

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

SENATE.

Friday, March 26, 1909.

Senate called to order by the President.

Prayer by Rev. Mr. Colby of Augusta.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

An Act in relation to exceptions and appeal in criminal cases. (This bill having been passed by the Senate to be engrossed, was by the House passed to be engrossed as amended by House Amendment A. On motion by Mr. Staples of Knox, the Senate reconsidered the vote whereby the bill was passed to be engrossed; and on his further motion, House Amendment A was adopted, and the bill as amended was passed to be engrossed.)

An Act to open the lakes and ponds in Kennebec County to ice fishing one day in a week. (By the Senate this bill was passed to be engrossed as amended by certain amendments. By the House the bill was indefinitely postponed. On motion by Mr. Macomber of Kennebec, the Senate voted to recede and to concur with the House in the indefinite postponement of the bill.)

An Act to divide the town of York and to establish the town of Yorktown. (By the Senate, this bill was passed to be engrossed as amended by Senate Amendment A. By the House the bill was passed to be engrossed as amended by House Amendments B and C. On motion by Mr. Hamilton of York, the bill, with the amendments, was laid upon the table.)

An Act to abolish the Common Council and to increase the membership of the Board of Aldermen of the City of Portland. (The Senate adopted the majority report, "ought to pass" and passed the bill to be engrossed as amended by Senate Amendment A. The House non-concurred with the Senate and accepted the minority report "ought not to pass." On motion by Mr. Baxter of Cumberland, the Senate voted to recede and concur with the House in accepting the minority report.)

Read and Assigned.

An Act to confer additional powers and privileges upon the Peoples Ferry Company. (On motion by Mr. Milliken of Aroostook, under suspension of the rules, this bill took its second reading and was passed to be engrossed.)

An Act in relation to coroners and coroners inquests. (On motion by the same Senator, under suspension of the rules, the bill took its second reading and was passed to be engrossed.)

An Act authorizing the City of Bangor to levy assessments for street improvements. (On motion by the same Senator, under suspension of the rules, this bill took its second reading and was passed to be engrossed.)

An Act to incorporate the Shawmut Water Company. (On motion by Mr. Gowell of York, under suspension of the rules, this bill took its second reading and was passed to be engrossed.)

Majority report from the Committee on Legal Affairs on bill "An Act to authorize the City of Lewiston to take ice from the Androscoggin River, Lake Auburn and other waters of Androscoggin County, and to sell same to its inhabitants," "ought not to pass." (Signed) Gowell, Marshall, Coolidge, Hamilton, Smith, Morse, Hall; and minority report of the same Committee on the same bill, that same "ought to pass." (Signed) Pike, Staples. These reports with accompanying bill came from the House, in that branch the majority report accepted and the bill passed to be engrossed. Mr. Hamilton of York moved that the reports, with the accompanying bill, be tabled and assigned for consideration Monday, March 29.

Mr. WHEELER of Cumberland: Mr. President, I should like to inquire of the Senator from York, through the Chair, whether it is not possible to dispose of that matter today. Some other matters have been assigned for Monday which are likely to provoke considerable discussion and the session will not begin until half-past four in the afternoon. If we could clear up some of these matters on the calendar today, it would hasten adjournment.

Mr. STAPLES of Knox: Mr. Presi-

dent, I would say that I signed the minority report and I expect to discuss it before this body. I would be willing to take it up tomorrow, but I could not do so today very well. I am willing to have it assigned for tomorrow or for Monday.

Mr. WHEELER: Mr. President, my only purpose is to clear up some of the matters which have accumulated on the calendar; and there does not seem to be enough matter specially assigned for this morning to keep us busy, and there are more than enough assigned for next week to fill up the session. I hope it will be assigned for tomorrow rather than for the first of the week.

Mr. HAMILTON of York: I understand this is a matter of a good deal of importance; and it is one that I have not had time to investigate, and I believe we should have time to examine it might be assigned for Tuesday. I understand that we shall have plenty of time before we come to final adjournment. I assure the President and members of the Senate that I am in as much haste as anyone to close up, because it is getting near planting time. I hope the Senators will grant me that time.

The question being put upon the motion that the reports and accompanying bill be tabled and assigned for consideration on Monday, March 29, the motion prevailed.

Senate Bills on First Reading.

An Act to amend Section 38 of Chapter 29 of the Revised Statutes of the State of Maine. (On motion by Mr. Gowell of York, this bill was laid on the table.)

An Act in relation to the collection of fees by State officials and payment of same to the State Treasurer. (On motion by Mr. Gowell of York, under suspension of the rules, this bill took its second reading and was passed to be engrossed.)

An Act amending the charter of the Maine Missionary Society. (On motion by Mr. Gowell of York, under suspension of the rules, this bill took its second reading and was passed to be engrossed.)

An Act to amend Chapter 30 of the Revised Statutes relating to apotheca-

ries and the sale of poisons. (On motion by Mr. Gowell of York, under suspension of the rules, this bill took its second reading and was passed to be engrossed.)

Resolve providing for the payment of certain deficiencies, accrued prior to January one, 1909. (On motion by Mr. Howes of Somerset, under suspension of the rules, this bill took its second reading and was passed to be engrossed.)

Mr. MILLIKEN of Aroostook: Mr. President, I ask unanimous consent to make a motion, out of order at this time, for the reason that it is necessary to make it at this time; and, if consent is granted, I should wish to recall from the Executive Chamber "Resolve in favor of the University of Maine." I therefore move to recall from the Executive "Resolve in favor of the University of Maine."

The motion prevailed; and, on further motion by the same Senator, the resolve was laid on the table.

Reports of Committees.

Mr. Reynolds from the Committee on State Lands and State Roads, on Fourth Annual Report of the Commissioner of Highways for the State of Maine, for the year 1908, reported that the same be placed on file.

Mr. Walker from the Committee on State Prison, on Annual Reports of the Inspectors, Warden, and subordinate officers of the Maine State Prison, reported that the same be placed on file.

Mr. Macomber from the Committee on Banks and Banking;

Mr. Therriault from the Committee on Ways and Bridges;

The same Senator from the Committee on Towns;

Mr. Hill from the Committee on Indian Affairs;

Mr. Looney from the Committee on Labor;

Mr. Staples from the Committee on School for Feeble-minded;

submitted their final reports that they have acted on all matters referred to them.

Which reports were read and accepted.

Severally sent down for concurrence.

Mr. Osgood from the Committee on

Appropriations and Financial Affairs, on "Resolve in favor of John J. Dearborn," submitted the same in new draft under the same title.

Which report was read and accepted, and on motion by the same Senator, the resolve was read twice under suspension of the rules, and passed to be engrossed.

Mr. Warren from the Committee on Forest Preservation and Water Supply, to which was recommitted bill "An Act to create a state water storage commission," (new draft), submitted the same in new draft under the same title.

Which report was read and accepted, and the bill was laid on the table to be printed under the joint rules.

Passed to Be Enacted.

An Act to amend Chapter 154 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 Co.

An Act to amend Sections 42 and 44 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 amend Sections 58 and 59 of Chapter 9 of the Revised Statutes, regarding roads in unincorporated townships.

An Act to amend Chapter 48, Section 23, of the Revised Statutes relating to investments of Savings Banks.

An Act to amend Chapter 264 of the Private and Special Laws of 1905 relating to fishing in Thompson pond.

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

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

An Act to provide for ice fishing in Great Embden pond in the town of Embden in Somerset county.

An Act to regulate fishing in Webb's river and tributaries in Franklin county.

An Act to grant additional powers to the Rangeley Light and Power Co.

An Act organizing the Oquossuc Railway Co.

Finally Passed.

Resolve in favor of J. F. Getchell.

Resolve in favor of the town of Jonesboro.

Resolve in favor of the town of Addison.

Resolve in favor of the town of Bingham.

Resolve in favor of the secretary of State.

Resolve in favor of the towns of Enfield and Howland.

Resolve in favor of the State School for Boys.

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

Resolve authorizing the land agent to release the interest of the State in the islet called Turnip island in Bristol in Lincoln county.

Resolve that the land agent be authorized to convey to Joseph C. Harmon of Stonington, Hancock county, Three Bush island.

Resolve in favor of the town of Norridgewock to aid in getting a free bridge.

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

The PRESIDENT: There are three emergency measures upon their final passage, or passage to be enacted, which require the vote of two-thirds of the senators elected.

"An Act to prohibit the taking of scallops in West Penobscot bay from April 1st to October 1st of each year."

This bill contained the emergency clause and required for its passage a vote of two-thirds of the senators elected.

The question being put upon its passage to be enacted, 16 senators voted in favor of its passage and there were no votes opposed.

A sufficient number not having voted for its passage, the motion was lost. Whereupon, on motion by Mr. Macomber of Kennebec, the bill was tabled.

Subsequently on motion by the same senator, the motion to table was reconsidered.

Mr. MACOMBER of Kennebec: Mr. President: I think there was some misunderstanding as to the vote. I un-

derstand that this is an important matter; and I would like to have the vote taken again, as I cannot see any possible objection to the passage of the bill.

Mr. STAPLES of Knox: Mr. President: I would say in regard to this matter that the large scallops in West Penobscot bay have been taken out and they are now taking out the smaller ones; and the people on the coast desire to have a close time on this matter, and, if this bill is not passed, no action can be had for three months and the scallop industry will be very much injured. I hope the senators will give us a two-thirds vote, so that the interests of the scallop fishermen can be protected. The purpose of this act is to preserve the scallops; that is all.

On motion by Mr. Staples of Knox, the Senate voted to reconsider the vote whereby it refused to pass by the necessary two-thirds vote, this act.

On further motion by the same senator, the bill was placed upon its final passage; and 25 senators having voted in favor of its passage, and there being no votes opposed, the bill was passed to be enacted.

"Resolve in favor of Penobscot Tribe of Indians. (This resolve contained the emergency clause and was finally passed, 24 senators voting in favor of its passage, and there being no votes opposed).

"Resolve making an appropriation for the Passamaquoddy Tribe of Indians." (This resolve contained the emergency clause and was finally passed, 25 senators voting in favor of its passage, and there being no votes opposed).

Orders of the Day.

On motion by Mr. Staples of Knox, majority report, legal affairs committee, ought not to pass, on resolve, in favor of A. L. Dowe & Co. of Portland; minority report, same committee, on same bill, ought to pass, was taken from the table. On further motion by the same senator, the majority report "ought not to pass" was accepted.

On motion by Mr. Baxter of Cumberland, House Document No. 484, "An Act to authorize and ratify the appointment of Portland City Hall Building Commission," was taken from the

table. On further motion by the same senator, the bill was passed to be enacted.

On further motion by the same senator, House Document No. 411, "An Act to regulate hunting in Back Bay, so-called, in Portland, in Cumberland county, was taken from the table; and on his further motion, the bill was passed to be engrossed.

On motion by Mr. Wheeler of Cumberland, Senate Document No. 165, "An Act relating to the choice of assessors in towns," was taken from the table. On further motion by the same senator, the Senate voted to non-concur with the House in the indefinite postponement of the bill. On his further motion, the Senate voted to reconsider its vote whereby the bill was passed to be engrossed; and on his further motion, Senate Amendment A was adopted, and the bill, as amended, was passed to be engrossed.

On motion by Mr. Staples of Knox, House Document No. 227, "An Act empowering the Governor to remove county attorneys," was taken from the table. On further motion by the same senator, the bill was tabled and assigned for consideration, Tuesday, March 30.

On motion by Mr. Staples of Knox, memorial to Congress relating to proposed reduction of the duty on lumber, pulp and paper was taken from the table.

Mr. STAPLES of Knox: Mr. President: I do not consider it right that the senators should put themselves on record in favor of this memorial. I think that we differ very much in regard to the wisdom of not having lumber upon the free list, and I am informed by many who are in the pulp business that there is a difference of opinion upon that. It is my belief that the paper should be upon the free list. On the question of free lumber in this State, there is a wide difference of opinion between those who believe it should be protected and those who believe it should be protected. I am not disposed to discuss this matter at this time, and I doubt the wisdom of our memorializing Congress at this time upon these three propositions. I know

that there is, in this State, a diversity of opinion in regard to these three propositions, and I am not willing to be put upon record as believing in the protection of lumber at this time. I do not propose, at this time, to give my reasons why pulp and lumber should be put upon the free list, but many of us believe that they should be.

I wish to place myself, and those of my party who wish to vote with me upon this proposition, as opposed to memorializing Congress upon these three propositions. We have able Congressmen, who are capable of looking the matter over and coming to such conclusions as they deem right and proper, and I think it is unwise for the Legislature of Maine to memorialize Congress at this time and to say that we are in favor of these three propositions. I doubt the wisdom of it; and, that those who believe with me, and that I myself, may be put upon record in this matter. I think it is fair and I know of no better way of showing it, than to move, and I do move, that the memorial be indefinitely postponed, and upon that motion I would like a yea and nay vote.

The question being put upon the motion of the Senator from Knox, Mr. Staples, that the memorial be indefinitely postponed—

Mr. EATON of Washington: Mr. President, I do not propose to take up the time of the Senate to discuss this question at all. I will simply state that I presented this memorial yesterday, feeling that it was only proper and right that we should send to our Representatives and Senators at Washington some idea of the way the State of Maine feels upon this matter.

This memorial asks our Senators and Representatives to use their influence to protect lumber, paper and pulp. Gentlemen, I feel that it is a very important matter for the State of Maine. We have been here now for three months as a Legislature. We have known during this time, there has not been a word sent to our Senators or Representatives from this body on this question; and it seems to me that it is only fitting and right that we should give an expression

as to how the State of Maine feels. We can remember back distinctly to the time of the Wilson and Gorman bill, and we know what that did for the State and how our industries were stopped, and our mills were stopped, and business was carried from the State of Maine over into New Brunswick, giving the labor to that country instead of to our own.

Gentlemen, I am glad that this memorial was put in yesterday, as a telegram was received from Senator Hale on this subject yesterday afternoon, asking for such a memorial giving some idea of how the State of Maine felt on this question. I believe, gentlemen, that it is important for us to take this action and to let our Senators and Representatives know how we feel, and I hope that this motion to indefinitely postpone will not be carried.

Mr. STAPLES of Knox: Mr. President, I do not care to discuss this matter at all, but I do not think, at this time, that we can get an expression of the idea of how the people of this State stand upon this matter. I apprehend that the people of this State know—a great many of them who are not here to express their opinion know—that forty or fifty men in the State of Maine own all of the lumber in the State. I am also aware that the people of this State believe that a tariff should be put upon the necessities of life and taken off the luxuries of life, as far forth as we can, so as to protect the common man.

I believe that the people of this State—the poor men of this State—should have lumber just as free as they can have it. If a poor man wants to build a home to protect his wife and his family, he should have that lumber just as cheap as he can get it, and it should not be put into the pockets of the lumber men of the State of Maine. I do not think that it is a fair expression by this Legislature of what we may know about it. We have not the expression of the people of the State of Maine.

Mr. WARREN of Cumberland: Mr. President, we all know that, in this matter of tariff, although our political parties may oppose or support it as a matter of theory, as individuals when it

comes to a matter of practice we are very likely to act independently and in the scramble, it is hard to know who will come out ahead—

Mr. STAPLES: Will the Senator from Cumberland wait a moment?

The PRESIDENT: Does the Senator from Cumberland yield?

Mr. WARREN: Certainly.

Mr. STAPLES: I said inadvertently that we wanted to take the duty off the luxuries of life and put it on the necessities of life. I meant to have said that we wanted to take it off of the the necessities of life and put it on the luxuries of life. I thank the Senator for allowing me to make the correction.

Mr. WARREN: Mr. President, earlier in the session, I put in a memorial in favor of free coal, which memorial had a passage and has been transmitted, I think. I believe that this matter of free coal is of vast value to New England especially for the New England coast. It is a question which has hardly come in sight of us, for one reason or another. It may seem to be in bad taste for me now to oppose this memorial, but I shall have to do it.

I believe that lumber ought to be free. I believe that the duty on pulp ought to be lowered, if not eliminated. I believe that, for the good of the whole people, it would be better if the duty on paper was somewhat lowered. I believe that if we insist upon the maintenance of the duty on paper and on pulp in order to carry the thing through, everything else that is good for the State of Maine will be given away.

I believe that the bill reported by the Committee on Ways and Means is on the right line and should be supported. And I am not in favor of urging the breaking down of that bill in view of what is likely to be the result; and consequently, I shall vote for the indefinite postponement of this memorial.

Mr. WHEELER of Cumberland: Mr. President: I should just like to ask a question of my colleague, the Senator from Cumberland, through the Chair; whether the effect of the previous tariff reducing the tariff on lumber, was not to cause a reduction in the price of Maine lumber and a corresponding increase in the cost of foreign lumber, so

that the result to the State was not a saving in the cost of lumber, but a loss to the lumber industries of the State?

Mr. WARREN: Mr. President: I could not answer the question of the Senator as to the effect; I do not know what the effect of the change was. I only know, as we all know, that a reduction in the duty on lumber—will eventually somewhat lower its cost. Lumber is a raw material which ought to come in free. That we have none too much lumber growing in our State and in the United States, we well know. It is proper and right that we should draw upon the Canadian lumber, and that the Canadians will have a part of that lessened duty. I have no question that we shall have to divide with them, and I can not answer as to the effect of the former change, for I do not remember just what came about.

Mr. REYNOLDS of Kennebec: Mr. President, I should feel badly to see Maine vote for free lumber, for a man who pays duty on it today knows what the price is. We have plenty of lumber in Maine for a good many years to come. Our children and grandchildren will be out of sight before it gets very high. Pine is not worth a dollar more than it was 30 years ago. They are getting the same price for pine and hemlock, and I think it would be a shame not to have a duty on lumber. They can ship it in now and sell as cheap as we can, but it is not growing any smaller.

Mr. WARREN: Mr. President, I object to the statement made by the senator from Kennebec, that pine lumber and spruce lumber is no higher than it was 20 years ago. It certainly is, in the section of the State where I live. The price of pine has gone up a long ways, and the price of spruce has gone up a long ways, and the price of all lumber has gone up. It is true, just at this time, that the price of lumber is, in some details, a little lower than two years ago, but that is on account of the suspension that now exists in business. There is absolutely no question that when there is a revival, the price of lumber is going up a good long ways, in spite of the tariff. Lumber is getting expensive and, eventually, will be more expensive. We need to

draw on the lumber of our neighbors and not shut ourselves up to our own borders.

MR. REYNOLDS: Mr. President, I can speak from experience. I hauled lumber all winter 30 years ago, and pine lumber then brought \$13 a thousand, and for common sapling they paid \$13.50, on the Kennebec river this year. And that is the best I could get for hemlock lumber this year, and there were oceans and oceans of it for sale, at \$8 a thousand, and 20 years ago it was worth that, and 25 years ago it was worth that. I have hauled it over 30 years and the price today on pine has not changed any. You could not go into the market then and buy good pine lumber for less than from twenty-five to thirty dollars a thousand manufactured, and it brings just the same price now. And there is not any pine in Canada which is any better. The price of spruce is higher on account of the pulp mills, but it is not worth any more than it was 10 years ago.

MR. EATON of Washington: I would say, in answer to the senator from Kennebec, that I remember distinctly the price of spruce lumber in 1872 and 1873. It was just as high at that time as it is today.

The question being put upon the motion that the memorial be indefinitely postponed, the yeas and nays were ordered and the vote being had resulted as follows: Those voting yea were Messrs. Baxter, Boynton, Hill, Looney, Lowe, Osgood, Staples, Warren (8). Those voting nay were Messrs. Colcord, Eaton, Emery, Gowell, Hamilton, Hastings, Howes, Irving, Knowlton, Macomber, Milliken, Minott, Mullen, Reynolds, Shaw, Theriault, Walker, Wheeler (18).

So the motion was lost.

Thereupon, upon motion by Mr. Eaton of Washington, the memorial was adopted.

On motion by Mr. Macomber of Kennebec, Bill, "An Act to amend the charter of the Augusta Water District," was received, and, under suspension of the rules, took its two several readings without reference to a committee and was passed to be engrossed.

On motion by Mr. Macomber of Kennebec, Bill to provide for competitive bids and the award of State contracts for the construction of State buildings and bridges, together with accompanying report "ought to pass," was taken from the table; and on his further motion, the report was accepted, and, under suspension of the rules, the bill took its several readings and was passed to be engrossed.

On motion of Mr. Baxter of Cumberland, the Senate voted to reconsider the vote whereby it passed to be engrossed Senate Document No. 479, "An Act to consolidate and revise the military laws of the State of Maine." On further motion by the same Senator, House Amendment A was adopted in concurrence. On further motion by the same Senator, the bill as amended was passed to be engrossed.

On motion by Mr. Knowlton of Piscataquis, the Report of the Committee of Salaries and Fees, on Bill "An Act to amend Section 1 of Chapter 150 of the Public Laws of 1905, providing for clerk hire for the Register of Probate for Piscataquis County," "ought not to pass", was taken from the table. On further motion by the same Senator, the report was accepted.

On motion by the same Senator, House Document 269, "An Act creating an open time on grey and black squirrels in York, Kennebec and Washington Counties," was taken from the table. On motion by Mr. Warren of Cumberland, this bill was indefinitely postponed.

Mr. Theriault of Aroostook presented "Resolve in favor of the clerk of the Committee on Towns and Indian Affairs," and on his motion, under suspension of the rules, the resolve took its two several readings and was passed to be engrossed.

On motion by Mr. Gowell of York, House Document No. 664, "An Act to amend Chapter 140 of the Revised Statutes, relating to coroners' inquests and the appointment of medical examiners," 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. Gowell of York, House Document No. 609, "An Act

additional to Chapter 135 of the Revised Statutes, relating to witnesses in criminal proceedings," was taken from the table; and, on his further motion, the same was passed to be engrossed.

Passed To Be Enacted.

An Act to authorize the Rangeley Lake Steamboat Company to maintain service in Rangeley Lake.

On motion by Mr. Mullen of Penobscot, bill to amend law about collection and payment of county taxes by State treasurer, was taken from the table; and, on his further motion, the bill was indefinitely postponed.

On motion by Mr. Colcord of Waldo, House Document No. 210, "An Act to amend Section 11 of Chapter 39 of the Revised Statutes, relating to the sale of milk," was taken from the table.

Mr. COLCORD of Waldo: Mr. President: This is a short bill, and I will read it, as I think the Senators will understand it better from the text of the bill than from anything I can say:

"Section 1. Section eleven of chapter thirty-nine of the Revised Statutes is hereby amended so as to read as follows:

"Sect. 11. All measures, cans or other vessels, used in the sale of milk, shall be sealed by the sealer of weights and measures by wine measure, containing thirty-two ounces to the quart, and all quart bottle containing less than thirty-two ounces or more than thirty-two ounces and three drams, all pint bottles containing less than sixteen ounces or more than sixteen ounces and two drams, and all half pint bottles containing less than eight ounces or more than eight ounces and one dram, shall be condemned, all bottles within the above limits shall be passed as containing full measure, and all other measures, cans or other vessels shall be marked by the sealer with figures indicating the quantity which they hold; and whoever sells by any other measure, can or vessel, forfeits twenty dollars for each offense."

It seems to me, Mr. President, that it is drawing it pretty fine when we charge a man \$20.00 for such an offence. I move that the bill be indefinitely postponed.

Mr. HOWES of Somerset: Mr. President: I would say that this bill had a full hearing before the committee, and that all parties appeared before us and the bill was brought in by the committee accompanied by a unanimous report, and it seemed to answer the demands of the people interested at the time. But, we are willing to make a little more leeway, and I hope that the Senate will sustain the report of the committee. The bill was fully heard and there was no one who appeared in opposition to the bill.

The pending question being upon the motion that the bill be indefinitely postponed, Mr. Howes of Somerset called for the Yeas and Nays.

Mr. MACOMBER of Kennebec: Mr. President: I would like to inquire of the Senator whether this question was thoroughly provided for in this bill can only be manufactured on one machine and by one concern, which controls that machine. If that is so, that a little joker that does not appear on the face of the bill, and I would ask whether that fact was before the committee or not.

Mr. HOWES of Somerset: Mr. President: I will say that there was no opposition to the bill at the time and those interested were in the lobby, but did not appear before the committee. Those same parties, after the bill had been reported by the committee, endeavored to strike out the "three," "two" and "one dram" proposition, as I understand it.

Mr. HAMILTON of York: Mr. President: I wish to ask Senator Howes if the bill that has gone through, Number 220, does not define by what measure milk should be sold? If I remember right, that says "wine measure," and, if that is the fact, the only objection I can see to this bill is—taking my own vicinity, and I suppose it is the same in other parts of the State—our milkmen all have bottles, and if, as stated, they have got to get new bottles, it will be an immense expense and hardship. I am in favor of Senate Bill No. 220, which states it as "wine measure." I understand, as the Senator from Kennebec has stated, that this one concern has a monopoly and a patent, which the other concerns cannot get. That being the

fact, and in view of the other fact that the measure is defined by "wine measure," it seems to me that there is no necessity for this bill, and it would only be aiding a monopoly; while, on the other hand, it would work a great hardship upon the milkmen of the State who have bottles that do not correspond with the requirements of that bill. For that reason I should vote against it, and for that reason only.

It is an important matter that there should be a standard for milk, by which all milk should be sold, and that it should not be allowed that one man might sell a large amount and another a small amount. It should be a rule. And I think you have, in No. 220, just what we want. The only difference is that, in this bill you say the bottles in which they carry the milk shall be just so and you cannot carry it in any other kind of bottle under a penalty of so much—I don't remember how much. If I am correct in regard to the provisions of No. 220, I should certainly vote against this bill; because, as I say, it is measured by "wine measure," and it does not make so much difference about the bottle.

Mr. HOWES of Somerset: Mr. President: As I understand it, this does not apply to bottles now in use at the present time, that have already been sold, but only to new bottles.

Mr. HAMILTON: Let me state further that most of the bottles, if not all, could be used just as well, but by this bill you have got to throw them all away and start new, and it appears that the measure would create a monopoly for the one concern that manufacture the bottle.

The question was put upon the motion by the Senator from Waldo, Mr. Colcord, that the bill be indefinitely postponed,—

Mr. HASTINGS of Oxford: Before the vote is taken, I would like to ask the Senator from Piscataquis if the standard measure stated in No. 220, and that stated in No. 210 is the same?

Mr. HAMILTON of York: Doesn't it say in No. 220 that it shall be "wine measure?"

Mr. HAMILTON: Yes, but it is a different standard, one being 32 ounces to the quart.

Mr. WARRE.. of Cumberland: Before the vote is taken, I wish to say that I do not believe we are adequately informed in regard to this matter. I understand that the motive for this bill is the fact that the present law provides that the bottles shall be of an exact size, and that the inspector is compelled to reject bottles that are oversize, and that there should be some latitude in this matter. This is not the place to discuss the question. This bill has been reported favorably by the Committee, and I am inclined to think that the report of the Committee would be correct, and I am not in favor of the indefinite postponement of the bill.

Mr. MILLIKEN of Aroostook: Mr. President: I understand the Senator from Somerset to say that, if the bill is not indefinitely postponed, the Committee would agree upon an amendment making the leeway larger. It seems to me the objection to the bill is the one stated by the Senator from Kennebec, and that there would be no objection to the bill if it were not for that objectionable feature. I shall vote against the postponement of the bill with the idea that later on an amendment will be offered.

Mr. MACOMBER of Kennebec: Mr. President: Would it not be better that the bill should be temporarily laid on the table, than to vote on its indefinite postponement. It might then be fixed satisfactorily to everybody. It is quite a serious matter in its present form.

Mr. LOONEY of Cumberland: Mr. President: I agree with the Senator from Kennebec. I think it is a very serious matter. I do not understand it myself and, for that reason, I would like to have a longer time to consider it. It seems to me the part of wisdom to follow the suggestion of the Senator from Kennebec, that this matter be tabled to that we can give it more mature consideration.

Mr. Macomber of Kennebec thereupon moved that the bill be tabled and assigned for to-morrow.

The President ruled that the motion to table took precedence over the motion to indefinitely postpone; and thereupon the bill was tabled and assigned for tomorrow.

On motion by Mr. Hastings of Ox-

ford, the Senate took a recess until 2 o'clock P. M.

Senate, 2.00 P. M.

Senate called to order by the President.

Papers from the House disposed of in concurrence.

The Committee on State Lands and State Roads, on "Resolve authorizing the Land Agent to make a deed conveying Spruce Island, in Meddybemps, to F. M. Chilson & Company of Woonsocket, Rhode Island," reported legislation thereon inexpedient.

The report was accepted.

On motion by Mr. Hastings of Oxford, the Senate took a recess until 3.30 P. M.

Senate, 3.30 P. M.

Senate called to order by the President.

Bill, "An Act relating to the common school fund and the means of providing for and distributing the same," in new draft, with report of the Committee on Taxation, "ought to pass" accompanying same, came from the House.

On motion, duly seconded, the report was accepted and the bill took its first reading.

The PRESIDENT: This bill comes from the House amended by House Amendment A.

House Amendment A adopted in concurrence.

The pending question being upon the assignment of the bill for second reading—

Mr. WHEELER of Cumberland: Mr. President: I will offer the formal motion that the bill take its second reading at the present time. I realize that this is an extremely important matter. It is, by all means, the most important measure that has come before this legislature during the present session. It has just been acted upon in the House; and I understand that many members of the Senate are not quite certain in their own minds as to whether the bill, in its present form, ought, or ought not to pass. Personally I am prepared to vote upon the measure at the present time; and I make the formal motion that it take its second reading at the present time in order that the question of its assign-

ment for second reading may be considered by the Senate.

Mr. MILLIKEN of Aroostook: Mr. President: I do not know how the rest of the Senate feel about the matter, but it is now four o'clock in the afternoon; and personally I am not prepared to vote upon the bill at the present time, unless there should be full discussion, which I apprehend there could not be if it were to be considered today. I have no suggestion to offer as to the time when it should be considered, but I should prefer, speaking for myself, not to have it voted upon now.

The PRESIDENT: The pending question is upon the motion of the Senator from Cumberland, Mr. Wheeler, that the present time be assigned for the second reading of the bill.

Mr. IRVING of Aroostook: Mr. President, I simply wish to ask if it would be in order to make a motion for the consideration of that bill, at the present time.

The PRESIDENT: The pending motion is the motion of the Senator from Cumberland, Mr. Wheeler, that the bill take its second reading at the present time. The question may be discussed upon the motion of the Senator from Cumberland, Mr. Wheeler, that the present time be assigned for its second reading.

Mr. IRVING: Mr. President: It would not be in order to assign for some future time?

The PRESIDENT: I would be in order to move that it be assigned for some future time.

Mr. IRVING: Mr. President, I move that the consideration of that question be assigned for Tuesday of next week.

Mr. MACOMBER of Kennebec: Mr. President: I have no reason for and do not desire any undue haste in this matter; but I want to call the attention of the Senate to the situation we shall be in if his matter is postponed until next Tuesday. Nothing can be done with reference to the printing of the tax bill until after this matter is disposed of. If we postpone the assignment for second reading until next Tuesday, I see no way by which this Legislature can adjourn next week. Now that is not a matter of much consequence to me; and

I think the friends of this measure want to be entirely fair, and to give everybody an opportunity to discuss it. It has been pretty thoroughly discussed in the other branch; and every member understands now just how he will vote on the proposition; and while I will not object, if any considerable number of the Senators want a final vote, my judgment is that it will be a mistake to postpone it until next week.

Mr. OSGOOD of Androscoggin: Mr. President, I move the previous question. The motion was seconded.

The PRESIDENT: The pending question is upon the motion of the Senator from Aroostook, Mr. Irving, that next Tuesday be assigned for the second reading of the bill.

Mr. IRVING of Aroostook: Mr. President: I have no feeling whatever in this matter, but I realize, with every Senator here, that it is a matter of great importance and perhaps the greatest that has come before us at this session, to decide. I think there is some doubt in the minds of a good many as to just how they ought to vote on it; and, even if it means the holding of this Legislature for another week, I do believe we ought to decide it fairly. I have the utmost confidence in the fairness of this body; and I do believe that we want to be fair about this matter. It is a question that affects the whole State and in a very sensitive manner. It means the raising of a large amount of money, and we want to fully understand the question. Therefore I insist, if it is in order that Tuesday next be assigned for the consideration of this bill.

The PRESIDENT: The pending question is upon the motion of the Senator from Aroostook, Mr. Irving, that next Tuesday be assigned for the second reading of the bill.

Mr. Howes of Somerset thereupon called for the Yeas and Nays.

The Yeas and Nays being order, the vote being had resulted as follows: Those voting Yea were Messrs. Eaton, Gowell, Hamilton, Hastings, Howes, Irving, Knowlton, Milliken, Shaw, Theriault, Walker, (11). Those voting Nay were Messrs. Baxter, Boynton, Colcord, Hill, Looney, Lowe, Macomber, Minott, Mullen, Osgood, Reynolds, Staples, Warren, Wheeler (14).

So the motion was lost.

The PRESIDENT: The pending question now is on the motion of the Senator from Cumberland, Mr. Wheeler, to assign the present time for second reading.

Mr. HAMILTON of York: Mr. President: Would I be in order to make a motion to assign some other day.

The PRESIDENT: It would be in order to assign some other and later day than today.

Mr. HAMILTON of York: Mr. President: From the remarks of the Senator from Cumberland, when he made his motion, it appears that this is a bill of a good deal of importance to the State and a bill that has been a long while in the other House, and of its hearing there, of which none of us here has had the benefit, at least I have not, and I know a good many others have not; and if it was so long there, it seems to me we ought to have some time here upon it in order that we may be prepared to vote intelligently.

I know that we are all anxious to get home. I realize that fact. But it seems to me that a day or so would be of but little consequence in a matter of this importance, and we have worked conscientiously up to this time and I do not think we should now do an act that would not be proper and right.

I would ask of Senator Macomber, through the President, if the matter of printing could not be started and the final figures put in later. I suppose there is only one item to go in later. I know nothing about the matter however. But I do not see why this item should stop the printing of the whole bill, and it seems to me that there could be no great injury or much delay if this matter should go over. I was going to make a motion that tomorrow morning be assigned, but that would be unfair, because many of the Senators do not want to be here tomorrow; and if this bill is of such importance as the Senator from Cumberland says, all the Senators should be here, so that we may get the wisdom of the whole, and not of a few. I believe it would be eminently fair, and I make the motion that this be assigned for Tuesday at nine o'clock, if that motion would be in order.

The PRESIDENT: The Chair rules

that that motion is not in order, as it is in substance the same as the previous motion.

Mr. HAMILTON: I will move that it be assigned for Monday at 4 o'clock.

The PRESIDENT: The pending question is on the motion of the senator from York, Mr. Hamilton, that Monday at 4 o'clock be assigned for the second reading of the bill.

Mr. WHEELER of Cumberland: I fear that the senator from York, Mr. Hamilton, misunderstands the effect of this bill upon the general bill. The question which this bill presents is, whether there is to be an increase in the tax rate of the State of one and one-half mills. If this bill is rejected, the tax rate remains at three mills. If this bill passes, the State tax rate will then be four and one-half mills; and you cannot begin the printing of your tax bill until you know what the rate is to be. I believe there are between five hundred and six hundred pages in this tax bill, and it will take nearly, if not quite, a week to print it. The bill contains the amount assessed upon every city and town in the State and upon every piece of wild land in the State; and after you have ascertained the rate, you have then to multiply the valuation by the rate to get the exact amount for which each piece of property of the State is to be assessed by the State. It is absolutely impossible to begin the printing of that tax bill until this question is decided.

Realizing the great importance of this question, I feel that the senators should have some little time to consider it, if they desire time; and I am not at all opposed to the assignment of the matter for tomorrow morning. If the matter is decided this week, the printers may go at work on the bill tomorrow night and Sunday, and Sunday night, while the rest of us are at home; but if the matter is delayed until next week, the inevitable result will be that we shall have to come back week after next—we cannot possibly adjourn next week, but must come back the week following.

Some of the senators desire to be away tomorrow; but, it seems to me, they must choose between being here tomorrow, and being here week after

next; and they must decide that in their own way. I am willing to come here week after next if the Senate desires, or I am willing to be here tomorrow and decide it then.

Mr. HAMILTON: Mr. President: If it is so important that this bill be printed, and if it is so important, as he states it is, why is it that the tax bill has been delayed so long in the other House? There must be negligence somewhere to account for the fact that the bill has just come here and that it has come just at a time when, they say, it must be attended to or else we are all gone to the how-ows.

Mr. WHEELER of Cumberland: Mr. President: I will say in answer to the inquiry from the senator from York that six or seven different measures were presented to the committee on taxation dealing with this same subject matter. They came in at all times during the session. They were assigned for hearing. It was impossible for the committee to make a report upon any one of these measures until we had had a hearing upon all of them. After we had had our final hearing upon the last one of these measures, the committee then, as expeditiously as possible, considering the magnitude and importance of the subject, and considering all of these various bills, finally agreed upon the measure which is now before you. That bill was reported to the House. It being a bill for the raising of revenue, it was necessary for us to report it to the other branch of this Legislature. At the same time, we reported all of the other bills which were sent to us from time to time, and these bills have been on the calendar of the House ever since the committee reported them. They have been assigned, and set forward from time to time in the other branch, and only today was a final vote taken upon these matters. There has been no unnecessary delay on the part of the committee on taxation, and there has been no delay on the part of any member of the Senate.

The PRESIDENT: The pending question is upon the motion of the senator from York, that next Monday, at

4 o'clock, be assigned for the second reading of the bill.

The question being put by a rising vote, 10 senators voted in the affirmative and 14 in the negative, and the motion was lost.

Mr. STAPLES of Knox: Mr. President: I am always willing to be fair, but I apprehend that every senator in this body is satisfied in his own mind how he is going to vote upon this important proposition. I do not think the taxation committee is guilty of any laches in not reporting this matter before, but this matter has been thrashed out, and almost every senator who will be, must be converted to this measure at this time, and it seems to me you should not put it over until Monday evening. It may be inconvenient for some of the senators to be here tomorrow, but we have a duty to perform and I move that the matter be assigned for tomorrow morning at 9 o'clock.

Mr. HASTINGS of Oxford: Mr. President: It having been decided that we cannot take this matter over until next week, it seems to me that we are just as ready to consider it now as we shall be tomorrow. If it is not to go over until Monday or Tuesday, I move that we consider it now. We are just as ready to vote on it now as we shall be tomorrow morning and just as well prepared to act on it.

The PRESIDENT: The pending question is upon the motion of the senator from Knox, Mr. Staples, that tomorrow morning at 9 o'clock be assigned for the second reading of the bill.

The question being put upon a rising vote, 15 senators voted in the affirmative and 11 in the negative, and the motion prevailed.

The bill was assigned for second reading tomorrow morning at 9 o'clock.

Subsequently Mr. Staples of Knox moved that the vote whereby the bill was assigned for second reading tomorrow at 9 o'clock, be reconsidered.

Mr. MILLIKEN of Aroostook: Mr. President, I want to say on that proposition that I think that some of the senators have left the Senate chamber on the understanding that the matter was settled; and I also understand that a two-

thirds vote is necessary to take the matter up now.

The pending question being put upon the motion to reconsider, and a rising vote being taken, 11 senators voted in the affirmative and nine in the negative.

So the motion to reconsider prevailed.

Mr. STAPLES of Knox: Mr. President, I now move that it be assigned for second reading at the present time, for the reason that I think that every senator who desires to discuss it tomorrow can do it just as well now.

Mr. MILLIKEN of Aroostook: Mr. President, does not that require a two-thirds vote?

The PRESIDENT: The Chair will ask the senator from Aroostook to state the ground of his inquiry.

Mr. MILLIKEN: Mr. President, I understand that the bill has just had its first reading, and in order to assign it for a second reading a suspension of the rule is necessary, if I am correct.

The PRESIDENT: The Chair rules that the point taken by the senator from Aroostook, Mr. Milliken, is well taken, and that in order that this may be read a second time, at the present time, without reference to the committee on bills in second reading, the rules must be suspended. The point is well taken. The Senate, however, may vote, by a majority vote, to send it to the committee on bills in second reading, at the present time, and instruct them to report immediately.

Mr. STAPLES of Knox: Mr. President, that being the ruling of the Chair, I move that the rules be suspended and that it take its second reading at the present time, without reference to the committee on bills in second reading.

The question being put upon the motion to suspend the rules and to assign the bill for second reading at the present time, a rising vote was taken, 10 senators voting in the negative and seven in the affirmative.

So the motion was lost.

Mr. HASTINGS of Oxford: Mr. President, may not this bill be committed to the committee on bills in second reading at the present time by a majority vote? I move that this bill be committed to the committee on bills in the second reading at the present time.

Mr. GOWELL of York: Mr. President,

this is a very important matter and it has just come to the attention of the Senate; and it occurs to me that there is nothing to be gained by trying to treat this matter with undue haste or to railroad a measure of this kind through the Senate in such a short time. Most of the senators have expressed a desire to consider the bill further, and I hope that the friends of the measure will not insist upon action this afternoon.

Mr. HASTINGS of Oxford: Mr. President, I voted to postpone the hearing of this matter until next Tuesday and also to postpone until next Monday. But that not having met the pleasure of the Senate it seems to me that we are just as ready to go on with the consideration of this bill today as we shall be tomorrow morning. I do not desire to hurry it. I am ready to come back here another week, and that is why I voted with Brother Gowell and with Brother Hamilton for next Tuesday. But that not being possible I am convinced that we can just as well consider it now as tomorrow morning; and I insist upon my motion.

Mr. REYNOLDS of Kennebec: Mr. President, I think we ought to let these printers go home and not have them kept at work on this printing machine all day Sunday.

Mr. SHAW of Kennebec: Mr. President, in order that this may not be considered with undue haste, I would like to consider this over night and look into it more carefully. My attention has been called to other things and I have not been able to give it the time I would like to. As to its interference with business, I think my business would suffer as much as anybody's here. I ought to be at home now, or ought to go home early in the morning, but I am willing to waive everything and stay right here to consider this carefully, thoroughly, well and justly, and I hope its consideration will not be deferred.

Mr. HAMILTON of York: Mr. President, it seems to me eminently fair that this be considered tomorrow morning, and I hope the Senate will so vote. It does not speak well for the courtesy of the Senate to try to railroad this bill through now and I hope the Senate will allow it to remain until tomorrow morning.

Mr. WARREN of Cumberland: Mr.

President, I understand it will be impossible for some of those who are here tonight to be here tomorrow morning; and I will move that it be assigned for 7.30 this evening for further consideration.

Mr. IRVING of Aroostook: Mr. President, I learn from the State assessors' room that they have already made up the tax list at three mills for this year and that it would not delay the printing if we postponed this measure until the first of next week. In the event of our passing this in its entirety, or by amendment, the tax rate would not be changed, and I think it would not interfere with the printing and that they could do just as well if they got the rest of this the first of next week.

Mr. Osgood of Androscoggin moved that the Senate adjourn until 8.30 tomorrow morning. Mr. Eaton of Washington seconded the motion.

The PRESIDENT: The motion is not debatable.

Mr. BAXTER of Cumberland: Mr. President, may I ask a question? I would like to inquire if the motion to assign this bill for consideration tomorrow morning was carried, that is, if we adjourn now this bill will come up for consideration tomorrow morning without further action by the Senate.

The PRESIDENT: The matter has not been assigned for tomorrow morning. The motion whereby it was so assigned has been reconsidered. There is now no time assigned for its consideration.

Mr. LOONEY of Cumberland: I will ask the senator from Androscoggin if he will not delay his motion for a few moments in order that a measure which is of vital importance to the city of Portland, and which has unanimously passed the House and is now on the table of the secretary, may be passed by the Senate.

Mr. OSGOOD: Mr. President, I will withdraw my motion in favor of my friend from Cumberland.

Mr. STAPLES of Knox: Mr. President: Is there any motion before the Senate?

The PRESIDENT: There are several, among which is the motion of the Senator from Androscoggin to adjourn until tomorrow morning, which motion he has withdrawn temporarily.

On motion by Mr. Looney of Cum-

berland, Bill "An Act to authorize the City of Portland to acquire property and to issue its bonds and notes for municipal purposes," was passed to be enacted.

On motion of Mr. Milliken of Arcos-took, Senate Document No. 358, "Resolve in favor of the University of Maine," was taken from the table; on his further motion the vote whereby the resolve was finally passed, was reconsidered; also the vote whereby the resolve was passed to be engrossed was reconsidered. On further motion by same Senator, Senate Amendment A was adopted, Senator Milliken stating that the amendment is a compromise agreed upon between the Governor and the Trustees of the University, and with the understanding that the agreement is satisfactory to the Committee on Education. On further motion by the same Senator, the resolve as amended was passed to be engrossed.

On motion by Mr. Baxter of Cumberland, Senate Document No. 471, "An Act for the licensing of dogs and for the better protection of sheep," was taken from the table; and on his further motion, the bill took its second reading and was passed to be engrossed.

On motion of Mr. Wheeler of Cumberland, the Senate took a recess for ten minutes.

At the close of recess the Senate was called to order by the President.

On motion by Mr. Wheeler of Cumberland, the Senate voted to reconsider the vote whereby it refused to assign for consideration of Bill "An Act relating to the common school fund and the means for providing for and distributing the same," for Tuesday, March 30.

Mr. MINOTT of Sagadahoc: Mr. President: I rise to a point of order. Was not there a motion by the Senator from Oxford that the bill be referred to the Committee on Bills in the Second Reading?

Mr. HASTINGS of Oxford: Mr. President, I will withdraw that motion.

Mr. WHEELER of Cumberland: Mr. President: I now move that this matter be assigned for next Tuesday morning; and in explanation of that motion, I will say that any earlier date does

not seem to meet the convenience of all members of the Senate.

With reference to the printing of the tax bill, I find that the rate will not, in any event, be affected by this bill for 1909. This act will not take effect until ninety days after the adjournment of the legislature. Consequently, we must assess the State tax for this year, regardless of the passage of this bill, if it obtains a passage. I am informed that all of the time of the printers will be required from now until Tuesday in printing the tax bill for 1909; and that it will not delay the final adjournment of the Legislature if this matter is deferred until that time. That is my reason for the motion.

Mr. MINOTT of Sagadahoc: Mr. President: As I understand it, the House has a Committee on Ways and Means, that is not overworked, and that Committee is instructed what rate to put in this tax bill that we are going to have finally. I further understand that, if we do not get this bill so that the Committee will have it, that they will not report to the House until this is disposed of by the Senate; and it seems to me this matter ought to be considered before next Tuesday.

Mr. WHEELER of Cumberland: Mr. President: I suppose there is no reason why the Committee on Ways and Means may not report the necessary tax rate for 1909 on the basis of present appropriations, and regardless of this bill. That will give all the material the printers can use between now and next Tuesday. I think I am safe in saying that in order to hasten adjournment, the printers will print the tax bill, assuming that the present rate is to be maintained, in that way anticipating the determination of the Legislature upon that point. I think there is no danger that the Legislature will be delayed in its adjournment, if the consideration of this matter is delayed until next Tuesday.

The question being put upon the motion that next Tuesday morning at 9:00 o'clock be assigned for the consideration of the bill, the motion prevailed.

On motion by Mr. Osgood of Androscoggin, the Senate adjourned.