

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

The committee on mercantile affairs and insurance.

The committee on military affairs.

The committee on interior waters.

The committee on labor.

The committee on pensions.

The committee on Year Book.

The committee on temperance.

On motion by Mr. Boynton of Lincoln.

Adjourned.

HOUSE.

Wednesday, March 22, 1911.

Prayer by Rev. Mr. Turner of Hallowell.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

An Act relating to the rebate of taxes on colleges, came from the Senate indefinitely postponed.

The House concurred with the Senate in its action.

Resolve that the land agent be authorized to convey an unmaimed ledge in Mussel Ridge Channel, came from the Senate indefinitely postponed.

The House concurred with the Senate in its action.

Resolve in favor of the Maine State Sanatorium Association, came from the Senate amended by Senate Amendment A by adding after the word "association" in line six the words "subject to the approval of the Governor and Council."

The House reconsidered the vote whereby the resolve was passed to be engrossed, Senate Amendment A was adopted and the resolve was then passed to be engrossed as amended in concurrence.

An Act in regard to the execution of deeds by an authorized agent, came from the Senate and recommitted to the committee on judiciary.

The House concurred with the Senate in its action.

An Act relating to the expenses of inspector of hulls, boilers and engines of steamboats upon inland waters, came from the Senate indefinitely postponed.

The House concurred with the Senate in its action.

Resolve in favor of repairing road across Township No. 5, Range 7 in Penobscot county, came from the Senate indefinitely postponed.

The House reconsidered the vote whereby this resolve was referred to the next Legislature and concurred with the Senate in its action.

Resolve in favor of a road from Brownville to the Katahdin Iron Works came from the Senate indefinitely postponed.

The House reconsidered the vote whereby this resolve was referred to the next Legislature and concurred with the Senate in its action.

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

By Mr. Hartwell of Old Town—Remonstrance of A. E. Wickett of Old Town and 17 others, against consolidation of the department of inland fisheries and game.

By Mr. Russell of North Berwick—Remonstrance of F. O. Snow and 98 others, against any change in the department of inland fisheries and game, as at present constituted.

By Mr. Dresser of South Portland—Resolve in favor of Wilbur F. Dresser.

By Mr. Strickland of Bangor—Resolve in favor of the postmaster of the House of Representatives.

Remonstrances of the following persons against consolidation of the Department of Inland Fisheries and Game:

By Mr. Libby of Oakland: Alton Farnham and 11 other of Belgrade Lakes and Rome.

By Mr. McGready of Danforth: W. B. Hoar and 12 others of Grand Lake Stream.

By Mr. Colby of Bingham: James Bartlett of Greenville.

Also, Chester Mills and 19 others of Jockman.

Solon Bunker and 13 others of West Forks and vicinity.

Also, George W. Spaulding and five others.

Also, Orrin McKay and 9 others.

Also, Walter S. Henderson and 36 others.

Also, Peter Liberty and 5 others.

Also, George Henderson and 4 others.

Also, Frank R. Holden and 14 others.

Also, Youngie Wilson and 7 others.

Also, Fred Clark and 19 others.

Also, W. E. Patterson and 11 others.

By Mr. Dow of Plymouth: J. S. Weymouth and 22 others of Plymouth.

By Mr. Clearwater of Hallowell: A. C. Harrington and 51 others.

By. Mr. Davis of Guilford: C. A. Judkins of Kineo and 12 others.

By Mr. Austin of Phillips: E. H. Lowell and 21 others of Rangeley and Eustis.

Also, Nathaniel B. Steward and 11 others of Dallas and vicinity.

Also, Natt Ellis of Rangeley and 31 others.

Also, G. M. Esty and 17 others of Rangeley.

Also, A. B. Douglass and 15 others of Stratton, Flagstaff and vicinity.

Also, Charles E. Smith and 21 others of Madrid and vicinity.

Also, J. E. Haley of Rangeley and 31 others.

By Mr. Colby of Bingham: Edilbert Arsenault of Rockwood and 16 others.

Also, Robert Walker and 7 others of Maccamp, Somerset county.

Also, A. J. Wilson and 4 others of Moosehead and vicinity.

By Mr. Turner of New Vineyard: Frank W. Gray and 55 others of Strong and vicinity.

By Mr. Porter of Pembroke: John A. Longmance and 69 others.

By Mr. Kennard of Baldwin: D. W. Stanley and 52 others of Standish.

Also, George H. Dole and 22 others of Standish.

Also, Walter P. Libby and 12 others.

By Mr. Kennard of Baldwin: Remonstrance of James F. Williams of Sebago against Portland Bridge Bill.

Also, Remonstrances of the following persons against same:

W. H. Fitch and 25 others of Sebago.

W. J. Thompson and 39 others of Standish.

Frank L. Clark and 9 others of Baldwin.

H. A. Miles and 51 others of Baldwin.

By Mr. Seule of Windham: Remonstrance of W. C. Jordan and 67 others against same.

Reports of Committees.

Report "A" from the committee on the judiciary, on Bill, An Act to provide for nomination of candidate of political parties by primary election, reporting that the same ought not to pass, the same subject matter having been covered by another bill.

(Signed) F. Bogue, Jos. Williamson, George B. Goodwin, Herbert W. Trafton, L. M. Staples, Josiah Chase.

Report "B" from same committee,

reporting "ought to pass" on same Bill.

(Signed) Edward F. Gowell, Albert J. Stearns, Howard Davies, Ira G. Hersey.

On motion of Mr. Davies both reports were tabled pending their acceptance and assigned for Friday.

Report "A" of committee on legal affairs, on Bill, An Act relating to the liability of employers to make compensation for personal injuries suffered by employes, reporting that the same be referred to the next Legislature.

(Signed) Messrs. Farrington, Peters, Scates, Wilson, Dodge.

Report "B" of same committee on same Bill, reporting that the same ought to pass in new draft accompanying.

(Signed) Messrs. Pelletier, Pattangall.

On motion of Mr. Pelletier the reports were tabled pending their acceptance.

Report "A" from the committee on the judiciary, reporting "ought to pass" on Bill, An Act to provide for the nomination of party candidates by direct primary.

(Signed) Herbert W. Trafton, Jos. Williamson, F. Bogue, George B. Goodwin.

Report "B" from same committee, reporting "ought not to pass" on same bill.

(Signed) L. M. Staples, Josiah Chase.

Report "C" from same committee.

(Signed) Davies, Stearns.

On motion of Mr. Williamson the reports were tabled, the bills ordered printed and assigned for Friday.

Mr. Trafton from the committee on the judiciary reported "ought not to pass" on Bill An Act to establish a law court and to abolish superior courts.

Mr. Hersey from same committee reported same on Bill, An Act relating to the Caribou Municipal court.

The reports were accepted.

Majority report of the committee on legal affairs, on Bill, An Act to amend Chapter 151 of the Laws of 1855, relating to the municipal court of the city of Biddeford, and Chapter 346 of the Laws of 1867, relating to the

municipal court of the city of Saco, and Chapter 522 of the Laws of 1897, relating to the Sanford Municipal court, reported that same ought to pass in new draft accompanying.

(Signed) Messrs. Pattangall, Wilson, Scates, Pelletier, Mullen, Dunn, Farrington, Dodge.

Minority report of same committee, reporting "ought not to pass" on same Bill.

(Signed) Peters.

On motion of Mr. Peters the reports were tabled, pending their acceptance.

Mr. Skehan from the committee on railroads and expresses, on Bill, An Act to extend the charter of the Waldo Street Railway Company, reported that the same ought not to pass, as the subject matter is covered by bill already reported on.

Same gentleman from same committee, on Bill, An Act to amend Section 7 of Chapter 53 of the Revised Statutes, reported that same ought not to pass as the subject matter is covered by another bill already reported on.

Same gentleman from same committee reported "ought not to pass" on Bill, An Act in relation to a railroad from Skowhegan through East Madison to Athens Village.

Same gentleman, from the committee on State lands and State roads, reported same on Resolve for the purpose of reforesting lands now owned by the State.

Mr. Plummer from the committee on Indian affairs, on Petition of Joe Francis, ex-Governor, and others, entitled "Petition to amend Paragraph 111 Section 15 of Chapter 13 of the Revised Statutes, relating to change in adoption of laws," reported that the petitioners have leave to withdraw.

Mr. Descoteaux, from the committee on labor, on Bill, An Act to amend Section 4 of Chapter 40 of the Revised Statutes, relating to fortnightly payment of wages and sanitary conditions of factories, reported that same ought not to pass, as the subject matter is contained in another bill which has become a law.

Same gentleman from same committee, on Bill, An Act to amend Chap-

ter 40 of the Revised Statutes, as amended by Chapter 46 of the Public Laws of 1907, and Chapters 70 and 257 of the Public Laws of 1909, relative to the employment of women and children, reported that same be referred to the next Legislature.

Mr. Hodgman from the committee on banks and banking reported "ought not to pass" on Bill, An Act relating to banking institutions and trust companies.

Mr. Staples from the committee on the judiciary reported "ought to pass" on Bill, An Act amendatory to Chapter 3 of the Private and Special Laws of 1887, entitled "An Act to supply the people of Presque Isle with pure water."

Majority report of the committee on legal affairs, reporting "ought not to pass" on Bill, An Act to amend Chapter 112 of the Public Laws of 1907, as amended by Chapter 69 of the Public Laws of 1909, entitled "An Act to provide for State aid, and for the expenditure of other public moneys in the permanent improvement of Maine highways or State roads.

(Signed) Messrs. Farrington, Wheeler, Peters, Dodge, Pattangall, Scates.

Minority report of same committee, reporting "ought to pass" on same Bill.

(Signed) Messrs. Wilson, Dunn.

(On motion of Mr. Wilson the reports were tabled for printing pending their acceptance.)

Mr. Scates from same committee reported "ought to pass" on Bill, An Act authorizing the city of Portland to construct public buildings upon public grounds.

Mr. Scates from the committee on legal affairs, on Bill, An Act to amend Section 34, Chapter 4 of the Revised Statutes, 1903 of Maine, relating to ward lines, reported that the same ought to pass in new draft under title of "An Act amending law relating to ward lines."

Same gentleman from same committee, on Bill, An Act to incorporate the Casco Bay Water Company, reported that the same ought to pass in new draft accompanying.

Mr. Bisbee from the committee on appropriations and financial affairs re-

ported "ought to pass" on Bill, An Act to amend Chapter 131 of the Private and Special Laws of 1858 as amended by Chapter 53 of the Private and Special Laws of 1887, relating to the Preachers' Aid Society of the Methodist Episcopal church.

Mr. Kelleher from same committee reported same on Resolve in favor of the clerk and stenographer to the committee on inland fisheries and game.

Mr. Strickland from same committee reported same on Resolve in favor of acceptance of gifts from Ex-Governor Frederick Robie.

Mr. Otis from same committee reported same on Resolve authorizing the Governor and Council to use any unexpended balance in the Treasury for the care and maintenance of bridges.

Mr. Mallet from same committee reported same on Resolve in favor of the clerk of the committee on Education.

Mr. Strickland from same committee, on Resolve repealing Chapter 338 of the Resolves of 1909 in favor of the town of Old Orchard, reported the same in a new draft under the same title, and that it ought to pass.

Mr. Skehan from the committee on Railroads and Expresses reported "ought to pass" on Bill, An Act to amend Section 50 of Chapter 51 of the Revised Statutes.

Mr. Hodgman from the committee on Banks and Banking reported same on Bill, An Act amendatory of and additional to Chapter 48 of the Revised Statutes, relating to annual examinations of savings banks and trust companies, and verifications of savings deposits.

Same gentleman from same committee reported same on Resolve authorizing the Governor to appoint a commission to investigate investments of savings banks.

Mr. Merrifield from the committee on Pensions reported same on Resolve in favor of John Bradbury.

Mr. Clark from the Cumberland County Delegation reported "ought to pass" on recommitted 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 Section 1 of Chapter 173 of the Public Laws of 1905, relating to the compensation of Registers of Deeds.

Same gentleman from same Delegation, on recommitted Bill, An Act to amend Chapter

80 of the Revised Statutes of 1903, relating to the expenses of the County Commissioners of Cumberland County, (the same being House Document No. 100) reported the same under a new title, "An Act to amend Chapter 80 of the Revised Statutes of 1903, as amended by Chapter 117 of the Private and Special Laws of 1905, relating to the expenses of the County Commissioners of Cumberland county," and that it ought to pass.

Same gentleman from same Delegation, on recommitted Bill, An Act relating to the compensation of the clerk, deputy and assistant clerks of Cumberland county, reported the same in a new draft under the same title and that it ought to pass.

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

Mr. Heffron from the committee on ways and bridges, on bill, An Act to provide for the erection of the Portland bridge, reported ought to pass.

Mr. SCATES of Westbrook: Mr. Speaker, I move that the bill be indefinitely postponed.

This is a matter relating to Cumberland county only and the rule has been in this Legislature, and in all former Legislatures, that that being the case the opinion of the delegation from that county should govern. Now at least 18 of the 22 representatives of Cumberland county are opposed to this bill in every shape and form. Why? Because it has not been considered by them. It was introduced without their knowledge, and it calls for an appropriation of at least one million if not a million and a half. It calls for a bridge 70 feet wide, made of iron and concrete, over the bay there and half a mile long. Now all the Cumberland county delegation desire is to be used exactly the same as you want to be used. Two years ago a bill like this went through the Legislature in about the same manner as this was introduced. Cumberland county invoked the referendum. They went around and got their 10,000 or 12,000 signatures and invoked the referendum, and the people of Cumberland county voted it down. Now, gentlemen, you should leave this to Cumberland county and to the Cumberland county delegation. Fifteen out of the 22, at least, of that delegation, to my knowledge, are opposed to the bill.

Mr. DRESSER of South Portland: Mr.

Speaker, as chairman of the legislative committee appointed by the Legislature, and as the only representative to this Legislature from South Portland it devolves on me to make some statements with regard to Portland bridge. Portland bridge is the main thoroughfare for South Portland to Portland. South Portland is as much or more interested as any other city, as a large majority of them are in business or are employed in Portland, and nearly all of them are obliged to cross Portland bridge two to four times per day.

On account of this being an old bridge, and the fact that it has been run into by different vessels many times, and on account of its being so small and so narrow especially when there is a car on the draw, there is only 9 ft. 3 in. in width for teams. The whole width of the draw is only 18 feet in the clear, and 70 ft. sluiceway, making the total length of the draw about 142 feet. This bridge when it was first built was never built to convey the travel that it is obliged to convey as electric cars were not thought of at that time.

Saturday, August 9, 1908, there were 660 teams which crossed this bridge, with 445 persons on foot, 100 autos and 347 cars. It costs \$4000 per year.

The next day, Sunday, August 10, 1908, there were 282 teams, 800 foot passengers, 126 autos and 373 electric cars. The distance is about 1-3 of a mile from shore to shore.

Several engineers examined this bridge and pronounced it dangerous and the people of South Portland became alarmed.

We then asked this Legislature to appoint a legislative committee of three from the House and two from the Senate which were to inquire into the condition of Portland Bridge, and they procured the services of Harold S. Boardman, head of the department of engineering at the University of Maine at Orono, an expert bridge builder, to examine the bridge.

A meeting of our committee was held Monday, Feb. 27, 1911, and the within report was made that "the bridge was dangerous, unsafe, and never adequate to accommodate the travel over it."

Now from Portland bridge to York

street is what is known as the Grid-iron of Death where some 24 railroad tracks cross this road. Portland bridge and the road from there is a county road. The Boston & Maine and Maine Central Railroad Companies have brought about this state of affairs, and should do something to remedy it. I am informed by good authority that they are ready to do so, but no one is authorized to make a trade with them. The county commissioners say they have no authority to make terms with them.

This state of affairs can only be remedied by a bridge from York street to the South Portland shore and whenever it is built it should be high enough for tugs and small crafts to go under without opening the draw. Therefore when it is built it should all be built at once.

After learning the condition of this bridge the committee reported this bill which is now before you. We ask you to authorize and direct and empower the county commissioners to make any trade or arrangements with the Boston & Maine and Maine Central Railroads and the Portland Street Railroad or any other company that may want to cross the bridge, and we also ask you to give them a reasonable time, and if a trade cannot be made with any or all of these companies that three judges of the supreme court hear the evidence and decide what each shall pay, and that within months from that time they shall commence to build this bridge.

Now gentlemen you have heard the report of the committee; you know the condition of the bridge; you know something of the travel.

There are interested in the building of this bridge the county of Cumberland, the city of Portland, the city of South Portland, the town of Cape Elizabeth, the Boston & Maine and Maine Central Railroad Companies, and the Portland Street R. R. Company.

It will not ruin anyone of them to build this bridge. They will tell you they cannot afford to build the bridge at present, but gentlemen in the face of this report can they afford not to build it. In the present condition of

this bridge can we wait until another Legislature, and perhaps have a serious accident on this bridge before that time.

For Heaven's sake, gentlemen, what must we do to get this bridge matter straightened out?

We have had a legislative committee appointed from Cumberland county. They have had this bridge examined by as good reliable engineers as there are in New England, capable bridge expert men from 40 to 45 years old, capable in every respect, and they pronounce it unsafe and dangerous.

Had they pronounced this bridge safe we were all done, but they say it is dangerous.

Do you want to risk your family over such a bridge? Would you do it?

It is not South Portland—but if the city of Portland could vote on it today they would vote 2 to 1 in favor of building it.

It has been said that the representatives of the county of Cumberland have not been consulted as they should have been. They were called together two or three times in consultation on the Portland bridge. The last time with regard to the appointment of a legislative committee which was appointed from Cumberland county. They made their investigation and agreed to report by bill.

They did not feel that they ought to consult with anyone until they made their report as they were supposed to report to this House. Then this bill was referred to the committee on ways and bridges who gave six days' notice and all parties were heard and the committee reported that it "ought to pass," and the report was unanimous of all parties who heard the evidence.

Now please tell me what more mortal man could be?

There is but very little opposition to this bridge. The town of Cape Elizabeth, city of South Portland, the city of Portland through her city solicitor, the county commissioner of Cumberland county, the Boston & Maine and Maine Central R. R. Company, out of all of these parties none of them claimed to appear against the bridge.

The Portland Railroad Company and my friend Scates is all the opposition

They say they are poor and can't afford to build this bridge, and we can't afford not to build this bridge. The bridge cannot be built under this bill inside of three or four and perhaps five years but we have suitable time under this bill to settle with the railroad company before commencing.

Why did not my friend Scates wait until this legislative committee had been appointed and until they had made a careful investigation and until this bridge had been condemned and until the committee had made a report to the Legislature, and until we had this matter referred to the committee on ways and bridges before he said one word to us about it, or before he began to line up Cumberland county delegation against this bill after it had been condemned, after all this work and then comes up and say they can't afford it. After these reports the people were more alarmed than before and then he comes round and says you cannot have it, you haven't used the delegation right, and he has showed up every man of that delegation that he could against it even the man who represents Cape Elizabeth.

Did the gentleman think I was jesting? No gentlemen, I am in dead earnest. The people I represent are in earnest and if I should forsake them now, and allow this to go in Mr. Scates' favor I should not dare to go back home.

Mr. JOHNSON of Harpswell: Mr. Speaker, as one of the delegation I want to say that the gentleman from Westbrook did not happen to line me up for this measure, because that was in our referendum last fall and our people voted against it almost unanimously. At the hearing downstairs the gentleman from South Portland speaks as though the city of Portland was almost wholly in favor of this measure. The mayor of Portland appeared against this measure, and that gives some idea of the way the city of Portland feels about it; and almost to a man the Cumberland county representatives are against it.

Mr. DAVIES of Yarmouth: Mr. Speaker, I happened to be a member of the committee for the purpose of investigating the condition of what is known as the Portland bridge. Many witnesses

were heard before the committee. A firm of civil engineers of Portland appeared before the committee and testified as to the condition of that bridge, and they told us that the bridge was not safe, that it was grossly inadequate for the purposes for which it was now being used. It was originally built for a highway bridge, not for a bridge over which there was to be electric car tracks, and the draw is extremely narrow to accommodate the service which goes over it. The committee summoned Professor Boardman of the University of Maine to give the committee information, and he told us that in his opinion it was necessary that something should be done at once upon that bridge. It was not safe for the travel; and in view of those facts could the committee have done anything else but to recommend the erection of a new bridge? I understand that the matter was left, under the conditions of the bill, to the committee on ways and bridges, and that there was a unanimous report in favor of the bill. And under those circumstances I can hardly conceive how the House could act along the line of indefinite postponement of the bill, but it seems to me that they should give the citizens of Cumberland county who have occasion to use the bridge that protection and that facility which they need.

Mr. JORDAN of Portland: Mr. Speaker, the bill provides that this bridge shall be built without any limit as to cost. Under the 25-year contract which the Portland Railroad Company has, it is a question if very much can be had from them, at least until their contract expires. As to the report of experts who have condemned the bridge, Portland has had something to do with expert testimony. I do not mean to criticize experts, but their reports are not always reliable. Inasmuch as the city of Portland will pay two-thirds of the cost of this bridge, whatever it may be, I think we had better nurse the thing along a while longer and perhaps we will be in better shape to pay it and in better shape to treat with the railroads.

Mr. MURPHY of Portland: Mr. Speaker, I have been connected with the city government of Portland for the past 12 years. I have heard them propose to build bridges, I have seen

them build the bridges and have seen the results financially. My honest opinion is that the bridge will have to be built across the Fore river and also the Gridiron of Death so-called, which has existed there as long as I have lived in the city of Portland, between 40 and 50 years. People have been injured and killed on this so-called Gridiron of Death. There was a bridge built from the high land over all the tracks to avoid accident to teams and passengers. That bridge exists today. It is an old dilapidated wooden affair, it is not strong enough to carry railroad tracks. That bridge will have to be rebuilt sooner or later. The Portland bridge that spans the Fore river will have to be rebuilt sooner or later. It is positively an antiquated and out of date bridge. Now I will agree that the Cumberland county delegation almost to a man are against the immediate building of the bridge. I am myself. This bridge must be built sooner or later. So I am going to move that this measure be laid on the table in order that an amendment of some kind may be made. I favor empowering the county commissioners to investigate the matter thoroughly and to negotiate with the different companies if it is possible to do so to formulate plans and report to the next Legislature. That is as far as I want to go. I believe there are two extremes, one representing the corporations and their interests and another representing the citizens of Portland somewhat but more particularly South Portland. I think I am talking honestly in regard to this matter. No one has any whip over me. None of the corporations have been to see me one way or the other. I am saying just as I think is right. If they are going to build a bridge they ought to tell us something about how much it will cost. But South Portland and the county of Cumberland are not going to pay the entire cost. The electric railroads will have to pay something. I move the adoption of my motion.

Mr. DAVIES: Mr. Speaker, one of my friends has just told me that quite unintentionally the impression has been given him that the question which is involved in this bill providing for the erection of Portland bridge is the

precise question that was defeated under the referendum two years ago, but that is a mistake. The question that went under the referendum and was defeated was quite separate and apart from the question involved in this matter.

Mr. ACTIVE I. SNOW of Brunswick: Mr. Speaker, I am a representative from Cumberland county and I suppose that bridge, sooner or later, will have to be built, but when we have to do a thing it seems to me we want to go at it in a businesslike way. Those gentlemen from South Portland knew that this bill was coming up, and it seemed to me the proper thing to do was for them to have had a plan drawn up and figures from some good responsible bridge company and know what it would cost, and then we should have known what to do, but they have come here all haphazard. There are estimates ranging all the way from \$500,000 to \$1,500,000 as to the cost of this bridge. I think that this should be indefinitely postponed, and in two years from now, if we have got to build a bridge there, let them come here like men with the plans and figures and show to the Legislature what they want, and then we shall know what to do.

Mr. MURPHY: Mr. Speaker, I think the proper people to bring plans are the county commissioners; and in relation to the people defeating this measure one year ago or so, it was because in the bill the tracks that now cross under one of the bridges were to be legalized. The people voted against this bridge building because the building of the bridge would legalize tracks.

Mr. DRESSER: Mr. Speaker, I want to use the Cumberland county delegation fairly and on that account I second the motion of the gentleman from Portland (Mr. Murphy) that this matter lie on the table.

Mr. HARRISON of Weston: Mr. Speaker, I am in favor of the indefinite postponement of this bill. The Portland Railroad people would not run their cars over there every day if it was unsafe. All we ask is that you people look at this matter fairly.

The question being on the motion

that the bill lie upon the table and assigned for tomorrow morning,
The motion was agreed to.

Passed to Be Engrossed.

Senate Resolve, No. 204, in favor of Sagadahoc Agricultural and Horticultural Society.

Senate Resolve, No. 205, in favor of Maine Insane hospital.

Senate Resolve, No. 206, in favor of Maine Insane hospital.

Senate Resolve, No. 213, in favor of introduction Hungarian partridge in Maine.

(Tabled pending second reading on motion of Mr. Williamson of Augusta.)

House Resolve, No. 599, in favor of Eastern Maine Insane hospital.

Mr. Littlefield of Bluehill, offered House Amendment A, to amend by striking out "\$105,850" and substituting therefor "\$118,350."

Mr. LITTLEFIELD: I will say, Mr. Speaker, that the committee on insane hospitals after making an investigation of the needs of the Eastern Maine Insane hospital found that we had made a mistake in the figures, and we have asked that this amendment be adopted carrying \$12,500 in addition to the amount appropriated by the other resolve. We found that we had made a mistake in adding up the amounts, and while the hospital actually needs four times more than what we have called for, yet I hope that the House will vote to adopt the amendment carrying this additional amount.

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

House Bill, No. 59, An Act relating to Gardiner municipal court.

House Bill, No. 593, An Act relating to automobiles in the town of Eden.

House Bill, No. 654, An Act for better protection of lobster fisheries.

Senate Bill, No. 208, An Act relating to employment of minors.

Senate Bill, No. 209, An Act relating to school census returns.

Senate Bill, No. 211, An Act to regulate the taking of beaver.

Senate Bill, No. 212, An Act to regulate taking salmon, togue, perch, etc.

Senate Bill No. 49 An Act relating to the State paper.

House Bill, No. 480, An Act relating to malicious mischief.

House Bill, No. 665, An Act relating to condemnation proceedings.

Passed to Be Enacted.

An Act relating to the solemnization of marriages.

An Act to amend Section 1 of Chapter 146 of the Private and Special Laws of 1895, relating to the Commissioner of Public Works of the city of Portland.

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.

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 Number One, Range five, N. B. K. P., known as Altean Township, and in Township Number Five, Range Two, N. B. K. P., known as Dennistown, in the county of Somerset.

An Act to amend Chapter 206 of the Public Laws of 1909, entitled "An Act to consolidate and revise the military law of the State of Maine."

An Act to amend Chapter 374 of the Private and Special Laws of 1909, authorizing annual appropriations for York Hospital.

An Act to provide for the appointment of a state sealer of weights and measures, and to define his duties.

Orders of the Day.

On motion of Mr. Bowman of Vinalhaven, House order relating to the herring fishery, was taken from the table, and on further motion by the same gentleman the order was indefinitely postponed.

On motion by Mr. Mace of Great pond, Resolve in favor of H. P. McKenney, was taken from the table, and on further motion by the same gentleman the Resolve received its second reading and was passed to be engrossed.

On motion of Mr. Murphy of Portland, Bill, An Act equalizing school privileges was taken from the table, and on motion by Mr. Jordan of Portland, the Bill was again tabled and specially assigned for tomorrow.

On motion of Mr. Emery of Sanford, Bill,

An Act to amend the charter of the Ossipee Valley Power Company, was taken from the table, and on further motion by the same gentleman the Bill was indefinitely postponed.

On motion of Mr. Kelley of Boothbay, Bill, An Act to incorporate the Bayville Village Corporation, was taken from the table, and on further motion by the same gentleman the Bill received its two readings.

On motion of Mr. Williamson of Augusta the rules were suspended, the Bill received its third reading and was passed to be engrossed.

On motion of Mr. Hersey of Houlton, Bill, An Act relating to the support of alien paupers was taken from the table, and on further motion by the same gentleman the Bill was again laid upon the table.

On motion of Mr. Hersey, Bill, An Act relating to the removal of county attorneys was taken from the table, and on further motion by the same gentleman the Bill was assigned for consideration at the coming in of the session this afternoon.

On motion of Mr. Jordan of Portland, Bill, An Act relating to representative government was taken from the table, and on further motion by the same gentleman the Bill was specially assigned for consideration tomorrow.

On motion of Mr. Wheeler of South Paris, Bill, An Act to abolish the office of State auditor of printing was taken from the table, and on further motion by the same gentleman the bill was specially assigned for the second matter to be considered at the session this afternoon.

On motion of Mr. Mace of Great Pond, the report of the committee on taxation on the income bill, was taken from the table.

Mr. MACE: Mr. Speaker, this is a question which requires some consideration on the part of the members of this House in order that they may intelligently decide upon the matter, and I would move that the two bills on this subject matter together with the two reports of the committee be tabled for printing and specially assigned for consideration on Friday of this week.

The motion was agreed to.

On motion of Mr. Williamson of Augusta, resolve relative to introduction of Hungarian partridge, was taken

from the table, and on further motion by the same gentleman the resolve received its second reading and was passed to be engrossed.

On motion of Mr. Williamson the rules were suspended and that gentleman introduced Bill, An Act to amend Chapter 15 of the Revised Statutes, as amended by Chapter 238 of the Public Laws of 1909, relating to truant officers.

On motion of the same gentleman the rules were suspended and he introduced Bill, An Act to amend Chapter 40 of the Revised Statutes, as amended by Chapter 46 of the Public Laws of 1907, and Chapter 70 and 257 of the Public Laws of 1909, relating to employment of women and children.

Mr. WILLIAMSON: Mr. Speaker, the law relative to the inspector of factories, workshops, mines and quarries has passed the House and has been signed by the Governor. The commissioner of labor informs me that it was the intention to have the words "inspector of factories, workshops, mines and quarries" struck out and insert the words "or commissioner of labor;" otherwise we would have statutes enacted referring to an office which did not exist, but for some reason the amendments were not offered until after the act had gone through and been signed by the Governor. The labor commissioner has prepared these two bills correcting the error, which of course now becomes only a clerical error. I do not like to present bills at this time in the session, but if there is no objection I would move that the bills be received at this time and be given their several readings. I will say further that I have seen the chairman of the committee on labor and he has examined the bills and they meet with his approval.

On motion of Mr. Williamson the bills received their two readings and on further motion by the same gentleman the bills received their third reading and were passed to be engrossed.

On motion of Mr. Strickland of Bangor, resolve providing for the payment of certain deficiencies accrued prior to January 1, 1911, were taken from the table.

Mr. Strickland offered House Amendment A, to amend on page three by striking out for agricultural societies \$14,847.42; also by striking out on pages 16, 17, 18 and 19, \$35,630.72; and in the 19th line \$35,630.72, and inserting in place thereof \$20,783.30.

Mr. STRICKLAND: I will say, Mr. Speaker, that this \$14,000 was put into the deficiency bill but it does not belong there. The appropriation bill for 1911 carries that \$14,000 and if it remained in the bill that would leave \$28,000 for 1911. It was not a deficiency. It came to us incorrectly reported and if we let that pass it would be double that amount for this year. This practically corrects a clerical error.

The amendment was adopted and the resolve then received its second reading and was passed to be engrossed as amended.

Mr. TUCKER of Wiscasset: Mr. Speaker, yesterday I moved that a committee of conference be appointed in regard to the resolve in favor of myself as secretary of the committee on school for feeble minded. I wish now to move that we reconsider that action whereby we voted to appoint a committee of conference.

The motion was agreed to.

On further motion of Mr. Tucker, the House voted to concur with the Senate in referring the resolve to the committee on appropriations and financial affairs.

On motion of Mr. Davies of Yarmouth, the rules were suspended and that gentleman introduced a resolution addressed to our representatives in Congress in relation to parcels post.

On motion of Mr. Williamson of Augusta the resolution was tabled for printing.

On motion of Mr. Scates of Westbrook, House Resolve 31, relating to municipal indebtedness, was taken from the table.

Mr. SCATES: Mr. Speaker, I move the adoption of the majority report "ought to pass."

This resolve calls for an amendment to the Constitution of the State and provides that cities of 40,000 or more may increase their municipal indebtedness from five to seven per cent., a

gradual increase of one-quarter of one per cent. a year. This pertains to the city of Portland alone, because that is the only city in the State of 40,000 inhabitants and the only city that will have that population in the next 20 years. Some one has objected to it because they say that it may establish a bad precedent, that some other city of less population in the future may need an increase of their municipal indebtedness more than five per cent. Well, if they need the money for the benefit of their city, I don't know why they should not be allowed to do it. Furthermore, from the time of the adoption of the Constitution of this State in 1819 until 1878 there was no constitutional municipal debt limit I desire the members to bear in mind, in considering this question, that it will not affect your city or your town and it cannot; and I do not apprehend that any town pays any attention to this debt limit. You do not increase your appropriations or decrease them on that account.

Now why does Portland desire this? It is simply for this reason. Three years ago the city hall of Portland was destroyed by fire. Since then she has erected and nearly completed a city hall costing \$1,100,000. That has brought her up to her five per cent. debt limit. Now there are other improvements that the city of Portland must have. She must have a new police station. She must have a new fire station. She must have a new High school building costing nearly \$300,000. She must have better streets. Now as long as she has got to have these things, mind you, the city hall and the High school building and the police station and the fire station are not built for this year or next year, but they are built and will be built to accommodate the citizens of Portland for 25 or 100 years. It is not right that the people of Portland of 1911 and 1912 should be called upon to pay all of the expenses of those buildings which are to be for the use of future generations.

As this will not affect in any way any city or any town outside of the city of Portland, the citizens of Portland desire this Legislature to allow them

to work out her own destiny in her own way, and according to this resolve only one quarter of one per cent. can be added each year. She cannot increase her indebtedness more than \$155,000 a year, and if she should take advantage every year of that one quarter of one per cent. it would be 10 years before she could reach her seven per cent. debt limit; and so in behalf of the citizens of Portland we ask you to grant this. It is an amendment to the Constitution, it must be carried by this House by a two-thirds vote on its final passage, and then it must be submitted to the people of the State for their approval.

Mr. PETERS: Mr. Speaker, I simply want to state the reason which animated me in signing the minority report, because I realized that the people of Portland are in a difficult position. Possibly this would be a very beneficial measure to have passed, so far as Portland is concerned, but it is hardly true that Portland is the only community interested. There can be no amendment of the Constitution of this State which interests one locality alone and that justifies us in other parts of the State in going into this matter and taking a position one way or the other. It is perhaps a more important matter than you may appreciate. Anything which looks toward an amendment of the Constitution is of the greatest importance. You are also aware that the Constitution now prohibits and for many years has prohibited any debts of municipalities exceeding five per cent. of their valuation. The effect of this amendment is that the city of Portland is exempted from the constitutional debt limit. The substance and effect of this measure is that Portland alone is exempted from the Constitution and that there is a special constitutional limit for Portland and another for all the rest of the State. There did not appear to me to be any particular reason why we should go to the length suggested in amending the Constitution in order to authorize one locality to increase its debts. There was no more reason to my mind why we should make this limit 40,000 than there was to

make it 20,000. There are other cities in the State to my certain knowledge in very much the same condition as Portland on a smaller scale. If we adopt this precedent of exempting certain localities from the operation of the Constitution we are likely to be followed up by requests from other localities similarly situated who will come around and say, "We want an opportunity to increase our debt limit;" and for that reason I objected and signed the minority report believing it to be a matter of very bad State policy and very bad legislation.

Mr. MURPHY: Mr. Speaker, there may be other cities and towns that may need to increase their debt limit but they have not asked for it yet. Portland has asked for it because we need it. Portland is not hard up because they have been extravagant or wasteful, they are hard up because they could not help it. The gentleman from Westbrook has alluded to the fires which Portland has had the misfortune to suffer from. Portland aided in the building of the Ogdensburg railroad to the extent of some millions of dollars, also the Portland & Rochester Railroad. Now we are up against it. We do need the buildings that the gentleman from Westbrook said we needed and we cannot get them unless the city helps us to get them in a legitimate way. I hope this Resolve will have a passage. The city government either un-animously or by a large majority voted to pass a Resolve requesting the legislative committee to ask of this Legislature to enable them to raise the debt limit. The school committee has unanimously passed a resolution to that effect, and a majority of the school committee is Republican. There are only three out of the twelve members who are Democratic. Therefore I wish to state that the people of Portland irrespective of party are emphatically in favor of an increase in the debt limit.

Mr. WILLIAMSON: Mr. Speaker, I am heartily in favor of this measure but I wish to add to it an amendment which I think there can be no objection to and which applies solely to my own city.

The SPEAKER: The question is on the acceptance of the majority report.

The majority report was accepted.

Mr. Williamson offered Amendment A by adding after the word "further" in line eighteen the word "This resolution shall

not be construed to apply to the city of Augusta which is hereby declared to be forever the seat of Government of the State when it reaches the population of 40,000," and also by adding the same words after the word "made" in line thirty-eight.

On motion of Mr. Davies the amendment was tabled for printing.

The Speaker laid before the House Resolve in favor of the Penobscot tribe of Indians.

This Resolve containing an emergency clause required one hundred and one votes to receive a passage.

A division was had and the Resolve received its final passage by a vote of 120.

On motion of Mr. Bisbee of Rumford, petition of F. S. Skofield and others for change in the open season for fishing in Swift river, was taken from the table.

On motion of Mr. Bisbee the report of the committee was accepted.

On motion of Mr. Allen of Jonesboro, Bill, An Act relating to the observance of the Lord's day, was taken from the table.

Mr. Allen moved to correct a clerical error.

The SPEAKER: The correction will be made by the clerk.

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

On motion of Mr. Plummer, Bill, An Act to extend the charter of the York Water, Light & Power Company, was taken from the table.

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

On motion of Mr. Littlefield of Bluehill, Resolve in favor of the Eastern Maine Insane hospital, was taken from the table.

Mr. Littlefield offered House Amendment A by striking out the figures "\$108,850 and substituting in their place \$121,350."

The amendment was adopted, the resolve was then read a second time and was passed to be engrossed.

On motion of Mr. Plummer, An Act to incorporate the Northern Penobscot Water Company, was taken from the table.

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

On motion of Mr. Plummer, Bill, An Act to extend the charter of the Weld

Water Company was taken from the table and on further motion by the same gentleman the bill received its second reading and was assigned for tomorrow morning.

On motion of Mr. Plummer, Bill, An Act to extend the charter of the North Parsonsfield Water 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. Plummer, Bill, An Act granting additional powers and privileges to the Peaks Island Corporation 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. Bogue of East Machias, resolve in favor of John R. McDonald was taken from the table, and on further motion by the same gentleman the resolve received its first reading and was assigned for tomorrow morning.

Mr. Otis from the committee on ways and means presented the report of that committee with accompanying Bill, An Act for the assessment of the State tax for the year 1911.

The report was accepted.

On motion of Mr. Otis the rules were suspended, the bill received its first and second readings, and on further motion of Mr. Otis the bill received its third reading and was passed to be engrossed.

On motion of Mr. Wilson of Auburn, the House took a recess until 2 o'clock in the afternoon.

AFTERNOON SESSION.

Mr. Hodgkins of Damariscotta presented the report of the committee on insane hospitals, and on motion of Mr. Pattangall of Waterville the report was tabled for printing.

The Speaker laid before the House, Resolve in favor of the Maine School for Feeble Minded, which came from the Senate, that branch referring it to the committee on appropriations and financial affairs.

The House concurred with the Senate in its action.

First Reading of Printed Bills.

An Act to amend Specification 1, of Section 13 of Chapter 9, Revised Statutes, as amended by Chapter 4, Laws of 1909, relating to taxation of personal property.

An Act to amend R. S. Chapter 34, Section 1, relating to seals of notary public and validating their acts.

An Act additional to Chapter 140 of the Private and Special Laws of 1909, in relation to the South Paris Village Corporation.

An Act concerning notaries public who are stockholders, directors, officers or employes of banks or other corporations.

An Act to revive and extend the charter of the Kingman Development Company.

An Act relating to abandoned burying ground.

An Act to insure publicity with respect to the demands upon the State and to facilitate the legislative committees in dealing with questions of appropriation.

An Act additional to Chapter 226 of the Private and Special Laws of 1909, incorporating the Guilford Water Company.

An Act to provide for the admission of evidence in actions for libel in certain cases.

An Act relating to evidence in personal injury cases.

An Act to revive and extend the charter and organization of the South Paris Light, Heat and Power Company.

An Act to provide for the further analysis of commercial fertilizers.

An Act relating to insurance companies not authorized to do business in Maine.

An Act to amend Section 16 of Chapter 86 of the Revised Statutes, relating to sale of shares of the capital stock of a corporation on execution.

An Act to amend Chapter 52, Section 7 of the Revised Statutes as amended by Chapter 134 of the Public Laws of 1907, relating to fraudulent evasions of payment of fares on steam railroads, street railroads, steamboats and ferries.

An Act to amend Section 20 of Chapter 37 of the Public Laws of 1903, relating to the distribution of personal estate.

An Act to incorporate The Maine Institute of Music and Liberal and Fine Arts.

An Act to amend Section 13 of Chapter 117 of the Revised Statutes, as amended by Chapter 66 of the Public Laws of 1907,

as amended by Chapter 195 of the Public Laws of 1909, relating to fees of witnesses before referees, auditors, and commissioners specially appointed to take testimony.

An Act concerning corrupt practices at elections, caucuses, and primaries.

An Act to amend Chapter 256 of the Public Laws of 1909 relating to trustees process.

An Act relating to drains and common sewers in the city of Bangor.

An Act to incorporate the Hermon Water Company.

An Act to incorporate the Kittery Sewer Company.

An Act to incorporate the Young Men's Christian Associations and the Young Women's Christian Associations organized or to be organized in this State.

An Act to amend Chapter 125 of the Private and Special Laws of 1895, entitled "An Act to incorporate the York Shore Water Company."

Reports of Committees.

Mr. Pattangall from the committee on legal affairs, on Bill, An Act to amend Section 1 of Chapter 84 of the Revised Statutes relating to orders of notice of the supreme judicial court, reported ought to pass in new draft accompanying.

Mr. Peters from the same committee, on Bill, An Act to incorporate the Farmington & Augusta Railway Company, reported ought to pass.

Mr. Strickland from the committee on appropriations and financial affairs on Bill, An Act to appropriate moneys for the expenditures of government for the year 1911, reported the same in a new draft under the same title and that it ought to pass.

The Speaker laid before the House Senate Document 58, Bill, An Act to repeal Chapter 219 of the Public Laws of 1909.

Mr. HERSEY of Houlton said: Mr. Speaker, I move that the minority report be substituted for the report of the majority. The bill under consideration is very short. It contains one section which reads as follows: "Chapter 219 of the Public Laws of 1909 is hereby repealed." Chapter 219 of the Public Laws of 1909 is entitled "An Act empowering the Governor to remove

county attorneys," and it contains these words, "Upon the petition of not less than 50 adult citizens of any county charging that the county attorney of such county has persistently failed to perform his legal duties and specifying wherein he has so failed, upon hearing and satisfactory proof of such persistent failure, may remove such county attorney and fill the vacancy from the same political party to which such county attorney belongs, first giving to such county attorney at least 10 days, before the date of the hearing, a copy of the charges and specifications against him and notice of the time and place of hearings thereon."

Now that law was enacted two years ago. It has been called a Republican measure because it was enacted by the majority party of the last Legislature, and that has been given to me in this Legislature as a reason why it should be repealed. If that is a valid reason, then there is no reason why we should not repeal the Revised Statutes of Maine, for all the laws of Maine for the last 60 years have been enacted by the Republican party. Now this bill comes from a committee, comes from a committee with a majority report as a party report, and a minority report as a party report. It comes before the House in that way. I do not wish to address myself wholly in this matter as a party measure. I cannot conceive of any good reason why this law at this time should be repealed except a political reason, except for the purpose of avoiding the responsibility which is now laid upon the majority party of this State and upon the Governor of this State. Article 5 of Section 1 of the Constitution of the State says the Supreme Executive power of this State shall be vested in the Governor. Section 12 says, "He shall take care that the laws be faithfully executed." He is the great Executive officer of the State and these are the duties laid upon him by our Constitution. Thirty-seven states have laws similar to this one that you ask now to be repealed, giving the Governor the authority to remove county attorneys upon a petition by the people. Now the Democratic party in the last campaign put into their platform a plank which said they

were in favor of the faithful enforcement of the laws of the State of Maine.

They went before the people with that platform, with that plank in their platform, and their candidate for Governor in his letter of acceptance August 13 last said, "I believe in the enforcement of laws." Not only that, but after the election of our Governor he stood in this hall and read his message to the people of Maine and the Legislature of Maine. In a joint session of both branches he read to us the strong, brave words. Leaving aside the question of whether the present law affords the best regulation of the liquor traffic, a question over which there is an honest difference of opinion, there can be no question that it is the duty of every official to enforce the prohibitory law so long as it remains on the statute books. For years we have been passing laws to please certain classes and failing to enforce them to please others. Strong, noble, brave words, if he meant them; most cowardly if he did not mean them. And after he had said those words, before they had hardly ceased to ring in our ears and in our memories, a bill is put into this Legislature to repeal the law that gave him the only authority but one to enforce the laws of the State of Maine. For immediately on the assembling of this Legislature, hardly before we had done a particle of business, a bill was offered under a suspension of the rules to repeal the Sturgis law, so-called, giving the Governor of the State the authority to send special deputies to different counties of the State to enforce the Maine law where it was not enforced, and that bill was pushed through both Houses of this Legislature and it received the signature of the Governor and he said: "I consent, I agree, I want that law repealed, I want the authority taken from me to appoint that commission to enforce the laws of the State of Maine." And then there comes an appeal to the majority party in this House that you remove from your Governor the last vestige of authority under the constitution and law of the land to enforce the liquor law of Maine.

I am not speaking to you Republicans now, the Republicans of this Legislature stand by that law, I am speaking to the Democrats of this Legislature, I am speaking to you as a man to a man, I am speaking to you now as men who keep your campaign promises to the people that you would faithfully enforce the law, I am speaking to you as men who say that your party believe what they said to the people, I am assuming that the Governor meant what he said in his message, and I am asking you not to repeal this law and not say to the people that you do not mean what you say.

What is the law? It simply says that 50 adult citizens by the right of petition may bring the matter of the non-enforcement of the law in their county before the Governor, and after a hearing, if he is satisfied that the officer persistently fails to do his duty he can remove him. Hitherto you have said that you believed in the right of petition, that you believed in the people having a voice in the government and being heard. If you enact this law you remove from the people the right of petition, you remove the right of a hearing, and you remove from your Governor all authority and all power to enforce the law of the State. What can a Governor do? In a few days this Legislature is to adjourn. No county attorney in the State of Maine can be impeached then before the Legislature. It is up to the Governor. He will have to wait two years. What can he do? Enact this law and the people may petition and petition to the Governor and all he can say to them is, "I am helpless and hopeless, I cannot do a thing. I cannot lay my hand upon this officer, I cannot enforce the law, I cannot comply with my duty under the constitution; you have tied my hands."

I believe in plain spoken words. I do not want you to misunderstand me at all. Some one may say that there is no occasion for such a law as this, that the county attorneys in the State are faithfully performing their duties. But I assume that a case may arise where a county attorney in the State of Maine is not doing his duty. Let me illustrate. I will assume for the sake of the illustration that over here in the county of Penobscot the county attorney is not doing his duty in the enforcement of the Maine law. I will assume that the

county attorney of Penobscot takes the cases that come before him, the criminal business brought to him by the officers and deputy sheriffs and constables, from every source, all of those prosecutions that have been brought to him in the Supreme court, and not crosses them. I will assume that the county attorney of Penobscot consents to open sales in the city of Bangor, that he has made a by-word and reproach of non-enforcement of law in the nostrils of the people of the State. I will assume that he has been rebuked by the court from the Bench, by the pulpit of Bangor and by the press of the State. I will assume all that for the sake of the argument, and then I will assume that he came to this Legislature at this session and had a room at the Augusta house and has stayed here ever since. I will assume that he has been lobbying here day after day. I will assume he is in the lobby now, and I will assume that he is watching to see whether you repeal this law that he may return to Bangor and still carry on that policy of lawlessness and defiance of the laws of the State and say that you cannot touch him. Now I say, assuming that to be true, Mr. Speaker, then the political party that will allow that to be done in the face of campaign promises to enforce the laws of the State, is cowardly, and ought not to be entrusted further with the government of the State. And I say this, that if you enact this law and put it up to the Governor of this State, if he does not interpose his veto against it, then these great, strong, brave words in his message become not like the strong, brave words of a Governor of a great State, but they become the sounding brass and a tinkling cymbal of a mere politician. It is up to you. (Applause.)

Mr. PHILLIPS of Shirley: Mr. Speaker, I do not doubt but what this law may have been needed in past years but I do not believe we need it very much at the present time. In Piscataquis county there has been a man selling rum there for 15 or 20 years almost by the wholesale. They have had him arrested a great many times, had him before the court at Dover and every time he has gone clear. A few days ago they found five barrels of whiskey there which they

seized and 700 bottles of other liquor, and they took him to Dover and he was fined \$100 and given 60 days in jail. I do not think that in Piscataquis we need any such law as this to take care of our county a torney or our sheriff or anything of the sort.

Mr. PATFANGALL: Mr. Speaker, I hoped in the short time that was left for this Legislature to work in we might be able to so conduct our business as to necessitate no debating on the part of anybody except so far as debate was necessary in explaining the various measures that come before the House in order that business might be facilitated and our work be kept within a reasonable time. I had hoped that the day of stump speeches had passed and that there would be no more debates in the House that would cause a gentleman from Houlton to rise from his seat five days afterwards and ask that a thousand extra copies of the Record for a certain day be printed for distribution among his neighbors in the county of Arrostook; but it seems I hoped in vain.

As to the bill which we propose here and which came from the legal affairs committee in good faith, there was no occasion for an outburst of eloquence and a long argument directed partly towards the general political program of the party in power and in a large part made up of a personal attack on a gentleman who is not a member of this body and who therefore could not answer in debate. Now let us see what the law is, which the gentleman deems so necessary. We have had prohibition in Maine since 1851, since 1856 uninterrupted, and never until 1999 did it occur to anybody that it was necessary, in order to enforce the prohibitory law, that the Governor should be so situated that on a petition of 50 adult persons he could give a hearing as to whether or not he should remove a county attorney and appoint some one else in his place. As the gentleman from Houlton truthfully said, if we were going to repeal this law simply because it was a Republican law, we would repeal in a large measure all of the laws passed during the last half a century. Many of them in my opinion might wisely be repealed;

but for all that 50 years with the party now in the minority in Maine in the majority, for 48 of those 50 years nobody deemed it necessary to have this law. Year after year Republicans got along without it, Democrats got along without it year after year. It was simply one of a series of laws passed in a desperate attempt, not to enforce the prohibitory law, but to make the people of Maine think that somebody was going to enforce it. It has been on the statute books two years. During those two years Governor Plaisted was not Governor. During those two years Governor Fernald was Governor; and I would not say here on the floor of the House where Governor Fernald has no opportunity to answer me, that because conditions in Bangor were what the gentleman from Houlton describes them to be, if they are described truly by him, that therefore Governor Fernald was a coward. I would not say that. (Applause.) If conditions in Bangor or anywhere else have been bad for two years with that law on the statute books, who is responsible for those conditions? The gentleman has said, in attacking the present county attorney of Penobscot, a man who is known to most of us and known to most of us as a gentleman, that he does, or that he assumes he does, certain things in connection with his business in the courts at Bangor. I know nothing of the details of his work. I know that his work there was sufficiently satisfactory to the people of Penobscot so that when he came up for re-election last fall he got the largest vote of any county official on the county ticket in spite of the repetition day after day in the Bangor News of the same sort of talk that the gentleman from Houlton saw fit to indulge in here. The people backed him up in what he has done. I know him as a gentleman, I know him as a lawyer, I know him as an honest man, and no man for the purpose of exciting any prejudice against anybody or against any bill has a right to attack him on the floor of this House as he has been attacked.

But to return to the law. Two years ago the gentleman from Houlton stood up in the House and argued strenuously for this law and said then if

it was passed that that meant enforcement. "Give us this law," he said, "and there will be no more nullification in Maine." I remember his argument well. I listened to it with a good deal of interest. That was the one thing that was going to wind up the matter of nullification. They had the Sturgis law and the Oakes law, and the Prohibitory law on the statute books and in the Constitution. That was not enough. "Give us just this one more law and we will take care of prohibition and enforce it from one end of Maine to the other." Well, you had the law for two years. I wonder, was the prohibitory law enforced strictly in the city of Portland during those two years? Let us get away from Bangor and get down into what was then a good Republican county with a good Republican county attorney. How about Portland for two years? I am not going to attack the county attorney of Portland or make any criticism of him at all. He has his duties to perform and I have mine. But I know that conditions in Portland during those two years were very far from what could be described as ideal enforcements, and yet the county attorney of Cumberland was not brought before the brave Governor of Maine and a hearing had and he removed from office. Of course he was not. When that law was passed nobody intended to use it. Nobody ever intended to use it. Gentlemen who sat in the House with me and voted for the law gave as an excuse for their action two years ago that it never would be used but that it would satisfy an element in their party made up in part of the gentleman from Houlton, an element that had gravitated into Republicanism from the Prohibition party and could only be satisfied if they could have all sorts of political measures passed, not for use but for the purpose of talking to the people on the stump; and this law was framed. Now I wish you would study that law. It says that you want to give the Governor power to remove a county attorney. You don't do it in your law. You say the Governor may upon petition of 50 adult citizens take

into consideration the conduct of a county attorney. He cannot act upon his own initiative. Now if you had a Governor who wanted that power, a Governor who wanted to use that power, he would want it so he could use it on his own motion; and if there had been any idea when that law was framed that it was going to be used, that is the way the law would have been framed. Now if you are going to have a petition, not allow the Governor to act but are going to have a petition, then you ought to have a substantial petition, hadn't you? No, 50 adult citizens. Any 50, it don't make any difference what they are. It don't make any difference what their occupation is. They can bring a county attorney before a Governor and put upon him the stigma of a public hearing, giving an opportunity to newspapers that care to go into that line of stuff and to politicians who want to go into it, to slander him for two or four or six years afterward whether there is any truth back of their charges or not.

Now see how the law is framed. After a hearing the Governor could remove the county attorney and appoint some one else in his stead, and then to make it look fair they said the man he appointed must be a member of the same political party. That must be so. I know of counties in Maine where there is just one Democratic lawyer. That would not make any difference. If that one was not satisfactory to the 50 adult citizens and the Governor he would have to be removed and the Governor would have to appoint a county attorney who was not a lawyer. Take the provision of that law into the county of Aroostook where you have a Republican county attorney—and by the way during the last two years, according to the reports of the Sturgis Commission, the prohibitory law was not enforced very well up in Aroostook. It seems to me that I read something in the newspapers about the county attorney of Aroostook county not pressing cases and the Sturgis Commission inquiring about it. I did not hear anything about that a moment ago from the gentleman from Houlton. But there was a good deal of scandal and talk about it. The

Sturgis Commissioners had to go in there because the local authorities would not enforce their own law. But take the county of Aroostook. Suppose the county attorney should be removed on petition. I do not think it is likely, but suppose that should happen. Yet the Governor must appoint a Republican county attorney. You and I know enough about politics to know that there is not a Republican who would take the place of a Republican under those circumstances, and the Governor would have to appoint a fellow who absolutely was not fit for it or he would have to chase around and appoint somebody who called himself a Republican who was not one. You would have the same situation in your Democratic counties. Suppose in Kennebec county Fred Emery Beane should be brought before the Governor on a charge made by 50 adult citizens and the Governor saw fit to remove him. Do you suppose there is a Democratic lawyer in this county that would take his place? Of course they would not, you could not get one.

Now was there any need of that law when it was passed? It was passed in this House by a strict party vote and at the behest of the radical prohibition element of the Republican party which said, "We must keep the farce up, we must stand against resubmission, against the repeal of the Sturgis law, against anything that will offend the little clique that we have surrounded ourselves with. We want this law." Everybody knew it would not be used. I say that on your statute books today that is not only a disgraceful law, because you assume when you keep it there that you are going to elect dishonest county attorneys—you have not got that law in regard to any other officials—it is dangerous, it is fraught with menace for your Governor. There are people in Maine who play malicious politics. It is possible today in any county for 50 people animated by wicked motives to bring before the Governor malicious charges against the county attorney. It would be possible for 50 citizens of Penobscot if they were actuated by the spirit which the gentleman from Houlton

displayed to bring charges against the county attorney of Penobscot to bring him before the Governor of Maine, and then whether the Governor removed him or not, whether the charges were proved or not, the purpose of those petitioners would have been served. If the Governor removed him they would have said that the county attorney was discredited and therefore the party was discredited; if the Governor did not remove they would have said they stood back of nullification because the man must have been guilty or he would not have been charged with nullification. It is a law which gives an opportunity for 50 slanderers to blacken the good name of the county attorney and to put a Governor in a position that no Governor should be put in. Now it is said if we repeal that law we oppose enforcement. That law never existed until 1909. Was the Republican party opposed to enforcement up to that time? You do not believe that, do you? Why do you by this bill abandon enforcement? For years and years you had in Maine as good enforcement as you had during the past two years without anything on your statute books in regard to the conduct of county officers except the votes of the people that they were dependent upon for re-election, their sense of decency and the courts before which they practiced. We have in this State today 12 Democratic attorneys. We do not need that law for them, not for one of them. We do not need it in Kennebec or Cumberland or Penobscot, with all due respect to my friend the gentleman from Houlton. I do not believe your Republican county attorneys need it. I know something of the conditions in Washington and you do not need it there. I do not think you need it in Aroostook. I know something of the county attorney of Oxford, I do not think you need it there. I know you do not need it in York, because with a Democratic sheriff in York the law has been enforced without any recourse to petitions to the Governor to remove anybody.

If that law should be repealed it would not be a step backward in the cause of

enforcement, it would be to step backward in the cause of fanaticism, it would be a step backward along the line that the Republican party followed to its ruin, it would be a step backward through the seeking to put upon the central government of this State the duty of supervising every local officer who has his work to do. The repeal of this law would bring back to your county attorneys and the people who elect them that wholesome sense of responsibility that they should have. You cannot put the people of Maine under guardianship, you tried that with your Sturgis law and it was a miserable failure. You cannot put the counties of Maine under guardianship. You have got to rely for your enforcement of the prohibitory law and of all law on the good sound, sober, common sense of the whole people of the State of Maine working out their own salvation in their own way and governing their local affairs to suit themselves. I hope the minority report of the committee on legal affairs will not be substituted for the majority report. (Applause.)

The question being on the motion to substitute the minority report "ought not to pass" for the majority report "ought to pass,"

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

The motion was agreed to.

YEAS:—Andrews, Austin, Benn, Berry, Bisbee, Boman, Bowk r, Briggs, Burkett, Buzzell, Campbell, Colby, Davies, Davis, Deering of Waldoboro, Doyle, D'ummond, Dufour, Emery, Hersey, Hodgman, Johnson, Kelley, Kennard, Kingsbury, Knight, Littlefield of Wells, Macomber, Mallet, McBride, McCready, Merrill, Mitchell, Monroe, Morse of Belfast, Morse of Waterford, Newcomb, Perkins of Mechanic Falls, Peters, Pike, Porter of Mapleton, Porter of Pembroke, Powers, Quimby, Robinson of Lagrang, Robinson of Peru, Russell, Smith, Snow of Bucksport, Soule, Stinson, Trimble, Turner, Weston, Wheeler, Wilcox, Woodside—57.

NAYS:—Allen of Jonesboro, Ames, Bearce, Bogue, Brown, Chase, Clark, Conners, Copeland, Cowan, Cronin, Cyr, Descoteaux, Dow, Dresser, Dunn, Dutton, Farnham, Files, Frank, Gamache, Goodwin, Gross, Harmon, Hartwell, Hastings, Heffron, Hodgkins, Hogan, Jordan, Kelleher, Lambert, Lawry, LeBel, Littlefield of Bluehill, Mace, Manter, Marriner, McAllister, Merrifield, Miller of Hartland, Mower, Murphy, Noyes, Otis, Packard, Pattangall, Patten, Pellefier, Percy, Perkins of Kennebunk, Phillips,

Pinkham, Plummer, Pollard, Putnam, Ross, Sawyer, Scates, Shea, Skehan, Sleper, Small, Active I. Snow, Alvah Snow, Stetson, Strickland, Thompson of Presque Isle, Thompson of Skowhegan, Trafton, Trask, Trim, Tucker, Waldron, Weymouth, Wilkins, Williamson, Wilson—78.

ABSENT:—Allen of Columbia Falls, Anderson, Averill, Clearwater, Couture, Deering of Portland, Emerson, Fenderson, Greenwood, Hedman, Libby, McCann, McCurdy, Whitney—14.

So the motion was lost.

The Bill then received its second reading and was assigned for tomorrow morning.

The SPEAKER: The next matter specially assigned for this afternoon is the consideration of the two reports of the committee on Legal Affairs, the majority reporting "ought to pass" and the minority reporting "ought not to pass" on Bill, An Act to abolish the office of State Auditor of Printing.

Mr. WHEELER of South Paris: Mr. Speaker and gentlemen of the House, I do not intend at this time to precipitate a discussion of this question which has been discussed in previous sessions of the Legislature. This is like the question which has just been discussed and is another of those matters upon which the House will always be divided, and therefore, for the purpose of getting the matter before the House without any further remarks on my part, I move that the report of the minority of the committee "ought not to pass" be substituted for the report of the majority.

Mr. PATTANGALL of Waterville: Mr. Speaker, just a word. This Bill is a Bill to repeal the law creating the office of State Auditor of Printing. It came before the committee on Legal Affairs and was heard by them, and after consultation at the hearing it was deemed advisable by the committee to call in the State Auditor and also, if I remember correctly, a member of the Governor's Council, to see if any money could be saved the State by abolishing that office, and having the State printing audited through the Auditor's department. That was the conclusion of the state official, and the committee then with the exception of the gentleman from South Paris, Mr. Wheeler, agreed to the report. I simply say this in explanation so that the House may know the point in question, and the House will notice that the report of the committee did not divide on party lines. The entire committee with the exception of the gentleman from South Paris was satisfied that it was good business policy to do

away with that office and have the work done through the state auditor's department.

The question being on the motion to substitute the minority report for that of the majority, a division was had and the motion was lost by a vote of 45 to 74.

The majority report was then accepted.

On motion of Mr. Pattangall the Bill was then tabled for printing under the joint rules.

On motion of Mr. Murphy of Portland, Resolve in favor of Lee Normal Academy was taken from the table, and on further motion by the same gentleman the Resolve received its second reading and was passed to be engrossed.

On motion of Mr. Murphy Resolve in favor of Wilton Academy was taken from the table, and on further motion by the same gentleman the Resolve received its first reading and was assigned for tomorrow morning.

On motion of Mr. Wilson of Auburn, resolve in favor of the Maine School for Feeble Minded was taken from the table.

Mr. Wilson then offered House Amendment A, to amend by inserting after the word "appropriated" in line one the words "of the Maine School for Feeble Minded;" and by striking out \$60,000 in the second line and inserting in place thereof \$45,000; by striking out \$60,000 in the third line and inserting in lieu thereof \$45,000; and by striking out \$60,000 in the fourth line and inserting in place thereof \$45,000; and by adding the following, "Provided however that should the Governor and Council find that said sum is insufficient in either year to defray said running expenses they may pay to the treasurer of said institution for the benefit of such institution such further sum as they may find necessary out of the unexpended balance in the treasury not otherwise appropriated."

Mr. DAVIES of Yarmouth: Mr. Speaker, I would like to ask the gentleman from Auburn through the Chair if there is any precedent for giving the Governor and Council power which he tries to give them in the amendment?

Mr. WILSON: Mr. Speaker, I will say that I am not aware of any precedent in the matter. I have no doubt but that is in the province of this House so to do.

Mr. DAVIES: It seems to me that this is rather a dangerous precedent to establish, that the Governor and Council should be given power and authority to pay to any institution—and it happens in this case to be the Home for Feeble Minded—a certain sum of money which the Governor and Council may think proper. It takes away from the Legislature a certain amount of power which belongs here, and it seems to me that it would be an invasion of the legislative branch of the government by the executive branch. I have no objection, Mr. Speaker, if I may be allowed to give my opinion, to reducing the sum of money which this Legislature wishes to appropriate for the Home for Feeble Minded, but I do object to giving to the Governor and Council power to pay to that institution any sum of money which they may think wise.

Mr. PATTANGALL: Mr. Speaker, there is ample precedent for the Legislature to designate the Governor and Council as judges of the expenditure of money for certain purposes. As the gentleman from Yarmouth will recall, the Sturgis law, a law with which most of you are familiar, carried no appropriation excepting the appropriation for the salaries of the commissioners, but it said that the commissioners under the direction of the Governor and Council could employ such deputies, in substance, as they saw fit, and pay the bills out of any sum there was in the treasury not otherwise appropriated. The Legislature made no distinct appropriation, not a single dollar, in 1905 when the Sturgis law was passed, for the payment of deputies but left it to the Governor and Council. Now, I don't know any reason why the discretion of the Governor and Council—now that we have abolished the Sturgis deputies—could not fairly be transferred to the care of the feeble minded. (Laughter.)

Mr. DAVIES Mr. Speaker, in sitting in this House for the past three months I am in a position to believe anything about the Sturgis bill. (Laughter.)

Mr. QUIMBY of Turner Mr. Speaker, I don't want that appropriation for

the Home for Feeble Minded cut down. It seems to me if there is any institution that needs help for the next two years, before the next Legislature meets, we shall need that for the Home for Feeble Minded. (Laughter) Certain it is, Mr. Speaker, that as soon as I get home from here I am going to try and get five in there. (Laughter)

The question being on the adoption of the amendment,

The amendment was adopted.

The resolve then received its first reading and was assigned for tomorrow morning.

On motion of Mr. Hersey of Houlton, Bill, An Act to repeal Chapter 142 of the Public Laws of 1905, relating to support of alien paupers, was taken from the table.

Mr. WHEELER of South Paris: Mr. Speaker and gentlemen of the House, if you will notice House Bill No. 492, you will see that it is a bill for the repeal of the alien pauper law, and it has attached to it an emergency clause. We all agree that an emergency has existed and it seems to the most of us that that emergency has passed by. It is my purpose now, Mr. Speaker, to move that this bill be referred to the next Legislature. My reason for making this motion must be apparent to all. I believe if we look upon this matter with absolute good faith, without any party bias but as a matter of good business interest for the State of Maine and for the towns of the State which we represent we shall have to admit this: This Legislature in its wisdom has referred to the next Legislature or indefinitely postponed certain pauper claims which came before it, claims which are admitted to be just and honest, and that the money which was expended by the various towns in those cases was expended in good faith under the existing law. Now to continue that same element of good faith it seems to me it is the duty of this Legislature at the present time to send along with those pauper claims this very same law. It must be apparent to all that if you repeal the alien pauper law at the present time when the next Legislature convenes the situation will be about like

this, a large number of alien pauper claims will come before that House and what would they stand upon? Absolutely nothing but the generosity of that body, and that is something which cannot be depended upon. This bill proposes to repeal the law which is the foundation upon which those pauper claims rest. I do not assume that it was the intention of any member of this House to refer those pauper claims to the next Legislature and then with malice aforethought to dispose of this law. But I will leave it to the candid consideration of the members of the House of both parties that if we do repeal this pauper law we have practically killed the claims of the various towns which are now referred to the next Legislature. I differed with the majority. I did not believe and I cannot now believe that it was a matter of good faith between the State and the various towns that these pauper claims should be postponed or referred to the next Legislature, but that is now a matter of ancient history. I have accepted that verdict as gracefully as I could and I speak upon the matter now kindly but earnestly. I believe that the situation demands good faith from members of both political parties at the present time, and that the towns who have had their pauper claims postponed or referred to the next Legislature are entitled at your hands now to fair treatment, and that you leave upon the statute books of the State of Maine the very law upon which they approached this House with their claims.

It may be said that this law places too great a burden upon the State, but I am of the opinion now as I have been all the time during this session of the Legislature, that the State of Maine is able to pay her honest bills whatever the tax rate may be, and whatever exigency that existed in any political party every honest bill of the State of Maine will eventually be paid. Extravagance, be it at the hands of the Republican party or any other, is a sin; but, gentlemen of the House, repudiation of your honest bills is a crime. I believe that now is the time to show the people who live in the small towns of the State of

Maine, and not in your large cities with Democratic majorities—now is the time for the members of the majority party of this House to show to us whether you mean to pay those pauper claims or to repudiate them; and that is the reason why at this time I have made the motion that this bill which asks for the repeal of the pauper law be referred to the next Legislature.

Mr. PATTANGALL: Mr. Speaker, the bill before the House contains an emergency clause, and of course it goes without saying that unless the House was practically unanimous in support of that bill the emergency clause would need to be stricken off because it requires 101 votes to pass it. I don't know whether anything I may say in explanation of that bill would effect the views of the gentleman from Paris or not, but I want to say just a few words in explanation of it.

In the year 1905 a law was passed which forbade an alien ever gaining a pauper settlement in any town. Prior to 1905 an alien could gain a pauper settlement in a town in Maine by staying there five years, just the same as any of us could. If an alien had not gained a pauper settlement he was a State pauper and was supported by the State; but if he lived for five years in any one locality he became a pauper of that locality. Now, in 1905 that law which this bill repeals was passed which so arranged things that an alien could never gain a pauper settlement, that is, it threw the burden of alien paupers entirely on the whole State instead of any town in which they resided. In 1907 it appeared that the law was causing a good deal of burden for the State, and it was amended or changed by another Act which provided that only such bills could be paid by the State accruing under the laws of 1905 as were presented to the State at a certain time and in a certain way, with proper notice in accordance with the pauper law existing between the towns. The alien pauper bills were large, they accumulated to the amount of \$60,000 or \$70,000 a year and were paid in large part, all of those which were a legal obligation against the State, so far as I know, had been paid ex-

cepting a few thousand dollars that came over from the last year and which could not be paid because there was no money to pay them with. The finance committee of this Legislature when they began to investigate the necessities of appropriations for the next two years from the best informant, they could gather found that it would be necessary to appropriate \$100,000 a year for the next two years to pay such alien pauper claims as would probably be presented during the two years and which would constitute a legal obligation against the State. It had no relation to the bills which we have discussed here and which were postponed to the next Legislature. They could go to the Governor and Council. The claim was made here that those were equitable claims, but this \$100,000 was for new claims, and this question came up, whether that burden was not becoming intolerable to the State? Who was the State taking the load from? Was it the small towns? Now, gentlemen, just stop and think of it! Where is the alien population of Maine? Is it in the country? Your alien population is pretty largely in your manufacturing cities. I think we have as much of it in Waterville in proportion as in any city in the State. Biddeford has a large proportion; Lewiston has a large proportion; Brunswick has a large proportion, and wherever your manufacturing interests exist there exists your largest alien population without any question, so that as a matter of fact you were burdening the whole State which means every town in the State, because the State only consists of the towns joined together—to pay bills which prior to 1905 the larger manufacturing places in a great measure paid.

Now it seemed to me that it was desirable to get that great expense off from the State and go back to the old system that existed prior to 1905. It seemed that it was desirable from two different standpoints. First, it is difficult for the State, even the Governor and Council, to adjust pauper claims carefully. The Legislature cannot do it at all I think, and the Governor and Council cannot do it very well

because those hearings are of necessity somewhat of an ex parte nature. When we try a pauper case between two towns there is a lawyer on each side and he is cross-examining and looking up dates and putting in his defense, and when you think you have a pretty good case the other fellow has some hole in it and your town has to pay the pauper bill instead of getting it off of the town. But when you come before the Governor and Council your hearing is not so carefully conducted, and of course it cannot be. There are a great many pauper bills that the city or town ought to pay and that the State pays. Your conclusion is that you are throwing on your State government so large a burden that you are increasing your tax rate to a point that is unjust to the towns that do not receive any benefit from the alien pauper law, and that means a majority of the towns of the State because the agricultural and farming towns do not contain very many alien paupers and the coast towns don't contain them. Up in Oxford county, of course, being a border county and having large paper mills, they get quite a large alien population, and as I say, your large alien population is in your manufacturing cities. Don't forget that. This is not a Bill to take money from the country towns and give it to the cities.

Then again, the burden was not only growing intolerable but it had grown intolerable. It is all right to say that Maine can pay her bills. That sounds well. Maine will pay her bills, and it is possible by making a tax rate high enough to pay them all in one year, but you know and I know that when you put on a tax rate of two or three mills, as the case may be, depending on the county in which you live, and start your town meeting with seven or eight mills assessed against you before you appropriate anything for the use of your town, you know that you are going about as far on that line as you can go. Now, there is no doubt but what Maine can and will pay her bills in time, but this is not the time just as sure as you live, and that is not our fault either.

Just as the present time the State of Maine is getting over having lived beyond its income for two years, and that is no campaign talk, that is simply pure and unadulterated talk. The last administration was the "night before" and this is the "morning after," and we have got to stand for it. The State of Maine owed in cur-

rent bills, unpaid bills on the first day of January almost \$800,000, besides the temporary loan of \$300,000, and why did they owe it? Because for years the State of Maine has listened to just this argument, that we can afford anything, Maine is rich and Maine can pay her bills, therefore vote money for anything and everything that comes along, taking from certain portions of the State a burden and indicting it on other portions of the State.

Now, it seemed to the men who introduced this Bill that the old law was the best, and that if an alien lived in one town for five years and paid his taxes there—because an alien has got to pay taxes just the same as you and I—was a citizen of that town for five years and gained a pauper settlement there, that that town having had the benefit of his labor for five years ought to take care of him if he fell into distress, and not make one of the towns take care of him that never saw him. It seemed to us that the old law was the better one. At any rate, something had to be done to keep the appropriations down, and that was the reason of the emergency clause to keep them down this year, when we have not got the money to pay our bills with, and when we can't get it. In regard to your tax rate, you can make the rate fifteen mills if you want to. You can't put money into the State treasury until the first day of next January on your direct State tax; there is no way to do it, but your bills have to be paid all the way along from now until next January, and if you look over your system of taxation in Maine you will see that your direct tax don't yield one penny in 1911. The cities and towns don't pay in until January. Now, you are up against that condition where we are all trying to level things away so that the State can pay what the State owes. That is what everybody is trying to do I suppose. It may be that in two years from now the State can resume, if it sees fit, that policy of supporting alien paupers and renew that law. I don't believe it is wise myself, but I probably won't be here to have anything to say about that, but under the present situation the State has not got the money to handle the alien pauper business through the State treasury.

Now just one other word. I do not desire to leave the close line of the subject because I only speak in explanation, and not in debate. This bill would not effect the pending claim

which has gone over to the next Legislature. The gentleman from South Paris is too good a lawyer to think that it would legally effect that. Of course we could not pass any law now that would effect existing claims against the State, that would be retroactive law and would not effect them unquestionably. If it were necessary to do so, I would be perfectly willing to have added to that bill an amendment that it should not effect any existing claims, but that is not necessary. It goes without saying that it does not effect them because you cannot pass a law effecting bills that Maine may owe. You can only pass a law in regard to bills that will come in later. Further than that, the bills which we have sent over to the next Legislature do not rest on the law either of 1907 or of 1905 or any other law. As I understand the matter, they rest on the proposition that under the law of 1905 they would have been obligations of the State of Maine if the town officials had presented them properly and in time. I think that was the argument with which I was met when I suggested that these bills ought to go to the Governor and Council and not to the Legislature. They said their bills were not put in in time and hence they could not get them under the law, but they said "equitably we are entitled to it." Now if there is any equity in it they will be just as much entitled to it if you change the law of 1905 as they would be now. I don't know of anybody who has preached the doctrine in this State House that the State of Maine has repudiated her honest bills. I have seen that remark in the newspaper headlines, but I don't know of anybody who has preached that doctrine or approved of it. If anybody has done so, it has not been on the floor of this House. It was said here distinctly by a member who advocated the payment of the pauper claims that they were not legal claims against the State of Maine but that they ought to be paid because the State should treat the towns equitably, and should give them money which they could not collect legally if they would have been entitled to it had they done certain acts that the law compelled. Now that does not make a debt. Not

much. And the State of Maine is not repudiating anything and nobody has asked Maine to repudiate anything when we have said to the gentleman who asked for what they have admitted to be gratuities, "Wait until there is some money in the treasury to pay your gratuities and then we will talk the matter over with you." That is not repudiation.

If, in spite of an empty treasury and if in spite of the accumulated debts that have piled up in Maine during the last two years we were to go on and appropriate money carelessly and keep the laws upon the statute books which caused you to accumulate that debt, you will in time reach a point where it will or may be a temptation for Maine to repudiate her debts, because the people of the State of Maine are over-taxed today. You haven't an industry in the State of Maine today but what is seeking to get out from under the load of taxation that falls upon it. You haven't got a paper mill in the State of Maine today but what is fighting with the local assessors to keep the assessment down to a point that is ridiculous. You haven't got a cotton mill but what is assessed on a false basis, nor a woolen mill that is not escaping part of its taxation. If you had sat on the taxation committee, gentlemen, and heard your public service corporations arguing to the committee you would be satisfied that they were paying more than they want to and all that they ought to. But throw yourself right back on the proposition that your heavy burdens of taxation are falling today in Maine upon the small property holders, small householders and small mill-men and small storekeepers and small farmer and the man whose property is not large enough so that he can claim any exemption, and whose property is so easily seen by the assessors that it is all on the tax books and it all bears the full rate. I would like to see the State expenses lowered, not for any political reason. For God's sake, let us forget once for a couple of minutes that we belong to any political party and get down to business sense. I would like to see State expenses lowered during the next two years in order

that the tax rate might not be increased, and in order that the treasury might get into a condition where the next administration could safely lower it if it is too high.

I have gone into this matter at more length than I meant to and at more length than was useful either to you or to myself. Let us have the position clear. Unless a large majority of this House are willing to co-operate to carry this matter through under the emergency clause in order to relieve the State treasury from \$100,000 of new claims this year we will amend it by striking out the emergency clause and that appropriation will have to be made for this year. We can pass it for 1912, we have majority enough to do that. It can be passed for 1912 so that your claims when you come back here to the next Legislature will stand just where they do if you don't have it; but if you help us put it under the emergency clause you will save an appropriation for this present year of \$100,000. The matter is in your hands entirely. That resolve was put in before the finance committee after consultation with the Governor and Council, who saw no other way to get around the present State expenditures. The finance committee is not a partisan committee. There are Republicans upon that committee. I believe the House will stand by it, and I think the House ought to stand by this committee in its report. (Applause)

Mr. WILLIAMSON of Augusta: Mr. Speaker, it seems in consequence of some remarks which I made a few days ago in regard to the postponement of some claims there has been stated quite generally and I think without much consideration that these pauper claims were more numerous in the country towns because they had not been duly notified by the Governor and Council. I have looked the matter up in my own city and I was informed by the officer in this city that he had found \$3500 of exactly the same class of claims as that represented by the gentleman from South Paris, and he thinks there are a large number beside that. He has not put them together because he did not suppose there was any appropriation for them.

It seems to me that this law ought to pass. A great many citizens of this State are aliens and if they fall into distress they are put upon the State, and why shouldn't they become like citizens of the towns of the State?

Mr. DAVIES of Yarmouth: Mr. Speaker, it seems to me that this is a question of serious import and it involves, if I understand it correctly, whether the State of Maine wishes to embark in a new policy upon the question of pauper claims, and I can assure the gentleman from Waterville I think that if the majority members of this House will forget politics for a short time the minority members of the House will do so as well. This policy grew into a custom, that is, it became a custom for the towns of the State to come to the Legislature through their representatives and receive sums of money for these claims. Now, do we want to embark upon a new policy? Do we desire to say here today that that is all wrong? I don't hardly think you do. I think it has been a wise policy; I think it has been a policy that the State can very safely and conservatively continue, and to repeal this law at the present time would be to put these claims which have been referred to the next Legislature in a very undesirable position, for I feel that they ought to be paid on account of the sanctity of the custom which has been given by the State of Maine to pay just such claims in years gone by. The towns are entitled to it if they can be entitled to anything through the operation of a custom; and I say seriously, Mr. Speaker, that we will not annul that policy, that custom so firmly entrenched that it has become a law here today.

The SPEAKER: The question before the House is on the motion of the gentleman from South Paris, Mr. Wheeler, that the bill be referred to the next Legislature.

On motion of Mr. Hersey of Houlton the yeas and nays were ordered.

The SPEAKER: All those in favor of the motion to refer to the next Legislature will say yes when their names are called; those opposed, no. The Clerk will call the roll.

YEA:—Andrews, Austin, Benn, Berry,

Bisbee, Boman, Bowker, Briggs, Brown, Burkett, Buzzell, Campbell, Colby, Davies, Davis, Deering of Waldoboro, Dresser, Drummond, Dufour, Emery, Goodwin, Gross, Hersey, Johnson, Kelley, Kennard, Kingsbury, Knight, Littlefield of Wells, McBride, McCready, Merrill, Mitchell, Monroe, Morse of Belfast, Morse of Waterford, Packard, Pelletier, Peters, Pike, Porter of Mapleton, Porter of Pembroke, Powers, Quimby, Robinson of Lagrange, Robins of Peru, Russell, Sawyer, Smith, Snow of Bucksport, Soule, Stinson, Turner, Weston, Wheeler, Whitney, Wilcox, Woodside.

NAY:—Allen of Jonesboro, Ames, Averill, Bearce, Bogue, Chase, Clark, Conners, Cowan, Cronin, Cyr, Descoteaux, Dow, Dunn, Dutton, Farnham, Fil s, Frank, Harmon, Hartwell, Heffron, Hodgkins, Hogan, Jordan, Kelleher, Lambert, Lawry, LeBel, Libby, Littlefield of Bluehill, Mace, Macomber, Mallet, Manner, Marriner, McAllister, McCurdy, Merrifield, Miller of Hartland, Mow r, Murphy, Noyes, Otis, Pattangall, Parren, Perkins of Kennebunk, Pinkham, Plummer, Pollard, Putnam, Ross, Scates, Sh a, Skehan, Sleeper, Small, Active I. Snow, Alvah Snow, Stetson, Strickland, Thompson of Presque Isle, Thompson of Skowhegan, Trafon, Trask, Trim, Trimble, Tucker, Waldron, Weymouth, Wilkins, Williamson, Wilson.

ABSENT:—Allen of Columbia Falls, Anderson, Clearwater, Copeland, Couture, Deering of Portland, Doyle, Emerson, Fenderson, Gamache, Greenwood, Hastings, Hedman, Hodgman, McCann, Newcomb, Percy, Perkins of Mechanic Falls, Phillips

Yeas, 58; nays, 72; absent, 19.

So the motion was lost.

Mr. PATTANGALL: Mr. Speaker, this bill contains the emergency clause and unless gentlemen who oppose the passage of the bill are willing to consent to have it become a law at the present time, I should desire to offer an amendment striking out the emergency clause which of course would prevent it becoming law until about the first of July. If these three months are desirable enough on the part of the gentlemen who oppose the passage of the bill so that they desire that amendment made I would like to have it offered now so that the bill may go along.

Mr. AUSTIN of Phillips: Mr. Speaker, I think the minority of this House are perfectly satisfied—I only speak for myself however, without any consultation with others. They have registered their protest against the repeal of this law, and it is in the sense of the House here that the law should be repealed. Now I don't think the minority party

in the House will object to voting for the emergency clause. I certainly shall not, and I don't feel that the other members of the minority party will as long as it has been shown that the sense of the House is against the repeal. If it is going to be repealed it might as well take effect now as a year from now. (Applause)

The SPEAKER: I will ask the gentlemen of the House in a formal way—and of course this does not get the expression of the House, as many as are in favor of attaching the emergency clause to please stand in their places until counted.

(The members of the House rose in their places.)

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

An Act to abolish seals on written instruments.

The report of the committee "ought not to pass" was accepted.

Remonstrances were introduced under a suspension of the rules by the following members, and ordered placed on file: Ry Messrs. Austin of Phillips, Turner of New Vineyard, Libbey of Oakland, McCready of Danforth, Peters of Ellsworth and Robinson of LaGrange.

On motion of Mr. Allen of Jonesboro the rules were suspended and he introduced a Bill, An Act providing for the payment of the State aid to free High schools out of State school funds.

On motion of Mr. Murphy of Portland the bill was tabled for printing pending reference to the committee on appropriations and financial affairs.

On motion of Mr. Hodgkins of Damariscotta the rules were suspended and he introduced a resolve in favor of William G. Hodgkins of Damariscotta, secretary of committee on insane hospitals. (Referred to the committee on appropriations and financial affairs.)

On motion of Mr. Peters of Ellsworth, Bill, An Act relating to wharves and fish weirs, was taken from the table.

Mr. PETERS: Mr. Speaker, the pending question on this bill is the adoption of Amendment B offered by the gentleman from Stonington which makes a provision in regard to the price which shall be asked by the men who operate these weirs for the bait or herring sold to lobster fishermen. I want to say that the controversy between the two parties in this herring matter, as I understand it, has been ended. The lion and the lamb have lain down together, and as the claim of the seiners is the lamb is inside the lion. (Laughter.)

But, anyhow, the thing is done with, and it is desired by all parties, including my friend from Eastport who has been so earnest in his advocacy of his views, that this bill should receive a passage. The only obstacle now is the amendment offered by the gentleman from Stonington who is doubtless desirous of benefiting as he thinks in some way the lobster fishermen as I understand it, in his county and mine, but I hope that the amendment will not pass because I believe that he has misconceived not only the function of the Legislature in regard to such matters but also the effect of his proposed amendment. The House will recall that the bill which has now passed some stages of this House simply provides that men who build fish weirs shall be under certain restrictions and obligations in regard to taking away the material of their weirs, and shall be obliged to obtain a license before they can operate the weirs. That is the whole substance of the bill. The amendment of the gentleman from Stonington provides that there shall be added in the first paragraph or section of the bill the following words, "and provided further that he will sell herring caught in such traps to fishermen for bait at the same price he sells to other parties, that he will not discriminate against fishermen in the sale of herring." Of course this Legislature cannot attempt to prescribe the price at which articles of merchandise or any commodities may be sold. I also think that it would be undesirable in any way to arrange it if it were possible to do so, so that a man operating a weir could not sell upon the market so to speak. The effect

of this amendment, as I understand it, if it could be enforced, would be to prevent the man operating a fish weir from selling at wholesale at a less price if he desired than he would not naturally at retail. I assume the lobster fishermen buys in smaller quantities than the man who buys for canning purposes and naturally has to pay a somewhat larger price. The man operating the weir ought to have the benefit of the law of supply and demand, and I do not believe we are yet at a point where we will attempt to repeal the law of supply and demand; and in the interest of good legislation and in the interest of passing this bill without any further trouble, all parties having agreed upon it, I hope the amendment will not prevail; and I move that it be indefinitely postponed.

Mr. HEFFRON of Eastport: Mr. Speaker, I agree with what the gentleman from Ellsworth has said and I second the motion.

Mr. HARMON of Stonington: Mr. Speaker, our attorney general drew this amendment for me and his opinion was that it would keep the weir fishermen from contracting for their bait and thus depriving the fishermen of their right of getting bait. I submitted this matter to several lawyers who said it was all right. I submitted the matter to the commissioner of shore fisheries. He said he believed it would eliminate to a great extent the trouble of the fishermen who wished herring for bait. The fishermen who inhabit the coast of Maine in large numbers gain their livelihood under great difficulties and they have not been considered in this great herring fight this winter. They have not had the money nor the time to spend to come here and look out for their rights. They have simply sent in many humble petitions asking that they be protected in the matter of securing their bait. The weir fishermen and the packers have expended large sums of money, they have been about the State House during the whole session. They don't care in particular for the poor fisherman on the coast. There are on the coast 12,000 fishermen who depend wholly on herring for their bait, and I believe it would be a great hardship on

this number if this bill should pass without the amendment.

The weir fishermen in this State under this bill have a complete monopoly of the herring fishery and a control of the herring bait. It would place the 12,000 fishermen on the coast of Maine wholly within their power, and I believe it is too great a power to be held by one class of fishermen. I trust that the motion of the gentleman from Ellsworth will not prevail.

Mr. Plummer of Lisbon: Mr. Speaker, I think the gentleman from Stonington was one of the supporters of the bill when it was before the House for action, and I am glad he has finally recognized, which is what his amendment practically does, that the bill as presented to this House gives a monopoly to the weir fishermen. That was the contention of its opponents and it appears now to be acknowledged by its proponents.

Mr. ACTIVE I. SNOW of Brunswick: Mr. Speaker, I desire to ask for information, if this amendment is adopted and becomes a law, what is the penalty of that law? I do not think a law is of any use unless it has a penalty.

Mr. PETERS: Mr. Speaker, as I understand the amendment, in the manner in which it is framed, it is not a question of penalty but it is so arranged that the bond provided for in the act which the operator gives when he obtains a license to build a weir not only provides that he shall remove the material of which the weir is constructed but that he shall sell for certain prices to certain men his goods or the herring. There is no penalty for a breach of the condition and also no remedy provided for those men who may be injured by a failure to observe the requirements of the law, no proceedings authorized by them to be taken.

The question being on the indefinite postponement of Amendment B, the motion was agreed to.

Mr. Harmon of Stonington asked for a division on the question.

A division being had, the motion was agreed to by a vote of 45 to 26.

The bill then received its two readings, and on motion of Mr. Heffron of Eastport the rules were suspended,

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

On motion of Mr. Wilson of Auburn, Bill, An Act to incorporate the Pepperell Trust Company, was taken from the table.

Mr. Weymouth of Saco moved that the minority report "ought to pass" be substituted for the majority report.

A division being had the motion was agreed to by a vote of 42 to 13.

On motion of Mr. Davis of Guilford the Bill was tabled pending its first reading.

On motion of Mr. Davies of Yarmouth the resolution and itemized statement of the report of the committee on insane hospitals, was ordered printed.

On motion of Mr. Peters of Ellsworth the Bill concerning employers liability, was ordered printed together with the report.

On motion of Mr. Bogue of East Machias the vote was reconsidered whereby House Bill No. 666 received its first reading.

On motion of Mr. Bogue the report of the committee "ought not to pass" was then accepted.

On motion of Mr. Cyr of Fort Kent, Bill, An Act to remove the Northern District Registry from Madawaska to Fort Kent and to construct a building for such registry at Fort Kent,

was indefinitely postponed.

Mr. Murphy of Portland introduced the following order:

Ordered, that whereas the 75th Legislature has under consideration various measures for the distribution of State school funds, therefore

Ordered, the Senate concurring, that a special committee of five consisting of two on the part of the Senate and three on the part of the House to serve without pay be appointed to investigate the present and proposed methods of distribution of school funds, and report to the next Legislature by bill or otherwise.

A division being had, the order received a passage by a vote of 45 to 34.

The following bill was passed to be enacted: An Act to amend the charter of the Portland Union Railway Station and to enlarge its powers under the name of the Portland Terminal Company.

On motion of Mr. Williamson of Augusta,

Adjourned until tomorrow morning at 9 o'clock.