

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

ERRATA:

**The following errata are
inserted because one or more pages
in this session day have errors
noticed and corrected here.**

ERRATA.

- Page 39, for Long Monson Pond read Long Mousam Pond.
94, after the words "Probation Officers" omit the words "relating to State Detectives."
105, 302, 316 and 333, for State Prison read State pension.
118, 146, 165 and 170, for supplementary associations read supplementary assessments.
168, for Coolidge River read Cambridge River.
174, for \$50 read \$50,000.
182, for Oakland read Oakfield.
185, for Rines road read Kineo road.
219, for Mineral Spring Co. read Merrill Springer Co.
226, for investigation of vital statistics read registration of vital statistics.
243, for town of South Portland read town of Southport.
309, for town of Wales read town of Wells.
325, for foreigners read coroners.
343, for Bed Cambridge River read Dead Cambridge River.
360, for boys read buoys.
377, for Corners Knob read Conary's Nub.
377, 462, 496, for Prescott read Trescott.
379, for Pittsburg read Phippsburg.
462, 496, for Chronological read Pomological.
494, for Township E read Township 2.
510, 538, for Central Railroad Co. read Jonesport Central Railroad Co.
520, for Penobscot Electric Co. read Penobscot Bay Electric Co.
525, for Colcord read Concord.
544, 556, for town of Brewer read town of Bremen.
551, 587, for Monmouth Ridge Sanitary Association read Monmouth Ridge Cemetery Association.
646, for Androscoggin Valley Company read Androscoggin Valley Railroad Company.
648, for Central Fire Insurance Co. read Central Maine Fire Insurance Co.
654, 670, for Jimmy pond read Jimmy brook.
655, 671, for Straw's Island read Swan's Island.
667, for transmitted in Maine read transacted in Maine.
677, 698, for municipal court in town of Portland read municipal court in town of Farmington.
687, for Trusett read trustee.
700, for pension members of Building Commission read pension members of Fire Department.
788, for Howard read Howland.
835, for Chapter 138 of the Public Laws of 1905 read Chapter 138 of the Public Laws of 1895.
844, for bridges of municipal officers read duties of municipal officers.
928, for identifying animals read identifying criminals.
974, for Herbert A. Bradford read Herbert A. Lombard.
1022, for Stonington Trust Company read Stonington Water Company.
1064, for Biddeford read Portland.
1244, for Daniel's Pond read Donnell's Pond.
1275, for Acatus Lake read Nicaulous Lake.
1313, for establish read abolish.

HOUSE.

Tuesday, March 9, 1909.

Prayer by Rev. Mr. Hope of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

An Act to amend chapter 153 of the public Laws of 1907 relating to transportation of public officials. (Senate Amendment A adopted in concurrence.)

Majority and minority reports of the committee on judiciary, on bill, An Act to repeal chapter 92 of the Public Laws of 1905 entitled "An Act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors, the majority reporting in a new draft a resolve providing for an amendment to the constitution empowering the Governor to remove sheriffs and An Act additional to chapter 92 of the Public Laws of 1905 relating to the better enforcement of the laws against the manufacture and sale of intoxicating liquors, and the minority on same reporting a bill in a new draft for the following reasons: The purposes of this legislation is to get rid of the Sturgis law, so called, and the annoyances its attempted enforcement produces on the public mind alike upon the members of every political party and its expense to the State. This annoyance has become such that all well meaning and honest temperance people deem its longer existence a menace to the due respect of all law and certainly to the due regard of the provisions of the constitution of the State. Heretofore it has been the policy of the Legislature to promptly repeal such unpopular laws and all such that seem to be unconstitutional. A return to the enforcement of the laws by the duly elected officers of the people is a wise and safe course—the minority reporting a bill in a new draft under title of An Act to repeal chapter 92 of the Public Laws of 1905 relating to the better enforcement of the laws against the manufacture and sale of intoxicating liquors, and that it ought to pass.

On motion of Mr. Montgomery of Camden both reports pending the acceptance of either were laid on the table and were assigned for Thursday.

An Act to extend the charter of the Eastport Street Railway Company, came from the Senate amended by Senate Amendment A.

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

Two petitions to incorporate the Androscoggin Valley Railroad Company, which were referred in the House to the committee on railroads and expresses, came from the Senate ordered placed on file in non-concurrence.

On motion of Mr. Frost of Lewiston the House receded and concurred with the Senate in its action.

Four petitions in favor of the Chase bridge bill, referred in the House to the committee on ways and bridges, came from the Senate ordered placed on file in non-concurrence.

On motion of Mr. Chase of Sebec the House receded and concurred with the Senate in its action.

The following bills, petitions and resolves were presented and referred:

Judiciary.

By Mr. Burleigh of Augusta: Remonstrance of Colby Getchell and 41 others against the medical examiner bills; of S. S. Lancaster and 27 others against same.

By Mr. Rounds of Portland: An Act to amend Section 38 of Chapter 28 of the Revised Statutes relating to buildings.

Legal Affairs.

By Mr. Marshall of Portland: An Act to prohibit certain persons from advertising as State detectives.

By Mr. Edwards of Lewiston: An Act to authorize the city of Lewiston to take ice from the Androscoggin river.

Education.

By Mr. Higgins of Starks: An Act to amend Section 33 of Chapter 15 of

the Revised Statutes relating to the payment of superintendent of schools.

Temperance.

By Mr. Allen of Jonesboro: An Act to amend Section 2 of Chapter 22 of the Revised Statutes of 1903 relating to jail sentence for maintaining a liquor nuisance. (Tabled for printing, pending reference on motion of Mr. Allen.)

Agriculture.

By Mr. Higgins of Starks: Petition of Wilbur Hilton of Anson and 28 others for the enactment of a law requiring owners to maintain a better control of their dogs.

Placed on File.

By Mr. Harrington of South Thomaston: Petition of W. S. Glidden and 8 others of Vinalhaven in favor of law changing manner of selecting State Assessors; of Fairfield Calderwood and 44 others of Vinalhaven for same.

By Mr. Rounds of Portland: An Act to fix the salary of the County Commissioners of Cumberland County.

Reports of Committees.

Mr. Grant from the committee on mercantile affairs and insurance, on bill, An Act additional to chapter 49 of the Revised Statutes to better protect the interests of accident and health insurance policy holders, reported that the same be printed and recommitted to the committee on mercantile affairs and insurance.

Mr. Grant from same committee, on bill, An Act to amend sections 123, 126, 127, and 128 of chapter 49 of the Revised Statutes relating to the organization of assessment casualty insurance companies, reported that the same be printed and recommitted.

Mr. Marshall from the Cumberland county delegation, on bill, An Act for the protection of deer in Cumberland county, reported "ought not to pass" as the subject matter has already been acted upon.

The reports were accepted.

Mr. Stanley from the committee on education reported in a new draft, An Act to amend section 64 of chapter 15 of the Revised Statutes relating to the

tuition of pupils in secondary schools and that it ought to pass.

Mr. Pattangall from the committee on taxation reported "ought to pass" on bill, "An Act to amend Section 13 of chapter 9 of the Revised Statutes relating to the assessment of taxes on logs and lumber."

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

First Reading of Printed Bills and Resolves.

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

An Act to extend the charter of the Bluehill Trust and Banking Company.

An Act to amend section eighty-nine of chapter one hundred eighty-four of the Public Laws of 1907, relating to the Compensation of Selectmen.

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

An Act to amend section 43 of chapter 32 of the Revised Statutes relating to Pleasant River in Washington county.

An Act for the protection of deer in York County.

An Act to authorize and empower Leone R. Cook and others, trustees, to convey certain interests in real estate to the inhabitants of the Town of aYrmouth.

An Act to extend and amend the charter of the Cornish Water, Light & Power Co.

An Act to amend Chapter 260 of the Private and Special Laws of 1887, relating to the powers of the Dover and Foxcroft Village Fire Co., the name of which was changed to Dover and Foxcroft Water District, by Chapter 11, Section 1, of Private and Special Laws of 1903.

An Act to incorporate the Maple Grove Electric Co.

An Act to incorporate the trustees of an academy under the name of the Nasson Institute.

An Act to amend Sections 94, 96 and 97 of Chapter 15 of the Revised Statutes of 1903 providing for the schooling of children in unorganized townships.

An Act relative to school buildings.

An Act to prohibit the swelling of scallop meats by artificial means.

An Act to prohibit seining smelts in certain parts of Casco bay.

An Act to amend Section 1 of Chapter 61 of the Special Laws of 1907 relating to the lobster industry within two miles of the shore of Monhegan Island.

An Act to amend Section 1 of Chapter 356 of the Private and Special Laws of 1907, entitled "An Act to regulate the taking of white perch in Lake Sebasticook, in the town of Newport, county of Penobscot, and its tributaries."

An Act to regulate fishing in a portion of Sandy River stream, Franklin county.

An Act to prohibit ice fishing in Ware pond, in Lee, in Penobscot county.

An Act creating a close time on muskrats in certain tributaries to Lake Sebasticook, from May 1 to March 15 of the following year.

An Act to regulate the length of trout which may be taken in certain ponds in Oxford county.

An Act to regulate fishing in Pleasant pond in Somerset county.

An Act to regulate fishing in Belgrade stream, in Kennebec county.

An Act to prohibit ice fishing in the Prestile stream in Aroostook county.

An Act for the protection of deer in Cumberland county.

An Act to provide for ice fishing, in accordance with the general law of the State, in Spectacle, the Stanleys, Trafton and Jay Bird ponds, in Oxford county.

An Act to amend Section 61 of Chapter 41 of the Revised Statutes of 1903, relating to sea and shore fisheries.

An Act to regulate the taking of fish from Lower Kezar pond, in Fryeburg, Oxford county, Maine.

An Act to authorize and ratify the appointment of Portland City Hall Building Commission. (Amendment A adopted, offered by Mr. Rounds of Portland, to strike out everything after the word "require" in line 16.)

An Act to authorize the city of Portland to retire and pension members of its fire department.

Pending the second reading of this bill Mr. Kavanaugh of Portland of-

fered House Amendment A by striking out in Section 1 the word "or" in line 5 and substituting in place thereof the word "and." Amend Section 2 by adding in line 3 after the word "become" the word "permanently." Amend Section 3 by striking out the word "shall" in line 3 and substituting the word "may" and by striking out in line 10 everything after the word "month." Amend Section 4 by striking out after the word "empower" in line 2 and inserting "and as often as it shall be deemed expedient," and by striking out everything after the word "therefrom" in line 7. Amend Section 5 by striking out said section and inserting in place thereof the following: "Section 5. Nothing herein contained shall repeal any acts of the Legislature heretofore enacted allowing said city council to grant pensions in special cases."

The amendment was adopted, the bill received its second reading and was assigned for tomorrow morning.

An Act regulating the taking of alewives in Patten's Pond stream in the town of Surry, Hancock county, Maine.

Resolve in favor of Lincoln Academy.

Resolve in favor of the town of Roxbury for \$123.75 to be paid to the town of Roxbury on account of permanent road constructed in the year 1908.

Resolve in favor of the town of Rumford.

Resolve in favor of the Plantation of New Canada in Aroostook county.

Resolve in favor of the town of Dover.

Resolve in favor of the town of Caribou.

Resolve in favor of the town of Abbot for \$140 to be paid to the town of Abbot on account of State road constructed in the year 1907.

Passed to Be Engrossed.

Bill relating to the payment for teachers' services.

Bill to incorporate the Aroostook Mutual Fire Insurance Co. (Tabled pending third reading, on motion of Mr. Hall of Caribou.)

Bill to authorize the Northern Tel-

egraph Co. to increase its capital stock.

Bill to regulate fishing in tributaries of Worthley pond.

Bill to incorporate the Brewer Water District. (Tabled pending third reading on motion of Mr. Jones of Bucksport.)

Bill, relating to marriage and the registration of vital statistics.

Resolve, in favor of towns of Solon and Embden in Somerset county.

Resolve, in favor of town of Island Falls to aid in building a bridge across west branch of Mattawamkeag river.

Bill, to authorize town of Thorndike to remove bodies from abandoned cemeteries.

Bill, to extend the charter of the Penobscot Bay Railroad Co.

Bill, to prohibit expectoration in certain public places and conveyances.

Bill, to render valid the doings of the Monmouth Ridge Cemetery Association.

Bill, relating to pleading a discharge in bankruptcy.

Bill, to extend the charter of the Kezar Falls Water Co.

Bill, to amend the charter of the Bangor Railway & Electric Co.

Bill, to authorize Cora B. Norris to build and maintain wharves in Cochewagan lake.

Bill, relating to suits in real actions.

Bill, to authorize the plantation of Portage Lake to erect a wharf in Portage lake.

Bill, relating to the taxation of street railroads.

Bill, to extend the charter of the Winter Harbor & Eastern Railway Co.

Bill, relating to the Waterville and Fairfield Railway & Light Co.

Bill, relating to the taxation of steam railroads.

Bill, relating to hunting on Sunday.

Bill, relating to the taxation of personal property.

Bill, to incorporate "The R. & T. Cement Railroad."

Bill, to incorporate the Fore River Shore Line.

Bill, relating to the better protection of children.

Bill, to incorporate the Hiram Water, Light & Power Co.

Bill, additional to and amendatory of Chapter 29 of the Private and Special Laws of 1887, entitled "An Act to incorporate the Kennebec Light & Heat Co."

Bill, relating to the Carrabasset Dam Co.

Bill, organizing the Oquossoc Railway Co.

Bill, for the better protection of the people from tuberculosis.

Bill, to establish the Kingman municipal court.

Resolve, in favor of repairing road between Seboomook and Pittston farm.

Resolve, to provide for repairs of road leading from Roach river to the Grant farm.

Resolve, in favor of aid in building a highway bridge across the Kennebec river between the towns of Fairfield and Clinton.

Bill, relating to public schools.

Bill, to extend the charter of the Waterville & Winslow Bridge Co.

Bill, to provide for the preservation of the records and history of the Grand Army of the Republic, Department of Maine.

Bill, to incorporate the Androscoggin Reservoir Co. for power and manufacturing purposes.

Bill, to increase the salary of the warden of the Maine State prison.

Bill, to amend Chapter 8 of the Revised Statutes, relating to the Board of State Assessors.

On motion of Mr. Rounds of Portland the vote was reconsidered whereby bill, An Act to amend Section 115 of Chapter 15 of the Revised Statutes relating to public schools, received its third reading, and on further motion by Mr. Rounds it was tabled pending third reading.

Passed To Be Enacted.

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

An Act to exempt certain public bonds from taxation.

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

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

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

An Act to change the name of the Unitarian Society of Augusta, Maine.

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

An Act relating to change of names of railroads and other corporations.

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

An Act to extend the charter of the Wells Telephone Co.

An Act to extend the charter of the Wells Electric Light and Power Co.

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

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

An Act to amend Section 16 of Chapter 15 of the Revised Statutes relating to Public schools.

An Act to amend Section 49 of Chapter 15 of the Revised Statutes relating to Public schools.

An Act to extend the privilege of secondary instruction to youths resident in unorganized townships.

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

An Act to provide anti-toxin by the local Boards of Health for diphtheria and other contagious diseases.

An Act to amend Chapter 18 of the Revised Statutes, relating to the State Board of Health.

An Act to amend Section 37 of Chapter 81 of the Revised Statutes relating to the removal of unworthy attorneys.

An Act authorizing the Governor to issue his proclamation to prevent the use of firearms in the forests during a dangerously dry time.

An Act to amend Section 11 of Chapter 211 of the Private and Special Laws of 1895, relating to Bangor municipal court.

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 amend and enlarge the corporate powers and purposes of the Greenville Light and Power Co., as amended by Chapter 244 of the Private and Special Laws of the year 1905.

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

An Act to amend Section 20 of Chapter 436 of the Private and Special Laws of 1907, entitled "An Act to establish the Milo municipal court."

An Act to provide for the compensation of justices of the supreme judicial court or superior court, who shall resign after 10 years' service at the age of 70 years.

An Act to amend Section 1 of Chapter 116 of the Revised Statutes which provides for a salary of \$300 for teacher at the Maine State prison, and \$200 for chaplain.

An Act to amend Chapter 455 of the Private and Special Laws of the year 1897 and to permit Good Will Home Association to increase its capital.

An Act to amend Section 34 of Chapter 41 of the Revised Statutes as amended by Chapter 125 of the Public Laws of 1907, relating to bait barrels.

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."

Finally Passed.

Resolve, in favor of the town of Trescott.

Resolve, in favor of the town of Fort Kent.

Resolve, in favor of the town of Brewer.

Resolve, in favor of Joseph E. Jewett.

Resolve, in favor of the town of East Machias.

Resolve, in favor of the town of Starks.

Resolve, in favor of the city of Ellsworth.

Resolve, in favor of the Maine State prison.

Resolve, in favor of the town of Searsport.

Resolve, in favor of the Maine Mission for the Deaf.

Resolve, in favor of the Maine State Pomological Society.

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

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

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

Resolve, making an appropriation for the purpose of obtaining information in regard to wild lands for the purpose of taxation.

Resolve, in favor of aid in building a highway bridge across the east branch of the Penobscot river in the town of Medway.

Resolve, in favor of a highway bridge over St. John river between Van Buren and St. Leonard's, N. B.

Orders of the Day.

Unfinished business: Resolve making an appropriation for the Passamaquoddy tribe of Indians.

Mr. Mercier of Princeton offered House Amendment B by inserting an emergency clause before the word "Resolve" in line 1.

The amendment was adopted.

House Amendment A was then adopted.

The resolve then received its second reading and was passed to be engrossed as amended.

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

On motion of Mr. Montgomery of Camden the bill was indefinitely postponed, Mr. Montgomery stating that he made the motion at the request of the friends of the bill.

Taxation of Insurance Companies.

Special assignment: An Act relating to the taxation of insurance companies.

Mr. COOLIDGE of Lisbon: Mr. Speaker, I wish to call attention to the last part of this bill, "provided, however, that no tax shall be required on account of any premium paid or assessment levied on policies of insurance issued on farm buildings." It

seems to me that it is unjust that any tax should be levied upon a mutual insurance company in the State of Maine. They have no capital stock. All the assessments and all the premiums collected go simply to the payment of losses. This does not provide for any exemption except so far as it applies to farm buildings. It seems to me that there should be no difference between the insurance under these mutual companies whether it is a farm building or a village building. The mutual companies desire to be heard further, and for that purpose I move that this bill be recommitted to the committee on taxation.

Mr. PATTANGALL of Waterville: Mr. Speaker, I hesitate to antagonize the motion made by the gentleman from Lisbon, but I would say that the committee on taxation gave a full and complete hearing on the question of taxation of insurance companies. After going into the matter with some care we learned that no insurance company organized in Maine paid any tax under the present law. It seemed to us, when we were looking for revenue—and some revenue seems necessary to run the State—that it would be well for insurance companies organized in the State to pay a tax provided they were doing a similar business that those organized out of the State were doing; so after a good deal of consideration and after a very full hearing indeed the committee reported that all insurance companies regardless of where they were organized should pay a tax excepting those carrying premiums on farm buildings, or farm property. That exception was made for two reasons. First, a Grange insurance company is doing a business which in a sense is not for profit, and second, because it is very difficult to get farm insurance and the committee desired to make that as easy as possible. We did not include all mutual companies in the exemption, and neither I think would any committee do so if it was familiar with the number of mutual companies doing business in the State. Nor did we include companies insuring any other property than farm property in the exemption.

On this ground, the committee felt if an insurance company was insuring stores or mills, or what not, in competition with the regular insurance companies, that company should pay a tax on those premiums, even though it also insured farm property. Now I can only speak for one of the committee excepting in so far as other members have consulted with me this morning. I went over the matter carefully, and speaking for those members who have talked with me this morning, they have been over it carefully. We have a great deal of important business before the taxation committee. We have been trying pretty hard to find somebody who thought that he ought to pay taxes. We have not discovered that man yet but we have brought in one or two bills which impose a tax on certain business of the State and are working on some more. It would be unjust I think to the committee to recommit this and revive the subject at this late day, for it has been considered by us and considered fully, and I should very much prefer that the House should act upon it and either pronounce our work good or amend it to suit themselves rather than to send it back for another hearing which would result in nothing. Everybody representing insurance companies in Maine who had any interest in this thing was before us I think with the exception of one gentleman who is somewhat active in the insurance business and who has presented his case individually to everybody in the House. I think it will be better to take the matter up at the present time. I hope the motion to recommit will not prevail.

Mr. STRICKLAND of Bangor: Mr. Speaker, this morning I received a telegram from the Marine Insurance Company of Bangor asking that they might be excepted from this tax, and I called the president of one of the companies up on the telephone and he said he did not know about the hearing and had but recently looked into the matter, that the company was already paying about four and one-half per cent tax on the par value of their capital stock, and asked that he might have an opportunity to be heard before the com-

mittee. I dislike very much to ask the committee to hear him or take this matter up over again, but the Marine Insurance Companies in the State desire to be heard. That is about all the details I can go into, simply what talk he made over the telephone in regard to those Marine Insurance Companies. They say they did not know about the hearing and that they would like to talk with the committee in regard to the matter.

Mr. WING of Kingfield: Mr. Speaker, the committee considered this bill among the first and after careful consideration they reported it, and I am opposed at this time to have it recommitted to the committee because I think it would be useless to go over the ground again.

I call your attention to the fact that there is but a single point involved in this bill. The present law provides that insurance companies, incorporated under the laws of this State, are exempt from the tax of one and one-half per cent. on the gross premiums received, and this bill strikes out that provision and puts them all on the same basis, so that a company doing business outside the State, not incorporated under our laws, pays one and one-half per cent. and those incorporated under the laws of Maine pay the same amount. In other words, we make the tax on the home company exactly the same as on the foreign company, but we make an exception in this bill of farm buildings. A member of the committee has an amendment which he will offer making that apply to farm property as well as to farm buildings. So it seems to me that the House can consider the matter as well at this time as to recommit it to the committee. There is only that one point involved. It is the question of whether we shall tax the companies doing business, organized under the laws of the State of Maine, the same as we tax the foreign companies, whether we shall discriminate in favor of the home company or not.

The question being on the motion to recommit the bill to the committee on taxation—

The motion was lost.

Mr. Additon of Leeds offered House

Amendment A by striking out the word "buildings" in line 16 and substituting the word "property" in place thereof.

The amendment was adopted, the bill then received its third reading and was passed to be engrossed as amended.

Special assignment: An Act relative to the appointment of school physicians.

House Amendment A was adopted, the bill received its third reading and was passed to be engrossed as amended.

Special assignment: Resolve in relation to the early York county deeds.

On motion of Mr. Beyer of Portland the resolve was tabled and assigned for consideration for next Thursday.

On motion of Mr. Wing of Auburn Senate Doc. No. 304, An Act to appropriate moneys for the payment of salaries fixed by law for the year 1909, was taken from the table.

The bill then received its third reading and was passed to be engrossed in concurrence.

On motion of Mr. Dunn of Brewer, An Act in favor of a law student who is also a laboring man, was taken from the table, Mr. Dunn stating that he made the motion by permission of the gentleman from Auburn (Mr. Wing), and on further motion by Mr. Dunn the bill was referred to the committee on legal affairs.

On motion of Mr. Marshall of Portland, House Doc. No. 449, An Act to submit to the legal voters of York county the question as to whether the shire town shall be changed, and if so to establish the shire town at Saco, Kennbunk or Sanford, was taken from the table.

The bill then received its third reading and was passed to be engrossed in concurrence.

On motion of Mr. Grant of Freeport, An Act to amend Sections 59, 62, 63 and 64 of Chapter 49 of the Revised Statutes relating to securities deposited with the treasury of State, was taken from the table, and on further motion by Mr. Grant it was referred to the committee on mercantile affairs and insurance in concurrence.

On motion of Mr. Wing of Auburn Senate Doc. 305, An Act to appropriate money for the expenditure of government for the year 1909, was taken from the table.

The bill then received its third reading and was passed to be engrossed.

On motion of Mr. Strickland of Bangor, House Doc. No. 248, An Act amendatory of Section 1 of the charter of the city of Bangor relating to corporate names and powers, was taken from the table, and on further motion by Mr. Strickland it was referred to the committee on judiciary.

Ice Fishing in Thomas Pond.

On motion of Mr. Spear of South Portland, House Doc. No. 383, An Act to regulate ice fishing in Thomas pond in Raymond and Casco, Cumberland county, was taken from the table.

Mr. BIGELOW of Portland: Mr. Speaker, I move that this bill be indefinitely postponed. I desire to say that when this matter came before the committee of inland fisheries and game for a hearing the petitioners to have Thomas pond opened for ice fishing were represented by an attorney. The remonstrance and a great many other people were not represented at that hearing. After the hearing the committee decided that it would be a fair compromise if we granted to the petitioners three days in the first week of March for fishing. Afterwards it developed that the remonstrance, those who owned property about the pond, and practically all the people in that vicinity, were very much opposed to this proposition. Therefore I move that the bill be indefinitely postponed.

Mr. Kavanough of Portland called for a division of the House on the question.

Mr. BIGELOW: Mr. Speaker, if this matter is going to a division I propose to go a little further into details and explain it more fully. The gentlemen who have petitioned for this matter live in Portland, and as I understand it they have been accustomed for some years, each year in the month of March, to go somewhere for a few days' outing at the end of the week. This pond was stocked by the people who owned the property there and

through the influence of the people in the vicinity. They have expended the money for stocking the pond, they have taken an interest in it and have done all that has been done, and these gentlemen who petitioned to have the pond opened have never done anything. They come on here and through their influence with many gentlemen here—because they are men of high standing and so forth—they secured a consideration of that bill, while these men who have not been represented, owning property about the pond, feel as though they have been discriminated against. The people who own property there and who are trying to stock it with fish feel that if this pond is opened to ice fishing it will result in the depletion of the fish and that their labors will come to naught. I hope therefore that the House will vote for the indefinite postponement of the bill.

Mr. DAVIES of Yarmouth: Mr. Speaker, I would inquire of the gentleman from Portland (Mr. Bigelow) if the proponents of the bill which is now under discussion were the people who do not live in the vicinity of the pond?

Mr. BIGELOW: I understand that only one man who lives in the vicinity of the pond has signed a petition to open the pond for ice fishing.

Mr. KAVANOUGH of Portland: Mr. Speaker, this seems to be occupying considerable valuable time for a rather minor matter, but the facts of the case are these as I understand it. This is rather a small pond and it has been closed to fishing for a period of four years. There are a limited number of cottages on the shores of this pond, and it is an utter impossibility to catch any fish there in the summer time. Now there are people who have always desired an opportunity to be very well stocked and they simply ask for the privilege of fishing three days in one month out of twelve through the ice. Now this is not a very large question but it is a question of whether or not the waters of the State of Maine are to be open a reasonable length of time for a certain amount of fishing. Now it is true that the petitioners are not residents

of the town of Raymond or of the town of Naples. The fact is this, that most of these men own property in the vicinity of Sebago lake and they understand the conditions in regard to Thomas pond. I certainly hope that the motion to indefinitely postpone will not prevail.

Mr. DAVIES of Yarmouth: I would inquire of the gentleman from Portland (Mr. Kavanough) if any of the gentlemen own property adjoining the waters of the pond or parts of the pond?

Mr. KAVANOUGH: Mr. Speaker: In answer to the question of the gentleman from Yarmouth I would state that the gentlemen asking for this privilege do not own property on the shores of the pond.

Mr. ROUNDS of Portland: Mr. Speaker: I would like to know if this is the pond that the State stocked from the fish hatchery we have got up there. It seems that the State furnished this pond and the people want to go there three days in a week only. I hope the motion will not prevail.

Mr. BIGELOW: Mr. Speaker: I regret to have to correct a misapprehension of the gentleman from Portland (Mr. Rounds) as to who stocked the pond. The pond was stocked through the influence of Congressman Allen at the solicitation of the people who have remonstrated against opening it to ice fishing.

Mr. ROUNDS: I didn't know that there was any pond in Cumberland county that had any stocked trout in it because I understood that the State of Maine hauled all the trout to the northern part of the State so that the Maine Central could get some revenue out of it for hauling them. I hope that you will give the people up there three days in which to go and catch a few trout.

The question being on the motion to indefinitely postpone the bill, a division was had and 41 voted in the affirmative and 20 in the negative.

So the motion prevailed.

Mr. Rounds raised the point of no quorum present.

The SPEAKER: Eighty-nine members are present and in their seats and a quorum is therefore present.

Mr. BIGELOW: In order to bury this thing finally I move that the House reconsider the vote, and I ask all those who voted to indefinitely postpone to vote no.

Mr. ROUNDS: I see that they like to have a long session and I call for the yeas and nays. (Laughter).

The motion was lost.

The question being on the motion to

reconsider the vote whereby the bill was indefinitely postponed the motion was lost.

Mr. Wing of Kingfield moved to take from the table House Doc. 329.

Mr. Wing of Auburn raised the point of no quorum.

The SPEAKER: The Chair is able to count only 54 members present. A quorum is not present.

Mr. Wing of Kingfield moved to adjourn.

The motion was agreed to.