

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

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1917

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## SENATE

Thursday, March 8, 1917.

Senate called to order by the President.

Prayer by Rev. A. A. Walsh of Gardiner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: S. D. 196. An Act to extend the charter of the Rockland, South Thomaston and St. George Railway.

The PRESIDENT. In the House this bill was passed to be engrossed. In the Senate it was amended and passed to be engrossed as amended, went back to the House on its passage to the enacted, and in the House they reconsidered the vote whereby it was passed to be engrossed, and adopted House Amendment B, and passed it to be engrossed as amended.

Mr. BUTLER of Knox: Mr. President, I suspect that is a matter from down home, and I will say that the amendment is necessary, and is satisfactory to the public utilities commission and to all the parties interested; it is agreed that it is necessary.

I did not get from the Chair just the situation, but if the motion is in order, I move that we concur with the House in accepting the amendment.

The PRESIDENT: The Chair will entertain a motion to reconsider the vote whereby this bill was passed to be engrossed.

Mr. BUTLER: Mr. President, I move that we reconsider the vote whereby this bill was passed to be engrossed.

The motion was agreed to, and on further motion by the same Senator, House Amendment B was adopted in concurrence, and the bill as amended was passed to be engrossed, in concurrence.

From the House: An Act to amend Chapter 35 of the Revised Statutes of

1916, relative to the live stock sanitary commissioner.

In the House pending acceptance of the report of the committee on agriculture, ought to pass, the report and bill was recommitted to the committee.

The Senate recommitted the bill in concurrence

### House Bills in the First Reading.

H. D. 184. An Act additional to Chapter 82 of the Private and Special Laws of 1903, entitled An Act to incorporate the Gardiner Water District.

H. D. 402. An Act to extend the charter of the Washington County Light and Power Company.

H. D. 461. An Act to extend and amend the charter of the Eastern Maine Railroad.

House 450. An Act to authorize the National Camps and Hotel Company to construct and maintain a wharf in Sebago Lake.

House 452. An Act to legalize the doings of the Fairfield Center Cemetery Association.

House 453. An Act to change the name of Marsh Island.

House 455. An Act repealing Chapter 276 of the Private and Special Laws of 1911, authorizing the city of Portland to construct public buildings upon public grounds.

House 456. An Act to extend the charter of the Waldo Street Railway Company.

House 458. An Act to provide for physical connection and certain auxiliary service between steam railroads and electric railroads.

House 459. An Act to extend the charter of the Farmington-Oakland Interurban Railway.

House 460. An Act to extend the charter of the Lincoln Sewerage Company.

House 462. An Act to change the limits of the Madison Village Corporation and to set off therefrom certain real estate belonging to Theodore B. Weston and Addie S. B. Weston.

House 463. An Act to provide for increasing the capital stock of the Franklin Farmers' Co-operative Telephone Co.

House 27. An Act to amend Section 39, Chapter 30, Revised Statutes of 1916, relating to the inspection of safeguards and repairs by town officers and fire engineers.

House 166. An Act to insure the purity of elections.

House 96. An Act to amend Section 1 of Chapter 177 of the Special Laws of 1899, relating to the destruction of smelts in Saco river.

House 449. Resolve appointing a commission to investigate and report the advisability of making improvements in Portland harbor; defining the duties of the commissioners; and providing for the payment of their expenses.

The following bills, petitions, etc., were received and on recommendation of the committee on reference of bills were referred to the following committees:

#### **Agriculture.**

By Mr. Butler of Knox: An Act to amend Section 4 of Chapter 38 of the Revised Statutes of 1916, relating to protection of trees and shrubs.

#### **Appropriations and Financial Affairs.**

By Mr. Higgins of Penobscot: Resolve authorizing the State treasurer to procure a temporary loan for the year 1918.

By the same senator: Resolve authorizing the State treasurer to procure a temporary loan for the year 1917.

#### **Interior Waters**

By Mr. Chick of Kennebec, An Act to amend Section 16 of Chapter 59 of the Revised Statutes, relating to compensation of inspectors of steamboats. (Ordered printed.)

#### **Legal Affairs**

By Mr. BUTLER of Knox: An Act to correct typographical errors in Section 116 of Chapter 7 of the Revised Statutes, relating to illegal voting. (Ordered printed.)

By Mr. Wood of Hancock: Remonstrances of William L. Carroll and 74 others; of Asa Hodgkins and 73 others; of Fred L. Hadley and 32 others; of R. S. Dorr and 75 others; of Ralph Haynor and 28 others; of Hollis M. Smith and 38 others; of Joseph W.

Small and 57 others; of C. E. Whitmore and 59 others; and of H. G. Robinson and 35 others; against Senate Bill No. 149, relating to trespass on islands in salt waters.

#### **Public Utilities**

By Mr. Butler of Knox: An Act to amend Section 47 of Chapter 55, Revised Statutes of 1916, relating to orders of the Public Utilities Commission and their enforcement. (Ordered printed.)

#### **Bills in First Reading**

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

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

S. D. 279. Resolve for the appointment of delegates to the conference of the National Tax Association.

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

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

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

S. D. 283. An Act to amend Section 14 of Chapter 16, Revised Statutes, 1916, to provide for the approval of plans for the construction or remodeling of school buildings.

S. D. 284. An Act to amend Section 146 of Chapter 16 of the Revised Statutes relating to the appropriation for the support of Normal and training schools.

S. D. 285. An Act to amend Section 118 of Chapter 16 of the Revised Statutes relating to the appropriation for

schooling of children in unorganized townships.

S. D. 289. An Act to amend Chapter 229 of the Private and Special Laws of 1849, entitled, An Act incorporating the trustees of the fund for support of the Episcopate of the Protestant Episcopal church in the Diocese of Maine, as amended by Chapter 311 of the Laws of 1864, as amended by Chapter 214 of the laws of 1880, as amended by Chapter 166 of the Laws of 1895 and as amended by Chapter 452 of the Laws of 1897.

#### Reports of Committees

Mr. Walker from the committee on education, on An Act to establish military training in the public schools, (Senate No. 86), reported same ought not to pass. (On motion by Mr. Wood of Hancock, tabled pending acceptance of the report.)

Mr. Butler from the committee on sea and shore fisheries, on report of the commission for the better protection and preservation of the lobster fisheries. (Senate No. 120), reported same be placed on file.

The report was accepted.

Report of the majority of the committee on taxation, on An Act to amend Section 26 and Section 37 of Chapter 9 of the Revised Statutes of 1916, relating to State taxation of railroads, telephone and telegraph companies, (Senate No. 102), that same ought not to pass.

(Signed) Willis E. Swift, George H. Allan, E. N. Merrill, C. M. Holt, H. H. Jordan, Francis C. Turner, Guy P. Gannett, R. T. Holt.

Report of a minority of the same committee on the same bill, that same ought to pass.

(Signed) S. C. Greenlaw, Ralph G. Charles.

Mr. SWIFT of Kennebec: Mr. President, I move the acceptance of the majority report, ought not to pass.

Mr. LORD of York: Mr. President, pending acceptance of either report I move that the bill and reports lie on the table.

Mr. MARSHALL of Cumberland: Mr. President, I ask for the yeas and nays.

The PRESIDENT: On the motion of the Senator from York, Senator Lord, which takes precedence the yeas and nays are called for.

The question before the Senate is whether these two reports of the committee on taxation shall be tabled, and the Senator from Cumberland, Senator Marshall moves the yeas and nays. All those in favor of the yeas and nays will please rise.

A sufficient number having arisen the yeas and nays were ordered and the secretary called the roll.

Those voting nay were: Messrs. Ames, Bartlett, Baxter, Butler of Knox, Butler of Franklin, Chick, Conant, Davis, Deering, Gillin, Googin, Grant, Hastings, Higgins, Holt, Marshall, Merrill, Ricker, Swift, Walker—20.

Those voting yea were: Messrs. Boynton, Burleigh, Fulton, Gordon, Lord, Petersen, Stanley, Wood—8.

Absentees: Messrs. Davies and Peacock.

The PRESIDENT: Eight having voted in the affirmative and 20 in the negative the motion of the senator from York, Senator Lord, is lost.

The question before the Senate is on the motion of the senator from Kennebec, Senator Swift.

Mr. SWIFT: Mr. President, I yield to the Senator from Penobscot, Senator Gillin.

Mr. GILLIN of Penobscot: Mr. President and Senators: I am thoroughly cognizant of the fact that those who occupy the time of a legislative body without value and without use soon lose their prestige by the consensus of the common sense of those who listen to them. With this I am in thorough accord. I am also cognizant of the fact that the common sense of a legislative body, when questions of great importance and moment are under advisement, leads them to be ready and willing to listen each to the other in order that they may

drain the cup of reason to the last dreg.

I am of the opinion that the act entitled, An Act to amend Section 26 and Section 37 of Chapter 9 of the Revised Statutes of 1916, relating to State taxation of railroads, telegraph and telephone companies, is one of the most important measures that has been under discussion by this legislative body during the present session. The underlying basic principles of the legislation now engrafted upon the statute books of the State of Maine must be examined with the greatest care and in the greatest detail. And in order to do it, I will address myself to this distinguished body in the most plain and simple and logical manner of which I am capable, and in the briefest possible time.

This act seeks to repeal Section 26 and Section 37 of the Revised Statutes of 1916, which pertain to the taxation of railroads and the taxation of telephone and telegraph companies, and to take the rebate away from the towns and cities in which the stockholders live and leave it in the State treasury to be disbursed statewide.

I say to you that in the investigation of every cause that is a faulty cause, information arises out of it always which serves in part or in whole to show its utter weakness. It is the characteristic of such a cause that if it be gone into at all, it is liable to be ruined by the inconsistencies in which those who support it find themselves forever involved. Such, I am satisfied, my fellow Senators, I will prove to you is the cause of the proponents of this measure, as clearly as the daylight penetrates the windowpane, and as absolutely as you can multiply two by two and get the result of four. Hold me to the test.

The law which is sought to be repealed in Section 26, pertaining to the rebate on railroads, is the first one which I wish to discuss. Before the legislative committees and in the public press, and in the public pamphlets, they have simply gone back to Chapter 9 of the Laws of 1881. I have not seen in print, nor read in public utterance, the true basis and the law upon which that statute, and the statutes which

are now embraced within Section 37 of the Revised Statutes of the State of Maine, were based. And I will be perfectly willing, when that law is analyzed, in the presence of any town or segregation of towns in the entire State of Maine, where not one farthing of the rebate will ever come back, to leave it to the honest manhood of the people of the State of Maine, to say what is right, and what is wrong. I believe, when they understand it, there will not be a dissenting vote from those people to pay this rebate back where it belongs.

Now then, the law of 1881, which said that a rebate of one per centum should be returned to the cities and the towns from the tax upon the railroads, was passed upon again in 1883. It was made section 41 of chapter 9 of the then Revised Statutes. It was again passed upon by the legislative body in the State of Maine in 1887, when leased roads were put under the same law. It has been passed upon three times by the supreme court of the State of Maine, declaring it constitutional, lawful and right. We need not go into the case which was decided in the United States Court, to find whether it is legal or not; because it was passed upon in the 66th of Maine, in the 74th of Maine, and in the 73rd of Maine, and declared to be an equitable, just, constitutional tax.

That is not all. Three times again this same matter has come before three other legislatures, so that in the language of the lawyer it is *stare decisis*; it is *res adjudicata*. Six legislatures of the State of Maine, under the dome of this capitol, have already passed upon this law, and I believe they passed upon it from the very principles of justice which flowed to them from the law of 1881. But they didn't have the basic principle yet. What was the reason? Nay, my fellow Senators, what is the reason that on the statute books of the State of Maine today you have got section 26, with a rebate of taxation for railroads? What is the reason we have got section 37, with a rebate for the telephone and the telegraph companies. That is what I am going to tell you now.

The Legislature of 1874, well nigh

aalf a century ago, when the mind of man runneth not to the contrary, engrafted upon the public laws of that year the original law upon which all these laws are based. In 1874, the taxpayers of the cities and the great towns in which were locked up the bonds of railroads, and stocks, that they could not get at to tax, came here to the representatives of the people—in the year of 1874—and then this law which I am to analyze was engrafted upon the statute books of your State for the first time in the history of your State. Section 1 says that it shall be the duty of the railroad officials to return to your secretary of State the names of all the stockholders of the railroads in the State. What was that for? Because that then the towns and cities could get a chance to tax them and know who they were. They had to return it under oath. In 1874, under the first law, section second made it the duty of the governor and the council, after they had ascertained the number of shares of stock, and ascertained its value, ascertained the value of the stock, nothing else,—that is how the law reads—that they should then declare that the value of the stock was the value of the franchise of the road. Then what? Section 3 says that on the value of the franchise thus ascertained they shall put on a tax of one and a half per cent. on a dollar value. Then what? Section 4 says that every single farthing, every single iota of the entire tax thus placed upon the railroad franchise shall be returned to the towns and cities in which the stock is owned. Every cent of it, said the first Legislature that ever dealt in this class of laws.

Why, then, did the State of Maine make a law in 1881, the substance of which was passed upon by the Legislature of 1883, that was amended in 1887? I will tell you. You know why practically, without my telling you. It is as simple again as twice two is four. Under the law of 1887, a man who held the stock in the State of Maine, whose name was returned to your secretary of State, the entire tax upon which was sent back to the towns and cities where it belonged, put his stock in the names of dummies and we could not get a

just taxation in our cities and in our towns. Then the Legislature of 1881 again, at the request of the inhabitants of your cities and your towns where this stock was held, changed the law of 1874 and made the present law which now is engrafted upon your statute books, which made it impossible for the men who owned stocks and bonds in railroads and in telephone and telegraph companies, to cover it up. And we know under the present taxation system it is the best that can be devised by the brain of man to provide for the man who wants to lock his wealth up in coffers or vaults and not have it taxed. For thirty-six years it has stood upon the statute books, stood there stare decisis to everybody who has come to try to repeal it.

Then, as you see at a glance, Senators, under the present law upon the statute books of your state, the very man who owns the bonds and the stock, who before wanted to hide it, now wants to reveal it so that he can help bear the public burdens in the city or in the town in which he lives.

If that was the law—if that is the law, if that is the reason for the law, what honest man within the broad empire of this grand commonwealth would take from the taxpayers of the cities and the towns the money which honestly belongs to them? That is the reason why six different Legislatures in the State of Maine have worked this kind of proposed legislation off the docket. What are they going to do? What does this measure propose to do? It proposes to take away from them, fellow citizens, that which belongs to them by the original law that the people made and placed upon the statute books of your State, modified, intensified and made fertile for the purposes for which the first law was enacted, and give it to those to whom it does not belong. If your original law, upon which these laws were based, gave every cent of the income which was derived under the law before the people began to evade it, and did not hold a cent within the treasury of the State, when the people of the cities and the towns of the State of Maine had proved this wise law, which had placed in the treasury vaults of the entire State

\$846,000, approximately, and only got \$211,000 back, in the name of justice and of common sense, in the name of the spirit of the common law which has engrafted every wise law upon every statute book in every state of the Union, are you now going to repeal it and take from the tax-payers of the towns and cities in which these stocks are held what is their legal right, their just right, their equitable right and their moral right?

This bill ought to be entitled, not An Act to amend Section 26 and Section 37 of Chapter 9 of the Revised Statutes of 1916 relating to the State tax on railroads, telegraph and telephone companies; it ought to be entitled An Act to take away from the towns and cities that which is their lawful, legal, equitable right, and give it to those who are not entitled to it, who are mean enough to take it. It neither rests upon morals, law or equity, to do such an act. And mark you, when you do it,—under the statute of the State and the statute of the Nation, I have been taught that taxes shall be levied so that the burdens shall be equally borne,—you are taking from the cities and the towns the right to tax the stock that they have within their borders. Let me give you an illustration: I live in the city of Augusta. I have locked up in railroad and telephone bonds the sum of \$100,000. Senator Marshall is my neighbor and he owns \$100,000 worth of real and personal property obvious to the eye and tangible to the touch, upon which is levied the high tax rate of the city of Augusta, for the support of your municipality, your schools, your sewerage, your light, your roads. And yet Senator Marshall as a representative and a citizen of Augusta pays upon \$100,000 worth of property into the treasury of the city, not only his town, his county, but also his State tax, while the entire property of his fellow citizen Gillin, who is in the same city, does not pay one single farthing of tax for the municipality, for the county, or for the State. By the original law, and by the laws which follow it, that right has been taken away, has been given up by the city of Augusta into the hands of the State in trust. And yet they say that the one per centum upon

the \$100,000—Gillin's part—shall not come back to help Senator Marshall bear the burdens of his city, of his county, and of his State taxes. Preposterous and absurd! The very inception of the law—he who runs may read—was made in the interest of the towns and cities of the State of Maine, for their benefit and for nobody else's benefit. And the first governor who signed the law of 1874 called no question as to the right of the cities and towns who thus manfully and honestly and voluntarily surrendered their rights into the keeping of the great court of the people, which court you are. They knew they could trust them. And three times they have hurled this proposition back into the face of the proponents of such an unbusinesslike, unfair, unjust, inequitable proposition.

I say to you, my fellow Senators, that every civilian knows that in the day when the fundamental principles of a free government were erected by the blood of a noble people, that into the hands of a great court you placed the last word. I say that you all know that the people have made just laws, and those laws have been placed upon the statute books, and that the test of laws common and statutory both are to be respected by the tests of time. There never was a just law placed upon the statute book of a nation which did not emanate from the great reasoning process of the minds which understood the principles of the common law. And this law, from its very dawn, which was placed upon the statute books by the former legislators—who are now resting in peace probably, many of them—in 1874, was based upon the just principles of the great common law, principles that have stood the test of time for more than 2000 years, carried from Great Britain by the Icelander and the Norseman, and that have by the experience and the intelligence of the people been handed down to us remodeled, claiming no divine mystery, outlined under no code; it has stood the test of religious factions and everything else, and has today in its body the vitality of youth to protect the people of the State—in what? In the Simon-pure principles of equitable justice and nothing else.



I told you gentlemen, when I started, what I thought relative to those who thrust themselves upon the attention of an educated, of an intelligent, of a splendid body of men like that to which I am speaking. I will not waste your time any longer. But I feel that should you to-day, by your vote and action, repudiate the action of six legislatures that have preceded you, repudiate the act of your ancestors, of those who represented you within these legislative halls, under the dome of the capitol of this grand old pine tree State, almost half a century ago, that you would be going back upon the very fundamental, underlying principles of justice, which appeal to the sense and the reason of man.

I therefore ask you, my fellow Senators, to vote against this preposterous, this absurd measure. Do not forget: I told you in the opening that nowhere in public print, nowhere in public speech, had I been able to ascertain the fundamental underlying, basic principle of this law which I have been talking to you about. I went to the books. I stake my honor, I stake my reputation as a brother Senator, that the analysis of the law of 1874, Chapter 258, given you early by my lips, which I have here in written form, is the same as you will analyze it whether you are a civilian or a lawyer. Therefore, you know the reasons I have given you. Why have the law of 1881? I think I speak correctly that in 1874 there were no telephone companies at least, and probably the telegraph was coming into the State of Maine in 1874. This law, which has stood the test of time, put on in 1874, was so just, so equitable, that the minute that they undertook to discuss the stocks of telegraph and telephone companies, what did they do? They went back to the law of 1874 and they made the law of 1881 applicable to the taxable property which was invested in the funds of telegraph and telephone companies. That is clear. There cannot be anything clearer than that.

I will not weary you, my fellow Senators. I thank you for your attention, and I pledge you upon every single vestige of honor that I have got, that if this was a question where I lived in a town where

not one single farthing of stock came back by rebate, on the very fundamental principles of justice which well up in the mind and breast of every honest man, I would jump, so to speak, instantly, to condemn this proposed measure that takes away from your cities and your towns their just, vested, inherent rights stamped by time, bearing the ear-marks of 43 years, bearing the ear-marks of 36 years since 1881, bearing the ear-marks of the approval of six different and several legislatures congregated under the dome of this capitol, bearing the ear-marks of every principle of justice that appeals to a man who wants to do right betwixt man and man, the world around and the world over.

Mr. President and Senators, I move you then that the majority report of the committee, ought not to pass, be recorded as the vote of my distinguished colleagues within this Senate Chamber.

I thank you for your attention.

Mr. SWIFT of Kennebec: Mr. President, the Senator from Penobscot, has presented this matter so clearly and fully that further argument would seem unnecessary. In fact, there is little more to be said, but I should do an injustice to myself and those whom I represent if I failed to protest against the passage of this act.

I heartily endorse the remarks of the senator from Penobscot, Senator Gillin, and shall briefly emphasize what he has said.

He has explained to you how by the first act of 1881 the cities and towns were deprived of the right to tax the stock, and now by the act here proposed they will be deprived of the revenue to which they are lawfully and justly entitled. And I ask you, fellow Senators, in all fairness, if there is any justice in this. This law that has been in successful operation for nearly 40 years—no portion of it should be repealed unless some good and valid reason can be given for the change, and I have yet to hear one.

In 1916, the State collected from this source over \$1,000,000. It paid to the cities and towns where the stock was held a little over \$200,000, netting to the State

over \$800,000 for the benefit of all the cities and towns of Maine.

At the hearing the proponents of the measure gave as one reason for the passage of the act that the State needs the money in order to fix the tax rate at five mills, including the proposed mill tax upon our highways.

In other words it was proposed to run the State upon four mills instead of five mills, as has been done heretofore.

With the prevailing high prices of every commodity in Maine, no man has the right to expect that the State of Maine should be run on a less tax rate in the future than in the past?

If the State needs the money, and I have no disposition to question it, let them raise it in a straightforward, honorable way by taxation and not defraud any city or town of revenue to which it is justly entitled. The cities and towns will stand their just proportion of the expenses of the government, but they object to being deprived of their just revenue.

In connection with this we may well consider equality of valuation. I am informed by a member of this legislature that the basis of valuation in his town is three-fifths of the market value, and a low market value at that, and that is a condition which prevails in many localities. I do not intend to refer to any section, for this is true in many localities. Take for example that wonderful county in the north of which every citizen of this State is proud, where I am informed that those rich, productive farms, yielding fortunes in a few years, are assessed upon a valuation of less than one-half, and in many cases less than one-third of their market value. Compare this with the city of Augusta where the basis of the assessment is 90 per cent. of the market value, a city with 30 miles of streets and 90 miles of highways, which are rocky and hilly and clayey, making construction and maintenance expensive, a city struggling with a tax rate of 26 mills, and this change will make it 25 mills.

Fellow Senators, I do not believe the time has come, and my confidence in the future men of Maine leads me to believe that the time will never come, when the

legislature of this State will, without regard for right or wrong, by sheer force of numbers, deprive any city or town of the revenue to which it is justly entitled.

When you vote upon this question, consider it fairly, with due regard for the rights of all, and support the majority report of the committee, ought not to pass.

Mr. LORD of York: Mr. President and Senators, it is not my purpose to use very much of the time of the Senate in discussing the general principles of this bill. One thought that I had in mind that it might be wise for the legislature to delay action upon this bill, was the fact that there were other measures pertaining to taxation pending, and it seemed to me if this bill should pass and the other bill should pass, there might be rather an inconsistency.

As to the general principles, I have very little quarrel with my friend, the senator from Penobscot, as to the fact that this is a wise method of taxation. I believe in the idea of taxing the franchises of these corporations in this way, but I do not see where this can be called the best law that was ever devised, because it only takes care of one class of stocks, the stocks of railroads, telephone and telegraph companies, that are owned within the State.

It does not extend to the bonds, that my brother from Penobscot suggested, to the bonds, it simply taxes the stock, and it gets at them for the purpose of taxation in that way.

I fail to see the justice of this. We are refunding to certain cities and towns that have returned where those stocks are owned, practically half a mill in taxation of the entire valuation of the state.

Let us see how that works out. Possibly a little illustration that I happen to know about may show some of the inconsistency. There are other stocks besides those of the Maine Central Railroad and the New England Telephone and Telegraph Company and all those companies are taxed upon the same basis. A few years ago I knew of an instance where there was a little telephone company, and a majority of the stock was owned in a

single town. They paid the franchise tax, and all owned within the state—they paid the franchise tax, amounting to some \$250 or \$260, and the amount of the tax refunded to that town, where the majority of the stock was owned, amounted to the munificent sum of 17c. I did not at that time understand where the leak was, but it still exists on that branch of the case. It is refunded on the valuation of those stocks.

Now there are scores, I do not know but I may say hundreds of little telephone companies all over the state that are paying this tax. Their stock bears no valuation on the books of the state, and consequently the towns get nothing back. That remains in the state treasury.

There is another feature in connection with this besides the question of the stock that I want to make a comparison from a little bit later.

There are many towns—there is no Senator that cannot call them to mind—that have a little strip of their best land taken out across the town that they are not allowed to tax. It is true that they get a proportion of it back indirectly through the amount not refunded, but this half mill they have to pay their share of the taxes of the state to make it up. There it seems to me is something of an injustice. If the principle of this bill were followed out so as to include stocks and bonds of all kinds, and other intangible property, then it might be called a just law, and one that would operate justly.

The fact that this law has been on the statute books since 1874, does not to my mind give a prescriptive right to enjoy it if the principle is wrong.

Here is just a single illustration I wish to make that seems to my mind to be almost conclusive that it is wrong in principle. In my little town up in York County we probably have one hundred and fifty or \$200,000 in savings banks in the State of Maine. The state assesses a tax on these deposits and retains it. Now following out the principle of this bill, why should not those towns be entitled to a rebate on the valuation of those de-

posits, the same as stock holders of the Maine Central Railroad or other railroads, or telephone companies operated in the state are given under this bill?

It seems to me that the argument that the Senator from Penobscot presented relative to the inequality in the case of property in real estate and property in these stocks, still remains. The property in real estate pays a tax of perhaps two or two and one-half cents, depending on where it is located. This cannot possibly be refunded to the town, only one per cent. There is the question of inequality. I believe that as this situation now stands that it is unjust, and that it should remain pending in the legislature until the fate of those other tax bills are determined. If the intangible tax bill should pass there should be some variation or there will be a grave injustice.

Mr. MERRILL of Somerset: Mr. President and fellow Senators: It seems to me that the Senator from York hardly takes into consideration the real, fundamental principle upon which this money received upon the taxes of the stock in the different towns is returned to those towns.

Now to start with, we have our State tax, our county tax, and our municipal tax. The state tax is assessed, the county tax is assessed separately, and our local city or town tax. Now upon what are they based? The State tax is based and gathered in upon the entire property of the State; the county tax, the entire property of the county; the town tax, the city tax, upon the entire property of the city. Well now then, what did they do in 1881? They thought it wise, in order to obtain more revenue from the public utility railroads, to pass a law that the tax should be gathered upon the gross earnings per mile of the railroad. In order to do that and to carry out the provisions of that original law, that the tax thus gathered should be the only tax that should be assessed against railroads, they said to the towns, we will return to the towns in which the stock is held, which you must give up as an asset of assess-

ment in your town,—we will return to the several towns one per cent of the tax, one per cent of the value of the stock held in each and every town, provided that the tax received by the state equals that one per cent. Now then they took right out of the list of taxable property in the towns where that stock was held every dollar in value of the railroad stock.

Now bear in mind that that is the great principle upon which the money is returned to the town. It is because the State, in that particular in relation to railroads, has taken upon itself the burden to assess the tax upon railroads, taking it out of the list of property in the several towns, and in order to make it just and equal and right they said they would return to these several towns one per cent. of the value of those stocks. Now that is the great principle upon which it was done. Can any man, can any Senator here question, any man anywhere say that that is unjust to the towns that do not have any railroad stock owned within their limits? The towns are all used alike. The railroad stock that is owned in a town instead of being taxed by the town assessors is taxed by the State assessors and it is returned to the town. It is just as equitable to return that money to the town, or it would be just as equitable to take from the town a list of assessed property, the horses and cows upon the farms, or the bank stock that is owned in the several towns, and take it out of the list, as it is to take out the stock of railroads owned in the towns. It is a part of the valuation of the town. And it seems to me that every candid, fair-minded man, laying aside the interest that he has or may have for his particular town, but upon the broad principles of justice, the broad principles of eternal justice, every man should and must see that this property which has been taken from the list of the town, that the tax upon it to the extent of one per cent. received by the State should go back to these several towns.

Now the Senator from Bangor said that he had watched the papers but he had been unable to find out what it was that started this movement, or this proposition to take away from the town

the tax upon the town's property. Well, now, I think, if the Senator will stop for a moment, he will see what it was. And the Senator from York gave as one objection to this bill being voted upon, ought not to pass, that there is other legislation upon taxation pending before this Legislature. Mr. President and fellow Senators, we might just as well on the floor of the Senate this morning recognize and take into consideration the fact that there is other legislation on the line of taxation, and the Senator from York mentions the intangible tax bill, so-called. What! Take away from our several towns not only the property that is owned in those towns invested in railroad stock, not only that, but by this listing bill take away from the several towns every dollar of bank stock that there is in the State of Maine; take away from the towns every dollar of money at interest, every dollar of every stock conceivable. Pray tell me, in the name of reason and common sense, in the name of justice, in the name of right, what have you left to tax in the several towns? You have the farms, the real estate, the homes of the little householder—of the farmer you have the farm and you have his stock of cattle tied in his tie-up, his horses. And what else do you get? Pray tell me, if you are going to strip the towns and cities and municipalities of the State of Maine of one-half of their taxable property, what are you going to do about the taxes that we have got to raise for our several towns? You have got to assess them upon what is left, or, in other words, you practically double the rate of taxation in the towns and cities of the State of Maine. Do you propose to do it? How much intangible property is there in the State of Maine that is taxed today? Over twenty-three millions of intangible property taxed at the local rates of taxation all over the State, and multiplying that twenty-three millions by .02395 will produce over \$573,000,000 that is taxed today in the State of Maine under this intangible property. How much?—pray tell me.—how much do you think that you have got to get in addition to this \$23,000,000 of intangible property when that bill

comes up? How much money will you have to raise in the State of Maine in order to make it equal to just what the tax is now that is being received? You have got to have \$193,000,000 of intangible property come to light, and that is more than anybody has ever dared to claim that there was in the State of Maine.

Now you take this property out of the list of property in this State from the towns, and where are you going to land? We will have a tax of from four to five per cent. in every town in the State of Maine. And it is in consequence of that,—something that I did not intend to speak upon this morning at all, but the Senator from York, Senator Lord connected it up with this intangible tax law—now it is for that very reason that we might just as well meet this question upon the threshold of the question of taxation and put our foot in the right place the first step we take toward this great question.

Mr. President and fellow Senators, I move you, that the majority report, ought not to pass, be accepted.

Mr. WOOD of Hancock: Mr. President, I am from Hancock, as the Senator has said and I am also from Missouri. My learned and distinguished friend, the Senator from Penobscot, Senator Gillin, agreed to make this as plain as day. I am Wood by nature and I think my head must be wooden. I listened with great pleasure to the wonderful storming of the heights by the orator from Penobscot, but I am still unconvinced. I remember sometimes in battle before they charge the enemy they storm the heights with splendid artillery fire. That is what we had, but I believe that it was more forceful than convincing to me.

I am a disciple of preparation, but I have made no preparation, Mr. President, in this case and shall not make a speech. I simply want to be on record as being still from Missouri. I have listened with great interest to the splendid preparation that has been made, and I will say that I still have a great deal of respect, friendship and warmth of heart for my friend, Senator Merrill of Somerset, and my distinguished friend, Senator Gillin from

Penobscot. I find that every man who speaks upon this bill, although men of splendid character, and who mean to be disinterested, it has been brought in in their speeches if you get way down to the bottom of it, the cities from which they come get the largest end of this plum.

Now I read in here—and I am afraid, while they think they are sincere, that they are not sincere enough to convince those fellows who do not come from the big cities, where they get big returns.

If some great economist, or someone of great, or average ability, because it would not probably take a great one to show me the light—if some man from outside the State of Maine will convince me that their arguments are really and truly logical, and that this money ought not to be for the benefit, as the law says, "shall pay the treasurer of state for the use of the state," not for the use of some cities within the state, if some man outside who is really disinterested will prove to me that they are sincere—I have every respect for their intended sincerity—but living within these cities where they get large returns, I am afraid unconsciously they are biased, Mr. President, the same as you and I and Senator Merrill and Senator Gillin are, for our clients when we have them in court, we cannot see that our clients do any wrong, or that their cases are wrong, and I respect them for it. But if they were outside those cities they would be more convincing to me.

Now I say if some economist outside the State of Maine will prove to me that I am wrong in principle when I take this opposite view—I know, gentlemen of the Senate, that I am on the unpopular side, but I will say that I am doing this from principle and nothing else—if they will show me I am wrong I will wear a medal as big as that clock around my neck for a week, saying "I am wrong," but "it can't be did. There is no such animal," I believe.

I do not believe with Senator Gillin that 36 years or 136 years will make a wrong right if it is wrong at the start. I may be right, and I may be wrong.

I have been wrong many times, but I have not seen this yet, and I say that I do not believe that if that has been passed by six or sixty legislatures that it makes it right if wrong at the start.

I am open to conviction. I have not a brief for anybody, and Senator Lord will tell you now, and I have believed him for 25 years to be a man of truth, that he did not know that I would open my head about this and he probably would be better satisfied if I had not.

I want to say a word to go on the record. I say if it is right to return part of this money to those cities that own this stock, why is it not right to return the whole of it, and why should it be a question of who needs the money.

It seems to me, gentlemen, that it is a matter of what is right and just, and what is the right principle. I am still convinced that this money should be used for the benefit of all the State, and not as the law says for particular cities and towns, which are among the best. There is no question about that. My town would lose something. I believe it should be returned to all of them and not for the benefit of the few, just from the accident of the stockholders happening to live within their borders.

Mr. HOLT of Cumberland:

Mr. President and Senators, I did not expect to speak upon this question, but I want to say a word or two on behalf of the taxation committee before which this bill was brought and on which we had a full hearing, and before the taxation committee with this bill was another bill which related to the same subject matter. I wish to refer to this bill briefly in order to show that the committee took no prejudiced view in favor of any community, or any city. In the State of Maine today there should be no antagonism between the cities and the towns of the State. This matter was brought before the committee, and with it another bill was brought to return to the cities and towns a certain tax which had been collected upon the stock of the Maine Central Railroad at the time the Maine Central Railroad was divorced from

the Easton & Maine. At that time some \$180,000 were collected. At the time the stock was held by three trustees who were residents of the city of Portland, and this bill sought to divide that tax, which had been collected by the State and which remained in the State treasury, it sought to divide it and distribute it back to the several cities and towns. Now to show you, Mr. President and Senators, that we took a wholly impartial attitude upon these vital questions, the same committee reported "ought not to pass" upon this bill which would distribute back \$187,000 into the very cities and towns which we represent. My city alone would greatly benefit by such a distribution. And yet we looked at that question on the merits of it, just the same as we believe we have looked upon this question which is before your Honorable Body at the present time.

And what is the real reason why we say that this measure should not pass to repeal the provision whereby the cities and towns get a part of this tax? The Senator from Penobscot has given an able and exhaustive analysis of the question and has given the history of the tax, how it has been sustained time after time in the Legislature, and has done it in an able manner. But as Senator Wood has said, simply because a thing has been in no reason why we shall not consider it on its merits to-day. And the real reason why we believe that a part of the tax should be returned to the cities and towns which hold this stock, has been stated by the Senator from Somerset, Senator Merrill, when he said that the stock upon which the cities and towns had the right to tax up to this time, that right has been taken away by the State of Maine from the cities and towns, and it seems unjust that having deprived the cities and towns of the right to tax that stock, which is a valuable property owned in the city or town, that the city or town should not have some portion of this tax. Now what should be the proportions? This tax has worked well, an excise tax on the franchise, which is easily collectible. It is a fair tax depending upon the size of the earnings. The State of Maine to-day collects a million and a hundred

thousand approximately from the railroads and telegraph and telephone companies.

Now it has been said that this is State-wide property; that the value of a railroad property is made up by the whole people of the State; that you and I and people from all over the State ride upon a railroad; the people who furnish the freight furnish it from every city and hamlet in the State of Maine; and that the people as a whole make up the value of that railroad, so that a tax on it should be retained by the State and none of it be returned. But we must remember that the value of that railroad, the property in the railroad, is owned by the stockholders; those stockholders live in the cities and towns, and before this law was put upon the statute books they had a right to tax that stock. Now in all fairness and justice, does it seem that it is unfair to give 20%—the amount rebated to the cities and town is approximately 20% on this amount collected—now does it in all fairness and justice, does it seem unfair to return to the cities and towns that 20% upon the value of the stock? Taxation problems are hard problems. I doubt if you can get any system of taxation that will be exactly just. But I believe under our present tax laws—what may happen in the future, whether it will be necessary to have a re-adjustment of this, it will be time enough to consider when it comes up—but I do say that under our present laws of taxation it is only just to give to the cities and towns who have been deprived of the right to tax this stock, which is property in those cities and towns, a proportion of the tax, and that the proportion returned, 20%. Is not an unfair amount. And for that reason—and I believe that is the reason that governed the judgment of the majority of this committee—I believe that at the present time it would be unjust to these cities and towns, who have been deprived of the right to tax this property, to repeal this law whereby they are given a part of this tax.

Mr. GILLIN: One word, one moment, Mr. President and fellow Senators, in reply to the distinguished Senator from Hancock.

I am not going into Missouri, I am going into the State of Maine, I am going to the law of 1874, and the law of 1881, and the law of 1883, and the law of 1887, and the law of 1901, that is where I am going. And I am going into the very law the Senator read, which says that this tax shall be taken by the State for the use of the State, and ask him why he stopped and did not read the whole act? Because the State says, for the right we took we will pay back to the towns and cities one per cent of the entire tax. That is the law that is on the statute books of the State of Maine.

The learned Senator from Hancock is a distinguished lawyer. Does he not know that the one thing that every lawyer seeks when he goes in before a tribunal of justice to argue his case to the courts of last resort, is a precedent to cite to the court that has stood the test of time?

Does the distinguished Senator and lawyer from Hancock not know that the lawyer who appears before a tribunal of justice, with those decisions on his brief will always win his case?

Does he not know that up to the present minute of time, when it escaped from his mouth, that the cities and those who represent them were voting because of interest, that the State has never so regarded it; that six times the State of Maine has said it was not unjust for them to receive this rebate? Does the distinguished Senator or anybody else deny the original enactment of 1874, where the State gave back to the cities and towns the entire tax which the State collected, and not one per centum upon that portion of it?

Is that personal interest on the part of we people who come from the cities? Were the other legislators any more interested than my distinguished brother or myself, or those of us who have spoken in this regard?

Six times by the people who represent the court of last resort this law has been examined. In 1874, the law upon which the law of 1881 is based, as I have explained, was passed and was engrafted in Section 41 of the Statutes of 1883, and after careful examination was remodeled. How? It

was made so that the leased roads of this State should come under that law, and that from the leased roads, in 1887—that is the law upon the statute books—the same rebate should be paid back on this gross tax.

I say, my fellow Senators, that I am not speaking on account of self interest, although I may be mistaken and it may be self interest that is moving me to speak. Neither will I believe that any Senator within the sound of my voice will not pause and consider the acts of the legislatures and the wise men who preceded them for a series of forty-six years. Not thirty-six years, but forty-six years it has been under advisement.

I will not go away from the proposition with which I originally started, that to take this rebate from the towns and cities—you want to read the balance of it—it says—Senator Wood said that the State shall take for the purposes of the State, but did you read that the State said it would take away from the municipalities the right to tax that stock? Did you further read that when they did take that right they said they would pay back one per centum for doing it?

Read your statutes, and I say read the whole act, which says they shall take from the municipalities (A) the right to tax this class of stock, that is A of the act, and B of the act is for the use of the State. And C of the act is the consideration for the taking, that they pay back to the towns and cities from which they take one per centum of the gross earnings. That is the whole law and not a part of the law.

Mr. MERRILL: Mr. President and fellow Senators: I will only take just a moment of your time. The senator from Hancock, whom I regard as eminently fair and honest—I believe that he was absolutely honest in his remarks—asked the question, If you give to the cities a certain part, why not give the whole? or, in other words, why not give the towns the whole of the tax? Well, now, there is a reason for that. The towns do receive all of the tax on their property that is assessed in the town. The town gets the tax. They have to pay the State

tax out of that assessment. They have to pay the county tax out of that assessment. But the railroads offer a different proposition than our farms and our houses and our stock of cattle. The railroad is a public utility. It is an institution managed and carried on for the benefit of the whole State of Maine. Its franchise was given by the State to the railroad company. And it is for that reason that the State is entitled to that portion of the tax that they now retain, and it is for that reason that it is not returned to the towns, because the great value in the franchise of the railroad never was owned by the individual towns. But the stock of the railroad is owned in these various cities and towns. I want to say just one word more. I was on that committee and signed the majority report "ought not o pass," and I was very glad when the Senator from Portland stated that the bill disposing of \$186,000 in the treasury of the State, that the committee I believe unanimously—no, I am wrong about that unanimously, but the committee who signed that majority report was Mr. Holt of Cumberland, myself and some others from towns and cities that were interested in receiving that money. I do not believe anybody was controlled by their personal interests or local interests.

Mr. WALKER of Somerset: Mr. President, I am persuaded that this matter has been ably and sufficiently discussed and that very little new argument will be offered. I therefore move the previous question.

The PRESIDENT: The Chair is somewhat in doubt whether the previous question is applicable to the State of Maine Senate or not. Some Presidents have held that it was, and some have held that it was not. It would seem that having a precedent in Washington as having taken too much time in debate, the Chair will rule that the previous question is in order, and will put the previous question.

The question is, shall the main question be now put?

The question before the Senate is on the motion of the senator from Kenne-



bec, Senator Swift, seconded by the senator from Penobscot, Senator Gillin, and seconded by the senator from Somerset, Senator Merrill, that we adopt the majority report of the committee on taxation, ought not to pass.

How shall the vote be taken?

Mr. DAVIES of Cumberland: Mr. President, I move that the vote be taken by a division.

A rising vote being taken, 23 senators voted in the affirmative and five in the negative, the motion prevailed and the majority report was adopted.

Report of the majority of the committee on taxation on "Resolve relative to the distribution of certain monies in the State treasury belonging to certain cities and towns in Maine" (Senate No. 28), that the same ought not to pass.

(Signed) R. T. Holt, E. N. Merrill, S. C. Greenlaw, H. H. Jordan, Ralph G. Charles, C. M. Holt, Frank C. Turner.

Report of the minority of the same committee on the same resolve that the same ought to pass.

(Signed) Willis E. Swift, Guy P. Gannett, George H. Allen.

Mr. HOLT of Cumberland: Mr. President, I move that the majority report "ought not to pass," be adopted, and in simple explanation I will say that this act is the one previously referred to. It was a tax collected at the time stock in the Maine Central Railroad was held by certain trustees who held it for the purpose of getting the Maine Central stock which was out of the State into the State. On the legal question involved, the former attorney general and the present attorney general, are of the opinion that there is no merit in this act; that is, that this does not belong to the various cities and towns where this stock is owned, and for that reason the majority of the committee were against the passage of this act. I will not go into the history of the matter, but will simply say that it is very clear that this stock was not owned in the various cities and towns in the State. It was held by trustees who were at that time residents of the

city of Portland, and if there is any claim to this money it is by the city of Portland.

Mr. GILLIN of Penobscot: Mr. President, I rise to second the suggestion of the distinguished Senator from Cumberland, that the report of the committee, "ought not to pass," be accepted.

The motion was agreed to.

### Passed to Be Engrossed

H. D. 131. An Act to Amend Section 42 of Chapter 117 of the Revised Statutes, Providing for the Monthly Payment of Salary of County Commissioner.

H. D. 156. An Act to Amend Chapter 424 of the Private and Special Laws of 1907, Entitled "An Act to Incorporate the Kittery Water District Within the Limits of the Town of Kittery for the Purpose of Supplying the Inhabitants of said District, Likewise the Remaining Portion of said Town with Pure Water for Domestic and Municipal Purposes.

H. D. 202. Resolve Providing an Increased Teachers' Pension for John F. Moody.

H. D. 205. An Act Authorizing the Sale of the Property and Assets of the Dead River Log Driving Company, and Providing for the Dissolution of said Corporation.

H. D. 206. An Act Authorizing the Sale of the Property and Assets of the Dead River North Branch Log Driving Company, and Providing for the Dissolution of said Corporation.

H. D. 221. An Act to authorize the County Commissioners of Hancock County to complete the records in the registry of deeds in said county.

H. D. 222. An Act to authorize the town of Richmond to acquire the property of Richmond Water Works, and to construct and maintain a system of water works within said town.

H. D. 224. An Act to revive and extend the charter of the Penobscot Bay Water Co. (Tabled on motion by Mr. Marshall of Cumberland, pending passage to be engrossed).

H. D. 421. Resolve in favor of N. J. Hanna, fish warden, for services and expenses. (Tabled on motion by Mr.

Stanley of Oxford, pending passage to be engrossed.)

H. D. 435. Resolve in favor of the town of Mechanic Falls for the payment of additional State school funds for the year 1915.

H. D. 436. Resolve in favor of the several State Normal schools and the Madawaska training school for the construction of new buildings and for permanent repairs and improvement.

Resolve in favor of the Bath military and naval orphan asylum for maintenance and other purposes for the years 1917 and 1918.

H. D. 438. Resolve in favor of Peter W. Ranco, representative of the Penobscot Tribe of Indians.

H. D. 440. Resolve in favor of the Maine school for deaf for maintenance and repairs.

H. D. 441. An Act confirming and ratifying the organization of the Penobscot Law Library Association.

H. D. 442. An Act to amend Section 2 of Chapter 64 of the Revised Statutes, relating to marriage of feeble minded persons.

H. D. 443. An Act to extend the charter of the Bluehill Water Co. (Tabled on motion by Mr. Marshall of Cumberland, pending passage to be engrossed.)

H. D. 444. An Act to extend the provisions of Chapter 214 of the Private and Special Laws of 1915, entitled An Act to authorize the town of Lisbon to supply gas and electricity.

H. D. 445. An Act to ratify and confirm the incorporation of the Pine Grove Cemetery Association of Brownfield.

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

S. D. 111. An Act amending Sections 5 and 40, of Chapter 5, relating to board of registration of voters.

S. D. 122. An Act to amend Section 75 of Chapter 16 of the Revised Statutes relating to the payment of tuition by towns not maintaining standard schools of secondary grades.

S. D. 127. An Act to prevent defac-

ing identification marks on motor vehicles.

#### Passed to be Enacted

An Act to grant legislative assent to the provisions of the federal aid road act and to authorize the State Highway Commission to co-operate with the federal government according to the provisions of said act. (This bill carrying an emergency clause required a two-thirds vote of the senators elected. A rising vote was had, and 28 senators voting in the affirmative and none opposed the bill was passed to be enacted.)

An Act to repeal Chapter 271 of the Private and Special Laws of 1911, relating to ways and bridges in Plantation No. 14, Washington county.

(This bill carrying an emergency clause required a two-thirds vote of the senators elected. A rising vote was had, and 29 senators voting in the affirmative and none opposed the bill was passed to be enacted.)

An Act to provide for a police commission for the city of Lewiston and to promote the efficiency of the police department thereof.

(This bill carrying an emergency clause required a two-thirds vote of the senators elected. A rising vote was had, and 25 senators voting in the affirmative and none in the negative the bill was passed to be enacted.)

#### Finally Passed.

Resolve, making appropriations for the Passamaquoddy Tribe of Indians for the years 1917 and 1918. (This resolve carrying an emergency clause required a two-thirds vote of the senators elected. A rising vote was had and 27 senators voting in the affirmative and none opposed the resolve was finally passed.)

Resolve, in favor of the Penobscot Tribe of Indian for the general care, maintenance, relief and education thereof. (This resolve carrying an emergency clause required a two-thirds vote of the senators elected. A rising vote was had and 28 senators voting in the affirmative and none opposed the resolve was finally passed.)

From the House: H. D. 500. An Act to enable the inhabitants of the town of

Fort Fairfield to assume all the rights, privileges, duties, contracts and obligations of Fort Fairfield Village Corporation in said Fort Fairfield. (On motion by Mr. Fulton of Aroostook, under suspension of the rules, this bill was read twice and passed to be engrossed.)

Mr. FULTON: Mr. President, in explanation of this matter I will say that I understand there is no opposition to the bill before the committee, and it solely interests the people of Fort Fairfield. An emergency clause is attached, I believe, and provides for a referendum. The people want to get the matter before the town so as to be incorporated in the warrant for the town meeting.

From the House: Ordered, the Senate concurring, that House Bill 430 and House Bill 433, which were referred to the committee on judiciary, be withdrawn and referred to the committee on sea and shore fisheries.

Mr. PEACOCK of Washington: Mr. President, I move that we concur with the House in the passage of this order.

Mr. DAVIES of Cumberland: May I inquire, Mr. President, what the bills are?

The PRESIDENT: House Bill 430 is an act to create a board of commissioners of sea and shore fisheries, and House Bill 433 is an act to create a commission of sea and shore fisheries.

The pending question being on the motion of Senator Peacock that the Senate concur with the House, the motion was agreed to.

#### Orders of the Day

On motion by Mr. Holt of Cumberland,

Ordered, that the Senate chamber be assigned to the committee on taxation for Friday afternoon, March 9.

The PRESIDENT: The Chair lays before the Senate H. D. No. 104, report (O. T. P.) of the committee on legal affairs on bill, An Act relating to municipal elections in the town of Mt. Desert, tabled by Senator Ames and specially assigned for today.

Mr. AMES of Washington: I give way to the senator from Hancock, Senator Wood.

On motion by Mr. Wood of Hancock, tabled and specially assigned for tomorrow.

The PRESIDENT: The Chair lays before the Senate, S. D. No. 45, report (O. N. T. P.) of the committee on education on bill, An Act to amend Section 169 of Chapter 16 of the Revised Statutes of 1916, relating to teachers' pensions, tabled by Senator Higgins and specially assigned for today.

Mr. HIGGINS of Penobscot: I yield to the senator from Somerset, Senator Walker.

Mr. WALKER of Somerset: Mr. President, because of the lateness of the hour, being fearful that some of my legal friends may have their artillery loaded and possibly that it may be unlimbered and realizing as well as anybody that even senators must have something besides hot air on which to subsist, I move this matter lay on the table and be specially assigned for tomorrow.

The motion was agreed to.

On motion by Mr. Butler of Knox, there being no objection, S. D. No. 243, Resolve, relating to equestrian statue of Major General Oliver O. Howard, and a standing statue of Brevet Major General Joshua L. Chamberlain at Gettysburg, was taken from the table, and on further motion by the same senator it was passed to be engrossed.

On motion by Mr. Conant of Waldo, there being no objection, H. D. No. 406, An Act to amend Sections 7, 33 and 35 of Chapter 25 of the Revised Statutes, relating to funds for State highways, was taken from the table, and on further motion by the same senator it was referred back to the committee on ways and bridges.

On motion by Mr. Deering of York, S. D. No. 266, An Act to amend Section 24 of Chapter 26 of the Revised Statutes of 1916, relating to the registration of manufacturers and dealers in

motor vehicles, was taken from the table.

Mr. DEERING: I tabled this yesterday for the purpose of studying the bill. I have studied it and I now move that the bill have its passage to be engrossed.

The motion was agreed to.

Mr. Deering of York presented the following order and moved its passage.

Ordered, that the use of the Senate Chamber be granted to the committee on judiciary this afternoon at 2:30 o'clock for a further consideration of the Maine Water Power Commission Bill.

The PRESIDENT: The secretary informs the Chair that the Senate has already granted to other committees the use of the Senate Chamber this afternoon.

Mr. DAVIES of Cumberland: Mr. President, may I inquire if the grant was made yesterday under provisions of an order. I inquire for the purpose of proposing to the Senate that we reconsider the vote whereby the order was passed.

I desire to say this in this connection, that it is of the utmost importance that the judiciary committee should have some meeting place this afternoon larger than the committee room. If the same number of people attend the hearing today that attended it yesterday it would be impossible for a great many of them to get into the room to hear the discussion. I think it will occur to you all how important it is that some larger place should be provided.

The PRESIDENT: The Chair will inform the Senator from Cumberland that on February 23 an order was passed that the Senate Chamber be assigned to the committee on taxation for the afternoon of Thursday, March 8th.

Mr. HOLT of Cumberland: Mr. President, I move that the rules be suspended that we reconsider the vote whereby we passed the order assigning the use of the Senate Chamber to the committee on taxation for this afternoon.

The motion was agreed to.

Mr. DEERING of York: Mr. President, I move the passage of the order I presented.

The PRESIDENT: In further answering the inquiry of the Senator from Cumberland, Senator Davies, the use of the Senate Chamber was granted to the York delegation for Thursday, March 8, at one o'clock, P. M.

Mr. DEERING: Mr. President, that meeting at one P. M. will take only 10 of 15 minutes, and the judiciary committee does not require it until 2:30, so that they will not conflict.

The pending question being on the motion of the Senator from York, Senator Deering, on the passage of his order, that the use of the Senate Chamber be granted to the judiciary committee for this afternoon at 2:30 o'clock for further consideration of the Maine Water Power Commission, the motion was agreed to.

On motion by Mr. Walker of Somerset. Adjourned.