

# 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.**

Friday, March 12, 1909.

Prayer by Rev. Mr. Coons of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

**Senate Bills on First Reading.**

An Act to incorporate the Androscoggin Valley Company. (Senate Amendment A adopted in concurrence.)

Resolve in favor of the Maine School for feeble minded.

Resolve in favor of the Maine insane hospital for renovating central Maine wing, came from the Senate indefinitely postponed.

On motion of Mr. Weld of Old Town the House concurred with the Senate in the indefinite postponement of the resolve.

Majority and minority reports of the committee on temperance, the majority reporting "ought not to pass" on Resolve for an amendment to the constitution by abrogating and annulling amendment 5 adopted on the 8th day of September, 1884, relating to the sale and manufacture of intoxicating liquors, and the minority report "ought to pass" on same.

On motion of Mr. Packard of Rockport the reports were tabled pending action in concurrence.

An Act to amend Section 3 of chapter 129 of the Revised Statutes regulating the sale of milk and cream, came from the Senate with Senate Amendment A adopted in that branch.

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

Resolve making an appropriation for the Passamaquoddy tribe of Indians, came from the Senate with Senate Amendment A adopted in that branch.

On motion of Mr. Lambert of Orono the vote was reconsidered whereby this resolve was passed to be engrossed, Senate Amendment A was adopted in concurrence and the bill as

amended was passed to be engrossed in concurrence.

Resolve in favor of the town of Williamsburg, came from the Senate amended by Senate Amendment A.

On motion of Mr. Spear of South Portland the vote was reconsidered whereby this resolve was passed to be engrossed, Senate Amendment A was adopted in concurrence and the resolve was then passed to be engrossed as amended in concurrence.

An Act organizing the Oquosset Railroad Company, came from the Senate amended by Senate Amendment A.

On motion of Mr. Wing of Kingfield the vote was reconsidered whereby this bill was passed to be engrossed, and on further motion by Mr. Wing the bill was tabled pending the adoption of the amendment in concurrence.

An Act to appropriate moneys for the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases, came from the Senate with Senate Amendment B.

On motion of Mr. Wing of Kingfield the votes were reconsidered whereby this bill was passed to be enacted and passed to be engrossed, Senate Amendment B was adopted in concurrence and the bill as amended was then passed to be engrossed in concurrence.

Resolve in favor of a fish hatchery in Washington county, came from the Senate amended by Senate Amendment A.

On motion of Mr. Bisbee of Rumford the vote was reconsidered whereby this bill was passed to be engrossed, and on further motion by Mr. Bisbee the bill was tabled pending action on the adoption of the amendment in concurrence.

Resolve in favor of the city of Ellsworth, came from the Senate recommitted to the committee on claims.

On motion of Mr. Spear of South Portland the votes were reconsidered whereby this resolve was finally passed and passed to be engrossed, and on further motion by Mr. Spear the resolve was recommitted to the committee on claims in concurrence.

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

**Judiciary.**

By Mr. Collidge of Lisbon: An Act to amend section 93 of chapter 83 of the Revised Statutes.

By Mr. Marshall of Portland: A Resolve to amend article 22 of the Constitution and providing for a net indebtedness of five per cent on the valuation.

**Railroads and Expresses.**

By Mr. Jones of Bucksport: An Act to amend Section one of Chapter 52 of the Revised Statutes relating to the management and operation of steam railroads.

**Mercantile Affairs and Insurance.**

By Mr. Burleigh of Augusta: An Act to define the kinds of insurance that may be transacted in Maine, and establishing rules relating thereto.

**Interior Waters.**

By Mr. Quinn of Millinocket: Petition of George W. Stevens and 50 others of Millinocket in favor of buoys in Lower Lakes.

By Mr. Jordan of Cape Elizabeth: An Act to amend Section 15 of Chapter 54 of the Revised Statutes relating to expenses of the inspection of boilers, engines, and so forth, of steamboats upon inland waters.

**Ways and Bridges.**

By Mr. Bearce of Eddington: An Act for the better protection of the public on highways.

By Mr. Weld of Old Town: An Act to provide for the reconstruction or repair of state bridges in case of complete or partial destruction.

**Temperance.**

By Mr. Bartlett of Eliot: Petition of Rev. V. E. Bragdon and 45 others in favor of the Sturgis Law; of Rev. V. E. Bragdon and 43 others in favor of mandatory imprisonment of the liquor seller; remonstrance of Rev. V. E. Bragdon and 44 others against the re-submission of the prohibitory amendment.

By Mr. Hines of Lewiston: An Act to regulate the practise of barbering in the State of Maine, to establish a State Board of Barber Examiners and provide for the sanitary inspection of barber shops. (Tabled for printing

pending reference on motion of Mr. Hines.)

On motion of Mr. Doble of Lagrange the rules were suspended and he introduced a Resolve in favor of the towns of Enfield and Howland. (Referred to the committee on ways and bridges.)

**Reports of Committees.**

Mr. Peters from the committee on judiciary reported "ought not to pass" on Bill, "An Act to amend Section 5 of Chapter 117 of the Revised Statutes relating to fees of sheriffs and their deputies."

Mr. Andrews from same committee reported same on Bill, "An Act to separate the town of Bristol in the county of Lincoln, into three voting districts."

Mr. Davies from same committee reported same on Bill, "An Act to amend Section 17 of Chapter 77 of the Revised Statutes relating to rights or dower."

Mr. Hersey from same committee reported same on Bill, "An Act to amend Chapter 544 of the Private and Special Laws of 1889, approved March 12, A. D., 1889."

Mr. Burleigh from same committee reported same on Bill, "An Act to amend Chapter 364 of the Private and Special Laws of 1905, relating to the Portland Bridge District."

Mr. Wing from same committee reported same on Bill, "An Act in relation to caucuses and meetings of political parties."

Same gentleman from same committee reported same on Bill, "An Act to authorize the appointment of probation officers."

Mr. Montgomery from same committee reported same on Bill, "An Act to amend Chapter 97 of the Private and special Laws of 1887, entitled 'An Act to incorporate the Bangor Street Railway.'"

Same gentleman from same committee reported same on Bill, "An Act to prevent judges and other officers from holding other offices."

Same gentleman from same committee reported same on Bill "An Act to amend Section 108 of Chapter 6 of Revised Statutes as amended by Chapter

98 of the Public Laws of 1907, relating to political caucuses."

Same gentleman from same Committee reported same on Bill, "An Act to authorize courts to suspend or continue the sentence on probation and to provide for the appointment of probation officers."

Same gentleman from same committee reported same on Bill, "An Act relating to hawkers and peddlers."

Mr. Morse from the committee on legal affairs reported "ought not to pass" on Bill, "An Act to amend Section 31 of Chapter 93 of the Revised Statutes, as amended by Chapter 110 of the Public Laws of 1905, relating to liens on buildings and lots, wharves and piers."

Mr. Coolidge from same committee reported same on Bill "An Act to provide for expenditure of money by county attorneys in investigation of criminal offences."

Mr. Hall from same committee on Bill, "An Act to amend the laws in regard to the recorder of the Caribou Municipal court," reported that the same be placed on file as the subject matter is covered by other legislation.

Mr. Smith from same committee reported same on Bill, "An Act to amend Section 2 of Chapter 96 of the Revised Statutes of 1903, relating to forcible entry and detainer."

Mr. Pike from same committee reported same on Bill, "An Act authorizing use of official ballots in election of town officers of Baileyville."

Mr. Bradford from the committee on education reported "ought not to pass" on Bill, "An Act to amend Section 30 of Chapter 15 of the Revised Statutes relating to members of superintending school committees."

Mr. Campbell from the committee on mercantile affairs and insurance reported "ought not to pass" on Bill, "An Act relative to the use and operation of moving picture machines."

Mr. Bogue from same committee reported same on Bill, "An Act to amend Section 78, Chapter 49, relating to the admission of foreign mutual fire insurance companies."

Mr. Lord from same committee reported same on Bill, "An Act to pro-

hibit the admission of minors to moving picture exhibitions."

Mr. Beyer from same committee reported same on Bill, "An Act to extend the charter of the Central Fire Insurance Co."

Same gentleman from same committee reported same on Bill, "An Act to prohibit the admission of minors to moving picture exhibitions."

Mr. Bartlett from the committee on interior waters on petition of F. D. Sherrard and others of Winn for a law prohibiting the throwing of sawdust and mill waste into Mattakeunk stream in the towns of Windham and Mattawamkeag, reported that the petitioners have leave to withdraw.

Mr. Bigelow from the committee on inland fisheries and game on remonstrance of Fred A. Bibber and others against winter fishing in Little Sebago lake, reporting that the same be placed on file.

Same gentleman from same committee reported "ought not to pass" on Bill, "An Act to regulate fishing in York pond, so-called, in the towns of ork and Eliot, York county.

Same gentleman from same committee reported same on Bill, "An Act to permit the taking and shipping of white perch in certain lakes in Washington county."

Same gentleman from same committee reported same on Bill, "An Act to amend Chapter 32 of the Revised Statutes relating to birds."

Same gentleman from same committee reported same on Bill, "An Act to prohibit the throwing of sawdust and other mill waste into Main stream, a tributary to Moose pond, which pond is situated in the town of Harmony, Somerset county, or any of the tributaries to said Main stream."

Mr. Pressley from the committee on shore fisheries on petition of H. B. Sprague of Pembroke and others praying for a law regulating the taking of scallops in the waters of Pennamaquam and Cobscook bay, reported that the petitioners have leave to withdraw.

Mr. Bowley from same committee reported "ought not to pass" on bill "An Act to amend Section 38 of Chapter 41 of the Revised Statutes, as amended

by the Public Laws of 1905, Chapter 143, relative to the use of seines, weirs and nets."

Mr. Hyde from same committee on bill "An Act to repeal Chapter 57 of the Private and Special Laws of 1878 in relation to sturgeon in the waters of the Kennebec river and its tributaries," reported that the same "ought not to pass" as the subject matter of said bill is covered by another bill.

Mr. Hodgkins from same committee reported "ought not to pass" on bill "An Act for the better protection of clams on Hog Island, in the town of Bremen."

Same gentleman from same committee reported same on bill "An Act to amend Section 1 of Chapter 41 of the Revised Statutes of 1903, relating to sea and shore fisheries."

Mr. Duncan from same committee reported same on bill "An Act for the protection of clams in Montsweag river, Wiscasset, that portion known as Fred Bailey's flats."

Same gentleman from same committee reported same on bill "An Act to provide for a close time on the shipment of scallops out of the State."

Mr. Thurlough from same committee reported same on bill "An Act establishing a close time on lobsters in the waters of Machias bay and adjacent waters."

Same gentleman from same committee on petition of Herbert T. Allen of Dennyville and 209 others praying for the protection of herring in Cobscook bay, reported that the petitioners have leave to withdraw.

Same gentleman from same committee reported same on petition of F. W. Beale and 57 others praying for the better protection of lobsters.

Mr. Kelley from same committee on that part of the Governor's message relative to shell fish reported that the same be placed on file.

Same gentleman from same committee on petition of Frank L. Hall and 67 others of Washington county praying that the present lobster laws be repealed, reported that the petitioners have leave to withdraw.

Same gentleman from same committee reported same on petition of J. F. Carter and others praying for An Act

to prohibit drag seining in the waters of Benjamin's river, in the town of Sedgwick, Hancock county.

Same gentleman from same committee reported same on petition of A. L. Wallace and others praying for the repeal of Chapter 357 of the Private and Special Laws of 1907.

Same gentleman from same committee reported "ought not to pass" on bill "An Act regulating the taking of clams on Capitol Island, in the town of Southport."

Same gentleman from same committee reported same on bill "An Act to amend Section 38 of Chapter 41 of the Revised Statutes of 1903."

Mr. Lord from the committee on Indian affairs on resolve in favor of Charles D. Mitchell, representative of the Penobscot Tribe of Indians, reported "ought not to pass" as the subject matter has already been acted upon.

Mr. Cummings from the committee on claims reported "ought not to pass" on resolve in favor of G. C. Ryan.

Mr. Packard from same committee on resolve for the maintenance of State bridges located in the city of Old Town and the town of Milford, reported that the same be referred to the committee on appropriations and financial affairs.

Mr. Porter from the committee on salaries and fees reported "ought not to pass" on bill "An Act to amend Section 25 of Chapter 52 of the Revised Statutes, relating to the compensation of the sheriff of Cumberland county."

Mr. Libby from same committee reported same on bill "An Act to amend Sections 1 and 2 of Chapter 173 of the Public Laws of 1905, relating to the compensation of registers of deeds."

Mr. Harrington from same committee on bill "An Act to fix the salary of the county commissioners for Cumberland county," reported "ought not to pass" as the subject matter has already been acted upon.

Same gentleman from same committee reported "ought not to pass" on bill "An Act to fix the salary of the commissioners of Cumberland county."

The reports were accepted.

Mr. Bragdon from the committee on railroads and expresses reported "ought not to pass" on bill "An Act to enlarge



the powers and duties of the railroad commissioners, and to regulate the fares and tolls of common carriers."

The report was tabled, pending acceptance on motion of Mr. Hersey of Houlton.

Mr. Hines from the committee on interior waters on resolve in aid of buoys and piers in Rangeley lake, Cupsuptic lake and Mooselucmaguntic lake, reported "ought not to pass" as the subject matter has been reported in another resolve.

The report was accepted.

Subsequently, on motion of Mr. Smith of Andover, the vote was reconsidered whereby the report was accepted and, on further motion of same gentleman, the report was tabled, pending acceptance.

Mr. Davies from the committee on judiciary reported "ought to pass" on bill "An Act to make valid the organization of the Rice Public Library of Kittery, Me., organized under Chapter 57 of the Revised Statutes in the year 1903."

Mr. Peters from same committee reported same on bill "An Act to make valid the organization of the Monument or Memorial Association in Eliot, Me., organized under Chapter 57 of the Revised Statutes, Nov. 9, 1905."

Mr. Wing from same committee reported same on bill "An Act to amend Section 69 of Chapter 4 of the Revised Statutes, relating to dangerous or vicious dogs."

Mr. Montgomery from same committee reported same on bill "An Act to amend Chapter 249 of the Private and Special Acts of 1907."

Same gentleman from same committee reported "ought to pass in new draft under same title" on Bill "An Act to ratify, confirm and make valid the organization of the Mexico Water Company and authorize it to issue bonds and extend its plant."

Mr. Andrews from same committee reported same on Bill "An Act to amend Section 25 of Chapter 129 of the Revised Statutes, relating to the sale or use of cigarettes."

Same gentleman from same committee reported "ought to pass" on Bill "An Act to authorize the Van

Buren Water District to issue bonds."

Mr. Burleigh from same committee reported same on Bill "An Act to amend Section 15 of Chapter 4 of the Revised Statutes, relating to the election of road commissioner."

Same gentleman from same committee reported same on Bill "An Act to extend the time in which the Van Buren Sewerage Company is authorized to organize and commence business."

Same gentleman from same committee reported same on Bill "An Act to incorporate the town of Portage Lake."

Same gentleman from same committee reported "ought to pass in new draft" on Bill "An Act to amend Sections 59, 62, 63 and 64 of Chapter 49 of the Revised Statutes, relating to securities deposited with the treasurer of State," under title of "An Act additional to Chapter 49 of the Revised Statutes relating to securities deposited with the treasurer of State by insurance companies."

Mr. Hersey from same committee reported "ought to pass" on Bill "An Act to extend the powers, rights and privileges of the Milo Water Company."

Same gentleman from same committee on Bill "An Act to amend an act entitled 'An Act to incorporate the city of Old Town,'" reported same in two new drafts under the following titles: "An Act to amend the charter of the city of Old Town and provide for a referendum to the legal voters of the city of Old Town," and "An Act to amend an act entitled 'An Act to incorporate the city of Old Town.'"

Same gentleman from same committee reported "ought to pass in new draft under same title" on Bill "An Act to amend the charter of the city of Westbrook."

Same gentleman from same committee reported same on Bill "An Act authorizing the city of Bangor to levy assessments for street improvement."

Mr. Morse from the committee on legal affairs reported "ought to pass" on Bill "An Act to authorize the town of Van Buren to issue bonds."

Mr. Coolidge from same committee reported same on Bill "An Act to

create a recorder of the Westbrook municipal court."

Mr. Marshall from same committee reported same on Bill "An Act to amend Section 89 of Chapter 4 of the Revised Statutes, relating to taking land for certain municipal purposes."

Mr. Pike from same committee reported same on Bill "An Act to amend an act entitled 'An Act to incorporate the city of Gardiner.'"

Mr. Smith from same committee reported same on Bill "An Act to make valid the doings of the town of Bristol in the county of Lincoln."

Same gentleman from same committee reported "ought to pass in new draft under same title" on Bill "An Act to amend Section 55 of Chapter 88 of the Revised Statutes, relating to trustee process."

Mr. Snow from same committee reported "ought to pass" on Bill "An Act to extend and amend the charter of the Municipal Light and Power Company."

Same gentleman from same committee reported same on Bill "An Act relating to the Richmond Electric Company."

Mr. Hall from same committee reported same on Bill "An Act to amend the charter of the city of Belfast."

Same gentleman from same committee reported "ought to pass in new draft under same title" on Bill "An Act to further amend Chapter 352 of the Laws of 1905, relating to the Caribou municipal court."

Mr. Stanley from the committee on education reported "ought to pass" on Resolve in favor of Aroostook Central Institute.

Mr. Ludgate from same committee reported same on Bill "An Act additional to Section 42 and amendatory to Section 44 of Chapter 15 of the Revised Statutes, relating to appropriations in aid of school superintendents."

Mr. Spear from the committee on railroads and expresses reported "ought to pass in new draft under same title" on Bill "An Act to amend Section 48 of Chapter 51 of the Revised Statutes, relating to the expenditures by the railroad commissioners."

Same gentleman from same committee reported same on Bill "An Act to

incorporate the Belfast and Liberty Electric Railroad Company."

Mr. Hines from the committee on interior waters reported "ought to pass" on Resolve in aid of the navigation of the Lower lakes.

Mr. Colby from same committee reported same on resolve in aid of navigation on Rangeley Lake, Mooselucmeguntic Lake and Cupsuptic Lake.

Mr. Bigny from same committee reported "ought to pass in new draft under same title" on bill "An Act authorizing and empowering George F. L'Abbee of Eagle Lake Plantation, County of Aroostook to erect and maintain piers, piles and booms in the Fish River."

Same gentleman from same committee reported same on bill "An Act authorizing George F. L'Abbee of Eagle Lake Plantation to erect and maintain a dam in Wallgrass River."

Mr. Bigelow from the Committee on Inland Fisheries and Game reported "ought to pass" on bill "An Act to regulate fishing in Taylor Pond in Auburn, Androscoggin County."

Same gentleman from same committee reported "ought to pass in new draft" on bill "An Act to amend Section 11 of Chapter 32 of the Revised Statutes, relating to beaver," under title of "An Act to amend Section 11 of Chapter 32 of the Revised Statutes, relating to the taking of beaver"

Same gentleman from same committee reported "ought to pass in new draft under same title," on bill "An Act to regulate fishing for black bass, white perch and smelts in the Belgrade chain of lakes, so called, in the counties of Kennebec and Somerset."

Same gentleman from same committee reported "ought to pass in new draft" on bill "An Act to provide for a close time on deer on Cross and Scott Islands, Washington County," under title of "An Act to provide for a close time on deer on Cross Island and on Scott's Island in Washington County."

Same gentleman from same committee on petition of E. A. Boothman and others for additional regulations on fishing on Bog Brook and Deer or Bog Pond, so called, in the township of Lowelltown, in Franklin County, reported bill entitled "An Act to regulate fish-

ing in Bog Brook, so called, and Deer or Bog Pond, so called, in the township of Lowelltown, Franklin County."

Same gentleman from same committee on petition of H. L. Holden and 20 others for regulations upon the amount of fish that may be taken in certain ponds and lakes in Franklin and Somerset counties, reported bill entitled "An Act to regulate the taking of fish in certain waters in Somerset and in the northern part of Franklin County."

Same gentleman from same committee on petition of A. S. Moulton and others for an act to prohibit winter fishing in Long Mousam Pond in Shapleigh and Acton, reported bill entitled "An Act to regulate fishing in Mousam Long Pond, so called, in the towns of Shapleigh and Acton in York County."

Same gentleman from same committee on petition of F. A. Dolloff and 72 others for an act closing Parker Pond and tributaries to fishing, reported bill entitled "An Act to regulate fishing in Parker Pond, so called, and its tributaries in Kennebec County."

Same gentleman from same committee on petition of H. M. Elliott and 32 others of Stoneham for a law regulating fishing in Great Brook in Stoneham, reported bill entitled "An Act to amend Chapter 79 of the Private and Special Laws of 1905, relating to fishing in Great Brook and tributaries in Oxford County."

Mr. Hyde from the Committee on Shore Fisheries reported "ought to pass" on bill "An Act for the encouragement, etc., of shell fish industry."

Mr. Kelley from same committee reported same on bill "An Act to prohibit the taking of scallops in West Penobscot Bay from April 1st to October 1st of each year."

Mr. Packard from the Committee on Claims reported "ought to pass" on resolve in favor of the town of Weston, Aroostook county.

Mr. Moore from same committee reported "ought to pass in new draft under same title" on resolve in favor of Alexis O. Robbins to reimburse him for expenses incurred in contested election in Fort Kent Class.

Same gentleman from same committee reported "ought to pass" on resolve in favor of the town of Old Orchard for

receipt of State Treasurer for State tax to be given said town on valuation of \$100,000.

Mr. Cummings from same committee reported same on resolve in favor of Jere Rhoades.

Same gentleman from same committee reported same on resolve in favor of the town of Marion.

Mr. Beals from same committee reported "ought to pass in new draft under same title" on resolve in favor of the County of Penobscot.

Same gentleman from same committee reported "ought to pass" on resolve in favor of Robert Palmer of Moro in the County of Aroostook.

Same gentleman from same committee reported same on resolve in favor of the town of Belmont.

Mr. Donnell from same committee reported same on resolve in favor of the town of Eddington.

Same gentleman from same committee reported same on resolve in favor of the inhabitants of the town of Littleton to reimburse them for expenses incurred for support, medicine, medical attendance and burial expenses of State pauper, David J. Elliott.

Same gentleman from same committee reported same on Resolve in favor of the town of Millinocket.

Mr. Hannaford from same committee reported same on resolve in favor of the town of Hodgdon, Aroostook county.

Same gentleman from same committee reported same on resolve in favor of the town of Rome.

Same gentleman from same committee reported same on resolve in favor of South Berwick.

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

Mr. Andrews from the committee on the judiciary reported "ought to pass" on Bill, "An Act to amend the charter of the trustees of the Machiasport bridge."

The report was tabled pending acceptance on motion of Mr. Bogue of East Machias.

Majority report of the committee on interior waters reporting "ought to pass in new draft under same title" on

Bill, "An Act relating to the Shawmut Manufacturing Co."

(Signed)

JOHN E. WARREN,  
GEORGE H. SMITH,  
CECIL F. CLARK,  
FORREST H. COLBY,  
FRED H. BARTLETT,  
JAMES E. BIGNEY,  
WILLIAM CONNERS,  
WALDO MERCIER.

Minority report of same committee on same subject matter reporting "ought to pass in new draft under same title."

(Signed)

Messrs. MILLIKEN,  
HINES.

Pending acceptance of either report, both reports were tabled, bills in new draft ordered printed on motion of Mr. Burling of Augusta, and Wednesday, March 17, assigned for their further consideration.

#### First Reading of Printed Bills and Resolves.

An Act legalizing the assessment and commitment of taxes in the city of Ellsworth for the years 1903 and 1904.

An Act relating to the fees of the city clerk and treasurer and collector of the city of Portland.

An Act to amend Section 1 of Chapter 407 of the Private and Special Laws of 1903, as amended, relating to fishing in Hayden lake, so-called, in the town of Madison in Somerset county.

An Act to amend Section 7 of Chapter 99 of the Revised Statutes relating to judgments in bastardy cases.

An Act to regulate fishing in Chase brook and tributaries, and in a portion of Fish river in the county of Aroostook. (Recommitted to the committee on inland fisheries and game on motion of Mr. Robbins of Fort Kent.)

An Act to regulate fishing in Pierce pond, so-called, in Somerset county.

An Act to regulate the hunting of ducks and other water fowl in Bluehill bay and Eggmoggin Reach, so-called.

An Act to provide for a fire and police commission for the town of Skowhegan.

An Act to restore Portland bridge. (Tabled pending first reading on motion of Mr. Rounds of Portland.)

An Act to amend Section 11 of Chapter 93 of the Acts and Resolves of 1878, relative to the establishment of a municipal court in the town of Farmington.

An Act to amend Section 1 of Chapter 96 of the Private and Special Laws of 1905.

An Act to authorize the Sebasticook Power Co. to issue additional bonds.

An Act to amend Section 45 of Chapter 123 of the Public Laws of 1905, as amended by Chapter 43 of the Public Laws of 1907, entitled, "An Act for the protection of children."

An Act to amend Section 88 of Chapter 84 of the Revised Statutes relating to empanelling of traverse jurors.

An Act to regulate the use of joint poles in the public streets by electrical companies. (Tabled pending first reading on motion of Mr. Beyer of Portland.)

An Act to incorporate the Woodland Light and Water Co.

An Act to amend Section 1 of Chapter 166 of the Private and Special Laws of 1887, entitled "An Act creating the Fort Fairfield Village Corporation," as amended by Chapter 303 of the Private and Special Laws of 1905, and as amended by Chapter 116 and by Chapter 210 of the Private and Special Laws of 1907.

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

Resolve in favor of Israel H. Cross of Lincolnville.

Resolve in favor of the town of Old Orchard for abatement of taxes for the years 1907 and 1908.

#### Passed To Be Engrossed.

Bill, relating to the assessment of taxes on logs.

Bill, relating to the tuition of pupils in secondary schools.

Resolve, in favor of road from Brownville to Katahdin Iron Works.

Bill, relating to the compensation of certain State officers.

Bill, to confirm title of Ram island in Hancock county.

Bill, to incorporate Guilford Water Company.

Bill, in favor of Eastern Maine Insane hospital for fireproof building.

Resolve, in favor of Maine Insane hospital.

Bill, about the Maine Title Guarantee Company.

Bill, to extend charter of the Sears-port Trust Company.

Resolve, for selling some lots in St. Agatha and Madawaska.

Bill, about quieting title to real estate.

Bill, to regulate ice fishing in Pattee's pond.

Bill, to prohibit hunting of fowl by motor boats in Damariscotta.

Bill, to prohibit fishing in Little Big Wood pond.

Bill, to give bounty on wild cats.

Bill, to authorize payment of annuity by Portland to John Cousens.

Bill, to amend law for better collection of taxes. (Tabled pending third reading on motion of Mr. Burse of Pittsfield.)

Resolve, for Maine Documentary History.

Bill, to amend law (and correct clerical error therein) about inland fish and game.

Bill, to incorporate Maine Medical Association.

Bill, to amend law about Rockland police court.

Bill, to protect schools against fire.

Bill, to amend law about municipal officers' duties.

Bill, to amend law about support of insane paupers.

Resolve, for Concord.

Resolve, for Stacyville.

Resolve, in favor of the University of Maine.

Mr. Stover of Brunswick moved that the bill be laid on the table and next Wednesday assigned for its consideration.

Mr. LUDGATE of Sherman: Mr. Speaker, I will ask the gentleman from Brunswick if there is any serious objection to this resolve.

Mr. STOVER: Mr. Speaker, the gentleman asks if there is any serious objection to this. I say no, but it is a bill that I am opposed to in a certain sense. I think it is time that it is understood whether the agricultural college is a State college or not and whether we are to continue it as a State institution.

Mr. MOORE of Saco: Mr. Speaker, this appropriation is for the support of the State university. We have come here and at every session somebody from Brunswick or from somewhere else wants to table this proposition. We have that college on our hands and we want to stand by it and we want to support it and we might just as well do it now as next Wednesday. I move that the resolve have its third reading.

Mr. STOVER: Mr. Speaker, the gentleman speaks of this institution as a State institution. I am told that the judges of the supreme court say it is not; therefore I think it is time to find out whether it is or not.

The SPEAKER: The Chair will state that the question is upon the motion of the gentleman from Brunswick to postpone further consideration of this resolve to next Wednesday.

The motion was agreed to.

#### Passed To Be Enacted.

An Act for the improvement of free High schools.

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

An Act to regulate fishing in the tributaries to Phillips lake, in the county of Hancock.

An Act to regulate fishing in Locke's brook, so-called in the town of Hollis, York county, and its tributaries.

An Act to prohibit fishing in the tributaries to Flying pond, in the town of Vienna, Kennebec county, Maine.

An Act to regulate fishing in Over-set pond, so-called, in the town of Greenwood, in Oxford county.

An Act to regulate fishing through the ice in Webber pond, in the county of Kennebec.

An Act authorizing the Liberty and Belfast Telephone & Telegraph Co. to increase its capital stock.

An Act to regulate fishing in Jimmy pond, so-called, in the towns of Cambridge and Parkman, in the counties of Somerset and Piscataquis.

An Act to regulate fishing in Kenne-bago stream, so-called, situated partly in Franklin county and partly in Oxford county.

An Act to regulate fishing in Mount Blue stream, the outlet of Mount Blue

pond, in the town of Avon, in Franklin county.

An Act to prohibit the throwing of sawdust and other mill waste into Cambridge river, so-called, in the towns of Upton and Grafton, in Oxford county.

An Act authorizing the town of Rumford in the County of Oxford to subscribe for stock on bonds for the purpose of securing a town hall to be used for municipal purposes.

An Act to amend Section 2 of Chapter 407 of the Private and Special Laws of 1903, relating to fishing in Roach River, in Piscataquis County.

An Act to amend Section 2 of Chapter 407 of the Private and Special Laws of 1903, relating to fishing in the tributaries to Bretton's Pond in Livermore, in Androscoggin County.

An Act to amend Section one of Chapter 407 of the Private and Special Laws of 1903, relating to fishing through the ice in Grassy Pond, in the towns of Hope and Rockport, in Knox County.

An Act to amend the charter of the Maine Insurance Company.

An Act to regulate fishing in Alder Stream in the county of Piscataquis.

An Act to regulate fishing below Upper Dam, so called, in Oxford County.

An Act to regulate fishing in Horn Pond and Hanscom Brook in York county.

An Act to regulate fishing in Spear Stream and its tributaries in the town of Peru, in Oxford County.

An Act amendatory to Chapter 60 of the Revised Statutes, relating to agricultural societies and additional thereto.

An Act to amend Section 3 of Chapter 407 of the Private and Special Laws of 1903, relating to fishing in Rangeley Stream, so-called.

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 as to establish the shire town at Saco, Kennebunk or Sanford.

An Act to regulate fishing in Marsh Stream, so-called, in Waldo County and also in its tributaries.

An Act regulating the open season on deer on Straw's Island.

An Act to regulate hunting in Back Bay, so-called, in Portland in Cumberland county.

An Act to authorize Androscoggin county to issue ponds to enable it to build an addition to the county jail and for other purposes.

An Act authorizing a change in grade in Pitt street bridges in the city of Portland.

An Act to amend Chapter 153 of the Public Laws of 1907, relating to transportation of public officials.

#### Finally Passed.

Resolve for the erection of a fish hatchery and feeding station on Cold stream, the outlet of Cold Stream lake, in Enfield.

Resolve in favor of aiding the building of a bridge across the Fish river.

Resolve in favor of the city of Gardiner and town of Randolph.

Resolve in favor of the town of Rome in maintaining its roads and bridges.

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

Resolve in favor of the town of Millinocket.

Resolve in favor of the inhabitants of Whitneyville.

#### Orders of the Day.

Today assigned: Report of committee on legal affairs conferring upon married women the right to enter into partnership relations with her husband.

Mr. MARSHALL of Portland: Mr. Speaker, I am quite sure that yesterday I asked that this matter be assigned for Tuesday next. I think it is a mistake on the calendar. I move that further consideration of the matter be postponed until next Tuesday.

The motion was agreed to.

#### The Optometry Bill.

Today assigned: An act to define and regulate the practice of optometry.

Mr. Weld of Old Town offered House Amendment A by inserting after the word "opticians" in line 6 the words "and oculists possessing a degree of doctor of medicine and," and also after the ending of "optometry" in line

7 add "or that of an oculist." In line 8 strike out after the word "appointment; one an oculist" and insert "and two opticians." Strike out the word "his" in line 9 and insert the word "their." In line 10 strike out the word "his" and insert in place thereof the word "their" Also in lines 10 and 11 strike out all that part thereof which reads " and one a physician in actual practice."

MR. KELLEY of Boothbay: Mr. Speaker, I move that the bill and amendment lie on the table and be specially assigned for next Tuesday and that the amendment be printed.

Mr. MONTGOMERY of Camden: Mr. Speaker, as I said yesterday, this is a bill which has been thoroughly considered even before the Legislature met, because the people in favor of it have been so fair that they have submitted their bill to each member of the Legislature for his study and consideration. It was referred to the committee on judiciary after its introduction into this House. Notice was given and a hearing was had upon it, the most important in extent that we have had at this session. Not only that but every objection was raised against it by the best skilled physicians that we have in the State before our committee, and the judiciary committee then took it into consideration and they reasoned about it and considered it carefully. They decided that this measure is not a dangerous one to the physicians at all, not interfering with their practice in any degree. The people who ask for this bill simply ask that they may have an opportunity of performing a duty toward the public, having in their keeping a scientific method of examining the eye and providing for its protection and for its preservation as a person advances in years. They desire that their science, their knowledge, their way of doing business, may be left to them, as far as it can be, to protect the public. All those matters came before the judiciary committee and were thoroughly considered, and they have reported a bill in which the practice of optometry is defined as follows—and you see how little it interferes with the gentleman from Old Town, the good physician here:

"The employment of mechanical means for testing and measuring the refractive and accommodative conditions of the eye, without the employment of drugs or medicine, and the measuring and grinding of lense, the fitting, bending and adjusting of spectacles and eye glasses with lenses for the betterment of vision." It does not interfere with the practice of medicine at all.

Now this amendment is to the effect that these people shall be under the examination of physicians. We can consider it at once as well as we can to delay it and consider it over again. The amendment adds to what the judiciary committee have thought was necessary. They put on there one physician, so that they might protect all the rights that are necessary of everybody. There is really no need of postponing this, and after its long consideration in the Senate and its discussion and consideration there it only seems to me that it is delaying the matter. So I object to the amendment.

Mr. PETERS of Ellsworth: Mr. Speaker, it seems to me that this matter might be expedited if it were allowed to go over until Tuesday. There appears to be no objection to the principle of the bill, but an amendment has been offered here which radically changes the board provided by the original bill. Now while this matter was exhaustively heard by the committee we have had no opportunity here to consider the proposed change in the board of examiners. Our friends, the physicians in the House, doubtless have gone over the matter. There are no optometrists here I take it. And I think if a delay of a day or two could be had that the matter could be looked into and when it comes up next Tuesday it probably would not take a very long time to dispose of it. I for one do not feel that I am sufficiently familiar with the amendments and its bearing on the bill to vote upon it intelligently at the present time. I suggest that the motion should prevail to postpone it until next Tuesday.

Mr. DAVIES of Yarmouth: Mr. Speaker, I would like to inquire of the gentleman from Ellsworth if he does not think if the amendment were adopted

that it would defeat the purpose of the bill?

Mr. PETERS: Mr. Speaker, in reply I would say that that is what occurred to me, that it might be pretty well along the line of defeating the bill, but I was not sure, I cannot swear definitely, I should want to study the matter more carefully; and I don't believe it is possible to definitely determine whether or not it will defeat the bill without some more consideration.

Mr. DAVIES: Mr. Speaker, the amendment. I desire to say, touches the matter of choosing the board, and it seems to me it very distinctly shows that the intention of the amendment is to defeat the purposes of the bill. As a member of the judiciary committee before which it was heard I thought there was a great deal of merit in the bill. I thought it offered a certain protection to the inhabitants of this State which was important and which the inhabitants of this State were entitled to receive at the hands of this Legislature. It is certainly true that there are people in various parts of the State who offer themselves as authorities on the subject of fitting glasses and looking out for the eye; and what could be more proper than that some board should be established, some regulation should be insisted upon, something should be done, to force the people who are engaged in that business to properly qualify before they shall prescribe for the protection of a member of the body so important as the eye?

Mr. WELD: I would inquire of the gentleman if that idea of protection is not carried a little farther in this bill?

Mr. MONTGOMERY: I would ask the gentleman from Old Town if when the bill was heard he was present before the judiciary committee?

Mr. WELD: I was, and prominent members of the medical profession were there also.

Mr. MONTGOMERY: I would ask again if that question about what the board should consist of was not discussed?

Mr. WELD: I was not present when that was discussed.

Mr. MONTGOMERY: I would say,

Mr. Speaker, that it was thoroughly discussed.

Mr. HERSEY of Houlton: Mr. Speaker, as a member of that committee I wish to say about a word to the House. The matter of this board was thoroughly discussed in the committee, and it is simply a plain question before this House whether in the bill establishing a board—which we all agree I think is necessary—the members of that business or profession, that is, that a majority of the board should consist of members of their profession, or whether they shall be examined by a commission, a majority of which consists of members of some other profession. Now I think that the physicians are a little jealous of their profession, and I am glad they are, but I think they are going a step too far. No one has more admiration than myself for the profession of medicine. I am as jealous of that as I am of the profession of law, and I think nothing should be done to lower the standards of either. I think this elevates the standard of the medical profession by placing this matter, which has nothing to do with the medical profession, on a higher standard. It does not touch the medical profession. It is simply a mechanical business, the adjusting of eye glasses. It does away with the fakirs, with those who are undesirable in the business. It establishes a higher standard in that business which has grown up among us. It does not touch the physicians. I don't see why they are jealous of it in the least. They ought not to have the control of this business which is not their business, and when we give them one physician and one oculist and three of this other business, which is an honorable business, it seems to me it is a fair board, but when it is suggested to change it and put it in the hands of the physicians of this State, although it would be a high and honorable board, I don't know as they ought to be trusted with somebody else's business; they might all be as jealous of their profession as the gentleman from Old Town.

Mr. PIKE of Eastport: Mr. Speaker: I see no reason why this House should waste its time discussing the merits of this bill and of this amendment at



this time. The simple question before us is whether we shall defer the consideration of this matter until next Tuesday; and I submit that any argument for or against the merits of this amendment is not in order.

The SPEAKER: The point raised by the gentleman from Eastport is well taken. The discussion may proceed on the matter of postponement to a day certain but should be limited to that.

Mr. KELLEY of Boothbay: Mr. Speaker: The matter seems to have been pretty well discussed here today and it seems to me if it is postponed it would simply be going over the same question, and I will withdraw my motion to postpone it until next Tuesday.

The question being on the adoption of the amendment—

Mr. WELD: Mr. Speaker: I can hardly understand why we are forced to railroad this bill through. My one point is this, "and a physician in actual practice" in that bill. I ask you not to allow this bill to be restricted to the appointment of one physician. If this bill is in the interests of the people and you ask our profession to father it, then make physicians a majority of the members of the board and we will do the best we can to accept and enforce that responsibility. It has been stated that this amendment would defeat the purposes of this bill. Certainly; but in the interests of the people and not in the interests of the opticians. As a member of the medical profession I present this amendment to this bill.

Mr. WING of Auburn: Mr. Speaker: I feel that this bill has been so carefully considered by the committee of which I have the honor to be a member and the fact that they have made a unanimous report thereon should have great weight with this House. The committee heard the proponents and the opponents of this measure at great length. The matter was considered by a sub-committee of the committee on judiciary, and we have given you our report. There is no man here who does not know the great evil of the spectacle pedlar who goes about the country imposing his wares of window glass on the unsuspecting public; and here are a body of

men; intelligent, who have come before this Legislature and ask that they may be allowed to practice their profession so that the people may be protected. I do not understand in this bill that the optometrists ask the medical profession in any way to father the measure. They want to keep it themselves. For that reason they ask that three of their own profession be put upon this board. Exactly the same question might arise in the case of the bill presented this morning for the regulation of barbers; and I presume the doctors will insist upon taking charge of that board, but the thing is so ridiculous that I am sure the gentleman from Old Town would not take such an insinuation kindly. And I trust that this House will give credit to the judgment, the care and the time which the judiciary committee have devoted to this matter and that the amendment will not be accepted by this House.

Mr. BEYER of Portland: Mr. Speaker: To this bill in general I have no objection. The committee have undoubtedly devoted a great deal of care to this matter, and this matter is also a matter of the public health and public protection. Personally I have had the good fortune to study a good deal in regard to optics and more especially in its application to the human eye in a good many forms for several years. Now there have been certain imputations made as to the jealousy of the medical profession. This matter, as the gentleman from Yarmouth has pointed out, is a matter of protection to the public, and the examinations for admission to this practice are what especially interest me. An amendment has been offered here which I think would improve the standard of the examination for admission to the practice of optometry. If the change in the personnel of the board will practically prevent a qualified man from practicing optometry, then we do not want the amendment. If the amendment will raise the standard of examination, making the examination more searching, will select only the best ones from the aspirants for admission to this degree, then I say the amendment will benefit the public. Now it is up to you

to decide this question, whether an examination conducted by three doctors and two optometrists will be more fair, more searching, more calculated to protect the public against mistakes and errors which might be fatal, than a board under the control of this business of optometry. Another question is whether a preponderance of those engaged in the practice of medicine on the board will be iniquitous, whether a doctor's sense of right and wrong is abolished when he is trying to protect his profession or not. So I wish you would look at the matter with this in view, whether this change in the personnel of the board will result in better opticians, or whether the doctors will be so prejudiced as to prevent a properly qualified man from getting on this board. If you agree that the examinations will be better and that the doctors will be fair enough so as not to render the bill nugatory I hope the amendment will be adopted.

Mr. TIBBETTS of Orrington: Mr. Speaker: I hardly see how this profession of optometry can be divorced entirely from the profession of medicine. The gentleman from Houlton said it was an entirely distinct and separate matter, that the physicians had nothing to do with it. If that is the case then strike the physicians off from the board altogether. Another thing, perhaps not generally understood, is that in this matter of optometry no optometrist or oculist can properly examine and diagnose the conditions of the eye without using medicine; they must use it in order properly to examine the eye. It also seems very hard for some gentlemen to realize that physicians as a body have the good of the public at heart and are not actuated by selfish or jealous motives whenever they propound anything that they think would be for the advancement of the public good; it seems to be accepted as a foregone conclusion that they do it from a selfish motive. I believe that the proposed board of three physicians, or three oculists or opticians who have received the degree of doctor of medicine will make it better for the public and give the public better protection and be the means of keeping out of this profes-

sion a number of people who are not fitted to be in it. That might be passed upon by the board of optometry and the public be safeguarded by having on that board three physicians.

Mr. DAVIES of Yarmouth: Mr. Speaker, it seems to me that the doctors or physicians are always traveling in Indian file, one right behind the other, and the one who goes behind the first one is very careful not to enlarge the footprints of the gentleman who preceded him (laughter), but the House will permit me to remind it of the question at issue so as to see just how far we have gone afield from the original question. I should like to read the provision as suggested by the bill establishing this board: "Said board shall consist of five members, three of whom shall have been resident opticians, engaged in the actual practice of optometry in the State of Maine for a period of five years prior to their appointment; one an oculist who in like manner has been engaged in the practice of his profession for five years prior to his appointment; and one a physician in actual practice." It seems to me, considering the scope of what this board is intended to do, that that would be a perfectly fair board to pass upon the qualifications of the gentlemen who decide to practice this science or this profession.

Mr. WELD: I hope there is not a physician in the State of Maine who would serve upon that board.

Mr. MONTGOMERY: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman will state his point of order.

Mr. MONTGOMERY: That the gentleman from Old Town has spoken twice to the question.

The SPEAKER: The gentleman from Old Town has proceeded by unanimous consent.

Mr. WING of Kingfield: Mr. Speaker, I move the previous question.

The motion was agreed to.

The question being, shall the main question be now put?

It was agreed to.

The question being on the adoption of the amendment—

The amendment was lost.

The bill then received its two several

readings and was assigned for tomorrow morning.

#### Repeal of the Sturgis Law.

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 the Governor 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.

The pending question being action upon the acceptance of either report—

Mr. MONTGOMERY of Camden: Mr. Speaker, I move that we substitute for the majority report "ought to pass" the minority report "ought not to pass" with accompanying bill unconditionally repealing the "Sturgis Act," so called, of 1905. The bill will be recognized, or the matter to be considered will be recognized, as the "Eaton resolve." The Eaton resolve in the first place was to amend the Constitution so that the Governor may remove sheriffs. The sheriffs are elected, as we all know, by the people. This resolve is to give the Governor the power to remove those sheriffs. It further states that in case that resolve is accepted and passed here and accepted by the people at a meeting called for that purpose that it will then repeal the "Sturgis Law." As one member of the committee to which that was referred, the judiciary committee, I recognize this condition, I may say that it is the condition of the dominant party of this State, and that condition is this: To somehow get rid of the Sturgis law. Now, I think I have struck you all fairly and correctly—in some way to get rid of the Sturgis law, to actually get rid of it. This is proposed, an amendment to the Constitution of the State, to allow the Governor to remove sheriffs, remove them, I presume, if they don't do all that is expected of them by everybody, righteous and unrighteous, wise and unwise, or whatever may be the condition of their minds about this traffic in intox-

icating liquors. It is moving from one thing to another, as you will see, and sometimes we learn through wisdom that we are able to determine what we ought to do if we will just consider what has taken place in the past. I believe it is a good idea to study the past in order to shape our conduct in the future. I think if we should do that oftener we would make less mistakes. I think if the Legislature that enacted the Sturgis law had carefully considered the past and what had been done, and what the people of this State had desired to do, as they should have, they probably never would have passed that law.

Now, what have the people done? In 1867, away back in 1867, when the prohibitory law was just as unfruitful as it is now, just as interesting to the people as it is now, and perhaps more so, when perhaps they were more interested in it than they are now, they thought that the sheriffs and the constables and the executive officers who ought to have enforced the prohibitory law were not paying that amount of attention to it that they ought to have, and they tried to seek some way to obviate it. Now, what did they do? They passed this law, and it was called the "State Constabulary Law," and I am going to read it because I want you to see how nearly it conforms to this Sturgis law, and for this purpose, that you may understand that it cannot be enforced, that it is no good and the people won't accept it and won't use it. Let us not have it. The law is as follows: "There shall be an officer to be called the constable of the State, appointed by the Governor. On application of 10 or more legal voters in any city or town in this State, if the constable be satisfied that the local authorities fail to enforce any of the laws of the State therein and the public good requires it, may appoint one or more deputies." And what shall they do? It provides that "They shall have and exercise throughout the State all the common law and statutory powers of constables of towns and marshals, police officers and watchmen in cities, and co-operate with the sheriffs to see that the laws of the State are enforced and observed."

Now, that was the constabulary law in 1867, when only 10 people were required if the laws were not enforced in a town to have that done in that way. The people were just as earnest as now, but not more so, and they were looking into the constitutionality of things carefully, and they were looking into the effect of their laws, and what did they do in their wisdom? The very next year they repealed that law and got it out of the way, and it stayed out of the way, and it stayed out of the way until 1880, from the time of that Legislature in 1867 until 1880; 13 years it was out of the way. In the year 1880 there came up to this Legislature I presume men who had forgotten the experience in 1867, men who perhaps like my friend from Houlton here (Mr. Hersey) were strong in their righteousness, so strong that they would be good themselves and not only that, so strong that they would have everybody else good, and they would make them good even if they had to hang them or kill them, and they thought then that they needed that law, and without perhaps studying the past they enacted this State liquor constabulary in 1880. Just see how near it reached to the present law. That law says: "Upon petition of 36 tax payers in any county that the provisions of Chapter 17—and that is in regard to intoxicating liquors—are not faithfully enforced by the county and local officers, the Governor shall appoint two or more constables for such county, whose duty it shall be to diligently enforce the provisions of said chapter, and said constables shall have the like powers and duties as sheriffs and their deputies." Just see what power they would have, under the provisions of that law in 1880, just the same as it is now. But that law was so impractical that nobody paid any attention to it. It was on the statute books for years and years, until 1901—from 1880 to 1901. Just see how many years it was on the statute books; and then probably some ingenious man from Yarmouth came forward with all the versatility and thoughtfulness of our friend, wandering into different statutes and among laws and every thing else that could be found, and he saw

the wisdom of repealing the law. I hope that we have a similar example in the present gentleman from Yarmouth (Mr. Davies); and in 1901 they repealed that law, as you will see when you read that.

Now, in 1905 an impractical man, not the present member from Portland, but an impractical man came here with a theory and he had not studied the past, and he had not thought of what had taken place, and he didn't know what the people had been doing in this State or what laws we had, and he had this law passed by the Legislature of 1905, Mr. Sturgis, the senator from Cumberland.

"The Governor is authorized to appoint a commission of three persons to be known as enforcement commissioners, who with the advise and under the direction of the Governor shall have and are authorized to exercise in any part of the State, all the common laws and statutory powers of sheriffs in the enforcement of the law against the manufacture and sale of intoxicating liquors. They shall appoint deputies and have the same powers when they are satisfied that the local authorities fail to enforce the prohibitory law."

This is not a stronger law in language than the one of 1880. That remained on the statute books of this State and was finally repealed. This law is opposed to the sentiment of the people of this State. It is expensive and it adds to nothing, and when you come to think it over you want to take some way to get rid of it and you take this method of doing it, by empowering the Governor, or reforming the constitution so that the Governor will have the power to remove sheriffs.

Now, supposing you give that power to the Governor. My idea is to repeal this right out and leave it just as it is now, and leave it to the people to elect the sheriffs, and to leave them off of the ticket if they don't do their duty. I say, leave it to the people. But this amendment will place it in the power of the Governor. Now, what can the Governor do? What has he ever done? It was as you will remember given to the Governor to remove County Attorneys. Did he ever do it? All these years he had

the power to remove County Attorneys, and nothing was done under it. Will there be any more done under it in the years to come? Will there be any more done in the future than there has been done in the past? And so I say for myself, not as a partisan, but as looking for the business interests of the State and looking towards the morals of the State and looking for good government of the State and for the people, to give the people such laws as they will respect and live up to and love to live under and not be over-burdened with these laws.

I have an abiding faith within myself that most of the members of the committee really would like to have done that same thing themselves. I have made my minority report that the resolve ought not to pass, and also that the Sturgis bill be indefinitely postponed. I want to say that I do not expect all of you to support me, that is, you may not by your votes but I certainly feel that there will be a great many of you who will say it is wisdom, and we would like to have it.

Mr. MOORE of Saco: Mr. Speaker, for the benefit of myself and some of the other Democrats in the House I would like to propound a question to the gentleman from Camden. How shall I vote on the pending question?

Mr. MONTGOMERY: Vote for the minority report, to accept it.

Mr. MOORE: What is your motion?

The SPEAKER: The motion of the gentleman from Camden is to substitute the report of the minority for that of the majority.

Mr. HERSEY of Houlton: Mr. Speaker, I took the time of the House for some time on another day in discussing the matter of the removal of County Attorneys. I shall not today take any time in going over anything that I discussed before. What I said then on the question of the removal of County Attorneys applies equally to the removal of sheriffs; and I am glad that that the gentleman from Camden this morning has added to any argument I wish to make by showing that when the people of the State of Maine attempt to enact laws that will relieve the regular officials from their duty and responsibility

they make a mistake, and I admit with the gentleman from Camden that these laws establishing a State Constabulary and these laws establishing the Sturgis commission and these laws establishing any other commissions excepting forcing and obliging the regular officers to do their duty is a mistake, and we do not wish to repeat it, and the Republicans of this Legislature are here today to say that they are not calling upon you to assist them in any way, or the Democrats to assist them in any way in repeating any such mistakes; but they ask you to assist them, whether you are Republican or Democrat, that the sheriffs duly elected by the people of this State shall perform their regular duties under the constitution and the laws of the land, or else the Governor shall have the power to remove him; and they say that this law if enacted will give to the people what they wish, and they wish to have the opportunity of putting their approval or disapproval upon it.

The Senate yesterday I think was regaled with the question of resubmission. The Democrats took the position there that the people should have the right to have a question of this kind submitted to them, on the question of resubmission, and that they should have an opportunity to vote upon it, and that they should have an opportunity to vote upon it, and that they should say whether they would have resubmission or not. And today, see the spectacle in this House of the gentleman from Camden, representing the minority party, saying they should not submit it to the people, the question of whether the Governor should remove sheriffs or not; an attempt to blind you to the real issue here by discussing the Sturgis law. Now, I claim that the Sturgis law is not a matter before us at the present time. The real question is whether we shall adopt this amendment to the constitution giving the Governor the power to remove sheriffs. There is a separate bill that if the people do adopt this, it repeals the Sturgis law, so that right or wrong the Sturgis law is not really in this question, because if you don't adopt this amendment then the other bill goes for naught. If you do adopt it, then it will kill the other bill. Now, it seems

to me very plain,—the matter here is one upon the question of whether the Governor shall have the power to remove sheriffs, and whether you shall submit that question to the people of the State, and I can't see how any Democrat can fail to vote to submit this question to the people of Maine and still maintain that he is a Democrat.

Mr. DAVIES of Yarmouth: Mr. Speaker, I hardly know how to accept the compliment that was paid to me by the distinguished gentleman from Camden (Mr. Montgomery), but knowing as I did that he is an overflowing fountain of benevolence I will accept it in the spirit in which it was given and thank him most sincerely. I merely desire to say this at the present time, that I was not one of the members to whom the gentleman referred, as being the members of the judiciary committee that had a strong leaning toward or would have liked to sign the minority report. I signed the majority report because I believed that it was carrying out the ante-election promises which were made. I frankly say to the members of this House that I believe it would be futile and idle—I don't think there would be any possible chance and that no opportunity would be presented here by which we could pass that amendment to the constitution. It is like a good many other things to be done and we all would admit that most that has been done here has been futile and idle. We have passed a great many special acts, several hundred acts; we have also appropriated many millions of dollars, but when it comes to anything in the way of equalizing taxation, which is an all-absorbing question in this State, we have done absolutely nothing. In my mind the liquor question was settled, and it was settled by the Republican party in the last campaign. We promised the people of the State of Maine at that time that if we were returned to power we would uphold the prohibitory law and we would also provide for its enforcement; and I believe that the Sturgis law, which seems to have worked itself into this discussion more or less, is a proper law, and that we should provide for its enforcement. I differ with the gentle-

man from Camden upon that point. I will say that I, for one, am not trying to get rid of it. Believe that we should stand by it until we can get something better, and until that time comes our duty is perfectly plain to the inhabitants of this State who have returned us to power. The gentleman from Camden also pretended to diagnose the attitude of the Republican party. He pretended to say that the Republican party was in a certain state of mind throughout the State touching this very important matter. I would like to know whence comes his knowledge? Has he any authority to speak for the Republican party of this State? I think the indorsement which was given to us by the electors of this State is sufficient, and it is now up to us in all sincerity to make those ante-election promises good.

The SPEAKER: The pending question is upon the motion of the gentleman from Camden (Mr. Montgomery) to substitute the report of the minority for that of the majority.

Mr. Montgomery called for the yeas and nays.

The yeas and nays were ordered.

Mr. BEYER of Portland: Mr. Speaker, I do not understand the question.

The SPEAKER: For the benefit of the gentleman from Portland and the members of the House the Chair will say that there are two reports pending to be acted upon by this House. One is the report of the majority of the committee, signed by nine members of the judiciary committee, reporting "ought to pass" in a new draft on resolve providing for the removal of delinquent sheriffs by the Governor, and reporting "ought to pass" on a repeal of the Sturgis law, so-called, conditioned upon the acceptance of the resolve providing for the removal of sheriffs. The report of the minority is "ought not to pass" on this measure and recommending the repeal of the Sturgis law. That report is signed by the gentleman from Camden. Now, the question is upon the motion of the gentleman from Camden to substitute the report of the minority for the report of the majority. The clerk will call the

roll, if that explanation is sufficient and satisfactory and impartial.

YEA:—Allen of Jonesboro, Bearce of Eddington, Bogue, Chase of York, Conners, Couture, Day, Doble, Duncan, Dunn, Edwards, Farnham, Frost, Harmon, Hines, Hodgkins of Damariscotta, Lambert, Mace, McLain, Merrifield, Merrill of Durham, Miller, Montgomery, Moore, Moulton, Nickerson, Orff, Packard, Pattangall, Patten, Pelletier, Pike, Quinn, Robbins, Ross, Sleeper, Smith of Biddeford, Snow of Brunswick, Stover, Thompson, Thurlough, Weld—42.

NAY:—Allen of Richmond, Andrews, Beals, Bemis, Beyer, Bigelow, Bigney, Bisbee, Blake, Bradford, Bragdon, Burlleigh, Burse of Pittsfield, Bussell, Buswell, Campbell of Cherryfield, Campbell of Kingman, Chase of Sebec, Clark, Colby Cole, Cousins, Davies, Donnell, Dufour, Ferguson, Gilbert, Grant, Hall, Hamlin, Hanson, Harriman, Harris, Hersey, Higgins, Hill, Holt, Hyde, Jordan, Joy, Kavanough, Kelley, Lane, Libby, Lord, Ludgate, Marshall Millett, Morse, Nelson, Peters, Porter, Pressley, Redlon, Rounds, Smith of Andover, Smith of Berwick, Spear of South Portland, Stackpole, Stanley, Tibbetts, Trafton, Trimble, True, Varney, Whitney, Wing of Auburn—67.

ABSENT:—Additon, Bartlett of Eliot, Bartlett of Stonham, Blanchard, Bourassa, Bowley, Charles, Cook, Coolidge, Cummings, Dorr, Drake, Emery, Fortier, Hannaford, Harrington, Havey, Hodgkins of Temple, Hussey, Jones, Lombard, Mercier, Merrill of Bluebill, Patterson, Paul, Perry, Pinkham, Putnam, Richardson, Sanborn, Sawyer, Silsby, Snow of Scarboro, Spear of Warren, Stetson, Strickland, Trickley, White of Columbia, White of Wayne, Whitehouse, Wing of Kingfield—41.

So the motion was lost.

On motion by Mr. Hersey of Houlton, the majority report was accepted.

The resolve was then given its first reading.

On motion by Mr. Rounds of Portland the rules were suspended and the resolve received its second reading and was passed to be engrossed in concurrence.

An Act conditionally repealing Chapter 92 of the Public Laws of 1905, relating to the better enforcement of the laws against the manufacture and sale of intoxicating liquors.

The bill received its two readings.

On motion by Mr. Rounds of Portland, the rules were suspended and the bill received its third reading and was passed to be engrossed in concurrence.

An Act granting additional privileges to the Peaks Island Gas Company.

On motion by Mr. Marshall of Portland this bill received its two readings.

On further motion by the same gentleman, the rules were suspended and the bill received its third reading and was passed to be engrossed.

Mr. TIBBETTS of Orrington: Mr. Speaker, I move to reconsider the vote whereby the resolve in favor of the Eastern Maine Insane hospital with an emergency clause attached, for \$37,000, and which was laid on the table, and that it be assigned specially for Wednesday of next week.

Mr. WING of Auburn: I raise a point of order.

The SPEAKER: Will the gentleman from Auburn please state his point or order.

Mr. WING: I raise the point of no quorum.

The SPEAKER: The Chair will count. The Chair announces that there are 76 members present, a quorum of the House. The gentleman from Orrington has moved that we reconsider the vote whereby the resolve in favor of the Eastern Maine Insane hospital to provide for deficiencies failed of a passage.

The motion was agreed to.

Mr. Tibbetts further moved that the resolve be specially assigned for next Wednesday.

The motion was agreed to.

On motion by Mr. Rounds of Portland, bill, An Act to amend Section 115 of Chapter 15 of the Revised Statutes, relating to public schools, was taken from the table.

Mr. ROUNDS: I now move that this bill pass to be engrossed, and I want to say in reference to this matter that while it takes a large appropriation, something over \$20,000 more than it did two years ago or last year, that the methods of bookkeeping in the auditor's office have changed somewhat so that it has to come from this appropriation; and I therefore move that this bill be passed to be engrossed.

The motion was agreed to, and the bill was passed to be engrossed as amended.

On motion by Mr. Moulton of Cum-

berland, bill, An Act to amend Chapter 189 of the Laws of 1907, prohibiting the publications relating to patent medicines or other medicines in language of immoral tendency or of ambiguous character and protecting the public against the dangers from an indiscriminate distribution of samples of medicine, was taken from the table.

The pending question being its reference to a committee—

Mr. Moulton moved that it be referred to the committee on public health.

The motion was agreed to.

On motion by Mr. Rounds of Portland, bill, An Act to restore Portland bridge, was taken from the table.

Mr. Rounds offered House Amendment "A," and moved that the bill and amendment be laid on the table pending action upon the amendment, and that the amendment be printed.

The motion was agreed to.

On motion by Mr. Kelley of Boothbay, the vote was reconsidered where-by bill, An Act to amend Section 1 of Chapter 294 of the Private and Special Laws of 1901, was passed to be engrossed.

Mr. Kelley then offered House Amendment "A," to amend the title by adding thereto the following words: "Relating to a bridge over the tide waters of Boothbay Harbor."

The amendment was adopted.

On further motion by Mr. Kelley, the bill was passed to be engrossed as amended.

On motion by Mr. Peters of Ellsworth, bill, An Act to authorize the Bar Harbor and Union River Power Co. to acquire the property and franchises of the Ellsworth Power Supply Co., was taken from the table.

Mr. Peters then offered House Amendment "A," to amend by striking out Section 2 of the bill and inserting in place thereof the following Section: "Section 2. The locations of posts, wires and fixtures of both the Bar Harbor and Union River Power Co.

and the Ellsworth Power Supply Co. within the limits of any street, road or way as now located, established and maintained are hereby confirmed and made valid."

The amendment was adopted.

On further motion by Mr. Peters the bill received its third reading and was passed to be engrossed as amended.

From the Senate: Mr. Hamilton from the committee of legal affairs, reported in a new draft and "ought to pass" bill, An Act to amend An Act relating to the police court of the city of Rockland. This report was read and accepted in the Senate. Subsequently the bill was read twice and passed to be engrossed, and the vote was reconsidered whereby the bill was passed to be engrossed and the bill was recom-mitted to the committee on legal affairs.

On motion of Mr. Marshall of Portland, the House non-concurred in re-committing the same to the committee on legal affairs.

On motion by Mr. Burse of Pittsfield, resolve amending Section 7, Article 6 of the Constitution of Maine, relating to the election of judges by direct vote of the people, was taken from the table.

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

The motion was agreed to.

On motion of Mr. Allen of Jonesboro, bill, An Act to amend Section 2 of Chapter 22 of the Revised Statutes of the year of Our Lord one thousand nine hundred and nine, relating to jail sentence for maintaining a liquor nuisance, was taken from the table.

The pending question being its reference to a committee Mr. Allen moved that it be referred to the committee on temperance.

The motion was agreed to.

On motion of Mr. Rounds of Portland, adjourned.