

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 28, 1917.

Senate called to order by the President. Prayer by Rev. A. Francis Walch of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act relating to insurance.

In the Senate this bill was passed to be engrossed; in the House it was amended by House Amendment A and passed to be engrossed.

Mr. BARTLETT of Kennebec: Mr. President and Senators: I move that we concur with the House in the adoption of House Amendment A. In explanation I would say that this bill was received in both branches of the legislature and referred to the committee on mercantile affairs and insurance. Later it was found that the committee would not have another hearing, and it was understood that there would not be any opposition to the bill, and at the suggestion of the committee I had the bill go through without reading.

In view of the position that has developed I think it is not the desire of this body that anything should go through where there is opposition, and I move that this amendment be adopted in concurrence.

Mr. GILLIN of Penobscot: Mr. President, I have received innumerable telegrams, relative to this bill. Some dislike the whole bill, and others of them want a clause stricken out, as I talked with the Senator last evening. They claim they have never had a hearing on the bill, and I would like to have it lie on the table this morning until I can investigate further.

I move that the bill and amendment pending adoption in concurrence be tabled.

The motion was agreed to.

From the House: Resolve in favor of the General Knox Chapter of the

Daughters of the American Revolution and the Knox Academy of Arts and Sciences.

Mr. WALKER of Somerset: Mr. President, I move that we concur with the House and refer this resolve to the next legislature.

Mr. HOLT of Cumberland: Mr. President, I move this resolve be tabled, and for the reason that the Senator most interested in this matter is not in the Chamber this morning. I think he would like to be heard on it.

The motion was agreed to and the resolve was tabled.

From the House: An Act to provide for bounty on bears killed within the State.

In the Senate, indefinitely postponed; in the House amended by House Amendment A and passed to be engrossed as amended.

On motion by Mr. Lord of York, the Senate voted to recede and concur with the House in the adoption of House Amendment A.

On motion by Mr. Grant of Cumberland, tabled.

From the House: An Act to authorize the erection of dams and water storage basins on Bog Brook, etc.

In the Senate this bill was passed to be engrossed; in the House it was passed to be engrossed and passed to be enacted. Then the vote was reconsidered whereby the bill was passed to be enacted and passed to be engrossed and House Amendment A was adopted.

On motion by Mr. Deering of York, tabled.

From the House: Resolve relating to the equestrian stature of Major General Oliver A. Howard, and a standing stature of General Chamberlain at Gettysburg.

In the Senate this resolve was passed to be engrossed; in the House it was referred to the next legislature.

On motion by Mr. Holt of Cumberland, tabled.

From the House: An Act relating to the Clark Power Company.

In the Senate passed to be engrossed; in the House, House Amendment A was adopted.

On motion by Mr. Deering of York, tabled.

From the House: Resolve in favor of the town of Washburn.

In the Senate passed to be engrossed; in the House, indefinitely postponed on its final passage.

On motion by Mr. Walker of Somerset the Senate voted to insist upon its former action.

From the House: Resolve in favor of the town of Phillips.

In the Senate this resolve was passed to be engrossed; in the House it was indefinitely postponed on its final passage.

On motion by Mr. Butler of Franklin, the Senate voted to adhere to its former action.

From the House: An Act for the control of the white pine blister rust, etc.

In the Senate this bill was passed to be engrossed; in the House amended by House Amendment A.

Mr. AMES of Washington: Mr. President, I move we adopt House Amendment A in concurrence.

Mr. HASTINGS of Androscoggin: Mr. President, I would like to know what the amendment is.

Mr. AMES: Mr. President, it is simply to correct some wording, some phraseology.

House Amendment A was adopted in concurrence, and the bill as amended was passed to be engrossed.

From the House: An Act relating to clerk hire in the office of the clerk of courts for York County.

In the Senate the report of the committee, ought not to pass was accepted.

In the House the bill was substituted for the report of the committee.

On motion by Mr. Deering of York, tabled.

From the House: Resolution in favor of the appointment of a commission for the study of the feeble minded.

In the House this resolution was in-

troduced under suspension of the rules and passed.

In the Senate on motion by Mr. Swift of Kennebec, the resolution was passed in concurrence.

House Bills in the First Reading.

H. D. 647. Resolve in favor of improvement of the navigation of the Fish River lakes in the county of Aroostook.

H. D. 664. An Act to establish a Superior Court in the County of Androscoggin.

H. D. 665. An Act in relation to the term of office of the Commissioner of Agriculture.

H. D. 666. An Act to amend Section 13 of Chapter 132 of the Revised Statutes of 1916 of Maine, relating to licensed detectives.

H. D. 660. An Act relating to the Trustees of the Windham Ministerial Fund.

H. D. 662. An Act to amend paragraph 3, Section 1 of Chapter 282 of the Private and Special Laws of 1909, relating to the salary of recorder of the Municipal Court of the city of Westbrook.

S. D. 71. An Act to repeal Section 12 of Chapter 128 of the Revised Statutes of 1916, relating to intention to defraud in lumbering operations and commonly known as the Peonage Law.

H. D. 615. An Act to amend Section 9 of Chapter 29 of the Revised Statutes of Maine, entitled soldiers and sailors not to be considered paupers.

Resolve proposing an amendment to the constitution allowing absent voting. (On motion by Mr. Fulton of Aroostook, indefinitely postponed in concurrence with the House.)

H. D. 690. An Act to make valid the doings of the annual town meeting of the town of Jackson, Waldo County.

H. D. 603. An Act to amend Section 10 of Chapter 137 of the Revised Statutes, relating to the appointment of probation officers.

H. D. 670. An Act to ratify, confirm and make valid the acts of incorporation and proceedings of Abou Ben Adhem Lodge, No. 23, Independent Order of Odd Fellows.

H. D. 669. An Act to provide for mothers with dependent children.

H. D. 668. An Act to prevent officers and employees of life, accident and fire

insurance institutions from making copies of records.

H. D. 667. An Act to better define the duties and to increase the number of medical examiners.

H. D. 596. An Act to amend Section 78 of Chapter 4 of the Revised Statutes relative to state stipend for public libraries.

H. D. 626. Resolve to reimburse certain cities and towns for money expended for the support of dependent families of members of the National Guard.

H. D. 101. An Act to repeal Chapter 134 of the Special Laws of 1831 entitled "An Act establishing a fire department in the town of Portland," Section 1, 3 and 4 of Chapter 167 of the Special Laws of 1853 entitled "An Act relating to the city of Portland," Chapter 285 of the Special Laws of 1854 entitled "An Act respecting the erection of wooden buildings in the city of Portland."

H. D. 683. An Act relating to the department of electrical appliances of the city of Portland. (On motion by Mr. Holt of Cumberland, read twice and passed to be engrossed under suspension of the rules.)

An Act to amend Section 36 of Chapter 38 of the Revised Statutes relating to the discontinuance of street railway service. (On motion by Mr. Deering of York, indefinitely postponed, in concurrence.)

H. D. 568. An Act additional to Chapter 433 of the Private and Special Laws of 1907, entitled An Act to incorporate the Portland Water District.

H. D. 659. An Act to amend Section 2 of Chapter 204 of the Public Laws of 1883 in relation to the jurisdiction of the municipal court of the city of Westbrook as amended by Section 2 of Chapter 119 of the Private and Special Laws of 1903.

H. D. 674. An Act fixing the salary of the recorder of the Old Town municipal court.

H. D. 675. An Act to increase the salary of the judge of the municipal court of Dexter.

H. D. 676. An Act to amend Section 17 of Chapter 117 of the Revised Stat-

utes, relating to the salary of the state auditor.

H. D. 648. Resolve in favor of the land agent.

H. D. 658. Resolve to enable the town of Millinocket to raise money for the maintenance and support of Sourd-nahunk road, so called, between the town of Millinocket and Millinocket lake.

H. D. 681. Resolve directing the highway commission to make surveys, plans and estimates for an interstate bridge between Kittery, Maine, and Portsmouth, New Hampshire.

H. D. 661. An Act to authorize the American Thread Company to erect a bridge across the Sebec river in the town of Milo.

H. D. 679. Resolve continuing unexpended balance of appropriation provided by Chapter 321 of the Resolves of 1913, entitled "Resolve in favor of aid in the construction of a highway bridge across the St. John river between Fort Kent, Maine, and St. Francis, New Brunswick."

H. D. 680. Resolve continuing unexpended balance of appropriations provided by Chapter 310 of the Resolves of 1915, entitled "Resolve appropriating money to aid in the construction of sub-structure of a highway bridge across the St. John between the town of Madawaska, Maine, and the city of Edmundston, New Brunswick."

From the House: Majority and minority report of the committee on inland fisheries and game on An Act to repeal Section 73 of Chapter 33 of the Revised Statutes, relating to Sunday being a closed season for game or birds, with petitions and remonstrances in relation thereto.

The majority report, ought not to pass.

The minority report, ought to pass.

In the House, the majority report was accepted.

On motion by Mr. Chick of Kennebec, the Senate accepted the majority report, ought not to pass, in concurrence.

From the House: Majority and minority reports of the committee on salaries and fees on An Act to amend Section 43 of Chapter 117 of the Revised Statutes relating to the salary of the register of deeds in Kennebec county.

Majority report, ought not to pass.

Minority report, ought to pass.

Mr. GRANT of Cumberland: Mr. President, I move we accept the majority report, ought not to pass.

Mr. CHICK of Kennebec: Mr. President, I move that the bill and reports lie on the table until tomorrow morning, if it would be agreeable to the Senator from Cumberland.

The motion was agreed to.

From the House: Majority and minority report of the committee on salaries and fees, on An Act to amend Chapter 337 of the Public Laws of 1915, relating to clerk hire in the office of the register of deeds of York county.

Majority report, ought not to pass.

Minority report, ought to pass.

On motion by Mr. Lord of York, the bill and reports were tabled pending acceptance of either.

Messages and Documents from the Heads of Departments

A communication was received from the office of the secretary of State, transmitting a list of the Public Acts approved by the Governor.

Placed on file, on motion by Mr. Davies of Cumberland.

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

Appropriations and Financial Affairs

By Mr. Peacock of Washington: Resolve in favor of George T. Hinchliffe for services as clerk and stenographer and messenger to the committee on sea and shore fisheries.

Bills in First Reading

S. D. 408. An Act to amend Section 1 of Chapter 85 of the Private and Special

Laws of 1915 entitled "An Act establishing a close time on lobsters in certain waters of Hancock county.

S. D. 409. An Act to provide for the establishment of a bureau of markets and to provide for marketing farm products and purchasing farm supplies.

Reports of Committee

Mr. Peacock from the committee on sea and shore fisheries, on An Act to amend Section 18 of Chapter 45 of the Revised Statutes of 1916, relating to regulation of lobster industry, reported same ought to pass.

The same Senator, from same committee, on An Act to repeal all Private and Special Laws relating to the taking of fish in Denny's River, submitted the same in a new draft under title of "An Act to repeal all Special and Private Laws relating to the taking of migratory fish in Denney's River," and that it ought to pass.

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

Final Reports

Mr. Butler from the committee on State prison, submitted its final report.

Placed on File

Mr. Davies from the committee on judiciary, on resolutions of Mountain Grange, Houlton Grange, and Eureka Grange, favoring woman suffrage.

Remonstrances of L. A. Cole and 20 others; of Perley F. Pingree and 26 others; of L. F. Barker and 11 others; of W. J. Wadsworth and 28 others; of W. S. Fox and 19 others and of Charles S. Barrows and 26 others; against the act establishing the May term of court in Oxford county.

Statement of facts and general and specific comments by Hon. Joseph E. F. Connelley, Judge of the Superior Court of Cumberland County, to be considered in connection with Senate Document No. 146, entitled "An Act to amend Section 2 of Chapter 65 of the Revised Statutes of 1916, and Section 80 of Chapter 82 of the Revised Statutes, relating to superior court of said county" (Senate No. 275), reported that the same be placed on file.

Mr. Fulton from the committee on

State prison, on that part of the Governor's message relating to State prison, reported that the same be placed on file.

The reports were accepted.

Passed to Be Engrossed

H. D. 34. An Act to amend Section 19 of Chapter 86 of the Revised Statutes, relating to the serving of writs on corporations.

H. D. 172. An Act to incorporate the St. Croix Water Company. (Tabled on motion by Mr. Lord of York, pending passage to be engrossed.)

H. D. 397. An Act to amend Section 58 of Chapter 64 of the Revised Statutes, relative to the licensing of children's homes and maternity hospitals.

H. D. 408. An Act to amend Section 42 of Chapter 117 of the Revised Statutes, relating to expenses of county commissioners.

H. D. 426. An Act to prevent discrimination against soldiers and sailors in the service of the United States or State of Maine on account of their uniform.

(House Amendment A adopted in concurrence.)

H. D. 508. An Act amending Section 14 of Chapter 65 of the Revised Statutes in relation to the custody of minor children of divorced parents.

H. D. 516. An Act to provide for discharge of record attachments of real-estate which have lapsed.

H. D. 527. An Act to amend Section 4 of Chapter 76 of the Revised Statutes, relating to notices upon petitions for sale of real estate.

H. D. 553. An Act to amend Sections 12 and 13 of Chapter 37 of the Revised Statutes, relative to the inspection of milk and to provide a penalty for interference with inspectors appointed by cities and towns in the performance of their duties.

H. D. 556. An Act to provide for the expenses of the Legislature, for salaries fixed by law, for departmental expenses of the State government and for the maintenance of the several State institutions during the period of the biennial sessions of the Legislature.

H. D. 635. Resolve making appropriation for support of bureau of weights and measures.

H. D. 646. An Act to prohibit the sell-

ing or giving away of air rifles to children under 14 years of age. (On motion by Mr. Ames of Washington, indefinitely postponed.)

H. D. 649. An Act to amend Section 17 of Chapter 8 of the Revised Statutes, relating to the sale of timber on reserved lands in all townships or tracts.

H. D. 650. An Act to amend Section 79 of Chapter 57 of the Revised Statutes, relating to speed of trains over and obstruction of grade crossings.

H. D. 651. An Act to incorporate the Summer Harbor Water Co.

H. D. 653. An Act to provide compensation for injuries received by State employees. (Tabled on motion by Mr. Hastings of Androscoggin, pending passage to be engrossed.)

H. D. 654. An Act authorizing the Biddeford and Saco Water Co. to increase its capital stock and to hold securities in other corporations.

H. D. 655. An Act to amend Sections 4, 5 and 7 of Chapter 95 of the Revised Statutes, in relation to mortgages of real estate.

H. D. 656. An Act to amend Section 5 of Chapter 117 of the Revised Statutes, relating to the expenses of the justices of the supreme judicial court.

S. D. 224. An Act for the enforcement of liens on watches, clocks and jewelry for labor and materials furnished in making and repairing same.

S. D. 287. An Act to amend Section 24 of Chapter 48 of the Revised Statutes, relating to testing commodities offered for sale, as to weight and measure.

S. D. 385. An Act amending Sec. 83 of Chap. 53, of R. S., relating to term of office of insurance commissioner.

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

S. D. 399. An Act to prohibit the carrying of dangerous or deadly weapons without a license. (Tabled on motion by Mr. Marshall of Cumberland, pending passage to be engrossed.)

S. D. 400. An Act to amend Section 5 of Chapter 146, Revised Statutes of 1916, relative to admittance and charges for patients at State sanatoriums. (Tabled pending passage to be

engrossed on motion by Mr. Davis of Cumberland.)

S. D. 401. An Act to amend Section 45 of Chapter 117 of the Revised Statutes, increasing the amounts to be paid for clerk hire in the county offices in the county office of Sagadahoc county.

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

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

S. D. 404. An Act to amend Section 8 of Chapter 345 of the Private and Special Laws of 1887, as amended by Chapter 150 of the Private and Special Laws of 1915, decreasing the salary for the recorder of the municipal court of Waterville, and providing for payment of same by the county of Kennebec. (Tabled by Mr. Bartlett of Kennebec, pending passage to be engrossed.)

S. D. 405. Resolve, providing an epidemic or emergency fund.

Passed to Be Enacted

An Act to amend Section 1 of Chapter 52 of the Revised Statutes relating to the office of bank commissioner.

An Act to regulate the payments of appropriations for the care, treatment, support and education of persons in charitable or benevolent institutions not wholly owned or controlled by the state.

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.

An Act to amend Section 57 of Chapter 53 of the Revised Statutes, relating to guaranty capital of mutual insurance companies.

An Act in relation to vacancies in public office.

An Act to confirm and make clear certain powers of the Bangor Railway and Electric Company.

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

An Act to change the name of the Unitarian church of Augusta, Maine.

An Act to enable the register of deeds of Cumberland county to procure durable copies of plans recorded in Cumberland county registry.

An Act amending Section 14 of Chapter 56 of the Revised Statutes, relating to the construction of extensions of railroads.

An Act to amend Section 12 of Chapter 43 of the Private and Special Laws, 1899, entitled "An Act to establish the Rumford Falls municipal court.

An Act to amend Section 1 of Chapter 13 of the Revised Statutes, relating to the election of county treasurers.

An Act additional to Chapter 53 of the Revised Statutes, relating to the payment of benefits.

An Act to amend Section 1 of Chapter 141 of the Private and Special Laws of 1887, entitled "An Act to amend an Act creating the Phillips Village Corporation." (Tabled by Mr. Deering of York pending passage to be enacted.)

An Act to amend Section 1 of Chapter 138 of the Revised Statutes, providing for the payment by the county of expenses incurred by county attorneys.

An Act to establish a legislative reference bureau in the State library.

An Act to amend the charter of the York Beach Village Corporation.

An Act to extend the charter of the Livermore and Augusta Railway Company.

An Act to extend the charter of the Casco Bay Water Company.

An Act to amend Section 17 of Chapter 145 of the Revised Statutes, relating to the examination and commitment of persons to insane hospitals.

An Act to amend Section 82 of Chapter 4 of the Revised Statutes, relating to instruction of librarians.

An Act to amend Chapter 244, entitled "An Act to provide a charter for the city of Gardiner," of the Private and Special Laws of 1913.

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 of the Revised Stat-

utes; and to repeal Sections 42 and 43 of Chapter 68, and Sections 16 and 21 of Chapter 92 of the Revised Statutes, relating to notice of appointment of executors, administrators, guardians of adults, and conservators; and to limitation of action against the estate of deceased persons.

An Act to amend Section 22 of Chapter 52 of the Revised Statutes, with reference to deposits in savings banks and institutions for savings.

An Act to incorporate the Mattakeunk Stream Dam and Improvement Company.

An Act to amend Section 10 of Chapter 7 of the Revised Statutes, relating to disposition of unused ballots on election day.

An Act to amend Section 30 of Chapter 16 of the Revised Statutes, and providing for kindergartens as part of the common school course.

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

An Act to incorporate the Casco Title Guaranty Company.

An Act to amend Section 75 of Chapter 4 of the Revised Statutes relating to free public libraries.

An Act to amend Section 81 of Chapter 4 of the Revised Statutes, relating to assistance to towns in establishing free public libraries.

An Act authorizing the maintenance of a bridge between mill and storehouse, by Worumbo Manufacturing Co., Lisbon Falls, Maine.

An Act in addition to Section 13 of Chapter 14 of the Revised Statutes relating to adoptions in the Penobscot tribe of Indians.

An Act to amend Section 17 of Chapter 12 of the Revised Statutes, providing for notice by registers of deeds to municipal officers of real estate transfers.

An Act respecting removal of filth from docks in the city of Portland.

An Act additional to Chapter 52 of the Revised Statutes, providing a penalty for copying the records of banking institutions.

An Act to amend the second paragraph of Section 45 of Chapter 117 of the Revised Statutes increasing the amount of clerk hire in the Androscoggin county registry of deeds.

An Act additional to Chapter 5 of the Revised Statutes, imposing an add-

ed duty on boards of registration and municipal officers acting as a board of registration.

An Act to amend Section 9 of Chapter 62 of the Revised Statutes, in regard to the wearing of badges.

An Act to grant certain powers to Acadia Landing.

An Act amendatory of Section 27 of Chapter 52 of the Revised Statutes and to permit savings banks to invest in certain railroad bonds.

An Act to make uniform the law of bills of lading.

An Act to provide for the registration of teachers.

An Act to authorize the city of Augusta to acquire property.

An Act to make legal and valid the annual town meeting of Clifton, in the county of Penobscot, held March 19, 1917.

An Act to ratify the organization of Capital park and give additional powers to said corporation.

An Act to authorize the erection and maintenance of a bridge across that part of the Aroostook river known as the back channel.

An Act to amend Section 19 of Chapter 129 of the Revised Statutes, relating to trespasses on improved lands.

An Act to repeal Section 27 of Chapter 51 of the Revised Statutes which requires cashiers of banks to return to secretary of State names and residences of and number of shares owned by stockholders, and amount of stock paid in.

An Act to amend Section 2 of Chapter 246 of the Private and Special Laws of 1905, relating to the powers and duties of the probation officer of Cumberland county.

An Act to authorize the city of Lewiston to issue its bonds to the amount of \$2000 to pay its bonds now outstanding and maturing in the year 1917.

An Act to repeal Chapter 453 of the Private and Special Laws of 1868, and all Acts additional thereto and amendatory thereof, relating to a ferry across the Penobscot River, between Orono and Bradley.

An Act to amend Chapter 83, Section 5 of the Revised Statutes, relating to the time and place of holding the county commissioners court in York county.

An Act to amend Section 27 of Chap-

ter 120 of the Revised Statutes relating to offenses against the person of female children.

An Act to repeal Chapter 101 of the Private and Special Laws of 1911, relating to the Phillips Village Corporation. (Tabled by Mr. Deering of York, pending passage to be enacted.)

An Act to amend Chapter 422 of the Private and Special Laws of 1903, increasing the salary of the recorder of the municipal court of the City of Biddeford.

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.

An Act regulating the appointment of the members of the police force of the city of Bangor.

An Act amending Section 50 of Chapter 55 of the Revised Statutes, authorizing complaint by a utility against itself, and empowering the public utilities commission to order refund.

An Act to amend the charter of Cobscook Classical Institute.

An Act to incorporate the Birch Point Village Corporation.

An Act to amend Sections 1, 8 and 12 of Chapter 126 of the Public Laws of 1844, relating to the preservation of salmon, shad and alewives in Georges river and tributaries.

An Act to make uniform the law of warehouse receipts.

Finally Passed

Resolve in favor of the reformatory for women for permanent improvement of the grounds and other purposes for the year 1917. (Tabled by Mr. Fulton of Aroostook, pending final passage.)

Resolve in favor of the State School for Girls, for furnishings and equipment for the new Central building, for the year 1918. (Tabled by Mr. Fulton of Aroostook, pending final passage.)

Resolve appropriating money for the expenses of the State Board of Charities and Corrections for the years 1917 and 1918.

Resolve providing for the completion of the book of plans of Waldo county and appropriating money therefor.

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

Resolve proposing an amendment to the Constitution of the State of Maine empowering the Legislature to authorize towns to divide into voting districts for the purposes of holding elections.

This bill carrying an emergency clause, required a two-thirds vote of the senators elected on its final passage.

A rising vote was had and 29 senators voting in the affirmative and none opposed the bill was finally passed.

Passed to Be Enacted

An Act relating to the registration of information concerning aliens.

This bill carrying an emergency clause, required a two-thirds vote of the senators elected on its passage to be enacted.

A rising vote was had and 27 senators voting in the affirmative and none opposed the bill was passed to be enacted.

An Act to amend Section 1 of Chapter 130 of the Revised Statutes, relating to offenses against the public health, safety and policy.

This bill carrying an emergency clause, required a two-thirds vote of the senators elected on its passage to be enacted.

A rising vote was had and 27 senators voting in the affirmative and none opposed the bill was passed to be enacted.

An Act amending Section 10 of Chapter 179 of the Revised Statutes, relating to malicious mischiefs and trespasses.

This bill carrying an emergency clause, required a two-thirds vote of the Senators elected on its passage to be enacted.

A rising vote was had and 27 Senators voting in the affirmative and none opposed the bill was passed to be enacted.

An Act to prevent injuries to property used for public purposes, and amending Section 4 of Chapter 129 of the revised statutes.

This bill carrying an emergency clause, required a two-thirds vote of

the Senators elected on its passage to be enacted.

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 require automatic signals and the removal of obstructions at certain grade crossings not protected by gates or flagmen.

This bill carrying an emergency clause, required a two-thirds vote of the Senators elected on its passage to be enacted.

A rising vote was had and 27 Senators voting in the affirmative and none opposed the bill was passed to be enacted.

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.

This bill carrying an emergency clause, required a two-thirds vote of the Senators elected on its passage to be enacted.

A rising vote was had and 26 Senators voting in the affirmative and none opposed the bill was passed to be enacted.

An Act to prevent the sources of domestic water supply from becoming polluted.

An Act to ratify the doings of the town of Winthrop in reference to the Charles M. Bailey public library.

An Act authorizing the appointment of the United States Baptist convention of Maine as trustee and to excuse said corporation from furnishing surety on its official bond.

An Act to amend Section 24 of Chapter 45 of the Revised Statutes relating to prosecution of violations of the lobster law.

An Act to amend Section 4, of Chapter 64 of the Revised Statutes, relative to the recording of intentions of marriage.

An Act relating to bonds in the probate court, given by executors and ad-

ministrators to obtain license to sell real estate, amending Section 3 of Chapter 76 of the Revised Statutes.

An Act to amend Section 31 of Chapter 3 of the Revised Statutes, so as to provide for maximum number of annual reports of the public utilities commission.

An Act to amend Section 38 of Chapter 117 of the Revised Statutes, increasing the salary of the judge of probate of York county.

Orders of the Day

(Senator Marshall in the chair.)

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 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 Varum's pond.

(Tabled on motion by Mr. Holt of Cumberland.)

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 402, An Act to extend the charter of the Washington County Light and Power Company.

(Tabled on motion by Mr. Ames of Washington.)

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 406, An Act to amend Sections 7, 33 and 35 of Chapter 25 of the Revised Statutes, relating to the funds for State highways, tabled by Senator Walker.

The pending question being on the adoption of the motion of Senator Baxter of Sagadahoc that the bill be indefinitely postponed in concurrence.

Mr. CONANT of Waldo: Mr. President, I understand there is another bill that takes care of this matter.

(The bill was indefinitely postponed in concurrence.)

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 480, An Act to amend Section 100 of Chapter 52 of the Revised Statutes, and increasing the authorized amount of accumulated capital of loan and building associations.

The pending question being on its passage to be enacted.

On motion by Mr. Stanley of Oxford, under suspension of the rules the Senate voted to reconsider the vote whereby the bill was passed to be engrossed.

The same senator then offered Senate Amendment A to H. D. 480, and moved its adoption.

"Senate Amendment A to House Document No. 480.

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

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

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

The PRESIDENT pro tem: The Chair lays before the Senate S. D. 6, Resolve in favor of the co-operative survey of the boundary line between the State of Maine and the State of New Hampshire, tabled by Senator Gocgin, the pending question being on its passage to be enacted.

Mr. GOOGIN of Androscoggin: Mr. President, I yield to my colleague, Senator Hastings.

Mr. HASTINGS of Androscoggin: Mr. President, this being a co-operative matter it became necessary for the state of New Hampshire to participate in order for any action of this body to become effective. The bill has been lying on the table for several weeks awaiting this action. I have a telegram here which I would like to read to the Senate that I received this

morning from Senator Sullivan of Berlin, and Representative McCue of Berlin, members of the New Hampshire Legislature.

"We appropriated \$3000 for the State line. Letter to follow."

I also had a conference with the Governor this morning and he was in telephonic communication with the Governor of New Hampshire, Governor Keyes, who corroborated this telegram.

In order to make our bill effective the amount we appropriate should correspond with the amount appropriated by the state of New Hampshire. Our bill reads in Section 2 "the sum of \$5000 is hereby appropriated to be used therefor on the part of the State of Maine when a like sum shall have been appropriated by the State of New Hampshire to defray its part of the expenses of said joint survey and markings."

I wish to offer an amendment to this bill at this time. I now move we reconsider the vote whereby this resolve was passed to be engrossed.

The motion was agreed to, and the senator then offered the following amendment.

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

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

Mr. HASTINGS: Mr. President, I move the adoption of the amendment.

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

The PRESIDENT pro tem: The Chair lays before the Senate S. D. No. 333, An Act to require certain vehicles to carry lights at night and to control the glare of headlights, tabled by the senator from Aroostook, Senator Fulton. The pending question is its passage to be engrossed.

Mr. FULTON of Aroostook: Mr. President, I do not wish to take up the time of the Senate at this advanced hour. I tabled this bill some time ago that I might have an opportunity to examine it and compare it with other bills of a similar kind.

It is urged in support of this measure that other states have similar laws. My search has only been rewarded by finding five other states in the Union that have a law similar to the one proposed here, and I find that they are much less far-reaching and drastic than the one that is proposed to be enacted in this State. I do not believe that the present conditions here warrant us in placing upon the statute books any such measure, especially in its present form. I submit, Mr. President, before taking up the different points of this bill, that if they have laws in these other states, and I have found that they have in New Jersey, in New York, in Massachusetts, in Connecticut, and in New Hampshire,—I submit, Mr. President, if they have laws to that effect in those states that the conditions of travel are very different in those states than the condition that obtains here in the State of Maine.

Let us take, for instance, the State of Massachusetts, having a population of nearly 4,000,000 crowded upon a territory of approximately 8000 square miles; the city of Boston alone having a population of about the same as the entire state of Maine. And in that State there are from 15 to 20 cities ranging from 35,000 to 150,000 population. In that state, I say, with steam railroads and trolley lines and highways running in all directions and interlacing, the conditions of travel would of course be very much congested, and it might be necessary to have a law similar to the one proposed here. But let us contrast it with the conditions in our own State. Here we have a population of approximately 750,000 scattered over a territory of about 30,000 square miles, making about 25 people to the square mile, while in the state of Massachusetts it would be about 500 people to the square mile.

The same thing would apply to the state of New York, with 10,000,000 of

people on about 45,000 square miles, and the same would apply also to the state of Connecticut; when we speak of the congested conditions of travel in Massachusetts, the conditions in Massachusetts also apply to the state of New York, and to the state of Connecticut with about 2,000,000 on somewhere about 4000 square miles.

The only state whose conditions would approach very nearly to our own would be the state of New Hampshire, and that law has been very recently enacted and it gives much more latitude and is not so far-reaching and so drastic as the measure which has been proposed here.

Let us examine for a few minutes, Mr. President, the provisions of this bill. "Every vehicle on wheels, whether stationary or in motion on any public way or bridge, shall have attached to it a light or lights so displayed as to be visible from the front and the rear thereof during the period from one hour after sunset to one hour before sunrise."

What is a vehicle? According to the best definition that I can find, and this is the definition in law which of course would have to apply, a vehicle is anything used or capable of being used as a means of transportation on land. Now the vehicle with wheels would be, of course, the vehicles which are used or are capable of being used for transportation. That would apply, Mr. President, as it seems to me, not only to the wagons and the carts, but it would apply to the wheelbarrow and to the baby carriage and to the hand-cart that the old man might wheel along the road. He would have to have a light displayed upon it. I admit that perhaps there are some sections of the State, like the road leading from Massachusetts into the State of Maine, where the conditions of travel are congested, where a law like this might be necessary. But I cannot see that it is necessary out on all the country crossroads, all through the different sections of the State, inflicting an annoyance and an inconvenience and a burden upon the people who are obliged to use those carriages.

If your wife happens to be out after nightfall making a call upon her neigh-

bor, returning home she would be obliged to have a light upon the baby carriage. Someone says, "Oh, the law wouldn't be strictly enforced," and no one would question that; but in the name of high heaven, Mr. President, what do we want to put laws upon the statute books for if they are not going to be enforced? Further, I know an old gentleman up in my own section of the country who had a very great aversion to becoming a town charge. So he fitted himself up with a little hand-cart and he goes out during the summer months all around through the country, and he sells such little things as pins, needles and thread, postcards and chewing-gum, to keep himself off the town. If this law passed, that man would have to have a light on that cart if he happened to be out after night. I remember one night very well when the old man, enfeebled by his work and tired, was unable to get to a house, and I was fortunate enough to rescue him and bring him to a house for the night.

I think it is unnecessary to pass this law at this time. Let me compare it, Mr. President, to show you that it is much more drastic than any law that has been passed in any of these other states. The law of Massachusetts says—the first part of it being similar to this—"it is provided, however, that this act shall not apply to any vehicle which is designed to be propelled by hand or to any vehicle designed for the transportation, as its principal freight, of hay or straw, while loaded with such freight. The second section of the Massachusetts law gives them considerable latitude in the matter. Upon the written application and presentation of reasons therefor by the owner of a vehicle, the Massachusetts highway commission may in writing, in such form and subject to such requirements as it may elect, and without expense to the applicant, exempt any vehicle from the provisions of this act for such period of time as said commission may elect. This bill which is proposed here gives no discretion to the highway commission or to anyone. It is simply an arbitrary measure that we must do this and we must do that. Very many people who

are going out at night put a light on their wagons anyway as a matter of convenience for themselves, but I do not think, senators, that we should say, Thou shalt, and Thou shalt not, in this matter of putting lights upon the wagons of travellers around on the different sections of the road.

Let me compare this a little further, Mr. President. "Whoever while driving or in charge of any vehicle not lighted as required by any of the provisions of this act, shall fail or refuse when requested by a sheriff or his deputy, a constable or a police officer, to give his correct name and address, shall be liable to the penalty provided in this act." The penalty provided is not exceeding \$5 for each offense. It says in the first section, Mr. President, that it excepts vehicles loaded with hay or straw as its principal freight. But after that man goes to the station, or wherever he is hauling it, and he happens to be out after night, he discharges that load of hay or straw at the freight shed or wherever he is hauling it, and he is returning to his home,—he went perhaps in the day time and was detained—some officious officer of the law will hold him up on the road and require to know his name and residence. We might go further and require his age and his parentage, and the color of his eyes and his hair and the entire family history. If we keep on putting such laws on our statute books, such things will be required of us by and by. When we get all the people finally marked and assigned to their places, done up in bundles and labeled, they will become mere automatons, they will have no liberty of their own, and then we can dispose of them as we will.

Mr. President, I would like to contrast this law with the law of New Hampshire, the state which comes the nearest to the conditions affecting this state. I will try not to detain you too long, for I do not believe that it would be best at this time. This is the law of New Hampshire: "Every vehicle, except as herein otherwise provided, whether stationary or in motion on any public highway or bridge, shall have attached to it a light or lights" and so on. "This section shall not apply to any vehicle designed for the transportation of hay, straw, wood, lumber, stone, machinery

or other heavy freight, nor shall it apply to any form of vehicle whatsoever while upon any bridge or highway where street lights are maintained." That law practically exempts all heavy loaded wagons.

It would practically only mean wagons for pleasure or light wagons, to which I would not so much object.

The other laws in the different states are similar to the ones that I have mentioned. But in every instance they are given more discretion and more latitude in the enforcement of them. In the state of New Hampshire the selectmen of the towns are given discretion in this matter, while this law does not provide for any such feature at all. In the state of New Hampshire, Section 2 provides upon written application and presentation of reasons therefor by the owner of a vehicle to the board of selectmen where the applicant resides, such board may exempt such vehicle from the provisions of this act for such period of time as said board may elect, and shall give to such owner written exemption describing the vehicle, which exemption shall apply to such vehicle on any bridge or highway within the State. That leaves the matter with the selectmen of the municipality. Also in the state of New Jersey, it is a state law giving to the municipalities power optional with them to pass laws relating to lights upon vehicles.

So that you can see in comparing the proposed measure with the measures that are in force in other states, that this is very much more drastic and far-reaching, and too sweeping in its provisions.

I do not rise, Mr. President, to make a speech, because I cannot do it, but I wish to register my objections to this bill and to place myself on record as opposed to its passage in the present form. I assume that every man in this deliberative body has a right to express his views on any subject that comes up for discussion and to give his reasons why he is for or against any measure which is proposed to be enacted into law. I dislike very much, Mr. President, to take the position that I feel obliged to in this matter, as the

committee to whom this matter was referred reported favorably upon the bill, for I feel confident that the men who compose that committee would not wish to have enacted into law anything that would work annoyance or inconvenience or hardship, or impose any unnecessary cost or burden upon any considerable portion of the inhabitants of the State, especially as this burden would be placed upon those least able to bear it. But it is not an unheard of thing for even this Legislature to act adversely upon a report of a committee, even when it was unanimous. It has been done here. I feel that I should not be doing my duty if I did not give my voice and vote in opposition to this bill, as I said before, especially in its present form.

I consider it an unwarranted interference with the business of thousands of the people of the State who in the pursuit of their legitimate occupations are obliged to use teams on the highways at all hours of the day and even late into the night. The highways are for the use of all the people of the State. Every man has a right to use them, be he millionaire or pauper, the professional man or the farmer, the man of leisure or the day laborer who earns his living by the sweat of his brow, and all should have their rights properly respected. It seems to me that we should be very careful, when the burdens of taxation are constantly increasing, not to add to the already high cost of living by any additional burdens that we can possibly avoid. The great majority of the people who will be affected by this law are the men who are tilling our soil, who are cutting and hauling our lumber, who are clearing up our forests and making homes for themselves and thus adding to the wealth of the communities and the towns and to the taxable property of the state. They are the men who are not afraid to soil their hands, nor ashamed to be seen engaged in honest labor. They are the men who move the products of the farm and the forest and the quarry and the mine to the railroads and the ships to be distributed to the marts of the world. Now

we do not want to inflict upon those men any additional burden.

I want to say right here that I believe this bill was presented by the request of the Maine Automobile Association, or at least it was formulated by them. I want to say, gentlemen of the Senate, that I have the honor to belong to the Maine Automobile Association to the extent at least of paying my three dollars every year for dues, and receiving a nice little card printed in colors which serves as a receipt. I also receive incidentally a book which shows me the best routes by which I can travel if I wish to make a tour of the State by automobile. I regret to say I have never yet been able to do that. I would like to very much. The law provides at present that automobiles shall be equipped with lights, and it seems to me that that is sufficient. Those lights show far ahead when a team is in the road. I have driven an automobile for the last six or seven years on the roads at all times of day and night, as my business compels me to be, and I have never yet found any danger of running against a team either loaded or light. It is urged here that sometimes in coming round a sharp turn in the road we are liable to run against a team. Why, the automobile driver always slackens his speed at those places for his own protection, and I think that argument has no effect. I have never yet known an accident to happen in the county where I live by the automobile running against a team either loaded or light at night. I can recall only one accident that happened near to where I live, and that was in the broad daylight, when a man ran against a heavy loaded team with his automobile—didn't do the team any harm, but hurt the automobile. He was drunk and ought to have been arrested for drunkenness long before he had the opportunity of running against the team. If there are accidents occur, in most cases I have found that it is owing to the automobile driver driving at an unusual rate of speed, and not to the teamster.

Mr. President, I would like to be able to present this matter in a different

light, in a better light, perhaps. I have listened during the session of this legislature, to the impassioned appeals made by our members of the legal profession here, and I have sometimes envied them that they were able to present their matters in so good a light, and I have felt that we who cannot speak so well are perhaps at a disadvantage, and yet I respect every member of the legal profession. They are the men to whom we fly for aid and for advice and for counsel when legal ills assail us, just the same as they apply to the physician when physical ills assail them. I have found them to be, in my dealings with them men that are eminently fair and willing to do right in all these matters, and I trust that they will be willing this morning to do the right thing in this matter, and consider this bill as an interference with the rights of the men who travel on the road, whose work obliges them to be thereon sometimes during the hours of the night.

Mr. President, I yield to no man in this Senate in my respect for law and order. I believe in the majesty of the law, in being law-abiding. But I believe there is a possibility of us passing too many laws. I believe my legal friends here will agree with me when I say that it is better to have a lesser number of good and wise and well selected laws, properly enforced, than to have a great mass of measures upon our statute books which only inflict heavier burdens upon those whose duty it is to interpret the law and to administer justice to the people. I believe that the multiplicity of measures that we get upon our statute books only tends to confuse the people and perhaps may engender a disrespect if not a contempt for all law. I will admit that the changed conditions incident to our complex civilization at the present time may make old measures obsolete and require new ones, but we should be very careful in selecting the laws that we put upon our statute books not to interfere too much with the liberties of the people. I remember of reading that when the Carpenter of Nazareth saw how those

ancient Jews quibbled over the observance of unimportant laws, he said to them: "Ye laden men with burdens grievous to be borne and ye will not so much as touch them yourselves with the point of your finger. Ye pay tithes of mint and rue and all manner of herbs, but ye pass over the weightier matters of judgment and justice and truth." Let us beware, fellow-senators, lest this scathing rebuke administered to those over-zealous Jews apply to us down here after the lapse of twenty centuries. May we not be passing over the weightier matters, such as the more just and wise and equitable distribution of the burdens of taxation, and spending our time in the consideration of laws which are in great measure non-essential?

Mr. President, I move you that this measure be indefinitely postponed.

Mr. RICKER of Hancock: Mr. President, I wish to call the attention of the senators to the fact that I have the automobile laws of the legislative reference bureau of the state of Rhode Island, which I have looked over very carefully; also the individual laws of the different states, Massachusetts, New York, New Hampshire, Connecticut, Rhode Island, New Jersey and Pennsylvania.

There is no need of my going into these matters as the senator from Aroostook has stated the main facts that are of interest. I just want to call your attention to the fact that automobiles, taxed in every city and town of the State, are also taxed by the State, thereby making, of course, as we all understand, a double taxation. Every driver of an automobile has to pay a tax; each automobile has to have a horn, two lights in front, a colored light in the rear, and is also limited as to speed. They paid last year over \$360,000 into the State. This year it will be better than \$400,000. That money goes to pay the interest on the \$2,000,000 bond issue, also into a sinking fund, and the balance into the highway of the State.

Now before any automobile laws were made, several states made laws regarding the driving of carriages with lights; also many cities and towns had local laws.

In looking over the Portland Press of recent date I find that 63 per cent. or better of the hotel travel in Maine come by automobiles. I will admit that the other states are more closely settled than Maine. But it seems to me that those are the places that do not need the lights so much as we do in Maine. We have a lot of country roads, narrow roads, deep woods, and shadows, especially along toward evening, and it is when there is a haze in the air that a light of any sort on a vehicle, a horse-drawn vehicle, is of great advantage to a driver of an automobile. It is also the fact that in driving in the night, as you know, it is almost impossible to see a team going in the same direction that the driver of the automobile is going.

Of course it is ridiculous to suppose that any judge would rule against a wheelbarrow, or a baby carriage, or a hand-cart, or any of those articles, because they happen to be on wheels. I do not think for a minute that that has anything whatever to do with the bill. I am willing to admit that the highway is for the use of the whole people of the State. But I should like to add to that, providing they use them with any degree of safety. In looking over the arguments of four years ago, I notice that Dr. Sturgis of Auburn, who was a member of the House, stated that he simply wished to say that he believed in this bill in connection with his profession; that he was called out considerably in the dark and had as much trouble from the ordinary carriage as from the automobile, so much so that he used lights on his carriages for several years, and he did not believe it was a great hardship for the farmers of our State to suitably light their carriages so that they could be seen at a reasonable distance.

This bill, fellow senators, calls for one light that can be seen. It does not specify a big light or an expensive lantern of any sort, and it does not seem to me unreasonable that teams should use due precaution on the road. It might be possible that in this bill there should be a section—a matter that was called to my attention this

morning, and that is the spot lights on automobiles which are not mentioned, but there is a question whether the public utilities would not consider them in under the act--still I think that that should be added. I hope that the motion of the gentleman from Aroostook will not prevail. I would be perfectly willing to have this matter tabled and be glad to table it myself to have an addition in Section 5 in regard to spot lights on automobiles. I do not wish to make that motion now because some other senator may have something to say.

Mr. PEACOCK of Washington: Mr. President, I believe the safety of the State of Maine demands we should have some light, but after listening to the remarks of the senator from Aroostook I think this bill may be too arbitrary, therefore I move that this bill be tabled.

Mr. BUTLER of Knox: Mr. President, I would like to offer an amendment if it is in order.

The PRESIDENT pro tem: Will the senator from Washington withdraw his motion?

Mr. PEACOCK: Until after the amendment is made.

The PRESIDENT pro tem: Senator Butler offers Senate amendment A to S. D. No. 333, entitled An Act to require certain vehicles to carry lights at night and to control the glare of headlights:

It is hereby amended by striking out the whole of Section 4.

Mr. BUTLER: I will state, Mr. President and fellow senators, that that is the penalty provided in the law. I have been wondering sometimes at this session, when I have heard discussed measures that have been presented here, whether I was living in Russia where they make no pretense of liberty, or whether I was living still in the good old State of Maine. There was attempted only the other day to put upon all of us a 15-cent tag in invasion of our sovereign rights. Now there is attempted this morning to put up every citizen of our State that owns

any kind of a vehicle severe penalties if he fails to comply with the conditions of this law. Of course this legislation—and I will be brief, gentlemen, I have no manuscript—of course this legislation is prompted by the Automobile Association and automobile owners, for whom I have the greatest respect. I am one of that unfortunate class of men that owns an automobile. It is a burden to me. But my sympathy is also with the fellow that does not have the automobile. I am aware that the farmers of Maine are practically driven off of the highways of Maine by the automobile. You have noticed it as you have been driving nights, as I have noticed it. You go along nights and you see a team pulled away out in the gutter waiting for you to go by. Seeing your lights far in the distance the teams get out of the way, and it is a wise thing for them to do.

This bill, as I read it, senators, would place upon the farmer—I speak of the farmer because he would be the man chiefly affected in my judgment—put the same burdens as to lights as are placed now upon the automobile owner. He must have a light so that it would show in front and behind. The senator from Hancock, Senator Ricker, says one light. I do not know how that would be arranged. The bill provides that it must be visible in front and behind.

Now are you aware what this might mean in the way of expense to the average prosperous farmer of Maine, or the average farmer who is not prosperous? He would have a hay-rack; he would have a truck wagon, and possibly one for one horse and one for two horses; he would have a wood wagon—I believe they call that a sloven body, if I remember right, a large vehicle for hauling wood—he would have one for one horse and one for two horses; he would have a one-horse sled and a two-horse sled, though possibly that would not apply—we will still keep to the summer time; he would have his grocery wagon; he would have his light riding wagon; he would have his heavy market wagon; he would have his hay outfit and his mowing machine and his horse-rake. Why, it would cost some farmers a hundred dollars to

equip to comply with the provisions of this law. It is unjust, it is not fair, and it is burdensome to the hard-working, industrious farmer of the State of Maine.

Two years ago we had the same matter before us and I had the great pleasure in the Senate of helping to kill it, and we finally consented to passing the law without any penalty and then the House killed that. I have offered now an amendment cutting out the penalty. I am opposed to the law anyhow, but I have not so much opposition to it if the penalty be stricken out and this great class of people perhaps be kept from becoming criminals. If the law were passed it would be like many of our laws and would not be enforced. If it were enforced there would be a revolution in the State of Maine. I move we accept the amendment.

(Bill and amendment tabled by Mr. Peacock.)

The PRESIDENT pro tem: The Chair lays before the Senate, S. D. No. 360, An Act for the safeguarding of employes in factories, mills and workshops against danger from fire.

On motion by Mr. Gillin of Penobscot, indefinitely postponed.

Mr. AMES of Washington: Mr. President, as we have quite a lot on the calendar, I move we take a recess until 2 o'clock this afternoon.

Mr. DAVIES of Cumberland: Mr. President, will the senator from Washington, Senator Ames, be kind enough to withhold that motion until we have disposed of the next article on the calendar.

Mr. AMES: Yes.

Mr. DAVIES: It will relieve Mr. Baxter's mind and my own not a little if we can dispose of it now.

The PRESIDENT pro tem: The Chair lays before the Senate majority report, ought to pass, and minority report, ought not to pass, from the committee on judiciary on bill An Act to amend Chapter 65 of the private and special laws of 1899 entitled An Act to incorporate the Bath Trust Co., tabled by the senator from Cumberland,

Senator Davies. The pending question is on the acceptance of either report.

Mr. DAVIES: Mr. President, I desire, if I may, to adopt the words of my friend, Senator Fulton, when he said that he did not consider that he would be doing his duty unless he opposed this, referring to the last bill which was before the Senate. It would have been far easier for me, Mr. President, to have signed the majority report on this act which provides for an amendment to the charter which granted the Bath Trust Co.

The president of the Bath Trust Co. is a member of this body and he is a gentleman for whom I have a most unfeigned esteem and respect. I did not feel, however, in view of the fact that I was opposed to the principle of the bill which was offered here, that I cared to let the matter pass without expressing my views to the Senate.

The principle involved is very simple and is merely this: Shall we give the Bath Trust Company the right to pledge the money of their depositors, which they hold subject to check, against the liability of a surety bond? That is the question. Stripped of all its verbosity it is merely that. The Bath Trust Company, as you all know undoubtedly, is engaged in a general banking business in Bath—doing a general banking business, that is, receiving one side savings held for the accumulation of interest, and on the other side deposits held subject to check. They come to the Legislature and ask that their charter may be amended so that they may engage in the surety bond business, that is, the signing of surety bonds for principals who have pledged themselves to perform a trust.

The funds of the saving bank department are segregated by law. But if there is a liability on the bond, Mr. President, the depositors' money held subject to check becomes subject to that liability. Is that right? Is that a proper principle to write into the banking business? It seems to me that our laws should be more exacting than less stringent in the conduct of the affairs of our banks.

Mr. President, the people in the State of Maine look to us to protect them in their banking laws. Few, if any, have

much of any knowledge in regard to them, and they depend upon us to do our best and our utmost to see that the banking laws in the State of Maine are carefully guarded and thoroughly protected. It hardly seems to me, Mr. President, that we desire to open the door that far.

Let us go one step farther and ask for whom the profit would be on the surety bond? Would it be for the depositors whose money is held subject to check? Oh, no. No. The profit on the surety bond is for the stockholder, and is it fair to pledge the depositors' money to meet that liability? That is the only question that is present here. You may say that the percentage of loss on surety bonds is extremely light. That is not the question. Even if there were no loss, Mr. President, that is not the question. The question is simply this, which I make the subject of reiterated remark, whether we desire to mix with the banking business the surety business for the benefit of the stockholders of the bank, the liability falling upon the depositors.

I move, Mr. President, that the minority report be substituted for the majority, and you may well believe that I consider the matter one of serious importance when I felt it necessary to disregard the suggestions and advice of the nine other members of the committee with me in regard to this bill.

The PRESIDENT pro tem: The Senator from Cumberland, Senator Davies, moves that the minority report be accepted, the minority report being signed by the Senator from Cumberland, Senator Davies.

Mr. GILLIN of Penobscot: Mr. President and fellow Senators, it seems to me that the sole question is this: Will the law making power of the State of Maine allow the Union Trust Company of Portland to have a monopoly of the business for which the Bath Trust Company asks to obtain a share in? That to my mind is the sole question. The Union Trust Company of Portland has got the same identical power and the same identical amendment attached to its charter that the Bath Trust Company ask for, under which it has issued 16 million dollars' worth of surety bonds.

Mr. DAVIES: Nineteen million dollars.

Mr. GILLIN: Nineteen million dollars! The Eastern Trust Company and other banking companies throughout the State of Maine have a similar amendment to their charters, and it is not a fair argument in my judgment, to attempt to divert our minds from the fact that the Senate and House of Representatives of former legislatures have granted the same identical kind of powers to other institutions within the area of the State of Maine.

The distinguished Senator has said that we ought not to pass this to promote trusts.

Mr. DAVIES: I did not say that.

Mr. GILLIN: I took it down, essentially it was for the purpose of promoting a trust, practically those are the words. It will appear in the record tomorrow.

No, we do not want any banking institutions or any coterie of institutions in the State of Maine to form a trust and exclude from the right to participate in the same law other banking institutions within the State of Maine from having the same right that the others have.

I say to you, my fellow senators, that if this was an original proposition, if it was an original proposition, I would vote with the senator from Cumberland to grant such power to no banking institution in your State. But so long as one banking institution or two banking institutions or three or five, have that power, and that power is engrafted upon the statute books of your State, the sole question then is not the sole question propounded by the distinguished senator. The sole question is this: Is the financial status of these other trust companies co-equal with those? That is the sole question. I have taken the trouble to go to your banking institutions to find out about the Bath Trust Co. I find it has a capital stock of \$100,000. I find its liabilities—I am not going over them—to be \$1,703,170.61 on July 27, 1916. I find that it has \$1,703,170.61 to meet those liabilities with, and is one of the best managed and most flour-

ishing trust companies within the broad area of the State of Maine.

But there is another sole question, must the people of the city of Bath and the county in which it is located, and the lawyers who are located there, go to the Union Trust Co. of Portland, or go to the Eastern Trust & Banking Co. of my own city, when they want to obtain an administrator's bond or an executor's bond? That is what I want to know, or will the Senate grant to the Bath Trust Co. the same powers and the same privileges that it has granted to the Eastern Trust & Banking Co. of Bangor and other banking institutions throughout the State of Maine, or is it going to begin now to curtail against banking institutions which are co-equal in accordance with their financial standing, in accordance with the personnel of their directors and in accordance with the needs of the community in which those institutions are?

Are you going to begin now to create a trust in favor of the fellows who have got the right, and to push our other banking institutions away from that right? That is the sole question I want to know about.

There is not any reason, there could not be any reason which could evolve from the brain of any man that the rights granted to these other banking institutions in your State should not be granted to this banking institution, within your State, with this sole, single, isolated exception, and what is that? Has not the Bath Trust Company got as good a right to go into that class of business as the Eastern Trust of Bangor or the Union Trust of Portland have?

If they want to put a law before the law making power of this State to divest every single banking institution within the broad area of your State from entering into the surety business, I will vote for it here and now.

But, Mr. President and fellow senators, I will not vote to keep from out the domain of business, which the Legislature of the State of Maine has said is legitimate, for these other institutions, this institution, because I am so nervous and frightened about what is going to hap-

pen to the depositors in the Bath Trust Company, when I was not nervous at all as to what would happen to the depositors of the Eastern Trust Company, or other banking institutions in this State which have this power.

I say it is not fair. I say it is not just, and I say it is not an argument which should appeal to the brain and the judgment of this deliberative body, to say that one institution in your State that has already issued 19 million dollars worth of surety bonds, that it should have a right to issue 19 million dollars more, perhaps, and splendid banking institutions, right under the vision of the law making power of the State, should be denied that right.

Because, if we are to be frightened of the bugaboo of the sole question as to the depositors, do not worry about the sole question of the depositors in the Bath Trust Company, any more than you worried about the sole interest of the depositors in the Eastern Trust of Bangor or the Union Trust of Portland. The men of the Bath Trust Company are fine and respected citizens of your State. The records are open to your view, and will show you that they know how to manage their finances.

Furthermore, my fellow Senator, the liability in the issuing of these bonds, according to the statistics which you can find within these legislative halls or adjacent to them, is infinitesimal, not a fraction of a mill, hardly, throughout the years that these different institutions have held it.

My fellow Senators, the majority report of this committee, in justice to the people of the State of Maine, from one end of it to the other, who are stock holders in your other banking institutions, ought to be placed upon a par with the banking institution of my own city, the Eastern Trust and Banking Company, one of the 12 honored banks of the United States which has this power, and as against the interests of that institution, or the interest of any other institution in the broad area of the State of Maine, to the solid, solvent splendid banks of this State wherever located, I will raise my voice in every place to give them co-equal rights with the Eastern Trust & Banking Co. of Ban-

gor and the Union Trust Co. of Portland, in order that they may too get some of the \$19,000,000 of dividends. Supposing it does go to the interest and benefit of the stock holders, it makes the banks stronger, and it makes your money surer, and this is a sole question.

In closing, my friends and fellow Senators, will you place the Bath Trust Co. with the splendid standing that your bank records show it has, not above, not below, but co-equal with the other banking institutions of your state, upon this sole question; that is the sole question, my fellow-Senators, not above them, not below them, but on an equality with them. That is what the Bath Trust Co. asks for, and they cannot cloud the issue for a minute—and they ask it based upon the right which you can find here in your banking institutions. And because they are a small institution and have not got a million dollars, probably, to their record, they are not to be squelched in their rights, and for the good that they can do in the community in which they are, I ask you, Mr. President and fellow Senators, in the interest of fair play, in the interest of justice, to vote in favor of the majority report of the committee, ought to pass, in order that the Bath Trust Co. may have the same rights which other banking institutions have under the laws of your State.

I thank you for your attention.

Mr. MERRILL of Somerset: Mr. President, I would like to ask through the Chair if there were any other trust companies in the State of Maine except the one in Portland and the one in Bangor that has the right to do this insurance business?

Mr. GILLIN: Mr. President, I think the Merrill Trust Company of Bangor has the right, and so advertised, but you can readily ascertain.

Mr. DAVIES of Cumberland: Mr. President, I think I can answer the question. I think the only trust company that has ever operated under that charter is the Union Safe Deposit and Trust Company of Portland.

My information is that the Eastern

Trust and Banking Company does not use that part of its charter, although the right was granted some years ago.

Mr. GILLIN. That is true.

Mr. DAVIES: Mr. President, I am informed, if I may answer Senator Merrill's question, that the Eastern Trust and Banking Company does not operate under that part of its charter, which gives it the right to issue surety bonds. So that I am informed that the only trust company now issuing surety bonds in the State of Maine is the Union Trust and Banking Company of Portland.

Mr. GILLIN: What about the Merrill Trust Company?

Mr. DAVIES: I do not think the Merrill Trust Company has the right. I looked it up and could not find that the Merrill Trust Company of Bangor had any such right.

Mr. GILLIN: You admit that.

Mr. DAVIES: Yes. They have not exercised that right, and they do not exercise it undoubtedly because it was insurance business rather than banking business.

Mr. MERRILL: Mr. President, I look upon this question, part way, in the same light as the senator from Penobscot, that it is poor legislation.

Mr. GILLIN: That is right.

Mr. MERRILL: Mr. President, it is bad legislation, to start with, and I think the senator from Penobscot will agree with me that the reason is that it is not a legitimate part of the banking business under our banking laws.

It is not a business that should be connected with the banking law. The Bath Institution has \$100,000 capital, and it has between one million and two million of deposits. Whose money is that? It is simply trust funds or other funds of depositors in that bank. It is money put in there by widows and orphans, the poor and the children and the working men of the community. It is put in there because it is supposed to be a safe place, a bank to put the earnings of the poor people.

What does this bill do? This bill pledges the entire property of the Bath institution to protect from loss all of

the people to whom they issue policies to protect from all sorts of losses, from thieving and from every thing else, all fiduciary business. The funds of that bank become pledged for that purpose.

Mr. President and fellow senators, do you think that that is a proper business for a bank to go into, where you deposit your money, and where the children and wives and widows, the orphans, deposit their money? Do you think it is a legitimate business for a banking institution to go into?

Because the Eastern Trust Company has a charter—and according to the senator from Cumberland they have not used it at all—and the Portland Trust Company has a charter and they have used it and issued, according to the senator from Penobscot, \$13,000,000 worth of bonds, yet the senator from Penobscot says if it was a new proposition he would vote against it. Are we going to continue, and if we do not stop here where are we going to stop? The next time it will be another bank that has got a charter to do this nefarious business, as far as banking is concerned.

Mr. DAVIES: Mr. President, may I interrupt? Another bank did apply to this Legislature for a charter and we turned it down. The Androscoggin Trust Company of Lewiston asked for the right and it was refused.

Mr. MERRILL: Mr. President, the Senate hears the remark of the senator from Cumberland. Why not stop when we have started to go wrong, and turn around before we have left the goal a great way? It is nearer back to the goal than it will ever be again.

I say, Mr. President and fellow senators, it seems to me that the rights of the people of this State, the benefit to be derived by the people, is all in favor of sustaining the minority report.

Mr. DEERING of York: Mr. President, I did not intend to say anything upon this matter, but I find that it has drifted into many misunderstandings both in regard to principle and facts.

This bill was advertised before the judiciary committee in the Bath Times

and the Kennebec Journal, and I understand that the Bath Times circulates very freely in the city of Bath and has fourteen or fifteen hundred subscribers. Then to the hearing there came nobody who opposed the passage of this bill. It was represented by an attorney from the city of Bath, and it was finally reported to the Senate. I do not know whether it was unanimously or nine to one as it is now. But after it was reported to the Senate it was then sent back to the judiciary committee for further consideration, and after we further considered it, nine men on the committee could find none of the objections that the Senator from Cumberland has raised, and he is the only man so far as we have been able to determine, on the committee or before the committee, that was able to raise any objections to the passage of this act.

Gentlemen, there have been stated off-hand here the principles which would apply should we pass this act giving the Bath Trust Company the power to write surety bonds. The principle, as I understand it from the gentleman from Cumberland, is: Shall we give the Bath Trust Company the right to pledge the money that it holds subject to check to the surety business?

Mr. DAVIES: It is right.

Mr. DEERING: Mr. Davies, the senator from Cumberland, agrees with me that that is what he says the principle is.

Gentlemen, I want to ask you if you have heard anything about the double liability of stockholders in an institution of this kind? Are not they the ones, if they take this proposition upon themselves to write these surety bonds, does not that double liability of the stockholders mean anything to you? And isn't it a perfectly legitimate piece of business that a trust company in the State of Maine can become a surety on a bond? The Union Safe Deposit and Trust Company, as has been admitted, has in force nineteen million dollars' worth of bonds.

I want to call your attention, gentlemen, to people who come from outside this state and write bonds in the State

of Maine for which State of Maine people pay money for premiums, and that money goes to Boston, Philadelphia and Baltimore. I note by a little pamphlet which I have here, which I believe to be authentic, that the Aetna Accident & Liability Insurance Company for the year ending December 31, 1916, had a premium on the bonds which they wrote of \$2092 and their losses were nothing. I note that the American Surety Fidelity Company wrote and received premiums of \$7521, and lost nothing. I note that the Casualty Company of America wrote \$439 worth—those were premiums that they received, not the amount of the bonds. The Fidelity & Casualty Company received \$879 for premiums and lost nothing. The Fidelity and Deposit Company received \$7569.30 and lost \$72.41. The Globe Indemnity Company received \$364 and lost nothing. The Hartford Accident Company received \$733 and lost \$347.93. The London & Lancashire received \$79.75 and lost nothing. The Maryland Casualty Company received \$3636 and lost nothing. The Massachusetts Bonding Accident Company received \$3138 and lost nothing. The National Surety Company received \$5613.90 and lost \$583.28. The Royal Indemnity Company received \$841.29 and lost nothing. The United States Fidelity & Guaranty Company received \$9094 and lost \$500. The total amount of all these companies that come in from other states to write surety company bonds, that they received for the premiums, was \$42,000, and their loss only \$1503.62. As I figure that out, the total losses of all the surety companies that came into Maine in the year 1916—the losses that they received upon the premiums that they received was a percentage of 2.1 per cent. There was \$42,064.66 which might be put into the pockets of the men in the State of Maine if we let people in the State of Maine write surety company bonds. And here is this money going to Boston, Philadelphia and Baltimore to fill the pockets of somebody else. Why, just think what a flurry there would be in this administration—some members of it—if you should think of 42,000 kilowatts of electricity going outside the state, worth about

one-half a cent a piece, and here is 42,000 real dollars going.

Mr. DAVIES: I hope that will not happen, Mr. President.

Mr. DEERING: Now they speak about the risk in this particular business. Gentlemen, you take a risk in every business act you do, in every bond you buy, every stock you buy, and every particular thing that you can possibly do. Why, the savings banks and the trust companies in the State of Maine are full of bonds. The people who issued them are in the hands of receivers. Is there anything to prevent the banks and banking companies from paying the Detroit & Ironton bonds, or the bonds of the Wabash, of the Pere Marquette, and several years ago the New York, New Haven & Hartford, and the Boston & Maine? Gentlemen, there is just as much chance of the stockholders and the depositors losing their money under the banking laws as they now are, as there is after you pass this law and let them write surety company bonds. This particular law does not open any door. This particular law does not cause anybody to lose any money. The laws of the banks, savings banks and trust companies were devised or passed so that those depositors should not lose any money, and still they bought securities which were not good, and bonds which were defaulted, and on those things they caused loss to the banks. You can pass laws or not pass laws; there is just one thing that is greater than any other in protecting the depositors in savings banks or trust companies, and that one thing is the integrity and honesty of the people that manage them. Gentlemen, if you do not have those two things you can pass laws until the cows come home and still you are going to lose. Those two things are the things that guard the depositors more than anything else.

I understand it to be said that the profit on the surety bond business does not go to the depositor, whose money you use as a pledge, but it goes to the stockholder. Well, gentlemen, where do all the profits of a trust company or a banking company go, outside of the regular dividends? Did you ever hear

of a savings bank paying an extra dividend. They pay 3 1-2 per cent or 4 per cent, and a trust company does the same. Gentlemen, the profits of the bond business that they propose to do will go to the stockholders just the same as all the profits of all the bonds and all the other securities that banks and trust companies now buy go to the stockholders. They do not go to the depositors and never did, and this law does not propose that they shall go to any different place than they ever did.

It has been mentioned that the Androscoggin Trust Company was before the judiciary committee and asked for this same power to write surety company bonds, and that has been used here as an illustration as to why this particular company should not receive it.

Let me give you the real fact of that case so that you will not misunderstand it. It is true that the Androscoggin Company came before us and asked for a similar power and we refused it. But this is the real reason: The Androscoggin Trust Company is taking over, when they get ready, two banks in the city of Lewiston, three banks, or something like that, and they do not propose to begin business for several months or something like that, and they are absolutely not in business at the present time. So it is not a fair thing to say that this Bath Trust Company, which has been in business a good many years and has the surplus and the capital stock which Bro. Gillin has read, should be compared with the Androscoggin Trust Company which never has been in business at all. Gentlemen, I do not think that even my distinguished friend from Cumberland would maintain that the Androscoggin Trust Company is comparable in this argument with the Bath Trust Company.

I do not know as I have anything in particular to add to this, but I believe, as I have believed about a good many matters in this Senate that we are, some of us are seeing ghosts. The losses that I have read to you are losses taken from an authentic statement of the returns of companies that come into this State to do similar business. The losses of the Union Safe Deposit

& Trust Company have been for the last two years an average of 2½ per cent of their premiums, not 2¼ per cent of the entire amount of the bonds, but of the premiums. Do you know of any particular insurance business that has a less loss than that?

Now the defalcation, if there should be any. They say that this has got to come out of the money that is subject to check. Is that true? All the resources of the Bath Trust Company is behind its bonds, not particularly the money that is subject to check, but everything that it has got in its possession is subject to that bond. And besides that, there is the double liability of the stockholders that protects the depositors. Now gentlemen, a good deal of this talk has not been based upon what I call reason. It has been based upon the fact that somebody is frightened at something they cannot see and do not understand.

Mr. GILLIN: Just one minute. I am perfectly willing, and I believe that those who are on our side of the question would be willing to amend this bill—to show my good faith—to take this power away from all trust companies. While one has got it, others of equal capital and in the community for the benefit of that community ought to have it.

Mr. DAVIES: Mr. President, in view of what Senator Gillin has said, and if the Senate will receive the amendment and the House will concur therein, I will prepare an amendment to the charter of the Union Safe Deposit & Trust Company providing that that bank shall not receive deposits subject to check.

Mr. DEERING: Mr. President—(to Mr. Davies) I beg your pardon, were you through?

Mr. DAVIES: Yes.

Mr. DEERING: You were still standing.

Mr. DAVIES: Inasmuch as the Chair had not recognized you, Senator Deering, I had a perfect right to stand, and you should have given way to me until the Chair did recognize you.

The PRESIDENT pro tem: The Chair thought it did recognize the senator from York, Senator Deering. Perhaps my voice did not reach.

Mr. DEERING: Mr. President, I did not know that this discussion was to take the trend which it has taken within the last few minutes, and I do not think that I have anywhere ever agreed to accept any amendment to this charter, to this particular one we are discussing or to the charter of the Union Safe Deposit & Trust Company, or any other, without being allowed to discuss it. I want to give notice now to those that propose to put in promiscuously amendments to charters to trust companies that I shall expect to be heard in contesting them, both in regard to the Union Safe Deposit & Trust Company, and in addition to the charter of the Bath Trust Company. We have but one question before us. If we go groping all over the state of Maine to correct things that we think might happen, we will be here till the fourth of July, and, Mr. President and Senators, I am not in favor of any additional amendments being put on those two bills because somebody is scared. We are discussing the Bath Trust Company. If the gentlemen of this Senate do not want the Bath Trust Company to have this little bit of a legitimate power that it asks for, let them vote it down and we will take up the next question upon the calendar. If they do, then, Mr. President and Senators, I feel that we should dispose of it now and find out. That would be my position when other amendments are offered.

Mr. WALKER of Somerset: Mr. President, may I ask that the motion of the Senator from Washington be now put?

Mr. DAVIES: Will you hold that just a moment until I have two or three words? I will promise not to detain the Senate but five minutes.

First, Mr. President, in regard to what has been said about the bill and its being reported into the Senate and being referred or recommitted to the committee. I desire to say this, that the Senate may entirely understand

what the procedure was, and Senator Deering and Senator Gillin will bear me out in this. I know, providing it has not slipped their mind.

The bill originally was referred to a sub-committee, the members of which I do not happen to remember at the present time, and by an error the sub-committee reported the bill to the Senate instead of laying their report before the judiciary committee as a whole. That was discovered. That is correct, is it not, Senator Deering?

Mr. DEERING: It is, Mr. Senator.

Mr. DAVIES: That was discovered some time after the bill got into the House and some member of the committee suggested that it be re-committed for the purpose, Mr. President, of having the sub-committee lay their report before the judiciary committee as a whole.

Second, Senator Gillin has said that I did not seem to be worried, or words of this purport, so long as the Union Safe Deposit & Trust Company and the Eastern Trust & Banking Company had already secured their charter. I desire to say that I was not in the Senate or the House at the time that those charters were granted and had absolutely nothing to do with the granting of those charters. It is true that at the time the Union Safe Deposit & Trust Company secured their charter and proceeded in the surety bond business, they did not receive deposits subject to check, and only began to receive them within a very short time.

As to the Androscoggin Trust Company we were informed by Judge Morrill, who appeared in favor of the bill, the Judge that is now the judge of the probate court in Androscoggin county, that the Androscoggin Trust Company was about to begin business, had taken over the charter and the assets of one or two of the large banks there. And I should like to ask, if I may, Mr. President, of Senator Deering, through you, if he is in favor of granting the right, which the Bath Trust Company asks for here, generally to trust companies in the state, that I may get his view.

The PRESIDENT pro tem: He may answer if he desires.

Mr. DEERING: I do not know as I desire but I am going to. My idea about granting a power of this kind, that it should depend upon the standing and the integrity of the particular institution in the location in which it stands. I know of some trust companies, of some banking institutions in this state--

Mr. DAVIES: I am limited to five minutes, Senator Deering, if you will kindly remember that.

Mr. DEERING: Have I answered the question??

The PRESIDENT pro tem: Has the senator from York answered the question?

Mr. DAVIES: Yes, Mr. President, I was only waiting for him to sit down that I may proceed. Senator Gillin says, if I understand him correctly, that if no charter had been granted he would not be in favor of granting it at the present time, but inasmuch as it has been granted to two trust companies, give it indiscriminately to anybody. That is a way of saying if a person gave one the smallpox, give it to everybody that you can instead of confining it within as narrow limits as possible. If the Union Safe Deposit & Trust Company has a right which is not in accordance with the best banking laws of the State of Maine, something should be done to correct it. And of course the same argument would apply to the Eastern Trust & Banking Company of Bangor.

Mr. GILLIN: Mr. President, I move the previous question.

The PRESIDENT pro tem: The question before the Senate is on the motion of the senator from Cumberland, Senator Davies, that the minority report on an Act to amend Chapter 65 of the private and special laws of 1899 entitled an Act to incorporate the Bath Trust Company, be accepted, that report being, ought not to pass.

Mr. GILLIN: I move that the vote be taken by division.

A rising vote was had, and seven senators voting in the affirmative and 22 in the negative, the motion of the senator from Cumberland was lost.

Mr. GILLIN: Mr. President, I now move that the majority report of the committee be accepted.

The motion was agreed to.

On motion by Mr. Ames of Washington, a recess was taken until 2.30 o'clock.

After Recess

(The President in the Chair)

The PRESIDENT: The Senate will please come to order. Just before we took a recess the Senate adopted the majority report of the committee on judiciary in regard to the Bath Trust Co. The majority report was ought to pass, and it is a printed bill.

On motion by Mr. Googin of Androscoggin, the rules were suspended and the bill was given its first reading.

(Senator Butler of Knox in the Chair.)

The PRESIDENT pro tem: The Chair lays before the Senate, majority and minority report of the committee on judiciary on Resolve in favor of DeForest Keyes.

Majority report, ought not to pass, and minority report ought to pass. The pending question is on the acceptance of either report.

Mr. DEERING of York: Mr. President, I thought I would be able to argue this proposition this afternoon, but so many of the senators are absent and as it is a matter of great importance, I move that it be tabled and assigned for tomorrow morning.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 229, An Act to amend Section 1 of Chapter 285 of the Private and Special Laws of 1854, relating to the erection of wooden buildings in the city of Portland, the pending question being

on its passage to be engrossed in concurrence.

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

The PRESIDENT pro tem: The Chair lays before the Senate, H. D. 291, An Act to grant additional corporate powers to Maine Title and Utility Co., the pending question being on its passage to be engrossed in concurrence.

Mr. DEERING of York: Mr. President, I notice that this company bears the name of Maine Title and Utility Co., and they come to the Legislature and ask to have themselves given additional corporate powers. I do not know whether the Senate is ready to grant the corporate powers this utility asks for or not, but if they read this bill they will find that this corporation intends "to carry on the business of building, constructing and equipping lines of railroads, wholly or in part, with the right to operate the roads so built and constructed, wholly or in part so long as it may be found necessary, under terms and conditions contained in the respective charters of such railroads. Said corporation shall have the right to purchase, manufacture and deal in all kinds of machinery, materials and appliances, deemed necessary or proper for the construction, equipment and operation of railroads, with power to hold by purchase, or may otherwise acquire, the bonds, stocks, securities and other property of railroads, constructed or equipped by said corporation."

I do not believe the Legislature should grant a title and utility company the power to incorporate, manage and run railroads. I believe that should be done in some other way.

I move that the bill be indefinitely postponed.

The motion was agreed to.

Sent down for concurrence.

The PRESIDENT pro tem: The Chair lays before the Senate, H. D. 395, An Act to amend Section 55 of Chapter 30 of the Revised Statutes, relating to the

amount to be expended by the insurance commissioner in investigating fires. The pending question is on its passage to be engrossed in concurrence.

Mr. HIGGINS of Penobscot: Mr. President, Senator Bartlett tabled this bill and is not here at present. I move that it be tabled until tomorrow morning.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate, reports of the committee on public utilities, ought not to pass, on H. D. 513, An Act to permit municipal corporations to own and operate street railways, gas, electric light, water and other public utility and other corporations. The pending question acceptance of report in concurrence.

Mr. AMES of Washington: Mr. President, Senator Peacock is not present. I move that the report be tabled until tomorrow morning pending acceptance.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate, Report A, ought not to pass, and Report B, ought to pass in new draft from the committee on labor on H. D. 551, An Act relative to the hours of labor of conductors and motormen. The pending question, acceptance of either report.

On motion by Mr. Ames of Washington, tabled.

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 564, An Act to amend Section 100 of Chapter 52 of the Revised Statutes, relating to the capital stock of building and loan associations. The pending question, on its passage to be engrossed in concurrence.

Mr. CHICK of Kennebec: Mr. President, as Senator Bartlett is absent I move that this bill be tabled.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate, S. D. 205, An Act to amend Section 10 of Chapter 117 of the Revised Statutes, relating to stenographers of the supreme judicial court.

The pending question being on its passage to be enacted.

Mr. WOOD of Hancock: Mr. President, at the request of the executive department I move this bill be tabled.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate, S. D. 273, An Act to amend Section 15 of Chapter 136 of the Revised Statutes of Maine, 1916, relating to proceedings in court in criminal cases. The pending question, on its passage to be engrossed.

Mr. MARSHALL of Cumberland: Mr. President, this bill is one that was before the committee on legal affairs of which I am a member, and was reported by the committee. It is one of those bills for which no one appeared in behalf and no one appeared in opposition. At the time it did not appear to have any especially bad features. Since the report of the committee some of the members of the committee have further considered the matter and have also discussed it with lawyers outside the committee, in a general way, and there is a question, in my mind, at least, whether it is a necessary piece of legislation. The bill is this, really the present law, that when anyone is on trial for life punishment the court shall assign competent counsel. The bill in question reads as follows: "Competent counsel shall be assigned by the court in cases punishable by imprisonment for life, or for a term of years, when it appears that the accused has not sufficient means to employ counsel; and reasonable compensation for the services of counsel shall be allowed by the court to be paid out of the county treasury."

In practice, where a respondent has no counsel the court at the present time may assign counsel for anyone, I think I may say, that is on trial for any crime of any considerable measure. That counsel is usually a young man, to be sure, and I think the ends of justice are obtained by him.

I feel, at least, that it will not add to the ends of justice to have it required

that counsel should receive reasonable compensation for his services in such matters, and therefore, although the report came out of our committee, I move that the bill be indefinitely postponed.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate Report A, ought to pass in new draft, and Report B, ought not to pass, from the committee on judiciary on S. D. 241, An Act to provide for the establishment of district almshouses or infirmaries and to repeal Sections 15, 16 and 17 of Chapter 29, Revised Statutes. The pending question is acceptance of either report.

On motion by Mr. Gillin of Penobscot the reports were tabled and assigned for next Friday.

The PRESIDENT pro tem: The Chair lays before the Senate majority report, ought to pass, and minority report, ought not to pass, from the committee on legal affairs, on An Act to amend Section 13 of Chapter 34 of the Revised Statutes, relative to the tenure of office of county attorney. The pending question, acceptance of report.

Mr. WALKER of Somerset: Mr. President, I yield to Senator Marshall, the chairman of the committee.

Mr. MARSHALL of Cumberland: Mr. President, this is a matter in which I think Senator Merrill is especially interested. I move it be tabled until later.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 119, An Act to provide for conducting scientific investigation bearing upon the agriculture of Aroostook county. The pending question being on its passage to be engrossed in concurrence.

On motion by Mr. Bartlett of Kennebec, tabled until tomorrow.

Mr. CHICK of Kennebec: Mr. President, I move to take from the table H. D. 564, An Act to amend Section 100

of Chapter 52 of the Revised Statutes, relating to the capital stock of building and loan associations.

The motion was agreed to.

Mr. CHICK: Mr. President, I yield to Senator Bartlett.

Mr. BARTLETT of Kennebec: Mr. President, I move that this bill be indefinitely postponed and in explanation will say that the same subject matter is covered in H. D. 480, that was passed to be engrossed this morning. The two bills cover practically the same thing and are put together in one bill.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate, H. D. 569, An Act to amend Chapter 213 of the Private and Special Laws of 1915, relative to granting licenses for certain businesses and purposes by the municipal officers of the city of Portland. The pending question, adoption of House Amendment A in concurrence.

On motion by Mr. Marshall of Cumberland, House Amendment A was adopted in concurrence and the bill was then passed to be engrossed as amended.

The PRESIDENT pro tem: The Chair lays before the Senate, H. D. 608, resolve in favor of Otto Nelson. The pending question being passage to be engrossed in concurrence.

Mr. GILLIN of Penobscot: Mr. President, the Governor instructed me to state to the Senate that if this resolve was indefinitely postponed, that he believed it was just and right and he and the Council would see that the amount given by the committee was paid at once. I therefore for that reason move that the resolve be indefinitely postponed.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate, S. D. 230, An Act relating to the construction of chimneys. The pending question being on its passage to be engrossed.

Mr. BARTLETT of Kennebec: Mr. President, I wish to present Senate

Amendment A to this bill and will say in regard to this that this matter clears up errors in the bill. In one section it changes six inches to eight inches as a thickness of a double brick chimney, and it also eliminates its being covered with lime or mortar. I move the adoption of the amendment.

The amendment was adopted.

Mr. RICKER of Hancock: Mr. President, I offer Senate Amendment B to S. D. 230. I will say that this amendment strikes out the sixth paragraph which reads: "This act shall not apply to buildings used exclusively for manufacturing purposes."

Mr. DEERING of York: Mr. President, I rise to ask a question of the senator from Hancock. Does that prevent, in your opinion, from constructing a smoke stack?

Mr. RICKER: No, it does not. That is simply my opinion in the matter.

If you wish I will make a short explanation. My reason for taking that out was that this act, which applies to chimneys, is very specific and seems to me to be a very fine thing for the safety of buildings, and goes on to say that it does not apply to buildings used exclusively for manufacturing purposes, I had an idea if there is any place that needed protection it was a building used for manufacturing purposes.

Mr. DEERING of York: Mr. President, pending the time I look into a dictionary and find out whether a smoke stack is a chimney or not, I move that the bill and amendments lie on the table.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate H. D. No. 616, An Act amending Section 124 of Chapter 87 of the Revised Statutes, relating to competency of witnesses in court. The pending question is on its passage to be engrossed in concurrence.

Mr. WOOD of Hancock: Mr. President, I move that this act be indefinitely postponed, and in explanation will say

that it is a matter that will be particularly appreciated by attorneys. The act is, "No person is incompetent to testify in any court or legal proceeding, in consequence of having been convicted of an offense; but such conviction, if not established by plea of *nolo contendere*, may be shown to affect his credibility." As the law is at the present time, as I think all lawyers present will agree with me, the plea of *nolo contendere* carries with it a conviction just as much as a conviction by a jury, and if for any reason the prosecuting officer accepts the plea of *nolo contendere* he can still bring up the record against a man just the same as if he was convicted by a jury or convicted by the court, convicted in any way.

There is a well established line of cases and a well established law in Maine, and I can see where it might give some present prosecuting officers, county attorneys and others, some difficulty, and might lead a class of criminals, chronic criminals, if you please, to take advantage of it. I asked Mr. Baxter about it and he said that it was presented to him on a typewritten statement by some attorney who wanted it put through, and he had not particularly investigated it, although any lawyer would see its effect at once. While it might not be of great importance, it is of some. I took the trouble to consult with some members of the supreme court who are present in the city, and I find that their sentiment was that the matter had best be left alone, and from my personal conviction and from the idea that I got from the judges of the supreme court, it would be better to let the matter remain just as it is. And for that reason, Mr. President and fellow senators, I move its indefinite postponement.

Mr. GILLIN of Penobscot: Mr. President and senators, I heartily concur with the distinguished Senator from Hancock, and second the motion which he makes.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate, S. D. No.

376, An Act to amend Sections 20 and 21, Chapter 8, of the Revised Statutes, relating to lands reserved for public uses. The pending question is its passage to be engrossed.

Mr. GRANT of Cumberland: Mr. President, in the absence of Senator Holt, I will move this lay on the table until tomorrow morning.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate H. D. No. 62, majority report, ought not to pass, and minority report, ought to pass, from the committee on judiciary on bill, An Act to amend Section 1, Chapter 84 of the Revised Statutes, in relation to the appointment of clerks of the judicial courts. The pending question is on the acceptance of either report.

Mr. LORD of York: Mr. President, the Senator who is interested in this matter is engaged in a committee hearing, and I move it lie on the table until tomorrow morning.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate H. D. No. 469, majority report of ought not to pass, and minority report ought to pass, from the committee on judiciary on bill, An Act for optional referendum for cities and towns. The pending question is on the acceptance of either report.

On motion by Mr. Gillin of Penobscot, the majority report, ought not to pass, was accepted.

The PRESIDENT pro tem: The Chair lays before the Senate S. D. No. 164, majority report, ought to pass, new draft, and minority report, ought not to pass, from the committee on judiciary on bill An Act for the better protection of children and to amend certain sections of Chapter 64, Revised Statutes. The pending question is the acceptance of either report.

Mr. GRANT of Cumberland: Mr. President, I move this lay on the table until tomorrow morning.

Mr. DEERING of York: I would like to ask the gentleman from Cumberland

if he would mind assigning that for Friday morning?

Mr. GRANT: This is Senator Holt's bill.

Mr. DEERING: I know. I have had some talk with him.

Mr. GRANT: That is all right. I have no wish in the matter.

The motion was agreed to and it was specially assigned for Friday morning.

The PRESIDENT pro tem: The Chair lays before the Senate, report, ought not to pass, from the committee on salaries and fees on bill, An Act to amend Section 38 of Chapter 117 of the Revised Statutes of 1916 regarding the compensation of the judge of probate for Somerset county. The question is on the acceptance of report in non-concurrence.

Tabled on motion by Mr. Grant of Cumberland, until tomorrow morning.

The PRESIDENT pro tem: The Chair lays before the Senate majority report, ought to pass, new draft, and minority report, ought not to pass, from the committee on salaries and fees on bill, An Act to fix the salary of the judge of probate for the county of Androscoggin. The pending question is on the acceptance of either report.

On motion by Mr. Grant of Cumberland, tabled until tomorrow morning.

Mr. HASTINGS of Androscoggin: Will the senator assign a date?

Mr. GRANT: Tomorrow.

The PRESIDENT pro tem: The Chair lays before the Senate 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. The pending question is the motion of Senator Merrill on passage to be engrossed in concurrence.

Mr. DEERING of York: Mr. President, I wish to call the attention of the Senate to this particular bill and perhaps disclose what the purpose of this bill is. This bill proposed to amend Section 49, Chapter 9, Revised Statutes of

1916, by inserting after the word "except" in the third line the following words: "casualty assessment companies incorporated under the laws of Maine." This bill should be entitled An Act to exempt from taxation the Maine Insurance Company and the Fraternities Insurance Company. That would be a proper title for this bill. There are only two companies which come within the exception which is proposed here, and while it does not mention them, this looks to me exactly like a general law which is passed for private purposes. There is one small company in Bingham that is paying about \$200 taxes. There is a company called the Fraternities Insurance Company, paying about \$1100 taxes. This bill, if it is passed, exempts those two companies from paying taxes.

Now I do not think that at the present stage of the game, where we are searching in every part that we can search for revenue with which to carry the government on for the next two years, that any bill that comes in here under the guise of a general law, but which will result in exempting from taxes these two particular companies, ought to receive the sanction of the Senate. I therefore, Mr. President, move that this bill be indefinitely postponed.

Mr. GILLIN: Mr. President, I second the motion made by the senator from York.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate, H. D. 185, An Act relating to Vassalboro, China and Windsor Light & Power Co. The pending question being the adoption of House Amendment A.

Mr. DEERING of York: These power company matters are all specially assigned for tomorrow and I move that this particular one be tabled and assigned for tomorrow.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 254, An Act to amend the charter of the Central Maine Power Co.

Tabled on motion by Mr. Deering of York and assigned for tomorrow.

On motion by Mr. Ames of Washington, tabled.

The PRESIDENT pro tem: The Chair lays before the Senate, H. D. 305, An Act additional to Chapter 127 of the Revised Statutes, relating to the enforcement of the laws against the sale of intoxicating liquor. The pending question being on its passage to be engrossed in concurrence.

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 508, An Act to incorporate the Grand Isle Light & Power Co.

Tabled on motion by Mr. Deering of York.

Mr. WALKER of Somerset: Mr. President, I offer Senate Amendment A and move its adoption.

Senate Amendment A to H. D. 305.

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

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

The amendment was adopted and the bill as amended was passed to be engrossed and sent down for concurrence.

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 610, resolve in favor of Fred R. Smith of Pittsfield, for expenses incurred as a member of the hospital trustees investigating conditions at the Augusta State hospital in 1913. The pending question being on its passage to be engrossed.

On motion by Mr. Lord of York, the resolve was passed to be engrossed.

The PRESIDENT pro tem: The Chair lays before the Senate S. D. 85, An Act to amend Section 19 of Chapter 117 of the Revised Statutes, relating to the banking department.

Mr. DAVIS of Piscataquis: Mr. President, in the absence of Senator Stanley, I move that this bill be tabled until tomorrow morning.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate, H. D. 352, An Act to amend Section 11 of Chapter 117 of the Revised Statutes, relating to the salaries of the stenographers of the superior courts. The pending question being on its passage to be enacted.

Mr. AMES of Washington: Mr. President, I move to take from the table, H. D. 551, Reports A and B of the committee on labor on An Act relative to the hours of labor of conductors and motormen, tabled by me a few moments ago.

Mr. WOOD of Hancock: Mr. President, I understand it is desired by the executive department that this bill be further tabled. I move that it be tabled.

Mr. AMES: Mr. President, I now yield to Senator Butler of Franklin.

Mr. BUTLER of Franklin: Mr. President, I move that this bill be indefinitely postponed.

The motion was agreed to.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 534, resolve appropriating money for the repair of Teachers' Old Home on Old Town Indian Island No. 1. The pending question being on its final passage.

The PRESIDENT pro tem: The Chair lays before the Senate S. D. 341, An Act to amend Section 20 of Chapter 144 of the Revised Statutes, relating to the commitment of girls to the State school for girls. The pending question being its passage to be engrossed.

On motion by Mr. Marshall of Cumberland, tabled until tomorrow morning.

The PRESIDENT pro tem: The Chair lays before the Senate, S. D. 393, An Act to prevent public discrimination by reason of religious creeds at places of public accommodation, resort or amusement. The pending question being on its passage to be engrossed.

Mr. MARSHALL of Cumberland: Mr. President, this is a bill which I have no objection to, but it seems to me that there are one or two features in it that should be amended.

It relates to discrimination by reason of religious creed in places of public accommodation, resort or amusement. The first mention of the bill makes the production in court of any advertisement, circular, folder, book or pamphlet, or evidence tending to establish the fact of the display of such written or painted or printed notice or sign, shall be prima facia evidence in any action that such advertisement, circular, folder, book or pamphlet or such written or painted or printed notice or sign was published, issued, circulated, distributed or displayed by the person by whom it may purport to have been issued, or by the owner, lessee, proprietor, manager, superintendent or agent of the place of accommodation, resort or amusement to which it relates or upon the premises of which it was displayed. That shifts the whole burden of proof. It seems to me that the bill if it becomes a law should take its regular course, and that

any one accused of crime should be proven guilty and not cast a burden on the other side. To that end I have prepared an amendment striking out that section. It also provides a fine of not less than \$100 and not more than \$500 and for imprisonment for not less than 20 days or more than 90 days. This is for a misdemeanor, and it seems to me that the fine is altogether out of proportion to the offence. I therefore offer the amendment making the fine not more than \$100 and the imprisonment not more than 30 days.

I move the adoption of the amendment.

The amendment was adopted and the bill was amended was passed to be engrossed.

The PRESIDENT pro tem: The Chair lays before the Senate, S. D. No. 407, An Act to provide for better telephone service.

On motion by Mr. Lord of Androscoggin, indefinitely postponed.

Mr. GOOGIN of Androscoggin: Mr. President, I move to reconsider the vote whereby we indefinitely postponed H. D. No. 551.

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

On motion by Mr. Holt of Cumberland,

Adjourned.