

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

State House this morning, there has something come so forcibly to my notice that I feel I should make a mistake in doing so. If you will allow me to make a personal reference, I made a contract for work that amounted to some \$5000, and I had just as much confidence in that man as we can have in the officials of this railroad. I felt the conditions were fair and square. I have done my part, and I found because I did not deliver as much goods as this man expected that he did not want to pay me for what I did deliver. If I had had him sign a contract I should have had something that would have protected me in this matter. I feel today that any man making a contract, with a railroad or with a business man, it is safer to have that contract signed. What is good for one party is good for another.

The question being, shall the amendment offered by Mr. Donigan of Somerset be adopted, the yeas and nays were ordered. Those voting yea were: Messrs. Donigan, Kellogg, Leach, Mayo, Milliken, Osborn,—6. Those voting nay were: Messrs. Allen, Boynton, Chandler, Dodge, Edwards, Farrington, Foss of Androscoggin, Foss of Cumberland, Gowell, Hill, Irving, Mullen, Noyes, Pendleton, Sanborn, Smith, Staples, Stearns, Theriault, Winslow,—20. Absent, Messrs. Blanchard, Fulton, Moulton, Hamilton.—4.

And the motion to adopt the amendment was lost.

The bill was then read, and second reading assigned for tomorrow morning.

On motion by Mr. Gowell of York, House Document No. 149, An Act for the protection of deer in York county, was taken from the table.

On further motion by the same senator, Senate Amendment A was adopted, the bill was given its second reading and was passed to be engrossed.

On motion by Mr. Milliken of Aroostock, Senate Document No. 122, An Act to provide for the distribution of the school mill fund and the common school fund, was taken from the table.

Mr. MILLIKEN: Mr. President: There is a new draft and it was on the table for printing. Having been

printed, I now move that the new draft be referred to the committee on education.

The motion was agreed to.

The PRESIDENT: On account of the enforced absence of Senator Hamilton I shall appoint temporarily in his place on the committees on legal affairs, ways and bridges and pensions, Senator Mullen of Penobscot.

On motion of Mr. Allan of Washington, Adjourned.

HOUSE.

Wednesday, March 1, 1911.

Prayer by Rev. Mr. Allen of Jonesboro.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Order relative to appointment of committee of three attorneys at law to inquire into system of municipal courts throughout the State, came from the Senate. In the house this order was given a passage. The Senate non-concurred and referred the order to the committee on judiciary. The House receded from its former action and referred the order to the committee on judiciary in concurrence.

Report of the committee on inland fisheries and game, reporting ought not to pass on bill, An Act relating to open season in Cumberland county to hunt, chase and kill black duck in the month of January in each year, came from the Senate.

On motion of Mr. Active I. Snow of Brunswick, the report was recommitted to the committee on inland fisheries and game.

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

Legal Affairs.

By Mr. Dunn of Brewer—An Act to amend Section 134, Chapter 49 of the Revised Statutes of Maine, relating to beneficiary association insurance. (Tabled for printing pending reference on motion of Mr. Weymouth of Saco.)

By Mr. Ross of Bangor—Petition of E. F. Briggs and H. S. Frost of Bangor

for amendment of law relating to registration of dentists.

By Mr. Hogan of Portland—Petition of A. W. McVane of Portland, for same.

By Mr. Goodwin of Biddeford—Petition of J. Edward Libby of Biddeford, for same.

Also, Petition of Grace Emery Wheaton of Biddeford, for same.

By Mr. Murphy of Portland—Petition of John F. Howland of Portland, for same.

By Mr. Ross of Bangor—Petition of Harold C. McMabon of Bangor, for same.

By Mr. Pattangall of Waterville—Petition of H. J. Toward of Waterville, for same.

Also, Petition of A. C. Hodgkins of Waterville, for same.

By Mr. Skehan of Augusta—Petition of William McDavid of Augusta, for same.

By Mr. Williamson of Augusta—Petition of Arthur C. Titcomb of Augusta, for same.

By Mr. Greenwood of Farmington—Petition of Arthur H. Clark of Kingfield, for same.

By Mr. Goodwin of Biddeford—Petition of Charles E. Hussey of Biddeford, for same.

By Mr. Strickland of Bangor—Petition of J. Edwin Hazelton of Bangor, for same.

By Mr. Connors of Bangor—Petition of Harry F. Oviatt and W. F. Johnson of Bangor, for same.

By Mr. Descoteaux of Biddeford—Petition of L. B. de LaBruere of Biddeford, for same;

By Mr. Ross of Bangor—Petition of Arthur L. Chase of Bangor, for same;

By Mr. Gamache of Waterville—Petition of Eugene H. Kidder of Waterville, for same;

By Mr. Goodwin of Biddeford—Petition of F. A. Burnham of Biddeford, for same;

By Mr. Descoteaux of Biddeford—Petition of Edgar H. Minot of Biddeford, for same;

By Mr. Skehan of Augusta—Petition of W. G. Thomas of Augusta, for same;

By Mr. Pattangall of Waterville—

Petition of Julian Wilder of Waterville, for same;

By Mr. Williamson of Augusta—Petition of J. A. Anderson of Augusta, for same.

By Mr. Murphy of Portland—Petition of C. F. Lowell of Portland, for same;

By Mr. Waldron of Portland—Petition of William L. MacVane of Portland, for same;

By Mr. Kelleher of Portland—Petition of A. Leslie Leighton of Portland, for same;

By Mr. Jordan of Portland—Petition of William Louis Merrill of Portland, for same.

Appropriations and Financial Affairs.

By Mr. Pattangall of Waterville—An Act to repeal Chapter 225 of the Laws of 1909, relating to expenses of the inspector of boilers and engines and their appurtenances of steamboats upon inland waters.

Education.

By Mr. Porter of Mapleton—Petition of C. G. R. Chandler and 18 others of Castle Hill for change in distribution of mill tax for schools.

By Mr. Brown of Bethel—Petition of A. T. Powers and 21 others of Norway, for same.

By Mr. Trim of Islesboro—Petition of A. Stinson and 17 others of Searsport, for same.

By Mr. Dow of Plymouth—Petition of E. J. Colburn and 19 others of Bangor, for same.

By Mr. Hodgkins of Damariscotta—Petition of L. E. Palmer and 15 others of Nobleboro, for same.

By Mr. Woodside of Webster—Petition of E. A. Russell and 26 others of Leeds, for same.

By Mr. Deering of Waldoboro—Petition of E. F. Stain and 29 others of Waldoboro, for same.

By Mr. Porter of Pembroke—Petition of L. C. Selwood and nine others of Perry, for same.

By Mr. Miller of Hartland—Petition of William McLaughlin and 22 others of Harmony for distribution of State school money according to average attendance of pupils.

By Mr. Kelley of Boothbay—Petition

of H. I. Smith and 48 others of Boothbay Harbor for distribution of State school funds on basis of average attendance in school.

By Mr. Allen of Jonesboro—Petition of William P. Magee and 22 others of Jonesboro, for same.

By Mr. Emerson of Island Falls—Petition of F. P. Kimball and 20 others of Macwahoc Plantation, for same.

By Mr. Allen of Jonesboro—Petition of George M. Mawhinney and 10 others of Jonesboro, for same.

By Mr. Doyle of Millinocket—Petition of Ira D. Carpenter and 16 others of Patten, for same.

Also, Petition of E. J. Farnham and 30 others of Patten, for same.

By Mr. Powers of Caribou—Petition of Charles F. Ross and 44 others of Caribou, for same.

Also, Petition of Edgar N. Russ and 13 others of Caribou, for same.

By Mr. Bisbee of Rumford—Petition of F. G. Wadsworth and 33 others, for same.

By Mr. Murphy of Portland—An Act to amend an act for the equalization of school privileges. (Tabled for printing pending reference on motion of Mr. Murphy of Portland.)

Inland Fisheries and Game.

By Mr. Morse of Waterford—Petition of B. R. Billings and 28 others, residents of Bryant Pond and vicinity, asking that a law be enacted making it unlawful to take more than five trout and salmon in all, or more than five black bass, from Indian, Twitchell, Round, North and South ponds in Greenwood, and in Bryant pond in Woodstock, in any one day during open season.

Taxation

By Mr. Allen of Columbia Falls—An Act to permit local option in taxation.

By Mr. Colby of Bingham—An Act to amend specification II of Section six of Chapter nine of the Revised Statutes, relating to the rebate of taxes to colleges.

Reports of Committees.

Mr. Wheeler from the committee on legal affairs reported "ought not to pass" on Bill, An Act to amend Chap-

ter 153 of the Special Laws of 1903, relating to the Old Town municipal court.

Mr. Pelletier from same committee reported same on Bill, An Act to amend Section 59, Chapter 40, of the Revised Statutes, as amended by Chapter 257 of the Public Laws of 1909, relating to the payment of wages.

Mr. Perkins from the committee on telegraphs and telephones reported same on Bill, An Act removing ambiguity in regard to incorporating fees of telephone companies.

Mr. Plummer from the committee on taxation reported same on Bill, An Act to exempt all property of soldiers of the Civil War where the valuation does not exceed five hundred dollars.

Mr. Clark from the Cumberland county delegation reported same on Bill, An Act relating to the compensation of the clerk, deputy and assistant clerks of Cumberland county

Same gentleman from Portland delegation reported same on Bill, An Act relating to pensioning the patrol driver of the city of Portland.

The reports were accepted.

Mr. Wheeler from the committee on legal affairs reported "ought to pass" on Bill, An Act to incorporate the Lincoln Water Company. (Report tabled pending acceptance on motion of Mr. Wheeler.)

Same gentleman from same committee reported same on Bill, An Act to enlarge the powers of the Rumford Falls Village Corporation.

Mr. Mace from the committee on taxation reported same on Bill, An Act relating to the assessment of taxes in unorganized plantations, included in the Maine Forestry District.

Mr. Wheeler from the committee on legal affairs on Bill, An Act in relation to the appointment of guardians by consent, reported that the same ought to pass, in new draft accompanying.

Mr. Scates from same committee on Bill, An Act relating to the board of overseers of the poor of the city of Portland, reported that the same ought to pass, in new draft accompanying.

Same gentleman from same committee on Bill, An Act to authorize the mayor of the city of Portland to appoint a commissioner of cemeteries and public

grounds, reported that the same ought to pass, in new draft accompanying.

Same gentleman from same committee on Bill, An Act to incorporate the Maine Title Insurance Company, reported that the same ought to pass, in new draft accompanying.

Mr. Shea from the committee on appropriations and financial affairs reported "ought to pass" on Resolve constituting the State treasurer the trustee of the Isaac Sanford legacy for the deaf, dumb and blind, and providing for the expenditure of the interest thereon.

Mr. Bisbee from the same committee reported same on Resolve in favor of Roy Morrison.

Mr. Mallet from same committee reported same on Resolve in favor of Maine Institution for the Blind.

Mr. Hastings from same committee on Resolve in favor of the Maine General hospital, reported same in a new draft, under the same title, and that it ought to pass.

Mr. Kelleher from same committee on Resolve in favor of the Maine Eye and Ear Infirmary, reported the same in a new draft, under the same title, and that it ought to pass.

Mr. Strickland from same committee on Resolve in favor of St. Elizabeth's Roman Catholic Asylum of Portland, reported the same in a new draft, under the same title, and that it ought to pass.

Mr. Otis from same committee on Resolve in favor of the Holy Innocents' Home for Infants in the city of Portland, reported the same in a new draft, under the same title, and that it ought to pass.

Mr. Bisbee from the same committee on Resolve in favor of the Central Maine General hospital of Lewiston, Maine, reported the same in a new draft, under the title of "Resolve in favor of the Central Maine General hospital of Lewiston," and that it ought to pass.

Mr. Shea from same committee, on resolve in aid of the Temporary Home for Women and Children at Portland, reported the same in a new draft, under the same title, and that it ought to pass.

Mr. Pike from the committee on military affairs, on resolve relating to an equestrian statue of Major General Oliver O. Howard, reported the

same in a new draft, under the same title, and that it ought to pass.

Mr. Merrifield from same committee on resolve in favor of Fort William Henry of Bristol, reported the same in a new draft under the title of "Resolve in favor of Fort William Henry in the town of Bristol," and that it ought to pass.

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

First Reading of Printed Bills.

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

Resolve in favor of the city of Gardiner and town of Randolph.

Resolve in favor of raising and repairing bridge over Garland's brook, in town of Mariaville.

Resolve in favor of the town of Rockport.

Resolve in favor of the Wiscasset bridge.

Resolve in aid of bridge across Holmes stream in the town of Whiting, Washington county.

Resolve in favor of the road from Brownville to Katahdin Iron Works.

Resolve in favor of the Maine State prison.

Resolve in favor of the city of Biddeford.

Resolve in favor of the town of Buxton.

Resolve in favor of the town of Island Falls.

Resolve in favor of the town of Island Falls.

Resolve in favor of the town of Oxford.

Resolve in favor of the town of Paris.

Resolve in favor of the town of Woodstock.

Resolve in favor of the town of Biddeford.

Resolve in favor of repairing highway in town of Greenbush.

Resolve in favor of the town of Whitneyville.

Resolve in favor of the town of Biddeford.

An Act to repeal an act relative to party caucuses in the city of Augusta.

An Act to amend Chapters eight and

nine of the Revised Statutes relating to the duties of the State and local assessors. (Tabled pending first reading on motion of Mr. Strickland of Bangor.)

An Act to incorporate the Ogunquit Sewerage Company.

Passed to Be Engrossed.

Resolve in favor of the publication of the documentary history of Maine

Mr. PATTANGALL of Waterville: Mr. Speaker, there are several resolves appropriating money which were assigned for this morning. The report of the finance committee is not yet before the House showing the large appropriations, and when the order was passed in the House that no appropriation should be finally passed until March 1, I suppose it was the general anticipation that by that time the large appropriation bill would be in, and these are not in yet, and in view of that fact I would move that Senate Resolve No. 105, Resolve in favor of the publication of the documentary history of Maine, lie upon the table until March 8, pending its second reading; and, Mr. Speaker, I don't know whether it would be a proper motion to include more than one resolve or not, but I would like to make the motion if it is proper, that the resolves which carry appropriations of money and that are assigned for this morning be all tabled for one week and assigned for March 8.

The motion was agreed to.

The SPEAKER: That will cover the following resolves which are assigned for this morning:

Senate Resolve, No. 105, in favor of the publication of the Documentary History of Maine.

Senate Resolve, No. 106, concerning the preservation of the archives of the State of Maine.

House Resolve, No. 237, in favor of the town of Wiscasset.

House Resolve, No. 238, in favor of repairing Mattawamkeag bridge.

House Resolve, No. 241, in favor of the town of Phillips.

Senate Resolve, No. 101, in favor of Stockholm Plantation.

Senate Resolve, No. 102, in favor of the town of Castine.

Senate Resolve, No. 120, in favor of repairing a highway in the town of Moscow and the plantations of Carratunk and The Forks.

House Resolve, No. 267, in favor of the Central Maine Fair Association.

House Resolve, No. 276, in favor of providing plans for school buildings.

An Act to amend certain acts relating to the Phillips Village Corporation.

Finally Passed.

Resolve in favor of Annie Jones.

Resolve in favor of Helen B. Hobart for State pension.

Resolve in favor of O. M. Davis of Hersey, Aroostook county, Maine.

Resolve in favor of Lola Cola, representative of the Penobscot Tribe of Indians.

Resolve in favor of O. W. Cole.

Resolve in favor of Albion Moody.

Resolve in favor of Lettie Whittier of Mount Vernon.

An Act to amend Chapter 54 of the Special Laws of 1895, as amended by Chapter 60 of the Special Laws of 1903, by enlarging the territory of the Rumford Falls Village Corporation.

In the House this bill was passed to be enacted. In the Senate it was re-committed to the committee on judiciary. The House voted to recede from its former action in passing the bill to be enacted and the bill was then re-committed to the committee on judiciary in concurrence.

An Act to amend Section 12 of Chapter 112 of the Public Laws of 1907, as amended by Charter 69 of the Public Laws of 1909, relating to the appropriation for State highways.

The SPEAKER: This bill contains an emergency clause. It was sent to the Senate and to the Executive department and has been returned.

The vote was reconsidered whereby this bill was passed to be enacted.

The SPEAKER: This bill will now be put upon its passage to be enacted, and as it contains an emergency clause it will be necessary to have a vote of two-thirds of the members of this House. As many as are in favor of the

passage of this bill will rise and stand until counted.

A rising vote was taken and 134 voting in favor of the passage of the bill, it received a passage.

The bill was then passed to be enacted.

On motion by Mr. Bogue of Machias, bill, An Act to amend Section 16 of Chapter 86 of the Revised Statutes, relating to the sale of shares of the capital stock of corporations on execution, was taken from the table, and on further motion by the same gentleman the bill was referred to the committee on judiciary.

On motion of Mr. Bogue of Machias, bill, An Act to provide for publicity of mercantile partnerships and for identification of individual members in certain cases, was taken from the table and on further motion by the same gentleman the bill was referred to the committee on judiciary.

On motion by Mr. Bogue of Machias, bill, An Act to amend Section 28 of Chapter 4 of the Revised Statutes, relating to filling vacancies in town offices, was taken from the table, and on further motion by the same gentleman the bill was referred to the committee on judiciary.

The SPEAKER: I wish to make the request at this time that if there are any matters pending before committees that can be reported upon, that you use every possible effort to return a report as speedily as possible into the House in order that the business of the House may be facilitated as much as in our power lies.

Orders of the Day.

Today assigned: An Act to provide for the weekly payment of wages.

The pending question is the acceptance of the report of the committee reporting "ought to pass."

Mr. CLEARWATER of Hallowell: Mr. Speaker, this bill was originally tabled by myself and yesterday the gentleman from Brewer tabled it for reassignment this morning. Do I understand that the gentleman from Brewer wishes to say anything on the matter?

Mr. DUNN of Brewer: Mr. Speaker, I desire to state that I have no objections to the bill whatever; that so far as my people are concerned it is all right; and

I desire that the report of the committee should be accepted.

The report of the committee was accepted.

Mr. Clearwater of Hallowell offered Amendment A, by inserting in line 34, after the word "whoever," the word "wilfully."

Mr. DOYLE of Millinocket: Mr. Speaker, it seems to me expedient for me at this time to say just a word in defence of this report of the committee on labor, and also in opposition to any amendment to the bill. I observe that in the ordinary course of legislation a unanimous report from a committee has carried great weight as to its future legislative condition, and rightly so I believe, because the committee has a chance to hear both sides of the matter and to judge accordingly. Now in regard to our committee on labor the contrary seems to be the rule, and we have not had but a few measures before us, and I don't know but what it is a good thing. It seems to make no difference how we report a matter nor how unanimous our report is. Somebody is always ready to tear it to pieces, to add something to it or take something away from it or amend it in some manner. Now I am not advocating that this bill should be passed as it is merely for the novelty of seeing the report from our committee go through as it is reported although I confess that this would have a tendency to call to our mind that we are a working part of this Legislature. But, Mr. Speaker, I believe that this bill as it is should be passed. The gentleman from Hallowell introduces an amendment and I am sure he has acted in perfect good faith in inserting the word "wilfully" after the word "whoever" in the last sentence of this bill. Now that little word although innocent enough, it seems to me to cover a multitude of sins, and I wish to say right here that the Massachusetts bill before it reached its present stage contained that very amendment and it was found that it was an injustice, that in fact it was nothing more than a joker. Now if we accept the bill as it is, the seemingly apparent hardships that might

arise on the part of the employer I think will be greatly diminished if we take into consideration the fact that any reasonable man, any laborer, will not take advantage of any extraordinary crisis such as an impossibility of performance or anything like that; while, on the other hand, if this amendment is accepted, the number of cases of the avoidance of the law will be so great that the law will be practically useless.

Now, Mr. Speaker, in adopting this measure as it is we are not trying any experiment. This is really the Massachusetts law. If there is no objection to the principle of this bill in the main I cannot see why there should be any objection to this last part which is an exact copy of the Massachusetts law. This is a labor measure. It has been advocated by the laboring interests and has been reported unanimously by the committee on labor. They want the bill as it is and not as the employers want it; and I submit, Mr. Speaker, that if this bill has been tried and worked satisfactorily in other jurisdictions, the least we can do is to give it a fair trial in Maine. (Applause.)

Mr. CLEARWATER of Hallowell: Mr. Speaker, I want to say just a word. I think in the first place the gentleman from Millinocket misunderstands me and my position, and I wish to say to him and to the members of the House that I am unqualifiedly in favor of the bill. I don't understand that the question pertains to the report of the committee in any way. The report of the committee has been accepted. Personally it gave me pleasure to vote in favor of the acceptance of that report. I believe in the weekly payment bill, broadly speaking. There may be instances where it is not feasible. One of those instances has been shown in the case of the lumbering operations on the drive, which has been taken care of in the bill. Lumbermen are exempt and they should be. I don't like to bring myself into the matter personally but to substantiate my statement that I do favor a weekly payment bill I want to say that for a dozen years or more

since I have been a small employer of labor I have always paid weekly, not because I was asked to, not because I was forced to, but because I believed it right. I thought it was the fair thing to do. And so in offering this amendment I hope no one will criticize me by saying or thinking that I am opposed to the measure, for I am not.

The gentleman says that this is Massachusetts law. That is very good. But isn't it possible to improve on that law or improve any other law? We are not here to make laws for the state of Massachusetts but for the State of Maine. And if we can make a better law for Maine than they have in Massachusetts I think we had better do so. I want to say further that there is no joker in this word in the amendment, no nigger in the woodpile, and no one on the committee has any reason so far as I know for feeling that there is. We should not be afraid of our own shadows. Here is something that I cut from a newspaper a day or two ago: "Portland. Shipping arriving here from the eastward report that Fox Island thoroughfare, Deer Island thoroughfare and Eggemogin Reach and other thoroughfares between here and Machias are closed with ice. There has been no communication for days." I understand that thing frequently happens between Vinalhaven and Rockland Rockland is the banking town of Vinalhaven., Supposing they paid off their 1700 men in the quarries of Vinalhaven on Saturday and it was impossible to get to Rockland and the granite concerns there could not get their money to pay their men with. Under this bill as it is drawn now that company would be liable, legally liable, to a fine of \$10 for each and every man in their employ. I don't believe that we want to pass a law of that kind. There are other contingencies that might arise. We have only to go back to 1907 during the panic when I know at one time it was impossible to get currency with which to pay the men; and that, gentlemen, is absolutely all that that word is inserted for, it is to cover a possible contingency of that sort which might arise. I don't see that it affects the law only to make it

a better law. I don't believe that we want to pass a law that is going to work a hardship on the laborer or a hardship on the employer. If we are going to pass a law let us pass a good law. So I move the adoption of the amendment.

Mr. OTIS of Rockland: Mr. Speaker, as a member of the committee that reported this bill I want to say that I have no objection to an amendment to the bill that may be necessary providing for such cases as my friend from Hallowell has mentioned, but my attitude in the matter and the attitude I understood the committee to take in regard to the bill was that a word of that kind was unnecessary. I have always understood that in the phrasing of all laws, where a penalty was inflicted, before a prosecution could lie, the wilfulness, absolute design and intention to do the prohibited thing or to violate the law, must be shown. I believe that was the principle of the common law but I may be mistaken about that, but if that is so the word "wilfully" is not necessary there, and while I agree with my friend from Millinocket that the bill is all right as it is, I take it on a different ground. I do not see as it would do any harm to put that word in provided it is necessary, but I submit to the House that I would like some authoritative statement on that, whether the word is necessary as a legal proposition.

Mr. BOMAN of Vinalhaven: Mr. Speaker, I wish to correct a statement that has been made, and that is that the granite company at Vinalhaven does not depend on the banking facilities of Rockland. We have at Vinalhaven a branch bank of the trust company at Rockland; and I state this to correct an error that the company would be liable for not being able to pay their men as they are called upon. Now I have no objection to any amendment which would take care of cases where it is impossible for an employer to pay his men, but in this case I do not think there is any occasion for the amendment.

Mr. HERSEY of Houlton: Mr. Speaker, I suppose if this Legislature enacts a bill it should mean something. I think we all appreciate the

spirit of this bill, an act that is to protect the working man who works with his hands and enable him to get his weekly wage which is a necessity of life. Now you put the word "wilfully" into this act and any young lawyer that could not successfully defend a corporation under this act with that word "wilfully" in it, in every case, ought not to be admitted to the bar. There are a thousand ways in which to show up to the court in the locality in which the prosecution takes place that there was no wilfulness in the matter on the part of the employer of labor, and so he escapes. I say, Mr. Speaker, as a lawyer that if you use the word "wilfully" in there you defeat the bill. You might not as well pass it at all.

Mr. WILLIAMSON of Augusta: Mr. Speaker, it seems to me that the insertion of this word "wilfully" would weaken this bill very much. Of course there are some offenses of which wilfulness cannot be a part. For instance, if you said a man should not sell diseased milk, you could never prove that he had sold diseased milk wilfully, or if you said that a man who shoots another in the woods shall be punished if he does it wilfully, you could never convict him of it because no man ever does shoot another wilfully in the woods. Now of course there is no law which will not work some inconvenience to somebody, but I cannot see if corporations and other parties can pay every two weeks, why they cannot do it every week. If this law was so enacted that it was necessary to show that it was wilfully done, it would be very difficult to get any conviction under it. The penalty is not very severe, a fine of not less than \$10 or more than \$50. It would be very easy to prove whether a corporation does or does not pay once a week, but when you come to say that its failure to pay is wilful, that is an entirely different proposition. I understand that a similar bill to this has passed the Legislature of Massachusetts and it has been construed by the courts to be constitutional, and if that is the case it

is a very strong reason why we should pass this bill just as this committee which gave it careful consideration reported it.

Mr. SKEHAN of Augusta: Mr. Speaker, the committee spent quite a long time upon this bill and I hope the House will see fit to pass it as reported by the committee which was unanimous in regard to it.

Mr. MORSE of Belfast: Mr. Speaker, the gentleman from Augusta says that the penalty is not severe. Let me read: "Whoever violates the provision of this act shall be punished by a fine not less than \$10, or more than \$50." In my county in the town of Frankfort there is the Mt. Waldo Granite Company. They employ a large number of men. This company is miles from banking accommodations, and in case of any accident just at the time the payment is to be made that causes delay, I fail to see that there is any certain way of escaping from the penalty. It would subject this company to a penalty of from \$3000 to \$15,000. Now the employes are accomplishing all they desire under this bill. As I understand it the employers are anxious or certainly do not object to the position which they take. It seems to me that the employer should be entitled to some consideration in this matter. The case I suggest may be an exceptional one but unless it is done wilfully it seems to me that they ought to be considered. I have just cited this as an instance.

Mr. CHASE of York: Mr. Speaker. I would like to know, if that word does not mean anything, if it is not necessary that it be put in there, why is there such objection to its being put in there? It seems to me to make the thing plain. I have occasion once in a while to employ men. I do every year very frequently, and I am willing to pay them weekly, but if I happen to unintentionally vary from the law I do not know why I should be prosecuted by some lumner who has some little grievance and wants to make trouble. If the word goes in as it is proposed by the amendment there can be no question about it. You don't have to

stop to get the court to construe the law. Why not put it in there? What is the objection of these gentlemen to having it there if they mean to have the same thing without its being there? It does not look to me quite consistent. I am in favor of the amendment and I hope it will be adopted.

Mr. PATTANGALL of Waterville: Mr. Speaker, House Bill No. 202 is a substitution for Sections 57 and 58 of Chapter 40 of our present Revised Statutes. Now our present statutes provide for the fortnightly payment of wages and it also provides that if any corporation violates the provisions of Section 57 it shall be punished by a fine of not less than \$10 or more than \$25, and so forth. The word "wilfully" is not in there, but notwithstanding that fact I have not heard of any great trouble that anybody has got into on account of the failure of payment. Now it strikes me that the ice freezing up between Rockland and Vinalhaven might happen on a fortnightly pay-day as well as on a weekly pay-day, and the Waldo Granite people might not be able to get to a bank on the day of a fortnightly pay-day as on a weekly pay-day. That law was passed in 1887. Now 23 years have gone along and nobody has had to pay \$10 or \$25 of fines because of any accident they could not pay on that fortnightly pay-day. I guess we would be pretty safe if we take the position that the courts of this State protect people in matters of that kind. If the law should read as the committee reported it, and a man showed that he could not meet his pay-day by unavoidable accident, no court would fine him in any sum. I hope the bill will pass as reported.

Mr. Descoteaux of Biddeford moved that when the vote is taken it be taken by the yeas and nays.

Mr. HARMON of Stonington: Mr. Speaker, a concern in New York operates three large quarries in Stonington. The head office is in New York. The pay rools are made up at Stonington and forwarded to New York City and then the money is shipped on from New York to Stonington to pay off the men, and they claim it would be

a great hardship if the original bill passes without the amendment. Sometimes the money is delayed in shipment. Sometimes the boats from Rockland are delayed on account of storms. Therefore I hope the original bill will not pass.

The question being, shall the yeas and nays be ordered.

The question was agreed to.

The SPEAKER: The question is on the adoption of the amendment by inserting in line 34 after the word "whoever" the word "wilfully" so that the bill shall read, "Whoever wilfully violates the provision of this act shall be punished by a fine of not less than \$10 or more than \$50." Those voting yes will vote to adopt the amendment. Those voting no will vote to defeat the amendment, and then the question will be put on the acceptance of the original bill. The clerk will call the roll.

YE—Austin, Bearce, Berry, Bisbee, Bowker, Briggs, Chase, Clearwater, Colby, Cyr, Davis, Drummond, Gamache, Knight, Littlefield of Wells, Mace, Mitchell, Morse of Belfast, Mower, Russell, Active I. Snow, Trimble—22.

NAY—Allen of Columbia Falls, Ames, Anderson, Averill, Benn, Bogue, Boman, Brown, Burkett, Buzzell, Clark, Conners, Copeland, Cowan, Cronin, Deering of Portland, Deering of Waldoboro, Descoteaux, Dow, Doyle, Dresser, Dufour, Dunn, Dutton, Emerson, Farnham, Files, Frank, Goodwin, Gross, Harmon, Hartwell, Hastings, Hedman, Heffron, Hersey, Hodgkins, Hogan, Johnson, Jordan, Kelley, Kelleher, Kingsbury, Lambert, Lawry, LeBel, Libby, Littlefield of Bluehill, Macomber, Mallet, Mariner, McBride, McCann, McCready, McCurdy, Merrifield, Merrill, Miller of Hartland, Morse of Waterford, Murphy, Newcomb, Otis, Packard, Partangall, Patten, Pelletier, Percy, Perkins of Kennebunk, Perkins of Mechanic Falls, Peters, Phillips, Pike, Pinkham, Plummer, Pollard, Porter of Mapleton, Porter of Pembroke, Powers, Putnam, Quimby, Robinson of Lagrange, Robinson of Peru, Sawyer, Scates, Shea, Skehan, Sleeper, Small, Smith, Alvan Snow, Snow of Brunswick, Soule, Stetson, Stinson, Strickland, Thompson of Presque Isle, Thompson of Skowhegan, Trafton, Trask, Trim, Tucker, Waldron, Weston, Weymouth, Wheeler, Whitney, Wilcox, Wilkins, Williamson, Wilson, Woodside—111.

ABSENT—Allen of Jonesboro, Andrews, Campbell, Couture, Davies, Emery, Fenderson, Greenwood, Hodgman, Kennard, Manter, McAllister, Monroe, Noyes, Ross, Turner—16.

So the amendment was lost.

The bill then received its two readings and was assigned for tomorrow morning.

An Act to remove the office of the register of deeds for the Northern

Aroostook Registry District from Madawaska to Van Buren.

These bills came up on the acceptance of the report of the committee.

Mr. HERSEY of Houlton: Mr. Speaker, I wish to move the adoption of the majority report, removing the office to Van Buren. I greatly regret at this time that it should be necessary to take a moment of the time of the House in explanation of this matter. Were it not for the fact that there is at this time opposition to the majority report of this delegation I would not say a word. What I say is simply in explanation of the report of the majority.

For a great many years we have had a northern registry of deeds in Aroostook county at Madawaska. The time has come when it is necessary to do something for a building there. The building at Madawaska, is worth less than \$1000, contains the records of the northern part of the country. The county commissioners ask that they may be empowered to build a new building in our county for the northern registry of deeds. It is agreed by every one in the county I think that the registry should be removed from its old place at Madawaska to some other place, to wit, either to Van Buren or Fort Kent, the two large towns in the Northern district. In regard to that there is no contest. Early in this session two bills were offered in this House, one for the removal of the registry from Madawaska to Fort Kent, and one for the removal to Van Buren, and both those bills were referred to the Aroostook county delegation. The Aroostook county delegation met one evening at 7 o'clock and had a session which lasted until midnight in the judiciary room. At that hearing the delegation heard evidence both for Fort Kent and for Van Buren, as to the question in which place the new building should be built. We heard all the evidence, we heard the arguments and the presentation of the facts upon both sides by able attorneys employed by both Van Buren and Fort Kent. We went thoroughly into this matter. I notice upon your tables this

morning that there has been placed a map, purporting to be a map of Aroostook county. If it is, I have never been in Aroostook county. I notice that there is a railroad from Caribou to Fort Kent, according to this alleged map, a direct line so-called. I am not aware of any such railroad neither am I aware that there is a charter for any such railroad. Now the map is as much exaggerated as the facts are exaggerated upon this slip placed upon your desks. One is about as correct as the other.

I just want to say this, gentlemen. At that hearing, after a thorough hearing upon this matter the county delegation from Aroostook voted in this way—the member of the House from Fort Kent and the senator from Fort Kent, and the member who lives at St. Agatha next to Fort Kent, interested in Fort Kent as a place for the registry, voted to have the registry go to Fort Kent and the building to be built there, offering a lot to the country if they would build the registry there, and they reported the bill in a new draft, those three, that the registry should be at Fort Kent. The rest of the delegation, ten in number, nine of them outside of either Fort Kent or Van Buren, having no interest in either place, voted that the registry of deeds should be built at Van Buren. Now it seems to me, gentlemen, that that report is entitled to some consideration in this House. The men who have no interest whatever in either Fort Kent or Van Buren as to a place for the registry voted for Van Buren. Now it seemed to me as one member of that delegation—and I think I voice the feeling of the delegation generally—that there was no special preference between Fort Kent and Van Buren as the place for the northern registry. Both are large towns, they are in the Northern district, both are surrounded by about the same number of inhabitants, both are easy of access to the people of that district and the people of the county, and there seemed to us of the majority to be no special preference for either.

There was another consideration be-

fore the committee. How much of an inducement it was I don't know. The northern registry of deeds is a registry for the country of Aroostook, to accommodate the whole people of the county of Aroostok. If the building is built it is built by the county of Aroostook, and if there is money raised it is raised by the county of Aroostook. We say the county of Aroostook should have something to say about it. Van Buren said, "We will give you in addition to a lot \$3000 in cash." Now I notice upon this sheet which is placed upon your tables that the argument against that is this: "Van Burne is a rich town and can well afford to give. We presume Fort Kent is a poor town." And then it goes on to say, "We do not believe the office of register is at auction to be knocked off to the highest bidder; if that is the case, some rich man may carry it off entirely." I don't know, gentlemen, how much that operated as an inducement in the minds of the delegation to select Van Buren instead of Fort Kent. It may have had something to do with it; and it is reasonable that it should. I come from a county that is very poor at the present hour—potatoes down, as one man reported last night, to sixty cents a barrel, and with the likelihood of free trade with Canada they are feeling that they are almighty poor, and I should not want to go back home to my constituents and explain to them that I could have saved the county of Aroostook a building for a registry of deeds costing \$3000, so it would not cost the county a cent, and did not do it, but put upon the county a debt of \$3000 to build that building, when there was no preference between these two places in the opinion of this delegation.

Now, gentlemen, it seems to me as it did yesterday that when a committee of this Legislature who knew their business investigated the facts as they did in regard to the division of the towns in Hancock county, and made a report, that that report is entitled to the consideration of this House; and that when nine out of the Aroostook county delega-

tion outside of either Van Buren or Fort Kent make a report to this House as to where the registry should be located in the county of Aroostook, it is our affair, and that you will agree with the nine instead of the three members on our delegation who are interested in one place in the county, and that you will accept the majority report and get rid of a local matter.

Mr. CYR of Fort Kent: Mr. Speaker, the gentleman from Houlton is under a misapprehension as to the map of which he speaks. I wish to say that the line on this map that he refers to does not indicate a railroad but indicates the State highway; and when my friend from Houlton states that there were only three of us who voted in favor of bringing the registry of deeds to Fort Kent, I wish to say that it is true but not the whole truth, because really there were five voting in favor of Fort Kent. When he states that the majority report was signed by ten, that is a fact. It is also a fact that one who signed it was not present at the hearing.

I did not intend to argue this matter this morning and I do not intend to do so now. I want to move that this report be laid on the table until tomorrow morning. I have an amendment that I want to offer to the Van Buren measure and this matter coming into the House in two drafts we were a little mixed up as to how to get at it and we finally decided to offer an amendment to the Van Buren measure, and the amendment I intended to offer is to leave it to the people of that district, not to the whole county, but to the people of that district for which that registry of deeds has been established.

Mr. HERSEY: Mr. Speaker, the question now being on the acceptance of the report of course it is not amendable; but if the gentleman from Fort Kent wants to offer any referendum measure, after the acceptance of the report of course that will be all right.

The SPEAKER: The Chair rules that

pending the acceptance of the report an amendment is not in order.

Mr. TRAFTON of Fort Fairfield: Mr. Speaker, this matter has been thrashed out quite fully in our delegation and is now here for action. I hope that this majority report of this delegation will be accepted. Then if the gentleman from Fort Kent wishes to amend it of course that would be his privilege.

Mr. CYR: Mr. Speaker, I have no objection to the acceptance of the report provided it is laid on the table to be taken up tomorrow morning.

The motion being on accepting the majority report, removing the registry of deeds to Van Buren,

The motion was agreed to.

The question then being to lay the bill on the table pending its first reading,

The motion was agreed to.

Today assigned: Bill, An Act relating to lumbering operations.

The pending question being the acceptance of the report of the committee,

Mr. Pattangall of Waterville moved that the report be accepted.

The motion was agreed to.

Mr. Austin of Phillips moved to reconsider the vote whereby the report of the committee was accepted.

Mr. PATTANGALL: Mr. Speaker, this matter was reported to the House something like two weeks ago by the committee on legal affairs and reported unanimously. We have been hearing a good deal during the last day or two about the great weight that should attach to committee reports. The committee on legal affairs gave some attention to this bill and united in its report, and I just wish to say a few words about it so that the House will understand in regard to the matter.

This bill repeals Chapter seven of the Laws of 1907. In 1907 the Legislature of Maine passed a law which reads as follows:

Whoever enters into an agreement to labor for another in any lumbering operation or in driving logs and in consideration thereof receives any advance of goods, money or transportation, and unreasonable and with intent to defraud fails to enter into said employment as

agreed, and labor for a sufficient length of time to reimburse his employer for said advances and expenses of transportation, shall be punished by fine of not exceeding ten dollars or by imprisonment not exceeding thirty days.

"Judges of municipal courts and trial justices shall have jurisdiction of the offense described in this act."

That Act under certain circumstances makes a crime or misdemeanor of what was before that Act was passed only a civil debt, that is to say, it provides that if a man hired to go into the woods becomes indebted to his employer by reason of advances of money being furnished to him, that if he fails to make up that advance he may be imprisoned. Now there cannot be any question in the mind of any lawyer of this House or of any other body I think where you can find a lawyer but that that provision is absolutely in contravention of the constitution because it creates a condition of involuntary servitude. A similar law was passed by the Legislature of Alabama. We read a good deal in the magazines about the awful evils of peonage down South, and nobody knew that we had a peonage law in the State of Maine until they dug out this one and looked it over, but the Alabama law came before the supreme court of the United States and that court decided that it was unconstitutional, the point being that such a law did, under circumstances such as would arise when an infraction of it was brought before the court, create an involuntary condition of servitude.

In 1907 this law was reported by the judiciary committee. After its passage I called attention of Senator Deasy, who was a member of the committee, and of United States Senator Johnson, who was then a member of the House and a member of the committee, to the fact that that law had passed. They both went with me before the legal affairs committee of the last Legislature and recommended its repeal because they were satisfied that it was unconstitutional, and it was one of those things that went by, as legislation sometimes does, without very much attention having been given to

it. Now two years ago the lumbermen of the State came before the legal affairs committee and said they wanted it, it was a handy thing for them to have in their business because they said they got laborers into the woods who wouldn't stay unless they had some way to hold them, and they said they could hold them in that way by the threat that they would go to jail. But it would be almighty inconvenient for one of those lumbermen if he happened to jail a man who has sense enough to go and consult an attorney afterwards and bring a suit against him. But aside from any question of convenience or policy in the matter, it seems to me that it is a very wrong thing for you to keep on the statute books a law so openly in violation of fundamental law, and a law so obviously at odds with all the legislation of other Legislatures that has been taken up in Maine for years. For instance, how would it read if we should amend this law and say that whatever employer of labor entered into an agreement to pay his employes and then did not pay them, that he should be considered guilty of a misdemeanor and should be sent to jail for six months and that trial justices should have cognizance of the offence? That wouldn't read sensibly, would it? How would it read if instead of saying that any people working in a lumbering operation, that every laboring man in the State of Maine becoming indebted to his employer and failing to keep on laboring until he worked out the debt, that he should go to jail? That would sound pretty raw, wouldn't it? The law attempts to do nothing else than to make a debt existing between a certain class of people and a certain other class of people a crime. It is contrary to every legal principle and every sensible principle. It seems to me that such a law as that if proposed with regard to operatives in cotton mills, for instance, or woolen mills, or operatives in any other line of business that have votes would not command any support in the Legislature. A Legislature has not assembled in Maine for 10 years and won't assemble for 10 years more that would dare to

apply any such a law to a class of lumbering men who go to the ballot box. These poor devils who go up into the woods and lumber camps don't vote and you are not taking much political chances if you take all of them and make it a crime for them to owe somebody. But it is not a square deal, and it is not good sense and it is not good law. I hope this House will do as the committee on legal affairs did, unanimously agree to wipe that law off of the statute books.

Mr. AUSTIN of Phillips: Mr. Speaker I am not a lawyer and I am not a lumberman, but I begin to think that I am still something of a lunkhead. Now there isn't a man within sound of my voice that has much more intimate connection with honest labor than I have, or who has any more respect for it, but I haven't any respect for a bum, and this law applies simply and solely to bums. Anybody who has ever hired men in the woods knows that there is a floating class of men in this State and in all the New England states where lumbering operations are carried on that go to your employment offices in Bangor and in Lewiston and in the lumbering centers and get their pack and go to the lumbering camps. I have seen hundreds of them on their way there and they will have a dickey hat and a pair of patent leather shoes in zero weather. What do they do? They go up there and get an outfit, they have their way paid into the woods and they go then to the wannigan and get their outfit, shoes and lumbermen's coats and mittens and they stay at a place two nights at the outside and when the boss comes around in the morning his man has gone, and in a week you hear from him in a neighboring camp. Now, I say, Mr. Speaker, that everybody who has ever hired men in the woods knows that that condition of things exists, and we say there is no remedy against that condition.

Now they say this is simply making the incurrence of the debt a crime for which you may imprison the body. It would look to a layman when you put a provision in the statute like that which says it must be done with intent to defraud that you are really legislating a crime. I am no lawyer, but if the courts of the

State of Maine during the four years that this has been on the statute books have ever held that this law is unconstitutional then I have nothing further to say. I don't know what the Alabama law is or how it reads, and I am glad to take the word of the gentleman from Waterville that the United States court probably did hold that it was unconstitutional. If the court of Maine ever considered this question, and considered this law unconstitutional, then I have nothing further to say; but I believe that is a protection to a large amount of capital invested in this State in the lumbering interests, is a protection against itinerant bums. They don't vote, to be sure, but they are a menace to the legitimate business interests of the State, as every man knows who has ever employed labor, and as a protection against that itinerant class I believe that we should let this legislation remain as it is on our statute books until the time when the supreme court of Maine holds that it is unconstitutional. It might be different were it as my friends want us to understand, and were this legislation pointed to honest workmen in our cotton mills and those work in our woolen mills or in our cities and those who do not get into debt with intent to defraud but through sickness and inability contract a debt, in such a case I would want it out of the statute books, but I am not voting to protect that class of men who are continually winter after winter filling up our lumber camps. It is not honest labor and it is not for the protection of honest labor. It is for the protection of a class of people who are going into the woods with intent to defraud, and therefore I move that this bill be indefinitely postponed.

Mr. PETERS of Ellsworth: Mr. Speaker, I just want to say a word in relation to this matter because I happen to be one of the members of the committee that heard and reported upon this matter. I will say that the only fault which I have to find with the law which is repealed is that the law in my opinion is unwise, unjust, pernicious, unduly discriminating and probably unconstitutional. I happen to be a lumberman to some extent myself, and I share and appreciate the feelings of my friend, the gentleman

from Phillips, in his attitude upon this question. I also appreciate the fact that there are a great many ills connected with various kinds of business that we cannot hope to cure by legislation. I notice that whenever a group of people or even individuals have certain troubles they are very apt to come to this Legislature or other Legislatures and offer a scheme of action which they think will remove the difficulty. The trouble is that we cannot do what they sometimes desire to have us do. We cannot in my opinion remedy by legislation some of the evils of the lumber business, of which none knows better than myself because I am engaged in it as I say.

Now in relation to this particular law which I say I think it is entirely unwise to keep on the statute books, I cannot see why, if we attempt to make it a misdemeanor, a criminal offense for a man in this lumber business to fail to keep his contract, we should not extend it and help out for instance the bankers, and make a statute to the effect that if a man fails to pay his note with intent to defraud, or any other intent you put on it, that he should be guilty of crime and be punished by imprisonment for two years in the State prison. I think something like that should be done in order to facilitate the administration of the banking business and discourage loose indorsements of notes perhaps. This matter, seriously, is one which requires in the interest of good legislation in my opinion that this old law be repealed. I have no doubt but that it would be declared unconstitutional the first time it gets before the court. The first time it does get to the court of course some of my associates in the lumber business are likely to get hurt I am afraid, but to have it remain upon the statute books would be a reflection upon the intelligence of this Legislature, and I am one of the members of the committee that unanimously approved of the report, and I hope it will receive a passage.

The SPEAKER: The gentleman from Phillips, Mr. Austin, has moved that

we reconsider the vote whereby we accepted the report of the committee, reporting ought to pass and the question is on that motion. Those voting yes will vote to reconsider the vote whereby we voted to accept the report; those voting no will vote in favor of the general repeal of this bill. As many as are in favor of the motion will say aye; those opposed will say no.

The motion was lost.

The bill then received its two readings, and on motion by Mr. Pattangall of Waterville, the rules were suspended, the bill received its third reading and was passed to be engrossed.

To-Day Assigned: An Act defining the Maine trunk line of highway throughout the State.

This bill came up on its third reading.

Mr. BUZZELL of Fryeburg: Mr. Speaker, this bill provides that the road commencing at Kittery and leading through the State to Fort Kent be designated as the Maine trunk line of highway through the State. It provides that the State highway commissioner be instructed to expend such sums as may be available from time to time in reconstructing this road. This is a very important work, one I think in which we are all interested, one which will be brought to our attention more and more from year to year. This bill provides that work must commence at the Kittery end of this line and be continuous work. I think we will all agree that this end of this line from Kittery to Portland should be reconstructed just as soon as it is possible to do so; and I do not doubt but what our State highway commissioner will reconstruct this road as quickly as he has funds with which to do the work; but I believe that our State highway commissioner should have something to say in regard to this work which he must do. I don't believe that we should undertake to say that he should commence work at such a place and continue working from just such a place from year to year. If

we tie our highway commissioner down by hard and fast law, that he shall begin work in such a place and continue from year to year, what inducement has he to study the conditions of any other road in our State or the condition of the travel over any other road in this whole great State? I believe we have law enough covering the point, and that we shall obtain far better results under the law as it now exists than we shall if we try to lay out the work of our State highway commissioner. I think under chapter 112 of the Public Laws of 1907 as amended by chapter 69 of the Public Laws of 1909, section 13, that amply provides for this work; and I will read section 13: "After providing for the payment of the State aid applied for, the balance of the fund or any part thereof may be expended by the State commissioner of highways in rebuilding and improving the Maine thoroughfares of through travel in the State, with the object of establishing a complete system of continuous Maine highways throughout the State. The location of roads to be improved under this section and the apportionment of funds for the same shall be determined by the State commissioner of highways subject to the approval of the Governor and Council. The same general provisions, made for the construction and maintenance of other State roads under this act shall apply to roads constructed under authority of this section, except that the whole cost of construction may be paid by the State." I think, Mr. Speaker, that law covers the whole ground and under that section we shall obtain far better results. It leaves the commissioner free to exercise some judgment of his own without being tied hand and foot by any action of ours. In view of this I move that House Bill 158 be indefinitely postponed.

Mr. SCATES of Westbrook: Mr. Speaker, I never knew anything about this bill except what the gentleman from Fryeburg has stated. I understood that it was reported unanimously by the committee of which the gentleman from Fryeburg

was one. Now in regard to roads, probably there is no man in the State of Maine who has traveled over more roads in this State or in New Hampshire than myself. I further understand that under the present law there should have been about \$100,000 expended in the last two years on these trunk roads. It never was expended. Where did it go? Around here and in other institutions of the State. Now a trunk highway is important to the State of Maine. We are talking about our summer business, we are making an effort to bring people here into this State. If something is not done on that road from Kittery, as far as the automobile travel is concerned, which is an important thing in the State of Maine—no man can come in here with a machine with five people unless he leaves from \$25 to \$40 a day in the State—unless something is done on that road all the automobile travel will go to New Hampshire because New Hampshire is spending a great deal of money on her roads, she is doing good work on her road; and we must do something in regard to our Maine highway coming into the State of Maine. A man from Massachusetts or New York or Connecticut coming into Maine with an automobile, the first thing he strikes is that piece of road this side of Portsmouth, and from Portsmouth to Kennebunk it is the worst piece of road that can be found anywhere in the State of Maine, or I believe in any New England state; and if there is money to be expended on a State road it should be expended on that piece of road first. So I hope that this will receive a passage.

Mr. HARTWELL of Old Town: Mr. Speaker, I will admit that there is a bad piece of road from Kittery to Portsmouth. I have fought the road question for over twenty years to get better roads. I hope to live to see the time when the State of Maine will be equipped with half as good roads as they have in the state of Massachusetts.

Here we are in mud three to six months out of the year. It is a deplorable condition. I should like to see a trunk line clear across our State. We ought to have three of them; but I do not believe in going to work and raising a large amount of money and putting it out all in one place, unless we

go to work and raise money and let the commissioners in each town, if they are competent men, go to work and hire a crew and put them on and do this job up and do it up quickly and not be four or five years in doing it, dragging along and spending our money in that way. No man can afford to hire men to work on the highways that he would not hire in his own private business. I hope that the bill to have better roads in the State of Maine will pass.

Mr. WEYMOUTH of Saco: Mr. Speaker, there must be a misunderstanding as to the matter of raising money for the building of State roads and for its distribution or else some of the remarks we have heard would not have been made. As I understand it, we raise money to build State roads and expend it in two ways, in one way by turning it over to the towns to be used in conjunction with money which they will have under the provision of the law which we have for the building of State roads. Now that fund is being used just as my friend from Old Town suggests and it is building roads piecemeal all over the State, roads which are needed without question. In addition to that we have here a provision for building a trunk highway. That trunk highway is for the purpose, as I understand it, of facilitating travel into the State. It is for the purpose of inviting people from other states to visit us. It has been said in committee hearings from the beginning of this session that the difficulty which we are laboring under is from the fact that the entrances to our State are in such poor condition that the automobilists—and it is generally conceded that they are desirable as visitors here—are disgusted by the time they get a few miles into our State with the conditions which they find, and they get out of the State. Now the object of this trunk line is to overcome that difficulty just as rapidly as possible by building a continuous road. The other matters which have been spoken of are provided for in another way. The committee on State lands and State roads heard this question extensively, it was discussed at several meetings

of the committee and as I understood it the committee agreed unanimously that it was a proper thing. The bill came in here and received its first and second readings without opposition and then was tabled by a member of the committee. Now it seems to me that this bill should take its third reading and should receive a passage in the interest of the State of Maine.

Mr. DEERING of Portland: Mr. Speaker, I simply wish to say that that bill was drawn at the suggestion of both the outgoing and the incoming commissioner of highways with the idea that they could push on from year to year without being hampered in their movements so that they could do continuous work.

Mr. BUZZELL of Fryeburg: Mr. Speaker, I wish to say that I talked with both the outgoing and the new road commissioner but very recently and they assured me that they thought this was well taken care of under the old law, and I assure the gentleman from Saco and the gentleman from Portland that I think all of us have no opposition whatever to getting that road from Kittery to Portland built as soon as possible, and it will be under this law, I have no question. The State highway commissioner is of the same opinion; and so it seems to me that he should be left with some discretion if he starts in at Kittery. We say here that he must build continuously clear through to Fort Kent whether he comes to a piece of road that is good or bad. That is tying him down rather closely and he has no inducement whatever to study any other conditions in the State as they exist.

Mr. SKEHAN of Augusta: Mr. Speaker, we discussed this matter pretty fully in the committee meetings and the gentleman from Fryeburg was a member of the committee. I think it very important that we should define a trunk line and work on it. It does not take from any town any money or any appropriation, they can have just the same as they have always had to build their roads where they see fit; and I hope the bill will receive a passage.

Mr. BEARCE of Eddington: Mr. Speaker, I have the honor to be one of the committee which reported this

bill. It has been said that there was a majority report. Well, I have seen no majority report. I said then and there that I would not bring in a minority report, and did not, but I was not in favor of a trunk line and I am not in favor of it now and shall vote against it. I believe the matter is provided for very well now and if we have a highway commissioner and there is a piece of road at Kittery that needs to be repaired, I believe it is his duty to see to that piece of road, and if there is another piece of road that is very bad on the other end of the State he should fix that end of it, and if there is a piece of road up in the mountains which should be repaired I believe he should fix that piece. I believe we should make the road money go as far as we can and make good roads and I believe that the commissioner should not be confined to one line; I believe he should have judgment and discretion of his own about that matter, where the money is most needed, and that we should not hamper him by making any definite trunk lines.

The question being on the motion to indefinitely postpone the bill,

The motion was lost.

The bill then received its third reading and was passed to be engrossed.

On motion of Mr. Austin of Phillips bill to incorporate the Penobscot Bay Water Company, was taken from the table.

On motion of Mr. Pattangall of Wa-

terville the vote was reconsidered whereby the bill was passed to be engrossed.

Mr. Pattangall offered that amendment which was adopted and the bill was then passed to be engrossed as amended.

On motion of Mr. Murphy of Portland, bill relating to equity procedure, was taken from the table.

The bill was then passed to be engrossed.

On motion of Mr. Murphy resolve in favor of the Penobscot tribe of Indians, was taken from the table.

On motion of Mr. Murphy the resolve was then indefinitely postponed as House Bill 271 covers the same ground.

On motion of Mr. Bogue of East Machias, bill to establish the Piscataquis court, was taken from the table.

The bill then received its third reading and was passed to be engrossed.

On motion of Mr. Plummer of Lisbon, memorial to Congress in favor of the Salloway pension bill was taken from the table.

The resolve was then finally passed.

On motion of Mr. Allen of Jonesboro, Resolve in favor of the town of Roque Bluffs was taken from the table.

On motion of Mr. Allen the resolve was again tabled and assigned for Tuesday of next week.

On motion of Mr. Hastings of Auburn, Adjourned.