

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

law is amended, if a hawk swoops down and kills a chicken, the man can go to the selectmen and can be paid for it. And the same if a fox kills a chicken. The law as it now is seems to be sufficient for all practical purposes.

Mr. BLANCHARD of Franklin: Mr. President: I would like to inquire of the senator, through the Chair, if he understands there is any way for a man who has sheep killed by a bear to get paid for the same under the present law?

Mr. FULTON: I do not think there is.

Mr. BLANCHARD: Mr. President, that is the trouble in our county, and I think it is pretty serious. Bears destroy our sheep somewhat, and I did want this bill to pass in its present form. As the State owns the wild animals, when they destroy domestic animals it seems to me as though the State ought to pay for them. That is the situation in a portion of our county, and I think it is also the condition in a portion of Somerset and Oxford counties.

The report of the committee on agriculture "ought to pass," was accepted and the bill was given its first reading.

On motion by Mr. Boynton of Lincoln, Senate Document No. 105, Resolve in favor of the publication of the Documentary History of Maine, was taken from the table.

Mr. BOYNTON: Mr. President, this resolve comes from the House indefinitely postponed. I move that we non-concur in the action of the House.

Mr. MILLIKEN of Aroostook: Mr. President, it seems to me this is a matter that is on precisely the same footing with the York deeds proposition, just referred to by the senator from Oxford.

I had occasion at the last session to look very carefully into both matters for certain reasons. And while they are both proper, and while I believe it is proper the State should pay money for both publications, I do not see why there is any more reason at this session, where economy is necessary, to spend \$5000 for the Documentary History referred to in this resolve

than it is for the publication of the York deeds.

I move that the Senate recede and concur with the House.

Mr. BOYNTON: Mr. President, I will withdraw my motion to non-concur, and will accept the motion of the senator from Aroostook.

The motion to indefinitely postpone in concurrence was agreed to.

On motion by Mr. Boynton of Lincoln, Senate Document, No. 106, Resolve concerning the preservation of the archives of the State of Maine, was taken from the table.

On further motion by the same senator, the Senate non-concurred with the action of the House in indefinitely postponing this resolve.

The report of the committee was then accepted, sent down for concurrence.

On motion by Mr. Milliken of Aroostook,

Adjourned.

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## HOUSE.

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Friday, March 10, 1911.

Prayer by Rev. Mr. Allen of Jonesboro.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

### Senate Bills on First Reading.

An Act to incorporate the Moxie Dam Company.

An Act to amend Section 1 of Chapter 231 of the Private and Special Laws of 1909.

An Act to abolish the Dover municipal court and the Milo municipal court and to establish the Piscataquis municipal court. (Recommitted in concurrence to the committee on the judiciary.)

Resolve in favor of Plantation No. 35, in Hancock county.

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

### Legal Affairs.

By Mr. Shea of Bar Harbor: Memorial by town of Eden.

By Mr. Woodside of Webster: An

Act to amend Section eight of Chapter 20 of the Revised Statutes of 1903, as amended by Chapter 60 of the Laws of 1907, relating to burying grounds. (Tabled for printing pending reference on motion of Mr. Andrews of Norway.)

By Mr. Bisbee of Rumford—An Act to increase the efficiency of trustees of State institutions and commissioners appointed by the Governor, so that the same may be non-partisan.

By Mr. Trimble of Calais—Petition of Herbert J. Dudley and 112 other citizens of Calais against any bill to consolidate the department of sea and shore fisheries and the department of inland fisheries and game.

By Mr. Hogan of Portland—Petition of Rupert S. Lovejoy of Portland for amendment of law relating to registration of dentists.

By Mr. Files of Gardiner—Petition of E. A. Williams of Gardiner, for same.

#### **Appropriations and Financial Affairs**

By Mr. Tucker of Wiscasset—Resolve in favor of J. P. Tucker, secretary of school for feeble minded. (Read twice and passed to be engrossed on motion of Mr. Tucker.)

#### **Railroads and Expresses.**

By Mr. Packard of Rockport—An Act to amend Section 50 of Chapter 51 of the Revised Statutes.

Also, An Act to amend Section seven of Chapter 53 of the Revised Statutes.

#### **Inland Fisheries and Game**

By Mr. Percy of Bath—An Act to prohibit the hunting of ducks and other water fowl in Winnegance bay, Quohog bay, and New Meadows river, by the use of steam, naphtha or gasoline boats.

#### **Taxation.**

By Mr. Dunn of Brewer—An Act to amend Section 65 of Chapter 10 of the Revised Statutes, as amended by Chapter 21 of the Public Laws of 1905, relating to the collection of taxes.

#### **Reports of Committees.**

Mr. Davies from the committee on judiciary reported "ought not to pass" on Bill, An Act authorizing municipi-

pal officers to regulate street railway traffic.

Same gentleman from same committee reported same on Bill, An Act to incorporate the Knox County Power Transmission Company.

Mr. Peters from the committee on legal affairs reported same on Bill, An Act providing for incorporation of Roman Catholic parishes.

Mr. Wilson from same committee reported same on Bill, An Act relating to the Livermore Falls municipal court.

Mr. Fenderson from the committee on mercantile affairs and insurance reported same on Bill, An Act to amend Section four of Chapter 49 of the Revised Statutes as amended by Chapter 153 of the Public Laws of 1905.

Mr. Clark from the committee on inland fisheries and game reported same on Bill, An Act to regulate fishing in Sandy Point Meadow brook and Kneeland brook, in the town of Stockton, also in Ellis stream, in Penobscot, also in the tributaries of said Ellis stream, also in Carley brook, in Prospect, all in the county of Waldo.

Same gentleman from same committee reported same on Bill, An Act to prohibit the use of bag-nets, so-called, in the North Branch, also in the South Branch of the Penobscot river, in the towns of Prospect and Frankfort, in the county of Waldo, except while fishing through the ice.

Mr. Sleeper from same committee reported same on Bill, An Act to establish close time on muskrats on Machias river, with petition of George D. Bridgham and 24 others for a close time on muskrats on Machias river.

Mr. Clark from same committee reported same on Bill, An Act to amend Section 17 of Chapter 222 of the Public Laws of 1909, relating to the use of dogs, jacklights, snares or traps in hunting deer, moose or caribou.

Same gentleman from same committee on 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, reported that the petitioners have leave to withdraw.

Mr. Sleeper from same committee, on Petition of John Jones and 52 other citizens of Ripley asking for permission to fish on Frost brook and Bragg brook, so-called, also remonstrance of W. H. Watson and 54 others against fishing in Frost brook and Bragg brook, so-called, reported that the petitioners have leave to withdraw.

Same gentleman from same committee, on Petition of Henry J. Lane and 53 others to repeal Chapter 352 of the Private and Special Laws of 1909, regulating fishing in Big Rattlesnake pond and Panther pond, and the tributaries to same, reported that the petitioners have leave to withdraw.

Mr. Clark from same committee, on Bill, An Act to prevent the accidental shooting of human beings in the hunting season, reported that the same be referred to the committee on the judiciary.

Mr. Harmon from committee on shore fisheries reported "ought not to pass" on Bill, An Act to protect the spawning fish in the Waters of Penobscot bay.

Same gentleman from same committee reported same on Bill, An Act relating to the pay of fish wardens.

Same gentleman from same committee reported same on Bill, An Act to regulate the use of seines in John's bay in the county of Lincoln.

Mr. Hodgkins from the committee on Insane hospitals reported same on Bill, An Act to amend Section 6 of Chapter 144 of the Revised Statutes.

The reports were accepted.

Mr. Chase from the committee on the judiciary reported "ought to pass" on Bill, An Act to incorporate the Ogunquit Sewerage Company.

Mr. Williamson from same committee reported same on Bill, An Act to amend Chapter 85, Section 6, of the Revised Statutes, relating to municipal and police courts, their jurisdiction and proceedings in civil actions.

Mr. Goodwin from same committee reported same on Bill, An Act authorizing the merger of Consolidated Elec-

tric Light Company of Maine and Portland Lighting and Power Company with Portland Electric Company. (Tabled pending acceptance of report on motion of Mr. Murphy of Portland.)

Mr. Wheeler from the committee on legal affairs reported same on Bill, An Act to incorporate the Rumford General hospital.

Mr. Peters from same committee reported same on Bill, An Act to amend Chapter 613 of the Private and Special Laws of 1893 as amended by Chapter 100 of the Private and Special Laws of 1903 entitled "An Act to establish the Western Hancock Municipal Court."

Mr. Pattangall from same committee reported same on Bill, An Act to amend Section 27 of Chapter 6 of the Revised Statutes, relating to distinguishing marks on ballots.

Mr. Peters from same committee reported same on Bill, An Act to incorporate the Wiscasset Electric Light & Power Company.

Mr. Wheeler from same committee reported same on Bill, An Act providing for the better preservation of township plans.

Same gentleman from same committee reported same on Bill, An Act to amend the Livermore Falls Sewer District, for the better collection of taxes.

Mr. Peters from same committee reported same on Bill, An Act relating to the charter of the Hancock County Railway Company.

Mr. Dunn from same committee reported same on Bill, An Act to extend the charter of Eastport Street Railway Company.

Mr. Wilson from same committee, on Bill, An Act to incorporate Phillips Electric Light and Power Company, reported that the same ought to pass in new draft accompanying.

Mr. Pelletier from same committee, on Bill, An Act to establish the Van Buren municipal court, reported that the same ought to pass in new draft accompanying.

Mr. Libby from the committee on agriculture, on Bill, An Act to amend Sections 7 and 11 of Chapter 15 of the Public Laws of 1907, relating to the protection of trees and shrubs from the ravages of dangerous insects and

diseases, as amended by Chapter 34 of the Public Laws of 1909, reported the same in a new draft under the title of "An Act to amend Sections 6, 7 and 11 of Chapter 15 of the Public Laws of 1907, relating to the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases, as amended by Chapter 34 of the Public Laws of 1909," and that it ought to pass.

Mr. Clark from the committee on inland fisheries and game reported "ought to pass" on Bill, An Act to regulate the disposal of fish and game seized by the commissioners of inland fisheries and game or any officials empowered so to do.

Same gentleman from same committee reported same on Bill, An Act to regulate the sale and purchase of game birds.

Same gentleman from same committee reported same on Bill, An Act to amend Section 41 of Chapter 52 of the Revised Statutes, relating to fishways.

Mr. Ames from same committee reported same on Bill, An Act to regulate the taking of muskrats in Lake Sebasticook, in the county of Penobscot, and in the tributaries to said lake, in the town of Newport, also in the outlet stream of said Lake Sebasticook known as the East Branch of the Sebasticook river.

Same gentleman from same committee reported same on Bill, An Act relating to the trapping of beaver and muskrat.

Mr. Clark from same committee reported same on Bill, An Act to amend Section 31 of Chapter 32 of the Revised Statutes, relating to the penalty for trapping fur bearing animals in any of the unorganized townships or on the wild lands of the State, and for operating a sporting camp, without first procuring a license therefor.

Mr. Active I. Snow from same committee reported same on Bill, An Act to amend Chapter 213 of the Private and Special Laws of 1909, relating to fishing in Belgrade stream, in Kennebec county, also remonstrance of F. L. Gray and others against the same.

Mr. Clark from same committee reported same on Bill, An Act to protect

elder ducks; also to amend Section 7 of Chapter 32 of the Revised Statutes, relating to game birds; to amend Section 12 of Chapter 132 of the Public Laws of 1905, relating to wild birds; and to repeal Section 5 of Chapter 90 of the Public Laws of 1909, relating to loons.

Mr. Active I. Snow from the same committee, on Bill, An Act to regulate the number of game birds which may be taken by one person in any one day during open season, reported the same in a new draft under the title of "An Act to regulate the number of ruffed grouse (commonly called partridge) and woodcock which may be taken or had in possession by one person in any one day," and that it ought to pass.

Same gentleman from same committee, on Bill, An Act to amend Chapter 407 of the Private and Special Laws of 1903, as amended, relating to fishing in the tributaries to Bryant pond, so called, which pond is situated in the town of Woodstock, county of Oxford, also petition of B. R. Billings and 24 others, residents and tax payers of the town of Woodstock, Oxford county, to remove restrictions from fishing in Village brook, in said Woodstock, reported the same in a new draft under the title of "An Act to amend Chapter 407 of the Private and Special Laws of 1903, as amended, relating to fishing in the tributaries to Bryant pond, so called, which pond is situated in the town of Woodstock, county of Oxford," and that it ought to pass.

Mr. Clark from same committee, on Bill, An Act to regulate the hunting of mink, sable, fisher, lynx, otter, fox, skunk and raccoon; also Senate Order directing this committee to take up the question of extending the close time on the small fur-bearing animals of the State to November first, and to report by bill or otherwise, reported the same in a new draft under the title of "An Act to regulate the hunting of mink, sable, fisher, otter and muskrat," and that it ought to pass.

Mr. Ames from same committee, on Bill, An Act relating to fishing in Abbott pond, in the town of Sumner, county of Oxford, reported the same in a new draft under the title of "An Act to regulate

fishing in Abbott pond, so called, in the town of Sumner, county of Oxford," and that it ought to pass.

Mr. Sleeper from same committee, on Bill, An Act to permit fishing in Marble brook, Marble pond and Chase brook or Blackstone brook, in Piscataquis county, in accordance with the general law of the State, reported the same in a new draft under the title of "An Act to amend Section 1 of Chapter 179 of the Private and Special Laws of 1905, relating to fishing in Marble brook and Marble pond, so called, tributary waters to the Piscataquis river, situated partly in the town of Blanchard, county of Piscataquis, and in Chase brook, sometimes called Blackstone Brook, also situated partly in said Blanchard," and that it ought to pass.

Same gentleman from same committee, on Bill, An Act to amend Section 8 of Chapter 90 of the Public Laws of 1909, relating to ice fishing in waters in the town of Chesterville, county of Franklin, reported the same in a new draft under the title of "An Act to amend Chapter 32 of the Revised Statutes, as amended by Section 8 of Chapter 90 of the Public Laws of 1909, relating to ice fishing in the lakes and ponds in the town of Chesterville, in the county of Franklin," and that it ought to pass.

Mr. Active I. Snow from same committee, on Bill, An Act to regulate fishing in Lake Sebasticook, so called, in the town of Newport, in the county of Penobscot, reported the same in a new draft under the title of "An Act to regulate fishing in the tributaries to Lake Sebasticook, so called, in the town of Newport, in the county of Penobscot," and that it ought to pass.

Same gentleman from same committee, on Bill, An Act authorizing the State land agent to sell certain property of the State at the Belgrade fish hatchery, in the county of Kennebec, reported the same in a new draft under the title of "An Act authorizing the State land agent to sell certain property of the State at the Belgrade fish hatchery, in the county of Kennebec," and that it ought to pass.

Mr. Sleeper from same committee, on Petition of J. S. Williams and 103 others of Jackman and vicinity, asking that

Wood pond, so called, be opened for ice fishing, reported a Bill entitled "An Act to amend Chapter 407 of the Private and Special Laws of 1903, as amended, relating to ice fishing in Wood pond, sometimes called Big Wood pond, situated in Jackman plantation and in Township No. 1, Range 5, N. B. K. P., known as Attean township, and in Township No. 5, Range 2, N. B. K. P., known as Dennistown, in the county of Somerset."

Mr. Harmon from the committee on shore fisheries reported "ought to pass" on Bill, An Act to repeal Chapter 276 of the Private and Special Laws of 1907, entitled "An Act for the better protection of shell fish within the town of Yarmouth, in the town of Cumberland."

Same gentleman from same committee reported same on Bill, An Act to amend Chapter 360 of the Private and Special Laws of 1909, to regulate fishing in the Bagaduce river in Hancock county.

Same gentleman from same committee reported same on Bill, An Act to protect lobsters in the waters adjacent to the shores of the towns of Lubec and Trescott, as amended by Chapter 379 of the Special Laws of 1907, be repealed.

Same gentleman from same committee reported same on Bill, An Act to provide for the propagation and cultivation of  
ms.

Mr. Wilkins from the committee on towns reported same on Bill, An Act to change the eastern boundary of the town of Anson.

Same gentleman from same committee, on Bill, An Act to annex Fryeburg Academy Grant to the town of Mason, reported the same in a new draft under the title of "An Act to annex Fryeburg Academy Grant, in the county of Oxford, to the town of Mason, in said county," and that it ought to pass.

Mr. Murphy from the committee on pensions, on Resolve in favor of Harry B. Hodsdon, reported the same in a new draft under the title of "Resolve in favor of Hannah B. Hodsdon," and that it ought to pass.

Mr. Hodgkins from the committee on insane hospitals reported "ought to pass" on Bill, An Act relating to the criminal insane.

Same gentleman from same committee

reported same on Bill, An Act additional to Chapter 144 of the Revised Statutes.

Same gentleman from same committee reported same on bill, An Act additional to Chapter 17 of the Revised Statutes.

Mr. Clark from the Cumberland county delegation reported same on Bill, An Act relating to the salary of the judge of probate for the county of Cumberland.

Same gentleman from same delegation reported same on Bill, An Act to amend Chapter 80 of the Revised Statutes of 1903, relating to the expenses of the county commissioners of Cumberland county.

Same gentleman from same delegation, on Bill, An Act to amend Section 1 of Chapter 173 of the Public Laws of 1905, relating to the compensation of registers of deeds, reported the same in a new draft under the title of "An Act to amend Section 1 of Chapter 73 of the Public Laws of 1905, relating to the compensation of registers of deeds," and that it ought to pass.

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

On motion of Mr. Williamson of Augusta the rules were suspended and he introduced a Bill, An Act to provide for the nomination of candidates by direct primaries, and on further motion by Mr. Williamson it was referred to the committee on judiciary.

#### Orders.

On motion of Mr. Chase of York, Ordered, the Senate concurring, that all joint standing committees be and are hereby ordered to make final report on or before March 29, 1911.

#### First Reading of Printed Bills and Resolves.

Resolve in favor of Maine State prison.

Resolve in favor of H. P. McKenney.

#### Passed to Be Engrossed.

House Resolve, No. 271, favor of Penobscot tribe of Indians.

Mr. Plummer of Lisbon, offered House Amendment A, to amend by inserting the words "each year" after the clause "salary of lieutenant governor of tribe;" also inserting the words "nineteen hundred and eleven

only" after the words "six hundred feet of hose."

The amendment was adopted and the resolve was then passed to be engrossed as amended.

House Resolve, No. 309, favor road in Penobscot county.

(Tabled pending second reading and assigned for Thursday of next week on motion of Mr. Murphy of Portland.)

House Resolve, No. 352, favor of roads in Indian township.

(Tabled pending second reading and assigned for Thursday of next week on motion of Mr. Murphy of Portland.)

House Resolve, No. 361, favor of Lake road in Oxford and Somerset counties.

Mr. TUCKER of Wiscasset: Mr. Speaker, as I understand from this calendar, House Resolve, No. 361, is assigned for next Wednesday.

The SPEAKER: The point of order is well taken. House Resolve, No. 361 is assigned for Wednesday, March 15 and cannot be heard before that time.

Mr. MCCREADY of Danforth: Mr. Speaker, as I understand from the calendar, House Resolve, No. 352, was also assigned for next Wednesday.

The SPEAKER: The point is well taken.

The vote was reconsidered whereby the Resolve was specially assigned for next Thursday.

The SPEAKER: The Resolve stands on the calendar assigned for March 15.

Senate Resolve, No. 150, in favor Hayes' Young Women's Home.

Senate Resolve, No. 151, in favor of Howard Winslow.

Senate Resolve, No. 152, in favor of Lewiston and Auburn Children's Home.

Senate Resolve, No. 153, to sell State's interest in lot No. 163, Aroostook county.

Senate Resolve, No. 155, in favor of Maine Home for Friendless Boys.

Senate Resolve, No. 156, in favor of Northern Maine General Hospital.

Senate Resolve, No. 159, in favor of Children's Hospital.



Senate Resolve, No. 160, in favor of Girls' Orphanage of Lewiston.

Senate Resolve, No. 162, in favor of St. Mary's General Hospital.

Senate Resolve, No. 164, in favor of town of Sebec.

(Tabled and assigned for Wednesday of next week on motion of Mr. Tucker of Wiscasset.)

Senate Resolve, No. 165, in favor of town of Stoneham.

(Tabled and assigned for Wednesday of next week on motion of Mr. Tucker of Wiscasset.)

Mr. ANDREWS of Norway: Mr. Speaker, this resolve came in since we made the motion to have the facts printed, and I would like to make the motion that the statement of facts are to be printed before the date assigned for the resolve.

The SPEAKER: The Chair understood that the order of the House was that all the resolves in order to be considered would have to have the statements of facts printed, and the point of order will be taken if at the time they come up for their second reading the statement of facts are not furnished.

Senate Resolve, No. 169, relating to temporary loan for 1912.

House Resolve, No. 447, in favor of Sullivan Newton.

Mr. PATTANGALL of Waterville: Mr. Speaker, this is a resolve which authorizes the payment to Sullivan Newton of a certain amount of money expended either by him or under his direction in connection with a forest fire a year ago. There have been two or three similar resolves laid upon the table until next Wednesday, and I suppose the purpose of the House is to treat all these different parties alike. I merely call the attention of the House to the sort of a resolve it is.

The vote was reconsidered whereby the resolve received its second reading, and on motion by Mr. Pattangall the resolve was then tabled pending its second reading and assigned for Wednesday of next week.

House Resolve, No. 448, in favor of Holden Brothers.

(Tabled pending second reading and assigned for Wednesday of next week

on motion of Mr. Wilson of Auburn.)

House Resolve, No. 450, in favor of St. Agatha hospital.

House Resolve, No. 452, in favor of Waldo County General hospital.

House Resolve, No. 454, providing for epidemic or emergency fund.

House Resolve, No. 453, in favor of Frank Savage.

(Tabled pending second reading and assigned for Wednesday of next week on motion of Mr. Scates of Westbrook.)

House Resolve, No. 455, in favor of town of Waltham.

(Tabled pending second reading and assigned for Wednesday of next week on motion of Mr. Tucker of Wiscasset.)

House Resolve, No. 295, in favor of the Maine State prison.

House Resolve, No. 375, relating to State Survey Commission.

House Resolve, No. 373, relating to sale of certain public lots.

House Resolve, No. 414, favor free high school precinct in town of Dixmont.

House Resolve, No. 417, relating to appointment of delegates.

House Resolve, No. 418, providing for protection of trees.

(Tabled pending second reading and assigned for Wednesday of next week on motion of Mr. Allen of Columbia Falls.)

House Resolve No. 419, providing for protection of trees.

Mr. Allen of Columbia Falls moved that the resolve be tabled and assigned for next Wednesday.

Mr. CHASE of York: Mr. Speaker, I would suggest that one of these resolves contains an emergency clause.

The SPEAKER: That is House Resolve No. 419, the one now under consideration.

Mr. CHASE: Mr. Speaker, I wish to call the attention of the House to the fact that this resolve contains an emergency clause and it is important that it should receive its passage as soon as possible for the reason that we are now getting close to the season when the gypsy moth may be moving. Really, so far as I am concerned in this matter, I will say that I have no special interest in it. I introduced these resolves at the request of the commissioner of agriculture and have

looked out for them a little, and it is on that account that I call the matter to the attention of the House, and next Wednesday is all right as far as I am concerned. The two resolves seem to be alike, one provides for the year 1911 and the other for the year 1912, and the one for 1911 has the emergency clause attached to it and the House will understand it, so I have nothing further to say. I think next Wednesday is all right, but I would simply add that the gypsy moth is spreading in this State according to the reports which have been received from the several towns, towns where they have not appeared before, and so if the House understands what it is dealing with that is all I have to say.

Mr. DAVIES of Yarmouth: May I inquire of the gentleman from Columbia Falls, through the Chair, if there is any special reason for having the matter go over until next Wednesday?

Mr. ALLEN of Columbia Falls: Only that it may be possible to cut it down a little and get along with a little less money. That is the only reason I have.

Mr. DAVIES: Mr. Speaker, I understand the reason of the gentleman from Columbia Falls is that in his opinion the amount of the appropriation is too large, and that as we are going to consider the matter of appropriations on that day he would prefer to have it go over until that time. Am I correct in that?

Mr. ALLEN of Columbia Falls: Yes.

Mr. CHASE: Mr. Speaker, if that is the case I wish to suggest that the original resolve which was approved by the agricultural committee was for the sum of \$25,000, and it seemed to be approved by everybody here, but after the resolve was divided on motion of the gentleman from Waterville so as to make the matter consistent, as the part applying to the year 1912 of course would not be a matter for an emergency clause, and after that the resolve got into the hands of somebody, I don't know who, and they had it cut down \$5000. Now I don't think, as far as I am concerned, if you cut the appropriation out altogether—it won't hurt my feelings anyway, only I want the House to know what it is dealing with. This insect broke out first, as everybody knows, in the state of Massachusetts and they

appropriated money for it there for the purpose of suppressing it for several years, and then some people thought that the work was not being done effectually and so in order to make it effective they took away all appropriation and let the moth have its own way for four or five years, and the result is that it has gone all over the country. Now, if we want to pursue that course it won't make any difference to me. I can take care of myself, I think, but I am simply throwing out these suggestions so that the House will know what they are dealing with and all about the matter, and, as I said before, it won't hurt my feelings a particle if you cut out every dollar of that resolve, only you will take your chances with the gypsy moth, that is all.

The SPEAKER: The question before the House is whether this matter shall be assigned for Wednesday of next week.

Mr. PATTANGALL of Waterville: Mr. Speaker, I would like to offer an amendment to House Resolve No. 419, by striking out the word "twenty" in the sixth line thereof and substituting therefor the word "fifteen;" and I move that the amendment lie upon the table and be printed and considered at the same time that the resolve is considered.

The amendment was adopted.

Mr. CHASE: Mr. Speaker, I would suggest that the motion be made so as to apply to both resolves.

The SPEAKER: This applies to House Resolve No. 419.

The resolve was then assigned for next Wednesday.

Mr. DAVIES: I understand that House Resolve No. 418 was assigned for next Wednesday.

The SPEAKER: It was; they are both assigned for the same date.

Mr. TRAFTON of Fort Fairfield: Mr. Speaker, I do not see any printed statement of facts with these resolves. Do they come under our rule?

The SPEAKER: The Chair will state that it understood the gentleman from York to say that these were matters which were prepared at the request of one of the public departments. I think a different rule would apply than would apply to private matters.

On motion of Mr. Allen of Colum-

bia Falls, the vote was reconsidered whereby House Resolve No. 418 was assigned for Wednesday of next week.

Mr. Pattangall of Waterville then offered House Amendment A, to amend by striking out the word "twenty" in the sixth line thereof and substituting therefor the word "fifteen."

The amendment was adopted.

The resolve and amendment were then tabled, the amendment to be printed, and assigned for Wednesday of next week.

House Bill, No. 468, An Act to extend powers of Barrows Falls Light and Power Co. (Re-committed to the committee on judiciary for a verbal correction.)

Senate Bill, No. 163, An Act to incorporate the General Conference of Free Bantists.

House Bill, No. 436, An Act to extend charter of Hiram Water, Light and Power Co.

(Tabled pending third reading on motion of Mr. Plummer of Lisbon.)

Senate Bill, No. 161, An Act to incorporate the Baskahegan Dam Company.

Senate Bill, No. 149, An Act relating to clerk hire in York county.

House Bill, No. 437, An Act to amend Chapter 359, Private and Special Laws of 1903.

House Bill, No. 438, An Act relating to terms of S. J. court in Aroostook county.

House Bill, No. 439, An Act relating to town and city by-laws and ordinances.

House Bill No. 444, An Act to amend charter Ossipee Valley Power Company.

(Tabled pending third reading and assigned for Thursday of next week on motion of Mr. Emery of Sanford.)

House Bill, No. 440, An Act to change name of Baptist Society of Yarmouth.

House Bill, No. 441, An Act relating to Bar Harbor municipal court.

House Bill, No. 442, An Act to incorporate Monson Water Company.

House Bill, No. 443, An Act relating to wharf in Casco bay.

Senate Bill, No. 170, An Act to appropriate moneys for year 1911.

(Tabled pending third reading and

assigned for Thursday of next week on motion of Mr. Pattangall of Waterville.)

Senate Bill, No. 167, An Act relating to census of feeble minded.

Senate Bill, No. 157, An Act relative to transportation of public officials.

House Bill, No. 473, An Act relating to damages for property taken for public uses.

House Bill, No. 445, An Act authorizing town of York to lease certain lands.

House Bill, No. 446, An Act to incorporate Guilford Water Company.

House Bill, No. 449, An Act to incorporate Lincoln Water Company.

House Bill, No. 452, An Act to amend Chapter 374, Private and Special Laws 1909.

House Bill, No. 456, An Act relating to bridge across Piscataqua river.

(Tabled pending third reading and assigned for Thursday of next week, on motion of Mr. Sleeper of South Berwick.)

House Bill, No. 457, An Act relating to roads in Kingsbury plantation.

House Bill, No. 458, An Act to amend charter Kibbie Dam Company.

(Tabled pending third reading on motion of Mr. Chase of York.)

House Bill, No. 459, An Act to amend charter Spencer Dam Company.

(Tabled pending third reading on motion of Mr. Chase of York.)

House Bill, No. 461, An Act relating to close time on lobsters.

(Tabled pending third reading on motion of Mr. Peters of Ellsworth.)

House Bill, No. 470, An Act to extend charter Rumford Falls & Bethel Street Railway.

House Bill, No. 471, An Act to extend charter Waldo Street Railway Company.

House Bill, No. 474, An Act relating to railroad crossings in town of St. George.

#### Passed to Be Enacted.

An Act to regulate fishing in Whetstone pond, so-called, situated in the town of Kingsbury and in the town of Blanchard, in the county of Piscataquis.

An Act to extend the provisions of

Chapter 361 of the Private and Special Laws of 1907, relating to fishing in the Fenderson brook and its tributaries in the town of Parsonfield.

An Act to repeal Chapter 326 of the Private and Special Laws of 1909, relating to fishing in Webb's river and its tributaries, in the town of Carthage, in the county of Franklin.

An Act to prohibit the catching or taking of eels in St. Georges river, in Warren, in the county of Knox, in any other way or manner than by hook and line or with spears.

An Act to amend Chapter 407 of the Private and Special Laws of 1903, as amended, relating to ice fishing in Eagle lake in the town of Eden, county of Hancock.

An Act to regulate fishing in the tributaries of Big Concord pond, in the town of Woodstock, in the county of Oxford and to repeal Chapter 347 of the Private and Special Laws of 1905.

An Act to regulate fishing in Hall pond, in the town of Paris, county of Oxford.

An Act to prohibit the throwing of sawdust and other mill waste into Duck Puddle pond, so-called, Pemaquid pond, so-called, Biscay pond, so-called, and Boyd's pond, so-called, all in the county of Lincoln.

An Act to prohibit the throwing of sawdust and other mill waste into the south branch of the Piscataquis river in the town of Kingsbury, and in the tributaries to said south branch of Piscataquis river in said town of Kingsbury and in Thorn brook, so called, and its tributaries in the towns of Abbott, Kingsbury and Blanchard, in the county of Piscataquis.

An Act to repeal Chapter 398, of the Private and Special Laws of 1909, relating to fishing in Royal's river.

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

An Act to amend Section 1 of Chapter 117 of the Public Laws of 1909, relating to the taking of white perch.

An Act to regulate the opening of streets in cities.

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

An Act to amend Chapter 160 of the

Private and Special Laws of 1909, relating to fishing in Spear stream and its tributaries, in the town of Peru, in the county of Oxford.

#### Orders of the Day.

Today assigned: Bills relating to the herring fishery.

Mr. Heffrom of Eastport moved to indefinitely postpone Senate Bill No. 124 with Amendment No. 147, Senate Bill 133 with Amendment No. 116 and House Bill 315.

Mr. PLUMMER of Lisbon: Mr. Speaker, the condition of these bills before this House is not much clearer than is the condition of the fishing industry to individual members of it so far as I have been able to ascertain. It would seem to me, however, that some bill, I don't know that it makes much difference which one, as they appear to me to be all equally iniquitous, might be taken up as a test vote. If the House should indefinitely postpone that one we could probably do the same with others; if, however, it should decide not to indefinitely postpone but to take it under consideration it might be possible to do one of two things, either to recommit the whole of them to the committee or have the House go into a committee of the whole for the consideration of all of them. I think that the matter would be perfectly clear by discussion of the main question on the motion of the gentleman from Eastport.

Mr. DAVIES of Yarmouth: Mr. Speaker, if my understanding is correct in this matter the proposition presented to the House is clear-cut and perfectly plain and it is this, whether the State of Maine shall prohibit the catching of herring in any other way except by weirs or whether it will permit drag seining as it is carried on at the present time; and that is exactly the proposition, and I ask the chairman of the committee on shore fisheries if that is not true.

Mr. PERCY of Bath: Mr. Speaker, it is true. We have had a very hard time in trying to bring about some legislation that would help everybody. It is an impossible thing to do. Now all these different bills that we have had here, if you take the fish bills out of

that collection of bills making up that book, we could put it in our pocket. (Laughter.) There are going to be other bills as I understand brought in here. I do not believe it is right to expect the members of this House to pass a piece of legislation which I consider is selfish. It is selfish; the legislation that is being asked for by those bills is class legislation and nothing else. I do not think, Mr. Speaker, that any of those bills ought to pass, and I think the motion of the gentleman from Eastport that the whole of them should be indefinitely postponed should prevail; and I would like to see a vote taken on it and see if that is not the sentiment of the House. (Applause.)

Mr. PATTANGALL of Waterville: Mr. Speaker, I move that Senate Document No. 146 and Senate Document 133, those being the bills which definitely and in terms forbid the catching or taking of herring except by the use of permanent weirs, be indefinitely postponed.

The question being on the indefinite postponement of Bill, No. 133,

The motion was agreed to.

The question being on the indefinite postponement of Bill No. 146,

The motion was agreed to.

Mr. Davies of Yarmouth moved that Bill, No. 147 be indefinitely postponed.

Mr. HARMON of Stonington: Mr. Speaker,

Viewing the fish fight from the State's view point, the numerous bills before this Legislature would seem to point to a practical fight for privilege, both parties bring in arguments to make their side of the question appear reasonable and right.

The different interests have appeared here and claimed that their special industries would be put out of commission if this or that measure was to become a law. The committee have listened to all this and have become satisfied that no bill could be passed that would satisfy either party. One party claims fish are becoming scarce gradually, but surely.

The other party claims there are plenty of fish and point to the pack

of sardines the past year, to prove it, etc.

A little independent thought or reflection on this question will, I think show up the following unquestionable facts. Several years ago the pack of sardines was in excess of two million cases, exceeding and record before or since. The smoked herring pack was enormous, and all other herring product was in abundance. No scarcity of bait for lobster fishermen or ground fishermen was heard of.

What was the condition last year? Herring were exceedingly scarce all along the coast. An unheard of condition existed. The eastern sardine packers were forced to go to Boston and other out of the State places, and buy herring; shipping them by railroad to Eastport in order to keep their plants running. Unheard of prices prevailed. The smoke house men could not get a fish, and as a result, not a herring hangs in any of the smoke houses today that was caught on the coast of Maine last year. The lobster fishermen faced the same condition. The great scarcity and consequent prohibitive prices of herring made it impossible for them to secure bait, and hundreds of them are idle this winter on account of it.

The great sardine industry recognizes the growing scarcity of herring, as shown by their movement westward, away from the home of the industry, where once no such conditions presented themselves. The Lawrence Brothers of Lubec have built a very large plant at Rockland, and now building another at Stonington. The Lubec Sardine Company are building a big plant at Belfast, and still others contemplating. Now this would seem to me to be sufficient evidence of a growing scarcity. Some of the packers tell me that they failed to secure a fifty per cent. pack, notwithstanding the fact that they used unlimited money, and tried in every way to secure a supply of fish.

Now the great question before our State is to protect these industries, by protecting and regulating our herring fisheries. Why is there necessity for this protection and regulation? The

people of the entire State are alarmed at the growing scarcity of herring.

The great cause of the scarcity is unrestricted, unlicensed, unbusiness-like method of fishing, which has sprung up under the law. Now, this act is offered to amend the law so that no such abuse will be allowed. This amendment will place the great natural resource, herring, under control of the State and give all men a square deal under the law.

It requires first that a license shall be required which is the only way that the State can control. It requires that a license to build, means build and operate or else abandon and allow someone else the privilege. It does away with monopoly of weir and fishing privilege. It also compels the removal of old and abandoned weirs, which every man knows is a necessity if we are to keep our bays unobstructed both to fish and navigation.

This amendment will regulate, what has become known as "fake weir fishing," which is one of the kind that knows no license. Nor ask leave or liberty of the State or town to fish anywhere, anytime and anyhow that owners see fit, which has proved a great injustice.

It has invariably driven fish out of the vicinity where practiced. If this amendment is not passed and these abuses are not regulated it is only a question of a year or two when the herring will be where the mackerel and porgies have gone, and there will be no need to pass any amendment or other regulations. There will be nothing to regulate.

Mr. Speaker, herring is the great wheat of the sea on which all fish feed. In order to catch halibut, or ground fish, it is necessary that you use herring for bait. There is nothing else to take its place. Last year there was caught on the coast of Maine halibut, lobster and ground fish to the value of \$2,500,000. There was paid out for curing and taking care of these fish \$250,000, making in all \$1,500,000 in value. There were engaged in fishing 12,424 men who earned their livelihood at the business. There was used in the way of boats, gear, and so forth, in the catching

and curing of these fish, nearly \$3,000,000 of property.

Now we claim that the great resource of the State of Maine, the herring industry, should be protected. The general superintendent of one of the largest sardine factories of the State of Maine was here and appeared before the committee. The same firm owns other large sardine factories in Maine. He asks, for the owners of this factory, that the Legislature pass some law which would regulate and stop this fake weir fishing; and he certainly would not be here working against his own interest. Other sardine packers have appeared here and also asked for the same protection. These people certainly would not work against the interest of their own companies.

I cannot agree with the gentleman from Eastport who claims that the sardine factories would have to go out of business. It seems that what some of these factories wish to do is to make one more grab at the herring and make money enough to last them through life, which would deplete the supply for future generations. Who are the fake weir fishermen? A tenth of them come from Canadian waters, come across the line and man American boats and come up along the coast of the State, build their fake weirs across large coves, destroying nearly half of the fish during one night, and the next night they are at some other cove doing the same thing. They are depleting the herring supply. We believe that they ought to be regulated the same as other fishermen. If they are regulated in this way, the wardens can enforce the law. If they are allowed to do as they have been doing, your could not get wardens enough on the coast of Maine to keep them under subjection. They had a great many of them before the courts and they escaped with small fines. Mr. Speaker, I hope this bill will receive the favorable vote of this House. The old law is good enough if so amended.

The SPEAKER: The pending question is on the indefinite postponement of Bill No. 147.

Mr. PETERS of Ellsworth: Mr. Speaker, I desire to explain my understanding of the exact question before the House. If the members will take No. 147, which

is the proposed bill with the proposed amendment, both of which have passed in the Senate to be engrossed. they will find that Section 1 of the bill simply provides for an amendment by adding a few lines to a statute that has existed on the books for many years, and about which there is no question, and I believe it is agreed generally that it is a proper statute and requires no change excepting in this, that while it is now required that any person intending to build or extend a weir in tide waters shall obtain a license from the municipal officers therefor, there shall be added to that provision a clause to the effect that the applicant for a license to build and extend a fish weir shall first give bonds to the town without sureties in the sum of \$100 conditioned that upon the termination of his license he shall remove all stakes and brush from the location therein described. That is to say, it has been found that people who obtain a license from the municipal officers sometimes were careless in leaving their stakes in the flats and that persons operating motor boats and other boats subsequently were likely to be damaged by the stakes somewhat below the surface of the water which were left there; and this amendment merely provides that when a man gets a license to build a fish weir he shall use ordinary reasonable care to take away obstructions to navigation when he gets through. Nobody could disagree with the policy of that amendment. The next proposition of the bill is this: The license for the building or extension of a fish weir shall terminate and become void unless such weir shall be built within one year from the date of the license, and maintained and operated in good faith for some part of each year thereafter. That simply provides that the person obtaining a license shall proceed and make some use of it, shall contribute to the business of the community and shall not be permitted to obtain a license merely for the purpose of tying up the opportunities for business without operating, which seems to me very reasonable and proper.

The next section provides an amend-

ment to our old provision of the statute in regard to maintaining a fish weir below low water mark in front of land of another, and says that this chapter shall apply to all weirs including herring weirs except such weirs the materials of which are removed annually; and that exception applies to the smelt fishing principally, to the smelt fishing on our rivers, and can for the purposes of this discussion be neglected. Heretofore the law was that no fish weir or wharf should be extended in front of land of another below tide water without the owner's consent under penalty of \$50 for each offence. Now the proposition is that that provision shall be extended to cover herring weirs. It was thought that it did cover the weirs before, but it was decided by the court in a certain case that it didn't cover herring weirs and this provision explicitly carries the provision and protection of the statute over herring weirs. If this passes, a man who desires to build a herring weir, must apply to the selectmen and pay \$5 to the town, and after notice, if the selectmen give him a license, he can then operate his herring weir in the same way as the man who operates a weir for any other kind of fishing can now conduct his business.

Now this matter should be considered without doubt in connection with the law in regard to purse seining. I understand that the present law prohibits the catching of herring by purse or drag nets within certain bays east of a part of Penobscot river bay. I understand that under the ruling of the department of shore fisheries, it is the common practice of the men who seek to catch these herrings to supply the factories, that in finding a school of herring and driving it ashore, surrounding it by a large net and dropping down a few stakes with anchors on them, they call that a weir, and that under this ruling of the department is not contrary to the law against purse seining. That operation is held to be an operation of catching fish by a weir, and not the operation of catching fish by purse or drag seines. Now it seems to me perfectly clear that it is drag or purse seining

and it is not catching fish by means of a weir. It seems to me there is no doubt about the proposition that the men who get these large schools of fish in these ways evade the law prohibiting the catching them by purse seines; and that is the way they evade it. And it is said and claimed very strenuously that this method of getting the fish seriously damages them, that they get a lot of them together and part are kept and others are smothered and those that are smothered are killed and seriously interfere with their fishing in the same locality for a long time and it is claimed that this kind of fishing and this kind of a net is very detrimental to the fishing business. Whether that is true or not it is evidently true that that method of operation, getting your fish with a net and then building a weir around them, is very detrimental to the men who have the permanent weirs on the shore. It seems to me perfectly reasonable that we should by proper legislation so arrange the laws of the State that the weir fisherman, who has invested his money, who is a permanent man, who lives in the locality, who catches his fish year after year by this method, who has obtained his license and given his bond, that he should at least have the protection that the other man has who comes from another section of the State or another country perhaps and wants to operate by what they call a fake method of weiring—that he should at least give the same bond, pay the same fee of \$5 and receive the same license from the selectmen.

I cannot appreciate any argument on the basis of catching fish because there is a large amount of fish required. I had rather see regulations in regard to these fisheries which are believed by experts to result in continuing the business of holding the fish for use for future generations than in any other line. This bill is not the bill of the proponents when they came here. Nor is it the bill of the seiners. I understand while both parties had propositions, that this matter resulted from a discussion of the whole thing before the

committee and that this is in a measure the committee's bill. It doesn't seem to me that it gives anywhere near the amount of protection that the weir fishermen are entitled to, but it does give some protection, and so far as it does give it it appears to me very wise; and I earnestly hope that it will receive a passage by the House.

Mr. HEFFRON of Eastport: Mr. Speaker, I take exception to the statement of this bill having been discussed before the committee. As the bill was put in originally, House Bill No. 92, I tabled it on February 2d. A month afterwards in executive session this bill was sprung on the committee as an amendment. There was not a man on the committee who knew anything about it outside of the chairman, none whatever, or who knew what was in the bill or what its intention was. We did not ask for seining; we asked for a half-way measure. We say that everybody should be protected. It is the west coast packers who have been here; they have trimmed us every time so that the eastern packers haven't got a fair show and never had. They are here this winter, they were here before the committees were appointed and they have been here ever since. I claim that this bill is not properly before this House. Any bill changing the laws of the State of Maine should be at least advertised before it is heard by a committee. I have the commissioner's report for 1910. What does it say in regard to the fish? Does it say that they are disappearing and have got to be protected? This does not show a falling off in their number. Something was said about the pack. I have here the figures showing the amounts packed by 26 packers in the years 1905 to 1910 inclusive, and the amount in 1910 was 1,600,000 cases, making 93,199 cases more than an average pack for the last six years.

Mr. BOMAN of Vinalhaven: Mr. Speaker, as a member of the committee I wish to make a few statements. In the first place I am not in favor of free seining, neither am I in favor of monopoly in anything. I believe in fair play for everybody. I regret very



much to say that the committee composed of nine able men and myself were not able to agree on any particular bill. In regard to this bill under discussion I wish to say that it is true I signed the minority report; but had there been a hearing there might have been some good reason assigned which perhaps would have changed my mind. For that reason perhaps I erred in signing that report. I make this explanation so that I may not be accused of being inconsistent.

Mr. HARMON of Stonington: Mr. Speaker, the members of that committee are made up wholly of men from the coast who know the conditions on the coast, and I believe they are honest, just and conscientious members, and as nine members out of 10 signed the report, I believe that this bill ought to have a passage.

Mr. DAVIES of Yarmouth: Mr. Speaker, I was very much impressed with the explanation of the matter by Judge Peters and with the remarks of the other gentlemen. I feel, however, that there are one or two things that I ought to say in the interests of the few fishermen who are engaged in the herring industry where I live. I live on an estuary of the Yarmouth river and we have perhaps 15 people there who are engaged in the season in the catching of herring. I have no intimate knowledge upon the subject and I have been dependent entirely for my knowledge of the question upon the men who have come to my office from time to time and have talked over matters which related to this question. So I have looked to the commissioner's reports. I have here the report for 1903, 4, 5, 6, 7 and 8, and the commissioner of shore fisheries, Mr. Nickerson, for the years 1903 and 1904, had this to say about the matter of the herring industry: "My opinion is that we cannot and never could by the result of legislation either lessen or increase the supply of herring. Take them wherever and whenever they are found. The great ocean is their home and any contrivance of man to catch them will not apparently lessen the quantity on the shores. They will be

found where suitable temperatures exist and food is plenty." In 1905 Mr. Nickerson used precisely the same language in referring to the matter. What does Mr. Donohue say about it, the present commissioner? In his report for 1907 and 1908 on page 17, he says, "I believe that the weir men who have a large amount of money invested in their shore properties should have ample protection, and if there were no law at the present time protecting them, I should favor one, but there is a law and there is abundant law." The law provides that you shall not catch herring with a seine within 1000 feet of the mouth of a weir. Isn't that some protection? And east of the Penobscot river it provides that you shall not catch them within half a mile. Isn't that ample protection? Do you want to pass a law here that will prohibit a man who owns a seine from putting it in the water so that he cannot catch a few herring for bait. A great deal has been said about the conservation of the industry. What is the history of the industry, in Norway, England and Japan where the catching of the herring is a national industry? They prohibit the catching of the fish in any other way except by seines and do not permit the building of a weir. What are the conditions at present in Washington county where the law says that they shall be half a mile away? There are less herring there now than there were two years ago. In Casco bay where the catching of them is permitted by seining, there was the largest catch last year that they ever had. So is there anything in that proposition? Can we not very faithfully rely upon the investigation and the experience of the commissioners of shore fisheries? If we cannot, on whom shall we rely? Whose opinion are we going to take? And are we going to prohibit a few fishermen from catching herring for bait? I do not believe this is class legislation. I think the ocean is big enough and protected enough so that we can without any question permit people to fish there under present restrictions and present regulations; and it is this appeal that

I make for the few men who are engaged in that industry in my town.

Mr. PATTANGALL: Mr. Speaker, I wish to say a word simply to get the minds of the House back to the bill that they are considering. This bill contains just three simple propositions. Section one is that the weir owner when he finishes his season and removes his weir shall clean up his weir refuse. I don't know of anybody in the world to be harmed by that. Take the second section. It says that when a man takes out a license for a weir, if he does not use it within a year he forfeits his right to use it. Does anybody object to that? Take the third section. As the law stands at present, if a man wants to erect a fish weir in front of my land he has got to get my consent first. And he has got to go to the selectmen and get a license. They issue one, and then he has got to go further, he has got to get a permit from the treasury department of the United States. He locates his weir in that way now. At the end of that section the statute says that this statute shall not apply to weirs the principal portion of which is removed annually. That was to let out the little weirs, the salmon and smelt weirs, the little weirs that are put down and removed. Now we all know that the large herring weirs are not removed except by the elements, and nobody ever supposed but what they stood squarely under that statute, and all over the coast today men own weirs which they erected under license from the selectmen and have put their money into them. In connection with this statute a case went up to the courts in which Mr. Wyman of Milbridge was interested, and there it appeared as a matter of fact that a larger part of the weir which he controlled was removed annually by the ice and water, and the court said that there was a question whether the weirs operated for sardine fishing came under the provision of that statute or not. Now the amendment was proposed that that chapter should apply to all herring weirs. That took away that doubt. Now who objects

to it? Do the seiners object? There is not a single word in that bill that has anything to do with seining; I mean what I have always understood by the word seining. There is not a word in that. The gentleman from Yarmouth says that we have a half-mile protection from seiners. Does he think there is anything in that bill that keeps the seiner any farther away from a weir? I would say that in Washington county instead of having a half-mile limit, they have an arbitrary line drawn from headland to headland. That does not touch that law in this bill, nor the law in regard to Casco bay in this bill. Now suppose you pass the bill. Will anybody be injured by passing it?

It has been said that this bill is not properly before this House. When gentlemen are voting on a business proposition they want to vote without prejudice. I am satisfied that the whole difficulty with regard to this bill came about from this: That the committee on shore fisheries unfortunately disagreed on some matters and instead of getting together, men on both sides were a little arbitrary with each other, and they sort of flew off the handle and said: "We won't pass any bill which has got a certain gentleman's name on it." That is boys' play. If you are going to indefinitely postpone this bill, gentlemen, do it because of something that it contains in the way of a law that you do not like. If you are going to pass it, pass it because it contains something you do like; but don't vote against it because somebody was on the committee who quarrelled with somebody else or because somebody is afraid that it will lead to something which is not in the bill at all. The gentleman from Yarmouth says he is guided by the reports of the fish commissioners. There isn't anything in Mr. Nickerson's or Mr. Donohue's report that would lead you to believe that they thought it was wrong to have that bill passed. Mr. Nickerson believed that free seining was proper. If it is, pass a free seining law if you want to, but this law don't affect seining at all. Mr. Donohue does not be-

lieve that free seining is proper but he does believe that some protection to our shore fisheries is necessary. But those are broad questions and this bill only contains three narrow propositions. Do you believe it is right for the men to clean up their weir privileges? Do you believe it is right when a man takes out a weir privilege that he should use it within a year or else abandon it? And third, do you believe it is proper to insert in the statutes the word "herring" so as to make the law apply to herring weirs, as every lawyer in the State of Maine believed it did apply to them until the court in the Wyman case said it did not. That is the whole of the case in regard to that bill. (Applause.)

Mr. DAVIES: May I ask what the conditions are in Washington county at the present time with respect to the catching of herring, as to whether the conditions there are as favorable as they were five years ago for the herring fishermen?

Mr. PATTANGALL: The conditions in Washington county with regard to the herring industry are very bad and they are bad for this reason, in my opinion, that during the past five years the gentlemen who have appeared before this Legislature this winter protesting against the passage of this and similar laws have taken the law in their own hand and seined fish all along that coast in the past in spite of the law and nobody has had sand enough to stop them. The conditions there with regard to herring are very much the same as they are in the city of Bangor with regard to prohibition. (Laughter.) We have had a pretty good law but absolutely no enforcement of it. (Laughter.)

Mr. DAVIES: I was not aware that conditions in Washington county were anything like what they are in Bangor. As to the portable weir, that is what we object to. We object to the use of the portable weir and our objection is right there, because that denies the fisherman a certain right which I think he ought to have.

Mr. OTIS of Rockland: Mr. Speaker, I want to call attention to one point which

I have not heard alluded to, and that is the real grievance of the fishermen, their real objection to this bill. Now I do not propose to offer any comments upon this bill, for I have not studied it sufficiently to be competent to make any suggestions, but I do know what the fishermen themselves say is the trouble with the bill, and I believe I can state it so that the House will understand it, and if I am wrong about it I beg to be corrected. As I understand it, this bill requires two things. In order that the fisherman shall put down his portable weir or seine he must get a license from the municipal officers of the town where he is located and he must also get the permission of the owner of the land where he wishes to put it down. Now, under the law as it is today he gets his license, as the gentleman from Waterville has explained, which is an old custom, and that simply permits him to put down his weir during the pleasure of the person who owns the land. Under the law he has the absolute right to put it down, after he has secured permission from the owner of the land, he has the right and can continue it there as long as he pleases and the only provision is that he shall remove the debris when he gets through; but it does not say when he shall get through, he can continue there as long as he pleases after he gets this license from the town, and he may never get through. The provision of the law applying to that does not apply to the real objection on the part of the owners of the land, so that if he gets his license from the municipal officers of the town and undertakes to put down his seine and the owner of the land says "no" then he could not stay there as long as he pleased; so that the practical effect of this bill as it stands is to make it absolutely impossible to get the consent of the owner of the land which he can readily get today. The owner of the land can make him get out at the end of the season if he wishes. This has been represented to me as the real grievance on the part of the fishermen, but I may be all wrong about it, and if I am wrong I am willing to be corrected.

Mr. PETERS: In answer to the gentleman from Rockland I will say that

the men who operate the seines claim to be operating them as weirs. This bill provides that if they are weirmen they shall come under the same regulations that govern all weirs, and that is all there is to it.

Mr. HEFFRON: I suppose both the gentleman from Waterville and the gentleman from Ellsworth know that there is a law in Washington county that forbids the selectmen from issuing a license to non-residents. Where are we going to get our pay?

Mr. PLUMMER of Lisbon: Mr. Speaker, the idea has been suggested of protecting the weir fishermen. I don't know much about this proposition and for that reason I am going to vote against the whole of it until I can find out something more about it. There is no compulsion for a man to put down a weir under the present circumstances unless he wants to, and if he sees fit to put one down under the conditions as they are, then let him take his chances. There is another thing about this section three that looks a little peculiar. In the first part of the bill it goes on and states the words that are to be added, and in Section 3 it only says that Section 99 of Chapter 40 is amended so that said section shall read as follows, and they have put in the word "herring" there somewhere, and that is substantially all the change there is.

Mr. PETERS: Will the Chair kindly state the question before the House.

The SPEAKER: The question before the House is on the indefinite postponement of Senate Bill No. 147.

A division being had, 24 voted in favor of postponement and 58 against.

So the motion was lost.

On motion of Mr. Peters of Ellsworth, the House voted to non-concur with the Senate in the adoption of Senate Amendment A, and on further motion by the same gentleman the re-

port of the committee was accepted. Mr. Heffron of Eastport moved that the bill be laid upon the table.

The motion was lost.

Mr. PLUMMER of Lisbon: Mr. Speaker, I move to amend by striking out all of Section 3.

The SPEAKER: Will the gentleman prepare his amendment and forward it to the Chair?

Mr. Harmon of Stonington moved that the House adjourn.

The motion was lost.

Mr. Plummer of Lisbon then offered House Amendment A, to strike out Section 3 of Senate Bill No. 147.

The amendment was lost.

The bill then received its two readings and was assigned for Tuesday of next week.

Mr. Peters of Ellsworth moved that House bill No. 316 be indefinitely postponed.

The motion was agreed to.

Mr. Scates of Westbrook moved that bill in relation to tenure of office of the commissioner of public works of the city of Portland be recalled from the printer on account of an error.

The motion was agreed to.

On motion by Mr. Williamson of Augusta, the vote was reconsidered whereby House bill 446, An Act to incorporate the Guilford Water District, was passed to be engrossed, and on further motion by the same gentleman the bill was tabled.

On motion of Mr. Chase of York, bill, An Act to amend the charter of the Kibbie Dam Company, was taken from the table, and on further motion by the same gentleman the bill received its third reading and was passed to be engrossed.

On motion of Mr. Pattangall of Waterville,

Adjourned.