

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Seventy-First Legislature

OF THE

STATE OF MAINE.

1903.

SENATE.

Thursday, March 12, 1903.

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

Prayer by the Rev. Mr. White of Hallowell.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

Bill, An Act to incorporate the Peaks Island Water and Light Company, came from the House referred by that branch to the committee on judiciary. On motion by Mr. Manley of Kennebec the bill was laid on the table.

On motion by Mr. Randall of Cumberland, bill, An Act in favor of abating a part of the State tax of the town of Bowdoinham for the years 1903 and 1904 was recommitted to the committee on taxation.

Read and Assigned.

An Act to enable cities and towns to establish permanent fuel yards.

An Act to regulate the taking of fish in Frenchman's Bay.

On motion by Mr. Goodwin of Somerset, bill, An Act to enlarge the powers of Carrabasset Stock Farm was laid on the table, pending assignment for second reading.

An Act to authorize the town of Fort Fairfield to make a loan.

An Act to amend Section 6, Chapter 267 of the Public Laws of 1893 entitled "An Act to provide for printing of ballots at the public expense and to regulate voting at State and city elections. On motion by Mr. Philbrook of Oxford, this bill was laid on the table.

An Act relating to the jurisdiction of the Municipal Court of the city of Auburn.

An Act in aid of soldiers of the Aroostook war.

An Act to amend Chapter 89 of the Public Laws of 1899 relating to the schooling of children in unorganized townships.

The following bills, petitions, etc., were presented and referred:

Judiciary.

By Mr. Burleigh of Aroostook: Bill, An Act relating to trespassers.

Interior Waters.

By Mr. Stetson of Penobscot: An Act to supply the people of Bangor with pure drinking water.

Military Affairs.

By Mr. Hyde of Sagadahoc: An Act in relation to Bath Military and Naval Orphan Asylum.

Orders.

By Mr. Morrison of York: Ordered, the House concurring, that the governor and council cause to be compiled, in convenient form, the inland fish and game laws, public, private and special, including all such laws passed by this Legislature, and that ten thousand copies be printed for general distribution, and the governor is authorized to draw his warrant for the payment for the same on the amount appropriated for the purpose of operating the fish hatcheries and feeding stations for fish and for the protection of fish.

By Mr. Dudley of Aroostook: Ordered, That two hundred dollars additional to the amount already ordered be paid to the official reporter of the Senate. Referred to the committee on appropriations and financial affairs.

By Mr. Burleigh of Aroostook: Ordered, that when the Senate adjourns, it adjourns to meet tomorrow morning at nine o'clock.

By Mr. Gardner of Penobscot: Ordered, that the use of the Senate Chamber be granted to the committee on interior waters for a public hearing this afternoon.

Reports of Committees.

Mr. Guernsey, for the Committee on Judiciary, on Bill, An Act to amend Chapter 46 of the Revised Statutes of 1883, relating to the duties of treasurers of corporations, reported ought not to pass. Report accepted.

Mr. Titcomb, for the Committee on Banks and Banking, on Bill, An Act to incorporate the Kennebec Trust Company, reported same ought not to pass. Report accepted.

Mr. Guernsey, for the Committee on Judiciary, on Bill, An Act to amend Chapter 143 of the Private and Special Laws of 1887, entitled "An Act to incorporate the Cumberland Illuminat-

ing Company, reported ought to pass. Report accepted. Bill tabled for printing under the joint rules.

The same Senator for the same committee, on Bill, An Act to provide for the preservation of town records of births, marriages and deaths, previous to the year 1902, reported same in new draft under same title, and that it ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Wing, for the Committee on Judiciary, on Bill, An Act to amend Chapter 86 of the Revised Statutes relating to trustee process, reported same in new draft, under same title, and that it ought to pass. Report accepted. Bill tabled for printing under the joint rules.

The same Senator, for the same committee, on Bill, An Act relating to the discharge of debtors in cases now pending in insolvency courts, reported same in new draft, under same title, and that it ought to pass. Report accepted. Bill tabled for printing under the joint rules.

The same Senator for the same committee, on Bill, An Act to amend an act entitled "An Act to regulate the admission to practice of attorneys, solicitors and counsellors, and providing for a board of examiners, and to repeal conflicting acts," approved March 17, 1899, reported same in new draft, under same title, and that it ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Titcomb for the Committee on Banks and Banking, on Bill, An Act to incorporate the Rangeley Trust Company, reported same ought to pass. Report accepted. Bill tabled for printing under the joint rules.

The same Senator, for the same committee, on Bill, An Act to renew and extend the charter of the Boothbay Harbor Banking Company, reported ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Maddocks, for the Committee on Interior Waters, on Bill, An Act to provide for the appointment of a commission to investigate the causes of overflow of rivers and water courses, and storage of water and to make

recommendations for preventing floods and for storing of water and making appropriations therefor, reported ought to pass. Report accepted. Bill referred under rule 18 to Committee on Appropriations and Financial Affairs.

Mr. Burleigh, for the Committee on Interior Waters, on Bill, An Act to incorporate the West Branch Driving and Reservoir Dam Company, reported same in new draft, under same title, and that it ought to pass. Report accepted. Bill tabled for printing under the joint rules.

The same Senator, for the same committee on Bill, An Act to amend Chapter 407 of the Private and Special Laws of 1846, entitled "An Act to incorporate the Penobscot Log Driving Company, reported same in new draft under same title, and that it ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Manley, for the Committee on Public Buildings and Grounds, on Resolve for an appropriation for the preservation of the remains of Fort William Henry, now the property of the State of Maine, reported same ought to pass. Report accepted. Referred under rule 18 to the Committee on Appropriations and Financial Affairs.

Mr. Maddocks, for the Committee on Ways and Bridges, on Resolve in favor of the town of Mariaville, reported same in new draft under same title, and that it ought to pass. Report accepted. Referred to the Committee on Appropriations and Financial Affairs, under rule 18.

Mr. Stetson, for the Committee on Inland Fisheries and Game, on petition of F. A. Alden and thirty-five others of Union, relating to throwing of sawdust into certain streams, reported Bill, An Act to prevent the throwing of sawdust and other mill waste into all tributaries of Seven Tree pond and Crawford pond in Union and Warren, and that it ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Staples, for the same committee, on petition of John F. Dearborn and 48 others of Woodstock and West Paris, for permanent close time on

streams emptying into Indian, South and Twitchell ponds, and on Indian pond for three years, reported bill under title of An Act to create a close time on the tributaries to Indian, South and Twitchell ponds, and on Indian pond in Greenwood, and the tributaries to Bryant pond in Woodstock in the county of Oxford, and that it ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Buck, for the committee on Maine State prison, on Maine State prison report, report accompanying resolve in favor of Maine State prison. Report accepted. Resolve referred under rule 18 to committee on appropriations and financial affairs.

Mr. Gardner, for the committee on taxation, on bill, An Act to amend Chapter 286 of the Public Laws of 1901, relating to taxation of interest bearing deposits in trust and banking companies, reported same ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Burns, for the committee on appropriations and financial affairs, on bill, An Act in aid of the soldiers of the Aroostook war, reported same ought to pass. Report accepted. Bill read and assigned.

Mr. Rankin, for the committee on appropriations and financial affairs, on bill An Act to amend Chapter 89 of the Public Laws of 1899, relating to the schooling of children in unorganized townships, reported same ought to pass. Report accepted. Bill read and assigned.

Mr. Philbrook, for the committee on towns, on bill, An Act to repeal Chapter 25 of the Private and Special Laws of 1903, entitled An Act to incorporate the city of Camden, reported same ought not to pass. Report accepted.

Mr. Pierce for the committee on education, on resolve in favor of the Castine State Normal School, reported same in new draft under same title, and that it ought to pass. Report accepted. Resolve referred to the committee on appropriations and financial affairs, under the joint rules.

Passed to Be Engrossed.

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

An Act to make valid certain proceedings of the assessors of Norway for the year 1902.

An Act to amend an act entitled "An Act to incorporate the city of Old Town."

An Act to authorize the Kennebunk Light Company to issue bonds.

An Act in regard to the compensation of town officers.

An Act in relation to judges of municipal courts.

An Act to amend the charter of the city of Calais relating to ward and district lines.

An Act to amend Section 1 of Chapter 30 of the Revised Statutes, as amended by Chapter 115 of the Public Laws of 1895 and Sections 3 and 4 of Chapter 30 of the Revised Statutes, in relation to dogs.

An Act to amend Section 2 of Chapter 93 of the Public Laws of 1899, fixing the salary of the county commissioners of Kennebec county.

An Act to prohibit the use of purse and drag seines in the waters of Sargentville harbor, known as Billings cove.

An Act to authorize the Carratunk Power Company to erect and maintain dams across the Carrabasset river in the towns of Anson and Embden.

An Act authorizing the county commissioners of Cumberland county to erect a county building in Portland.

An Act relating to proof of attested instruments.

An Act to incorporate the Searsport Water Company.

An Act to extend the charter of the Dexter Water Company.

An Act to incorporate the Pike Family Association.

An Act establishing the jurisdiction and term of office of women appointed to solemnize marriages, administer oaths and take acknowledgements of deeds.

An Act to prevent the throwing of sawdust and other mill waste into St. Georges river in the towns of Montville, Searsmont and Appleton.

An Act to change the name of Burnt Island in the town of North Haven to Scallop Island.

An Act to amend Section 98 of Chapter 82 of the Revised Statutes, relating to evidence.

An Act to extend the charter of the Hallowell Trust Company.

An Act to regulate the placing of permanent moorings in harbor.

An Act to amend Chapter 77 of the Public Laws of 1899, relating to giving mortgagees a lien for costs of foreclosing under Section 5 of Chapter 90 of the Revised Statutes.

An Act relating to the office of county commissioner.

An Act to regulate the employment of constable by the city council of the city of Portland.

An Act to incorporate the Boothbay Harbor Electric Light and Power Company.

An Act to extend the charter of the Union River Water Storage Company.

An act to authorize the Saint John Lumber Company to build piers and booms in the Saint John river in the town of Van Buren.

An Act to amend Section 16 of Chapter 263 of the Public Laws of 1899, relating to the militia.

An Act to incorporate the Wells Telephone Company.

An Act to amend Section 6 of Chapter 3 of the Public Laws of 1899, entitled "An Act to amend Section 6 of Chapter 156 of the Public Laws of 1895, entitled 'An Act to amend Section 6 of Chapter 35 of the Revised Statutes, relating to intelligence offices.'"

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

Resolve in favor of repairing elevator in State House.

Resolve in favor of the town of Prescott.

An Act amendatory of Section 2 of Chapter 287 of the Public Laws of 1893, as amended by Chapter 33 of the Public Laws of 1899, and Chapter 163 of the Public Laws of 1901, relating to the better protection of sheep.

Resolve in favor of the Women's Christian Temperance Union.

An Act to incorporate the St. John River Dam Company.

Resolve authorizing the land agent to sell certain public lots in E Plantation and Portage Lake Plantation in Aroostook county.

An Act to incorporate the Sanford Light and Power Company.

Resolve waiving a forfeiture in the public lot in the southeast quarter of Town Four, Hancock county, North division.

Resolve in favor of the Society of the Sisters of Charity for the use of the Healey Asylum at Lewiston.

Resolve in favor of Albert R. Buck, chairman of committee on Maine State prison.

An Act to incorporate the East Branch Improvement Company.

An Act to incorporate the Tamarack Club of Patten. This bill, introduced under suspension of the rules, by Mr. Gardner of Penobscot, on the motion of that senator took its several readings under suspension of the rules, and was passed to be engrossed.

Passed to be Enacted.

An Act to amend Chapter 42 of the Public Laws of 1899, relating to the taking of black bass in certain lakes in Kennebec and Somerset counties, also Sabattus Pond in Androscoggin county, as amended by Chapter 287, Public Laws of 1901.

An Act relating to the Young Women's Christian Association of Portland, Maine.

An Act to enlarge the powers of the Prouts' Neck Water Company.

An Act to extend the charter of the Winthrop Cold Spring Water Company.

An Act to authorize the Van Buren Water Company to increase its capital stock and bonds.

An Act to incorporate the Security Trust Company.

An Act relating to Gorham Academy.

An Act to authorize the town of Athens to remove the bodies of deceased persons.

An Act relating to the election and term of office of certain members of the board of assessors, board of overseers of the poor and female members.

On motion by Mr. Goodwin of Somerset, An Act to amend Section 15 of Chapter 51 of the Revised Statutes relating to recording locations of railroads, was laid on the table, pending its passage to be enacted.

Orders of the Day.

On motion by Mr. Wing of Androscoggin, the vote whereby An Act to amend Section 16 of Chapter 72 of the Revised Statutes, relating to suits on probate bonds, was passed to be engrossed, was reconsidered, and on further motion by the same senator, the bill was amended by the adoption of Senate amendment A, and as amended, the bill was passed to be engrossed.

On motion by Mr. Goodwin of Somerset, bill, An Act relating to the office of county commissioner was taken from the table. On further motion by the same senator, the bill was amended by the adoption of Senate amendment A, and Senate amendment B. On further motion by the same senator, the bill was recommitted to the committee on taxation.

Mr. Burleigh of Aroostook, moved that the vote whereby bill An Act to amend the charter of the Baskahegan Dam Company was passed to be enacted, be reconsidered. The motion was lost.

The minority report of the committee on ways and bridges, on, bill, An Act to provide for the ownership and maintenance of highway bridges, was taken up by special assignment. The pending question being upon the acceptance of the minority report, ought not to pass.

Mr. MADDOCKS of Lincoln: Mr. President. The bill now before the Senate is in some respects the most important measure which has been presented at this session. It involves a radical change in the long established policy of the State, on a subject which touches every person and every property interest within our borders. It is not to be hastily or sweepingly condemned on that account, nor even because, admittedly, we can not determine, in advance, the financial result, to a cent. Is the basic principle of this bill right? Is it equitable? Does it do substantial justice to all the communities of the State? Does it tend to equalize, even in a limited and imperfect degree, one of the public burdens which bear so heavily on the people of this State? Does it place one of these burdens on the whole wealth and resources of the

State rather than on some part of it, defined by arbitrary, geographical lines? If the bill works in this direction, if it is but one halting step toward the goal of equalization, it should not be refused a passage because some of details may not be as perfect as future experience may make them; nor because of a hidebound conservatism, which is not conservatism really, but timidity; nor should the selfish interests of some counties be allowed to defeat a measure for the general public welfare. Neither should the expense, which, as I hope to demonstrate, is, in this case, more apparent than real, be made the horizon of our vision.

It is stating a fact which has become trite, to say that the road and bridges, as a whole, in the State of Maine, are disgrace to a community which calls itself intelligent and progressive. They are a positive hindrance to the development of the State. It requires no argument to show that a good road is a positive and increasing benefit to every farmer, tradesman and manufacturer whom it serves. The towns and cities of Maine appropriate every year for roads and bridges not far from \$1,000,000 and it is probably safe to say that one-half of this sum is for more temporary repairs, patching up, expended without system, without any practical experience in road and bridge building and without well-directed purpose. This is one of the things which is keeping the State of Maine poor today, and is imposing a back-breaking tax rate on the agricultural and manufacturing interests of the State.

This bill now before the Senate has been drafted in the attempt to answer the requirements of a growing public sentiment in favor of the State and counties, in some proper proportion, assuming the care of the larger bridges. It is no more true now than ever, but it is more widely recognized now, that it is unfair, to require a single town to build and maintain, at large expense, a bridge which is often of as much or greater benefit to adjoining towns, as to itself; when the greater part of the travel often comes from other towns; when the bridge is but one link in a

great thoroughfare of travel. The burden is not placed on that town because it reaps the greater part, or even a proportional part, of the benefits accruing from the structure, but because the arbitrary, intangible and frequently-shifting boundaries of the town have thrown the structure solely within its limits, rather than upon the larger territory which it serves. Instances are familiar to every senator in which a town, of comparatively small population and valuation is staggering under this unjust and unjustifiable load.

To show some of the inequalities of the present system, let me call your attention to a part of the counties, showing the percentage which their valuation is of the whole State valuation, and the cost of the bridges within their borders to be taken over under this bill, to the whole cost of such bridges in the State, as returned to the State Assessors.

Let me say in passing that the tabulation made by the State Assessors is to some extent admittedly incomplete, and to that extent inaccurate, but it is approximately correct, and in respect to the cost of State bridges is very nearly correct, its inaccuracies fall like the rain, upon the just and the unjust, no one county can claim them all.

Aroostook county, with $5\frac{1}{2}$ per cent. of the State valuation has 7 per cent. of the bridges; Franklin with $2\frac{1}{2}$ per cent. of the valuation has 4 per cent. of the bridges; Somerset with $5\frac{1}{2}$ per cent. of valuation has 7 per cent. of bridges; Androscoggin with $8\frac{1}{2}$ per cent. of valuation has 11 per cent. of bridges; Oxford with $4\frac{1}{2}$ per cent. of valuation has 8 per cent. of bridges; Washington with $3\frac{1}{2}$ per cent. of valuation has 7 per cent. of bridges; and Penobscot, wealthy county as it is, with 10 per cent. of valuation has 14 per cent. of the bridges. On the other hand, Knox with 4 per cent. of the State valuation has but 1 per cent. of the bridges; Hancock with $4\frac{1}{2}$ per cent. of valuation has but 1 per cent. of bridges; York with 9 per cent. of valuation has 6 per cent. of bridges; and Cumberland with a little more than 21 per cent. of valuation has but 13 per cent. of bridges, a showing which

fully demonstrates the inequity of the present system.

Now the theory of the bill is—that the expense of these large bridges should fall more broadly upon all the resources of the State; that these bridges being on expensive part of the public system of highways, should be built and supported in larger degree by the commonwealth, and not by small sections of it. In working out this theory, many important elements had to be considered and disposed of—What limit of length should be adopted, what procedure was necessary, what date should be set for the actual passing of control, what proportion of the expense of maintenance should fall on the different interests, how new bridges should be built and paid for, how the municipalities should be paid for the steel bridges, if it is deemed desirable to pay for them, provision for apportionment of expense, liability for damage to persons and property, etc., etc. These details have been worked out in a way satisfactory to a majority of the committee, and will, I believe, upon reflection commend themselves to the members of this body and to the people of the State. I may say in this connection that the committee has no hard and fast program with reference to this bill. It does not insist upon the present form of any section of the bill if better provision can be made, in the judgment of the Legislature. It simply seeks to get the best means possible for accomplishing the result aimed at.

I wish now to consider some of the provisions of the bill more in detail, and state briefly the reasons which led the committee to adopt them. In the first place the 50-foot limit, in Section 1. Of course this is a purely arbitrary limitation. We know that some bridges of 30 or 40 feet, by reason of their situation, are more expensive to build and maintain than others of 50 feet. On the other hand the cost of building bridges of more than about 50 feet is in a constantly increasing ratio to the length of the bridge. For this reason the committee decided upon 50 feet as the limit. Considering the preliminary work to be done by the county commissioners, June 1 next, seemed as early a date as was practicable to fix for pass-

ing control to the counties. The designation of such bridges as are thus taken over is obviously for the benefit of the traveller, and removes any doubt, in case of accident, as to the liability of the town or county.

With regard to payment for steel bridges, it seemed fair to the committee to make this provision for the reason that the steel bridges, are for the most part the larger and, consequently, the more expensive ones. There are 157 steel bridges which come within the requirements of the bill, representing a cost of \$1,310,188, or an average of nearly \$8300. Many of the towns have not finished paying for these bridges, and it seemed unfair to require such towns to contribute, as they would do indirectly, to the erection of new bridges in other towns, while receiving no rebate on their own. Furthermore, of the wooden bridges which would be taken over under this act, less than half are in good repair, while the steel bridges, built, for the most part, within the last 15 years, are almost without exception in good condition. These are the only reasons for making a discrimination between the two classes of bridges, and I am aware that much may be said against the idea. The argument of expense, however, is not important, as I hope to demonstrate later. But if the Legislature should see fit to strike out this feature of the bill, it would meet with no objection from me.

The item of repairs is to be borne equally by the county or counties, in which the bridge is located, and the State. While, as matter of law, the county and State would probably succeed to all existing rights of towns under any agreement with any person, firm or corporation touching the maintenance of any bridge, a specific provision to that effect has been inserted.

Section 4 is practically taken from the present highway law. Section 5 establishes the procedure in the construction of new bridges. It makes the county commissioners, in the first instance, the judges of the necessity of such a bridge, with the right of appeal by the petitioners, in the event of an adverse decision by the commissioners, to a committee of the Executive Coun-

cil, whose decision on that proposition is final.

The appeal is taken to the Council rather than to the court for various reasons; it is probably more expeditious, less expensive, and with a result equally satisfactory. But even if the Council should overrule the county commissioners, the interests of the town are completely within the control of the citizens of the town, for until the town shall have raised and paid to the county commissioners one-third of the cost, as determined by them, construction cannot begin. These provisions absolutely safeguard all the interests concerned. There is no chance for log-rolling, either on the original question of necessity, or the later one of cost. The county commissioners have no incentive to build a more expensive bridge than is necessary, for every dollar from the town and the State, not two dollars for one, from either of them. Both the county and the State may have an opportunity to pass on the preliminary question of necessity, and all must wait upon the action of the town in legally raising the money.

The provision in Section 5 as to apportionment of payments is to obviate a difficulty which has often arisen as to what method or what valuation should control.

The first part of Section 6 is based on the present highway law. The latter part is almost identical with Section 5, with such changes as were necessary to make its provisions apply to two or more counties.

The first paragraph of Section 7 is taken from the Bangor and Brewer Bridge Act of two years ago. The remaining paragraphs of this section are self explanatory. Questions having sometimes arisen as to the power of toll bridge companies to sell their property and franchises, in the absence of express authority in their charters, such authority is explicitly given. No question can arise as to the taking of private property without due process of law, or, specifically, without a trial by jury, inasmuch as the court has recently declared that it is competent for the Legislature to select or create a disinterested tribunal to assess the damages.

Section 8 is intended to provide for the prompt rebuilding of any bridge destroyed by casualty, thereby avoiding the longer interruption of travel which might result if it had to await action by the town. Section 9 makes the municipal officers liable for the repairs of any sudden defect, when it might be impossible for the county commissioners, by reason of absence, or for any other cause, to act promptly. By holding the towns responsible for the neglect of the municipal officers in this respect, we believe prompt and efficient service is secured.

Section 10 is practically the present highway damage statute, with such minor changes as were made necessary by substituting county commissioners, or clerk of courts, who is also the clerk of that body. A limit of \$5000 is fixed for loss of life. Suit may be brought in an adjoining county at the election of the plaintiff. The object of this provision is, of course, to secure a jury not interested financially in its verdict.

The object of Section 11 is to fix a limit within which the State shall pay its part of purchase and construction money, and, if the counties are paying interest upon money used by them for the same purpose, the State shall pay the counties interest on its installments at the same rate.

Section 12 is taken from the State road law of two years ago, except the provision for the disposition of unexpended balances. Section 13 gives authority to the counties to make loans for purchase and construction. Repairs must be met by taxation each year.

So much for the frame of the bill. Now as to the cost of putting it into execution. First: payment for existing bridges. The cost of the iron and steel bridges, as reported to the State assessors, is \$1,310,188. This must represent nearly their present value, as by far the greater part of them are comparatively new, and the annual depreciation is not large. This sum, after deducting for depreciation, is probably large enough to cover any bridges omitted through oversight of the municipal officers. From that amount is to be deducted \$35,800 previously paid by the State in the construction of

these bridges, leaving the total cost, under this bill, \$1,274,388. One-third of this, to be paid by the State, is \$424,796, or \$42,479 per year for 10 years. The counties jointly pay an equal amount, but the amount to be paid by each county depends upon the value of the bridges in that county. An illustration of the result, I take the county of Androscoggin, simply because it stands alphabetically at the head of the list. It has almost exactly 8 1-2 per cent. of the valuation of the State. Its steel bridges are valued at \$256,924. One-third of this sum, \$85,641, is paid by the State to the county, the same amount is paid by the county to the cities and towns in which the bridges are located, and the other third remains with those cities and towns.

If Androscoggin paid in 10 equal annual installments she would pay annually as follows:

1-10 of \$85,641 paid by the county to the cities and towns in the county	\$8,564.00
8½ per cent. of \$8564 paid by the State to the county,	738.00
8½ per cent. of the amount to be paid by the State to the other counties, viz: \$42,479 less \$8564, or 8½ per cent. of \$33,915,	2,282.00
Total payment,	\$11,584.00
But Androscoggin receives from the State \$8564 of which it has contributed but 8½ per cent. There should, therefore, be deducted from the above total 91½ per cent. of \$8564,	7,836.00

Leaving as the net payment for purchase,

\$3,748.00
The report does not show any toll-bridge to be taken over under the provisions of the bill. The construction of new bridges rests with the towns and cannot, of course, be estimated in advance. For repairs, from all the information I can obtain, should be allowed 5 per cent. per annum of the construction cost, on wooden bridges, and 1 per cent. on steel bridges. This would amount in Androscoggin county to \$2759 per year. One-half paid by the county is \$1379; the county also pays 8½ per cent. of the State's one-half, or \$117, a total of \$1496 for maintenance, and a total for purchase and maintenance of \$5244. On the present valuation of Androscoggin county this would represent an increase in the county tax of practically .0002, one-fifth of a mill. After the expiration of 10

years the item of purchase would be eliminated, the only charges remaining being maintenance and such construction as was authorized from time to time. It should be further noted that of the \$11,584 per year raised by Androscoggin, for the item of purchase, \$3902 is returned directly to cities and towns in that county. It is not a new burden but an equalization throughout the whole country of an existing one.

A careful computation on the same lines shows the following results for the other counties:

With regard to new construction, it is, of course, difficult, probably impossible, to estimate accurately, in advance, what would be required under this item. The committee recommend an appropriation for the year of \$10,000. This represents \$100,000, to be paid by the State during the next 10 years, or \$300,000 in all for 1903. This amount would build 36 bridges of the present average cost of \$8300 each, and is believed to be more than ample.

If the whole amount estimated by the committee as being necessary to put

County.	Per cent. of State valuation.	Value of steel bridges after deducting State aid.	Annual net charge for purchase for 10 years.	County's part of annual charge for repairs.	Total annual county charge for purchase and repairs.	Increase of county tax on present valuation.
Androscoggin	.085	\$256,324	\$3,748	\$1,496	\$5,244	.0002
Aroostook	.055	72,950	569	3,089	3,658	.00017
Cumberland	.212	250,840	10,930	2,466	13,456	.00018
Franklin	.025	32,400	1,088	1,661	2,749	.00028
Hancock	.045	16,700	1,937	482	2,419	.00015
Kennebec	.085	150,750	4,123	2,571	6,694	.00021
Knox	.04	5,000	2,162	598	2,760	.00019
Lincoln	.02	—	948	1,530	2,478	.00033
Oxford	.045	115,100	2,281	2,636	4,917	.00032
Penobscot	.10	57,777	4,439	7,244	11,683	.00032
Piscataquis	.035	23,842	1,519	1,014	2,533	.0002
Sagadahoc	.031	3,037	1,319	556	1,875	.00017
Somerset	.055	107,612	2,534	1,045	2,579	.00009
Waldo	.025	12,981	1,113	678	1,791	.00018
Washington	.035	24,150	515	4,507	5,022	.00036
York	.09	84,324	4,076	1,350	5,426	.00016

It will be noticed that a large part of the money raised by any county for the purchase of bridges, is returned directly to the towns within that county; and this is true in larger degree of the money raised for maintenance. This is, therefore, equalization, pure and simple, and not an increase of the burden of taxation upon the State at large. Indeed, so far as the maintenance charges are concerned, I believe that the total cost of maintenance will be less under this bill than under the hap-hazard system which now prevails, and we shall unquestionably have a better class of bridges.

this bill into operation, were in addition to all the expenditures for this year, as estimated by the State treasurer; if further, it were in addition to those expenditures, plus the estimated surplus of over \$400,000, so that an increase of the tax rate were necessary to provide the money, an increase of 28-100 of a mill would provide every cent necessary. And even then I believe it would be wise to pass this bill, for its benefits reach all the people and every section of the State. But an increase of the tax rate is not necessary. Substantial justice can be done to every legitimate object of the State's

bounty, and still provide for this measure of public benefit, if we will sit down squarely and solidly on schemes which are purely personal or local, or of limited public benefit.

The committee on ways and bridges now has before it applications for State aid for roads and bridges, amounting to nearly \$100,000, a large part of which, under the present policy of the State would be appropriated if this bill is not passed, and very little of which would be needed if the bill is passed. The Maine Sanatorium Association wants \$75,000; Home for Feeble Minded, a total of \$35,000; Bates College \$40,000; Louisiana Purchase Exposition, \$50,000; Colby College, \$25,000. All of these institutions are of the greatest merit, and if the State had sufficient funds, would be entitled to aid. But, after all is said, they benefit but a part, and some of them but a small part of the people of the State; they do not touch the interests of the great body of our citizens. And how will we stand with the people who sent us here, whose servants we are, if, after taking credit for the very considerable increase of the State's revenue, we spend it all for local, personal schemes, laudable though they are, and have nothing to show of general public utility? The people want the principle of this bill embodied in law. They need the relief given by it, they are entitled to its benefits. The agricultural and manufacturing interests will be benefitted by it; it will tend to increase our summer tourist business; it will be a long step toward the improvements of our highways. If its details can be improved we will improve them, but let us give the people of this State, at this session, one measure, at least, which will benefit all of them, which will, in one particular, equalize taxation, and which is based on the idea that the public funds should be expended for the public benefit, and not for the benefit of a few, nor of a class.

Mr. GUERNSEY of Piscataquis: Mr. President: The avenues of communication are the arteries of our social and commercial system which have developed the resources of the country. Foremost among the avenues of communication are the railroads, which

have brought the wharves on the Pacific seaboard within a few days of those on the Atlantic coast, and this has been possible as there are quasi public corporations large enough to create and maintain the system of railroad connections which are necessary. State and interstate telephone services is practical and possible as there are quasi public corporations large enough to make it possible.

Vast sums of money are now being expended in extending rural free delivery throughout the farming communities by the federal government under the direction of the post office department, and no man within hearing of my voice but what knows this means a great deal to the State of Maine, and this is possible as the federal government is a public agency large enough to undertake it. The common schools in this State was financially assisted, last year, to the extent of more than a half a million dollars, as there is a public agency through the State government to extend aid.

Bridges should be built and maintained by the counties or by the counties in connection with the State as they are public agencies of the government large enough to handle the great expense involved. Towns, as departments of the government, cannot perhaps handle the roads as a road is usable to more extent from the grass grown path to that which a modern automobile requires; but this is not true of bridges, as they must be maintained up to a certain standard for safety. Most bridges from 50 feet in length cost more than miles of road among communities which are now receiving the most direct means of communication because of the expense of erecting and maintaining bridges at points where bridges should be erected.

Let the county of Penobscot establish a bridge across the Penobscot, I do not believe it would be at the present toll structure, and the two cities would cease to quarrel.

I have in mind a community where hundred teams daily travel four miles out of the way between two points that would all be saved by a county bridge, and hours lost to each man means 3000 days to the 100 teams annually. Not

only loss of time but loss of energy to no purpose.

The farmers of the State are organizing local telephone companies and why? to improve the avenues of communication, save time and save energy for other purposes.

This Legislature is considering many water propositions looking to the more direct application of the power and energy of our rivers which means development and a great future for our State. Why not let a municipality large enough take charge of the bridge question and develop in the country lines of communication and save time and energy of men for more profitable purposes? Pass a bridge bill and you will open new avenues of communication, you will save time and expense to the community as a whole, you will do more for the State than you can by special bridge appropriations and many others which involve thousands of dollars. To my mind, not only does this bill mean improvement, but it means placing the burden of these structures where they should be. In the county of Piscataquis I have in mind 12 towns that maintain large bridges which are the thoroughfare of the county. Let the county or the county and State maintain this question and the burden will be equalized. Equalization of men and burden are the first principle of this government. But my friend from a western county says a bridge built means expense, but railroads cost large sums of money, yet they mean economy, telephone lines cost but the result is economy. All these mark the change of progress and progress always pays. I believe a general bridge bill is a step in progress and will pay.

This State annually appropriates thousands of dollars for special bridges. I can recall one of \$40,000. Why? Because the Legislature recognizes that towns should be assisted in the construction and maintenance of large bridges. Pass a general bridge bill and the State will save money, and yet do more good with that which it does appropriate, as I do not believe that one-third that the State will contribute under a general bridge bill, will in the run of years be acquired than

that which it now contributes to special appropriations. While I do not believe in the bill as now reported by the majority of the committee, yet I shall vote for the acceptance of the report so that this body will be placed in possession of the subject matter. I believe the bill should be so amended as to strike out the purchase clause that it contains and further amended so that the county shall assume two-thirds of the burden of construction and maintenance in place of the town one-third and the county one-third, and the remaining one-third shall be paid by the State as now provided, and at the proper time I shall offer an amendment to the bill to that effect. I therefore hope that the report of the majority of the committee will prevail, that their report will be accepted and that the final result will be the passage of a general bridge bill through this Legislature, which has so often been attempted but failed.

Mr. BURLEIGH of Aroostook: Mr. President, I will not weary the Senate with any long speech, but have a few ideas I wish to present. Many towns in our rural districts are not financially able to build good substantial stone and steel bridges, and continue to patch and repair their old wooden structures from year to year and as long as this custom continues we shall have poor bridges.

Many towns are, today, maintaining large bridges that are used largely by the inhabitants of other towns who do not contribute one cent towards the maintenance. Should not this burden be more equitably distributed, and our small towns relieved?

Eight counties have unorganized townships or wild lands. The wild lands of the State do not contribute anything towards the building or maintaining of these bridges. Should not this property bear some part of the cost and help relieve the burdens of our county towns.

Taxes are not to be increased by this act, but the burdens of the same are distributed among a large number and become less burdensome, making the whole property in the State contribute. Pass this act in some form, either put-

ting the burden on the town and county jointly or upon the town, county and State and in 10 years the State of Maine will have the best bridges of any state, and the expense of maintaining will be reduced more than one-half.

The committee which have had this matter under consideration have given the subject careful consideration and have reported this bill in a new draft while they do not say that it is perfect, believe it is a step in the right direction. I hope the Senate will not turn it down, but will consider it upon its merits, and if imperfect amend it so as to meet the views of the majority.

Mr. GOODWIN of Somerset: Will the senator from Aroostook permit an inquiry? Is the senator in favor of striking out the purchase clause in the bill?

Mr. BURLEIGH: I should not have any objection to that being stricken out, if it improves the bill. It is our wealthy towns that have steel bridges, and the poorer rural town has not yet got it. They continue from year to year to patch up their bridges. Now, if the wealthy towns have their iron bridges built, it has struck me that it is not fair to ask them to build bridges in other towns not as progressive as they are. I do not think there would be any objection by any town in the State to the county's taking over the repairing of bridges, and the building of new bridges. I favored the paying for the steel bridges upon the ground that it would be equalizing the burden, and because when the bridges of the State are built of steel, the cost of maintaining the bridges would be very small.

Mr. RANDALL: May I ask the senator a question? Can you tell me how much it costs per year, now, to keep the bridges in repair—have you an estimate?

Mr. BURLEIGH: I think Senator Maddocks has given that—that the cost of maintaining the wooden bridges, today, averages about 5 per cent of the cost of the bridges.

Mr. RANDALL: Can the senator state in round numbers how much it costs, today, to keep the bridges of the State in repair?

Mr. MADDOCKS: The cost of the wooden bridges over 50 feet long is \$980,000. Five per cent. would be \$49,000.

Mr. GUERNSEY of Piscataquis: Mr. President, I wish to offer two amendments. Senate amendment A, which I offer, relates to changing the burden of the expense, making it two-thirds for the county, and one-third for the State. Senate amendment B, which I also offer, strikes out the purchase clause of the bill.

Senate amendments A and B were reduced to writing, and submitted for the consideration of the Senate.

The question being put the motion to amend by the adoption of Senate amendment A, the motion prevailed, and the amendment was adopted.

The question being put, the motion to amend by the adoption of Senate amendment B, the motion was lost, and the amendment refused.

The pending question being upon the acceptance of the minority report, the yeas and nays were called for, and ordered, and the vote being taken, resulted as follows: Those voting yea were Messrs. Alden, Bryant, Burns, Clark, Currier, Gardner, Goodwin, Knowlton, Morrison, Morse, Philbrook, Pike, Plummer, Randall, Rankin, Staples of Cumberland, Staples of Knox, Stetson, Titcomb and Wing (20). Those voting nay were Messrs. Buck, Burleigh, Guernsey, Hyde, Maddocks, Manley, Pierce and Wilson (8). Paired, Messrs. Dudley, nay, and Libby, yea. So the minority report, ought not to pass, was accepted.

Resubmission came up by special assignment, and went over as unfinished business.

On motion by Mr. Wilson of Washington, the Senate adjourned to meet on Friday, March 13, 1903, at 9 o'clock A. M.