

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.

Thursday, March 29, 1917.

Senate called to order by the President.

Prayer by Rev. R. S. Pinkham of Gardiner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act to authorize the Oxford Electric Co. to extend its electrical lines to and within the town of Hebron and to purchase the electrical equipment of the Hebron Academy.

In the House on its passage to be enacted House Amendment A was adopted.

(Tabled on motion by Mr. Deering of York.)

From the House: Resolve proposing an amendment to Section 3, Article 4 of the Constitution in regard to the apportionment of representatives in accordance with population.

In the Senate passed to be engrossed; in the House indefinitely postponed.

On motion by Mr. Holt of Cumberland, the Senate insisted on its former action and appointed a committee of conference.

The Chair appointed on such committee of conference on the part of the Senate, Messrs. Holt, Butler of Franklin and Bartlett.

Mr. HIGGINS of Penobscot: Mr. President, I ask unanimous consent to introduce a resolution out of order at this time.

Resolved, that the members of the Senate extend their heartfelt sympathy to the senator from Oxford, Senator Stanley, and the members of the family, in their bereavement in the loss of his son.

Received under suspension of the rules and passed.

From the House: The committee on conference on the disagreeing action of

the two bodies of the Legislature on the resolve in favor of Joseph H. Underwood, report that the Senate recede and concur with the House in passing House Amendment A.

The report was accepted in concurrence.

On motion by Mr. Bartlett of Kennebec, House Amendment A was adopted in concurrence, and the resolve was passed to be engrossed as amended.

House Bills in First Reading

House 539. An Act to amend Section 7 of Chapter 38 of the Revised Statutes of 1916, relating to licenses of agents and dealers in nursery stock.

House 687. An Act to amend Section 51 of Chapter 82 of the Revised Statutes, relating to trial lists of supreme judicial court for Aroostook county.

House 686. An Act to amend Section 33 of Chapter 9 of the Revised Statutes, increasing the taxation of owners of parlor cars.

House 684. An Act to amend Sections 16, 38, 39 and 40 of Chapter 26 of the Revised Statutes, relating to the operation of motor vehicles.

House 693. An Act to amend Section 45 of Chapter 117, Revised Statutes, relating to clerk hire in county offices in the county of Penobscot.

House 694. An Act to amend Section 72 of Chapter 82 of the Revised Statutes of 1916, increasing the annual appropriation for the attorney general's department.

House 691. An Act to incorporate the Casco Water, Electric Light and Power Company.

From the House: The report of the committee on salaries and fees, ought not to pass, on An Act to amend Chapter 337 of the Public Laws of 1915, relating to the amount to be paid for clerk hire in Knox County.

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

On motion by Mr. Grant of Cumberland, the Senate non-concurred with the House and accepted the report of the committee, ought not to pass.

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. Gordon of York: Resolve in favor of Joseph H. Littlefield, secretary of the committee on public health.

By Mr. Higgins of Penobscot: Resolve in favor of W. M. Stuart, document clerk.

By the same Senator: Resolve in favor of W. M. Stuart, document clerk.

By Mr. Walker of Somerset: Resolve in favor of the secretary of the committee on education.

Bills in First Reading

S. D. 410. An Act to fix the salary of the clerk of courts of the county of Lincoln.

Mr. GRANT of Cumberland: Mr. President, pending first reading, I move that this bill be indefinitely postponed.

A viva voce vote was had and the Chair being in doubt, a rising vote was taken. Sixteen senators voting in the affirmative and four voting in the negative the motion prevailed and the bill was indefinitely postponed.

S. D. 411. An Act to repeal all special and private laws relating to the taking of migratory fish in Denny's river.

S. D. 412. An Act to amend Section 8 of Chapter 45 of the Revised Statutes of 1916, relating to regulation of lobster industry.

Reports of Committees

Mr. Marshall from the committee on legal affairs, on An Act to amend Section 29 of Chapter 136 of the Revised Statutes, relating to copy of proceedings in murder cases, reported same ought to pass.

Mr. Marshall from the same committee, on An Act authorizing the selectmen of the town of Brooksville to grant a private way over tide waters in said Brooksville, reported same ought to pass.

Mr. Walker from the committee on State School for Boys, State School for Girls and Women's Reformatory,

on Resolve in favor of the Reformatory for Women for the construction of additional buildings and other purposes for the years 1917 and 1918, reported same ought to pass.

Mr. Conant from the committee on ways and bridges, on An Act to amend Chapter 25 of the Revised Statutes relating to State and State aid highways and to provide a mill tax fund for their construction, reported same in a new draft under the same title and that it ought to pass.

The PRESIDENT: The Chair will entertain a motion from the senator from Waldo, Senator Conant, on this bill in new draft, on the mill tax for ways and bridges, that we print an additional number of copies of the bill.

On motion by Mr. Conant 1500 copies were ordered printed.

Mr. Peacock from the committee on ways and bridges, on An Act to amend Section 23 of Chapter 26 of the Revised Statutes of 1916 relating to the registration of motor vehicles (Senate No. 170), reported same ought to pass. (Read first time under suspension of the rules on motion by Mr. Peacock of Washington.)

Mr. Conant from the same committee, on An Act to amend Chapter 319 of the Public Laws of 1915, entitled An Act to provide for State and county aid in the construction of highway bridges (Senate No. 356), reported same ought to pass. (Read first time under suspension of the rules on motion by Mr. Conant of Waldo.)

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

Mr. Gillin from the committee on judiciary, on An Act to amend Section 16 of Chapter 7 of the Revised Statutes of 1916, relating to manner of voting (Senate No. 260), reported that the same be referred to the next Legislature. (On motion by Mr. Deering of York, seconded by Mr. Gillin of Penobscot, recommitted to the committee on judiciary.)

Mr. Wood from the committee on legal affairs, on An Act to amend Section

19 of Chapter 53 of the Revised Statutes of 1916, relating to appeals from inferior courts, reported same ought not to pass.

Mr. Wood from the same committee, on An Act to amend Sections 12 and 13 of Chapter 100 of the Revised Statutes, relating to trespass on islands in salt waters, after notice, and notices, to be given (Senate No. 149), reported same ought not to pass.

Mr. Marshall from the same committee, on An Act providing for the use of school buildings for the purposes of holding meetings of a social center or community forum (Senate No. 372), reported same ought not to pass.

The reports were accepted and sent down for concurrence.

Final Reports

Mr. Swift from the committee on railroads and expresses presented its final report.

Passed to Be Engrossed

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"; Sections 1, 3 and 4 of Chapter 167 of the Private and Special Laws of 1853, entitled "An Act relating to the city of Portland"; Chapter 285 of the Private and Special Laws of 1824, entitled, "An Act respecting the erection of wooden buildings in the city of Portland."

(House Amendment A adopted 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. 596. An Act to amend Section 78 of Chapter 4 of the Revised Statutes, relative to State stipend for public libraries. (Tabled on motion by Mr. Higgins of Penobscot, pending acceptance of House Amendment A in concurrence.)

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. 615. An Act to amend Section 9 of Chapter 29 of the Revised Statutes, prohibiting the treatment of army and navy veterans as paupers.

H. D. 626. Resolve, to reimburse certain cities and towns for money ex-

pended for the support of dependent families of members of the National Guard.

H. D. 648. Resolve for investigations and clearing the title of the settlers on township 17, range 5, in Aroostook county.

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

H. D. 659. An Act to amend Section 2 of Chapter 204 of the Private and Special Laws of 1883, as amended by Section 1 of Chapter 119 of the Private and Special Laws of 1903, increasing the jurisdiction of the municipal court of the city of Westbrook.

H. D. 660. An Act relating to the trustees of the Windham ministerial fund.

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

H. D. 662. An Act to amend Paragraph 3 of Section 1 of Chapter 282 of the Private and Special Laws of 1909, increasing the salary of recorder of the municipal court of the city of Westbrook.

H. D. 664. An Act to establish a superior court in the county of Androscoggin.

H. D. 665. An Act to amend Section 1 of Chapter 34 of the Revised Statutes, relating 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, providing for an increase in the number of licensed detectives.

H. D. 667. An Act to amend Sections 1, 2 and 3 of Chapter 141 of the Revised Statutes to better defining the duties and to increasing the number of medical examiners. (Tabled on motion of Mr. Gordon of York, pending second reading.)

H. D. 668. An Act to prevent officers and employees of life, accident and fire insurance institutions from making copies of records. (On motion by Mr. Higgins of Penobscot, indefinitely postponed.)

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

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. 674. An Act to amend Section 3 of Chapter 384 of the Private and Special Laws of 1907, increasing 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 Statutes, increasing the salary of the State auditor.

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. (Pending acceptance of House Amendment A, the bill and amendment were tabled on motion by Mr. Higgins of Penobscot.)

H. D. 680. Resolve continuing unexpended balance of appropriation 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 river between the town of Madawaska, Maine, and the city of Edmundston, New Brunswick."

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.

S. D. 71. An Act to repeal Section 12 of Chapter 128 of the Revised Statutes, relating to intention to defraud in lumbering operations and commonly known as the peonage law. (On motion by Mr. Wood of Hancock, tabled pending acceptance of House Amendment A.)

S. D. 33. An Act to amend Chapter 65 of the Private and Special Laws of 1899, entitled "An Act to incorporate the Bath Trust Company.

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." (On motion by Mr. Wood of Hancock, Senate Amendment A was adopted and the bill as amended was then passed to be engrossed.)

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.

Passed to Be Enacted

An Act to amend Section 16 of Chapter 59 of the Revised Statutes, relating to compensation of inspectors of steamboats.

An Act to amend Section 1 of Chapter 34 of the Revised Statutes, providing for the appointment of a deputy commissioner of agriculture.

An Act to incorporate Maine Fire Insurance Company.

An Act to amend Section 82 of Chapter 115 of the Revised Statutes, relating to support of debtors in jail.

An Act to amend Section 76 of Chapter 45 of the Revised Statutes, relating to smelts. (Tabled on motion by Mr. Boynton of Lincoln.)

An Act to provide for the improvement and certifications of seed produced in the State.

An Act to authorize the municipal officers of the town of Machias to close a bridge over tide water.

An Act to amend the charter of the city of Augusta, relative to police.

An Act to incorporate the Smyrna and Oakfield Water Company.

An Act additional to Revised Statutes, Chapter 51, relating to corporations.

An Act to enable the town of Princeton to supply electricity and water.

An Act to amend Sections 28 and 29 of Chapter 55 of the Revised Statutes, relating to notice by public utilities of changes in rates.

An Act to incorporate the Musquacook Stream Dam & Improvement Co.

An Act to establish the Presque Isle municipal court.

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

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

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

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

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

An Act to amend Sections 18 to 23 inclusive, of Chapter 18, and Section 53 of Chapter 117 of the Revised Statutes, all relating to the board of registration of nurses.

An Act to amend Section 6 of Chapter 42 of the Revised Statutes, concerning intelligence offices.

An Act to define certain terms used in Section 58 of Chapter 64, of the Revised Statutes, in relation to licensing children's homes and maternity hospitals.

An Act to amend Section 31 of Chapter 68 of the Revised Statutes, appropriating moneys in the State treasury credited to public administrators' fund.

An Act confirming the official acts of the officers of the plantation of Chapman, acting as officers of the town of Chapman, and the proceedings of the special town meeting of the inhabitants of the town of Chapman held Dec. 27, 1915.

An Act authorizing the bondholders or purchasers of Sanford and Cape Porpoise Railway Company and The Atlantic Shore Railway to reorganize said corporations.

An Act to provide a new building for the Augusta State hospital.

This bill carrying an emergency clause, required a two-thirds vote of the Senators elected.

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

Finally Passed

Resolve in aid of navigation on various lakes, rivers and thoroughfares in the State of Maine.

Resolve, authorizing the treasurer of State to reissue matured State highway bonds.

Resolve, in favor of Ernest E. Grafam of Poland.

Resolve, for laying the county taxes for the year nineteen hundred eighteen.

Resolve, reimbursing the town of Presque Isle for money expended on account of a certain pauper.

Resolve for the payment of expenses of last sickness and burial of Allan Shenneck, formerly a private, Company L, Maine Infantry, N. G. S. M.

Resolve in favor of the University of Maine for maintenance and for the construction of new buildings.

Resolve in favor of the Trull Hospital Aid Association for the care, support, medical or surgical treatment of indigent persons.

Resolve, appropriating money for the protection of trees and shrubs from the ravages of dangerous insects and diseases.

This resolve carrying an emergency clause required a two-thirds vote of the Senators elected.

A rising vote was had and 27 Senators voting in the affirmative and none opposed the resolve was finally passed.

Orders of the Day

Mr. WOOD of Hancock: Mr. President, I move that we reconsider the vote whereby we passed to be engrossed An Act establishing a superior court in Androscoggin county.

My only reason for doing this, I will say, so that there will be no uneasiness on the part of the Senator from Androscoggin, it provides for the stenographer being paid by the State. I am informed by the stenographers of Kennebec county and Cumberland county that they are paid by the county, and I think the practise ought to be uniform.

The motion was agreed to and the vote was reconsidered.

On further motion by the same Senator the bill was tabled.

Mr. DAVIES of Cumberland: Mr. President, I desire to offer a resolution and after it is read I move that it lie on the table.

Resolve in favor of the appointment of a hydro-electric power investigating committee.

(The resolve was read by the President and tabled for printing.)

Mr. WOOD of Hancock: Mr. President, I move to take from the table S. D. 205, An Act to amend Section 10 of Chapter 17 of the Revised Statutes, relating to stenographers of the supreme judicial court.

The motion was agreed to.

Mr. WOOD: I desire to offer an amendment, and I move that the vote whereby this bill was passed to be enacted be reconsidered.

The PRESIDENT: The Chair will inform the senator from Hancock that we have already reconsidered the vote whereby this bill was passed to be enacted.

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

The motion was agreed to.

Mr. WOOD: I now offer Senate Amendment A to S. D. 205, and move its adoption.

Senate Amendment A to S. D. 205.

Amend Senate Document 205 by striking out the words "two thousand" wherever the same appear, and insert in lieu thereof the words "eighteen hundred."

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

On motion by Mr. Davies of Cumberland, S. D. 399, An Act to prohibit the carrying of dangerous or deadly weapons without a license, was taken from the table.

The same senator then offered Senate Amendment A: Amend S. D. 399 by striking out in the second section the words "whose business or occupation requires the carrying of such weapons for protection." And also the same in the eighth line.

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

On motion by Mr. Lord of York, H. D. 172, An Act to incorporate the Saint Croix Water Company, was taken from the table.

Mr. LORD: Mr. President, I yield to Senator Marshall.

Mr. MARSHALL of Cumberland: Mr. President, I offer Senate Amendment A and move its adoption.

Senate Amendment A to H. D. 172.

Amend by adding thereto the following section: Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of an existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of Chapter 55 of the Revised Statutes.

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

On motion by Mr. Higgins of Penobscot, H. D. 679, Resolve continuing unexpended balance of appropriation provided by Chapter 321 of the Resolves of 1915, 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."

On further motion by the same senator the bill was given its second reading.

The pending question was now on the adoption of House Amendment A in concurrence.

House Amendment A: Amend by striking out in the third line thereof the word "hundred" and substituting therefor the word "thousand," was adopted in concurrence, and the bill as amended was passed to be engrossed.

On motion by Mr. Marshall of Cumberland, majority and minority reports of the committee on legal affairs on An Act to amend Section 16 of Chapter 84 of the Revised Statutes of 1916,

relative to the tenure of office of county attorney.

On further motion by the same senator, the majority report, ought to pass, was accepted, and the bill was tabled for printing under the joint rules.

On motion by Mr. Boynton of Lincoln, H. D. 520, An Act to amend Section 76 of Chapter 45 of the Revised Statutes relating to smelts, was taken from the table.

On further motion by the same senator the vote was reconsidered whereby this bill was passed to be engrossed.

The same senator then offered Senate Amendment A; "Amend H. D. 520 by striking out the words 'Merrill's ledges' in the 12th line thereof, and insert in place thereof 'Spectacle Island.'"

On motion by Mr. Higgins of Penobscot, pending acceptance of Senate Amendment A, tabled.

Assigned for Today

The PRESIDENT: The Chair lays before the Senate, H. D. 457, An Act ratifying and confirming the action of the Knox Gas & Electric Co. in acquiring the capital stock, franchises, property and rights of the Rockland & Thomaston Gas Light Co., the Camden & Rockport Electric Light Co. and the Thomaston & Warren Electric Light Power Co.

The pending question being adoption of House Amendment A.

Mr. HOLT of Cumberland: Mr. President and Senators, I tabled this act, which carried with it House amendment A, in order that we might have a full discussion of this whole question and decide once and for all whether the Senate will stand for these amendments or not. I think that we should fully consider the matter before deciding that question. There is tabled also, an act to enlarge the powers of the Western Maine Power Company, and there are several other acts of similar nature on the calendar relating to hydro-electric power companies, with this House amendment A upon them. We should not decide this piece-

meal, but having once given our decision we should decide all the amendments in the same way.

This amendment forbids companies from transmitting electric current out of the State of Maine, and also forbids them from combining with other companies to do that,—to transmit current. The amendment is the same as applied to all these different charters.

To start out with, we will all agree that this is a very important question to the people of the State. This morning the senator from Cumberland, Senator Davies, introduced a resolve for a legislative committee to investigate this whole question, and there is now pending before the legislature an act to give this power to the Public Utilities Commission. There is also an act pending to create a separate commission to study this question. I believe that before we change our policy we should have the facts fully investigated, and we should also know more than we do now about our rights, and that until that investigation has been made, it is the safe thing for us now to stand behind the policy of not having this current transmitted outside of the State.

But it is said we already have a general law which covers this whole question and why is it necessary to add any amendments to any of the charters which have been presented to the legislature for certain changes. In what little discussion we have had here in the Senate, it has been said we have a general law and that there is no need of any further amendments, that they simply lumber up the charters of these various corporations.

If it were true that this general law does cover the situation—and at first I was inclined to believe that that was so, that there was no need for these amendments because of the general law—if it were true that the general law does cover the situation, of course there would be no need of having these amendments.

In order to be exact, I wish to read the general law which was passed in 1909 Chapter 60 of the Revised Statutes, so that we may have the matter clearly before us. The section reads as follows:

"No corporation, unless expressly authorized so to do by special act of the legislature, shall transmit or convey beyond the confines of the State for the purpose of furnishing power, heat or light, any electric current generated directly or indirectly by any water power in this State; nor sell or furnish, directly or indirectly, to any person, firm or corporation, any electric current so generated to be transmitted or conveyed beyond the confines of the State for any of such purposes. Nothing in this section, however, shall prevent any railroad corporation doing business in this State from transmitting electric current, however generated, beyond the confines of the State for the purpose of operating its road between some point in this State and any point or points beyond its confines; nor shall this section apply to any corporation engaged on the third day of July, one thousand nine hundred and nine in conveying or transmitting electric current beyond the confines of the State, or chartered or"—and I wish to emphasize the words—"empowered so to do, nor affect or impair any contracts then existing for the transmission of electric current beyond the confines of the State."

From the operation of this general act you will see was excepted certain corporations chartered or empowered to transmit electric current beyond the confines of the State. That is, this general act excepts all corporations which at the time of its passage in 1909 were empowered to transmit electric current outside of the State.

Turning back to Chapter 51, and referring to Section 52, we find that "any corporation of this State may conduct business in other states, territories or possessions of the United States, or in foreign countries"; that is, that is the general law of the State.—The Senator from Penobscot wishes information as to the date of passage. I will say that this law was passed in 1901. That is simply a general power given to every corporation to do business outside of the State. Every corporation probably would have had that power any way, whether this has been passed or not. This general power is given in specific terms out

of an abundance of caution, to make sure that the corporations have that power, so as to induce corporations to come in here, to make it clear under our laws that if they organize in the State of Maine they will have the general power to engage in interstate commerce.

So I say, construing the section which gives all corporations the power to engage in interstate commerce, construing it with reference to the exception made in the law of 1909, I think it is clear that this law only applies to corporations which came subsequent to the passage of the law in 1909. In other words the general law does not cover the corporations which were organized prior to the year 1909.

Further than that, the whole question as to the constitutionality of this law of 1909 has been raised and freely discussed. I do not intend at this time to go into any argument as to the constitutionality of this law. I will simply throw out a few suggestions. The court has decided that in the case of natural gas a state has no power to say that it shall not be transmitted outside of the State. On the other hand, in the case of wild animals, the supreme court has said that the State has the power to limit the shipment of wild animals outside of the limits of the State, and it has put that upon the ground that there is public ownership in the animals and that every one has a right to hunt and reduce them to possession, and as the State can put a close time upon the hunting of game to conserve game, it can limit the shipment outside of the State. That is based upon the public right, the public ownership in wild animals.

As to water powers, in the very learned opinion which has been read into our record at this session, which was given by ex-Chief Justice Emery, in taking up the general question of water powers, he says that the only public right up and down these rivers is the right of passage of persons and material and the right for the passage of migratory fish, and that at common law, without any statute whatever, a riparian owner has a perfect right to erect a dam upon his property on the bank of a stream and reduce the water

to power, generate power from the water, so long as there is no interference with the general public right. If the riparian owner generates the power, does he not then reduce it to possession? and is it not analogous to the case of natural gas which has been taken out of the ground? This question of course will only be decided upon the court of last resort, it has not been passed upon as yet.

It may be said, if that is so, what is the use of putting upon the charter of a corporation an amendment? Would that be of any effect? I think the point of the whole question is here, that this amendment, if put on to the charter of a corporation, would be effective because the State has absolute power over its corporations and can endow the corporation with such powers as the State may choose, and may limit those powers. With your permission I will read a brief paragraph from the decision of the United States Supreme Court in the case of *Walter Pierce Oil Company v. Texas*, which is reported in Vol. 177 of the United States reports page 43: "The corporation is the creature of the law and none of its powers are original. They are precisely what the incorporating act has made them and can only be exerted in the manner in which that act authorizes. In other words, the State prescribes the purposes of a corporation, and the means of executing those purposes—purposes and means are within the State's control. This is true as to domestic corporations. It has an even broader application to foreign corporations." That is, a state can without any question exclude absolutely a foreign corporation from doing business in the state, and it may do it for reason or no reason, but it has that absolute power. It cannot do that as to an individual, because the individual is protected under the federal law and has the absolute right of engaging in interstate commerce. But as to a corporation it is clearly settled that a state can forbid a foreign corporation from coming into the state, and it seems equally clear that a state may say to its own corporations, its own creatures, You shall not transmit this current outside of the

state. It has already been held that if a foreign corporation has once become engaged in interstate commerce, that after that the state has no power whatever to say that it cannot continue. That question arose in an Oklahoma case where a foreign corporation had come into the state and established its pipe lines, conveying outside of the state natural gas, and the state of Oklahoma passed a law to exclude that corporation. The supreme court decided that having once become engaged in interstate commerce, that the state had no power whatever to exclude the corporation, although it might have excluded it as an original proposition before it once established its line.

It seems to me that applies to a domestic corporation, that the state has the power to say to them, through these amendments to their charters, You shall not engage in interstate commerce in transmitting this electric power outside of the state. But should the corporation once establish physical connection and once commence transmitting this power outside of the state, then I do not believe that there is anything that our Legislature could do to stop it, so that if this general act is declared unconstitutional there is nothing to prevent these companies from transmitting current outside the State, unless we put on these amendments. If then we believe in this policy of keeping the power inside of the State for the development of the State and for the development of industries in the State—that the only way that we can be sure of its continuance is through amendments of the various charters of these companies.

If this is not done and the act is declared unconstitutional, it puts it absolutely beyond the power of the State thereafter to control. It comes down to a question of whether we believe this policy is a wise policy or not. If we do, I believe that these amendments are necessary to carry it out. Of course if we do not believe in the policy, why we do not believe in the amendments or the general law either.

But until the matter has been thor-

oroughly investigated and the State has acted upon it, I believe that we should stick to our present policy, and that in doing that and to make it effective we should pass these amendments which have been offered and adopted in the House.

As this is a very important question, Mr. President, I ask that when the vote is taken that it be taken by a ye and nay vote.

Mr. DEERING of York: Mr. President, I have listened with a great deal of interest in the discussion before this legislature of the various acts which propose to affect the charters of the various companies who have come here asking for amendments.

We had before the committee of which I had the honor to be a member, a great many bills which dealt with this and similar subjects. The first bill we had was the Baxter Power Commission bill, which appropriated about \$5000 to discovering how much the State owned, what its title was to the different water powers and water storages, and also provided for the measurement of it. Gentlemen, anybody that would attempt to put in any bill that would propose to investigate the titles to the water powers of the State and appropriate the sum of \$5000 to my mind does not understand the extent to which that work would go. If any lawyer in the State of Maine would say he would accept \$5000 for the purpose of investigating the titles of these various water powers, he would not be a fit lawyer to employ.

The next thing we had was the Dutton bill, and then another Baxter bill, and then a water power commission bill, a resolution from another member of the House resurrecting the Baxter bill, a resolution from the Senate this morning creating one of those peculiar things known as a non-partisan and unpaid commission.

Mr. DAVIES of Cumberland: Mr. President, may I interrupt just a minute. I am inclined to think that the Senator from York did not hear the resolution read. There was nothing about partisanship.

Mr. DEERING: The word "non-partisan" may be stricken from the record.

Now I am going to assume that these gentlemen who have proposed the various bills before the judiciary and other committees intended to bring about the same condition of affairs which the people who are opposing those various bills intend to bring about. Time and time again, not only in the judiciary committee room, but everywhere about the corridors of this State House, has the question been asked of the proponents of these various measures, What do you propose to accomplish? and never has a direct answer come from those men.

That is the one question that confronts us, gentlemen,—what in the world does the Baxter amendment propose to accomplish, or what do all these various commissions propose to accomplish? There are only two things that they can accomplish,—or only one thing that they can accomplish, in two ways. The one thing that we want to accomplish and the only thing which we ought to strive to accomplish is the good of the whole people of the State of Maine. Now I ask the distinguished gentleman from Cumberland county, or any other person that is behind the Baxter amendment, can he give me a sound reason in any way, shape or manner? Is that policy that he proposes for the good of the people of the State of Maine? and can he show me why?

I have not yet heard that it was anything except an idea or a notion that some people have that their idea is the one that we should adopt without a reason because they say it is for the good of the State of Maine. Gentlemen, when they can show me that it is for the good of the State of Maine to adopt the Baxter amendment, I am the very one to be first to adopt that amendment. But until I have some reason, gentlemen, I am not going to stand by it unless it is modified in some form.

Now there is only one thing that can be accomplished. There are two ways to accomplish it, and not a man who proposes that amendment dares to show but the two ways. The two ways are these: Either the State should take away all the

water powers and own them for the good of the people, or the State should pass some laws to allow those gentlemen who have developed these water powers and put their money into them and taken their chances, to develop them,—allow them to go ahead and develop the water powers for the good of the people of the State of Maine.

In 1909 a general law was passed prohibiting the transmission outside the State of Maine, with some exceptions, by companies organized here and where the electricity was generated here. That was about eight years ago. I want to know if anybody in this Senate has heard of any company organized and doing business in the State of Maine ever attempting to violate the provisions of that law? Why therefore, this amendment which proposes to attach a special law upon a private charter, dictated by the fear that companies were going to send electricity out of Maine, or was it dictated for some other motive? It has been hinted that the great lobbyists and the great men who come here to look out for the interests of their companies are standing round the corridors of the State House and are opposing all these various water power commissions. It is said by some that they are here opposing these things because the Baxter amendment has got something in it, and the members of the House of Representatives are voting simply on that principle of fear. And then the newspapers in the State say they do not expect the Senate to do anything about it because the Senate is composed of lots of corporation lawyers.

This first proposition that the State should take over the water powers and use them for itself. There is a great idea that is broadcast over the State of Maine—I do not know where it originates—I do not know who spreads this idea—but that idea is that the people own the water powers of the State. Gentlemen, no man in the legal profession believes any such idea. I wish to read to you from the opinion of ex-Chief Justice Emery, so that this Senate at least may know that that idea is false. Speaking in regard to water powers, he says: "Among these rights is that to use the water in reasonable

degree for domestic and agricultural purposes, and also the right to make use of the momentum of the water. If, in flowing through his land the water suddenly or rapidly falls naturally to a lower level, such falling water is potential of mechanical power and constitutes what is called a 'water power' and that power is an integral part of his estate. He and he alone has the right to use that power, and he has the right to construct such appliances, dams or other structures, as may be necessary to utilize that power and make it serviceable for propelling machinery and for other uses. Since to utilize the power there must be some detention of the water to raise a sufficient head he can so detain it, but of course only for a time reasonable under all the circumstances."

And that is the right a man has in the water power, after the public right of floatage and fishing purposes has been accomplished.

To go further, so that the Senate may be informed and not get an idea from any labor union, or any grange, or any system of newspapers, of the general impression that is going about the State of Maine that the people own the water powers: "The incident question embodied in the request may be in other words correctly stated thus: Can the legislature authorize the riparian owner's water powers to be taken from him under the law of eminent domain for the purpose of furnishing hydraulic or electric power to factories or other private industrial plants? I think this question has been answered authoritatively and decisively in the negative by our court in *Brown vs. Gerald*, 100 Maine, 351. In that case the legislature had assumed to authorize the defendant under the law of eminent domain to take land upon which to erect and maintain poles and wires for the transmission of an electric current to a customer for use by him as power for the manufacture of pulp and paper. The plaintiff sought to enjoin the defendant from taking his land for that purpose. The question whether the attempted taking was for a 'public use' in the constitutional sense of that term, was directly presented and met. After full argument by able counsel the

court, in an elaborate, comprehensive and exhaustive opinion prepared by our present Chief Justice Savage, decided that the attempted taking was not for a 'public use.' "

Now having disposed of the fact of the ownership of the water powers, and having read to you the law to prove that our State does not deny that they belong to the people, then the question is, does anybody seriously contend that the conclusion of all this agitation is that the State is going to take the water powers and run them and sell electricity. I want to know if that is the object to be accomplished after all this various splashing around amongst methods for handling the water power are consummated.

The second part of the proposition is whether or not the State should pass some laws which would encourage the people who have put their money into the various water powers of the State to proceed further to develop water powers for the good of the State of Maine? I represent absolutely no water power company, or water storage basin or anything else. I have never, either directly or indirectly, been employed by any of them. So I can speak just as I want to about this and they can say what they please about it.

I wish to read to you from the editorial article of the Portland Press of two years ago, when it was proposed that a statute should be passed to let electricity go out of the State under certain restrictions. The Portland Press for some reason or other has changed its ideas since two years ago. But this is what it said two years ago: "Maine has no stable policy with relation to the development of its water power development, and has practical-ly taken the position that whoever undertakes to develop water power in this State does so at his own risk and with the liability of having his investment made valueless by unfriendly legislation. The attitude of the State has been such that it has discouraged, rather than encouraged, the development of one of its great resources. The existing law prohibits the transmission of power developed in Maine beyond

the borders of the State. There is not enough demand in Maine for additional power to warrant its being fully developed with any hope of the investors in such projects realizing anything upon the money they would have to risk. The result is that thousands of horse power are running to waste in Maine every day and until the policy of the State is changed, it will continue to run to waste for a long time to come." I am reading that editorial article, but bear in mind, gentlemen, I am not advocating the promiscuous transmission of power outside the State of Maine. Not at all.

Still, it is estimated that there are 500,000 horse power of water going to waste over our dams in the State of Maine today. At one time the State of Maine was a large forest. We did not have any laws then to prohibit sending lumber outside the State of Maine. I suppose if that lumber had all stayed in the State of Maine it would have been here today for the public good. But nobody prevented that going out of the State of Maine. Nobody today asks to have the surplus of any commodity kept in the State of Maine for the use of its people, except this one commodity which very few understand. What about the potatoes, the lumber, the paper that we make here? Perhaps the mineral water or the drinking water? Do we want to make a law to keep those things in the State of Maine whether we have enough, or not enough? I say to you that perhaps it might be that under some restrictions the surplus of electricity could go out of the State of Maine without hurting the good of the people as well as the lumber has gone out of the State of Maine and all the other commodities which Maine has been so generous with.

It may be said that there is a distinction between electricity and lumber and some other things, because electricity is used for quasi-public purposes. It may be so. But that quasi-public purpose has nothing to do with the basic question in this case. The basic question is, What can the state do for the good of the people of the state? It might be possible that the good of the state of Maine should de-

mand that this lumber be left here. Suppose, for instance, some particular thing should happen which would encourage Pennsylvania to pass a law to keep all the coal inside of its borders. I do not think the State of Maine would be worrying much about electric power in a few weeks, not if it was winter time. Why, the state of Maine would freeze to death in two weeks if Pennsylvania should pass any such law that they would keep all their coal in their state whether it was surplus or not. I presume the state of Pennsylvania, if it could see the end of its coal, would say, We will keep the rest of the coal here for our own use. But as long as it has a surplus, it sends the surplus to those people who are willing to buy it. Supposing for instance, that New Brunswick, up near where my friend, Senator Fulton, lives—should pass a law prohibiting the transmission of electricity outside of the borders of New Brunswick, there would not be a bit of power for electrical purposes in the Aroostook valley. To show you how promiscuously the Baxter amendment has been affixed to certain bills. Upon the Gould Electric Company this amendment was put, when the Gould Electric Company manufacturers all its electricity in Canada; and also on the Grand Isle Electric Company, which manufactures all its electricity in Canada, the Baxter amendment was put twice.

Gentlemen, I just wish to say a word about perhaps the industrial situation in the State of Maine. Coming to the State of Maine for the last fifteen or twenty years has been the greatest industry that the State has. I refer to the great pulp and paper interests of the State. There is no more land in large quantities that any pulp and paper company can get. The Hollingsworth & Whitney, the International, the Great Northern, and the St. Croix Pulp & Paper Company, own all the lumber in the State of Maine for the support of a large industry. There is no other company that can come here and get any because there is no other land in the State of Maine that contains enough spruce to support a large paper mill, or a paper

mill that can be run economically. They came here and they harnessed the water powers for the purpose of running the paper mills. But they would not have come here and harnessed the water powers to run their paper mills if the spruce had not been here. Fortunately those two things were together. The people that were going to make paper did not come here for the electricity, they came here for the spruce, and that is all .

Gentlemen, when the time comes to develop the vast hardwood resources of our country, it is simply a question then not of water power, water storage and electricity; it is a question then of labor and freight rates, and anybody that does any business inside of the State of Maine in such things knows that a man coming here for the purpose of utilizing our great hardwood forests, the first question that the man asks of anybody in charge, How about the labor questions? and how about freight rates from here to Boston, Baltimore and Philadelphia? Everybody who has done any business at all knows that. And they are not going to ask in the first place, What about your hydro-electric company? I will not refer at length to these matters because I desire to finish what I have to say in regard to these particular cases and let us go on about our business. It would take more time than the Senate would want to listen to hear all I have to say upon this subject.

I propose now to take up one particular thing that the gentleman from Cumberland has discussed and that is the Baxter amendment as applicable to these particular charters. They say that if the general law is unconstitutional, and we do not want electricity to go outside the State of Maine, what harm does the Baxter amendment do? Well, gentlemen, they passed a general law in this State some years ago against larceny and setting fires and murdering and all that sort of thing, and that applies to all the people of the State of Maine just the same as the general law applies to all the water power companies. They have not passed any laws against larceny and killing applicable to any certain man yet. Gentle-

men, you propose to put an amendment upon a charter of a corporation applicable to it and it alone. I wonder if people who finance those companies are not going to say: You have a general law in the State of Maine which prohibits the exportation of electricity outside of the State. Why is it that the legislature of Maine have fastened upon your charter a special law to prohibit you and you alone from going outside the State? The State of Maine gave these charters to the various companies who asked for them, and when they gave them those charters, that charter constituted a contract between the State and the Company, and that contract was taken out and shown to people who proposed to underwrite the stocks and bonds, and upon the sight of that contract and its conditions money was brought into the State of Maine for the purpose of financing that particular company. Now after the money has been brought here and expended in one way for the purposes of developing these companies, with one idea of what their conditions and restrictions are, and you go to work and change the conditions that existed at the time that the money was put in, the people outside the State are going to say, I can't go into Maine and do any business because I don't know what freak notion the legislature is going to take in regard to fixing the charters at some future day; putting my money into an enterprise which we fully understood at the time, but which is so changed now that I would not have put my money into it if I had known what was going to happen.

I am placed and all the opponents of the Baxter amendment are placed in a very anomalous position. Private parties have come to the legislature and fastened upon private companies an amendment of this nature which is perfectly distasteful to them, some of them. The Gould Electric Company say, We want our charter even with the Baxter amendment. For heaven's sake, gentlemen, do not kill our charter by fighting between the Senate and the House about that because we have spent some money and have got to have it. The Clark Power Company say, We have spent money and we have entered into obliga-

tions to carry the power from Clark's mills and Union Falls to Biddeford and we can't go back on those obligations, and rather than lose our charter and be subjected to the annoyance and loss of money that we will be subjected to if that charter is killed we must accept the amendment that is put on there. And various other companies the same way. I do not propose to stand between the granting to these particular companies of the rights they want because I have no interest at stake. But I do desire that all companies in the State of Maine that deal in any way in water powers or water storage, shall, when this legislature finishes, be on exactly the same basis. We do not want it said that in case of the Oxford Electric Company, which came in here to buy a mile and a half of poles and wires that belongs to Hebron Academy or something like that, that they had this amendment tacked on to them, and some other company that did not come here for anything did not have an amendment tacked on to them. I say gentlemen, that if we are going to be consistent in this matter, when this legislature finishes we ought to see that every single power company in the State of Maine stands on the same basis, either with or without a Baxter amendment. Those that do not come here the State can do nothing to. Those that do come here the State can do something to by putting this Baxter amendment on. In order, gentlemen, to have all companies, whether they have all come here or not, upon the same basis and to allow those that are coming to receive their charters and be on the same basis after they receive them with the Baxter amendment as those who have not come here are, I have prepared the following amendment, which I call Senate amendment A to H. D. No. 457, which is the Knox Gas & Electric Company: Amend by adding to House amendment A the following words: Provided that whenever it shall be lawful for others similar corporations not now transmitting electricity for sale or use beyond the limits of the State to engage in said business, the above restrictions shall not be binding upon this corporation. That amendment—Senate

Amendment A—puts all the companies of all descriptions, which deal in similar business, exactly upon the same footing. We pass no law to let any electricity go out of the State, we perhaps are not ready to do so, even the surplus electricity, but when we pass Senate amendment A upon the Baxter amendment we then place all companies, whether they have been to the legislature or not, upon the same basis, and that is where we contend they ought to be.

The PRESIDENT: The Chair will call upon the senator from Androscoggin, Senator Googin, to preside.

(Senator Googin in the Chair.)

Mr. GILLIN of Penobscot: Mr. President and fellow Senators: The question under advisement has been so learnedly and ably discussed by the distinguished senator who has just taken his seat, that I assure you I will not unnecessarily trespass upon your time. But I do believe that one of the most important questions that has been under advisement in the legislature of Maine from 1820 down to the present moment of time is now under advisement.

What I propose to do is to very briefly put myself here upon the record, realizing that when I do so, that I submit the opinion which I give and the law which I state to the criticism of the distinguished lawyers in this body and the distinguished lawyers throughout the State of Maine, and very briefly and very concisely get at the same result by a different process.

There is now upon the statute books of the State, placed upon your statute books in 1909, a general law which prohibits the transferring of electrical current and power outside of the boundaries of your State. Now then up to the present moment of time since that was put upon your statute books, it has not been violated.

Furthermore there is another fact, and all law depends upon facts. A distinguished justice of a great court said that any fool could find a law because it was written in the books, but that it took a real lawyer to find the facts which fitted the law. What we want first is the facts, and then we will

see about what this law is. The facts are that every single corporation in the State of Maine that had this charter and had the power to transfer electricity outside of your State up to 1909 has not got attached to it the Baxter amendment. So that lawyers and civilians alike are agreed to that. I stake my reputation, whatever it is worth, little or much, as a lawyer, that the Baxter resolution does not amount to a pinch of snuff if the general statute is unconstitutional.

Now I will come to the proposition of law. It is true, my fellow senators, that this general law has not been yet tested by the supreme court to find out whether it is constitutional or unconstitutional. But is there any lawyer anywhere who would claim that if the supreme court of the State of Maine said that that law was unconstitutional, that the Baxter amendment would then be of any value, who would give the matter careful consideration? I state as a proposition of law that if the general law upon your statute books is unconstitutional because it prohibits corporations from transferring electricity beyond the borders of your State, that when that is thus declared, that the Baxter amendment attached to these other corporations falls to the ground as being unconstitutional and void. Does any lawyer doubt that proposition? They say that is a contract with the State. But when the State makes a void contract, that part of it that is void is of no value. So that you are lumbering up, if that is the law—and I stake my reputation on it, and I challenge any lawyer in Maine to find a case to the contrary, or in the United States to find a case to the contrary; that if the general law—let me repeat it—which prohibits companies from transferring electrical power beyond the borders of your State is unconstitutional, then it follows as the night the day, that the Baxter amendment is also unconstitutional, for it is attempting to do the same thing. Therefore while all lawyers admit, and while everybody knows because it is elementary law, and also common sense, that when you get a charter from the legislature you enter into a

contract with the State of Maine, they say as a matter of law that if then the general law is unconstitutional that the special attachment or amendment will be held constitutional. I say, notwithstanding any decisions which split hairs, that can't be so. Because then every other single corporation in the State of Maine, organized for the same purposes, doing the same business, up to 1909, that has not got this attached to it, can send out of the State all the electricity it wants to and it is unconstitutional to attempt to touch or to retard them or stop them from so doing.

Nom I am coming to the facts on which the law depends, notwithstanding the decisions which split hairs. Do you believe that the people of the State of Maine have the power to take away the vested interests which have vested under a void contract in good faith. One of the distinguished senators has stated that the State controls. The State does control when it does not do anything that is in conflict with the constitution of the United States, and the constitution of the United States says that you can't confiscate private property without compensation.

What am I getting at? Take all of the corporations, if you please, to which the Baxter amendment is attached, and under them there is invested millions of dollars, and when the general law is declared unconstitutional do you suppose that that vacates those charters? Do you suppose that takes away those vested rights that cost those people millions of dollars, my fellow senators, because that one part of it is void and unconstitutional? Do you suppose that the people who have invested millions and millions of dollars under the charter to which this amendment is attached are going to be stopped from transferring power outside and competing with the others? I do not believe it. I do not believe a court will say so. I do not believe—I am now talking about the law of the State of Maine—I believe that the general law, if it is constitutional then there is no need of the Baxter amendment, to make myself plain—everybody will admit that. Will

any lawyer argue to the distinguished members of this body that if the general law is constitutional that there is any necessity of attaching this to these charters? If he does, for what purpose is he trying to get people to invest their money under this kind of charters, so that every other corporation in the State of Maine—and I am coming to that—who have never had it attached to their charter, will have a greater power and a greater right?

Mr. fellow senators, I am almost done. Here is the proposition that is put up to you under the law. If the general law is constitutional, does it not apply to every single corporation in the State of Maine? The answer must be yes, it applies to them all. If it is unconstitutional and if they can split hairs and say that because you have attached this amendment to the charter of these other corporations, that they can still keep them from sending it outside of the State, do we as a legislative body want to put that handicap upon these corporations?

One moment more and I am done. The corporations in the State, and very many of them representing millions of dollars, doing business in your State subject to the general law, have not got this wart or bunion upon the statute book that called them into existence. And because they did not have the bankers from outside of the State of Maine invested their money in them. If they fear that the general law is unconstitutional and they want to circumscribe the ones that come in for amendment and the ones who have not got that advantage, you are now saying to men who are coming to invest their money for the development of the State of Maine, you are going to say to them what? that they must invest their money now in a new kind of corporation, in a corporation that has attached to it this amendment which says that they cannot transfer electricity, while in the same breath you admit that some of the greatest corporations in the State of Maine, that do the same business, have not got it attached at all. On general principles and in a spirit of equity and fairness, it ought not to be done.

One moment, and I am through.

What has been the general policy of the State of Maine from 1820 to the present minute of time? The general policy of the State of Maine has been to invite capital within its borders to develop its water powers and its resources, so that we in the county of Penobscot and in the county of Piscataquis and on our great waters up there have had from thirty-five and in one instance twenty-five million dollars of foreign capital which built up a town of 6000 population, and harnessed one-tenth of the entire water shed of the State into a great gigantic commercial business which transfers millions and millions of dollars worth of property all through your state. The elementary principles of law as applicable to the water powers of this State are so well settled that no lawyer need state them. In the celebrated case of Putnam vs. White, drafted by the great Chief Justice of the State, John A. Peters, adopted in Michigan, Wisconsin, Pennsylvania, and every other State in the Union, he states this: The mill owner has and owns every single drop of water behind his dam, subject to the natural flow of the river and the right of passage for the public."

I say to you, my fellow senators, do not attach to these corporations that come into your State, do not attach to them this amendment which does not place them in the position of other people doing business, who have similar charters, in your State. It ought not, in my judgment, as a matter of policy, to be done.

With the distinguished Senator from York, I wish to say this, I am not the counsel for a single corporation in the State of Maine that generates electricity or sends it out of the State. Any man who doubts it, I will take him to the books here in your Senate and show him that in case after case I have been counsel and am counsel against them. And I am not speaking on that line at all. I do not care anything about their lobby. What I care about is to get capital into the State of Maine, and to get capital into the State of Maine you cannot make one corporation subject to a different law from what all the other corporations are subject to. And,

gentlemen, if we do it we are taking a step backwards not forward, and we are departing from the general policy of the people of the State of Maine from 1820 down to the present minute of time, and we will learn that in my judgment when it is too late.

Mr. WOOD of Hancock: Mr. President, I got up as quick as I could, for sometimes, you know, after we hear our daily duet, somebody calls for the previous question. Sometimes York plays first and sometimes Penobscot. And then they reverse it the next day. I love their duet, and I certainly know it takes some temerity to follow the Master Orator of Penobscot. And I enjoy listening to the quiet and gentle humor of the distinguished Senator from York, Senator Deering. I enjoy it very much, but I still adhere to my former proposition, I am not going to be demoralized by the artillery fire to the extent that I cannot go on record.

Now my distinguished friend, Senator Gillin, has said that he wanted to go on record. I am not going to make a speech but I have some constituents in Hancock county and I am going to have it in the record just where I stand in this matter. I do not need to go into the law for that has been given you very fully and exactly by my distinguished friend, Senator Gillin, he expounded the law and give it to you right, and you can depend on it. I have the most high admiration for his ability as a lawyer, and his ability as a speaker, but there seems to be a very tender and solicitous feeling for the corporation. If this is not going to hurt anybody, if the amendment does not mean anything, why do you have a great army of lobbyists around here?

Senator Gillin says he don't care anything about the lobby. I do not care anything about the lobby. Many of them are my best friends, but I am going to promise them right now that I shan't vote for them or as they wish me to. I wish there were more of them, but I think we would give them great relief if we made this a general question, as the distinguished Senator from Cumberland, Senator

Holt, proposed, and then they could all lobby on each one of us on general laws, and they won't have to take up their particular company with us. I think that would relieve them, and they could then concentrate their forces on each one of us.

I am sort of a stubborn cuss, and it won't have much effect on me, but it will give them a change to concentrate their forces, and hammer away a little more or better.

I do not believe we should listen to the lobby. They are good fellows, and I am glad to hear them, and I must plead guilty to having been in the third house two or three times myself.

While the law may be as it is expounded here, we down in Hancock county are confronted by a most stubborn fact, and until this matter has been fully investigated under the wise proposition of the distinguished Senator from Cumberland, Senator Davies, and until such time as electricity is sold down in Bar Harbor for less than 25 cents per kilowatt or for 100 kilowatt—I guess some of my lobbyists friends will tell me if it is wrong,—it is 25 cents for a certain number, and until they sell it cheaper than 25 cents to non-residents and 15 cents to the residents, when I hear them talking and hinting around about putting some kind of restriction on this bill, that they will not transmit it out of the State until reduced to five cents to our native population, I think we better let it be just where it is now, and if we are not going to hurt anybody I think we better put the Baxter amendment on. I think it would be better to pass a general law that will apply to every corporation and not necessarily have to tack this "wart" or "bunion," as the distinguished Senator has said, on each particular bill. I do not know why if we can tack it onto one bill why we cannot in two days make a general law which will say thus far and no farther, from this time on, Mr. Corporation, if you expect to continue your rights under the charter which the State of Maine has granted you, you cannot sell any electricity outside the State. That will give our distin-

guished friends in the third house a chance to operate on us at one time. I am heartily in favor of making this a general proposition, to come under the same general law, and with the Baxter Amendment or some other involving that principle, until we understand this situation somewhat better.

Mr. BAILEY of Penobscot: The distinguished senator from Hancock, Senator Wood, has made a speech which reminds me very much of the speeches that I heard in 1909, that ill-starred legislature which was nominally Republican but which was led around by the nose by the Hon. W. R. Pattangall. It happened to be my good pleasure to be a member of the third house in the legislature of 1909, and at that time all we heard was about the lobby, and against the corporations, and in favor of the common people. But somehow or other when the common people came to vote in 1911, they did not appreciate the efforts of the Republicans in their behalf, and the Democratic party came into power, Governor, Senate, House of Representatives, and all the offices of the state, the first time for twenty-one years. In 1909 you passed a law which has been troubled a little here at this time.

A little while ago we had a long debate in this Senate, what about? The distribution of school funds. At that time the grange and the city of Portland entered into a partnership to club the wild lands and get a little money out of them, although the wild lands offered to submit a constitutional amendment so that they might be taxed on a franchise tax and the state would get more money out of them than they are getting today. But they would not listen to it. Why? Playing the galleries to the people. Wanted to do something for the people.

At that time we elected from Bangor one Democrat. He was of Hibernian descent. He had spent all his life on the rivers and in the woods and didn't know much about legislative matters. After he had been here a couple of months he went over to Bangor to one of the offices on Exchange street. They said "Bill,

what are they doing over to Augusta?" "Well," he says, "the public stenographers are all crowded drawing resolutions on the State treasury." I guess he was pretty near right. You remember when we got through there we hadn't appropriated money by about \$400,000 to meet our revenue. And he says, "Every lawyer there is putting in these amendments to amend the Constitution and confuse the people and make business for themselves." And he says, "A good many of the boys up there talk temperance around the State House and look for a drink at the Augusta House." (Laughter).

Mr. DAVIES: Mr. President, may I interrupt just a minute to inquire what year that was?

Mr. BAILEY: 1909. And they asked, "Well, what is the rest of the legislature doing, Bill?" "Well," he said, "the rest of the legislature is trying to figure out whether their salary will last and playing pitch at night." And then he says, "Every man who expects to be governor in the next 10 years, or wants to go to Congress, is introducing bills and making speeches for the labor unions and for the common people."

And out of that distinguished legislature came this bill to prohibit the transmission of electricity beyond the bounds of the State. From that was the inception of its birth. And from those surroundings, knowing them as I do, and from the arraignment which the representative of my city gave to that legislature, and from what happened to it, I have never had very much respect for that bill or most any other bill along those lines which that legislature passed.

There are certain fundamental laws, economic laws, which even a legislature cannot change. One of these is the law of supply and demand. Why do they want to prohibit the transmission of electricity beyond the bounds of the State? The only reason I heard was because they say it will make it cheaper in the State. Is that so? Here is the distinguished senator from Washington, Senator Peacock, puts up sardines and sends them out of the State of Maine.

Say we pass a law that no sardines could be shipped outside of the State of Maine. They would be cheaper for a little while, wouldn't they, because the market would be glutted. But if the sardine packers did not make any money do you suppose they would stay in business? They certainly would not and it would put a great many of them out of business. They would have to pay about so much, wages cost about so much, boats cost about so much, the other equipment costs about so much, and they have got to make a profit. In two or three years you would not get anything any cheaper than you are now. That is the law of supply and demand.

Another law of supply and demand regulates the inflow of capital. Capital is a commodity. Lots of people do not realize that until they try to float a corporation or underwrite something or do something of that sort. A man said to me over to Bangor the other day, "What constructive legislation are you passing over there? It looks to me as if you were trying to obstruct people instead of trying to do something progressive. You have been on the earth long enough to know that there are two classes of people in the world, those who are trying to do something and those who are standing in their way. It looks to me as if you were trying to stand in the way of those who are trying to do something."

Capital is a commodity. It is bought and sold. What are the banks for? They sell capital, credit. That is their business, to sell credit. Do you suppose a bank would sell credit unless it got some profit on it? Do you suppose a capitalist in Boston or New York or outside the State of Maine is going to put his money in the State of Maine and take the chances of a Legislature fooling with it the way we want to do here, and worrying about it, have to hire lobbies to protect his rights and interpose here against the attacks of demagogues and would-be politicians for a paltry 5 per cent. that he can get on a gold bond or 6 per cent. on preferred stock, and be absolutely sure—nothing to do but to cut his coupons or cash his check once in three months or once in six months? Do

you suppose capital is going to come into the State of Maine under those conditions?

They say common stock is frequently watered. Of course it is watered or something equivalent to it. Capital is going where it can get the most for itself. It is a commodity of barter and sale just the same as potatoes or anything else. Now the distinguished senator from Waldo, Senator Conant, gathers up a big pile of money from the eastern part of the State in his business. Does he keep it in the State? No, about the whole of it goes out of the State of Maine. How are we going to get it back? How is this money that we are gathering up, our merchants, people all over the State of Maine, the traveling men, and sending it outside the State, how are we going to get it back? How are we as people of the State of Maine going to get our fair proportion or quota of the wealth and capital of the country? We have got to have something to sell which the other states do not have. Agriculture is the principal way by which we get back our money. The lumber and pulp industry is another. The fishing industry is another. The blueberry industry is another. And here is one more which could be used; and the summer resort business—the people of the town from which the distinguished Senator from Hancock comes—the summer resort business is a great natural recourse that brings in money. Now if you want capital, a commodity, to come into the State of Maine and be used for the development of our State, you cannot put trigs in the way of it. You have got to invite it. You have got to give it a fair show after it gets here. The more money there is in the State of Maine, the more prosperous we are. The more money per capita there is in circulation in the State of Maine, the more prosperous we are, every one of us. Don't you suppose a member of the labor union today would rather pay high prices and work at high wages every minute of the day that he cares to? Even if he has to pay a few high prices don't you suppose he would rather work and be independent and self-supporting and have the money in his

pocket coming to him every Saturday night to pay for those commodities than to be without any, perhaps, at all—be out of work? Don't you suppose that the farmer would rather sell his potatoes or his other things to the people who will work in our factories and mills at high prices than to be bartering them round on the market places for what they can get. The more money you have—it may raise prices as a political, economic question, but in a period of high prices you are always prosperous because everybody is busy and money is in circulation.

So it seems to me that it is not within the province of this Senate, or this Legislature, to stand in the way of bringing more money, more capital into our State so that indirectly and directly every one who works, every one who practices a profession, and every one who does business may get his proportional part of it.

Mr. HOLT of Cumberland: Mr. President and fellow Senators: The discussion thus far has developed I think the issue very clearly, as I said in the beginning, whether or not we do believe in the general policy of preventing the transmission of this electric current outside of the State.

Our distinguished and honored President has frankly said that he does not agree with that policy, and the Senator from Penobscot, Senator Gillin has said the same thing.

That is perfectly consistent. In the few remarks I made the other day I said that it is an arguable question whether that policy does make for the good of the State of Maine and for the good of the people. That is an important question, but I took the position the other day and I take it now that before we decide it we should have a full investigation, because there are many people in the State who do believe this matter of conserving electrical energy is for the development of industries and for enterprises in Maine. That is the position of those who believe in our present policy. It may be that we will get more rapid development by changing that policy. But I say the time has not come today

to decide that question. We should not decide it until we have had the fullest investigation. Now the only objection in my mind to these amendments is this: is it a discrimination against certain companies that come here for charter changes? The learned Senator from Penobscot agreed with me that this general law does not apply to charters granted prior to 1909. In the law itself then there is an exception, so that it does not apply to all corporations. If it were practical to bring in all the corporations and put this in their charters, that would be the way to do it. But in your own private business, if you believed in a policy, would you not as opportunity presented itself take that opportunity to make that policy effective? And my argument is that if the State of Maine believes in this policy these amendments are proper, because the State of Maine through the control of its own corporations can fairly say to those corporations when they come here for favors you shall not transmit this current outside the State, even though the general law may be declared unconstitutional.

The Senator from York, Senator Deering, says he does not believe in the policy, and he quoted an article from a paper of two years ago which said a change would be for the benefit of the State. He has said that our general criminal laws, such as larceny and murder, are binding on all the people of the State, and that we do not put into any charter that a corporation shall abide by the criminal laws. Of course we do not, for the obvious reason that there cannot be any question at all as to the constitutionality of these laws.

The attorneys of corporations have admitted that this law is unconstitutional, and that being so I think it is only proper if we believe in this general policy of conserving power for the benefit of and development of industries within the State, until the policy is changed, that we should take all the means in our power to make it effective.

Mr. DAVIES of Cumberland: Mr. President, I would like to inquire of

Senator Holt through the Chair what attorneys have admitted that the law of 1909, which prohibits the transmission of electricity outside the state, is unconstitutional?

Mr. HOLT: Mr. President, I will say and give it to you that in the conversation I have had with a friend of mine, an attorney for one of the companies, he said that in his belief the law is unconstitutional,

Mr. DAVIES: Mr. President, that is a very important question. That is almost the crux or twist of this situation, as to whether this law is constitutional or not, and if Senator Holt has in his possession any information that is of any value to this senate I think he should take it upon himself as a duty to impart that knowledge.

Mr. GILLIN of Penobscot: Mr. President, I wish to say a word. I do not think that my distinguished colleague would insist upon brother Holt naming the attorney with whom he made this talk, any more than he would want me to insist on naming the ones I have talked with. I think he gave us a very fair explanation. I would say, Mr. President and fellow senators, that I have talked with a great many lawyers who have told me that it was unconstitutional, but I do not believe it just the same, for I looked up a United States case that I could show you where it says it is constitutional.

Mr. LORD of York: Mr. President and fellow senators, I feel as though I would like to get in the record in this particular case. I want to state in beginning that I am not a candidate for Governor of this commonwealth, for United States Senator, for Representative to Congress, and if it means that I cannot freely state my opinion and views as to the welfare of the State of Maine, I am not a candidate for re-election as a member of this body.

I suppose that I am responsible in a way, inadvertently, in the starting of all this trouble that has appeared before this legislature. In the early days of the session I dropped into

the box An Act asking for additional powers for the Western Maine Power Company. The next day there appeared various articles in the paper, and shortly after that amendments and all sorts of things began to appear and were published in the papers, and all sorts of talk relative to this particular subject.

I thought that perhaps I might be wrong, and that I had inadvertently asked for something I might not be entitled to; something that would be to the prejudice or the interest of the state.

It is true that the situation was simply this; this little company known as the Western Maine Power Company was a company organized in 1907 to serve four or five small country towns. They developed the power for that purpose and in the course of the development of that power they found they had a little surplus power to sell.

The outside capacity of the station is something like 500 horse power, so that the question of transmission of power outside the state will be a very serious one in this case however it may be determined.

They wished to find a market for the surplus power. They found in an adjoining town a company that did not have power enough and where the customers were paying a high price for their services. They conceived the idea that it would be a good thing to unite those companies so that the one that did not have power enough could use the power running over the dam. They came here to the legislature and asked for authority that would enable them to do that thing, either by purchase of the stock or by consolidation after application to the public utilities commission of the State of Maine and approved by them. It was immediately discovered by somebody that there was a deep laid scheme in the law passed in 1909. I do not know how it was discovered, but there was in the act an express prohibition that would not make it possible. But that did not make any difference they started trouble just the same. So I concluded I would

look into it and see what the difficulty was. I have talked with a great many men who have been exponents of the idea of conservation. I have sat up and studied into the wee small hours of the night to find out the reason, to try to find the theory, to find what the plans were, but Mr. President and gentlemen, I have given it up. It is not theory, it is not a plan, it is a religion.

We have seen the newspaper articles, in many instances positions have been misstated and the evidence has been suppressed, and statements before committees have been distorted to give an entirely wrong impression.

I feel a good deal as did a couple of gentlemen who had not been in the country a very long time, and they were walking out one evening and they heard a tree toad. They had not heard one before, and they considered and finally one decided to go in and drive the beast out. He started in and the noise was in front of him and when he got in there it was on his right, then he started to the right and it was on his left and when he got to the left it was behind him. Finally he came out and he said "It is no animal, it is just a darned noise." (Laughter.)

One member of the club where I happen to board is an expert story teller. He tells a story with such vividness that you seem to realize it and act it. The other evening he was telling one of those stories and just as he had eight or ten of us where our blood was turning cold, he waked up. We dropped with a thud.

Mr. President, it seems to me as though it was time we waked up. We have attended these hearings before the committee on these various matters, and have heard suggestions and arguments as to the constitutionality of the law, precedents cited, and all those sort of things and all sorts of statements and counter-statements, and all sorts of theories in regard to this thing. But it seems to me that the principles involved are so simple and plain that when we once wake up and just stop considering them,

there is but one answer to the question.

It can be assumed in the beginning that we are all in favor of the development of the State of Maine, and of the development of the State of Maine for the benefit of its people. All of our actions at this legislature and the previous legislature tend to show that. Sometimes we make mistakes, and make mistakes about things we do not understand. We have a simple proposition upon which we spend a good deal of money and that is the road proposition. There is no man in this legislature who is not in favor of building good roads in the State of Maine. Why? Because it has a tendency to bring people into the State of Maine, so that they will spend their money in the State of Maine and the State will be so much better off.

We have never advertised, but we are taxing ourselves heavily with that object in view. Did you ever stop to think that perhaps those benefits must be distributed per capita? It helps the State of Maine because it brings money into the State of Maine. Let us follow that out a little bit further. The Senator from York, Senator Deering has quoted from the opinion of Chief Justice Emery as to the ownership and rights of a man who has a stream of water through his land. He has the right to use it. It is his right, but he must return it for the benefit of the next owner below. Let us take that illustration, the owner of the water power. He puts in a dam, installs a water wheel and puts in a saw mill and uses the entire energy of the water power for sawing lumber. He saws the lumber and loads it on the cars, ships it away and gets his money for it by the thousand. We all approve of it for it is bringing so much more wealth into the State of Maine.

If he uses that water wheel for other business, sawing wood, or other business, we all approve for it will give you and I what we want to use.

Now here is where I can't see. I can't follow the plan and don't see the policy. If we take that same water wheel and instead of building a saw

mill or a woolen mill, we belt it to a dynamo, and as a result of the energy that is used we make electricity which can be measured by the kilowatt and sold by the kilowatt, then you say to me you can't sell that outside the State for that would be an injury to the State, to bring that money in, and yet, Mr. President and fellow Senators, there is this much difference between the two cases. In the case of the ordinary manufacture that we see shipping out lumber by freight, we are depleting the resources of the State to some extent. My friends from Aroostook county who are interested in the potato industry, every car load of potatoes taken out of the county takes out something in fertilizing value. It may be small. Every ton of paper sent from the State of Maine takes something from the resources of the State of Maine, and we are exchanging it for what? For money.

If we were allowed to sell electricity outside the State of Maine and bring the money in we would get the money and would have taken nothing from the state. Did you ever stop to figure for a minute what this might mean to the State of Maine? According to the best information there is about 376,000 horse power developed in the State of Maine. Nobody knows just what is used, but the best estimate is 60 per cent.

I am referring to electrical power. That would mean there is a waste of 40 per cent. that is running over the dams that the State of Maine has no use for, and you are saying to the men who own the dams that they cannot send the surplus out. If you reckon it at \$20 per horsepower you would have something over \$3,000,000 that would be brought into the State of Maine. In addition to this we have something over a million in potential horsepower on 10-hour days, that is not developed. Suppose you reckon that at half the cost, and it is \$10,000,000 additional. We could not reach that at once, but it is one of the possibilities.

Now the pitiful thing about it is that we have said since 1909 that you cannot send any of that electricity out of the State and it has not done anything

toward the development of the State. It has not helped my friend, Senator Wood, who lives in Bar Harbor. Why not? Simply for this reason, that the water power that is running to waste can never do anybody any good only when it is turning wheels. Think about that. All of that time it has been an absolute waste. If we could see it, if we could have an illustration that would compare with it, where we could see it, it would seem different.

Another illustration that I have used had been this: Suppose my friend, over in the House, who has owned so many potatoes this year, should start in to ship those potatoes to Stockton Springs and should dump them into the ocean, and should do that week after week and month after month until the entire crop of the Aroostook potatoes were dumped into the ocean. Everybody would be noticing it and some means would be taken to stop the terrible waste. But if all the cars of the Bangor & Aroostook Railroad were employed day after day in doing that very thing we would not be suffering much more than now compelled to suffer if this thing can be worked out.

As my friend, the senator from York, has put the problem, if our policy is such that we can attract capital to do it then the power is available and can be used and the price will come down.

As to this question of the plan or policy I referred to, I have had some peculiar experiences. There is a bill introduced in this Legislature known as the Cole bill, that had in view the idea of allowing the surplus current to be shipped outside the State when the price was reduced and the price in the bill was 5 cents per kilowatt for lighting and 5 cents for power. Strange as it may seem, my friends who have been considering conservation have been bitterly opposed to that very thing. I cannot follow it, I do not understand it.

We have today a larger water power per capita than other States in the Union. We have nearly three times as much as the Province of Ontario and we have heard something about the Province of Ontario in this legislature. We have this surplus to be used. If we

could suppose an un-supposable case, the case of the Pennsylvania coal fields, there is much more reason in that case, for they figure that they can already see the end of the supply, that they might say we will ship no more of that coal out of the State of Pennsylvania, but the framers of our constitution fixed that so that it will not be possible.

I would like to read a number of cases, but I am not going to read a lot of cases. This seems to fit the case very well. "The purposes of conservation is the business welfare of the State, as wood or timber might be. If the State had the power, Pennsylvania might keep its coal, the Northwestern States might keep their timber and the mining States keep their minerals, the agricultural States keep their products. If one state has the right, all States have it and embargo would meet embargo. In such a case a new power appears and a new welfare, a welfare that transcends the power of any State, it is constituted in the welfare of the State and each State is made greater by the division of its resources."

Gentlemen of this legislature, do you believe that this policy of the dog in the manger that cannot use these resources that are so valuable to the human race, and we are saying that our brothers over in New Hampshire shall not have the benefit, and is that a benefit to the State of Maine? It seems to me that there can be no question as to this.

Now so much for the general principle. I want to come down to the subject of these particular amendments. We have built up in the State of Maine some large industries of which we are proud. We are proud of the men who have helped to create them. But if we should say that because my friend, the Senator from Aroostook, Senator Burleigh, knows so much about the resources of Aroostook county that he might take advantage of it for his own benefit and that we would better keep him under guard, it would not sound very reasonable to this legislature. I have had some acquaintance with some of my friends who are in this power business, some who are in other branches of business, and I find them to be ordinary, straight, square busi-

ness men. It seems to me that in this particular case we are reaching out to injure this particular business. It is a business that requires an immense amount of capital, and that capital, a portion of it at least, will have to be sought outside of the State of Maine, and how do you expect that this policy is going to bring it in? It will never come until the State has some kind of a settled policy, until this agitation ceases, and it is given an opportunity to earn dividends. As to this policy that we are going to hold this stuff and develop it for our own use, Mr. President, we who know something about the development of those things know that it takes time to do it. So far from bringing industries into this State, when a company is formed or a man wants to do business, he wants his power now, and if he comes here and he sees we have the power but it will take two or three years to develop it, what is the result? He goes somewhere else.

Now if we had a plan by which during this time these powers could be developed to the maximum and which can be turned into money, I believe that if the restrictions could be wiped off, the law of supply and demand that was referred to by the senator from Fenobscot would govern the situation. It is a well known economic principle. Pennsylvania is protected in its coal because it costs money to haul coal out of Pennsylvania. It would be the same with electricity. It is expensive to transmit it. The overhead charges are large. It takes a large amount of capital. It can always be used to better advantage near the source of generation. But beyond all that it would be turning wheels and making electricity and be available to be used as fast as the industries could be established.

Now as to the amendments that are being offered. Since 1909 we have had this law. No one has seen fit to contest it. No one has tried to transmit power out of the State other than those that are excepted in the law. Then tell me why we should come in here, and with corporations that are coming here to ask for perfectly proper, legitimate purposes, purposes that would

be for the interest of the State—in one case I know of where the corporation has bought the stock of a number of different companies, and in order to save overhead charges of five or six thousand dollars they are coming here asking for a right to take over the physical properties. That is all they ask for. Now they say, if you come here and ask for that right we are going to clip your wings. We are going to take and cut off some limbs to prop up this building that has not been inhabited for eight years and has gotten in such rotten condition that it will not stand alone. It is as absurd as it would be to tear down a good building to build a fence across a gap that no one has ever tried to go through. It seems to me to be unfair and it is admitted to be unfair.

But do you and I, Mr. President, come here to do that sort of thing? Do we come here to impede the legitimate business of the State? It does not seem to me that that should be done. This amendment that has been proposed to the Baxter amendment will simply leave everybody on the same basis, and it seems to me to be a fair kind of a proposition.

Just a single thought and that is this. If we use the water that is running over the dam today to develop electricity, I do not care where it may be sold, tomorrow or next week or next year you cannot use that water. What runs away today can never do the human race any good, and next month, or next week, or next year the most that we would have would be the place where it was. Are we going to say that we will let all of this waste go by and we will prevent it being used because next year or some time when the policy of the State is fixed we can have the place where it went by.

Here is the case of the great dam up here on the Androscoggin. It cost something over a million dollars. It has a capacity of storing eight million cubic feet of water. I am told that it is capable of developing 8000 horsepower. And yet in our wisdom we have so fixed it that that water runs through the gates day after day, week after week, year after year, and does no one any good. And even the little village of

care-takers up there have to use kerosene lanterns and kerosene lamps to light their houses. It is up there 40 miles from a railroad station. It is within striking distance of a market in New Hampshire. Don't you suppose that the people of the cities of Lewiston and Auburn are paying interest on that million dollars in rates? And does it need any argument to show that it would operate for the benefit of the State of Maine and for those people if we should allow that current to be sold outside the State and to bring the money into the State, and to pay the overhead charges on that dam and relieve the people of the cities of Lewiston and Auburn. Conservation! I do not understand the theory.

Mr. WALKER of Somerset: Mr. President, when disinterested lawyers disagree upon a proposition and argue long, ably, loud and well, what is the common layman to do when he comes to vote? One of them said something about a school fund and about lumber. When you get to talking about a school fund and about lumber I feel more at home because we discussed the school fund a few days ago, and I have something to do with lumber. Now the time was when there was a great deal of lumber in the state of Maine. It has been said by one of the senators that at the present time the lumber is largely owned by the Hollingsworth & Whitney Company, the International Paper Company, the Great Northern Paper Company, and another company which he mentioned. That may be true. But the time was when there was a great deal of lumber in the State of Maine owned by the State of Maine. And did the state of Maine still own that lumber land, we would not have been discussing that school fund distribution the other day. The higher state tax would not affect us because that lumber in itself would have paid the entire expenses of our schools and would have paid the entire expenses of our state tax.

Evidently one side wants the power to go out of the state, and the other side wants manufacturing industries to come into the state. Now those

that want the power to go out of the state must be getting desperate, when it becomes necessary, or seems necessary, that our honored President must descend to the floor of the Senate to argue in their behalf. I simply want to go on record—

Mr. DAVIES: Just a minute, Brother Walker, if I may interrupt you there; the President of the Senate did not come from the chair for that purpose—I think you will agree with me on that—but the President of the Senate happened to be on the floor and made his remarks. You agree to that?

Mr. WALKER: If I am in error, I beg every one's pardon, but at least he did address the Senate on that proposition, and the influence of the presiding officer, it is almost impossible for us to state what that influence is for or against any proposition. I oppose the indefinite postponement of this bill.

Mr. DAVIES: Mr. President, inasmuch as I desire to discuss this question at the time the resolution is considered, which I introduced this morning, I only want at the present time to express my view.

I believe that it the fixed, firm, wise policy of the state of Maine, from all the information we have at the present time, to prohibit its transportation beyond the limits of the state. As to the amendment, the so-called Baxter amendment, I believe it is uncalled for and it is unnecessary. If it is necessary, it is unjust.

Mr. HOLT: Mr. President, I would like through the chair to ask one question of the senator from Cumberland, whether or not he thinks that the law of 1909 covers corporations organized prior to 1909?

Mr. DAVIES: I think that it does. I think the state well has that power.

Mr. HOLT: You think the law applies to those corporations as worded?

Mr. DAVIES: I do. I am quite sure that it does, that the state has that power there cannot be the least doubt, Mr. President.

Mr. HOLT: If I may say one word, I do not question the power, but I question whether the act is so worded as to apply to those corporations organized prior to 1909.

Mr. DAVIES: I make my statement, Mr. President, on the precise wording of the act, that there is not the least doubt in my mind but that it applies to those corporations. And our courts have held over and over again that the legislature has that right.

The PRESIDENT pro tem: The pending question is on the adoption of House Amendment A in concurrence.

Mr. DEERING: Mr. President, I move that House Amendment A to House bill 457 be indefinitely postponed.

Mr. HOLT Mr. President, I call for the yeas and nays.

Mr. MARSHALL: Mr. President, I understand that if House Amendment A is adopted that Senator Deering will then offer his amendment.

Mr. DEERING: That is right.

The PRESIDENT pro tem: The pending question is on the indefinite postponement of House Amendment A, and Senator Helt calls for the yeas and nays. Those in favor of ordering the yeas and nays will please rise.

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

Those voting yea were Messrs. Bailey, Butler of Franklin, Conant, Davies, Deering, Fulton, Gillin, Goggin, Gordon, Hastings, Higgins, Lord, Marshall, Merrill, Peacock, Petersen, Tucker, Swift—18. Those voting nay were: Messrs. Ames, Bartlett, Baxter, Boynton, Burleigh, Butler of Knox, Chick, Davis, Grant, Holt, Walker, Wood—12.

And 18 senators voting in the affirmative and 12 voting in the negative, House Amendment A was indefinitely postponed.

On motion by Mr. Deering of York, a recess was taken until 2.30 o'clock this afternoon.

After Recess

The PRESIDENT: The Senate will please come to order. The Chair lays

before the Senate the act relating to the Knox Gas & Electric Co. The question before the Senate is on the passage of this bill to be engrossed in non-concurrence with the House.

On motion by Mr. Deering of York, the bill was passed to be engrossed in non-concurrence.

The PRESIDENT: The Chair lays before the Senate H. D. 505, An Act to incorporate the Gould Electric Co.

On motion by Mr. Deering of York, Senate Amendment B. was indefinitely postponed.

On further motion by the same senator the bill was passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate, H. D. 579, An Act to incorporate the Independence Developing Co. of Kingman.

On motion by Mr. Lord of York, tabled.

The PRESIDENT: The Chair lays before the Senate, S. D. 218, An Act to enlarge the powers of the Western Maine Power Co.

(Senator Lord was granted permission to withdraw Senate Amendment A.)

Mr. LORD: I offer Senate Amendment A to S. D. 218, and move its adoption. "Amend Section 3 by striking out all of said section after the word "Maine," in the 19th line, so that said section as amended shall read as follows:

"Sect. 3. Said corporation is authorized and empowered to acquire by purchase, lease, merger or consolidation, and to exercise and enjoy after such purchase, lease, merger or consolidation any or all of the rights, privileges, franchises and property of any public utility organized for similar purposes and doing business in the counties of York, Cumberland or Oxford or in any municipality adjacent to any of the towns named in its act of incorporation or acts amendatory thereof or additional thereto, within the State of Maine with which its wires may be connected to form a continuous system, upon such

terms and conditions as may be agreed upon by the said corporation and such other public utility; and said other public utilities are hereby authorized and empowered to lease, sell and convey their respective rights, privileges, franchises and properties to the said Western Maine Power Company or to merge or consolidate with the said company, provided that any such sale, lease, merger or consolidation shall be approved by the Public Utilities Commission of the State of Maine."

The amendment was adopted, and on further motion by the same Senator the bill as amended was passed to be engrossed.

Mr. DEERING of York: Mr. President, I am informed by Senator Fulton that he presented Senate Amendment A to An Act to incorporate the Gould Electric Company, which the Senate adopted, and I am now informed that the Senator does not care for the amendment. I move we reconsider the vote whereby the Senate adopted Senate Amendment A.

Mr. FULTON of Aroostook: Mr. President, I will say that Senate Amendment A consists, as I remember, of a few words in the first section, and as they are dependent upon the amendment indefinitely postponed, Amendment B, it will be perfectly useless. I second the motion to reconsider the vote whereby we adopted Senate Amendment A.

The motion was agreed to.

On further motion by the same Senator Senate Amendment A was indefinitely postponed.

On motion by Mr. Deering of York, H. D. 185, An Act relating to Vassalboro, China and Windsor Light and Power Company was taken from the table.

On further motion by the same Senator House Amendment A was indefinitely postponed, and the bill was then passed to be engrossed.

On motion by Mr. Deering of York, H. D. 254, An Act to amend the charter

of the Central Maine Power Company, was taken from the table.

On further motion by the same senator House Amendments A and B were indefinitely postponed, and the bill was then passed to be engrossed.

On motion by Mr. Deering of York, H. D. 580, An Act to incorporate the Grand Isle Light and Power Company, was taken from the table.

On further motion by the same senator House Amendment A was indefinitely postponed and the bill was then passed to be engrossed.

On motion by Mr. Lord of York, H. D. 579, An Act to incorporate the Independence Developing Company of Kingman, was taken from the table, and on further motion by the same senator the bill was passed to be engrossed.

On motion by Mr. Bartlett of Kennebec, H. D. 113, An Act to provide for conducting scientific investigation bearing upon the agriculture of Aroostook county, was taken from the table.

On further motion by the same senator the bill was tabled.

The PRESIDENT: The Chair will be pleased to have the senator from Kennebec, Senator Bartlett, preside.

(Senator Bartlett in the chair.)

The PRESIDENT pro tem: The Chair lays before the Senate Majority report, ought not to pass, and minority report, ought to pass, of the committee on judiciary, on H. D. 62, An Act to amend Section 1 of Chapter 84 of the Revised Statutes, relating to the appointment of clerk of the judicial courts.

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

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.

Mr. HIGGINS of Penobscot: Mr. President, in view of the fact that there is another bill pending along these same lines, I move that this bill be tabled.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate, report of committee on public utilities, ought not to pass, on An Act to permit municipal corporations to own and operate street railways, gas, electric light, water and other public utilities and other corporations.

Mr. AMES of Washington: Mr. President, out of senatorial courtesy I left this on the table as Senator Peacock was not present when it was brought up. I yield the floor to him.

Mr. PEACOCK of Washington: Mr. President, as certain negotiations are going on that may affect our town, in regard to this bill, I move that it be tabled until next Tuesday.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate, Report A, ought not to pass, Report B, ought to pass in new draft, of the committee on labor, on An Act relative to the hours of labor of conductors and motormen.

Mr. GOOGIN of Androscoggin: Mr. President, because there are not more of the members present, I move we table this bill until tomorrow morning.

The motion was agreed to.

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.

On motion by Mr. Davies of Piscataquis, tabled.

The PRESIDENT pro tem: The Chair lays before the Senate, S. D. 341, An Act to amend Section 20 of Chapter 114 of the Revised Statutes, relating to the commitment of girls to the State school for girls.

Mr. GRANT of Cumberland: Mr. President, in the absence of Senator Marshall, I move this bill be tabled.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate, S. D. 376, An Act to amend Sections 20 and 21 of Chapter 8 of the Revised Statutes, relating to lands reserved for public uses.

On motion by Mr. Grant of Cumberland, passed to be engrossed.

The PRESIDENT pro tem: The Chair lays before the Senate, majority report, ought not to pass, minority report, ought to pass, of the committee on judiciary, on Resolve in favor of DeForest Keyes.

Mr. DEERING of York: Mr. President, there is quite a long story goes with this resolve, and as several Senators are not present, I move that the resolve be tabled and assigned for tomorrow morning.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate, Report ought not to pass of the committee on salaries and fees on An Act to amend Section 38 of Chapter 117 of the Revised Statutes, regarding the compensation of the judge of probate for Somerset county.

Mr. GRANT of Cumberland: Mr. President, I move that this report be tabled.

(Upon request of Mr. Merrill of Somerset, assigned for consideration tomorrow.)

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

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

The PRESIDENT pro tem: The Chair lays before the Senate majority report, ought not to pass, minority report ought to pass, of the committee on salaries and fees on An Act to amend Section 43 of Chapter 117 of the Revised Statutes, relating to salary of the register of deeds for Kennebec county.

On motion by Mr. Chick of Kennebec, tabled, and upon request by Mr. Higgins of Penobscot, assigned for tomorrow morning.

On motion by Mr. Ames of Washington, H. D. 402, An Act to extend the charter of the Washington County Light and Power Company was taken from the table.

Mr. AMES: Mr. President, my reason for taking this off the table at this time is that this light and power company can stand in the same position as the other companies that were discussed this morning.

I move that House Amendment A be indefinitely postponed.

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

On motion by Mr. Grant of Cumberland, H. D. 549, An Act to provide for the payment of a bounty on bears killed in the State, was taken from the table.

Mr. GRANT: Mr. President, I now move that we recede and concur with the House in the adoption of House Amendment A.

Mr. BUTLER of Knox: Mr. President, I would like to inquire if House Amendment A is the Baxter Amendment?

Mr. GRANT: If it is it is on bears. (Laughter.)

The pending question being on the motion of Senator Grant that the Senate recede and concur with the House in the adoption of House Amendment A.

The amendment was adopted.

Mr. BUTLER: Mr. President, may I inquire what the House Amendment A is?

Mr. GRANT: This is relating to bears, and is not the Baxter amendment.

(The Chair read House Amendment A.)

On motion by Mr. Davis of Piscataquis, the bill was then passed to be engrossed.

Mr. HIGGINS of Penobscot: Mr. President, for the purpose of expediting matters I assume the responsibility of taking from the table for my colleague, Senator Gillin, H. D. 624, An Act relating to insurance, and will state to the senators that if this action is not entirely agreeable to my colleague I will promise to take care of the bill at a later stage of the proceedings.

I move that it be taken from the table.

The motion was agreed to.

The same senator then moved the adoption of House Amendment A.

Mr. WOOD of Hancock: Mr. President, I have had a number of telegrams and letters, and telephones and interviews, with various men, which leads me to understand there is something very deady that goes with these four lines. I am not hostile to it, but I simply want to know, and wish somebody would explain what the trouble is with this why the fire insurance companies are so much more sacred than any other corporations that they cannot have inquiries made about them? I simply ask for information, for I wish to vote intelligently, when I know how. I do not see it as a layman.

Mr. HIGGINS: Mr. President and fellow senators, I am quite in the same boat with my friend, the senator from York, Senator Wood, in having received a few telegrams, a few letters and a few interviews and telephone messages. This is an amendment that the insurance commissioner may also require companies transacting other classes of insurance, except life insurance, to file similar information as to present rates or as to rates which may be made in the future.

I will state, as you gentlemen are probably aware, we have one of the most efficient insurance departments in New England, and they are receiving all the data that they need, so far as life insurance is concerned, on account of the fact that we have our mortality tables and experience, and this bill was originally intended that they might

get, what they think is a little additional data, so far as compensation and liability insurance is concerned. In my opinion they do not need the bill. It is still my opinion that they do not need the bill. However, they felt that they should have this little additional power so far as liability insurance is concerned, and for that reason I am entirely agreeable that they should ask for any information so far as compensation is concerned. Now in asking for this further information from other classes of insurance, casualty or fire insurance, in my opinion we would be establishing a very bad precedent, and be liable to the withdrawal of many of the companies from doing business in this State, on account of the fact that it requires no end of detail on the part of the companies to furnish sufficient data. And while our present efficient department is amply able to cope with the situation, and the companies are very willing at all times to assist the department in obtaining the desired information, it might be that we might have an insurance commissioner or department that would make it mighty embarrassing for any and all companies. In view of the fact that they have asked this information, or can get it by soliciting from the various companies, I say there is no reason why we should not adopt Amendment A to this bill.

Mr. STANLEY of Oxford: Mr. President, I do not quite understand this yet. I would like to know what the amendment does to the bill as printed.

(The amendment was read by the Chair.)

Mr. GILLIN of Penobscot: Mr. President, I understand that strikes out the clause which refers to fire insurance.

The PRESIDENT pro tem: It strikes out the last clause in the bill.

The pending question being on the adoption of House Amendment A in concurrence, the same was adopted.

On further motion by Senator Higgins the bill was passed to be engrossed.

On motion by Mr. Wood of Hancock, H. D. 352, An Act to amend Sec-

tion 11 of Chapter 117 of the revised Statutes, relating to the salaries of stenographers of the superior courts was taken from the table.

And on further motion the vote was reconsidered whereby the bill was passed to be engrossed.

The same senator then offered Senate Amendment A to H. D. 352: Amend by striking out the words 'two thousand' in the 4th line in Paragraph 2 after the word Cumberland, and insert in lieu thereof the words 'eighteen hundred.' "

On motion by Mr. Higgins of Penobscot, the bill and amendment was tabled pending acceptance of the amendment and specially assigned for tomorrow.

On motion by Mr. Hastings of Androscoggin, H. D. 653, An Act to provide compensation for injuries received by State employees, was taken from the table.

Mr. HASTINGS: Mr. President, I wish to say that my contention in the matter was correct, but have found that this bill was offered to correct a deficiency in the bill already existing, and was created in the attorney general's office. I now move that the bill be passed to be engrossed.

Mr. HIGGINGS of Penobscot: Mr. President, I move the bill be tabled until tomorrow morning.

The motion was agreed to.

On motion by Mr. Deering of York, S. D. 150, An Act relating to the Clark Power Co. was taken from the table.

On further motion by the same senator the vote was reconsidered whereby the bill was passed to be engrossed.

On further motion House Amendment A was indefinitely postponed.

The bill was then passed to be engrossed.

On motion by Mr. Deering of York, S. D. 159, An Act to authorize the erection of dams and water storage basins on Bog brook and tributaries in Dead River plantation in Somerset county, was taken from the table.

On further motion the vote whereby the bill was passed to be engrossed was reconsidered.

On further motion by the same senator, House Amendment A was indefinitely postponed.

The bill was then passed to be engrossed.

On motion by Mr. Deering of York, H. D. 290, An Act to authorize the Oxford Electric Co. to extend its lines to and within the town of Hebron, and to purchase the equipment of the Hebron Academy, was taken from the table.

On further motion by the same senator the vote was reconsidered whereby this bill was passed to be engrossed.

On further motion by the same senator, House Amendment A was indefinitely postponed.

The bill was then passed to be engrossed.

On motion by Mr. Deering of York, H. D. 607, 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" was taken from the table.

On further motion by the same senator the bill was passed to be enacted.

On motion by Mr. Deering of York, S. D. 339, An Act to repeal Chapter 101 of the Private and Special Laws of 1911, relating to the Phillips Village Corporation was taken from the table.

On further motion by the same senator the bill was passed to be enacted.

On motion by Mr. Peterson of Aroostook,
Adjourned.