

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

President, I haven't said a word today. I want to say that I am in favor of this amendment. If the administration is going to practice economy, and that is what the Governor told us today we must do, I think this is a good amendment and that the Democrats here should support it, even if it is introduced by a Republican.

Mr. NOYES of Kennebec: Mr. President, as I understand Senator Milliken's idea, it is simply to have the money pass through the treasurer's hands.

Mr. MILLIKEN: No, Mr. President, I don't want it to pass through the treasurer's hands, but I want it to pass into the State treasury and stay there until the next session of the Legislature.

The question being on the adoption of the amendment offered by Senator Milliken, the yeas and nays were ordered and the secretary called the roll. Those voting yea were: Messrs. Allan, Blanchard, Boynton, Dodge, Donigan, Edwards, Farrington, Foss of Cumberland, Fulton, Gowell, Hill, Irving, Kellogg, Leach, Mayo, Milliken, Noyes, Osborn, Sanborn, Staples, Stearns, Theriault, Winslow—23. Those voting nay were: Mr. Pendleton—1.

So the motion was adopted.

On further motion by Mr. Milliken, the rules were suspended and the bill was given its two readings and was passed to be engrossed.

On motion by Mr. Kellogg of Penobscot, the action whereby House Document No. 822, An Act to amend Section 6 of Chapter 9 of the Revised Statutes relating to taxation, and to provide for exemption of mortgaged real estate from double taxation, was passed to be engrossed, was reconsidered.

Mr. KELLOGG: Mr. President, I move that this bill be tabled and assigned for Tuesday, and at that time I am going to offer an amendment to the bill providing that no man loaning money on a mortgage will charge over 5 per cent.

I want some one to look this over with me so that the amendment will be all right when presented. And if the Lord lets me live I will be here Tues-

day forenoon, and if I am not here you can take it off the table.

The motion adopted and the bill was re-assigned for next Tuesday.

Mr. BOYNTON of Lincoln: Mr. President, I ask unanimous consent to introduce a Resolve for grading and improving the State Capitol grounds, appropriating a sum of money not to exceed \$2000 for the year 1911 and a like sum for 1912, to be expended under the direction of the Governor and Council for grading and permanently improving the grounds.

Mr. KELLOGG of Penobscot: Mr. President, I would like to inquire whether this applies to the grounds on this side of the street or the other side?

Mr. BOYNTON: Mr. President, this means the grounds of the State Capitol, not crossing the street to the other side.

Mr. KELLOGG: Mr. President, I have no objection to that. There has already been a resolve passed to improve the grounds on the other side of the street.

The resolve was accepted and referred to the committee on appropriations and financial affairs.

On motion by Mr. Boynton of Lincoln,

Adjourned.

HOUSE.

Friday, March 24, 1911.

Prayer by Rev. Mr. Kearney of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

An Act to amend Chapter 2, Section 39, of the Revised Statutes, relating to persons before whom oaths required by the Constitution to qualify civil officers may be taken and prescribed.

On motion of Mr. Williamson of Augusta the votes were reconsidered whereby the House passed to be enacted and passed to be engrossed bill relative to the trustees of juvenile institutions.

Mr. Williamson offered an amend-

ment by striking out Section 2 and substituting the following: "Section 2. Said board shall be composed of five men and one woman, inhabitants of the State, who shall be appointed by the Governor, the term of the trustees first appointed shall be fixed at six, five, four, three, two, and one years, respectively, and the trustees thereafter appointed shall hold office for six years."

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

The following bills and resolves, coming from the Senate, received their several readings and were passed to be engrossed under suspension of the rules:

An Act relating to the use of automobiles on the island of Mt. Desert.

An Act to establish a municipal court in the city of Belfast.

An Act imposing an annual license fee upon foreign corporations.

An Act relative to the organization of libraries and charitable institutions.

An Act to amend or extend the charter of the Dover & Foxcroft Water District.

Resolve providing for a State paper.

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

An Act relating to the packing of food.

An Act relating to the taxation of telephone and telegraph companies.

An Act relating to the signature of stock certificates.

Resolve in favor of DeForrest Keyes, came from the Senate indefinitely postponed.

The House receded from its former action whereby it referred this resolve to the next Legislature and concurred with the Senate in indefinite postponement.

Resolve in favor of C. M. Wescott of Patten, Maine, constable of said town.

The House concurred with the Senate in substituting the resolve to the report.

Resolve authorizing the State land

agent to convey Lot No. 9 in Castle Hill.

The question being on the substitution of the resolve for the report in concurrence with the Senate.

The motion was lost.

On motion of Mr. Porter of Mapleton the matter was tabled.

On motion of Mr. Emerson of Island Falls the rules were suspended and he introduced a bill for an amendment to House Document 5 to correct a clerical error, An Act to prevent the throwing of refuse and mill waste into Basakahagan stream.

Mr. Dunn of Brewer moved that the bill and amendment lie on the table.

The motion was lost.

On motion of Mr. Emerson the bill received its three readings and was passed to be engrossed.

On motion of Mr. Peters of Ellsworth the rules were suspended and he introduced a bill, An Act to confirm and make valid the organization of the Franklin Power Company and on further motion by Mr. Peters the rules were suspended, the bill received its three readings and was passed to be engrossed.

At this point Mr. Williamson of Augusta was called to the Chair by the Speaker. (Applause.)

Reports of Committees.

Messrs. Farrington, Peters, Pattangail, Mullen, Dodge and Dunn, from the committee on legal affairs, on Bill. An Act to create a public utilities commission of Maine and to define its duties, reported that the same be referred to the next Legislature with new draft accompanying.

Messrs. Wilson Scates, Pelletier and Wheeler from the same committee reported that the same ought to pass in new draft.

Messrs. Wilson, Goodwin, Trafton and Gowell, a sub-committee of the judiciary committee, reported that after considering the bill they recommend its passage.

On motion of Mr. Wheeler of Paris the matter was laid on the table pending the acceptance of either report.

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

ported ought to pass on resolve in favor of the clerk, stenographer and messenger to the local affairs committee.

Mr. Shea from same committee reported same on resolve in favor of R. H. McCready.

Mr. Kelleher from same committee reported same on resolve in favor of William G. Hodgkins of Damariscotta, secretary to the insane hospitals committee.

Mr. Kelleher from same committee reported same on resolve in favor of A. F. Dresser, chairman of the joint special committee on Portland bridge.

Mr. Otis from same committee reported same on resolve in favor of the clerk to the committee on banks and banking.

Mr. Hastings from same committee reported same on resolve in favor of the official reporter of the House.

The joint select committee on councillor apportionment to which was referred the order of the Legislature relating to apportionment and classification of the State into Councillor Districts have had the same under consideration and ask leave to report the accompanying apportionment and classification.

Per order,

(Signed) BOYDEN BEARCE,
For the committee.

First: Oxford, 1913, 1914, 1921, 1922; York, 1915, 1916, 1917, 1918, 1919, 1920

Second: Cumberland, one for each year.

Third: Androscoggin, 1913, 1914, 1919, 1920, 1921, 1922; Franklin, 1915, 1916; Sagadahoc, 1917, 1918.

Fourth: Kennebec, 1913, 1914, 1920, 1921, 1922; Somerset, 1915, 1916, 1917, 1918.

Fifth: Waldo, 1913, 1914; Hancock, 1915, 1916, 1917, 1918; Knox, 1919, 1920; Lincoln, 1921, 1922.

Sixth: Penobscot, 1913, 1914, 1917, 1918, 1919, 1920, 1921, 1922; Piscataquis, 1915, 1916.

Seventh: Aroostook, 1913, 1914, 1919, 1920, 1921, 1922; Washington, 1915, 1916, 1917, 1918.

First Reading of Printed Bills.

An Act to extend the right, powers and privileges of the Barrows Falls Light and Power Company.

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

Orders of the Day.

On motion of Mr. Miller of Hartland, Bill, An Act to incorporate the Hartland Water Company, was taken from the table and on further motion by the same gentleman the Bill received its three readings and passed to be engrossed under a suspension of the rules.

On motion of Mr. Bearce of Eddington, Bill, An Act relating to contagious diseases among cattle was taken from the table.

Mr. Bearce offered House amendment A.

Mr. BEARCE: Mr. Speaker, perhaps a little explanation would be as well as to read the whole amendment. This Bill, as I understand it, eliminates the cattle commission of three members, and substitutes the sanitary commission which is to take charge of the cattle of the State in the matter of diseases. I wish to offer this Amendment A which places the sanitary commissioner under the charge of the department of Agriculture. We wish to have the commission act in connection with the commissioner of Agriculture, and I think that is the desire of the farmers throughout the State that it should be done in connection with the department and I believe that is right. The other two Amendments are just for the purpose of correcting an error. The last amendment takes out Section 9. We have a government inspection of cattle and cattle that do react to the tuberculin test can be sent and tested under that general inspection and if they do show a little sign of tuberculosis they can be used for food. Now, I for one, do not think that we want to eat that kind of beef, and I do not wish to have it said that this Legislature or this State will stand for the consumption of food of that kind. I hope this amendment will pass. I think it is the desire of the farmers of the State that it should pass. The matter has been thoroughly discussed among the Representatives and Senators and I think this is what we want. I move that the Amendment be adopted.

Mr. Knight of Monroe moved that the Amendment lie upon the table pending its adoption and be assigned for this afternoon.

A division being had the motion was lost by a vote of 32 to 47.

The pending question being on the motion

of Mr. Bearce of Eddington, to adopt Amendment A.

The Amendment was adopted.

On motion of Mr. Bearce the rules were suspended, the Bill received its three readings as amended and was passed to be engrossed.

On motion of Mr. Davies of Yarmouth. Resolve in favor of Susan E. Dumphe, was taken from the table.

Mr. Davies presented a statement of facts relative to the Resolve and moved that it be placed on file.

Mr. DAVIES: Mr. Speaker, at the suggestion of Mr. Stevens, the State auditor, I offer to that Resolve House Amendment A, which amendment reads as follows: "The same being an increase of six dollars a month over the sum previously allowed her." The matter was carefully discussed before the Pension committee, and it was understood by the members of that committee before the report was made that this increase was to be made in this pension. Mr. Stevens suggested it made in this form, and it is for that reason I ask that the Amendment be adopted.

The Amendment was adopted.

On motion of Mr. Davies the Resolve received its second reading and was passed to be engrossed under a suspension of the rules.

Mr. DAVIES: Mr. Speaker, with the permission and sanction of Mr. Bogue of Machias, I move to take from the table, Bill, An Act to prohibit foreign corporations from engaging in the business of generating electricity from water powers in the State of Maine, which was tabled by Mr. Bogue at my request. It is with his sanction that I now move to take it from the table. It comes here under two reports from the committee on Judiciary, a minority and majority report.

The SPEAKER: The bill was tabled pending the acceptance of either report.

Mr. DAVIES: Mr. Speaker, I am not unmindful of the fact that this was introduced into the Legislature very late in the session, and there seems to be no possibility that there was sufficient time to go before the committee and have such an extended hearing as in my opinion such an important matter should demand. I desire to say, however, that I thought the bill was a natural concomitant to a bill we find under Chapter 244 of the

Laws of 1909. I would like to move, Mr. Speaker, that the bill and the report be referred to the next Legislature. I think there is no objection to that on the part of any members of the House.

Mr. BOGUE of East Machias: Mr. Speaker, I second the motion of the gentleman from Yarmouth.

The motion was agreed to and the bill was referred to the next Legislature.

On motion of Mr. Peters of Ellsworth, bill, An Act in relation to close time on lobsters, was taken from the table.

Mr. Peters offered House Amendment A.

Mr. PETERS: Mr. Speaker, I would say that the amendment is a redraft of the bill for the purpose of making it more intelligible, there being some inaccuracy in the first draft, and this being done with the consent of the gentleman who presented the bill. The amendment is as follows: "Strike out all after the enacting clause and substitute therefor Section 1."

The amendment was adopted, and on further motion by Mr. Peters the bill received its three readings under a suspension of the rules and was passed to be engrossed as amended.

Mr. COLBY of Bingham: Mr. Speaker, I would respectfully ask the unanimous consent of the House at this time to present a resolve out of order. This is a resolve providing for an appropriation to prevent the spread of glanders in the plantations of Jackman, Moose River and Dennistown.

I would say in explanation that I was called to Jackman last Saturday by my constituents, and I spent the day Sunday there with Doctor Potter, who is the United States inspector for the border of Maine. He is interested in this matter because Jackman is the point of entry of Canada. I found the conditions much worse there than they were written to me, and I think I can make a better explanation of the matter by reading a short letter from Doctor Potter, but before reading that I wish to call attention to the fact that this resolve provides that this money is to be spent under the direction of the Governor and Council, and the resolve was made up in this way to relieve some friction between the United States authorities and the cattle commis-

sioners. It was thought it could be eliminated by having it expended under the direction of the Governor and Council. Doctor Potter's letter is as follows:

"Jackman, Me., March 18, 1911.

"We have, up to the present time treated some 60 horses, 25 per cent. of which have shown decided reactions; probably 20 per cent. of the remainder I consider suspicious to a greater or less extent.

"We have obtained a sample of blood from the majority of these animals, which has been sent to the Pathological Division of the Bureau of Animal Industry at Washington, D. C. for a laboratory test and until advised as to the result of that test, we do not think it advisable to venture a decision regarding the extent of the outbreak.

"We have traced the disease to Bangor, Skowhegan, Clinton and Quebec, Canada and are investigating Patten and Greenville, Me.

"In our investigation we have traced the disease back three or four years; and last year this office directed a test to be made of three animals in this vicinity with a result that two out of the three reacted and were destroyed by the State Cattle Commission.

"Glanders is an insidious disease, contagious to horses, mules and asses, and to man, and practically incurable. It may be present in and be spread by an animal that shows no clinical symptoms of the disease, but in a majority of cases it is evident to the practiced eye of the trained veterinarian.

"We have quarantined all stables where the disease is evident and declared a quarantine of the towns of Jackman, Moose River and Dennistown, Maine—have also forbid the C. P. R. to accept for transportation any horses from the town of Jackman, Maine, unless authorized by an agent of the State Cattle Commission.

"I am of the opinion that it is highly probable in case some financial action is not taken by the State of Maine in this matter, that the United States government will declare a quarantine of the State of Maine which will close it as a port of entry from all other states and also Canada.

"The subscriber and his assistant, Dr. E. P. Henderson, Veterinary Inspector, U. S. Bureau of Animal Industry, have been appointed agents of the Maine Cattle Commission.

H. T. POTTER,

Inspector in Charge

U. S. Bureau of Animal Industry and Agent Maine Cattle Commission.

Mr. Speaker, I will say that we had an extended hearing yesterday before the Council. The cattle commissioner was there and so was Doctor Potter and myself and several other representative men from the town of Jackman, Moose River and Dennistown. These three plantations form one of the large lumbering sections of the State of Maine and a great many horses come there and go from there every spring. There are about a thousand people in the three plantations and about 400 horses owned by the natives themselves beside those which are owned by the concerns operating there. The people in that vicinity are of course a great deal wrought up over the matter, but they are going to act sensibly about the matter and if this resolve is passed there is no doubt in my mind but they will act intelligently about it and do the square thing, and I hope this disease can be stamped out there and not get into other parts of the State. With this explanation, Mr. Speaker and gentlemen, I move that the resolve have a passage at this time and be immediately sent to the Senate.

Mr. CHASE of York: Mr. Speaker, I would inquire of the gentleman what the conclusion of the Governor and Council was?

Mr. COLBY: I left that out by mistake. This comes into this Legislature with the unanimous endorsement of the Governor and Council, that this be passed, and that it is an emergency measure, so that the Cattle Commission can get to work upon it immediately.

The resolve was received, and on motion of Mr. Colby the rules were suspended and the resolve received its two readings and was passed to be engrossed.

Mr. WILLIAMSON of Augusta: Mr. Speaker, I wish to move that the rules be suspended and that I be allowed to introduce a resolve out of order. The resolve is as follows: Resolve for co-oper-

ation and agreement with the United States for the purpose of creating a forest reserve at the headwaters of the navigable streams of the State.

I will say, Mr. Speaker, that under what is known as the Weeks Appalachian forest reserve, which has been asked by the Congress, there is, as I understand, an appropriation of \$2,000,000 a year for five years for use and examination and survey of land at the headwaters of navigable streams, and in order that the State of Maine may have the benefit of this act it is necessary that the Governor and Council be empowered to enter into such negotiations and consent to such agreements with the proper United States officers and those of other states as are necessary for the preservation of forest reserves of the State of Maine. This resolve was drawn by Mr. Cyrus C. Babb, who is connected with the State Water Storage Commission, and has the approval of the executive department. The resolve carries no appropriation of money, as I understand it.

The resolve was received, and on motion of Mr. Williamson the rules were suspended, the resolve received its two readings and was passed to be engrossed.

On motion of Mr. Trafton of Fort Fairfield, bill, An Act to incorporate the Van Buren Bridge Company, was taken from the table.

Mr. Pelletier of Van Buren moved that the bill take its first and second reading at the present time.

The motion was agreed to.

Mr. HARTWELL of Old Town: Mr. Speaker, as I was one of the committee on ways and bridges I wish to say in behalf of that committee, that when this bill came before our committee we supposed that it was in regard to a toll bridge over the St. Johns river and there was no one that came before us to explain the Bill either for or against it; the committee thought they were doing right when they signed the report, but have found out since that the bill is for a R. R. bridge over the St. Johns river in the interest of the Restigouche and Western R. R. Co., incorporated under the laws of New Brunswick.

Now, Mr. Speaker I wish to with-

draw the bill and move that it be indefinitely postponed.

Mr. PELLETIER of Van Buren: Mr. Speaker, there has been more or less talk about this bridge. This bill is one which I introduced under a suspension of the rules. It was referred to the committee on ways and bridges and reported by that committee unanimately "ought to pass." In order that the House can better understand the bill I will read it at this time.

"Section 1. Allan E. Hammond, Levite V. Thibodeau, John B. Pelletier, Henry K. Bradbury, Abraham J. Dubay, Joseph F. Theriault and John Castonguay, all of Van Buren, in the county of Aroostook and State of Maine, their associates, successors and assigns are hereby created a body politic and corporate under the name of the Van Buren Eridge Company with all of the powers and privileges and with all the duties and liabilities of corporations under the laws of the State.

"Section 2. Said corporation may construct, maintain and use a bridge for railway purpose across the St. John river between Van Buren in the State of Maine and St. Leonards, in the Province of New Brunswick, and may lay tracks on the said bridge for the passage of locomotive engines and railway trains, with all of the necessary approaches, tracts, machinery and appliances required to enable the company to use the said bridge; and may purchase, acquire and hold such real estate including land for sidings and othed such like accommodations required for the convenient working of the traffic to, and from and over the said bridge, as may be necessary therefor.

"Section 3. Said corporation is authorized to unite with the Restigouche and Western Railway Company, a corporation incorporated by Chapter 82 of the Private and Special Laws of the Province of New Brunswick of the year 1897, under authority subsequently conferred upon it, by Chapter 78 of the Laws of the Parliament of the Dominion of Canada, of the 63-64 of Victoria, assented to June 14, 1900, in building the bridge and its approaches, and working, managing and using the same and may enter into any agree-

ment with such company respecting the construction, maintenance, management and use of the said bridge and approaches.

"Section 4. Said corporation may— for the purpose of raising funds for the construction of said bridge, issue bonds, debentures or other securities to an amount not exceeding \$250,000."

There have been many objections made to this Bill. The first objection was that it was put in under a suspension of the rules. I will admit that fact, and the Legislative Record also will show that. I have given reasons for the introduction of this Bill under a suspension of the rules. The second objection that was made was that it was claimed that the Bill was defective. Well, I will plead guilty to that fact. Another reason given is that the title of the Bill is deceiving and misleading, and that it was purposely made so. I plead not guilty to that charge. Had I the intention to push this Bill through the Legislature, do you suppose I would have gone and talked this matter over with Judge Stearns and with counsel for the B. & A. Railroad? Now, another thing they claim. They claim that it was referred to the wrong committee. I know of no law in this State that obliges any person to refer any one Bill to any one committee or to another committee. The Bill was referred to the committee on Ways and Bridges. Why? Because it was asked in that Bill to incorporate a Company to build a bridge, a railway bridge, if you wish. We were not asking to incorporate a railroad company. And I say when this Bill went to the Ways and Bridges committee that that committee ought to have reported either favorably or not or have referred the matter to some other committee. I do not think it is fair now for men to come in and take back water on the report of the committee. If they wanted to vote against it, let them vote against it. I only want fair play. If it suits them not to report upon the Bill, why didn't they do so? It was their duty to look at the Bill and see what there was in it.

Another objection they claim is that it was not advertised. Well, Mr. Lawry, the secretary of the committee on Ways and Bridges informed me that the Bill was advertised, and I am willing to take his word for it. Another objection is that there was

no hearing, because the B. & A. Railroad had no objections to it. I will say frankly that I have seen around this lobby several parties that have been lobbying for the B. & A. all the time. It was their duty to look at the Bill. Why didn't they do their work? If they didn't do their work they can't blame me for it. One of the attorneys of the B. & A. Railroad told me that under this Bill it was so sweeping that we could take the land and the property of the B. & A. We don't want the B. & A., and I will submit that no fair minded man who will look over this Bill will find anything said about the right of eminent domain in there, not a single thing. It only says we may purchase, acquire and build. Another objection is that this Bill, if enacted, would prevent the building of the Allagash extension. Let me say one word in regard to the Allagash extension and the connection between the two Bills. In Van Buren and along the St. John river they raise potatoes, hay and grain and cut lumber and pulp wood. The potatoes are shipped over to Boston and Providence markets, and they are shipped over the B. & A. Railroad. The pulp wood is shipped over to the Great Northern Paper Company at Millinocket, and it is shipped over the B. & A. Railroad. All the lumber is shipped over the B. & A. Railroad to Bangor or Boston markets. Now you take the Bill for the Allagash extension, and the freight that this new Allagash extension when it is built, will be shipped from north to south the same way that it is now done. I do not see connection at all between these two measures. One cannot have any effect on the other at all. Now what is the real purpose of having this bridge built? The purpose of the bridge is to enable the Van Buren Lumber Company, a corporation organized under the laws of the State of Maine and doing business in the town of Van Buren, Aroostook county, to have their logs from across in New Brunswick come over to their mill in Van Buren. The Van Buren Lumber Company owns large tracts of land in New Brunswick and along the line of the Restigouche & Western Railway Company. Mr. Hammond, one of the incorporators of the Bill, has taken up this matter with the B. & A., and tried to find out a way whereby he could get those logs to Van Buren, and the only possible way to have those logs taken over to Van Buren is by means of a railway between St. Leonards and Van Buren,

and that is what we are asking for.

Now, who is going to be benefited by the bridge? Of course Van Buren would be benefited, because it means another saw mill to us, and it means the employment of hundreds and hundreds of laborers. I think it will help the whole county of Aroostook and the whole State of Maine. The more mills we have the better. One of the reasons given for the building of the Allegash extension was that Mr. Cram, the president of the B. & A., wished to take the mill to the logs. It is just the reverse with us. We want to take the logs to the mill. The B. & A. would be benefited by this bill because the lumber when it is once manufactured at Van Buren, will have to be shipped over the B. & A. Railroad just the same as it is shipped now at the present time. Who opposes this bill? The B. & A. Railroad only. The B. & A. have received from Van Buren a large amount of freight. The railroad has received not only a fair amount but a large amount of freight from Van Buren, and it has received an exorbitant price for that freight because we have been compelled to ship our freight over the B. & A., and it has been a case of "pay or go without it," and we can't get along without it, and so we have to pay.

Now, they have another objection. The Restigouche & Western Railroad is incorporated in New Brunswick, and we unite with them. The B. & A. Railroad is afraid of that. They may say that according to their charter no Railroad would be allowed to run within 15 miles each way or a total of 30 miles in all of their main track. We do not want to run parallel with them. We want the road to go over on the bank of the river and reach the mills, and that is all we are asking for. Another objection, and perhaps the most serious one is that it will make competition with the B. & A. I would say, give us this bridge so we can have competition. The people of Aroostook want this bridge. I have seen just one member of the delegation here who opposed this bridge. He says that it will prevent—he does not say it may prevent, but

he says it will prevent the building of the Allagash road. Gentlemen, I will say right here, that his bridge if it was built will not affect in any way the sun, moon or stars. There is no more connection there between these two propositions than is with the proposition that it will affect the sun, moon and stars. The people of Aroostook want the bridge and the people of Van Buren and everybody up there wants it and why not give it to us? I sincerely hope that the motion of the gentleman from Old Town will not prevail.

Mr. Hartwell moved that when the vote is taken it be taken by yeas and nays.

Mr. TUCKER of Wiscasset: Mr. Speaker, this bill received the unanimous report of the committee. It was unanimous as far as the committee went but it was not a full attendance of the committee at that time. It seems to some that it was here as a suspicious looking bill, and as the gentleman has said, it came in under a suspension of the rules, and has a very misleading title. The bill has gone to a third reading. What makes it look more suspicious is that fact that this Legislature has granted a series of charters for bridges starting from the western part of the State and running across the State. These charters have been reported upon and carried through, and this bill coming in at the last moment, at the latter part of the session when there was not time for much attention to be given to it was not considered as it should have been. Now the gentleman from Van Buren appeared before that committee on ways and bridges a while ago in a very pathetic manner and told about the poverty of his place where it was necessary for this State to make up the amounts appropriated by the last Legislature and which is now lacking to the amount of \$37,500, to complete a bridge across this river. Now it appears that in that poverty stricken village there is one industry alone which is capable of expending \$250,000 for the purpose of getting across this same river and for no other purpose than to carry lumber which they cut and

which they could float down the river. I submit to you that this is a very suspicious looking bill, and if the committee had had time to recall it and give it due consideration which they could not do at that time, owing to a very long and exhaustive hearing which preceded it, it would have been killed, and I hope the gentleman from Old Town will prevail.

Mr. CONNORS of Bangor: Mr. Speaker, I hope the members of the House will look into this matter very carefully. The B. & A. Railroad has spent a large amount of money and opened up a great country there and I think it is our duty to protect them. When that bill was first mentioned there was no railroad connected with it, no railroad bridge and I think we ought to vote against it.

Mr. TRAFTON of Fort Fairfield: Mr. Speaker, I wish to say that this was a matter which came to my attention only the other day when I asked to have it laid upon the table. I wish to say as a general proposition that the bill for the building of this bridge across the St. John river at Van Buren, as a general proposition, I should favor that idea, provided it had a chance to be properly heard in this Legislature. But I do not think myself, a piece of legislation as sweeping as this should be enacted here in the closing days of the session without a proper hearing, especially in view of the statement which has been made by members of the committee on ways and bridges. I do not wish to be misunderstood. I am in favor of the bill if it had been presented here in proper time and in a proper way. I would much prefer that this matter go over to the next Legislature, so that it can be properly heard and if necessary be granted at that time.

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

The motion was lost.

The question being, shall the bill be indefinitely postponed,

The motion was agreed to and the bill was indefinitely postponed.

(At this point Mr. Hersey of Houlton took a position near the Speaker's desk.)

Presentation of Watch to the Speaker.

Mr. HERSEY of Houlton: Mr. Speaker, I rise at this time to a question of the greatest privilege and I ask under a suspension of the rules that I may be allowed to speak from this position instead of from my seat. You have allowed the gentleman from Augusta during this session of the Legislature, Mr. Speaker, little Joe Williamson, to parade up and down the hall and not be confined to his seat, and I ask at this time that I may be given certain privileges.

Mr. Speaker, I have here a measure which I wish to bring before the Legislature during its closing hours. It is a measure upon which I apprehend there will be no contest, because the matter presented, Mr. Speaker, has, as I understand, the full endorsement of this House and has in addition to that a petition which I have in my hand, signed by the gentleman from Auburn, Mr. Hastings, and 144 members of this House. Further than that, Mr. Speaker, the matter which I wish to present to you now is a matter upon which, as I understand, the gentleman from Rockland, Mr. Otis, will not rise in his place and ask the privilege of voting for me upon this matter as against any party policy (applause). Further than that, Mr. Speaker, the gentleman from Yarmouth, Mr. Davies, will not invoke the referendum upon this matter. (Applause.) This does not come under the primary election act but comes directly to this House under an emergency clause, which I understand will not be opposed. Further than that, Mr. Speaker, I apprehend that I have good reasons to believe that the gentleman from Portland, Mr. Murphy, will not ask to put this matter upon the table. (Applause.) I am also informed that the gentleman from Waterville, Mr. Pattangall, will not take his usual hour to reply to me upon this occasion. (Applause.) Furthermore, Mr. Speaker, I understand that the gentleman from Lisbon Falls, Mr. Plummer, will vote with me for the first time upon this action. (Applause.)

This comes before us, Mr. Speaker, under an emergency measure in this way: Prior to the last November election, Mr. Speaker, it was understood at that time in the party councils of what is now the

minority party that we were to elect our Speaker for this Legislature. We had our man selected. We were all going to stand for the smooth and oily representative from Ellsworth, Mr. Peters. (Applause.) The judge had been all over the State in an automobile, he had seen all the great men of his party and they all had promised to stand by him and give him unanimous support. But, Mr. Speaker, as the election returns came in it was found that my friend, Judge Peters, was in the same position as a friend of mine up in my town, a bright young man all right, who applied to a certain well-known secret society for admission and he put in his application. He was to be voted upon on a certain night, and he could hardly wait and so he went and purchased for himself a society pin at quite an expense. When the night came around he found he had been blackballed. That was the position of my friend Judge Peters. (Laughter.) So it was up to the Legislature, the Democratic Legislature, to elect their own Speaker without any regard to what the Republicans wanted, and they went ahead and did it, although I must say, Mr. Speaker, that in the doing of that job they did a mighty good job. (Applause.) One thing which the Democratic party in this State in Legislature assembled, Mr. Speaker, did that was a good thing—they made no mistake in your election as Speaker of this Legislature. (Applause.) Now I go that far, Mr. Speaker, I do not wish to go any farther. I would rather stop right there for fear I might get into trouble, but I am willing to stand by that, and I believe that other Republicans in this Legislature will stand by me in that statement and say on that matter, that one question, the Democratic party of this State has done good business. (Applause.)

Now, Mr. Speaker, all joking aside, I wish to say in behalf of the Legislature, the House of Representatives, that I have as a little token of our appreciation here a gold watch given by the members of this House to you. It is pure gold, engraved from this Legislature to the Speaker of the House, the Honorable Frank A. Morey. A pin accompanies this token. I wish to say, and I think I voice the sentiment of all, that your impartiality, the pleasant, social and agreeable

way in which you have treated the members of this Legislature, the way in which you have presided, the record which you have made in this Legislature, without a single ruling being overruled or even presented to the House, cannot be excelled, and we all feel that upon every measure you have recognized fully the minority party of this Legislature in every regard and in every particular. (Applause.)

Mr. Speaker, it is said by travellers in the Far East that there is a quiet little valley up upon the Arabian hills that has been given over to the culture of beautiful fragrant flowers, so fragrant are the odors in that little valley that when the traveller leaves, his garments are saturated with the beautiful odors, and for years afterwards he bears away with him the fragrance and their sweet memories live with him through life. This is the place that tries men's souls. No man can come to this Legislature and mingle with its members for a session, touching shoulders and being up against the members of this Legislature, but he will carry with him, Mr. Speaker, through life the memories, sweet and fragrant memories of the friendships that are lasting forever. He finds out how small and poor and mean are mere politics, and mere partisan fight, how little they become when men look into each other's hearts in the great business of the State. And, Mr. Speaker, we will carry away with us from this Legislature among our most fragrant memories of friendship, among the sweetest and most enduring of memories, the sweet memory, the pleasant memory that it has been our privilege to have met here in friendship forever such a man, so social, so generous, so big hearted, so grand a man as the Honorable Frank A. Morey, the Speaker of the House. (Long and continued applause.)

The SPEAKER: Mr. Hersey, and members of this Legislature: With the opening remarks of the gentleman from Houlton, until he got started away, it seemed to me that he was touching upon a matter that perhaps I might not be interested in. He progressed a little, and I want to say to you that the gentleman from Houlton touched me to the heart. I know well that the most priceless things in this world are those that appeal to the emotions of the

heart, and those friendships that are as lasting as life are the things that lead men to believe that in the future there is a continuation of the ties of life. I have enjoyed presiding at this session of the Legislature. At the opening of the session it was my purpose to preside impartially. I stated that every man would have his rights, and I have endeavored to see that he did have them. (Applause.)

It is a source of gratification, perhaps you will say it is a feeling of pride, that not a single ruling so far in the session has been appealed from, but that the gentlemen of the House have acquiesced in what they believe to be the fair rulings of the Chair. As I look over towards the seat of the gentleman from Houlton, over to the westward, I realize that many of us have passed the hill and are going down the decline. This gift from you to me, this beautiful watch, is symbolical perhaps of eternity for it will go on and on and on. Still the span of life of each of us is moving forward. I interpret this watch as an emblem to keep a watch out for the future of this Legislature. From every quarter of the State has come men of brains, men of ability to participate in the doings of this session. I have attended several Legislatures here in this building. I never have seen a Legislature whose purpose was more honest, a Legislature which strove harder to do the best things for the people of the State. Then the gentlemen who sit in this House—I can call a hundred or more who can stand in their places and debate with ability questions presented to the House, and I doubt if ever before there was gathered here so many men of ability. I see men here who would grace in a fitting manner the supreme bench of the State of Maine, men here who are successful in their business enterprises, and young men full of promise and hope who see before them successful careers in the future. Gentlemen of this House, it is something like a feeling perhaps that we used to have when we taught school, the feeling of those who have been with us; it is a strong feeling that ties and knits us together as long as this life shall last.

I thank you, gentlemen, from the bottom of my heart for this token. I appreciate the kindness of the members. A former Speaker of this House who has been here in attendance at this session, told me since the session began—and he was Speaker in 1903—since that time, a period of but eight years, 58 members of the Legislature had passed over and gone away forever. Since this Legislature has assembled the silent messenger has come and taken one from our number. God forbid that in the next eight years so many go beyond. I thank you. I can say no more. As long as memory shall hold its sway with me will come from the pleasant valley, not in Arabia, but from the hearts of the men of the 75th Legislature, a token of good will and friendship, which I shall prize as much as life itself. (Long continued applause.)

The communication was received from the Senate proposing a joint convention of the two Branches of the Legislature forthwith in Representatives Hall for the purpose of receiving a message from the Governor.

The House concurred in the proposition and the Clerk was charged with and conveyed a message to the Senate to that effect.

Thereupon the Senate came in and a convention was formed.

In Convention.

On motion of Senator Staples, Messrs. Staples of Washington, Stearns of Oxford, Strickland of Bangor, Williamson of Augusta and Wheeler of Paris, were appointed a committee to wait upon the Governor and inform him that the two Branches of the Legislature were in convention assembled in Representatives Hall for the purpose of receiving from him such communication as he might be pleased to make.

Senator Staples from the committee subsequently reported that the committee had performed the duty assigned it and that the Governor was pleased to say that he would await upon the Convention immediately.

His Excellency thereupon entered the Hall and communicated with the convention by address, as follows:

Members of the 75th Legislature of Maine:

I have requested your presence here, at this time, in order that I might

have an opportunity to say something to you concerning the financial policy which has been forced upon my administration by existing circumstances and which I must ask you to continue to carry out during the few remaining days of this session of the Legislature.

You will have presented for your consideration bills calling for the levying of a direct state tax of five mills for both of the years 1911 and 1912. It is necessary that these bills should be passed. I had hoped that a lower tax rate than five mills might have been possible for 1912 and expressed that hope in my inaugural address. My disappointment in that respect arises from no fault of yours.

When I last addressed you, I stated, from the best information then at hand, that it was your duty to provide means with which to pay some \$400,000 of unpaid bills which had come to us as a legacy from the last administration and to provide, in addition, for the payment of the temporary loan of \$300,000 negotiated in January, 1910, renewed in July of the same year, and which we were again obliged to renew in the early part of this year.

Hardly had I taken the oath of office when unpaid bills, of which I had no knowledge at the time of my inauguration, began to pour in upon the State, accompanied by justly insistent demands for payment. These bills amount to over \$350,000. Adding this amount to \$384,000 of unpaid warrants drawn by Governor Fernald and \$300,000 temporary loan, left the State in a position where it became necessary to raise over a million dollars of revenue in excess of our current expenditures for the years 1911 and 1912, in order that it might pay its honest debts.

The tax rate for 1912 might have been three mills instead of five mills, had it not been for these debts. In other words, had the State's finances been in a reasonably healthy condition when this administration came into power, no direct State tax for 1912 need have been levied excepting

the tax for the support of common schools.

But the debts existed and there was no skirking their payment. The State of Maine always has and always will pay its honest bills. There was but one way to meet the situation. The only way to pay a bill is to pay it. The only way in which a state can pay its bills is to tax the property of its inhabitants sufficiently to produce the money with which to pay them. The situation demanded a tax rate higher than is desirable and, at the same time, the practice of the strictest economy.

With a tax rate of five mills for the years 1911 and 1912, the entire revenues of the State for the two years will be approximately \$8,500,000. Of this amount more than \$1,000,000 must go to pay debts contracted by the previous administration. Over \$3,000,000 of the balance is taken up by the common school fund, leaving less than \$4,500,000 to be otherwise expended during the coming two years, or approximately \$2,500,000 for each year.

When it is remembered that the appropriations made by the Legislature of 1909, exclusive of the amount appropriated for common schools, aggregated \$6,700,000, or an average of \$3,350,000 for each of the two years of 1909 and 1910, some idea is obtained of the contrast between the lavish extravagance of your predecessors as compared with the strict economy which that extravagance forced upon us.

I desire to congratulate you and to thank you for your faithful and consistent work in assisting me in carrying out the policy of economy which we found necessary. It has required great self-control and involved much self-denial on your part to adhere as strictly as you have to that policy. The good result is now apparent. Without raising the tax rate we shall meet all of the bills contracted by this Legislature, pay off the \$1,000,000 of debts bequeathed to us and leave in the treasury, at the close of the two years, a reasonable working balance.

The revenues of our State will gradually and steadily increase as business develops and property values be-

come higher. With the burden of debt, which has embarrassed us, lifted, it will be possible to exercise more liberality in the future, toward those things which naturally move us to liberality, than has been possible this winter. That form of generosity, however, which consists in spending not only all that is at hand but in mortgaging the future can bring only one result whether it be indulged in by an individual or by the State.

If we have been obliged to deny those who have asked us what we would have liked to give, it has been because what should have been ours had been spent by others. If in the future we can give more freely it will be because we have refrained from giving beyond our present means.

Your task, gentlemen of the Legislature, has not been an easy and agreeable one. You have performed it well. My work, yet only in small part accomplished, will be performed the more easily because of what you have done. You will shortly go to your homes to give to your people an account of your stewardship. You have reason to be proud of your record. Carry to your people the simple truth concerning the situation which you faced. Explain to them the conditions which confronted you, the circumstances which surrounded you. The people can be trusted to justify and sustain right doing when they know the truth. In justice to yourselves, see that they do know it. You undertook the government of the State under most trying circumstances. You found an empty treasury and the credit of the State worse than exhausted. In spite of adverse conditions you have worked out the great problem of government to the satisfaction of all fair-minded citizens. You have enacted wise laws and repealed unwise laws; you have not done foolish things; you have done what you could to promote the prosperity of the State and the happiness of all its good people.

The reading of the message was received with applause.

The Governor then retired.

On motion of Senator Staples of Knox

the convention was dissolved and the Senate retired.

Report of the committee on legal affairs on bill, An Act in favor of the law student, who is obliged to labor during his course of study, reporting that same be referred to the next Legislature, came from the Senate with report accepted, and by the House was accepted in concurrence.

Mr. Dunn of Brewer moved reconsideration of the vote accepting the report in concurrence.

Discussion ensued.

On motion of Mr. Williamson of Augusta, the report was tabled.

In House.

On motion of Mr. Williamson of Augusta the House took a recess until two o'clock in the afternoon.

AFTERNOON SESSION.

On motion of Mr. Otis of Rockland, report of the committee on representative apportionment, was taken from the table, and on further motion by the same gentleman that part of it relating to Knox county was recommitted to the committee on apportionment.

Mr. Otis introduced a resolution of the Rockland Board of Trade in relation to this matter and also a petition of several hundred citizens of Rockland in regard to the same, and on his further motion the resolution and petition were referred to the committee on apportionment.

Passed to Be Engrossed.

An Act for the encouragement of industrial education.

An Act to incorporate the Swan's Island Water Company.

House Bill, No. 426, An Act to incorporate David Improvement Company.

House Bill, No. 693, An Act to regulate hunting gray squirrels.

House Bill, No. 694, An Act to prohibit use of gang hoods.

House Bill, No. 695, An Act to provide close time on wood ducks.

Mr. Buzzell of Fryeburg offered Amendment A by adding to Section 1 the words "except that the provisions of this act shall not apply to the county of Oxford."

On motion of Mr. Bogue of East Machias the bill was tabled pending third reading.

House Bill, No. 698, An Act regulating sale of trout, salmon, togue.

House Bill, No. 699, An Act relating to police court, city of Rockland.

House Bill, No. 700, An Act relating to transmission of power.

House Bill, No. 702, An Act relating to Penobscot Tribe of Indians.

House Bill, No. 708, An Act to establish Yorkshire municipal court.

House Bill, No. 709, An Act to incorporate Island Light and Water Company.

House Bill, No. 703, An Act regulating ice fishing in Androscoggin county.

House Bill, No. 705, An Act to incorporate Upper St. John Log Driving Company.

Senate Bill, No. 103, An Act to incorporate Clark Power Company.

Passed to Be Enacted.

An Act amendatory of Section 52 of Chapter 49 of the Revised Statutes, relative to a change of location of mutual fire insurance companies.

An Act to incorporate the Bangor Chamber of Commerce and unite the same with the Bangor Board of Trade.

An Act to extend the open season for fishing for land-locked salmon, trout and togue in Great pond and in Long pond in Kennebec county.

An Act authorizing the construction of a bridge across the Piscataqua river.

An Act to regulate the taking of smelts in Great brook and Cold brook in the town of Stoneham and in the town of Lovell, in the county of Oxford.

An Act to regulate the taking of black bass in Pennesseewassee lake and in the Bog, so called, in the town of Norway in the county of Oxford.

An Act in relation to accidents and requiring them to be reported to the commissioner of labor; requiring investigations thereof, and providing penalties for the violation of this act.

An Act to repeal Chapter 22 of the Private and Special Laws of 1903, entitled "An Act to establish a street and sewer commission for the city of Bath.

An Act in relation to the election of directors of corporations.

An Act to amend Section 10 of Chapter 12 of the Revised Statutes, as amended by Chapter 40 of the Public Laws of 1907, relative to support of law libraries.

An Act to amend Chapter 42 of the Public Laws of 1907, entitled "An Act to prevent desertion and non-support of families," as amended by Chapter 54 and 178 of the Public Laws of 1909.

An Act relative to the election of the city clerk of the city of Bangor.

An Act fixing the liability of a bank to its depositor for payment of forged or raised checks.

An Act to amend Section 60 of Chapter 18 of the Revised Statutes, relating to the public health and the prevention of contagious diseases.

An Act to extend the charter of the Ocean and Northern Railroad Company.

An Act to repeal Chapter 317 of the Special Laws of 1901, as amended by Chapter 375 of the Special Laws of 1907, relative to protection of lobsters in the waters adjacent to Lubec and Trescott.

An Act to further amend Chapter 352 of the Private and Special Laws of 1905, relating to the Caribou municipal court.

An Act to extend Section 134 of Chapter 49 of the Revised Statutes, relating to fraternal beneficiary associations.

An Act to amend Chapter 118 of the Private and Special Laws of 1887, entitled "An Act to incorporate the Belfast and Liberty Telegraph Company."

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

An Act to incorporate the Parsonsfield Kezar Falls Village Corporation in the town of Parsonsfield.

An Act to incorporate the World Standard Insurance Company.

An Act to incorporate the Phillips Electric Light & Power Company.

An Act to amend Chapter 625 of the Private and Special Laws of 1893, relating to a police commission in the city of Biddeford.

An Act to extend the charter and rights of the Penobscot Bay Railroad Company.

An Act relating to the payment of damage to growing crops by deer.

An Act to regulate fishing in Sandy stream, so called, a tributary to Moxie pond in the county of Somerset.

An Act relating to the taxation of telegraph companies.

An Act to change the name of Goose pond in Cumberland county.

An Act to amend Section 6 of Chapter 242 of the Public Laws of 1909, authorizing the commissioner of agriculture to seize

milk cans and bottles not properly sealed and cleansed.

An Act to regulate the transportation of trout, togue, land-locked salmon, white perch, black bass and game birds.

An Act to make the proceedings of the department of the Grand Army of the Republic of the State of Maine a part of the public records of the State.

An Act to amend Chapter 173 of the Laws of 1909, relating to the clerk hire of the register of deeds in York county.

An Act to amend Section 28 of Chapter 6 of the Revised Statutes, relating to the time of opening and closing polls.

An Act to amend Section 1 of Chapter 450 of the Private and Special Laws of 1907 entitled "An Act to prohibit the throwing of sawdust and other mill waste into Bog brook and tributaries, in the counties of Oxford and Androscoggin."

An Act to amend the charter of the Bangor Boom Company.

An Act to amend the charter of the city of Waterville.

Finally Passed.

Resolve in favor of Frank L. Hodgman of Lamoine.

Resolve in favor of Harvard C. Jordan of Ellsworth.

Resolve in favor of Harry Stetson.

Resolve in favor of Otis Littlefield and others.

Resolve in favor of Frank W. Colby.

Resolve in favor of the Maine Industrial School for Girls for permanent improvements and general repairs.

Resolve in favor of navigation on Sebec lake.

Resolve in favor of Hannah E. Hodsdon for pension, widow of Aaron Hodsdon, late of 17th Maine Regiment, Company E.

Orders of the Day.

Mr. HERSEY of Houlton: Mr. Speaker, I rise to a question of privilege.

The SPEAKER: The gentleman will state his question of privilege.

Mr. HERSEY: Mr. Speaker, this morning during the debate upon the act relating to the admission of law students to the bar, the gentleman from Brewer (Mr. Dunn) in intemperate language accused the bar examiners of this State of dishonest practices in the performance of their duties in the admission of members to the bar. Upon that bar commission, Mr. Speaker,

are two Democratic members, the Hon. John B. Madigan of my town, and the Hon. Charles F. Johnson, the United States senator from Maine. I know Mr. Madigan. We were boys together, admitted at about the same time to the bar. I have practiced with him. I know him and have known him all his life. He is one of the salt of the earth, honorable in every respect, perfectly impartial and every act of his life has been one of honor. I cannot sit quietly in this House and hear the name of an honorable man who upon the first vacancy that occurs on the supreme bench of Maine is to be honored by being made a judge—and I am glad of it—I cannot sit quietly in my seat and have the Honorable Charles F. Johnson, United States senator for Maine, whom I love and whom I respect, one of the great men of the day, and hear their names smirched on the floor of this House and accused of dishonest practices; and I move, Mr. Speaker, in behalf of the honor of the Maine bar, and of the great men of the State of Maine, that the remarks of the gentleman from Brewer this morning be stricken from the Record.

Mr. DUNN of Brewer: Mr. Speaker, I am the gentleman from Brewer, and not being accustomed to public speaking perhaps I may have gone a little beyond, or my phraseology may have said things that my heart would not utter. So far as the Honorable John B. Madigan is concerned, I believe him to be an honest man and I would defend him even with my life. So far as the Honorable Charles F. Johnson is concerned, I believe him to be an honorable man and a credit to the community in which he lives and I would defend him with my life; and I mean it. I am not talking to the galleries now. But I am going to talk upon a question which interests or should interest every lawyer in the State of Maine. It should interest Mr. Hersey. I mean the question of whether this is a republic or an oligarchy, the question of whether we as citizens of a free country are going to be confronted by a condition of things that deprives a man of his constitutional right and privileges, and I claim as I have claimed that the law existing upon the Statute books is an insult to the principles of Americanism, and the gentleman himself knows it. There

is not a lawyer on the floor of this House that does not know that that law which is upon the Statute books of the State of Maine is an insult. I ask you, Mr. Speaker, if I am not out of order, to read the Bill that I have spoken of.

The SPEAKER: The question before the House now is on the motion of the gentleman from Houlton that the remarks be stricken from the Record.

Mr. DUNN: I don't want them stricken from the Record; I want them in there.

The SPEAKER: The question now before the House is whether or not the remarks of the gentleman this morning shall be ordered stricken from the Record.

Mr. OTIS of Rockland: Mr. Speaker, I wish to make the point of order that the motion should designate the words alluded to. I do not think the gentleman from Houlton intended to wipe from the Record all that was said in that debate and I think the motion should be in writing. I make this as a point of order that the motion should be in writing and should designate the words complained of.

Mr. HERSEY: Mr. Speaker, it is almost impossible for me to get the words complained of that were spoken here upon the floor of this House, the Record not being in my possession at the present time. I said I wished the words that accused the Bar examiners of this State of dishonesty in their practices be stricken from the Record.

The SPEAKER: The gentleman will put that in substance in writing.

Resolve making an appropriation for the Penobscot Tribe of Indians.

This resolve came up on its final passage, and containing an emergency clause it required 101 votes for its passage.

A division was had and the resolve was finally passed by a vote of 111 in the affirmative.

The SPEAKER: The gentleman from Houlton has submitted a written motion that all the words spoken by the gentleman from Brewer, Mr. Dunn, in the debate on Friday morning, March 24, 1911, that accused the Bar examiners of Maine of dishonesty in the performance of their duties, be stricken from the Record.

Mr. PLUMMER of Lisbon: Mr. Speaker, it strikes me, inasmuch as the gentleman from Brewer has insisted that his remarks should remain upon the Record and inasmuch as the motion is rather indefinite, leaving it to some one outside the membership of this House to decide, it might be better to let it go until tomorrow when we can see the remarks or at least have a transcription of the Record and have it read to this House in order that the House may decide whether any remarks that were made were really reflections on the Bar examiners or not.

Mr. HERSEY: Mr. Speaker, I do not wish anything done after the wicked thing has been done that will be done if this is not taken care of at the present time. Here sits the official reporter of this House. The report of the proceedings of this House goes into the Kennebec Journal tomorrow morning and is read by all the members. If my motion prevails, that much will not go into the Record, and as to the newspapers of this State I can trust the representatives of the press of the State sitting here that nothing said by the gentleman from Brewer this morning will go into their papers; but after the Record has been published in the Kennebec Journal tomorrow it is utterly useless then to do anything with the Record. I do not want the record to go out to the people of this State with the language that was used this morning in regard to the Bar examiners of the State who are all honorable men.

Mr. DUNN: Mr. Speaker, I tried to make it plain that the members of the bar examiners are friends of mine. Perhaps I did say something a little wrong. It was the law I referred to and not the men. And now I want to say this, and I hope it will be printed: the law is dishonest. The members of the committee know that the law is dishonest as well as does the gentleman from Houlton know that it is dishonest. It is not a square deal. I want that statement to go into the Record.

Mr. OTIS: Mr. Speaker, I make the point of order that the document sub-

mitted by the gentleman from Houlton is inadequate and that it is contrary to the precedents and rules of the House in that it delegates to the reporter the duty that should devolve on the House of deciding what words contained in the speech complained of were insulting and otherwise objectionable. As the gentleman says, the reporter is here and his records are here. There is no trouble about getting a copy of them if the gentleman desires to do so and submit the words to the House, and have them read, so the House may decide, and not the reporter, as to whether they are derogatory or not.

Mr. WILLIAMSON: Mr. Speaker, I do not think that the gentleman from Brewer wishes anything to go into the Record which would reflect in any way upon any of the members of the examining board, and I would make a motion, which I think he will not object to and neither will the gentleman from Rockland, and that is that the reporter withhold the whole speech of the gentleman from Brewer until further action by the House, and in the meantime the reporter prepare a transcript for the use of this House; and I ask the consent of the gentleman from Houlton that his motion may be so amended.

Mr. HERSEY: I consent to that.

Mr. WILSON of Auburn: Mr. Speaker, if I understood the remark of the gentleman from Brewer when he was last up they were to the effect that if he made the remarks attributed to him this morning they were a mistake of the tongue and not of the heart; and with that understanding, Mr. Speaker, I do not believe there will be any controversy or any trouble in correcting the remarks.

The question being on the motion that the reporter withhold the whole speech of the gentleman from Brewer from the Records until further action of the House and that in the meantime the reporter prepare a transcript for the use of the House,

The motion was agreed to.

Mr. BURKETT of Union: Mr. Speaker, when this House first conveyed this after-

noon and only a few were present, my friend the gentleman from Rockland (Mr. Otis) moved that the apportionment of Knox county in the representative matter be referred back to the committee. This is a matter which has been considered very carefully by the committee, they have gone over it time and time again, and I will say that the report of the committee is satisfactory to nearly all the members in my county with the exception of my friend the gentleman from Rockland who does not like it very well; and now I am going to ask the members of this House to support me in the motion that I make and give to us that apportionment that the committee has recommended and not refer it back; and I move that we reconsider the vote whereby the vote to recommit this matter to the committee was carried.

Mr. OTIS: Mr. Speaker, I made that motion in order to submit to the committees the resolutions passed by the Rockland Board of Trade supplemented by a petition signed by some hundreds of the citizens of Rockland and representing what is unquestionably the unanimous sentiment of Rockland in regard to this matter, and I think that the House will certainly see that these gentlemen are entitled to a hearing. That petition was brought here by a prominent citizen of Rockland, Mr. Simmons, for the express purpose of presenting it to that committee.

I do not think you will be guilty of the impoliteness or discourtesy or refusing to the people of Rockland and their chosen representative, Mr. Simmons, a hearing. It would be most unjust. The committee is to have a meeting tonight, anyway, and I trust the House will not allow the gentleman's motion to prevail.

Mr. PACKARD of Rockport: Mr. Speaker, it seems strange to me that the Rockland Board of Trade has just waked up to the fact that we are having a session of the Legislature this winter and they should come here at this late day and want a hearing. They have had the last two or three months to bring their petitions before the apportionment committee and why haven't they done it? I think the committee knew what they were doing when they were deciding on the case, and my idea is that they will do just the same if they have it to go

over again, and I think such action would be wasting their time. I trust the matter will not be recommitted to the committee.

Mr. OTIS: Mr. Speaker, there was a good reason for this matter coming in so late. The matter first came before the committee and came on two reports from the Knox county delegation, the majority report signed by all the representatives from outside of Rockland and by Senator Staples, the minority report was signed by Mr. Merrifield and myself, the representatives from Rockland. A full hearing was given. Senator Staples appeared in behalf of the majority report and I presented the case for the minority, and after a very full hearing of both sides the committee unanimously decided in favor of the minority report, and so the matter stood for several weeks until the gentleman from Rockport got up another apportionment, different from that of the minority report but like the majority report giving Rockland only one representative. And that apportionment presented by Mr. Packard was presented to the committee and they very courteously reconsidered and reopened the case and then they adopted Mr. Packard's apportionment. After that three members, Senator Staples and two others, so it made the delegation stand five to three against the apportionment that was established, protesting very strongly. Now I submit to this House that we ought to have a rehearing, and what I have said I think disposes of the claim that the Rockland people were guilty of any laches in the matter. Just as soon as I telephoned to them this meeting was called and they most emphatically expressed their opinion upon it. Up to that time they had no doubt that they would be given two representatives in accordance with the report of the committee.

Mr. BURKETT of Union: Mr. Speaker, in regard to the question of Mr. Staples, I will say that he is perfectly satisfied with the present apportionment.

Mr. BOMAN of Vinalhaven: Mr. Speaker, I hardly believe that anything would be gained by reopening this matter and I trust that the motion to reconsider the recommitment of it will prevail.

Mr. STRICKLAND of Bangor: Mr. Speaker, as one of the members of that committee I want to say that we have had three hearings on Knox county appor-

tionment and our report was the result of our best endeavor, and I hope that we won't have to act upon that apportionment again.

The question being on the motion to reconsider the vote recommitting this matter to the committee,

The motion was agreed to.

On motion of Mr. Williamson of Augusta the rules were suspended and he introduced a Bill, An Act to consolidate the State Water Storage Commission and the State Survey Commission, and on his further motion the rules were suspended, the bill received its three readings and was passed to be engrossed.

At this point Mr. Hersey of Houlton was called to the Chair by the Speaker. (Applause.)

First Reading of Printed Bills.

The following bills were passed to be engrossed under suspension of the rules:

An Act to appropriate moneys for the expenditures of government for the year 1911.

An Act to amend Section 23 of Chapter 114 of the Revised Statutes as amended by Chapter 249 of the Public Laws of 1909 relating to the relief of poor debtors. (Tabled pending third reading on motion of Mr. Trafton of Fort Fairfield.)

An Act relating to exemptions from taxation. (Tabled pending third reading and assigned for Monday afternoon on motion of Mr. Colby of Bingham.)

An Act to extend the provisions of Chapter 315 of the Private and Special Laws of 1909 being an act to incorporate the Penobscot Bay Water Company to March 26, 1913 and to amend said chapter.

An Act repealing Section 31 of Chapter 3 of the Revised Statutes. (Tabled for correction to the title pending second reading on motion of Mr. Williamson.)

An Act authorizing the city of Portland to construct public buildings upon public grounds. (Amendment A adopted providing that the provisions

of this act shall not apply to Lincoln Park or Lincoln Park Extension so called or to the property donated to the city of Portland by the Deering heirs and known as Deering Oaks.)

An Act to amend Section 50 of Chapter 51 of the Revised Statutes. (Tabled pending second reading on motion of Mr. Doyle of Millinocket.)

An Act relating to the compensation of the clerk, deputy and assistant clerks of Cumberland county. (Amendment A adopted to Section 1, line three, by changing 27 to 22 after the word "Cumberland.")

An Act to supply the town of Fresque Isle with pure water.

An Act relating to order of notice by supreme judicial court.

An Act regulating fishing in Swift river and its tributaries in the county of Oxford and in the county of Franklin.

An Act relating to the expenses of county commissioners of Cumberland county.

An Act to close Square pond to sewage.

An Act to incorporate the Casco Bay Water Company.

An Act relating to Preachers Aid Society of the Methodist Episcopal church.

An Act relating to annual examinations of savings banks and trust companies and verification of savings deposits.

An Act relating to the packing and branding of apples.

An Act to incorporate the Farmington and Augusta Railway Company.

An Act relating to the registration of dentists. (Tabled pending first reading on motion of Mr. Allen of Jonesboro.)

Resolve in favor of the clerk and stenographer to the committee of inland fisheries and game.

Resolve in favor of John Bradbury.

Resolve authorizing the Governor and Council to use any unexpended balance in the treasury for the care and maintenance of bridges.

Mr. PLUMMER of Lisbon: Mr. Speaker, this resolve has just come to my attention but it looks to me as though it was giving the Governor and

Council considerable power, besides storing up for them considerable trouble, and it apparently puts at their disposal all the money in the treasury at any particular time, and it seems to me that that is something which should not be done by this Legislature even for so good a cause as is stated in this resolve. Besides that there will come to them a good deal of trouble from people from all sections of the State who may have some highway or bridge or bridges that they would like to have repaired. It will be a continuous session with them at which will be appearing requests for aid.

Mr. TUCKER of Wiscasset: Mr. Speaker, I wish to say in regard to this resolve that at the last meeting of the committee on ways and bridges there was a report made in favor of the Old Town bridge, but the Old Town bridge belongs to the State of Maine. They have absolutely got to have something done with that bridge very soon. The committee visited the bridge with the engineer of the State and saw the conditions which existed, and they reported to the Legislature that the resolve ought to pass. If there is nothing available to take care of this bridge something will happen within two years, and for that reason it was thought advisable to put in this resolve. At that time highways were eliminated. I hope the resolve will pass. I think we should be willing to trust the Governor and Council in this matter.

Mr. PLUMMER: Mr. Speaker, if some particular bridge in the state needs repairs or needs reconstruction or aid I think we had better look after it the same as we have some other bridges that have been indefinitely postponed, and I don't know whether this one might have been of that number or not. I have no question but what perhaps it needs repairing, but I think this Bill is too broad in its scope and it reaches not only this bridge which is mentioned by the gentleman from Wiscasset but it takes in every bridge in the State of Maine and highways also. I trust that the motion to indefinitely postpone will prevail as such legislation as this should certainly not get by this legislature.

Mr. PHILLIPS of Shirley: Mr. Speaker,

this bridge is entirely different from any other bridge in the State of Maine calling for an appropriation. This is not a special appropriation. This bridge belongs to the State, as stated by the gentleman from Wiscasset. The State owns the bridge, and I will say that I was one of the committee that went over there, and I claim that the bridge is entirely unsafe. It has gone over one way almost two feet and it is dangerous to cross today with any heavy teams; it is absolutely unsafe to cross without some repairs being made. The State owns the bridge and the State must repair the bridge so that the people can cross in safety.

Mr. PLUMMER: I would like to inquire of the gentleman from Shirley whether or not under this Resolve any other bridge of the State that required repairs could receive a grant from the Governor and Council at their discretion?

Mr. PHILLIPS: I think so, providing the State owns the bridge in question.

Mr. PLUMMER: Couldn't they even if the State did not own the bridge?

Mr. SHIRELY: They could if the Legislature saw fit to do so.

Mr. PLUMMER: I understand this Resolve is at the discretion of the Governor and Council. It says "any highway bridge or bridges in the State." There is nothing said as to the ownership of them, and under that it might be a toll bridge.

Mr. SHIRLEY: I will say that I supposed the Resolve applied entirely to State bridges. I did not understand that it applied to the highway bridges generally and bridges of the State, but I understood that the real meaning of the Resolve was applied to the Old Town bridge.

Mr. SCATES of Westbrook: Mr. Speaker: It would seem as though the Legislature could safely trust to the discretion of the Governor and Council in a matter of this kind. I don't apprehend that there will be very much money to expend anyway.

Mr. PATTANGALL of Waterville: Mr. Speaker, I have every confidence in the world in the Governor and Council, and I have also every confidence in the world that there won't be very much money spent for a while in the State of Maine. It seems to me that this Resolve, No. 718, is one of the most remarkable pieces of legislation that I ever read. It says:

"Resolved, That the Governor and

Council are hereby authorized to pay from the unexpended balance in the treasury such sums as to them seem fit on application for the care and maintenance of any highways, bridge or bridges in the State."

Now, we appropriate \$250,000 a year for highways and we carefully fix the law about how it should be expended, and we have a highway department, and then we make special appropriations from time to time. There have been times in the State of Maine when there was half a million dollars unexpended money on hand and there will be again sometime when things get straightened out. Supposing that were the case. Every single town in this State that wants money will be after the Governor and Council with an application for help, and they ought not to be bothered with those matters. Further than that, it is not their province to make appropriations. If we name a certain bridge and direct the Governor and Council to furnish whatever was necessary to repair that bridge, that would be all right. But to place the Governor and Council where they can expend any amount of money anywhere in the State, it looks to me like a rather ridiculous proposition, notwithstanding the fact that we have a splendid Governor and a splendid Council and haven't any money, because those conditions do not always exist. Under this resolve if the Governor and Council saw fit—of course they wouldn't, but if they saw fit under it they could build all the highways in the city of Augusta or in the city of Waterville, and build bridges there if they wanted to. This is a law which we are enacting. If it is done merely as a compliment to the Governor, that is a different matter altogether. I don't think the Legislature wants to pass any such a law.

Mr. DAVIES of Yarmouth: Mr. Speaker, this looks like a second edition of the Donigan bridge bill. (Laughter.)

Mr. Tucker of Wiscasset offered House Amendment A, to add to the resolve the words "for the years 1911 and 1912."

Mr. PETERS of Ellsworth: Mr. Speaker, it seems to me that the amendment

should be to authorize any expenditure upon bridges owned by the State, from what I have learned during the discussion here. I would suggest that the matter lie upon the table for the purpose of an amendment, and make a motion accordingly.

The motion was agreed to.

First Reading of Printed Bills.

Resolve in favor of the clerk to the committee on education.

On motion of Mr. Murphy of Portland, the rules were suspended, the resolve received its second reading and was passed to be engrossed.

Resolve repealing Chapter 338 of the resolves of 1909, in favor of the town of Old Orchard.

On motion of Mr. Wilson of Auburn, the rules were suspended, the resolve received its second reading and was passed to be engrossed.

Resolve authorizing the Governor to appoint a commission to investigate investments for savings banks.

On motion of Mr. Trimble of Calais, the rules were suspended, the resolve received its second reading and was passed to be engrossed.

Resolve in favor of the acceptance of gifts from ex-Governor Frederick Robie.

On motion of Mr. Weymouth of Saco, the rules were suspended, the resolve received its second reading and was passed to be engrossed.

Passed to Be Engrossed.

Resolve proposing an amendment to the constitution of Maine, conferring the right of suffrage on women.

Resolve in favor of the Eastern State Normal School.

Passed to be Enacted

An Act to supply the town of North Haven with pure water.

An Act to incorporate the People's Loan Company.

An Act to incorporate the Porter Kezar Falls Village Corporation in the town of Porter.

An Act to amend Chapter 526 of the Private and Special Laws of 1871 entitled "An Act to confirm the doings of the Maine Missionary Society and to incorporate said society."

An Act defining and limiting expenses of supreme judicial and superior court stenographers.

Orders of the Day.

On motion of Mr. Davies of Yarmouth, House Amendment A to House Resolve, No. 31, relating to municipal indebtedness, was taken from the table.

Mr. DAVIES If the gentleman from Augusta, Mr. Williamson, would permit me to amend by striking out the word "city" and insert in place thereof the word "town" and striking out the word "Augusta" and inserting the word "Yarmouth," I think I would be perfectly satisfied.

The question being on the adoption of the amendment offered by Mr. Williamson,

Mr. WILLIAMSON: Mr. Speaker, I see by the motion of the gentleman from Yarmouth that he treats this resolve in a jesting manner. In other words, he thinks that this matter was introduced by me as a joke. Now, I wish to assure the gentleman that so far as the city of Augusta is concerned there is no joke about the matter. The amendment was unfortunately printed not exactly in the shape in which I had intended. The comma which appears after the word "Augusta" should not be there, but there should have been a comma after the word "state." That is to say, the grammatical construction of this amendment is this: This resolution shall not be construed to apply when it reaches a population of 40,000, which is the population stated in the resolve, to the city of Augusta, which is hereby declared to be forever the seat of government in this State. The amendment to the constitution offered by the gentleman from Westbrook, Mr. Scates, and reported by the committee applies automatically, as I understand it, when by any census any city reaches the population of 40,000. The wording is "by the last census," and I understand that does not mean the last census at this time but the last census at the time the city takes the matter up. That is, if by the census of 1920 the city of Lewiston should have reached the 40,000 mark then it would have had a borrowing capacity of 7½ per cent., and that was the reason why these words "when

it reaches a population of 40,000' were inserted in this amendment.

Now I will state the object of the amendment. It is desired for many reasons that the fact that the city of Augusta is the seat of government should be placed in the constitution for the reason that when it is so placed it cannot be changed. That is, the law-making Augusta, the seat of government, cannot be changed except by a two-thirds vote of this House and a two-thirds vote of the Senate and a vote of the people. Now I will tell you why we want it. We have had two State House fights in the last 20 years. The State House fight has cost this Legislature two or three weeks' work and considerable time and money, and it has cost the State considerable in the way of erecting additions to this State House. In the year 1907 the capital was almost ready to build a railroad from the city of Augusta down the coast to the city of Rockland, but when it was proposed that the State House be removed the capital hesitated and when the matter was left by the Legislature of 1907 without action having been taken so that it was not known whether the Legislature of 1909 would enact any law in regard to it or not, the capital waited, and then came the panic of 1907; and it was for that reason, gentlemen, the doubt as to whether this State House would remain here at that time that we have no railroad from here to Rockland. That is one of the main reasons.

Now, who is it that objects to having this put into the constitution of this State that Augusta shall remain the seat of government? What objection is there to it? Who wants it, anyone else? It will help us and who will it hurt? I have the most sincere regard for every member of this House from the city of Portland and from the county of Cumberland, and if I could be assured that for the next 20 years they would come back here, as I hope they may, this amendment would not be necessary, but I can't tell how soon it will be before somebody will come here and say "it is a nice thing" and they will want to move this State House. If you pass this amendment giving them the right to borrow seven and a half per cent.

of their valuation don't you see what harm would come to the city of Augusta in relation to the matter? The city of Portland came here four years ago and they offered a million dollars, if I remember right, towards building a new State House. This amendment gives them the right to borrow a million and a half approximately. Don't you see if they have that right at any time in the next 20 years they might come before the Legislature and offer to build a new State House. Now, nobody in the city of Portland, nobody within the sound of my voice wants it, but we want them placed in a position where the money that they may borrow shall not be used to hurt the city of Augusta. Augusta is not a great city. All we have here in Augusta is the State House and the Kennebec river. (Laughter.) Now, gentlemen, the city of Augusta has not asked for very much of this Legislature. The appropriation for our hospital over here, our local hospital was cut down and nobody objected to it. The appropriation for our Children's Home was cut down and we made no objection. We came here and asked for two or three representatives, which we believed we were entitled to, on the apportionment, but we were refused and we accepted graciously. That is all we ask, that this amendment which will help us and which won't hurt anybody, be placed upon this constitutional limit offered by the gentleman from Westbrook.

Mr. JORDAN of Portland. Mr. Speaker, I did not suppose up to the present time that this proposed amendment to House Resolve, No. 31 would be taken seriously by the members of this House, and I hope it will not be so taken now. I am willing to assure the gentleman from Augusta that the city of Portland has no designs on the State House. It is not proposed to increase the debt limit in order to secure the State House by purchase or otherwise. We want the money to pay our honest bills with. We have been harassed by fires and have expenses coming on which will require an increase in our debt limit. I certainly should object very strenuously to tack-

ing this rider or amendment onto this resolve. If the gentleman wants the State Capitol to remain permanently in Augusta why doesn't he put in a resolve or something to that effect and let it take its regular course through the committees and have a hearing properly, and not come in this way and spring this measure on the last day of the Legislature almost? I say it is not fair. If he wanted it why didn't he put it on to the resubmission resolve, for instance, or some other resolve. It is not a fair proposition to tack it on to our resolve at this time.

Mr. WILLIAMSON Mr. Speaker, it seems to me this is not germane for the reasons which I have stated. Now I say in perfect fairness if the statement of the gentleman from Portland is true, and I know it is so far as he is concerned and if he could control the city practically for the next 20 years it would remain true, but if it is true and they do not want our Capitol why are they not willing to have it put on to the resolve? How can it hurt them? And if it is not so, and there is some feeling in Portland that they should have this State House, I for one don't want to vote them the money to enable them to get it. Either they do want the State House or they don't. And if they don't want it they can't object to this, and if they do want it I don't think we ought to vote them the dollars that this gives. (Applause.)

Mr. GOODWIN of Biddeford: Mr. Speaker, I hail from the city of Biddeford, fifteen miles away from the city of Portland. We are not particularly in love with Portland, and we do our shopping largely in Boston; but I don't suppose this Resolve giving the city of Portland a right to increase its indebtedness has anything more to do with the removal of the State House than it has with the aurora borealis or the maneuvers on the Texan border I am opposed to the amendment because I believe it is an improper amendment. We have just got a chance to get prohibition out of the constitution and we don't want to put in something that is even more nonsensical. I hope the amendment of the gentleman from Augusta will not prevail.

Mr. DAVIES of Yarmouth: Mr. Speaker, I wish to state to my friend the gentle-

man from Biddeford that we haven't got prohibition out of the constitution yet.

Mr. GOODWIN: Mr. Speaker, I think the gentleman misunderstood me. I said we had a good chance to get it out.

Mr. SCATES of Westbrook: Mr. Speaker, I think the gentleman from Augusta labors under a misapprehension. While this Resolve allows the city of Portland to increase her debt limit from five to seven and a half per cent., yet she can only increase it one quarter of one per cent. a year. The most she can increase it in any one year is \$155,000. Now, Portland never can lug off this State House for \$155,000.

Mr. MURPHY of Portland: Mr. Speaker, I have had a hand in one State House fight, and that is enough for me. I know what it means. The people of Augusta are perfectly able to take care of themselves. They were in that fight and I believe they could take care of themselves in another one. Now as a matter of fact we want that debt limit increased. I am in a very peculiar position in regard to this debt limit. One thing that we want is a school house. If the city does build that school house they will vacate two buildings which I am letting to the city at the present time, and if they are not allowed to raise the debt limit I am going to continue renting the buildings to the city. As far as the gentleman from Augusta is concerned in regard to his amendment I am going to vote for it. We don't want the Capitol in Portland, and I don't believe there is anybody there that wants it at the present time. My friend Williamson is afraid that some people in the future may demand that the State Capitol be removed to Portland or the seat of Government removed to Portland. However, you must remember that two years ago the representatives from Portland voted and were foremost in working for a Resolve or for an appropriation to build this addition to the present State House, and it is perfectly satisfactory to us. I am going to vote for the amendment offered by the gentleman from Augusta if it will do him any good.

The question being on the adoption of the amendment offered by Mr. Williamson

Mr. DAVIES of Yarmouth called for the yeas and nays.

The yeas and nays were not ordered.

A division being had, the amendment

was adopted by a vote of 47 to 41.

The resolve was then tabled for printing under the joint rules as amended.

Public Utilities Bill.

On motion of Mr. Wheeler of Paris, Bill, An Act to create the public utilities commission of Maine and define its duties, was taken from the table.

The pending question being the acceptance of either report,

Mr. Wilson of Auburn moved that the minority report be substituted for the majority report.

Mr. WILSON of Auburn: Mr. Speaker, as a member of the committee on legal affairs who signed the minority report upon this bill I wish to say a few words, and they will be but few. If the members of the House will turn to the last page of House Document No. 742 they will be able to get a pretty good history of this bill thus far. The bill was introduced January 27th by the gentleman from Waterville and referred to the committee on legal affairs. That committee advertised the matter and it was given an exhaustive hearing in this House of Representatives. When the matter was taken up after the hearing by the committee on legal affairs they, realizing the importance of the measure, petitioned to have the bill discussed by as able men as sat in this legislature, and they voted to ask the committee on Judiciary to appoint a sub-committee to act with a sub-committee from the legal affairs committee for the purpose of discussing the matter and framing a bill. That committee met and after going over the bill in a most careful manner decided on a new draft which is presented here. If you will notice the names of the gentlemen on that sub-committee from the committee on judiciary you will notice the name of the gentleman from Augusta, the gentleman from Biddeford, the gentleman from Fort Fairfield and Senator Gowell. Senator Staples was also a member of the committee but was not able to attend the hearing and consequently did not sign the bill. When we came to a final vote upon the question, after a discussion, the legal affairs-committee decided to report as

herein indicated. It was not so much on the question of the merits of the bill, for that committee was unanimously of the opinion that they had drafted a good bill. With one or two exceptions that was the opinion of the committee, that the bill presented to you here was a good public utilities bill, and as far as that question was concerned I will simply, as I said before, refer you to the standing of the members from the judiciary committee who have signed the report.

To my mind this measure is the most important one that has been presented to this legislature for its consideration, and in view of that importance which is attached to the measure, myself and the other majority members of the committee who signed this report felt that it would not be fair to this body to report that the matter should be referred to the next legislature. They felt that this body, in view of the importance of the measure, should take action one way or the other, either vote to pass the bill or not to pass it. That there is need of such a bill I do not think is a matter that can be questioned by anybody, for, after our three months experience here at Augusta during this session, and after listening to the report that the "wild beast" and the "octopus" were abroad some of us at least had got into a condition where we hardly dared to go about after dark on that account.

Now, gentlemen, in view of that condition we felt that the object and the aim of that bill was to correct those evils, so that the public might have something to say in regard to the public utilities of the State of Maine. In view of those conditions I submit to you, gentlemen, that this body ought to vote upon the question, either vote to adopt or not to adopt. Don't crawl out from under. The Democratic party in caucus assembled early in the session were practically unanimous in supporting such a bill. Though I feel justified from a political standpoint in making the motion I shall make I believe that my constituents in the city of Auburn are in favor of such a bill. I do not want to have them feel that I had tried to

crawl out from under. I want to go on record either for or against the bill. Some of us may say that we have not had sufficient time to examine into the measure, but I submit to you, gentlemen, I don't care what legislature a bill of this nature comes before, men will differ on the merits of the bill. If the Saviour himself was here on earth and was to draw a bill of this nature we would need to look into it. I have the utmost confidence in the ability of the gentlemen who drafted that bill and with what little knowledge I have upon the subject I am willing to go on record as indorsing this particular bill and I am ready to vote for it at this time; and so, Mr. Speaker, with these few remarks to justify my position I move that the minority report be substituted for that of the majority. (Applause)

Mr. PETERS of Ellsworth—Mr. Speaker, I desire to say a word or two in explanation of my attitude as one of the majority of the committee which signed the report. Since the last session of the legislature when this matter came up in a small degree towards the latter part of the session I have had a rather indefinite idea that the principle involved in the bill is probably right if it can be worked out in a scientific and systematical manner. I have had and still have great and grave doubts as to whether it is time perhaps for us to adopt this principle and pass a bill like this in this State of Maine. We are not a thickly settled State, we are not more than one-third or one-half settled and that our conditions in this State are very much different than the conditions existing in states like Pennsylvania, Massachusetts and New York where you cannot step out of doors without running up against a public utility of some kind; and those things and others have led me to doubt whether it was advisable as yet for us to adopt this measure. But regardless of that, leaving my mind open to conviction and thinking that I might be wrong, and desiring to co-operate in every way to get a good bill if possible, and then in order to hear full discussion of the matter here and elsewhere and by the public through the

press, to see whether it was generally thought it was time for us to adopt this thing, knowing that I might be wrong about it, I entered upon a consideration of the matter with the committee earnestly and desirous of getting all the light possible upon the matter, desirous of helping if possible and doing my humble part in framing a bill which, whether we passed it or not, would be a long step towards accomplishing a purpose which many people desire. We had a long and very interesting hearing. We had the assistance of very able lawyers of this State who had made this matter a special and careful study. It so happened that the large press of business before our committee prevented our continuing immediately the examination of the subject, but as soon as it was possible to do so we took it up and we were so anxious to do everything we could to illuminate the subject that we asked for the assistance of a sub-committee of the judiciary committee, and last week we met in sub-committee and talked this matter over, discussing the matter section by section in all its bearings, and the meeting lasted until a very late hour of the night. The result was, as might be expected, that we did not fully agree. We agreed upon a good many of the details which if the bill should pass we thought should be made a part of it. We took into consideration carefully all the suggestions that had been made to us by these gentlemen of whom I have spokeed and who were present at the hearing; but when we got all through with our discussion there were some fundamental differences, and the result of our deliberations, as I remember it, was a partially new draft which was considered apart from this new draft. I recall, for instance, when we left the matter at the end of the hearing with the sub-committee, one of our members—I think it was the gentleman from Westbrook, Mr. Scates—objected to the commission having the supervision of the issuing of securities of corporations. He seemed to think that was of more importance than some other sections of the bill, and, as I remember, that section was left off

of the bill as it was finally drawn, and I see in this copy of the bill which has come in here this morning that it is off.

Now I notice again that the matter which I regarded as a fundamental difference between the men who looked at this thing from the standpoint, in a sense, of conservatism, and I refer to the granting of franchises by the commission—I see by this draft that that section is left in the bill unmodified. Now, right there I think if this matter is coming up and if we are to seriously consider the passing of a law so important as this, we should know and thoroughly understand the purport of this bill in relation to the authority of the commission to grant charters and franchises. And while we are upon that subject I might say that I am one of those who are fundamentally opposed to giving up the rights of this legislature to a commission of three men to grant charters and franchises whenever they think and whenever they may decide that public necessity requires it. I am one of those who believes that regardless of the embarrassments and the amount of time it takes us to consider these matters of application for charters, we as the representatives of the people should keep in our hands that power, and that we should continue to carry out the policy of the State which has now been adopted for many years, as evidenced by chapter 55 of the Revised Statutes to the effect that where these public utilities in the way of electric light plants, and so forth, have got their capital together and have commenced operations, that they should be protected and that other companies in competition should not be allowed to come in there unless the legislature says so by a charter. And the policy of the State has been not to permit competition unless it is established clearly that the public service corporation thus operating was not doing its duty and that the justice and equities of the case necessitate competition. The policy of the State has been to respect the invested capital and the vested rights of that little corporations so that they will feel sure when they commence operations,

and so that their bondholders will feel sure and their stockholders and everybody connected with it, that when they started in under that charter that they started in with the understanding that that charter was to be a contract which carried with it the implication that they were to be allowed to work and stay there and carry on their business without any further competition unless conditions materially changed.

The operation of this bill as now drafted would be that the State through its legislature would pass over to this commission of three men the absolute discretion and the right to grant those charters and franchises whenever the commission may deem it necessary. Now, that is incidental. I notice in the remarks of the gentleman from Auburn himself that the public should have something to say about these charters, and that this takes that right away from the public. He has got it exactly vice versa. The public has its hand on the charters. The public through their representatives has its hand absolutely on the charters. This bill which he has signed would take it away from the people and give it to this commission composed of three men. So he and I are rather in accord upon that proposition, but that is incidental because that is only one of the numerous things in this bill which may be objectionable to one or the other of us. There are others who take an opposite view of the matter and they would be in favor of the bill so far as that part of it is concerned. Others would object to different sections, like my friend the gentleman from Westbrook, who objected to the supervision of the issues of obligations. He might be in favor of the power granting the commission the right to give charters but might be against the other sections of the bill. The point is, can we reconcile these various views? Is it possible in the limited time which we have? I simply say that this bill cannot pass and should not pass in its present form. It is too important a matter.

I see there is no provision made—while they incorporate the idea of supervision for securities issued, there is no provision made for taking care of the

large amount of bonds now held in escrow and issued by corporations; and I was informed this noon of one company which has in escrow \$3,500,000 worth of bonds. Now if a bill like this should pass, the securities of other corporations than those receiving the sanction of this commission would not be so valuable or so marketable, and it would be unjust discrimination against them. The point is that the bill is crude. Now, that being the case, the only thing for us to consider is the conditions that confront us. It is a question whether or not we have the time to work this thing out and study out a result which would be satisfactory to the majority of us, and a result which would be a proper thing to put out in this state. It seems to me that we should consider this. In all matters of large public importance like this it is absolutely necessary in order to have the thing work right and be acceptable to the people and work out a proper result, it is absolutely necessary that we have in the passage of it to some extent the co-operation and the interest of the people. This is a very large and a very important matter touching the people everywhere. Here is an Act of 75 or 80 sections. Now, to carry that out properly and to have it do what it ought to do and what it ought to be, I believe the people should co-operate with us in the passage of it and in the making of it. I have seen very little manifestation of that interest of the people which we would expect in a matter of this kind. I have not seen this bill printed in the newspapers or any editorials upon it or any great agitation for it. For that reason alone, to my mind, I feel that I should vote to continue this matter until the next Legislature so that it may be further discussed, so that the result which we have so far achieved can give whatever benefit it may to the problem of the next Legislature and the people can receive whatever benefit they may think it is worth, because I believe it is better to err on the side of conservatism in these things rather than to pass a bill more or less at random without knowing what it is.

Now you may say that the legal affairs committee has been at fault in not pressing the matter along earlier in the ses-

sion. That may be so. The only excuse which I have to offer is that we have had some other things to do, not perhaps so important in many cases as this, but it is a fact that the pressure of all these private matters was such that we could not let all matters in, especially where they involved such a large consideration as a matter like this. Regardless of why it is so, it is so, and the thing had to be put off until almost the very end of the session. I do not believe as one of the members of this House that it would be reasonable or conservative or decent for us to pass this bill in its present form at this time. If we had two or three more weeks at our disposal we might be able to pass a bill that we would not be ashamed of; but as it is, I do not believe this bill is a proper one for us to pass at this time. If my views in regard to delegating authority to a commission of three members are shared by any large number, then for that reason it should not pass. So that looking at the matter from the standpoint of a man who thinks these things should be handled carefully and that we should not go fast in the consideration of measures like this, I am very earnestly in favor of postponing this matter until the next Legislature, and I so vote and shall so vote.

Mr. PATTANGALL of Waterville: Mr. Speaker, I simply rise for the purpose of getting information in regard to one point. I would like for some gentleman who signed the report "ought to pass," or some gentleman on the judiciary committee who recommends the passage of the bill, to explain to the House, if he will, what the last three lines of section 53 mean, and what idea is intended to be conveyed.

Mr. WILLIAMSON of Augusta: Mr. Speaker, I am glad that the gentleman from Waterville has called the attention of the House to that part of the bill. There is a mis-print in section 53. The words "to have" should have been "after."

Mr. PATTANGALL: I would also ask if the word "declaration" is not a mis-print?

Mr. WILLIAMSON: I am not sure, but I think perhaps the word "decision" might be better. I just want to say a

word about this matter, Mr. Speaker. The committee on legal affairs were kind enough to ask a sub-committee of the judiciary committee consisting of five members to come in with them and assist in drafting the bill. Of course that committee did not have an opportunity of being at the hearing and listening to the various objections of the gentlemen at that hearing, but I had understood all along during this session that there was no objection to a public utilities bill, and that everybody wanted it, and that is what we were here for,—or rather one of the things we were here for was to get such a bill. I understand that representatives from all the corporations from all over the state came before the legal affairs committee and assumed and the committee assumed that we were going to have a bill, and we made our suggestions. Of course is it a good deal easier to criticize than to construct. There are a good many things in that bill that perhaps the House would make better after a full discussion of them. But it seems to me that we all must recognize that a great many charters and resolves and things of that kind have passed this House without much comment, with the idea expressed and understood by everybody that we were going to have a public utilities commission, and that a good many of them would not have gone through, at least without some amendments, unless that had been assumed.

Now it does not seem to me it is proper and right at this time when everybody has been informed of the public utilities commission that we should come in now and say we had better send it over to the next legislature. It is not likely any other legislature will give the matter any more careful consideration than we have, and of course no member of this legislature will say that we will have a better legislature two years from now. The gentleman from Ellsworth said that the time of their committee was taken up with the consideration of private matters. That is true. That is just what this bill is for, to take care of those things. The legislature takes them up and they cannot spend very much time

upon them, and perhaps they do not have a fair and full hearing. The public utilities commission can take all the time they want in order to get the matters right. It seems to me when we take this vote we ought to take a vote as to whether we want, Mr. Speaker, some kind of a public utilities commission, and then if we do, I understand we are to support the motion of the gentleman from Auburn, and if not we will vote it down. If his motion is sustained then it seems to me it would be a proper time to go into the merits of this bill and take this matter up section by section, and there are not more than six or eight sections about which there is any controversy or dispute.

This bill is a very fair one, it seems to me, and it is not drawn with a spirit of antipathy to anybody. If we adopt this suggestion we can then take it up and everybody can offer amendments and we can discuss the amendments, if we are in favor of having such a bill. It seems to me that is a fair and a proper way to do it. We have now the initiative and referendum in this state. Isn't it probable that a good many of these charters that have gone through without any provision— isn't it probable that these consolidations of companies which are charging different prices for various things, for it was in evidence in the committee of which I was a member that the rates for electric lighting ranged from five to fifteen cents per kilowatt hour— isn't it probable that these are matters which a public utilities commission could determine? I think a good many of these matters have gone through with the idea that we were going to have a public utilities bill. Here is a bill which has been given a great deal of care. The consideration of it certainly was not hostile because the legal affairs committee has been considering this measure for two months or more. If we pass a bill like this we will construe it fairly. The people generally want such a commission. Isn't it likely if we put something in under the initiative to be voted upon that we would get a bill that would be so drastic in its operations that it would not be fair to anybody? We want to consider all these things, and it seems to me the thing for us to

do is to accept the minority report and then take it up and let anybody who has any particular ideas about it have an opportunity to express them.

Mr. TRAFTON of Fort Fairfield: Mr. Speaker, I should not want to question the word of the gentleman from Augusta. It seems to me that it is the duty, the plain duty of this legislature, to determine this matter this winter and act upon this public utilities bill. It is a matter which has been before us here all winter. We have all been talking about it and we have had it in mind; the people of the state expect it and I believe it is our plain and clear duty to consider this matter here at this session before we adjourn. I think we ought to stay here and do it. That is my idea about it.

Mr. OTIS of Rockland: Mr. Speaker, I should not presume to discuss the utilities bill in any way for I am not sufficiently informed in regard to it, but I do wish to ask this House before voting upon it to take into consideration and to remember what we as a legislature have done here this winter, and the condition that confronts us at the present time. In this legislature every bill and every measure designed or purporting to be designed for the purpose of developing the resources of this state, those great resources of which we are always talking and which we are developing all over the state and all over the union, and about which we are telling in our speeches here, about our being the greatest state in the union—every measure designed for the purpose of developing those resources has been turned down. It has been either smothered in the committee or else killed on the floor of the House, or else it has committed suicide by the acts of its friends moving to postpone to the next legislature.

Now, Mr. Speaker, I am not going to say that was not a wise disposition; perhaps it was. Certainly plausible reasons were given for disposing of them. It was said that we were giving and granting enormous power to those corporations. It is true that this legislature and former legislatures—perhaps it is true of this legislature too, but former legislatures have granted those same powers to corporations which are

now operating in the state of Maine and by refusing them to others and by stopping the further development of our resources these corporations are established as a great monopoly under which the people of the state are suffering. A very prominent reason given for denying these petitions that were brought here was that we were enabling them to compete with these great corporations which have now a monopoly of all these resources, or of the development of them at least. Now that talk about competition don't scare me a little bit, and if you lived in the town where I live it wouldn't trouble you any. We are paying 15 cents per kilowatt hour for electric lights down in Rockland and ten cents for power purposes, when that same company which is charging us those rates is selling power to another company for two cents per kilowatt hour, and the same company to whom they are selling this power was before this legislature with a proposition to enable it to get power cheaper, and saying they were not satisfied with even that, and so they were turned down like all the rest of them, and perhaps that was done wisely. I don't say about that. But I do think that we ought to have some tribunal which we can get to in order to have these crying abuses remedied. The city of Rockland today is retarded in its development by these exorbitant rates. The same company controls the supply of electricity and the supply of gas, and they sell gas to us for two dollars per thousand feet, and they sell through the same pipe for fuel purposes for a dollar and a quarter, and they are selling all they can at that rate for fuel, and they are giving away stoves in order to get the people to put in their apparatus to burn fuel gas, and they are doing that for a dollar and a quarter showing that they want to do all the business that they can at that rate. But we have to have gas for illuminating purposes and so they are selling it for two dollars, and that seventy-five cents is pure velvet as anyone can plainly see.

Now this bill gives us a tribunal which we can approach with some hope of getting relief. I have learned it for the first time from the remarks of the gentleman from Ellsworth. It does

give us a tribunal to which the people who want to develop the natural resources of the state can go if they desire. The gentleman from Ellsworth says that we ought not to delegate that power. Then for Heaven's sake, if we want to hold it in our hands why don't we exercise it? If this legislature is competent to decide this question why don't they do so and not refer this matter to the next legislature? At the hearing on one of the bills I remember hearing a distinguished attorney of this state, one of the most distinguished lawyers of the state, say that if we gave the Kennebec Dam and Improvement Company the charter that they asked that we would be making them a present of more than a million dollars, and that it was worth more than a million dollars. Have we got it? Has anybody seen that million dollars that we didn't give away to the Kennebec Dam and Improvement Company? Gentlemen, it is just the same as it was the year when I left off smoking. When I got through the year I thought I was about a hundred dollars ahead according to all the statistics that my family collected on the matter, but I never have seen that hundred dollars. (Laughter.) Now, what does that mean when they say we would be giving away that amount of money? It means merely that we were relinquishing the right or the opportunity to impose a tax on these natural resources, that would bring them into use or compel them to be sold to somebody who would use them. Now, there is no one in this House but understands perfectly well what the state of Maine can do to develop her natural resources. There is only one thing, and it is perfectly plain. The state of Maine has just one power, and that is all. That is the power of taxation. Put the tax on the water powers where they are and not tax the development, not tax enterprise and industry and labor and capital but tax the natural opportunity. You all know it perfectly well, and why don't you do it? And if you don't do it, don't refuse to give us a tribunal which we can approach and ask for some remedy for these troubles that the corporations are placing upon us. I don't know much

about the bill. I only am discussing the situation in which we find ourselves before we touch the bill and decide whether we want it or not. It seems to me we ought to do something at this session of the legislature. All we have done so far has been to turn down measures, and I submit, Mr. Speaker, that we had better pass this bill rather than do nothing.

Mr. PATTANGALL: Mr. Speaker, I was one of the majority of the committee in regard to this bill who voted to refer the bill that was then before us to the next Legislature. That bill which we had before us was in many respects like the bill now on the members' desks. In some respects this bill is absolutely new. I am not criticising it, I am not saying it is not better than any other draft ever presented, but as one of the legal affairs committee I desire to say that this is the draft of the bill that I never saw until it was laid on my desk. Now I would like to see a public utility commission in the State of Maine and I expect to see one sometime, but I do not think it can truthfully be said that a bill has been considered for months before the committee when the bill that is to be voted upon has never been before a committee at all. I do not think in our zeal to do something, to accomplish something, at the last end of the session, that we want to vote upon the most important bill that has been before us without giving every paragraph of it careful consideration. Much of this bill those of us who believe in a public utility commission would agree upon quickly. There are, however, and must be in such a bill as this, certain important sections. Let us see how much consideration the House or any committee of the House have been able to give those important sections.

In the first place, at the suggestion of some members of the majority party, a committee undertook to present in an informal way something in the way of a public utilities bill. Personally I did a little work on that committee. The gentleman from Westbrook did some work on that committee. The gentleman from Augusta (Mr. Williams) and the gen-

tleman from Fort Fairfield (Mr. Traf-ton) also did some work on that committee. What we practically did, what we practically presented to the House, we recognized not as a perfected bill, we recognized the bill that was introduced on the 27th ostensibly by me and really coming from that informal committee, as being simply in a large part that portion of the Wisconsin public utility bill which seemed to apply to Maine with the features relating to capitalization taken bodily from the Ohio law with one or two changes that seemed to apply to local conditions here which did not appear in the Wisconsin or Ohio law. Now that committee that worked informally were only together one evening, that is all. Then we went into a public hearing. Now from that time the bill was introduced until the day of the public hearing, the legal affairs committee did not pay any attention to it. We did not have a single consultation on it. We did not read it in the committee and the judiciary committee did not. They did not have any consultation about it. We went into our committee hearing. In that committee hearing we had just one day's session, that is all, and that session consisted in receiving suggestions and criticisms from attorneys, many of which were helpful, and I will assume that all of them were made in good faith. Now what followed that? It was suggested that on the following Saturday a sub-committee should meet and give a day to the consideration of those suggestions and should call into that meeting certain persons in order to have their experience to assist us. Circumstances were such that that Saturday meeting was given up because we all could not get together. Now those two sub-committees never met at all until one evening this week. In the meantime I had, simply as a clerical matter, got somebody to combine into a bill or draft of a bill a good many of the suggestions that had been made to us, and when that sub-committee met I read that over section by section and we consulted upon the matter for some three or four hours. Now, then, gentlemen, that is all the considera-

tion that anybody could put upon this important measure. It is all the consideration that anybody has put upon it. No legislative committee of ten men have sat down and read that bill section by section and argued the sections and explained to each other what they meant of any draft of the bill, and the draft that we have here, while I believe it to be admirable in most respects, that draft has never been submitted to anybody except the gentleman who had it printed.

Section 52 which I like and Section 53 appeared for the first time, so far as I ever knew them, in this bill. Now those are the important sections. In the draft which the sub-committee considered the other night, Section 71, 72, 73, 74, 75 and 76 were stricken out, and did not appear at all in that draft. They were put back from the original bill and it was assumed by everybody that those sections needed modification. Now to come to the point that I would like to impress upon the House as well as I can. There was no inclination on the part of anybody to dodge any responsibility or to do anything except what they believed to be their full duty with regard to this bill, but when I found, as I did find, that that sub-committee were absolutely divided on some very important features of the bill and could not agree upon a report of the bill, when I found that Judge Peters who was in favor of a public utility bill and had been all winter with ideas of what such a bill should contain, differed very materially from the ideas of some of the rest of us, and that those differences could not be reconciled so that if you got into the House at all you had got to have at least two bills to consider and probably three, when I found that some part of the bill which I deemed mischievous measures and had removed from the draft that I submitted were the particular sections that appealed to the gentleman from Westbrook as being the ones we wanted, and he has been a friend to a public utility bill, when I found that the men who wanted such a bill and had given as much study to the subject as they could were not agreed not only as to little details but as to large fundamental matters, then it seemed to me we were in a position where we

could do nothing but do that which would enable the State of Maine and its legislative representatives to give more time and more consideration to the matter so that they might get together on something; and that was why I joined in the report to refer the matter to the next Legislature.

Now I knew this, or thought I knew it, and I feel it deeply now, that to take a bill like this and vote it through simply because we want a public utility bill, without study, would be a wrong thing to do, and that a still more dangerous thing to do would be to take a bill like this and vote that we were going to have some sort of a bill and then start in amending it and attempting to beat it into shape to suit us with the time left at our disposal. It is all right for gentlemen to say, "Stay here three or four weeks longer if our duty calls us to do it." Such a sentiment is easily uttered and readily applauded but you all know you are not going to do it. You all know that after the first of next week you could not get a quorum in this House unless it was some great exigency that called you together. You all know that it is difficult to get consideration of a matter now even in a sub-committee because everybody is in such a hurry. What course will you run into, then? Suppose you adopt that bill today. If you do that, you adopt it subject to amendment of course. There are many amendments of detail that must be made to it. You subject it to one putting into it of any sort of an amendment that anybody can get through here when you are all in a hurry and when you haven't time to consider a matter. Now it is true that at the hearing before our legal affairs committee, attorneys representing the large public utilities were present and did not object to a bill, but every one of them had ideas of his own as to what kind of a bill we ought to have, and those gentlemen still have those ideas. There was only one thing that they were all agreed on and that was the enacting clause. On every other section of the bill they differed. On the important sections they not only differed widely among themselves but many of their suggestions differed from what some of us believe to be the sort of a law this State

ought to have. If you attempt to pass this bill, amendment after amendment striking right at the vital features of the bill will be offered in this House and in the Senate, and in my opinion in the haste and rush of the closing hours of the Legislature you will find when you get through that you have enacted something that you did not want to enact and a good deal that you did not know you were enacting, that in one way and another have gone into your bill matters that could not go into it if we had a month to stay here and study them. I do not mean to say it in any unkind sort of a way, but you and I know if we exercise our common sense and acknowledge what we know, that a great deal of legislating has been done here this winter and is done every winter by gentlemen who are not elected to the Legislature. The influence of men representing various interests who come here, and come here properly because their business interests have a right to be represented before your committees, is as strong today as it ever was in the State of Maine. It is strong enough today to write into that bill any amendment that gentlemen representing certain interests want written into it. I know the strength and power of those gentlemen, their knowledge, I know their ability; and I would as soon think of laying down a public utility bill at this stage of the session where they could reach it and amend it and expect to get a good one when I got through as I would to lay down a pound of beef steak in front of a hungry dog and expect to have a dinner off of it after he got through. (Laughter.)

Now I do not believe that referring matters to the next Legislature is dodging or trying to get out from under them. Some of us have had some experience not only as members of the Legislature but in watching legislation. I have never known a good law of importance to pass a Legislature unless it was after from four to eight years of agitation. I saw a law passed at this session that I had the honor to introduce fourteen years ago. It had been in several Legislatures and had been defeated—I did not introduce it here—some member

did—and it passed. It is the history of every important legislation that it must come into being, must be discussed, must be brought down to detail, must get behind it a public sentiment that will force its passage, before it can become law. Now since this bill was introduced, or a bill on these lines was introduced, to my great surprise I failed to find in any newspaper in the whole State a single word commending the passage of a public utility bill. I do not mean that that necessarily shows that there is no public sentiment in favor of such a bill but it does show that there was no pressing public sentiment, no public sentiment strong enough so that the editors of those papers felt that it must bear them along. What newspaper comment have you seen? In the only daily paper published in Augusta the only mention of it has been the criticism of the expense caused by it. In the two dailies published in Lewiston, one recommended at the start that this should be referred to the next Legislature and the other has referred to it always as a partisan bill—not a friendly word in regard to it. If any newspaper has said anything in favor of a public utility bill being passed by this Legislature I have not read it. Now suppose this is referred to the next Legislature. Gentlemen say we ought to vote this thing in or out. That argument does not appeal to me. In the main I like that bill, and if I were sure that my judgment on that subject was the best, if I was sure that I had given sufficient study to it so I was capable of drawing just the kind of a law that Maine ought to have, I would like the privilege of making one or two changes in it and sending it through, but because I like that bill it is not necessarily proof that it is a good bill and it does not necessarily prove that I would like the kind of a bill that we would be likely to get when we got through enacting one. Suppose we did not enact one; suppose we referred it. During two years the people of Maine will discuss this question. It will be discussed in the Granges. It will be discussed among

business men. It will be discussed by lawyers, it will be recognized as one of the things that Maine is going to have. It will be taken up seriously and thoughtfully. Public sentiment will crystalize on the important features of such an act. The newspapers then will take the matter up and discuss it from some standpoint except expense and partisanship, discuss it in a way that may be of some value to somebody. The bill will come before the next Legislature, before the next legal affairs committee, on the first day of the session. Notice will of course be given at once. It will be the one great matter in the early stages of the next Legislature when all of the minds of our successors will be fresh, when their work will not be pressing so hard; and if Maine after sober second thought decides that Maine wants a public utility bill and decides as to what kind of a bill Maine wants, the next Legislature will enact one and will enact the kind of a one that is wanted. There has not been much agitation in Maine for such a bill yet, although I recognize that it has got a firm belief in such a bill. But last June we held our political convention. The parties were vieing with each other in putting anything in the platform that might attract votes, and especially anything that would look like what is called progressive, and yet neither platform mentioned a public utility bill. If it had occurred to the men in charge of either party that there was a public demand for such a bill, it would have been in the platform. Round to the time when the Governor framed his message and gave thought to all those different things which might come up, he suggested—and I use the word that he used—he said, "I suggest to you the advisability of enacting a public utility bill"—we had done a little work, some of us, before the Legislature began on those lines. I had hoped that conditions would be such that time enough would be given by all of us so that we could enact a bill that would be free from any danger of being amended so as to make it a law worse than it is today instead of better and I entertained that hope up to

within a short time. But finding conditions as I did find them and as they are I could do nothing as a member of that committee that would satisfy my judgment except to do what I did do, join with the three Senators and the other two Representatives in signing the majority report in favor of referring this bill to the next Legislature; and in my best judgment that is the thing which this Legislature ought to do.

Mr. GOODWIN of Biddeford; Mr. Speaker, the fact that my name appears here as one of the sub-committee of the judiciary committee to consider this bill with the legal affairs committee is my explanation for saying a few words in favor of the passage of the bill. It is unfortunate for any member of this House to attempt to discuss this proposition immediately following the eloquent and persuasive gentleman from Waterville, and this is the first time I have been caught in that situation. Now the situation so far as I am concerned in regard to the motion of the gentleman from Ellsworth, reminds me of a story. Some years ago I happened to be employed upon the staff of a New York newspaper. The proprietor of that paper was a man well known, of international reputation, Mr. David Gordon Bennett. He had in his employ, among others, a man by the name of Clancy, and Clancy's particular duty was to cable Mr. Bennett in Paris every night the number of people who had died in New York during the twenty-four hours, and the causes of the deaths were cabled, and he cabled Mr. Bennett such a large number of deaths from heart failure that one night he got a cable from Mr. Bennett saying, "For God's sake, Clancy, let some of them die from shortness of breath." That is the way I feel about referring all this important legislation to the next Legislature. I say, let us adopt something or kill it and not refer everything to the next Legislature. Let us put a different label on this bill, either pass it or don't pass it. My friend from Waterville has made a strong point of the fact that the newspapers have not said a great deal about a public

utilities bill. Does it not occur to him that it may be perhaps for the same reason that they didn't say a good many thing about another bill in which he was greatly interested? I do not attempt to say that the newspapers of Maine are corrupt, but I do know that there is a kindly feeling existing between the counting rooms of most of them and the great corporations.

Now there are three or four sections in this bill which are admitted by all who have studied it at all to be important. The most of them are mere matters of detail. Section six tells you what a public utility in the meaning of this proposed bill is. Let me read:

Sect. 6. The term "commission" when used in this act means "The Public Utilities Commission of Maine." The term "commissioner" means one of the members of said commission. The term "Public Utility" as used in this act shall mean and embrace every individual, association of individuals, corporations, company, their lessees, trustees, or receivers that now or hereafter may own, operate, manage or control any railroad, either operated for freight business or passenger business or both, whether propelled by steam or otherwise; or that may conduct a parlor, sleeping, heating or refrigerator car business; or that may conduct an express business or be engaged in the conveyance of telephone or telegraph messages or the production, transmission delivery or furnishing of heat, light, water or power, to the public, but the term "Public Utility" shall not include any plant owned or operated by a city, town or village corporation, or any corporation chartered under the laws of this state but not engaged in any public service in this state; nor shall the words "service" or "services" include the sale, repair or installation of fixtures and appliances by any public utility, or piping, trenching or wiring done by it under contract.

Now, gentlemen, this bill proposes to establish a sort of equity court, a court that shall stand between the people and these public utilities, and if the people of Maine don't want such a court

you want to vote this bill down. It is true that this is not a State like Rhode Island or Pennsylvania. We are not told to step lively every time we get aboard of a street car, but we do have a good many of these public utilities here of all kinds and they are growing rapidly in number, and these public utilities bills are in existence today in a great many states of the Union, they are in existence in some states that are not of very much more manufacturing importance than is the State of Maine, and so far as my observation goes they have proved very satisfactory. I do not stand here, gentlemen, with any brief from any public utility. I am not especially interested in corporations. I do not stand here posing as the friend of the dear people. I do believe that a public utilities bill and with a commission of three men such as we have a right to believe the Governor would appoint, undoubted with minority representation upon it—I believe that such a court standing between the people and these great utilities constantly growing in strength, would be a good thing for the people of the State. I believe also it would be a good thing for the public utilities; and it is a fact that when this subject of this bill was first broached in the Legislature the halls and corridors of the hotels were filled with the paid representatives of the public utilities and they said a public utilities bill was a good thing. Now we cannot expect to satisfy every one of those particular interests. We do not want to do wrong, we want to give them a square deal, and I think they are getting it under this bill; and I therefore hope the motion of the gentleman from Ellsworth will not prevail.

Mr. PETERS: Mr. Speaker, there is one other matter which I think in all fairness should be called to the attention of the House, that is, the new paragraph in regard to the assessment of the expense or a part of it. In the drafts submitted to the committee and read at the public hearing it was understood, and there was no provision to the contrary, that the State paid the whole expenses. The other night when one of these new drafts appeared there came a provision which is of the utmost im-

portance especially to the corporations of the State. That section is section 59. It provides that the expenses of investigation allowed by the commission shall be apportioned among the public utilities themselves in certain specifications which are arbitrarily made here, and the commission is given power to further classify them. That does not of course refer to the permanent expense of the salaries of the officials and similar matters but the expenses of investigation. I don't know and you don't know what those will be. Of course the common idea has been that the total expense would be somewhere around a hundred thousand dollars. As to the salary under this bill, the chairman is to receive \$5000, which is very proper in my opinion, and the two others \$4000, also entirely proper I think. The other things not being defined it may be they are much larger than we anticipate, and from the fact that by this will they are to be adjusted among the corporations, and the further fact that no notice has been given to them and no opportunity of being heard, in my mind renders it rather unfair that a bill with a section like this should be voted upon without giving these corporations a chance to be heard. I hold no brief from corporations but I believe in fair play, and in this respect I do not believe that they will be receiving fair play if we vote as requested by the gentleman from Auburn.

Mr. SCATES of Westbrook: Mr. Speaker, I hope that the report of the minority will be adopted or else this bill be laid on the table for further consideration, because I should like to be heard upon this bill at greater length than the time at our disposal will permit tonight. If we wait until a bill is drafted that will meet the idea of every corporation and of every man in the State, you will never have a public utilities bill. We have heard this winter so much about water and so much about electricity that people seem to think that that is all there is in this bill. That is only a small part of it, gentlemen. What are the conditions in Maine? What are they in New England today in regard to the steam railroads? One corporation with one man at the

head of that corporation owns all the great trunk lines in this State and in a few years, possibly before the next legislature convenes, it will own the Bangor and Aroostook, it will own the other little road that connects with Montreal, and from his decision in regard to rates, in regard to demurrage, there is no appeal. You have got to take what he hands out to you. There is no court to which you can appeal for justice or a hearing of your case. I maintain that there should be such a court to which the people, the shippers of the State, can appeal; and it is only right that there should be such a court, and this bill provides for that; and before you vote that this bill ought not to pass I should like to be heard further which the time will not permit tonight. So I hope that you will either adopt the minority report so we can discuss it later or lay it on the table for further consideration. It is of too much importance not only to the people of this State but to the corporations themselves that it should be lightly passed by.

Mr. WHEELER of Paris: Mr. Speaker, I wish to state briefly my reasons for signing this minority report. In the first place I took the view that here and now at the present session of the Legislature is the time and place to discuss this matter squarely and fairly and go on record on the main issue of whether or not we favored a public utilities bill. In the second place, I very much dislike to come back to the House at the next session and to say that the bill which had been in my committee since the 27th of January had not received sufficient consideration at my hands personally that I was in a position to pass an opinion upon it.

I wish to suggest to the members of this House that Document No. 42 was placed upon your desks early in January, and you will recall with me that a large number of the documents were printed and distributed. I believe that the time will never come when all the business men and the men of affairs and attorneys will agree upon every provision of a public utilities bill, but I do believe that sentiment has crystallized. I believe that the matter ought to come before this

House, and so I signed the minority report. I have this to say about the bill. I believe, in its present form, with a few minor criticisms which may be misprints as to dates and numbers, I believe this bill represents an honest, sincere, unbiased, non-partisan effort to present for your consideration a utilities bill that shall protect the interests of the people without infringing upon the rights or the duties or obligations of the corporations. There is no oppression in it, or it was not so intended at least. Corporations have their rights but they should be protected, at the same time they have their obligations to the public and they should perform them, rates should be regulated, charters should be granted by somebody without any hit-or-miss log-rolling to pass this one and turn down some other one; and for that reason, and the one stated previously, I hope that this minority report will be accepted, and then, upon the suggestion of the gentleman from Augusta which appeals to me as wise, that this matter should be considered in a committee of the whole and its various items gone over honestly and without prejudice, without regard to partisanship or to parties, that we may present to the party which sends us here an honest verdict; and for those reasons let us adopt it or reject it and not dodge it.

Mr. WILLIAMSON: Mr. Speaker, suppose we pass this bill. Some people seem to be afraid it is going to hurt somebody. Who? Is it going to hurt the people? Is there a line in this bill that is going to hurt the people who are using any of these public utilities? Suppose we do make some minor mistakes as to the right of these corporations. This is not the last legislature we are ever going to have. If we make those mistakes they will be around in two years from now and asking us to correct them, and they will be corrected and the corporations will be protected.

Mr. PATTANGALL: Mr. Speaker, just a word. It has pleased me a good deal to hear this bill so kindly spoken of by some of the gentlemen who have addressed the House because with the exception of two or three paragraphs I think I wrote it all myself. I copied the most of it, I will admit. I do not mean

that I invented it. But I am extremely glad that it pleases the gentleman from Paris so that he wants to vote for it, because in the committee, when the committee voted, he voted "ought not to pass," and he was the only member who so voted.

Now it is all right to say this bill has been before the legal affairs committee since January 27th. I want to say, and there cannot any member of the legal affairs committee deny it, that that bill never received from the legal affairs committee, as a committee, one single moment's consideration except at the public hearing here. It is all right for gentlemen who are on the sub-committee of the judiciary committee to press now for the passage of that bill—and I do not object to that bill, don't misunderstand me—it is all right for the gentlemen on the sub-committee to speak of the bill being a good measure, but as to that bill as it is written and as it lies on the desks of the members, nobody can deny this statement, that it contains in its most important features paragraphs which were absolutely new when the bill came here in its printed form. Section 54 of the re-drafted bill was Massachusetts law. It took the place of Section 55 or 56 of the old bill. Both those matters went out and Sections 52 and 53 have been inserted in the new draft since the committee broke up its meetings. The gentleman from Ellsworth never saw them, I never saw them, until that printed bill came in. I do not say that they are not splendid sections and what they ought to be, but I do say that it is not a matter of good sense for this House to write two important sections into an Act 48 hours ago and then say they have been considered since January 27th, when that is not so. The sub-committee of the judiciary committee which signed this report to pass this bill contains the name of one member who, outside of a part of one evening, never had anything to do with framing the bill. The actual committee consideration of that bill has been slight. The consideration given to such amendments as will be offered, if you take the bill up, from now out, must be slight. You are going to meet

Monday afternoon. I suppose we are also going to meet Tuesday morning. When are you going to have your committee of the whole of this House? When are you going to have your Senate consider a bill of that magnitude section by sections? Can you do it? If you can, I am willing; but if you are going to attempt to do it just for the sake of saying you did something and just for the sake of following out that illogical proposition which has been advanced here, that you either ought to vote that bill in or out, then you are not doing right by the State of Maine, because you are establishing under that law, or the law you finally pass, the most important court that ever took jurisdiction of any affairs in this State. I believe in such a court, I believe in its establishment, but I want it done in such a way and under such a law that not only as a lawyer but as a citizen I can feel pretty sure that we have done something that is good. I am not a corporation lawyer; and I do not mean to boast, but I have done more work on this matter, ten times over, than all the men put together who have spoken in favor of it, and they know it. I have not a thing in my mind in connection with this bill except the ultimate good of this State. Now it might be good campaign material to enact something that was called a public utility bill whether it was good or bad, but we are making something here besides campaign material. We are making laws, and a public utility law will affect the well-being of every citizen of this State one way or another either for good or evil. Suppose it is true that one man in New York controls the transportation facilities of Maine. Is the passage of a public utility bill going to remove J. Pierpont Morgan from the financial world? Is it going to leave the Hartford & New Haven any less in control of the Boston & Maine and the Maine Central? Is that the idea? Well, it won't do it. Your public utility bill won't affect the freight rates or anything which goes from Maine outside or which comes from outside Maine in. It can only affect, so far as your railroad rates go, from one point in the State to another

point in the State. I believe that ought to be regulated, but don't for Heaven's sake, when you pass a bill, if you pass one, have the idea that you are going to regulate interstate rates or affect the financing of the Maine railroads by outside capital, for you are not going to do it. Such a bill should be passed after the coolest and calmest consideration. It should be passed after the most careful scrutiny of every word and every line in it, a scrutiny that cannot be had in a committee of the whole of 150 men, a scrutiny that must be had among a few men who will study each line and report to a larger body the result of their deliberations. Has any man who has spoken to you explained one single provision of the bill? Not one. After the capitalization clauses were objected to in the committee, after it was agreed that some of them were not good, they were put back bodily into the bill to satisfy somebody after the committee had made its majority report. Has anybody explained them to you? No. The proposition is that you are to meet here, 150 members, and we are to sit down and perforce take somebody's word for what ought to go into the bill that is not there now. Whose word are you going to take? Who is going to do the studying from now to Monday? Are you, gentlemen, going to do it? Is any committee appointed to do it? It won't be done on the farm, it won't be done in the stores, it won't be done in the mills or in the factories. The study of the provisions which will need to be put into the bill in committee of the whole to perfect it will be done in the law offices of corporation attorneys and they will work Sunday and Sunday night all night. You will get a perfected bill all right if you jam it through in a hurry next week and let it be perfected for you. Mr. Speaker, I do not want that kind of a bill. (Applause.)

The question being on the motion to adopt the minority report that this bill ought to pass in new draft,

Mr. Williamson moved that the vote be taken by the yeas and nays.

The motion was agreed to.

The SPEAKER pro tem: All those in

favor of adopting the minority report "ought to pass" for the majority report which refers the matter to the next Legislature, will when their names are called answer yes; those in favor of the majority report, that it should be referred to the next Legislature, will answer no. The clerk will call the roll.

YEA:—Ames, Bearce, Benn, Bogue, Bowman, Buzzell, Doyle, Drummond, Frank, Goodwin, Harmon, Hartwell, Hastings, Heffron, Johnson, LeBel, Littlefield of Wells, Mace, Otis, Pelletier, Porter of Mapleton, Porter of Pembroke, Powers, Quimby, Robinson of Peru, Scates, Shea, Sleeper, Snow of Bucksport, Stinson, Strickland, Trafton, Weston, Wheeler, Williamson, Wilson, Woodside—37.

NAY:—Allen of Jonesboro, Anderson, Austin, Averill, Bisbee, Bowker, Burkett, Campbell, Chase, Clearwater, Colby, Conners, Copeland, Cowan, Cyr, Davis, Deering of Waldoboro, Descoteaux, Dow, Dufour, Dunn, Dutton, Emerson, Emery, Farnham, Fenderson, Files, Gross, Hedman, Hersev, Hodgkins, Hogan, Jordan, Kelley, Kelleher, Kennard, Kingsbury, Knight, Lambert, Lawry, Libby, Littlefield of Bluehill, Macomber, Manter, Mariner, McAllister, McBride, McCurdy, Merrill, Miller of Hartland, Monroe, Morse of Belfast, Morse of Waterford, Mower, Murphy, Noyes, Packard, Pattangall, Patten, Perkins of Kennebunk, Peters, Phillips, Pike, Pinkham, Pollard, Putnam, Robinson of Lagrange, Russell, Small, Smith, Stetson, Thompson of Presque Isle, Thompson of Skowhegan, Trask, Trim, Trimble, Tucker, Turner, Waldron, Weymouth, Wilcox, Wilkins—82.

ABSENT—Allen of Columbia Falls, Andrews, Berry, Briggs, Brown, Clark, Couture, Cronin, Davies, Deering of Portland, Dresser, Gamache, Greenwood, Hodgman, McCann, McCready, Merrifield, Mitchell, Newcomb, Percy, Perkins of Mechanic Falls, Ross, Sawyer, Skehan, Active I. Snow, Alvah Snow, Soule, Whitney—23.

PAIRED: Plummer, yes; Mallet, no.

So the motion was lost.

The Speaker pro tem. then declared the majority report accepted referring the resolve to the next Legislature.

On motion of Mr. Bearce of Eddington, Resolve making an appropriation to obtain information in regard to wild lands for the purpose of taxation, was taken from the table.

On motion of Mr. Bearce the House voted to insist on its action and ask for a committee of conference.

The Speaker pro tem stated that the committee on the part of the House would be announced later.

On motion of Mr. Scates of West-

brook, Bill An Act to incorporate the Sandy River Power and Development Company, was taken from the table.

Mr. Austin of Phillips offered amendment A which was adopted, and on motion of Mr. Monroe of Brownville the amendment was tabled for printing.

Mr. Miller of Hartland from the committee on leave of absence reported that the compensation of Mr. Averill of Prentiss be made up to the close of the session and that he be granted leave of absence.

The report was accepted.

On motion of Mr. Davis of Guilford, bill, An Act to incorporate the Pepperell Trust Company, was taken from the table.

On further motion by Mr. Davis this bill was indefinitely postponed.

Mr. Bogue of East Machias raised the point of no quorum present.

The SPEAKER pro tem: The point is well taken.

On motion of Mr. Bogue, Adjourned.