

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

HOUSE.

Thursday, Jan. 26, 1911.

Prayer by Rev. Mr. Gibson of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

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

Judiciary.

By Mr. Goodwin of Biddeford: An Act to amend section 39 of chapter 48 of the Revised Statutes relating to Savings Banks, providing for a thorough audit of liabilities as well as assets.

Also, An Act to amend chapter 625 Private and Special Laws of 1893, relating to the Board of Police of the City of Biddeford.

By Mr. Andrews of Norway: An Act additional to chapter 406 of the Private and Special Laws of 1850, entitled "An Act creating the Norway Village Corporation," relating to a public sewer for said corporation.

By Mr. Dresser of South Portland: An Act to amend the charter of the city of South Portland, Maine.

By Mr. Bisbee of Rumford: An Act to enlarge the limits of the Rumford Falls Village Corporation.

By Mr. Frank of Gray: Petition of J. Irving Hayden and 34 others of Raymond in favor of the Committee—reported Juvenile Court system.

By Mr. Skehan of Augusta: Petition of George E. Macomber and 175 other citizens of Augusta for the passage of An Act entitled "An Act to amend 'An Act to revise, consolidate and amend the charter and laws of the city of Augusta,' and relating to the tenure of office of the members of the fire department of said city."

By Mr. Macomber of Winthrop: An Act to amend section 59, chapter 40 of the Revised Statutes as amended by chapter 257 of the Public Laws of 1909.

Legal Affairs.

By Mr. Ross of Bangor: An Act to extend the time in which the Maine Title Guarantee Company is authorized to commence business.

By Mr. Deering of Portland: An Act to repeal an Act authorizing the city of Portland to appoint a deputy sealer of weights and measures.

By Mr. Kelleher of Portland: An Act to authorize the Mayor of the city of Portland to appoint commissioner of cemeteries and public grounds.

By Mr. Clark of Portland: An Act relating to the Board of Overseers of the Poor of the city of Portland.

Also, An Act to amend section 34, chapter four of the Revised Statutes 1903 of Maine.

By Mr. Hogan of Portland: Resolve to amend article 22 of the Constitution relating to cities of forty thousand or more to increase the municipal indebtedness to 7½ per centum. (Tabled for printing pending reference on motion of Mr. Hogan.)

By Mr. Putnam of East Livermore: An Act to provide a penalty for coercing or influencing or making demands upon or requirements of employes, servants, laborers and persons seeking employment.

By Mr. Wheeler of Paris: An Act additional to Chapter 17 of the Public Laws of 1905 approved February 22, 1905, regulating the practice of veterinary surgery, medicine and dentistry.

By Mr. Pattangall of Waterville: An Act to amend Section 27 of Chapter 6 of the Revised Statutes relating to distinguishing marks on ballots.

By Mr. Morse of Belfast: An Act to extend the provisions of Chapter 315 of the Private and Special Laws of 1909 entitled "An Act to incorporate the Penobscot Bay Water Company," to March 26, 1913.

By Mr. Hogan of Portland: Petition to change the measurements of lobster, by Simon A. Skillings, Charles A. Maxwell and 125 others.

By Mr. Harmon of Stonington: An Act to revise and extend the charter of the Lily Water Company.

By Mr. Hastings of Auburn: An Act to amend Section 4 of Chapter 174 of the Public Laws of 1905 as amended by Chapter 145 of the Public Laws of 1909, in relation to the powers of County Commissioners.

Appropriations and Financial Affairs.

By Mr. Pattangall of Waterville: An Act to amend Section 12 of Chapter

112 of the Public Laws of 1907 as amended by Chapter 69 of the Public Laws of 1909 relating to the appropriation for State highways.

Also, An Act to amend Section 88 of Chapter 206 of the Public Laws of 1909, relating to the appropriation of money for military purposes.

Also An Act to amend Section 56 of Chapter 206 of the Public Laws of 1909, relating to the appropriation of money for military purposes.

Also An Act to amend Section 56 of Chapter 32 of the Revised Statutes, relating to the disposal of money received for fines and penalties for violations of the fish and game laws.

By Mr. Bearce of Eddington—Resolve making an appropriation for the purpose of obtaining information in regard to wild lands for the purpose of taxation.

By Mr. Clark of Portland—Resolve in favor of the Maine State Sanatorium Association.

Federal Relations.

By Mr. Hogan of Portland—Resolve in favor of reciprocity with Canada.

Education.

By Mr. Descoteaux of Biddeford—An Act to establish a Board of Education in the city of Biddeford.

By Mr. Wilkins of Jay—Resolve in favor of Wilkins Academy.

Banks and Banking.

By Mr. Perkins of Kennebunk—An Act to amend Section 16 of Chapter 48 of the Revised Statutes, relating to trustees of Savings Banks giving bonds.

Agriculture.

By Pattangall of Waterville—Resolve in favor of Central Maine Fair Company and repealing Resolve in favor of Central Maine Fair Association.

Interior Waters.

By Mr. Bisbee of Rumford—Resolve in favor of E. F. Coburn, Andover, Maine, with statement of facts.

By Mr. Heffron of Eastport—An Act granting certain powers to the Pennamaquan Power Company.

By Mr. Colby of Bingham: An Act to incorporate the Cold Stream Dam and Improvement Company.

By Mr. Austin of Phillips: Resolve in aid of navigation on Rangeley Lakes,

Mooseluemaguntic Lake, and Cupsuptic Lake.

By Mr. Bisbee of Rumford: Resolve in favor of maintaining lights on the buoys in Upper and Lower Richardson Lakes, with statement of facts.

By Mr. Bogue of East Machias: An Act granting H. L. Gooch the right to maintain a dam on the East Machias River.

State Lands and State Roads.

By Mr. Bisbee of Rumford: Resolve for repairs on highway in Upton, Megalloway plantation and Township "C" in county of Oxford, with statement of facts.

By Mr. Littlefield of Bluehill: Resolved that the State Land Agent be authorized to convey to Norman H. Mayo, of Bluehill, Hancock county, certain islands in Bluehill Bay.

By Mr. Wilcox of Cary: Resolve in favor of selling to actual settlers certain public lots in Cary Plantation, Arrostook County.

Ways and Bridges.

By Mr. Packard of Rockport: Resolve in favor of the town of Rockport.

By Mr. Miller of Hartland: Resolve in favor of aid in building a bridge across Moose River in Jackman Plantation.

By Mr. Colby of Bingham: Petition of M. L. French and 35 others asking for three thousand dollars in aid of repairing road from The Forks to Lake Moxie Station.

By Mr. Small of Machiasport: Resolve in favor of the Machiasport and East Machias bridge, with statement of facts.

Inland Fisheries and Game.

By Mr. Gamache of Waterville—Petition of P. H. Williams and 103 others, residents of Kennebec county, asking that East, North, Great, Long, Snow, McGraw and, Ellis ponds be opened for ice fishing one day in each week.

Also, petition of John C. Taylor and 120 other residents of Kennebec county, asking that East, North, Great, Long, Snow, McGraw and Ellis ponds be opened to ice fishing one day in each week.

By Mr. Turner of New Vineyard—An Act to prohibit the use of dogs in hunting partridge (ruffed grouse), woodcock or other game birds in certain

towns, plantations and unorganized townships in Franklin county and in Somerset county.

Also, petition of Seth Paine and 82 others, residents of Stratton, Eustis and vicinity, in the county of Franklin, asking that a law be enacted prohibiting the use of dogs for hunting partridge within the following named towns and plantations: Eustis, West Eustis, Lang Plantation, Coplin, Crockettown. No. 4, Bigelow Plantation, Flagstaff, No. 4, R. 5, No. 6, Kibby, Jim pond township, Alder stream township, Seven ponds township, Massachusetts Gore, Coburn Gore Chain of ponds townships.

By Mr. Shea of Bar Harbor—An Act to amend Chapter 407 of the Private and Special Laws of 1903, relating to ice fishing in Eagle lake, in town of Eden, in county of Hancock.

By Mr. Skehan of Augusta—An Act to regulate ice fishing in Greely pond, so called, in the county of Kennebec, with petition asking for same.

Shore Fisheries.

By Mr. Harmon of Stonington—An Act to authorize the construction and maintenance of a fish weir in tide waters in Castine harbor, in the county of Hancock.

By Mr. Clark of Portland: An Act to repeal Chapter 276 of the Private and Special Laws of 1907, entitled "An Act for the better protection of shelled fish within the town of Yarmouth, in the county of Cumberland."

By Mr. Heffron of Eastport: An Act to authorize the construction of a weir in the waters of Passamaquoddy Bay, in the town of Perry.

By Mr. Peters of Ellsworth: Petition of L. C. Roberts and 103 others for the enactment of a law prohibiting the taking of herring by temporary weirs on the coast line of Brooksville.

Towns.

By Mr. Drummond of Winslow: Remonstrance of Arthur Young and 24 others against the division of the town of Bristol.

By Mr. Hodgkins of Damariscotta: Remonstrance of Wilton Grant Farnham and 277 others against the division of the town of Bristol.

Also remonstrance of Oren Poland and

63 others against the division of the town of Bristol.

Claims.

By Mr. Williamson of Augusta: Resolve in favor of Frank W. Colby.

By Mr. Pollard of Solon: Resolve in favor of Jotham Stevens of Embden.

By Mr. Dow of Plymouth: Resolve in favor of the free High School precinct in the town of Dixmont known as North Dixmont precinct, District No. 1.

Temperance.

By Mr. Wheeler of Paris: Remonstrance of Edward A. Davis and 33 others, citizens of Paris, against resubmission of prohibitory amendment.

Also remonstrance of George R. Morton and 96 others, citizens of Paris, against resubmission of prohibitory amendment.

By Mr. Dutton of China: Petition of E. J. Crosby and 30 others against resubmission.

Also Petition of G. F. Rowe and 122 others against resubmission.

Labor.

By Mr. Skehan of Augusta: An Act relative to payment of wages to weavers. (Tabled for printing pending reference on motion of Mr. Descoteaux.)

Taxation.

By Mr. Farnham of Bath: An Act to amend Chapters eight and nine of the Revised Statutes, relating to the duties of the State and local assessors in ascertaining the land values of the State. (Tabled for printing pending reference on motion of Mr. Farnham of Bath.)

Kennebec County Delegation.

By Mr. Williamson of Augusta: An Act to amend section one of chapter 173 of the Public Laws of 1905, relative to clerk hire in the office of the register of deeds of Kennebec County.

Cumberland County Delegation.

By Mr. Dresser of South Portland: An Act to amend section one of chapter 173 of the Public Laws of 1905, relating to the compensation of register of deeds.

Orders.

Mr. SCATES of Westbrook: Mr. Speaker, I desire to offer the following order:

Ordered, That the auditor of State printing be requested to immediately furnish a catalogue of the members of the House, with the names and boarding places of the same, together with a diagram of the House, in accordance with the order passed January 4th.

Now, Mr. Speaker, the order was passed more than three weeks ago, and so far no one has seen anything of the kind. It would seem as though a reasonable time had elapsed. If we are going to have anything of this kind we want it now, not after we adjourn and go home; and I move the passage of the order, and that the clerk be instructed to convey the order to the auditor of State printing.

The question being, shall the order receive a passage,

The motion was agreed to.

The SPEAKER: The order will be sent to the auditor of State printing.

Reports of Committees.

Mr. Dunn from the committee on legal affairs reported ought to pass on bill, An Act to amend Section 1 of Chapter 169 of the Private and Special Laws of 1903, as amended by Chapter 361 of the Private and Special Laws of 1909, relating to the Young Women's Christian Association of Portland, Maine.

Mr. Pelletier from the same committee reported ought to pass on bill, An Act to empower the county commissioners of Kennebec county to act under Chapter 179 of the Laws of 1907 entitled, "An Act to provide a way to free toll bridges."

Mr. Pattangall from the same committee reported ought to pass on bill, An Act to abolish the office of assistant attorney general.

Mr. HERSEY of Houlton: Mr. Speaker, I think that report of this committee ought not to be approved, and I wish to move at this time that the bill be indefinitely postponed; and in support of my motion I wish to say a word to this House.

It may seem strange that a Republican should oppose the abolishment of an office to be filled by a Democrat, if the office is retained, but I fear from something that has been brought out early in this session that we are here

for political purposes and not for the business of this State. As a member of this House I wish, as far as I am concerned, to put myself on record that my constituents did not send me here to do business for the Republican party. They did not send me here to nag the Speaker, to put any obstructions in the progress of the State by hindering the work of the Governor, or to use this Legislature, or my privileges in the Legislature, to return to power if I could a party that has been turned away from power for the time being, but my constituents sent me here to do business for the State of Maine, and they ask me to forget my politics for a little while; and I ask this House and the members of this House that we forget our politics for a few moments and see if we cannot do business for the State of Maine.

Now I understand how it is that this report comes in approved by the committee. Two years ago the gentleman from Waterville (Mr. Pattangall) introduced a bill to abolish the office of assistant attorney general of Maine. It was not received by the House in a serious manner. It was not treated as a serious consideration. The gentleman from Waterville in presenting the measure, used the wit and irony and sarcasm of which he is a master in advocating the bill; but it received not much attention in the Legislature of Maine. Now since that time matters have changed, and the gentleman from Waterville, I have no doubt, feels that to put himself on record all right, to show that he is consistent, early in the session introduces the same bill again, although he is the prospective candidate for attorney general of Maine. He has that bill referred to his own committee, of which he is chairman on the part of the House; and whatever arguments he used before that committee I understand were arguments used in executive session, and the committee makes report to this House in favor of abolishing the office. Now I say with that understanding of how this report comes before this House we ought to lay aside our political feelings in the matter and for a moment look at the business of the State of Maine.

If you will bear with me a moment, let us look at the history of it. The office of attorney general is a great office. I will not put it second to that of the Executive of the State. It is an office that has great honors attached to it, a great history in the State of Maine, it has been held by great men. We expect to have that office honored, and held by able men in Maine. The business of the office has increased. It is one of the most important offices in the State. In the Legislature of 1905 an investigation of that office was had by a committee of that Legislature and the office of assistant attorney general was created. It was thought necessary at that time to have assistance in the office, to have help in that office to carry on the business of that office; and that assistant was the able attorney general who has lately left the office, Mr. Philbrook. It was necessary for that assistant to leave his office at home, to leave his work, to leave his private business, and as an assistant devote his entire attention to that office; and so well did he do his work that he was exalted to that high office, the attorney general of Maine, and at the Legislature of 1909 the able attorney, Mr. Barnes of Norway, was made assistant attorney general and he has ably filled that office during the past two years and he is filling it now by request as assistant attorney general. Mr. Barnes left his office in Norway, left his private business and came to Augusta and he has been here to devote his whole attention to the work of that office. It has been laborious, it has required every moment of his time, it has required all his great ability to carry on the work of that office. In addition to that, the able attorney general of Maine in the past, Mr. Philbrook, has devoted his whole time and attention to the work of that office and it has required of him all his skill and all his ability to fill it; and those two men who were second to none at the bar in ability in the State of Maine have devoted their whole time and attention to that great office. Now it is proposed to abolish the office of assistant attorney general and to put the cares of that office upon one man. I

understand as well as you do who that one man is to be, it is the able and learned gentleman from Waterville; and nobody has more respect for him as an attorney than myself. There may be some in this Legislature who look upon the gentleman from Waterville simply as a politician, as a shrewd, careful and able politician, but I want to tell you that he is an utter failure as a politician when compared with his ability as an attorney at law. I know my Brother Pattangall, I know him and his work at the bar, I know he will bring to the office of attorney general of the State the great legal ability that he possesses second to none in the State of Maine. He will give that office dignity, he will give that office ability, he will make for himself a name in that office, and I am glad he is to be elected to that office; and I want to congratulate the Democrats of Maine that they had the good sense to elevate to the office of attorney general of Maine from their party a man of the ability, the legal ability, of my Brother Pattangall, and I as every other man in the State of Maine will feel that no guilty man will go unwhipped of justice while he occupies that office, as far as his position is concerned.

Now while I appreciate his great ability, I know his limitations. I say that a man with the brain of a Webster, with the physique of an Apollo, with the endurance and tireless energy of a Roosevelt, cannot do the work of that office. We have sixteen counties in the State of Maine. We have county attorneys elected in the sixteen counties, and it has been the custom—it is not a custom that I approve of but it has been the custom—to elect to the office of county attorney young men of the bar, inexperienced young men, and put them in there to learn the practice of their profession. It may be all right, but when you get up to the highest crimes, when murder is committed in this State, the young man stands powerless to enforce the law. Against him are arrayed the able men of the bar in defense of the great criminals, and the counties of the State call upon the attorney general's office, and I tell you what you already know that when those

cases come up the attorney general can only be in one county in the State at one time. There was a time when six murder trials were in progress in this State at the same time in the different courts of the State. I say the gentleman from Waterville with all his ability cannot carry on the work of that office. The State of Maine has some rights, the people have rights and they should demand them, that the work of that office should be carried on and taken care of and that the office here in Augusta should not be vacated while the attorney general is trying to distribute himself over the sixteen counties of the State. To be sure, some one may say that you can put a clerk in the office. What can you do with a clerk in the office? If you say to me that your clerk can be some fourth rate lawyer who could not make a living anywhere else, I say we don't want such a man in the office of attorney general. You want a man for assistant who has brains and ability and who can stand up to the dignity of an attorney general. We don't want any fourth rate lawyer in that office. Do you say you are trying to save \$1800 a year? I am for economy as well as any other man, but you are not saving that. There is a certain economy which is poverty, which is not business.

The attorney general office is a great office and requires an able lawyer there every moment of the time. You have put upon the attorney general of this State a great many things in the last ten years. You have made him your attorney, the attorney of the people of Maine, in all civil suits and matters in which the State of Maine is plaintiff or defendant. He must appear before all the courts, he must appear for the secretary of State, for the State treasurer, for the bank examiner, for the insurance commissioner, for all of the State boards and commissions, he must render his legal services for all these officers and these commissions, he must bring all actions to recover money for the State of Maine, he must appear before all the tribunals and courts of the United States and present all the claims of the State against the United States, he must consult and act

with all the county attorneys in all the counties and at times appear before their grand juries and attend to all matters of a capital nature. And further than that his office must at the present time approve all the certificates of incorporation of the great corporations of the State, he must collect from delinquent corporations all back taxes, look after them and see that they meet their bills to the State, he must collect the franchise taxes of the corporations and all the taxes under the inheritance law. To show how tremendous that may be, in the last year this great office collected the sum of \$92,922.55, paid in these inheritance taxes, it collected in franchise taxes in the past two years \$91,777 by persistent effort in that office. It is the most paying office in the State of Maine to the State and we cannot afford to allow our bills to be overdue and remain uncollected, we cannot afford to put into that office only one man who cannot do the work of the office; and I say, Mr. Speaker, regardless of party, without any attempt to play politics in the matter whatever, I say from a business standpoint that the office of attorney general should be retained. I say it in justice to Brother Pattangall, I say it in justice to the State of Maine, that we cannot afford to lose that office; and I hope that the members of this House will say that that office shall be retained. (Applause.)

Mr. PETERS of Ellsworth: Mr. Speaker, as a member of the committee that signed the report I desire to say a word as to my attitude as a member of the committee and also as a member of the minority party of the House.

I agree fully with the gentleman from Houlton that irrespective of the source of demand before this Legislature, as a general proposition, it would be wise and expedient to retain the office. I have no question that the office of assistant attorney general is a paying office to the State and that he well earns his salary, his salary costs the people nothing; and if the demand for the abolition of this office came from without the attorney general's

department I should certainly vote against abolishing the office. The proposition, however, practically comes from the attorney general's department. If the prospective attorney general says and believes that he can do the work of two men and wants an opportunity to try it, under the circumstances I believe in letting him have the opportunity. I believe that he can do all the work of that office efficiently and thoroughly except possibly the collection of taxes—I mean franchise taxes and other contributions from corporations to the State. I believe that he will have a heavy burden to collect as large a percentage of those taxes as have been collected by the office with its present system of two men. But this law abolishing this office, if passed, will not go into effect of course until July first. There will be 18 months in which it can be tried. At the worst, the incumbent of that office will fail to collect some franchise taxes and other things. There will be some left uncollected, and if he finds that he is mistaken in his estimate of his capacity in that office, if he finds that he is not able with the assistance of clerks and others to collect these taxes and other matters and they are carried over into another year, it will simply show that he was mistaken and the office can be re-established and those back taxes can be collected. As I said, if this demand did not come from the prospective incumbent of the office I should say it was unwise to abolish the office of assistant attorney general; but considering the source of the demand and the fact that no particular damage can be done, and if the prospective officer desires to have a chance to see if he can do the work of two men, I took the attitude before the committee, and take it now, that I am willing that he should have the opportunity. That is why I voted for the report as I did.

Mr. PATTANGALL of Waterville: Mr. Speaker, I want to say just a few words with regard to this matter. Up to 1905 the work of the attorney general's office in the State of Maine was done by one man. Conditions have changed somewhat since 1905 with respect to that office but not, as I un-

derstand it, very greatly. Prior to 1905 it was the duty of the attorney general to appear in capital cases, and if more than one went on at the same time in the State, as probably did occur prior to that date, some arrangement for taking care of the cases was made. It was also the duty of the attorney general prior to 1905 to approve certificates of the organization of corporations, and in some way that work was carried on. In 1905 it was learned by the examination of the committee on salaries and fees that by reason of the fees going to the attorney general, which now go to the State, the office was paying the incumbent anywhere from \$8000 to \$10,000 a year. The Legislature deemed that excessive and arranged that the fees should go to the State and reduced the salary of the attorney general to \$4000. The same Legislature instituted the office of assistant attorney general, largely as I believe to compensate the incoming attorney general for the reduction of salary. Later on some work was added to the office. A law was passed that the different State departments should be advised by the attorney general, instead of doing as some of them had done in the past, employing special counsel; and later still, two years ago, an arrangement was made by which the inheritance taxes should be collected through the attorney general's office, a work which the present assistant attorney general has done very faithfully and well. And two years ago, on looking over the work of that office as well as I could, it seemed to me that the office of assistant was one that the State could dispense with provided the attorney general was willing to give that much of his time to the office which a Maine lawyer should be willing to give to his clients; and I introduced two years ago a bill to abolish the office of assistant attorney general. Now that bill was not received by the House at all, either seriously or in any other sense, because the committee unanimously reported adversely on it: there was no hearing and no debate before the House. The matter was presented to the committee and the committee report was adverse. At that time Gen-

eral Philbrook appeared before the committee and insistently urged the necessity of an assistant. The committee was guided by his advice in the matter. At that hearing, and at the hearing yesterday, certain reasons were given for retaining the office. I would like to speak of them briefly and see if they appeal to the House.

In the first place, it was said it was necessary to have somebody in the attorney general's office who could approve certificates of organizations of corporations quickly, so that an attorney in Augusta could always have somebody here to sign the certificate of organization of a corporation. That didn't appeal to me as a reason for keeping up the office, because if that were a good reason it would be logical to say that we should have an assistant located in Portland and Bangor so that attorneys in Portland and Bangor could readily step into the office and have certificates of organization signed. That matter is simply a matter of convenience to the attorneys of Augusta and not a matter of great importance to the State. Back in 1895, when a corporation was organized, Mr. Haines of Waterville was attorney general, prior to that Mr. Seiders of Portland, and before that Mr. Powers of Houlton. Attorneys were obliged to make out their certificates and send them to the attorney general and wait until they were signed and returned. Now under that condition of things all of the corporations that desired to organize did organize, and they organized in great numbers as must be apparent when you consider that with a five-dollar fee coming to the attorney general his salary ran up to \$3000 or \$9000 a year. The State receives those fees now. And it seemed to me that that matter was simply a matter of convenience to attorneys here.

The next point before our committee two years ago and yesterday was this: It was said that through the attorney general's and assistant's efforts a great many dunning letters have been sent out so that corporations had paid their taxes more promptly, and so forth. Now I submit to this House that it does not need an assistant attorney general, nor a Webster, nor a Napo-

leon to get out dunning letters. That seems to me purely clerical work which would not be done by the attorney general. It would be ordered to be done by the attorney general or his assistant and would be done in fact by some subordinate, because I do not imagine that either the attorney general or the assistant personally wrote those dunning letters. They were printed, and sent out through some clerk.

Another proposition was made before the committee, that the looking after the collection of the inheritance taxes put a considerable burden on the office and that they needed to be overseen at least by a lawyer. I think that is true, but it does not seem to me, with the machinery we have for getting at that through our county officials that that would impose now an extra work on the office so it could not be done reasonably by an attorney general.

Now another question was raised, that is, that the different departments were asking advice of the attorney general's department very frequently and that that required the constant presence of an attorney here. I think that while the departments should always be so situated that they can get legal advice when they want it, it would be very rare indeed that a case would arise when any great harm would result if there was a delay of a day or two in advising them as to certain matters that came before them; and there need be no very long delay, even though there were no assistant attorney general, because if the attorney general was busily engaged at something else I presume he could without doing any great harm to anybody get some one to assist him temporarily without expense to the State in looking up some little legal matter for the head of a department. I know those matters are quite important. At the very last session the fish and game department put up a question to the attorney general's department as to whether a gull was a wild bird; and finally an opinion was handed down in which, after quoting the law back to King Edward's time, it was held that a gull was, what we all supposed it to be, a wild bird.

Some of those matters are more important than that, of course. My idea of the matter is that while the work of that department has been somewhat increased, it has not been so greatly increased over what it was prior to 1905 but that with reasonable industry the work can be carried on by one man with such clerical assistance as he is allowed to have by law. As the gentleman from Ellsworth says, it is possible that I may be wrong about that, but if it is wrong I would have tried an experiment in economy which would not result I think in any very great harm to the State.

Further than that, while I do not desire to forget myself and talk politics on the floor of this House—when the gentleman from Houlton swears off talking politics all the rest of us surely ought to (laughter)—I do feel as though it would be a very peculiar position for this House to place itself in, after we had insisted that the gentlemen who had had charge of Maine for a good many years had created more or less unnecessary offices and had instanced this as one of them with considerable emphasis before the people, that we should now say, simply because we are in power and can put a Democrat into office that we would not abolish it; and without intending to reflect at all on the good faith of the gentleman from Houlton I should feel a little like getting a stenographic report of the first speech he made in the first campaign in Aroostook if we do not abolish this office after we have told everybody we were going to. (Laughter.) I feel so grateful to the gentleman for the kind things he said about me that I would not say anything to hurt his feelings, but I do remember a line in the old Latin primer we used to have when we first began to study that language—and I only studied it a few months and then not very industriously—"Beware of the Greeks bearing gifts." I think Democracy had better, be a little careful perhaps. It seems to me it would be best not to take too much advice from our opponents about abolishing this office. I hope the motion of the gentleman from Houlton, made doubt-

less in the most perfect good faith, will not prevail, but that the unanimous report of the committee will be adopted.

The question being on the motion to indefinitely postpone the report of the committee, Mr. Hersey moved that the yeas and nays be ordered.

The motion was agreed to.

The SPEAKER: The question is on the motion of the gentleman from Houlton to indefinitely postpone the report of the committee. Those voting yes will vote to indefinitely postpone it which will mean probably the end of the bill. Those voting no will vote in favor of the bill. The clerk will call the roll.

YEA—Andrews, Bisbee, Buzzell, Chase, Davies, Davis, Hersey, Kingsbury, Mitchell, Monroe, Morse of Belfast, Porter of Mapleton, Porter of Pembroke, Powers, Quimby, Snow of Bucksport, Soule, Weston, Wilcox—19.

NAY—Allen of Columbia Falls, Ames, Anderson, Austin, Averill, Bearce, Benn, Berry, Bogue, Boman, Bowker, Burkett, Campbell, Clark, Clearwater, Colby, Connors, Couture, Cowan, Cronin, Cyr, Deering of Portland, Deering of Waldoboro, Descoteaux, Dow, Doyle, Dresser, Drummond, Dufour, Dunn, Dutton, Emerson, Emery, Farnham, Fenderson, Frank, Gamache, Goodwin, Greenwood, Gross, Harmon, Hartwell, Hastings, Heffron, Hodgkins, Hodgman, Hogan, Kelley, Kelleher, Kennard, Knight, Lambert, Lawry, LeBel, Libby, Littlefield of Bluehill, Littlefield of Welis, Mace, Macomber, Mallet, Manter, Marriner, McAllister, McBride, McCann, McCready, McCurdy, Merrifield, Merrill, Miller of Hartland, Miller of Palmyra, Mower, Murphy, Newcomb, Noyes, Otis, Packard, Pattangall, Patten, Peltier, Percy, Perkins of Kennebunk, Perkins of Mechanic Falls, Peters, Phillips, Pike, Pinkham, Plummer, Pollard, Putnam, Robinson of Peru, Ross, Russell, Sawyer, Scates, Shea, Skehan, Sleeper, Small, Smith, Active I. Snow, Alvah Snow, Stetson, Stinson, Strickland, Thompson of Skowhegan, Trafton, Trask, Trim, Trimble, Tucker, Turner, Weymouth, Wheeler, Whitney, Wilkins, Williamson, Wilson, Woodside—119.

ABSENT—Allen of Jonesboro, Briggs, Brown, Copeland, Files, Hedman, Johnson, Jordan, Morse of Waterford, Robinson of Lagrange, Thompson of Presque Isle, Waldron—12.

So the motion was lost.

The report of the committee was then accepted.

Mr. Scates from the committee on legal affairs reported ought to pass the bill, An Act additional to and

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

Mr. Peters from the same committee reported in a new draft, bill, An Act granting Eradbury Smith the right to use and maintain a ferry between Sullivan and Hancock, and that it ought to pass.

The reports were accepted and the bills ordered printed under joint rules.

Orders of the Day.

Mr. Plummer of Lisbon Falls presented a memorial to Congress and moved that it be laid on the table and assigned for tomorrow morning.

Mr. Davies of Yarmouth moved that it lie on the table and be printed and be assigned for tomorrow morning.

The motion was agreed to.

On motion of Mr. Strickland of Bangor the vote was reconsidered whereby the House referred to the committee on banks and banking the bill, An Act to amend Section 166 of Chapter 48 of the Revised Statutes relating to deposits of savings banks, and on further motion by the same gentleman the bill was tabled for printing.

Mr. Strickland moved to take from the table bill, An Act relative to the Bangor and Brewer highway bridge, and that it be referred to the committee on judiciary.

Mr. DUNN of Brewer: Mr. Speaker, I presented this bill to the Legislature and asked that it be referred to the committee on legal affairs. At the time I had no knowledge of the other bill which was presented to the last Legislature through some man, I know not who it was, but a non-resident of our section; and while I have no objection to the bill going to the committee which the gentleman from Bangor suggests, still it seems to me a little mite out of the ordinary procedure, to take a bill from a member who presents it and switch it from the committee to which he asks to have it assigned

and referred to another committee. I have not the least doubt but what the committee to which the gentleman wished to refer it will give it as honest a hearing as would the committee to which I desire to refer it, yet there are certain things that men like to have their way about and I would like to have mine in this. I desire, if it is in order, to move that the bill go to the committee that I have designated.

Mr. STRICKLAND: Mr. Speaker, I want to say in this connection that two years ago a bill drawn by the same party who has drawn this bill under discussion was introduced into the Legislature at the last part of the session and laid upon the table. It was introduced of course by a member of the Legislature. There was no time to hear the bill at that time and it went over until this present session and the present Legislature referred that bill to the committee on the judiciary and it has been advertised for a hearing. Now this new bill comes in and we don't want two bills pertaining to the same subject before two different committees. That was my idea when I asked that it go to the committee on the judiciary. Either that should go to the judiciary committee or the other bill wants to come out of the judiciary committee and go to the legal affairs committee. Since the other bill introduced two years ago and drawn by the same party is already before the judiciary committee I do not see why this bill should not go to that committee in the same way. That was my idea, that the two bills should go to the same committee.

MR. WILLIAMSON of Augusta: Mr. Speaker, when the judiciary committee began its session there were presented to it quite a number of bills which had been referred to the judiciary committee by the last Legislature, and not having been heard at that time were referred to this Legislature. I don't know but that it would have been the more orderly procedure for those bills to have been introduced into this Legislature and by this Legislature referred to the various committees; but following what I understand has always been the practice, those various bills were referred or

sent without any action by this Legislature to the various committees to which they were referred by the last Legislature, and among them was a bill which I understand was similar in character to the present bill. I have not read either of the bills. The bill referred to us by the last Legislature was assigned for a hearing by the judiciary committee, but being informed that another bill of the same general character was coming in I believe it now lies on the table in the judiciary committee.

The judiciary committee have no wishes whatever in regard to this bill. It is a matter of entire indifference to them whether it remains with them or goes to the committee on legal affairs, but both bills should go before the same committee, that is, either the bill now before the judiciary should be recommitted and referred to the committee on legal affairs or this bill should be referred to the judiciary committee; the two bills relative to the same subject matter should not be considered by different committees.

The question being to take the bill from the table.

The motion was agreed to.

Mr. DAVIES of Yarmouth—Mr. Speaker, may I inquire to what committee that bill was originally referred.

The SPEAKER—This bill was referred, or it was asked to be referred, to the committee on legal affairs and it was tabled for printing, pending reference. Now the gentleman from Brewer moves an amendment to the motion, that this bill be referred to the committee on legal affairs. The question is on the amendment offered by the gentleman from Brewer.

The amendment was adopted.

Mr. Littlefield of Bluehill presented a resolve relating to an equestrian statue of Gen. Oliver O. Howard, and moved its reference to the committee on military affairs.

The motion was agreed to.

On motion of Mr. Sleeper of South Berwick, resolve proposing an amendment to the Constitution of Maine conferring the right of suffrage on women, was taken from the table, and on further motion by the same gentleman it was referred to the committee on judiciary.

On motion of Mr. Kelley of Boothbay,

Adjourned.