

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

AUGUSTA
KENNEBEC JOURNAL PRINT
1916

SENATE

Wednesday, March 21, 1917.

Senate called to order by the President.
Prayer by Rev. Wm. H. Brokenshire of
Hallowell.

Journal of previous session read and
approved.

Papers from the House disposed of in
concurrence.

From the House: H. D. 178. An Act
providing for the licensing of drivers of
automobiles for hire in the town of Eden.

In the House this bill was amended
by the adoption of House Amendment A
and the bill as amended was then passed
to be engrossed.

On motion by Mr. Wood of Hancock
the Senate reconsidered the vote whereby
this bill was passed to be engrossed.

On further motion by the same senator
House Amendment A was adopted in con-
currence and the bill was passed to be
engrossed as amended.

From the House: S. D. 137. An Act
to punish the giving of checks or drafts
on any bank or other depositories where-
in the person so giving such check or
draft shall not have sufficient funds for
payment of same.

Mr. DAVIES of Cumberland: Mr. Pres-
ident, I move that we reconsider the vote
whereby this bill was passed to be enact-
ed. In explanation thereof I desire to
say that this motion is made only for
the purpose of straightening out the par-
liamentary procedure.

The motion was agreed to.
Sent down for concurrence.

House Bills in the First Reading.

H. D. 575. Resolve in favor of the
town of Washburn.

H. D. 578. Resolve in favor of the Uni-
versity of Maine for maintenance and for
the construction of new buildings.

H. D. 488. Resolve providing an amend-
ment to the Constitution of the State of
Maine empowering the Legislature to au-
thorize towns to divide into voting dis-
tricts for purposes of holding elections.

House 149. An Act to authorize the city
of Lewiston to issue bonds to the amount
of \$200,000 to pay its bonds now outstand-
ing and maturing in the year 1917.

House 165. An Act to amend Section 27
of Chapter 129 of the Revised Statutes,
relating to offences against the lives and
persons of individuals.

House 228. An Act repealing laws re-
specting the government of the fire de-
partment of the city of Portland.

House 229. An Act amending laws re-
specting the erection of wooden buildings
in the city of Portland.

House 262. An Act to amend Chapter
83, Section 5 of the Revised Statutes, re-
lative to the time and place of holding
the county commissioners' court in York
county.

House 291. An Act to grant additional
corporate powers to Maine Title and
Utility Company.

House 300. An Act to amend Sec-
tion 34 of Chapter 55 of the Revised
Statutes, 1916, relating to public util-
ities.

House 395. An Act to amend Chap-
ter 30, Section 55 of the Revised Stat-
utes of 1916, relating to the insurance
commissioner investigating fires.

House 425. An Act relating to guar-
anty capital of mutual insurance com-
panies.

House 470. An Act additional to Re-
vised Statutes, Chapter 51, relating to
corporations.

House 485. An Act to amend Sec-
tion 12 of Chapter 43 of the Private
and Special Laws, 1899, entitled An
Act to establish the Rumford Falls
municipal court.

House 542. An Act additional to
Chapter 5, Revised Statutes, imposing
an added duty on boards of registra-
tion and municipal officers acting as a
board of registration.

House 547. An Act to incorporate
the Odd Fellows' Home of Maine.

House 548. An Act to amend Para-
graph 1 of Section 4 of Chapter 72 of
the Revised Statutes relating to the
appointment of guardians.

House 549. An Act to provide for
the payment of a bounty on bears
killed in the State.

House 236. An Act to repeal Chap-
ter 453 of the Private and Special

Laws of the year 1868, and all acts additional thereto and amendatory thereof, relating to a ferry across the Penobscot river, between the town of Orono and the town of Bradley.

House 468. An Act to amend Section 10 of Chapter 7 of the Revised Statutes relating to the furnishing of ballots to presiding election officers on election day.

House 560. An Act to amend Chapter 121 of the Private and Special Laws of 1913, to enable the annual meetings of Madison Water District to be held at any time during the month of July in each year.

House 563. An Act to prevent officers and employes of banking institutions from making copies of records.

House 564. An Act to amend Section 100 of Chapter 98 of the Revised Statutes, relating to loan and building associations.

House 145. An Act to amend Section 2 of Chapter 346 of the Private and Special Laws of 1905, amended by Chapter 27 of the Private and Special Laws of 1915, relating to the power and duties of the probation officer of Cumberland county.

House 269. An Act to incorporate the Casco Title Guaranty Co.

House 543. An Act to incorporate the Smyrna & Oakfield Water Co.

House 323. An Act to amend Section 21 of Chapter 49 of the Revised Statutes relating to regulations for employment of minors between 14 and 16 years old.

House 562. Resolve in favor of Ernest E. Graffam of Poland.

House 241. Resolve providing for the completion of the Book of Plans of Waldo county and appropriating money therefor.

House 544. An Act to authorize the town of Yarmouth to supply gas and electricity.

House 545. An Act to amend Paragraph 2, Section 45, of Chapter 117, Revised Statutes 1919, relating to clerk hire in county offices.

House 550. Resolve reimbursing the town of Orneville for expenses incurred in the care and nursing of a State pauper.

House 552. Resolve in favor of the town of Phillips.

House 423. Resolve proposing an amendment to Article four (4), Section three (3), of the Constitution, in regard to apportionment of representatives in accordance with population.

From the House: An Act to amend Paragraph 15, Section 45, Chapter 117 of the Revised Statutes, relating to clerk hire in the office of the register of deeds of Waldo county.

In the House the bill was substituted for the report of the committee, ought not to pass.

Mr. GRANT of Cumberland: Mr. President, I move that we non-concur with the House in substituting the bill for the report.

The motion was agreed to.

On further motion by the same senator the bill was indefinitely postponed.

From the House: Report of the committee on State lands and forest preservation, legislation inexpedient, which was instructed by order of the Legislature to inquire into the expediency of an Act in regard to the sale of timber on the reserved lands.

In the House this order was recommended to the committee.

In the Senate recommitted to the committee on motion by Mr. Ames of Washington.

From the House: Ordered, the Senate concurring that a committee of three be appointed on the part of the House with such as the Senate may join to procure a stand of colors for the military battalion of the University of Maine and for the military company of Bowdoin College, the same to be presented to them as a token of appreciation for their participation in the recent patriotic celebration at Portland; and, subject to the approval of the Governor, the said committee is authorized to use any money in the State treasury which is available for the purpose.

In the House this order was read and passed.

In the Senate, on motion by Mr. Davies of Cumberland, it was given a passage in concurrence.

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

Judiciary.

By Mr. Butler of Knox: An Act to amend Section 29 of Chapter 136 of the Revised Statutes, relating to copy of proceedings in murder cases. (Ordered printed.)

Mr. DAVIES of Cumberland: Mr. President, it seems to me it is getting extremely late to consider a measure of that kind at the present time. We cannot have any hearings next week, and I should like to ask the senator from Knox, Senator Butler, if he thinks that ample notice could be given on a measure of that kind this week and still have a hearing on it.

Mr. BUTLER: Mr. President, answering the senator from Cumberland, I trust he will believe that I am not at fault in the matter of this late presentation. It was handed to me only yesterday. It is a matter of great importance, and yet I think one that would not require more than a day's notice possibly.

Mr. DAVIES: May I ask, Mr. President, what day the senator from Knox would set as a day on which to have a hearing.

Mr. BUTLER: Friday afternoon of this week.

Mr. DAVIES: It does not seem to me that we can reach into next week, Mr. President, in the hearings, and a matter of state-wide importance, it seems to me should have a longer notice than twenty-four hours. I wish that the senator from Knox might see fit to withdraw the bill.

Mr. BUTLER: I will say this, Mr. President and Senator, I might confer just a moment with the party who wished the matter heard at this session.

Mr. DAVIES: Have the matter laid on the table at this moment?

Mr. BUTLER: Yes, for the present. I move that the matter be tabled.

The motion was agreed to.

Mr. GRANT of Cumberland: Mr. President, I move that the rules be suspended and that we reconsider the vote whereby the Senate voted to indefinitely postpone, An Act to amend Paragraph 15, Section 45, Chapter 117 of the Revised Statutes, relating to clerk hire in the office of the Register of Deeds in Waldo County.

The motion was agreed to.

On further motion by the same Senator the report of the committee was accepted.

Legal Affairs.

By Mr. Butler of Knox: An Act providing for the use of school buildings for the purpose of holding meetings of a social center or community forum.

Mercantile Affairs and Insurance.

By Mr. Chick of Kennebec: An Act relating to the place of payment in this State of dividends declared by foreign mutual fire insurance companies.

Mr. GILLIN of Penobscot: Mr. President, I notice by having my attention called to it by my brother, Senator Grant, that a bill has come in referred to the committee on mercantile affairs and insurance. That committee got all through with all its business yesterday and so reported to the Senate and the House, and also discharged the clerk, and I therefore move that the bill be indefinitely postponed or referred to the next Legislature.

Mr. CHICK of Kennebec: Mr. President, if it would be in order, I would move that the bill lay on the table.

The motion was agreed to.

Mr. BUTLER of Knox: Mr. President, if I might take up at this time the matter which was tabled a moment ago in regard to the transcript of testimony in murder cases.

As the law is today, transcripts of the evidence in murder cases are not made in all cases. Now this is an important matter to parties convicted. Sometimes they want to try for pardon, and various matters come up. The particular case that called forth this bill is where a man claiming to be innocent, I believe,

is trying to get a pardon, and there is no record of the evidence of the trial anywhere. This bill would provide that in all murder cases transcripts of the evidence be made, and that one be recorded with the secretary of state. This bill was suggested by former Attorney General Pattangall, and he saw the need of it out of his experience as attorney general, and it seems to be very just and necessary. It would seem also that in view of the nature of the matter, that if the judiciary committee would be patient enough to consider it next Friday, that it would convene the parties interested and the matter might go forward. That is all I have to say, senator.

Mr. DAVIES of Cumberland: Mr. President, it is not a question of patience on the part of the judiciary committee. That committee has established a reputation in this Legislature of being the most patient of any committee. But the question is a matter of public notice and sufficient notice being given thereon that parties may be heard. It seems to me, Mr. President, that it is unfair to people living in the remote parts of the state who might care to come here and be heard either for or against that bill, to advertise it in tomorrow morning's paper for a hearing on Friday. It has been admitted by the senator from Knox that it is an important measure. That in itself, it seems to me, Mr. President, should endorse the position which I take that it is not a matter on which twenty-four hours' notice is sufficient for a hearing. Therefore, I move, Mr. President, it be referred to the next Legislature.

Mr. BUTLER: I simply want to say just this, as far as the notice goes, whether it were a week or a month there would appear before the committee so far as I know not more than one person, and he is right here in Augusta.

The PRESIDENT: The question before the Senate is on the motion of the senator from Cumberland, Senator Davies, that the bill be referred to the next Legislature. Is that the pleasure of the Senate? It is a vote.

Mr. BUTLER: I doubt the vote, Mr. President.

The PRESIDENT: The vote has been declared.

(At this time United States Senator Fernald entered the Senate Chamber and upon invitation of the President took a seat by the side of the President.)

On motion by Mr. Butler the vote was reconsidered whereby this bill was referred to the next Legislature.

Mr. DAVIES: Mr. President, I move it be indefinitely postponed.

Mr. DEERING of York: Mr. President, as I understand this matter, it is for the purpose of obtaining copies of the transcript of evidence in criminal cases—

Mr. BUTLER: Murder cases, only.

Mr. DEERING (continuing): In murder cases. The senator from Knox County has called attention to a particular case and a particular instance in which this evidence is desired. While it is a matter which affects the whole state without doubt, certainly the whole state at large are not particularly interested in the copies of transcript of evidence in murder cases. The ones who would be naturally interested in those things, outside of the criminals themselves, are simply the attorney general's office of the state and some lawyers who defend those men. Now it seems to me that it would not require the judiciary committee more than ten minutes to consider this matter to say whether it was feasible and proper to put it upon the statute books or not.

I desire to say that at this time, although we are fast approaching the end of this session, I believe that the senators ought not to make such haste that they will leave undone anything that ought to be done. We are undoubtedly sent here for the people's interest, and while we have not done very much so far, it seems that when the present business comes upon us that we should use the same diligence to do our duty to the people who send matters here to be considered as we would if we had more time to do it.

I hope the motion of the distinguished senator from Cumberland may not prevail, because we can do this matter among other matters without very much disturbance of our regular routine.

Mr. DAVIES: Mr. President, there seems to be, perhaps, some little misapprehension as to the record in murder cases. It is unnecessary for me to say to the Senate that every court which tries a murder case is a court of record. Can there be any question about that. The impression seems to be given here by what has been said both by the senator from Knox county and the senator from York county that the courts are not courts of record. Now if anybody desires a transcript of the testimony in a murder case, he can have it certified to, anybody who cares to. Now we are getting toward the latter end of the session and we have got to stop somewhere.

Senator Deering has very wisely said that we are here for the protection of the people's interest. That, Mr. President, is all the more reason why this bill should be referred to the next legislature. Why should we, under twenty-four hours' notice, act on this bill? I desire to renew my motion that the bill be referred to the next Legislature.

Mr. BUTLER: It seems to me that the distinguished senator from Cumberland, rather than the distinguished senator from York or the senator from Knox, might mislead this Senate by the statement just made. A transcript of evidence—and the senator will agree with me—is not now made by the official reporter in all murder cases and filed. There is no one in many cases to pay for such a transcript, the convicted man perhaps being poor and unable to do so, and not knowing enough to do so if he were able, and it is for just such cases as this that we ask this, so that in every case where a man is convicted of murder there shall be a place where a transcript of the whole evidence and the whole testimony taken at the trial shall be preserved. I hope the motion will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the senator from Cumberland, Senator Davies, that the bill be referred to the next Legislature.

The motion was agreed to.

Bills in First Reading

S. D. 357. An Act to permit savings

banks to invest in certain electric railroad bonds.

S. D. 358. An Act to ratify the organization of Capital Park and give additional powers to said corporation.

S. D. 359. An Act authorizing the city of Augusta to raise money by taxation to assist Capital Park in maintaining grounds and conveniences for public amusements.

S. D. 360. An Act for the safeguarding of employes in factories, mills and workshops against danger from fire.

(Tabled pending second reading, on motion by Mr. Marshall of Cumberland.)

S. D. 361. Resolve in aid of navigation of various lakes, rivers and thoroughfares in the State of Maine.

S. D. 362. An Act to provide for the registration of teachers.

S. D. 363. An Act to amend Section 60, Chapter 8 of the Revised Statutes, relating to the Maine Forestry District.

S. D. 364. An Act to enable the chief engineer of the State Highway Commission to convey a certain lot or parcel of land, owned by the State of Maine, to the European and North American Railroad.

S. D. 365. An Act to authorize the city of Augusta to acquire property.

S. D. 366. Resolve in favor of Henry H. Grindle of Castine.

Reports of Committees

Mr. Boynton from the committee on agriculture, on An Act to amend Section 1 of Chapter 34 of the Revised Statutes of 1916, relative to the State department of agriculture, (Senate No. 84), submitted the same in a new draft, under the same title, and that it ought to pass.

Mr. Bartlett from the committee on appropriations and financial affairs on resolve in favor of the Trull Hospital Aid Association for maintenance, submitted the same in a new draft, under title of Resolve in favor of the Trull Hospital Aid Association for the care, support, medical or surgical treatment of indigent persons, and that it ought to pass.

Mr. Butler from the committee on interior waters, on An Act to amend Section 16 of Chapter 59 of the Revised Statutes, relating to compensation of

inspectors of steamboats, (Senate No. 293), submitted the same in a new draft under the same title, and that it ought to pass.

Mr. Conant from the committee on ways and bridges, on An Act to provide State aid for the construction of highways extending continuously through three or more towns, (Senate No. 214), submitted the same in a new draft under the same title, and that it ought to pass.

The same senator from the same committee on resolve in favor of Indian township for the repair of roads and bridges; also, on the following resolves:

Resolve in favor of repairing roads and bridges in the towns of Alexander and Princeton.

Resolve for aid in building road from the southerly end of Wiscasset bridge, through the town of Edgcomb and Boothbay Harbor.

Resolve in favor of appropriating money for the construction of two bridges over Austin stream on highway leading from Bingham village to Car-ratunk, and The Forks, and to care for highway in the vicinity of the bridges.

Resolve appropriating money to aid in widening the turnpike road in Camden and Lincolnville and providing for future maintenance thereof.

Resolve for aid in repairing and permanently improving a highway in the town of Ripley.

Resolve appropriating money to aid in improving a road in the town of Charlotte and providing for the further maintenance thereof.

Resolve appropriating money to aid the town of Trescott in repairing its highways.

Resolve in favor of the towns of Gray, New Gloucester and Pownal.

Resolve in favor of Marshfield and Whitneyville for repairs upon highways.

Resolve in favor of the town of Wesley for repairing the main highway.

Resolve in favor of the town of Otisfield to aid said town in the construction and repair of Twin Bridge road.

Resolve in favor of the town of Union, Maine.

Resolve appropriating money to aid in repairing the main highway leading from the town of Franklin in Hancock county to the town of Cherryfield in Washington county, and providing for the future maintenance thereof.

Resolve in favor of the repair of highway in the town of New Portland, leading from New Portland Village to Kingfield.

Resolve in favor of the town of Warren, in Knox County, for purpose of repairing road.

Resolve in favor of township number 14 in Washington County.

Resolve in favor of the town of Addison.

Resolve in favor of the town of Prentiss for the repair of Danforth road, so called.

Resolve appropriating money to aid in repairing the Middle Dam Carry road in the town of Upton and the Plantation of Magalloway.

Resolve in favor of rebuilding a portion of the road leading from Southwest Harbor to Tremont, known as Long Hill.

Resolve in favor of aid in repairing highway in the towns of Perry and Pembroke.

Resolve in favor of reconstructing the road over Moulton Hill in the town of Brooks.

Resolve appropriating money to aid in rebuilding road in the town of Orland.

Resolve appropriating money to aid in rebuilding road in the town of Bucksport.

Resolve in favor of aid in rebuilding a road in the town of Glenburn.

Resolve in favor of aid in rebuilding a road in the town of Corinth.

Resolve in favor of aid in building road in the town of Charleston.

Resolve in favor of the Washington Plantation and Perkins Plantation in Franklin County for the repair and permanent improvement of highways.

Resolve in appropriating money to aid the town of Dixfield in the improvement of a section of road between Dixfield and Wilton.

Resolve in favor of rebuilding road in Dallas Plantation.

Resolve in favor of the Jerusalem and Crocker townships, Franklin County for the repair and permanent improvement of highways.

Resolve in favor of repairing a road in the town of Carthage.

Resolve in favor of repairing highway in the towns of Chesterville and New Sharon.

Resolve appropriating money to aid in repairing a highway in the town of Limington.

Resolve appropriating money in aid of building road in the Plantations of Wallagrass and New Canada.

Resolve appropriating money to aid in repairing a highway in the town of Orneville and providing for the future maintenance thereof.

Resolve appropriating money to aid in the construction of a road in the plantation of New Canada and providing for the future maintenance thereof.

Resolve appropriating money to aid in the repair and construction of the highway from Wells to the New Hampshire state line through the towns of Wells, North Berwick and Berwick, and providing for the future maintenance thereof.

Resolve appropriating money to aid in rebuilding a road in the town of Penobscot.

Resolve in favor of the town of Jonesboro.

Resolve in favor of the town of Unity.

Resolve in favor of the Sourdnahunk road.

Resolve appropriating money to aid the town of Sidney in repairing its highways.

Resolve appropriating money to aid the town of Rome in repairing its highways.

Resolve in favor of the town of Machiasport.

Resolve in favor of the town of Hebron.

Resolve appropriating money for aid in repairing and permanently improving a highway in the town of Etna.

Resolve appropriating money to aid in repairing a highway in the town of Medford and providing for the future maintenance thereof.

Resolve in favor of an appropriation for the repair and permanent improvement of the main military road in North Yarmouth Academy Grant, Twp. No. 1, Range 4, an unorganized township.

Resolve appropriating money to repair highway between Egypt postoffice in Franklin and Franklin Road Station in the county of Hancock.

Resolve appropriating money to aid in rebuilding the Lee road in the town of Union.

Resolve in favor of the town of Newburg, Penobscot county, for repairing and building road.

Resolve in favor of the town of Exeter for repairing and rebuilding road.

Resolve in favor of repairing the roads in Hibberts Gore.

Resolve in favor of repairing and building a road in the town of Carmel in the county of Penobscot.

Resolve in favor of the town of Atkinson in Piscataquis county for the purpose of repairing and improving a road.

Resolve in favor of repairing and rebuilding a part of the military road, so called, in Reed plantation in Aroostook county.

Resolve making an appropriation for the State Highway Commission for continuance of defence of a suit at law arising from construction of a bridge.

Resolve in favor of Murray Brothers Co. of Bangor.

Resolve to re-imburse Plantation No. 33 in the county of Hancock for over expenditure on State aid road.

Resolve in favor of the town of Frankfort.

Resolve to reimburse the town of Harmony for money expended in building bridge across Higgins brook in the town of Harmony.

Resolve appropriating money to reimburse the town of Dennysville for building Wilson stream bridge.

Resolve in favor of the town of Brownville and covering one-half the expense of a concrete bridge erected by said town across Pleasant river in the years 1915-16.

Resolve in favor of George H. Buck and others of Searsport.

Resolve in favor of repairing bridges on the "Air-line" road in Township 31, Washington county.

Resolve appropriating money to aid in repairing the international bridge across the St. Croix river in the city of Calais.

Resolve appropriating money for making a free bridge of the Mt. Desert toll bridge in the town of Trenton and replacing the same.

Resolve in favor of Gardiner and

Randolph bridge for maintenance and repairs.

Resolve in favor of the covered bridge at Mattawamkeag.

Resolve in favor of the towns of Penobscot and Castine.

Resolve in favor of the town of Passadumkeag for aid in repairing the bridge across Passadumkeag stream.

Resolve in favor of Webster plantation.

Resolve in favor of the proprietors of the Anson and Madison bridge.

Resolve in favor of ferry across Merrymeeting bay in Sagadahoc county.

Resolve relating to the ferry owned and operated by the city of Bath and the town of Woolwich in the county of Sagadahoc.

Reported the several resolves in a new draft under title of "Resolve appropriating money to aid in repairing and constructing roads and bridges and for other purposes," and that it ought to pass.

Mr. Peacock from the same committee on resolve authorizing the treasurer of State to reissue matured State highway bonds, reported same ought to pass.

The same senator from the same committee, on An Act authorizing the municipal officers of the town of Machias to close a bridge over the tide water, reported same ought to pass.

The reports were accepted and the several bills and resolves tabled for printing under the joint rules.

A majority of the committee on judiciary, on resolve in favor of DeForest Keyes, reported same ought not to pass.

(Signed) Davies, Gillin, Cole, Dearth, Barnes, Gurney, Hutchins.

A minority of the same committee on the same resolve, reported same ought to pass.

(Signed) Baxfer, Farrington, Deering.

Mr. DAVIES of Cumberland: Mr. President, I move the majority report be accepted.

On motion by Mr. Deering of York, both reports were tabled, pending acceptance of either.

A majority of the committee on judiciary, on An Act to amend Chapter 65 of the Private and Special Laws of 1899, entitled An Act to incorporate the Bath Trust Co., reported same ought to pass.

(Signed) Deering, Gillin, Dearth, Farrington, Barnes, Cole Hutchins, Gurney.

A minority of the same committee on the same bill reported same ought not to pass.

(Signed) Davies.

(Tabled on motion by Mr. Davies of Cumberland, pending acceptance of either report.)

Mr. Boynton from the committee on agriculture, on An Act to amend Chapter 35, Sections 3 and 9, of the Revised Statutes of 1916, relating to the prevention of contagious diseases among animals, (Senate No. 276), reported same ought not to pass.

Mr. Davies from the committee on judiciary, on An Act to authorize persons to vote in cities, towns and plantations from which they have changed their residences, (Senate No. 215), reported same be referred to the next Legislature.

The same senator from the same committee on An Act to provide for the adjustment of claims against the State (Senate 263), reported same ought not to pass.

The same senator from the same committee on An Act to amend Section 24 of Chapter 19 of the Revised Statutes of 1916, relating to the State Board of Health (Senate 245), reported same ought not to pass.

Mr. Peacock from the committee on ways and bridges, on An Act to repeal Chapter 29 of the Private and Special Laws of 1842, and Chapter 26 of the Private and Special Laws of 1861, relating to Bull Rock bridge on the New Meadows river (Senate 61), reported same ought to pass.

The reports were accepted and sent down for concurrence.

Passed to Be Engrossed

S. D. 238. An Act to amend Section 22 of Chapter 52 of the Revised Statutes of 1916, with reference to deposits in sav-

ings banks and institutions for savings.

S. D. 274. An Act to amend Section 3⁰¹ of Chapter 16 of the Revised Statutes of 1916, and providing for kindergartens as part of the common school course.

S. D. 319. An Act to grant certain powers to Acadia Landing.

S. D. 337. An Act to confirm and make clear certain powers of the Bangor Railway and Electric company.

S. D. 340. An Act to amend Section 76 of Chapter 4 of the Revised Statutes, 1916, relating to any town raising money to secure free use of library in adjoining town.

(Tabled by Mr. Ricker of Hancock pending passage to be engrossed.)

S. D. 346. An Act to establish the Mount Desert Bridge District for the purpose of acquiring, freeing and reconstructing the Mount Desert toll bridge in the town of Trenton, in Hancock county.

S. D. 347. An Act authorizing the bondholders or purchasers of Sanford and Cape Porpoise Railway Co. and the Atlantic Shore Railway, to reorganize said corporation. (Tabled on motion by Mr. Gordon of York, pending passage to be engrossed.)

S. D. 348. An Act to amend Section 28 of Chapter 45 of the Revised Statutes, relating to violations of the lobster law. (Tabled by Mr. Gordon of York, pending passage to be engrossed.)

S. D. 349. An Act to require automatic signals and the removal of obstructions at certain grade crossings not protected by gates or flagmen.

S. D. 350. An Act to regulate the sale of milk in bottles or jars within the town of Eden, Hancock county.

S. D. 351. An Act to provide for card index for probate registry of Aroostook county. (Tabled by Mr. Wood of Hancock, pending passage to be engrossed.)

Passed to be Enacted

An Act to prevent defacing identification marks on motor vehicles.

An Act to amend Section 12 of Chapter 181 of the Private and Special Laws of 1911, relating to prisoners escaping from the county farm of Cumberland county.

An Act to amend Sections 51 and 52 of Chapter 4 of the Revised Statutes, relating to the payment by the State of the burial expenses of honorably discharged soldiers and sailors.

An Act to enlarge the authority of the Home for Aged Couples and Old Men in the city of Bath to take and hold property.

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

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

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

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

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

An Act to amend Section 146 of Chapter 16 of the Revised Statutes, relating to the annual appropriation for the support of naval and training schools.

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

An Act to authorize Ward and Bradbury, Incorporated, to erect and maintain piers, piles and booms in the Saint John River.

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

An Act to amend Section 8 of Chapter 48 of the Revised Statutes, relating to local sealers of weights and measures.

An Act to amend Section 110 of Chapter 16 of the Revised Statutes, relating to teachers' associations.

An Act to provide for the registration and licensing of dogs on the Indian reservation of the Penobscot Tribe of Indians.

An Act to amend Paragraph 6 and Paragraph 7 of Section 98 of Chapter 4 of the Revised Statutes, relating to by-laws of towns, cities and villages.

An Act providing a legal remedy for damages by flowage to certain members of the Penobscot tribe of Indians owning or occupying land on Old Town Indian island No. 1 and Island No. 12 in Penobscot river, and authorizing conveyance of flowage rights in said land by said Indian occupants to Bangor Power Co.

An Act to authorize the county commissioners of the county of Oxford to remodel, enlarge and repair the registry of deeds building of the Western Registry District of said county, or to sell and convey the same and purchase a new site and contract for the erection of a new building thereon, and to issue interest bearing obligations of said county therefor.

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

An Act to provide for a non-resident fishing license.

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

An Act to permit the town of Southport to obtain a supply of pure water.

An Act to authorize the Sandy River & Ranceley Lakes Railroad to extend its line from Carrabasset to Hurricane Falls and to discontinue its present road from Carrabasset to Bigelow.

An Act amendatory of and additional to Section 22 of Chapter 55 of the Revised Statutes, relating to the annual closing of accounts and filing of balance sheets by public utilities.

An Act to amend Section 170 of Chapter 52 of the Revised Statutes, and increasing the authorized amount of accumulated capital of loan and building associations.

(Tabled on motion by Mr. Stanley of Oxford, pending passage to be enacted.)

An Act to authorize Allen E. Hammond and his associates to erect piers and maintain booms in the St. John river in Hamlin plantation.

An Act to require cities and towns to decorate the graves of veteran soldiers and sailors, and authorizing the appropriation of money for that purpose.

An Act to extend the charter of the Penobscot Valley Gas Company.

An Act to amend the charter of the Shirley Dam Company.

An Act to amend Chapter 416 of the Private and Special Laws of 1907, relating to the schools of the city of Augusta.

Finally Passed

Resolve, authorizing the Governor and Council to accept picture or oil painting of General Charles W. Tilden to hang in the rotunda of the State House.

Resolve, making an appropriation for the purpose of public instruction in forestry.

Resolve in favor of Ida E. Heath of Chelsea.

Resolve in favor of an appropriation to complete the historical records of Maine men serving in the United States navy during the war for the suppression of the Rebellion.

Resolve for extra pay to the Maine volunteers in the War with Spain.

Resolve, to provide for a survey by the commissioner of sea and shore fisheries of areas suitable for the propagation of clams, and to provide seed for such propagation.

Resolve, appropriating money for the State Forest Nursery and to encourage reforestation in Maine.

Resolve, for the appointment of delegates to the conferences of the National Tax Association, and providing for payment of the expenses of such delegates.

Resolve, in favor of the Maine State Prison for maintenance and current expenses.

Resolve, in favor of the State hospitals for maintenance and other purposes for the years 1917 and 1918.

Resolve, authorizing the treasurer and county commissioners of York county to procure a loan and issue bonds of said county therefor for the purpose of erecting additions to the court house.

Orders of the Day

The PRESIDENT: As all matters come off the table automatically to-day, in order to save time the Chair will read, beginning with today assigned, and read the whole list, and the senator who tabled the bill.

H. D. No. 350. An Act to create a board of prison commissioners.

Mr. BUTLER of Knox: I have no further motion to make, Mr. President. It comes off the table automatically.

The PRESIDENT: In the House, House Amendment A was adopted.

Mr. DEERING of York: Mr. President, I move we non-concur with the House in adopting House Amendment A.

Mr. SWIFT of Kennebec: Mr. President, I have nothing to say upon this subject, but it seems to me that we already have too many laws, and one trouble has been with the State prison that there have been too many bosses, and when the vote is taken I would simply ask for a division of the Senate.

Mr. DEERING: Mr. President, I am not prepared this morning to discuss this question at length, and in order to discuss it as it ought to be discussed time should be taken to present it to the Senate in its proper form. So I will move that this matter lie on the table until tomorrow morning, at which time I agree to take it up and discuss it.

(Tabled and specially assigned for tomorrow morning.)

The PRESIDENT: S. D. No. 6, Resolve in favor of the co-operative survey of the boundary line between the State of Maine and the state of New Hampshire.

Mr. GOOGIN of Androscoggin: Mr. President, Senator Hastings was to explain this matter, but as I understand it, the Legislature of New Hampshire has not done anything as yet with this matter. That being the case, I move that it lay upon the table for another week.

The motion was agreed to.

The PRESIDENT: H. D. No. 439. Resolve appropriating money for the expenses of the State Board of Charities and Corrections for the years 1917 and 1918.

On motion by Mr. Deering of York,

tabled and especially assigned for tomorrow morning.

The PRESIDENT: S. D. No. 205. An Act to amend Section 10 of Chapter 117 of the Revised Statutes relating to stenographers of the supreme judicial court.

Mr. WOOD of Hancock: Mr. President, I will not ask for any further consideration for continuance, but I would like to have this continued finally until tomorrow.

(Tabled and assigned for tomorrow morning.)

The PRESIDENT: H. D. No. 128. An Act to amend Section 49 of Chapter 9 of the Revised Statutes, exempting Maine casualty assessment insurance companies from the payment of the tax on premiums.

Mr. WALKER of Somerset: Mr. President, Senator Merrill is not in his seat. I move this matter lie on the table.

The motion was agreed to.

The PRESIDENT: H. D. No. 273. An Act to establish the Presque Isle municipal court.

On motion by Mr. Stanley of Oxford, tabled until Friday morning.

The PRESIDENT: H. D. No. 381. An Act to amend Section 31 of Chapter 3 of the Revised Statutes, so as to provide for a maximum number of annual reports of the Public Utilities Commission.

On motion by Mr. Marshall of Cumberland the bill was given its second reading and passed to be engrossed.

The PRESIDENT: H. D. No. 382. An Act additional to Chapter 51 of the Private and Special Laws of 1907, relating to the pollution of the waters of North or Varnum's pond.

Mr. HOLT of Cumberland: Mr. President, I move this lay upon the table, the question being whether general legislation which is now pending covers this particular case.

The motion was agreed to.

The PRESIDENT: 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.

Tabled on motion by Mr. Walker of Somerset.

The PRESIDENT: H. D. No. 413. Majority report, ought not to pass, and minority report, ought to pass, new draft, of the committee on inland fisheries and game on bill, An Act to amend Section 61 of Chapter 32 of the Revised Statutes of the State of Maine, relating to inland fisheries and game and the record of the purchasing of furs.

Mr. DEERING of York: Mr. President, I move that the majority report of the committee be accepted and I yield to Senator Googin of Androscoggin.

Mr. GOOGIN: Mr. President and senators, I have nothing to say on this bill. The parties who were interested in it withdrew all objections to the majority report.

Mr. CHICK of Kennebec: Mr. President, I will simply say that this is a matter requiring the dealers in fur to file with the department of inland fisheries and game a record of the amount of fur, or the number of skins that has been purchased by them, together with the names of the parties of whom they made the purchase. Every wholesale fur dealer is operating under a license, and with their license they are supplied with a record that is a book very similar to the one that I have here, in which they are to record the names of their customers of whom they buy the skins. The names of their customers are not made public. From these names the commission in getting out their annual report just simply include the totals, also the totals of the number of skins of various kinds. That is the way the law is at the present time. It would seem that this is well enough, and the matter developed at the hearing some opposition to this. One fur dealer appeared and objected to filing a list of his customers from the simple fact that he was afraid they would be revealed in some way. I simply say that this list is held confidential by the department. It

is simply used in making up their records and is not open to public inspection.

I certainly hope that the motion to accept the minority report made by the senator from York will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the senator from York, Senator Deering, that we accept the majority report of the committee.

Mr. CHICK: I misunderstood the motion.

The motion was agreed to.

The PRESIDENT: H. D. No. 421. Resolve in favor of N. J. Hanna for services and expenses.

Mr. STANLEY of Oxford: Mr. President, this is a matter for services and expenses as warden and will be taken care of in the regular course of business in the executive department. I move this be indefinitely postponed.

The motion was agreed to.

The PRESIDENT: H. D. No. 457. An Act relating to the Knox Gas and Electric Company.

Mr. DEERING of York: Mr. President, this matter comes before the Senate in the shape of House Bill No. 457 in a new draft, in which it is asked of the Legislature that we ratify, confirm and approve, and declare legal and valid the action of the Knox Gas and Electric Company in purchasing the stock, franchises, property, rights, privileges and immunities of the Rockland and Thomaston Gas Light Company, the Camden & Rockport Electric Light Company and the Thomaston & Warren Electric Light & Power Company, as provided in the original charter.

I think I can safely speak about this matter because I do not know any person that owns a cent's worth of stock in the Knox Gas and Electric Company, I do not know who the officers are, how much business they do, whether they are making any money or whether they are running behind. So I think that I may be absolved from

any criticism that might arise by some of these so-called conversationists on what I am about to say.

Now I desire in the first place before beginning upon the merits of the question to read to the Senate sections 36, 37 and 38 of Chapter 2 of the Revised Statutes, which read as follows:

"Sec. 36. Notice of petitions affecting individuals or corporations. Notice of any petition for legislation affecting the rights of individuals or corporations, may be given by serving them with a true copy of the petition at least 14 days before the commencement of the next session, or by publishing such copy three weeks successively in some newspaper printed in the counties in which such individuals reside, or such corporations are established; or if no newspaper is there published, then in the state paper, the last publication to be at least 14 days before the session; and if further service is deemed necessary, or if notice is defective or insufficient, further notice may be ordered. 63 Maine, 239."

Section 37 refers to petitions and the interests of any city or town.

Section 38 of the same chapter says: "Petitions mentioned in the two preceding sections without proof of notice as prescribed, shall be referred, with order of notice, to the next legislature."

Now, gentlemen, this particular act comes to the Senate amended with the so-called Baxter amendment, and the Baxter amendment is an amendment which follows pretty closely the provisions of the general law of the State, and in order that there may be no misunderstanding I am going to read section 1 of Chapter 60 of the Revised Statutes, so that the Senate, when I get a little further along, may see the application of this particular argument.

Section 1 of Chapter 60 of the Revised Statutes of 1916, says: "No corporation, unless expressly authorized so to do by special act of the legislature, shall transmit or convey beyond the confines of the state for the purpose of furnishing power, heat or light, any electric current generated directly or indirectly by any water power in this state; nor sell or furnish,

directly or indirectly, to any person, firm or corporation, any electric current so generated to be transmitted or conveyed beyond the confines of the state for any of such purposes. Nothing in this section, however, shall prevent any railroad corporation doing business in this state from transmitting electric current, however generated, beyond the confines of the state for the purpose of operating its road between some point in this state and any point or points beyond its confines; nor shall this section apply to any corporation engaged on the third day of July, 1909, in conveying or transmitting electric current beyond the confines of the state, or chartered or empowered so to do, nor affect or impair any contracts then existing for the transmission of electric current beyond the confines of the state."

That is the general law in regard to the prohibition of transporting power out of the state. Now the last section, section 2 of House Bill No. 457, which is an act to ratify these doings of the Knox Gas and Electric Company, reads as follows: "Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute."

And so we are confronted in the passage of the Baxter amendment by those two propositions. The first one is that the Baxter amendment is placed upon a bill of this kind, on a charter of a gas and electric company which have been chartered for 24 years, and have come in here simply to have some acts of theirs confirmed, a certain Baxter amendment so-called is placed upon that in order to compel them to comply with the law contained in the Baxter amendment, when we already have a general law which prohibits the very same thing that the Baxter amendment does. Now the position that various people take upon this matter is simply anomalous. The sections which I have just read in regard to notice for petitions for matters coming before the Legislature in which the law proposed affects the rights of corporations or individuals,—I believe notice should have been given two

weeks before this Legislature convened according to section 36 and section 38 of Chapter 2 of the Revised Statutes before any amendment similar to the Baxter amendment, affecting the rights and powers of any corporation in this way could be passed legally. And still the answer to that from those who propose the Baxter amendment is, Why, the Baxter amendment does not affect this corporation at all because we have a general law which covers the very same thing. If that is the position we are going to take, that the Baxter amendment does not affect this charter at all, why have the Baxter amendment? What good is it if we have got a general law which covers the very proposition that the Baxter amendment includes?

Now there was yesterday placed before the public a sort of semi-official interview that was had by the Governor with certain newspaper men in regard to his hoping—the very last section in it in which he says, "I hope no electric power charter will be presented to me for approval without such an amendment." Now this particular charter was granted twenty-four years ago. This is not an original charter of the Knox Gas and Electric Company. It is simply an amendment to that charter for the purpose of making legal something they have already done. It is not, as I understand it, such a bill as the Governor hopes will not appear before him for approval. And so I do not think that he can possibly refer to companies which come in here for the purpose of ratifying some of their acts, or changing the name, or putting in a comma or crossing a t. I think he must refer in this interview that he has given to the newspapers, to companies which are originally chartered by this legislature. Because while we were attempting to follow the Governor in all the matters in which we could, and finding out just what his ideas were in regard to legislation which it was proposed to pass, we had only to wait until the second paragraph of his inaugural was written before we found out what the Governor of the State of Maine thought of just such legislation as the Baxter

amendment is, and I will read to you, gentlemen, all the second paragraph, on page 1, of the Governor's inaugural to the Legislature when he came before us and delivered it, in order to show you what he then thought of legislation which is similar to the Baxter amendment.

"My first suggestion is a word of caution against too much legislation. The enactment of too many laws tends to confuse the people and decrease the general respect for law. You can earn fame and the lasting gratitude of your constituents by making only necessary and well-considered changes in our statutes and by rejecting everything petty or trivial. You are especially urged to refuse private and special legislation for purposes that can be accomplished under the general law."

Gentlemen, that is what the Governor said on the first day of this session, on the first page of his message. We have been trying to follow that. Let us follow it further. We have the general law that takes care of this matter. Let us follow the Governor's first word to us, and not the last word that is in that reported interview, and go by that paragraph, and reject everything petty and trivial, and refuse private and special legislation for purposes that can be accomplished as well under the general law.

I do not know what workings of a man's mind can cause him to try to discover what may be done with the water powers of this State. We have six or eight books upon the subject which were written by commissions of the State of Maine; but I found last night written in a newspaper in the city of Lewiston an editorial article. I do not know the man who wrote it or anything about him. I presume that he perhaps may be one of those who are anxious to conserve the water powers of the State. I believe this Senate has a more intelligent idea of conservation of water powers in this State than the gentleman who wrote this particular article, and I wish to read it to you.

It is from the last night's Lewiston Journal: "Mr. C. Vey Holman in a letter published in these columns yesterday showed unanswerably that in neglecting

to require hydraulic development for fixation of nitrogen from the air to enrich our worn-out farm lands in these days of prohibitory high prices for fertilizers, Maine Agriculture is menaced."

In the name of common sense what does that mean? I might perhaps try to translate it to you as I understand it. As I take it, it means this: We want to take all the water powers in the State of Maine and establish a plant for the purpose of taking nitrogen out of the air and placing it in the soil so that we will not have to buy any more super-phosphate in the State of Maine. That is what I understand it means. If that is what it means, it means that the State of Maine, according to this editorial, proposes to go into the process of taking nitrogen out of the air so we can raise better crops. I know of only one place we could do that and it is on the Kennebec river. If it proposes to go on the Kennebec river for the purpose of getting super-phosphate for the State of Maine it is obliged to take the plant and the property of the Central Maine Power Company. Now here again I know only one man that has any interest in the Central Maine Power Company. I have not any interest in the company myself and no particular interest in its success or welfare, except that I hope every business concern in the State of Maine will succeed. These conservationists would take that power, perhaps, to furnish superphosphate for the potatoes and apples and all of the other crops in the State of Maine. But that water ran under the Kennebec river bridge thousands and thousands of years before any conservationist ever raised his voice to capture any of it to furnish any of the necessities of life for any of the people of the State of Maine. But somehow or other, other men came here and invested capital there and are furnishing light and heat and power for people in the surrounding communities. Whether or not that company is charging more than it ought to charge, or less than it ought to charge, I have solutely no knowledge, and I do not believe that it pertains to this particular argument for us to discuss whether it is charging too much or too little, or what

they are doing with their power, or where they are getting it, or how much it is costing them.

But I noticed in this peculiar editorial article another proposition. The Grange and the masses are anxious to test the Ontario plan, not necessarily at wholesale but to take one lot of water power subjected to state development, and see what can be done for real commonwealt by the State itself. I don't know how many of you heard the discussion about the Ontario plan before the judiciary committee. We had a very exhaustive hearing of about all the competent engineers that they could get in the Province of Ontario and New York, and the Ontario plan seemed a very good plan until we heard both sides of the question. According to the books they sell power under the Ontario plan a great deal cheaper than in the State of Maine. It costs less per kilowatt hour for domestic light in the State of Maine. And they showed—the proponents—that after selling the power and light for a great deal less than we sell power and light in the State of Maine, they had a surplus of some \$750,000.

When the other side came to put in its side before us, they claimed that by the sale of light and power at the same prices that this water company did in Ontario, that there was a deficit of \$2,100,000. About all we found out about the Ontario plan in three days and three nights before the judiciary committee was that there was a difference of opinion between the opponents and the proponents of the Ontario Water Power Commission, in which one claimed there was a surplus of \$600,000 and the other claimed there was a deficit of \$2,100,000 in the figures that they put in before us.

Now, gentlemen, the Grange is a very intelligent body of men, and I do not believe that any Grange or any committee from the State Granges, would ever say, Bring the Ontario plan to the State of Maine and try it out, if they had heard any of that argument and that discussion and that conflicting evidence which was brought before the judiciary committee. It disclosed to us that the Ontario plan did nothing different from the way companies in our State manufacture and market electricity, not a thing different:

but it disclosed to us a rotten political clique in the province of Ontario, and a rotten, perhaps just as rotten, political opposition to that clique. And that is the evidence that we heard for three days here before the judiciary committee, in which this Ontario plan was discussed. So not believing that the Grange is the power that wants the Ontario plan here, I am forced to accept the other alternative which is that the masses want it. I think perhaps, Mr. President and gentlemen of the Senate, it must be the masses that want the Ontario plan tried out here. Whoever they are, I don't know. But I should say one of them wrote this editorial article.

Gentlemen, to proceed further, and only a very little further, my contention is that the notice on petition to the legislature has not given as it legally should have been done in proposing the Baxter amendment to any law. Second, in the second section of the bill to amend the Knox Gas and Electric Company, where it says nothing therein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute, that brings the Knox Gas and Electric Company strictly in accord with the general law and signifies their intent to comply with it. Even if they did not put that in there, the impossibility of the Knox Gas & Electric Company selling power out of the State in contravention of the general law seems to me so absurd as to need no comment from me and I am simply going to second the motion of the distinguished gentleman from Cumberland county, Senator Davies, to indefinitely postpone this House Amendment A.

Mr. HOLT of Cumberland: Mr. President and Senators: I have been very much interested in Senator Deering's discussion of this very important question, which we all agree is of vital concern to the people of the State of Maine at the present time. As I understand, our general policy is, at the present time, that electric current shall not be transmitted outside the State, and that is a general law.

Whether that is a wise policy or not, I think is open to discussion; that is,

whether under that policy the State of Maine will be developed as rapidly as we would all like to see it, I think it is open to argument. We want cheap power to promote industry, and I think we can well consider whether we will not get our future development faster and to the advantage of our people by having a provision made whereby, under strict supervision and regulation of rates of selling power a company may transmit its surplus current outside the confines of the State with the restriction that all needs of our own citizens must have the first call. That, I think, is a serious question, and one which should receive full consideration. But at the present time I feel that we have not sufficient facts of the situation and we have not had the law sufficiently defined for us to pass upon that question at this session of the Legislature. I believe that this is such an important matter that it should be fully investigated under one of the bills now pending, either by the Public Utilities Commission, or some other commission created separately, and that until we know all about our rights under the law and the full facts we should not pass upon this important question. At the present time, then, it is the settled policy that we should not allow current to be transmitted outside the limits of the State. That being so, it seems to me that we should hold to that policy, and in order to hold to it I think it is perfectly proper to say to any company that is asking favors of this Legislature, that they shall not be allowed to circumvent the policy, should the general law be unconstitutional. It is said that this is a small company and that it would be impossible for this company to sell power outside of the State. That may be true. If it is a small company and there is no likelihood of their trying to do this, what possible objection is there to putting this limitation upon their charter? Of course, you might say that all companies should be treated alike, and that would mean bringing in all the companies and putting this amendment upon all the charters. But we know that this is not practicable. And it seems to me that if the company is not considering doing this there can be no objection to put-

ting this amendment upon their charter which is simply to conform with the general policy of our law at the present time. That question may be raised on constitutional grounds and it may be that that law which has been passed is not constitutional. That being so, the State of Maine should have it settled, in so far as it has the opportunity, in the charters of these various companies that they will not transmit power outside of the State until the general policy of the State is changed.

The PRESIDENT: The question before the Senate is on the motion of the senator from Cumberland, Senator Davies, that we indefinitely postpone House Amendment A to House Document 457, seconded by the senator from York, Senator Deering.

The motion was agreed to.

Mr. DAVIES of Cumberland: Mr. President, I wish to leave the Chamber after a few moments, and may I beg the favor of taking up at the present time, An Act to make valid the doings of the annual town meeting of the town of Jackson, Waldo county. I move that it be taken from the table.

The motion was agreed to.

Mr. DAVIES: Mr. President, in explanation I desire to say that the bill is only for the purpose of ratifying the acts of the town in their last annual town meeting.

The circumstances are that the town clerk sent his son for the purpose of taking his place at the meeting, and someone raised the point after the meeting had adjourned that there might be the barest possibility that on that account the acts of the annual town meeting were not legal. This bill is for the purpose of ratification of the meeting.

I move that the bill be referred to the committee on legal affairs in concurrence.

The motion was agreed to.

The PRESIDENT: H. D. 504, An Act to prevent the sources of domestic water supply from becoming polluted.

On motion by Mr. Bartlett of Kennebec, passed to be engrossed.

The PRESIDENT: S. D. 296. Resolve in favor of the reformatory for women for permanent improvement of the grounds and other purposes for the year 1917.

On motion by Mr. Higgins of Penobscot, passed to be engrossed, in concurrence.

The PRESIDENT: S. D. 301. An Act to regulate the payments of appropriation for the care, treatment, support and education of persons in charitable or benevolent institutions not wholly owned or controlled by the State.

Mr. BARTLETT of Kennebec: Mr. President, I offer Senate Amendment A to this bill, and in explanation I will say that this amendment strikes out a portion of Section 2 of the proposed act, and will tend to simplify the wording of the act.

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

The PRESIDENT: H. D. 495. Resolve in favor of Joseph H. Underwood.

Mr. DEERING of York: Mr. President, I do not take either side of this question very forcibly, but I desire to state to the Senate such facts as I obtained, in order that the Senate may perhaps act upon it after I make a motion.

It seems that this is a resolve to reimburse Joseph H. Underwood of Fayette, because Boyden Bearce, Sanitary Commissioner, did not do his duty.

The circumstances are something like this: Mr. Underwood bought some Jersey and Hereford cattle at the Waterville Fair. While down there to the fair one of his cattle aborted, and the other people who were exhibiting cows in the same place, objected to his being there longer, and reported the matter to the sanitary commissioner.

It seems that on investigation of the facts that one of his cows had aborted before she got there, and one after that, and two two years before he had had his cows abort badly at the Lewiston Fair, and the sanitary

commissioner ordered him to go home, because it was found after investigation that he had contagious abortion among his cows.

Mr. Underwood got rather sore and decided he would not go home, and he started for the Lewiston Fair, and the only way to keep him from going was to order the Maine Central Railroad not to take him there, and he had to go home with his cattle. He claims that he lost money and wants pay because he did not do something. I do not see anything that the State of Maine should pay in these circumstances. I certainly do not want Mr. Underwood to lose his money, but I do not think the State should pay him something that Boyden Bearce and he disagreed about. I therefore move that the resolve be indefinitely postponed.

Mr. GOOGIN of Androscoggin: Mr. President and Senators, the claim of Joseph H. Underwood came before the committee on claims, as did a number of other claims during the session, and as usual when a claim comes from the committee on claims, whether a divided report or a unanimous report, it is laid on the table for some reason or other. Sometimes they are recommended to the committee on claims. I do not know what the reasons are in this case, but I wish to say something in explanation of this bill.

All of the exhibitors at the Waterville Fair, as I understand the case, signed a petition, if Joseph H. Underwood took his cattle to the Lewiston Fair, that they would not go, as they said he had contagious abortion in his cattle.

There was no examination made of the cattle. The evidence was simply taken of the exhibitors, they stating that such was the case, at the Waterville Fair.

As I understand it Joseph H. Underwood had been a very successful exhibitor of cattle for a long term of years, as had been his father before him, and there was a question in the minds of the committee as to whether this might not be a put-up job on Mr. Underwood to keep him away from the fair at Lewiston.

He certainly went to a great deal of expense, and the committee believed it was only fair that he should be reimbursed for the expense he had incurred, because the sanitary commissioner had no positive proof that these cattle were diseased.

As was brought out about 50 per cent of the cattle in Maine have the disease and it is practically impossible to determine exactly whether they have it or not.

This being the condition it seems no more than fair that Mr. Underwood should be reimbursed for the money that he lost by being forbidden to go to the Maine State Fair.

I move you, Mr. President and gentlemen of the Senate, that this resolve be passed.

Mr. MERRILL of Somerset: Mr. President, this is a more important matter than the money that is involved, very much more. Aborted cows are very dangerous, and the disease is very contagious. There is no question when they act, what happens, they abort.

As was stated by the Senator from York, he said that this stock was taken there the year before, and they aborted there, and that they aborted at home before he took them away some of them, and this year, for which he claims damages, his cows aborted there at the fair grounds.

The most valuable stock in Maine is shown at the fairs, all the thoroughbred stock is there, and this is a very contagious disease, and Mr. Underwood was requested to take his stock home. He knew whether his stock aborted the year before, and he knew what happened at the fair grounds the year before. It was a very wrong thing and in defiance of all decency that he took his stock from his home. And when he was asked to take his stock home, he said, no, he was going to Lewiston. He had no thought for the good of the other exhibitors. He did not care.

I hope, Mr. President and fellow Senators, that this bill will be turned down unanimously by the members of this Senate.

Mr. GOOGIN: Mr. President, I would say a little further in explanation that Mr. Underwood went to quite a little expense to determine whether those cattle were infected or not. He sent to Bowdoin College, and he had a veterinary from the University of Maine test them, and both said that they were not infected cattle.

Mr. WOOD of Hancock: Mr. President, just a word in regard to our paying Mr. Underwood, by reason of the refusal or neglect of the Sanitary Commissioner under the laws of the State.

I do not believe we ought to be a jury or court to try the commissioner at this time. This should be done by proper authorities, and the remedy refused. I do think it is quite right to come here and ask us, with the very meagre testimony, perhaps no testimony at all, to be a court and determine that the Commissioner of Agriculture did not do his duty and that we are thereby going to pay this claim. I do not believe it is right in principle, Mr. President and fellow Senators.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Deering, that the resolve be indefinitely postponed. Is that the pleasure of the Senate?

The motion was agreed to and the resolve was indefinitely postponed.

The PRESIDENT: H. D. 505, An Act to incorporate the Gould Electric Company.

On motion by Mr. Deering of York, tabled and specially assigned for next Wednesday.

The PRESIDENT: S. D. 44, Report of the committee on judiciary, ought to pass, on Resolve relating to amendment to the constitution authorizing the dividing of towns into voting districts.

Mr. STANLEY of Oxford: Mr. President, I had this report tabled because I felt that this resolve was a very important one.

It is a resolve amending the constitution, authorizing the legislature to divide towns of less than 4000 inhabitants into voting districts. The object

was to have the resolve followed by a legislative act giving towns of less than 4,000 inhabitants that right, to the end that the voters in the rural communities in our State, unbiased, uninfluenced, might have a better opportunity to exercise their right of franchise.

Since I had this resolve tabled I have found that a resolve of exactly the same nature was heard by the legal affairs committee, and has been reported favorably, and is now on its way to this Senate.

I move that we accept the report of the judiciary committee on this resolve, ought not to pass.

The motion was agreed to.

The PRESIDENT: H. D. 215, An Act to amend Section 157 of Chapter 53 of the Revised Statutes, and providing for the payment of premiums on official bonds of county officials by the county.

On motion by Mr. Deering of York, House Amendment A was adopted in concurrence.

Mr. HIGGINS of Penobscot: Mr. President, may we have House Amendment A read?

(House Amendment A read by the President.)

On further motion by Mr. Deering, the bill was passed to be engrossed as amended by House Amendment A.

The PRESIDENT: H. D. 290, An Act to authorize Oxford Electric Company to extend its lines to and within the town of Hebron, and to purchase the equipment and franchise of trustees of Hebron Academy.

On motion by Mr. Stanley of Oxford, the bill was passed to be engrossed in concurrence.

The PRESIDENT: H. D. 255, Resolve re-imbursing Samuel M. Packard for the loss of two cattle.

Mr. DEERING of York: Mr. President, as I understand it there is a motion before the Senate by Mr. Conant of Waldo to indefinitely postpone this resolve. I yield to Senator Conant.

Mr. CONANT of Waldo: Mr. President, I move that the bill be indefinitely postponed.

Mr. GOOGIN of Androscoggin: Mr. President, in explanation of this resolve, Mr. President and fellow Senators, the committee on claims voted unanimously ought to pass on this resolve. It came to the Senate and was recommitted to the committee on claims. They again voted unanimously that it ought to pass, and that he ought to be paid.

That is all I have to say.

Mr. GILLIN of Penobscot: Mr. President, I simply say relative to the subject matter under advisement that I very carefully investigated the facts pertaining to it, and I do not think that it ought to be indefinitely postponed.

The party in whose interest this resolve has been reported, is a member of the House of Representatives, Mr. Packard, of Penobscot County, and on the evidence, oral and documentary which I have gone over, I am thoroughly imbued with the idea that he ought to receive compensation for the killing of his cattle under the circumstances in which they were killed.

So far as I am individually concerned, I will say, Mr. President and Senators, that I think in justice to him the report of the committee ought to be accepted, and that he ought to receive pay for his cattle. I hope that will be the action of the Senate.

I may say in closing that I went into the matter with the greatest care, and called for documentary evidence and examined it, and I am thoroughly satisfied that equitably he is absolutely entitled to recompense for his cattle in the interests of the State, under the law of the State, and that the only thing that has been brought up against it, as I understand it, is some technical evasion that he should have shipped his cattle to a certain place. As I examined, the law it was not necessary for him to do it. It is admitted that they were killed by the parties in charge, and they were in such condition that they could not be shipped, and consequently he had a veterinary surgeon examine the cattle, and the veterinary advised him to kill the cattle and not ship them on the train.

As I understand it, Mr. President and Senators, that is the sole reason why

this man has not received his pay under the statute of this State.

I am also cognizant of the reputation, integrity, and splendid citizenship of Mr. Packard. He is a member of the House, and I do not believe that he is a man who would take a cent from the State or from anybody else. I believe that if this is investigated by any Senator in this Senate, it will be found that he was absolutely correct, under the advice of the veterinary surgeon in having his cattle killed. As I am informed from the evidence which I have examined, the department raised the quibble that he did not ship his cattle and have them killed at Brighton, or some other place, and he cannot recover.

He had them taken out where they were killed by a veterinary surgeon and killed for the disease for which they should have been killed. I believe it becomes the duty of the Legislature of the State, under such circumstances, when a man has taken the trouble to send for a veterinary surgeon, and have his cattle killed to comply with the laws of the State, that equity is with him, no matter where he comes from and that he should be reimbursed when he has done as he was advised by a veterinary and did everything he could to comply with the statutes of the State of Maine.

What difference did it make whether those cattle were killed in Brighton or any other place, if the veterinary surgeon told that man and he did not know that the cattle should be killed, because they were unfit to be shipped?

It seems to me that it is a mighty stretching of authority on the part of those appointed under the statutory law of the State, to say that an innocent man, situated anywhere within the borders of our State, who sends for a veterinary surgeon and finds that his cattle are diseased, and kills those cattle under the orders of the veterinary surgeon shall not receive his pay because he does not ship them, when they cannot be shipped alive, to Brighton.

Mr. President and Senators, before you indefinitely postpone this bill, unless you can take action upon it such as

will give him his pay, I ask as a matter of courtesy to a Representative of the House, and that you gentlemen may investigate it, as the committee has investigated it, and that you give us time so that the oral and documentary evidence that is necessary, over which I have gone, under the statute of the State, may be examined by every Senator in this Chamber. Then if you say the man is not entitled to it equitably, I will vote with you not to give him what the committee says he ought to have, and what I understand the House has said he ought to have.

I move you Mr. President, and my fellow Senators, that the report of the committee be accepted, and that the bill not be indefinitely postponed.

Mr. MERRILL of Somerset: Mr. President, for the benefit of the members of the senate I will say there is a statement of facts accompanying this bill or resolve.

"Cattle in question both were purchased by Samuel N. Packard in the summer of 1916, one from Henry Rideout of Houlton, the other of Frank Patten of Hampden, and were put to pasture until such time as they would freshen. Later it was discovered that both were in bad condition and Dr. Alfred L. Murch of Bangor, a state veterinarian, was called and pronounced both of the cattle to be tubercular. Their condition was such that it was impossible to send them to the E. W. Pennelly Packing House at Auburn for slaughter, and same was slaughtered at the home of said Packard and carcasses buried. Said claim was presented to the Live Stock Sanitary Commissioner and payment refused."

Mr. President, and Fellow Senators: I see that the bill asked for \$150, my recollection of the statute is that in valuing tubercular cattle, the statute fixes the maximum price at \$50. If I am wrong any senator can correct me.

Mr. GILLEN: Mr. President, it is \$75, I believe.

Mr. MERRILL: Mr. President, if it is \$75 it is within the law. That is thorough-bred stock. The statute provides that tubercular stock shall be killed under the direction of the commissioners and that the party owning

the same shall receive therefor one-half of the value, at least, not exceeding in any case, \$75. It seems these cattle were killed by direction of a veterinary, and were in bad shape. They were not even in shipping condition.

I think, without any further postponement of the case, taking them as the facts, that there is not any reason why Mr. Packard should not have his pay of \$75 each, provided they were thoroughbred stock. It does not say in the statement of facts. "But shall pay to the owner or owners thereof their value as determined at the time of the appraisal out of any money, etc., provided, however, that no appraisal shall be more than \$100.00 for cattle with a pedigree, recorded or recordable in the recognized herd books of the breed in which the cattle destroyed may belong; nor more than \$75 for cattle that have no recordable pedigree."

I move that the report of the committee on the bill be adopted.

The PRESIDENT: The pending question is on the motion from the senator from Waldo, Senator Conant, that the resolve be indefinitely postponed.

A viva voce vote was had, and the President declared the motion lost.

The pending question now being the passage of the bill to be engrossed, on motion by Mr. Merrill of Somerset, the resolve was passed to be engrossed in concurrence.

Mr. CHICK of Kennebec: I move that the vote be reconsidered whereby H. D. No. 495 was indefinitely postponed.

The motion was agreed to, and on further motion by the same senator it was tabled until tomorrow morning.

The PRESIDENT: H. D. No. 402. An Act to extend the charter of the Washington County Light & Power Co.

On motion by Mr. Ames of Washington, tabled.

The PRESIDENT: H. D. No. 534. Resolve appropriating money for the repair of Teachers' Old Home, so-called, on Old Town Indian Island No. 1.

On motion by Mr. Higgins of Penobscot, the bill was given its second

reading, and on further motion by the same senator, House amendment A was adopted in concurrence and the bill as amended was passed to be engrossed.

The PRESIDENT: S. D. No. 323. An Act relating to the term of office of bank commissioner.

Mr. BARTLETT of Kennebec: Mr. President, I submit Senate Amendment A and move its adoption.

Senate Amendment A.

Senate Document No. 323 is hereby amended by adding at the end of the last sentence the following :

"But this act shall affect and control the term of any incumbent of said office appointed after the date of the approval of this act."

The motion was agreed to, and the bill as amended was passed to be engrossed.

The PRESIDENT: S. D. No. 312. Resolve in favor of the State School for Girls for furnishing and equipment for the new central building for the year 1918.

On motion by Mr. Higgins of Penobscot the bill was passed to be engrossed.

The PRESIDENT: S. D. No. 328. Resolve in favor of the General Knox Chapter of the Daughters of the American Revolution, of Thomaston, Maine, and the Knex Academy of Art and Sciences.

On motion by Mr. Ricker of Hancock, the bill was passed to be engrossed.

The PRESIDENT: H. D. No. 520. An Act to amend Section 76 of Chapter 45 of the Revised Statutes relating to smelts.

Mr. PEACOCK of Washington: Mr. President In the absence of Senator Davies, I move the bill lie on the table.

The motion was agreed to.

The PRESIDENT: S. D. No. 230. Majority report, ought not to pass, and minority report, ought to pass, from

the committee on mercantile affairs and insurance, on An Act relating to the construction of chimneys."

On motion by Mr. Bartlett of Kennebec, tabled and specially assigned for Friday.

The PRESIDENT: S. D. No. 262. An Act to amend Chapter 67, Section 26 of Chapter 70, Section 44 of Chapter 68, Sections 9 and 10 of Chapter 72, Section 95 of Chapter 86, and Sections 14, 15, 20 and 21 of Chapter 92; and to repeal Sections 42 and 43 of Chapter 68, and Sections 16 and 21 of Chapter 92, relating to the notice of appointment of executors, administrators, guardians of adults, and conservators; and to limitation of actions against the estates of deceased persons.

On motion by Mr. Marshall of Cumberland the bill was passed to be engrossed.

The PRESIDENT: S. D. 273. An Act to amend Section 15 of Chapter 136 of the Revised Statutes of Maine, relating to proceedings in court in criminal cases.

On motion by Mr. Marshall of Cumberland, tabled and specially assigned for tomorrow morning.

The PRESIDENT: S. D. No. 333. An Act to require certain vehicles to carry lights at night and to control the glare of headlights.

Mr. FULTON of Aroostook: Mr. President, I move that the bill lay on the table. I wish to confer with some other senators in regard to the matter, and while I am not in a position to assign any definite time for it at present, I will promise that I will take it up at an early date so as not to unnecessarily delay the business of the session.

The motion was agreed to.

Mr. HOLT of Cumberland: Mr. President, I move that we reconsider the vote whereby we voted to indefinitely postpone House Amendment A to House Document No. 457. I make this motion, Mr. President and sena-

tors, in order that we may have a full discussion on this question.

Mr. DEERING of York: Mr. President I do not think, from the number of these amendments that are coming along, that there will be any difficulty in having a full discussion of these amendments before we get through. I notice on looking down the list, when we get down a little way. An Act to extend the charter of the Washington Light & Power Co. is coming up, and the same amendment is on that particular charter, and you will find it on various other bills, and I do not think at this time we should go to work and reconsider the action that we have already taken in regard to one company when there are so many others coming along that the distinguished senator from Cumberland county will have plenty of opportunity to discuss these matters more fully. Now if he desires, I will set a day to hear some of these other cases when he desires to discuss them, I would be perfectly willing to have that done, but I do desire at this time to let this Knox Gas & Electric Co. amendment, as we have acted upon it this morning, be indefinitely postponed. I do not think that we can keep reconsidering things that we do, and in this particular matter there is absolutely no reason for reconsidering it because we have got plenty of other cases coming along that are exactly similar. I hope the motion of the senator from Cumberland, Senator Holt, will not prevail at this time.

Mr. WALKER of Somerset: Mr. President, it seems to me the fact that the other questions coming along are similar is one reason why we should treat this matter precisely as we treat the others. I therefore second the motion of the senator from Cumberland.

Mr. GILLIN of Penobscot: Mr. President, I must admit that I think the suggestion of the senator is most appropri-

ate—Senator Walker—that if you indefinitely postpone this, why it would not give Senator Holt and those interested the right to have this considered with the others when they come along, and this might get different treatment unless you would have to reconsider then. So I think I will support the motion of Senator Holt, as endorsed by Senator Walker, that we ought to reconsider in order to let it go along with the others.

Mr. DEERING: Mr. President, I move to lay on the table the motion of the senator from Cumberland, Senator Holt.

The PRESIDENT: The Chair cannot entertain a motion to lay on the table a motion to reconsider a matter. The question is on the motion of the senator from Cumberland, Senator Holt, that we reconsider the vote whereby we indefinitely postponed this bill.

A viva voce vote was taken and the Chair being in doubt a rising vote was had. Fifteen senators having voted in the affirmative and four in the negative, the motion to reconsider was adopted.

Mr. HOLT: Mr. President, I move that the bill be tabled and specially assigned for next Tuesday.

The motion was agreed to.

Mr. BUTLER of Knox: Mr. President, I want to give notice to the Senate so that the papers may remain in the custody of the Senate, that I may wish to move to reconsider the vote on the act in regard to transcript of evidence in murder cases, tomorrow morning. In the absence of Senator Davies I would not want to press the matter today.

On motion by Mr. Burleigh of Aroostook,

Adjourned.