

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

ERRATA:

**The following errata are
inserted because one or more pages
in this session day have errors
noticed and corrected here.**

ERRATA.

Page 39, for Long Monson Pond read Long Mousam Pond.

94, after the words "Probation Officers" omit the words "relating to State Detectives."

105, 302, 316 and 333, for State Prison read State pension.

118, 146, 165 and 170, for supplementary associations read supplementary assessments.

168, for Coolidge River read Cambridge River.

174, for \$50 read \$50,000.

182, for Oakland read Oakfield.

185, for Rines road read Kineo road.

219, for Mineral Spring Co. read Merrill Springer Co.

226, for investigation of vital statistics read registration of vital statistics.

243, for town of South Portland read town of Southport.

309, for town of Wales read town of Wells.

325, for foreigners read coroners.

343, for Bed Cambridge River read Dead Cambridge River.

360, for boys read buoys.

377, for Corners Knob read Conary's Nub.

377, 462, 496, for Prescott read Trescott.

379, for Pittsburg read Phippsburg.

462, 496, for Chronological read Pomological.

494, for Township E read Township 2.

510, 538, for Central Railroad Co. read Jonesport Central Railroad Co.

520, for Penobscot Electric Co. read Penobscot Bay Electric Co.

525, for Colcord read Concord.

544, 556, for town of Brewer read town of Bremen.

551, 587, for Monmouth Ridge Sanitary Association read Monmouth Ridge Cemetery Association.

646, for Androscoggin Valley Company read Androscoggin Valley Railroad Company.

648, for Central Fire Insurance Co. read Central Maine Fire Insurance Co.

654, 670, for Jimmy pond read Jimmy brook.

655, 671, for Straw's Island read Swan's Island.

667, for transmitted in Maine read transacted in Maine.

677, 698, for municipal court in town of Portland read municipal court in town of Farmington.

687, for Trusett read trustee.

700, for pension members of Building Commission read pension members of Fire Department.

788, for Howard read Howland.

835, for Chapter 138 of the Public Laws of 1905 read Chapter 138 of the Public Laws of 1895.

844, for bridges of municipal officers read duties of municipal officers.

928, for identifying animals read identifying criminals.

974, for Herbert A. Bradford read Herbert A. Lombard.

1022, for Stonington Trust Company read Stonington Water Company.

1064, for Biddeford read Portland.

1244, for Daniel's Pond read Donnell's Pond.

1275, for Acatus Lake read Nicaeous Lake.

1313, for establish read abolish.

SENATE.

Thursday, April 1, 1909.

Senate called to order by the President.

Prayer by Rev. Mr. Slocombe of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

An Act to make uniform the standard relating to the percentage of alcohol in intoxicating liquors.

This was by the Senate passed to be engrossed. By the House it was passed to be engrossed as amended by House Amendment "A." On motion by Mr. Milliken of Aroostook the bill with the amendment were tabled.

"An Act to amend Section 21 of Chapter 32 of the Revised Statutes relating hunting on Sunday." This was by the Senate passed to be engrossed. By the House it has been indefinitely postponed. On motion by Mr. Macomber of Kennebec the Senate voted to recede and concur with the House in the indefinite postponement of the bill.

"An Act relating to the Commissioner of Public works of the City of Portland." (This bill was by the Senate passed to be engrossed without being printed, under suspension of the rules.

By the House it was indefinitely postponed. On motion by Mr. Wheeler of Cumberland, the Senate voted to recede and concur with the House.

"Bill to abolish liquor agencies." (By the House this bill was passed to be engrossed. By the Senate the bill was indefinitely postponed. The House now insists and asks for a Committee of Conference. On motion by Mr. Irving of Aroostook, the bill was laid on the table.

Resolve in favor of Clerk and stenographer to the Committee on Mercantile Affairs and Insurance and the Committee on Telegraphs and Telephones. (On motion by Mr. Hastings of Oxford, under suspension of the rules, this bill took its several readings without reference to a committee and was passed to be engrossed.)

Resolve in favor of James A. Chase, mail carrier of the House. (On motion by Mr. Hastings of Oxford, under suspension of the rules, this resolve took its two several readings and was passed to be engrossed.)

Resolve in favor of the Secretary of the Committee on State School for Boys and Committee on Public Health. (On motion by Mr. Hastings of Oxford, this resolve took its two several readings, under suspension of the rules and was passed to be engrossed.)

Resolve in favor of messenger to the Committee on Railroads and Expresses. (On motion by Mr. Hastings of Oxford, under suspension of the rules, this bill took its two several readings and was passed to be engrossed.)

Resolve in favor of clerk to the Committee on Education. (On motion by Mr. Hastings of Oxford, under suspension of the rules, this bill took its two several readings and was passed to be engrossed.)

An Act to authorize the cities and towns to establish and maintain telephone lines. (This bill came from the House, by that branch indefinitely postponed. On motion by Mr. Macomber, of Kennebec, the Senate voted to concur with the House in the indefinite postponement of the bill.)

An Act to restore Portland Bridge. (This bill came from the House amended by House Amendment A as amended by House Amendment 1 to House Amendment A. The bill took its first reading, and, on motion by Mr. Baxter of Cumberland, House Amendment 1 to House Amendment A was adopted; and, on his further motion, House Amendment A as amended by House Amendment 1 to House Amendment A was adopted; and the bill, as amended, took its second reading, and was passed to be engrossed. On motion by Mr. Baxter of Cumberland, the bill was tabled. Subsequently on motion by the same Senator, the bill was taken from the table.)

"An Act to prohibit the taking of scallops in the waters of Penobscot Bay, from April 1 to October 1 of each year. (On motion by Mr. Milliken of Aroostook, under suspension of the

rules, the bill took its several readings and was passed to be engrossed.)

"An Act for the protection of shell fish on the coast of Maine. (On motion by Mr. Milliken of Aroostook, under suspension of the rules, the bill took its several readings and was passed to be engrossed.)

Orders of the Day.

On motion by Mr. Staples of Knox, House Document No. 723, "An Act to amend Section 13 of Chapter 77, making certain the rights of a widow or widower in case of waiver of provision of a will by the deceased husband or wife," was taken from the table. On his further motion, under suspension of the rules, the bill took its two several readings and was passed to be engrossed.

On motion by Mr. Milliken of Aroostook, bill, "An Act to enlarge the powers and duties of the railroad commissioners, and to regulate the fares and tolls of common carriers," was taken from the table.

Mr. MILLIKEN of Aroostook: Mr. President: I now move that the bill be substituted for the report, and I wish to state the precise parliamentary situation as I understand it to be, and the precise effect that is intended by this motion. The original bill introduced was House Document No. 661. This bill was referred to the committee on railroads and expresses and was reported by them "ought not to pass." The House voted on March 17 to substitute the bill for the report and then voted to amend House Document No. 661, by substituting for it House Document 742, that being the bill in a new draft. Subsequently the House reversed its former position and voted to indefinitely postpone House Document 742. I want to make it very plain at the outset that the bill under discussion is House Document 742, and it is the intention, if the motion prevails to substitute the bill for the report, to amend by substituting the bill House Document 742. But it is necessary to make the motion to substitute the bill for the report, and I want it plain that it is not to substitute House Document No. 661, but that it is House Document 742 which is under discussion.

This measure is one of very great importance. It is one of the most important matters that has come before us at this session, because it involves the whole question of the regulation of public service corporations—the regulation of their rates and of their tolls and of the management of their business—a question that is always of importance, and that is of special importance in this country at the present time on account of the new things that have been done in that direction in the last few years. I want to say at the outset that I think that I am free from any personal prejudice in this matter against the railroads. I know I am free of any desire to get at a railroad or of doing anything personally to get at a railroad. I am going to go further and say that my personal interests are in many respects the interests of the railroads, and, so far as this bill is concerned I have no personal interest to have the present condition of things changed. I want you to bear me out about this statement, that I have not lobbied with the members of the Senate on this bill. I have not asked a single man in this Senate to vote on this bill for my sake or for any reason, unless, on hearing it discussed, he should consider it a fit and proper bill. I have not asked, and I never will ask, a man to vote on a public measure on any other ground. I am going to advocate this bill because I believe it is fair and right for the people and fair to the railroads.

I want to say another word about the railroads. The railroad that is in my particular section, namely, the Bangor & Aroostook Railroad, is my constituent just as truly as the humblest citizen of Aroostook county is my constituent; and it is entitled to precisely the same treatment from me that any citizen is entitled to. Any railroad that is in a county which any of you gentlemen represent, is a constituent which you represent and is entitled to the same treatment that you would accord to any other constituent—no more and no less. I will not vote for any bill here in this Legislature if the bill is unfair to the railroads, no matter how many constitu-

not vote for anything the railroad wants that is unfair to any constituents want me to vote for it. I will not do it. I present this bill to your consideration as a bill that, to my mind, is fair to my other constituents and to your constituents.

I am not one of those who are opposed to railroads or to railroad men because they are railroad men. I am going to say that it is fair to suppose that a railroad man is made of the same sort of clay that other business men are made of. It is fair to say that, take them as a rule, they are able men, and are able men than the average men of business, because the affairs they have to do with are large affairs and are affairs that demand much ability. It is fair to say of the railroad attorneys, that they are able attorneys than the average attorney is, for the same reason—that they have to deal with larger affairs. But, as I said a moment ago, they are no better and they are no worse than the rest of us. Human nature is such that we are all inclined to be selfish.

I do not want, Mr. President and Gentlemen of the Senate, to have all of the lumber business in Maine committed to me and to have it said to me, without any further regulation, that I am to do all of the lumber business that is done. Those of us who are in the lumber business, or in any other competitive business, have our selfish interests controlled by competition. We cannot ask successfully any more for our lumber than the other fellow asks for the same quality of lumber. Any member of this Senate who is a lawyer is governed by the same rule. We are all governed by the same rule in the very nature of things. The business of railroads cannot be governed by that rule. An attempt to so govern it is unscientific. We do not want two telephone lines in a section where one company can do the work better and cheaper than two companies. We don't want two gas companies. We do not want two electric companies. These things are naturally monopolies. They are turned over under the sanction of the State, and properly turned over, to

public service corporations. But it is evident and perfectly apparent that, human nature being as it is, all business men being more or less inclined to be somewhat selfish, if these monopolies are to be turned over to public service corporations there must be some way of limiting the lengths to which they may go for the service rendered. There are only two ways in which that can be done. One is by a direct regulation by the Legislature of the rates which those public service corporations may charge, and the other is by providing that their rates may be regulated in some way by a public service commission. That has been recognized in this State and an attempt has been made by the Legislature to provide for it; and no other intention was ever had by a Legislature than to have that provided for in the case of railroads. In answer to the question of what we have now on that subject, I am going to read Section 1 of Chapter 52 of the Revised Statutes, which gives all of the provisions of the statute law at present with regard to the fares and tolls of railroad corporations:

"Any railroad corporation may establish and collect, for its sole benefit, fares, tolls and charges, upon all passengers and property conveyed and transported on its railroad, at such rates as may be determined by the directors thereof, and shall have a lien on its freight therefor; and may from time to time by its directors regulate the use of its road; provided that such rates of fares, tolls and charges, and regulations are at all times subject to alteration by the Legislature, or by such officers or persons as the Legislature may appoint, for the purpose, anything in the charter of such corporation to the contrary notwithstanding; and provided further that, upon what shall, at any time, be deemed by the railroad commissioners a sufficient complaint, by interested and responsible parties, that the tolls are unreasonably high, said commissioners may revise and establish them, after due notice and hearing, for a time not exceeding one year. But the commissioners before directing said hearing, shall

give opportunity to the company complained of, to reply to the charge."

That is what we have now on the statutes. The plain intention of it is and was to provide just the check which I have pointed out. The plain intention of it was to give the railroad commissioners the authority to regulate these tolls on complaint. Now, the actual difficulty is that the law at present has no teeth in it, and nobody questions that; and I want to say right here, that the difference between the railroad committee and the proponents of this bill, is not a difference of opinion as to whether anything more is needed, but as to what is needed. Counsel for the railroads do not think, as I understand it, that this is at present sufficient. The railroad commissioners—the legal member of the railroad commissioners says, that at present, and without some further law along the lines of the bill which I am arguing for, the railroad commissioners cannot effectively regulate the rates. What are the difficulties? I am going to refer to some of them later, but you will see by reading the section which I have just read, what they are. There is simply no provision for carrying out the authority which the statute gives the railroad commissioners. It says that they may regulate those charges upon what seems to them to be sufficient complaint; but there is no provision made that a hearing shall be had or as to how the costs shall be provided for; or to compel the attendance of witnesses; or to compel the presentation before that commission of books and papers and rates. There is no provision giving the commission authority to compel the carriers to post their rates or to make rates according to the commissioners' decisions.

There is another way by which you can tell, if you look into it, that this provision is not sufficient. If you will turn back to Section 57 of Chapter 51, where the rules are laid down as to how the railroad commissioners shall decide between the railroads on questions of crossings, you will see that the railroads themselves have recognized that, in order to have any effective regulation by the commission-

ers, this sort of machinery must be provided; and you will see that that section provides how the hearing shall be had and provides authority to compel the attendance of witnesses, and indicates how costs shall be taxed and all those things which are necessary to the carrying out of this authority.

I have shown, I think—and I think up to this point no one will disagree with me—that there is not the same sort of regulation of the tolls to be charged by common carriers, as well as by other public service corporations—they are public service corporations—I think I have shown that the present statute, while it intends to give that authority, does not give sufficient machinery to effectively carry it out. If any further proof is needed, even the fact that no attempt has ever been made to have a hearing under this present law is evidence that it is absolutely useless for the purpose for which it was intended; and I will say that I have shown that more authority is needed in the absence of any special call. It is not necessary to show that any special call exists. This proposition can be argued on the general theory that the law is defective as a guard against any call which may arise, and therefore, that this change should be made and that the commissioners are without reasonable machinery to carry their authority into effect; but that is not the whole situation.

It having been suggested that this is all somebody's notion about it, and that there really is no need for any such regulation, I am going to call attention to a few instances, and I am going to select the eastern part of the State, because I know more about that section. I do not want to give the idea that this law is being sought simply for one section. If it is not good for the whole State, no section ought to require it. But I am going to show that in one section there is need for some kind of regulation of railroad rates. I want to call attention to some of the rates that are complained of, and I want you to bear in mind that in calling attention to these rates, I do not assume to say whether they are reasonable or not. I call your attention to them as rates that are complained

of; and I ask you simply, to say to the people that make this complaint, you shall have a proper and effective tribunal to decide between you and the railroad whether these rates are right or not.

On the Bangor & Aroostook Railroad, the rates on corn, grain and feed, from the Northern Maine Junction to certain other stations, are as follows: Oakfield, \$45, carload, 30,000 pounds; Houlton, 10 miles further, \$42, because there is competition with the Canadian Pacific at Houlton; Fort Fairfield Junction, where there is no competition, \$70.50 on a carload; to Fort Fairfield, 14 miles further on, where there is competition, \$55.50—\$15 less on a carload; to Westfield, \$69; to Presque Isle, 11 miles further, where there is competition, \$55.50; to Mars Hill and Blaine, \$67.50; to Van Buren, 63 miles further, \$55.50; to the little station of Maysville, which is between Presque Isle and Caribou, \$73.50; to Caribou, just 60 miles further, where there is competition, \$55.50. In other words, a man shipping a carload to Maysville, where the hauling is good and the wages not too high, would better ship it to Caribou by team than to ship to Maysville, which is six miles this side, simply because there is competition at Caribou and not at Maysville.

I believe that the principle on which the B. & A. Railroad was given a monopoly of Aroostook county was a correct one; that one ought to do the business, and that they should not undertake to have two railroads up there; but, I submit that it is pretty hard for people living on points of that railroad where there is no competition to have these rates, and for this Legislature to deny to them the proper machinery to get before a tribunal and have it decided whether those rates are fair or not. That is all this bill asks for. Nobody asks you to change any rate.

I am going to call attention to some other practical rates. They are not based on hearsay and guesswork, but are backed up by freight rates, and they are only samples. I am not going to read a long list of them, but I am going to say first that you and I, who are not railroad men, need a kind of yardstick to measure this thing with.

I know something about scaling logs and some of you know about other things, but to measure railroad rates we need a yardstick to go by, and I am going to give as a sort of a yardstick, the local rates on carload lots of the various classifications of freight material, from Chicago, Illinois, to Boston, which is considerably over a thousand miles. These rates are as follows: First class, 82 cents; second class, 71 cents; third class, 55 cents; fourth class, 39 cents; fifth class, 33 cents; sixth class, 27 cents.

I want you to bear this in mind while I speak of some of these rates. I saw a letter the other day from one of the largest business men—one of the men who does the largest business in potatoes in Aroostook county. He is not a narrow man. He is not a cranky man. He is a broad-gauged business man. He wrote me that he had just been obliged to use his teams to haul potatoes to sacks out of Houlton because the rates were so high that he could do it better with teams.

The rate on potato sacks from Houlton to New Limerick, six miles, is 14 cents per hundred; from Houlton to Mars Hill, 22 miles, 21 cents per hundred. The rate on the same thing from Chicago to Boston is only 55 cents, and that is not less than carload lots.

I do not assume to say whether that rate from Houlton to New Limerick is a reasonable rate. I do say that it seems unreasonable to the people who have to use it, and that it is fair for us, as members of this Legislature, to say to them, you shall have a proper, convenient and sufficient means to have the question of the reasonableness of that rate determined.

Fertilizer—and that is one of the most important things to Aroostook county, because very much of it is used in that county—I saw a letter from another large potato buyer and shipper, a man interested in agriculture in all its phases in Aroostook, and he gave the following charges which seemed to him unreasonable: Fertilizer, carload, rebilled from Maple Grove to Fairmount, two miles, \$16.00. There the charge for shipping from one station to the other, two miles, was \$16.00.

Carload rebilled from Fort Fairfield

to Caribou, 34 miles, \$28.00. That is 34 miles distant. Now, he thinks that that rate is unreasonable, and the average man to whom it is mentioned may think it is unreasonable. I do not know whether it is or not, but somebody ought to have a right to determine.

Another very important thing in our section is the hauling of straw, and my attention was called to it the other day by an instance which I am going to read. A shipment of straw was made in less than carload lots from Ashland to Eagle Lake, less than 35 miles; the rate of freight was \$4.80 per ton. When you come to consider, that in Aroostook county the average price of straw on board the car is from \$5 to \$6 per ton, you will admit that, to the average man who ships straw at the rate, \$4.80 a ton might well seem unreasonable. This man writes: "I do not want to do anything to injure the B. & A. Railroad, but I notice that the proposition is to vote giving us a chance to have these rates determined, and it seems to me we ought to have that chance."

I am not going to confine what I have to say to Aroostook county. I probably may, in a way, know more about Aroostook county, but I want to call attention to an instance in Washington county, taking the case of the rate on sugar. The rate on sugar from Portland to Machias, Washington county, 250 miles, is 19 cents; from Calais—I do not know just how many miles it is from there, but I think Calais is about 44 miles beyond Machias—from Portland to Calais, it is only 11 cents; that is, the rate is 8 cents less on sugar from Portland to Calais, 44 miles further, than it is from Portland to Machias. I do not know what the reason for that is. I do not assume to know. I do not ask you to know, but I say to a person who lives in Machias it seems unreasonable.

The rate from Bangor to Machias, 96 miles, is 11 cents on sugar. The rate from Bangor to Calais, 44 miles further, is 9 cents—2 cents less.

Now, what is the rate from Bangor to Calais? I have shown that it is 2 cents less from the further point, varying in one instance 2 cents. What is

the rate from Calais to Machias, which is 44 miles different? The rate from Calais to Machias is 18 cents more than the rate from Portland to Calais and more than the rate from Bangor to Machias, and more than the rate from Boston to Machias, which is only 15 cents, and more than any of the rates that I have named, except that from Portland to Machias, which is 19 cents. The rate on sugar from Bangor to Woodland, which is if I am correctly informed 12 miles beyond Calais, is 10 cents a hundred. The rate from Calais to Woodland, which is that 12 miles on the end of the road, is 15 cents—more than the whole rate from Bangor to Woodland.

Now these rates do not sound reasonable. I do not know but what they are reasonable. I do not want to deny the people of Washington county a reasonable and proper way of finding out whether those rates are reasonable or not.

I want to call your attention to another class of rates. I have been speaking largely of local rates. I want to call your attention to Inter-State rates for a moment. And I want to say at the outset that at present it is the policy of the railroads in our section of the country to divide their rates for the purpose, as I understand it, of getting away from the provisions of the Interstate Commerce Act. These inter-state rates make a through rate from Boston to Caribou and a rate from Boston to Northern Maine Junction, and another from Boston to Caribou. I think the purpose of dividing the rate is to keep it from being under the jurisdiction of the Interstate Commerce Commission. It has been put up to me as an argument against this bill—that if this bill goes through, it will be necessary for the railroad to change some of these rates and to make a through rate under the Interstate Commerce Commission. I do not think that is a very good argument, because they would be better under the interstate rates than they are now under the present rates.

Now I wish to give just a few instances of the interstate rates. Take sewing machines—and we are getting in Aroostook county now so that in

the farm house we have the luxuries of modern life, such as the sewing machine and piano—the rate on sewing machines from New Jersey to Bangor is 55 cents—the average machine freight. The rate from Bangor to Caribou is \$2.00 for each machine. Who pays for that \$2? The man that buys the machine and uses it on the farm.

Take the rate on tobacco from Detroit, Mich., which is one of the points where tobacco is shipped to Caribou by the Northern Maine Junction—that is 77 cents, and out of that the rate from the Northern Maine Junction to Caribou is 45 cents which is more than half of the whole rate.

To go back to the yardstick for a moment: The rate from Chicago to Boston is only 39 cents, which is less than the rate by the Northern Maine Junction to Caribou. Take a case of nails; it is a growing country up there and we use a good many nails for building; the rate of nails in kegs, less than carload lots, from Chicago to Boston is 33 cents a hundred; the rate from Pittsburg, Pa., to Bangor is 24 cents a hundred; the rate from Bangor to Caribou is 35½ cents a hundred—more than either of them.

Take the case of raisins in boxes—one of the articles of groceries commonly used. The rate of raisins in boxes from Chicago to Boston is 55 cents; the rate from Bangor to Caribou is 66 cents, or 11 cents more than from Chicago to Boston.

It is impossible to give any general rates on agricultural implements, because they vary so. Agricultural implements—and it goes without saying—form one of the great articles of commerce in that section. The rate on one shipment which has been shown, from Syracuse, N. Y., to Northern Maine Junction, \$45.34; Northern Maine Junction to Fort Fairfield, \$60.05.

Now so much on the question of rates. I want to say just a word further on that proposition. The most of what I have said has been about the Bangor & Aroostook Railroad. All railroads have had a hard time within the last year, and all business has had a hard time, but in general I want to say here that the Bangor & Arcos-

took Railroad is fully well able to take care of itself. Our interests in Aroostook county and Eastern Maine are identical to a great extent with those of the railroad.

We prosper together. But I speak of that, because I find in the southern part of the State there is a pretty general impression that this railroad up there lays through a sparsely settled country and is more or less a philanthropic institution. I want to disabuse your minds of that idea; and, with no idea of prejudice against railroads, I am glad they do prosper. But I want to say, the stock in that railroad represents practically—I have the word of one of the original stockholders for it—an investment of \$5 per share of \$100 each, and that stock, the last of it, sold, as I know, for \$150 a share. The railroad is prosperous and the resources of the country are enormous, and the freight business—the part of it out of the county—is enormous; and there is no reason for assuming that the Bangor & Aroostook Railroad is in danger of failing, or that it is a philanthropic institution.

On these instances of rates that I have been reading here, I do not assume to say, on any of them, whether the rates are right or not. I do not ask this Legislature to say so. Nobody asks this Legislature to regulate by a vote of this Legislature the rates from one point to another. I do ask this Legislature in behalf of the common people of this State and the common man who has, or thinks he has, a grievance against the railroad, that he shall be given the machinery he ought to have to get a regulation of these rates.

There is another evil which is worse than the actual question of rates itself and that is the feeling of grievance that comes about through fancied inequalities in rates. I am going to say it is fair to suppose that in most instances the railroad companies intend to make a fair rate. I am going to say that it is fair to suppose that in most instances the railroad company perhaps would be more inclined to be fair than the shipper would, if he had all to say about it; but I want

to illustrate by supposing a similar case in my own business. Suppose we have a lumbering operation in the woods of northern Maine and we have four or five hundred men in the woods working all winter, and they come out in the spring. We have kept their accounts carefully; we know just how many days they worked and just how much is due them and just how much they have had in the way of allowances, either in cash or in supplies; the bookkeeper figures out each man's account and shows him what he is doing. Now I am going to say that it is fair to suppose that on the average, I or any other business man, doing a large business in the woods, would intend to be fair with his men. It is good business to be fair, if there were no other reason, and we want to give them every cent that is due them, and we think we have figured it right, but what happens? A man comes into the office and thinks he is entitled to more than we have figured his pay. He knows that if he cannot agree with us, at least he has his remedy and he can go to the courts and have the case decided. For that reason he either agrees with us and takes his money or he does go to the courts. He does not take his money because he feels obliged to take it and then go out and complain about us, that we have ill-treated him. Now, carry the case a step further. Suppose that to me or to my concern there was committed by a vote of the State all the lumber business of northern Maine. Suppose it was said to us: You may cut all of the trees that are cut, and whoever works in the lumber woods shall work for you or not work at all. Then suppose that a man should come out of the woods? Suppose we fix the rate and we said that the rate shall be so much per month, and from that there shall be no appeal. We pay precisely the same wages as now and we offer that man precisely the same amount in settlement that we offer now. He may now accept it, but what would be his condition then, under those circumstances? He would say right off, I am in the hands of this corporation—I have got to work for the wages they set—I can do nothing about it, but

take what they give me. And I assume from that fact that the rate is wrong.

Now, that is the condition that exists in a good many cases under the present situation. There is no effective plan or adequate remedy for a man who thinks that he is abused and the feeling which comes from that, which would not come after the passage of a bill like this, which not only gives them the right to have the rates adjusted properly, but lets them know that they have that right, and the minute you do it, you remove three-fourths of the agitation and of ill-feeling that is going on in some sections of the State about railroad rates. If you remove it, the man is in precisely the same situation that he is in in civil matters. If he has a grievance, the remedy is open to him. And it is his business either to take his remedy or to keep still about his grievance. And we will have no more of this agitation about railroad rates. A man who thinks he is aggrieved has his remedy open.

I have shown, I think, that there is a general need of some means of regulating the rates of all public service corporations. I have shown that there are some rates at any rate that are complained of. It is reasonable that there should be a hearing, if it is asked for, between the railroads and the shippers. The question arises what remedy—what change shall be made, and that is the question that divides the railroad committee from the proponents of this bill. I am not going to discuss the general provisions of this bill very much until it shall be pointed out by someone on the committee what the trouble about it is and what there is that is not fair; but I am going to say that the amendment which I understand was proposed by the railroad committee simply adds to the present provision of the Statute, a provision that a hearing shall be had in the county where the difficulty originated. There is no objection to that. That is what the railroad attorneys said they would object to, and they do not object to that, but they do object to this bill. I think the main reason they have in objecting to this bill is that the bill is defective. But, I am not going to

say anything more about the provisions of the bill, except in the general way which I have pointed out. It does give the commissioners general authority to do what the statutes give them now. It does not give them any new authority. It was argued in the House the other day, I understand, that because the word "establish" was in this bill, that it gave the commissioners some new authority. That was argued by a lawyer, who, if he was making that argument with a real desire to be frank, must have seen from reading the Statute that the Statute which I read gives them precisely that authority. It gives them no authority to make new rates. It does provide all the machinery for examining witnesses and for having hearings, but it does not provide, I believe, any more machinery than is necessary. It does make one other important provision to which I want to call your attention, and that is this, that the cost shall be paid out of the State treasury.

Now, why is that reasonable? Because in a civil action the costs are paid by the parties—the parties that lose pay the costs and everybody knows that the average man is deterred from suing a large corporation from the fear that it will cost him so much. Unless he has got money and is prepared to stand a long litigation, he thinks twice before he sues a railroad. Now this provision is intended, first, to take away that fear and to allow any man—any 10 shippers—if they think the rate is wrong, to have a hearing, and that the necessary expenses for the attendance of witnesses shall be paid out of the State treasury. Why is that done? Simply because it is for the public good and for the good of the whole State, that any hearing which shall result in a more equitable adjustment of the rates of public service corporations shall be paid by the State. That is one very important provision of this bill and one I think which you will see the reasonableness of.

There is another thing I want to say. Arguments have been made against this bill No. 742 because of certain defects in it, certain things which ought

to be changed. I want to say that, if you believe in the principle of this bill, it is your duty to vote on the substitution of the bill for the report and afterwards, if you think it should be amended, to offer your amendment; and, if the amendment is voted down which represents your view, then you have a right to vote against the bill; and for that reason, the objection of voting against the bill simply because there is some change that ought to be made in it, is not exactly a fair objection.

I want to say just a word about the objections which the railroad companies have to this bill. I want to be fair to the railroad companies, just as I would be fair to anybody else. I do not think any of you will accuse me, whatever else, of any desire to be unfair. I want to say one thing, and that is that no attorney for a railroad corporation and no attorney for any other corporation, here before this Legislature, or anybody else, has a right to come around to you and urge objections or arguments upon a bill, which are not the real objections or reasons of his client for opposing or favoring the bill.

I have sometimes had experience about this Legislature of having gentlemen interested in certain bills come around to me—I am glad to say it has not been done at this session—but in the past, especially at my first session—I have had these men come around me with a very tender solicitude in their heart for the farmers in Aroostook county; and I knew perfectly well that their motives were not from any tenderness for the farmers in Aroostook county, but because of the interests of their clients who hired them to come here before this Legislature. Now, it is entirely proper for anybody in this lobby—an attorney or anybody else—to come here and state the position of his client on a bill which is up for consideration and to state the objections which his client has, if he opposes the bill and to try and make us see the reasonableness of those objections from the point of view of his client, whoever the client may be. It is not reasonable or honest for any

such attorney or lobbyist to come to you and advance to you reasons which are not his reasons or those of his clients, but reasons which he thinks may appeal to you. Now, there have been reasons advanced against this bill which are not the real, honest objections of the railroads.

The real objections on the part of the railroads I think are two: First, it may be that some of them object to it, though I do not say that any do, because they do not want effective regulation of rates, and the present regulation is not effective. The proposed amendment offered by the railroad committee does not give effective regulation. I think there is not much need of argument about that. But it may be that some of the railroads opposed this, because they do not want effective regulation. If so, the safe answer to that argument is that that reason for opposing is the most effective argument for the passage of the bill, if the reason exists.

The other argument against the passage of this bill is an honest one, and is, I believe, the real objection of many of the railroad interests. It is this objection, that they do not want any legislation passed by this Legislature that is hostile to railroads. They do not want anything done here that will affect investments in railroads. They do not want the State of Maine to say, by any act of this Legislature, that it wants to discourage investments in railroads in this State or to impair the value of investments already made. Nobody wants the Legislature to do that. I don't want it; you don't want it. I can understand the honest objection of any attorney for a railroad who thinks the effect of this bill would be that. But, I submit to you, gentlemen, that is not in any sense whatever the effect of this bill, but that it is precisely to avoid passing any legislation towards the regulation of rates by fiat of this Legislature or towards attempting to say by a vote of the Legislature, what the railroads shall charge, that this bill is intended. It is simply saying to people who think they have a grievance that the Legislature of this State wants to do even justice between you and the railroad, just as it wants

to do even justice through the courts between you and any other person without prejudice—simply as a matter of justice—to give you a full opportunity to have your case heard and decided. That is the principle of regulation of public utilities that has been adopted in the country through the Inter-State Commerce Commission and the laws carrying that commission into effect. It is the same principle adopted in the State of New York as you all know. It is the only effective form in which you are going to get a chance to vote for that principle at this session. Some of us may believe that sometime, further on, something may be done with a commission, higher salaried perhaps, more broadly expert, which shall be appointed to take under its control all the public utilities of the State; but, I submit to you, gentlemen, that this is one step precisely in that direction, and that it is the only thing along that line that stands any chance of passing here at this session; and when you vote for or against the principle contained in the bill, you vote for or against that bill.

I have tried to show that some supervision of the rates of public service corporations is necessary and that there are only two ways of doing it, one by direct regulation by the Legislature, and the other by entrusting that regulation to some certain commission. I have tried to show that the present method of regulating the railroad rates is entirely insufficient to accomplish the purpose and I have tried to show that the bill is reasonable and fair and merely carries into effect the powers that the commission already have. I have tried to show that there is need of it in some sections—what is felt to be urgent need of something of this kind. I have tried to show that this bill, so far as from being hostile to railroads, is going to remove at once a large part of the agitation that exists; and, in short, that this embodies the principle of the regulation of public utilities by commission and is the only form in which you will have an opportunity to vote for anything effective along that line at this session.

Mr. Emery of Franklin: Mr. President, I move that the bill be indefinitely post-

poned in concurrence with the House. As a member of the committee I desire to say that this matter has received our careful attention and we believe it unwise to place so much power in the hands of the railroad commissioners. At the hearing it was brought out that we already have a law nearly covering the subject matter of the proposed bill which parties in this State have availed themselves of. To make the present law more effective the committee has introduced an amendment to the present statute enabling any one shipper to petition to the railroad commissioners for a hearing to be held in the county where the complaint originates, if requested. The law contemplated in this bill passes beyond the powers of the Interstate Commerce Commission. Believing the provisions of the bill unfair, I trust the bill will be indefinitely postponed, and when the vote is taken I move that it be taken by the yeas and nays.

Mr. COLCORD of Waldo: Mr. President and gentlemen of the Senate, as a member of the railroad commission I support it's up to me to say a few words in support of my position in this matter. This bill came before us early in the session. The gentleman from Houlton who introduced it claimed on the floor of the House that we kept it in committee three weeks for the purpose of killing it. We thought he was to bring in a new draft which would in some way be acceptable to all parties, but he evidently did not intend to, as he revised the bill after it was reported and the present one is the result.

This reminds me of a dog story. Little Johnny had a dog which wandered away and was gone three weeks before he could be found. When the boy was asked if he was sure that it was the same old dog he said: "I think so. He don't look like him, and he don't act quite as ugly, but I think it must be for he's just as full of fleas."

This bill seems to have about all the irritants of the old one, and appears to be a measure to annoy the railroads. While it was in committee I inquired of every Aroostook man that I could see if they had ever tried to have their rates regulated, either under the present law or by any concerted action through the Board of

Trade. In no one case did I find that they had ever attempted to do so and it seemed to me then and now that it would be time enough to come to the Legislature when everything else failed.

Now I want to say a few words in general about the railroads of Maine—these soulless corporations that are grinding the life blood out of the people. From the time this Legislature convened up to the present we have been pounding them about every day in some manner. A resolve went through this House and Senate early in the session against granting any rebates to public service corporations, which resolve buttressed up any further extension of railroad building for some time, and we have been at their throat ever since. We have raised their taxes \$107,000, etc. Now let's see what these railroads are really doing in Maine. I will not mention anything about the money they bring into the State by summer travel or the employment that comes through their instrumentality, but with the permission of this senate I will submit a few figures.

Tax for 1908 was.....	\$638,000
Tax for 1909 was.....	107,000
	<hr/>
	\$745,000
Deduct B. & A., S. M.....	94,000
	<hr/>
	\$651,000
One-third of above.....	\$217,000
Municipal taxes	\$652,000
	<hr/>
	100,000
	<hr/>
	\$752,000

Mr. MULLEN of Penobscot: Mr. President, I wish to say in behalf of the committee that at the hearing it was not shown that there was any complaint had ever been made to the present commissioners in regard to any of the matters that have been talked of here today or complained of in this bill. No complaint has ever been made by the shippers to the present board of railroad commissioners that we have been acquainted with or that we knew anything about. That would in itself show that there had not been very much trouble in that line. The matter has been taken up by the shippers through the present method as was given them power to do in the statute which the senator from Aroostook has read to you and explained very plainly. I say, let the interstate law,

which has been talked of quite a little this morning, be better stated, and let's get acquainted with this matter a little more. Let your shippers if they have a complaint, which no doubt they may have, according to the instructions and letters that have been read by the senator from Aroostook, and which I think are all true—let them use the present law and at least try your present commissioners once, and then say if it is absolutely necessary to make all these changes which this new bill calls for.

As I say, let your commissioners be tried at least once under your present law and then we will see if this really is as bad a case as the senator from Aroostook presents it. I hope you will vote for the report of the committee.

Mr. MILLIKEN of Aroostook: Mr. President, I want the privilege of saying a few words in the way of a rejoinder and I would like the privilege of asking a question or two. I would like to ask whether this bill, No. 742, was ever heard before the committee; and I would like to ask further what there is in this bill, No. 742, that is unfair to the railroads or to anybody. I would like to ask further what power this gives the commissioners that is beyond the powers they had before, or is beyond the powers of the Interstate Commerce Commission. It seems to me we are entitled to some answers along these lines. I concur with most that the member of the committee has just said. If the senator from Waldo wants to present a memorial indicating the confidence of this Legislature in the railroads, I am entirely willing to join him in that. That is not the question. Until he points out some difficulty in this bill. It is no more fair to say that this is an attack on the railroads than it is to say that the proposition that anybody shall have an appeal to the court is an attack. If somebody works for me and I cannot agree with him on wages, he has an appeal to the courts. If any of the committee wants to answer these questions I have a word to say before closing.

Mr. COLCORD of Waldo: Mr. President, I think that the senator from Aroostook explained a few minutes ago that the chief objection that the railroads had to this bill was that it encouraged the continual hammering and hounding

that is one of my chief objections to the bill or to any bill that is making a radical change; and no one, so far as I have been able to find, has ever tried to get an action looking to the regulation of rates. I asked the railroad commissioners if ever anyone had applied to them or had a grievance from Aroostook county and they said they had not. I asked several gentlemen in this House, one from Houlton, Mr. Cleveland, a potato shipper—I asked if he had ever applied in any way to regulate the railroad rates; and he said he never had. Now it seems to me there ought to be some other way before we enact a law for a few people up in Aroostook county and hound all the rest of the railroads in the State.

Mr. MILLIKEN: I would like to ask the senator from Waldo a question through the Chair.

The PRESIDENT: Will the senator permit an inquiry?

Mr. COLCORD: Certainly.

Mr. MILLIKEN: I would like to ask if you asked the railroad commissioners whether in their opinion the present law was sufficient for them to effectively regulate rates?

Mr. COLCORD: I did not.

Mr. MILLIKEN: The senator's objection, namely, that this is a bill intending to hound the railroads, it not true. If that were the intention of it that would be a good reason for voting against the whole proposition. If the senators wants to follow this, if it is adopted, by any kind of a resolution of the State expressing our confidence in the railroads, I am entirely willing to agree to that; and nothing has been shown here that there is anything in this bill which is unfair to the railroads. It is simply and solely, as near as it could be drawn by a careful lawyer, a proposition that the shippers shall go, if they like to, to the commission and have these matters heard. If there is anything about it that is unfair, or which ought to be changed, I am entirely willing, if the bill is supported, that any difficulty shall be remedied. All I want is to have the thing fixed so it can be effectively done, and so that nobody who wants to have that machinery set motion shall not be deterred from fear of the costs of the proceeding.

The senator has said a good deal about

of the railroads at this session which was injuring their credit; and I will say soleless corporations and the grinding of the faces of the poor. I submit to the Senate that I made no argument along that line. I do not wish to take that position and never have. The position which I take is that we want to be fair between the railroads and the shippers as between man and man. I say again, as I said a few moments ago, that I can see no particular and no particular has been pointed out by this committee where this bill transcends the authority which the commissioners should have. It is designed to give an effective method.

I want to say one other word to those who are interested in railroads. I do not believe it is good policy for the railroads to keep opposing anything that tends toward any regulation or supervision of their rates. I do think there is a good argument against this Legislature's attempting to go into every freight rate and regulate it, but I want to say in my opinion if this thing keeps on and the railroad attorneys keep on feeling that they are obliged to oppose everything that looks toward anything of this kind, that these difficulties as they occur are going to keep piling up until finally we shall get some legislation that will be unfair to the railroad. I submit this to you as a proposition that is fair. I submit to you that these people who think they have complaints, wherever they live, are entitled to an opportunity to have their cases heard and decided, and I hope that the motion of the senator from Waldo will not prevail.

Mr. MACOMBER of Kennebec: Mr. President, I would not undertake to answer the conundrum proposed by the senator from Aroostook. I think that would be impossible. But, if this means anything, it means a regulation by this Legislature of the freight rates and the passenger tariffs of the railroads in this State, either directly by the Legislature or through its creatures, the railroad commissioners. I believe that there is not a member of this Senate who will for one moment advocate the idea that we are competent or that the board of railroad commissioners, good men as they are, should take up a

question and determine it on its merits. I base my opinion in this matter on an experience which I have had in the state of Texas, where they have a law like the one proposed here. The law there provides that the railroad commissioners shall have entire jurisdiction over this matter of rates. The result is that after a trial of two or three years, that law has demoralized the business between the railroads and shippers more than any law that was ever passed in Texas. One large corporation operating thousands of miles of road, was forced into receivership because of this bill giving the railroad commissioners this right, because one never knows who is going to be a commissioner or what position he is going to take. I believe this impractical and not feasible to have anything to do with this matter of rate regulation.

Mr. MILLIKEN: Will the senator from Kennebec permit a question through the Chair?

Mr. MACOMBER: Certainly.

Mr. MILLIKEN: Will you tell the Senate what new power this gives the railroad commissioners which they do not have now?

Mr. MACOMBER: If it does not give new powers, we do not need it. If it does give new powers to regulate, we ought not to have it.

Mr. MILLIKEN: I asked you to state if you knew whether it gave the railroad commissioners any new power?

Mr. MACOMBER: I say, if it does not, we do not need any bill at all.

Mr. MILLIKEN: That is, we have the form without the substance, and this is intended to give them the machinery to carry it into effect. The suggestion of the senator from Kennebec would indicate that there is another objection, namely, that the railroads do not wish this to be affected and do not wish the Statute as it present provided to have any effect whatever.

Mr. WARREN of Cumberland: Mr. President: I do not believe that the railroads of Maine need any defence in this Senate. We have no question as to their general values, nor have we antagonism toward them. I agree with much, if not all, of what the

senator from Aroostook, Mr. Milliken, has said in regard to this matter. I believe that sooner or later we must deal with this question of rates—that we cannot do it by direct legislative action and that it must be done through a commission. I shall oppose this amendment because I do not believe our present railroad commission can deal adequately with this subject. In saying this, I am casting no reflection upon that body, for they were not appointed with this service in mind. Their work is to deal largely with the physical characteristics of a railroad, for which purpose I have no question but what they are adequately equipped. I don't believe that they could deal with this question properly and I fear would not make things better than they are. The question of rates is a very difficult and important one. I am willing to go on record as being in favor of a public utilities commission in some form or other, whether in the form of the railroad commission or by any other name, to be appointed and made up with this service in mind. We cannot do that until we have a better chance for this purpose. I think that we had better leave our law in Maine as it is. It seems that even now there is a right of appeal to this body, but it seems that that right of appeal is rarely exercised, which must be, I think, partly at least, for the reason that the shippers feel that it is not adequate and think they will not be bettered. The railroad commission, as it now stands, it seems to me, are a good deal nearer to the railroads than the shippers will be, but I am not saying they will act fairly. What is more natural than that they should be actuated by the motives of the party that is nearest to them.

The PRESIDENT: The matter under consideration is House Document No. 661, "An Act to enlarge the powers and duties of the railroad commissioners and regulating the fares and tolls of common carriers." This bill accompanied a report of the committee on railroads and expresses "ought not to pass." In the House this bill, House Document 661, was substituted for the report "ought not to pass." Subse-

quently House Amendment A, which is House Document No. 742, was adopted. Then in the House, the bill and amendment were indefinitely postponed. In the Senate, the senator from Aroostook, Mr. Milliken, has moved that the bill be substituted for the report. The senator from Franklin, Mr. Emery, has moved that the bill be indefinitely postponed. The motion of the senator from Franklin, Mr. Emery, that the bill and amendment be indefinitely postponed is the pending question, and upon that, the senator from Franklin, Mr. Emery, at the time of making the motion asked that the yeas and nays be ordered.

The question being put, the yeas and nays were ordered, and the vote being had resulted as follows: Those voting yea were: Messrs. Baxter, Boynton, Colcord, Eaton, Emery, Gowell, Hamilton, Hill, Looney, Macomber, Minott, Mullen, Osgood, Reynolds, Shaw, Smith, Staples, Walker, Warren, Wheeler (20).

Those voting Nay were Messrs. Donigan, Hastings, Howes, Irving, Kellogg, Lowe, Milliken, (7).

So the motion to indefinitely postpone prevailed.

On motion by Mr. Hastings of Oxford, Senate Document No. 403, "An Act to amend Section 89 of Chapter 4 of the Revised Statutes, relating to the right to take land for parks, squares and public libraries," was taken from the table; on his further motion the same was passed to be engrossed.

On further motion by the same Senator, House Document No. 540, "An Act to abolish the office of Auditor of State printing," was taken from the table, and on his further motion, the bill was indefinitely postponed.

On motion by Mr. Baxter of Cumberland, House Document No. 546, "An Act to consolidate and revise the laws relating to State printing and binding," was taken from the table; and on further motion by the same Senator, the Senate voted to concur with the House in the indefinite postponement of the bill.

On motion by Mr. Eaton of Washington, Senate Document No. 325, "Resolve providing for an amendment to the Constitution empowering the Governor to re-

move sheriffs," was taken from the table, and on further motion by the same Senator, the vote whereby the bill was passed to be engrossed was reconsidered; and the Senate voted to non-concur in the adoption of House Amendment A. On his further motion, the bill was referred to the next Legislature.

The PRESIDENT: "An Act to incorporate the Cherryfield and Beddington Telephone Company." This bill was referred to the Committee on Telegraphs and Telephones. Through an error, the Committee on Telegraphs and Telephones, and the Committee on Mercantile Affairs and Insurance, having the same clerk, it was reported back to the House "ought to pass" by the Committee on Mercantile Affairs and Insurance; so the records do not show any reference of it to the committee which recognizes it. It is, therefore, irregular, and to correct this irregularity, it has been arranged or suggested that this bill be indefinitely postponed, and the House has indefinitely postponed it, and another bill has been introduced bearing the same title and in the same language and has passed the House without reference to a committee, under suspension of the rules.

The reference of House Document No. 794, which is the original bill reported by the wrong committee, the Senator from Oxford, Mr. Hastings, moved that the Senate indefinitely postpone the same in concurrence, and the motion prevailed. On further motion by the same Senator, under suspension of the rules, bill "An Act to incorporate the Cherryfield and Beddington Telephone Company," took its two several readings, without reference to a committee and was passed to be engrossed.

On motion by Mr. Macomber of Kennebec, Senate Document No. 477. "An Act to revise Chapter 138 of the Public Laws of 1895," was taken from the table.

Mr. MACOMBER of Kennebec: Mr. President, this is a bill relating to uniformity of legislation, and I would like to explain to the Senate the situation that this is now in, as I understand it.

In 1895 there was a law passed providing for a commission of three lawyers to meet a similar commission from other

states in a joint convention which these gentlemen generally hold down at Atlantic City, or Saratoga, or some place of that sort, to agree upon some system of uniform legislation. I think the commission from this State has largely been represented by one gentleman; and he has appeared here at every session of Legislature with reference to this legislation. These different Legislatures have never agreed to any of the propositions proposed by this commission. This law enacted in 1895, when the Revised Statutes were revised in 1903, this commission was put out of business; and although they were good lawyers they had never discovered it until very recently, but have kept on performing their duties for the last six years without apparently any authority whatever, and charging to the State anywhere from one to five hundred dollars for their expenses per annum; so that they have already drawn from the State about \$2600 or \$2800. Now this commission has just discovered, as I understand, that they are out of business, and have been out of business for six years; so that they put this bill in to get themselves into office again; and, since I have laid the bill on the table, they have discovered that the law has not been repealed and that they are in actual existence as a commission, and I think we ought to find out whether the commission is traveling, and how long it should travel; and so I move that the bill under consideration be indefinitely postponed. I then have another bill, so that if there is any question as to this first one's having been repealed we shall know just exactly where this commission is at; and I would ask unanimous consent to introduce this bill, which repeals, if it has not been already repealed by statute, the original law; and that puts the commission entirely out of business.

The question being put upon the motion to indefinitely postpone, the motion prevailed. Thereupon Bill "An Act to repeal Chapter 113 of the Public Laws of 1895, relating to commission on uniformity of laws," was presented by Senator Macomber, and on his motion, under suspension of the rules, the bill took its several readings and was passed to be engrossed.

On motion by the same senator, the

Senate voted to reconsider the vote whereby it indefinitely postponed the bill to amend Section 21 of Chapter 32 of the Revised Statutes relating to hunting on Sunday. On his further motion the Senate voted to non-concur with the House in its indefinite postponement.

On motion by Mr. Boynton of Lincoln, Senate Doc. No. 318, "An Act to amend Sec. 2 of Chapter 159 of the Public Laws of 1905 relating to compensation of State officers," was taken from the table. On further motion by the same senator the bill was passed to be enacted.

On motion by Mr. Baxter of Cumberland bill, "An Act to restore Portland bridge" was taken from the table, and put upon its passage.

The committee on judiciary submitted its final report.

Bill, An Act to amend Chapter 166 of the Public Laws of 1907, entitled An Act for the better collection of taxes. (This bill came upon its passage to be enacted. On motion by Mr. Baxter of Cumberland the bill was tabled.)

Passed To Be Enacted.

An Act to amend Section 17 of Chapter 30 of the Revised Statutes relating to the sale of poisons.

An Act to amend Section 42 of Chapter 40 of the Revised Statutes relating to the duties of the commissioner of the bureau of industrial and labor statistics.

An Act additional to and amendatory of Section 22 of Chapter 27 of the Revised Statutes in regard to the support of minor children.

An Act to amend Chapter 144 of the Revised Statutes relating to Insane hospitals.

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

An Act relating to life insurance companies doing an industrial business giving special rates of premiums to members of lodges and labor unions.

An Act to consolidate and revise the military laws of the State of Maine.

An Act empowering the Governor to remove county attorneys.

An Act to incorporate the Farmington Power Company.

An Act to incorporate the Brunswick Power Company.

An Act to authorize the city of Portland to acquire land for a police station and a central fire station lot.

An Act to incorporate the Calais Power Company.

An Act to establish a municipal court in the town of Millinocket.

An Act to amend Section 1 of Chapter 357 of the Private and Special Laws of 1887, entitled An Act establishing a close time on lobsters in the bays of the towns of Harrington, Milbridge, Steuben and Gouldsboro.

An Act prohibiting the building of smelt traps in the waters of Harrington river, Washington county.

An Act to incorporate the Scarborough and Cape Elizabeth Railroad Company.

An Act to increase the authority of the Fort Halifax Power Company.

An Act to establish a close time on lobsters in the bays of the towns of Gouldsboro, Eden, Trenton, Lamoline, Hancock, Sullivan and Sorrento.

An Act to regulate the herring fisheries in the town of Roque Bluffs.

An Act to divide the town of York and establish the town of Gorges.

An Act to amend Chapter 166 of the Public Laws of 1907, entitled "An Act for the better collection of taxes." (On motion by Mr. Baxter of Cumberland this bill was laid on the table.)

Finally Passed.

Resolve in favor of L. S. Lippincott.

Resolve in favor of W. G. Fuller.

Resolve to provide means for taxation of claims for State pensions.

Resolve in favor of screening China lake in the county of Kennebec.

Resolve in favor of screen at the outlet of Squa Pan lake in Aroostook county.

Resolve in favor of clerk and stenographer to the committee on railroads and expresses.

Mr. HAMILTON of York: Mr. President, I wish to ask permission to introduce, under suspension of the rules, a resolve; and I will first state the purport of it.

There is upon the table now a veto signed by the Governor, on a bill giving so much money to Old Orchard by way of repaying the taxes for nine or ten years,

which amounted to about \$6000 a year. The reasons which the Governor states for his veto are that the resolve is unconstitutional and that he thought the amount too large. A resolution has been made by the attorney general which I hold in my hand; and the Governor approves of it, so far as he is concerned, both as to its amount and to its form; so that I ask leave to introduce it at this time.

The senator from York, Mr. Hamilton, thereupon presented "Resolve in favor of the town of Old Orchard," and moved that it take its several readings, under suspension of the rules, and pass to be engrossed. On motion by Mr. Shaw of Kennebec the resolve was tabled pending its second reading.

Mr. WARREN of Cumberland: Mr. President, I ask permission at this time to make a statement, as there seems to be nothing pending just now. I am moved to make this statement by this tax bill which is upon the table. It has been my lot to be chairman of the committee on bills in the second reading. Prior to this tax bill, there has been but one very large bill before us this year, and that is Senate Document No. 145, the military bill, which emanated from the military committee, of which Senator Baxter is chairman. Now I wish to say that in this matter of bills in the second reading, it has been my plan to ask certain members of the committee to serve each week; and, if I mistake not, Senator Osgood signed the report that went with this military bill—that "no further verbal amendments were necessary." Now we know how faithful and conscientious a man Senator Osgood is, no member has been so faithful and ready to do his work, as he. And we all of us know he would not have signed such a report as that if he had not read the bill through from beginning to end; and it is a piece of work which ought to be commended. I think he might very readily have signed the report that no further verbal additions were necessary, but to say that no further verbal amendments were necessary required an amount of work on his part which I, as chairman of that committee wish to commend.

There is another matter, however, I understand that there has recently appeared along the coast of Maine, a sea bird unknown before, which the naturalists have been unable to classify and for which they must find a new name; and they have decided to call it the Baxter Bird, because it has such a big bill.

Mr. WHEELER of Cumberland: Mr. President, I desire leave to lay on the table the bill relating to the Portland bridge and I will take it up the first thing in the afternoon session. It is still in the possession of the Senate, as I understand, and has already passed to be engrossed. For the present I shall be satisfied to have it remain on the table, without moving to reconsider the vote whereby it was passed to be engrossed.

The motion to table prevailed.

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

Afternoon Session.

3 o'clock P. M.

Senate called to order by the President.

An Act regulating the employment of a Legislative Counsel and Agents to provide for the return of Legislative Expenses. (This bill was by the House passed to be engrossed. By the Senate it was indefinitely postponed. The House having voted to adhere, on motion by Mr. Macomber of Kennebec, the Senate voted to adhere to its former action.)

An Act to permit certain plantations to assume the maintenance of their roads and bridges. (This was by the Senate passed to be engrossed. By the House it has been passed to be engrossed as amended by House Amendment A. On motion by Mr. Donigan of Somerset the Senate voted to reconsider the vote whereby the Senate passed the bill to be engrossed. On further motion by the same Senator, House amendment A was adopted in concurrence, and on his further motion the bill as amended was passed to be engrossed.)

An Act to amend Section 56 of Chapter 40 of the Revised Statutes, relating to hours of labor, as amended and renumbered by Section 35 of said Chapter

by the laws of 1907. (This bill accompanied by two reports, majority report "ought to pass," and minority report "ought not to pass." By the Senate the majority report was accepted and the bill passed to be engrossed. The House having voted to non-concur in the adoption of the majority report, and having accepted the minority report "ought not to pass", on motion by Mr. Looney of Cumberland, the Senate voted to recede and concur with the House.)

An Act to amend the Charter of the city of Old Town and to provide for a referendum of the legal voters of the city of Old Town. (This was, by the Senate, passed to be engrossed. By the House it was referred to the next Legislature. On motion by Mr. Mullen of Penobscot the Senate voted to concur with the House in referring the bill to the next Legislature.)

An Act to repeal Chapter 92 of the laws of 1905. (In this matter the two houses having come to a disagreeing vote, the Senate voted to adhere. The House having voted to adhere, no further action was taken by the Senate.)

Resolve in favor of clerk and stenographer to committees on Insane Hospitals and School for Feeble Minded. (On motion by Mr. Irving of Aroostook, under suspension of the rules, this resolve took its several readings and was passed to be engrossed.)

Resolve in favor of the clerk to the Committee on Claims. (On motion by Mr. Irving of Aroostook, under suspension of the rules, this bill took its second reading and was passed to be engrossed.)

An Act to extend the time within which the Madison Municipal Court may be organized. (This bill came from the House, by that branch indefinitely postponed. On motion by Mr. Donigan of Somerset, the Senate concurred with the House in the indefinite postponement of the bill.)

An Act to prohibit trout fishing in Kay Brook, sometimes called Broad Brook, and its tributaries, in the town of Lebanon, York County. (This bill came from the House, by that branch passed to be engrossed under suspension of the rules. On motion by Mr. Gowell of York, under suspension of the

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

An Act to prohibit trout fishing in Goding Brook, so called, in the towns of Lebanon and Acton, in York county. (On motion by Mr. Gowell of York, this bill took its second reading, under suspension of the rules, and was passed to be engrossed.)

An Act to regulate the purchase and sale of intoxicating liquors by the State Liquor Commissioner and by town liquor agents. (On motion by Mr. Irving of Aroostook, under suspension of the rules, this bill took its second reading and was passed to be engrossed.)

Reports of Committees.

Mr. Wyman, for the Committee on Inland Fisheries and Game, on "Resolve for screening Daniels Pond, Franklin, Hancock County," reported same ought not to pass.

The same Senator, for the same committee, on "Resolve in favor of screening Robinson Pond, in the County of Somerset," reported same ought not to pass.

The same Senator submitted the final report of the committee on Inland Fisheries and Game.

The Committee on Appropriations and Financial Affairs reported "Resolve in favor of clerk, stenographer and messenger to the committee on Appropriations and Financial Affairs." (The report was accepted, and, under suspension of the rules, the resolve took its two several readings, and was passed to be engrossed.)

Passed to be Enacted.

And Act to establish the Kingman Municipal court. (On motion by Mr. Hill of Penobscot, this bill was tabled.)

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

Orders of the Day.

On motion by Mr. Baxter of Cumberland, House Document No. 605, "House Amendment A," relating to the Portland Bridge bill, was taken from the table. On further motion by the same Senator, the Senate voted to reconsider the vote whereby the bill was passed to be engrossed. On further motion by the same Senator, Senate Amendment A was adopted, and the

bill as amended was passed to be engrossed.

(Subsequently this matter was taken from the table by the President.)

The PRESIDENT: In this matter, there was an error in the vote taken a short time ago. The amendment that was offered was amendment to House Amendment A. Probably the Senator from Cumberland so stated, but the Chair misunderstood him and understood that the amendment adopted was an amendment to the bill whereas it was an amendment to House Amendment A.

Thereupon the Senator from Cumberland, Mr. Baxter, moved that the Senate reconsider its vote whereby it passed to be engrossed the bill as amended by House Amendment A, and the same Senator moved that the Senate reconsider its vote whereby it adopted Senate Amendment A.

The same Senator then presented Senate Amendment A to House Amendment A, and the same was adopted. On his further motion, the Senate adopted House Amendment A as amended by Senate Amendment A; and on his further motion, the bill as amended by House Amendment A as amended by Senate Amendment A was passed to be engrossed.

Mr. BAXTER of Cumberland: Mr. President: I wish to introduce a resolve out of order to correct an error in a resolve that passed some time ago. This resolve does not call for any additional appropriation. It simply corrects an error in one already approved by the Governor.

The Senator thereupon presented "An Act to amend a resolve for the preservation of the archives of the State of Maine", approved by the Governor March 19, 1909, and on his motion, under suspension of the rules, the bill took its several readings and was passed to be engrossed.

On motion of Mr. Hill of Penobscot, bill "An Act to establish the Kingman Municipal Court", was taken from the table; and on his further motion the same was indefinitely postponed.

Mr. Eaton of Washington presented "Resolve in favor of Fred W. Lee", and the same was received; and on motion

by the same Senator, under suspension of the rules, the resolve took its several readings and was passed to be engrossed.

On motion of Mr. Shaw of Kennebec "Resolve in favor of the town of Old Orchard", was taken from the table.

Mr. SHAW of Kennebec: Mr. President: I will say that I tabled that resolve thinking it was bad policy for the State at this late day to appropriate money extending over a period of ten or twelve years. It seems under the resolve that it requires \$3,000 a year for the next ten years; and I do not like that feature of the resolve. Neither do I think it is a good precedent to establish, to make such a gift to any town, for we can readily see, if this precedent is established, other towns and cities in the future will come here and expect help. I will refrain from making any motion, but I simply leave it where it is.

Mr. HAMILTON of York: Mr. President: I wish to offer a resolve as a substitute for that resolve.

The PRESIDENT: Does the Senator desire to make any motion in reference to the present resolve, either that it be tabled or indefinitely postponed.

Mr. HAMILTON: Mr. President: I move that the resolve in favor of the town of Old Orchard be laid on the table.

Mr. STAPLES of Knox: Mr. President: That bill, I am aware, is in the interests of the citizens of Old Orchard, who met with a disastrous fire two years ago; but the people who suffered the most were all wealthy people, and I do not think we ought to set a precedent in this State to make donations to every town or city that has had a disastrous fire. If we do that, this legislature will be flooded with resolves like this one. I do not think we have any legal right to do it. I think it is setting a bad precedent; and if my motion is in order at this time, I move that the whole thing be indefinitely postponed.

The PRESIDENT: The pending question is upon the motion of the Senator from York, Mr. Hamilton, that the resolve in favor of Old Orchard, which was presented this morning, tabled on

motion of the Senator from Kennebec, Senator Shaw, be laid on the table that the Senate may consider a substitute offered by Senator Hamilton of York.

The question being put, it was voted that the resolve tabled this morning and just taken from the table be laid on the table pending the consideration of the substitute resolve.

Thereupon Mr. Hamilton of York presented "Resolve in favor of Old Orchard (being the substitute resolve) and moved that the rules be suspended and that the resolve take its two several readings at the present time without reference to a committee, and be passed to be engrossed.

Mr. HAMILTON of York: Mr. President: I stated this morning the circumstances which called forth this resolve. Now the Senator from Knox thinks that it establishes a bad precedent, and he states also that the people there are wealthy people. I wish to state to the Senate that that is not the fact. None of the people were of the wealthy classes. It took out property along the sea shore, and, as I stated this morning, the resolve had passed this House and went to the Governor for his signature and his veto now lies on the table. That resolve was for \$6,000 a year; and one of his reasons was, that the form of it was not proper and the other reason was that it was too large; and, at his request, the resolve in its present form is placed before the Senate.

We have been here appropriating money to many towns for public purposes, and I certainly have voted for it, but York County has not had one single cent and never has. But this is no reason why this resolve should pass. This resolve should rest upon its own merits. Now, the town is entirely burned out and they need a little help there at this time and need it badly. It was a tremendous fire; and I do not believe we will ever have such a fire again and under similar circumstances. I think it is proper that the town should be helped, for they, as much as other towns, should pay for roads and bridges. I think it is just as legitimate. That is the way I feel about it, and I think

from this gentleman who has received so much of the State's money during this session, it comes will ill-grace when York County first introduces a request here for money, which is the first in years, and the first within my remembrance, to oppose it. It is but fair and right that Old Orchard should receive this little appropriation of \$3,000 a year in order that they may be built up. As I stated before, the resolve passed both Houses for an appropriation of \$6,000. It went to the Governor for his signature. Now this resolve calls for just half as much, and if there was no reason for opposing the other, with double the amount, the reason for passing this resolve comes with a great deal more force; and I feel it is but just for this resolve not to be turned down.

As a precedent each case stands upon its own particular circumstances. If a town comes in with such devastation as obtains there and such a town needs aid, I should vote for it, as soon as for appropriation for bridges and roads and all those things where it is not always so meritorious, and I earnestly desire that this resolve shall pass.

Mr. STAPLES of Knox: Mr. President: I am aware that they had a great fire out there at Old Orchard, and that a great many poor people in the place have been burned out and probably a great many will be in the future. Now by this resolve, we are going to give \$30,000 to Old Orchard. Pray, tell me how that is going to be distributed to aid the poor people who were burned out there? It goes into the treasury of the town, as I understand it. That town can do what it pleases with it.

I sympathize with those people there, but I do not wish to put myself on record as establishing such a precedent, so that any town or any individual may come here and ask assistance of this Legislature for any such purpose. There are many cases as meritorious in the State of Maine, which have occurred within the last five years. I want to know where you are going to draw a dividing line if you should give the treasury of Old Orchard \$30,000 in the next ten years? How is it going to help the people who were burned out?

The resolve for \$6,000 passed the two Houses and I voted for it with the understanding and idea that the Governor would veto it, and I was glad when he did veto it. I do not think we ought to make such a precedent as this in the State of Maine; and I move that the resolve be indefinitely postponed; and upon that, I ask for the Yeas and Nays.

Mr. GOWELL of York: Mr. President: If ever a town in our State needed assistance, it is this town at the present time. I am informed that the town of Old Orchard has not expended any money in the last two years for the improvement of highways. They have maintained their school. The taxes have been exorbitant and practically a part of the town has been wiped out of existence. I think there has been a precedent for a resolve of this kind in other states. I understand the State of Massachusetts assisted Chelsea in a similar manner when they had the fire there; and I believe it would be a good thing for the State. I believe the people of Old Orchard, in improving that popular summer resort, would accomplish the result of bringing property and money into the State, so that in the end the State would lose nothing by the passage of this resolve. As my colleague, Senator Hamilton, says, we have asked very little in the way of appropriations, and I think this resolve should receive a passage. As Senator Hamilton said, it meets with the hearty approval of the Governor, I think.

Mr. HAMILTON of York: Mr. President: You may understand that the town is left in a very bad condition as to its streets and roads. It requires a great deal of money to put them back into condition so that we can go to work at building. The streets and roads were all torn up and they are not yet cleaned up. You see it has reduced the valuation of that town about two-thirds. Now when they start to build there, in the boom that will follow, the valuation will be increased, and in one year I have no doubt it will be doubled, and so on for the next year and the next, so that the State will really get its money back before the end of the time which the resolve covers, and the State will practically be no loser. The

purpose of the resolve is to enable them now to start and clean up their streets, so that it will be possible to build as they intend to.

Mr. BAXTER of Cumberland: Mr. President: If there is no precedent in the State of Maine for this resolve, I do not think it is material. The State appropriates thousands and thousands of dollars to encourage fish culture and other things of that sort in order to bring summer people here, and I see no reason why it should not appropriate a few hundred dollars to help Old Orchard and to rebuild her roads. Every dollar of this money will come back to the State in a few years, and the building boom will start there, and it will be a good investment for the State. I hope the Senate will support the motion of the Senator from York.

The question being put upon the motion to indefinitely postpone, the Yeas and Nays were ordered, and the vote being had resulted as follows: Those voting Yea were Messrs. Lowe, Shaw, Staples. Those voting Nay were Messrs. Baxter, Boynton, Colcord, Eaton, Emery, Gowell, Hamilton, Hastings, Hill, Howes, Irving, Kellogg, Knowlton, Looney, Macomber, Milliken, Minott, Mullen, Osgood, Reynolds, Smith, Walker, Warren, Wyman (24).

So the motion was lost.

Thereupon, on motion by the Senator from York, Mr. Hamilton under suspension of the rules, the resolve took its two several readings and was passed to be engrossed.

The Committee of Conference on "Resolve in favor of Lowell E. Bailey" reported that the same be indefinitely postponed in accordance with the vote of the House. (The report of the Conference Committee was accepted, and it was voted that the resolve be indefinitely postponed in accordance with the report of the Conference Committee.)

Mr. Hamilton of York presented bill "An Act to amend Section 31 of Chapter 29 of the Revised Statutes of the State of Maine in relation to liquor agencies", and moved that it take its two several readings and passed to be engrossed, under suspension of the rules.

Mr. MILLIKEN of Aroostook: Mr.

President: The subject of that bill having been acted upon, pending its second reading, I move that it be laid on the table.

Mr. HAMILTON of York: Mr. President: I wish to say something about that matter before the bill is tabled. I presumed that the Secretary would read it and that it would be satisfactory. This bill is drawn for the purpose of restricting the matter of liquor agencies and placing it in some form under control of the Governor and Council. I know we have passed what is called the Milliken Bill; and I move, if the motion is in order, that the vote whereby that bill was passed to be engrossed be reconsidered.

Thereupon the vote whereby bill "An Act to regulate the purchase and sale of intoxicating liquors by town liquor agencies" was passed to be engrossed, was reconsidered.

Mr. HAMILTON of York: Mr. President: I now move that the bill to amend Section 31 of Chapter 29 of the Revised Statutes in relation to liquor agencies offered by me be taken from the table.

The motion prevailed.

The same Senator further moved that the bill take its second reading.

Mr. MILLIKEN of Aroostook: Mr. President: As I understand the matter, we have now both bills before the Senate. Is that right? What is the parliamentary situation? Are they both before the Senate?

The PRESIDENT: They are both before the Senate.

Mr. WARREN of Cumberland: Mr. President: I suggest under these circumstances that we let both bills pass and we will get a larger assortment of liquors.

Mr. REYNOLDS of Kennebec: Do not forget that New England Rum is the safest thing we have got.

Mr. MILLIKEN, of Aroostook: Mr. President: The situation seems to call for a choice between the two bills, the one offered by the Senator from York and the one which the Committee has reported and which has been passed to be engrossed.

Now, in support of the bill once passed and reported by the Committee, I have only to say that it is the work

of the Committee which sat during recess and has been passed upon by the Temperance Committee and I think it is a reasonable bill and a bill likely to accomplish the purpose intended.

I have read the bill offered by the Senator from York, and it amounts to very little indeed, as you will notice, if you heard it read. The bill that was passed to be engrossed a few moments ago and which has been reported by the Committee and unanimously reported by the Temperance Committee, does do something to remedy the existing conditions. The Senator from York has not stated any objections to that bill, but has simply offered this in its place. Both of them now being before the Senate, I move that Senate Document 503 again pass to be engrossed, or if there is any amendment to be offered that it be presented.

Mr. HAMILTON of York: Mr. President: I am not supposed to know as much about liquor agency matters as Senator Milliken. I never had occasion to patronize them. From my observation and from talking with very many in reference to it, the bill which Senator Milliken introduces is in such a form that it is impracticable, and this bill is a bill which the Governor and Council desires to have passed, and then they can control the business entirely; and, as I stated here yesterday, under the old statutes they had all the powers that in my judgment were necessary to control it, and that we could trust them to control it, but it was brought out here that it was thought by some that they had not under that statute, so this bill that I have introduced is not my own bill by any manner of means, for I care nothing about it personally, except with regard to what is for the best interests of the State. The bill which I introduce is plain and simple and tells what the Governor and Council shall do and ought to do, and gives them entire power to control the agencies of the State, for you will remember that under the statute it was said they had no authority to remove a town agent. This bill gives them that authority at any time. Further, it was said under the old bill that it did not give them authority to visit the

town agencies for any purpose, but this bill does, and to examine the kind of liquor and the way in which they manage it. I believe the agencies can be better managed under the control of the Governor and Council by the bill which I introduce than by the Milliken Bill. If I did not think so, I would not have introduced it. I read it over carefully after it was drafted and read it several times, and it had been passed around, and I could see from the simple manner in which it was drawn and because of the authority that it gave to the Governor and Council, that it was a proper bill. It is so regarded by the Council, so that I have introduced it. I am not particular about the bill, but I want to state these facts so that the Senate may know why this bill was introduced.

The motion of the Senator from Aroostook, Mr. Milliken, is that his bill be passed to be engrossed. I hope that motion will not prevail, but that the bill which I have introduced will be passed to be engrossed in place of the Milliken Bill, which I believe is much better, as it leaves the matter in the hands of the Governor and Council with enlarged powers.

Mr. MILLIKEN of Aroostook: Mr. President: I want to say a word about the difference between the two bills. I did not expect the subject to come up at this time. Senate Document 503, which you all have before you, makes three distinct provisions which are important. One is that the liquors brought into the State shall be brought into the State in sealed packages, handled in those sealed packages and sold to the consumer from the same packages. The purposes of this, as is very plain, is to avoid all opportunity for adulteration of the liquor at any stage of the proceedings. The second provision is that these liquors must be bought under some system of competitive bids, cutting out suspicion of graft, owing to the fact that two wholesale dealers do now and have for many years controlled the liquor business. The third is that this bill limits definitely the profits that may be made by a lawful liquor agency. I think I know something about the suggestions of this

original bill and of the bill which has been suggested by the Senator from York. I think it is intended in that bill to give less regulation than was intended by the bill which was before you, and I think that the bill which is before you, Senate Document 503, carries with it the minimum of regulation that we can safely expect to correct the existing evils.

The Senator contended before, when this was under discussion, that the Governor and Council have all authority. This bill simply gives a little authority, and stipulates a few more things, which they shall do, but I submit that this other bill does definitely correct those evils that exist. That is the precise situation. I admit the Senator from York's bill is better than nothing, but it is not much better than nothing.

Mr. HAMILTON of York: Mr. President: It seems to me that in the way the matter is now, that both in buying and selling the percentage is impracticable, because you cannot limit it as I understand they limit it in his bill. It should be in the hands of the Governor and Council. It is to be sold in the original package. Now if it is to be sold in the original package, how large an original package? And, if you look it over, you will see that its limitations are such as to make it impracticable in its operation; while in this bill all of the objection to the statute, as it now stands and has stood for many years, is that it does not give authority enough to the Governor and Council in reference to buying and in reference to the liquor agencies. Now, all this liquor is to be bought under the new bill by the Governor and Council. They buy it where and how they please; and, as for buying liquor by the system of competitive bids, you understand how that may be. These fellows all get together and they don't know anything about what kind of liquors they are getting. But this new bill states that it shall be analyzed. As I said before, I do not know but little about this matter, but from a practical standpoint and in the interests of the people and for the care of the agency in selling it, I believe it is better than it would be in the hands of the Governor and Council

with that enlarged power that is given in this bill.

The PRESIDENT: Senate Document No. 503, known as the Milliken Bill accompanies the report of the Committee on Temperance "ought not to pass". It has received its two several readings in the Senate and passed to be engrossed, and the Senate reconsiders its vote whereby it passed to be engrossed, and the pending question is upon the motion of the Senator from Aroostook, Mr. Milliken, that the bill now pass to be engrossed, and upon this motion the Senator from Aroostook asks that the Yeas and Nays be ordered.

The question being put, the Yeas and Nays were ordered, and the vote being had resulted as follows: Those voting Yea were Messrs. Boynton, Donigan, Hill, Howes, Irving, Kellogg, Knowlton, Lowe, Milliken, Minott, Mullen, Shaw, Staples, Walker, Warren, Wynan, (16). Those voting Nay were Messrs. Baxter, Eaton, Emery, Gowell, Hamilton, Hastings, Looney, Macomber, Osgood, Reynolds, Smith, (11).

So the motion prevailed.

The PRESIDENT: We now have before us bill "An Act to amend Section 31 of Chapter 29 of the Revised Statutes in relation to liquor agencies."

On motion by Mr. Milliken of Aroostook, the same was indefinitely postponed.

On motion by Mr. Gowell of York, Senate Document No. 486, "An Act to amend Section 38 of Chapter 89 of the Revised Statutes, relating to persons travelling from place to place and carrying for sale intoxicating liquors", was taken from the table. On further motion by the same Senator, the bill was passed to be engrossed.

On motion by Mr. Baxter of Cumberland, Senate Document No. 353, "An Act to amend Chapter 166 of the Public Laws of 1907, entitled 'An Act for the better collection of taxes,'" was taken from the table; and on further motion by the same Senator, the vote whereby the bill was passed to be engrossed was reconsidered. The same Senator presented Senate Amendment A and moved its adoption. The motion prevailed. On further motion by the same Senator, the bill as amended by

Senate Amendment A passed to be engrossed.

The PRESIDENT: What does the Senator from York, Mr. Hamilton, desire to do in reference to the "Resolve in relation to Old Orchard"?

Mr. HAMILTON of York: Mr. President: I move that it be taken from the table and disposed of.

The PRESIDENT: The Chair reminds the Senator that the resolve in favor of the town of Old Orchard—not the one which was passed and which went to the Governor—but the one presented this morning and tabled by Senator Shaw is the resolve referred to.

Mr. HAMILTON of York: Mr. President: I move that the resolve in favor of the town of Old Orchard, which was tabled by Senator Shaw, and taken from the table and afterwards tabled by myself, be indefinitely postponed.

The motion prevailed.

On motion of Mr. Hamilton of York, House Document No. 550, "Resolve in favor of the Town of Old Orchard, for receipt of State Treasurer for State tax, to be given said town on valuation of one hundred thousand dollars", was taken from the table; and, on his further motion, the same was indefinitely postponed.

On motion by Mr. Milliken of Aroostook, Senate Document 452, "An Act to establish the Old Orchard Park System", was taken from the table.

Mr. MILLIKEN of Aroostook: Mr. President: I will say that I tabled this until I could see what became of the other resolve. I now move that this pass to be enacted.

Thereupon "An Act to establish the Old Orchard Park System" was passed to be enacted.

Finally Passed.

Resolve in favor of stenographer to the presiding and recording officers of the Senate and House.

Resolve in favor of the clerk, stenographer and messenger of the Committee on Sea and Shore Fisheries.

Resolve in favor of John J. Dearborn.

Resolve in favor of the official reporter of the House.

Resolve in favor of the clerk and stenographer to the committee on State lands and State roads.

Resolve in favor of the clerk to the committee on interior waters.

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

Resolve in favor of L. A. Davis, clerk of the committee on public health and public buildings and grounds.

Resolve in favor of Verdi Ludgate, chairman of the committee on education.

Resolve in favor of M. S. Hill, clerk to the committee on temperance.

Resolve in favor of H. R. Thompson for services as clerk and stenographer to the committee on library.

Resolve in favor of the Eastern Maine Insane Hospital.

Memorial to Congress in relation to the requirement of wireless telegraphy on passenger steamships and tug boats on ocean voyages.

Passed To Be Enacted.

An Act to amend Chapter 40 of the Revised Statutes relating to inspectors of factories, workshops, mines and quarries.

An Act to amend an act authorizing the county commissioners of Cumberland county to erect a county building in Portland.

An Act to amend Section 1 of Chapter 128 of the Revised Statutes, in regard to malicious mischief.

An Act to establish the board of police for the city of Waterville.

An Act to create a State water storage commission.

An Act to amend Section 78 of Chapter 9 of the Revised Statutes in relation to appeal from the County Commissioners.

Mr. Staples of Knox moved that this bill pending its passage to be enacted, be indefinitely postponed. Upon this motion the Senator from Oxford, Mr. Hastings, called for the Yeas and Nays and the Yeas and Nays were ordered.

The vote being had resulted as follows: Those voting Yea were Messrs. Donigan, Gowell, Hamilton, Hill, Kellogg, Macomber, Mullen, Osgood, Reynolds, Shaw, Smith Staples, Wyman, (13). Those voting Nay were Messrs. Baxter, Boynton, Colcord, Eaton, Hastings, Howes, Irving, Knowlton, Looney, Lowe, Milliken Minott, Warren, (13).

So the motion to indefinitely postpone was lost.

Resolve in favor of immediate expenses for the support of the Maine School for Feeble Minded. (This resolve contained the emergency clause, and a vote being had, 25 Senators voted in favor of its passage, and there were no votes opposed.)

On motion by Mr. Milliken of Aroostook, Bill, "An Act to make uniform the standard in relation to alcohol in intoxicating liquors", was taken from the table.

Mr. MILLIKEN of Aroostook: Will the Chair kindly state the parliamentary situation?

The PRESIDENT: The Senate passed this bill to be engrossed. The House passed it to be engrossed as amended by House Amendment A. The Senate reconsidered its vote whereby it passed it to be engrossed and adopted House Amendment A and passed the bill to be engrossed as amended by House Amendment A, and the bill was laid on the table.

Mr. MILLIKEN of Aroostook: Mr. President: I move that, having been taken from the table, be placed upon its passage, whatever the next step is.

The PRESIDENT: The Chair has to beg the pardon of the Senator from Aroostook. I misunderstood the endorsement upon the back of the bill. House Amendment A has been adopted by the House, but has not been adopted by the Senate. I inadvertently read the House endorsement, which I took to be the Senate endorsement.

Mr. MILLIKEN: Mr. President: The question then is upon the adoption of House Amendment A in concurrence. Has the vote whereby the bill was passed to be engrossed been reconsidered?

The PRESIDENT: It has not.

Mr. MILLIKEN: Mr. President: I move that the Senate reconsider the vote whereby the bill was passed to be engrossed.

The motion prevailed.

The same Senator thereupon moved the adoption of House Amendment A.

Mr. MILLIKEN of Aroostook: This bill simply provided for a uniform standard with that of the United States Government as to what should be con-

sidered intoxicating liquors. The only effect of the bill so far as a sale in the State goes, would be upon those beers—Uno Beer, etc.—which are sold as a beverage and which contain less than three percent. The bill would not have any effect upon anything which is not a beverage, or anything containing more than three per cent, or anything that does not require the stamp of the United States Government. The purpose of the bill is entirely plain to all of you. The House has added an amendment specifically including cider in the bill. I do not know what the purpose of the amendment was. I want to say, the only persons who can and do object to this bill are those persons who derive a profit from the sale of Uno Beer, and those people do not dare to come before the Committee and oppose the bill, and all opposition to it has been indirect. I do not say this amendment was proposed by these people, but its purpose is to kill the bill; but I want to point out what the effect of the amendment is. The effect of the amendment is absolutely nothing. The amendment is futile and foolish and makes no addition to the laws of this State in the sale of cider, as will be apparent when I call attention to the fact that the bill in any case applies only to the standard that the United States Government applies, and calls any liquor an intoxicating liquor which requires the stamp of the United States Government. It never has required a stamp in the case of cider. The amendment has no effect upon liquor which contains more than three per cent of alcohol, and as cider we know does contain that percentage, those liquors are held to be intoxicating liquors. And in the case of cider, the statute provides expressly the way in which it may be sold and expressly excepts it from other provisions of the statutes. The amendment is foolish and adds nothing, but I assume it was introduced for the purpose of killing the bill. The amendment will have absolutely no effect, and, as today is the first day of April and as it has been observed from time immemorial as April Fool's Day, that may have had something to do with its introduction.

On motion by Mr. Milliken of Aroostook,

the bill was passed to be engrossed as amended.

On motion by Mr. Baxter of Cumberland, the Senate took a recess until 5:00 o'clock P. M.

5 o'clock P. M.

The Senate was called to order by the President.

"Resolve in favor of L. S. Sanborn" came from the House. On motion of Mr. Hastings of Oxford, under suspension of the rules, this resolve took its two several readings and was passed to be engrossed.

"Resolve in favor of E. E. Chase, Jr." (On motion by Mr. Walker of Hancock, under suspension of the rules, this resolve took its second reading and was passed to be engrossed.

On motion by Mr. Hastings of Oxford, the Senate took a recess until 8:00 o'clock P. M.

Evening Session.

8:00 o'clock P. M.

Senate called to order by the President.

"An Act to amend Section 21 of Chapter 32 of the Revised Statutes relating to hunting on Sunday."

The PRESIDENT: This bill was by the Senate passed to be engrossed as amended by House Amendment A. By the House it has been passed to be engrossed as amended by House Amendment A and House Amendment B.

(House Amendment B read by the Secretary.)

Mr. DONIGAN of Somerset: Mr. President: It seems to me that we are making a good deal of law for the people in the rural districts in respect to the Fish and Game matters. I move that the bill be indefinitely postponed.

Mr. MILLIKEN of Aroostook: Mr. President: I understand that the amendment agreed upon is satisfactory to the Commissioners and has been agreed upon by the House. I think the bill contains a principle that is important in its present form and it is satisfactory to all who wish the bill to become a law. The purpose is to make it easier to enforce the Sunday law. I hope the motion of the Senator from Somerset will not prevail, and that the bill will

pass to be engrossed with the amendment.

Mr. DONIGAN of Somerset: Mr. President: I understand by that law that a camper cannot go from one camp to another with a gun, and in the winter when the lumbermen are in the woods, it is dangerous to go through the woods without a gun. Moose have been known to drive a man. I think the bill is not right.

Mr. MILLIKEN of Aroostook: Mr. President: I think I can assure the Senator from Somerset that he is mistaken. I think he has reference to a provision in the bill originally introduced. I am sure that the objection of the Senator from Somerset is founded on a false impression.

Mr. Donigan of Somerset thereupon withdrew the motion to indefinitely postpone; and, on his further motion, the bill with the amendment was laid on the table.

"An Act to amend Chapter 251 of the Public Laws of 1907, entitled 'An Act for the better protection of alewives and sturgeon in the various rivers of Maine.'" (On motion by Mr. Hastings of Oxford, under suspension of the rules, this bill took its two several readings and was passed to be engrossed.)

Thereupon, on motion by Mr. Minott of Sagadahoc, the vote whereby the bill was passed to be engrossed was reconsidered; and, on his further motion, the bill was laid on the table.

"An Act to exempt growing white pine from taxation." (This bill was by the Senate passed to be engrossed. By the House the bill has been indefinitely postponed.)

Mr. WARREN of Cumberland: Mr. President: I was present in the House when the vote was taken upon that matter, and it was so strong that I do not know as there is much use in trying to send it back to them. I do not like to allow the matter to drop so easily, and I move that the Senate adhere if that is the proper motion.

The PRESIDENT: The Chair understands the Senator from Cumberland to mean to insist and to ask for a Committee of Conference.

Thereupon on motion of Mr. Warren

of Cumberland, the Senate voted to insist and to ask for a Committee of Conference.

The Committee of Conference on the disagreeing action of the two Houses on "Bill to provide for a bounty on bears in Washington County", reported that same be given its passage.

The PRESIDENT: This bill had been by the House passed to be engrossed. By the Senate the bill was indefinitely postponed.

On motion by Mr. Hastings of Oxford, the Senate voted to reconsider the vote whereby the bill was indefinitely postponed. On further motion by the same Senator, under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended.

The report of the Committee on Judiciary on Bill "An Act to amend Section 51 of Chapter 79 of the Revised Statutes relating to appointment of auditors, surveyors and referees in vacation," that same "ought to pass," with the report accepted, came from the House, by that branch amended by House Amendment A.

On motion by Mr. Hastings of Oxford, the bill with the amendment was laid on the table.

Resolve for preservation of regimental rules in the office of the Adjutant-General in new draft. (On motion by Mr. Baxter of Cumberland, under suspension of the rules, this resolve took its second reading and was passed to be engrossed.)

The report of the Committee on Inland Fisheries and Game on Bill "An Act relating to the disposal of money received from non-resident hunters' licenses", that it "ought not to pass" was accepted.

The report of the same Committee on "Resolve in favor of screening Wilson Pond in Piscataquis County", that it "ought not to pass" was accepted.

The report of the same Committee on Bill "An Act relating to fines for infringement of the Fish and Game Laws", that it "ought not to pass" was accepted.

The report of the same Committee on "Resolve in favor of Fish and Game Association," that it "ought not to pass" was accepted.

The report of the same Committee on

"Resolve for screening Sebattus Lake outlet", that it "ought not to pass" was accepted.

The report of the same Committee on "Resolve in favor of Fish hatchery at Rangeley Lake" that it "ought not to pass" was accepted.

The report of the same Committee on bill "An Act creating a close time on otter in Waldo County and regulating the open season on white perch in Waldo County" that it "ought not to pass" was accepted.

The report of the same Committee on "Resolve in favor of screening lake situated partly or wholly in Hancock County," that it "ought not to pass" was accepted.

The report of the same Committee on "Petition for screening Highland Lake, Cumberland County," that "petitioners have leave to withdraw" was accepted.

On motion by Mr. Hastings of Oxford, House Document 768, "An Act to amend Section 51 of Chapter 79 of the Revised Statutes, relating to the appointment of auditors, surveyors and referees in vacation" was taken from the table; and, on his further motion, under suspension of the rules, the bill took its two several readings and was passed to be engrossed.

Mr. MACOMBER of Kennebec: Mr. President, I desire to call up a bill that was passed to be engrossed this afternoon. I do not know the title, but it relates to the uniformity of alcohol in spirituous liquors.

Bill "An Act to make uniform the standard relating to the use of alcohol in intoxicating liquors" was taken from the table.

Mr. MACOMBER of Kennebec: Mr. President, I believe as much as any Senator on this floor in the prohibitory law, and its enforcement in every proper and legitimate way. I believe on the other hand that the constant enactment of these outside propositions for the enforcement of the law belittles the law itself and is evidence in my mind that the advocates of the prohibitory law, or some of them, who favor these measures do not quite believe in the law itself. There is a catch to that clause in reference to cider. Now the gentleman from Aroostook explained that in a plausible

way and I am not going to undertake to contradict his explanation or to say that a strict construction of the language in the bill or in the amendment may not be just as he states, but I believe it is vicious legislation, and I believe there is no call for it. I move, Mr. President, that the vote whereby we passed the bill to be engrossed as amended by House Amendment A be reconsidered.

The motion prevailed.

Mr. MACOMBER: Mr. President: I now move that the bill be indefinitely postponed. ,,

Mr. Milliken of Aroostook: Mr. President: I said in the Senate this afternoon, and I repeat here, that the only persons who are affected by this bill are those who wish to manufacture in the State Uno Beer, so-called. Now just for a moment I want to call the attention of the Senate to the attitude these persons take in respect to this bill. None of them appeared before the Committee in opposition to it. No suggestion was made from any source to the Committee in opposition to this bill. And no suggestion of opposition has been made in this Legislature up to this moment. The whole idea of these people has been to beat this bill by indirection. The amendment was added to the bill in the House for that purpose. The attorneys or lobbyists in this State House, representing those who wish to deal in Uno Beer and those who do handle it, one of whom is located here in Augusta, were contented to leave the situation as it was, supposing they had fooled the agricultural element by this cider proposition. I showed in the Senate this afternoon that the amendment amounted to absolutely nothing. In the first place, the bill says that alcoholic liquors may not be sold without the payment of a United States revenue license. It adds nothing to put in cider. The proposition in this bill is simply that the standard with respect to what is regarded as intoxicating liquor shall be uniform with that of the United States Government, and that is all we are trying to get. Under the law as it is at present, a man may take out a United States Government license and sell Uno Beer, and no one can tell whether he is selling Uno

Beer or anything else, as he is licensed to sell Uno Beer. The only effect of this bill would be that no man would have a right to take out a license unless he sold intoxicating liquors.

Now the question is asked, what harm do these so-called small beers do? I think that has been pretty well put. The temperate man does not care for this small beer and the respectable drinking man does not want to drink that sort of stuff. The harm is that under cover of selling small beers, they can sell anything they please, and in the next place, they do tend more than anything else toward leading the young in the State into the habit of drinking alcoholic liquors. There is much to be said about the man who has acquired the habit of drinking intoxicating liquors. There is nothing to be said against the proposition that everything possible should be done to keep the young from acquiring the habit. And these people were not men enough to come out and oppose this bill before the Legislature. They have undertaken to beat it by indirection, and, within five minutes after the Senate adjourned this afternoon, the attorneys of these Uno Beer people were here in the Senate and trying to bring about what has been attempted by the Senator from Kennebec, to defeat the bill. It is a campaign that has been waged by a member of the Uno Beer interests and is not entitled to any respect. I do not know what the result is going to be here. I want to state the situation exactly, and I mean just what I say.

Now the bill itself is not a cranky one and adds no new load to be put upon the prohibitory law, but it merely cuts out this swill and slops which are being sold in this State.

I hope that the motion of the Senator from Kennebec will not prevail. If his objection is directed to the amendment, the proper thing would be to move that the amendment be stricken out.

Mr. MACOMBER: Mr. President, my objections are to the amendment and to the bill as well. If there is no advantage in having the amendment, I do not see any reason for it. On the other hand, so far as the Uno Beer business is concerned, I do not want any Uno Beer, and no attorneys representing Uno Beer

have come to me about it. I believe that the people of the State of Maine want the prohibitory law, and I believe they have got it. I do not believe there is any demand for the constant attachment—this year one thing, next year Jamaica Ginger and next year Peruna—and Moxie will come next. I do not believe there is any call or demand for it, and I believe it is a bad thing to be hitching something on to this law. That is my objection and I hope that the Senate will indefinitely postpone this bill.

The question being put upon the motion that bill be indefinitely postponed, the Yeas and Nays were ordered, and the vote being had resulted as follows: Those voting Yea were Messrs. Baxter, Colcord, Emery, Gowell, Hamilton, Looney, Macomber, Reynolds, Shaw, Smith, Walker, Warren, Wyman (13). Those voting Nay were Messrs. Boynton, Donigan, Eaton, Hastings, Hill, Howes, Irving, Kellogg, Knowlton, Lowe, Milliken, Minott, Mullen, Osgood (14).

So the motion was lost.

Thereupon upon motion by Mr. Milliken of Aroostook, the bill was passed to be engrossed.

Reports of Committees.

Mr. Eaton, for the Committee on Appropriations and Financial Affairs, on "Communication from the State Auditor under date of January 15, 1909," reported that same be placed on file. (Report accepted.)

Mr. Eaton, for the same Committee on "Order directing said Committee to make up the payrolls of the Senate and House," reported "Resolve on the payroll of the Senate" and that it "ought to pass." (The report was accepted.)

Mr. Wyman, for the Committee on Shore Fisheries submitted the final report of that Committee.

The Committee of Conference on the disagreeing action of the Legislature on bill "An Act to amend Section 23 of Chapter 32, as amended by Chapter 5 of the Public Laws of 1905, relating to the damage done to growing crops by deer," reported same "ought to pass," by the following amendment, by substituting "seventy-five" for "fifty" in the fifth line of Section 1. (The report was accepted.)

On motion by Mr. Wyman of Washington, the Senate voted to reconsider

its vote whereby the foregoing bill was passed to be engrossed. On further motion by the same Senator, the bill was amended in accordance with the report of the Committee on Conference. On further motion by the same Senator, the bill as amended was passed to be engrossed.

Mr. BAXTER of Cumberland: Mr. President, if in order, I would move that the bill we have just passed to be engrossed, relating to the intoxicating liquor standard, be laid upon the table.

Mr. MILLIKEN of Aroostook: I do not understand the purpose of that motion.

Mr. BAXTER: Mr. President, there are several members of the Senate who are absent, and I thought it might be well to postpone final action upon that matter until tomorrow morning.

Mr. MILLIKEN: I hope the motion of the Senator from Cumberland will not prevail, and if necessary, I ask for the Yeas and Nays.

The question being upon the motion to lay upon the table, the Yeas and Nays were ordered and the vote being had resulted as follows:

Those voting Yea were Messrs. Baxter, Colcord, Emery, Gowell, Hamilton, Looney, Macomber, Reynolds, Shaw, Smith, Walker, Warren, Wyman (13). Those voting Nay were Messrs. Boynton, Donigan, Eaton, Hastings, Hill, Howes, Irving, Kellogg, Knowlton, Lowe, Milliken, Minott, Mullen, Osgood (14).

So the motion was lost.

Mr. MACOMBER of Kennebec: Mr. President, I want to inquire of the Chair if it would be proper to make a motion to eliminate the amendment in relation to cider.

The PRESIDENT: A motion may be made to reconsider the vote whereby the Senate adopted House Amendment A; and then, a motion could be made to non-concur with the House in the adoption of House Amendment A, and the bill could then be passed to be engrossed without the amendment.

Mr. MACOMBER: Mr. President: I will move the reconsideration of the vote whereby the bill was passed to be engrossed, and I will state that it is for the purpose of making a motion to eliminate the amendment in reference to

cider.

Mr. MILLIKEN of Aroostook: Mr. President: What the Senator from Kennebec wants is to beat the bill. He knows and I know that the amendment amounts to nothing, and, having been unable to get it defeated here in the Senate, he wants to get the amendment changed in order to have disagreeing action between the two Houses and have it beaten in that way. Under ordinary circumstances I would have no objection to changing the amendment, but if the intention of the Senator from Kennebec is carried out, the precise effect will be what I indicate. That is what he wants—to beat the bill—and I hope that the motion to reconsider the passage of this bill to be engrossed will not prevail, and on that motion I ask for the Yeas and Nays.

Mr. LOONEY of Cumberland: Mr. President: Whether the object of the Senator from Kennebec is to beat the bill or not I do not know. I assume, however, and believe that the Senator from Kennebec is one of the most honest and honorable men in this chamber and that the members of the Senate can place implicit reliance upon what he says, but he does not need any defence from me.

But this is true, that the enemies of the prohibitory law—those who are deadly opposed to the prohibitory law—are in alliance with the Temperance Committee upon forcing upon this Legislature and this Senate this legislation. Why look at them? These men hate the prohibitory law worse than the devil hates holy water, and yet, they come up here and pose as temperance men. Why, the farce would be sidesplitting if a man did not become indignant before he became amused. The object of these men is simply this: they don't conceal their object; they are open about it and perfectly honest; they want to make the prohibitory law appear so ridiculous and so loaded down with one law after another that a reaction will set in all over the State and so that the pendulum will swing so far that at the next election a wave will sweep all over the State that will destroy every vestige of the prohibitory law.

Mr. SHAW of Kennebec: Mr. President: I heartily concur with what the Senator from Cumberland has said. I

do not believe there is anything that has come up this winter that will disgust the farmer so much as the amendment to this bill, and I think it is an imposition on the intelligence of the people of this State to pass a bill with that amendment. I certainly hope there will be some way of getting it out.

Mr. HAMILTON of York: Mr. President. A man once drove up to my house one night and he was slightly inebriated. I asked him what the news was, and he said that he had a brother that was a minister, and they were having a terrible time. He said that John called Henry a liar, and that Henry called John a liar, and, he says, "I believe them both." I do not want to believe all that has been said with reference to the motive of these gentlemen. If I believe one, I shall believe them all. I believe they have the best intentions. Now so far as I am personally concerned, there is no Senator here that would go any further upon this temperance question than I. There is no penalty too severe and no law too harsh to close up the sale of intoxicating liquors. But there is such a thing as intemperate temperance men. There are those who believe in and who want to bring the people up to their standard by the enactment of law. You have got to get people up to that standard by degrees and by education.

There is another class of people that would load the law so heavily, even to the extent of a penalty of murder, for the purpose of killing the law. I have seen that since I have been here.

Now as to the question here, I believe with the Senator from Kennebec County, that it is not wise legislation, nor in the interests of prohibition to keep loading the law in this way with these outside issues.

Take this question of cider. The Senator from Aroostook says that it is harmless, in so many words. I understand him that it would leave the sale of cider just as it stands now. If it does, why have cider in that bill and why have it come to the people that you have prohibited the sale of cider. Think of it for a moment. Why load it with something that does not amount to anything and with something you say is of no consequence to the bill in one way or

another. I ask you, Senator from Aroostook, who is a very considerate technical man, why you should hold that the temperance men and the temperate men--those who are interested in it and sincere in it--shall say that it is ridiculous. You have got it to such an extent that you cannot drink cider, even if it is new cider. That will be the way it will be construed by the court and by many people who are the enemies of prohibition. Certainly I can see no object in doing it.

Mr. MILLIKEN of Aroostook: Mr. President: I think I have made it plain that my interest is in the bill and not the amendment. I have not any objection whatever to the adoption of the amendment cutting out House Amendment A, provided it is not intended to use it as a means to beat the bill. It seems to me fair to infer that this motion is made now to beat the bill. I want to ask the Senator from York, or the Senator from Kennebec, or any of those who voted against the bill, if the Amendment A being removed, their objection to the bill would be removed, so that they could vote for it. If any of those who voted against the bill would find their objection removed if the amendment was stricken out, I would be perfectly willing to risk falling into a trap. But I submit, if every member who voted against the bill in its present form is intending to vote against it with House Amendment A stricken out, it is not fair to go to the trouble of striking it out and sending it to the House and so risk the defeat of the bill.

Mr. HAMILTON of York: Mr. President: I would say in reply to that in all my votes here I have endeavored to be sincere and have voted just what I believe was right, and I believe further the Senator has done the same. I know that we have heard of this lobbying business, but it never affected me nor touched me. You know that lobbyists know men pretty well and they know pretty well who would be susceptible of being lobbied. I voted to strike out cider and I did it sincerely, as I stated; and I state to the Senator now, that I meant what I said, that I did not believe that cider in the way he had it in that bill amounted to anything. I was not opposed to the other part of the bill.

Mr. MILLIKEN of Aroostook: Mr. President: I am willing with the explanation that the Senator has made to agree to a reconsideration as to the adoption of the amendment suggested by the Senator from Kennebec.

Mr. MACOMBER of Kennebec: Mr. President: I want to say that, while I have objected to the whole bill and believe it is unwise, at the same time, the most serious part of it is this cider clause. And, if I could not get the whole thing defeated, I should have to be content with the defeat of the cider amendment, and if the amendment was stricken out, I should make no further amendment.

Mr. LOONEY of Cumberland: Mr. President: I would say that I have no objection to the bill itself, but I do object to the cider clause.

The PRESIDENT: The pending question is the motion to reconsider the vote whereby the bill was passed to be engrossed as amended by House Amendment A.

Mr. BAXTER of Cumberland: Mr. President: I do not wish to deceive the Senator from Aroostook. I am opposed to the bill with or without the cider clause. I thought I ought to give him fair notice so that he would not be led into any trap. I am opposed to the bill in any form, because I do not think it reasonable. I am opposed to the amendment and I hope the entire bill will be defeated.

Thereupon, on motion by Mr. Macomber of Kennebec, the Senate voted to reconsider the vote whereby the bill was passed to be engrossed.

Mr. MULLEN of Penobscot. Mr. President: Could the enemies of this bill be excused from voting?

The PRESIDENT: The Chair informs the Senator that the enemies of the bill will be required to vote.

On motion by Mr. Macomber of Kennebec, the Senate voted to non-concur with the House in the adoption of House Amendment A.

On further motion by the same Senator, the Senate voted that the bill pass to be engrossed without the amendment.

"Resolve on the payroll of the Senate." (On motion by Mr. Hastings of Oxford, under suspension of the

rules, this resolve took its two several readings and was passed to be engrossed.)

On the joint order to inquire into the advisability of establishing a juvenile court in the State of Maine, the President appointed as the Committee on the part of the Senate, the order having received a passage in both branches of the Legislature, Senator Looney of Cumberland.

On the order appointing a Committee consisting of two members of the Senate and three members of the House to consider the advisability of changing the law relating to the corporations of this State, the President appointed on the part of the Senate, Messrs. Wheeler of Cumberland and Gowell of York.

Passed to be Enacted.

An Act to amend Chapter 8 of the Revised Statutes relating to the Board of State Assessors.

An Act to amend Section 11 of Chapter 81 of the Revised Statutes in relation to records of proceedings in Court.

An Act to amend Section 15 of Chapter 54 of the Revised Statutes, relating to expenses of the inspector of boilers, and engines, and their appurtenances, of steamboats on inland waters.

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.

An Act to amend Section 11 of Chapter 22 of the Revised Statutes, relating to the taking of beaver.

An Act to correct certain clerical errors in "An Act to amend an act entitled 'An Act to create a lien on manufactured staves and laths,' approved March 18, 1909."

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.

An Act creating a State Board of Arbitration and Conciliation.

An Act for the licensing of dogs and for the better protection of sheep.

An Act relating to the employment of

labor. (On motion by Mr. Baxter of Cumberland, this bill was laid on the table.)

An Act to regulate fishing in Royal's River and tributaries, in Cumberland County. (On motion by Mr. Looney of Cumberland, this bill was tabled.)

An Act amending Section 1 of Chapter 350 of the Private and Special Laws of 1907, relating to the time of service of members of fire department of the City of Portland.

An Act to regulate fishing in Chase Brook and tributaries, and in a portion of Fish River, in the County of Aroostook.

An Act to authorize the building of a dam at the outlet of Sebec Lake.

An Act to authorize the construction of a bridge across the Ogunquit River in the Town of Wells.

An Act to regulate the use of nets and seines in the tide waters of Narragausus River and Narragausus Bay, so-called.

Finally Passed.

Resolve in favor of James A. Chase, mail carrier of the House.

Resolve in favor of Ray P. Eaton.

On motion by Mr. Hamilton of York, the Senate adjourned.