possible for conservation consistent with the continued successful prosecution of the fishery. The bill as reported amends Sections 35 and 38 of Chapter 45 of the Revised Statutes and will make it unlawful to "buy or sell, give away or expose for sale, or possess for any purpose any lobster which is less than 4½ inches or more than six in length, alive or dead, cooked or uncooked," measured in the same manner as provided in the present law, that is, body measure. These changes give an over all measurement of nine inches and 13¾ inches. This is what is commonly called the double gauge law, and is almost unanimously admit-

ted to be the best statute we could have. I might, perhaps, without violation of confidence state at this point that there are members who signed the majority report "ought not to pass," who believe thoroughly in the principle of this law. The various excuses against its enactment all proceed from one source, the commercial objection. In other words, those who oppose this act are not interested in the future preservation of the lobster but have allowed themselves to be influenced by divers and devious estimates of speculators and dealers and others as to what would be their present loss. Such speculators and dealers if allowed to further pursue their methods will result in a future loss that will be complete.

The proposed law will not injure the fisherman who is now observing the law, because he would gain as much or more by the drop from 10½ to 9 inches as he would lose over 13%. Practical tests of 100-pound lots of lobsters taken at random have shown about 20 pounds over 13% which he would lose and about 25 pounds between 10½ and 9 which he would gain; and such a measure would give us an ever increasing protected class of large egg-producers. Our present seed lobster law is of but little value, principally for the reason that it protects less than one-half of the females.

Under the direction of the United States Bureau of Fisheries, Professor Herrick, the foremost authority on lobsters in this country, examined 4600 seed-bearing lobsters from eight to nine inches in length, and by his figures is shown beyond the shadow of a doubt that under our existing law we protect only ten per cent of the eggs, while under the proposed law we would protect fifty per cent. If we want more lobsters, we want more eggs. Now why should there be any doubt as to the value of this measure?

Two years ago there was appointed a lobster commission in this State to confer with similar commissions in other states and to give us the benefit of their investigation. Their report was printed this winter, Senate Document No. 120. They conferred with the commissions from all the New England

States, I believe, and New York, and this is what they determined. The commission after due deliberation adopted the following resolution and I will just read that particular part that applies to the point at issue. It says: "Resolved, that the delegates to this convention pledge support in securing from Congress the federal legislation and appropriations essential for adequately extending the work to the required activities relating to consideration and adoption of improved practices necessary for

A. A great annual natural production of lobster eggs; and

B. The rearing of a greater number of young from the eggs naturally produced." They go on to say "We are of the opinion that a union of public effort is necessary for securing progress and increasing the annual production of lobsters through extending the efforts for:

1. Salvage of eggs.

2. Rearing the young for such a period and by such methods as may best minimize the natural destruction during the swimming period.

3. Protection of the adults, male and female, above and below the optimum market size (the so-called 'double gauge')."

Now those were the deliberations of all these commissions in the various states. I submit that they are of the greatest value and that we should enact this proposed bill into law.

There will be various arguments made in opposition to this measure, of course, and I anticipate one in particular will be along the line of artificial propagation. For years we have had a hatchery and they have been liberating millions of fry. No man can say of what real value it is or has been; but I would like to read just a paragraph along that line, because I do not believe that such work has amounted to very much. I think they are progressing now along a little different line, the matter of rearing them to a certain age or size, rather, that will be of practical value; but let us see what throwing these fry on the surface of the water amounts to, and this is from a special report of the lobster fishery made to

the legislature of Massachusetts in 1911.

"The hatching of the eggs, followed by the immediate liberation of the fry is ineffective, because it cannot be done on a scale commensurate with the requirements of nature, or upon any scale which can be deemed profitable. This has seemed to be the case by applying the law of survival to the records of the hatcheries during the period of their greatest activities. The combined hatcheries turned out according to the records 4,214,000,000 young lobsters. "At a rate of survival of one in fifteen thousand, this would yield 280,933 adults, many of which would certainly enter many a trap." In other words, during ten years there were added to the ocean by this means some half million lobsters, while at the same time its waters were depleted of from half a billion to a billion adults.

Many may say that this sounds all right in theory but that it won't work out in practice; but I argue, gentlemen, that the ideals of the day are the practical accomplishments of tomorrow. This will work out and if anything can be done to save this very valuable branch of our fishing industry, this law will do it. I thank you.

Mr. HARMAN of Stonington: Mr. Speaker and gentlemen of the House: I signed the majority report against this bill because I believe it for the interests of the lobster industry of the State of Maine. I cannot agree with all the remarks made by the gentleman from Biddeford (Mr. Goldthwait) in favor of this bill; but we can all agree on this one thing that the State of Maine should conserve and preserve the great lobster industry of the State. I do not for a moment contend that the theory of the double gauge law is not correct; but every theory does not always work out well in practice. It is the conditions that surround the State of Maine which make this law impracticable, and before I finish I believe I can prove to you beyond a reasonable doubt that the double gauge law would not work best in practice in this State. A great many of the representatives and senators have asked me what the double gauge law was. They were liv-

ing away from the coast and were not familiar with the meaning of the double gauge lobster law. Allow me to explain to you for just a moment what the double gauge lobster law means. It means that you shall liberate all lobsters measuring thirteen and three-eighths inches in length, which is the length of this little rule that I hold before you. In other words, if a lobster is measured on the body, or the tom-ally box, it means a six-inch measurement on the body of the lobster. This is a measurement which will cover the full length of the lobster. All lobsters below this length under the double gauge law will become illegal, nine inches in length. In other words, if the lobster was measured upon the tom-ally box, it would mean four and one-eighth inches in length—the body of the lobster. Under the present law, all lobsters under ten and a half inches are illegal lobsters. This rule which I hold before me is ten and a half inches long. That would cover the whole length of the lobster which is illegal under the present law; or, if the lobster was measured on the body measurement, on the tom-ally box it would measure four and three-quarters inches. This is the meaning of the double gauge law. There is but one issue, it seems to me, before this House to be considered, and that is the issue of whether this double gauge law would be better for the lobster industry of the State of Maine than the present law.

It has been claimed that the lobsters are diminishing very rapidly in the State of Maine. That is true up to within the last two years. I will read from the statistics from the bureau of fisheries at Washington. In 1902, there were caught in the State of Maine in round numbers 12,000,000 pounds of lobsters. In 1905, there were caught in round numbers in the State of Maine 9,000,000 pounds. In 1908, there were caught in the State of Maine 9,900,000 pounds—nearly 10,000,000 pounds of lobsters. In 1913, there were caught in the State of Maine 8,116,000 pounds of lobsters. In 1914, there were caught in the State of Maine 8,632,000 pounds of lobsters. We have no statistics for 1915, but in 1916, we have statistics taken from the report of the commissioner of

sea and shore fisheries which has just come from the press; and we caught in 1916 10,000,000 pounds of lobsters in the State of Maine, at a value of \$2,228,000. Now, gentlemen, you will see at a glance that the catch of lobsters was at the bottom in 1913, and now is on the increase, an increase in 1916 over 1913 of about 2,000,000 pounds approximately.

Now, Mr. Speaker, what is the cause of the catch of lobsters in the State of Maine keeping way above the catch of any other state in the Union? For instance, I will compare the catch in Maine with the catch in Massachusetts. In 1913, there were a million and a half pounds of lobsters caught in Massachusetts. I received in the morning's mail a report from their commissioner showing that in Massachusetts the catch in 1916 was only 4915 pounds. Now what is the reason? What is the cause of this great decline in Massachusetts, our sister state? Are not the conditions the same in Massachusetts as here? One of the reasons that their catch is diminishing in Massachusetts is on account of their nine-inch lobster law. I will say that lobsters between nine and 10½ inches are very easily trapped, and the supply decreases very fast when you change from a 10½ to a 9-inch law. The larger the lobsters get the harder they are to catch. One of the great reasons that has kept our supply of lobsters as well as it has is on account of the great quantities of lobsters that come into Maine from Nova Scotia. In April more than 20 lobster smacks leave the Maine coast for Nova Scotia to buy lobsters to stock up the cars and pounds in the State of Maine. Those smacks make a great many trips between about the middle of April and the time that close time comes on in Nova Scotia. These smacks carry from 8000 to 15,000 pounds of lobsters on every trip to Maine. During that time all of the large lobster pounds and storage cars are filled with lobsters to be kept until long in July or August and sometimes as late as September, to get the higher price which is paid later in the season after the Nova Scotia supply is cut off. Now at the time these

lobsters are brought here from Nova Scotia they had no eggs, but after they are deposited in the pounds and cars, the eggs appear on the lobsters. After the eggs appear on the lobsters, they are taken to the hatchery, hatched out and distributed up and down the coast. I will say that there are no pounds in Massachusetts, and up to the last few years a very few storage cars. There have been storage cars and lobster pounds in Maine for a great many years and this is what is keeping up our supply of lobsters. Nova Scotia is stocking our waters with the spawned lobsters from Nova Scotia. There are taken out of these pounds in August and September a great many thousands of these spawned lobsters. Now if this double gauge law is passed, those very large egg-bearing lobsters will be shut out from Maine and will all go into Massachusetts, and Massachusetts will get the benefit of those very large lobsters which will be barred out of the State of Maine. All lobsters over that length (indicating by ruler) will be barred out. The lobster nine inches long rarely bears eggs—about one in 15,000—and they only bear about 5000 eggs. When a lobster becomes 10 inches long she produces about 8000 eggs; but they are not any great producers until they get to be about 11 or 12 inches long. I have handled a great many spawned lobsters, sold a great many to the State, and the lobsters which I sold have always carried not less than four pounds. This length of lobster would mean not over three and a half pound lobster. We would lose the benefit which the State of Maine is receiving from all of those lobsters coming from Nova Scotia if this law should go into effect, and I believe it would in a short time have a great effect upon our supply.

Now under this double gauge law all lobsters caught in Maine would have to be liberated over this length. What is going to become of those lobsters liberated in our waters? Would they remain there and spawn and produce lots of fry, or would they be carried away from the State by foreign smacks from Massachusetts? During the past winter, lobsters have sold as high as

50 and 55 cents a pound; that would be the price paid to fishermen. During the last half of last year, lobsters were hardly ever less than 30 cents a pound. Now one of those lobsters weighing four pounds would during the winter be worth more than \$2. Would it not be a great temptation to smuggle those lobsters out of the State? Would they still remain in our waters if this law should go into effect? It certainly would be a great temptation, and, if they violated our nine-inch law on the small lobster, they certainly would find some way to get those large and valuable lobsters out of the State.

The contention of the proponents of this bill is that liberating these large lobsters would keep up the supply and offset those caught between nine and ten and a half inches. I do not think for a moment that that would be the case. The effect of these lobsters over thirteen inches would not be felt for five or six years. It takes about five years for a lobster fry to grow and become of legal length, which would be nine inches under this law. For the next two years we would nearly clean up all our lobsters between nine and ten and a half inches, and we would no doubt feel the effect of those large lobsters for about five years if they were left in the water and not all carried out of the State. I believe it would be at least three years, if these lobsters did remain in our waters, of very poor fishing. There are bays upon the coast of Maine where you cannot catch a small lobster. They are practically all very large lobsters and would be over the thirteen inch length. I recall that down in Bluehill Bay they are all very large lobsters and down about Eastport they are all very large lobsters. Now it would work a great hardship on the fishermen who are located in those districts with all their money invested in traps and pots, to put them out of business on account of this law going into effect.

This lobster industry for the State of Maine is a great income to the State. I was told within a few days by one of the largest dealers in the State that the price paid the fisher-

men for lobsters this year was fifty per cent. above the price of last year, and it keeps advancing. The catch this last year amounted to more than two million dollars, and we have no record of a great many lobsters which are smuggled out of the State and which would increase that value a great deal. This lobster industry is going to increase and be of vast benefit to the people of the State of Maine.

It is true that there are a great many large dealers in Rockland and Portland and about the State who have vast sums of money invested in smacks. One firm has as many as eighteen of these smacks, some of them worth as high as from five to eight thousand dollars—great plants, cars and pounds and a great deal of money invested. Now I do not think that any of these gentlemen doing this large business would intend to do anything to hurt this industry of the State. It is worth as much to them as it is to the fishermen. I do not believe they have investigated to know how this law would work. If they did I believe they would certainly be against it. None of my constituents in my section of the State are in favor of the double gauge law. The small dealers located down there are all opposed to it. Is it good judgment to take a chance of changing this law? Why not let well enough alone and stick by the policy and the law which now is increasing our catch? Maine is leading all other states four to one in the production of lobsters. It is a great asset to the State of Maine and it ought to be preserved for the benefit of the people of the whole state. I trust that the motion of the gentleman from Biddeford, Mr. Goldthwait, that the minority report on this bill be accepted will not prevail.

Mr. FARRINGTON of Augusta: Mr. Speaker, I rise at this time to present an emergency measure and would ask the suspension of the rules for that purpose. The members of the House are so uneasy and so uncomfortable that for the sake of the safety, peace and health of the members of this House, and the lobsters, I move that the rules against smoking be re-

moved at this time so we can keep part of the membership in the House.

The Chair declared the rules against smoking suspended for the afternoon session.

Mr. PACKARD of Rockland: Mr. Speaker and gentlemen of the House: This question regarding the length of lobsters is probably one of the most important that has been before us this session. For years past legislatures have been here making changes in the laws back and forth, making restrictions here and there, but always with the same result, and the supply is not keeping pace with the demand. Most every man will agree with me that in order to have lobsters at all we must have eggs. When I tell you that only about one in fifteen thousand eggs ever reaches maturity, you can see the necessity of conservation. Gentlemen, it is the big female lobster that is the great producer, and that is why I am asking you to accept the minority report of the sea and shores fisheries committee. This report says that you may take lobsters between nine and thirteen and three-eighths inches in length and that you must leave those above that measure alone. The law at present prohibits the taking of lobsters below ten and a half inches and those are taken up by the Boston smack men, both legally and illegally. A part of this is due to the temptation to sell the small lobsters to the Boston smackers when lobsters reach sixty, seventy or seventy-five cents a pound. Just because a lobster happens to be half an inch below measure, it is pretty hard when you stop to consider that that lobster is worth a dollar or more, to throw it back in the water; and a fisherman, if he happens to see a Boston smacker, is pretty apt to sell it to him. Last year there were many Boston smacks about, and there were one or two in our harbor all the time and the short lobsters were taken care of very thoroughly. Of course a man cannot sell a short lobster to a Maine dealer; but it opens up the way to temptation and for that reason our lobsters are diminishing very fast. A female lobster starts laying eggs for

the first time in seven or eight years when they are about ten and a half inch length. There are cases when the length is a little less, but they are very few. I know of an instance of some twenty-four thousand seed lobsters where only twenty-five bore eggs below ten and a half inches in length. The first lot of eggs that a lobster bears are very few; so very often they are a failure and two years will pass before these lobsters start laying eggs again. By this time the lobster had grown probably two or three inches and at this lot of eggs she will lay as many as twenty thousand. As I have said before, only one out of fifteen thousand eggs ever reaches maturity and the saving of the big lobster, which is the source of income, is the secret of preserving one of our greatest industries. The quickest way to destroy any animal is to kill its adults because you strike at the very source. Gentlemen of the House, I trust that the motion made by the gentleman from Biddeford (Mr. Goldthwait) will prevail.

Mr. BOMAN of Vinalhaven: Mr. Speaker, I will not attempt to delay the House with any lengthy remarks. I suppose every member of this House is so well informed in regard to this measure (I mean the double gauge measure) that what I may say will be of little consequence. Every member of this House has been interviewed and told what a blessing this measure would be to the lobster industry. This bill has been ably advocated in the corridors, but you have heard only one side of the question, and, while I know your minds are open, yet I have reason to believe that some have been led to think that this bill is the real thing. There are about thirty-five hundred lobster fishermen in the State, and, so far as I know, they have had no one here advocating their side, neither have they presented any petition in favor of this measure; but on the contrary have remonstrated against this double gauge bill. In behalf of 300 fishermen whom I represent, I am opposed to the passage of any more restrictive laws. Now what is claimed for this bill? That it will make every lobster fisherman hon-

est, that it will make every dealer in lobsters honest, but, gentlemen, be not deluded by such nonsense. Just as long as a dealer buys everything when lobsters are scarce, just so long the fishermen will catch them. This has been done, is done now, and will continue, for I declare that you cannot enforce the lobster law unless you have a warden placed at each buyer's place of business, as well as wardens watching the fishermen. I know for a fact that thousands upon thousands of illegal lobsters have been bought and shipped (not in Boston smacks) and the only time this is not practiced is when the supply is in excess of the demand. Now I have no objection to a nine inch law, which as I understand is not objected to by the fishermen, although they are divided on that; but I do object to a measure which subjects them to a double prosecution which means that if he catches a lobster under nine inches, he is liable to a fine, and if he saves one over a certain length he is liable to prosecution.

There is another reason for objection to this bill. There are a good many middle aged, and I may say some old men, who are not able to fish during the winter months and who are dependent on their living during the season of the year when lobsters are scarce, and at a season when there are good many large lobsters. Now by this bill, a man catching a lobster worth a dollar and a half, which sometimes is the bulk of his catch, he is obliged to throw away his earnings for that day. I have known of men who hauled thirty or thirty-five traps and getting as low as fifteen pounds, and if they had to put back half of that catch, where would they be? This, gentlemen, is no exaggeration. Now if you want to drive the fishermen out of business, pile up those restrictive laws and you will accomplish that object. The only way to save this industry is to encourage the fishermen to take care of the seed lobsters, and you will accomplish more than all the restrictive laws you may enact. There is no class of men who have so much to contend with as the fishermen, and under the conditions now existing we ought to do nothing to discourage or hamper them. They are

as honest in the pursuit of their business as the most of us, and I trust this legislature will not pass this law which would make it more difficult for them to make a living. Gentlemen of the House, I hope you will not accept the report presented by the minority committee.

Mr. COLE of Eliot: Mr. Speaker, this is a matter which comes home to me for the constituency which I represent, and I am willing to say that I have had a change of heart in the performance of my duties. Two years ago I stood out in the Senate single-handed against this measure and killed it. I believe, however, that it is wise to make the change and I will give you my reasons for it. Whenever there is discontent with any existing law throughout the State, so that every succeeding legislature has to devote a large portion of its time to a discussion of that measure, and whenever a large percentage of the people persistently come to the legislature because they are dissatisfied with existing conditions, then I believe it is time for the legislature to make a change and endeavor to see if some better law cannot be devised. Now that is the condition at the present time. Now two or four years ago, I forget which, the lobster law was very carefully gone over. A law was made regarding the marking of lobsters sent out of the State and all kinds of ways and means were devised whereby the lobster industry of Maine was to be absolutely protected for all time and we would be through with that legislation; but we are back again right where we were then. A large part of the people of the State are at present dissatisfied, and they are the lobster catchers as well as those who would like to be lobster eaters. As a matter of fact, gentlemen, coming right down to the very truth of it, how many of you are able to afford to buy any Maine lobsters unless you buy shorts? Now stop and think of that proposition. Whenever you legislate you are not legislating for your own interest here unless you are a lobster catcher, because lobsters at the present time are too high. Let's take my own section of the State, which is very largely filled

with fishermen engaged in the lobster industry and let's see how the law works there. The legal length of lobsters in the State of New Hampshire and the State of Massachusetts is nine inches. The legal length of lobsters in the State of Maine is ten and a half inches at the present time, and our people are obliged to throw them over if they do not want to be criminals; and if we pass a law making them criminals, they will have to throw them over. If we are buying lobsters, we never buy legal lobsters, we buy short lobsters, and then growl because the lobster men do not live up to the law. Now those of you who live back in the country and come down to the seashore, how many times do you get a lobster man to bring shorts to you because you can get them for less than half price, and you buy them for less than ten and a half inches because you buy them at the cheap price. Now take the lobster men in my territory, who are situated in almost the same territory as the New Hampshire and Massachusetts lobster men. The New Hampshire fellow can catch the nine inch lobster right over that invisible line that is drawn up through Portsmouth Harbor; and as New Hampshire has only eighteen miles of sea coast, you come to the Massachusetts line with nine inches again, and that lobster fisherman is able to buy them. What happens? Human nature is the same the world over; and, if you make restrictive laws which take away his livelihood, he has got to deal in them. The New Hampshire dealers and the Massachusetts dealers come down in their boats, and they impose upon the poor fishermen in the western part of this State by making them sell them less than ten and a half inches at a short price; but the minute those buyers get those lobsters into Massachusetts, they charge the people who buy them a legal price. The same buyers get them over in New Hampshire openly and they charge the people who buy them a legal price. Now if you put the law on the same basis as the Massachusetts law, then the man who has nine inch lobsters in Maine will get a legal price for them in Massachusetts, and if a nine inch lobster is worth fifty cents in

Massachusetts, and only worth eight cents or nine and a half here, he will come up to the price that they give in Massachusetts, and your lobster men that you are trying to help will get fifty cents instead of eight. Let's be consistent and help the people out that you are trying to legislate for and do something for them, if the existing laws are not right. They do not seem to be right because the lobster people come here and ask us to change them. We in our wisdom thought we knew more about them than they did. I thought I did two years ago; but they are back here asking for relief, and I am willing to change my mind because I think they know more about their business than I do.

When I was a boy, born and brought up upon the tidewaters of the Atlantic, 12 or 14 years old, I could go out and steal a barrel hoop, go to the shipyard and steal some tarred rope, take a bit and bore it and weave a net, tie some rocks on the side, steal a fence post, cut it off and make a buoy, put that net overboard and with half a dozen other nets, a couple of our boys, one backing up and the other drawing the nets, could get a bushel basketful in an evening and sell them for two cents a piece in order to get some pocket money around among the neighbors. Those of you who live on the coast will remember that. You could go along the coves, among the eelgrass, taking off your boots and stockings, see a little bunch, kick it aside and you would find a good legal length lobster in those days. All that is gone because of the conditions of the times and the methods of transportation. The lobster in Maine today is shipped as far west as Denver, and the people in Denver who can afford it are able to have broiled live lobster; and that is why you and I in Maine cannot afford to have them, and do not get them unless we violate the law, and buy shorts. Now let's do something for the poor fisherman and eliminate that short lobster between nine inches and ten and a half inches, which is a legal lobster elsewhere. Many of the lobsters that are caught, in fact, the bulk of them, are within that inch and a half. You and I know

that they do not throw them overboard. We buy them if we get the opportunity, and nobody considers it any offense or any crime. We think it lucky if we want them and can get them, it is just as well to tell the truth as it is to conceal it. Now if these lobster men are criminals, what happens to them under the double gauge? I am not sure that it is any better under the double gauge than it would be to come down to the nine-inch law. I believe we should come down to the nine-inch law, and that is why I was against the double gauge two years ago. But if we cannot have the nine-inch law, let's take the next best thing we can get and try the double gauge. Then if the double gauge is not any better than the present condition, after the fishermen have tried that for a while, they can come here and ask for a change again, for that is what you and I are here for. The great bulk of the lobsters caught, gentlemen, are somewhere between nine inches and 13 inches, and the great bulk of the lobsters sold are between those lengths; and, if the breeders are above 13 inches, the great bulk of them, which bear so many eggs—when they throw those over, the fishermen of the State of Maine are not fools, and if they know that the preservation of their business depends on their throwing over those 13-inch lobsters, and that they can make a good living without violating any law, they will be as honest as you and I. But I do not believe we have any right to come here and legislate against them as compared with the people of the same industry in other states. As has been said, those Massachusetts smacks do come down our coast, and when they are beyond the three-mile limit, the State of Maine has absolutely no control over them whatever, and the fisherman who goes over near the three-mile limit and draws his pots, and the smack gets them after he has drawn them, and he sells his lobsters to that smack outside of the three-mile limit, he is outside of the jurisdiction of the State of Maine, and the Massachusetts man, as I said before, is buying short lobsters of him below 10 1-2

inches at the short lobster price, because they know that he cannot get anything in Maine but short lobster prices. They are making the money and he is losing it. Now let's legislate for the fishermen of Maine instead of the dealers of Massachusetts.

Mr. GURNEY of Portland: Mr. Speaker and gentlemen of the House: There were a few dominant phrases that stuck out in my mind while the distinguished gentleman from Stonington, Mr. Harman, was debating this question. One was the decline of lobsters—falling off of lobsters. Then he told us that although 2,000,000 more were caught during the last year, if we could hold on a little longer, we might hope some day to see a man who had really eaten a lobster dinner. He told us furthermore, that they had reached the price of 50 or 55 cents a pound, and he spoke of the matter with that liberality with which you would give a man a glass of water or a match to light his cigar. There was a time within my own recollection when upon the streets of our city there were teams selling lobsters at five cents a piece or six for a quarter, but that period under this law has passed away, until today the highest tribute you can pay any man is to provide for him a lobster dinner; and, when the citizens of Augusta opened their hearts to us with a generosity that was unparalleled, they paid us that great tribute at the time of the legislative reception of providing 800 pounds of lobster at 75 cents a pound.

We have heard this question discussed from the viewpoint of the dealer and from the viewpoint of the fisherman; but there is a third party in interest that it seems to me, after thirty-eight years of waiting, is entitled to some consideration, and that third party is the public which pays these exorbitant prices. The law today is the law of ten and one-half inches; and if you will look upon the history of legislation in this State, you would see that we weighed that law in the balances for 38 years and it has been found wanting. In 1879, our first law was passed, and that provided that lobsters under ten and one-

half inches should not be taken from July until the following May. In 1883, they changed this, and said that you should not take female lobsters or any lobster under nine inches. Again in 1885, they amended the law, and they said this time that from the fifteenth of August until the first of October following there shall be a close time on all female lobsters with eggs and all other lobsters under nine inches. Then in 1889, they took another step and they said this time that from July until the first of May following, there should be an exemption of all lobsters under ten and one-half inches. In 1895, they took a final step and said that no lobsters under ten and one-half inches could be legally sold within the State of Maine. So, I say, that from the history of this State for 38 years, we have been passing just such laws as the gentleman from Stonington (Mr. Harman) now asks us to hold on to for 38 years more, and our lobster industry has suffered untold hardship.

In 1880, the statistics of the book which bears the signature of the gentleman from Stonington, Senate Document No. 120, contained this astounding detail. It said that in 1880, there were caught 14,000,000 pounds, and in 1913, 7,000,000. In that length of time it has decreased more than half and what about the prices? Well, 14,000,000 pounds in 1880 were worth \$268,000, and in 1913, the 7,000,000 pounds were worth \$1,600,000; so while the lobster itself has laboriously gone up the stairs, the prices themselves have ascended in the elevator and were waiting for him at the top of the last landing, and the last landing, gentlemen, is being approached in these days when the lobsters have reached the exorbitant price which the gentleman from Stonington asks us to pay with kindness and patience until some day when there shall be some more. Now there is nothing so agreed upon in the State of Maine by practical men and scientific men as the lobster question. There was a time when Maine knew comparatively little about it; but that question has been the subject matter of legislation since the seventeenth century and

from that time down to the present. There was a time when Professor Huxley asked the students of biology what a lobster was; and one wrote as his answer that a lobster is a red fish that moves itself backwards. The professor said that the answer was right but for three things: First, the lobster was not a fish; Second, it was not red; and Third, it never moved itself backwards. I say today that the scientific men have studied this so that no beast of the field and no bird of the air is understood more accurately than the habits of the lobster; and what do you say? Now a ten inch lobster is not normally a producing lobster. How do we know that? Because the gentleman from Stonington, Senate Document No. 120, tells us that after that they begin to lay eggs, and as the gentleman from Rockland (Mr. Packard) has told us, only one in fifteen thousand survives. Now here is the importance of the double gauge law for the double gauge law would make a lobster illegal to be sold from nine inches approximately to thirteen and a half. Now what happens between those periods while growing from nine inches to thirteen and a half? In the first instance it begins probably at ten inches to produce eggs. Then it goes on and perhaps the first litter is from six to ten thousand eggs. The second litter, two years later, and twelve inches long, about twenty thousand eggs; and the gentleman from Stonington continues the interesting story that a lobster about eighteen inches long produces from 80,000 to 100,000 eggs. What the double gauge law is proposing is this: it says be they seven or nine inches, you shall not touch them, although they are non-producers. Then there shall be a danger zone until they reach thirteen and a half or thirteen and three eighths, then they shall be exempt forever from being sold just at the time the lobster reaches its adult age and when it is producing the greatest number of eggs—according to the gentleman from Stonington as high as 100,000. Then it shall be protected, and thereafter it shall continue to propagate and reproduce its own

species. Now I say that after 33 years of trial of this law of ten and a half inches, we may well cautiously take the next practical step and preserve these adult lobsters that they may reproduce themselves within the limits of the State of Maine. He tells us too that Maine is the last place of refuge for the lobsters. Maine is four and a half to one, overlooking every other state in the Union. We are now under a license system by which only citizens of Maine can fish within our waters. Now what will happen under this double gauge law that is now offered for the consideration of this House? Up to nine inches they shall be absolutely free from being caught and being traded. Then there is a danger zone, while they are first beginning to lay their eggs, up to thirteen and a half inches, and from that on they shall never be taken, but shall be allowed to breed other lobsters and reproduce themselves within the limits of our State. Massachusetts has her nine inch law and so has New York; and Massachusetts today, gentlemen, is producing less than five per cent. of the lobsters they use. The rest of them are coming from the State of Maine, because just outside the three mile limit, the smacks of Massachusetts are buying our lobsters under ten and a half inches which cannot be legally sold in the State of Maine, and they are carried to Massachusetts and then to the New York market. That condition would be stopped if we once should say that we shall no longer catch any lobsters under nine inches. This industry produced within the last few years \$1,600,000 annually to our people. There are from six to seven thousand fishermen involved. There are nearly fifty thousand persons indirectly concerned in the lobster industry, and I say to you in this House today that the time has come when we must shut our doors to Massachusetts until such time as Massachusetts and New York shall say that our law has resulted in an increase of the lobster industry and that they will join with us and have a double gauge law, so that the old lobsters will be allowed to repro-

duce themselves. Now from what information I have been able to gather, I do not believe that this law is helpful. I believe the period of danger of from nine inches to thirteen and a half is too long. I think it should be rather from ten and a half to thirteen and a half or nine to twelve, I do not know which; but the lobster men ought to know. We have tried it for 38 years, and we have found absolutely that the matter is a danger and a menace to the lobster industry of this State and to the people themselves.

Now the gentleman from Stonington has said that the larger lobsters will be thrown upon the other market and that they cannot be sold in Maine. It is indeed true that they may be captured and taken outside for the three-mile limit and there sold to the Massachusetts smacks, as all lobsters under the legal limit now are sold; but, gentlemen, the lobsters that reach 13 1-2 inches are now so few that it would not be sufficiently attractive financially for sloops to come here to get them. In Nova Scotia there are 900 factories canning lobsters and we are feeding them at certain periods of the year; but the great market is the New York market, and it seems to me that, if we may ever hope again to indulge ourselves in this delicacy, we must cease to listen to the pleadings of the gentleman from Stonington, who says "wait just a little longer for hope is coming." After we have tried a law for 38 years and it has resulted in the alarming shortage that this law has produced, it seems to me that the time has come when we should attempt some other method. (Applause)

Mr. LARRABEE of Bath: Mr. Speaker and gentlemen of the House: I think we have heard enough of the poor old lobster, and I think we have all made up our minds how we propose to vote on the question. I would say this, that Mr. Cole of Eliot has expressed the views as propounded by the lobster fishermen, the real fishermen on our coast, in an able and direct manner. It is the way that the fishermen wish to fish for these lobsters. I will even go farther than he did and say that they are not only sending

them to cities as far as Denver, but that our federal government is sending them and has already sent several carloads to the west coast to propagate them in the Pacific. I wish now in behalf of the lobster fishermen of Sagadahoc county, and of our delegation, to go on record as favoring this double gauge bill; and I would respectfully move the previous question, Mr. Speaker.

The SPEAKER: As many as are in favor of ordering the previous question will rise. It takes one-third. The question before the House is, shall the main question now be put. The gentleman from Ellsworth, Mr. Redman, has five minutes.

Mr. REDMAN of Ellsworth: Mr. Speaker, I will not take five minutes, I assure you. This is an ingenious law; it has an ingenious name. There is one feature of this law that is all right, and that feature is that when you catch a lobster that is 13 1-2 inches long you should put that lobster back into the water. There is another feature of this law that is all wrong, and that is that when you catch a nine-inch lobster, you can send that lobster up to Massachusetts and sell him and do it legally. One gentleman has pointed out the fact here that all we eat today are these short lobsters—these nine-inch lobsters. We eat them illegally, and I submit to you, Mr. Speaker and gentlemen, that if we make those nine-inch lobsters legal, they will go to Massachusetts and we won't even have a chance to eat them.

I hold in my hand some questions that were propounded to a certain lobster fisherman in this State, and he has given two very intelligent and enlightening answers. The first question is: "Do you believe the supply of lobsters in Maine is diminishing?" and his answer is yes. The second question is: "If so, what remedy would you suggest to keep up the supply?" His answer is "better enforcement of the law," and I will say that that is the answer to this entire question. If you want a law that says that you shall put 13 1-2 inch lobsters back into the water, let's have it, but let's not have

a law which permits the short lobsters to become legal. I submit, gentlemen of this House, that this is a double gauge law, but that only one barrel of the gun is loaded, and that is just the trouble with it, because you are going to allow them to keep these nine-inch lobsters which should go back into the water and be allowed to grow.

Mr. NEWCOMB of Scarborough: Mr. Speaker and gentlemen of this Legislature: I had a great burden taken off my shoulders when my friend from Kittery (Mr. Cole) said that he had had a change of heart, because I was informed that he was going to speak against this double gauge law. Now, Mr. Speaker, and gentlemen of the Legislature, I won't take but a short time. The gentleman from Ellsworth, Mr. Redman, says that the law would not be enforced. Gentlemen, is the law enforced now? It was told us at our hearing that this lobster law was as bad as the rum law. Now, gentlemen, I will tell you that it is worse, because, without any solicitation whatever, I heard a man from our committee say that these smacks from Massachusetts which came here after the short lobsters, brought rum with them and gave it to the wardens and kept them drunk for five days and the fishermen sold the short lobsters. He didn't say that last. (Applause)

Now, gentlemen, if we make a nine inch lobster legal, we will save the Massachusetts gentlemen from bringing down their rum. We have an act presented in this Legislature that you have not yet acted on which will in a way protect the 13 1-2 inch lobsters which he says will not be thrown away. That law asks that the State of Maine buy the seed lobsters over 13 1-2 inches at a price 15 per cent. more than the market price, mark them and throw them overboard to breed.

Now, gentlemen, as the gentleman from Portland, Mr. Gurney, has said, only about ten per cent of the lobsters that they catch now are over thirteen and a half inches in length.

Gentlemen of the legislature, there has been so much said that there is no need of my saying anything, only I do want you gentlemen to vote to keep

the State of Maine lobsters in State of Maine waters for the State of Maine representatives and their families, and not allow them to go to Massachusetts and New Hampshire, when you will be obliged to pay toll and go into New Hampshire and get a feed of lobsters. (Applause.)

Mr. GOLDTHWAIT of Biddeford: Mr. Speaker, I simply wish to move that when the vote is taken it be taken by the yeas and nays.

Mr. HOLT of Gouldsboro: Mr. Speaker, I did not intend to say anything about lobsters. I think the most of the members have heard considerable about it before today. Mr. Newcomb has said that we have a law coming on here or, rather, what we hope will become a law, allowing the State of Maine to buy seed lobsters. Now he is asking you to pass a law here that will prohibit every man from catching those lobsters. I have always from a boy been told that law was based on common sense, and until I came here to the legislature I thought so. (Laughter.) But I have changed my mind, and if we pass this double gauge law, I shall be certain of this. I want also to say that we will never see any cheap lobsters no matter what is done. When I was a boy a man could go out and catch lobsters and then take them in his team and peddle them through the streets; but only a week or two ago a man in the town where I live sold five thousand pounds to one man to go to Chicago. You see your market is a little larger than when the old gentleman had his team peddling them through the streets. Mr. Goldthwait tells us that one could not make a living catching lobsters the same as he could twenty years ago. Can you go out farming and make a living the same as you could twenty years ago? The gentleman from Rockland, Mr. Packard, says that in 30,000 eggs, you only get two lobsters. Now I have lived around the edge of the Atlantic Ocean all my life, and I don't know of any way that any man could chase those lobster spawn up, chase those young lobsters and find how many of them mature. If there is any way I

would like to know about it. I hope when you vote you will vote to leave this lobster law as it is.

Mr. FARRINGTON of Augusta: Mr. Speaker, I trust the gentleman from Biddeford will not insist on his request for a ye and nay vote. It seems to me that we are so far behind on our calendar that a division of the House would answer our purposes.

Mr. BOMAN of Vinalhaven: Mr. Speaker, I said in my previous remarks that you would listen to an oration in support of the proponents in favor of the double gauge law, and after listening to the gentleman from Portland you will agree I was correct. I wish to state that I have no quarrel with the dealers for they are my friends, and, as I stated before, I have no objection to a straight nine inch law; but I am opposed to a double gauge law. I want to say that the law cannot be enforced so long as the gentleman from York county buys them as admitted. York county's lobstering industry amounts to \$99,000, while Knox county produced \$572,000; and I believe the interest of Knox county should receive some consideration, and I ask that you place no more restricted laws by voting for this double gauge law.

The SPEAKER: The gentleman from Biddeford, Mr. Goldthwait, has moved that the vote be taken by the yeas and nays. The Chair deems it wise to leave that matter to the House. It takes one-fifth of those present to demand the yeas and nays, and if the gentleman is satisfied with a division of the House, he has the opportunity to withdraw that motion; otherwise the yeas and nays will have to be ordered.

Mr. GOLDTHWAIT: Mr. Speaker, I should like to insist on that motion. It will not take very long and this is a matter of importance.

The SPEAKER: Those who are in favor of ordering the yeas and nays will rise.

Mr. COLE of Eliot: Mr. Speaker, we have been here two hours and a half, and while I am as much interested as the gentleman from Biddeford, I do not

believe it will make a bit of difference whether we take the vote by the yeas and nays or by a division of the House. I hope the gentleman will not insist.

MR. DEARTH of Dexter: Mr. Speaker, I certainly hope that the gentleman will not insist on that.

Mr. GOLDTHWAIT: I withdraw my motion. (Applause.)

The SPEAKER: The question is on the motion of the gentleman from Biddeford, Mr. Goldthwait, that the minority report "ought to pass" be accepted. As many as are in favor of the motion will rise and stand until counted.

A division of the House being had,

One hundred and sixteen voted in the affirmative and 14 in the negative, and the motion of the gentleman from Biddeford, Mr. Goldthwait, prevailed.

On further motion by Mr. Goldthwait, the rules were suspended and the bill received its three readings and was passed to be engrossed.

On motion by Mr. Goldthwait of Biddeford, the rules were suspended and the bill was given its three several readings and passed to be engrossed.

The SPEAKER: Did the Chair understand that the gentleman from Vinalhaven had an amendment ready? There will be opportunity to amend it when it comes back, if that is satisfactory. The motion was made and carried that the bill receive its three several readings under suspension of the rules and, unless the vote is reconsidered, it will not be at the amendable stage until it comes back from the Senate passed to be engrossed. At that time the bill will be amendable.

Mr. BOMAN of Vinalhaven: I am satisfied with that, Mr. Speaker.

The SPEAKER: The Chair lays before the House, majority and minority reports of the committee on mercantile affairs and insurance, majority reporting "ought not to pass" and minority reporting "ought to pass" on House Document 225, An Act amendatory of and additional to Chapter 50, Revised

Statutes, entitled "The Workmen's Compensation Act," tabled by Mr. Allan of Portland, pending the acceptance of either report.

Mr. WILSON of Portland: Mr. Speaker, I move that the majority report "ought not to pass" be accepted.

The motion prevailed.

Mr. BUZZELL of Belfast: Mr. Speaker, I would like to ask the gentleman from Portland if he will withdraw that motion and I will move to have the matter placed upon the table and in the morning offer an amendment that will cut out all of the indemnity as provided in the new draft. I will simply offer an amendment that will make the bill more workable.

Mr. FARRINGTON of Augusta: Mr. Speaker, the bill would not be in any stage to amend, if we have adopted the majority report.

The SPEAKER: True. The majority report "ought not to pass" having been accepted, the only way to reach the bill is by a motion to reconsider the vote whereby the report was accepted.

Mr. BUZZELL: Mr. Speaker, that was my idea. If the gentleman from Portland, Mr. Wilson, should withdraw his motion, it would be in a position to be laid upon the table, wouldn't it?

Mr. WILSON: Mr. Speaker, I do not understand that I can withdraw my motion after it has been voted upon.

The SPEAKER: The only thing is a reconsideration. That is the easiest way.

Mr. DESCOTEAUX of Biddeford: Mr. Speaker, I move we reconsider the vote whereby the majority report "ought not to pass" was accepted.

Mr. JORDAN of Baileyville: Second the motion.

Mr. FARRINGTON: Mr. Speaker, I trust that that motion will not prevail. We are getting absolutely nowhere with our calendar. We might just as well bring this matter to a head in one way as the other.

Mr. WILSON: Mr. Speaker, I do not just understand the object the gentleman from Belfast (Mr. Buzzell) has in mind. From what I know about this matter and from what information I have, I think he has in mind the trouble about reckoning compensation between six days and five and a half. If that is the case, that matter has already been cleared up by a decision of our supreme court since the hearing on this bill, and there is no occasion to interfere with that part of it.

The SPEAKER: The question before the House is the motion to reconsider. Are you ready for the question? It is debatable.

Mr. DESCOTEAUX: Mr. Speaker, that vote was put before anybody had a chance to speak on it. I wanted to speak on it, and some of the others do.

The SPEAKER: Is it the pleasure of the House that the motion of the gentleman from Biddeford, Mr. Descoteaux, prevail that the House reconsider its action?

A viva voce vote being taken,
The motion was lost.

The SPEAKER: The Chair lays before the House, House Report of committee on judiciary, reporting "ought not to pass" on House Document 264, "An Act to repeal Chapter 213, Public Laws of 1913, relating to the appointment of road commissioners," tabled by Mr. Jordan of Baileyville, pending the acceptance of the report.

Mr. BARNES of Houlton: Mr. Speaker, the gentlemen will note that on the succeeding page of the calendar is House Document No. 30 which pertains to the same subject—the election or appointment of road commissioners. If the House will bear with me, I hope that they will adopt the motion which I am to make, that this House Document No. 264 lie on the table until the other one is considered.

The motion prevailed.

Mr. FARRINGTON of Augusta: Mr. Speaker, I move that under suspension

of the rules we take up the other one on the calendar out of its regular order.

The SPEAKER: The gentleman from Augusta, Mr. Farrington, moves that under suspension of the rules we take from the calendar out of its regular order, majority and minority reports of the committee on ways and bridges, majority reporting "ought not to pass" and minority reporting "ought to pass" in new draft, on House Document 30, "An Act to amend Sections 16 and 17 of Chapter 4, Revised Statutes, relating to road commissioners," tabled by Mr. Barnes of Houlton, pending acceptance of either report.

Mr. BARNES of Houlton: Mr. Speaker, can the Clerk give us the number of the document in the new draft?

The SPEAKER: The new draft of the last act under consideration is House Document No. 663.

Mr. BARNES: Mr. Speaker, there is quite a demand in certain sections of the State for the right to elect a road commissioner at the annual town meeting. So far as the town that I represent is concerned, and I assume so far as the largest towns in the State and cities are concerned, we do not wish to be obliged to elect a road commissioner, but many have discussed this matter representing the smaller towns, and having no further interest than that in the matter I would yield to the gentleman from Sidney, Mr. Longley.

Mr. LONGLEY of Sidney: Mr. Speaker and gentlemen of the House: I want to explain my position in presenting this measure to this legislature. It was presented early in the session.

Now, in my section and, in fact, in sections all over the State of Maine there has been a protest going up since the old law was repealed. This amendment simply puts it back where it was before it was repealed, so that road commissioners shall be elected. All over the State there has been a protest going up, gentlemen, and you know it

as well as I do, against this change. Take it in almost any town in the State of Maine, the people feel that three or four hundred voters are better qualified to say who shall spend the money of the taxpayers than one or two or three men are. I can show you instances, gentlemen, although I do not want to take up your time, where the appointments have been made by the selectmen and where, admitting that all selectmen are good men, they have appointed a brother-in-law, or a brother, or a wife's brother, or somebody else, who, while perhaps he is a genial fellow, is not a good road commissioner. You know what I mean. It does not work out well if that man spends the money of that town. There is a protest going up all over the State of Maine, so I have simply cancelled that part in order to place it back on the old basis where it was. I do hope, gentlemen, when you come to vote that you will let the majority rule, that is, let the people of these small towns elect their road commissioners. This does not affect the cities, mind you. This is not a matter between the city and the country, but the country towns want this privilege of electing their road commissioner. Thank you.

Mr. ALDEN of Gorham: Mr. Speaker, I hardly think I represent one of the small towns, because Gorham is one of the largest towns in the State of Maine according to the highway commissioner's report. I am down here, after a contest in the primaries last June on this thing, and at that time I stood square on my feet believing the town and State should elect their road commissioners.

Now, our people, ad we have 800 voters, raise nearly \$10,000 for roads, and we ask that the people, selectmen and all, have the right to elect their road commissioner. It was my hope and my wish that everybody in every town would be willing, but we find some towns that are not, so we are willing to refer it to the people and allow the people to vote on whether they want it or not. This bill meets the approval of most everybody I have talked with, and I hope it will prevail.

The SPEAKER: There is no motion before the House. We have three possible courses of action, and the Chair would suggest that some motion be made.

Mr. ALDEN: Mr. Speaker, I make a motion that we accept the report "ought to pass" in new draft.

The SPEAKER: The gentleman from Gorham, Mr. Alden, moves that the minority report on House Document No. 663, "ought to pass" be accepted.

Mr. DUTTON of Bingham: Excuse me, Mr. Speaker, but I think you have those confused as they are on the calendar. The minority report is "ought not to pass", and the majority report "ought to pass" in new draft.

Mr. GRANT of Hope: Mr. Speaker, there is an error in the printing here on the calendar.

The SPEAKER: House Bill No. 663 comes in with two reports from the committee on ways and bridges. The minority report is "ought to pass", and the majority report is "ought not to pass", and the gentleman from Gorham, Mr. Alden, moves that the minority report "ought to pass" be accepted.

Mr. DUTTON of Bingham: Mr. Speaker, I come from a class of towns which would like very much the privilege of electing their road commissioners. My own town is entirely satisfied on the point, but they have no objections to electing and the other towns throughout my district would very much prefer to elect their road commissioners. I think it is the feeling throughout Maine in the rural towns that they should have this privilege. Certainly we can make no mistake when we place in the hands of the people the privilege of electing the men who will serve them, and I move the acceptance of the minority report.

The SPEAKER: The gentleman from Bingham, Mr. Dutton, understands that the minority report on the bill under consideration leaves it optional with the towns either to elect or to appoint.

Mr. LEWIS of Boothbay: Mr. Speaker, I represent six towns, and all those towns would like to see the law repealed so that they would have the right to elect their road commissioners, or to leave it optional. I think this way the selectmen appoint them inflicts a hardship on the selectmen. I have served on the Board of Selectmen for 12 years, and I know how this law takes effect. We have several applicants, perhaps a dozen men, who want to be road commissioner, and they are all good men, but we cannot appoint but three, and it inflicts a hardship on the selectmen to pick three men from a dozen. I hope this bill will pass.

Mr. SAWYER of Madison: Mr. Speaker, I would like to ask a question in regard to the bill—whether this leaves it optional with the town or makes it mandatory?

The SPEAKER: It leaves it optional.

Mr. SAWYER: Mr. Speaker, Section 16 reads, "Each town shall annually elect a road commissioner."

The SPEAKER: The Chair will read the bill, if anyone desires it. It is very short.

Mr. SAWYER: I think we all understand it now, Mr. Speaker.

The SPEAKER: As many as are in favor of the motion of the gentleman from Gorham, Mr. Alden, that the minority report "ought to pass" on House Bill No. 663, be accepted, will signify it by saying aye.

A viva voce vote being taken,
The motion prevailed.

On further motion by the gentleman from Gorham, Mr. Alden, the rules were suspended and the bill was given its three several readings and passed to be engrossed.

Mr. BARNES of Houlton: Mr. Speaker, I move that we take up the other bill.

The motion prevailed.

On motion by Mr. Bowman of Detroit, House Document No. 264, "An Act to repeal Chapter 213, Public Laws of

1913, relating to the appointment of road commissioners", was indefinitely postponed.

The SPEAKER: The Chair lays before the House, House Document No. 641, "An Act for better protection against adulterated, misbranded or inferior commercial fertilizers", tabled by Mr. Powers of Fort Fairfield, pending third reading.

Mr. POWERS of Fort Fairfield: Mr. Speaker, I want to say a few words in opposition to the passage of this bill. I stand as a farmer for any bill that is in the interests of the farmer in the use of commercial fertilizer. For the last 25 years I have used and handled perhaps as much as any man in this State. I have given it as thorough a study as I could, and I see no earthly need for the passage of this bill.

Now, Maine has today a uniform law which is the same as that of the other New England States. If this bill prevails, it will mean that the fertilizer coming into this State will have to be branded differently than in the other New England States at least.

There is also a commercial reason that I would like to speak of why that would be a disadvantage. At this season of the year we frequently run short of goods that come in the regular course, that is, goods that are manufactured in the South and brought here by rail or water for storage—we frequently run short of goods and have to go to other States, and if this bill passed, it would mean that their goods, being in packages already stenciled, would have to be repacked and restenciled before they could be sold. I move the indefinite postponement of this bill.

Mr. BARNES of Houlton: Mr. Speaker, may I inquire whether the report of the committee on agriculture was unanimous for the passage of the bill?

The SPEAKER: There is nothing to show on the report. They reported the same in new draft under a different title and that it ought to pass—signed by one member of the committee. I presume some member of the com-

mittee could probably give that information,

Mr. BARNES: Mr. Speaker, I would like to inquire through you of the chairman of the committee on agriculture on the part of the House if the report was not a unanimous report?

Mr. AVERILL of Prentiss: It was.

Mr. GRANT of Hope: Mr. Speaker, I think there is a little misunderstanding about that bill. On the original bill they did not make a unanimous report. There was a new bill came in afterwards, and there was absolutely no argument on it whatever. I am very much in doubt as to that bill,—the first bill that came up there. It was held up in the committee for a long time to decide on one question. I think Mr. Barnes and the men representing the different fertilizer companies agreed, with the exception of one section, and that was the only thing that held up the original bill. After that the new draft came in and I have not read it.

The SPEAKER: The new draft is House Bill No. 641.

Mr. BARNES: Mr. Speaker, several amendments were made to Chapter 36, our pure fertilizer statute, which were agreed upon by a gentleman who represented himself as being an employee of the National Fertilizer Association and who was represented by counsel as good as there is in Maine, relative to the kind of nitrogen in the fertilizer. The expression at the time of the hearing to which Mr. Grant alludes, contained the requirement which the State of Maine law requires to be attached to all packages of fertilizer, is that any brand should show the amount of nitrogen and the source from whence it is derived. Now, if it is agreeable to House to table this new draft, I will present an amendment in the morning in the very words to which the entire committee on agriculture assented and agreed, and so I would make the motion at this time that it be tabled.

Mr. NEWCOMB of Scarborough: Mr. Speaker, it would seem to me—

The SPEAKER: Does the gentleman wish to second the motion?

Mr. NEWCOMB: Mr. Speaker and Gentlemen of the House, I rise to second the motion of Mr. Powers. Mr. Powers made a motion to indefinitely postpone, as I understand it, and I wish, Mr. Speaker, to rise and second the motion of Mr. Powers, as we are getting along far into this session of the legislature and as we have already tabled a whole lot of bills and as Mr. Powers, one of the largest dealers as well as users of commercial fertilizer in the State, seems to think it is unimportant and as we know that there is one clause in this bill which says "and the form in which it is present," which is ambiguous, and I doubt very much if you could find two lawyers or judges who would decide the same on what that meant.

Then we have these large fertilizer companies who send fertilizer into the different states and who send them all over the United States, and, if we oblige them to put on some extra thing on the bag in which they ship the fertilizer into the State of Maine, it will cost quite an extra expense to do so. Those fertilizers come to storehouses, in which they are stored—fertilizer for all the different states perhaps in the Union—or, we might say, for all the New England states or the Middle states or the different states in the Union—and they would necessarily have to keep them separate in order not to send into the State of Maine something which is directly opposed to the law of the State of Maine; and, if they should by accident get one or two bags into the State of Maine that should have gone into some other state or one or two farmers only get one bag of that misbranded fertilizer in a ton of it, if we pass this law, he would have a chance to go to the courts and a chance to get a decision that he need not pay for perhaps two or three tons of fertilizer from the fact that there was one bag misbranded in that lot. If they have got to specially brand those bags and handle them separately, it will entail necessarily an expense which I assure you, gentlemen, and I have had experience enough with fertilizer companies to know, they will not stand themselves, but it will be charged to the farmer. If a farmer of

the State of Maine should use 200,000 tons of commercial fertilizer a year, at 50 cents a ton how much would that amount to? At \$1.00 a ton it would cost twice as much. I believe, Mr. Speaker and Gentlemen of the Legislature, we have got so far along in the session and there are so many bills that we have got to act on,—believing honestly that this will be of no benefit but a hardship to the farmer—I believe the motion of Mr. Powers ought to prevail.

The SPEAKER: The Chair must recognize the motion to table. Does the gentleman from Houlton, Mr. Barnes, wish to insist on his motion to table?

Mr. BARNES: Solely for the purpose of presenting an amendment which is just one clause, leaving the new draft in the form in which it was reported unanimously by the committee on agriculture. I desire to put the motion to table.

Mr. DEARTH of Dexter: Mr. Speaker, may I ask the gentleman from Houlton, Mr. Barnes, through the Chair if these amendments which he suggests are satisfactory to the other side or if it means that we are going to have a scrap after he makes the amendments. Let's have the facts.

Mr. BARNES: Mr. Speaker, I might inquire through the Chair from the gentlemen from Fort Fairfield, Mr. Powers, whether the draft as agreed upon by the committee on agriculture would be satisfactory?

Mr. POWERS of Fort Fairfield: Mr. Speaker, I hope my motion to indefinitely postpone prevails.

The SPEAKER: The Chair will state this in justice to his own position: This new draft was tabled for printing under the rules; it was tabled on March 23, and it has been on the calendar every day since pending its third reading, and the third reading is the amendable stage.

Mr. BREWSTER of Portland: Mr. Speaker, do I understand that the gentleman from Fort Fairfield (Mr. Powers) takes the position that any legislation, either this or that proposed, is

undesirable; that is, the amendment would not alter his position at all. Do I understand that to be his position?

Mr. POWERS: Mr. Speaker, I do not wish this bill to go through in any form.

The pending question being on the motion of the gentleman from Houlton, Mr. Barnes, that the bill be tabled.

A viva voce vote being taken,
The motion was lost.

Mr. BARNES: Mr. Speaker, the motion of the gentleman from Fort Fairfield, Mr. Powers, that the bill be indefinitely postponed, I take it, is debatable?

The SPEAKER: It is debatable.

Mr. BARNES: Mr. Speaker, I must crave the indulgence of the House for ten minutes or so to discuss the general question. The suggestion in the bill is to change the law relative to the sale of commercial fertilizer in Maine in two respects.

Section 6 of the law which has stood for a good many years, requires that on the package there shall be stamped or stated certain things relative to the ingredients. Those who have got commercial fertilizer in any quantities know there are three ingredients required in commercial fertilizer—nitrogen, phosphoric acid and potash. The amendments have only to do with the quantity of nitrogen.

Since 1876 there has been legislation in the United States relative to the analysis of chemical fertilizer. My brother from Fort Fairfield (Mr. Powers) began to buy fertilizer to use about that time and has used it ever since, and it is a fact which the House should know that he is a seller of commercial fertilizer and interested from that point of view.

All of us who live in the agricultural sections of Maine buy commercial fertilizer, in an amount running from three to four or five bags in some sections where a small quantity of sweet corn is planted to great quantities in the areas which are planted with potatoes.

In the early days of stamping the

analysis on the bag this expression was used, that the person selling the fertilizer should stamp upon the package in which it was sold the minimum percentage of nitrogen or its equivalent in ammonia in available form. We have learned during these years quite a little bit about chemistry in connection with commercial fertilizer. Nitrogen exists in very many forms in life. In some forms it is of value as plant food; in some forms it is not. If we are not familiar with nitrogen, let's take carbon, for instance. Carbon exists in the coal we burn. It exists also in the diamond. If you want an ornament for a white shirt-waist, you will not take the coal, but will take the diamond. If you want carbon to eat, you will take a bit of potato to eat and not a chip of wood. Carbon in one form is a food, and carbon in another form is not a food. Nitrogen in one form is a food, and nitrogen in another form is not a food.

Bear this in mind further, please. We feed the plant just as we feed the pig. We make a trough for the pig. We make a drill or furrow for the plant. In the trough we put food for the pig that he can eat. In the furrow we put food that the plant can eat. It is of no value to feed the pig carbon in the form of coal or the diamond. It is of value to feed it in the form of starch or sugar. It is of no value to put in the furrow or on the face of the earth nitrogen that the plant cannot eat. And here is the joker in the statute—"nitrogen or its equivalent in ammonia."

The word ammonia was used because we were all familiar with the fact that to make plants grow our mothers or grandmothers would put some ammonia in water and turn it on the plants. There are very many forms of life in which ammonia occurs. It is very prevalent in hair, in leather and in garbage tankage picked up in the cities, but neither hair nor leather nor garbage tankage is of any use to the plant in the furrow. Yet, if ground up and put in the fertilizer, the hair is in the fertilizer and in the chemical laboratory at Orono the analysis registers so many atoms of

nitrogen or its equivalent in ammonia because it can be reduced to ammonia in the laboratory. But to any other extent the hair put in the ground will remain as hair, the leather scrap will remain as leather scrap, and the plant cannot eat it.

In the State of Maine the guarantee affixed to the package—the guarantee must show you that nitrogen is in available form for plant use. We are paying this year \$20.00 more for fertilizer than we did last year. I have mine bought and it is out to the farm in the barn. We are paying \$55.00 this year for fertilizer because prices have gone up. No farmer in Maine objects to paying that if he gets full value, but the farmer simply asks the man who sells it that the guarantee printed on the package shall show what is in there, and we will pay for it. We do not want to buy for the potato elements that are good for raising tobacco. We do not want to buy food for the potato with elements good for raising grass and grains. We want to buy for the potato food that the potato can eat, and can eat that very season. So, we say we want the guarantee on the bag to show the amount of nitrogen that there is there in available form. What does that mean? In the form that the plant can eat. Now, give us that, it is all we ask for, and put your price on it.

Another section of the act, amending Section 12 of Chapter 36, provides, "If any commercial fertilizer is found to contain any pulverized leather, hair, ground hoofs, horns, wool waste, peat, garbage, tankage or any nitrogenous ingredients derived from any inert material whatsoever, unless the same have been so treated as to be immediately available without an explicit statement of the fact, conspicuously affixed to every package of such fertilizer, and accompanying and going with every lot, parcel or package of the same, such fertilizer shall be deemed to be adulterated."

There are two ways of mixing the fertilizer: one is a dry mixture, where it is ground up and mixed together in a substance just like concrete mixture; the other is a wet mixture in which

hair, leather, horns, hoofs or peat are treated with sulphuric acid. We have sulphate of ammonia which is a very valuable plant and potato food, and we buy fertilizer that has sulphate of ammonia in it. A gentleman raised a question here as to the ambiguity of the expression "the form in which the nitrogen occurs." While, of course, I cannot demonstrate it and prove it, I make this statement to you, and all who have studied chemistry will follow me and will agree with it: If the question comes before the court whether the guarantee shows nitrogen and the form in which it occurs, that means chemical form; that is to say, if the fertilizer has in it sulphate of ammonia and has nitrogen, it will say five per cent of nitrogen and it will say three percent of sulphate of ammonia, and we will know what we are buying. If it contains two per cent. of nitrate of soda, which is another splendid nitrogen compound for potatoes, all we ask is that the brand shall show in what form it is. If some brand is on the package as to what is in fertilizer, a man who goes into the store to buy the fertilizer, will buy that which says sulphate of ammonia and will not buy the other.

Another thing, let me tell you this, that I do know more than 200,000 tons are brought to Maine every year. They are not brought to Maine in teaspoons, gentlemen, and they are not brought to the storage houses down on the coast and put up on the shelves. 200,000 tons, nine barrels to the ton, is a tremendous amount of stuff. Now, it is brought from the South or New Jersey, we will say, in barges, to Stockton Springs and taken out in great shiploads—a whole hold full of fertilizer. It is put in houses there or shipped up to Houlton to the Bowker works and put in the house there in lumps, and it is packed or barreled there and shipped out. It is true that, if a man wanted a compound to put about the tulips in his flower bed, having a strong percentage of nitrate of soda, he would have to send in for a special package, but it would not be more than a hundred pounds. But the gentleman who buy thousands of pounds simply asks

that he may know what he is paying for.

It is suggested that it will be expensive for the great commercial fertilizer companies to mark their bags and barrels for the State of Maine. Can you conceive of the fertilizer company that would not be glad to print three or twenty extra words on a bag or to cut three or twenty extra words on a stencil plate by which a barrel is marked if they could sell 220,000 pounds in the State of Maine? We are not attempting to hurt any fertilizer company. There are presented at our agricultural or experiment station at Orono every year a hundred different brands for analysis. There are a dozen or more separate companies or branches of companies bringing in this hundred different brands more or less. It is required only that they shall show to the ultimate consumer or purchaser just what is in the package, and they can put on the price, and we are glad and ready to pay it.

It happened a few years ago by discovery made in Germany and attempted to be applied in this country, that nitrogen was taken from the air. Now you can conceive that nitrogen from an organic substance, that is, nitrogen from blood, be it human or animal or fish blood, might be a food, but that synthetic nitrogen, that is, nitrogen taken from the air and caught in quicklime and strong in nitrogen, might not be plant food. Now experiments were made and it was discovered that a certain little amount of this synthetic nitrogen might be put in and not hurt the plant, but it was soon discovered that if a large amount was put in, it released all the rest of the fertilizer there in a form that went off in the air as gas and it hurt the crop. That is the inert material in nitrogenous substances of inert nature. We do not say it shall not be there, but we say if you put it there, tell us it is there, so we will not be buying a pig in a bag or some other substance.

About the expense: The fertilizer that comes into Maine finally goes to the consumer either in boxes or barrels. A gentleman representing one of the fertilizer companies was at the hearing

before the agricultural committee, and he testified that 85 per cent. of the fertilizer that was sold in Maine was sold in barrels. Now I submit to you, gentlemen, that it is fair to assume that 85 per cent. of 225,000 pounds is sold in barrels. The way it is stamped, they cut a stencil plate which will fit the top of the barrel, and when they are ready to stamp that fertilizer, they wet a brush in black paint and go over their stencil plate. It will not cost any more to stamp a barrel with 25 words than it will with 10 words. Isn't that true? With a stencil plate it will cost no more to stamp a barrel with twenty-five words than it will with ten words.

On bags the proposition is a little different. The bags have to be printed—the type has to be set up and the bags have to be printed, but every bag must show on its face in readable characters what substances are in it and what percentage, because for instance they will sell us fertilizer 5-8-5, that is, 5 per cent. or 100 pounds to a ton of nitrogen, if you will accept the new draft—under the old draft it might have been nitrogen or its equivalent in ammonia, and that has caused a great deal of trouble—8 per cent. phosphoric acid and 5 per cent. potash.

Let the legislature for instance think that the farmers of Maine are trying to put anything over on the fertilizer companies, I am safe in saying that many if not most of the fertilizer companies do not object to this amendment. There is a stringent law—let's have this true—there is a stringent law in Pennsylvania, Massachusetts and in Vermont, as there is here today, but suppose that a fertilizer manufacturing concern buys a whole trainload of slaughter-house garbage out west, and suppose that when that gets to the mixing room it is discovered there is a lot of hair in it! Under the law as it stands today they cannot mix that and sell it in Pennsylvania and they cannot in some of these other states, but they can mix it and sell it in Maine, and then when a chemist takes a little bit of it in a mortar and grinds it up for analysis, he finds the hair, the leather and that stuff in it, and he reduces it by strong chemical tests and finds 5 per

cent of nitrogen there, but so much of that that was in the shape of hair or nails or ground up leather is not plant food.

We ask just this: When you go to the grocer and ask for a barrel of flour you wish for 196 pounds of ground wheat, with the bran and other stuff out, and you do not have ground buttons given you or ground corn. So we ask that fertilizer that comes shall say on the top of the bag what the stuff is that is in it.

Do you think for a moment that any farmer is chemist enough to determine what is in it? It costs a good deal of money to have an amount of that that I can hold in my hand analyzed. The farmer buys that just as the wife buys flour and takes it home and makes bread, and he distributes that and puts in fifty-five dollars worth to every acre just in fertilizer. Isn't it right that he should know what he puts into the drill is food for the plant?

Another illustration, gentlemen! You go to the apothecary or the druggist and you present the physician's prescription. Would you for one instant dream of passing a law that would allow the apothecary or prescription clerk to put in part of what the doctor called for and something else? Not for a moment. Now that is all that the farming community asks.

There are just a few that are worried over this extra price and I sympathize with them. The farmer seven years out of ten has his hard times. The seven lean years are just as sure to come as the seven fat years. The farmer will pay if it is going to cost more money for bags. He will hate to have to pay a little more, but wouldn't he much rather pay twenty-five cents a ton—and that is what the testimony was—wouldn't he much rather add twenty-five cents to the fifty-five dollars that he puts into the ground and get 120 barrels of potatoes from the acre than not to pay the twenty-five cents and put into the ground something that will give him forty barrels to the acre?

Gentlemen, I think I have said all that is necessary to be said on the subject. I have attempted not to be

technical. I have tried not to weary you. I assure you that the farmers, many of them, are behind this; most of them are behind this; all of them that buy more than ten tons a year are behind this, and they only ask this, that relative to the guarantee that is stamped or printed on a bag or barrel, it shall show relative to the nitrogen that the nitrogen there is in available form, that is, that it can be eaten by the plant, and, second, that it shall show the chemical form and what salt of nitrogen, if you are familiar with chemistry, is there; so that if he wants it for beans, he will buy the nitrogen that is best for beans; if he wants it for sweet corn, he will buy the nitrogen that is best for sweet corn; or if he buys it for potatoes, he can buy sulphate of ammonia and nitrate of soda. The other point is, if the fertilizer does contain any of the elements we have named that are not made in plant food form, the package shall simply say so, and, if you want to buy hair to make mortar with, go and buy a package; but if you want to buy nitrogen in the form that the potato can eat, you won't buy that package but will buy another package.

I would suggest in closing that the farmers in Maine are just as good as the farmers of any other state, and that Maine for a number of years has been the dumping ground for inferior brands of fertilizer, fertilizer they would not dare to offer to the Dutchmen of Pennsylvania and fertilizer they would not dare to offer to the farmers on the shoulders of the Green Mountains in Vermont. We only ask that our farmers who do not know chemistry—we are learning about it—can go into the open market and ask for what they want and ask what the price is and, if they have got the price, pay for it. I think it is an extremely fair proposition.

While I disagree with my friend from Fort Fairfield (Mr. Powers) we will continue to be friends still. I do not attribute anything to him but the motives of a most honorable gentleman. But I do ask you that you do not by your vote now submit to the dictation of the fertilizer lobby that has been here throughout the whole session of

the legislature, spreading out about through the members of the House in their own scientific way the idea that there is something wrong about this attempt to make the Maine pure fertilizer law, which is Chapter 36 of the Revised Statutes, plain and fair; so that the man who gives his note for four or five hundred dollars' worth of chemical fertilizer to feed potatoes can get a food that the potato can eat.

I hope, gentlemen, speaking for so many men who sent us here to make it possible for them to get the money to keep their families, that you will not now at this late hour on an afternoon when you are all weary indefinitely postpone this bill, because this bill will hurt no upright concern and this bill will help every man who buys and uses commercial fertilizer to make plants grow. (Applause.)

Mr. SNOW of Mars Hill: Mr. Speaker, the towns which I represent are towns where we have used a great deal of fertilizer on the potato fields. I doubt if this bill would be of any very material benefit to those farmers. Let me tell you how they buy their fertilizer and when they buy it. They buy their fertilizer, carload after carload, in bulk nine months before they are ready to use it. They buy from an agent who comes along with his formula. The formula shows what the fertilizer contains. They are conversant with the different brands of fertilizer because they have been using them for years and years, and when they find a brand they think they want they order from one to five or ten cars of it. That comes in the winter when they can haul it home on a sled, perhaps four or five months after it is ordered. They do not go as we go to a store and buy one barrel and see what the brand is on it, or buy any one article and take it home and see what the brand is or the name of it when they buy it, only as they buy it from the formula. Now if they get some fertilizer—a carload or ten carloads—that is not branded the way that formula is from which they buy it, what are they going to do? They do not look at that formula at all. The expect it is what they bought. If

they turned that down, they could not get any more that year, and it is hard to get it anyway. Sometimes they wait until after the potatoes should have been planted before they get it. They cannot afford to turn it down; they have got to use it, but I do not know of a farmer in the four towns that I represent who finds any fault with the present arrangement. Not one of them has made any suggestion to me about the branding of the fertilizer or that he has not been used all right, and I second the motion of the gentleman from Fort Fairfield (Mr. Powers.)

Mr. MORISON of Corinth: Mr. Speaker and gentlemen of the House: As I understand it, this House Bill No. 641 is a reproduction or a new draft of House Bill No. 66 which was introduced early in the session by the gentleman from Houlton, Mr. Barnes. Although I am engaged in the manufacture of fertilizer, I would not undertake to go into the details of the business. The business has been very well explained by some of the men who have preceded me, but I wish to say that the present law requires the manufacturer to put into each package the percentage of nitrogen in available form or its equivalent in ammonia which is practically the same thing.

The gentleman from Houlton, Mr. Barnes, has laid great stress on that point, available form. Now, mark you, the present law requires us to put in the percentage of nitrogen in available form. What more is needed or should be required if the percentage is available? Is not that sufficient? I claim it is.

It has also been stated that this bill is generally satisfactory to all the fertilizer men. I wish to correct that statement, or rather to say that I do not believe that it is. The bill to my mind is not intelligently or consistently drawn. I refer particularly to the second amendment, "and the form in which it is present." I do not know the meaning of that clause and I admit my ignorance in regard to that. I took the trouble to go to the department of agriculture and inquire of our secre-

tary as to its meaning, and was informed that he could not advise me. I have been inquired of by several of the members of the committee on agriculture who had this bill under advisement, and they were unable to give me the meaning of that clause. I have also inquired of several attorneys with the same result. Now, gentlemen, if the fertilizer man here and the secretary of agriculture and our committee on agriculture and our attorneys do not know the meaning of that term, I would like to know who in this State House does know.

Now I have been speaking thus far from the standpoint of the fertilizer manufacturer, but I represent here a class of towns comprising seven in number and covering an area of some 250 square miles. The sole industry in that legislative district is agriculture. My firm furnishes fertilizer in every town in that class. Every man who voted for me last September to come to this legislature knew that he was voting for a fertilizer manufacturer, but I stand today at this time shoulder to shoulder with the men who sent me here and I wish to speak from that viewpoint.

When this legislature shall have adjourned and we return to our homes, if this law should be enacted, it would be printed in every paper throughout the State, that paper would find its way to every home in our State, and some prosperous farmer in my town perhaps would run across this law and read it. Well, he would not understand it any better than I do, and very naturally he would come to me to ascertain, if possible, its meaning. I should certainly be obliged to plead ignorance. Imagine the amazement of that man, gentlemen, to find out that his representative in the legislature, a farmer, and not only that but a farmer who is engaged in the manufacturing of fertilizer, was present when this law was passed and allowed it to be passed and was unable to find its meaning. Gentlemen, imagine the amazement of that man and imagine the embarrassment of his representative! Certainly, he would be justified

in calling me any kind of a fool which his religion might admit. (Laughter.)

I wish to touch briefly on another point. On page 4 of the bill, in regard to the ingredients, it says, "If any commercial fertilizer is found to contain any pulverized leather, hair, ground hoofs, horns, wool waste, peat, garbage tankage or any nitrogenous ingredients derived from any inert material whatsoever, unless the same have been so treated as to be immediately available," etc. I think, gentlemen, that the term "immediately available" is inconsistent. The most of our prosperous farmers understand full well that a fertilizer to be efficient should not contain all of its nitrogen and ammonia in a form immediately available. Such a fertilizer would grow cornstalks eighteen feet high, but there would not be any ears on them. A fertilizer, gentlemen, must be so formulated and compounded that it will not only give the plant a proper start, but so that it will nourish that plant throughout the entire growing season. As to these materials, these are materials which the fertilizer trade look to where they look to furnish that form of nitrogen which will gradually apply the nitrogen to the plant. Any man knows that a complete fertilizer should be of that order which I have described.

These two points which I have mentioned I think are sufficient reason why this bill should not become a law.

Mr. CATES of Vassalboro: Mr. Speaker, I want to say just a word. I am interested in fertilizer, and if I considered this bill necessary I would be one of the first persons to vote for it. If I am rightly informed, as I think I am, every pound of fertilizer sold in the State of Maine is analyzed; a sample has to be submitted before it is sold, and they have to have samples taken of it before the fertilizer is permitted to be sold. That analysis is quite a protection to the farmer, and it seems to me no fertilizer company would dare to ship any fertilizer in here that does not come up to the analysis that is specified on the outside of the bag. It does not make so

much difference what is written on the bag; what we are concerned with is the contents of the bag. I do not consider this bill is at all necessary and I trust that the motion of the gentleman from Fort Fairfield will prevail.

Mr. BOWMAN of Detroit: Mr. Speaker, the question has been raised whether the report on this bill was unanimous, and I have just been informed by the Clerk that the report on this new draft was unanimous.

Mr. HALL of Wilton: Mr. Speaker, this fertilizer bill was hashed over considerably in the committee room and there was one feature that seemed to be objectionable. It was held up on just this one clause which added "the source from which it is derived." With that clause in there, there were some who did not think it was proper or necessary. Nitrogen, as we heard about it in the committee room, was derived from several sources. All other features were agreeable to the proponents of the bill and manufacturers. After it was amended and printed in the new draft, this new draft came up and the clause "the source from which it is derived" was stricken out and the words "the form in which it is present" were represented to be satisfactory to both parties. As a member of the agricultural committee I could not see whether changing these words would change anything or not, and when the vote was taken, I did not file any minority report, nor did I vote with them. I did not know enough about it to know whether I wanted to file a minority report or not, and that is about the position I am in today. I had a member come in who wanted to know what that meant, and I had to be frank and tell him I did not know anything about what it meant. I think I am in good deal the same position that Mr. Morison of Corinth is. It is hard to tell just what that does mean. It contains the words "available for"; those words are already in there, and I do not see the object of that clause.

Mr. BARNES of Houlton: Mr. Speaker, I do not think it necessary to take but a minute, but I must clear up a point on which the gentleman from

Corinth (Mr. Morison) and I disagree. If he will look at the statutes, he will find your statute does not say that the guarantee shall show the amount of nitrogen in available form. It says the amount of nitrogen or its equivalent in ammonia in available form. All the substance I have mentioned can be reduced to many salts called ammonia, and no matter what kind of nitrogen there is in there it would be equivalent to five per cent ammonia.

Another point specified by the gentleman from Wilton—the source. "The source from which it is derived" was accepted by the professor who claimed that he represented the International Association of Commercial Fertilizer Companies, and he was introduced to me by Brother Scott Wilson, on whose integrity I absolutely rely. He accepted this second amendment, and without any doubt that one phrase "the source from which it is derived." The arguments showed that they objected to specifying the source. The director of the Agricultural Station at Orono suggested in the dilemma that I suggest to the committee that I substitute the expression "the form in which it appeared". That is at the suggestion of the chemist at Orono who went through all the analyses. It is not fair to assume that we understand it, but he understands about it, and he will be the fellow who will have to testify if it ever comes into court. All chemists understand that that means, "the form in which it appears", the name of the salts of nitrogen.

About this being immediately available—if the farmer puts in fifty-five dollars into fertilizer and, if he can buy the seed this year, he is going to put in over thirty dollars worth of seed on each acre, he puts in his acre eighty-five dollars there. How much time do you think the plant has got to return? It has only got ninety days. That stuff must be immediately available or the poor plant this year will not get up. There will be no loss under the statute requiring pure fertilizer. The fertilizer company is not fined if it puts up stuff not up to the guarantee. The fertilizer company would lose fifty-five dollars

an acre. What would the farmer lose? He would lose all he put into it, and it looks as though this year he will have one hundred and twenty-five dollars in it for every acre. When he gets them finally packed and put in a barrel, the fertilizer company, if it honestly and unintentionally makes a mistake, will lose fifty-five dollars an acre, but the farmer will lose one hundred and twenty-five dollars an acre in addition to the loss of the profit he might make if he had the potatoes to sell.

Be fair with the farmer, just as you require the druggist, the grocer and everybody to be fair with you. Let's be able to rely upon the guarantee stamped on the package. What good is it to us the fall afterward to go and have the stuff analyzed? It won't hurt any fertilizer this year, because fertilizers were all mixed last fall and they are all contracted for. This will not take effect until next July, and it will not affect anybody until they come to the next season's planting, the year 1918. I hope the motion to indefinitely postpone will fail of passage.

Mr. LONGLEY of Sidney: Mr. Speaker, I won't occupy but a moment of your time. Now before this bill was redrafted I did demand that it state in some way the source from which the nitrogen should be derived, but the way this bill is drafted, Mr. Speaker, it is inconsistent. For forty years I have been a buyer and user of commercial fertilizer, and as a rule I have found manufacturers of commercial fertilizers honest men. I do not want my nitrogen all available; I want it so it will come along and take care of my corn and potatoes all through the season and that is why I get good crops. It is so distributed that we get it all through the season. As Mr. Morrison says, you can raise corn eighteen feet high, but where will your ears be? It is ears we want. I want to be consistent with myself, with the farmers and with the commercial fertilizer manufacturers. We want to be consistent all around. I have used fertilizer for forty years. If you were to have your nitrogen all available, gentlemen, you would not raise much. That

is just as true as you live. You want it through the season so it will start up the corn and so it will fill it out gradually and mature it.

Mr. MESSER of Union: Mr. Speaker, I am doubly interested in this bill. I represent a farming community and I am also a dealer in fertilizer and have been for twelve years. I will say that in my dealings with the fertilizer company which I am agent for, I have always found them absolutely and strictly honest, white and above board. I have no fault to find with them. I will also say that I have confidence in the farmer, but I am sorry to say that my experience with the farmers has not been as satisfactory as my experience with the fertilizer company—I won't say all, but a good many. I hate to call them dishonest, but I think they are not honest always. As a man interested in the farmers, I cannot see things in this bill that is of any material advantage whatever to the farmers, and I cannot see where it will add extra cost to the goods. The Lord knows they cost enough now.

As to the form in which this clause is expressed in here, if we need any legislation more than we have, just give it thorough and proper consideration and have it presented in a manner in which it can be intelligently understood, not only by the farmer but by the manufacturer. As to this word "form", I took occasion this forenoon to go down to the library and look at the dictionary I found the word "form" took nearly a whole column in that big book, and it is capable of being interpreted in many ways. This clause as put in is very obscure in meaning and can be interpreted in a great many different ways. I cannot see anything in that clause that is of real advantage to the farmer, but I can see where it is going to be of great advantage to the lawyer.

Another point I will suggest to those present who are farmers. If any of you have been Jewed by any fertilizer company that was not responsible, it will pay you to go out and buy from a responsible firm. I would like to name the firm I represent, and I will tell you

it when I get outside, but not now. (Laughter.)

Now it is with great sorrow that I take exception to my friend, Brother Barnes. We eat at the same table and I have had a very pleasant acquaintance with him, and I admire him as a gentleman and I admire his ability, but I must take exception to him on this question, and I hope that the motion of Mr. Powers—I do not remember where he comes from and it does not make any difference—prevails, and that the bill is indefinitely postponed, and that another one will be drafted two years from now that will be intelligent. (Applause.)

The pending question being on the motion of the gentleman from Fort Fairfield, Mr. Powers, that the bill be indefinitely postponed.

A viva voce vote being doubted,

A division of the House was had.

Fifty-five having voted in the affirmative and forty-three having voted in the negative, the motion to indefinitely postpone prevailed.

The SPEAKER: The Chair lays before the House House amendment "A" to House document 519, entitled "An Act authorizing the Fort Kent Electric Company to erect and maintain a dam across Wallagrass Stream," the pending question being the adoption of House amendment "A."

On motion by Mr. Daigle of Wallagrass, the amendment was indefinitely postponed.

Mr. Daigle of Wallagrass offered House Amendment "B" and moved its adoption.

The SPEAKER: Does the House care to hear this amendment read?

There being no response, the amendment was adopted without being read.

On further motion by the same gentleman, the rules were suspended and the bill was given its three several readings and passed to be engrossed as amended by House Amendment "B."

Mr. DUTTON of Bingham: Mr. Speaker, I desire to move to reconsider a vote whereby we referred An Act to amend Chapter 9 of the Revised

Statutes relating to the taxation of insurance companies to the taxation committee this morning.

The SPEAKER: The Chair will suggest to the gentleman from Bingham, Mr. Dutton, that the papers in regard to that bill have been sent to the Senate. Would it be satisfactory to make the motion that it is proposed to reconsider the vote whereby that bill was referred, and to ask that the papers be returned and be here tomorrow morning?

Mr. DUTTON: I make that motion, Mr. Speaker.

The SPEAKER:: Mr. Dutton of Bingham gives notice that he will move the reconsideration of the vote whereby the bill on taxation of insurance companies, introduced this morning out of order under suspension of the rules, was referred to the taxation committee, and the clerk will get the papers that will be considered tomorrow morning.

Mr. SISSON of Island Falls: Mr. Speaker, I wish to correct an apparent error in the calendar. If you will look at the first tabled and unassigned bill, you will see that Senate Document 82 is in that unassigned list, and I will call the gentleman from Augusta, Mr. Farrington, to witness that this bill was assigned for Wednesday; and I would like to move at this time, with Mr. Farrington seconding the motion, for I think he will in fairness, that this bill find its place tomorrow morning among those assigned for Wednesday.

The SPEAKER: The gentleman from Island Falls may have it assigned in the unfinished business list if he so desires.

Mr. SISSON: Mr. Speaker, I wish to have it assigned with the others that were to be considered today under the Wednesday list.

Mr. TUTTLE of Caribou: Mr. Speaker, I move we take from the table House Bill 575, tabled by me this afternoon.

The SPEAKER: Is that on the assigned list or unassigned list? order, or will it keep on with the regular order of the calendar?

Mr. TUTTLE: Mr. Speaker, it is on the assigned list, I think. It was tabled pending its third reading today. On motion by Mr. Farrington of Augusta,

The SPEAKER: Does the House care to consider this matter out of Adjourned until 9.30 o'clock tomorrow morning.