

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

HOUSE.

Tuesday, March 2, 1909.

Prayer by Rev. Mr. Dunnack of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

An Act to provide for ice fishing as provided in the general law of the State in South Branch, Carpenter, Littlefield and Fowler ponds, Piscataquis county, also to close Davis pond, Penobscot county, to all kinds of fishing, came from the Senate with Senate Amendment A adopted in that branch.

On motion of Mr. Bigelow of Portland the House reconsidered the vote whereby this bill was passed to be engrossed. Senate Amendment A was then adopted in concurrence and the bill was passed to be engrossed as amended in concurrence.

Senate Bills on First Reading.

An Act to amend Section 48 of Chapter 8 of the Revised Statutes relating to taxation of insurance companies.

Resolve in favor of W. A. Walker.

Resolve in favor of Lewis Barrows.

Resolve to provide for the expenses of the Maine Industrial School for Girls.

Resolve in favor of the Maine Industrial School for Girls, for water supply and grading.

Resolve in favor of Camden & Rockland Water Co.

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

Judiciary.

By Mr. Harmon of Stonington: Remonstrance of George W. Redman and 19 others of Stonington against creating the office of medical examiner.

By Mr. Hussey of Windsor: Remonstrance of J. F. Plummer and 20 others against same.

By Mr. Kelley of Boothbay: Remonstrance of C. J. Marr and 12 others of Wiscasset against same.

By Mr. Burleigh of Augusta: Remonstrance of J. H. Thing and 44 others of Belgrade against same.

By Mr. Beals of Auburn: Remon-

strance of L. W. Stockbridge and 36 others of Searsport against same.

By Mr. Joy of Eden: Resolve to provide for the appointment of a commission to re-codify the insurance laws of the State of Maine; also remonstrance of Charles F. Paine and 77 others against An Act to create the office of medical examiner.

By Mr. Perry of Fort Fairfield: Petition of A. F. Goodhue and 33 others in favor of An Act to define and regulate the practice of optometry.

Mercantile Affairs and Insurance.

By Mr. Beyer of Portland: An Act to amend Section 41 of Chapter 49 of the Revised Statutes as amended by Chapter 119 of the Public Laws of 1905 relating to insurance and insurance companies.

Interior Waters.

By Mr. Campbell of Kingman: Remonstrance of S. B. Gates and 18 others of Winn against An Act to prohibit throwing sawdust into Mattakeunk stream.

Shore Fisheries.

By Mr. McLain of Bremen: Petition of Irving G. Genthner and 14 others against the passage of An Act prohibiting the digging of clams from the flats adjacent to Bog Island in the town of Bremen; of Melvin A. Simmons and 27 others against same; of Charles M. Kimball and 67 others against same.

Taxation.

By Mr. Havey of Sullivan: Petition of W. B. Estabrook and 25 others for increased mill tax for common schools; of A. J. Stover and five others of Sorronto for same; of H. O. Johnson and nine others for same.

By Mr. Additon of Leeds: Petition of M. B. Sanborn and 12 others of Greene for same.

By Mr. Buswell of Stetson: Petition of T. G. Bachelder and 47 others of Garland for same.

By Mr. Nickerson of Swanville: Petition of C. A. Lavenseller and 16 others of Waldo for same.

By Mr. Bowley of Swan's Island: Petition of D. S. Moore and 15 others for same.

By Mr. Stanley of Porter: Petition of

Ernest Vining and 14 others of Strong for same.

By Mr. Drake of Frankfort: Petition of C. L. Young and 26 others of Winterport for same.

By Mr. Lane of Paris: Petition of E. H. Nason and 49 others of Waterford for same.

By Mr. Thompson of Skowhegan: Petition of J. L. Swan and 19 others of Fairfield for same; of G. H. Foster and 23 others of Canaan for same.

By Mr. Porter of Mapleton: Petition of Edward M. Stone and 17 others of Sweden for same; of J. W. Fernald and 15 others of Argyle for same.

By Mr. Lord of Vassalboro: Petition of A. F. Fellows and 22 others of Fayette for same.

By Mr. Blanchard of Wilton: Petition of R. D. Graffam and 57 others for same; of C. H. Leighton and 56 others of Phillips for same.

By Mr. Cole of Kenduskeag: Petition of George L. Leach and five others of North Penobscot for same; of E. E. Goss and 14 others of North Penobscot for same.

By Mr. Moulton of Cumberland: Petition of M. Gould and 72 others of Hiram for same.

By Mr. Libby of Amity: Petition of George F. Grant and 23 others of Drew plantation for same.

By Mr. Merrill of Bluehill: Petition of William R. King and 80 others of Lamoine for same.

By Mr. Paul of Naples: Petition of C. O. Scribner and 27 others for same.

By Mr. Pinkham of Lincoln: Petition of Daniel Rice and seven others of Winn for same.

By Mr. Hill of Jonesboro: Petition of H. C. Cook and 10 others for same.

By Mr. Hersey of Houlton: Petition of John W. Davidson and 25 others of Houlton for same; of N. E. Seeley and 15 others of Houlton for same.

By Mr. Duncan of Rockland: Petition of Fairfield Calderwood and 43 others of Vinal Haven for same.

By Mr. Bradford of Livermore: Petition of C. P. Sanders and 28 others of Livermore for same; of A. H. Pratt and two others of Turner for same; of H. G. Parsons and 17 others of Turner for same.

By Mr. Burse of Pittsfield: Petition of W. S. Bearse and 24 others for same.

By Mr. Merrill of Durham: Petition of C. F. Kempton and 13 others for same.

By Mr. Pattangall of Waterville: Petition of J. Cain and five others for same.

By Mr. Fortier of Waterville: Petition of A. C. Boynton and six others for same.

By Mr. Dunn of Brewer: Petition of Joshua Stover and 11 others for same.

Salaries and Fees.

By Mr. Chase of Sebec: An Act to amend Section 1 of Chapter 151 of the Public Laws of 1905 providing for clerk hire for the register of probate of Piscataquis county.

Placed on File.

By Mr. Kelley of Boothbay: Petition of Monday Club of Boothbay Harbor and others for Resolve in favor of Maine State Sanatorium Association.

Reports of Committees.

Mr. Trafton from the committee on Education on Bill, "An Act to establish a Normal school to be located at Dexter, in the county of Penobscot, reported that the same be referred to the next Legislature.

Mr. Bradford from same committee on Bill, "An Act to create a State Board of Education," reported legislation thereon inexpedient.

Mr. Grant from the committee on mercantile affairs and insurance reported "ought not to pass" on Bill, "An Act prohibiting the exhibit of moving pictures in any city or town without a license."

Mr. McLain from same committee reported same on Bill, "An Act in regard to lien of mortgages upon policies of fire insurance.

Mr. Bearce from the committee on towns on petition of L. G. Martin and others of Rome praying that Hoyt's Island be set off from Belgrade and annexed to Rome, reported that the petitioners have leave to withdraw.

Mr. Colby from the Committee on Taxation on Petition of Frank A. Foote and others for the appointment of State Board of Assessors by Governor, that their duties be enlarged and that

they be required to give their entire time to their duties of the office, reported that the same be placed on file as the subject matter has already been reported upon.

Same gentleman from same Committee reported same on Remonstrance of A. J. Preston and others against any change in the law relating to the assessment of poll taxes.

Mr. Richardson from same Committee reported "ought not to pass" on Bill "An Act to establish a uniform poll tax."

Mr. Rounds from the Cumberland County Delegation reported "ought not to pass" on Bill "An Act to amend Section 1 of Chapter 173 of the Public Laws of 1905, relating to salary and clerk hire of register of deeds of Cumberland County."

The reports was accepted.

Mr. Stackpole from the Committee on Agriculture reported "ought not to pass" on Resolve in favor of payment to the Central Maine Fair Association of the balance appropriated by Chapter 79 of the Resolves of 1907.

The report was tabled, pending acceptance, on motion of Mr. Pattangall of Waterville.

Mr. Traffon from the Committee on Education reported "ought to pass in new draft under same title" on Bill "An Act to amend Section 85 of Chapter 15 of the Revised Statutes relating to payment for teachers' services."

Mr. Stanley from same Committee reported same on Bill "An Act to amend Section 19 of Chapter 15 of the Revised Statutes, relating to the purchase of second-hand books for schools."

Mr. Higgins from same Committee reported same on Bill "An Act for the improvement of Free High schools."

Mr. Ludgate from same committee reported same on Resolve in favor of the Lee Normal Academy.

Mr. Bradford from same committee reported same on Resolve in favor of Wilton Academy.

Mr. Cousins from the committee on agriculture reported "ought to pass in new draft under same title" on Bill "An Act to provide for uniform grading, packing and branding of apples."

Mr. Stackpole from same commit-

tee reported "ought to pass in new draft" on Bill "An Act to amend Section 14 of Chapter 60 of the Revised Statutes as amended by Chapter 45 of the Public Laws of 1907, and Section 15 of said chapter, relating to agricultural societies," under title of "An Act amendatory to Chapter 60 of the Revised Statutes, relating to agricultural societies, and additional thereto."

M. Grant from the committee on mercantile affairs and insurance reported "ought to pass in new draft under same title" on Bill "An Act to incorporate the Aroostook Mutual Fire Insurance Company."

Mr. Robbins from the committee on ways and bridges reported "ought to pass in new draft under same title" on Resolve in favor of the towns of Solon and Embden, in Somerset county.

Mr. Cole from same committee reported "ought to pass" on Resolve in favor of the city of Gardiner and town of Randolph.

Same gentleman from same committee reported "ought to pass in new draft" on Resolve in favor of the town of Rome under title of Resolve in aid of the town of Rome, in maintaining its roads and bridges.

Mr. Doble from same committee reported "ought to pass" on Bill "An Act to amend Section 1 of Chapter 294 of the Private and Special Laws of 1901."

Same gentleman from same committee reported same on Resolve in favor of the inhabitants of Whitneyville.

Same gentleman from same committee reported same on Resolve in favor of the town of Island Falls, in the county of Aroostook, in aid of building a bridge across the west branch of the Mattawamkeag river.

Same gentleman from same committee reported "ought to pass in new draft under same title" on Resolve in favor of the town of Millinocket.

The reports were accepted and bills and resolves ordered printed under joint rules.

First Reading of Printed Bills and Resolves.

An Act to change the name of the

Unitarian Society of Augusta, Maine.

An Act to amend Chapter 42 of the Public Laws of 1907, entitled "An Act to prevent desertion and non-support of families."

An Act to extend the charter of the Peaks Island Railroad Company.

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

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

An Act to revive and extend the charter of the Skowhegan Trust Company.

Resolve, in favor of roads in Indian Township.

Resolve, that the land agent be authorized to convey to George F. D. Trask, of East Bluehill, Hancock county, Maine, "Conary's Nub" so-called, East Bluehill.

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

An Act prohibiting the throwing of sawdust and other waste material into Highland lake, or any of its tributaries in the city of Westbrook, towns of Windham, Gray and Falmouth, and into Mill Brook in Westbrook, all in the county of Cumberland.

An Act to legalize, make valid and binding certain acts and doings of the town of Whitneyville.

An Act to amend Section one of Chapter 538 of the Private and Special Laws of 1889 relating to the taking of smelts in the Sheepscot river, as amended by Chapter 165 of the Private and Special Laws of 1907.

An Act to amend the law relating to political caucuses in the city of Bangor.

An Act to extend the charter of the Camden and Augusta Railway.

An Act to amend Chapter 510, Private and Special Laws of 1874, being an act to incorporate the Lincolnville Railroad Company.

An Act to amend Section 17 of Chapter 41 of the Revised Statutes of 1903 as amended by Chapter 49 of the Public Laws of 1907, relating to sea and shore fisheries.

An Act to ratify, confirm and make valid the consolidation of certain railroads under the name of Sandy River

& Rangeley Lakes Railroad, and enlarge the powers of said railroad.

An Act to ratify the organization, acts and doings and extend the powers of the Limerick Water & Electric Co.

An Act to legalize and make valid acts and doings of the town of Whitneyville. (Tabled pending first reading on motion of Mr. Hall of Caribou).

An Act to incorporate the Rangeley Lakes & Megantic Railroad Co.

An Act to amend Chapter 77 of the Public Laws of 1905, relating to sea and shore fisheries.

An Act to amend Section 20 of Chapter 41 of the Revised Statutes of 1903, relating to sea and shore fisheries.

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

An Act entitled "An Act to amend the charter of the New England Retail Grocers' Publishing Co."

An Act to amend the charter of the Penobscot Bay Electric Co.

An Act to provide for retiring and pensioning prison officers.

An Act relating to an open season for the hunting of certain game birds in the county of Hancock.

An Act to provide for a close time on wild animals and birds on Kinco point, so-called, Moosehead lake.

An Act to amend Chapter 412 of the Private and Special Laws of 1907, regulating fishing in Swift river in the counties of Oxford and Franklin.

An Act to protect the white perch in Ellis pond, sometimes called Roxbury pond, in the towns of Roxbury and Byron in the county of Oxford.

An Act to regulate fishing in Molridgewock pond and stream, also the inlet to said Molridgewock pond, Oxford county.

An Act to regulate fishing in Brown brook and Perry pond and tributaries, in Somerset county.

An Act to prohibit ice fishing in the Puffer ponds, so-called, in the town of Dexter, Penobscot county.

An Act to regulate fishing in Megalloway river and tributaries, and Upper and Lower Metalluc and Lincoln ponds and Parmachenee lake, Oxford county.

An Act to regulate fishing in that portion of Rangeley lake known as South Bog, in Franklin county.

An Act to regulate fishing in the waters in Alder stream township, in the county of Franklin.

An Act to amend Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 12 and 13 of Chapter 112, P. L., 1907, relating to highways.

An Act additional to and amendatory of Chapter 424 of the Private and Special Laws of 1907, entitled "An Act to incorporate the Kittery Water District within the limits of the town of Kittery for the purpose of supplying the inhabitants of said district, likewise the remaining portion of said town, with pure water for domestic and municipal purposes."

An Act to amend Section 11 of Chapter 81 of the Revised Statutes in relation to records of proceedings in court.

An Act to amend the charter of the trustees of Hebron Academy.

An Act to incorporate the Bonney Woods Corporation of Farmington, Me.

An Act to extend the charter of the Eastport Street Railway Co.

An Act to incorporate the North Parsonsfield Water Co.

An Act in relation to the South Paris Village Corporation and to establish a municipal water system for said corporation.

Resolve in favor of road for town of Brownsville to Katahdin Iron Works.

Mr. Hamlin of Orneville offered House Amendment A by striking out all after the word "works" in line three so that said resolve will read as follows: Resolve, That the sum of five hundred dollars be appropriated for repair of road from the town of Brownsville to Katahdin Iron Works.

On further motion of Mr. Hamlin the amendment was tabled for printing.

Resolve in favor of aid in repairing highway in the town of Greenbush.

Resolve in favor of the town of Prescott.

Resolve making appropriations for the Passamaquoddy Tribe of Indians.

Resolve in favor of the Penobscot Tribe of Indians.

Resolve in favor of the town of Williamsburg.

Resolve in favor of the town of Fort Kent.

Resolve in favor of the State board of veterinary examiners.

Resolve in favor of the town of Bremen.

Resolve in favor of Joseph E. Jewett. Resolve in favor of the town of Starks.

Resolve in favor of the city of Ellsworth.

Resolve in favor of the town of Tremont, in Hancock county.

Resolve in favor of Eugene A. Holmes, county attorney of Aroostook county.

Resolve, in favor of the town of Searsport.

Resolve in favor of the town of East Machias.

Resolve in payment of claims of Gilbert M. Elliott and Lincoln H. Colby.

Resolve in aid of bridge across the Aroostook river in the town of Masardis in Aroostook county.

Resolve in favor of the Maine State Pomological Society.

Resolve in favor of the treasurer of the East Maine Conference Seminary of Bucksport.

Resolve in favor of the Maine Mission for the Deaf.

Resolve in favor of the town of Cutler.

Passed To Be Engrossed.

An Act to provide for a close time on Hungarian partridges, so-called.

An Act to regulate the catching of pickerel in Lake Pushaw.

An Act to regulate fishing in Dead Cambridge river, in Upton and "C" Surplus, and tributaries, also tributaries to C pond, in Township "C" surplus, Oxford county.

An Act to amend Section 48 of Chapter 40 of the Revised Statutes relating to the hours of labor of women and children.

Mr. Marshall of Portland offered House Amendment A by inserting in line 16 after the word "years" the following words, "of age."

On motion of Mr. Pike of Eastport the amendment was tabled.

An Act to amend Section 4, Chapter 144 of the Revised Statutes relating to Insane hospitals.

An Act to regulate fishing in the town of Durham.

An Act authorizing the president and secretary of the trustees of the Maine Insane and Eastern Maine Insane hospitals to execute a deed for certain lands in Bangor.

An Act to revise and consolidate the laws relating to the collection, examination, inspection and analysis of agricultural seeds, concentrated commercial feeding stuffs, commercial fertilizer, and foods and drugs.

Resolve in favor of J. E. Cook, secretary.

Resolve in favor of the town of Frankfort in Waldo county.

An Act to incorporate the Jonesport Central Railroad Company.

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

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

An Act to extend the charter of the Stonington Electric Light & Power Company.

An Act to provide for the attesting of public records, deeds and other instruments.

The following resolves came up on their passage to be engrossed:

Resolve, in favor of the Maine Insane hospital, for support of criminal insane.

Resolve, in favor of the Chase Island hospital.

Resolve, in favor of the Eastern Maine Insane hospital for concrete walk, grading, pointing, furnishings, completion of contracts on barn, tubercular hospital wing D.

Resolve, in favor of the Maine Insane hospital for additional compensation for certain officers.

Resolve, in favor of the Maine Insane hospital for completion of the criminal insane building.

Resolve, in favor of the Eastern Maine Insane hospital for steam sterilizer, tools and machinery, vegetable cellar and piggery extension.

Resolve, in favor of the Eastern Maine Insane hospital for purchase of additional land.

Resolve, in favor of the Maine Insane hospital to provide for deficiencies.

Resolve, in favor of Eastern Maine Insane hospital to provide for deficiencies.

Resolve, in favor of the Maine Insane hospital for greenhouse, wharf, coal pockets, commander's house and residences on arsenal grounds.

Mr. WING of Auburn: Mr. Speaker, I move that the consideration of those resolves relating to the insane hospitals be postponed until Friday, March 12.

Mr. WELD of Old Town: Mr. Speaker, I would ask if there is any reason for postponing these matters?

Mr. WING: Mr. Speaker, I became interested in the matter of the expenditure of the money for the insane hospitals and I desire at this time to look into the matter, and I am sure there is no member of this House, if he would take the time to think of the amount of money which is spent on the hospitals and the amount of care which is furnished the inmates, but who would be glad to give this time to the consideration of this important public charity and trust; and I hope that my motion to postpone until March 12 will prevail.

Mr. WELD: Mr. Speaker, these appropriations have been reported unanimously by the committee. They are the minimum amounts which the committee thought they should report. I don't believe we should postpone them. I think we should pass them. I object to the postponement.

Mr. WING: Mr. Speaker, if I may say a word more. This Legislature has been furnished with no printed report of the trustees of these institutions. It is true that the gentleman from Old Town has been most kind to me in furnishing such material as he has, but he furnishes me with a press report of the trustees of the hospital at Bangor and a typewritten report of the committee on insane hospitals. I am not impugning the integrity or the judgment of the committee on insane hospitals. I am simply asking this House if they will consider this matter, and consider it seriously, honestly and decently.

Mr. WELD: If we continue to postpone these we will adjourn about the

next Fourth of July; and in view of the unanimous report of the committee I desire that the postponement should not be granted.

The question being on the motion to postpone the consideration of the resolves until March 12, a division was had and 38 voted in the affirmative and 59 in the negative.

So the motion was lost.

Mr. ROUNDS of Portland: Mr. Speaker, I would move that these resolves be tabled and be especially assigned for next Friday. I think it is a large appropriation and three or four days in which to look into the matter will not be out of place. As I understand it these appropriations amount to over half a million dollars. Therefore I would like to have them tabled until next Friday. It looks to me very strange that any gentleman should get up here in this House and oppose any move that would prevent rushing through an appropriation so large as this when hardly any member understands, except the members of the appropriations committee, what this amount calls for in any way, shape or manner. Therefore I ask the indulgence of this House to lay the resolves on the table until next Friday.

Mr. MARSHALL of Portland: Mr. Speaker, I hope the motion of the gentleman from Portland (Mr. Rounds) will prevail. This carries a very large amount of money. I don't know that any of us has any objection whatever to any of the items of the resolves but it seems to me that it is only proper that we should have an opportunity to look into them. As I recall it several of these resolves carry an emergency clause with them. Certainly it can do no harm to lay them upon the table until next Friday. I hope the motion will prevail.

Mr. STRICKLAND of Bangor: Mr. Speaker, these bills were reported by Mr. Eaton in the Senate on the 23rd of February and they have had their first and second readings. It seems to me that they have had time enough to be digested if anybody wanted to digest them.

The question being on the motion to postpone the consideration of the re-

solves until next Friday, the motion was agreed to.

Mr. WELD: Mr. Speaker, I call for a division of the House on that motion.

The SPEAKER: The Chair will state that in the opinion of the Chair the gentleman from Old Town is too late. The call for a division should be made before the declaration of the vote.

The resolves were then passed to be engrossed.

On motion of Mr. Colby of Bingham the rules were suspended and he presented out of order the petition of W. C. Safford and 10 others for the passage of the bill giving plantations the right to take care of their own roads and bridges. (Referred to the committee on legal affairs).

Passed To Be Enacted.

An Act relating to the issuance of mileage books by railroad corporations.

An Act relating to the charter of the Hancock County Railway company.

An Act to amend Sections 18, 19, 20, 26 and 30 of Chapter 39 of the Revised Statutes relating to the regulation and sale of commercial fertilizers, commercial feeding stuffs and agricultural seeds.

An Act to authorize the town of Harpswell to construct and maintain a bridge from Great island in said Harpswell to Hen island on which Fred E. Darling now lives.

An Act to ratify and confirm the acts of the Wayne Library Association at its meeting of Aug. 27, 1908, and all subsequent meetings.

An Act to enable the town of Winter Harbor to purchase the property and franchise now or formerly of the Winter Harbor Gas and Light Co.

An Act to provide for the payment of the premiums on bonds required of the treasurer of State and clerks in the State treasury department.

An Act to authorize the Kellogg Lumber Co. to erect and maintain piers and booms at the mouth of Moose river and in Long pond.

An Act to extend the authority of the Rockland, South Thomaston & St. George Railway.

An Act to amend Section 11 of Chapter 53 of the Revised Statutes relating

to powers of railroad commissioners.

An Act to regulate ice fishing in Donnell pond, so-called, situated partly in Franklin and partly in Township No. 10 in Hancock county.

An Act to enlarge the rights of the Alfred Embroidery Co.

An Act to amend Chapter 94 of the Private and Special Laws of 1905 entitled "An Act to incorporate the Peaks Island Gas Co."

An Act to incorporate the Bar Harbor Gas Co.

An Act to extend the charter of the Gardiner Trust Co.

An Act to establish an additional Normal school to be located at Machias in the county of Washington.

An Act to amend Section 1 of Chapter 164 of the Private and Special Laws of 1907 relating to fishing in the tributaries to China lake.

An Act to renew and extend the charter of the Sebec Power Company.

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

An Act in relation to the Gardiner municipal court of the city of Gardiner.

An Act in relation to insurance upon automobiles.

An Act to regulate fishing in Dead Stream pond, Lower Cold Stream pond and Horseshoe pond in Somerset county.

An Act to regulate fishing in the tributaries to Marshall pond, so-called, in Oxford county.

An Act to amend Section 13 of Chapter 32 of the Revised Statutes as amended by Chapter 75 of the Public Laws of 1905 relating to the snaring of rabbits.

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

An Act to amend Section 19 of Chapter 51 of the Revised Statutes relating to the increase of capital stock of a railroad company.

An Act relating to the acknowledgement of deeds.

An Act to amend Section 3, Chapter 48 of the Revised Statutes relating to the powers of savings banks.

An Act regulating the duties of the commissioner of agriculture in rela-

tion to the manufacture, transportation and sale of dairy products and their imitations.

Finally Passed.

Resolve in favor of the city of Auburn.

Resolve in favor of the commission appointed to investigate the methods of sealing logs and lumber.

Resolve in favor of the town of Phippsburg.

Resolve to correct certain errors in the books of the State treasurer.

Resolve to amend Chapter 32 of the Resolves of 1905 relating to dairying interests of the State of Maine.

Resolve providing for an epidemic or emergency fund.

Resolve in favor of Eastern State Normal School at Castine.

Resolve authorizing the compilation and publication of the insurance laws of Maine.

Resolve in favor of the Old Town hospital.

Resolve relating to the collection of statistics of summer residential property.

Orders of the Day.

Special assignment: An Act relating to the choice of assessors in towns.

Mr. MONTGOMERY of Camden: Mr. Speaker, the promoters of the bill and myself have conferred about it and we think it better to have its consideration postponed until March 9, and I make that motion.

The motion was agreed to.

To Abolish Office of Assistant Attorney General.

Special assignment: Report of the committee on legal affairs reporting "ought not to pass" on Bill, An Act to abolish the office of assistant attorney general.

The pending question being action on the report.

Mr. PATTANGALL of Waterville: Mr. Speaker, I will detain the House but a moment on this matter. I presented the bill abolishing the office of assistant attorney general early in the session, the act to take effect Jan. 1, 1910. The committee on legal affairs, after hearing the matter, reported "ought not to pass." I felt when I in-

roduced the bill and still feel that the office of assistant attorney general is one of the unnecessary offices in this State, perhaps created for a good purpose at the time but entirely unnecessary now. I am thoroughly satisfied that the House will not take the same view that I do of the matter if I should argue upon it at length and I do not propose to take the time of the House in arguing it. I simply move to substitute the bill for the report.

Mr. MORSE of Belfast: Mr. Speaker and gentlemen of the House: As a member of the committee on legal affairs, from which committee this bill has been reported, I feel that it is my duty to say just a word by way of explanation. I do not know how it appears to you, but it strikes me that if there is any man in the State of Maine today who is thoroughly acquainted with the requirements of the office of assistant attorney general that man is the present attorney general, the man who has just completed a term of service in that position. The attorney general appeared at the hearing and this whole matter was thoroughly considered. He stated that previous to the creation of the office of assistant attorney general, various heads of departments were accustomed to procure advice from different attorneys at the expense of the State and that in one department alone it had amounted to more than \$1500 in a single year. Such advice is now furnished by the attorney general and his assistant. He also stated that the work relative to corporation papers alone was sufficient to require the attendance of himself or his assistant at the office every day. Now it is possible that by abolishing the office of assistant attorney general and employing a little more clerical help the attorney general could still do the work; but who of such help would be qualified and authorized to examine and approve such things? You know that is not a practical proposition. I have cited only two or three of the many arguments that were advanced at the hearing why this office should not be abolished. It was the final statement of the attorney general that no one man could do the work that comes to that office, that it is simply

an impossibility. Your committee has considered this matter carefully and it is their unanimous report that this bill ought not to pass. I trust that the motion of the gentleman from Waterville will not prevail.

Mr. SMITH of Berwick: Mr. Speaker, as a member of the committee on legal affairs I believe it is my duty as well as my privilege to say a word in favor of the office of assistant attorney general. It has been my province to have more or less business with the office of the attorney general and his assistant in relation to corporation work, and I know that we incorporators want immediate action when we forward our certificate, we want somebody in the office who can take immediate action and who has authority to sign the certificate. I was not, however, acquainted with the fact, until explained to the committee by the present incumbent, Mr. Philbrook, of the absolute necessity of some person in the office all the time who had legislative authority. Many charters granted by the State of Maine go into foreign countries, many of them to Brazil for instance, where the bill after it has been passed in the State of Maine is published in the Gazetteer, reported to the State department, by the State department reported to the ambassador in this country, by the ambassador referred to the home consul and the consul must certify back that the officer attesting that certificate is an officer having legislative authority. Now those matters coming in on foreign mails require prompt and immediate attention. The duties of the attorney general require his absence from the State House, require his absence from the office constantly, and in case there was no person in the office having legislative authority it might be weeks before the attorney general could return to his office and take up the matters, and in the meantime business is delayed. I would not begin to attempt to explain the manifold duties incumbent on the assistant attorney general. Mr. Philbrook knows them thoroughly. He did not come before our committee pleading for an assistant. He said that if the office of assistant were abolished he would attempt to do the bus-

iness, he would do all he could, but what he could not do would have to go undone and somebody's rights would have to be neglected. So I would move the adoption of the report.

Mr. MARSHALL of Portland: Mr. Speaker, already two members of the committee on legal affairs have spoken and I hardly think it is necessary for me to add a word. I will simply call attention of the House to the fact that in 1905 the Legislature passed Chapter 162 which greatly enlarges the duties of the attorney general. It provides that he shall be the law officer of the State. I will not read the text of the act in full but simply say that he shall appear for the State, the secretary of State, the treasurer of State, the bank examiner, the insurance commissioner and the State boards in all suits and proceedings in which the State is a party or is interested. In that connection I will say that I understood that heretofore, that is, before the year 1905, it had been the practice and had been necessary for the several departments to employ, more or less outside counsel; and as the gentleman from Belfast has already told you in some instances they amounted to \$1500 per year for one individual; and if I recall correctly the figures I think in some years the total amount has reached as high as \$6000 for outside counsel, and that outside counsel have been, not constantly but from time to time, employed by one department or another in as many as 11 of the different counties of this State.

Now this act of 1905 made it incumbent on the various departments to seek the attorney general's department for all counsel and it put the attorney general upon a salary of \$4000, also creating the office of assistant attorney general at a salary of \$1800 a year. Up to this time the attorney general had been keeping the fees under the law, and if I am correctly informed they have in some years amounted to as high as \$7000 or \$8000. Thus you will see, gentlemen, why creating the office of assistant attorney general and putting all those departments upon the attorney general

and his assistant and providing them with a fixed salary, there has been a direct saving to the State. Moreover, it is made the duty of the attorney general to attend criminal cases where his services may be required, and it is not possible for him to attend to the civil end of the work at this capitol and at the same time give his attention to the criminal end of it, perhaps in Aroostook or Washington county or in some distant part of the State. In addition to that during the past few years since the office of assistant attorney general has been created, there have been times when both the attorney general and the assistant attorney general, if I am not mistaken, have been called away to attend to criminal duties. These are but a few of the reasons which I believe should entitle the office to stand where it is. I hope the motion of the gentleman from Waterville will not prevail.

Mr. PATTANGALL of Waterville: Mr. Speaker, I did not have any idea that I was going to precipitate so much debate on this matter and I don't want to waste any time, but since the matter has been discussed so fully I will say just a word or two about it, merely to show that my bill was not introduced out of pure wantonness and without any knowledge of the condition of this office. In 1905 the office of assistant attorney general was created. Prior to 1905 it was the duty of the attorney general to certify all of his corporation papers just as it is today, and I suppose if any of them came from a foreign country and had to go through the hands of a consul, I presume it had been done in 1903 and 1904. Up to 1905 nobody ever suggested that there was any need of an assistant attorney general. The attorney general did all of his work all right; and although in the few years between 1901 and 1905 the office amounted to a good deal, back of that time when the fees were small, men like William P. Frye and Thomas B. Reed and Lucilius A. Emery and various other men of fairly good standing (laughter) did the work of attorney general without any assistant and only received \$1500 a year. In the early days it was only a thousand dollar salary but was raised

to \$1500 after a while; and I don't think anybody until this morning ever learned that it was in the interest of economy that the expense of the office has been raised to \$5800 from \$1500.

Now, appearing before the legal affairs committee Mr. Philbrook did say that the assistant attorney general was an extremely busy man and that he thought the office ought not to be vacated; but I want to suggest to this House that appearing before the taxation committee—and I do not mean to accuse Mr. Philbrook of bad faith in the matter—appearing before the taxation committee within two days Mr. Philbrook assured the taxation committee that he could take on in his office the entire duty of collecting the collateral inheritance taxes for the State of Maine and collect the direct inheritance taxes, if we imposed a direct inheritance tax, without employing any new men in his office, because Judge Coolidge had introduced a bill for a tax commissioner to collect those taxes. It seems to me if there is leisure enough in that office to collect the collateral and direct inheritance taxes for the whole State so it would obviate the necessity of having a tax commission, that there must be some time in connection with the duties of the office when both the attorney general and the assistant are not busily employed. The taxation committee without formally deciding have about reached the point where they were going to leave the collection of the taxes where they are now, in the hands of the county attorney under some arrangement.

There may be times when both the attorney general and the assistant are away from Augusta trying murder cases. I don't know about that. If that is true the members of the legal affairs committee should not argue that the law compelled them to be here all the time, because I submit that even an assistant attorney general could not be in Augusta advising the heads of the departments and still be down in Washington county trying a murder case at the same time. They cannot have both ends of that argument very well. Now my position in regard to that matter is this, that no lawyer who is fit to

go about this State trying murder cases in strange counties in the place of local county attorneys can be employed for \$1800 a year, unless he takes the position on the understanding express or implied that it is only a stepping stone to the higher office. You were fortunate four years ago when this office was created in getting a first-class lawyer to serve the State at low pay, because he lived near here, he was not much incommoded in taking on the work and he saw in it a means to a promotion which he received and justly deserved; but you cannot expect that to happen right along and you cannot get much better than a good clerical man for that salary, for no good lawyer in Maine will leave his practice and move to Augusta for a salary of \$1800 a year. The man who will do it is either charitably inclined or else he is earning very little money in his practice.

Now one word more. You have voted \$350,000 to start the enlargement of the State House, and had I known that the House was going to do that I don't know as I should have pressed this bill before the committee even because in order to occupy all of the new room which you will acquire during the next two years it will undoubtedly be necessary to keep all of the useless office holders you now have and possibly create some more. (Laughter). But while that addition is pending and to relieve the crowded condition of the State House until it is completed I would suggest that bill pass, so that there may be a vacation at least in the office of assistant attorney general during the year 1910, and if it is then found that nobody in the State will take the office of attorney general carrying as it does a salary of \$2000, if it is found that no competent man would take it, then the office can be restored.

The question being on the motion to substitute the bill for the report, the motion was lost.

The report of the committee was then accepted.

Mr. MONTGOMERY of Camden; Mr. Speaker, the next matter on the calendar is the majority and minority report of the committee on judiciary re-

porting on bill, An Act empowering the Governor to remove county attorneys, reporting "ought to pass in new draft," and "ought not to pass." This is a matter of great importance, a matter important to the majority party and the minority party. There is nothing that appears now to crowd the business of tomorrow, and as there are so few of both parties here, and I know there will be some of us who will want to discuss that matter and have everybody here, I will move that it be postponed until tomorrow morning to be considered first.

Mr. HERSEY of Houlton: Mr. Speaker, the matter was assigned for this morning at my request. As the hour is late I will not oppose the motion if it can be taken up the first thing on the calendar tomorrow.

The SPEAKER: If carried over as unfinished business it would certainly come up as first on the calendar tomorrow under the orders of the day. The gentleman from Camden moves that the House adjourn.

The motion was agreed to.