

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

SENATE.

Tuesday, March 30, 1909.

Senate called to order by the President.

Prayer by Rev. Mr. Clifford of Gardiner.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

An Act to amend Section 55 of Chapter 88 of Paragraph 6 of the Revised Statutes, relating to trustee process. (This bill was by the Senate passed to be engrossed. By the House the bill was indefinitely postponed. On motion by Mr. Hamilton of York, The Senate voted to insist upon its former action and to request that a committee of conference be appointed.)

Resolve in favor of Ray P. Eaton, former Register of Deeds of Cumberland County. (This bill was by the Senate passed to be engrossed. By the House, the resolve was indefinitely postponed. On motion by Mr. Wheeler of Cumberland, the resolve was tabled.)

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 for damage done to growing crops by deer. (By the Senate this bill was passed to be engrossed. In the House the bill was indefinitely postponed. On motion by Mr. Walker of Hancock, the Senate voted to insist and that a committee of conference be appointed.)

An Act to correct certain Clerical errors to amend an act entitled "An Act to create a lien on manufactured staves and laths, approved March 18, 1909." (This bill came from the House passed to be engrossed without reference to a committee. On motion by Mr. Milliken of Aroostook, the Senate voted to concur with the House, and, under suspension of the rules, the bill took its two several readings and was passed to be engrossed.)

An Act relating to the use of nets and seines in Narragausus River and Bay. (This bill by the Senate was passed to be engrossed. By the House it was passed to be engrossed as

amended by House Amendment A. On motion by Mr. Wyman of Washington, the Senate voted to reconsider its vote whereby it passed the bill to be engrossed. On his further motion, House Amendment A was adopted in concurrence, and, as amended, the bill was passed to be engrossed.)

House Bills on First Reading.

An Act to amend Chapter 147 of the Public Laws of 1907 creating the office of State Auditor. (On motion by Mr. Knowlton of Piscataquis, under suspension of the rules, this bill took its second reading. On motion by Mr. Macomber of Kennebec, the bill was tabled pending its passage to be engrossed.)

An Act to establish a board of police for the city of Waterville. (On motion by Mr. Knowlton of Piscataquis, under suspension of the rules, this bill took its second reading and was passed to be engrossed.)

An Act to amend Section 15 of Chapter 4 of the Revised Statutes, relating to the election of road commissioner. (This bill came from the House amended by House Amendment A, and the report "ought to pass" accepted. The report was accepted in concurrence and House Amendment A was adopted in concurrence, and, on motion by Mr. Knowlton of Piscataquis, under suspension of the rules, the bill took its second reading as amended. On motion by Mr. Minott of Sagadahoc, the bill was tabled pending its passage to be engrossed.)

An Act relative to motor vehicles and the operation thereof. (This bill came from the House, by that branch indefinitely postponed. On motion by Mr. Baxter of Cumberland, this bill was tabled.)

An Act to regulate the employment of legislative lobby counsel and agents and to provide for the return of legislative expenses. (This bill came from the House, having been reported by the Committee on Legal Affairs, "ought to pass," the report accepted by that branch.

Mr. KNOWLTON of Piscataquis:—Mr. President: I suppose the proper thing to do would be to have this laid on the table and discussed at a stated

time, or would it be in order for discussion at the present time?

The PRESIDENT: It is in order at the present time, unless a motion is made to lay upon the table.

Mr. KNOWLTON: I am inclined to think that it would be better laid upon the table. I wish to say something on that subject. I certainly am not willing that these good brethren that have so enlightened us and who have been a light in the dark places of the session, should be banished from this House; and is, I suggest that it lie on the table.

Mr. MACOMBER of Kennebec: Mr. President: It seems to me that we are just as able to settle this now as tomorrow, and, unless we settle some of these matters, this Legislature will not adjourn this week. I move, if the motion is in order, that the bill be indefinitely postponed. I do not believe the Senate wants to say to the citizens of this State that they shall not come here and have their cases heard. I believe it is all wrong and that we ought to call it right here now.

The PRESIDENT: The pending question is upon the motion the motion of the senator from Piscataquis, Mr. Knowlton, that this bill lay on the table. That motion takes precedence to the motion to indefinitely postpone.

Mr. KNOWLTON of Piscataquis: Mr. President: I withdraw my motion that this bill lie on the table.

The PRESIDENT: The pending question is upon the motion of the senator from Kennebec, Mr. Macomber, that this bill be indefinitely postponed.

Mr. KNOWLTON of Piscataquis: Mr. President: I was certainly very much surprised in listening to the statement in the House in regard to this matter. I do believe the people up in the country ought to understand about this matter. I know the impression all over Maine is that there is here at Augusta a very pernicious and wicked lobby and that they sway legislation. Really, Mr. President and senators, of course we are all aware that this is a representative body and the only way for the people to have any voice in the making of the laws it is eminently just and fitting and it is

imperative that men should come here and appear before the committees and that they should inform the committees all about these matters.

Now after these men have done their work before the committees, I see no reason in the world why we should banish them from this House or why they should not stay here, or why they have not the same right as other people have, and, as far as I am concerned, I should regard it as a great loss. It has been a great consolation to me when things have gone along well here, when I have had some pet measure defeated, to go into the lobby and have some nice looking man catch me by the arm and say: "See here, senator, I know you are a man of influence and I would like to talk with you." It has been a light spot in the chaos of things, and so I do not want these men banished from the House. Why, my domestic life has been greatly enhanced by some of these gentlemen. When my wife was here, I introduced her to some of them and every one, I think, informed her how influential a man I was here, and so it has been all through the session. I object to the banishment and I object to the restriction. With the idea of having these gentlemen who have come here and who have enlightened us by their information and knowledge that we could not otherwise obtain, I think that they ought to be allowed to come here without having the placard on their backs, such as was on the newspaper the other day. I certainly am in favor of the indefinite postponement of a bill of this sort, and, if there is a man in the House or Senate that feels that his virtue is being tampered with, and if his spine is not stiff enough to withstand the influence of these men, he would better resign and go home. I want to congratulate the House and Senate on another thing. I was here two years ago and was in the House, and I met a lot of these gentlemen then. I met them this year, and I must say that there has been a wonderful improvement. Now, if we leave them alone, they will go on working out this survival of the fittest. Two years ago, I will admit, that occasionally when I got near one of these men in the lob-

by, I discovered that there were certain perfumes of Arabia pervading the atmosphere, which I was not used to, and I walked away and I had to get away a considerable distance, because, in the language of the poets, "You may break, you may shatter the vase if you will, but the scent of the roses will cling to it still." But I have not discovered anything of the sort this year and I am heartily in favor of the motion of the senator from Kennebec.

The PRESIDENT: The Chair will state the situation, because it was not stated with perfect accuracy at the beginning of the discussion as it had not been examined fully. The bill is as follows: "An Act to regulate the employment of legislative lobby counsel and agents and to provide for the return of legislative expenses." The bill was referred to the committee on legal affairs and two reports were presented. The majority report being "ought not to pass," and the minority report being "ought to pass." The question is upon the motion of the senator from Kennebec, Mr. Macomber, that the bill is indefinitely postponed.

Mr. MILLIKEN of Aroostook: Mr. President: As I understand it, the bill has not been printed. Am I correct?

The PRESIDENT: It was printed when it was originally introduced, pending its reference to a committee.

Mr. MILLIKEN: Is the bill which is reported the same bill?

The PRESIDENT: It is the same bill.

Mr. MILLIKEN: What is the number of it?

The PRESIDENT: It is House Document No. 108.

Mr. MACOMBER of Kennebec: Do I understand that my motion is the proper one, both these reports being before the Senate, is the motion to indefinitely postpone in order?

The PRESIDENT: The Chair understands that the motion to indefinitely postpone is a proper motion. A motion to non-concur with the House in the substitution of the minority report and to accept the majority report, "ought not to pass," has the same effect as the present motion to indefinitely postpone.

Mr. MACOMBER: Mr. President: I will insist on my motion to indefinitely postpone.

Mr. HAMILTON of York: Mr. President: I am not going to detain you but a moment on this bill. I want to say that it came before our committee on legal affairs and no one appeared against it. We investigated carefully the views of the members in regard to it and came to the conclusion that there was no call for the bill, and that we did not want to say to the people of the State of Maine that there was a call for the bill, because there has not been at this session. There is no call for such a restriction upon these men. I call them, not lobbyists, but a sort of commercial brokers. Now, I can see if this bill passes, it drives the matter into professional lobbying. The lawyers in the State of Maine are good lawyers and are progressive and are all valuable adjuncts to the community. They have some legislation, and, if they are to be registered as the bill prescribes, it will not be in the interests of the State of Maine for good legislation. You will have a professional class that will come here and they may be injurious to good legislation, but, as it is now, the committee held, all but one was of the opinion, that as it stood now it was right; that the men who were here were good men who were interested to see that we had good legislation. I have advised with such an attorney as Mr. Heath several times on matters that have been before a committee. I have stated to him the proposition and he has kindly informed me upon matters relating to the organizing of corporations and I have got a good deal of useful information, which I used, and which the committee has used, in bringing bills before the House and Senate in a proper and intelligent form. When you come to say that we cannot admit them and that they shall not come here unless they come here under legislation, I think you wrong the State. You wrong the kind of men that are interested, as we are in good legislation, and who give us such information as we can act upon and that will aid in good legislation. That was the conclusion that

the committee came to, all excepting Mr. Pike.

The question being upon the motion that the bill be indefinitely postponed, the yeas and nays were called for and ordered, and the vote being had resulted as follows: Those voting yea were: Messrs. Baxter, Boynton, Colcord, Donigan, Eaton, Emery, Gowell, Hamilton, Hastings, Howes, Irving, Kellogg, Knowlton, Looney, Macomber, Milliken, Minott, Mullen, Osgood, Reynolds, Shaw, Smith, Staples, Walker, Warren, Wheeler, Wyman (27). None voting nay.

So the motion prevailed.

An Act to authorize cities and towns to permit the use of lunch wagons on public ways. (This bill came from the House accompanied by the majority report of the committee on legal affairs, "ought to pass," and also by a minority report of the same committee on the same bill, that same "ought not to pass." The majority report was accepted by the House. The majority report was accepted in concurrence, and on motion by Mr. Gowell of York, under suspension of the rules, the bill took its second reading and was passed to be engrossed.)

Resolve in favor of the messenger to the committee on taxation. (On motion by Mr. Gowell of York, under suspension of the rules, the bill took its second reading and was passed to be engrossed.)

Resolve in favor of the clerk of the committee on taxation. (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 to amend Chapter 79 of the resolves of 1907 relating to Central Maine Fair Association.

Mr. IRVING of Aroostook: Mr. President, we have an adjustment to make in regard to the Maine State fair at Lewiston, and, by request, we want to consider that tomorrow and we want to consider this bill in connection with it for reasons that we can explain later; and I therefore move that the bill be postponed for tomorrow.

The motion prevailed and the bill was tabled and assigned for Wednesday, March 31.

An Act relating to life insurance companies doing industrial business giving special rates and premiums to members of lodges and labor unions. (On motion by Mr. Macomber of Kennebec, under suspension of the rules, this bill took its second reading and was passed to be engrossed.)

An Act creating the State Board of Arbitration and Conciliation. (This bill came from the House accompanied by a minority report "ought to pass" and by a majority report on the same bill "ought not to pass." In the House, the minority report was substituted for the majority. Mr. oLoney of Cumberland moved that the Senate concur with the House. On motion by Mr. Staples of Knox, the bill with the accompanying reports, was tabled and assigned for Wednesday, March 31.)

An Act to amend Section 42 of Chapter 40 of the Revised Statutes relating to the duties of the bureau of industry and labor statistics. (On motion by Mr. Boynton of Lincoln, under suspension of the rules, this bill took its second reading and was passed to be engrossed.)

Reports of Committees.

The following committees submitted their final reports, that they had acted upon all matters referred to them:

Federal Relations.
Interior Waters.
Salaries and Fees.
Education.

Bill In Second Reading.

An Act relating to the common school fund and the means of providing for and distributing the same. (The report of the committee on bills in the second reading accompanying the bill was accepted.)

The PRESIDENT: This bill was assigned for its second reading today.

On motion by Mr. Wheeler of Cumberland, the bill was tabled; that senator stating that it might be possible to take the bill up later during the day.

Passed To Be Enacted.

An Act for the encouragement of the shellfish industry.

An Act to provide for the better collection of inheritance taxes.

An Act to incorporate the Suburban Water District of Farmington, Maine.

An Act to authorize the city of Portland to retire and pension members of its fire department.

An Act to amend Section 2 of Chapter 81 of the Revised Statutes, in relation to records of proceedings in court.

An Act to enable the town of Camden to sell and convey its interest in school buildings no longer used for school purposes.

An Act to regulate fishing in the Bagaduce river and the tributaries in the towns of Castine, Penobscot and Brooksville in the county of Hancock.

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

An Act to further amend Chapter 352 of the Private and Special Laws of 1905, relating to Caribou municipal court.

An Act to amend Section 19 of Chapter 57, R. S., relating to towns receiving devises and gifts for public libraries.

An Act to provide for the transfer of patients in insane hospitals to the Maine School for Feeble Minded.

An Act to amend Chapter 401 of the Private and Special Laws of 1889, relating to Waterville Trust Co.

An Act to incorporate the Litchfield Electrical Co.

An Act to amend Section 1 of Chapter 169 of the Special Laws of 1903, relating to the Young Women's Christian Association of Portland, Maine.

An Act to amend Chapter 54 of the Public Laws of 1907 in relation to the salary of the chaplain at the Maine State prison.

An Act relating to holidays.

An Act for the equalization of school privileges.

An Act relating to the scaling of logs.

An Act authorizing the city of Bangor to levy assessments for street improvements.

An Act additional to Chapter 71 of the Public Laws of 1909, entitled "An Act for the improvement of Free High schools," approved March 15, 1909.

An Act to authorize the Edwards Manufacturing Co. to procure additional power.

An Act to amend Section 13 of Chapter 117, 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 Chapter 240 of the Private and Special Laws of 1907, entitled "An Act to incorporate the Stonington Water Co."

An Act to further define and enlarge the duties of the commissioner of the bureau of industrial and labor statistics.

An Act to amend the charter of the city of Augusta with reference to the Augusta municipal court.

An Act to amend Section 13 of Chapter 4, Revised Statutes, relating to the choice of road commissioner in towns.

An Act amending the charter of the Maine Missionary Society.

An Act to incorporate the Michigan Insurance Co.

An Act to amend Section 13 of Chapter 131 of the Revised Statutes relating to detectives.

An Act relating to inspectors of meters.

An Act to amend Sections 69 and 70 of Chapter 8, Revised Statutes, relating to the taxation of collateral inheritances.

An Act relating to exceptions and appeal in criminal cases.

An Act to incorporate the Shawmut Water Co.

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

An Act to amend Section 38 of Chapter 28, Revised Statutes, relating to buildings.

An Act to amend the Private and Special Laws pertaining to appointments to the police department of the city of Portland.

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

An Act in relation to coroners and coroners' inquests.

An Act to change the tenure of office of the city electrician of the city of Portland.

An Act to confer additional powers and privileges upon the People's Ferry Co.

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

An Act authorizing George R. Ketcham, his heirs and assigns, to erect and maintain a dam across Great Machias stream on lots numbered 55 and 56 in the town of Ashland, and to maintain piers and booms in Big Machias stream in the town of Ashland and in Garfield plantation.

An Act to authorize courts to suspend or continue for sentence on probation and to provide for the appointment of probation officers. (On motion by Mr. Baxter of Cumberland, this bill was tabled. On further motion by the same senator, the bill was subsequently taken from the table, and on his motion the vote whereby the bill was passed to be engrossed was reconsidered. On his further motion, Senate Amendment A was adopted, and the bill as amended was passed to be engrossed).

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 the fire department of the city of Portland. (On motion by Mr. Baxter of Cumberland, this bill was tabled. Subsequently on motion by the same senator, the bill was taken from the table and vote whereby the bill was passed to be engrossed was reconsidered. On his further motion, Senate Amendment A was adopted, the bill as amended was passed to be engrossed).

An Act to establish the Old Orchard park system. (On motion by Mr. Milliken of Aroostook, this bill was tabled).

Finally Passed.

Resolve, in favor of Herbert L. Kimball.

Resolve, in favor of the town of South Berwick.

Resolve, in favor of the State Board of Veterinary Examiners.

Resolve, for renewal of insurance policies on State property.

Resolve, in favor of repairing the road between Sebomook and Pittston farm.

Resolve, in favor of aiding the building of a bridge in the town of Franklin, Hancock county.

Resolve to amend a resolve passed for the purpose of establishing a fish hatchery in Knox county.

Resolve authorizing the State land agent to sell certain lots in the towns of St. Agatha and Madawaska in Aroostook county.

Resolve, in favor of M. H. Hodgkins, clerk and stenographer and messenger to the committee on inland fisheries and game.

Resolve, in favor of the Senate postmaster.

Resolve, in favor of the clerk of the joint-special committee on salaries and fees.

Resolve, in favor of screening Biscay pond, so-called, in the town of Bristol, in Lincoln county.

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

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

Resolve, in favor of the clerk, the stenographer, and the messenger to the judiciary committee.

Resolve, to aid in the extension of the Kineo road from the Smith farm to the North East Carry.

Resolve, in favor of Susan Baker.

Resolve, in favor of Jefferson C. Smith of Waterville, Me., State secretary of the Young Men's Christian Association.

Resolve, in favor of Parker Pineo.

Orders of the Day.

The President announced as unfinished business, bill "An Act to prevent the desecration of the thirtieth day of May, commonly known as Memorial Day and providing penalty for violation," which was assigned for yesterday.

Mr. WARREN of Cumberland: Mr. President: I don't know who the mover or movers for this bill were. With their motive I am much in sympathy. I can readily understand why the opponents would appear before that committee. I can understand why the committee, not

having this bill opposed, should feel that the right way was to present it to the Senate or to the House for its decision. When it came before us a day or two ago, I was somewhat in doubt as to whether it should be passed, or be amended, or indefinitely postponed.

Memorial Day is, I believe, a permanent memorial of the war, innaugurated at a time when the events of that war were fresh in the minds of all and when out of many homes had gone those who have never returned. It has thus far been observed with almost religious solemnity. What will be its fate when those who had to do with that war, directly or indirectly, have passed away, I don't know. I do not believe the day will ever come when it will not bear some tribute to those who died in that war. I believe, however, that its traditions will be enriched by the memory of those who, in other ways, have given their lives for their fellowmen. It will continue to be a day set apart for the remembrance of the dead.

It is natural, fortunately, in the nature of things, that we should not give the whole day to mourning. In the words of the wise man "Sorrow may endure for the night, but Joy cometh with the morrow." Having paid their tribute of love and respect, what is more natural than that they should turn to recreation and to sport; and when we come to decide what may be done and what may not be done in the way of sport, we find it hard to draw the line, because, that which may seem right and proper to one man, does not to another. I don't see but that we would best relegate this question to where we shall leave so many other things, and where we must leave them, in a great measure, to the good sense and public sentiment of the communities, only asking that on that day nothing shall be done that shall transgress against good order or good morals.

I do not know what will become of the day in the future, but this I know that we shall sooner or later lose a day out of the calendar entirely, if we load it with arbitrary enactments that will not appeal to those that are to come after us. We should remember that we have among us, and will have in the future, a large alien population, to

whom this day does not mean so much as it does to us, and, if we impose upon those people, as it were, a holiday, we must leave them great freedom in the way that they shall use it; and I think that we should be content if they catch from the exercises on that day some thought of what it is to us of the native population and get some idea that we have a country which has a great and glorious history. I therefore shall support the motion that it be indefinitely postponed.

Mr. HAMILTON of York: Mr. President: I cannot say any more in praise of the necessity of Memorial Day than has been said, it is a day that the old soldiers have to keep in memory of their dead comrades. That being the case, I propose to show that it is to be kept as a sacred day and not as a day of sports or a day to be desecrated by games; that it should be a day devoted wholly to such practices as will mean what it does to the soldiers. It is a holiday, upon which the soldiers should have some protection. I have had letters personally, asking and demanding that something should be done to protect them in their work on that day.

We have, in the two cities near where I reside, two or three encampments that ask it for the same reason, because the day has been used for all kinds of sports and games just when these sacred and patriotic exercises are going on. This so interferes that it is impossible to have the day observed decently. Why shouldn't they be restrained? I do not know as they have any in Portland around the place of the senator from Cumberland, but I know that in our section and all over the county comes this demand from the old soldiers—let us be protected from the desecration of this day by all sorts of sports, and all sorts of games. I know that it may be drastic, but, isn't it better? Isn't it patriotic that this day should be kept by all as a sacred day? Even if there are foreigners, they should learn that there is some patriotism left and that we revere and respect the memories of the dead to such an extent that we shall protect them from the desecration of this day by all sorts of games and sports.

The matter came before the committee by letters and by the urging of all

these organizations that I have come in contact with in our section, for this bill, that it may not be desecrated by circuses or by games or by anything of that sort, which takes the attention of the young from the sacredness or holiness of that day. I say that they have a right to ask for it and that this House and Senate should give it to them. There is a demand for it and they should have it. As the senator has said, it is a little while—a little while only—before they will pass over the river, when this day will be of no consequence to them and will probably pass out of existence as a day of memory of the dead soldier; but, while we have them with us, as they pass from their houses with hesitating steps to the music of the fife and drum—not as of yore, but with the hesitancy of old age—let them have that day so that they can pass along without passing through circuses or games. Let it be a quiet day which the law of Maine says shall be kept as sacred as the Sabbath.

Mr. WARREN of Cumberland: Mr. President, it is because I wish to preserve this day after the veterans have gone and because I hope it will be continued a long time in our history, that I do not believe that we ought to load it with arbitrary restrictions. I believe the day will have none the less of sacredness because we permit sports, as Christmas is none the less sacred to us because it is a day of merrymaking. I believe those who are to come after us will not wholly forget the purpose of the day. I believe it will be better to be preserved as a day of sports, as a day of holidays, than that it should be lost entirely out of the calendar.

The question being upon the motion of the senator from Cumberland, Mr. Baxter, that the bill be indefinitely postponed, the yeas and nays were called for and ordered, and the vote being had resulted as follows: Those voting yea were Messrs. Baxter, Boynton, Colcord, Donigan, Irving, Lowe, Macomber, Milliken, Minott, Osgood, Reynolds, Shaw, Walker, Warren, Wheeler, Wyman (16). Those voting nay were Messrs. Eaton, Gowell, Hamilton, Hastings, Hill, Howes, Kellogg, Knowlton, Mullen, Staples (10).

So the motion prevailed, and the bill was indefinitely postponed.

On motion by Mr. Wheeler of Cumberland, House Document No. 668, "An Act to amend Section 44 of Chapter 9 of the Revised Statutes, as amended by Chapter 174 of the Public Laws of 1907, relating to the assessment and collection of taxes on lands in places not incorporated," was taken from the table; and on further motion by the same senator, Senate amendment A was adopted; and, on his further motion, the bill took its second reading as amended and was passed to be engrossed.

On motion by Mr. Wheeler of Cumberland, House Document No. 669, "An Act relating to the collection of State, county and district taxes," was taken from the table; and on his further motion, the same was passed to be engrossed.

Mr. Wheeler of Cumberland presented and moved the adoption under suspension of the rules, of a memorial to Congress, relating to the taxation of inheritances. (The memorial was read and adopted.)

On motion by Mr. Wyman of Washington, "Resolve in favor of preserving the life of fish in the hatcheries and feeding stations of the State," was received and, under suspension of the rules, took its two several readings and was passed to be engrossed.

On motion by Mr. Hamilton of York, Senate Document 445, "An Act dividing the town of York and establishing the town of Yorktown," was taken from the table. On further motion by the same senator, House Amendment C was adopted in concurrence. On motion by the same senator, the Senate non-concurred with the House in the adoption of House Amendment B. On his further motion, the Senate reconsidered the vote whereby the bill was passed to be engrossed as amended by Senate Amendment A, and the same senator further moved that the bill pass to be engrossed as amended by House Amendment A and by House Amendment C. Mr. Kellogg of Penobscot thereupon moved that the bill lie upon the table with the amendments.

Mr. MACOMBER of Kennebec: Mr. President, I hope the motion to table

this bill will not prevail. We can just as well decide it now. We know all that we shall know about it. Why not vote upon it now and get it out of the way?

The PRESIDENT: The pending question is upon the motion of the senator from Penobscot, Mr. Kellogg, that the bill lie upon the table.

Mr. Kellogg of Penobscot thereupon withdrew his motion.

The PRESIDENT: The pending question is upon the motion of the senator from York, Mr. Hamilton, that this bill now pass to be engrossed as amended by Senate Amendment A and House Amendment C, which has been adopted in concurrence by the Senate.

The motion prevailed and the bill was passed to be engrossed.

On motion by Mr. Knowlton of Piscataquis, the report of the committee on salaries and fees "ought not to pass" on bill "An Act to amend Section 1 of Chapter 118 of the Public Laws of 1905, relating to the compensation of clerk of courts in Piscataquis county," was taken from the table.

Mr. KNOWLTON of Piscataquis: Mr. President: I want to say about this bill that we have all read in our childhood days about "Old Dog Tray," a good dog that got into trouble by getting into bad company. This bill was presented to the committee on salaries and fees and came in with a bad lot. This bill, should it be the pleasure of the Senate to allow it a passage, I shall move to amend. When the bill was placed before the committee, it read as it now reads, but it was the understanding with that committee that when that bill was reported to the House that it should be reported in a new draft and read entirely differently.

The facts of the case, gentlemen, are these: Piscataquis county, as you know, is a small county and all of the towns that are incorporated are on either side of the Piscataquis river and a railroad runs down through the county. The county seat is at Dover, and the lawyers at the upper end of the county take the train at 6 o'clock in the morning and get down to Dover about 8.30, and they can then visit the court house and do their business of

the day and go back on the train, and the people from the lower end of the county have to go in the same way. So it is necessary that the clerk of courts should keep open from 7.30 until 6 o'clock at night.

That man's salary is a thousand dollars. It was established at that amount four or six years ago when the salary system was established all over Maine. At that time they had two terms of court. Since the establishment of the thousand dollar salary a new term has been added, so that we have now in Piscataquis county three terms of court and it is very proper and just that that office should pay a man an amount commensurate with the additional labor.

This bill, if I am allowed to have it brought before the Senate, will be amended so as to read, two hundred dollars for furnishing clerk hire for that clerk of courts. It does not increase his salary at all. It simply pays for a clerk, and, as you understand very readily, that man now with three terms of court must employ a clerk. In many of the counties the conditions of things are such that they do not have to keep an office open, but that man does from 7.30 to 6 o'clock at night, and all I ask is that there shall be given to him two hundred dollars to pay for a clerk that will enable him to perform his duties properly.

I am aware that the Governor is not in favor of increasing salaries. This is not an increase of salary at all under the arrangement under which the salary was fixed. It was a thousand dollars for two terms of court and all that we ask now is that two hundred dollars be given for clerk hire, in consideration of the fact that we have an extra term of court every year.

I move, Mr. President that the bill as I shall amend it, be substituted for the report.

Mr. MILLIKEN of Aroostook: Mr. President, I rise to ask a question of the senator from Piscataquis through the Chair. When was the change made? Or rather, put it this way, has there been any change in respect to the duties of this office since the pres-

ent incumbent was elected to the office?

Mr. KNOWLTON: He has held office for eight or 10 years.

Mr. MILLIKEN: Since the last election?

Mr. KNOWLTON: No, sir.

Mr. MILLIKEN: Precisely. Now, Mr. President, the committee on salaries and fees has not had an altogether pleasant task at this session. We have had all kinds of propositions before us for the increase of salary and for additional clerk hire, which were claimed not to be increases of salary, and for various devices which were needed to give the county officials more emolument for their offices. I admit there is a semblance of reason in this claim for the county of Piscataquis on account of the additional term of court, although the increased work is not so much as it might appear to be from that fact. I am going to say that there is not much more in Piscataquis county than there was before. But the fact is about this office, the same as any other offices we have had before us, no change has been made in the conditions governing the office since the incumbent was elected and there is no reason why he, having been elected to that office with the expectation of the salary he had, should have any change made in it or any additional amount for clerk hire during his incumbency.

His bill provides it shall take effect at once, or as soon as it can and that is the whole position in regard to the matter. It stands on the same footing in that respect that a great many other matters did before this committee—that there have been increasing duties in many of these cases. There are many cases which have come before the committee that in themselves are meritorious in a degree. The position of the committee was, and I understand it to be the position of the Governor, that it is unwise, unless we are to enter upon a general revision of these salaries fixed four years ago, to make any departure from the present fixed rates at which the incumbent was elected. It may be made at the next election, six years after the salaries were established. That is the po-

sition the committee take upon it, and I hope, having accepted the position of the committee in regard to other counties, that you will not upset it now in this particular instance.

The question being put upon the motion that the bill be substituted for the report "ought not to pass," the yeas and nays were called for and ordered, and the vote being had resulted as follows: Those voting yea were Messrs. Hastings, Knowlton (2). Those voting nay were Messrs. Boynton, Colcord, Donigan, Eaton, Gowell, Hill, Howes, Irving, Kellogg, Looney, Lowe, Macomber, Milliken, Minott, Mullen, Shaw, Smith, Staples, Walker, Warren, Wheeler, Wyman (22).

So the motion was lost and the report of the committee, "ought not to pass" was accepted.

Mr. HASTINGS of Oxford: Mr. President, I think that now would be a good time to take up the report of the committee on salaries and fees "ought not to pass," on bill about payment of the registry of deeds. It is not numbered but the bill was tabled by me on March 11. It is "An Act to amend Section 1 of Chapter 173 of the Public Laws of 1905 as amended by Chapter 177 of the Public Laws of 1907, relating to the compensation of registries of deeds."

On motion by Mr. Hastings of Oxford, the report was accepted.

On further motion by the same senator, House Document No. 781, "An Act to amend Section 15 of Chapter 54 of the Revised Statutes relating to expenses of inspector of boilers, engines, etc., of steamboats upon inland waters," was taken from the table. On his further motion, Senate Amendment A was adopted, and, upon further motion, under suspension of the rules, the bill took its second reading and was passed to be engrossed.

On motion by Mr. Macomber of Kennebec, Senate Document No. 502, "An Act to prohibit corporations from transmitting electric power beyond the confines of the State," was taken from the table.

Mr. MACOMBER of Kennebec: Mr. President: This is a bill for the purpose of preventing any individual or corporation who may have electric

power in this State from transmitting it across the line into any other state. What earthly objection there can be in an individual or corporation which owns its electric power down in York county transmitting it over into the town of Dover, or Somersworth, or like towns, where they can get a better price for the power, I cannot understand. It seems to me it is just like tying up a farmer from taking his potatoes into New Hampshire to sell them. I do not believe in this restrictive kind of legislation. I think the principle is all wrong, and I move that the bill be indefinitely postponed.

Mr. LOONEY of Cumberland: Mr. President: I was one of the members of the judiciary committee who signed this report; and, while I am not prepared to discuss it as I probably would be if I knew there was going to be any objection to it, I may state here that some of the reasons for the adoption of this bill and some of the reasons which actuated the committee in their action are these:

We felt that the great natural resources of the State, as crystalized and developed in electricity and motive power, should be preserved. We all know that heretofore our forests have gradually, little by little, disappeared and have gone into the hands of speculators, so that now I understand the entire domain of the State, so far as our great forests are concerned, is owned by practically 40 men. I understand also that certain speculators in other states are coming in and trying to secure possession of our water powers. Now it is an open secret that the Executive of the State, representing as I believe the best interests of the State and voicing the sentiment of the people of the State, desires that these great natural resources should be preserved and that they should not be taken up and possessed by trusts, monopolies and speculators from other states; so that this bill simply provides that electric power and water power shall not be transmitted to other states without the consent of the State. Now, can there be any objection to a reasonable bill of that kind. In its last analysis, that is all it means, that the State itself shall hold in reserve these

great natural powers and resources and that they shall not be allowed to go beyond the limits of the State without the consent of the State. It seems to me if a measure of a policy like that had been followed in this State for the past years, the State would have been millions and millions of dollars richer than it is now; and so, for my part, I am one of those who believe that the policy of the Executive of this State is just and right, and that this bill, embodying as it does the idea of all those who believe in preserving and keeping intact the great natural powers and resources of the State, should pass.

The PRESIDENT: The matter under consideration is the act, the title of which has been read. Under suspension of the rules, the bill has been read, and, pending its passage to be engrossed, was tabled. The pending motion is that the bill be indefinitely postponed.

Mr. HASTINGS of Oxford: Mr. President: I might add for the information of the Senate that Section 3 takes care of these electrical power companies on the borders of the State which now transmit their power across the borders. Section 3 reads:

"This act shall not apply to any corporation now engaged in conveying or transmitting electric current beyond the confines of the State or chartered or empowered so to do nor affect or impair any existing contracts for the transmission of electric current beyond the confines of the State."

I will simply say in addition to what Senator Looney has said that it seemed well to the committee that we should adopt this policy, and that it is contrary to the policy of the State to transmit this power beyond our borders; and that is the policy which has been followed in all the charters granted this session. I recall the case of the Magalloway Corporation and also the charter incorporating the Shawmut Co., in which this very section is embodied.

Of course, in the future, at the next session of the Legislature, if they think it is necessary and expedient to grant a charter to any individual or corpo-

ration for transmitting electricity, it might do so, but it seemed to the committee that it was advisable to establish this policy. It may not mean much, but it was designed to establish the policy that the State should keep its electrical power within its limits. When the vote is taken, I ask that it be taken by the yeas and nays.

Mr. MILLIKEN of Aroostook: Mr. President: I had nothing to do with this bill, not being a member of the judiciary committee, but of the individual charters to which the senator from Oxford has referred and which came before the committee on interior waters, of which I am a member, I do know something and I want to say a word about this general question of policy.

The Governor's policy and that of this Legislature has been at this session to make two provisions with regard to these charters. First, that the franchise right given by the State to any private corporation for the development of water storage and the using of the power of eminent domain for that purpose should revert to the State without cost to the State at any future time when it should seem good to take over that property. That provision has been made in every charter at this session which has given a corporation a right to store water. Second, that any charter giving a corporation a right to develop power in this State should contain this provision, now incorporated in this general bill, namely, that the powers so generated and developed by the natural resources of this State should not be carried beyond the borders of the State without the express authority of the Legislature.

This does not mean that at this session of the Legislature we are to lock up forever the power generated in this State and transformed into electricity, but it does mean that we are to say at this session, and have said in individual charters, and are now to say in the general law, that it shall be the policy of this State to require the express consent of the Legislature in every individual case before that power shall be transmitted beyond the State.

I suppose that everyone who reads the history of the Standard Oil Co. wonders why, when those preliminary steps were being taken, when this monopoly was being acquired, the people did not understand the situation and why they did not prevent that monopoly from coming into existence; and, looking at the history of this State, when these timber lands were sold at prices which seemed so ridiculously low, when the State has in some instances made as a gift in return for something not actually given—why the people of the State did not understand the situation and prevent it. I venture to say that in the future the people will look back to this time and wonder why the people of the State did not awake sooner to the importance of water power. It can be figured out just as simply as a problem in mathematics and the questions of heat, power and light are going to be questions of water power.

Now, we have in this State enormous resources still undeveloped, for the development of water power—an asset to this State greater than its timber lands and greater than any other industry in the State, except possibly the agricultural interests. This bill is simply for the purpose of saying at this Legislature of 1909 that this power shall not be taken outside the State to be used there without the express authority of the Legislature. That is all it is, and it seems it is a fair and altogether reasonable bill. I don't see how there can be any objection to it.

Mr. WARREN of Cumberland: Mr. President, I do not know what reasons may have been brought before the judiciary committee for the enactment of this bill. I was, however, a member of the committee on interior waters and the question came up there indirectly as Senator Milliken has stated, and that condition was made in certain charters that were presented and enacted this year. That was done, however, in that committee against my protest. I see no reason why this bill should pass. It is restrictive legislation. I believe that it is inexpedient and will do us harm. We have fortunately vast resources in our water power, but water power is good only as it can be

used. It has indeed a potential value, but you must find a use for it. The only reason for confining it here to the State of Maine is the thought that if we do not wire it out of the State, manufacturers will come to the State of Maine and use it. It would be equally true that if we objected to the shipment of lumber beyond our State, that people might come here to build their houses, and, if we did not ship our potatoes, they might come here to eat them, and, if we did not ship our Poland Spring water, which is another gift of Nature, they might come here to drink it. It is the potential power that is in it just as it is in a man's own person to do a day's work, and his day's work goes to waste unless he can find a place to put it. We might equally well enact a law that none of our citizens should go out of the State to work on the principle that we would like to have them put their work in here. It restricts the liberality of the State, or open principle that exists.

We hear a good deal about the Constitution. I am not an advocate of constitutionality, but I doubt very much whether we could put up a barrier of this kind. Certainly we can limit corporations that we establish, as what they may do and what they may not. I know that the bill lets out those who are already at work, but I believe there are other water powers along our borders that we may like to get a chance to sell electricity from; and, if you enact a bill of this kind, it will make it inexpedient and prevent their doing it until they can come to the Legislature and get that right. I believe that after all the work that is done in the State of Maine that can be done here to advantage, there will still be electricity to sell, and I do not know where we can sell except to our neighbors; and it will do no good once it is set at work, and therefore I hope that this bill will be indefinitely postponed.

Mr. MILLIKEN of Aroostook: Mr. President, I must differ from the senator from Cumberland when he says that it is a limitation upon legislation. It in no way prevents any Legislature from giving that authority. It simply says that no corporation shall do this without authority. It says that in the

future if a charter is silent on the subject, and if that authority is not given it, it shall not be considered that it is vested in the corporation, and simply that, if they want to do it, they shall come to the Legislature and ask the privilege to do it.

It is an open secret that an attempt is being made to secure the water powers in this State. It is an open secret with some that a set of men behind the Standard Oil Co. are trying in this State and in other states to gain the possession of water powers for development. I haven't any objection to that. I am not an alarmist of the Standard Oil matter, that they shall get control of the State, or anything of that sort, but I do submit that it is a reasonable precaution against the establishment of power companies in this State and such a final arrangement of those companies by the setting up of a trunk line as will transmit the electricity out of the State with any authority from anybody. It means that they shall come here and ask us to let the Legislature say whether it shall be granted to them or not.

Mr. WARREN: Mr. President, I am not quite sure that I am right, but so far as I can see, if the Standard Oil Co. want to come here and organize a great electric company in order that they may wire that electricity beyond the borders of the State, they will have to come to the Legislature for their charter—will they not? They cannot do it under the general law; and when they come will be the time for us to say whether we will restrict them or not.

Mr. MILLIKEN: They will have to come and ask for authority if this bill passes. And if this bill does not pass, all they will have to get will be the authority of different places in the State where they may develop power, and then, by combination companies, they will have a right to set poles from there to the border of the State. That is all. They will have to come to the Legislature, but they won't have to be consulted on the question of transmitting power outside of the State. The distinct proposition of this bill is to provide that they will not do

that without the consent of the Legislature.

Mr. GOWELL of York: Mr. President, I heartily concur with what Senator Macomber has said in regard to this bill. I know that legislation of this kind would be detrimental to the interests of York county and I hope that the motion to indefinitely postponed will prevail.

The question being put upon the motion to indefinitely postpone, the yeas and nays were called for and ordered, and the vote being had resulted as follows: Those voting yea were Messrs. Eaton, Gowell, Hill, Kellogg, Macomber, Mullen, Osgood, Reynolds, Shaw, Staples, Warren, Wyman (12). Those voting nay were Messrs. Baxter, Boynton, Colcord, Donigan, Emery, Hastings, Howes, Irving, Knowlton, Looney, Macomber, Milliken, Minott, Shaw, Walker, Warren, Wheeler, Wyman (15).

So the motion was lost.

Thereupon, upon motion by Mr. Hastings of Oxford, the bill was passed to be engrossed.

On motion by Mr. Staples of Knox, House Doc. No. 327, "An Act empowering the Governor to remove county attorneys," was taken from the table, with accompanying reports—majority, "ought to pass," minority, "ought not to pass."

Mr. STAPLES of Knox: Mr. President, I am not strenuous in this matter, but I can conceive, while I do not believe there is any danger of the Governor's removing any county attorney under this bill, why it might be a matter of great expense and annoyance, as the bill provides that if 50 adults move the Governor to have him remove, and he has a hearing upon that matter, that it would be a great expense and inconvenience to the county attorney. I believe there are none of them in the State but do their duty faithfully and well; and for them to be at the behest of 50 fanatics of the State of Maine, while I do not believe the Governor would remove them, I do not think it is just or right. We have many fanatics in the State who by a petition to the Governor could cause great annoyance. That is my objection to the bill. I move that the minority report be substituted for the majority report.

The PRESIDENT: The majority report has been accepted. The bill had its first

reading and was tabled pending second reading.

Mr. STAPLES: Mr. President, I withdraw the motion to substitute the minority report, and I move that the bill be indefinitely postponed.

The question being put upon the motion to indefinitely postpone the bill, the yeas and nays were ordered, and the vote being had resulted as follows: Those voting yea were Messrs. Hill, Kellogg, Lowe, Mullen, Osgood, Reynolds, Staples (7). Those voting nay were Messrs. Baxter, Boynton, Colcord, Donigan, Emery, Gowell, Hamilton, Hastings, Howes, Irving, Knowlton, Looney, Macomber, Milliken, Minott, Shaw, Walker, Warren, Wheeler, Wyman (20). So the motion was lost.

Thereupon, on motion by Mr. Hastings of Oxford, the resolve took its second reading and was passed to be engrossed.

On motion by Mr. Hamilton of York, Senate Doc. No. 499, "An Act to provide for the attorney general or assistant attorney general to take charge of liquor prosecutions, upon failure or refusal of the county attorney to perform his duty, and for the prosecution of such county attorney," was taken from the table; and on further motion by the same senator the bill and accompanying reports were indefinitely postponed.

On motion by Mr. Shaw of Kennebec, the order relating to juvenile courts was taken from the table.

Mr. SHAW of Kennebec: Mr. President, as I understand it, this is an order creating a commission to sit during recess of the Legislature for the next two years to consider the matter of whether or not this State wants a juvenile court. Now, I am not a lawyer, and cannot go into the legal aspect of the situation; but I believe I am well informed enough in my own mind to know that this is a very foolish proposition.

I understand there are only a few such courts in existence in the United States. This matter, I understand, was worked quite hard in the House and was a sort of subterfuge to get rid of the matter. Some member of the House was interested in this matter and they didn't like to turn it down flat, and this is a subterfuge that comes in here to create a commission

to see if the State wants such a court or not.

Now I believe these are reliable sources of information; and if that demand ever becomes apparent, the justices of our supreme court will readily know it; and they would find a way to get it before the Legislature. I move that this bill be indefinitely postponed.

The question being put, the motion prevailed and the order was indefinitely postponed.

On motion by Mr. Gowell of York Senate Doc. No. 416, "An Act to authorize the construction of a bridge across the Ogunquit river in the town of Wells," was taken from the table; and on his further motion the same was passed to be engrossed.

Mr. GOWELL of York: Mr. President: I simply want to call the attention of the senator to an apparent error in the calendar. Senate Doc. No. 486 appears to have been tabled by me. I will say that I did not make the motion.

The PRESIDENT: The Chair informs the senator from York that the title of the bill being defective the Chair assumed the senator from York would desire to have it laid on the table for correction. Will the senator attend to the correction of the title?

The Chair also calls attention to Senate Doc. No. 500, majority report of the committee on agriculture on resolve relating to Agricultural Society, "ought not to pass." Minority report on same bill "ought to pass."

Mr. HOWES of Somerset: We desire, Mr. President, to have it assigned for tomorrow so that it may be considered in connection with the resolve relating to the Maine Fair at Waterville.

On motion by Mr. Howes of Somerset, Senate Doc. No. 500 was re-assigned for consideration on Wednesday, March 31.

Bill, An Act to amend An Act relating to the police court of the city of Rockland. (This bill came up on its final passage to be enacted).

Mr. STAPLES of Knox: Mr. President: This matter affects the city of Rockland. It is a radical change from

the old police court, and it is a matter in which they are very much interested. They have a city charter by a bill passed through this Legislature, whereby they are to meet in October and vote on that bill to adopt it. I offer an amendment providing for a referendum by which this matter may be referred to the city of Rockland to vote upon it at the same time they vote upon the city charter. I hope the amendment will have a passage.

On motion by the same senator, the Senate voted to reconsider the vote whereby the bill was passed to be engrossed.

The same senator offered Senate Amendment A and moved its adoption.

Mr. GOWELL of York: Mr. President: I will say that this bill was before the committee on legal affairs and the matter was discussed thoroughly at that time and I think that the senator from Knox agreed to the measure. Afterwards it was recommitted to the committee on legal affairs and the bill was reported in exactly the same form as it was first reported by the committee, and the bill was satisfactory to all parties interested. It seems to me it is rather late in the day to offer an amendment. I will simply say that we have haggled and worked over this matter and tried to satisfy all parties, and we thought it was satisfactory.

Mr. STAPLES of Knox: Mr. President: There was a great controversy before the committee on legal affairs and after this matter came here it was recommitted to the committee, and inadvertently passed without any amendment being offered there. I do not see what objection there can be to this amendment. It leaves it to the city of Rockland to decide whether they will have their court changed; and it is a very important matter to them. If they want it they ought to have it, and if they do not, they ought not to have it. I trust that the senators will vote for the amendment. It cannot do anybody any hurt. I move when the vote is taken it be by the yeas and nays.

Mr. MACOMBER of Kennebec: Mr. President: It will be remembered that when this matter was up before the

Senate on the question of recommitment to the committee on legal affairs I objected to it because it carried the full committee's report originally. The statement of the senator from Knox at that time was that some little matter had come up whereby the county commissioners desired to be heard on the bill before the committee and that if they could have that privilege the matter would be all settled then and there. They have been over here with their counsel, and it has been all gone over by the committee on legal affairs again and it now comes here on a second report. It seems to me that the amendment offered by the senator from Knox is a subterfuge to get around these two reports of the committee.

Mr. STAPLES: Mr. President, there is no subterfuge. It is a matter of justice and fairness. I will not at this time state how this bill happened to come here, but I only ask for what is right in this matter.

The question being put upon the adoption of Senate Amendment A, a yea and nay vote being had resulted as follows: Those voting yea were Messrs. Boynton, Donigan, Hill, Kellogg, Lowe, Mullen, Osgood, Staples (8). Those voting nay were Messrs. Baxter, Colcord, Eaton, Gowell, Hamilton, Hastings, Howes, Knowlton, Looney, Macomber, Minott, Reynolds, Shaw, Walker, Warren, Wheeler, Wyman (17). So the motion to amend was lost.

On motion by Mr. Macomber of Kennebec the bill was thereupon passed to be engrossed. On further motion by the same senator the bill was passed to be enacted.

On motion by Mr. Baxter of Cumberland, House Doc. No. 625, "An Act to amend Section 23 of Chapter 114 of the Revised Statutes as amended by Chapter 2 of the Laws of 1901, relating to the relief of poor debtors," was taken from the table. Senate Amendment A was adopted in concurrence, and the bill as amended was passed to be engrossed.

On motion by Mr. Colcord of Waldo, House Doc. No. 769, "An Act to prefer Maine labor and Maine contractors upon all work performed for State, municipal, charitable and educational institutions, buildings or public works, or any building or institution supported or aided by the

State or municipalities," was taken from the table. On further motion by the same senator, under suspension of the rules, the bill took its second reading and was passed to be engrossed.

On motion by Mr. Baxter of Cumberland the Senate took a recess until 3 o'clock P. M.

Afternoon Session.

Senate, 3 o'clock P. M.

Senate called to order by the President.

"Resolve in favor of immediate expenses for the support and maintenance of the Maine School for the Feeble Minded." (Mr. Staples of Knox presented this resolve and on his motion the same was received and under suspension of the rules took its two readings without reference to a committee and was passed to be engrossed.)

"An Act entitled An Act relating to the common school fund, and providing for the distributing of the same." (On motion by Mr. Wheeler of Cumberland Senate Amendment A was adopted.)

Thereupon Senator Colcord of Waldo presented Senate Amendment B to the same bill, and moved its adoption.

Mr. COLCORD of Waldo: Mr. President: I do not object to the bill except as to the apportionment. It seems to me it gives to the towns that do not need it, and deprives those towns that do need it. I have here a list of a few towns in Waldo County which I will read. Northport, 40 cents for scholars—Morrill gets 10 cents, Palmyra 2 cents, Islesborough 35 cents. This does not seem to me to be a just apportionment of money to be raised from the wild lands. There is also another objection. It gives some towns more money than they know what to do with, and more than they expended the last year. Islesborough is given \$514 more money than she expended last year for our public schools—common schools.—Old Orchard would be \$1003, under this bill, more money than she expended last year for her common schools; and I think this will be true of nearly every county in the State to some extent, especially those towns on the seacoast that have large summer inhabitants, with but few scholars.

Therefore, Mr. President, I move the adoption of the amendment.

Mr. WHEELER of Cumberland: Mr. President: In order that we may consider this amendment intelligently, it is necessary for us to consider the bill which is before the Senate. This bill has been reported by the committee on taxation for the purpose of imposing an additional tax upon the wild lands of the State. It is intended to satisfy, in part at least, the popular demand that the wild lands should contribute a larger sum to the expenses of the State, and that the wild lands should be taxed at a rate more in proportion with their valuation than is the case under the present law.

The bill has no other purpose and it has no other intention. If it had been designed solely to create a larger fund for distribution among the cities and towns of the State for school purposes, I at least would not advocate its passage. It is designed solely to impose upon the wild lands of the State an additional tax. The agitation which has been going on for many years for a larger tax upon the wild lands of the State has become more and more insistent every year; and I believe it is the duty of this Legislature in some way to meet that demand.

Previous Legislatures have failed to meet it because of the constitutional objections which have seemed insurmountable. A few years ago it was proposed to put a special tax upon the wild lands of fifteen mills, the proceeds of that tax to be used for general expenses of the State. But the supreme court of the State of Maine, upon inquiry, held that such a tax would be unconstitutional. They held that it would be in conflict with that section of the constitution which provides that all taxes assessed by authority of the State shall be assessed upon all the property of the State, equally, according to its just value. The court held that we could not place a special tax upon the property of one part or district or section of the State.

The Committee on Taxation have had six or seven matters referred to them, all of which provided for an increased tax upon wild lands. We have had many divergent views in the Committee, and

the bill which has been reported is a compromise measure, nothing more and nothing less. We had almost as many different opinions in our Committee as there were members of the Committee. Some of us favored one plan and some another, and, if the members of the Committee had each put in a separate report, embodying his views, you would have had six or seven or eight different reports; and I am sure there would be the same difference among the members of the Legislature which existed in the Committee; and you would have adjourned without obtaining any wild land legislation at this session. We, in response to the order passed by the Legislature, directing the Committee to inquire into the constitutionality and expediency of providing a special tax upon wild lands, the proceeds to be used for the protection of wild lands from fire, reported a bill, written by the President of the Senate, and which has received a passage from this Legislature. That bill provides that all wild lands of the State—practically all the wild lands—shall be included in a forest district which is created and a tax of one and one-half mills is imposed upon the property within that district and the proceeds of that tax are expended under the direction of the forest commissioner for the prevention and extinguishment of forest fires. The effect of that bill is simply to relieve the State treasurer of expenditures which it has previously made, and put that burden upon the wild lands. I believe, last year, the State expended about \$57,000 in the prevention and extinguishment of forest fires on wild lands.

There have been pending before this Legislature resolves appropriating \$50,000 for similar expenses for the current year. The passage of the Deasy bill, so-called, simply transfers that burden of \$50,000 from the State treasury to the wild lands. That money would otherwise have to be raised by a general tax on the property of the State. By reason of the Deasy bill that burden will hereafter be somewhat lighter and will be met by the wild lands; and the transfer of that burden from the State to the wild lands results in an increased tax to the wild lands of one and one-half mills.

That represents the extreme limit to which this Legislature can go in imposing a special tax upon the wild lands. If it is the desire of the Legislature that the wild lands should pay any additional tax beyond the mill and a half which they will have to pay under the Deasy bill, so called, that increase must come from a general increase in the tax of the State. There must be a uniform increase of the State tax. So we are brought face to face with these three propositions:

First, whether the Legislature desires to put any additional burden upon the wild lands—whether you wish to impose any additional tax upon them, at all. If you do, then you come to the second proposition, how much of an increased tax will you impose? And then you come to the third proposition, how will the money obtained from this increased taxation be distributed?

Now I am going to assume that there will be no difference of opinion in this body that the wild lands ought to pay a larger tax than they now pay—that they ought to pay a larger tax than they will pay by reason of the passage of the Deasy bill.

Representatives of the wild lands came before the Committee on Taxation, at our public hearing, and they expressed a willingness—they expressed their assent to paying an additional tax of three mills; that is, a tax of one and one-half mills more than they would be obliged to pay under the Deasy bill. And such an increase cannot be considered unreasonable or unfair. The wild lands are today paying a State tax of three mills. They pay a county tax at an average rate throughout the State of a mill and a quarter. Under the Deasy bill they would pay another mill and a half. Under this bill, if it receives a passage, they will pay still another mill and a half. That would make the total tax on the wild lands of the State seven and one-quarter mills; and, when you consider that the average rate of taxation on other property of the State is more than three times as much, certainly no one can complain that this imposes an unreasonable, excessive or unjust tax upon them; so that this bill will not be objected to because it is excessive, unfair or unreasonable.

On the other hand, it has seemed to the committee that the embarrassment of distributing a larger sum of money would offset any advantage which might be obtained from going any further in the taxation of the wild lands this year. We have felt that, if we doubled the tax on the wild lands—if, instead of paying three mills to the State, they should pay six mills, which will be the result if this bill goes through, that you had then carried that tax of the wild lands as far as you could conveniently or satisfactorily; and so we believe, on the first proposition, that they should pay an increased tax.

On the second proposition we believe that a mill and a half is neither excessive nor too low, but that it is just right; and that brings us to the third proposition of how you will distribute this mill and a half which you are to take by this increased State tax.

Now, if the purpose of the Legislature, and the sole purpose, was merely to impose a tax upon the wild lands—if there was no desire to take money from one town and give it to another—if there were no selfish motives actuating any of the members of this body—if our purpose was simply to put an extra tax on the wild lands, and nothing more, then the only logical method of distribution would be in accordance with valuation.

The wild lands of the State have a valuation approximately of \$42,000,000. The total valuation of the entire State is practically four hundred and twenty millions. In other words, the wild lands contribute about one-tenth. The valuation of the wild lands is about one-tenth of the total valuation of the entire State. If you should distribute nine-tenths of the money which is received from this increased tax among the cities and towns in accordance with their valuation, you would then return to every city and town precisely the amount which you would take from that city or town under this increased tax. The other ten per cent. amounting to \$65,000, which would come from the wild lands, you could then distribute among those cities and towns, either on the present basis of a school population, or in accordance with valuation. Under such a distribution, no town or city

would lose. Every town or city would gain its proportionate part of the taxes which you exacted from the wild lands.

But, Mr. President, no such proposition as that, however logical, could pass this Legislature. We are too apt to consider the effect of any bill upon our own town. We are too desirous of obtaining all the advantage possible for the towns which we especially represent. We would not favor such a proposition if we thought by some other plan we could get more money at the expense of other and neighboring cities and towns. The committee thought that, while that would be the logical method of distribution, if our sole purpose was to impose an extra tax on the wild lands, that no such bill could pass this Legislature. On the other hand, the committee by a majority of its members, was opposed to any increase of the State tax to be distributed solely in accordance with the present unfair and inequitable method of distribution. The result was that the committee, after considering half a dozen different methods and half a dozen different views, compromised upon this measure, which we believed was the only satisfactory bill which could possibly pass this Legislature.

That bill does not represent my own individual views. I gave my consent to that proposition with extreme reluctance. I did so because I firmly believed it was either that bill or it was nothing—that we must either pass this bill, or we must go home and tell our constituents that we had been unable to put any substantial tax upon the wild lands of the State; and I firmly believe that is the proposition which you must meet face to face at this time.

That bill represents the combined judgment of the members of the committee on taxation. It does not represent their individual views. It is just like an ordinary jury verdict, where, for instance, a verdict in a damage case in which perhaps, a man has lost a leg, and a jury gives him a verdict of \$2,318.11. No individual member of that jury believes that that precise sum represents the exact damage which the plaintiff has suffered. No member of the jury believes that that represents the exact

value of the leg which he has lost. It is the combined judgment, however, of the members of that jury. It is a result obtained by splitting differences—by reconciling divergent and conflicting views. It is the combined judgment of the jury as a whole, although it does not commend itself to the individual judgment of the several members composing the jury.

If I had my way, and were allowed to draw a tax bill for this Legislature, I should draw it along different lines. If to any other member of that committee were delegated the same authority, he would make substantial modifications and alterations in this bill and the result would be—because I assume that members of this Senate would have the same difference of opinion—that you could not get any legislation along this line, this winter.

What is the objection to the amendment offered by the senator from Waldo? In the first place, to answer his suggestions, while certain cities and towns would gain more to have every dollar of this increased tax distributed according to school population, no city or town will gain by his amendment, because you simply strike out of this bill the one mill which will be distributed according to valuation, and leave simply a half a mill to be distributed in accordance with school population. In other words, if you pass this bill, you give his town, and every town in the State, the same benefit; and they stand exactly in the same position with respect to the half-mill that they would stand in if you eliminated this mill. In addition to that, every city and town in the State gains one-tenth of one mill—one-tenth of one per cent. on the amount of tax which it raised under this bill. For instance, and it is easily apparent, if a town of one million dollars valuation under this extra mill would have to raise a thousand dollars addition for State tax, it would receive back from the State just \$1100. It would receive back ten per cent. additional. It would receive back its proportionate part, which would be ten per cent. of the money contributed by the wild lands. So that, if you adopt that amendment, you do not benefit any city or town, and you deprive every city and town in

the State of Maine of one-tenth of the amount which it would contribute under this bill. You are depriving them of just that much. So that, if you pass this bill without the amendment, you do not do injury to any town in the State, but give every town and city in the State the benefit of this ten per cent additional return from the State, every dollar of which comes from the wild lands of the State.

There are many objections to carrying the present method of distribution any further. It is at the first view apparent that a distribution in accordance with school population is the most satisfactory method to adopt; but there is a limit in that direction to which we can safely go, and beyond which we cannot go. When you have reached that limit, you should stop; and I believe that we have reached that limit now. I believe, to add six hundred and fifty thousand dollars to our present school fund, to be distributed according to the present method of distribution, would be extremely unjust and extremely embarrassing. How is it distributed now? The superintendents in the several cities and towns of the State make a return to the State superintendent of schools of the number of children in that town or city between the ages of five and twenty-one years. The State school fund is then distributed among those children, and each city or town receives its proportional part. In the first place, that method is a great temptation to fraud. There was evidence before our committee, and many facts were brought out in the discussion, to show that great dishonesty exists at the present time in the returns which are made to the State superintendent. Evidence was produced showing that one town had uniformly added one hundred to the number of scholars which its census return showed. If you should ask the State superintendent of schools, he would tell you that he had not a particle of doubt from the condition of affairs in his office and from the condition of affairs as he has found them, that great fraud was perpetrated all over the State of Maine in these returns; and, if you extend that any further, you are enlarging that temptation to dishonesty.

Furthermore the number of scholars in a town is not the sole factor in determining the needs of that town. The present method of distribution does not consider at all the quality or the character of education furnished, nor does it consider the needs of the several cities and towns. Of course, this money ought to be distributed in such a way that it will relieve the towns which most need relief and will afford the least assistance to those cities and towns which are best able to take care of themselves. But, does it do so at the present time? Why, Mr. President, there are some towns in this State which are taxing themselves nine mills on the dollar for the support of their common schools. There are other towns in the State which are taxing themselves three mills on the dollar. But you give to the town which is taxing itself nine mills on the dollar precisely the same amount and no more than you give to the town which is taxing itself three mills. Is that proportional? Is that fair? Is that in accordance with the needs of those towns?

If you enlarge upon the present method of distribution, you simply take it from some towns and you give it to others. Take, for instance, the case of the city of Portland. If this whole mill and a half were to be distributed in accordance with school population, you would take from the city of Portland the sum of \$42,000 a year and you would give that money to other cities and towns throughout the State and one of the cities to which you would give a large part of that money would be the city of Biddeford. The city of Biddeford today is taxing itself one and two-tenths mills for schools. That is the burden which rests upon the people of Biddeford. The city of Portland taxes itself for schools three and seven-tenths mills. In other words, the city of Portland is today taxing itself more than three times as much for its schools as the city of Biddeford; and yet, continuing the present method of distribution, you would take \$42,000 more out of the city of Portland which taxes itself three and seven-tenths mills, in order that you could give a large part of it to the city of Biddeford which only taxes itself one and two-tenths mills. To use

a familiar expression, I ask you whether that is fair?

Take the city of Lewiston which would be a tremendous gainer if you should pass a bill along the lines suggested by the senator from Waldo. The city of Lewiston taxes itself one and six-tenths mills on the dollar, and you would take from the city of Portland, taxing itself three and seven-tenths mills, \$42,000, in order to give a large part of it to the city of Lewiston which only taxes itself one and six-tenths mills. Is that a fair and just distribution? Is there any call for taking the money out of one town and giving it to another without any regard to what that city or town is itself doing for educational purposes? One town runs its school 20 weeks and another town runs 40 weeks. One does just twice as much for education as the other and you would give just as much to the town, under the present system, for maintaining a school for 20 weeks that you do to the other town for maintaining its school for 40 weeks; and so I suggest that there are many other considerations. I will refer to one particularly. In the cities of Biddeford and Saco and in all the manufacturing centers there is a large foreign population—children who do not attend the public schools—who are not educated at the public charge. Less than half of the children of the city of Biddeford are in the public schools. More than half of them are educated at private expense in the parochial schools and elsewhere, and yet you pay to the city of Biddeford the same amount for every scholar in that city, only half of whom are educated by the city or by the State, that you do to another city or town where every scholar has to be educated by the town and by the State and you do not take into account what the city or town is to do along the line of education. I cannot imagine any system that would permit any more inequality—any more injustice than the present system; and I certainly should object to seeing that system with all its inequality and its injustice, carried to any further extreme.

There are many other reasons beyond mere compromise why this money should be, partly at least, distributed in accordance with valuation. One of the most

serious problems which the committee on taxation has had to consider this winter in following the suggestions of the tax commission, has been to devise some means whereby the cities and towns of the State could be compelled to value property at its full, just, fair market value. There is a marked tendency all over the State for a town to undervalue its property in order that it may shift the burden of State and county taxes upon its neighboring cities and towns. When you have passed this bill, distributing two-thirds of this money among the cities and towns in accordance with their valuation, you not only distribute it to them in the same way that you took it from them—you not only give back to them the money you took away from them with ten per cent. more to every city and town in the State, but you encourage every city and town in the State to value its property at its full, fair value. Any city or town which reduces the valuation of its property—any city or town which values its property at only a percentage of its just value in order to throw over upon another city an unfair burden of the State and county taxes, suffers in the distribution of this money; and so, Mr. President, we believe that this bill, while it is not ideal—while it is not altogether scientific and wholly logical—is nevertheless the most satisfactory method which this Legislature can adopt for the larger taxation of the wild lands of the State; and we believe that you must decide whether you will take this bill, or whether you will return home and tell your constituents that you have not responded to their demand for an increased tax upon wild lands.

Mr. EATON of Washington: Mr. President and Gentlemen of the Senate:

We have before us at this time one of the most important questions considered by this body during this session. As the act under consideration is a departure from our regular method of taxation and establishes a precedent that may be far reaching in its results and like a boomerang, may work disastrously upon the very people it is meant to protect.

If this method of taxation can be used, what is to prevent its being employed against the towns and planta-

tions, that is, to take money from the towns and plantations and give it to the cities, or from the cities and give it to the towns and plantations? Its object, of course, is to doom the wild land owners to an extra tax put on in a round-about and unheard of way. The reason of this, as was openly stated in the House, is that the wild lands are not paying their full share of the taxes, although they are paying the same rate as other property and at a valuation nearer its cash value than any other property in the State. I claim first, that if the lands were given credit for what they should have credit for, that no property in the State pays so much into the State treasury; and secondly, that the lands are now assessed, taking them as a whole, for all they are worth, and if this measure goes through, at more than they could be sold for.

Let us for a few moments review the history of these lands. Many years ago the State in good faith sold these lands and gave warranty deeds to the purchasers, and the purchasers supposed they had perfect titles to the same. These people have all passed away and the lands are now owned by entirely different persons. After many years the State claimed the right, which I believe has never been tested, to use the lands as one vast game and fish preserve. From this privilege the State is now receiving annually about \$42,000 from fines and license fees collected from the fish and game department. A census of the visitors, hunters and fisherman was made in 1902 in the inland territory of Maine, resulting as follows: 133,885 visitors came into the interior part of the State that year; 1401 male help were employed by them; \$153,541 was paid out in wages to this help, and nearly as much was paid out for female help in the various hotels and camps; and \$1,371,201 was paid out in board in the various places, and over five and one-half million dollars had been invested in camps, hotels, etc., not to say anything of the benefits that came to the railroads, steamboats, etc. Credit to the wild lands what they really should be credited with from this amount and add to it the assessed taxes, and no property in the State pays one-

half as much income to the State. Not being satisfied with claiming the wild lands as a fish and game preserve with the great danger it brings to the land from fire, the State has lately through the decision of the supreme court claimed a right to restrict the cutting, which may mean to the land owners either confiscation or a great loss of value.

Let me give you an illustration. Two young men last fall bought a tract of 4000 acres of hard cut land, intending to cut it immediately for pulp wood, putting their last dollar into the transaction. Supposing the State should have said to them "you must not cut below a certain size," that size prohibiting them from cutting a stick from the tract, what would have been the result? Not being able to hold, they would have to sell at any price, or else let it return to the State for taxes. Can the State afford to take such a position as this? Would it not be better for the State if the forests are necessary to the welfare of the State, to buy four or five townships at the heads of our rivers each year at their present value and then control the cutting even at the price land is now held at, it would be cheaper to buy than to reforest later on, as it costs at least \$10 per acre to set out young trees, and then there is the uncertainty of their living, whereas the natural growth would be sure to live. Now the State comes forward with the act under discussion, which places a tax of 1 1-2 mills on a dollar according to the valuation upon the wild lands, to be distributed to the cities, towns and plantations one-third according to the number of scholars and two-thirds according to the valuation, strictly in violation of Section 8 of Article 9 of the Constitution of Maine, which reads as follows: "All taxes upon real and personal estate assessed by authority of the State shall be apportioned and assessed equally according to the just value thereof." Up to the present time the assessments have been thus made and the wild lands have paid the same taxes as the towns, cities or municipalities have, and in addition to this have taken care of their own roads and highways.

In debate in the House the 25th inst.

it was stated that the lands have increased in value 120 per cent. in ten years. The assessed value of many of these towns has increased from 150 to 300 per cent.

Six years ago an effort was made to increase the tax on wild lands on a different basis from other kinds of property, but it was decided by the supreme court that it was unconstitutional, and now in this act an attempt is made to do the same thing in another way, or by the school system. It is thought by some of our best lawyers to be unconstitutional, but, says a speaker in the House when referring to the constitutionality of this act after acknowledging that good authorities differ on this point and that he himself was in doubt, "let us make the assessment and let the courts decide it." What condition would the State find itself in after an assessment had been made on every town, city and plantation and collections had been made, to find it unconstitutional. The whole assessment in that case would be illegal and the State would find itself in a deplorable situation indeed.

Under the Deasy act, which has just passed this Legislature, a fire district

has been established and 1 1-2 mills is to be used as forest protection, thus relieving the State from making appropriations for that purpose. This is to be assessed on the wild lands alone. If 1-2 mill more be raised for school purposes, this added to the 1 1-2 mills, which the wild lands are now taxed for, make two mills for school purposes and would give the schools more than they really need for their support.

Mr. Smith, the School Superintendent, says that 1 1-2 mills would not be needed by over half the schools. What is to become of the balance not needed. This act is also unjust in its distribution to the cities, towns and plantations, unjust in its distribution whether taken by valuation or scholars. Should this one-half mill extra be extravagantly expended on the schools just to get an extra tax from the wild lands?

I have a statement here showing how this one and one-half mill tax according to valuation would affect the different counties:

State valuation	\$428,212,465 00
1½ mill tax	642,318 70
2-3 returned on valuation....	428,212 46
1-3 returned on scholars.....	214,106 24

Rate of return to cities, towns and plantations, 73% of tax on valuation basis and \$1.02 per scholar.

STATE BY COUNTIES.

Counties.	Valuation.	1½ Mill Tax.	No. of Scholars.	Return on Scholars.	Return on Valuation.	Total Return.	Excess of Tax.	Under Tax.	Ret. per Scholar.
Androscoggin	\$32,474,405	\$48,711 61	18,146	\$18,508 92	\$35,539 48	\$54,068 40	\$5,356 79		2 98
Aroostook	53,204,685	49,807 03	24,636	25,128 72	25,279 02	50,407 74	600 71	6,981 34	2 06
Cumberland	90,383,212	155,574 82	29,043	29,623 86	98,969 62	128,593 48		2,722 42	4 43
Franklin	12,698,900	19,048 35	6,120	5,222 40	11,103 53	16,325 93			3 19
Hancock	20,751,749	31,127 62	10,482	10,691 64	21,536 23	32,227 87			3 08
Kennebec	33,700,319	50,550 48	15,897	16,214 94	36,901 85	53,116 79			3 34
Lincoln	15,505,750	23,258 63	7,853	8,010 06	16,978 79	24,988 85			3 18
Oxford	8,083,264	12,049 89	4,803	4,899 06	8,796 43	13,695 49	1,645 60	1,301 67	2 85
Penobscot	19,413,594	29,120 39	9,274	9,459 48	18,359 24	27,818 72			3 00
Piscataquis	47,063,409	70,580 11	24,320	24,806 40	48,448 88	73,255 28	2,675 17	12,171 33	3 01
Sagadahoc	17,312,962	25,963 44	5,072	5,173 44	8,624 67	13,798 11		7,603 69	2 72
Somerset	11,850,869	17,776 38	5,808	5,924 16	12,976 71	18,900 87	1,124 57		3 25
Waldo	23,850,849	35,776 28	9,509	9,699 18	18,473 41	28,172 59			2 96
Washington	10,580,225	15,870 34	6,268	6,393 36	11,585 35	17,978 71	2,108 87		2 87
York	36,059,165	54,088 75	20,181	20,584 62	14,524 80	29,292 04	5,980 66		2 06
	\$428,212,465	\$642,318 70	210,652	\$214,865 04	\$427,845 24	\$642,710 28	\$31,172 03	\$30,780 45	2 97

From this table you can see, gentlemen, the inequalities in this act, as relating to the different counties in the State. Is that fair or just, in any way?

I will now take it according to the scholars. I have here another list of the different counties with many of the towns, as follows:

RETURNS PER SCHOLAR.

AROOSTOOK COUNTY.

Ft. Fairfield	\$2 72
Ft. Kent	1 48
Houlton	3 41
Presque Isle	2 68
Caribou	2 27
Frenchville	1 25
Madawaska	1 31
St. Agatha	1 21
Wallagrass Plt	1 21
Allagash Plt	5 90
Hammond Plt	4 81
Nashville Plt	14 59

ANDROSCOGGIN COUNTY.

Auburn	2 84
Lewiston	3 02
Poland	3 86
Leeds	2 24
Durham	1 84

CUMBERLAND COUNTY.

Portland	5 50
Westbrook	2 98
Raymond	2 45
Sebago	2 84
Cape Elizabeth	7 20

FRANKLIN COUNTY.

Farmington	3 63
Rangleley	4 50
Rangleley Plantation	16 41
Sandy River Plt	8 90
Coplin Plt	5 18
Jay	3 30
Salem	1 39
Weld	1 33

HANCOCK COUNTY.

Eden	7 19
Ellsworth	3 35
Mt. Desert	5 07
Sorrento	7 00
Eastbrook	1 89
Swans Island	1 80
Long Island Plt	1 44

KNOX COUNTY.

Camden	4 08
Rockland	4 51
Appleton	1 94
St. George	1 65

KENNEBEC COUNTY.

Augusta	3 70
Gardiner	3 66
Winslow	4 40
Waterville	3 17
Unity Plantation	2 17
Rome	2 16

LINCOLN COUNTY.

Boothbay Harbor	2 96
Waldoboro	2 63
Damariscotta	4 59
Somerville	1 64

OXFORD COUNTY.

Rumford	3 13
Paris	3 05
Norway	3 01
Fryeburgh	3 99
Gilead	4 90
Grafton	10 36
Magalloway Plt	15 74
Lincoln Plt	10 81
Milton Plt	2 08
Greenwood	2 05

PENOBSCOT COUNTY.

Bangor	4 29
Newport	3 12
Argyle	1 98
Chester	1 78
Stacyville Plt	1 65
Lakeville Plt	5 93
Grand Falls Plt	5 62

PISCATAQUIS COUNTY.

Dover	3 61
Milo	2 82
Abbott	2 02
Monson	1 80
Lake View Plt	4 08
Elliottsville Plt	10 92

SAGadahoc COUNTY.

Bath	3 44
West Bath	3 77
Perkins	3 82
Bowdoin	2 30

SOMERSET COUNTY.

Skowhegan	3 86
Madison	3 84
Fairfield	2 61
Moscow	2 16
Brighton Plt	1 60
Dead River Plt	5 04
Mayfield Plt	9 23

WALDO COUNTY.

Belfast	3 75
Islesborough	4 58
Northport	5 16
Waldo	2 07

WASHINGTON COUNTY.

Calais	2 26
Eastport	2 06
Trescott	1 42
Baileyville	7 58
Cutler	1 51
Edmunds	1 54
Lubec	1 79
Talmadge	4 13
Codyville	4 90

YORK COUNTY.

Biddeford	2 49
Kennebunk	4 41
Old Orchard	6 29
York	5 53
Kittery	2 46
Shapleigh	2 47

Average return per scholar for
whole State \$3 05

You can see that when we take this matter according to scholars, there is the same inequality as when we take it for counties. Neither of them show a fair or just distribution of the money taken from wild lands and put into these places.

And we came across another difficulty in this and one that troubled us more than anything I know of, when we undertook, as our Committee on Appropriations had to do, to figure up what the tax would be according to the amount appropriated so far, and what the tax rate for 1909 would be we called it three mills; and it will take all the surplus we had when we started, January 1, to make it come out three mills, for that year; but when we come to 1910, if we pass this act, it will make it five mills. What are we going to say to the people in the towns and villages and plantations when it comes around to election day. We have taxed them two mills more than has been taxed for the past eight or ten years. We may say and may try to prove to them, as we can prove to you, that one and one-half mills was taken from the wild lands, and that the difference between one-third and three-quarters of a mill was appropriated for roads, making the two mills difference. That is easily explained here; but how are we going to explain it to the voters all over the State. This whole amount has got to be assessed and the farmer has got to put his hand in his pocket and take the money out—this almost double tax—five mills against three. Where he had a tax of \$30.00, he is going to pay in 1910, \$50.00. If he has a tax of \$300.00, he will have to pay a tax of \$500.00. And you may tell him as much as you please that he has not paid any more tax but he has taken the extra two mills out of his pocket, it never gets back there and he never sees it, and you can never make him see it. It may be that it comes back to him indirectly, but he would have to pay a tax almost double what he had paid the year before as it seems to him.

I will also state right here, in answer to something said by one of the Senators, that these wild lands were given away in the early history of the State

to those who paid almost nothing for them; (and I want to illustrate it by something that came under my own observation), that these lands were sold, of course, early in the history of the State, at what seemed to be a low price. There was no market then for land and no market for stumpage; and those lands had to be held years uncut. I know of a township of land that was bought about sixty years ago, if I remember correctly, at 62 cents an acre. About eight years ago that township sold for four dollars an acre. If you figure that up carefully, you will see that the State made a gain, for if the State had put its sixty-two cents out at interest, it would have cost the State over \$4.00 an acre to hold this land; and that would apply to hundreds of townships in the State of Maine today. The party who sold a quarter interest in that town made a loss on his purchase.

Gentlemen, even should you leave off the one mill and tax the lands the five mills, I predict that the time will not be long in coming when the State will so wake up to the need of preserving the forests that wild lands will be nearly if not entirely exempt from taxation. Pursue the system you are about to inaugurate and in 25 years you will have our beautiful State of Maine a barren waste like Palestine, parts of Scotland, some of the islands in the Mediterranean and certain parts of China. No verdure, no soil, only a dreary waste, a place to flee from rather than a place to live in and enjoy.

Other states are beginning to wake up to the need of preserving the forests, and Governor Douglas of Massachusetts, a few years ago tried to pass an act exempting all timber tracts in his state from taxation. The State needs its forests to preserve its wonderful water power. One million horse power in our State today, only one thousandth part as yet developed. It needs the forests to keep the soil from being carried from our hills and mountains to the sea. Thousands of acres are being carried to the sea each year from the rivers of the world, and only last week I saw a statement where certain states and countries are planning to set out trees, bushes and grasses along the river banks to prevent

the great waste of soil. Is it not cheaper and wiser to commence now to encourage light cutting and save our forests rather than to so legislate that the owners of our wild lands will be compelled to cut heavily to pay the interest and tax charges?

The Constitution of our State is one of the finest in the Union, written by wise and noble men of whom we are justly proud, and for 89 years it has carried us safely. Can we at this time afford to vary from it in our legislation. The House, swayed by a single member whose ability we cannot but respect, has voted to take this departure. It does not seem possible that this conservative body can be so influenced, and by calm unbiased judgment will, I hope, decide against this measure.

MR. WHEELER of Cumberland: Mr. President:—I do not wish to weary the Senate and I assure you I will be extremely brief in my rejoinder to the Senator from WASHINGTON. I would not advocate any measure which I believed would result in the wholesale destruction of the forests of Maine. I believe that any member of this Senate can perform no more patriotic service to the State than to bend every effort to secure legislation for the preservation and perpetuation of the forests of this State; but, Mr. President, if you should figure with pencil and paper to see what the effect of this tax would be upon the wild lands of the State,—if you should figure it out in accordance with the acreage and should find that it would only increase a few cents an acre the tax which they are now paying, I am sure you would reach the conclusion that no owner of wild land would strip the land of the forests for the sake of escaping this trifling tax.

The argument of the Senator as to the unequal distribution of the amount, it seems to me is neither ingenious nor ingenuous. He says that the county of Somerset would lose six thousand dollars; but in reaching such a result, he must include the tax which you would take from the wild lands of that county. The towns of Somerset county would not lose six thousand dollars. The towns of Somerset county will gain under this bill. Of course, in any county where there is a large extent of wild lands, and that is

what we are taxing intentionally in this bill—of course in such a county, the county will lose, but the loss comes from the wild land, and that is where we intend that the loss shall come from. It does not come from the towns. The money goes back to the town, in order that the wild lands may assist the towns with their burden of taxation. The same is true as to Franklin and Piscataquis counties, also mentioned by the Senator.

With reference to the embarrassment which would result from this increased tax, the amendment which I offered at the beginning of this session provided that the amount which the town should receive under this distribution should be due and have been raised by this town in accordance with Section 13 of Chapter 15 of the Revised Statutes which requires towns to raise not less than 80 cents per inhabitant; so that the town may correspondingly reduce its local appropriation for schools. It may make a reduction in its local appropriation to offset the amount which it will receive from the State in the distribution; and if a town receives such a sum that it is not necessary for that town to raise anything, but on the other hand it receives money from the State without raising anything for schools, it simply is so much money from the wild lands of the State which it may use for schools—which it may use for better schools—which it may use for improved educational facilities; and will any senator argue that that is against the interests of the public.

One word more with reference to the amendment which is pending before us, and which, I believe, is the pending question. The same amendment was offered in the other branch of this legislature. Thirty-one votes were registered in its favor and over 90 votes were recorded against it. The same amendment which is now offered to us was rejected in the other branch by a vote of three to one. If you adopt that amendment, it then goes back to the House for concurrent action. Does any member of this Senate believe that those ninety odd members of the House would recede and concur with the 30 members in the adop-

tion of this amendment? You know that would not result. You know and you must know of but one result which can follow the adoption of this amendment, and that is that it would bury this whole wild land taxation problem between these two Houses. That is the only result you can accomplish; and you want to keep that in mind when you vote on this proposition.

Mr. WARREN of Cumberland: Mr. President: I suppose no more important question has come before us this winter than the one now under consideration. We have been appropriating money all through this session for one thing and another, and we now have got to provide the money with which to pay those appropriations. In addition to this we already have to provide the revenue that is required. I shall speak more highly for this bill than did the man who was chairman of the committee from which it emanated. I will congratulate that committee, for we know it has been a hard-working committee all through the winter, and that they have had many propositions filed for them, and that they have had to meet all kinds of questions in bringing forth what seems to me so simple, so adequate and equitable a bill as this one which is now before us. It is not ideal. No tax bill ever yet was ideal; and I do not know as any ever will be, but I believe it adjusts the question of tax in our State as well as it possibly can be done, and I do not believe in the amendment, but shall vote for the bill as it stands.

I would like, however, to answer one or two of the objections that are made to this bill, that have been made this afternoon. Indeed, they are the same objections that we have been hearing all through the winter, for this is one of the things about which we are not ignorant. I am not prepared to state with the same authority, and by the book, as those who have preceded me, but will only speak in a general way.

The question has been raised of the value of these lands, or rather, as has often been stated, that these lands are not held entirely by the people who are taxed. In other words that they have not the entire ownership of these lands,

but that it is retained by the State as a hunting and fishing preserve, and is of vast value to the State. This, I admit, is true, but this has nothing to do with the question that is before us. It does have to do with the question of the valuation of these lands for a hunting and fishing privilege belonging to the owners, and they could control these privileges as they do in Canada. Of course the value of the land would be more. It is worth just as much an acre except for one thing, and that is the greater risk of fire; but if it were not for this greater risk of fire the valuation of these lands would be higher. The valuation of the land is a sort of consensus of opinion of what it would sell for, is it not? Isn't it a matter of what lands somewhat like it and under like conditions have sold for; and, if it were freer from risk of fire and if the hunting and fishing privileges could be sold, wouldn't it stand at a higher valuation. If we think the valuation is wrong, we can adopt means for bettering it; but the question of valuation is not before us at all. I am willing to believe that it is fair as valuation goes. If you meet upon that, there are inequalities outside of that. We have nothing to do with the matter of valuation here. We have nothing to do with anything except the rate. It is the rate which we are considering.

These wild lands, I think we all agree, should contribute to the expenses of the State—the general expenses, and they have in the three mills, they have heretofore been paying the general expenses of the State and the legislative expenses; because the administration of asylums and the State Prison and the State University are expenses, to which these lands have contributed payment in times past and they are doing it still under the existing law. Another general expense is the cost of education; and these lands have contributed to that to the same extent and the State has contributed what was embodied in the mill and a half.

I can remember very distinctly when the mill tax was first originated. I can remember the discussion over it. It was then a single mill. The half-mill has been added since. It was a measure, I believe, of vast value to the State of

Maine, and has done us a great deal of good, and the mill and a half is doing us good; but there is a margin of education to which the State has never contributed. The cities and towns have taxed themselves in even greater measure for education than the State has contributed towards it. I see no reason why these wild lands should not contribute to the general average education of the State; and this bill proposes to do it to the extent of a mill and a half. It will still leave something to be paid by the municipalities interested, especially by those which provide the best schools. I believe the method which is proposed of distributing this tax does justice better than it would be done if it were all distributed on the basis of scholars, for reasons which have already been stated.

I see no reason why the State should not contribute somewhat to the wider range and higher grade of education which a city like Portland or Bangor contributes for its scholars. It is for the public good; and I believe it is an equitable way of distributing, to distribute the one mill on the basis of valuation.

As to the question of constitutionality, I do not know anything about that. I would not vote for the bill if I thought it was unconstitutional. I would not vote for a bill if I thought it were inequitable. I do not think this bill is either. I do not believe, if this bill passes, we shall ever find out, for the Courts will not take it up, of their own accord, and if you were trying to stand your opponent off, you would a good deal rather he should think that your gun was loaded than to have him find out that it wasn't; and I believe these people will keep their untried and perhaps empty gun and stand guard over the next legislature with it. I do not believe that it is inequitable. The total tax proposed under this, as has already been stated, will amount to seven and a quarter mills. The average valuation of the wild lands is \$4.52 an acre. That will amount to about three and four-tenths cents per acre, or between three and four per acre. That is not a very alarming sum. It is only as a man counts his holidays by the hundreds of thousands of acres that it begins to be burdensome. And we should not be

moved by our sympathy in this matter so much as by the question of equities. I do not believe myself that it begins to approach a point where this timber will be cut off in order to save it from the burden of taxation. There is a principle as we know by which would land may be overtaxed and result in the denudation of the land and it is worth watching to prevent permanent impairment; but I do not believe from what I know about it that we are beginning to approach that point or that we are anywhere near it. There is no danger of that. There is one more thing that the State might do to levy a somewhat higher tax on these wild lands, and that is to go more extensively into the matter of city lots. We have no such privilege before us this winter. It may come about and I think that those are approaching a point of ultimate taxation. I see no reason myself why those lands should contribute to sidewalks and police, and sewers, etc., in the city of Portland or any other city. They should only contribute to the State expenses,—whatever may be legitimate State expense, and to the cause of education. We have long ago settled this principle, that education is for the public good and that the property of the State should pay for the education of the State; and I see no reason why it should not pay, as I previously said, for the general average education in the State. I hope that this amendment will not prevail, but that the bill will be passed.

Mr. IRVING of Aroostook: Mr. President and Gentlemen of the Senate: I do not know as I could say a word that will help in the discussion of this proposition, which I consider to be a very important one. My thoughts in regard to it I have jotted down, and they will be largely made up of showing how the bill works practically. I will read what I have written:

It appears to me that this question ought to be considered or argued on two distinct and separate lines on account of the fact that while the whole of the 1 1-2 mill assessment called for in the bill is for a specific purpose, namely, schools, yet the wide difference of apportionment should be considered and each argued on its merits.

Take the first section of the bill which provides that 1-2 a mill should be assessed on all property of the State for schools and apportioned to the several cities, towns and plantations according to the number of scholars. This proposition takes money from the most of the large cities and gives it to the smaller towns and plantations. The amount taken from any city is determined by the ratio of wealth compared with the number of pupils, and on the other hand the amount received by the poor town, depends upon the number of scholars compared to the valuation.

Now at first thought this seems to be an unfair distribution, but upon investigation you will find that prior to 1907 the towns that were helped by the provision of a similar bill to this were raising and paying a larger percentage on their valuation for the support of schools than the larger towns and cities that were affected adversely, and it is my opinion that now even after the distribution of the last half mill as per the law of 1907 that the larger and richer towns are not raising so large an amount according to their valuation as the smaller and poorer towns. If you will bear with me, I will give some figures showing the percentage raised for school prior to 1907. These figures show the average percentage raised by towns that gain, and also by towns that lose for schools. The figures are given by counties under the school mill distribution:

Counties.	Gain.	Loss.
Aroostook	3 7-10	1 9-10
Androscoggin ...	2 9-10	2 9-10
Cumberland	3 5-10	2 5-10
Franklin	3 4-10	2 3-10
Hancock	3 7-10 (Eden)	1 8-10
Kennebec	3 3-10	2 3-10
Knox	3 7-10	2
Lincoln	3 7-10	2 1-10
Oxford	3 6-10	2 4-10
Penobscot	3	2 4-10
Piscataquis	4 3-10 (Dover)	2 9-10
Sagadahoc	3 2-10	2 2-10
Somerset	3 6-10	2 4-10
Waldo	3 3-10	2 2-10
Washington	3 7-10	
York	3 3-10	2 5-10

Now it is evident, according to these figures, that the poorer towns are now

raising a larger percentage on their valuation than the larger towns and cities, so I conclude that it is eminently fair that the distribution or apportionment be made according to the scholars. Up to a point where the larger and richer towns pay an equal amount according to valuation, to the smaller and poorer towns for schools. Beyond that point such apportionment would be unfair legislation. Again, valuation according to the number of scholars is a fair proposition because the education of the boys and girls is something that benefits the whole State as nothing else can. It touches every department of it. It is right, in my opinion, to have every man's dollar taxed in equal proportion to educate the last and farthest away boy and girl in the State. This idea of apportionment per scholar up to the point which I have indicated is on par with the law which changed from the old district system to the town system, and it is simply broadening the idea which we will all agree is a good one. I want to say a few words in regard to the last portion of the bill, which provides that one mill will be assessed on all the property of the State and apportioned according to the valuation. In order to simplify the question we can deal directly with the amount raised on the wild lands, as the amount raised on the rest of the property is simply this,—that each town will raise one mill on their valuation and pay it in to the State Treasury and the State will pay the same amount back with the stipulation that they use it for the support of common schools. It appears to me as though this is unwise legislation, because under this bill it would give many towns more money from the State than they ever have had before from the State and municipal tax combined, and is it wise to remove all responsibility from any town of raising money for the support of its schools?

This 11-2 mills will give to several towns in this State an amount equal to about 65c per capita, or about 10c per capita more than they are now raising from mill fund and municipal tax. Besides this on account of the increased valuation of the State and also increase from savings bank tax there will be apportioned to schools an amount equal

to about \$200,000 more than was apportioned last year, so if this bill passes many towns will have an abundance of money without assessing any municipal tax whatever, for schools. Up to this point I think we are all clear as to the working of this bill.

The amount received by the wild lands by this portion of the bill would be in round numbers \$41,000; this amount also to be apportioned back to the several towns and cities according to valuation. Now this is the part of the bill that I emphatically object to for various reasons. I have tried to show that at the present time the richer cities are not paying so much on their valuation for the support of schools as the poorer towns and plantations, and if that is true, and I can assure you it is, would it not be eminently unfair to apportion this \$41,000 (raised on the wild lands) according to the valuation? Under this apportionment we will see how it will work. Take Piscataquis, for example—there is about \$9,000,000 worth of wild lands in the county. The tax on the same would be \$9,000, and of that amount the city of Portland would get approximately \$1300 and the whole county of Piscataquis would get about \$450, or in other words, Portland would get nearly four times as much as the entire county would receive. Again, the whole of the wild lands in the State are in eight of the counties, the other eight counties containing no wild lands. In the counties where there are no wild lands, are located fourteen of the twenty cities of the State. This apportionment according to valuation would give these fourteen cities over 35 per cent. of the \$41,000 obtained from the wild land tax. Again, the eight counties having no wild lands would get about \$24,000, or 56 per cent. of the entire amount. Take the county of Franklin. It was asserted on the floor of the House last Friday that Franklin county under the provision of the amendment lost, and under the whole bill gained. Part of this assertion was true and part of it was not true. Franklin county does gain under the apportionment according to the scholars about \$500. It also gains under the provision of the whole bill, but this is the way it would work to apportion according to valuation,—

Franklin has \$3,225,000 worth of wild land. The tax on that at one mill is \$3,225. Portland would get \$460 of this amount and the county of Franklin would get \$92, Portland getting five times as much as the whole county of Franklin.

Now we will take Penobscot which contains one of the large cities in the State, and is also located in a wild land county. See how the apportionment according to valuation works here. Penobscot has \$3,350,000 worth of wild lands.

The tax on that would be \$3,350. The city of Bangor would get nearly one-half of this amount and the other 63 towns in the county would get the balance. Now there would be some reason in the argument of making distribution in that way if Bangor was paying more according to valuation for the support of her schools than the rest of the towns in her county, but such is not the case. I find that many of the smaller towns are raising a much larger amount than Bangor. For instance, the town of Argyle raises 9 3-10 mills on her valuation for the support of common schools; Greenville, 4 5-10; Lincoln, 4 4-10; Passadumkeag, 6 9-10; Drew, 5 mills; Old Town, 3 6-10; Exeter, 3 3-10, while Bangor is raising 2 6-10. Now is there any good logical reason why Bangor with its wealth and many luxuries that are denied the poorer towns should not pay as much, at least, as the smaller towns? Is there any good reason why every dollar of Bangor's money should not pay as large a tax to educate the boy and girl, as the poor small towns of the same county? Can anyone give a good logical reason why they should not do so?

I have been showing in a broad sense how an assessment or a distribution according to the valuation would work. Now, I have made a few figures and only a very few, on some of the towns, showing how it would work in a practical sense, and how it would effect the several towns, or a few of the towns; and I am not sure but what my figures would cut across the figures of the Senator from Washington, but I think these are nearly correct. I take four of the towns in Aroostook county, St. Francis would get, per scholar, apportioning according to valuation, 2 1-2c each; St.

Agatha would get 1 1-2c; Amity would get 6 1-2c; and Houlton, the richest town in the county, would get 19c. Take the county of Hancock; Deer Isle, one of the poor towns of the county, 6 1-2c; Eden would get 55c per scholar. In the county of Kennebec, Unity Plantation would get 10c per scholar; Wayne would get 13c; Waterville would get 19c; Augusta would get 23c. Take Cumberland county; South Portland would get 15 3-4c; Westbrook would get 17c; while Portland would get 41c. Take Penobscot county; Greenfield would get 8c; Passadumkeag would get 7c; Patten would get 13c; Exeter would get 12c and Bangor would get 29c; and without fear of contradiction, I think we would find we should get through the whole State, in the richer town the greater amount would come back, according to scholars.

Now a word in regard to taxing of wild lands. The object of this bill is to get an increase of taxes on the wild lands. I am in sympathy with that. I think the wild lands ought to be taxed for a fair amount, and I am aware that if we have got the valuation of the wild lands in proportion to the valuation of the rest of the property of the State, we cannot equitably assess any tax on the wild land owners unless under the provision of some mill bill to be applied for some public utility, but why the mad rush to tax the wild lands especially for schools? Why cannot a mill tax be assessed for the improvement of our highways or our bridges? True, up to date we have not done much in that direction; but it can and ought to be brought about, and distribution ought to be fairly made from the revenue thus received.

Gentlemen, we had better give careful thought to this measure before we vote to have it become a law. It is certainly not right. It cannot stand. It is on par, the same in principle as the Bigelow bill; the same arguments used in favor of the Bigelow bill can be used in all fairness on this proposition, but but yet we voted that out as unfair and an unjust measure.

I would say that I am arguing as I am for the principle of it. I think it is wrong in principle. Under the provision of this bill, in its entirety, I mean, no county will be benefited any more

than the county in which I live, for the reason that, under the distribution of the mill tax, according to scholars, Aroostook receives more than any other county in the State. So it is because I believe that the principle is wrong, that I am against it. I do not believe it is fair that the property of the State shall be so taxed, because while it does not make the poor man poorer, it does make the rich town richer, and it is an unfair distribution as I see it. I cannot conceive of any reason how any one can logically believe in that proposition or principle unless it be in accordance with some words in Holy Writ like this: "To every one that hath shall be given, and he shall have in abundance and from him that hath not shall be taken, away even that which he hath." But I am going to say that, until the time comes when we in the small towns shall get to the place where we are not using the little we have or making a misuse of it, I will be against the proposition of apportioning in that way according to valuation.

Mr. MACOMBER of Kennebec: Mr. President: I shall not weary the Senate with any argument in reference to this matter; but as a member of the Committee on Taxation which has brought in this bill, I feel very much interested in it, and for that reason want to explain a few things which have been suggested by the Senator from Aroostook.

I think it will be generally conceded that when this Legislature met there was a crying demand all over the State of Maine that we should assess a tax upon the wild lands of this State in excess of what it had been for many years past. With this in view, the Taxation Committee has been at work and has unanimously reported this measure.

Now all these figures which have been given by the several Senators are inclined to befog the situation as it seems to me. The question before the Senate is, whether we will tax the wild lands one-half a mill to be assessed on the number of scholars, or whether we will tax the wild lands a mill and a half—one-half mill on the basis of school population and one mill on the basis of valuation. If there is any virtue in

this amendment which has been put in here, the same virtue is in the bill of the committee, because a part of that bill covers exactly that same proposition of raising out of the wild lands a half a mill and apportioning it on the basis of school population. If we accept this amendment, that is all there is to it; and all this Legislature does, so far as this matter is concerned, is to tax the wild lands simply \$20,000.

Now, if this Legislature, or this Senate, are willing to adjourn by imposing simply a tax of twenty thousand dollars additional on the wild lands, then we want to adopt this amendment. But, on the other hand, the bill which is under consideration here calls for an additional amount from the owners of the wild lands of forty thousand dollars; and that \$40,000 goes into the treasuries of the towns of this State to be used for school purposes; and it enables those towns to reduce the amount of money which they raise in their town meetings every spring, just that much. It seems to me that that is the whole proposition.

There was another point made by a member of the House the other day in discussing this matter, and with that, I have done. It was brought up that this would create a great disturbance among town treasurers and municipal officers because of this additional tax; but the gentleman evidently forgot that if this bill is enacted, it will not become a law for three months, and no tax can be assessed under it for 1909. It gives the wild land owners a year to determine the constitutionality of this measure, so that there is no trouble on that score; and it seems to me there is only one position for this Legislature and this Senate to take; and that is to put a fair and reasonable tax on the wild lands. The representatives of the wild land interest came before the committee and stated over and over again that there was no objection on their part to a tax of from five and a half to six mills. The committee has made it six mills, and I believe this Senate ought to stand behind that committee.

Mr. MILLIKEN of Aroostook: Mr. President: I hope I recognize fully the difficult task that the Committee on

Taxation have had to perform. I recognize fully the fact that the bill, as reported by the committee is a compromise; and I recognize fully the fact that I shall probably have to vote for the bill as reported by the committee, rather than to vote for nothing at all, as one of the Senators who has preceded me has said; but I cannot do so and do not wish to do without first entering my protest against one feature of the bill proposed; and I do so at this time because that is the right question raised by the amendment of the Senator from Waldo. The effect of his amendment, as I understand it, is the cutting out of that part of the bill reported by the committee which provides for the assessment of a tax of one mill on all the property of the State for school purposes and its distribution to the towns, cities and plantations in the State in proportion to their valuation.

On this question I want to call attention for a moment to the policy we have been pursuing along these lines; and I do that only to say this in regard to these wild lands. So far as I am concerned the wild land question passes out of this discussion. The wild land owners, most of them, agreed to this mill and a half tax; and I do not care whether they agreed to it or not, or whether it is a mill and a half or two mills and a half, or any other tax which this Legislature sees fit to impose as a State tax. If it is needed for public purposes of the State, the wild land owners ought to and must agree to it, in common with all other property owners of the State. I am not advocating this for the purpose of relieving the wild land owners from taxation at all. In one sense, it is none of the wild land owners' business what is done with this money. The fact that concerns them is that they have to pay it. But on the question of what shall be done with this one mill or whether it shall be distributed or assessed in the way proposed. I want to call attention to the policy that has been pursued. We have taken the ground in this State that certain public utilities—and the burden is not great—might well be borne by the whole State in larger and larger proportion from time to time. We have taken the

ground that the burden of education should be shared by the property of the State wherever found, on the plain and simple proposition that education protects property, and therefore property, and not population, should pay for education. And, following that theory a little further, we have said that the whole State, the property of all the State should pay a certain amount toward the uses of education in the State. We have said too, that the roads of this State are a great public utility and that they are used by every man, whether he has property or not, and that it is for the interests of the whole State that those roads should be developed, and that to a certain extent property, and not the individual, or population, should pay for those roads. We have said also, though not in the same way precisely, that bridges are a public utility, and that the money of the whole State might be used for bridges in certain localities where certain special conditions existed. And we have said in this Legislature in regard to one special case here in Augusta—the Rines Hill crossing—that it was a public necessity, a public utility, and that the money of the whole State should be used for that purpose.

Now in every case we have said that the money should be used where a need existed, and so far as we can determine, in proportion to that need. We have not raised money by taxation for bridges, appropriated it to this town and that town and the other one, regardless of the number of bridges they had, or the need of those bridges. We have not raised money by taxation for roads, and appropriated it indiscriminately, regardless of the needs of the various towns for roads. Up to this time we have not raised money for schools and appropriated it indiscriminately, regardless of the comparative needs of the various localities for schools.

To go back to the wild land proposition, I agree fully with the theory that prevails that the wild lands should pay more tax. There is no question about that, and, if I understand the Grange position correctly. I agree in saying this, I believe that should be paid by assessing a larger and larger tax as the

years go on, by the State, for the maintenance of those great State utilities, roads, State bridges and hospitals, wherever found and wherever existing. I believe that by doing that, we do increase the taxation upon the wild lands, and the wild land towns differ from other towns and cities in this respect: that practically none of the money paid out comes back to them, but they do not complain and they do not complain of this proposed increase.

What is the objection to this proposition? The objection is that it is absolutely a departure from any policy that we have followed in the past. We are going to say in this instance that we are going to raise this money for schools and distribute it for schools, but not where the schools are—not in proportion to schools—not in proportion to needs of the scholar—not to equalize the burden of taxation in a town and to give to the smaller towns which as a rule as has been shown here pay more, a larger proportion of State aid—not to pay money where the scholars are, but to distribute the money in proportion to population, absolutely regardless of the affect upon any particular town. Now I cannot let this bill go through, as I say, without registering my protest against that feature. I believe it is unscientific. I believe it is a departure from the time-honored method we have pursued in taxation and I believe in doing it that we are allowing ourselves to be stampeded by the desire to get at somebody and by that are allowing ourselves to be led away from the proper path of taxation into something new. I do not want to vote in this Legislature for any scheme of taxation that is designated to get at any special interest. I do not want to vote for a scheme of taxation, if I had the opportunity, that is designed to get at the railroads. I want to see the railroads and other public service corporations pay a proper tax, and a proper tax upon their franchise value; but I do not want to vote for some measure that is designated and devised especially to get at them; and I do not want to vote for this provision, because I believe that it is simply designated to get at this particular class of property, namely the wild land prop-

erty, and to do it in an unscientific way. If this money is needed for schools, what is the objection to raising this mill and a half for schools and distributing it as it has been distributed, namely, in proportion to scholars? We all know the objection. The objection is that the cities won't stand for it, the argument made in the committee and made here, that it will be unfair to the cities to do that. I want to say in regard to that proposition, that in my judgment any money that may reasonably be paid by the wild lands for State purposes, may be paid by every other item of property in the whole State, for the same purpose. Are we differentiating in this Legislature between wild lands for State purposes and for municipal purposes? We have provided by a bill which has already gone through here that unincorporated towns and wild land towns shall pay their own municipal debts. They shall pay money for fire protection. That is the only municipal need apparently that we have at present. We have provided, by providing a tax on wild lands of the State for other municipal needs that may arise, but when it comes to State needs any tax which it is fair to impose on them, it is fair to impose on all the property of the State.

It is said that the increased tax, distributed in the present way, is unfair to the cities; and it is pointed out that it will take so many thousands of dollars from this city and from that city. I want to say simply that that is the principle upon which this whole scheme is founded, namely, that property wherever it is found shall pay these necessary expenses for schools; and further I find that there is another reason alluded to here why the additional tax upon the city is fair, and that is this: I understand and I undertake to say that it will always be found true that the larger accumulation of property you find in a city, the larger is the proportion which escapes taxation. The more you get properly massed together, the more intangible property you get which escapes taxation. I speak of Portland, simply because it has been referred to. And I understand that the amount of property which escapes taxation in Portland very closely approximates the

assessed value of the wild lands; that is to say, if we knew the actual difference in the larger cities between the assessed value and the actual value of all properties owned in those cities, the amount would astonish you.

I do not wish to weary the Senate any further in discussing this matter. I am inclined to think, if the amendment does not prevail, that I must vote for the bill and recognize it as a combination of a good many views—a compromise; but I cannot do it without expressing my views on this part of the bill, believing that it is a wrong principle, unscientific and that we shall regret it. If the question is asked what we have done with regard to the wild lands, I would rather go to my constituents and tell them that we have raised half a mill more for the schools and practically half a mill more for roads and that we have put the expense of fire protection, amounting to a mill and a half, on the wild lands, or a total of two and a half mills, and that we have done it in the same equitable way as heretofore, following the same old path,—rather than to go back and say that, yielding to what we felt to be the clamor for a larger taxation on wild lands, we have departed from those paths and have adopted something which we ourselves do not believe to be proper, but which we have done because it is the only subterfuge whereby the end could be accomplished.

Mr. MACOMBER of Kennebec: Mr. President: There is just one point I want to speak of and that is in reference to the question of concealed wealth. There is undoubtedly more or less concealed wealth in the city of Portland and it is true in every other city and every other town in this State. There is not a town in the State of Maine but I have been into many times, and we always find in all those towns a man of wealth loaning money at high rates of interest; and the Committee on Taxation took this matter into consideration and discussed it, and in the inheritance tax bill which has been reported and which has gone through this Legislature, we doubled the rate, so that the State of Maine will get on those inheritances \$200,000 a year, where heretofore they have been getting less than a hundred thousand. This concealed wealth must

go through the probate court and must be taxed by the State, so that the whole argument about the concealed wealth in Portland seems to me false.

Mr. KNOWLTON of Piscataquis: Mr. President: I certainly shall not weary the Senate long. I shall vote for this bill. I do not like it. I do a great many things that I do not like to do. I shall vote for the bill because I am very sure that we could not get the one we desire; and we do want something. I certainly would not vote for the bill if the animus of it was what has been suggested—that is, a bill to get at the wild lands. I have no such disposition, nor do I believe the House or Senate have any such disposition. I do not understand that the wild land owners object to this bill. I shall vote for it simply because it is the best thing we can do and the only thing we can do and is something that we ought to do.

The question being upon the adoption of the amendment, the Yeas and Nays were called for and ordered, and the vote being had resulted as follows: Those voting Yea were Messrs. Colcord, Donigan, Eaton, Gowell, Hamilton, Howes, Irving, Milliken, Smith, Wyman (10). Those voting Nay were Messrs. Baxter, Boynton, Emery, Hastings, Hill, Kellogg, Knowlton, Looney, Lowe, Macomber, Minott, Mullen, Osgood, Reynolds, Shaw, Staples, Walker, Warren, Wheeler, (19).

So the motion was lost.

On motion by Mr. Wheeler of Cumberland, the bill as amended by House Amendment A, previously adopted, and Senate Amendment A, took its first reading and was passed to be engrossed.

House Bills on First Reading.

An Act for the licensing of dogs and for the better protection of sheep. (This bill was by the Senate passed to be engrossed. By the House the bill was passed to be engrossed as amended by House Amendment B. On motion by Mr. Boynton of Lincoln, the Senate voted to reconsider the vote whereby the bill was passed to be engrossed; and, on his further motion, House Amendment B was adopted in concurrence and the bill as amended was passed to be engrossed.)

An Act relating to the employment of labor. (This bill came from the House, House Amendment A adopted in that branch. House Amendment A adopted in concurrence. On motion by Mr. Baxter of Cumberland, the bill was tabled pending its second reading.)

Resolve in favor of Verdi Ludgate, chairman of the Committee on Education. (On motion by Mr. Minott of Sagadahoc, under suspension of the rules, this bill took its second reading and was passed to be engrossed.)

Resolve in favor of M. S. Hill, Clerk of Committee on Temperance. (On motion by Mr. Minott of Sagadahoc, under suspension of the rules, this bill took its second reading and was passed to be engrossed.)

Resolve in favor of L. S. Lippincott, Clerk, stenographer and messenger to the Committee on Sea and Shore Fisheries. (On motion by Mr. Minott of Sagadahoc, under suspension of the rules, this bill took its second reading and was passed to be engrossed.)

Resolve in favor of H. R. Thompson, for the services as clerk and stenographer for the Committee on Library. (On motion by Mr. Minott of Sagadahoc, under suspension of the rules, this bill took its second reading and was passed to be engrossed.)

Resolve in favor of payment to the Central Maine Fair Association of the balance appropriated by Chapter 79 of the Resolves of 1907. (On motion by Mr. Walker of Hancock, this resolve took its second reading under suspension of the rules and was passed to be engrossed.)

An Act to authorize the building of a dam at the outlet of Sebec Lake. (On motion by Mr. Walker of Hancock, under suspension of the rules, the bill took its second reading and was passed to be engrossed.)

An Act to regulate fishing in Chase Brook and tributaries and in a portion of Fish River, in the County of Aroostook. (On motion by Mr. Howes of Somerset, under suspension of the rules this bill took its second reading and was passed to be engrossed.)

Resolve in favor of the Eastern Maine Insane Hospital. (On motion by Mr. Howes of Somerset, under suspen-

sion of the rules, this bill took its second reading and was passed to be engrossed.)

An Act to abolish liquor agencies. (Pending the acceptance of the report accompanying this bill, the bill was tabled and assigned for consideration Wednesday, March 31.)

An Act to repeal Chapter 92 of the Laws of 1905. (This bill accompanied by majority and minority reports was tabled on motion by Mr. Macomber of Kennebec and was assigned for Wednesday, March 31.)

Resolve in favor of Lowell E. Bailey. (This resolve was by the Senate passed to be engrossed. By the House it was indefinitely postponed. On motion by Mr. Howes of Somerset, the Senate voted to insist on its former action and that a Committee of Conference be requested.)

An Act to enlarge the powers and duties of the Railroad Commissioners and to regulate fares and tolls of common carriers. (In the House this bill was indefinitely postponed. On motion by Mr. Milliken of Aroostook, the bill with accompanying report was laid on the table.)

On motion by Reynolds of Kennebec, House Document 378, "An Act to provide for the uniform grading, packing and branding of apples" was taken from the table; and on further motion by the same Senator was assigned for consideration Wednesday, March 31.

On motion by the same Senator, House Document 720, "An Act to amend Section 78 of Chapter 9 of the Revised Statutes, in relation to appeal from County Commissioners," was taken from the table. On further motion by the same Senator, the bill was tabled and assigned for Wednesday, March 31.

Mr. Reynolds of Kennebec requested that it appear of record that on the vote of Senate Document 325 he had voted Yes, whereas he had intended to vote No.

On motion by Mr. Hastings of Oxford, House Document 358, "An Act to amend Section 2 of Chapter 81 of the Revised Statutes relating to records of proceedings in Court, which was passed to be enacted this morning, was re-

called from the Executive. On his further motion the vote whereby the bill was passed to be enacted was reconsidered. On his further motion, the vote whereby the bill was passed to be engrossed was reconsidered, Senate Amendment A was adopted and the bill as amended was passed to be engrossed.

On motion by Mr. Minott of Sagadahoc, House Document 584, "An Act to amend Section 15 of Chapter 4 of the

Revised Statutes relating to the election of road commissioner," was taken from the table, and the vote whereby House Amendment A was adopted was reconsidered, the Senate voting to non-concur with the House in the adoption of the amendment. On further motion by the same Senator, the bill, without the amendment, was passed to be engrossed.

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