

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 Acatous Lake read Nicauous Lake.

1313, for establish read abolish.

SENATE.

Wednesday, March 10, 1909.

Senate called to order by the President.

Prayer by Rev. Mr. Steele of Hallowell.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

An Act to amend Section 48 of Chapter 8 of the Revised Statutes relating to taxation of Insurance Companies. (This bill was, by the Senate, passed to be engrossed and sent to the House, and by that branch, was passed to be engrossed as amended by House Amendment A. On motion by Mr. Hastings of Oxford, the Senate voted to reconsider the vote whereby the bill was passed to be engrossed; and on his further motion, House Amendment A was adopted in concurrence, and the bill as amended was passed to be engrossed.) Subsequently, on motion by Mr. Looney of Cumberland the vote whereby this bill was passed to be engrossed was reconsidered, and on his further motion the bill was tabled.

An Act relating to the choice of assessors of taxes. (This bill was returned from the House, by that branch indefinitely postponed. On motion by Mr. Wheeler of Cumberland, the bill was laid upon the table.)

House Bills Read and Assigned.

An Act amending and additional to Chapter 61 of the Revised Statutes, relating to marriage and the registration of vital statistics.

An Act to prohibit expectation in certain public places and conveyances.

An Act to render valid the doings of the Monmouth Ridge Sanitary Association.

An Act to extend the charter of the Kezar Falls Water Company.

An Act to amend the charter of the Bangor Railway and Electric Company.

An Act to incorporate the Hiram Water, Light and Power Company.

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

An Act providing for the better protection of the people of the State of Maine from the disease known as tuberculosis.

An Act to authorize the Town of Thorndike to remove bodies from abandoned cemeteries.

An Act relating to pleading a discharge in bankruptcy.

An Act to amend Section 6 of Chapter 106 of the Revised Statutes relating to real actions.

An Act to amend Chapter 43 of the Public Laws of 1907, entitled "An Act for the protection of children."

An Act to amend Section 21 of Chapter 32 of the Revised Statutes relating to hunting on Sunday. (House Amendment A adopted in concurrence.)

An Act to establish the Kingman Municipal Court. (House Amendment A adopted in concurrence.)

An Act to amend Section 85 of Chapter 15 of the Revised Statutes relating to payment for teachers' services.

An Act relative to the appointment of school physicians. (House Amendment A adopted in concurrence.)

An Act organizing the Oquossoc Railway Company.

An Act to extend the charter of the Penobscot Bay Railroad Company.

An Act to extend the charter of the Winter Harbor and Eastern Railway Company.

An Act relating to the Waterville and Fairfield Railway and Light Company.

An Act to incorporate "The R. & T. Cement Railroad."

An Act to incorporate the Fore River Shore Line.

An Act to authorize the Northern Telegraph Company to increase its capital stock.

An Act to authorize Cora B. Norris to build and maintain wharves and piers in Coochuewaggin Lake in Monmouth.

An Act to authorize the plantation of Portage Lake to erect, maintain and control a wharf in Portage Lake, in the county of Aroostook.

An Act relating to the Carrabasset Dam Company.

Resolve in favor of repairing the

road between Seboomook and Pittston Farm.

Resolve to provide for repairs of road leading from Roach River to the Grant Farm.

Resolve in favor of aid in building a highway bridge across the Kennebec River between the towns of Fairfield and Clinton in the Counties of Somerset and Kennebec. (On motion by Mr. Wyman of Washington, this bill was tabled.)

Resolve in favor of the town of Island Falls in the County of Aroostook in aid of building a bridge across the West Branch of the Mattawamkeag. (On motion by Mr. Wyman of Washington, this resolve was tabled.)

Resolve in favor of the towns of Solon and Embden in Somerset County.

An Act to regulate fishing in the tributaries of Worthley Pond in Peru, in the County of Oxford.

An Act to regulate ice fishing in Thomas Pond, Cumberland County. (This bill came from the House indefinitely postponed. On motion by Mr. Hastings of Oxford, the Senate voted to concur with the House in the indefinite postponement of the bill.)

An Act relating to the taxation of street railroads.

An Act relating to the taxation of steam railroads.

An Act to amend Section 13 (Paragraph 2) of Chapter 9 of the Revised Statutes, relating to taxation of personal property.

Resolve making an appropriation for the Passamaquoddy Tribe of Indians. (House Amendments A and B adopted in concurrence. On motion by Mr. Baxter of Cumberland this bill was tabled. Subsequently, on motion by the same senator the bill was taken from the table, and on his further motion, Senate Amendment "A" was adopted, and the bill was read and assigned.)

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

Judiciary.

By Mr. Baxter of Cumberland: An Act relating to Inspectors of Meters.

Also: An Act relating to Mercantile and Bank Credits. On motion by Mr. Macomber this bill was tabled for printing, pending reference.

Also: An Act relating to the circulation of false stories affecting Banks. (On Motion by Mr. Macomber of Kennebec this bill was tabled for printing, pending reference.

Legal Affairs.

By Mr. Staples of Knox: An Act to provide for the transfer of patients in Insane Hospitals to the Maine School for Feeble Minded.

Appropriations and Financial Affairs.

By Mr. Howes of Somerset: Resolve in favor of Harry R. Coolidge.

By Mr. Eaton of Washington: Resolve providing for deficiency in appropriation for expenses of Australian ballot for the year 1908.

Agriculture.

By Mr. Wheeler of Cumberland: Remonstrance of Thomas A. Randall and 24 others of Harpswell against the passage of Senate Bill, entitled "An Act for the better protection of sheep.

Also: Remonstrance of E. W. Holbrook and 10 others of Harpswell against same.

Forestry and Water Supply.

By Mr. Warren of Cumberland: An Act to exempt growing white pine from taxation.

Mr. Wheeler of Cumberland: Mr. President: I desire to ask unanimous consent to introduce, at this time, certain remonstrances which I have just received relating to Bill "An Act for the better protection of sheep." My reason for making this request is, in order that these remonstrances may reach the Committee to which they are referred in time for the hearing upon this matter, which is assigned for tomorrow.

Consent being given, the following remonstrances were presented by Mr. Wheeler of Cumberland and referred to the Committee on—

Agriculture.

Remonstrances of James Donovan, Junior, and 18 others of Lewiston against the passage of Senate Bill entitled "An Act for the better protection of sheep;" also of E. W. Thomas and 46 others of Brunswick; of Robert Jordan and 30 others of Brunswick; of D. W. Scribner and 51 others of Bruns-

wick; of W. H. Gammon and 38 others of Lewiston; of J. P. Woodbury and 41 others of Lewiston; of Dr. E. W. Bickford and 40 others of Lewiston; of T. H. Gledhill and 39 others of Lewiston, all against same.

Subsequently, by unanimous consent, Mr. Staples of Knox presented remonstrance of F. C. Knight and 7 others, against same, which was referred to the same Committee.

Reports of Committees.

M. Irving, for the Committee on Appropriations and Financial Affairs, on Bill entitled "An Act to provide for competitive bids in the award of State contracts for construction and repair of buildings and bridges," reported that same be referred to the Committee on Judiciary.

Mr. Hastings for Committee on Judiciary, on Bill "An Act authorizing the construction of a wharf in Casco Bay, Portland," reported same in new draft under title of "An Act to amend the charter of the Island Ferry Company," and that it ought to pass.

Mr. Looney, for the same Committee, on Bill "An Act to incorporate the Bodwell Power Company," reported same in new draft under same title and that it ought to pass.

The same Senator, for the same Committee, on Bill "An Act to amend Section 2 of Chapter 63 of the Private and Special Laws of 1905, relating to the issue of bonds by the Bodwell Water Power Company," reported same in new draft under same title and that it ought to pass.

Mr. Baxter, for the same Committee, on Bill "An Act to incorporate the Barrows Falls Light & Power Company," reported same ought to pass.

Mr. Gowell, for the Committee on Legal Affairs, on Bill "An Act to authorize the location of a dam built by Edward S. Marshall of York, under license of the municipal officers of said town," reported same ought to pass.

Mr. Hamilton, for the same Committee, on Bill "An Act to amend Chapter 192 of the Private and Special Laws of 1907, relating to the Brunswick Light & Power Company," reported that same ought to pass.

Mr. Eaton, for the Committee on Appropriations and Financial Affairs, on "Order of the Legislature that there be paid Henry H. Hastings, Chairman of the Committee of the House and Senate in observance of Lincoln Day, \$403.11, to reimburse him for the money expended for the necessary bills incurred," reported accompanying resolve entitled "Resolve in favor of Henry H. Hastings, Chairman," and that it ought to pass.

Mr. Macomber, for the Committee on Taxation, on "Report of the Maine Tax Commission appointed under provision of Chapter 108, Resolves of 1907, together with bill 'An Act with respect to foreign corporations,' contained in said report and recommended by said Commission," reported same in new draft under same title and that it ought to pass.

Mr. Looney, for the Committee on Judiciary, on Bill "An Act to create the office of State Industrial Commissioner," reported same ought not to pass.

Mr. Baxter, for the same Committee, on Bill "An Act relating to the duties of sheriffs," reported that same ought not to pass.

Mr. Hastings for the same Committee, on Bill "An Act relating to municipal bonds and notes," reported that same ought not to pass.

Mr. Boynton, for the Committee on Salaries and Fees, on Bill "An Act to amend Section 1 of Chapter 117 of the Public Laws of 1905, relating to the compensation of county commissioners in York County," reported same ought not to pass.

Mr. Milliken, for the same Committee, on Bill "An Act to amend Section 2 of Chapter 153 of the Public Laws of 1907, relating to the issuance and acceptance of free transportation by state officials," reported that same ought not to pass.

Mr. Milliken, for the same Committee, on Bill "An Act to amend Section 1 of Chapter 173 of the Public Laws of 1905, relating to the compensation of Register of Deeds in York County," reported that same ought not to pass.

Mr. Walker for the same Committee, on Bill "An Act to amend Section 1,

Chapter 118, of the Public Laws of 1905, relative to the compensation of the Clerk of Courts for Piscataquis County," reported that same ought not to pass. (On motion by Mr. Knowlton of Piscataquis, this report was tabled pending its acceptance.)

The foregoing reports were accepted and bills and resolves reported "ought to pass" were tabled for printing under the joint rules.

Passed to Be Engrossed.

An Act to extend the time in which the Maine Title Guarantee Company is authorized to commence business.

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

Resolve authorizing the State Land Agent to sell certain lots in the towns of Saint Agatha and Madawaska in Aroostook County.

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

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

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

An Act to regulate fishing in Little Big Wood Pond, Somerset County.

An Act to provide for a bounty on wild cats.

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

An Act to amend Chapter 166 of the Public Laws of 1907, entitled "An Act for the Better Collection of Taxes."

Resolve relating to Documentary History of Maine.

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

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

Resolve in favor of the University of Maine.

Resolve in favor of the Farmington State Normal School.

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

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

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

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

Resolve, in favor of Stacyville Plantation, in Penobscot County.

Resolve in favor of the City of Gardiner and Town of Randolph.

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

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

An Act regulating the open season on Deer in Swan's Island.

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

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

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 to regulate fishing in Kennebago Streams, so called, situated partly in Franklin County and partly in Oxford County.

An Act to regulate fishing in the tributaries to Phillips Lake, in the County of Hancock.

An Act to regulate fishing in Overset Pond, so called, in the Town of Greenwood, in Oxford County.

An Act to amend Section 1 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 regulate fishing in Horn Pond and Hanscom Brook in York County.

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 regulate fishing through the ice in Webber Pond, in the County of Kennebec.

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 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 regulate fishing in Mount Blue Stream, the outlet of Mount Blue Pond, in the Town of Avon, in Franklin County.

An Act to regulate fishing in Jimmy Brook, so called, in the Towns of Cambridge and Parkman, in the Counties of Somerset and Piscataquis.

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

An Act to regulate fishing in Locke's Brook, so called, in the Town of Hollis, York County, and 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 Spear Stream and its tributaries in the Town of Peru, in Oxford County.

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

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

An Act for the improvement of free high schools.

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

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

An Act to incorporate the Wood Stream Improvement Company.

An Act authorizing a change of grade in Pitt Street Bridge in the City of Portland.

Resolve in favor of the Inhabitants of Whitneyville.

Resolve in favor of the Town of Millinocket.

Resolve in aid of the Town of Rome in maintaining its roads and bridges.

An Act to amend the Private and Special Laws pertaining to appointments to the Police Department of the City of Portland. (On motion by Mr. Milliken of Aroostook, this bill was tabled pending its second reading.)

An Act to make permanent the tenure of office of the City Electrician of the City of Portland. (On motion by Mr. Milliken of Aroostook, this bill was tabled pending its second reading.)

An Act to extend the open season on deer in the towns of Unity and Burnham in the County of Waldo. (On motion by Mr. Colcord of Waldo, this bill was tabled pending its second reading.)

An Act to amend an act relating to the police court for the City of Rockland. (On motion by Mr. Staples of Knox, the vote whereby this bill was passed to be engrossed, was reconsidered; and on his further motion, the bill was tabled. Subsequently on further motion by the same Senator, the bill was taken from the table and was recommitted to the Committee on Legal Affairs.

Passed To Be Enacted.

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

An Act to exempt certain public bonds from taxation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

An Act to amend Section 1 of Chapter 116 of the Revised Statutes which

provides for a salary of \$300 for teacher at the Maine State prison, and \$200 for chaplain.

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

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

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

Finally Passed.

Resolve, in favor of the town of Trescott.

Resolve, in favor of the town of Fort Kent.

Resolve, in favor of the town of Brewer.

Resolve, in favor of Joseph E. Jewett.

Resolve, in favor of the town of East Machias.

Resolve, in favor of the town of Starks.

Resolve, in favor of the city of Ellsworth.

Resolve, in favor of the Maine State prison.

Resolve, in favor of the town of Searsport.

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

Resolve, in favor of the Maine State Pomological Society.

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

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

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

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

Resolve in favor of aid in building a highway bridge across the east branch of the Penobscot River in the Town of Medway. (On motion by Mr. Wyman of Washington, this resolve was tabled pending its final passage.)

Resolve in favor of Highway bridge over St. John River between Van Buren and St. Leonard's, N. B. (On motion by Mr. Hill of Penobscot, this resolve was tabled pending its final passage.)

Orders of the Day.

On motion by Mr. Staples of Knox: House Document No. 232, "An Act to prohibit the use of automobiles in the towns of Eden, Mount Desert, Tremont and Southwest Harbor, on the Island of Mount Desert," was taken from the table; the pending question being upon the acceptance of report.

Mr. STAPLES:—Mr. President: I had intended to make some remarks upon this bill; but at this time desire only to state my position that a record may be made of how I stand upon this important question. The bill has the referendum connected with it by which the Town of Eden may reject or ratify it.

I do not like automobiles,—I will admit that. I wish there was not one in the State of Maine, nor ever would be, because we have so much trouble with those vehicles in our country towns; but I am aware that they have come to stay in the State of Maine. I am aware that they are recognized by the law as public conveyances. I am aware that the highways of that, and every other town, are public highways; and for that reason I do not believe that we have any constitutional right to pass any such bill. I believe that I have as good right to drive in the Town of Eden with an automobile as I have to drive with my horse and carriage, and that the same law applies; and I doubt very much whether you can prohibit them from going into that town, however many acts you may pass in this Legislature. I am aware that the matter is referred to the town of Eden for that town to vote upon it; but I am conscious of another thing, that the poor men of Bar Harbor would not stand much show against the power

of the millionaires who put this bill in here and who want to keep them out. Being content in my own mind that it is an illegal proposition and that the Courts of this State will take care of it, I am content, as I understand something of the feelings of this Senate upon the matter, that there is a great deal of interest to keep them out of there—I have no doubt it is an unfortunate place for an automobile to be in—I have no doubt the roads there are such as to make them so; but I apprehend that the millionaires and the wealthy people of Bar Harbor can build another road if they want to, so that the poor man can drive upon that road if he comes in there with an automobile. One man said to me—and he was a very wealthy man—"Why," he said, "it gets dust on our clothes when they come through that village." But believing that the courts will take care of it, I have no motion to make, and leave it, Mr. President, in the hands of the Senate.

On motion by Mr. Walker of Hancock, the Senate voted to accept the report and the bill took its first reading. On motion by Mr. Osgood of Androscoggin, under suspension of the rules, the bill took its second reading and was passed to be engrossed.

On motion by Mr. Donigan of Somerset, House Document No. 370, "Resolve in favor of Wilton Academy," was taken from the table; and on further motion by the same Senator, the Resolve took its first reading and was assigned for second reading.

On motion by the same Senator, House Document No. 373, "Resolve in favor of the Lee Normal Academy," was taken from the table; and on further motion by the same Senator, the resolve was read and assigned.

On motion by the same Senator took, Majority Report, Committee on Temperance, "ought not to pass," on Resolve amending constitution, about intoxicating liquors; minority report from same Committee, on same bill, "ought to pass," was reassigned for Thursday, March 11.

On motion by Mr. Hastings of Oxford, House Document No. 369, "An Act to amend Section 1 of Chapter 294 of the Private and Special Laws of 1901,"

was taken from the table; and on further motion by the same Senator, the bill was read and assigned.

On motion by the same Senator, Senate Document No. 339, "An Act to incorporate the Guilford Water Company," was taken from the table; and on further motion by the same Senator, the bill was passed to be engrossed.

On motion by Mr. Wyman of Washington, Senate Document No. 330, "An Act to confirm the title of Ram Island in Hancock County," was taken from the table; and on further motion by the same Senator, the bill took its second reading and was passed to be engrossed.

On motion by Mr. Baxter of Cumberland, Senate Document No. 208, "An Act to provide for the ownership and maintenance of highway bridges by the State and the construction of such bridges by the State, county and towns," together with the majority and minority reports of the Committee on Ways and bridges on said bill, were taken from the table. The same Senator presented Senate Amendment A. to the foregoing bill and pending its adoption, moved that the matter be tabled and that the amendment be printed.

On motion by Mr. Staples of Knox, Senate Document No. 321, "An Act relating to the taxation of steam railroads," was taken from the table; and on further motion by the same Senator, was assigned for consideration Tuesday, March 16.

On motion by Mr. Walker of Hancock, House Document No. 356, "Resolve in favor of the Treasurer of the East Maine Conference Seminary of Bucksport," was taken from the table. The same Senator submitted statement of facts to accompany said resolve; and on his further motion, the resolve took its second reading and was passed to be engrossed.

On motion by Mr. Hamilton of York, House Document No. 250, "Resolve in favor of the Eastern Maine Insane Hospital, for fire-proof building," was taken from the table; and on his further motion, the Resolve took its second reading and was passed to be engrossed.

On further motion by the same Senator, "Resolve in favor of the Maine Insane Hospital," was taken from the table; and on further motion by the same Senator, the resolve took its second reading and was passed to be engrossed.

On motion by the same Senator Senate Document No. 272, "An Act to amend Section 1 of Chapter 171 of the Public Laws of 1907 relating to the State superintendent of public schools" was taken from the table; and on his further motion, the bill was assigned for consideration, Monday, March 15.

On motion by the same Senator, Senate Document No. 318, "An Act to amend Section 2 of Chapter 159 of the Public Laws of 1905, relating to the compensation of certain state officers" was taken from the table; and on his further motion, the bill took its second reading and was passed to be engrossed.

On further motion by the same Senator, Senate Document No. 323, "An Act to define and regulate the practice of optometry," was taken from the table; and on his further motion, the bill took its second reading and was passed to be engrossed.

On motion by Mr. Staples of Knox, the Senate reconsidered the vote whereby it passed to be engrossed bill "An Act to define and regulate the practice of optometry."

Mr. STAPLES of Knox: Mr. President: I would say that I make that motion at the request of some friends. I have no doubt it will pass along all right, but I was requested to put it on the table until it could be examined.

Mr. OSGOOD of Androscoggin: Mr. President: I had supposed that, inasmuch as this matter had been pretty thoroughly thrashed out before the Committee on Judiciary, that it might be permitted to go along. I desire to say, Mr. President, that I introduced this bill to define and regulate the practice of optometry; and while I endorse it fully, after an experience of forty years, I also introduce it at the request of more than 200 optometrists and opticians in my State and more than 150 physicians and oculists. It is as just,—as humane a bill, Mr.

President, as any that has been enacted or will be enacted at this session of the legislature. It is in the same line as your dentistry. It is in the same line as your registered apothecaries; and it is in the line of humanity.

A hearing was had before the Judiciary Committee,—an extensive hearing, at which friends of the measure appeared. The matter was left to a sub-committee; and after thorough hearing, the Judiciary Committee reported unanimously in favor of it. For some reason or other, Mr. President,—I do not know why, it seems to me that all humane objects seem to meet with obstruction in here.

I desire, Mr. President, to say a few words on this matter, because there are many friends of this bill present here today. They have been here several days, awaiting the action of my distinguished friend the Senator from York, to bring this matter before the Senate; and I can do no better perhaps, at this time, than to read from that most splendid report of the Secretary of that Association, before the Committee on Judiciary. He says among other things: "As the law in Maine stands today, there is absolutely nothing to prevent the public from being imposed upon." I want to say right here, Mr. President and Gentlemen, that we are not aiming at anyone excepting the fakir, excepting the man who comes into your homes and sells your mother a pair of spectacles for \$10 which are worth one. We are not aiming at the medical fraternity in any sort of way.

"As the law in Maine stands today, there is absolutely nothing to prevent the public from being imposed upon. What is there to prevent the unscrupulous or incompetent man taking a case of trial glasses such as is used by the oculist or optometrist, going through the confines of this state, testing and examining the eyes, and prescribing glasses when glasses are unnecessary, and giving glasses in other instances where they are an irreparable and a positive injury."

It has become the thing today for the lawyer, the doctor, the undertaker, the veterinary, the dentist, the pharmacist

to prove"—Mr. President, mark the word well—"to prove that he possesses qualifications before he is allowed the privilege of engaging in his chosen occupation. But for the optometrist, the man who has control of the eyesight of the people,"—think Mr. President, of the vast importance of it. You use your arm and you can write with your left hand. You use your limb and you can buy another; but you lose your eyesight, and there is no remedy.

"But for the optometrist, the man who has control of the eyesight of the people, no legislation has been enacted. It seems to me that the proposition is self-evident; that every man must admit that legislation is necessary, and that the only remaining question is, which is the proper kind."

He goes on, Mr. President, and speaks of the opposition. He says: "The opposition to our bill, I presume, will be the same as it has been in this State for several years, and as in other states where such bills have been introduced. I feel it will be most unfair because engineered by men whose own calling has been placed on a higher educational level through State aid, and who will now try to close the door of hope on all others outside of their profession, simply because they mistakenly imagine that their own selfish interests will be interfered with." Nothing of the sort. "It is an old saying that the most sensitive organ of one's anatomy is one's pocketbook, and I am inclined to think that it is the key-note of much of the opposition of this optometry bill."

I might go on with that able address, Mr. President, did time permit; but I do not desire to. I do desire, however, to call the attention of the Senate to a few facts in connection with this bill, and to state what the optometry bill does do. It gives legislative recognition to work done by an optometrist from time immemorial. It is a self-supporting measure. If you senators will take occasion to read the bill you will find that any sum in excess of \$500 reverts to your school fund. It does not ask, as do many of the resolves which come before this Legislature, for money. They simply ask, after they have received the sum of

\$500 to turn it over to your State school fund. That is in the right direction. It requires all persons who represent themselves as qualified to act as optometrists to be so qualified. It drives out 300 unscrupulous fakirs from the State and those are the people we are firing out. It safeguards the eyesight of the people for all years to come.

The optometry bill cannot possibly become a graft on the State treasury. It does not intrude on the domain of any of the sciences or professions. It does not debar any dealer in glasses from selling the same as merchandise, more than you would flour or corn or automobile spectacles or colored spectacles. It does not require the physician to pass its examination. It does not allow the use of medicine in any form.

Mr. President, I might go on with all these recommendations and I might say further that this bill is passed in 14 states of our Union today and is operating; and I might give you a list of all those eminent men and physicians that approve the passage of this measure, did time permit. I might use the opinion of Gov. Hughes himself, in signing this bill, before the New York state Legislature objections had been urged, giving legal recognition to the practice in question; but the fact remains that "the practice continues and will continue, and unquestionably forms a proper subject of regulation. I therefore approve the bill."

The, optometry bill, Mr. President, deserves a square deal. Why? Because the bill simply compels those who examine the eyes of others for glasses to prove their competency; because nine-tenths of the medical profession are disgusted with being obliged to pull chestnuts out of the fire for the selfish oculists whose "axe to grind" is plainly evident to all who have made a study of this question.

Fourteen other states now have similar laws, the working of which has already proven the contention of the sponsors for similar legislation in this State.

In those states it has driven out the spectacle fakirs, who are now flooding

this State in consequence of there being no law to prevent them from swindling the public.

Nebraska is awaiting the action of this Legislature and also Massachusetts and Rhode Island.

Mr. President, in the interests of humanity I think I have stated the case fairly to you, Senators. I know we stand here today, 50 or 75 of my friends and customers whom I have known from boyhood, who are anxious to secure the passage of this measure. And petition after petition has come in here addressed to you in favor of the passage of this bill. Have you heard of one remonstrance? I do not know where they are. We start with His Excellency, Hon. William T. Cobb, Governor of Maine and 125 others from Rockland; I. K. Stetson of Bangor, a past President of your Senate, and hundreds of others praying for the passage of this measure. I do not think it is necessary for me to say anything more. I have been in the Senate since the 5th of January and have never put my name to a measure which I could not endorse. I hope my friends will sustain me; and I hope the motion of the senator from Knox will not prevail.

Mr. SHAW of Kennebec: Mr. President, After listening to the remarks of the senator from Androscoggin, and his citations from the address which he has carefully read, it would almost seem useless to oppose such a grand measure as he has introduced; but nevertheless, if I stand alone, I will stand in this Senate to say that I am opposed to that bill. Why?

I am opposed to the appointment of a board of examiners—for what? Who are they? What are their qualifications?

They are men that are picked up here, there and everywhere—men who know no more about the eye than the men who are excluded from this practice; and what are the qualifications for registration? They will simply amount to nothing. The bill provides for one oculist, and one physician, with three optometrists. What does that amount to? That is three against two. They can register whoever they have a mind to; and I tell you, gentlemen,

that the class of optometrists that will register know nothing about the eye whatever. They have not studied anatomy. They do not know physiology. They cannot test the eye as it should be tested. It should be done by men who know anatomy, who know physiology and who know how to test the eye properly.

Now in that one matter the bill says: "Test the eye without the use of medicine." Every oculist in the State of Maine knows that it is absolutely necessary, in order to fit glasses to certain people, to use atropine, or some derivative, to paralyze the muscles of accommodation, so as to adjust the glasses. These men say—"Without medicine at all." What would they know about that?

Now the measure is aimed—the friends say—to exclude a large set of fakirs that go about the State selling glasses. It looks to me ultimately as though it would put a large class of fakirs under the guise of protection of registration; and it looks to me as though these men would enter into direct competition with men who are thoroughly qualified to test the eye in all its various forms of diseases.

It is well known to physicians that many of the worst forms of diseases—Bright's disease, for instance—is detected—diagnosed by the eye. What would these men do? They would simply fit glasses, and try another set, and try another set and so let it go on; and the patient would be kept in ignorance as to his exact condition, or trouble.

I do not think we need anything of this kind in the State of Maine. I do not think it will have a tendency to cut out this so-called class of fakirs, but rather that it will draw in a large class; and it will draw in other large classes of men. A man can put in his store one of these men that is registered; and he can go on and do a large business in fitting glasses under the guise of being a competent man to do that kind of work. I do not believe that the people of Maine want any such thing. I do not think it is fair to the medical profession. I do not think it is fair to the public; because I have read this bill through and through and

I cannot find any qualification that a man would have to have in order to become registered as a "registered optometrist." There is nothing stated whatever and we know that it must be, necessarily, a superficial examination that is made; and I, as a physician, know the meaning of this word "optometry," that is, the testing of the eye, and know what it means to people who wish to go on the right line and to have the proper thing done for the eye to have it—tested as it should be, and not by a class of men who simply know the difference between a concave and a convex lens—farsightedness and nearsightedness, and so forth; but those men do not know any variations in the sight, in the lens, such as astigmatism—they would be at sea in regard to fitting in such cases glasses.

I say, gentlemen, that if we want the right thing that the proper thing is to keep this in the hands of competent oculists, and keep this whole class of fakirs and class them together, let them fit glasses, if the public wants them to—let the public go and employ them, but do not put them under a board of registration and make people think that they are competent to do the right, proper and square thing, for they are not.

Mr. STAPLES of Knox: Mr. President, I was not aware that I was stirring up any discussion when I took this matter up. I do not propose to discuss the bill; but I rose to make that motion because two eminent men in this State, Dr. Hill of Waterville, and Dr. Little of Portland, came to me yesterday afternoon, and wanted this matter to lie upon the table. They did not give me their reasons. I went to Senator Hamilton who had it upon the table at that time; and I asked him if he would allow it to remain upon the table until the first of the week; and I think he told me he would. Therefore, I paid no attention to it, but went home. Now I have asked that it be put upon the table for the reason that I made that agreement with the Chairman of the legal affairs committee, that it should remain upon the table until next Tuesday; and I rose only to put myself right with them. I

do not propose to discuss the matter. I only ask it as a favor to the chairman of the committee. I have no interest whatever myself, but I do it as a matter of courtesy to those friends. I do not rise in opposition to the bill. I make no opposition.

Mr. HAMILTON of York: Mr. President: In explanation I wish to state what I did say to the senator from Knox—that I would let it remain until Tuesday. This morning the senator from Androscoggin told me that I was not treating him right; and you know I always like to accommodate anyone and especially the senator from Androscoggin, because he is one of the most agreeable senators we have here; and I could not resist his request. I took it up and examined the bill closely and laid it upon the table and I have looked at it this morning and talked with him and I do not see any objections to it. I am kind of anxious about the matter because I am very anxious to have another bill pass here, on agriculture; that no farmer in this State shall farm or be registered as a farmer unless he knows how to mow.

The question being upon the motion of the senator from Knox, Mr. Staples, that the bill be tabled, the motion was lost.

Mr. Osgood of Androscoggin thereupon moved that the bill pass to be engrossed.

Mr. STAPLES: Mr. President, I do not see any need of railroading this bill through, after they have refused to table it. It seems to me it should take its regular course so that the opponents of the bill, as there are some, may be here and

discuss sit if they see fit. And I think that is fair and that the Senate will say it is fair.

The question being upon the motion of Mr. Osgood of Androscoggin that the bill pass to be engrossed, the yeas and nays were called for and ordered, and the vote being had resulted as follows: Those voting yea were Messrs. Baxter, Boynton, Colcord, Donigan, Eaton, Emery, Gowell, Hamilton, Hastings, Hill, Howes, Irving, Kellogg, Knowlton, Looney, Macomber, Milliken, Mullen, Osgood, Reynolds, Theriault, Walker, Warren, Wheeler, Wyman (25). Those voting nay were Messrs. Shaw, Smith, Staples (3). So the motion of the senator from Androscoggin, Mr. Osgood, prevailed, and the bill "An Act to define and regulate the practice of optometry," was passed to be engrossed.

On motion by Mr. Walker of Hancock, Senate Document No. 272, "An Act to amend Section 1 of Chapter 171 of the Public Laws of 1907, relating to the State superintendent of public schools," was re-assigned for Saturday, March 13.

On motion by Mr. Milliken of Aroostook, Senate Document No. 340, "An Act to correct a clerical error in an act approved February 13, 1909, entitled 'An Act to extend an act entitled 'An Act to incorporate the Baker and Spencer Brook Dam and Improvement Company,' " was taken from the table; and on further motion by the same senator, under suspension of the rules, the bill took its two several readings and was passed to be engrossed.

On motion by Mr. Wheeler of Cumberland, the Senate adjourned.