

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

HOUSE.

Friday, March 19, 1909.

Prayer by Rev. Mr. Livingston of Augusta.

Journal of yesterday read and approved.

Mr. Rounds of Portland introduced the following order:

"In House of Representatives, March 19, 1909.

Ordered, the Senate concurring, that when the Senate and House adjourn, they adjourn to meet on next Saturday morning at 8.30 o'clock.

The order received a passage.

Papers from the Senate disposed of in concurrence.

An Act to amend Chapter 54 of the Public Laws of 1907 in relation to the salary of the chaplain at the Maine State prison, came from the Senate passed to be engrossed under a suspension of the rules without reference to a committee.

On motion of Mr. Wing of Kingfield the bill was tabled for printing.

An Act to extend the charter of the Wiscasset Water Co., came from the Senate passed to be engrossed under a suspension of the rules without reference to a committee.

On motion of Mr. Dorr of Dresden the rules were suspended, the bill received its three several readings and was passed to be engrossed in concurrence.

Senate Bills on First Reading.

Resolve in favor of the Western State Normal school.

Resolve in favor of the town of Symrna, appropriating \$258.64 to reimburse the town for money paid out on account of State paupers. (Senate Amendment A adopted in concurrence).

An Act in relation to the collection of fees by State officials and payment of same to State treasurer, came from the Senate recommitted to the salaries and fees.

On motion of Mr. Porter of Mapleton the House concurred with the Senate in its action.

Majority and minority reports of the Portland delegation to which was referred An Act amending Chapter 146

of the Special Laws of 1895 relating to the commission of public works of the city of Portland, the majority reporting "ought not to pass," the minority reporting "ought to pass."

In the Senate the majority report was accepted.

On motion of Mr. Rounds of Portland the reports were tabled pending the acceptance of either.

Majority and minority reports of the Portland delegation to which was referred An Act to make permanent the tenure of service of the janitors and engineers of the public buildings of the city of Portland, the majority reporting "ought not to pass," the minority reporting "ought to pass."

In the Senate the majority report was accepted.

On motion of Mr. Marshall of Portland the reports were tabled pending the acceptance of either and Tuesday of next week was assigned for their consideration.

An Act to prohibit the use of firearms fitted with any device to deaden the sound of explosion, came from the Senate indefinitely postponed.

On motion of Mr. Marshall of Portland the House concurred with the Senate in its action.

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 \$100,000,000, came from the Senate amended by Senate Amendment A.

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

An Act to permit certain plantations to assume the maintenance of their roads and bridges, came from the Senate that branch having non-concurred with the House in recommitting the bill to the committee on legal affairs, and having given it its two several readings.

On motion of Mr. Marshall of Portland the bill was tabled pending concurrent action.

An Act to authorize Androscoggin

county to issue bonds to enable it to build an addition to the county jail and for other purposes, came from the Senate amended by Senate Amendment B.

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

On motion of Mr. Cousins of Standish the rules were suspended and he introduced An Act to amend Chapter 34 of the Public Laws of 1909 relating to the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases, and on further motion by Mr. Cousins the rules were suspended, the bill received its three several readings and was passed to be engrossed without reference to a committee.

On motion of Mr. Bemis of Harmony the rules were suspended and he introduced a resolve in favor of the town of Harmony. (Referred to the committee on appropriations and financial affairs).

An Act relative to school out-houses, came from the Senate indefinitely postponed.

On motion of Mr. Burleigh of Augusta the bill was tabled pending concurrent action.

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

Judiciary.

By Mr. Kavanough of Portland: Petition of J. H. McCosta of Pittsfield and 29 others in favor of bill relating to employers' liability.

Legal Affairs.

By Mr. Dunn of Brewer: Petition of Carpenters' Local Union, No. 1917, of Bangor in favor of An Act in favor of the law student who is also a laboring man; of Journeyman Barbers' Union, No. 210, of Portland, for same; of Charles C. Hoyt of Brewer and 47 others for same; of Lewiston Mule Spinners' Union in favor of the Dunn bill, so-called, in favor of the election of judges by direct vote of the people;

of Central Labor Union of Bangor for same; of Carpenters' Local Union, No. 1917, of Bangor for same; of Journeyman Barbers' Union, No. 210, of Portland for same.

Appropriations and Financial Affairs.

By Mr. Lombard of Bridgton: Resolve in favor of A. H. Miller, secretary of the pension committee.

By Mr. Bemis of Harmony: Resolve in favor of the town of Harmony.

An Act to amend Chapter 509 of the Public Laws of 1885 relating to the commissioners of cemeteries and public grounds, came from the Senate amended by Senate Amendment A.

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

An Act relating to the scaling of logs, came from the Senate recommitted to the committee on judiciary.

On motion of Mr. Bogue of East Machias the House concurred with the Senate in its action.

Reports of Committees.

Mr. Burleigh from the committee on the judiciary reported "ought to pass in new draft under same title" on bill "An Act to grant additional powers to the Rangeley Light & Power Co."

Same gentleman from same committee reported "ought to pass" on bill "An Act to amend Chapter 522 of the Laws of 1897, establishing the Sanford municipal court."

Mr. Andrews from same committee reported same on bill "An Act to create a board of trustees for the Sullivan-Hancock bridge."

Mr. Montgomery from same committee reported same on bill "An Act authorizing trial justices to issue warrants for offences committed in Biddeford, in the county of York."

Mr. Davies from same committee reported same on bill "An Act to amend Section 5 of Chapter 44 of the Public Laws of 1907, to provide for the care and education of the feeble minded."

Mr. Peters from same committee re-

ported same on bill "An Act relating to the solemnization of marriages."

Mr. Wing from same committee reported same on bill "An Act to amend Section 78 of Chapter 9 of the Revised Statutes in relation to appeal from county commissioners."

Same gentleman from same committee reported same on bill "An Act to amend Section 38 of Chapter 28, relating to buildings."

Mr. Hersey from same committee reported same on bill "An Act to amend Chapter 31 of the Private and Special Laws of 1905, entitled 'An Act to authorize the Houlton Water Co. to generate, sell and distribute electricity.'"

Same gentleman from same committee reported same on bill "An Act to amend Section 10 of Chapter 249 of the Private and Special Laws of 1905, entitled 'An Act to authorize the Maine & New Brunswick Electrical Power Co., Ltd., of New Brunswick, to exercise certain powers in this State.'"

Mr. Snow from the committee on legal affairs reported "ought to pass" on bill "An Act to authorize the city of Gardiner, in the county of Kennebec, and State of Maine, to create a sinking fund for the purpose of paying the bonded debt of said city."

Mr. Morse from same committee reported same on bill "An Act to incorporate the Gregory Sanatorium."

Same gentleman from same committee reported same on bill "An Act to authorize the appointment of deputy sealers of weights and measures."

Same gentleman from same committee reported same on bill "An Act to amend Section 15 of Chapter 77, making certain the rights of a widow in case of waiver of the provision of the will of the deceased husband or wife."

Same gentleman from same committee reported same on bill "An Act to amend and extend the charter of the Westbrook Gas Co."

Same gentleman from same committee reported same on bill "An Act to amend Section 72 of Chapter 4 of the Revised Statutes, relating to towns."

Mr. Coolidge from same committee reported same on bill "An Act to amend Section 8 of Chapter 117 of the Revised Statutes, as amended by Section 1 of Chapter 59 of the Public Laws of

1905, relating to fees of constables in serving venires."

Same gentleman from same committee reported same on bill "An Act to authorize the town of Southport to build and maintain a wharf or public landing on the easterly shore of Dog Fish Head in the town of Southport."

Same gentleman from same committee reported same on bill "An Act to amend Section 6 of Chapter 60 of the Revised Statutes, relating to the designation of the clerk of county commissioners."

Mr. Marshall from same committee reported "ought to pass in new draft under same title" on Bill, "An Act to regulate the dumping of waste material within the limits of any public highway."

Same gentleman from same committee reported "ought to pass on Bill, "An Act to prohibit certain persons from advertising as State detectives."

Same gentleman from same committee reported same on Bill "An Act in relation to the Limington Public Cemetery Corporation."

Mr. Hall from same committee reported "ought to pass in new draft under same title" on Bill, "An Act concerning the protection of children and defining certain acts which shall be considering as causing, encouraging or contributing to the delinquency or distress of infants."

Same gentleman from same committee reported "ought to pass on Bill, "An Act to extend the charter of the Weld Water Co."

Same gentleman from same committee reported same on Bill, "An Act to amend Paragraph 5 of Section 4 of Chapter 109 of the Revised Statutes of Maine, relating to depositions."

Mr. Smith from same committee reported "ought to pass in new draft under same title" on Bill "An Act to prevent the desecration of the 30th day of May, commonly known as Memorial day, and providing penalty for violation."

Same gentleman from same committee reported "ought to pass" on Bill "An Act to authorize the removal of bodies of deceased persons from an old abandoned cemetery in the town of

Lisbon to Lisbon cemetery, so-called, in said town."

Same gentleman from same committee reported same on Bill, "An Act to make valid the doings of certain municipal and administrative officers of the city of Eastport."

Same gentleman from same committee reported same on Bill, "An Act to amend Section 12, Chapter 126 of the Revised Statutes, as amended by Chapter 105 of the Public Laws of 1905, relating to gambling devices."

Mr. Pike from same committee reported "ought to pass in new draft under same title" on Bill "An Act to incorporate the Maine Collateral Loan Co."

Same gentleman from same committee reported "ought to pass" on Bill "An Act to amend Section 5 of Chapter 79 of the Revised Statutes relating to the signing of writs and other papers by deputy clerks of court."

Same gentleman from same committee reported same on Bill "An Act to amend Chapter 93, Section 55 of the Revised Statutes of Maine relating to liens for pressing hay."

Same gentleman from same committee reported same on Bill "An Act to amend Chapter 198 of the Private and Special Laws of 1907 relating to records of real estate in the county of Waldo."

Same gentleman from same committee reported same on Bill "An Act to provide for the taxation of the property of the Madison Village Corporation located in the towns of Norridgewock and Starks."

Mr. Pinkham from the committee on telegraphs and telephones reported "ought to pass in new draft" on Bill "An Act to authorize municipalities to establish and maintain telephone lines," under title of "An Act to authorize cities and towns to establish and maintain telephone lines."

Mr. Hall from the committee on military affairs reported "ought to pass" on Resolve urging action of the United States in removing the hulk of the battleship Maine from Havana harbor and the decent burial of the 63 bodies of the 63 bodies therein contained.

Mr. Rounds from the committee on

ways and bridges reported "ought to pass in new draft under same title" on resolve in favor of county commissioners of Franklin county for permanent improvements on road in Jerusalem and Crocker townships."

Mr. Holt from same committee reported "ought to pass in new draft under same title" on resolve in favor of aiding the building of a bridge in the town of Franklin, Hancock county.

Mr. Burleigh from the committee on public buildings and grounds reported "ought to pass" on resolve for renewal of insurance policies on State property.

Mr. Allen from same committee reported "ought to pass in new draft" on resolve to purchase picture of General Joshua L. Chamberlain to be hung in the State House, under title of resolve relating to the purchase of a photograph of General Joshua L. Chamberlain and an oil portrait of Governor Alonzo Garcelon to be hung in the State House.

Mr. Harrington from the committee on salaries and fees reported "ought to pass in new draft under same title" on Bill "An Act in amendment of Section 16 of Chapter 440 of the Private and Special Laws of 1901, in regard to the establishment of the municipal court of Pittsfield."

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

Majority report of the committee on legal affairs reporting "ought to pass" on Bill, "An Act to authorize cities and towns to permit the use of lunch wagons on public ways."

(Signed)

WILLIS B. HALL,
ELISHA W. PIKE,
E. F. GOWELL,
FRANK D. MARSHALL,
S. B. SMITH,
JOHN A. SNOW,
RALPH I. MORSE,
H. E. COOLIDGE.

Minority report of same committee reporting "ought not to pass" on same subject matter.

(Signed)

D. F. HAMILTON,
L. M. STAPLES.

Pending acceptance of either report both were tabled, and Tuesday, March 23, assigned for their further consideration, on motion of Mr. Pike of Eastport.

Majority report of the committee on legal affairs reporting "ought to pass" on Bill, "An Act to provide for the attorney general or assistant attorney general to take charge of liquor prosecutions upon failure or refusal of the county attorney to perform his duty, and for the prosecution of such county attorney."

(Signed)

S. B. SMITH,
RALPH I. MORSE,
JOHN A. SNOW,
FRANK D. MARSHALL,
L. M. STAPLES,
W. B. HALL,
E. W. PIKE.

Minority report of same committee reporting "ought to pass" on same subject matter.

(Signed)

B. F. HAMILTON,
E. F. GOWELL,
H. E. COOLIDGE.

Pending acceptance of either report both were tabled, and Tuesday, March 23, assigned for their further consideration, on motion of Mr. Marshall of Portland.

Majority report of the committee on telegraphs and telephones reporting "ought not to pass" on Bill, "An Act to protect the rights of holders of preferred stock of telephone companies."

(Signed) Messrs. REYNOLDS,

SMITH,
KELLOGG,
PINKHAM,
ROUNDS,
BURSE.

Minority report of same committee reporting "ought to pass" on same subject matter.

(Signed)

FRANK J. SMITH,
F. P. MERRILL,
A. F. BUSWELL,
W. G. HODGKINS.

Pending acceptance of either report both were tabled and Tuesday, March 23, assigned for their further consideration, on motion of Mr. Smith of Biddeford.

Mr. Wing from the committee on the judiciary on Bill "An Act amending Chapter 144 of the Revised Statutes, relating to insane hospitals" reported that the same be referred to the committee on Insane hospitals.

Mr. Burleigh from same committee reported "ought not to pass" on Bill "An Act amendatory to Section 1 of the charter of the City of Bangor, relating to corporate name and powers."

Mr. Hersey from same committee reported same on Bill "An Act to amend Chapter 11 of the Revised Statutes relating to register of deeds."

Same gentleman from same committee reported same on Bill "An Act to amend Section 93 of Chapter 83 of the Revised Statutes."

Mr. Davies from same committee reported same on Bill "An Act to prohibit certain sports on Memorial day."

Same gentleman from same committee reported same on Bill "An Act to regulate the practice of the system, method or science of treating diseases, known as osteopathy, and creating a board of examining and registration for the regulation of the same and providing penalties for the violation of this act."

Mr. Peters from same committee reported same on Resolve amending Section 7 of Article 6 of the Constitution of Maine relating to the election of judges by direct vote of the people."

Same gentleman from same committee on Bill "An Act to amend Section 38 of Chapter 28 of the Revised Statutes in relation to fire escapes on schoolhouses," reported "ought not to pass" as subject matter is covered by another bill.

Same gentleman from same committee reported "ought not to pass" on Bill "An Act relating to the holding of political caucuses in towns."

Mr. Morse from the committee on legal affairs reported "ought not to pass" on Bill "An Act to amend Section 24 of Chapter 5 of the Revised Statutes, relating to the challenge of voters."

Mr. Pike from same committee reported same on Bill "An Act to regulate fees charged by experts summoned by courts."

Same gentleman from same commit-

tee reported same on Bill "An Act to amend Section 15 of Chapter 54 of the Revised Statutes in relation to the inspection of steamboats."

Mr. Coolidge from same committee reported same on Bill "An Act to regulate the fees charged by judges and lawyers."

Same gentleman from same committee reported same on Bill "An Act relating to town, village and city by-laws and ordinances."

Mr. Marshall from same committee reported same on Bill "An Act to provide for publicity respecting the membership of mercantile partnerships and for identification of individual merchants in certain cases."

Same gentleman from same committee reported same on Bill "An Act to ascertain and make certain legal residence in Maine."

Same gentleman from same committee reported same on Bill "An Act concerning delinquent children."

Mr. Smith from same committee reported same on Bill "An Act to incorporate the Citizens Electric Company."

Same gentleman from same committee reported same on Bill "An Act to provide for the purchase of an indemnity bond for the treasurer of Washington county."

Same gentleman from same committee on Bill "An Act forbidding the publication of certain proceedings against children," reported legislation thereon inexpedient.

Mr. Snow from same committee on Bill "An Act relative to the licensing of plumbers and the supervision of the business of plumbing," reported that the bill be referred to the next Legislature.

Same gentleman from same committee reported "ought not to pass" on Bill "An Act to regulate the digging up of the public streets, ways or highways in cities and towns."

Same gentleman from same committee reported same on Bill "An Act to amend Section 3 of Chapter 24 of the Revised Statutes, relating to the laws of the road."

Same gentleman from same committee reported same on Bill "An Act to provide for the appointment of a State

sealer of weights and measures and to define his duties."

Mr. Hall from same committee reported same on Bill "An Act to define contributory dependency and contributory delinquency and to make the same a misdemeanor and to provide for the punishment of persons guilty thereof."

Same gentleman from same committee reported same on Bill "An Act to amend Section 9 of Chapter 108 of the Revised Statutes, relating to serving venires."

Same gentleman from same committee reported same on Bill "An Act to amend Section 129 of Chapter 49 of the Revised Statutes, relating to the casualty or accident insurance companies doing business on the assessment plan."

Same gentleman from same committee reported same on Bill "An Act to amend Section 51 of Chapter 49 of the Revised Statutes of Maine, relating to insurance companies."

Same gentleman from same committee reported same on Bill "An Act in favor of the law student who is also a laboring man."

Mr. Hodgkins from the committee on telegraphs and telephones reported "ought not to pass" on Bill "An Act to prevent monopoly in the control of telephone companies."

Mr. Bogue from the committee on mercantile affairs and insurance reported "ought not to pass" on Bill "An Act additional to Chapter 49 of the Revised Statutes, to better protect the interests of accident and health insurance policy holders."

Mr. Perry from same committee reported same on bill "An Act to amend Sections 123, 126, 127 and 128 of Chapter 49, relating to organization of assessment casualty insurance companies."

Mr. Campbell from same committee reported same on bill "An Act relating to illegal combination by fire insurance companies doing business in this State."

Mr. Emery from same committee reported same on bill "An Act to amend Section 41 of Chapter 49 of the Revised Statutes, relating to insurance policies."

Same gentleman from same committee reported same on bill "An Act additional to Chapter 49 of the Revised Statutes relating to filing of policies by casualty insurance companies."

Mr. Holt from the committee on ways and bridges on various petitions for the passage of the Chase bridge bill, reported that the same be placed on file.

Same gentleman from same committee on various petitions for the passage of the Donigan bridge bill, reported that the same be placed on file.

Same gentleman from same committee on various petitions for State aid for the construction and maintenance of highway bridges, reported that the same be placed on file.

Mr. Cole from same committee on petition of Joel Wilbur and 41 others for improvement of road from Madrid line through Letter E and Sandy River plantations, reported that the petitioners have leave to withdraw as the subject matter has already been acted upon.

Mr. Smith from the committee on military affairs reported "ought not to pass" on resolve in favor of providing commissioned officers of the National Guard, State of Maine, with full dress uniforms.

Mr. Hall from same committee reported same on resolve in favor of Co. A and Co. M of the First Infantry, N. G. S. M.

The reports were accepted.

First Reading of Printed Bills and Resolves.

An Act to amend the charter of the city of Old Town, and provide for a referendum of the legal voters of the city of Old Town.

An Act to amend Chapter 83 of the Public Laws of 1905, relating to contagious diseases among cattle.

An Act to amend Section 1 of Chapter 52 of the Revised Statutes relating to the management and operation of steam railroads. (Tabled pending first reading on motion of Mr. Hersey of Houlton).

An Act to prohibit gas companies in the cities of Bangor and Brewer from charging meter rents or making service charges.

An Act to amend Sections 42 and 41 of Chapter 8 of the Revised Statutes as amended by Chapter 167 of the Public Laws of 1907 relating to taxation of express companies.

An Act to enlarge the powers and duties of the railroad commissioners, and to regulate the fares and tolls of common carriers. (Tabled on motion of Mr. Hersey of Houlton).

An Act to amend Sections 35, 37 and 41 of Chapter 8 of the Revised Statutes, relating to taxation of telephone and telegraph companies.

An Act to amend Chapter 140 of the Revised Statutes, relating to coroners' inquests and the appointment of medical examiners.

An Act providing for a special equity juvenile court; classifying infants under law; providing for the title, term of office and compensation of the judge; appeals to the supreme court; reporter for the juvenile court; and time and place of holding the court.

An Act creating the Maine Forestry District, and providing for protection against forest fires therein.

An Act to incorporate the Farmington Falls Water Co.

An Act relating to the collection of State, county and district taxes.

An Act to amend Section 44 of Chapter 9 of the Revised Statutes, as amended by Chapter 174 of the Public Laws of 1907, relating to the assessment and collection of taxes on lands in places not incorporated.

Resolve, in favor of the committee on bills in third reading, for clerical assistance.

Resolve, in favor of the University of Maine.

Resolve, in favor of Herbert L. Kimball.

Resolve, for the maintenance of State bridges located in the city of Old Town and the town of Milford.

Resolve, in favor of the secretary of State.

Resolve in favor of F. H. Hoar, special messenger to the Speaker of the House.

Passed To Be Engrossed.

An Act to open the lakes and ponds in Kennebec county to ice fishing one day in a week.

Mr. Bigelow of Portland offered House Amendment A by inserting in the first section between the words "Vienna" and "and" the words "Great Pond in Belgrade."

Mr. PATTANGALL of Waterville: Mr. Speaker, the bill which is sought to be amended is a bill providing for one day's ice fishing in a week in the various lakes in Kennebec county and was reported by the committee on inland fisheries and game at the solicitation of a great many people in this county, and I should dislike very much to have an amendment added to it.

Mr. BURLEIGH of Augusta: Mr. Speaker, I am informed that there are many citizens of Belgrade who feel that this permission for ice fishing in Great pond would be a serious detriment to the fishing interests of that vicinity, which are of exceedingly great importance to the Belgrade hotel with its large summer business, and they feel that opening Long pond to ice fishing for one day in a week would be amply sufficient for all purposes but that opening Great pond would result, as experience has shown, I believe, in the past, in a very serious detriment to the fishing, a very important industry in that town, and they believe that this amendment asked for is only a reasonable request. I trust that this amendment will be adopted.

Mr. BIGELOW of Portland: Mr. Speaker, as the gentleman from Waterville doubtless remembers, my sympathy for Belgrade was very much enlisted a while ago, and the gentleman from Waterville gave me considerable advertising in reference to a certain young lady who fished up there once. I had an interview with these people from Belgrade and they explained that to open Great pond to ice fishing would be a serious detriment to the fishing industry in that town. There were several people from Belgrade in attendance at the hearing before the committee who desired that that particular pond should be exempt. I hope the amendment will prevail.

The question being on the adoption of the amendment, a division was had and 48 voted in the affirmative and 9 in the negative.

So the amendment was adopted.

The bill then received its third reading

and was passed to be engrossed as amended.

An Act to amend Section 13 of Chapter 4 of the Revised Statutes relating to choice of road commissioner in towns. (Tabled pending third reading on motion of Mr. Whitney of Gorham.)

Passed To Be Enacted.

An Act to regulate the taking of white perch.

An Act to regulate fishing in Muddy pond, so called, in the town of Washington, county of Knox.

An Act to amend Section 63 of Chapter 15 of the Revised Statutes, relating to the payment of tuition in secondary schools.

Finally Passed.

Resolve in favor of the town of Rumford.

Resolve, that there be paid to Harry R. Coolidge for services as assistant clerk at the organization of the House, the sum of \$25, and for mileage the sum of eight dollars.

Resolve in favor of the University of Maine.

Resolve in favor of Machiasport bridge.

Resolve in favor of Aroostook Central Institute.

Resolve in aid of navigation on Rangeley lake, Mooselucmeguntic lake and Capsuptic lake.

Resolve in favor of the town of Weston, Aroostook county.

Resolve providing for deficiency in appropriation for expenses of Australian ballot for the year 1908.

Resolve in favor of the inhabitants of the town of Littleton, to reimburse them for expenses incurred for support, medicines, medical attendance and burial expenses of State pauper, David J. Elliott.

Orders of the Day.

The SPEAKER: The first matter coming over from yesterday as unfinished business, is the report of the committee on judiciary, reporting "ought to pass" on House Document No. 147, bill, An Act to amend the charter of the trustees of the Machiasport bridge.

On motion by Mr. Bogue, the report was accepted.

Mr. Bogue then offered House Amendment "A," and asked to have

the same printed. The same gentleman then withdrew the amendment for the present.

The SPEAKER: Under the joint rules the bill will lie upon the table for printing.

On motion of Mr. Trimble of Calais House Document No. 147, bill, An Act to amend the charter of the trustees of the Machiasport bridge, was taken from the table, and on further motion by the same gentleman the rules were suspended and the bill received its first and second readings without being printed.

On motion of Mr. Wing of Kingfield, the rules were suspended and the bill received its third reading.

Mr. Bogue of East Machias then offered House amendment "A," to amend House Document No. 147, relating to the Machiasport bridge, by striking out the word "five" in Line 4 of Section 3 and inserting in place thereof the word "fifty," so that said section as amended shall read as follows: "Section 3. Whenever either of said towns shall fail, or has failed, to elect trustees at any regular annual town meeting, the county commissioners shall appoint the same on petition of 50 legal voters of said town, after notice and hearing."

Amend said bill further by adding the following section, viz: "Section 4. All bills to be paid by said trustees so elected by the town of East Machias, or appointed by the county commissioners to act for said town, shall be audited and approved by the selectmen of said town before the same are paid."

Mr. Bogue moved that the amendment be adopted.

Mr. THURLOW: Mr. Speaker: That amendment tends to kill the bill, and I hope it will not be adopted.

Mr. TRIMBLE of Calais: Mr. Speaker: This bill was drawn very carefully with the idea of looking after the interests of the entire community in regard to the bridge affairs. It has been before the House and before the committee for several weeks and has received very careful consideration. There is no real serious objection to it as it exists. On the face of it it looks like a local matter, but the fact

that the State has already expended \$8000 and has been asked to expend more makes it a more general matter. Originating in the county of Washington, from which county I come as a representative, I considered it my duty to examine particularly into the right and the wrong of the case. There are always two sides to every question, a right and a wrong side, and in regard to this matter I took great pains to determine which side I should support and which is the right side. I discovered that the judiciary committee after examining it had decided unanimously in favor of the bill. Ordinarily that would have been sufficient, but after the experience which we had the other day in regard to a unanimous report of a committee and the treatment which it received at the hands of the House, I felt it was necessary to go further.

From residents of the town of East Machias, men in whose standing I have absolute confidence and personal knowledge, I am satisfied that the bill is right as it is, and that it should pass. Members of the House who are not acquainted with the bill, if they will turn to the statement of facts in connection with House Document No. 504, they will get a good idea of the situation as it exists. As the gentleman from Cutler (Mr. Thurlow) has said, it is the purpose of the amendment to defeat the idea of the bill, and I hope the amendment will not prevail.

Mr. PATTANGALL of Waterville: Mr. Speaker: I cannot believe that either the gentleman from Cutler or the gentleman from Calais have heard the amendment read aright, else I think they would not have presented the argument which they have. The amendment, excepting the change in the number of voters to petition the county commissioners to do a certain thing, is simply that the selectmen of those two towns shall audit the bills contracted by the trustees of the bridge before those bills are paid. Now, for the life of me, I cannot see why anybody should figure that that would defeat the purpose of the bill. The suggestion that the trustees of a bridge which connect two towns can contract bills to be paid by the towns, is simply

amended by saying before those bills are paid they shall be audited by the selectmen. In other words, if this amendment is not adopted, the trustees can present a sum total for repairs made on the bridge, and the town must pay it; but with the amendment now offered by the gentleman from East Machias, before they pay the trustees any money they can audit the bill. For heaven's sake, why shouldn't they have a right to? I do not believe the recommendation of any committee or an opinion coming from East Machias or anywhere else will cause any one to think there is anything wrong about it. It may be that the gentleman from East Machias has put too low a number of voters of the class required to petition to the county commissioners. I care nothing about that. That is a matter of which he should have some idea himself. The idea is that before the town of East Machias, in which I am somewhat interested myself, should be called upon to pay any money, the selectmen should have a right to go over the account; and if there is any objection to it, I should like to have somebody explain it and not say that it will kill the bill. Perhaps their examination of the accounts might kill part of the bills presented to them. That is the only sort of a bill that can be killed by auditing.

Mr. PETERS of Ellsworth: Mr. Speaker, it is possible that the House might like to hear the statement of some member of the committee on judiciary as to the evidence on both sides which was presented before the committees at the time this matter was heard and as I heard the evidence, I deem it my duty to state to the House my remembrance of the matter.

As I understand it, two years ago the Legislature of this State was asked to appropriate eight thousand dollars for the partial building of the bridge between the towns of East Machias and Machiasport. At that time Mr. Allen and Mr. Bogue, the present representatives, happened to be in Augusta, also the senator from that county, Mr. Wyman, and it was represented to the committee on ways and bridges that if the Legislature would appropriate eight thousand dollars for the

building of the bridge, which was estimated would cost ten thousand dollars, that the towns of East Machias and Machiasport would contribute the balance. This bridge crosses tide water, and it is necessary that a draw be maintained there; otherwise the government would not allow the bridge to be continued as an obstruction to navigation. The Legislature appropriated and paid the eight thousand dollars. The bridge cost, as was estimated, just about ten thousand dollars. The town of Machiasport produced and paid its share of the division, that is, about one thousand dollars. The town of East Machias never paid the other thousand dollars. I understand that the town of East Machias at one time voted to raise the money, but it has never been paid into the hands of the trustees of the bridge. The original charter created a bridge corporation, a bridge district under the name of the Machias Bridge, and the trustees were provided for; fourteen trustees were provided for in the act. Also, it seems, the town of East Machias not only did not pay the one thousand dollars, but did not contribute any part of the subsequent cost of maintaining the bridge and the draw, and at the expiration of the first term of the East Machias trustees, seven in number, the town of East Machias refused, or neglected at least, to elect others in their place, so that there is a vacancy in the board of trustees, caused by the seven trustees from East Machias not being re-chosen or re-elected, and no others being elected by the town in their stead. In other words, when the Legislature appropriated the eight thousand dollars to aid in building a bridge to connect the towns of East Machias and Machiasport it was thought that it would be of great benefit to both towns and that the balance would be made up by each of the towns and that they would contribute equally towards the support of the bridge, but it turned out after the money was paid in and the bridge was built that the town of East Machias gets out of it by paying nothing, and the town of Machiasport has paid its share. Now, there is no proposition here to compel the town of East Machias to come up

and pay what it really and equitably should have paid, a thousand dollars towards the building of the bridge. As I understand it, that is not the idea of this bill. The idea is that some legislation is necessary in order to compel somebody to support this bridge which the State has put down there at an expense of eight thousand dollars. If nobody is obliged to keep that draw open, either the bridge will be of no benefit whatever to the citizens of Washington county, or, if the draw is left closed it will be an obstruction to navigation so that the United States government will blow it up.

Now, gentlemen, that is a remarkable condition of things. It seems that there was some agitation in East Machias at the time of the appropriation by the Legislature, but it was not brought to the attention of the Legislature, or the committee which had charge of the matter, and if it had been, I doubt very much if the Legislature would have appropriated the money. It looked to the committee that the town of East Machias, or some of the citizens there kept silent and allowed the Legislature to appropriate the sum of eight thousand dollars to build the bridge and then very carefully kept themselves away from any legal liability to contribute the balance of the money, and after the bridge was built they said "We are not liable or legally bound to pay any money in, and we won't." In other words, they got the bridge and paid nothing. That is the way it looked to the committee. Now, the idea of the bill is to compel each town to pay one-half of the cost of maintaining this bridge, and I think it appeared before the committee that the cost would be some five or six hundred dollars, making about \$250 or \$300 to be paid by each town. East Machias has a population of about 1500, and a valuation of about \$400,000; Machiasport has a population of about 1200 and a valuation of about \$200,000; and the proposition, as I say, is that each town should pay one-half of the cost of maintenance, the principal part of the cost being the wages of the draw tender who runs the draw in the middle of the bridge.

These remarks are preliminary to

the matter of the amendment so that it may be clearly understood by the members of the House. I never heard of the amendment before, but I can readily see the effect of it. I have a letter here from a prominent man living in East Machias, one of the county officers there, and I am perfectly willing to read a part of it which is applicable here. He says: "There is no reason in the world why the town should not help maintain this bridge, especially after the State has contributed \$8000 with the verbal promise of Mr. Bogue and Mr. Allen and others, representatives of each town that if the State would help, then the towns ought to be willing to do something. Machiasport has done its share, and East Machias also as far as the town can; they have voted in town meeting one year to give \$1000 and the money was assessed and raised and is now in the hands of the town treasurer, and the only reason that it has not been paid over is because H. L. Gooch has refused to draw an order for it and declares he won't until the trustees sue him."

Now, Mr. Gooch is a very respectable man in East Machias, being one of the selectmen of the town for many years, and he is the only opponent of the measure, and it seems that he, being first selectman, is the man who has blocked the payment of the sum of \$1000. It seems to me the town should have paid its share of the cost of building the bridge, and this amendment as introduced is that if we pass this bill obliging the towns to appropriate equally the cost of maintaining the bridge in the future, that the town of East Machias shall not be obliged to pay over its share unless the selectmen of East Machias audit and approve the bills; in other words, it means that the town of East Machias shall not be obliged to pay in future for the maintenance of the bridge unless H. L. Gooch is willing. That is the way it appeared to the committee.

Mr. PATTANGALL: Mr. Speaker, I don't propose to take the time of this House in arguing all the details connected with the Machiasport bridge matter, because there is no occasion for it here and there is no motion made

here to indefinitely postpone this bill. I am perfectly willing to concede that the bill is a good bill in order to have come from the committee on judiciary, but even though the first selectman of the town of East Machias did appear in opposition to the bill I should still contend that it was a very good provision with regard to any bill to be paid by any town, that it should first be audited by the selectmen. I fail to see in all the arguments which have been made with regard to how this bridge came to be built and all that sort of thing, and what has been done in the past, anything touching that point at all. In reference to the letter read from my distinguished friend who is a county officer down in Washington county, I don't see that that has advanced any reason why the selectmen should not audit a bill before it is paid by the town. Is that any reason why there should be objection to a bill being audited before it is paid? It is a simple provision that the town of East Machias shall know what it is paying for. That is a wise provision I think, and one to which I can conceive of no objection. As a matter of fact if we go into detail in regard to this matter we would find that this bridge is of absolutely no benefit to the town of East Machias. It connects the town of Machiasport with the Washington County Railroad and of course is a great benefit to that town. But the Legislature has settled that question. The Legislature has built the bridge across there and left it for the two towns to support, and now, all under Heavens the people of East Machias ask is that they shall audit the bills which the Legislature has said they must pay before they pay them. I hope the amendment will prevail.

The question being on the adoption of the amendment,

Mr. Bogue called for a division.

The motion was agreed to.

A division being had, three voted in the affirmative and 41 in the negative. So the amendment was rejected.

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

Special assignment: An Act to amend Chapter 166 of the Public Laws of 1907

entitled "An Act for the better collection of taxes."

Mr. BURSE of Pittsfield: Mr. Speaker, when I tabled that, the only difference I could see between that act and the one passed two years ago was a slight change in the phraseology of the bill. My first thought was to move an indefinite postponement of this one, but since that time I have learned that the tax commission is in favor of this bill and as that seems to be about the only thing that they are going to get out of their recommendations I am in favor of its passage. I therefore move that the bill pass to its third reading.

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

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

Mr. ROUNDS: Mr. Speaker, this bill, while very short, is very far reaching. In our city we would have to have a book larger than the Acts and Resolves and having more pages to contain the uncollected taxes in Portland. Most of them would be poll taxes and the people have left the city. I think there are some hundreds of thousands of dollars in that way that are in the sinking fund of the city of Portland. Therefore I would like to have this bill lie on the table until I can prepare an amendment so that the city of Portland would not have to have a building as large as the city hall to hold the books containing these matters.

Mr. DAVIES of Yarmouth: Mr. Speaker, I merely wanted to inquire of the gentleman from Portland (Mr. Rounds) if he had examined Chapter 156 of the Laws of 1907, which practically covers the same subject matter? I have no objection to the bill lying on the table but I thought perhaps some time might be saved.

Mr. ROUNDS: No, I will say that I was not here in 1907, and not being a lawyer I have not got all the law books in the State of Maine.

Mr. PATTANGALL of Waterville: Mr. Speaker, I have no objection to the bill lying on the table. It was drawn by Senator Wheeler to straighten out the language of the act of 1907 which was a little vague. By some mistake of the tax com-

mittee of 1907 a sentence was ungrammatically put so that while one gets the sense of the reading, Senator Wheeler drew a new act rendering the old one in better language. If Portland would have to have a large room to comply with this new act they must have the same kind of a room to comply with the old; it does not change the situation a particle.

The question being, shall the bill lie on the table?

The motion was agreed to.

On motion of Mr. Wing of Kingfield, House Doc. No. 647, An Act to incorporate the suburban water district of Farmington, Maine, was taken from the table.

Mr. Wing offered House Amendment A by striking out the enacting clause and inserting in place thereof the following: "Be it enacted by the people of the State of Maine as follows," and amend by striking out Section 8 of the bill.

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

On motion of Mr. Hall of Caribou House Doc. No. 548, An Act to amend Chapter 245 of the Private and Special Laws of 1907, was taken from the table.

Mr. Hall offered House Amendment A by striking out in the title all the words and figures after the word "amend" and adding in place thereof the words "the charter of the Peaks Island Water and Light Company."

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

On motion of Mr. Andrews of Augusta House Doc. No. 624, An Act in relation to equity procedure, was taken from the table.

Mr. Andrews offered House Amendment A by striking out the word "demurrer" in Line 12 of Section 1 and inserting the words "plea or answer."

The amendment was adopted, the bill then received its two readings and was assigned for tomorrow morning.

On motion of Mr. Paul of Naples the rules were suspended and he presented the following order:

Ordered, That upon the adoption of this order no further bill or resolve involving legislation or appropriations of a general or public nature be received in this House

except by the consent of two-thirds of the members present.

The order received a passage.

On motion of Mr. Beyer of Portland the vote was reconsidered by which the following order was passed in concurrence:

Ordered, That the State assessors of Maine be instructed to ascertain the actual value of all the railroad property in the State of Maine of all kinds, including franchises, real estate, bonds and stocks, and report to the next Legislature for the purpose of taxation.

Mr. BEYER: Mr. Speaker, we have had a very careful examination of the question of railroad taxation, first, by a commission which examined this matter for a year and a half and that commission reported to this Legislature, a majority of them that the property standard of taxation for railroads was the correct standard. This was the report of the majority of that commission. That report came before the tax committee composed of very able men. They reported, as I remember it, unanimously against the adoption of the property basis of taxing railroads. Governor Fernald in his message to this Legislature gave it as his opinion that the income basis of taxing railroads was the real scientific basis which was sure and certain and in order to increase the tax on railroads it was not necessary to put into operation any new tax machinery. I think that the action of this Legislature shows conclusively that we are in sympathy with the gross receipts system of taxation at present in use. This order simply directs an inquiry into the advisability of taxing on property; but as long as this Legislature has seen fit to maintain the old system I do not see the use of an order compelling a review of this whole subject at the present time.

I move the indefinite postponement of this order.

Mr. PATTANGALL: Mr. Speaker, I should regret the indefinite postponement of this order. A majority of the State tax commission recommended the ad valorem system of taxation of railroads and their report is an argument and a conclusive one that no man living could make a tax law on the basis which they recommended for want of information on which to base the law.

Ten of us on the committee reported "ought not to pass," not because we all thought there was nothing worth considering in that ad valorem idea, but we thought there was no way of levying an ad valorem tax on the railroads of Maine intelligently because there had been no valuation of the property. Other bills have been introduced in the Senate for an ad valorem tax. Some of the members of this House believe in the ad valorem tax as a general principle. A good many people out of the Legislature believe in the ad valorem tax as a principle, but they must continue apparently to theorize on the question until somebody gets a valuation of the railroads before them in concrete shape in a public document. Believing in the other theory of taxation myself, as I do, I still believe that it would be of great public value for the people of Maine to know what the State assessors regard as the value of each railroad. I think it would tend to a readjustment of the income rates on a fair basis.

I think, too, that the order goes further than that. Although it says that this valuation shall be reported for purposes of taxation—and I confess I do not like the wording of the order in that respect—it goes further than that. A report of the value of the steam railroads of Maine ought to be of great use in connection with any rate-fixing proposition which might arise; and rate regulation is coming in the State of Maine to a greater or less extent in the future. The proposition to get at the value of these roads would be of great public use in that respect as to whether the rates charged by them are fair or unfair, if any rates come before the railroad commissioners for adjustment under the present Statute or any future Statute that might be adopted; and I hope that this order, which involves no expense to the State but simply puts upon the State assessors an added and necessary duty in connection with their regular duty, may have a passage so that when the next Legislature meets the men who believe in the ad valorem system of taxation and the men who don't can meet and discuss it intelligently and know what they are talking about.

Mr. DAVIES of Yarmouth: Mr. Speaker, I can see no reason why the order should not have a passage. I for one believe in taxing railroads on an ad valorem basis. There never has been any logical argument brought to my mind which will enable us to deny the fact that we cannot tell what tax a railroad should pay until we know what its property is worth. Now I know that a great many arguments are brought forward in favor of taxing railroads on gross receipts, and I am not unmindful of the fact that that system was recommended by the distinguished gentleman who is the Governor of this State; but I do believe that the gentleman from Portland (Mr. Beyer) was in error in stating that the tax commission which rendered its report to this Legislature approved unanimously the taxing of railroads on gross receipts. Now it can do the railroads no harm, so far as I can see, if the people in this State knew what the State assessors of this State believed was a fair valuation of their property; and as has been suggested by the gentleman from Waterville, at the next session of the Legislature those who believe in the two different systems or methods of taxing railroads, would have an opportunity to consider the matter intelligently in that they would have the information as to what the railroad property in the State was worth.

Mr. BEYER: Mr. Speaker: I am sorry if I gave the impression that it was the unanimous report of the tax commission which reported against the ad valorem system. I think I said a majority of the commission reported for the ad valorem system. Now in regard to this matter—here are the State assessors. I personally feel in regard to their action in taking the valuation of Portland, as we see it there, that they do not do the city of Portland justice in inspecting its valuation. They don't go into details, they cannot go into details, because they have too limited a time in which to cover this whole State and rearrange and equalize the valuation in the city of Portland. I mean that they cannot give the city of Portland due consideration and

still attend to the equalization of the rest of the State. It is perfectly true that this order does not call for any expenditure, but it gives to the State assessors an added duty, the magnitude of which perhaps the gentleman from Waterville and the gentleman from Yarmouth do not appreciate. The duty imposed upon the State assessors by this order I should say would be enough to keep 10 or 12 men busy for a number of years. Just how a man would go to work to determine the value of a right of way of a railroad I should think would be a little puzzling. It is generally admitted even in states which have the ad valorem law that it is impossible to get at the value of a railroad. I know a man who was a state assessor in a certain Western state where they have this ad valorem law, and he told me that it was his opinion that in all the states that have this ad valorem law the basis on which they valued the railroads dwindled down in the final consideration to either a basis of gross earnings or net earnings. That is to say, the franchise value of a railroad is absolutely determined by what it can earn. He said that those assessors in this state where they have this ad valorem law simply came down in the end to the principle of how much a railroad can earn as its value, frankly despairing of ever putting any definite price or actual cash value on the railroad property. Consequently feeling very strongly as I do that the gross earning basis is the most just, the most equitable and the most scientific, feeling very strongly that this theory has been supported not only by our Executive Department but by the action of this Legislature, I should dislike to see this duty imposed upon the State assessors. I believe that a bad job would again involve this Legislature in a very perplexing and perhaps quarrelsome consideration. I do not believe that the State assessors are able, in addition to their present duties or even if they neglected their present duties absolutely, to render an adequate report of the value of railroads in this State to the next Legislature. I believe they are a very able set of men but no three men if they

should give their whole time can furnish an adequate report of the value of the railroads in this State; and I do fear that a bad report will not only be misleading but will plunge this Legislature into a great deal of unnecessary work at the next session; and I therefore ask the House to vote with me in indefinitely postponing this order.

Mr. DAVIES: Mr. Speaker: I have tried to appreciate to the full the solicitude which is exhibited by the gentleman from Portland in regard to the duties of the State assessors. I know that the State assessors are an overworked body of men, but so far as the discussion in the Legislature is concerned, assuming that we had one at the next session on this question of railroad taxation and assuming that the matter was thoroughly ventilated for the benefit of the inhabitants of this State, for my part I cannot see as it would do the least harm. Neither can I understand the solicitude on the part of the gentleman in objecting so earnestly to having a valuation upon the railroads established by the State assessors. Certainly he does not distrust this body of men as it might meet two years hence. They are perfectly competent to consider this question and I think we can all rely upon them not to do the railroads any injury, and if they decided after a fair valuation of the railroads, as returned by the assessors, that it would not be the part of wisdom, that it would not be scientific and would not be proper, to tax the railroads on an assessed valuation, of course the Legislature would not do so, but I can see no valid objection to the State being in possession of that information.

Now all our property, speaking very generally, has to come under the eagle eye of the assessor. He establishes a value upon it. The farmer whose every single dollar's worth of property lies out of doors and is inspected by the assessor, he is obliged to pay his tax on an assessed valuation. I do not know of any reason yet why the railroads should not be subjected to the same scrutiny looking toward a valuation of their property, and I think we can very safely trust the State of

Maine through its Legislature and its Executive to treat the railroads of this State fairly and honestly; and I sincerely hope that that information will be brought forth. I think it is important and I think it is proper and I cannot for the life of me see any reason why the railroads should object to it.

Mr. BEYER: Mr. Speaker, I don't know whether it is a proper procedure, but the gentleman from Yarmouth feels perfectly sure that the State assessors are capable of valuing the railroad property or that they have plenty of time in which to do so. Now on that question I should ask the Chair to appoint the gentleman from Yarmouth and myself a committee to go to the State assessors and as men being best equipped to know whether they are capable of doing this work ask them if they feel that any report which they could render to the next Legislature would do justice to this question; then if they feel that their duties would allow them to do justice to this question I would be glad to withdraw all my objections to the order. My point is, however, that I would rather not see a poor job done which is likely to be misleading and which is likely to lead us into grave mistakes.

Mr. PATTANGALL: Mr. Speaker, I think the suggestion of the gentleman from Portland (Mr. Beyer) with regard to a consultation with the State assessors in this matter might be a wise one if it was slightly amended. I should add to it the suggestion that if the State assessors said they were not capable of doing this work during the next two years that they should be requested to resign their offices. (Laughter.)

I am, as I have said two or three times, in favor of the present method of taxation of the railroads. I believe it to be the best way, but I concede the right to other men to differ with me. I know a great many men do differ with me, and they call the ad valorem method a better method; and I further know that these men and I cannot meet and discuss questions of which is the best way, intelligently, until those facts are brought out and somebody knows the valuations of the railroads. One objection which has

been made over and over again is that you cannot value a railroad. I say that is absolute nonsense, because they do value them in 40 states of the Union, and I feel confident that we can get a board of men in the State of Maine who are just as intelligent as the assessors of New Jersey, where they value railroads on the ad valorem basis. There is nothing very mysterious about the value of a railroad that I know of. Railroads have been bought and sold. It is not very long ago that the Boston & Maine acquired the controlling interest in the Maine Central, and I presume when they bought 51 per cent. of the stock of the Maine Central and acquired an interest in it those men got some vague idea of what they bought, and what the Maine Central and its properties were worth, and I don't think it would take 10 or 12 men several years to find out, either. It is not very long ago that the Maine Central bought the Somerset Railroad, and I doubt if it took 10 or 12 men for several years to ascertain what they would pay for it. The Washington County Railroad was also sold in this State under foreclosure proceedings in Judge Putnam's court in Portland, and they got that foreclosure perfected and the New York bondholders stole our road a long ways inside of 10 or 12 years. It only took a little while to find out what it was worth, and then it was sold at that price. I don't pretend to say that if the assessors go at the matter of getting the value of the steam and electric roads of this State that they are going to get it exact. They don't get any property exact; it will be simply their best judgment; it will be the basis for future work. There is no reason in the world why they cannot do it, and there are thousands of reasons why they ought to do it; and I can't conceive of any objection. Simply because I believe in the other method of taxation would not cause me to refuse to acquire information; and I think at the present time that the raise in taxation which is being put onto the railroads this year, although it has been said in a joking way that we on the part of the committee on taxation did not do anything—among other little things which we have done we have raised the railroad tax about \$110,000—we didn't make so much noise

about it as some of the other committees did about their work, but it was done—I think at the present time the railroads are paying a pretty good tax and I think the valuation would show that fact. I think it would be of value to the railroads as well as to the rest of us poor fellows who don't own any railroads to get these facts where we would know what we were talking about when we talk about railroad taxation.

Mr. DAVIES of Yarmouth: I would like to ask the gentleman from Waterville a question. How are we going to find out or establish what is an equitable tax upon a corporation until you know what its property is worth?

Mr. PATTANGALL: Without entering into any very abstract discussion of taxation, there are various methods of taxation. If I was imposing a property tax I would not impose it unless I knew what the property was worth. If I was imposing an income tax I should only need to know what the income was; and under our present railroad system we have what is in effect an income tax. I think we could impose it more intelligently if we knew the value of the property.

The question being on the motion to indefinitely postpone the order, Mr. Beyer asked for a division.

A division was had and one voted in the affirmative and 71 in the negative.

So the motion was lost.

On motion of Mr. Pattangall the order then received a passage in concurrence.

On motion of Mr. Havey of Sullivan Senate Doc. No. 396, An Act to prohibit the hunting of sea birds and other water fowl in inland waters of the State with steam, naphtha or gasoline launches, was taken from the table.

The bill received its second reading and was assigned for tomorrow morning.

On motion of Mr. Harmon of Stonington the vote was reconsidered whereby the House accepted the report of the committee on shore fisheries reporting "ought not to pass" on a bill asking for a close time on drag seining on Benjamin's river in Hancock county, and on further motion by Mr. Harmon the bill was recom-

mitted to the committee on shore fisheries.

On motion of Mr. Lambert of Orono An Act to revise and consolidate the laws relating to the collection, examination, inspection and analysis of agricultural seeds, concentrated commercial feeding stuffs, commercial fertilizer and foods and drugs, was taken from the table, and on further motion by Mr. Lambert the bill was passed to be enacted.

On motion of Mr. Dunn of Brewer An Act to incorporate the Brewer Water Co., was taken from the table.

On motion of Mr. Dunn Senate Amendments A, B and C were adopted in concurrence.

Mr. Dunn offered House Amendment A by striking out on Section 13 the word "June" in Line 14 and inserting the word "August."

The amendment was adopted.

Mr. Dunn offered House Amendment B by adding thereto Section 17, and on his motion the reading of the amendment was dispensed with.

The amendment was adopted.

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

On motion of Mr. Dunn the votes were reconsidered whereby An Act to incorporate the Brewer Water District was passed to be enacted and passed to be engrossed.

Mr. Dunn offered House Amendment A by substituting the word "August" for the word "June" in Line 6 of Section 15.

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

On motion of Mr. Rounds of Portland, House Document No. 612, An Act relating to portable or moveable saw mills in cities or incorporated towns, was taken from the table.

Mr. Rounds moved that House Amendment "A" be adopted.

Mr. ROBBINS of Fort Kent: Mr. Speaker, I would like to have the amendment read:

The SPEAKER: House Amendment "A" reads as follows: "Strike out Section 2 and insert the following: 'Section 2. Said mill owners shall make applica-

tion to the forest commissioner for printed blanks which shall be furnished free of charge, upon which they shall report date of erecting mills and location of the same, all fires and causes if known in the vicinity of said mill, and all damage to the property not owned by them and return to said forest commissioner.' "

The amendment was adopted.

The bill then received its two readings.

Mr. ROUNDS: Mr. Speaker, I move that the bill be indefinitely postponed.

Mr. COUSINS of Standish: Mr. Speaker, I am opposed to the motion of the gentleman from Portland to indefinitely postpone this bill, on the ground that this is an important matter. It was introduced some time ago and has been before the forest commissioner and has received the unanimous report of the committee, ought to pass. By adding the amendment this bill in its important part will read as follows: "No person shall erect a portable or moveable mill in any city or incorporated town in this State without first having obtained a license from the municipal officers of the city or town in which said mill is proposed to be operated, and the municipal officers may"—when I introduced the bill it said 'shall,' but by suggestion of parties who appeared in opposition to the measure the committee amended it to the word 'may,' so that it leaves it optional in the opinion of the municipal officers of the city or town—"require and receive a bond with sureties in such sum as they may determine, to reimburse any person or persons for any damage sustained by fire in consequence of the operation of such mill."

Now, gentlemen of the House, this bill was dictated by me at the suggestion of people who have been exposed to dangerous conditions and who have been damaged by fires which have occurred by reason of these portable mills. They are operated in our section of the State. There is no question but what responsible parties, firms, corporations and individuals who are operating those mills are responsible for any damage which may occur from the use of those mills; but the mills are invariably, or I won't say invariably, but largely, operated by irresponsible parties from Massachusetts and

from New Hampshire. Quite a number of people from those states come here and operate those mills, and when any damage occurs you say to them "you are damaging me and I shall expect you to make it good," and their reply is: "I haven't got anything; I am sorry for you." Then you go to the parties for whom they are sawing, and they will say they are very sorry but they are giving those fellows \$2.50 an hour for sawing, and they are not responsible, and the result is that the parties who are damaged get no relief whatever.

I am not complaining of the portable mill men, for I believe they are a great advantage to our people who own lumber. I know that the lumber can be manufactured by the portable mills and put upon the market in a great many cases for two or three or four dollars a thousand less than it would be if it were hauled in logs to the mill; and on account of that advantage which it gives to the increase in value, I claim that the people for whom these men are sawing the lumber should in some measure be willing to become responsible for whatever damages may occur from fires caused by these mills. It is true, they perhaps have not done a great deal of damage, but is it right? Is it right, do you think, that these fire traps should come and locate right beside a man and set up their mill, and that man be in perfect torment night and day on account of that trouble, and those fellows entirely disinterested. They tell you that the parties erecting the mills will take all the care that they can. I don't admit but that they will where they own the mill and have something interested, but wouldn't they use more care and caution if they were obliged to give a bond to indemnify these people against any damage? Don't you suppose they would use more precaution if they were thus regulated?

This is a matter which has considerable to do with the preservation of our forests. Our land agent tells me that this is one of the most destructive agencies to a forest that they have to attend to. I am stating simply the feeling in my section of the State, and I have here a letter from a timberland owner and he is one of the largest, if not the largest manufacturer of lum-

ber in the county of York, and he is a man who is interested in the matter of forestry in this State—I think perhaps more than any other man in the State. He has offered a premium of \$1000 to promote the interests of forestry in the State within a short time. He wrote this letter to me, and he also wrote to the committee in regard to this matter. His letter to me is as follows:

“Alfred, Me., March 15, 1909.

Hon. B. E. Cousens,
Augusta, Maine.

Dear Sir—I think the bill to require a bond of portable mill men is right and ought to be enacted. It ought not to be any great hardship for the portable mill owner as the owner of the timber who he saws for ought to be ready to sign his bond.

But if we can't get that bill as it is, if we could make the owner of the timber being sawed responsible for the damage, it would be better than nothing.

I have had land burned over by the portable mills, and while the owner of the timber was thoroughly reliable, the owner of the mill was irresponsible, as they usually are.

I hope you will get the bill through in some form.

Yours truly,

B. C. JORDAN.”

I think there is hardly a member of this House but what would agree with me in taking this point, that parties coming in here and operating close by you and endangering your property, that they should be obliged to give some bond in which they agreed to protect you from any danger arising from these mills, that you could have something to fall back upon in case anything happened; and I most sincerely hope that this bill will not be indefinitely postponed.

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

The bill was then assigned for tomorrow morning for its third reading.

On motion by Mr. Pattangall of Waterville, resolve in favor of DeForest Keyes was taken from the table, and on further motion by the same gentleman was assigned for consideration on Tuesday of next week.

On motion by Mr. Bigelow of Portland, bill, An Act to create a municipal fund and to provide for its distribution, was taken from the table and on further motion by the same gentleman was assigned for consideration on Wednesday of next week.

Mr. Miller of Lincolnville presented the following order:

Ordered, That L. M. Hamlin be excused from further attendance upon this session of the Legislature, and that the clerk be instructed to make up his pay in full to the end of the session.

On motion by Mr. Miller the order was given a passage.

On motion by Mr. Bogue of East Machias, bill, An Act to incorporate the Maine Boiler Inspection Co., was taken from the table.

The pending question being the passage of the bill to be enacted.

On further motion by Mr. Bogue, the bill was passed to be enacted.

The SPEAKER: The Chair will lay before the House, bill, An Act to amend Chapter 509 of the Private and Special Laws of 1885, relating to the commissioners of cemeteries and public grounds. This bill is placed upon its passage to be enacted.

The bill was then passed to be enacted.

Mr. PIKE of Eastport: Mr. Speaker, I move that we reconsider the vote whereby the House deferred consideration of the majority and minority reports of the committee on legal affairs on bill, An Act to authorize the maintenance of lunch carts in cities, and that the majority report be accepted.

Pending action on the motion, Mr. Rounds of Portland moved to adjourn.

The motion was agreed to.