

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

SENATE.

Thursday, March 18, 1909.

Senate called to order by the President.

Prayer by Rev. Mr. Lawton of South Gardiner.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

Bill, "An Act to make the anniversary of Lincoln Birthday a school and bank holiday." (By the Senate this bill was passed to be engrossed. The House passed the bill to be engrossed as amended by House Amendment "A." On motion by Mr. Hastings of Oxford, the Senate reconsidered the vote whereby the bill was passed to be engrossed. The same Senator moved the adoption of House Amendment "A" in concurrence. On motion by Mr. Macomber of Kennebec, the bill, with the amendment, was tabled, pending the adoption of the amendment.)

House Bills Read and Assigned.

An Act to amend Section 19 of Chapter 15 of the Revised Statutes relating to the purchase of secondhand school books for schools.

"Bill, An Act relating to the Shawmut Manufacturing Company." (This bill was accompanied by majority of the Committee on Interior Waters "ought to pass;" and by a minority report of the same Committee. On motion by Mr. Milliken of Aroostook, the bill with the accompanying reports was tabled and assigned for Tuesday, March 23.

An Act to incorporate the Belfast and Liberty Electric Railroad Co.

An Act to ratify, confirm and make valid the organization of the Mexico Water Co. and authorize it to issue bonds and extend its plant.

An Act to amend an act entitled "An Act to incorporate the city of Old Town."

An Act to amend the charter of the Messalonskee Electric Co.

An Act additional to Chapter 135 of the Revised Statutes, relating to witnesses in criminal proceedings.

An Act to authorize and empower Joseph Dresser to remove the remains

of certain deceased persons from his farm in Cape Elizabeth to the public cemetery.

An Act relating to frivolous exceptions.

An Act to regulate the taking of eels in Taunton bay, town of Franklin.

An Act to amend Paragraph V, of Section 20, of Chapter 18 of the Revised Statutes, relating to bylaws of local Boards of Health.

An Act to regulate fishing in Indian River stream, so-called, in the towns of Jonesport, Addison and Columbia Falls, in the county of Washington.

An Act relating to the catching of smelts in Damariscotta river, bays and tributaries.

An Act to amend specification 10 of Section 6 of Chapter 9 of the Revised Statutes, relating to the exemption from taxation of lands set apart for the production of forest trees as amended by Chapter 169 of the Public Laws of 1907.

An Act to amend Section 13 of Chapter 117 of the Revised Statutes as amended by Chapter 66 of the Public Laws of 1907, relating to the per diem attendance of expert witnesses.

An Act to amend Section 23 of Chapter 114 of the Revised Statutes, as amended by Chapter 2 of the Public Laws of 1907, relating to the relief of poor debtors.

An Act relating to the transportation of animals.

An Act to create a cemetery corporation for the city of Rockland.

An Act in addition to Chapter 19 of the Revised Statutes, relating to contagious diseases among cattle. (House Amendment "A" adopted in concurrence.)

An Act in relation to political caucuses in the city of Old Town.

An Act establishing rules and regulations for Portland harbor.

An Act amendatory of Section 20 of Chapter 30 of the Revised Statutes, relative to the poisoning of animals.

Resolve, in favor of the county of Penobscot.

Resolve, in favor of town of Dexter.

Resolve, in favor of the town of Nobleboro.

Resolve, in favor of State aid for the support of the Eastport bridge.

Resolve, in favor of the town of Dexter.

Resolve, in favor of the town of Dexter.

Resolve, in favor of the county commissioners of Franklin county for the repair and permanent improvement of the road from Madrid line through letter E. Plantation and Sandy River Plantation.

Resolve, in favor of the town of Dennysville.

Resolve, in favor of the town of Perham.

Resolve, in favor of the town of Rangeley.

Resolve, in favor of Parker Pineo.

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

Judiciary.

By Mr. Looney of Cumberland: Bill, An Act to revise chapter 138 of the Public Laws of 1895.

Appropriations and Financial Affairs.

By Mr. Colcord of Waldo: Resolve in favor of Senate postmaster.

By Mr. Wyman of Washington: Resolve in favor of M. H. Hodgdon, Clerk, Stenographer and messenger to the Committee on Inland Fisheries and Game.

Mr. BOYNTON of Lincoln: Mr. President: I desire to present out of order bill, "An Act to amend Chapter 151 of the Private and Special Laws of 1895 as amended by chapter 157 of the Private and Special Laws of 1907, relating to the charter of the Wiscasset Water Company," and to move that the same take its several readings under suspension of the rules, and passed to be engrossed without reference to a committee.

A short explanation will perhaps make this matter clear. The legislature granted the town of Wiscasset a charter to construct a system of water works. That charter expires now. At the last town meeting, it was voted to commence work and to carry it to completion. Of course, they would find themselves, except for legislation of this kind, without a charter; and I therefore make the motion above referred to.

Mr. MILLIKEN of Aroostook: Do I

understand the Senator from Lincoln that this is a public corporation?

Mr. BOYNTON: Yes, sir.

Mr. MILLIKEN: Mr. President: I wanted to get that point plain in my mind, because as the Senator will understand that we have been trying to keep out, since the time limit was fixed, all amendments to charters for private corporations. If this is a public corporation—a municipal corporation—I should have no objection to the passage of the bill.

Mr. BOYNTON: I so understand it. Its purpose is simply to let them proceed with the work, which will have to stop for two years unless this is carried out.

The motion prevailed; the bill took its two several readings and was passed to be engrossed.

Mr. MACOMBER of Kennebec: Mr. President: A few days ago a resolve in favor of the County Commissioners of Franklin County for improvements in Jerusalem Township, came in here accompanied by a report of the Committee on Ways and Bridges; and the report was accepted by the Senate. I understand that there was some misapprehension in the Committee as to just what the resolve covered; and, at the request of the Senator from Franklin, who is absent this morning, I want to move that the action of the Senate in accepting the report of the committee be reconsidered; and if that motion receives favorable action I shall ask that the matter be recommitted.

The PRESIDENT: The report of the committee on Ways and Bridges on "Resolve in favor of the Commissioners of Franklin County for permanent improvements of the road in Jerusalem and Crockertown Townships," "ought not to pass," was accepted by the House, and accepted in concurrence by the Senate.

The motion to reconsider the acceptance of the report "ought not to pass" prevailed; and on further motion by the same Senator, the resolve was recommitted to the Committee on Ways and Bridges.

Mr. Knowlton of Piscataquis presented petition of Otis Martin and 35 others in favor of History bill; also petition of Mr. Hodgdon and 35 others against

resubmission; and the same were placed on file.

Read and Assigned.

An Act to incorporate the Penobscot Bay Water Company.

An Act to amend Section 56 of Chapter 15 of the Revised Statutes relating to the conveyance of pupils in secondary schools.

Resolve for the Publication of the Railroad Map of Maine.

An Act relating to the scaling of logs.

An Act to amend Section 42 of Chapter 15 of the Revised Statutes, as amended by Chapter 101 of the Public Laws of 1907, relating to payment of superintendents of towns comprising school unions.

Reports of Committees.

Mr. Hamilton, for the Committee on Legal Affairs, on Bill, "An Act to amend Sections 13 and 16 of Chapter 17 of the Revised Statutes, relating to practice of medicine," reported same ought not to pass.

Mr. Colcord, for the Committee on Railroads and Expresses, on Bill "An Act to extend the charter of the Northern Railway of Maine," reported same ought not to pass.

Mr. Emery, for the same Committee, on Petition of George B. Palmer and others, for the passage of the transferable mileage bill," reported that the same be placed on file, as subject matter has been acted upon.

The same Senator, for the same Committee, on Petition of E. M. Davis and others for the passage of "An Act enlarging the powers of the Railroad Commissioners," reported that the same be placed on file, as subject matter has been acted upon.

Mr. Walker, for the Committee on Shore Fisheries, on "Petition of Benjamin Murphy and 89 others, for a close time on lobsters in Hancock County," reported that the petitioners have leave to withdraw.

The foregoing reports were accepted.

Majority report for the Committee on Legal Affairs, on Bill "An Act to amend Section 7 of Chapter 162 of the Public Laws of 1905, relating to the office of assistant Attorney General,"

that the same "ought not to pass." (Signed) Smith, Coolidge, Marshall, Hamilton, Hall, Morse, Snow.

Minority report for the same Committee, on the same Bill, that same "ought to pass." (Signed) Staples, White, Gowell.

The foregoing reports were received and on motion by Mr. Staples of Knox were tabled pending the acceptance of either report.

Mr. Staples, for the same Committee, on Bill "An Act to amend Chapter 4, Section 43, Revised Statutes, relating to duties of town clerks," reported same ought to pass.

Mr. Hamilton, for the same Committee, on Bill "An Act to amend Chapter 42 of the Public Laws of 1907, relating to prevention of desertion and non-support of families," submitted same in new draft under same title.

The same Senator, for the same Committee, on Bill "An Act to provide for the transfer of patients in insane hospitals to the Maine School for Feeble Minded," reported same ought to pass.

Mr. Gowell, for the same Committee, on Bill "An Act in relation to the records of the Supreme Judicial Court," reported same ought to pass.

Mr. Gowell, for the Committee on Federal Relations, on "Resolution requesting the Senators and Representatives in Congress to use their influence for the repeal of such duty as now exists on all coal brought into the United States from Nova Scotia and New Brunswick, and from such other sources as their judgment may indicate," reported same ought to pass.

The foregoing reports were accepted, and the bills and resolves were tabled for printing under the joint rules.

Majority report of the Committee on Agriculture, on "Resolve in favor of Lowell E. Bailey," submitting same in new draft under same title. (signed) Howes, Snow, Irving, Cousens, Millett, Stackpole, Hill, Bemis, Stetson.

Minority report from same Committee on same Resolve "ought not to pass" (Signed) Blanchard.

The majority report was accepted, and the resolve recommended by said

report, was tabled for printing under the joint rules.

Mr. Howes, for the Committee on State Lands and State Roads on "Resolve to aid in the extension of the Kineo Road from the Smith Farm to the Northeast Carry," submitted same in new draft under same title.

Mr. Wyman, for the Committee on Shore Fisheries, on Bill, "An Act to amend Private and Special Laws of 1901, Chapter 401, Section 2, relating to the taking of smelts in Pleasant River, in Washington County," reported same ought to pass.

The foregoing reports were accepted, and the bills tabled for printing under the joint rules.

Majority report for the Committee on Towns, on Bill "An Act to divide the town of York and establish the town of Yorktown," that same "ought not to pass." (Signed) Colcord, Kellogg, Merrill, Hamlin, Bearce, Barney, Donnell.

Minority report from the same Committee, on the same Bill, submitting same in new draft under same title. (Signed) Therriault.

The foregoing reports were read, and on motion by Mr. Therriault of Aroostook, pending the acceptance of either, were tabled and ordered to be printed.

Mr. Walker, for the Committee on Salaries and Fees, on Bill, "An Act to repeal a part of Section 1, Chapter 116, of the Revised Statutes, relating to the salary of the superintendent of the Insane Hospital of Augusta, and his four assistants," submitted same in new draft under title of "An Act to repeal a part of Section 1, of Chapter 116 of the Revised Statutes, relating to salary of officers of the Insane Hospital at Augusta."

The same Senator, for the same Committee, on Bill "An Act to amend Chapter 174 of the Public Laws of 1905, relating to the compensation of sheriffs," reported same ought to pass.

The same Senator, for the same Committee, on Bill "An Act to amend Chapter 116, Section 1, Revised Statutes, relating to the payment of salaries of public officers," reported same ought to pass.

The foregoing reports were ac-

cepted, and the bills tabled for printing under the joint rules.

The same Senator for the same Committee, on Bill "An Act in relation to the collection of fees by State officials, and payment of same to the State Treasurer," reported that same ought to pass.

The report was accepted, and later, on motion by Mr. Milliken of Aroostook, the vote whereby the report was accepted was reconsidered, and the bill was recommitted to the Committee on Salaries and Fees.

Majority report of the Portland Delegation, on Bill "An Act to authorize the city of Portland to acquire property and the issue its bonds and notes for municipal purposes," submitting same in new draft under same title. (Signed) Looney, Baxter, Redlon, Marshall, True, Kavanough, Beyer, Bigelow.

The report was accepted and the bill was tabled to be printed under the joint rules.

Majority report from the same Delegation, on Bill "An Act amending Section 1 of Chapter 350 of the Private and Special Laws of 1907, relating to the time of service of members of Fire Department of the City of Portland," submitting same in new draft under the same title. (Signed) Looney, Baxter, Kavanough, Marshall, Redlon, True, Rounds.

Minority report from the same Delegation on same Bill, that same "ought not to pass." (Signed) Beyer, Bigelow.

The foregoing reports were read and the majority report accepted, and the bill tabled for printing under the joint rules.

Majority report from the same Delegation, on Bill "An Act to make permanent the tenure of service of the janitors and engineers of the public buildings of the City of Portland," that same "ought not to pass." (Signed) Rounds, Redlon, Beyer, Bigelow, Marshall.

Minority report from the same delegation, on the same Bill, that same "ought to pass." (Signed) Looney, Baxter, True, Kavanough.

The majority report was accepted. Majority report from the same

Delegation, on Bill "An Act amending Chapter 146 of the Special Laws of 1895, relating to Commissioner of Public Works for the City of Portland," that same "ought not to pass." (Signed) Looney, Baxter, Bigelow, Beyer, Marshall, Kavanaugh, True, Redlon.

Minority report from the same Delegation on the same Bill, that same "ought to pass." (Signed) Rounds.

The majority report was accepted.

Passed To Be Engrossed.

An Act to amend Section 60 of Chapter 4 of the Revised Statutes relating to dangerous or vicious dogs.

An Act to make valid the organization of the monument or memorial association in Elliot, Maine, organized under Chapter 57 of the Revised Statutes, November 9, 1905.

An Act to make valid the organization of the Rice Public Library of Kittery, Maine, organized under Chapter 57 of the Revised Statutes of 1905.

An Act to amend Section 25 of Chapter 129 of the Revised Statutes, relating to the sale or use of cigarettes.

An Act additional to Chapter 49 of the Revised Statutes, relating to securities deposited with the Treasurer of State by insurance companies.

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

An Act to extend the time in which the Van Buren Sewerage Company is authorized to organize and commence business.

An Act to incorporate the town of Portage Lake.

An Act to authorize the Van Buren Water District to issue bonds.

An Act to extend the rights, powers and privileges of the Milo Water Company.

An Act to make valid the doings of the Town of Bristol, County of Lincoln.

An Act to authorize the Town of Van Buren to issue bonds.

An Act to extend and amend the charter of the Municipal Light and Power Company.

An Act to create a recorder of the Westbrook Municipal Court.

An Act to amend the charter of the City of Belfast.

An Act relating to the Richmond Electric Company.

An Act to amend an act entitled "An Act to incorporate the City of Gardiner."

Resolve in favor of Aroostook Central Institute.

An Act additional to Section 42 and amendatory to Section 44 of Chapter 15 of the Revised Statutes, relating to appropriations in aid of school superintendents.

An Act to amend Section 48 of Chapter 51 of the Revised Statutes, relating to expenditures by the Railroad Commissioners.

Resolve in aid of the navigation of the Lower Lakes.

Resolve in aid of navigation on Rangeley Lake, Mooselucmeguntic Lake and Cupsuptic Lake.

An Act authorizing George F. L'Abbee of Eagle Lake Plantation to maintain a dam in Wallagrass River.

An Act authorizing and empowering George F. L'Abbee of Eagle Lake Plantation, County of Aroostook, to erect and maintain piers, piles and booms in the Fish River.

Resolve in favor of Machiasport Bridge.

An Act to provide for a close time on deer on Cross Island and on Scotch Island, in Washington County.

An Act to regulate fishing in Parker Pond, so called, and tributaries in the towns of Mount Vernon, Vienna and Fayette, in Kennebec County, and in the town of Chesterville, in Franklin County.

An Act to amend Chapter 79 of the Private and Special Laws of 1905, relating to fishing in Great Brook and tributaries in Oxford County.

An Act to regulate the taking of fish in certain waters in Somerset County and in the northern part of Franklin County.

An Act to regulate fishing in Bog brook, so called, and Deer, or Bog Pond, so called, in the township of Lowelltown, in Franklin County.

An Act to regulate fishing in Mousam Long Pond, so called, in the towns of Shapleigh and Acton, York County.

An Act to regulate fishing in Taylor

Pond, in Auburn, Androscoggin County.

An Act to regulate fishing for black bass, white perch and smelts in the Belgrade Chain of Lakes, so called, in the counties of Kennebec and Somerset.

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

Resolve in favor of the town of Belmont.

Resolve in favor of the town of Hodgdon, Aroostook County.

Resolve in favor of Jere Rhoades.

Resolve in favor of Alexis O. Robbins, to reimburse him for expenses incurred in contested election in Fort Kent class. (On motion by Mr. Knowlton of Piscataquis, this resolve was tabled.)

Resolve in favor of the town of South Berwick.

Resolve in favor of the town of Marion.

Resolve in favor of the town of Edgington.

Resolve in favor of the town of Milinocket.

Resolve in favor of the town of Rome.

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

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 one hundred thousand dollars.

An Act to establish a standard unit of measure and a standard size of can for the sale of milk and cream, and to regulate the sanitary conditions under which milk and cream shall be handled. (On motion by Mr. Baxter of Cumberland, this bill was tabled pending its second reading.)

An Act to empower the Governor to remove County Attorneys. (On motion by Mr. Staples of Knox, this bill was tabled pending its second reading.)

An Act to prohibit the taking of scallops in West Penobscot Bay from April 1st to October 1st of each year. (On motion by Mr. Staples of Knox, this bill was tabled pending its second reading.)

Resolve in favor of Robert Palmer of

Moro in the County of Aroostook. (On motion by Mr. Smith of York, this resolve was tabled pending its second reading.)

An Act to amend section 89 of chapter 4 of the Revised Statutes, relating to taking land for certain municipal purposes. (On motion by Mr. Milliken of Aroostook, this bill was tabled pending its second reading.)

An Act to further amend chapter 352 of the Private and Special Laws of 1905, relating to Caribou Municipal Court. (On motion by Mr. Milliken of Aroostook, this bill was tabled pending its second reading.)

Passed To Be Enacted.

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

An Act to incorporate the Androscoggin Valley Railroad Company.

An Act to incorporate the Guilford Water Co.

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

Finally Passed.

Resolve in favor of Eastern Maine Insane Hospital to provide for deficiency. (This resolve containing the emergency clause was finally passed, 23 Senators voting in favor of its passage.)

Orders of the Day.

On motion by Mr. Osgood of Androscoggin, the Senate voted to reconsider the vote whereby it passed to be enacted Bill "An Act authorizing Androscoggin County to issue bonds to enable it to build additional county jail and for other purposes;" and on his further motion, it was voted to reconsider the vote whereby the bill was passed to be engrossed. On further motion by the same Senator, Senate Amendment "B" was adopted and the bill as amended was passed to be engrossed.

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.

Mr. STAPLES of Knox: Mr. President: I did intend to discuss that bill in detail, because I believe that the taxation of steam railroads and other rail-

roads should be upon their actual value. I read with a great deal of interest the majority report of the Taxation Commission, who after months of labor and the expenditure of a great deal of money, have formulated a system of taxation according to the mandates of the Constitution, which says that all taxes shall be levied upon real and personal estate according to actual value.

I was very much pleased, as some of you know, that for years I have been a great believer in the constitutional manner of taxing property; and for that reason I admired the report of the Tax Commission, which saw fit to turn it down, although it was signed by a majority of the commission, perhaps upon good ground, that there was nothing before the Assessors excepting the Railroad Commissioners' Report which could only be guessed at after much labor as to the value of the railroad property in the State of Maine—estimated at about one hundred million dollars.

I do not believe in the method of taxation. I am not prepared to go back upon the mandates of the Constitution. I believe it to be unconstitutional to tax it in any other way. Certainly you do not get equal taxation; but, to be generous to the Taxation Committee, I apprehend the condition was that they could not report that bill to tax railroads according to their actual value, for the reason that there was nothing upon which to data it in substance—that is, they had not before them the actual value of the railroad property of the State. That may be so, although I would be willing to take the report they make to the Railroad Commissioners. I know that some of my Democratic friends upon that Committee, although the platform of the party was in favor of equal taxation, voted down the Tax Commissioners report for that reason. They say that there was no data upon which a valuation could be got at for the purposes of taxation upon their actual value; and that we may get at that matter, it seems to me that the State Assessors should be ordered by this legislature to ascertain the exact value of all railroad property in the State of Maine and re-

port it to the next legislature of this State. For that reason, Mr. President, I submit this order at this time.

The PRESIDENT: The Senator from Knox, Mr. Staples, presents the following order: 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. The pending question is upon the acceptance of the report of the Committee on Taxation on Bill "An Act relating to the taxation of steam railroads." The Chair thinks that, this question being under consideration, the order which the Senator from Knox presents, is out of order at the present time. The pending question is upon the acceptance of the report.

Mr. STAPLES: One moment, Mr. President, I have not closed. I supposed the order was in order at this time. I may be wrong in the matter, but we will come at that later. I cheerfully accept the suggestion of the presiding officer.

Now upon this question of the taxation of railroads I have but little to say today for the reason that I have already given, but I want to place the State Grange right upon this question of taxation, because it has been rumored about the State House by some, pretending to represent the State Grange, that the State Grange was not in favor—or the Master of it, to equal taxation; and I wish to read from the report of the proceedings of the State Grange of this State:

"Eminent men have studied the problem of taxation in the past and will continue these labors in the years that are to come. The one thing the Grange stands for in this matter, is the equity of the proposition in the State Constitution which says 'that all property must be taxed according to the value thereof.'"

We believe, by the best estimate we can get, that there is one hundred millions of railroad property in the State of Maine that is not paying today quite one per cent., even if you tax them four and a half on the gross receipts; and when all the property of the State

of Maine is paying at the rate of two per cent., we feel there is something wrong about it. I must say that I can see no conceivable reason why the railroads in the State of Maine should not pay upon their property just the same as the farmers pay upon their property; and that is going to be the issue in the State of Maine in the near future; and it is today.

I wish to say that no man in the Democratic party has any right to say that they have changed their time-honored belief and platform in favor of equal taxation in this State. We are in favor of it and have put it in our platform and we are not ready to adopt the Republican method of taxation. Neither are we willing to surrender the mandates of the Constitution; and later on, when it is in order, I shall put before this Senate the order which I have just introduced. Let us have the actual valuation of all the property in the State of Maine. Then there will be no question of what you shall tax this; and then I think it will be a good thing for the State of Maine, because it is a fact that, excepting the commissioners' report, there is no actual way to get at the value of the railroads in the State of Maine. I am not blaming my Democratic friends on that committee, but I say if they had had something to go by, I haven't any doubt they would have taxed them according to their actual value, just the same as they tax farmers all over the State of Maine; and if they did, you would get today between fourteen and fifteen hundred thousand dollars in tax where last year you got six hundred on all the railroads of the State. That is to be the great issue. Let us commence to get that valuation and then we can tax them just the same as others in the State of Maine. The people will never submit—they will never acquiesce—they will never be satisfied until we have equal taxation in the State of Maine.

Now, Mr. President, I move that the report "ought not to pass" be accepted.

The motion prevailed. Thereupon Mr. Staples submitted the order.

Mr. MILLIKEN of Aroostook: Mr.

President: I do not know that I see any objection to the order provided it does not incur any extra expense. On the question which the senator from Knox has introduced, I do not feel like keeping silent, however, simply for this reason. I do not want to rest silent here under an implication that those who favor the present system of taxation of railroads, or those who assent to the report of the committee on taxation providing for an increased tax on railroads to be arrived at under the present methods, do so for the reason that they wish to shield the railroads of the State from paying their fair share of taxation. I want to say, so far as I personally am concerned, and as I apprehend that view is shared by the committee on taxation, of which I am not a member, both Democrats and Republicans, that the reason, it seems to me, for the present method of assessing the tax on railroads of the State is not for the purpose of assessing them for less than a proper tax, or for the purpose of their paying less than the farmer pays on farm property, as the senator suggests, but for the purpose of assessing them more than on the same property used for farming purposes. In other words, the present system has been devised for the purpose of getting at the true value of the railroads, namely, the franchise value. It sounds well to say that railroad property and the property of a public service corporation should be taxed precisely the same as, and that it should be valued precisely the same as if used for a farm; but there is an important difference, Mr. President, between a farm and a railroad; and the difference is this: The State has given the farmer no exclusive authority to farm in his neighborhood; the State has not prevented any number of farmers who can secure the land from farming in the same town; the State has said to the railroad, in fact; this territory is yours, and it is your duty as a public servant to transport the people and freight in this section at reasonable rates. That charter and that franchise has a value and the value varies in accordance with the business that the railroad does. One railroad, in one

part of the State, may have 50 miles of track and may do on that track a thousand dollars of business a year; another railroad, in another part of the State, may have 50 miles of track and with only slightly more equipment in the way of rolling stock, may do \$20,000 worth of business per mile. Now the present system, as I understand it, is devised to get at that very condition of things and to tax the railroad that has the more valuable franchise accordingly. And I do not wish to sit silent under the imputation that that distinction has not been raised before the committee on taxation. I believe the method is a correct one. So far as the order is concerned, I see no objection to its passage, provided, as I said, it does not carry any extra expense.

The question being put upon the passage of the order, the order was passed.

On motion by Mr. Staples of Knox, "Majority report, legal affairs committee, 'ought not to pass,' on bill, to protect the State against paying judgments obtained against certain officers; minority report, same committee, on same bill, 'ought to pass,' was taken from the table.

Mr. STAPLES of Knox: Mr. President: This matter was assigned for today; but to accommodate the senator from York, Senator Gowell, I shall be pleased to accommodate him, and therefore move that it be re-assigned for Tuesday, March 23.

The motion prevailed.

On motion by Mr. Wheeler of Cumberland, Senate Document "Resolve in favor of Maine School for Feeble Minded" was taken from the table. On further motion by Mr. Staples of Knox, the resolve was finally passed.

On motion by Mr. Kellogg of Penobscot, House Document No. 303, "Resolve for roads in Indian Township" was taken from the table and on his further motion the resolve took its second reading and was passed to be engrossed.

On motion by Mr. Wyman of Washington, Bill, An Act providing for a bounty on wildcats was recalled from the Governor; on further motion by the same senator, the vote whereby the

bill was passed to be enacted was reconsidered; and on his further motion the bill was tabled.

Mr. Wyman of Washington presented bill, "An Act to amend Section 22 of Chapter 32 of the Revised Statutes as amended by Section 5 of Chapter 132 of the Public Laws of 1905, relating to payment of damage done to growing crops by deer; and moved that the rules be suspended, and that, as the matter has really been acted upon by the committee, the bill take its two several readings and passed to be engrossed.

The bill was read twice. On motion by Mr. Macomber of Kennebec, the bill was tabled pending its passage to be engrossed.

On motion by Mr. Wyman of Washington, Bill, "An Act prohibiting the use of firearms fitted with any device to deaden the sound of explosion," was taken from the table; and on further motion by the same senator, the bill was indefinitely postponed.

Mr. KNOWLTON of Piscataquis: Mr. President, I do not know exactly how to proceed. I have an amendment to offer to a very important bill that now lies on the table. The gentleman who placed it on the table, the senator from York, is not here; and after the experience I had the other day, I discover that forewarned is forearmed. I wish to offer this amendment because it is very germane and essential to that act; and if the act should pass in my absence it would not be complete without the amendment. If there is any way for me to call up that resolve just long enough to introduce this amendment, I should like to do so.

The PRESIDENT: It is, of course, not in order to present an amendment while a bill lies upon the table. It is in order, and is parliamentary practice, for the senator to move to take the bill from the table, although tabled by another senator in his absence. It is in order, though not often done.

On motion by Mr. Knowlton of Piscataquis, Senate Document No. 381, "Bill to equalize school privileges," was taken from the table. The same senator introduced Senate Amendment A to Senate Document No. 381.

Mr. MILLIKEN of Aroostook: Mr.

President, I do not know what the views of the senator from York were about this bill, or what his idea was in tabling it, but it seems to me his rights should be protected in the matter. For the purpose of giving him that protection, I move that, pending the adoption of the amendment, both the bill and amendment lie upon the table and that the amendment be printed.

The motion prevailed.

On motion by Mr. Macomber of Kennebec, "the bill to amend Section 22 of Chapter 32 of the Revised Statutes as amended by Section 5 of Chapter 132 of the Public Laws of 1905, relating to payment of damage done to growing crops by deer," was taken from the table; on further motion by the same senator, the bill was tabled to be printed.

On motion by the same senator, House Document, No. 244, "An Act to amend Section 25 of Chapter 53 of the Revised Statutes relating to necessary regulations of street railroads by municipal officers" was taken from the table; and on his further motion the same was passed to be enacted.

On motion by Mr. Irving of Aroostook, Senate Document No. 417, "Resolve in favor of the town of Smyrna, appropriating \$258.64 to reimburse the town of Smyrna for money paid out on account of State paupers," was taken from the table.

Mr. MILLIKEN of Aroostook: Mr. President, I desire to offer Senate Amendment A to Senate Document 417; and in explanation of the amendment I wish to say simply that the bill was reported in new draft to the committee and through an error the body of the resolve was not changed to correspond with the title. The purpose of the amendment is to correct that error and to submit a new statement of facts to correspond with the new draft.

Senate Amendment A was adopted; and on further motion by the same senator, the resolve as amended took its second reading and was passed to be engrossed.

On motion by Mr. Looney of Cumberland, Senate Document No. 102, "Resolve proposing an amendment to the Constitution of the State of Maine

providing for the election on the Tuesday next after the first Monday in November bi-ennially of Governors, senators, representatives and other officers now required to be elected on the second Monday of September bi-ennially," was taken from the table and on his further motion the report of the committee "ought not to pass" was accepted.

On motion by Mr. Knowlton of Piscataquis, Senate Document No. 415, "An Act relative to school outhouses," was taken from the table; and on further motion by the same senator, the bill was indefinitely postponed.

On motion by the same senator, House Document No. 586, "Resolve in favor of Alexis O. Robbins to reimburse him for expenses incurred in contested election in Fort Kent class," was taken from the table; and on his further motion, the accompanying report "ought to pass" was accepted and the bill was read and assigned.

On further motion by the same senator, House Document No. 46, "An Act relating to hawkers and pedlars," was taken from the table; and on his further motion, the accompanying report "ought not to pass" was accepted.

On motion by Mr. Macomber of Kennebec, House Document No. 501, "Resolve in favor of the town of Dresden in aid of the repair and maintenance of bridges," specially assigned for today, was taken from the table and reassigned for Friday, March 19.

Mr. Walker of Hancock, submitted bill "An Act to amend Chapter 54 of the Public Laws of 1907, in relation to salary of chaplain of the Maine State prison," and moved that it be given its several readings, and passed to be engrossed, without reference to any committee.

Mr. WALKER: Mr. President: I will say a word in explanation. An Act similarly prepared and introduced at the beginning of the session passed both Houses and was signed by the President and approved by the Governor. It has since been discovered by the State auditor that the substitution effected by the amendment is not in the proper place and is not after the proper word. And this is an amend-

ment, rectifying that error in accordance with the facts as they now exist. It is simply a healing process.

The motion prevailed. The bill took its two readings and was passed to be engrossed.

Passed To Be Enacted.

An Act to amend Chapter 509 of the Public Laws of 1885 relating to commissioners of cemeteries and public grounds.

On motion by Mr. Baxter of Cumberland, House Document No. 545, "An Act to incorporate the Northeastern Insurance Co.," 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. Milliken of Aroos-

took, Senate Document No. 329, "Resolve in favor of Western State Normal School," was taken from the table.

Mr. MILLIKEN of Aroostook: I wish to say that Senate Document No. 329 appears on the calendar under the name of Senator Hamilton. The fact is that he took it from the table and I moved that it be tabled again pending the filing of a statement of facts.

Mr. Walker of Hancock thereupon submitted statement of facts to accompany Senate Document No. 329.

On motion by Mr. Walker of Hancock "Resolve in favor of Western State Normal School" took its second reading and was passed to be engrossed.

On motion by Mr. Walker of Hancock, the Senate adjourned.