

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

AUGUSTA
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SENATE.

Friday, April 6, 1917.

Senate called to order by the President.
Prayer by Rev. Paul S. Phalen of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act to amend Sections 20 and 21 of Chapter 7 of the Revised Statutes, relating to lands reserved for public uses.

In the Senate the bill was passed to be enacted; in the House it was indefinitely postponed.

On motion by Mr. Ames of Washington the Senate concurred with the House in the indefinite postponement of the bill.

From the House: An Act to incorporate the Gould Electric Co.

(Tabled on motion by Mr. Deering of York until orders of the day.)

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

This resolve was passed to be engrossed by both branches as amended by House Amendment A. The House then reconsidered the vote whereby it was passed to be engrossed, adopted House Amendment B and passed it to be engrossed as amended.

(Tabled on motion by Mr. Conant of Waldo until afternoon.)

From the House: An Act relating to the Fort Kent Electric Co.

In the House on its passage to be engrossed that body adopted House Amendment A; in the Senate that amendment was indefinitely postponed.

The House voted to adhere to its former action.

On motion by Mr. Degring of York the Senate voted to adhere to its former action.

From the House: An Act to incorporate the Grand Isle Electric Company.

In the House that body adopted House Amendment A; in the Senate that amendment was indefinitely postponed.

The House adhered to its former action.

On motion by Mr. Deering of York the Senate voted to adhere to its former action.

From the House: An Act to establish military training in the public schools.

In the Senate this bill was passed to be engrossed.

In the House it was indefinitely postponed.

On motion by Mr. Wood of Hancock the Senate insisted upon its former action and appointed a committee of conference.

The Chair appointed on such committee on the part of the Senate Messrs. Wood, Stanley and Boynton.

From the House: An Act relating to the competency of witnesses.

In the House this bill was passed to be engrossed.

In the Senate it was indefinitely postponed.

The House insisted upon its former action and appointed a committee of conference.

On motion by Mr. Merrill of Somerset, the Senate insisted upon its former action and joined a committee of conference.

The Chair appointed upon such committee on the part of the Senate, Messrs. Merrill, Googin and Lord.

From the House: An Act to amend Section 26 of Chapter 9 of the Revised Statutes, relating to State taxation of railroad, telephone and telegraph companies.

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

In the House the report ought to pass was adopted.

The Senate then voted to adhere to its former action.

The House then insisted and appointed a committee of conference.

Mr. SWIFT of Kennebec: Mr. President, this matter has already been acted upon twice before in this body, and I fear that further consideration will make no change.

I move that the Senate adhere to its former action.

The motion was agreed to.

From the House: The committee of conference on the disagreeing action of the two branches on S. D. 103, An Act to amend Chapter 295 of the Public Laws of 1915 relative to the compensation of employees for personal injuries received in the course of their employment, reported that they recommend the House recede and concur with the Senate in the indefinite postponement of this act.

In the House the report of the committee was accepted.

In the Senate on motion by Mr. Googin of Androscoggin the Senate voted to accept the report in concurrence.

The PRESIDENT: In the House they insisted on the former action and appointed a second committee of conference.

On motion by Mr. Googin the Senate insisted upon its former action and joined a committee of conference.

The Chair appointed on such committee on the part of the Senate, Messrs. Googin, Conant and Butler of Franklin.

House Bills in First Reading

Resolve in favor of T. M. Rollins, mail carrier of the House of Representatives, for expenses.

On motion by Mr. Higgins of Penobscot, under suspension of the rules the resolve was read twice and passed to be engrossed in concurrence.

From the House: Majority and minority reports of the committee on agriculture on An Act to amend Section 3 of Chapter 30 of the Revised Statutes, relating to the sale of milk.

Majority report, ought to pass in new draft; minority report, ought not to pass.

In the House the minority report was accepted.

On motion by Mr. Conant of Waldo the Senate accepted the majority report in non-concurrence.

The bill, H. D. 725, was then given its first reading, and then on motion by Mr. Conant under suspension of the rules was read the second time and passed to be engrossed.

From the House: Majority and minority report of the committee on judiciary on An Act to amend Section 1 of Chapter 60 of the Revised Statutes, prohibiting the transmission of electric power beyond the confines of the State.

Majority report, ought not to pass; minority report, ought to pass.

On motion by Mr. Davies of Cumberland the majority report, ought not to pass, was accepted in concurrence.

From the House: Majority and minority report of the committee on judiciary on An Act relating to the practice of osteopathy.

Majority report, ought to pass; minority report, ought not to pass.

Mr. DEERING of York: Mr. President, I move that the majority report be accepted.

On motion by Mr. Holt of Cumberland, tabled pending acceptance of either report, until orders of the day.

From the House: An Act allowing dentists to employ women assistants who shall be known as dental hygienists.

On motion by Mr. Gordon of York the rules were suspended, the bill was given its two readings at the present time. The bill was then passed to be engrossed in concurrence.

From the House: Majority and minority report of the committee on legal affairs on An Act regulating the business of making loans in sums of \$300 or less at greater rate of interest than 6 per cent. per annum, etc.

Majority report, ought not to pass; minority report, ought to pass.

In the House the minority report was accepted and the bill was also amended by several amendments.

Mr. HOLT of Cumberland: Mr. President, I move that the minority report be accepted.

On motion by Mr. Marshall of Cumberland the bill was tabled pending acceptance of either report until orders of the day.

From the House: An Act regulating motor vehicles as common carriers.

On motion by Mr. Marshall of Cumberland, the rules were suspended and the bill was given its two several readings at this time. The bill was then passed to be engrossed in concurrence.

From the House: Report of the committee on taxation on An Act to amend Chapter 9 of Section 27 of Revised Statutes of 1916, relating to the amount of tax on railroads and how ascertained, ought to pass.

Mr. HOLT of Cumberland: Mr. President, I can give the Senate in a few words what the bill is. This bill as introduced would raise the upper limit on the taxes of the gross earnings of railroads from five and one-half per cent. to six per cent.

A second bill was introduced which raised the rate, beginning at a lower rate, and this bill raises the upper limit from five and one-half percent to six percent.

Mr. GILLIN of Penobscot: On all the railroads?

Mr. HOLT: Yes, on those earning that amount.

Mr. GILLIN: Mr. President, I do not know how it is with these other Senators but I have tried in every way I possibly could to get a copy of that bill and read it over and see what it is like. I have not found one, and I move that it lie on the table for the present, in order that I may get some information.

The motion was agreed to.

Mr. GILLIN: Mr. President, I would like to ask if any other Senators, aside from the committee, have seen this bill and read it over? I do not want to pass a tax measure unless I have a chance to look at it, especially in the very last days of the session.

From the House: Majority and minority report of the committee on taxation on An Act to amend paragraph 1 of Section 14 and Section 9 of Chapter 10 of the Revised Statutes of 1916, relating to the taxation of personal property.

Majority report, ought not to pass, minority report, ought to pass.

On motion by Mr. Holt the majority report, ought not to pass, was adopted, in concurrence.

Bills in First Reading

S. D. 437. An Act to amend certain Sections of Chapter 148, Revised Statutes, relating to pensions for the blind. (On motion by Mr. Fulton of Aroostook, the bill was given its two several readings and passed to be engrossed.)

S. D. 438. Resolve providing for certain State pensions. (On motion by Mr. Walker of Somerset, the bill was given its two several readings and passed to be engrossed.)

Reports of Committees

Mr. Higgins from the committee on appropriations and financial affairs, on resolve in favor of George Martin for services as clerk and stenographer of the committee on interior waters, reported that the same ought to pass. (On motion by Mr. Baxter of Sagadahoc, under suspension of the rules, read twice and then passed to be engrossed,

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), which was recommitted to the committee, submitted the same in a new draft under the same title, and that it ought to pass. (On motion by Mr. Davies of Cumberland, the rules were suspended and the bill was read the second time and passed to be engrossed.)

Mr. Peacock from the committee on sea and shore fisheries, on An Act to amend Chapter 235, Section 3 of the Public Laws of 1913, providing for the granting of lobster licenses (Senate No. 22), submitted the same in a new draft under title of "An Act to amend Section 18 of Chapter 45 of the Revised Statutes, relating to lobster licenses," and that it ought to pass. (On motion by Mr. Grant of Cumberland, the rules were suspended, the bill read the second time and passed to be engrossed.)

The committee of conference on the disagreeing action of the two branches of the Legislature on An Act relating to clerk hire in the office of the clerk of courts for Hancock county reported that they could not agree.

The report was accepted.

Mr. Higgins from the committee on appropriations and financial affairs, on An Act relating to the department of agriculture (Senate No. 353), reported that the same be referred to the next Legislature.

The report was accepted.

Final Report

Mr. Marshall from the committee on legal affairs submitted its final report.

Mr. Butler from the committee on military affairs submitted its final report.

Mr. Fulton from the committee on pensions submitted its final report.

Mr. Conant from the committee on ways and bridges submitted its final report.

Passed to Be Engrossed

H. D. 312. An Act to amend Chapter 127 of the Revised Statutes, to make plain the penalties imposed under certain sections thereof.

Passed to Be Enacted

An Act to appropriate moneys for the expenditures of the Government for the year 1918. (Tabled on motion by Mr. Higgins of Penobscot.)

An Act additional to Chapter 127 of the Revised Statutes relating to the enforcement of the laws against the sale of intoxicating liquors.

"An Act to amend Sections 16 38, 39

and 40 of Chapter 26 of the Revised Statutes, relating to the operation of motor vehicles.

An Act relating to insurance rates and providing for approval of the same by insurance commissioner before promulgation and use.

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

An Act to provide for the establishment of a bureau of markets.

An Act to amend Section 1 of Chapter 85 of the Private and Special Laws of 1915, entitled, "An Act establishing a close time no lobsters in certain waters of Hancock county."

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

An Act to create State department of health.

An Act to incorporate the Pilgrims Home Cemetery Association.

An Act to amend Section 78 of Chapter 4 of the Revised Statutes relative to State stipend for public libraries.

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

An Act to amend the charter of the city of Hallowell.

An Act to provide for mothers with dependent children. (Tabled on motion by Mr. Higgins of Penobscot.)

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

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

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

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

This bill carrying an emergency clause, was passed by a vote of 23 senators in favor and none against,

to comply with the law in regard to emergency measures.

Resolve appropriating money to aid in repairing and constructing roads and bridges and for other purposes. (Tabled on motion by Mr. Conant of Waldo. Subsequently on motion by Mr. Conant the secretary of the Senate was authorized to make a clerical correction in the bill, changing in the places the word "south," to the word "east").

Orders of the Day

Mr. AMES of Washington: Mr. President, I move that we reconsider the vote whereby we voted to recede and concur with the House on the bill, An Act to amend Section 20 and 21 of Chapter 8 of the Revised Statutes, relating to lands reserved for public uscs.

The motion was agreed to, and on further motion by the same senator the Senate voted to insist upon its former action and appoint a committee of conference.

The Chair appointed on such committee on the part of the Senate, Messrs. Ames, Dearing and Gillin.

Mr. WOOD of Hancock: Mr. President, if in order I would like to have the papers in the military training bill, on which a committee of conference was appointed, transmitted to the House, as the time is getting short, so that they may appoint their committee so that we can get together.

The PRESIDENT: The secretary will send the papers at once.

Mr. GILLIN: Mr. President and fellow Senators: Yesterday on account of the title of the bill, the Senate voted to adhere to its former action, and I presumed from hearing the title read that it pertained to the salaries of judges of probate, etc., to which I was bound by our committee of conference, as I understood it, being one of the parties that made a motion.

It is H. D. 40, and I will read the bill as it is very short: "Section 1. Any judge of probate having attained the age of at least 70 years and having

served as judge of probate for at least 30 years, resigns his said office or ceases to serve at the expiration of any term of said office, shall during the remainder of his life, receive an amount equal to one-half of the salary which is by law payable to him at the time of such resignation or termination of service; which shall be paid to him from the State Treasury in quarterly payments on the first days of January, April, July and October."

I will say to the Senators that when this measure was put in it was a measure in which I was interested, especially on account of the fact that I have known judges of probate, not only in my own county, but in other counties in the state, who have served 20 and one of them if I remember served more than 20 years, and when they got through they were practically dependent. Now this does not increase anybody's fees, it does not pertain to anybody's fees, and yesterday when it came up of course I thought it was not the act at all, Mr. President and fellow Senators.

Now I need not speak to the lawyers here. I speak to the business men here who have business to do with the judges of probate. In all of the counties, as you know, their fees are small, even in our great counties, where they are handling as important matters, if not more so, than the members of the supreme court, because everybody's property goes through their hands, and everybody's wife and children at some time are being protected by a judge of probate. And their fees and salaries are practically—I think any business man will say, and I know you have all had business to do with them—are practically insignificant. Their duties are onerous and laborious. And I feel, Mr. President and fellow Senators, I will make the motion that the Senate rescind its vote and that we concur with the House, which has passed this bill through, as I understand it.

It is simply this in a nutshell, that a man who serves you as a judge of probate in any of the counties for 20 long years, when he retires gets one-half of the legal

salary which he is then getting. Your State might never have to pay anything, but I have known of cases where men's healths have been shattered, splendid men, who have served the people, protected our wives and our daughters and our children when their fathers were dead, who have gone down to their graves in the State of Maine—in one or two instances practically in penury and want; and I believe, fellow senators—I see Brother Walker is smiling—and I know there are business men here, and, Brother Walker, I can assure you that we have judges in our county who have served for 24 years, men who might have made a living for themselves and made money, but who have served the public. I move you, Mr. President, that we rescind the vote of yesterday and concur with the House.

Mr. GRANT of Cumberland: Mr. President, I think that the Senator from Penobscot, Senator Gillin, is mistaken in this, that it is a matter that came before our committee.

Mr. GILLIN: Did it?

Mr. GRANT: It did, and we found that there are two ex-judges in the State. I talked with quite a number of lawyers in whom I have confidence and they said this was an elective office, they thought it was different from an appointive office, as the judges are.

Mr. GILLIN: I will withdraw my motion if you think we are bound by it. Mr. President, if this is so, if the committee on salaries and fees believe that this comes under it, I am bound and so I wish to withdraw my motion. I did not understand that it did. I did not even know the matter was before your committee. I apologize and withdraw, because I cannot. Unless some other senator wants to take it up, I cannot.

Mr. WALKER of Somerset: Mr. President, the senator from Penobscot, Senator Gillin, referred to me. It did seem humorous to me, for Mr. Gillin made the motion in caucus. I think I was very excusable for smiling.

Mr. WOOD of Hancock: Mr. President, as I was not present at the cau-

cus, I am not bound, I want to endorse every word,—please consider as incorporated in my speech in the record every word that the distinguished Senator from Penobscot has said, Senator Gillin.

A most notorious case in my own county comes to mind, of a man who for 22 years served as judge of probate, who is broken in health and is not in such financial condition but that it would be a very great aid to him. I think the great big State of Maine and the great big hearted committee ought to be willing in this case to make one exception and to let these two poor old broken judges of probate have a little comfort and solace in their old age.

I want to make the motion that Senator Gillin made. I hope it will be seconded and sustained.

Mr. MERRILL of Somerset: Mr. President and fellow Senators, has the time arrived when we are going to enter upon a new method of living in the State of Maine and adopt a pension law for everybody that arrives at the age of 70? (Laughter.)

Now I am just as much of a friend to the judges of probate as my brethren are, but I object to this kind of legislation and extending it. We have passed the dependent mother's bill. We have pensioned them for all time; we have passed other legislation of a similar kind, and now we are taking on the judges of probate.

It is an elective office. If a man don't want the office he need not have it. Most always they seek it, most of them. Now, for one, I am opposed to that kind of legislation and I hope that the motion will not prevail.

The PRESIDENT: The motion before the Senate is on the motion of the Senator from Hancock, Senator Wood, that we reconsider the vote whereby we indefinitely postponed this bill yesterday.

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

Mr. WOOD: Mr. President, we should go on record as being the biggest set of tight-wads that ever stood in the Senate of Maine.

Mr. DAVIES of Cumberland: Mr. President, I always supposed that a man was supposed to cut his coat in accordance with his pattern. Now, if that is not true, you are all wrong here; but that is precisely what we have been doing and I felt that the committee on salaries and fees—while I do not happen to be a member of it, and their action needs no endorsement from me—I feel that they have acted extremely wisely in this session of the Legislature in keeping the appropriation down to the lowest dollar in the matter of salaries and fees.

Today Assigned

The PRESIDENT: The Chair lays before the Senate, H. D. 185, An Act relating to Vassalboro, China and Windsor Light & Power Co.

On motion by Mr. Deering of York, the Senate voted to adhere to its former action.

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

On motion by Mr. Deering of York, the Senate voted to adhere to its former action.

The PRESIDENT: The Chair lays before the Senate, 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 and franchises of the trustees of Hebron Academy.

On motion by Mr. Deering of York the Senate voted to adhere to its former action.

The PRESIDENT: The Chair lays before the Senate, H. D. 402, An Act to extend the charter of the Washington Light & Power Co.

On motion by Mr. Deering of York the Senate voted to adhere to its former action.

The PRESIDENT: The Chair lays before the Senate, H. D. 457, An Act relating to the Knox Gas and Electric Company.

On motion by Mr. Deering of York,

the Senate voted to adhere to its former action.

The PRESIDENT: The Chair lays before the Senate, H. D. 691, An Act to incorporate the Casco Water Electric and Power Company.

On motion by Mr. Deering of York, the Senate voted to adhere to its former action.

The PRESIDENT: The Chair lays before the Senate, S. D. 150, An Act relating to the Knox Power Company.

Tabled on motion by Mr. Deering of York.

The PRESIDENT: The Chair lays before the Senate, S. D. 159, An Act to authorize the erection of dams and water storage basins on Bog Brooks and tributaries in Dead River Plantation in Somerset county.

Tabled on motion of Mr. Deering of York.

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

On motion by Mr. Deering of York the Senate voted to adhere to its former action.

The PRESIDENT: The Chair lays before the Senate, majority report, ought not to pass, minority report, ought to pass in new draft, from the committee on ways and bridges, on An Act to amend Sections 16 and 17 of Chapter 4 of the Revised Statutes relating to road commissioners.

Mr. BUTLER of Franklin: Mr. President and Senators: I tabled this measure, having in mind that I could prepare an amendment making it plain, the relation of the selectmen to the road commissioners in the town. Up to 1913, there had been much trouble between the selectmen and the road commissioners of the town. There was continually arising in their minds, the situation as to who had the greater authority in regard to the roads. It

makes trouble for the highway department trying to settle these matters.

It is evident that it would be necessary if we were to amend this, to have it stated plainly that the road commissioner would be under the authority of the selectmen. As the law now stands, they hire the road commissioner and if they do not get on with him they have the power to let him go and hire another, and I have been unable to arrange anything that seems to be anywhere equal to the present law, and I will make the motion that the report, I think it is Report A, ought not to pass, be accepted.

Mr. GILLIN of Penbscot: Mr. President, I second the motion of the Senator.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate, majority and minority reports of the committee on judiciary on An Act to create the Maine Water Power Commission.

Majority report, ought not to pass, minority report, ought to pass in new draft.

Mr. BAXTER of Sagadahoc: Mr. President, I move the acceptance of the minority report, ought to pass.

Mr. DAVIES of Cumberland: Mr. President, I oppose this bill for the following reasons:

1. I oppose it because the Act must create hostile feeling between the proposed commission and the Public Utilities commission.

2. I oppose it because the expenditure required to carry out its provisions is unwarranted, at least until a campaign of education on this important matter can be conducted.

3. I oppose it because the power given under the bill is altogether too sweeping.

4. I oppose it because the machinery of the bill is cumbersome and complicated.

5. I oppose it because the matter of investigation and report can be made in a better and more effective way by a legislative committee.

The pending question being on the motion of the senator from Sagadahoc, Sen-

ator Baxter, that the Senate accept the minority report of the committee, ought to pass, and that senator having called for the yeas and nays, and a sufficient number arising, the yeas and nays were ordered and the secretary called the roll.

Those voting yes were: Messrs. Ames, Baxter, Boynton, Burleigh, Butler of Knox, Fulton, Grant, Peacock, Petersen, Walker—10. Those voting no were Messrs. Bartlett, Butler of Franklin, Chick, Cobant, Davies, Davis, Deering, Gillin, Googin, Gordon, Higgins, Lord, Marshall, Merrill, Ricker, Stanley, Swift, Wood—18. Absentees: Messrs. Hastings and Holt—2.

Ten senators voting in the affirmative and 18 voting in the negative, the motion was lost.

On motion by Mr. Davies the Senate accepted the majority report of the committee, ought not to pass.

The PRESIDENT: The Chair lays before the Senate, H. D. No. 724, An Act relating to the qualification of judges of municipal and police courts.

On motion by Mr. Googin of Andros-coggin, the bill was given its second reading.

On motion by Mr. Wood of Hancock, tabled on its passage to be engrossed.

The PRESIDENT: The Chair lays before the Senate S. D. No. 224, An Act for the enforcement of liens on watches, clocks and jewelry for labor and materials furnished in making and repairing same.

Mr. DAVIES of Cumberland: Mr. President, I have the bill before me and I was preparing an amendment. I move that it be tabled for a few minutes. The amendment has been agreed upon between Senator Butler and myself.

The motion was agreed to.

On motion by Mr. Wood of Hancock, H. D. No. 724, An Act relating to qualification of judges of municipal and police courts, was taken from the table, and on further motion by the same senator it was passed to be engrossed in concurrence.

Mr. HIGGINS of Penobscot: Mr. President, I tabled a few moments ago an act appropriating moneys for the expenditure of the government for the year 1918; under the supreme judicial court there is an error. It reads for clerk of courts \$1000, and it should read for clerks of law courts \$1000. Yesterday in the House Mr. Barnes of Houlton made the correction and the Speaker ruled it "was a clear case of clerical error, nothing more or less." "Mr. Barnes: It is, Mr. Speaker. The Speaker: I think the House is competent to make that correction, and is it the pleasure of the House that the motion of the gentleman from Houlton, Mr. Barnes, that the correction be made, prevail? The motion was agreed to."

And I suggest, Mr. President and gentlemen, that this being simply a clerical error, that the correction be made in this body in concurrence with the House.

The PRESIDENT: The Senator from Penobscot, Senator Higgins, suggests that we correct the clerical error in this resolve. Is that the pleasure of the Senate?

It was so voted and the secretary made the correction.

The PRESIDENT: The Chair lays before the Senate, S. D. 369, An Act to amend Section 16 of Chapter 59 of the Revised Statutes, relating to the compensation of inspectors of steamboats.

Mr. HIGGINS of Penobscot: Mr. President, out of courtesy to my friend, Senator Chick, I would like to table this until later in the day. I move it be tabled.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 434, An Act to amend Chapter 121 of the Public Laws of 1917, entitled An Act to amend Section 17 of Chapter 12 of the Revised Statutes, providing for notice by registers of deeds to municipal officers of real estate transfers.

On motion by Mr. Chick of Kennebec the bill was passed to be engrossed.

Mr. Peacock from the committee on conference on the disagreeing action of the two branches on H. D. 95, An Act to amend Sections 35 and 38 of Chapter 45 of the Revised Statutes of 1916, relating to the measurement of lobsters, reported that they were unable to agree.

The report was accepted.

Mr. CHICK of Kennebec: Mr. President, I ask permission to present some reports at this time, out of order.

Unanimous consent was granted and that senator presented the final report of the joint standing committee on inland fisheries and game.

Also from the committee on sea and shore fisheries, joint resolution of the Senate and Assembly of the State of New York relative to the convention between the United States and Great Britain for the protection of migratory birds.

The reports were accepted.

The joint standing committee on federal relations presented its final report.

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

After Recess

Senate called to order by the President at 2.30 o'clock.

Mr. BUTLER of Knox: Mr. President, I would like to offer Senate Amendment A to S. D. 224, An Act for the enforcement of liens, on watches, clocks and jewelry for labor and materials furnished in making and repairing same.

Senate Amendment A to S. D. 224.

Amend Senate Document 224, An Act for the enforcement of liens on watches, clocks, and jewelry for labor and materials furnished in making and repairing same, by inserting after the word 'corporation' in line 1 of Section 1, 'having an established place of business in this state.' So that said section as amended shall read as follows:

"Section 1. Every individual, partnership or corporation having an established place of business in this state, engaged in making, altering or repairing any watch, clock or jewelry or expending any labor or material thereon by direction or consent of the owner thereof, shall have a lien upon such watch, clock, or jewelry for his reasonable compensation for said labor and materials, which shall take precedence of all other claims and incumbrances, and such watch, clock or jewelry shall be exempt from attachment or execution until such lien and the cost of satisfying it are satisfied."

On motion by Mr. Butler the vote was reconsidered whereby this bill was passed to be engrossed.

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

The PRESIDENT: In the An Act to amend Chapter 127 of the Revised Statutes, to make the plain the penalties imposed under certain sections thereof, the Chair inadvertently overlooked House Amendment A to this bill, which is H. D. 312, when it was passed to be engrossed.

On motion by Mr. Stanley of Oxford, the vote was reconsidered whereby this bill was passed to be engrossed.

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

Mr. DEERING of York: Mr. President, I move that the rules be suspended in order that I may introduce a public act, An Act to regulate the keeping of dynamite, powder and other explosives.

The motion was agreed to and the bill was received.

Mr. DEERING: Mr. President, I desire to say that this matter was brought to my attention by Representative Powers, and it was on his explanation of the large amounts of dynamite that are stored in various sections of the State, for the purpose

of driving logs and for the use in quarries, and making it possible at this time for almost any person, without any special explanation of his business to obtain any amount of dynamite, he may desire to have.

And the present time seems to be the proper time to regulate such matters, even if there was so much crisis pending as is now pending.

Mr. GELIN of Penobscot: Mr. President, I wish simply to endorse what the Senator has said, and I am very glad that such a measure has been put in, for I am in a way connected with business in which we use just what the Senator has referred to, where people can get all the dynamite they want if they can pay for it.

On further motion by Mr. Deering the rules were suspended and the bill was read twice, and then passed to be engrossed.

On motion by Mr. Stanley of Oxford, S. D. 321, An Act amendatory of Section 27 of Chapter 52 of the Revised Statutes, and to permit savings banks to invest in certain railroad bonds, was taken from the table.

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

The pending question being on the adoption of Senate Amendment A, the amendment was adopted.

From the House: An Act to provide for the support of the families of volunteers.

In the House this was received and read under suspension of the rules, and passed to be engrossed.

On motion by Mr. Holt of Cumberland, under suspension of the rules the bill was received, given its two several readings and then passed to be engrossed in concurrence.

From the House: An Act to provide state pay for soldiers and sailors in the volunteer service of United States.

In the House received, read three

times under suspension of the rules, and passed to be engrossed.

On motion by Mr. Holt of Cumberland, the rules were suspended, the bill was given its two several readings, and was passed to be engrossed in concurrence.

From the House: An Act to provide for the organization of the Maine Home Guard during the continuance of war with Germany.

In the House, received under suspension of the rules, read three times, passed to be engrossed.

On motion by Mr. Holt of Cumberland, the rules were suspended, the bill was given its two several readings, and was passed to be engrossed in concurrence.

From the House: An Act to provide for the better defense of the State and for the discharge of its duties toward the national defense.

In the House, received under suspension of the rules, read three times, passed to be engrossed.

On motion by Mr. Holt of Cumberland, the rules were suspended, the bill was given its two several readings, and was passed to be engrossed in concurrence.

From the House: An Act authorizing the taking of land for forts and other purposes.

In the House received, read three times under suspension of the rules, and passed to be engrossed.

On motion by Mr. Holt of Cumberland, the rules were suspended, the bill was given its two several readings and was passed to be engrossed in concurrence.

From the House: An Act to provide for the appointment of special deputy sheriffs.

In the House received, read three times under suspension of the rules, and passed to be engrossed.

On motion by Mr. Holt of Cumberland, the rules were suspended, the bill was given its two several readings and

was passed to be engrossed in concurrence.

From the House: An Act in relation to suits in court where two of the parties being in the military service of the United States or of this state.

In the House received, read three times under suspension of the rules, and passed to be engrossed.

In the Senate under suspension of the rules, the bill was given its two several readings and was passed to be engrossed in concurrence.

Report of the committee of conference, on the disagreeing action of the two branches of the Legislature, on "Resolve, relating to equestrian statue of Major General Oliver O. Howard, and a standing statue of Brevet Major General Joshua L. Chamberlain," (Senate No. 243) that a committee of the Legislature consisting of two members from the Senate and three from the House be appointed by the presiding officers thereof. It shall be the duty of said committee to investigate fully the subject matter of this resolve and hear the parties interested and make their recommendations to the next legislature.

The reports were accepted.

Report of the committee of conference, on the disagreeing action of the two branches of the Legislature, on "Resolve in favor of the General Knox Chapter of the Daughters of the American Revolution of Thomaston, Maine, and the Knox Academy of Arts and Sciences" (Senate No. 328) that a committee of the Legislature consisting of two members from the Senate and three from the House be appointed by the presiding officers thereof. It shall be the duty of said committee to investigate fully the subject matter of this resolve and hear the parties interested and make their recommendation to the next legislature.

Mr. Davies from the committee on judiciary on An Act to amend Section 2 of Chapter 5 of the Revised Statutes, relating to qualification of voters, (Senate No. 355), reported that the same

ought to pass. (Read the first time, and on motion by Mr. Davies of Cumberland, under suspension of the rules, read the second time and passed to be engrossed.)

Majority report of the committee on sea and shore fisheries, on bill, An Act to establish the legal length for lobsters in York and Cumberland counties, (Senate No. 169) that the same ought not to pass.

(Signed) Peacock, Wood, Ames, Holt, Harman, Butler.

Minority report of the same committee on the same bill, submitting the same in a new draft under title of "An Act to establish the legal length for lobsters in York, Cumberland and Lincoln counties."

(Signed) Newcomb, Harris, Fletcher, Goldthwait.

Mr. PEACOCK of Washington: Mr. President, I move that we accept the majority report.

Mr. DEERING of York: Mr. President, one of the Senators interested in this bill is absent. I move that the reports be tabled, pending acceptance of either, to be taken up later.

Final Reports.

Mr. Davies from the committee on judiciary submitted its final report.

Mr. Bartlett from the committee on State sanatoriums submitted its final report.

Mr. CONANT of Waldo: Mr. President, I move that we take from the table, 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.

The motion was agreed to.

Mr. CONANT: Mr. President, I understand that the pending question is on the adoption of House Amendment B. I move that we reconsider the vote whereby this bill was passed to be engrossed.

The motion was agreed to and the bill was passed to be engrossed as amended by House Amendment B.

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

The PRESIDENT: In the House, House Amendment A was adopted. In the Senate that amendment was indefinitely postponed; the House adhered to its former action. The pending question is on the reconsideration of the indefinite postponement of House Amendment A.

Mr. DEERING: Mr. President, that is the bill the way it was written, as if the parties interested desired to have the water storage basin for the creation of power, for the purpose of selling power, when really they do not contemplate such an act.

I will state to the Senate that this is the ordinary form for people who desire to have a log driving privilege. I move we reconsider the vote whereby we indefinitely postponed House Amendment A.

Mr. DAVIES of Cumberland: Mr. President, as I understand the procedure to be we recede and concur. We adopted the ordinary Baxter Amendment.

The PRESIDENT: This is a long amendment, the amendment and something else added.

Mr. DAVIES: Mr. President, I wish to be recorded against it.

Mr. GILLIN of Penobscot: Mr. President, may I understand what is going on now?

The PRESIDENT: This is an amendment authorizing Blaine S. Viles, and Guy P. Gannett, their assigns and heirs to erect dams for the purpose of driving logs and for manufacturing.

Mr. GILLIN: Has there been an amendment attached to that?

The PRESIDENT: House Amendment A was adopted in the House, and in the Senate House Amendment was indefinitely postponed.

Mr. GILLIN: Mr. President, I move that we adhere to our former action.

The PRESIDENT: The question that takes precedence is the motion of Senator Deering that we recede and concur with the House in the adoption of House Amendment A.

A viva voce vote being taken the motion was lost.

On motion by Mr. Gillin of Penobscot, the Senate voted to adhere to its former action.

Mr. DEERING of York: Mr. President, I move to take from the table An Act to incorporate the Gould Electric Company. The motion was agreed to.

Mr. DEERING: This company is a company which manufactures all of its power in the province of New Brunswick, across the line in Canada, and it has not the same status as the companies in which we have adhered and killed the charters. It is a company all of the power of which comes from the Aroostook Falls in a foreign country, and of course if that foreign country should adopt the same laws that we have adopted the county of Aroostook could not get any power at all.

Now I understand the Baxter amendment has been added to the charter of this company which manufactures its electricity in New Brunswick and sends it to Aroostook. These gentlemen have gone ahead with their proceedings and have spent quite a large amount of money in engineering and surveying and various things of that sort and they expect to expend much more, and to kill the charter that they have put in here would cause a great loss to them, and the Baxter amendment or any other amendment similar to it would not amount to anything one way or the other; it could not possibly change their status in any way, shape or manner, and while there is no man in the Senate that has a greater antipathy for that Baxter amendment than I have, I desire to say that in the case of a company of this kind that had expended its money I am willing to submit my antipathy to the Baxter amendment in this one case so that the people who have spent their money there will not have to lose it. I believe that

they should receive their charter because the Baxter amendment will not affect them and they should not lose their money after they have invested it.

I move we recede and concur.

Mr. BURLEIGH of Aroostook: Mr. President, this corporation generates their power in New Brunswick and it is all one company,—it is called the Maine and New Brunswick Power Company. Now in New Brunswick, Canada, they have to pay a large tax upon the net earnings of that company, not only earnings that they have in the State of Maine, but the earnings they have in New Brunswick. Now most of their earnings are in the State of Maine. Very small are the earnings in New Brunswick. In order not to have to pay a tax in New Brunswick on the earnings in the State of Maine they have formed two companies,—the same owners in both companies. There is the company that does business in New Brunswick, and the company that does business in Maine; so that in paying their taxes in New Brunswick they only have to pay taxes on the earnings of their road in New Brunswick, and not upon the earnings of their road in the State of Maine. The corporation in Maine is separate. Now they do not object to the Baxter amendment but they are perfectly willing that the Baxter amendment should be put onto their charter in the State of Maine.

Mr. DAVIES of Cumberland: Mr. President, if I interpret the remarks correctly of the senator from York and the senator from Aroostook it is confessedly true that the Baxter amendment so-called if placed upon this charter can be absolutely of no value, that is correct, is it not, Senator Burleigh?

Mr. BURLEIGH: That is as I understand it. All the power that they have today is generated at Aroostook Falls, a few miles perhaps a mile beyond the limits of the State of Maine.

Mr. DAVIES: And in the Dominion of Canada, and they are asking us to write into their charter that they should be prohibited from the transportation of electricity outside of the State of Maine.

Could there be anything more ridiculous than that? Absurdity has wrought its masterpiece when you come to vote to put that amendment onto this charter. Now in the name of reason and in the name of good judgment, after the position that we have taken on this thing here in the past, for heaven's sake don't do it.

Mr. GILLIN of Penobscot: Mr. President, I think we are agreed with the distinguished senator from Cumberland. But as a great man once said, and I always like to repeat their phrases,—this is a condition and not a theory which confronts us, if you want this charter. And I move to bury my hostility, as the distinguished gentleman of Penobscot county one time said, and agreed to turn my head away when I vote, on account of the distinguished senator from Aroostook and also from York. I hope that my brother Davies with me will bury his antagonism so that a corporation from outside of the State sending electricity into it may have this charter. I am going to so vote. But under no other circumstances would I do it.

Mr. DAVIES: Mr. President, the senator from Penobscot, Mr. Gillin, mistakes my attitude. My attitude is not one of antagonism at all. My attitude is merely one of consistency, and that is admitted on the part of everybody here I assume, and I cannot bring myself to vote for the writing in to the charter of this electric company this amendment when I have voted over and over again that it was not necessary and as a matter of principle it should not be applied. Much as I respect the opinion of the senator from Penobscot and the senator of York, my mind so works, Mr. President, that I do not find myself in a position to do it.

Mr. DEERING: Mr. President, as stated in the beginning there is nobody that dislikes this tremendous—

Mr. GILLIN: That is a good adjective.

Mr. DEERING: —proposition more than I do. But here are people who come here to this legislature for the purpose of getting this charter and upon that charter in the House

of Representatives is fastened the Baxter Amendment. The House adheres to that Baxter amendment and the Senate kills it, and then if we keep on with this same attitude the charter itself dies between the two houses. Now I do not want my personal opinion in regard to the Baxter amendment to deprive the gentlemen in Aroostook County of any of the money that they have spent. That is my position. If they were willing to sacrifice their charter, or if they had nothing at stake, I would not take this position; and my position is perfectly consistent with the way I have already voted. I do not believe in the Baxter amendment. I think it is a set-back to industry in the State of Maine. But these men are developing the State of Maine and I believe that they should not be obliged to lose money because of something in their charter which has been inserted there without their consent.

Mr. FULTON of Aroostook: Mr. President, I remember very well that when we introduced those amendments to that charter I was the one to say that it means a lot to Aroostook county. We are trying to develop that new county and this company that has been formed wish to develop the power so that they may be able to build some more electric lines in Aroostook county. We have one little electric line. We want to build some more; and we are willing to accept the amendment. Anything that will not endanger the passage of the bill, for these men have out in their money and it means a lot to these men, and to Aroostook county in general, and I hope the Senate will consider the condition, as my esteemed friend from Penobscot says, and not the theory at this time.

Mr. GILLIN: Mr. President, just one moment. I think the condition in which we are placed is well illustrated by the story, fellow senators, of the Irishman who started to tell the wife of the death of her husband who had been suddenly killed. He went into the house and sat down in a chair, and looked very sad, and the wife

looked around at him—it was told me by one of my distinguished brother attorneys today—and said “What is the matter?” “Well,” he said, “I don’t like to tell you.” And she asked him again. He said, “Bridget, be gorra, your husband has joined the Christian Scientists.” “Oh, Lord,” she says, “Pat, I wish he had died before he did that!” “Well madam, you have got your wish; he is dead.” So Mr. President and fellow senators to attach the Baxter amendment on to this is a legal absurdity and let it go through, and I think I can say to the distinguished senator from Yarmouth and Cumberland that it is dead, as dead as was the woman’s husband whom she didn’t want to join the Christian Scientists.

Mr. DAVIES: It would be perfectly satisfactory to me if the people who want this charter or amendment would adopt the Christian Science theory and think that they had it when we voted it down. (Laughter.)

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Deering, that we recede and concur with the House in adopting House Amendment A.

A viva voce vote was had and House amendment was adopted in concurrence and the bill as amended was passed to be engrossed.

Mr. GILLIN of Penobscot: I move that we now take from the table H. D. No. 380, An Act to amend Chapter 9, Section 27 of the R. S. 1916, relating to the amount of tax on railroads, how ascertained.

The motion was agreed to.

Mr. GILLIN: Mr. President, I move that we indefinitely postpone it.

Mr. HOLT of Cumberland: Mr. President I am sorry to disagree with my friend from Penobscot, Senator Gillin, but this is a matter which was brought before the committee on taxation and the substance is that on gross receipts of railroad companies in the State of Maine, the upper limit of the tax which is now 5½ per cent is raised to 6 per cent.

At the hearing it developed that the roads in the State of Maine, the larger roads, were at the present time unusually prosperous, and while they have their burdens in the way of increased expenditures for coal and under the new Adamson bill, yet it is true that every citizen in the State of Maine also has added burdens due to the higher cost of living and due to the higher cost of the necessities of life.

So it seemed to the committee, after fully considering the matter, that in view of the fact that these larger burdens were to be put upon the citizens of the State generally that it would not be unfair to have the corporations who are receiving this increased income also assume the burdens.

I would call the attention of the senators that this rate works in this way. The higher rate of 6 per cent which would be established by this act would only apply in abnormal times, that is, times when the railroads were very prosperous in the way of receiving increased earnings. Should there be a reaction due to the ending of the war, which we will all pray will happen in the near future, should business conditions due to the stimulus of the war recede and the tide of prosperity recede, then automatically this rate will drop, that is, the road will not have to pay the higher rate if its earnings are decreased due to the reaction in business. So it seemed to the committee that this was not an unreasonable burden to put upon the railroads of the State of Maine at the present time.

Therefore, although I regret to differ with the Senator from Penobscot, I shall go on record as against his motion.

Mr. GILLIN: Mr. President, I dislike very much, my fellow senators, to occupy the time of this Senate at this time, and I assure you that I will be as brief as I possibly can in speaking to this measure and in support of my motion. I do not think that there is any attorney practicing law in the State of Maine who is in a better position to argue for the postponement of the increase of taxation of railroads, than I am myself. Any practicing

lawyer who has examined the books from the 81st volume of the Maine Reports down to the 114th, wherever they find my name will find it against the Maine Central and all other railroads, because I have never been retained by them. I can also say that out of their coffers to my clients, through my humble services, there have been paid hundreds of thousands of dollars. I have never been retained by them yet. I believe that they are great public benefactors, and I believe that they should be treated as such. At this time in the history of our legislative body here,—I do not know how it is with the other members of this Senate, but I assure you that I could not get to the bottom of this question sufficiently to vote upon it intelligently.

Now there is one thing in the railroads today that this hits, the Maine Central and the Boston and Maine, and the Canadian Pacific, which pays the small sum of \$63,579, pay into the treasury of the State of Maine almost a million dollars in taxation on their franchises and their real estate. The Adamson law, which has been declared constitutional by a majority of the courts of the nation, is going to throw upon these roads an added burden of approximately \$250,000, and there is not a lawyer in the State of Maine, and I doubt if there is one in the Union today who knows what the real extent of the Adamson law is in its applicability to the employees of railroads. Now then, there is something else which we have to take into consideration. These railroads at this particular time are going to be great public servants. They always were, they always are amenable to the demands of the people in the State for military purposes. That is another burden which may be added on to the railroads of the country. But there is one thing that is simple and plain. If we go to work now and increase the tax of these railroads which are paying into our State practically a million dollars, I am speaking of the railroads that this bill affects, if you increase it of course they will have to increase their freight rates to meet these great burdens that are thrown upon them.

Now I understand, and I think every senator understands, that we have al-

ready adjusted our taxation problem by adding thereto, making it 6.6, so to speak, so that this picking out from among the bunch of tax payers, corporations, I mean, the Maine Central, Boston & Maine, and the little part of the Canadian Pacific that runs through your State, and the other road that is in this bill and that this bill strikes, I believe that we ought not to do it at this time. And I do not believe that individually I have the opportunity of going to the bottom of the subject in a manner so that I could myself vote upon it.

Now I stood here this morning, and I found that every other senator was in the same condition, at least by their silence—I asked the Senate if any man had read this bill, and as I remember it there was not one member in this body who said he had. Was there? If there was, let him speak now. Now then, we ought to read these bills and give the proper consideration, and go into all the details, paraphernalia, so to speak, of the whole subject matter, and I do not think that we ought to place this tax upon these roads when we have not increased the tax on our telephones, on our telegraphs, and when another measure which taxed other roads has gone by the board, when they are paying to your State already this great sum, and furthermore when they are paying into your State almost a million dollars.

Notwithstanding the fact that for thirty years in the practice of the law I have always been opposed to them, as the books will show to any lawyer in the State of Maine, during that entire period never having been retained by them, yet I recognize the fact that they are great public servants, and I am sick and tired of these people who are handling our railroads and trying to tax them and trying to throw burdens on them when many of them throughout the nation by their using their big sticks have been driven into the hands of receivers.

And there are two sides of the question. The other side of the question I have not had time to examine. And with all due respect to my fellow senators, to whose intelligence I am always ready to bow, when they have not studied this measure, when they have not even read the bill, in

the name of common sense are you going to tax these roads under this bill and let all of the other corporations in your State go scott free? It does not appeal to me. I do not believe it appeals to the reason and the sense of justice that is locked up in the brain of this distinguished body representing the great business interests of the State in this chamber in so far as we can represent them.

And, Mr. President, without going into further details—I was in hopes I would not have to speak on it at all—I wish simply to renew my motion that at this time, under all these circumstances, and for many reasons that I have not seen fit to divulge to you that I could talk about here and unnecessarily occupy your time, I hope that the members of this Senate will vote to indefinitely postpone this measure at this time in the interests of justice and in the interests of fair dealing towards these corporations. Particularly and especially when our tax rate is already taken care of, when as I understand it, we do not need this money that you are attempting to take from them, and upon the further basis that they are paying now all the tax that they ought to pay into the State of Maine co-equal with any other individual or corporation in your State.

And I again make my motion that it be indefinitely postponed.

Mr. MERRILL of Somerset: Mr. President, I think the gentleman has well and truly said that he does not know anything about this subject and has not given it any study.

Mr. GILLIN: That is correct.

Mr. MERRILL: I am going to agree with him. I am going to agree with him for this reason, that he says that we have already taken care of the tax for the next two years and we do not need to tax the railroads.

Now how have we taken care of that? How, pray tell me, fellow senators, have we taken care of the tax for the next two years? By levying an extra mill on the real estate of the State of Maine and not adding one dollar or one cent to the corporate property of the State of Maine. And

the corporate property of the State of Maine is practically equal in dollars and cents to the real estate and personal property of the State of Maine.

There was a class of bills introduced into this House and I supposed, and every one of the committee on taxation, had been voted upon ought to pass. When they came into this House the report was ought not to pass, and every bill turned down except this bill that was here presented. Every railroad in the State of Maine, every telephone and telegraph, the Pullman car service, the insurance, and the other corporate interests of the State of Maine were all equally taxed on a fair and equal basis. We ask simply that the railroad tax be increased one-half of one mill.

Previous to these bills being entered here in the House, there was the bill that is now under discussion which affects only four roads in the State of Maine, the Maine Central, the Boston & Maine, Canadian Pacific and the Grand Trunk, and it asks to raise the limit five mills on a dollar of the gross transportation receipts at the upper end of it; that is, the increasing limit was $5\frac{1}{2}$ and they placed the limit in this bill at 6 per cent.

I think the Senators understand the basis upon which railroads are taxed. It is this: That the first \$1500 earned as gross transportation per mile under the statute as it now exists is 5 mills on a dollar, and they have on every increase of \$400 over that \$1500 an increased tax of 1-4 of 1 per cent, $2\frac{1}{2}$ mills. The limit being $5\frac{1}{2}$ per cent, the Maine Central have reached the limit, the Grand Trunk, Boston & Maine and Canadian Pacific have practically reached their limit. Now they ask to have it increased to 6 per cent.

What were the bills that we put in on all of the railroads? They put the 5 mills extra taxation onto the first end and the gross transportation receipts per mile at \$1500 a mile was one cent, at \$1900 was one cent and one-quarter and increasing in the same ratio every \$400, one-quarter of one per cent.

Now we had our hearing. The rail-

roads came in, they practically said if you have got to have money you have got to have it. I know the Maine Central said "We can stand it." The Boston and Maine, which comes in here and earns millions of dollars in our state,—they simply run through here on an iron track and they go out of the State of Maine, they carry out all of their earnings, and the only thing that Maine gets out of the Boston & Maine Railroad is its accommodation, its public benefits to the State. But so far as the dollars and cents are concerned they carry every dollar out of it and all we get is what we tax them. All we get out of the Grand Trunk is our tax. All we get out of the Canadian Pacific is our tax.

I do not mean to say that they are not a public utility, because they are; and we all admit it and are glad to have them here. But we have to have funds to pay the running expenses of the State, and I want to go on record here today, and I do not want to go to my home nor my constituents, and say to them that I did not stand up in behalf of the tax payers of my county when they undertook to levy hundreds of thousands of dollars upon my constituents and let go free and clear every corporate interest in the State of Maine.

And I want to say to you, Mr. President and fellow Senators, when the next two years roll around and you have gone home to your constituents and I have gone home to mine, they will show you what you are undertaking to do here today, to put the entire extra tax onto the shoulders of the farmers and not a dollar onto the shoulders of the corporations of the State of Maine. You remember, that when you come back here you will come back here, if you come at all, as Democrats and not as Republicans, because the Republicans of this State and the Democratic party of this State will unite hands and not allow you and me to stay here and under the influence of the lobby that has been around this State House ever since the first day of January, allow us to pass a law here making one-half of the property of the State of Maine

pay the entire enhanced taxation for 1917 and 1918.

If you will look up the record of the Maine Central Railroad, the Boston and Maine Railroad, the Canadian Pacific Railroad, and all the other railroads in the State of Maine, and doing business in the State of Maine today, you will find that they have had a very prosperous year in the past, one of the most prosperous ever.

Another thing you talk about the Adamson law, and the learned senator from Penobscot says, why, it will increase their expenses \$250,000. Well, I don't doubt it a mite. I don't doubt but what it is a good deal more than \$250,000 and I think it is when you take into consideration the high price of coal and the expense in their labor accounts. But what of it? They can go to the Public Utilities Commission and ask for an increase in their rates. And they will get it. There isn't any question but what they will get it. We have to pay for all of the coal that they burn, and all of the engines that they use, wear, and wear out, and every accident, and every bill where injuries occur to the passengers, the public pays it all. They collect it. We pay it. You need not worry one mite about the railroads not being able to take care of themselves. They are.

Now the distinguished senator from Bangor talked about many roads being in the hands of receivers on account of the big sticks that were wielded by the legislatures of different states taxing them. Many of them, like the Boston & Maine, like the Hartford & New Haven, and many others that I could mention, are in the hands of receivers not through taxation but through the misappropriation and mismanagement of their offices.

Now, Mr. President and fellow senators, perhaps you imagine that I am going to ask you to vote for this bill. I am not. I am going to ask you to indefinitely postpone it, because I believe it is the most damnable bill that has ever been introduced in this Senate during the entire session. When it picks out just four roads, the Maine Central, Boston & Maine, Canadian Pacific and Grand Trunk and leaves the Bangor & Aroostook and every other

one of them out. I am not for that kind of equalization of taxation, and this is my reason, that when the proper bills were introduced, and when from some influence of other—God only knows from what it came—those bills were turned down and these four roads singled out, the Bangor & Aroostook with \$30,000,000 of capital or practically that, left out of it with the telegraph and telephone companies and they are brought in and turned down, I say to you, Mr. President and fellow senators, I will not stand for any such bill. If the whole bill is not right then the whole bill is wrong and I want to be recorded now and here in opposition to what I call the most damnable attempt to crowd a tax on to a few of the roads and leave the rest out scott free.

Mr. HOLT: Mr. President and Fellow Senators, in justice to the committee I believe that a further statement should be made by me as to the position of the committee and the reason why the committee report on this bill is ought to pass.

This bill was introduced at the beginning of the session, or near the beginning, and a full hearing was had upon the bill. Later a new draft was submitted by the Senator from Somerset, Senator Merrill which began the taxing of the roads at the lowest limit and included all the roads in the State of Maine.

Now the position of the committee is simply this, that we took each case on its merits as it came before us as applied to any corporation. We studied into the facts of the case and determined whether it would be fair or not to that corporation to bear the tax. For instance, a bill was introduced to tax the telephone companies, raising their tax which is now 6 per cent to 7 per cent. That is estimated upon the gross earnings of telephone companies. It takes 3 per cent out of those earnings on all their business done within the State and between the State, that is, on all toll calls between the States. That tax was raised in 1911 from four per cent to six per cent upon the gross earnings of the telephone company. We went into the situation of how the State of Maine taxed the telephone

companies, in reference to the taxation of the telephone companies in other states of New England, and we found that in addition to this six per cent upon the gross earnings the telephone company was paying about \$101,000 on its real estate and the total tax made a tax of 6.21 per cent upon your telephone company, the largest of any state in New England. So it seemed to the committee that it was not fair to report that bill in as ought to pass for the reason that the telephone company was already carrying its due share of the burdens of taxation.

The reason why we reported this railroad bill was this, as I said in my former statement that the most prosperous roads could afford to pay the tax; that it worked automatically, should there be a reaction in business the tax would drop down from the higher rate to a lower rate.

Now what was the reason that we did not report the bill which the Senator from Somerset drafted, which would tax every railroad in the State of Maine? We found that under that bill there would be added some \$21,000 in revenue. Out of that, \$19,000 came out of the B. & A. A young man appeared before our committee in defence of the Bangor & Aroostook and he presented the facts to our committee. It was not any general statement about the road being a benefit. We all know that they are a benefit to the State of Maine. But it was a statement of facts, of their situation, as regards the Bangor & Aroostook railroad. It showed that their net earnings the last year, were, I think, a little over \$200,000. It showed that their coal bill with the present high price of coal would wipe that net profit right out,—should the present price continue; to say nothing of the burdens of the Adamson law.

So it seemed to the committee as applied to this particular road that it would have been an injustice to have laid this tax upon them and that was our reason, and our only reason, for reporting the bill cut ought not to pass.

As to the larger roads it appeared from their earnings and it appeared in the hearing that they could bear this added tax; that it might be that

they would have to take it out of the public. We all know, as has been brought out here that it ultimately does come out of the public, but yet they could bear it, and because of the large earnings,—that increasing this rate would only apply so long as the large earnings continued.

So I believe that the position of the committee was fully justified in dealing with these matters as they came before us. There were other bills introduced here, at a late hour one taxing express companies. We found in that case that on earnings of approximately \$600,000, which 42 per cent went into the railroad on which this franchise tax was levied later so that the tax of 42 per cent out of that \$600,000, on the balance they were paying about \$25,000; and it seemed that that was a large tax. So that the committee reported that bill ought not to pass.

Each bill was considered upon its merits as it appeared to the committee, and it was decided without any political considerations whatsoever. I believe that that should be the farthest from our thoughts when we are dealing with these matters. And I believe that the committee were justified on account of the facts that were presented to them in regard to this railroad bill in raising this from 5½ per cent to 6 per cent, 6 per cent being the rate which the telephone companies already paid upon all their gross earnings. I believe that that was fully justified in view of the fact.

Mr. MERRILL: Mr. President, I know the distinguished senator from Cumberland does not mean to misstate anything, but all of the telephones do not pay 6 per cent. There is but one telephone in the State that pays 6 per cent.

Mr. HOLT: Mr. President, I am sorry to interrupt. I think I mentioned the New England company and compared the New England company tax here with that paid in other states. I meant to apply it to the New England company.

Mr. MERRILL: Your statement just before you sat down that you

wanted to raise this railroad rate to 6 per cent, the same as all of the telephones. I accept his amendment. There is only one telephone which pays 6 per cent. That is the New England. And the tax bill on telephones and telegraphs did not affect the New England Telephone at all because it left the limit of taxation at 6 per cent.

Mr. HOLT: I do not like to keep interrupting, but, as I remember, the bill raised it from 6 to 7 per cent.

Mr. MERRILL: I understand it perfectly well. If you will produce it you will find that the limit was 6 per cent—I am perfectly sure because I drew it.

Mr. HOLT: They are already paying 6 per cent.

Mr. MERRILL: I understand it perfectly and I left the limit there. I left the limit on all of the railroads at 6 per cent; it was 5½. I made it 6 per cent. But the basis of the railroad tax cannot be compared with the basis of the telephone tax, because it is a very different proposition, where the telephones are in their gross receipts receiving but a few thousands of dollars, the railroads are receiving hundreds of thousands of dollars and millions of dollars. So that it means a very vast difference.

Now so much for the telephones. They were increased slightly. They gave about \$30,000 additional income in favor of the State. And the telephone companies came in and they found practically no fault whatever, and some of them said: "Why, yes, we can stand it. You need more money for the State. We are willing to do, only don't put it too high." Well now, we left the limit right where it was before, but we laid a little more tax on the earnings of the company.

Now as to the Bangor & Aroostook road. Here is its stockholders. I have a list of them. There is the Aroostook Construction Company, Bangor, Maine, 31,975 shares; the Van Buren Bridge Company, 2500 shares; and then there are a few individuals, I suppose they are the directors, Henry Binney of

Boston, and James Brown of New York, one share; T. U. Coe, Bangor, Maine, 1 share; W. A. Danforth, Bangor, Maine, 1 share; C. A. Milliken, Augusta, Maine, 1 share; Charles E. Oak, Bangor, Maine, 1 share; A. W. Spaulding, Caribou, 1 share; P. R. Todd, 1 share; John Watson, Houlton, 1 share.

Does any Senator in this House believe that the Bangor Construction Company which owns 31,975 shares in one block of the Bangor & Aroostook Railroad cannot afford to pay a half a mill on a dollar of extra taxes to help pay the expenses of the running of the government of the State of Maine for the year 1917 and 1918 just as well as you can pay an extra full mill on your piano, or your horse, or your buggy, or your farm, or your house? I ask you, gentlemen, to answer the question and stop and think of it. Cannot these two institutions that own almost (34,500 shares) the entire stock of the Bangor & Aroostook road afford to pay a half mill as well as you can afford to pay a mill?

Then I ask you, fellow Senators, to vote to indefinitely postpone this bill.

Mr. BUTLER of Knox: Mr. President, I had not intended to say anything; I do not intend to speak at any length. I am for increased taxation on such corporations as these when I am satisfied that it is for the welfare of the State of Maine, the welfare of the people of Maine, the people who support them, and at the same time not destructive to the corporations.

Now it seems to me,—I understand that sufficient revenue has been provided in 1917 and 1918—that if we were going to do anything here now we would better reduce the fare to two-cent mileage and lower the freight rates, because an additional tax very likely might result in increased freight rates. There is only one way a corporation has to get money, and that is from the people, and they have to get enough to pay running expenses and I suppose some dividends. There is a limit; I do not know whether we have

reached the limit of taxation on them that is fair. It seems to me, inasmuch as the people pay the bills, that before we increase the tax on them any more it would be better to lower the mileage rates and freight rates in the interests of the people of Maine. Then if, as suggested by the Senator from Somerset, Senator Merrill this gross inequality appears, I think we should agree with the two distinguished Senators and vote to indefinitely postpone at this time.

Mr. DAVIES of Cumberland: Mr. President, I have not before me a copy of the bill, having sent home the printed bill which I had on my desk. I want to be sure that I understand the question correctly, and my understanding is that this bill lays the increased tax against the Maine Central, against the Boston and Maine, against the Canadian Pacific and the Grand Trunk, and laid it against no other railroad.

The PRESIDENT: The Chair understands it that way.

Mr. DAVIES: What is the reason for that bill?

Mr. HOLT: It does not pick out any roads. It simply raises the rate from 5 1-2 to 6 per cent. If a railroad is earning 6 per cent it pays the tax whatever its name may be. It so happens that those roads you have mentioned are the only roads.

Mr. DAVIES: But the basis of the Senator's argument is that it all comes out of the public?

Mr. HOLT: That is true of all the taxation.

Mr. DAVIES: If it is coming out of the public from the Boston & Maine and the Maine Central, and the Canadian Pacific, and the Grand Trunk, why shouldn't it come out of the public for the other roads? That is what I cannot understand. To show you, Mr. President, in talking about it casually with the gentleman interested here I told him that I was opposed to the bill, but hearing the opening remarks of Senator Merrill in regard to it I took the trou-

ble to find him in the State House and told him I was going to vote for it, and now I have got to change my mind again. That is the position I am in. But there is absolutely no reason why the other roads should not be taxed under this bill. They are public service corporations and their sustenance is from the people, and one of them gets the sustenance just the same as the other, and to single out four roads and say that you will lay this increased tax against them, but you will lay no tax against the others, occurs to me as being extremely unfair.

I do not pretend to be a taxation expert Mr. President, indeed I am very far from it, but as to a matter of right and wrong in discrimination in public servants, I pledge you I hope my idea is as good as anybody else's. It seems to me we have absolutely no license or right to pass this bill discriminating against these four roads.

Mr. GILLIN: May I ask a question of the Senator from Cumberland, Senator Holt?

Mr. HOLT: Certainly.

Mr. GILLIN: Was this a unanimous report of your committee?

Mr. HOLT: This was the unanimous report of my committee.

Mr. MERRILL: Wait—you will excuse me a moment.

The PRESIDENT: The Senator from Hancock has the floor.

Mr. WOOD: As I understood the Senator in his explanation, this was not a matter of discrimination, it was a matter of equalization, making these roads come up to what the others were already paying. Am I right, Senator?

Mr. HOLT: The idea of this tax on railroads is this: It starts with so much, \$1,500 per mile average earnings, the tax is at a certain rate and then as the earnings increase the rate of tax increases. And this bill, instead of stopping at 5 1-2 per cent, raises it to 6 per cent. The reason for it was that the most prosperous roads could afford the higher rate, and that if their prosperity

receded, if there is a reaction, why that rate automatically would drop. And of course it is not discriminating, it is not exempting any of the roads from taxation, as has been intimated, but they are all treated on the same basis. If they are making these larger earnings they pay the higher rate.

Mr. WOOD: And your theory is that it is an equalization measure?

Mr. HOLT: That is the theory of the taxes.

Mr. GILLIN: I believe I have the second right, Mr. President, for about a minute. When the distinguished Senator from Androscoggin, Senator Merrill, started his argument, I intended to reply to him. But when he came to wind up we had arrived at the same conclusion. Now I think Mr. President and fellow senators, that his argument shows one thing, that he is far superior to me in his knowledge of the principle which taxes railroads, telephones, etc., and I concede it to him. But inasmuch as we have arrived at the same result, after he gave his good, clear, scholarly explanation of the whole subject matter I thought I would like to vote on this question, so I renew my motion.

Mr. MERRILL: At about 2 o'clock on the night of Tuesday, the taxation committee got through with their hearing in the President's chamber and I certainly understood that there was to be a report the next day of the committee on taxation on the tax bills that I introduced, reporting ought to pass. Now it was not, as my brother says, a unanimous report. I never signed a vote in favor of a report of this bill to this senate, and I know that the learned senator, Mr. Holt of Cumberland must have thought so or he would not have said so. I do not impute to him any idea of stating it differently and he understood it. But it was not a unanimous report. I did not agree to it. Senator Swift of Kennebec did not agree to it. Representative Jordan did not agree to it so far as I know, and I suppose that the others did agree to it. Now I want to say, in perfectly good faith, that it was no unanimous report.

Mr. HOLT: Just a word. There must have been a misunderstanding there. We did have a little session until after 12 o'clock, as the Senator says, and the committee could not agree. There were four members who were not present. The next morning we saw them and found them opposed to the bill in its new draft, and so the majority of the committee being against it, I think I spoke to the others so that if they wanted to file a minority report against the bill they could have done it. They not having done so I stated it was a unanimous report. I would ask for the question.

The PRESIDENT: Do you move the previous question?

Mr. HOLT: Yes.

Mr. DAVIES: May I ask the senator from Cumberland to withhold that until Senator Burleigh makes his remarks.

Mr. HOLT: Certainly.

Mr. BURLEIGH of Aroostook: Mr. President, I just want to see the senators right that they may know about the Bangor & Aroostook. The Bangor & Aroostook never has paid over 3 per cent. It has been less than that quite a number of years, but 3 per cent is the largest dividend they have ever paid. In 1916 they paid a tax to the State of \$119,668, and if you put an increase upon that road it would actually take off of their income. They will not have any dividends, earn any dividends on their road, and that is one reason, I suppose, why the Bangor & Aroostook is not included.

Mr. DAVIES: Mr. President, I may appear to have had a somewhat selfish interest when I requested the Senator from Cumberland to let Senator Burleigh speak because it did not occur to me then, but it does occur to me now that I want to say a word further myself. The Bangor & Aroostook was exempted from taxes for 20 years for carrying soldiers in time of war. During that period of time they paid absolutely nothing for that road.

Mr. MERRILL: Let me correct the gentleman. The paid 5 per cent for taxes.

Mr. DAVIES: I am glad to have the correction. Now it is little to be surprised at that the Bangor & Aroostook railroad when its dividends are divided among various holding companies and construction companies, that the railroad itself should find itself in a position where it could not pay in excess of 3 per cent. And I wish to only say this that the facts as proposed by the Senator from Cumberland, Senator Holt, do not square with the theory. That is the trouble. And it is wrong. It is an injustice, no matter how badly we need money to take four railroads and lay against them the increase in taxation, when the increase properly and equitably belongs to be laid against all.

Mr. MERRILL: Mr. President, I rise to ask a question. Is there any way now that the bills that were reported ought not to pass can be substituted for the bill that is before the Senate?

The PRESIDENT: The Chair will be forced to rule under these conditions that the adverse report of the committee having been accepted by both branches of the legislature, that is the final disposition of the matter, and the only way they can be renewed would be by giving three days' notice under our rules.

Mr. GILLIN: I move the previous question.

The PRESIDENT: The question before the Senate is on the motion of the senator from Penobscot, Senator Gillin, that we indefinitely postpone this bill.

Mr. HOLT: Mr. President, I call for a division.

A rising vote being had and 21 senators voting in the affirmative and two in the negative the motion of the senator from Penobscot, Senator Gillin, prevailed and the bill was indefinitely postponed.

Mr. DEERING of York: Mr. President, I was about to take up this matter when the Senator from Penobscot county said he had a matter that would take about a minute, so I have been delayed a little. This is another one of the power matters that I wish to have disposed of, and

I hope it is the last matter that will come up in regard to that. The Clark Power Company has a place of business in York county, the northern part of the county, and the charter was obtained by Senator Cecil F. Clark who was here in the Senate last session. They have been at work and expended a vast amount of money, I think \$10,000 or \$15,000 in buying rights of way and getting engineering and surveying done for their dams and all that sort of thing, and they desire to have a charter more than anything else, and I am simply asking that we recede and concur with the House in enacting that absurdity for the purpose of saving them the money they have already got in it.

Mr. DAVIES of Cumberland: Mr. President, Senator Gillin stated in the previous discussion of a matter similar to this that the circumstances reminded him of a story. These circumstances Mr. President remind me of one.

Some little time ago there happened to die suddenly on the streets of Portland an elderly man of good repute who had come from the county of Piscataquis, and he was laid out appropriately in accordance with a telegram which was sent by one of his sons in Piscataquis county, and was prepared for burial in an undertaker's shop in the city of Portland. The boys hurried to the undertaker's shop immediately upon their arrival in Portland, went into the back of the shop and asked the undertaker to take down the coffin in which was the corpse. And the boys noticed on what they supposed to be their father's chin a white cloth that tied up the lower jaw and in the jolt of taking down the coffin there dropped from the lower jaw a set of false teeth. The boys immediately repudiated the bill which the undertaker passed them, and incidentally the corpse as it was not their father they found out, and they hurried out of the shop and hurried home. The undertaker was left there alone with the corpse to soliloquise. He looked it carefully in the face and rather smiled. He pushed the coffin back on the rack and as he did so he said: "Old man if you had only kept your mouth shut you might have had a decent funeral."

Now Mr. President, that is probably the

case here on another one of these power bills. But nevertheless I wish to renew my objection to the adding of the amendment to this bill for the Clark Power Company because precisely the same question is presented here as was presented before.

The PRESIDENT: The question is on the motion of the Senator from York, Senator Deering, that we recede and concur with the House.

The motion was agreed to.

From the House: An Act to secure information relating to the yearly cut of timber from wild land townships.

In the Senate Senate Amendments A and B were adopted and the bill as amended was passed to be engrossed.

In the House that body rejected both amendments and passed the bill to be engrossed.

On motion by Mr. Davis of Piscataquis, the Senate voted to adhere.

Mr. BATTLEIGH of Aroostook: Mr. President, I move we reconsider the vote whereby the Senate adhered to its former action on H. D. 519, An Act authorizing the Fort Kent Electric Company, its successors and assigns, to erect and maintain a dam across Wallagrass Stream in Wallagrass Plantation at its power station as now located on said Wallagrass Stream.

Mr. DEERING of York: Mr. President, may I ask the Senator from Aroostook if this company has spent any money, and opened up any country for the purpose of development already to any extent?

Mr. BATTLEIGH: Mr. President, I will say to quite an extent. They have power lines from New Brunswick, and they have expended money there, and are supplying electricity outside the confines of the State.

I move that we vote Amendment A down. Amendment B gives them power to transmit electricity outside the confines of the State. It is different from any other company. They have put their lights in and if we leave this out there will be quite a loss to them. They have built their

dam over, and they must rebuild it again.

Mr. DAVIES of Cumberland: Mr. President, may I ask what the amendments are?

The PRESIDENT: Senate Amendment A is the familiar amendment.

Mr. DAVIES: The ordinary Baxter Amendment, and that is not the one the Senator's motion covers to a dot?

Mr. BURLEIGH: Mr. President, I think there are two amendments on it. There is Amendment A, and the Amendment B provides that they may carry electricity outside the limits of the State.

Mr. DAVIES: Do you urge an amendment upon the Senate that this company may have the right to ship electricity outside the State?

Mr. BURLEIGH: They already do it; put it there, and it only confines them to one contract.

The PRESIDENT: Senate Amendment A was rejected in the House, and that amendment allowed the company to ship electricity into New Brunswick.

Mr. DAVIES: Mr. President, I move that we confer with the House.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook. We have already concurred with the House.

Mr. DAVIES: On that amendment, Mr. President?

The PRESIDENT: This Senate Amendment A did not reach the Senate because it was not adopted in the House.

The question before the Senate, is on the motion of Senator Burleigh that we reconsider the motion whereby we adhered on the rejection on the House Amendment B.

Mr. HIGGINS of Penobscot: Mr. President and Senators; I have kept out of these water power matters pretty well, but in this particular case I hope the Senate will vote to reconsider this matter and adopt the amendment and send it back, for I am

entirely in sympathy with this matter in view of the fact that the company has 22 meters in the town Clair, and they simply want power to continue there.

The motion was put and the Senate voted to reconsider its former action.

Mr. BURLEIGH: I now move that the bill be passed to be engrossed in concurrence with the House.

Mr. DAVIES: Mr. President, I desire to be recorded as opposing the adoption of House Amendment B. Amendment A was rejected in the House.

Mr. STANLEY of Oxford: Mr. President, I would like to know what Amendment B is?

(The President read the amendment.)

Mr. DAVIES: Mr. President, the condition of the Senate on this question is a curious state of confusion. My mind is, if we are to adopt three or four of these amendments prohibiting the transmission of electricity out of the State, why, in heaven's name not adopt it to all these bills?

We are told by Senator Higgins that if we adopt this amendment which provides for the transmission of electricity to the Province of New Brunswick, that the House will confer in our action.

I desire to be recorded against this.

The question being on the adoption of House Amendment B in concurrence, that amendment was adopted and the bill as amended was passed to be engrossed in concurrence.

Mr. HIGGINS of Penobscot: Mr. President, I move that we take from the table An Act to provide aid for mothers with dependent children.

The motion was agreed to, and on further motion to the same Senator the bill was passed to be enacted.

From the House: An Act to improve the public highways of Maine by regulating the width of tires of heavy wagons.

In the House: This bill was passed to be engrossed as amended; the Sen-

ate indefinitely postponed the bill. On which return to the House that body insisted on its former action and appointed a committee of conference.

On motion by Mr. Walker of Somerset: The Senate voted to adhere to its former action.

From the House: An Act to amend Section 43 of Chapter 117 of the Revised Statutes, relating to the salary of the register of deeds of Kennebec county.

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

The Senate accepted the report of the committee.

The House then appointed a committee of conference.

Mr. DAVIES of Cumberland: Mr. President, I move that we adhere.

The motion was agreed to.

From the House: Resolve in favor of the appointment of a hydro electric investigating committee.

In the Senate this resolve was passed to be engrossed as amended; in the House it was indefinitely postponed.

On motion by Mr. Davies of Cumberland, the Senate voted to adhere.

From the House: An Act for the assessment of the State taxes for the year 1917.

In the House this bill was received and under suspension of the rules was read three times and passed to be engrossed.

On motion by Mr. Higgins of Cumberland, the bill was given its two several readings and was passed to be engrossed, under suspension of the rules, in concurrence.

From the House: An Act for the assessment of a State tax for the year 1918.

In the House this bill was received and under suspension of the rules read three times and passed to be engrossed.

In the Senate under suspension of the rules the bill was given its two several readings and passed to be engrossed in concurrence.

From the House: An Act to amend Section 76 of Chapter 82 Revised Statutes, relative to the price of Maine reports.

In the House under suspension of the rules read three times and passed to be engrossed.

On motion by Mr. Davies of Cumberland, the bill was received, read twice and passed to be engrossed, under suspension of the rules, in concurrence.

On motion by Mr. Marshall of Cumberland, H. D. 361, An Act to license and regulate the business of making loans in sums of three hundred dollars or less, at a greater rate of interest than twelve per centum per annum, and regulating the assignment of wages or salaries as security therefor, was taken from the table.

Mr. DAVIES of Cumberland: Mr. President, may I enquire what the action of the House was on this bill?

The PRESIDENT: The House accepted the minority report of the committee, ought to pass.

Mr. HOLT of Cumberland: Mr. President, I move that we concur with the House in the acceptance of the minority report of the committee, ought to pass.

The motion was agreed to, and the bill was given its first reading.

On further motion by the same Senator under suspension of the rules, the bill was given its second reading.

On further motion by the same Senator, House Amendments A, B and C, were adopted in concurrence, and the bill as amended was passed to be engrossed.

On motion by Mr. Higgins of Penobscot, S. D. 359, An Act to amend Section 16 Chapter 59 of the Revised Statutes, relating to compensation of inspectors of steamboats, was taken from the table.

Mr. HIGGINS: Mr. President, I yield to the Senator from Kennebec, Senator Chick.

Mr. CHICK of Kennebec: Mr. President, do I understand that there is a

motion before the Senate at the present time in connection with this matter?

The PRESIDENT: The pending question is on the motion of the Senator from Piscataquis, Senator Davis, that we indefinitely postpone the bill.

Mr. CHICK: Mr. President, I wish to say then that this bill was reported out of the committee of interior waters, and was passed through both branches of legislature, took its final passage, and I recalled the bill for the purpose of offering an amendment. I certainly hope that the motion of the Senator from Piscataquis to indefinitely postpone the bill will not prevail, for I would like an opportunity to offer an amendment to the bill.

Mr. DAVIS of Piscataquis: Mr. President, I will withdraw my motion.

Mr. CHICK: Mr. President, I move that the amendment which I presented be adopted, Senate Amendment A to S. D. 369.

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

Mr. HOLT of Cumberland: Mr. President, I move that we take from the table the majority and minority report of the committee on judiciary, on An Act to regulate the practice of osteopathy, creating a board of examination for those desiring to practice the same and providing penalties for violation of the act.

The motion was agreed to.

The pending question was on the acceptance of either report.

Mr. HOLT: Mr. President, I now move that the report of the minority, ought not to pass, be accepted.

The motion was agreed to.

Mr. WOOD of Hancock: Mr. President, I arose to be recognized in this matter of the osteopathy bill, and I wish to speak on it.

Mr. HOLT: Mr. President, I move we reconsider vote whereby we accepted the minority report.

The motion was agreed to.

Mr. HOLT of Cumberland: Mr. President and fellow Senators: very briefly I want to give you the reasons why I believe the minority report "ought not to pass" should be accepted.

One seeking to relieve suffering—and there can be no nobler calling—under whatever system of the healing art he is practicing is confronted by the same conditions. He must first ascertain the trouble with the body that is ill. In order to do this he must possess a fundamental knowledge of medicine.

The ability to heal the sick presupposes a certain definite amount of knowledge of the human body and certain definite, well-grounded ideas concerning the abnormal manifestations of diseased conditions. In order to treat disease or heal the sick one must demonstrate that such disease or illness exists. To treat disease without knowing its nature is not only unscientific but a dangerous procedure.

One must, therefore, irrespective of the methods of treatment employed be able to diagnosticate between the normal and the abnormal and differentiate the many and varied diseased conditions to which the flesh is heir.

The osteopaths who do no doubt relieve by their method or treatment recognize these principles. Included in the curriculums of their schools are practically all the medical subjects including surgery. By section 4 of their bill the board requires the applicant to submit to an examination as to his or her qualification for the practice of osteopathy which shall include other subject of anatomy, physiology, chemistry, bacteriology, pathology, dietetics, obstetrics, gynecology, etc. They would have a board to examine on these subjects, for instance, obstetrics, and gynecology, which are in their nature surgical and yet they would under their act not confer power upon the applicant to practice these. This would appear to me to be a bill where it would seem reasonable, if they are going to examine applicants upon these subjects that later on they will come in and ask to practice them, and that a few years hence they will be asking for that right.

Twenty years ago the Legislature of Maine passed a medical registration bill and created a board of medical examiners. At that time the system of

osteopathy was unknown. Today it is established and should be recognized. The proper solution of this question which comes up every two years is to allow the osteopaths to have a member on the board of medical registration.

There should be one standard set for all practitioners of medicine regardless of their methods or theories of treatment and this standing should be sufficiently high to guarantee that the practitioner is able to properly diagnose disease.

On the board of medical registration should be representation of all the various schools of medicine before which practitioners should come and pass the regular examination up to the point wherein he differs from his fellow practitioners, the same as it is done in the board today.

The homeopathist takes the same examination as the regular physician in every branch of medicine but materia medica. He passes the examination that is recognized by his school, and his paper is passed upon by the representative of that school or the board.

The osteopath should likewise take examination in all branches of medicine except materia medica, pharmacology and practice, substituting for these, osteopathic mechanics and osteopathic practice.

What is the situation in regard to the applicants for admission to practice medicine today, and how are they examined? They are examined by number, and the examiners do not know the individual at all. They simply know the candidate by a number, so that when they pass or reject that candidate they pass or reject him under a number. And that system would apply, should we have on the board an osteopath. The osteopaths would get the same treatment. There could be no discrimination against them because of this method of treating each applicant under a number without regard to who he is or what his name is.

This is eminently fair to the osteopaths. Some of them frankly say so and do not favor the present bill. The medical profession stands ready to give them this representation which is justly due them.

There is no more reason to estab-

lish two systems of medical examination than to have two separate boards for examination of the practice of law.

To pass this bill would, I believe, be an injustice to the medical profession which is not hostile to the osteopaths but willing to protect them by having them register under the medical board.

To the medical profession we owe a debt of gratitude. Think of their great discoveries in the vast field of preventive medicine. Who gave to the world antiseptic surgery, vaccination, anti-toxin, all to alleviate suffering humanity?

You have heard of their splendid service to the sick and wounded on the battlefields and in the hospitals of war stricken Europe.

I would call to mind the fine old country doctor in every village and hamlet in our State taking the hard end of practice, facing the storms, going into the heat and cold and danger to administer to the wants of his people; the friend, adviser, confidant, instructor, as well as the guardian of the health of those among whom he lives and labors.

Mr. WOOD of Hancock: Mr. President and fellow Senators: As the Senator from Cumberland has said that he does not stand as a champion for the medical profession, he does not have to—I do not stand as a champion for osteopathy. I must say that if I was going to be treated for some ill I should first go to Southwest Harbor, if I could not find my own doctor at home and consult my distinguished friend Dr. Phillips. If I could not find him I would go to Wells and consult my friend whom I have learned to love since I have been here, Dr. Gordon. And if I could not find him I would go still further to Aroostook county and consult my friend the distinguished Senator from Aroostook county Dr. Fulton. I should not go to an osteopathist and I am not going into a championship of their methods. I do not pretend to know anything about their methods only in a very general way; but it does not seem to me that that is the question at issue here.

Now we have not got to introduce a

new cult or any kind of a new performance. Osteopathy, as the distinguished Senator has said who has spoken against this bill, is here and he admits that it has come to stay. Now if it is here even if it is an evil, we have got to recognize it; and the matter before us is not its goodness or its badness, or its results—it is a matter of regulation and how we can regulate it, it seems to me. That is the question before us.

Now we are not going into any new field. We are not pioneering. Twenty-three states, I am informed, already have an osteopathic commission or board of examiners, and if 23 other states have adopted such a board, it seems only fair to suppose that there is some reason for it or 23 other states of our Union would not have adopted such a method.

The distinguished Senator has said that it is fair to have a member on the board of medical examiners. Now the osteopathists say that wherever it has been tried—and it has been tried I understand in five or six states, I think Massachusetts is one of them that has a member on the medical board, it has not proved satisfactory. Now you know what the results have been. You can tell theoretically what the results would be with a board of seven and one osteopathist. Even if the medical members meant to be fair they could not be quite fair and give those men the rights perhaps they ought to have. They would be unconsciously prejudiced against them because they do not believe in it. And it has proved not only theoretically but practically that it does not work out well and that they are not satisfied with it. I do not know that I would have anything to do with it at all, but there are good people that do. I hold right in my hand a petition that was presented to the committee which has fifty names of prominent people right here in Augusta who favor this proposition and are willing to go on record, names that you people know. They are not men that are in the ditch. They are not people that are unknown, that have been paid fifty cents to put their names on this petition, they are men of prominence. One is no less

than a former Governor of this State. So I say they are in respectable company and I feel that I need not be ashamed to stand up here and advocate a thing which fifty prominent citizens of the city of Augusta have asked the legislature of Maine to adopt.

Among the names I have before me are Geo. E. Macomber, Frank E. Smith, John R. Gould, Byron Boyd, Norman L. Bassett, E. B. Hill, C. B. Kinsman, Geo. W. Vickery, Fred G. Kinsman, F. W. Plaisted, and many more, fifty in number—they thought this proper and right, and I am willing to say their opinion should have some weight with us. It is a matter of regulation.

Take the matter of veterinarians, if you are going to have a horse doctor you have got to have a man who has been examined by the board of veterinarians to say that he is competent to doctor your horse; and if you are going to have your teeth fixed you have to go to a dentist who has been before a dental board; and if you are going to have a nurse you have to have a nurse that has passed the examination. And I say, why isn't it perfectly proper and reasonable, and fair, what these people ask? They say, we believe in this method. Now all we ask, believing in this method, all we want you to do, is to protect us from people who are pretending to osteopathists and who are not.

I understand they have a four years course and have to take a regular course of practice and become proficient in it and be examined in it before they can go on to this board. Now what these people say is, We want to employ the osteopathists. We just want to know that he is an osteopathist and we want these men who pretend and hang out their shingles as osteopathists to have a board of professional osteopathists to say they are what they pretend to be. And I contend that it is only fair and reasonable and that we ought to adopt it.

I will not take more of your time. I do not imagine if every member of this Senate should talk a week on it he would change anybody's opinion as to how they would vote in the matter.

But I do believe that it is only fair and right to give these people what they ask for, just a board of their own to say that these men who go out into the world and offer to heal in this method are what they profess to be, and that everybody may have a guarantee that they are what they pretend to be and not a fake. I think it is only fair play and right and decent that we should give it to them.

Mr. GILLIN of Penobscot: Mr. President and fellow Senators: I believe that it is fair, I believe that it is right, I believe that it is just that you should grant to those practicing osteopathy a separate board to pass upon their merits and their demerits. But I do not believe it is right or anywhere near right for you to grant it to them under the measure which is proposed by them to be passed by this legislature. Wherever the English language is spoken, wherever the German, the French, or the Italian language is spoken, round the entire globe, where civilized men live with each other the word designates this, when it is put upon a sign board, that he is a physician, that he is learned in *materia medica*. It includes under the word Doctor that he is a surgeon who can perform minor and major surgery, and if these people who advocate this measure are honest in their advocacy of it why don't they go out and take their bill and place upon their windows the word Osteopath? They admit that they cannot practice *materia medica*. They admit that they cannot practice minor or major surgery. Now everybody knows, everybody knows, that when you put the word Doctor in front of John Jones, Dr. John Jones, Osteopath, that to a stranger in a city this might happen: When I came to your city—and I am not ashamed to say it because we have not got any of them in my city, I did not know anything about osteopathy. And if I came into the city of Augusta and saw the sign board Dr. John Jones, Osteopath, I might well imagine that he was a doctor no doubt who had the right and could practice *materia medica*, who could practice surgery, minor and major surgery.

Now if they are honest and want a board given them they can have it so far as I am concerned if they will eliminate the word Doctor. Around the civilized globe, among civilized men, everywhere that word indicates a great and learned body of men. The Doctors have protected the word Doctor by their knowledge and by their skill by their wonderful study, by the advance of the science of their splendid profession, Mr. President and senators, and the word Doctor is all that these fellows are applying for. If they have got a new cult, if that cult is beneficent and if these people who signed the document want to have this bill go through, let them take out the word Doctor. No sir, they will not. That is what they want, so that the stranger who does not know the meaning of the word osteopathy when he sees Dr. P. H. Gillin, Osteopath,—and that word Doctor is all they are working for,—will think it indicates that the man has the right to practice *materia medica* and to practice minor and major surgery. Therefore, if they are honest, if their cult is a good one and we acknowledge all the benefits they can give us why don't they put upon their sign boards, P. H. Gillin, Osteopath? Why? Why put on something that they have no right to put on. A statute of the State protects us lawyers from allowing a man to go out and say he is an attorney at law. That is the meat in the cocoon. That is the kernel of wheat in the bushel of chaff in this bill, my friends. As a member of your judiciary committee I offered them anything and everything they would take if they would eliminate from the bill the word Doctor.

And now I want to answer the distinguished senator. It is true that they have boards for dentists, but every man knows he is a dentist because he puts the word dentist on and the board is to examine dentists. It is true they have a board for veterinary surgeons, but we all know they are veterinary surgeons by their signs and by their letter headings. But when you allow the people who practice osteopathy to use the term that is time honored, that is immemorial, that runs to a time when the mind of man runneth not to the contrary that has been put there by the splendid men who have

toiled night and day in your medical schools to put their profession upon a standard that is marvelous, to have P. H. Gillin one of the members of the osteopaths today, fifty of them coming in in a body to put out their sign boards in your towns and cities claiming to be doctors, when in their bill they say they do not know anything about materia medica, that they do not know anything about minor or major surgery, it is wrong.

Are they honest? I will vote for the bill here and now if they will take away the word Doctor from it and physician from it, and put upon their sign board the word Osteopath. Am I honest? Am I honest in voting for every single feature of that bill except the one feature? How long would attorneys allow a man to put upon his sign under our statutes, attorney at law. A statute of the State forbids it. They would not take from the people who signed the minority report everything else they ask for, no, and they wormed it in so they can use the word physician and the word Doctor—a word which though light as air is strong as links of iron and binds the medical profession of the world together everywhere. And when other men wish to take from this great body that splendid standard that stands above the name of the most learned body of men in all the earth, the men who do the most for humanity, as a citizen I rise against it.

This is a measure that needs your careful attention, my fellow senators. You do not want to send men into the community when I myself would have thought that the word osteopath might have meant an additional qualification with the word Doctor above his name. My fellow senators, do not let this measure go out as it is. If they are of such benefit to the community, and I have no doubt they are, let them travel under their own label. Let them travel as osteopaths and practicing osteopathy, and let every man who wants to employ them know from their sign board that they are osteopaths. Is that unfair, my distinguished and learned brother, my distinguished and learned senator from Hancock county, will you not agree with me that they ought not to rob the great learned profession of medi-

cine of the one title that the child on the street knows when he sees it?

Do you think if a child of mine or yours was in a strange city and saw the words Dr. P. H. Gillin, Osteopath, attacked with a pain in his side, which meant that a knife must be used to cut out his appendix, and he went in there, and if they went to rubbing him, they admit this, he would die. Do you think it is right to put out that sign to elude people in your country towns and in your cities? I am not one of those who do not believe in osteopathy so far as it benefits humanity, but until the day comes when they will go under the examination that learned physicians have to go under in order to get the title of Doctor in this State, when they have rejected although they were offered it one member on the board—it is a deep question which affects the whole body politic in the State of Maine. You have got fifty men without a single qualification coming in under this bill without any examination and you are attaching to them the word Doctor, the word physician. That is my objection to the measure, and my sole objection to the measure. Am I right? My fellow senators, am I right in asking you not to give them that title which they do not deserve by study, by practice, or by examination?

In the interests of a great and splendid body of men who have taught the world what the intelligence of man can do I invoke that the minority report of the judiciary committee ought not to pass be accepted. If they will extract the word Doctor I will vote for it, ought to pass. They have got no right to use it and I hope you will not give it to them. Before they have had a right to use I put myself upon the record. I am speaking through you, Mr. President, and through the senators here to the people of your State and I openly say that to take away from the great medical profession of the State of Maine the word Doctor and to apply it to a body of men who know nothing about materia medica, nothing about surgery, minor or major you are doing a great wrong to the doctors of your community and to the community itself.

Those are my sentiments. Now do as you like. (Applause.)

Mr. WOOD: Just one word. I largely agree with the distinguished senator, and no one has enjoyed his speech more than I have. He is certainly at his best and I think that everybody within the sound of his voice will agree with me that they have heartily enjoyed it, and I want to endorse very largely what he has said. But I must disagree with him, Doctor has more meanings than one. Doctor does not mean only a man who can perform a minor operation where the patient cheerfully pays the bill, or a major one, as we sometimes say, where the heirs pay it. Doctor means several things. Nobody looks into things deeper than my Brother Gillin, and if he saw Doctor of Philosophy on a sign he would not go in and ask to have his leg cut off. If he saw Doctor of Law on a sign, he would not think of it being a man who could perform this wonderful surgery which we all take off our hats to and applaud in the distinguished profession of medicine.

Doctor of Philosophy, Doctor of Divinity, Doctor of Veterinary Surgery—Doctor is used in very many instances. Now I would be the last one in the world, and I know my Brother Gillin will give me the credit of it, of having any man go through the State of Maine, a wolf in sheep's clothing, professing to be a doctor who was not one. But the bill says that he shall not use the term doctor without he puts Osteopath after it, and that distinguishes it just the same as it would if it was Doctor of Divinity, Doctor of Philosophy, Doctor of Law, Doctor of Veterinary Surgery, or any other doctor—those are the ones I happen to think of now, but there are dozens of them. My idea was that if a man held himself out to be a Doctor of Osteopathy, the average man would know that it meant something different from what we understand under the common term of doctor. I would not believe that he ought to go forth and pretend to be one thing and be another.

Mr. FULTON of Aroostook: Mr. President, I do not rise to take any of the time of this senate in the dying hours of the session. I just want to

place myself on record so that my brother senators will know where I am.

Two years ago this biennial bill—we might almost call it a perennial bill—came up before the Judiciary Committee the same as this year, and I spoke at some length in opposition to the bill. I do not intend to do so now, because I do not feel that it is necessary. The distinguished senators from Cumberland and Penobscot have stated the case so plainly, so clearly and so convincingly, it seems to me that it is unnecessary. And I would abstain also from saying anything to any extent on the question lest I might be accused of being actuated by jealousy because I belong to the medical profession, and I want to say that I am not ashamed to say that I do.

I said I would not take the time, not because I am less opposed to this bill. I am more opposed than two years ago. I believe that the medical profession and the legal profession ought to stand together. They should be the complement, the one of the other, the one to serve the interests of the people in the great profession of law, the other to care for the health of the people. Now I think the medical profession is one of the most unselfish in that respect in working in this matter. Everybody knows that in the years that have passed, the matter of practicing medicine has been in a great many instances a mixture of superstition and ignorance. But within the last few years it has come to the front and the great system of preventive medicine has been brought to the world.

Now I am not going to go any further. I simply state my position, but I would like to ask the senator from Hancock if he has any names from any other section except in the one section here. Have you any names from any other section except here in this particular section.

Mr. WOOD: I haven't any because I haven't come loaded for this thing. I asked the gentleman who wanted me to speak on this bill who stood for it, and he said "Why I've got a petition here that was before the Judiciary Commit-

tee," and I said, "Get it." And I didn't ask for any other. I don't know but there may be a thousand.

Mr. FULTON: I think the medical profession, as stated by the senator from Penobscot has been perfectly fair. We are willing they should have a man on our board and that they should have the privilege of being examined in their particular method of practice, and we ask that they submit to the same examination that every man who practices medicine has to submit to in all the fundamentals of the profession. We are willing for them to place a man upon the board, two for that matter, and give them every opportunity, and use them fair, and I think that is eminently fair and I do not understand why a determined lobby must work in the interests of this against the medical profession. We have tried I think, I have been among my fellow senators for two sessions and I believe I have tried to deal fairly with them on every question, and I ask if you will consider the medical profession in this instance. I would ask any of the lawyers here, suppose that about three per cent of the number of practitioners in the State were to come up, three per cent of the lawyers practicing in this State were to come up and say that they had discovered a new method and they wanted a separate board. I believe that every member of the legal profession would stand up and protest against it. That is all that we ask, that they submit to the same conditions that we had to submit to,—nothing more—nothing less.

Mr. HOLT: Mr. President, I call for the question at this time and ask that when the vote is taken it be taken by the yeas and nays.

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

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Holt, that the Senate adopt the minority report of the committee on judiciary, ought not to pass on this bill.

(The secretary called the roll, and some of the senators misunderstanding

the pending question, the President again stated the question, and the roll was called again.)

Those voting yes, were: Messrs. Burleigh, Butler of Franklin, Conant, Davies, Fulton, Gillin, Googin, Gordon, Grant, Holt, Marshall, Peterson, Ricker, Stanley—15.

Those voting no, were: Messrs Ames, Bartlett, Baxter, Chick, Deering, Higgins, Lord, Merrill, Peacock, Swift, Walker, Wood—12. Absentees: Messrs. Boynton, Butler of Knox, and Hastings—3.

Fifteen Senators having voted in the affirmative, and thirteen having voted in the negative, the motion of the Senator from Cumberland, Senator Holt, prevailed and the minority report, ought not to pass, was adopted.

From the House: The committee of conference on the disagreeing action of the two branches, on An Act to amend Paragraph 6 of Chapter 10, and Section 16 of Chapter 9 of Revised Statutes, relating to the exemption of certain live stock from taxation, reported a bill under the same title, and that it ought to pass.

On motion by Mr. Davies of Cumberland, the report was accepted in concurrence.

On further motion by the same Senator, under suspension of the rules, the bill was read twice and passed to be engrossed in concurrence.

From the House: An Act to establish the farm land and loan commission of Maine, and authorizing the investment of certain moneys now on deposit in the State Treasury and known as the reserved lands fund.

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

In the House that body insisted on its former action and appointed a committee of conference.

On motion by Mr. Ames of Washington, Senate voted to concur and appoint a committee of conference.

The Chair appointed on such committee on the part of the Senate, Messrs. Ames, Lord, and Gillin.

From the House: An Act relating to the construction of chimneys.

In the Senate this bill was passed to be engrossed as amended.

In the House they adopted the ought not to pass report of the committee.

Mr. BARTLETT of Kennebec: Mr. President, I move that we insist upon our former action and appoint a committee of conference.

The motion was agreed to, and the Chair appointed on the part of the Senate, Messrs. Bartlett, Ricker and Grant.

Final Reports.

The committee on counties presented its final report having transacted all business before it.

On motion by Mr. Baxter of Sagadahoc, it was

Ordered, that 500 copies of Senate Amendment A to Senate S. D. 439 be printed for the use of the department of State.

On motion by Mr. Baxter of Sagadahoc, it was

Ordered, that 500 copies of S. D. 357 be printed for the use of the banking department and delivered to it.

Mr. HIGGINS of Penobscot: Mr. President, it seems to me advisable that we should recess at this time until 7.30 o'clock this evening. And then if it is decided that we cannot finish our work tomorrow, I think we should adjourn over until next week.

I understand there is some question on the part of the House whether we can finish our work tomorrow. I think we as members of the Senate can take care of any matters before us. I think we can decide this evening, and I therefore move that we recess until 8 o'clock this evening.

The motion was agreed to and a recess was taken until 8.00 o'clock this evening.

After Recess.

The Senate called to order by the President at 8.00 o'clock.

Passed to Be Enacted.

An Act to amend Section 143 of Chapter 16 of the Revised Statutes relating

to the admission of students to State Normal schools.

An Act to amend Section 16 of Chapter 84 of the Revised Statutes, relating to the tenure of office of county attorneys. (Tabled on motion by Mr. Butler of Knox.)

An Act to repeal Section 12 of Chapter 128 of the Revised Statutes, relating to intention to defraud in lumbering operations.

An Act to provide compensation for injuries received by State employees.

An Act to amend Section 18 of Chapter 45 of the Revised Statutes, relating to regulation of lobster industry.

An Act to create a board of harbor commissioners for the harbor of Portland, and define its powers.

An Act to amend Paragraph 10 of Section 45 of Chapter 117 of the Revised Statutes, increasing the clerk hire in the Oxford county registry of probate.

An Act to amend Section 20 of Chapter 5 of the Revised Statutes relating to the registration of voters.

An Act to amend Section 19 of Chapter 7 of the Revised Statutes, relating to duties of Election Clerks.

An Act to amend Sections 92, 93 and 94 of Chapter 2, of the Revised Statutes, relating to the estimated income and expenditures of the State departments and institutions.

An Act to enable the town of Mexico in the county of Oxford to free the Mexico toll bridge to public travel.

An Act to amend Section 23 of Chapter 26 of the Revised Statutes, relating to the registration of motor vehicles.

An Act to incorporate the Independence Developing Company of Kingman.

An Act relating to municipal elections in the town of Mount Desert.

An Act to amend Section 108 of Chapter 16 of the Revised Statutes, relating to teaching in the public schools the principals of kindness toward birds and animals.

An Act to amend Sections 85 and 87 of Chapter 2 of the Revised Statutes, relating to the State contingent fund.

An Act to amend Section 51 of Chapter 82 of the Revised Statutes, relating to trial terms of the supreme judicial court of Hancock county.

An Act to amend Section 85 of Chapter 16 of the Revised Statutes, increasing the maximum annual tuition in secondary schools of the State.

An Act to repeal all Special and Private Laws relating to the taking of migratory fish in Denny's river.

An Act to amend Section 45 of Chapter 117 of the Revised Statutes, increasing the amount to be paid for clerk hire in the office of the recorder of municipal court of the city of Portland.

An Act to amend Section 38 of Chapter 72 of the Revised Statutes, relating to legal effect of adoption of child.

An Act to designate truant officers as attendance officers.

An Act to amend Section 20 of Chapter 144 of the Revised Statutes, relating to the commitment of girls to the State School for Girls.

An Act to create the office of commissioner of inland fisheries and game and to abolish the office of commissioners of inland fisheries and game.

An Act to amend Section 6, Paragraph 4, of Chapter 50 of the Revised Statutes, relating to compensation for personal injuries for employees.

An Act authorizing the selectmen of the town of Brooksville to grant a private way over tide water.

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.

An Act to amend Section 45 of Chapter 117 of the Revised Statutes, providing for clerk hire in the office of the county attorney of Penobscot county.

An Act to revise, collate, arrange and simplify the inland fish and game laws of the State, both general and public and private and special, and the rules and regulations of the commissioners of inland fisheries and game now in force.

An Act to amend Section 36 of Chapter 117 of the Revised Statutes, relating to manner of payment of salaries.

An Act to amend Section 11 of Chapter 117 of the Revised Statutes, relating to the salaries of the stenographers of the superior courts.

An Act to amend Section 29 of Chapter

136 of the Revised Statutes, relating to copy of proceedings in murder cases.

An Act to prevent public discrimination by reason of religious creed at places of public accommodation, resort or amusement.

An Act to regulate the operation of motor vehicles for the carriage of passengers and freight.

An Act to make uniform the law of negotiable instruments.

Resolve, making an appropriation for the support of the bureau of inspection of the department of agriculture.

Mr. BUTLER of Knox: Mr. President, I will now move to take the matter involving the tenure of office of county attorney from the table.

The motion was agreed to.

Mr. BUTLER: I now move that this act be indefinitely postponed and in making this motion I do it for the reason that I believe it is entirely unnecessary to have any such legislation.

I hold no brief for any delinquent county attorney, nor do I hold a brief for any county attorney in any county in this State, guilty of any malfeasance or non-feasance or mis-feasance in office. If they are guilty there is no earthly reason why today they cannot be proceeded against under existing law and indicted by a grand jury of their county and sent to jail or State prison if they deserve to go there. I think it is an unreasonable interference with the rights of the sovereign people of Maine.

I believe in the long run the people of our several counties will be better satisfied to select their own officials than to have a man over here in Augusta select them for them. I believe there is no man who as overnor of Maine is big enough and good enough so that we can intrust him to choose our officers for us in our several counties.

Suppose you had a poor governor. Suppose you had a governor who was anxious to surround himself with a political machine and have every sheriff and every county attorney in our State a man of his choice. There is nothing to prevent him from removing the whole

of them and appointing others in their stead.

I would not object to this so much, Mr. President, if it had the referendum attached to it, if the people of Maine had the right to vote on it, as the matter has in regard to the sheriffs, as it must of necessity be an amendment to the Constitution. This is no little thing here in Maine. Governor Dingley had it in 1873. So far as I remember he never used it. It is not a measure that will make Maine more temperate. It is not a measure that will give us better officials.

And for these several reasons without taking your time longer, I desire to go on record as being opposed to this act.

Mr. WALKER of Somerset: Mr. President and fellow Senators: My object in opposing this measure at this time is that I may have a public record, not that I expect to influence any Senator's vote by so doing. I beg your indulgence while I briefly state the reasons for my position.

This bill provides that whenever the Governor and Council upon complaint and due notice and hearing shall find that a County Attorney has violated any statute, or is not performing his duties faithfully and efficiently, they may remove him from office, and appoint another Attorney in his place for the remainder of the term for which he was elected.

The central idea of this proposition casts a reproach upon the entire legal fraternity. The presumption is that the Statutes have been violated by County Attorneys, and that they have not faithfully and efficiently performed the duties of the office, that they are not likely to be any better in the future, hence some tribunal is needed to easily remove them from office, and appoint some other attorney, who might, in turn be removed. I think you will agree with me when I say that our County attorneys have in the past been as faithful and efficient as the average lawyer of our State, and that they have violated as few statutes.

If it be deemed wise to insist on a higher grade of County Attorney, the

standard for admission to the bar should either be raised or a qualification test should be made before the attorney is eligible for entering the primary election.

The office of County Attorney is much sought after by the young lawyer, who is striving to rise in his profession and enter the political arena. It usually attracts many candidates into the primary election. The contest is nearly always good natured. "Let the best man win" is acquiesced in by all. He must, however, again subject himself to the scrutiny of the voter, before he can be declared elected. He is finally the choice of the voters in his county. He had enough knowledge to apply for admission to the bar. He knew enough and was good enough to be admitted. His standing was high enough in his party for him to win out in the primary election. He was sufficiently strong to win an election in September.

The attorney which this bill provides machinery to remove from office would be sufficiently efficient and moral for membership in the Maine Legislature, in either House or Senate, and no questions asked. His moral and educational fitness would be more than enough for membership of any of the committees. He could serve as chairman of the committees, which are the most moral, educational or judicial. He could even be President of the Senate or Speaker of the House, with no likelihood of being removed from the position. He would even be good enough, and wise enough to be a Member of the Governor's Council, which would be going some. He could even qualify for the Governor's chair.

The founders of our Government very wisely divided it into three departments—Legislative, Executive and Judicial, each of which was intended to be distinct from the others. The Legislative branch makes the laws, the executive branch enforces them, and the judicial branch interprets them, and is the mediator to settle disputes.

I submit to you Mr. President that if anybody has reason to believe that a County attorney is violating any statute or is not sufficiently and faithfully per-

forming the duties of his office, it would be more in harmony with the spirit of our Constitution to let the Courts pass judgment, or let the people recall him from office.

If there were reasons for removing county attorneys as provided in this bill, and recommended by the Governor in his message, many of these reasons disappeared when Congress passed the bone dry bill.

If some men are still drinking rum, and you want to stop it pass the bone dry bill that is pending before this Legislature. That prohibits importation from foreign countries as well as from any part of our country, and its teeth are long and sharp. If prohibition is what we are after I assure you we will get it here, and Maine will be so dry that even the bones of the political prohibitionist will rattle, and the more he squirms the drier he will get, for there will be absolutely nothing doing.

I know of no reason why we should single out county attorneys on whom to cast our venom. Are they not quite as wise and good as the members of this Senate, who are asked to help provide an easy way for their removal. Are they not quite as wise and good as the members of the Governor's Council, who are to sit in judgment, and plunge them into disgrace. Is there any more reason for providing machinery for easily removing them from office than there is for providing machinery that will just as readily remove from office Senators, members of the Governor's Council, or any other officer. You all know that such a course leads away from a Democratic form of government and toward despotism and anarchy.

Nearly three hundred years ago, across the Atlantic on the other shore, there was a band of Pilgrims assembled and they took passage in a little ship known as the Mayflower. They sailed across that broad Atlantic and on a cold December day landed on the rock-bound shore of Massachusetts.

History tells us that during that first winter nearly one-half of that little band died. They came there because of their sacred belief in their rights,

religious and political, and all other kinds of rights.

Early in the session of the 78th Legislature we passed an order that the stars and stripes should be placed in this Senate Chamber. That flag was given to us in the Revolution's darkest days, and as we look at that flag, the thirteen stripes and the forty-eight stars, one of which represents Maine, and is as bright as any star in that constellation; as we look at that we think of the struggle of those men in the American Revolution who fought for the rights of men, from Lexington to Valley Forge.

We also remember how those men fought for the rights of men on the seas, for the rights of the American sailor; we remember how that flag was borne in triumph from Rio Grande to the City of Mexico; and we remember how for the rights of men it was borne from Fort Sumter to Gettysburg, and from that time up to the surrender of Lee at Appomattox.

And still later we know how that flag was borne to Cuba for the rights of the people, for the liberty of the people on the island of Cuba.

Today that flag is being borne by our boys in company with the Allies across the ocean—or will be, because of the rights of humanity. It means much, and shall it mean less? Shall that star which represents Maine be less bright by the taking away from us of those things for which the people of this country have fought so long and so well to maintain? Shall we take away from that flag those principles of liberty, and put back there something that will mean despotism, more than it now means?

Is there a demand by the people of our State for the passage of this bill? Have any petitions been received asking that it be enacted into law? Have our constituents asked us to report this measure? I think not. Why then vote for this bill? The burden of proof is on the proponents. Have they made out a case? Our county attorneys in all the years of the past have been as honest and as faithful as other officers, and have done their work as commendably.

There is a doubt in my mind, and a

very grave doubt as to the wisdom of this kind of legislation. I can see how easily it would be to ruin some honest county attorney, who was, as well as he could, doing his duty. The Governor and Council feeling that something must be done to brace the party or themselves politically in a county make the poor fellow the goat.

Chickens always come home to roost. How many votes do you think a measure of this kind would ordinarily receive in a Maine Senate? I read the answer in your eyes. Not one. Why then be so politically insane as to do a wrong, which is sure to fasten itself around the throat of our party, and incidentally around the throat of each individual Senator.

Because the doctrine proposed in this bill is contrary to the spirit of our Constitution, which declares that all power is inherent in the people.

Because of the passage of the bone dry bill by Congress, which prohibits the importation of liquors into prohibition states.

Because we can easily prohibit the importation of liquors from other states and other countries by passing the bone dry bill now pending in this Legislature.

Because the Governor's Council would not be the proper tribunal to try, remove and appoint as provided in the bill.

Because the law would either be inoperative, or unjustly enforced.

Because county attorneys although lawyers, are human.

Because there is no demand for a law of this kind by our people.

Because the will of the electors should be the guide of the elected.

Because of these and other reasons equally significant, I oppose the passage of this bill.

Mr. MERRILL of Somerset: Mr. President, I shall not attempt to remove any of the stars from the flag, nor cause it to float over Mexico, or Germany, or the isles of the sea, for various reasons. I could do it all but I am not going to try to.

But this bill here under consideration, the county attorney's bill, is one of a good deal of importance to the people of

the State of Maine. It is a bill that was asked for by His Excellency the Governor in his address to the legislature. And why was that bill asked for? Not because county attorneys are all dishonest. Nobody ever thought they were, and everybody knew they were not. But everybody equally well knows that sometimes, somewhere, we get a county attorney that is not so honest as he might be. We get county attorneys that are in sympathy with corrupt measures that are being used in different parts of the State at different times, measures pertaining to the question of liquor.

Now I don't know anything personally about where this stuff is dispensed, but it has been dispensed in the past somewhere and some time in the State of Maine, and the courts have found fault, and a great deal of fault with the county attorneys in the prosecution of the law. They have even found fault with some sheriffs in some cities and some towns and some counties, that they had their hands behind the back, not only the sheriff but the county attorney.

Now if His Excellency, the Governor of Maine, has requested that upon accusation and trial and proof that the county attorney is not performing his duties faithfully and impartially, that his Excellency and the Council of the State of Maine, be a court before whom that county attorney could be tried, and if found wanting removed and another put in his place.

Now the Honorable Senator, Senator Butler, supposes the case that the Governor wants to get rid of the county attorneys and build up a corrupt political throne around his throne. You think of it—the Governor of Maine corruptly accusing a county attorney of not doing his duty, and he with his council remove a man from office because he was corrupt,—that man has a broad field of his domain to go into and to show that he has performed his duty well and faithfully. To assume, to suppose for a moment that we can ever elect either a Republican or a Democratic governor who would be so corrupt as to accuse an innocent man! Why, ye gods! So preposterous a proposition, fellow senators, we will not entertain for a moment.

But if a county attorney—and it is intended undoubtedly for the better execution of the prohibitory law in Maine, if a county attorney will not prosecute, and you remember Mr. President and fellow senators, there has a bill gone through this House taking away from the county attorney the power to nol-pros any and all suits that might be entered in courts of this State—that power has been taken away from him—the court had no power, if the county attorney went into the court and entered a nol-pros on his case, every criminal case, even of murder, he had that authority to nol-pros. That law has been changed, not for the purpose of doing any harm to the county attorney, but for the express purpose of taking away from the county attorney a power too broad and too great for him to possess.

Now, in order to nol-pros a case in court the county attorney must write his reason across the back of the indictment, and he must have the written consent of the justice presiding, setting forth the cause for which that nol-pros is entered.

Is that any hardship?

Now this other matter of the county attorney, that he may be removed, is to avoid a great expense, an expense which stares the Governor in the face and would almost compel him to resist exercising the power he has. He could assemble the legislature and bring impeachment proceedings against the county attorney.

But who is afraid, I ask my fellow senators, who is afraid of the idea of a governor of the State of Maine accusing a man falsely, and then by false testimony attempt to convict him, and then remove him from office?

I can look in the faces of these senators, and I think I can read quite as plainly as my colleague from Somerset,—read in your faces that the proposition is a proper one and one that will meet with your approval.

I leave the matter with you for you to vote upon and decide whether this bill shall pass or not.

Mr. BUTLER of Knox: Mr. President, I have been deeply interested in the eloquent remarks of the distinguished Senator from Somerset, indeed, in the remarks of both the distinguished senators from Somerset, one for and the other against.

A house divided against itself. I won't say any more about it.

It is news to me that we came here for the purpose of enacting legislation for the Governor of Maine. I thought we came here for the purpose of enacting laws for the sovereign people of Maine. That is what I came here for. I did not come here to be dictated to by anybody but the people.

I have found in my county no demand for any change here in respect to removing our duly elected officials. I have received since I came here not a single communication from any one, high or low, good or bad, asking for this legislation. I see no demand for it here.

It is the Governor's idea. I think the Senator is right about that. Nobody else has asked for it, and after listening to the remarks of the Senator, eloquent as they were, if they did not take the stars from the flag, I have failed to get a single reason from his argument why this bit of legislation should pass.

Is there any reason under heaven given among men why we should say that the county attorney, usually one of our first citizens in his community, should be stung out, tried and convicted by the Governor and his Council, rather than to be tried and convicted, if he must be tried and convicted, by a jury of his peers the ordinary way, the same as you and I would be tried if we were unfortunate enough to be accused of crime? I see none. I see no reason why a county attorney cannot be indicted for any offense the same as I can be indicted, and tried in the usual way, the attorney general appearing as the prosecuting officer.

I would infinitely prefer that the legislature should be assembled in special session, if need be, that every section of the State of Maine might be represented when one of our duly elected county officials is to be tried and positively removed. What will the expense amount to? Then we might say that we had a voice in the affairs of our State. I tell you this is dangerous legislation. It is not in line with New England tradition. It is not in line with legislation that has obtained among the people of Maine.

I know the hour is getting late. I have brought this matter up largely to go on

record as opposed to it, and not with the idea of making any extended address.

I move you that when the vote be taken it be taken by the yeas and nays.

Mr. GILLIN of Penobscot: Mr. President and fellow Senators: This is not the measure of the Governor. It is in my judgment the measure of the people of the State of Maine who have elected him and elected the men who belong to his party. I wish to go into the record to give evidence of why I vote for this measure.

Every lawyer here knows that the executive department of our State is the same as the executive department of the nation practically. The Nation has three departments, the executive, the legislative and the judicial. The State has three departments, the executive, the legislative and the judicial. Every lawyer here knows that the executive department of the nation appoints all the attorneys who represent it and carry out the will of the executive who appoints them, from the attorney general down to our district attorneys in our State—one of them is now in Portland—and has got the right under the law to call for their resignation. And also that same power applies to the justices of the supreme court of the nation.

It used to be that your governor, early in Maine, had that power as to your county attorneys, as I understand the law. This measure is to give your executive department of the State, that has the power to appoint the justices of your supreme court, the power to remove a county attorney who is not enforcing any and all laws. There is not a lawyer in the State of Maine who will be deterred from taking a nomination for county attorney because a Democratic governor or a Republican governor will have the power to remove him if he does not do his duty and all his duty. We, Mr. President and brother attorneys, mingling here with this splendid body of our fellow citizens, the business men of our State represented here, do not want a single blot upon that great profession of the law, and if I were going to run for county attorney in any county, I would not ask the ex-

ecutive of the State to bring me before his Council, I would give him over my signature when the people elected me a right to tell me to resign, and I would resign. That is the standard of the bar of the State of Maine, stripped of politics. Let them do their duty and not bring the law of the State of Maine into disrespect.

A great lawyer speaking in the presence of an august assemblage said, "If you have a bad law upon your statute books, enforce it to the letter in order that if it is a bad law the people may repeal it." "But I will warn you," said that great lawyer, standing in the House of Lords, "don't let the people violate a bad law that you have made because if you do you will bring all law into disrespect, and those who administer justice with it."

The argument of the distinguished Senator Walker shook me up. There were some things in it that appealed, I venture to say, to every Senator here, when it gets back to the people. But the people have erected the institutions under which we live. The majority rules. The people are responsible for the governor whom they have elected, and he is going out to the people with something better than a referendum—if his enemies wish to attack him from the public platforms, he is going out to them with a law which he has got the courage and the manhood to demand that we put upon the statute books of the State. For what purpose? For the sole purpose of making the county attorneys in every county stand up and do what? Honor the great profession to which the two distinguished senators and lawyers belong who have spoken upon either side on this question.

You will not find any trouble, Mr. President and fellow Senators, in finding attorney after attorney willing to take the berth of attorney with this law upon the statute book. I saw a splendid, matchless man whom I did not know standing upon the platform in my city, the first time I met him, and he stepped up into the presence of 3500 people and he said, "I will enforce every law upon the statute book including the prohibitory law." And he said, "If you will make me gover-

nor I will remove any man who will not enforce it if they give me the power to do it." On the same platform I followed him and I told them to perforate my candidacy with their ballots before they reached his name upon it, as the people of the State had made him my general.

Give him this power, and if they do not enforce the law let them be removed. Any county attorney who is doing his honest duty that a governor and a council attempt to remove will never have to employ counsel. He will find a hundred of the best men in his profession before that governor and council to stand by him, then and always, if he is spotless.

It is not now that the Governor throws down the gage of battle. It was then. In a county that before that time had gone Democratic time after time with some 1500 votes to overcome—and you have all heard tell of the Bangor plan—he was honest—the people believed he was honest—and they stood by him in the entire county. Give him this. Let his enemies say what they will of it, but the people of Penobscot county, I prophesy now, will endorse it. No matter what they say, they have already done so. We are not frightened of the law. And I say that it is a party measure, made a party measure, Mr. President and fellow senators, by the voice of the people last September, vox populi vox Dei, the voice of the people is the voice of God. I record my vote for this measure, if you call it a Governor's measure, I call it a measure called for by the vote of the people of the State of Maine, and that is the reason I am going to vote for it, Mr. President. (Applause.)

The PRESIDENT: The question before the Senate is on the motion of the senator from Knox, Senator Butler, that this bill be indefinitely postponed.

Mr. BUTLER. Mr. President, if it will save time, I will be satisfied with a division.

A rising vote was taken, and three senators voting in the affirmative and 23 in the negative, the motion of the senator from Knox, Senator Butler, was lost.

On motion by Mr. Merrill of Somerset, the bill was passed to be enacted.

Mr. DEERING of York: I desire to speak on a question of personal privilege. The Senate will bear with me for a few moments.

Of course it would be in order for me to say at this time that I desire to express my appreciation of the magnificent things that the Senate has done for me, and I know there have been times, other times perhaps when the Senate might have become a little careless, that I received its vote right in the location intended I should receive it. I think on those occasions we have agreed just about as well as the two distinguished senators from Somerset county have agreed upon the county attorney bill.

However that may be, I have been reminded on some of those occasions by an incident which took place in my office. A man came into my office and he asked me how much I charged for advice, and after determining the weight and the importance of his case I told him I would charge him \$2.

He sat down and I talked with him for an hour and then he got up and started for the door, and I said "Wait a minute." And he said "What for?" I said, "How about the \$2 for the advice?" He says "That is all right but I ain't going to take it." (Laughter.)

I am charged at the present time with a grave and serious duty. This magnificent instrument which I hold in my right hand is supposed to be a rifle. You will note upon the end of this rifle a peculiar contrivance. It resembles a contrivance of which Senator Baxter has 10,000,000 stored away, a corn can. But I want to say to you that this peculiar thing on the end of this gun is far more important than a corn can. It is a contrivance with which, if we could have it in this Senate, everybody would be pleased. It is a contrivance which I know if the Senate could have applied to me a dozen times they would have applied it. It is an instrument which we could safely use upon the House of Representatives at this minute.

Gentlemen, the instrument upon the end of that gun is a Maxim silencer. I rise here at this time to make a present of this instrument to a member of our body whose interests this present term, at the present session of this legislature, have been inclined always towards militarism. I know the gentleman can use this rifle. I know he can practice with it. I believe at the time when he comes back here two years from now he will be a better and braver soldier.

Gentlemen, I take great pleasure in presenting this magnificent rifle to my honored colleague, Hon. Charles A. Wood of Hancock county. (Applause).

Mr. WOOD of Hancock: Mr. President and fellow senators, I shall make my response and speech of appreciation, which will evidently go down the annals of time as a masterpiece, when I receive that bill for which I stood sponsor from the other end of the hall, so I reserve my rights for the present. I thank the Senator and I wish to just say briefly that I highly appreciate the things that the Senate has done for me and sometimes to me. But my real speech of appreciation, Mr. President and fellow senators, I will reserve for the present. I hope to get that committee of conference and that we will still have that military bill in which I am deeply interested. (Applause).

Mr. BUTLER of Knox: Mr. President, I too, rise to the matter of highest personal privilege. The gun has just been used on me without the Maxim silencer. (Applause). We had three to start with, and one of them went home, and still we have three with us.

This Senate—and I will say prior to that that I want at this time, as I intend to leave on the early morning train, to say to my fellows that I appreciate you all the time, whether you have fought with me or against me, and I am in doubt whether I think more of the fellows that fought against me or less.

I was about to say that the Senate would be the last body that would fail to reward one of its brave members.

We believe in rewarding great soldiers while they are living. You know what happen to the memorials for the dead soldiers. (Applause).

The members of this body are up-to-date. We do not want to wait until our warrior members and statesmen are dead before we reward them with their memorials. Now one member of this body stated a few days ago that if he were ever wrong he would wear a medal as large as the face of that clock. And I am sure you, my fellows, want to present him with such a medal. I have one here. (Laughter and applause). It is fitting that the man who has been presented the gun should be presented this medal also, and on behalf of the members of this distinguished deliberative body, it gives me great pleasure to present this medal to our colleague, the senator from Hancock, Senator Wood. Wear it, Senator,—wear it as you go to your hotel,—wear it as you go to your home,—wear it as a proud badge of distinction, —take it home to your wife. (Applause).

Mr. WOOD of Hancock: Mr. President and fellow senators, I am much overcome with these tokens of appreciation. Things are certainly coming my way. I do not admit, however, yet, that I am wrong. Now for all of your benefit, I want you to bear with me while I read a letter. You know, down in the legal affairs—some of the fellows have seen this, some of them have not—but it will bear repetition, I believe,—down in the legal affairs my friend from Bucksport used to call me the mother of the mothers' pension bill. About the time that we were having the scrap and I was fighting some of the other fellows about getting that bill out pretty quick, I got this letter:

"Augusta, Me., Mar. 19, 1917.

Hon. Charles Wood:
Legal Committee

Dear Sir:—

Those interested in the mother's pension act take the liberty to enquire why you don't give your early and favorable attention to it. I heard you at the hearing express your approval of it and

was much pleased with your gentlemanly appearance and I thought you was with us.

I am told and I also read that you have other matters in charge and I suspicion that you have used this in holding back this bill so you can better work out some of your pet schemes about milk bottles in your town; lawyers writts and inloading an old worthless bridge on some towns down your way—I am told that such things are done by men in the legislature and I am afraid we and our bill are suffering because such things are done by men.

I have relatives down your way who tell me you are also opposed to any "bird scantuaries" and that you are working for the Brutes who go out and shoot everything in sight on land and sea and in the heavens above and on the earth below—THEY HAVE VOTES. We women have not one yet, but just wait!

If you did not know better we would have sympathy for you and try to enlighten and educate you but you are, I guess, one of those fellows who knows enough if fact, I guess you know too much and are like them fellows my dead and lemented husband told me he used to see around the capital way back in the times when J. Manly and Eugene Hale ran things up there.

My said husband used to take an interest in politicks and he says you talk and abuse shamefully good democrats when you was on the "stump" and they couldn't get at you because you had a lot of your gunner friends around about you—then you was I guess in a sort of a Wood-pecker scantuary and probably glad to be there and so felt safe and brave.

You ought to be glad to give the other birds a chance now, but I am getting away from the maine subject which isn't you after all.

What I want to know NOW is what you are going to do with the mothers pension law?

You are the one I am looking to now, but if I can't get any comfort and help out off YOU, I shall express my sentiments to the other lawyers, members of the Committee just exactly as plain as I have to you—I just want to remind you

that the people have a referendum and initiative vote and by and bye the women will have some too—

I am with great respect for
your ABILITY

Yours respectfully,"

I thought that would be interesting, fellow senators; it was so much better than anything I could say, I just added it to the fund.

Mr. BUTLER of Knox: I would like to inquire, Mr. President, if this lady is one of his home constituents? If so, it might be well to take the gun with him.

The PRESIDENT: It is a question of personal privilege. The Senator may answer if he wishes.

Final Report.

The joint standing committee on public buildings and grounds, reported that they had transacted all business before them.

Mr. SWIFT of Kennebec: Mr. President, I move that we reconsider the vote whereby 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 passed to be engrossed.

The motion was agreed to.

Mr. SWIFT: Mr. President, I now wish to offer an amendment and wish to say that this is simply a log driving charter, and the parties interested are very desirous of securing its passage. The only objection to the bill is that the Baxter Amendment was attached in the House.

This amendment I wish to offer strikes out the right whereby they were authorized to develop any power for manufacturing or any other purposes whatever.

I move that the amendment be adopted.

"Senate Amendment A to S. D. 159.

Amend S. D. 159, by striking out the words in the ninth and tenth lines of Section 1, 'They may use the water power developed on said stream for any and all manufacturing purposes.'

Also by the adding at the end of said section the words, "No dam built by said Viles and Gannett, their heirs or assigns, under the act shall be used for power purposes."

Senate Amendment A was adopted and the bill as amended was passed to be engrossed and sent down for concurrence.

The committee of conference on the disagreeing action of the two branches, on S. D. 103, An Act to amend Chapter 295 of the Public Laws of 1915, relative to compensation to employees for personal injuries received in the course of their employment and to the prevention of such injuries, by allowing the injured party to select his own physician and the hospital to which he shall be carried, reported that they were unable to agree.

The report was accepted.

Mr. BURLEIGH of Aroostook: Mr. President, H. D. 471, An Act to authorize and direct the county commissioners of Aroostook county to enlarge and repair the Court House at Caribou in said county, has been passed to be engrossed.

I move that it be recalled from the engrossing department.

The PRESIDENT: We have the bill here.

Mr. BURLEIGH: This bill needs an emergency clause attached to it, and I offer an amendment which corrects that.

I first move that the vote whereby this bill was passed to be engrossed, be reconsidered.

The motion was agreed to.

The same Senator then offered Senate Amendment A, which was adopted. (The amendment simply made the bill an emergency measure.)

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

From the House: Majority and minority report of the committee on temperance, on An Act to prohibit the

importation of intoxicating liquors into the State of Maine for beverage purposes (H. D. 12).

Majority report, ought not to pass; minority report, ought to pass.

In the House the majority report was accepted.

Mr. DEERING of York: Mr. President, I move that we concur with the House in the acceptance of the majority report.

Mr. WALKER of Somerset: (See the speech following delivered by Senator Deering, and the record of the Senate in relation to Mr. Walker's remarks.)

Mr. DEERING of York: Mr. President, may I ask the Senator from Somerset a question?

The PRESIDENT: You may if he is willing to answer it.

Mr. DEERING: Mr. Walker was not there an amendment to the statute, formally the illegal transportation statute, made and passed in regard to the importation of liquors into the State, before the speech just delivered by you, was written?

Mr. WALKER: I do not quite understand the question, please repeat the question.

Mr. DEERING: Was not there an amendment to the statute, formally called the illegal transportation statute, or illegal possession statute, providing against illegal importation into the State, and was not that amendment passed by the temperance committee, signed by you and brought into the House and passed by both branches of the legislature, before the speech you have just delivered was written?

Mr. WALKER: Mr. President, I will say to the Senator that every measure that comes from the temperance committee that has gone through the legislature was approved by me. I did not oppose any of the measures

that affects liquor coming into the State from foreign countries or from Massachusetts, or New Hampshire. If such a measure has gone through I was not aware of it.

Mr. DEERING: Did not the temperance committee advocate an amendment to the illegal possession statute that prohibited the importation of liquor into the State?

Mr. WALKER: I think there is some such statute.

Mr. DEERING: Does not that statute, as the temperance committee amended it, and the report which you signed, constitute just the very things on which you made your speech just now?

Mr. WALKER: I do not think so.

Mr. DEERING: Mr. President, I simply desire to say a very few things, because I am not any expert in making speeches on the prohibitory law. (Applause.)

I have had no time to prepare and no time to write any particular speeches.

As I understand it the temperance committee have already recommended that this legislature pass an act which is amendatory to the illegal possession statute which prohibits the very same thing that the Bussabarger Bill proposes to prohibit. And if I am not mistaken the distinguished Senator from Somerset signed that report of the committee to put that amendment into the illegal possession statute. And now he comes forward here at this time and proposes that the Bussabarger Bill pass, and he reads us his reasons for so doing. And while it may be more or less of a joke—

(Interrupted by a "rush" from the House.)

Mr. WOOD of Hancock: I move, Mr. President, that the honorable Senator have a chance to go on and get that temperance speech out of his system or it may strike in and kill him.

Mr. DEERING of York: Mr. President, answering Senator Wood, I have lived in a prohibition state all my life and I thoroughly believe in its prin-

ciples, and never yet have any malignant effects of the distillery disturbed my trend of thought.

(At this point a crowd broke in from the House.)

Mr. DEERING (continuing): I knew that if I said anything upon the prohibitory question something awful would happen and it did. (Applause.) I am reminded by this peculiar incident of the publication of the Philadelphia North American by a distinguished gentleman in Philadelphia in 1876. He ran up a lot of bad debts and they brought attachments against his property and sold him out and all his property passed into the hands of a receiver. In 1882, just sixteen years after they put him out of business, he began another Philadelphia North American and the first thing that he said in that Philadelphia North American was—"I was about to say when I was interrupted." (Applause.)

Now gentlemen, we have the peculiar situation confronting us at this time of the chairman of our temperance committee coming before the Senate and urging the passage of a bill, which everybody agreed, after that same temperance committee had put in a report amending a statute which took care of the very same object, we are confronted by the anomalous position—a chairman of a great committee signs neither report, neither ought to pass nor ought not to pass, but comes in here with a written composition, written and delivered after he himself had signed a report that said statute in regard to illegal possession should be amended to take care of the very same objects which he purposes to accomplish by this Bussabarger Bill.

Now, gentlemen, I do not know how to handle a situation of that kind in particular. It is a matter with which this Senate has not been confronted in all its deliberations. We have been here, and although we may have been inconsistent in some things, it seems to me that in all those matters in which our party was concerned we have all stood together; and while we have had three distinguished mem-

bers from the Democratic party in this Senate, never has one word of friction been brought up between us and them. I do not think that any opposition will be brought up between us and them now. I cannot conceive why this peculiar composition in the dying days of this Senate should be sprung upon us, after the laws have all been passed taking care of the very same situation, unless that is intended to go back to some people for home consumption. And when such a speech as that which accuses men in the legislature of doing one thing here in the Senate or in the House of Representatives and going to the Augusta House to get a drink, to drink the other way, I desire, gentlemen of the Senate, to say that I resent any such remarks and I do not believe that any such remarks should be put upon our record, and especially by a member of our own party.

Mr. President, I desire to make a motion—whether it is the proper motion or not, I do not know, but I do not desire to have any member of the Republican party come into the Senate, a Republican Senate and a Senate which has behaved as well as any Senate in the State of Maine ever behaved, and probably better, and have any stigma cast upon a body of men who have the dignity and the authority of this State to uphold, at the present time when we are entering upon a crisis the like of which has never occurred in this world before—at this time, Mr. President, I desire to make a motion to expunge that speech from the record.

The motion was agreed to.

The PRESIDENT: The question now before the Senate is on the motion that we concur with the House in the adoption of the majority report of this committee.

The motion was agreed to.

The PRESIDENT: H. D. No. Resolve for the publication of automobile registration, which was passed to be engrossed by the House, came back from the House, that branch having voted to adhere.

On motion by Mr. Higgins of Penobscot, the vote was reconsidered whereby this

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

The PRESIDENT: The Chair lays before the Senate, Resolve in favor of the reformatory for women for the construction of additional buildings and other purposes for the years 1917 and 1918, S. D. No. 417.

This resolve was passed to be engrossed in the Senate and the House indefinitely postponed it.

On motion by Mr. Bartlett of Kennebec, the Senate concurred with the House in the indefinite postponement of the resolve.

The PRESIDENT: Report A, ought not to pass, and report B, ought to pass, of the committee on labor, An Act relative to the hours of labor of employees of street railway companies.

Report B was accepted in the House.

Report A was adopted in the Senate in non-concurrence.

It comes back from the House, that branch having voted to adhere to their former action.

Mr. STANLEY of Oxford: Mr. President, I move we adhere to our former action.

The motion was agreed to.

Mr. PEACOCK of Washington: Mr. President, yesterday we accepted the majority report on Senate bill 435, and at that time it was understood that Senator Butler wanted to speak in favor of the minority report. We expected to have that bill in our hands tonight.

I ask the unanimous consent of the Senate that this bill may be taken up at this time so that Senator Butler may be heard on it.

The motion was agreed to.

Mr. PEACOCK: I yield to Senator Butler.

Mr. BUTLER of Knox: Mr. President and fellow senators, the senator from Hancock is so very courteous and so

very gentlemanly to me that almost I am persuaded to agree with him. He, knowing that I am obliged to leave tomorrow morning has very kindly consented that I may state my views on this matter tonight.

I want to speak on this matter, gentlemen, because I believe the present administration has gone mad on commissions and on the commission form of government. I believe we would be doing a great service to Maine if instead of creating new commissions we abolished some that we already have. I believe we could get along very well, perhaps better, if we had no commission in Maine aside from the Public Utilities Commission, which is of the nature of a court.

We started in with a highway commissioner and we got along very well. Then we had a commission and the first thing we knew they couldn't agree with each other and for a time the commission was at loggerheads. I do not know that that is true now, but there was more or less trouble, while during the time we had one man commissioner we had no trouble whatever in that direction.

One man can agree with himself, gentlemen. We have created this session a prison commission and made an office boy of the warden. It subserves no useful purpose if we have the warden, too. We do not need both. We have done away with the prison and jail inspectors to be sure, but a committee of the Governor's Council could as well do that work.

We have recommended at this present session, in the same breath that we recommended this commission, to do away with the commissioners of inland fisheries and game, for the very reason that I contend, that a commissioner can better handle that work. The honorable chairman of the commission on inland fisheries and game in appearing before the committee stated his views. He thought it better be handled by a commissioner. Now they say the sea and shore fisheries could best be handled by a commission, when for years and years, as far back as I can remember we have had a commissioner.

We might just as well have a commission of agriculture. Certainly the agricultural interests of Maine are

as great and varied as the sea and shore fisheries. We might just as well have a commission of education and have three men there as well as one. We might just as well have a commission of finance instead of a State treasurer; there would be plenty of work for three. We might just as well have a commission of affairs of State as one secretary of State. We might just as well have a library commission. There is just as much reason and just as much sense in having a commission for every department of our State as there is for abolishing the office of commissioner of sea and shore fisheries and creating a commission of three, and still retain all but in name a commissioner to do the work.

As was well said in the House this morning, this commission of sea and shore fisheries will not make any more lobsters and they will not handle the situation any better than one man can handle it, one real head, such as you would want for your business and I would want for mine. It may be said that the law has not been enforced. Well, that is true, perhaps. It is perhaps true that the prohibitory law has not been enforced.

But in this particular case, two years ago we passed a new law for that particular purpose, to aid the commissioner, and it is contemplated for the coming two years that law will be enforced, and that money will be provided for the commissioner, if we have one, or for the commission, adequate for that purpose. I have heard yet no argument presented, either at the hearing or in consultation, as any logical reason for a change. I say the same argument that was presented at the hearing for the abolition of the commission on inland fisheries and game, and having a one man head there, is equally applicable to the commissioner of sea and shore fisheries, why the present law should be retained.

I trust that the motion of the senator from Washington will not prevail.

Mr. PEACOCK: Mr. President and fellow Senators: It is a self-evident fact that for the last twenty or thirty years the sea and shore fishery business has—and I have spent now four

terms in the legislature and I have listened to the complaints along the sea shore from the fishermen and people that are interested in the bills, and it has been universally admitted, and I think the senator from Knox will admit it, that the laws have not been enforced. There is not so much a general complaint of the law, but it is that the law has not been enforced.

Under the present law that we are relying on, the Governor with the consent of his Council shall appoint a commissioner, and that commissioner's term shall be three years, and after he is appointed the Governor and Council have no power to remove him and he can do as he wishes in regard to enforcing the law. That is the information I got from Governor Curtis. It was admitted that the commissioner serving under Governor Curtis was inefficient. I went to him and asked him if he could not remove the man. He said, "It is beyond my power; I cannot do it. I know the man is inefficient and he is not attending to his business." I do not believe we want any business in the State of Maine that a hundred thousand people are dependent upon for a livelihood, to be placed in the hands of one man and that man not have any control over him. The same thing under this present law, the Governor and Council appoint a part with the recommendation of the commissioner and another part of them are appointed by the commissioner himself. There is a conflict in the law there.

I feel that if we can secure under this bill that we are considering today—we recommend that a commission of three be appointed, and the idea is that you will take men representing the different interests in the business, men that are interested in the herring business, men that are interested in the lobster business, men that are interested in deep sea fishing, and this commission is to have only per diem and travelling expenses. I believe it is possible for the Governor to select men that would serve in this capacity under these conditions, that would consider an appointment for pay such as the State of Maine would recommend them—I believe we can get men

who are broad-gauged enough and who have the interests of the business at heart, who will accept these positions and who will look after the business.

These three men are appointed by the Governor and Council; they appoint a director over whom they have absolute control. If he will not carry out their instructions, if he will not do as they request him to do, they have the power to remove him without any trial or anything else, just the same as if I hired a man to superintend my factory, if I am not satisfied I reserve the power to remove the man. I have that right. I may be mistaken; I may select a man whom I consider a good man and on trying him out I may not be satisfied.

Now this commission will have the same power; they appoint a director and if he is not satisfactory they can remove him and appoint somebody in his place. This bill also gives the director power to appoint his wardens and he has the power to remove those wardens if they are not satisfactory. And he will see that they enforce the law because upon that enforcement depends his position.

I believe that this bill as drawn up is a workable bill and that it will protect the sea and shore fisheries better than anything that we have had before.

This has been accused of being a political measure. In order to show the people that there is nothing political in it, we have placed in this bill that the present sea and shore fisheries commissioner be retained as commissioner; that he shall have the appointment as first director if the commission is formed.

Two years ago, as our worthy senator said, we passed a license law; we passed several other laws, putting some teeth into the laws that we had at that time, believing that it was possible to enforce them and regulate this business. But with the management of the commissioner that we have had in the past those laws were not any good because they were not enforced. There is not a single case where one single lobster fisherman has had his license taken away from him,

notwithstanding the fact that there have been continued violations of the law.

If we were working under this commission, do you suppose the commission would allow the director to stay in the office the same as the Governor and Council were compelled to allow that commissioner? They have no

control over the business. This bill, if passed, will place the sea and shore fisheries in position so that the law can be enforced, and I hope that the majority report will be accepted.

On motion by Mr. Boynton of Lincoln,

Adjourned.