

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

**HOUSE.**

Thursday, March 11, 1909.

Prayer by Rev. Mr. Evans of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

The Speaker appointed as a committee of conference on the part of the House on the disagreeing action of the two branches on resolve proposing an amendment to the Constitution providing for the election of the secretary of State, treasurer and attorney-general by the qualified electors, Messrs. Davies of Yarmouth, Montgomery of Camden and Bearce of Edgington.

An Act to correct a clerical error in an act approved Feb. 19, 1909, entitled An Act to extend An Act entitled "An Act to incorporate the Baker & Spencer Brook & Dam Co.," came from the Senate passed to be engrossed under a suspension of the rules.

On motion of Mr. Colby of Bingham the rules were suspended, the bill received its three several readings and was passed to be engrossed without reference to a committee.

**Senate Bills on First Reading.**

An Act to extend the time in which the Maine Title Guaranty Co. is authorized to commence business.

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

Resolve authorizing the State land agent to sell certain lots in the towns of St. Agatha and Madawaska in Aroostook county.

An Act to shorten the time of possession required for bringing suits to quiet title to real estate.

An Act to regulate ice fishing in Pattie's pond, in Winslow, in Kennebec county.

An Act to prohibit the hunting of ducks and other water fowl in Damariscotta pond, in Lincoln county, by use of steam, naphtha or gasoline boats.

An Act to regulate fishing in little Big Wood pond, Somerset county.

An Act to provide for a bounty on wild cats.

An Act authorizing the payment of an annuity by the city of Portland to John Cousens.

An Act to amend Chapter 166 of the Public Laws of 1907, entitled "An Act for the better collection of taxes."

Resolve relating to Documentary History of Maine.

An Act to amend Chapter 32 of the Revised Statutes relating to inland fisheries and game, and to correct certain clerical errors therein.

An Act to amend Chapter 492 of the Private and Special Laws of 1855 entitled "An Act to incorporate the Maine Medical Association," and to confirm the reorganization of said association.

Resolve in favor of the University of Maine.

Resolve in favor of the Farmington State Normal school. (Tabled pending first reading on motion of Mr. Sawyer of Dexter).

An Act for the safeguarding of schools against danger from fire.

An Act to amend Section 28 of Chapter 15 of the Revised Statutes relating to the duties of the municipal officers of towns.

An Act additional to Chapter 144 of the Revised Statutes, providing for the recovery of money improperly paid by the State for the support of insane paupers.

Resolve in favor of the town of Concord, county of Somerset.

Resolve in favor of Stacyville plantation, in Penobscot county.

An Act to incorporate the Guilford Water Co.

An Act to confirm the title of Ram Island, in Hancock county.

An Act to amend Section 2 of Chapter 159 of the Public Laws of 1905 relating to the compensation of certain State officers.

Resolve in favor of the Eastern Maine Insane hospital for fireproof building.

Resolve in favor of the Maine Insane hospital for kitchen, bakery and dining room.

An Act to define and regulate the practice of optometry.

Mr. Weld of Old Town moved that the bill lie on the table pending its first reading.

Mr. MONTGOMERY of Camden: Mr. Speaker: I think it is wise to oppose a motion to lay this bill on the table. There really can be no absolute necessity for the action. In the first place we want to get our business along just as fast as we can. Another reason is that this bill has been before the members of this Legislature more than any bill which has been before it. Before we came here the friends of the measure published the bill and sent it to all. It came before the judiciary committee and was heard there at length, that committee hearing people whenever they wanted to be heard about it, and finally unanimously recommended as ought to pass by the judiciary committee. It has been in the Senate and has been on the table there for a time, I don't know how long but quite a number of days. It has been thoroughly discussed in the Senate, understood by everybody passed an overwhelmingly majority of the Senate and now it should be carried along just as fast as it possibly can be carried; and I oppose the motion to lay it on the table.

Mr. WELD of Old Town: On behalf of the members of the medical profession of this body I ask that the bill lie on the table for a short time that they may give it due consideration before they record their vote. Whether it passes or not is immaterial; it is simply a matter that they may give it due consideration.

Mr. MONTGOMERY: Mr. Speaker, I would like to inquire of the gentleman from Old Town if he would be kind enough to assign a time when the matter may be considered? Would tomorrow morning be satisfactory?

Mr. WELD: I think so.

Mr. DAVIES of Yarmouth: Mr. Speaker, I move that the matter be especially assigned for tomorrow morning.

The motion was agreed to.

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

#### Judiciary.

By Mr. Strickland of Bangor: Petition of Standard Clothing Co. and 166 others in favor of the passage of an Act to prohibit gas companies from

charging meter rents or service charges; of Hon. William B. Pierce and 80 others for same.

#### Legal Affairs.

By Mr. Marshall of Portland: An Act to prohibit the use of firearms fitted with any device to deaden the sound of explosion.

#### Appropriations and Financial Affairs.

By Mr. Joy of Eden: Resolve in favor of the secretary of State on account of postage for committees.

#### Shore Fisheries.

By Mr. Harmon of Stonington: Remonstrance of Jasper L. Chapin and 42 others of Isle au Haut against a close time on lobsters on the coast of Maine; of Arthur B. Knowlton and 35 others of Deer Isle against same; of A. M. Hatch and 23 others of Harrington against same; of Stephen Sclars and 33 others of Stonington against same; of W. B. Hatch and 45 others of Oceanville against same.

By Mr. Kelley of Boothbay: An Act to amend Section 47 of Chapter 41 of the Revised Statutes and to repeal Chapter 251 of the Private and Special Laws of 1907.

#### Reports of Committees.

Mr. Strickland from the committee on appropriations and financial affairs on Bill, "An Act to provide for the purchase of machinery to aid towns in improving their roads," reported "legislation inexpedient."

Mr. Jones from the committee on railroads and expresses on Bill "An Act to encourage manufacturing industries and to facilitate railroad accommodations therefor," reported that the bill be indefinitely postponed."

Mr. Harris from the committee on State lands and State roads on Resolve in favor of aid in building a highway from Pleasant Ridge to Dead River, in Somerset county, reported that the same be referred to the next Legislature.

Mr. Beyer from the Portland and South Portland delegations on Bill, An Act amending Chapter 433 of the Private and Special Laws of the State of Maine of 1907, entitled "An Act to incorporate the Portland Water District," reported "legislation thereon inexpedient."

Mr. Marshall from the Portland and South Portland delegation on Bill, "An Act to amend the charter of the Portland Water District," reported "legislation thereon inexpedient."

The reports were accepted.

Mr. Hersey from the committee on the judiciary reported "ought to pass in new draft under same title" on Bill, "An Act granting additional privileges to the Peaks Island Gas Co."

Mr. Plke from the committee on legal affairs reported "ought to pass" on Bill, "An Act to amend Chapter 183 of the Public Laws of 1907, relating to time of payment of members of the government."

Mr. Snow from same committee reported same on Bill, "An Act authorizing the plantation of Monhegan to issue bonds to raise money to pay the cost of building a town landing."

Mr. Hall from same committee reported same on Bill, "An Act relating to the police court of the city of Belfast."

Mr. Coolidge from same committee reported same on Bill, "An Act to abolish the office of auditor of State printing."

Mr. Bisbee from the committee on appropriations and financial affairs reported "ought to pass in new draft" on Resolve in favor of a monument for our hero, the late Commodore Tucker, at the Bremen town cemetery at Bremen, Maine, under title of Resolve in favor of a monument for the late Commodore Samuel Tucker at Bremen, Maine.

Mr. Lord from the committee on mercantile affairs and insurance reported "ought to pass in new draft" on bill, "An Act to incorporate the Maine Fire Insurance Co." under title of "An Act to incorporate the Northeastern Insurance Co."

Mr. Dufour from the committee on State lands and State roads reported "ought to pass" on Resolve authorizing land agent to make a deed for the purpose of curing defects in the title to Dog Fish island in the Penobscot bay.

Mr. Kelley from the committee on shore fisheries reported "ought to pass" on Bill, "An Act to amend Paragraph 20 of Section 1 of Chapter 116

of the Revised Statutes of 1903, as amended by Chapter 120 of the Public Laws of 1905, relating to sea and shore fisheries."

Mr. Beyer from the Portland and South Portland delegations reported "ought to pass" on Bill, "An Act to amend Section 10 of Chapter 433 of the Private and Special Laws of 1907, entitled 'An Act to incorporate the Portland Water District.'"

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

#### First Reading of Printed Bills.

An Act to amend Section 64 of Chapter 15 of the Revised Statutes relating to the tuition of pupils in secondary schools.

An Act to amend Section 15 of Chapter nine of the Revised Statutes relating to the assessment of taxes on logs and lumber.

#### Passed To Be Engrossed.

Bill creating an open time on gray and black squirrels in York county.

Bill relating to the number of trustees of State Normal schools.

Bill to incorporate Maine Boiler Inspection Co.

Mr. Grant of Freeport offered House Amendment A to amend Section 4 by striking out the words "twenty-five thousand" in the fifth line and adding thereto the words "one hundred thousand." Also amend by striking out Section 9.

The amendment was adopted and the bill was then passed to be engrossed as amended.

Bill to encourage manual training in academies.

Bill to incorporate the Litchfield Electrical Co.

Bill to amend charter of Rumford Falls Light and Water Co.

Resolve in favor of Mary A. Goodwin.

Resolve in favor of Drew plantation.

Resolve in favor of Androscoggin Valley Agricultural Society.

Resolve in favor of Donald M. Hastings.

Resolve in favor of Freeman B. Andrews.

Resolve in favor of the town of Dresden.

Resolve in favor of towns of Edmunds and Dennysville.

Resolve in favor of town of Sebec.

Resolve in favor of Machiasport bridge (Tabled pending passage to be engrossed on motion of Mr. Bogue of East Machias and assigned for Tuesday, March 16.)

Resolve in favor of bridge from Northeast Carry to Chesuncook lake.

Resolve in favor of road between Patten and Trout Brook farm.

Bill relating to the duties of the commissioner of agriculture.

Bill to create alien on shovel handle blocks.

Bill to amend Act to create a lien on manufactured staves and laths.

Resolve for D. H. Lambert.

Bill about free public libraries.

Bill amending Revised Statutes about malicious mischiefs and trespasses.

Bill to change the name of Moose pond to Great Moose lake.

Bill to prohibit throwing of sawdust into Kimball brook, Shin brook, Seboeis stream and Fish stream.

Resolve for Cedar Mountain markers.

Bill to let Guilford Manufacturing Co. have piers and booms in Piscataquis river.

#### **Passed To Be Enacted.**

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

An Act to amend the charter of the Dead River Log Driving Co.

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

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

An Act to amend Section 48 of Chapter 49 of the Revised Statutes relating to the hours of labor of women and children.

An Act to confirm the organization of the Bangor Young Men's Christian Association of Bangor, Maine, and for other purposes.

An Act to regulate fishing in Magalloway river and tributaries, and Up-

per and Lower Metallus and Lincoln ponds and Parmachenee lake, Oxford county.

An Act to amend Section 25 of Chapter 53 of the Revised Statutes relating to necessary regulation of street railroads by municipal officers.

An Act to prohibit the use of automobiles in the towns of Eden, Mount Desert, Tremont and Southwest Harbor, on the island of Mount Desert.

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 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 incorporate the Androscoggin Reservoir Company and to authorize it to construct, acquire and maintain a reservoir or storage basin on the Magalloway river at or near the head of Aziscoos Falls in Lincoln Plantation in the county of Oxford, for the purpose of maintaining a more constant flow of water in the Magalloway and Androscoggin rivers for use for powers and manufacturing purposes.

An Act to extend the charter of the Ossipee Valley Power Company.

An Act to amend Sections 1, 2, 4, 5, 6, 7, 8, 9, 12 and 13 of Chapter 113 of the Public Laws of 1907, relating to highways.

An Act to provide for retiring and pensioning prison officers.

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

An Act to increase the salary of the warden of the Maine State prison. (Tabled pending its passage to be enacted on motion of Mr. Davies of Yarmouth.)

An Act to extend the charter of the Waterville and Winslow Bridge Company.

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

An Act in relation to the South Paris

Village Corporation and to establish a municipal water system for said corporation.

An Act to incorporate the Vinalhaven Water Company.

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

An Act to appropriate moneys for the payment of salaries fixed by law for the year 1909.

#### Finally Passed.

Resolve in favor of the town of Cutler.

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

On motion of Mr. White of Columbia, the rules were suspended and that gentleman introduced out of order resolve in favor of the town of Addison, and on further motion by the same gentleman the resolve was referred to the committee on ways and bridges.

On motion of Mr. Allen of Jonesboro, the rules were suspended and that gentleman introduced out of order resolve in favor of the town of Jonesboro, and on further motion by the same gentleman the resolve was referred to the committee on ways and bridges.

On motion of Mr. Bussell of Gardiner, the rules were suspended and that gentleman introduced out of order remonstrance of A. M. Spear and 182 others of Gardiner against the passage of An Act for the better protection of sheep; remonstrance of Manuel L. Blinn and 74 others of Dresden against same; remonstrance of W. H. Kilgore and 48 others of Hallowell against same; remonstrance of W. E. Cunningham and 36 others of Litchfield against same. On further motion by the same gentleman the remonstrances were referred to the committee on agriculture.

Mr. BURLEIGH of Augusta: Mr. Speaker: I move that a message be sent to the Executive Department requesting the return of An Act to increase the salary of the judge of the superior court for the county of Kennebec.

The motion was agreed to.

Mr. MOORE of Saco: Mr. Speaker: I move the reconsideration of the vote whereby we indefinitely postponed

House Document No. 460 yesterday. Since the vote of yesterday two things have happened—I have read the bill, which I had not done at the time of voting yesterday, and I also have heard from home. My people are in favor of this bill, and therefore I move the reconsideration of the motion to indefinitely postpone it.

Mr. CHASE of York: Mr. Speaker: When that question was up before the House yesterday I introduced a very innocent amendment. It did not seem to affect anybody except the people of my town. That amendment was jumped on by the gentleman from Saco (Mr. Moore) and some others as though their lives depended on it. I am perfectly willing for my part to let the matter rest just as it is, but I am decidedly opposed to the matter which they are trying to get, and that is to give certain people in the northern part of the county of York the right to kill a doe, something that is not allowed in any other part of the State. I hope the House will oppose the idea of having this matter up now and taking up more of the time of the House, and as I say, I am entirely willing to let the matter rest, and I hope these people will take their medicine in quiet.

Mr. HANNAFORD of Newfield: Mr. Speaker, when I presented this bill I simply presented it for the people of York county and not meaning that the result of it should be a wholesale slaughter. Under the present law we can shoot a buck in York county, and I know I have seen does that have been shot and left in the woods. Now, I think it would be wise if we passed this bill so that if a man shoots a doe he can take this doe out and use it in his family. In the little town where I live it was reported that at least 25 does were seen that were killed and left in the woods; and I would ask that you vote to reconsider this matter for the protection of deer.

Mr. TRIMBLE of Calais: Mr. Speaker and Gentlemen of the House, on previous occasions when these bills have been discussed, the matter of grey squirrels and black squirrels and

deer in York county, over three hours of the valuable time of this House have been occupied much to the detriment of much more important legislation before us. Now, I have no doubt but what in that particular section the lives of the gray squirrels and the lives of deer and the privilege of shooting deer are important questions, but there are much more important questions before the House at the present time, and we have been delayed in consequence of the discussion of these things, and I hope the motion to reconsider will not prevail.

Mr. MARSHALL of Portland: Mr. Speaker, it has just been suggested to me that a bill for Cumberland county has gone to its final passage which has the same provisions as the bill which was rejected yesterday in the House respecting the county of York, and it seems to me, in view of the fact that the two counties join each other especially in the upper part and the wooded part, that there should be uniform laws pertaining to the two counties, and therefore if we reconsider the present bill and let it go along to its final passage as originally drawn and reported, it seems to me it would be well; and I therefore hope we will reconsider.

Mr. CHASE of YORK: Mr. Speaker, the gentleman from Portland (Mr. Marshall) was one of the men who was exceedingly anxious yesterday to have this whole matter indefinitely postponed. He made a motion to that effect, and I hope the House will take him at his word, and keep it where it is.

Mr. MOORE of Saco: Mr. Speaker, it is true that a great many of us were mistaken yesterday. We did not know what we were voting on. I don't understand that there is any reason why we should not come in this morning and acknowledge our mistake, and we have, to the members of this House. We were wrong when we indefinitely postponed that bill yesterday and I am satisfied of that in my own mind and I know it because, as I said before, since yesterday I have read the bill and also have heard from home. I have heard by telephone and by telegraph and by letter, and they have told me that I was wrong, and I al-

ways listen to the voice of the people at home, and consequently I come in here this morning and ask this House to reconsider a wrongful action which we took yesterday. Perhaps it was at my own suggestion that the gentleman from Portland and myself both made the motion to indefinitely postpone that bill yesterday. If we did so, we did it under a wrong impression and we are here confessing our guilt this morning and we ask the House to help make it right now. The gentleman from Calais (Mr. Trimble) says that we will take up a lot of time of the House. We will take up less of the time of the House and less time of our people if we reconsider this thing now than if we let it go ahead as it is.

Mr. CHASE of York: Mr. Speaker, --

Mr. MOORE of Saco: Mr. Speaker, I rise to a point of order, that the gentleman from York has spoken twice upon the question.

Mr. CHASE of York: I ask the permission of the House to speak again.

The SPEAKER: The gentleman from York may proceed by unanimous consent.

Mr. MOORE: I object. (Laughter).

The question being on the motion to reconsider the vote whereby the bill was indefinitely postponed—

Mr. Trimble of Calais called for a division.

A division being had, 57 voted in the affirmative and 52 in the negative, and the motion to reconsider was carried.

On motion of Mr. Moore of Saco, the bill received its third reading.

Mr. Chase of York moved that the bill lie upon the table pending its passage to be engrossed.

Mr. MOORE of Saco: Mr. Speaker, I realize that the motion to lay upon the table is not a debatable motion, but it seems to me that the time of this House has been taken enough on this matter.

Mr. CHASE: Oh, yes. (Laughter).

The question being on the motion to lay the bill on the table—

The motion was lost.

The bill was then passed to be engrossed.

The SPEAKER: In response to the request of the House, the Governor has



returned to this branch the bill, An Act to increase the salary of the judge of the superior court for the county of Kennebec.

Mr. BURLEIGH of Augusta: Mr. Speaker, I move that we reconsider the vote whereby this bill was passed to be enacted.

The motion was agreed to.

Mr. BURLEIGH: I move that the bill be indefinitely postponed, and I wish to state briefly to the House my reasons for making such a motion. It is this: This bill came her, and I believe it is as meritorious as any bill asking for an increase of salary that has been or can be before the Legislature. The reason that I have asked for its postponement is in response to a personal letter from the Governor whose position in this particular matter and in relation to increasing salaries in general is stated in a letter which he has written to me this morning, and which I will now read:

"STATE OF MAINE.

"Executive Department.

"Augusta, March 11, 1909.

"Mr. Lewis A. Burleigh,

"Augusta, Maine.

"Dear Sir:

"I have before me a resolve increasing the salary of the judge of the superior court from \$2500 to \$3000. Early in the session I indicated my position on this matter and believe it to be an inopportune time to increase the salaries of any of the county of State officials. I still maintain that belief.

"Four years ago all these matters were considered by the Legislature and the salaries determined for a period of years. I think once in six years is sufficiently often to consider these matters. I believe no injustice will be done in permitting these to go over another two years. I have no doubt that there should be some increases in the salaries, and I am also of the opinion that some of the State and county officials are receiving too much. There is at this time a general depression in business of the State, and as there seems to be no deficiency in the quality of service rendered I can see no good reason why any increase of salary should be asked at this time. If you

will be kind enough to recall this bill and have the matter indefinitely postponed you will confer a favor.

With great respect, believe me.

"Yours very truly,

"BERT M. FERNALD."

Now, while in individual cases there may be local matters where there may be a certain disappointment in the rejection or non-allowance of a particular measure, yet I feel that any thoughtful man in considering this question will commend the Governor and will recognize that it is a wise policy to postpone this matter of general revision in relation to salaries until two years hence when it may be taken up systematically; and for these reasons I move that this bill, which is the first to reach the Governor calling for an increase in the existing salary be indefinitely postponed.

The motion was agreed to.

The SPEAKER: The Chair will lay before the House a resolve in favor of the Eastern Maine Insane hospital, to provide for deficiencies, and which is now placed upon its final passage. It contains an emergency clause. If this resolve finally passes, it must be by an affirmative vote of at least two-thirds of all the members elected to this house.

A division was had.

Pending the announcement of the vote Mr. Rounds of Portland called for the yeas and nays.

The motion was lost.

One hundred having voted in the affirmative and five in the negative, the resolve failing to receive the vote of two-thirds of all the members elected to the House, failed of a passage.

The SPEAKER: The Chair will lay before the House Resolve in favor of the Maine Insane hospital, for the completion of the criminal insane building. This resolve carries an emergency clause, and under the constitution if finally passed must receive an affirmative vote of at least two-thirds of all the members elected to this House.

Mr. WING of Auburn: Mr. Speaker, I desire to read from the constitution of the State. "An emergency bill shall include only such measures as are immediately necessary for the preserva-

tion of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than five years of real estate." I ask the House to consider the constitution of this State.

Mr. DAVIES of Yarmouth: Mr. Speaker, I feel that the money that has been appropriated or recommended by the committee for insane hospitals should reach those institutions at the earliest possible moment. We must remember that these poor unfortunates are wards of the State, and the taking care of them is an incident to the State's sovereignty. Now, it is a well known fact that the condition in the insane hospitals of the State of Maine ought to be deplored. I think it might be said that there are at least 200 people and perhaps more who are sleeping in open wards in the Insane hospitals of the State of Maine. Some of these are a menace to themselves and incur a great danger upon some of the attendants, and I feel that anything that can be done should be done for the purpose of seeing that the sums which have been recommended by the committee on Insane hospitals should go into the hands of these institutions at the earliest possible moment.

Mr. BIGELOW of Portland: Mr. Speaker, the short section of the constitution which was read by the gentleman from Auburn (Mr. Wing) might have a tendency to lead the House to hesitate to determine that this particular measure was an emergency measure. A few days ago I was in conversation with some of the justices of the supreme judicial court of this State relative to this particular proposition that the Legislature had come up against. What they said to me, of course, was informal but it was substantially something like this: That the Legislature could determine for itself what constitutes an emergency, and I was led to believe if this matter ever should reach the supreme judicial court that at least some of its members would put that interpretation upon that particular clause in the con-

stitution; that this House is the sole judge of what constitutes an emergency. Now, it seems to me that these particular appropriations relative to Insane hospitals might be determined to be and come under the head of emergency appropriations. Undoubtedly they are necessary, and if the institution is to be handicapped by a three-months delay before the appropriations made by this Legislature become available, it seems to me to be an unnecessary hardship and one which the framers of this particular section of the constitution did not contemplate. I hope the House will consider this particular measure to be an emergency measure.

Mr. DAVIES of Yarmouth: Mr. Speaker, I move that when the vote is taken it be taken by the yeas and nays.

The motion was agreed to.

Mr. MONTGOMERY of Camden: Mr. Speaker, I would like to ask what this resolve covers.

The SPEAKER: Does the gentleman from Camden desire to have the resolve read?

Mr. MONTGOMERY: Not wholly. What is the appropriation for? If the Speaker can just state to the House what the appropriation is for.

The SPEAKER: The resolve provides that there be and hereby is appropriated a sum of \$12,000 for the year 1909 for the use of the Maine Insane hospital for the following purposes, for the completion and furnishing of the criminal insane building.

Mr. WING of Auburn: Mr. Speaker, I beg to raise a point of order.

The SPEAKER: Will the gentleman please state his point of order.

Mr. WING: My point of order is that this resolve is not accompanied by a sufficient statement of facts.

The SPEAKER: This resolve is placed upon its final passage. The Chair is not the judge of the sufficiency of the statement of facts. After some examination of this matter the Chair is of the opinion that the House is the sole judge of the sufficiency of the statement of facts. Upon the question of the final passage of this resolve the yeas and nays have been ordered. All those in favor of the passage of

this resolve when their names are called will answer yes; all those opposed will answer no. The clerk will call the roll.

**YEA:**—Allen of Richmond, Andrews, Bartlett of Elliot, Bartlett of Stoneham, Beals, Bearce of Eddington, Bemis, Bigelow, Bigney, Bisbee, Blake, Blanchard, Bogue, Bradford, Bragdon, Burleigh, Burse of Pittsfield, Bussell, Buswell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Chase of York, Clark, Colby, Cole, Conners, Coolidge, Couture, Cummings, Davies, Day, Donnell, Derr, Dufour, Duncan, Dunn, Edwards, Ferguson, Gilbert, Grant, Hall, Hamlin, Hannaford, Hanson, Harmon, Harriman, Harris, Hersey, Higgins, Hill, Hodgkins of Damariscotta, Hodgkins of Temple, Holt, Hussey, Hyde, Jones, Jordan, Joy, Kavanough, Kelley, Lambert, Lane, Libby, Lombard, Lord, Ludgate, Mace, Marshall, Mercier, Merrill of Durham, Miller, Millett, Montgomery, Moore, Morse, Nelson, Nickerson, Orff, Packard, Patten, Pelletier, Peters, Pinkham, Porter, Pressley, Redlon, Robbins, Ross, Rounds, Sanborn, Sawyer, Silsby, Smith of Andover, Smith of Berwick, Smith of Biddeford, Snow of Brunswick, Snow of Scarborough, Spear of South Portland, Stackpole, Stanley, Stover, Thompson, Thurlough, Tibbets, Trafton, Trickley, Trimble, True, Varney, Weld, White of Columbia, Whitney, Wing of Kingfield—115.

**NAY:**—Additon, Doble, Farnham, Harrington, Hines, McLain, Moulton, Pattangall, Pike, Putnam, Quinn, Richardson, Sleeper, Wing of Auburn—14.

**ABSENT:**—Allen of Jonesboro, Beyer, Bourassa, Bowley, Cook, Cousins, Drake, Emery, Fortier, Frost, Havey, Merrifield, Merrill of Bluehill, Patterson, Paul, Perry, Spear of Warren, Stetson, Strickland, White of Wayne, Whitehouse—21.

Two-thirds of all the members elected to the House having voted in the affirmative the resolve was finally passed.

#### Orders of the Day.

Unfinished business: Reports A and B of the committee on judiciary to which was referred the bill relating to the regulation and conduct of elections, reporting "ought not to pass," and "ought to pass."

The **SPEAKER:** In the Senate Report A, "ought not to pass," was accepted. In the House the gentleman from Houlton moved that the House non-concur with the Senate in accepting Report A. The pending question is the motion that when the vote is taken it be taken by the yeas and nays.

Mr. **HERSEY** of Houlton: Mr.

Speaker, before the vote is taken I would like to read a telegram I received this morning from one of the most prominent attorneys in Bangor: "The people of Eastern Maine desire earnestly to have the Massachusetts ballot adopted in this State. Any statement to the contrary is erroneous. Not only a majority of voters of both parties favor this change but a majority not only in Eastern Maine but throughout the whole State desire this much-needed reform. I have spent considerable time in inquiry to learn the sentiment of the voters on this question. I hope you will do everything possible to secure its adoption in the House."

Mr. **MONTGOMERY** of Camden: I call for the gentleman's name.

Mr. **HERSEY:** Hugo Clark.

Mr. **WING** of Kingfield: Mr. Speaker, I rise to a parliamentary question.

The **SPEAKER:** The gentleman will state his question.

Mr. **WING** of Kingfield: Would a motion to concur with the Senate be in order so that we can get a direct vote?

The **SPEAKER:** A motion to concur under the rules of the House would have precedence over a motion to non-concur.

Mr. **WING** of Kingfield: I move that we concur with the Senate.

Mr. **PETERS** of Ellsworth: Mr. Speaker, as I understand it, a vote "yes" on the present question is a vote to retain the present system of voting, and a vote "no" is a vote to adopt the Massachusetts or another system of voting. If I am not right the Chair will correct me.

The **SPEAKER:** The Chair thinks that the gentleman from Ellsworth has stated the question correctly to the House.

Mr. **PETERS:** On that motion I move that the yeas and nays be ordered.

The motion was agreed to.

The **SPEAKER:** All those in favor of concurring with the Senate in accepting Report A of the judiciary committee, when their names are called, will answer yes; all those opposed will answer no. The clerk will call the roll.

**YEA:**—Additon, Allen of Jonesboro, Bartlett of Stoneham, Bearce of Eddington, Bemis, Bigney, Bisbee, Blake, Blanchard Bogue, Bradford, Bragdon, Burleigh, Burse of Pittsfield, Bussell, Buswell; Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of York, Clark, Colby, Conners, Couture, Cummings, Day, Donnell, Dorr, Duncan, Edwards, Frost, Gilbert, Hall, Hamlin, Hannaford, Hanson, Harriman, Harris, Hodgkins of Temple, Hussey, Hyde, Jones, Joy, Kelley, Lambert, Lane, Libby, Lord, Mercier, Merrill of Durham, Miller, Millett, Montgomery, Moore, Morse, Nelson, Nickerson, Orff, Packard, Pattangall, Peters, Pinkham, Porter, Pressley, Putnam, Ross, Rounds, Sanborn, Sawyer, Silsby, Sleeper, Smith of Berwick, Smith of Biddeford, Snow of Brunswick, Snow of Scarborough, Spear of South Portland, Stackpole, Stanley, Stover, Thompson, Thurlough, Tibbetts, Trafton, Trickey, Trimble, True, Varney, White of Columbia, Wing of Auburn, Wing of Kingfield—92.

**NAY:**—Allen of Richmond, Andrews, Beals, Chase of Sebec, Cole, Coolidge, Davies, Doble, Dufour, Dunn, Farnham, Ferguson, Grant, Harmon, Hersey, Higgins, Hill, Hines, Hodgkins of Damariscotta, Holt, Jordan, Kavanough, Mace, Marshall, McLain, Moulton, Patten, Pelletier, Pike, Quinn, Redlon, Richardson, Smith of Andover, Whitney—34.

**ABSENT:**—Bartlett of Eliot, Beyer, Bigelow, Bourassa, Bowley, Cook, Cousins, Drake, Emery, Fortier, Harrington, Havey, Lombard, Merrifield, Merrill of Bluehill, Patterson, Paul, Perry, Robbins, Spear of Warren, Stetson, Weld, White of Wayne, Whitehouse—24.

**PAIRED:**—Ludgate, yes; Strickland, no.

So the motion to concur with the Senate in the adoption of Report A "ought not to pass" was agreed to.

The **SPEAKER:** The effect of this vote is to dispose of the motion of the gentleman from Houlton to non-concur.

**Unfinished business:** Majority and minority reports of the committee on judiciary to which was referred the bill entitled "An Act to amend Section 22 of Chapter 6 of the Revised Statutes relating to the regulation and conduct of elections, reporting "ought not to pass" and "ought to pass."

This matter comes from the Senate with the majority report, "ought not to pass," accepted.

**Mr. PETERS** from Ellsworth: **Mr. Speaker:** As I understand this bill it provides for making certain changes in the doors at the voting booths at

elections; and it was only claimed by the proponents of the proposed bill that this change in the doors was necessary in case we changed the law as I understand it, and therefore it seems to me that our vote just taken practically settles this question; and therefore I move that we concur with the Senate in the adoption of the majority reports.

The motion was agreed to.

**Unfinished business:** Resolve in favor of a road for town of Brownsville to Katahdin Iron Works.

The pending amendment was adopted, the resolve then received its first reading and was assigned for tomorrow morning.

**Unfinished business:** An Act to establish a standard unit of measure and a standard size of can for the sale of milk and cream and to regulate the sanitary conditions under which milk and cream should be handled.

On motion of Mr. Rounds of Portland this bill was again tabled and assigned for next Tuesday.

**Unfinished business:** Resolve for the appointment by the Governor of a committee to inquire into the advisability of reorganizing the agricultural department.

On motion of Mr. Moulton of Cumberland this resolve was referred to the committee on agriculture in concurrence.

**Unfinished business:** An Act empowering the Governor to remove county attorneys.

**Mr. Rounds** of Portland moved that the bill be especially assigned for next Tuesday.

**Mr. HERSEY** of Houlton: **Mr. Speaker:** This question was specially assigned and debated; and now it is to be tabled and assigned again. I think it should take its reading in its due course at the present time. I hope that the motion will not prevail.

**Mr. ROUNDS:** **Mr. Speaker:** The Republican members of the House went into caucus and I with them and it was agreed, as I understood, that certain bills should be passed first, and so I want to carry out the plans of that caucus as I understood them; therefore I want the bills to go along as they should or else I want to have a

chance to retract my views and vote as I see fit on any bills hereafter.

Mr. PATTANGALL: Mr. Speaker: I hope the House will give the Republicans an opportunity to carry out their agreements made in caucus, and I hope the motion will prevail.

The motion was agreed to.

Unfinished business: An Act to authorize the town of Castine to construct for itself and for persons and corporations a system of water works in said town.

On motion of Mr. Peters of Ellsworth the vote was reconsidered whereby this bill was passed to be engrossed.

Mr. Peters offered House Amendment A to Section 3 by striking out the word "spring" in the second line.

The amendment was adopted and the bill was then passed to be engrossed as amended.

Unfinished business: Report of committee on legal affairs to which was referred the bill entitled An Act to create a State police force, reporting "ought not to pass."

On motion of Mr. Marshall of Portland this matter was passed temporarily.

Unfinished business: An Act to authorize the Bar Harbor & Union River Power Co. to acquire property and franchise of the Ellsworth Power Supply Co.

On motion of Mr. Peters of Ellsworth the further consideration of this bill was postponed until tomorrow morning.

Unfinished business: Report of the committee on legal affairs to which was referred the bill, conferring upon married women the right to enter into partnership relations with her husband, reporting "ought to pass."

On motion of Mr. Marshall of Portland this bill was again tabled and assigned for next Tuesday.

Unfinished business: An Act to regulate fishing in the town of Durham.

On motion of Mr. Rounds of Portland this bill was passed to be enacted.

#### Bill Relating to Holidays.

An Act relating to holidays.

The pending question being the passage to be engrossed—

Mr. ROUNDS of Portland: Mr. Speaker, as I understand it, this bill provides that we shall send our children to school whether we have a school session or not, to talk on Lincoln, not for one year but forever and ever. So I think if we had a lot of patriots that they would all want to have a holiday or a school day to talk upon them, and some of the towns or cities do not have a school term at that time. Therefore, I move that the bill be indefinitely postponed.

Mr. HALL of Caribou: Mr. Speaker, I trust that the motion of the gentleman from Portland will not prevail. The bill, or that section of it to which he refers, could not apply if it was during the vacation period of any school, and if it does apply then there is no grander character in American history than Abraham Lincoln, and it would do the school children of this country no harm to study his life and character and acts upon one day in the year. The practical application of it might be seen here. Mr. Speaker. If we had had the benefit of such study for one day of our school year, with the brevity of that gentleman's speeches before us, we could undoubtedly do the business of this House much more expeditiously; and with the good that may come from such a bill as that I trust that it will be given its passage this morning.

Mr. ROUNDS of Portland: Mr. Speaker, when we went to school we didn't have public libraries in almost every town and city in the State where you could go at any time and read those books that the children today are reading, and there being no school term, under this law as I understand it, you would have to call the school together and talk about Lincoln on that day. I think as a number of them have said that if you are going to have holidays, which are now getting too numerous, we had better not go to school but just talk about one man. Next thing somebody will come up and want Grant to be talked about, and then Washington, and the children will have to go to school on Washington's birthday. Down our way the children used to have Tar bucket night that night, and we could tell it

was Washington's birthday because it was Tar bucket night, and every child from one end of the city to the other would have a tar bucket and we would have a good time.

Mr. COOLIDGE of Lisbon: Mr. Speaker, I believe this bill should have a passage for this reason: We have now in this State something like 13 holidays. They don't all come in school term, and if this bill is passed there will be one of two things, either our school children will be turned out into the streets on that day or else they may have school and have a chance to learn something that I think will be for their benefit. No scholar is in school for many years, and he won't hear this talk more than four or five times in the ordinary course of life, and if it isn't worth our time to spend four or five days to study the life of Lincoln than I don't know how we can put the time in to any better advantage. Personally I wish that Washington's birthday was the same way. I believe our schools should have something to do upon those days other than having the scholars turned loose upon the streets. I don't believe the holidays should be entirely devoted to that purpose, but I think when we have holidays which are in honor of such men as Lincoln and Washington that it is worth while that our children should know something about the lives of those men. I think if in the wisdom of our Legislature that holidays are to be devoted to the honor of these men, these days should be devoted to the study of their lives and their character, and it is for that reason that I trust this bill may pass.

The question being on the indefinite postponement of the bill, the motion was lost.

Mr. BOGUE of East Machias: Mr. Speaker: I wish to offer an amendment. This matter was brought up by the Knights of Columbus and they have asked me to introduce this amendment.

The SPEAKER: The amendment offered by the gentleman from East Machias is as follows: "To amend House Document No. 62 by adding after the word "September" in the 19th line the words "Discovery Day, Oc-

tober 12th," and by adding after the word 'Monday' in the 36th line the following, "October 12th shall be observed by the teachers and pupils of all public schools in the State as Discovery Day, the studies and exercises to relate entirely to the life, character and acts of Christopher Columbus, the discoverer of America." (Laughter).

On motion of Mr. Davies of Yarmouth, the bill and amendment were laid upon the table pending action upon the amendment.

Unfinished business: An Act relating to the purchase of second-hand school books.

On motion of Mr. Burse of Pittsfield the further consideration of this bill was postponed until Wednesday of next week.

Unfinished business: An Act to provide for the uniform grading, packing and branding of apples.

Mr. BURSE: Mr. Speaker: I thought when I tabled this bill that I saw something in it that might work an injury to the small apple grower, but since that time I have talked with many of them and I have also received many letters from small apple growers as well as large ones and they all seem to favor the bill; therefore I move that this bill take its third reading.

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

Unfinished business: An Act to set off a lot of land from Bucksport and annex the same to the town of Dedham.

Mr. Jones of Bucksport offered House Amendment A by striking out the first three lines of Section 1 and substituting therefor the following: "A certain piece of land a portion of which is occupied by the Brookside cemetery is hereby set off from the town of Bucksport and annexed to the town of Dedham.

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

Unfinished business: An Act to amend Section 9 of Chapter 55 of the Revised Statutes.

Mr. Marshall of Portland offered House Amendment A by adding to the title thereof the following words: "rel-

ative to telegraph and telephone companies issuing coupons or registered bonds."

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

Unfinished business: An Act relating to the compensation of sheriffs.

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

Unfinished business: An Act to permit certain plantations to assume the maintenance of their roads and bridges.

On motion of Mr. Marshall of Portland this bill was recommitted to the committee on legal affairs.

On motion of Mr. Marshall the report of the committee on legal affairs to which was referred the bill, An Act to create a State police force, reporting "ought not to pass," was taken from the table, and on further motion by Mr. Marshall the report was accepted.

Unfinished business: An Act relating to the sale of milk.

On motion of Mr. Rounds of Portland this bill and the pending amendment were recommitted to the committee on agriculture.

Today assigned: Resolve in relation to the early York county deeds.

On motion of Mr. Marshall of Portland this resolve was passed to be engrossed.

Today assigned: Majority and minority reports of committee on judiciary on Bill, "An Act to provide for the better enforcement of laws against the manufacture and sale of intoxicating liquors," reporting Resolve providing for an amendment of the Constitution empowering Governors to remove sheriffs, also a Bill in a new draft conditionally repealing laws of 1905, relating to enforcement of laws against the manufacture and sale of intoxicating liquors, reporting "ought to pass." Minority reporting "ought to pass in new draft," relating to better enforcement against the manufacture and sale of intoxicating liquors.

On motion of Mr. Grant of Freeport the further consideration of the matters especially assigned for today were postponed until tomorrow.

On motion of Mr. Jones of Bucksport, bill, An Act to incorporate the Brewer Water District, was taken from the table.

Mr. Jones offered House amendment "A," by striking out the word "Thurston" in section two, line five, and the words "and Williams or Douglas in the town of Bucksport," section two, line six, and also the words "and Bucksport" in section four, line four.

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

On motion of Mr. Robbins of Fort Kent, bill, An Act to extend the Northern Railway of Maine, was taken from the table.

The pending question being its reference in concurrence,

Mr. Robbins moved that the House concur with the Senate in its reference to the committee on railroads and expresses.

The motion was agreed to.

On motion of Mr. Jordan of Cape Elizabeth, bill, An Act relating to motor vehicles and to the operation thereof, was taken from the table, and on further motion by the same gentleman it was referred to the committee on judiciary.

On motion of Mr. True of Portland, bill, An Act relating to the Bodwell Water Power Company of Old Town, Maine, was taken from the table.

The pending question being its reference to a committee, Mr. Jordan moved that it be referred to the committee on judiciary.

The motion was agreed to.

On motion of Mr. Trimble of Calais, bill, An Act to incorporate the Calais Power Co. was then taken from the table.

The pending question being its reference, Mr. Trimble moved that it be referred to the committee on legal affairs.

The motion was agreed to.

On motion of Mr. Hall of Caribou, bill, An Act to incorporate the Aroostook Mutual Fire Insurance Co. was taken from the table, and on further motion by the same gentleman the bill received its third reading and was passed to be engrossed.

On motion of Mr. Merrill of Durham, bill, An Act to amend Section 89 of Chapter 184 of the Public Laws of 1907 relating to the compensation of selectmen was taken from the table.

The pending question being action upon House Amendment "A," by striking out the word "two" in Line 14 and inserting in its place the word "three."

On further motion by the same gentleman the amendment was adopted, the bill received its third reading and was passed to be engrossed, as amended.

On motion of Mr. Spear of South Portland, resolve in favor of Eugene A. Holmes, county attorney of Aroostook county, was taken from the table, and on further motion by the same gentleman the House non-concurred with the Senate in recommitting the resolve to the committee on claims.

On motion of Mr. Bogue of East Machias, report of the committee on salaries and fees, reporting "ought not to pass" on bill, An Act to amend Chapter 117 of the Laws of 1905 in regard to the salaries of the county commissioners of Washington county, was

taken from the table, and on further motion by the same gentleman the report was accepted.

On motion of Mr. Bogue of East Machias, the report of the committee on salaries and fees reporting "ought not to pass" on bill, An Act relating to the salary of the judge of probate for Washington county, was taken from the table, and on further motion by the same gentleman the report was accepted.

Mr. Pike of Eastport, at the request of Mr. Pattangall of Waterville, moved to take from the table bill, An Act to establish a board of police in the city of Waterville, and on further motion by the same gentleman the bill was referred to the committee on judiciary.

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

Pending action on that question Mr. Pike of Eastport moved to adjourn.

The motion was agreed to.