

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.

1901.

SENATE.

Augusta, March 1st, 1901.

Senate met according to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Peckham of Hallowell.

A message was received from the House, that, in the absence of the Speaker, the Hon. Waldo Pettengill was elected Speaker pro tem.

Journal read and approved.

Papers from the House disposed of in concurrence.

Bill, an act to amend Section 3 of Chapter 103 of the Public Laws of 1895, in regard to the incorporation and control of telegraph and telephone companies.

This bill came from the House from the committee on railroads, telegraphs and expresses, reported ought not to pass on account of the committee having reported favorably on an act to repeal a chapter including this section.

On motion by Mr. Plummer of Penobscot, the bill was laid on the table, pending the acceptance of the report.

Bill, An act to amend paragraph 8 of Section 6 of Chapter 6 of the Revised Statutes, as amended by the Public Laws of 1895, relating to poll taxes.

This bill came from the House, reported by the committee on legal affairs, ought to pass. The report of the committee was accepted in the House; and was subsequently, by that body indefinitely postponed.

Mr. PLUMMER of Penobscot—Mr. President, this matter was before the committee on legal affairs. The bill, as originally put in, exempted all soldiers of the war of the Rebellion who were over sixty years old, from payment of poll taxes. The committee, in their best judgment and wisdom raised the limit to sixty-five years, and reported a bill exempting soldiers from taxation who were over sixty-five years of age, so far as a poll tax is concerned. The law of 1895, to which this was an amendment, makes the following provision: "The polls an estates of persons who, by reason of age, infirmity and poverty are, in the judg-

ment of the assessors unable to contribute towards the public charges; and the polls of all soldiers and sailors who receive a State pension, are exempt." This amendment added thereto, "All honorably discharged soldiers and sailors of the war of the Rebellion over sixty-five years of age."

The reason the committee reported this amendment was that, under the present practice in the towns, so far as the observation of the members of the committee extended, citizens infirm or poor, or both over seventy years old are, as a matter of practice exempted from poll tax, whether they are soldiers or not. The law of 1895 exempted soldiers who received a State pension, and were presumably poor or of limited means. The committee felt that every man who responded to the call of his country in 1861, and went down there into that country and was exposed to the malaria of that country and all the hardships incident to service there, suffered physically—that he lost in vitality and in health inevitably—more than five years, more than the five years of his life between sixty-five and seventy; and that, inasmuch as that sacrifice was made of health and ability to earn a livelihood for the benefit of the country; and inasmuch as the good faith of the country was pledged when he went out there to assume that arduous service, that, whatever return or recompense could be made to him, should be made; for that sacrifice and service. The committee felt that it was a very small thing indeed to do in recognition of that service and in aid of that class of our citizens, to make this exemption, for those old fellows over sixty-five years of age.

Men that have not been subjected to that sort of hardship are many of them young men at sixty-five, they feel as young as they ever did, perhaps, and as vigorous; but if any Senator will recall the processions of veterans who marched behind the flag in the services of Memorial day, he cannot fail to remember that they were peculiarly decrepit—that they show the effects of their service, and that they are, so far as the ability to earn a living is concerned, really old men, older than the

average man of seventy years. In recognition of this fact, and for other reasons which I have stated, the committee felt that it was only just to this worthy class of our citizens to make this exemption from poll tax. Of course there may be some who would come under that law who are abundantly able to pay a poll tax, but I have no idea that any one of that class would seek to take advantage of it. They would many of them prefer to pay, and would pay a poll tax; but, by far the larger number of this class of people are poor and decrepit, and it really would mean something to them to be exempt from even the pittance of \$3 a year. Mr. President, I move that the Senate non-concur with the House in indefinitely postponing this bill.

The motion to non-concur with the House in indefinitely postponing the bill, prevailed.

At this point the Senator from Somerset, Mr. WEEKS, took the Chair, at the request of the President.

READ AND ASSIGNED.

An act to amend paragraph eight of Section 6 of Chapter 6 of the Revised Statutes as amended by the Public Laws of 1895, relating to poll taxes.

An act to incorporate the Wilton Electric Light and Power Company.

House Amendment A to this bill, adopted in concurrence.

An act to incorporate the Union River Water Storage Company.

On motion by Mr. Wilson of Washington, this bill was tabled pending its first reading, and, on a subsequent motion by the same Senator, it was taken from the table, and took its first reading and was assigned.

An act to prevent ice fishing in Little Sebago pond in the towns of Gray and Windham.

An act prohibiting fishing except in the ordinary method of angling with artificial flies in any of the ponds lying on Saddleback mountain, or the outlet of same flowing into Dead River pond or Rangeley lake, or any of the tributaries emptying into said outlet, or in Salmon lake, formerly known as Gull pond, situated in Dallas plantation, in Franklin county.

An act pertaining to ice fishing and to close certain tributaries to certain lakes and ponds in Oxford county.

An act pertaining to ice fishing in certain lakes and ponds in Kennebec county.

An act to amend Section 31 of Chapter 285 of the Public Laws of 1897, relating to a weekly close time for the taking of fish.

An act imposing a franchise tax upon sleeping and palace cars.

An act to fix the terms of the superior court in Kennebec county.

An act to amend Chapter 186 of the Public Laws of the year 1897, relating to railroads.

An act to authorize the Great Northern Paper Company to increase its capital stock.

An act in relation to the probate court in Androscoggin county.

An act relating to and amendatory of Chapter 254, Special Laws of 1891, entitled, an act to incorporate the Mousam Water Company.

The following communication was received:

To the President of the Senate, and Speaker of the House of Representatives: I have the honor to herewith transmit resolve of the Legislature of the state of South Carolina, requesting the State of Maine to make a special exhibit at the exposition of the South Carolina inter-state and West Indian exposition, to be held in the city of Charleston, December, 1901 to June 1st, 1902.

On motion by Mr. Virgin of Cumberland, the same was referred to the committee on financial affairs.

The following bills, petitions, etc., were presented, and referred: (Private legislation under suspension of the order).

By Mr. McFadden of Lincoln—Petition of C. M. Davis and 45 others of Jefferson, praying for the passage of Senate Bill No. 4.

Mr. McFADDEN—In consideration of the fact that the committee on taxation has passed upon the matter of taxation of railroads, I would move that this be placed on file.

The petition was placed on file.

INDIAN AFFAIRS.

By Mr. Staples of Cumberland—Bill, an act to amend Chapter 81 of the Public Laws of 1895, relating to certain property retained for pious uses.

ORDERS.

On motion by Mr. McFadden of Lincoln it was, Ordered that, the House concurring, the committee on temperance be directed to inquire what material, moral or religious interest of the people of this State is subserved by maintaining the office of State liquor commissioner; and report by bill abolishing said office or otherwise.

REPORTS OF COMMITTEES.

Mr. Virgin for the committee on the judiciary, on report of the commissioners on uniform legislation relating to divorce, reported that legislation thereon is inexpedient.

The same Senator, for the same committee, on Bill, an act to amend and extend the charter of the Buckfield Water Company, reported that same ought to pass. Bill tabled for printing, under the joint rules.

Mr. Buck, for the committee on sea and shore fisheries, on Bill, an act to amend Chapter 495 of the Private and Special Laws of 1893, entitled an act to prevent the destruction of fish in Penobscot river in the own or Orland, reported that same ought to pass. Bill tabled for printing under joint rules.

Mr. Stearns, for the committee on Insane Hospital, on Bill, an act to amend Section 1 of Chapter 35 of the Public Laws of 1891, reported same in new draft under the same title, and that it ought to pass. Tabled for printing under the joint rules.

PASSED TO BE ENGROSSED.

An act to prevent the throwing of sawdust and other mill waste into streams lying wholly or in part, in the towns of Naples, Casco and Raymond.

Resolve in favor of the hospital of the Society of the Sisters of Charity of Lewiston, Maine.

Resolve in favor of Young Women's Home in Lewiston.

Resolve in favor of the Society of the Sisters of Charity for the use of the Healy Asylum of Lewiston, Maine.

An act to close the tributaries of Upper and Lower Stone ponds in the town of Stoneham.

An act to fix the salary of the judge of probate for Kennebec county.

On motion by Mr. Vickery of Kennebec, this bill was amended by Senate amendment A, as follows: Amend Section 1 by adding after the word "law" in the third line thereof, the words, "and all funds shall be paid by the county treasurer."

Mr. VICKERY of Kennebec—This amendment is in accordance with a vote of the delegation. The secretary forgot to put in the amendment, which was offered by one of the delegation and accepted unanimously.

An act to repeal the organization of Perkins plantation in Franklin county.

Resolve in favor of Nancy Mayberry of Gray.

An act to provide for voting by machines.

At this point the President resumed the Chair.

PASSED TO BE ENACTED.

An act to establish the Hancock County Railway Company.

An act for the arrest and apprehension of criminals.

An act to amend Section 9 of Chapter 106 of the Revised Statutes relating to the drafting of jurors.

An act additional to an act amendatory of Chapter 625 of the Private and Special Acts of 1893, entitled an act to establish a board of police of the city of Biddeford, as amended by Chapter 60 of the Private and Special Acts of 1895, entitled an act to amend an act entitled an act to establish a board of police in the city of Biddeford, approved March 28, 1893.

An act to fix the salary of the judge and register of probate for the county of Oxford.

An act to prohibit the taking of shell fish upon the shores and flats of Little Whale Boat Island in the town of Harpswell.

An act amendatory of Chapter 33 of the Public Laws of 1899, and Section 6 of Chapter 287 of the Public Laws of 1893, relating to the better protection of sheep.

FINALLY PASSED.

Resolve in favor of Melinda B. Davis, administratrix.

Resolve in favor of the State Pomological Society.

ORDERS OF THE DAY.

An act to prevent the throwing of sawdust and other mill waste into streams lying wholly or in part in the towns of Naples and Raymond.

Mr. VIRGIN of Cumberland: I move to take this bill from the table, House document No. 210, tabled by me yesterday. I understand that the senator from Kennebec, chairman of the committee on inland fisheries and game, has an amendment to offer.

The motion prevailed.

Mr. VIRGIN: The senator seems to be absent just at present; and in his absence I move it lie on the table.

Subsequently, on motion of Mr. Virgin of Cumberland, this bill was taken from the table; and on motion of Mr. Vickery of Kennebec, the same was amended by inserting after the word "Naples" in the third line of Section 1 of said bill, a comma and the word "Casco."

On motion of the same senator the bill then took its second reading and was passed to be engrossed.

Subsequently, on motion of Mr. Virgin of Cumberland, the vote whereby the bill had passed to be engrossed was reconsidered; and on the further motion of that senator, the bill was amended by inserting in the title thereof, after the word "Naples" a comma and the word "Casco."

The bill as amended was then passed to be engrossed.

On motion of Mr. Staples of Knox, House bill No. 146, resolve in favor of the hospital of the Society of the Sisters of Charity of Lewiston, Me., was taken from the table.

Mr. STAPLES of Knox: I placed that bill upon the table for the purpose of giving it examination. I am satisfied that it is a very meritorious bill; and that if there is any institution in the State of Maine that is deserving, that this is one of them. The only question in my mind is where we are going to get the money to pay it? I will simply take it from the table. I do not care to discuss it, but leave it to the sena-

tor who has it in charge to make such disposition of it as he sees fit.

Mr. FERNALD of Androscoggin: I now move that it take its second reading and pass to be engrossed.

Mr. McFADDEN of Lincoln: Pending that motion, I wish to offer an amendment. I fully agree with the senator from Knox in all he has said in relation to the merit of the institution concerned, but I have prepared the following amendment: To strike from House document 146, to strike out all after the sixth line, and by referring to the bill you will see what that amounts to.

I wish to say, Mr. President, that while this may be meritorious, it seems to me that our financial condition warrants us in giving only what is absolutely necessary, and allowing institutions to get along as well as they can. The portion of the resolve left if my amendment should be adopted would give this institution \$5000 a year for each of the two years over which we have jurisdiction; and it would cut off the appropriation of \$10,000 to assist in building, furnishing and equipping the new building now in process of erection. I think that, as this institution is under a great religious denomination, that if they get some assistance in maintaining it, they can, somehow or other, manage to build it and furnish it, or get so near it that they can use the building; and I think the appropriation of \$10,000 is all that we can stand at present.

Mr. FERNALD of Androscoggin: I listened yesterday, with a great deal of pleasure to the distinguished senator from Knox, on the extravagance of certain appropriations; and I must say, it is a very generous and noble sentiment, after most of the senators have their appropriations there from their different localities, to get up here and say to us that the appropriations are far in excess of what they should be. I am thankful that I am tied to no creed and no religion, as the distinguished senator has just said, this is controlled by the Catholics of our country. The finance committee, composed of three as conscientious, honest and business-like men as we have in this Senate, have investigated this matter thor-

oughly, have visited the institution and made a unanimous report that the entire appropriation ought to pass. This is the only institution of this kind in the State of Maine. All people of whatever creed, religion, sex or nationality are cared for by these Angels of Mercy who preside over this institution to the best of their ability. Patients are taken from all over the State and all over the United States to this institution to be treated. If they have any wealth, they are obliged to pay for their treatment, a moderate amount. If they have none, they are cared for free and have as good treatment, just as kind care as though they were wealthy and abundantly able to pay for what they receive. I believe this is one of the most worthy institutions that we have in the State of Maine, and for this reason alone that the Catholics ask for this institution, and this alone is sufficient evidence, I believe to this Senate, to give them what they ask for, they have, in years past erected an institution there at an expense of some \$17,000 where they have been able to care for and treat some 30 patients; but it was totally inadequate, and they were unable in any measure to take care of the many applicants they have had. The second part of these resolves asks for \$10,000 to help them complete a building which is already under way, at an expense of more than a hundred thousand dollars; and they ask the State to contribute only this small pittance of \$10,000 to help them along in their good work. There is hardly a business man in our section who has not been willing—a business man doing a considerable amount of business—who has not been willing and glad to contribute for this institution; and I hope the amendment will not pass; but that we grant these Sisters of Charity what they ask for. They receive no pay for their services. All they get from this, is the plain and modest garments they wear and the food that they consume. I ask the senators to stand by me on this resolve; and if there is to be any cut down in appropriations for expenses of this State, let it be general—a general cut down of all appropriations. I have served, during this session on several

committees appropriating large amount of money; and I can conceive that there might be some economy in cutting down some of these appropriations asked for; but this institution, it seems to me, is so worthy, that this Senate would not wish to place itself on record as turning this institution down, simply because it happens to be a Catholic institution. It is all they ask for, in this whole State of Maine, this small pittance of \$10,000, and I hope the senators will not accept the amendment; but stand by the resolve as originally drawn.

Mr. MCFADDEN of Lincoln: I repudiate the insinuation which the senator makes that I have been moved by any spirit of antagonism to Catholicism: Sir, there is no man in this Senate who is freer from religious prejudice than your humble servant; and I beg leave to correct him on another point. This is not the only appropriation which the denomination is asking for. I refer him to House Document No. 148, which asks for an appropriation of \$4000; and I think there is somewhere an appropriation for one or more Catholic institutions in Portland. I have no objection to the Catholics having their fair share of the appropriations; and I fully concur with all that has been said as to the merits of this and the other institutions which they maintain. I think they are just as good in their line of work as the similar institutions maintained by Protestants. It seemed to me simply a question of our ability under our financial condition; and when we give them \$10,000 I think they might, perhaps, wait for the other ten thousand. My amendment leaves them \$10,000.

Mr. PRINCE of Oxford: I want to ask the senator from Androscoggin, if no other religious organizations has asked for any appropriation?

Mr. Fernald of Androscoggin: I presume they have.

Mr. PRINCE of Oxford: I understand the whole State supports the Maine General Hospital and the other hospitals. I do not understand that any other religious denomination has come forward here and asked for any appropriation, especially for one of its own institutions. It seems to me that

this appropriation of \$10,000 in the first section of this bill is sufficient.

Mr. FERNALD of Androscoggin: I wish to correct my answer to the senator. Nearly every one of these academy appropriations is under the direction of some religious institution, calling for sums of a very large and extravagant amount, ranging way up into the thousands of dollars.

Mr. MCFADDEN of Lincoln: The academies are almost all provided for by the general bill, I think, Mr. President; and there is no denomination known or signified in that general bill.

Mr. PLUMMER of Penobscot: I wish to correct my friend from Androscoggin in regard to the academies. A very large majority of the academies provided for under the general bill are not sectarian in any sense. There are two or three, perhaps four general schools, seminaries, which are under the direction and are principally supported by denominations, that may come in under that general bill, not because they are sectarian, but because they complied with all the conditions and requirements of the bill.

Mr. BURNS of Cumberland: Mr. President, the first ten thousand that is provided for in this bill is for the running expenses of the hospital. The second \$10,000 is not to be applied until 1902, when the hospital is completed; and this is the only sum that this institution has ever received for building purposes. The Central Maine hospital in Lewiston I think has received some \$45,000 from the State for building purposes. The Bangor hospital has also been very liberally treated, and this hospital, while it would be under the direction of the Catholic sisters, is open to every citizen of the State of Maine, regardless of his nationality, his politics or his religion; and I believe that no money that has been appropriated or asked for at this session will be better used than for this purpose; and I hope the amendment of the senator from Lincoln will not prevail.

Mr. MCFADDEN of Lincoln: It is not a peculiar virtue that this institution takes in patients of any denomination. I wonder if there is any hospital in the State of Maine that does

not do the same thing. Do any of the Protestant hospitals—if I may call them such—that is the General Hospital and the Eastern Maine, do they have any provision to shut out Catholics? Why, of course not. It is absurd to talk about that as a virtue.

Mr. BURNS of Cumberland: The other hospitals, with the exception of the Augusta hospital, have received money from the State for building purposes. This institution has not received a dollar for that purpose.

Mr. BRYANT of Somerset: I was about to state in substance, what the senator from Cumberland has, but in our examination of hospitals in the finance committee, it seemed to me we came to this conclusion, that this was one of the most meritorious hospitals in the State of Maine. It was urged by some that this property was largely owned and controlled by people in France. But I do not think there is any probability that they will ever move the property to France.

The question being put upon the motion of Mr. McFadden to amend, the motion was lost, and on motion of Mr. Fernald of Androscoggin, the resolve took its second reading and was passed to be engrossed.

On motion of Mr. Plummer of Penobscot, Senate document No. 82, communication of the superintendent of schools relating to the condition and amount of school funds, was taken from the table, and on further motion of that senator the same was referred to the committee on education.

On motion by Mr. Staples of Knox, House document No. 147, resolve in favor of the Young Woman's Home at Lewiston, was taken from the table.

Mr. STAPLES of Knox: This matter was placed on the table by me the other day for the purpose of examining into it and seeing whether it was meritorious or not. I must confess after the examination I have made that I think it is very meritorious; and from my standpoint I shall make no motion in the matter. I am glad when I look around and see so many of the fair ladies present that I have taken that position, because, under the circumstances, if I wanted to say anything against the bill I should not dare to.

I therefore will take it from the table, and let those who have it in charge do what they please with it.

Mr. PLUMMER of Penobscot: Mr. President, I am very glad that the result of the senator's investigation and examination of this matter is what it is. It precludes the necessity on my part of making any statement in regard to the merits of this appropriation. This is one of the appropriations which appeals most strongly to me of any that we are called upon to make, and I move that the bill now receive its second reading and pass to be engrossed.

The motion prevailed and the bill was passed to be engrossed.

On motion of Mr. Staples of Knox, House bill 148, resolve in favor of the Society of the Sisters of Charity for the use of the Healy Asylum at Lewiston Me., was taken from the table.

Mr. STAPLES of Knox: I have no doubt, Mr. President, that this bill is a deserving one, and if we are able, I should have no objection to it. From my standpoint, I do not propose in this matter to make any motion. The Senate well understands my position, and in that I must be consistent. Therefore, I take it from the table and leave those who have it in charge to make such disposition of it as in the wisdom of the Senate may be thought proper.

Mr. FERNALD of Androscoggin: Mr. President, I regret exceedingly to take so much of the valuable time of the Senate. The principal aim of this institution is to provide a home for homeless boys—young boys under the age of 15 years. They have erected an institution there at an expense of about \$70,000, and have been receiving \$15,000 a year from the State in aid. The institution has been a growing one like all of our State institutions, until they have a large number of boys there; and I move you, sir, that this bill take its second reading and pass to be engrossed.

The motion prevailed and the bill took its second reading and was passed to be engrossed.

House Document, No. 79, an act to provide in part for the expenditures of government for the year 1901.

The motion to recommit this bill came up today, by special assignment.

Mr. BURNS of Cumberland: Mr. President, inasmuch as nearly every item in House Document, No. 79, is provided for by Statute or by contract; and furthermore, that this bill, after being carefully considered by the finance committee, voted unanimously that it ought to pass, I think that it requires very little defense from me. I will, however take up a few points touched upon by the senator from Knox.

One of the first items that I have marked, on page 3, is the expenses of the insurance commissioner, \$1200. After looking over the books carefully, there, I find that this \$1200 is used to pay clerk hire, postage, telegraph, telephone and other incidental expenses. It seemed to me that there was nothing exorbitant in the charge. This is entirely independent of the money that is now apportioned for the investigation of fires.

On page 4, we find the sum of \$3500 referred to, to the bureau of industrial and labor statistics. This is provided for by statute, so that no further reference need be made to that.

The State Board of Health was also referred to calling for an appropriation of \$5000. The committee on finance have carefully investigated this department, and we find that this department is very efficiently and economically managed. We could see no chance for any less amount to be appropriated for that department, with justice to it. We wish that all the departments of the State were as economically and as well managed as this.

On the same page, we find \$2500 for the use of trustee. This is an addition of \$1000 over the amount appropriated in past years, this is owing to the second hospital being established at Bangor, which will require, of course, much more time, and much more travel than one hospital; so that we think that that amount cannot be reduced.

On page 4 we find an increase of \$6000 for the insane beneficiaries. Inasmuch as this is owing to the increased number of patients and the amount

paid for each is fixed by law, I see no chance for a change there.

Now, turning to page 5, we find, water for State prison, also for the lights of the State prison, criticised by the senator from Knox. These are fixed by contract, so that really the finance committee has nothing to do with that, or the members of the Legislature until the contract expires.

On page 6 we find a matter of \$407.50 from the board of agriculture. This is also fixed by statute, as well as the thousand dollars, so that I need not refer further to that.

On page 6, \$20,000 for the University of Maine. As this resolve carried this appropriation for a period of 10 years, and several years are yet to run, unless that law is repealed, of course there is nothing for us to do there. The University of Maine was endowed by the United States government by a grant of land, which, if it had been properly cared for, the institution need not call for any money from the State. That land would today be worth one or two million dollars. It was disposed of by the State for \$110,000. Now if the State will allow its funds to be squandered, I believe it is morally bound to help the institution at this time.

On the same page, page 6, I find the sum of \$35,000 for printing. This is also fixed by law. If we wish to reduce the expenses of printing, that can be done by reducing the size of the volumes from the several departments, and by having a smaller number. The heads of the departments regulate the size of the volume; and the Governor and Council regulate the number; so that the committee on finance have nothing to do with that. The senator from Knox recommended that the State printing be done by bids, by contract. This was the method of doing the State printing prior to 1895. During the session of 1895 a committee spent a great deal of time on this subject. The old method was to advertise for bids throughout the State of Maine, having the several printers and binders put in bids. Then it was always deemed inexpedient to have the printing done outside the capital; and a law was passed this winter, electing a State printer; and the price was fixed; and as

I have said before the amount of printing depends upon the Governor and Council, and the heads of departments. If we lessen the amount of work done, of course we lessen the expense. By careful examination we found, I happened to be a member of the committee at that time, that the State of Maine was having its work, both for printing and binding, done cheaper than any state in New England, from which we were able to obtain information; and practical printers in the State admitted that the work was done at a reasonable rate.

Mr. PLUMMER of Penobscot: I would like to ask the chairman of the committee on finance if any investigation was made this year in regard to the reasonableness of prices paid under that contract for printing?

Mr. BURNS of Cumberland: I do not know that any investigation was made this winter. I do not imagine there has been any great change in the prices of printing in the last five years. The investigation of the special committee at that time showed the prices were reasonable, and were less than New Hampshire and other states in anything where we were getting similar work done.

Mr. PLUMMER of Penobscot: Is the senator aware that the prices of material have decreased since that contract was made?

Mr. BURNS of Cumberland: I think, in the last two years, the prices have increased very much; and these bills are all audited by Mr. Stephen Berry of Portland, who is a practical printer.

Mr. PLUMMER of Penobscot: I would like to ask the senator if it is his recollection that comparisons were made with any other states than New Hampshire?

Mr. BURNS of Cumberland: Yes, sir, there were comparisons made with several other states. We had a practical printer on our committee; and I don't know but we had Col. Prescott of the Governor's Council; and a very thorough investigation was made; and we found that the price paid by the State of Maine was lower than that of any other state that we received information from.

On page 6, we find \$2,263.22, deficiency on account of the Australian ballot. This was caused by two extra elections during the past year caused by the resignation of Hon. Thomas B. Reed and the death of Nelson Dingley. Two extra elections were required.

On page 6, the last item is \$7500 on account of cattle commission. This is a matter that the county commissioners have nothing to do with, except to obey the law. If a herd of cattle is supposed to be diseased, if they are called upon to inspect a herd, and if they find disease exists there, it is compulsory upon them to have the herd slaughtered, to appraise the value, and the State pays half the expense. So that that is something that is out of the province of our committee.

The last item that I have marked is \$2000 for the investigation of causes of fire. Now, the gentleman from Knox, inasmuch as he has attempted to have that repealed, and he knows with what result, I don't think it would be wise for us to recommend the repeal of that law. Of course, if any of the laws existing today are unwise, it is the province of any members of the Legislature to recommend a repeal; but if the contracts that the State already has are excessive, of course, when those contracts expire it should be the duty of those having them in charge to have contracts made that would be advantageous to the State; and, Mr. President, I hope that the motion to recommit to our committee will not prevail.

Mr. STAPLES of Knox: I would like to ask the senator a question. Did you understand me to say that this Legislature could have anything to do with the contracts already made by the Governor and Council for a term of years? Did you understand me to say so?

Mr. BURNS of Cumberland: No sir, I did not.

Mr. WEEKS of Somerset: I would like to ask the senator from Cumberland a question, if he will permit. I would like to ask the senator from Cumberland, what would be the effect if the Legislature refuses to make these specific appropriations—for instance, to make a specific appropriation for the cattle commission, or to

make a specific appropriation for the State College? I have strong convictions on some of these matters which the senator from Knox presented yesterday; but what would be the practical effect, if we should cut down \$15,000 or \$20,000 of an appropriation for the State printing. If the senator from Knox would devise some scheme for increasing the revenue, for instance for taxing our speeches, he and I would pay a large portion of the tax to be paid by the senators.

Mr. STAPLES of Knox: A large revenue.

Mr. BURNS of Cumberland: I understand that there would be a deficiency and a future Legislature would have to provide for that deficiency.

Mr. WEEKS of Somerset: Now, supposing, and I want to understand this, I am sure I do not at present. Suppose that an appropriation is refused to the commissioner of labor, whom the senator from Knox, informs us never labored—Now, supposing that the appropriation for his salary is cut out of the appropriation bill, what would be the practical result?

Mr. BURNS of Cumberland: Mr. President, that would be a legal point which I think the senator from Somerset, could answer better than I.

Mr. WEEKS of Somerset: I thought it was a financial point. I am inclined to think the commissioner of labor would regard it as a financial point, too.

Mr. BRYANT of Somerset: Mr. President, sometimes I have thought, in hearing senators and others remarking that our appropriations should be cut down to the figures where they existed some years ago, that they do not sufficiently take into account the trend of expenditures in all departments. We expend more in our families than our fathers and grandfathers used to. The working men in my town have better houses today, and are building better houses than our most wealthy citizens lived in 25 years ago. Family expenses are increasing; and when we take it in towns, we have electric light, water works, sewers, fire companies, better sidewalks, better roads than we used to. We cannot have these things without spending money for them, they do

not come without a revenue. It is an old saying that "the schoolmaster is abroad." Medical science tells us also that the microbe is aboard, seeking whom he may devour. Consequently we have to have better sanitary regulations, and these we have to pay for in our towns—better school houses. Many of them that we have now are palaces besides what I attended in my early days. We have heard of the little red schoolhouse a great deal; but as to the one I attended, they were not able even to paint it red. It had to go without paint; and I remember it used to be so cold in winter that it would be 100 degrees above zero near the stove, almost hot enough to blister one, while, in the back part of the house, it was at freezing point. The benches were all the same height, regardless of whether the little urchin of four weeks, was seated upon them or the young man of 21. I remember one gentleman who went to school there has been accused in late years of laziness; and his excuse for it is as he says, that in sitting on those benches in the early days, and swinging his legs like a pendulum, he got so weary, it made constitutional weariness that has affected him ever since. Now it might seem economy to keep that school house in that way, and it might be economy in results to that man to have it fixed up in better shape. It seems to me that the same conditions prevail, not only in the family, town and county, but in the State. New departments, new commissions have been instituted. We have had an increase of the hospitals of the State. We have another insane hospital at Bangor. All of these things require extra expenditure, and when we talk of keeping the expenditures of this State down to what they were some years ago, I believe it to be an impossibility. In fact, I do not believe it to be desirable, for I believe it would be a signal a sign for retrogression. So far as the bill is concerned, I think the chairman of our committee, the senator from Cumberland, has covered it very well. In regard to the State board of health, I will say in addition to what he said, that the printing for that department is done out of that \$5000, and in the

reference lines of the blanks and circulars which they issue from that department, you will find 71 different forms, the list of which I have here; and if the senator from Knox will turn to House document No. 131 he will find an itemized account of all the expenditures of that department. It contains, first, consecutive lists of bills; and secondly, the same bills distributed under the different headings. I will say that the committee were of the opinion that that was one of the best managed departments of our State.

In regard to the \$74,000 paid for insane beneficiaries, I think the senator from Knox was under a misapprehension that that only included one hospital. The finance committee understand it to include both, one at Augusta and one at Bangor; and you will notice the next item under it is deficiencies in that very account of nearly \$6000, so we thought it was no use to cut that down to \$68,000 for a deficiency next year of \$6000. Of course these existing contracts we cannot touch at present, but I believe there is a great deal of force in what the gentleman from Knox said yesterday. I know a case in point where the trustees of the Reform School get less than \$1300 for lighting that institution. The State decided to put in a plant of its own; and then a company came up and offered to light it for \$600—less than one-half; and I have no doubt, when those contracts expire, better terms can be secured.

In regard to the printing. It really cost the State about \$50,000 last year. Your committee thought if it could be cut down to the regular appropriation of \$35,000 that that would be doing quite well; and I would say now, the finance committee have under consideration as to the State printing, whether any of the documents can be reduced in size, or a less number printed, it would be, of course, in the matter of a recommendation.

As to the increase in the State cattle commission, you will see there is a deficiency there; and I understand that that money is now owing to the people who have had animals killed and who have not yet got their pay; and to my knowledge, one of the cattle

commissioners has paid money out of his own pocket to poor people and is waiting for the State to reimburse him.

Now, I presume that none of the finance committee are so conceited as to feel that this bill cannot be improved. I am sure we did not have, perhaps, the proper time to consider every item, but it seems to me that, if any of the items need shaving down or blotting out, that it can be very easily done here, without recommitting to the finance committee.

Mr. STAPLES of Knox: I would like to ask the senator a question—if he recognizes any constitutional limit to our indebtedness in the State?

Mr. BRYANT of Somerset: I do, Mr. President; and as I am not a lawyer, I would prefer that lawyers discuss that question. I do not want it understood from what I said that I am not in favor of retrenchment and economy. I believe that is right, but I believe there is a mean between great liberality and parsimony.

Mr. STAPLES of Knox: Let me ask the senator another question. If we are up to our constitutional limit, would you then be in favor of all these appropriations that you now speak of?

Mr. BRYANT of Somerset: I have not said, to my knowledge, that I was in favor of every appropriation upon this bill. There may be some that might be cut out. I will say, for one, that as a member of that committee I did not have the time, and I do not believe anyone had the time, with our other work, to examine every item there, and there might be some that perhaps, as I said, could be reduced. There is one there relating to the stenographer to the chief justice—I know nothing about it. It seems to me that lawyers ought to know whether that item could be stricken out. I know nothing about the work of the chief justice.

Mr. STAPLES of Knox: I am not going to discuss this matter over again. I discussed it fully yesterday, and I only rise now to say and to answer a question that the senator from Somerset asked the senator from Cumberland, as to what would be the result, supposing we did not abolish an office, but did not make any appropriation—

for illustration, supposing that you did not abolish the State board of agriculture, including the secretary's office, and supposing you did not make any appropriation for that purpose, what will be the result? The result will be: You will not have to pay the amount of money that you are paying. All you would lose is the great and valuable services of this present board of agriculture; and it is for you to say whether that would be beneficial. As far as future Legislatures having to make it up is concerned, there can be no question that they would not.

Mr. WEEKS of Somerset: I would like to ask the senator from Knox, a question. Supposing you abolish the board of agriculture, would you not substitute something in its place that would require an equally large appropriation?

Mr. STAPLES of Knox: Mr. President and gentlemen, the present appropriation bill does not show to this Legislature, as yet, it has been kept back, as I understand, the expense of the secretary of the board of agriculture. If I am not correct, some senator will correct me. My idea of that matter was that, in view of what we have heard here this winter, that a commissioner of agriculture be appointed who shall have full power of everything; and I believe you can save, by that, more than \$8000 of the appropriations that have been made for the State board of agriculture for the last four years.

Mr. WEEKS of Somerset: Mr. President, I believe in fair play. I introduced the order for the investigation into the affairs of the secretary of the board agriculture. I do not intend, by the way to discuss this bill. I am not very capable of it, figures bother me a great deal; but we are proposing to try, upon the report of the committee of agriculture, the secretary of the board of agriculture, we are to determine this question upon the evidence that has been adduced. Now, I am not a farmer. I am something of a gardener, with all my other good qualities, this, by the way, is no allusion to the Camden water case. (Laughter and applause). It seems to me, although I have some firm convictions upon the

method pursued by the board agriculture, that that case should be tried fairly, honestly and deliberately in this chamber when the evidence is presented to us; and I think it unfair, both to the board of Agriculture, and to Secretary McKeen, that the senator from Knox, should undertake to prejudice this Senate to prejudge this case, before the evidence gets in.

Mr. PLUMMER of Penobscot: Mr. President, I would like to ask my friend, the senator from Knox, a question. Suppose this Legislature adjourns without repealing the law creating the board of agriculture, and providing for its secretary and his remuneration, and that it also adjourns without making any appropriation to meet the requirements of that law, and the secretary of the board of agriculture and the board of agriculture go right on under the law, doing their duty, performing service to the State, is there any way they could get their pay. What would be the result?

Mr. STAPLES of Knox: I should say, as a legal proposition, Mr. President that they could not get their pay.

Mr. PLUMMER of Penobscot: I should say, as a matter of practice in the Congress of the United States, and under the government of the United States, that, unless the law were repealed, and they went on doing their service, they would have a claim against the State, in the case of the general government, an officer doing that has a claim against the State, which he can enforce in the court of claims; and I have no doubt the judiciary of our State would provide such a tribunal in which such claim against the State for services performed under the law, could be paid.

Mr. STAPLES of Knox: Mr. President, I should expect if an appropriation for an office in this State was abolished, and the law creating that office was not abolished, that it would be constructive notice to whoever held that office under those circumstances that his services were not wanted, and therefore, for that reason, he could not collect his pay in any court of law in this State. I should furthermore expect, as to any office that you may have in the State, that if there is no

appropriations made for that office, and the office not abolished, I should expect the Governor and Council to notify the incumbent to that effect; and if that man had notice, and kept on doing business or not doing business, and came in and asked for his pay, that there would be no law upon our statute books, or in common law by which he could recover his pay. Let me say one word more while on my feet. The senator from Somerset, says that they did not have time to investigate this matter fully, that they were not lawyers, and my motion was based on the very reason that they did not have time, and that is the very reason why I ask this to be recommitted.

In answer to the senator from Cumberland, he recollects that I said yesterday, that no contract that was made by the Governor and Council with parties can be affected by this Legislature. We cannot meddle with them, no matter how atrocious and unjust they may be. We have got to submit to it until that contract expires. To epitomize, if I am correct in my estimates, if I am correct in my position, we have got to do something. If I am correct in my position, we are already up to our debt limit by the constitution of the State of Maine. However worthy may be the objects that come before us. However much we would be willing, under different circumstances to contribute to this thing and that thing, I say, Mr. President, and gentlemen, that if you are up to the constitutional limit, and you are beyond, I know, for more than \$60,000, you have got to cut down the expenditures somewhere, whether it is the agricultural bureau, the insurance commissioner, or whether it is the \$20,000 for the Orono College.

The thing stares us fully in the face—we cannot escape it. We cannot let our sympathies take the place of our duty, because there it is in black and white, in figures that cannot lie; and I know that I only voice the sentiment of the Governor of this State when I say we have got to cut down these expenses. I make no point against any one department. I only ask you, with me, to vie in determining what the State can get along the best without, and by so doing keep down the ex-

penses within the constitutional limit, for I know that no bill, if it is passed by this Legislature, will run the gauntlet of the Governor of the State of Maine if we exceed the amount of revenue that we are told this State will have for the next two years. I have said all I wish to say. It can do no hurt. I think that when the senators go before the finance committee and recommend what shall be lopped off here and what shall be lopped off there, there can be no error in recommending it to the finance committee. Then, if we can find no way the matter will come back here. I for one believe it would be good policy. I believe the finance committee, with the aid of this Legislature, can advise some means to cut down the expenses from the appalling rate that now stand before us.

Mr. McFADDEN of Lincoln: Mr. President, I felt very much encouraged yesterday, in listening to the gentleman from Knox, when, with his usual eloquence, he portrayed to us the situation which we all knew before, and yet we felt it more plainly after his elucidation. This morning, it seems to me, we are getting into the position of many temperance people in the State who are in favor of the prohibitory law, but not in favor of its enforcement. We believe in economy, but we do not believe in practicing economy. Now I admit the force of much that has been said by the members of the finance committee who have spoken to us this morning, as to the difficulty of getting around the appropriation already made in law, but we go on this morning and make further appropriations, and when I offered an amendment to cut down one of these appropriations it was supported by a very faint "Yea" and condemned by a very emphatic "No." I do not know, therefore, where we shall get a reform, or where the spirit of expenditure is to be checked, if we cannot strike out anything out of this general appropriation bill on the ground that it is already covered by law; and if we go on as we have this morning in covering new appropriations by law so that the same argument will apply to the second general appropriation bill, which is coming in later, we shall swell the

excess above our constitutional limit of indebtedness, which the senator says is now \$60,000, far above that sum. The senator from Somerset spoke about the desirability of living better and of increasing our expenditures; and that carries with it the alternative proposition; if we increase our expenditures, we must increase our tax; and the question is whether we will stop the expenditures or keep them down, or whether we will increase the taxation. If one goes up, the other must. We cannot put out a dollar from the State treasury except what we have first gathered into the State treasury from the people of this State. That point seems to be lost sight of. Every appropriation we make carries with it the grasp of the tax collector; and it is time we called a halt. We listened to such talk as the senator from Knox made to us yesterday, and it seemed good; and after adjournment, yesterday, everybody was in favor of it—everybody praised his effort, and said it was in the right line; and we must do it, and this morning we must not do it—must not do anything—must not amend an appropriation bill that we are passing—must not strike an item from this general appropriation bill. What a comical situation! Is it not? I do not believe it will do any harm, Mr. President, to resubmit this bill to the committee on finance.

The PRESIDENT: Is the Senate ready for the question? The question is upon the motion of the senator from Knox that this matter be recommitted to the committee on finance.

Mr. WEEKS of Somerset: I move that the Senate now adjourn, leaving this matter an unfinished business.

Voted to adjourn.