

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

Mr. MILLIKEN: Mr. President: I do not know what the situation is, or what is the desire of the Governor, or the Senate.

This matter is the same one that came back from the Governor and I supposed the Governor desired it to be indefinitely postponed and that was done. It then went to the House and came back here on the disagreeing action of the two Branches. Another resolve covering the same subject matter has been introduced here, or asked to be introduced here under the suspension of the rules, and that is on the table and assigned for tomorrow. To find out where the Senate is, I move that the motion of the Senator from Piscataquis lie on the table until tomorrow morning.

The motion was agreed to.

On motion by Mr. Staples of Knox,
Adjourned.

HOUSE.

Tuesday, March 28, 1911.

Prayer by Rev. Mr. Coons of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

On motion of Mr. Chase of York the vote was reconsidered whereby the House accepted the report of the committee, ought not to pass, on Resolve in favor of the postmaster of the Senate, and on further motion by Mr. Chase the report was tabled.

An Act authorizing the State land agent to sell certain property of the State at the Belgrade fish hatchery in the county of Kennebec, came from the Senate with Senate Amendment A.

On motion of Mr. Austin of Phillips the matter was tabled and assigned for afternoon.

Senate Bills on First Reading.

An Act to amend the charter of the Mexico Water Company. (Tabled and assigned for afternoon on motion of Mr. Bisbee of Rumford, pending second reading.)

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

An Act to permit Plantation No. 14 to assume the maintenance of its roads and bridges.

Resolve in favor of the clerk, stenographer and messenger to the judiciary committee.

Resolve in favor of the chairman of the committee on Indian affairs.

Resolve in favor of J. M. Lyons, clerk of the committee on labor.

Resolve in favor of F. W. Hill, chairman of the committee on agriculture.

Resolve in favor of the clerk and typewriter to the committee on interior waters.

Resolve in favor of the clerk of the committee on mercantile affairs and insurance.

Resolve in favor of the clerk and messenger to the committee on railroads and expresses.

Resolve in favor of the messenger to the committee on taxation.

Resolve in favor of Harv Stetson, secretary of the committee on interior waters.

Resolve in favor of E. B. Allen, secretary of the committee on education.

Resolve in favor of the clerk of the committee on manufactures.

First Reading of Printed Bills and Resolves.

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

Resolve in favor of Chick Hill road in Penobscot and Hancock counties.

An Act to amend Section 26 of Chapter 15 of the Revised Statutes to provide for school privileges for scholars living at fog warning stations and life saving stations.

Reports of Committees.

Mr. Libby of Oakland from the committee on Agriculture reported ought to pass on Resolve in favor of the clerk to the committee on Agriculture. (Resolve read twice and passed to be engrossed under a suspension of the rules.)

The Androscoggin County Delegation reported ought to pass on Bill, An Act to authorize Androscoggin county to issue bonds to enable it to provide for temporary loans and contingent expenses. (Bill read three times and passed to be engrossed under a suspension of the rules.)

The committee of Conference on the disagreeing action of the Senate and House,

on Bill, An Act to constitute nine hours a day's work for public employees, reported ought to pass.

Passed to Be Engrossed.

Senate Resolve, No. 235, in favor of stenographers to recording officers.

Senate Resolve, No. 236, in favor of Hortense K. Hopkins.

Senate Resolve, No. 237, in favor of official reporter of the Senate.

Senate Resolve, No. 239, in favor of Edward W. Wheeler.

Senate Resolve, No. 240, in favor of clerk and stenographer to committee on Apportionment.

Senate Resolve, No. 241, in favor of Charles W. Hurley.

Senate Resolve, No. 242, in favor of Joint standing committee on Ways and Bridges.

Senate Resolve, No. 243, in favor of Maine School for Feeble Minded.

Senate Bill, No. 228, An Act requiring street railroads to file profiles with their locations.

Senate Bill, No. 230, An Act relating to dangerous insects and diseases.

Senate Bill, No. 231, An Act relating to prevention of tuberculosis among cattle.

Senate Bill, No. 232, An Act relating to payment of pensions.

Senate Bill, No. 234, An Act relating to licensing persons operating automobiles.

Senate Bill, No. 244, An Act relating to teaching local history and local geography in public schools.

Senate Bill, No. 246, An Act to abolish recorder's office, Western Hancock Municipal court.

House Bill, No. 707, An Act to incorporate Sandy River Power and Development Company.

House Bill, No. 743, An Act relating to helpless, neglected and offending children.

Bill, An Act consolidating Water Storage and State Survey Commission.

On motion of Mr. Goodwin of Biddeford the rules were suspended and he introduced a resolve in favor of the chairman of the committee to attend the funeral of the late Honorable Amos L. Allen. (Resolve read twice and passed to be engrossed under a suspension of the rules.)

On motion of Mr. Scates of Westbrook the rules were suspended and he introduced a resolve authorizing the county commissioners of Cumberland county to secure plans for bridge. (The resolve was

read twice and was passed to be engrossed under a suspension of the rules.)

Orders of the Day.

On motion of Mr. Allen of Jonesboro the rules were suspended and he introduced a resolve in favor of Washington State Normal school. (Read twice and passed to be engrossed under a suspension of the rules.)

Mr. Farnham of Bath from the committee of conference on the disagreeing action of the Senate and House on House Bill No. 306, An Act relating to the duty of local assessors, reported that the bill ought to pass with amendments A and B.

The report was accepted, the bill received its three readings and was passed to be engrossed under a suspension of the rules.

On motion of Mr. Porter of Mapleton, Resolve authorizing the conveyance of a lot in Castle Hill, was taken from the table.

Mr. Porter moved to concur with the Senate in the adoption of Senate amendment A.

A division being had the motion was lost by a vote of 27 to 48.

On motion of Mr. Peters of Ellsworth, Bill, An Act relating to the care and maintenance of bridges, was taken from the table.

Mr. Peters offered House amendment B, to amend by striking out all after the word "resolved" and by inserting the following words, "that the Governor and Council are hereby authorized to use from the unexpended balance in the treasury such sums as they may deem necessary for the repair of bridges owned by the State and for the repair of highways on public lands."

Mr. PETERS: I will say a word of explanation, Mr. Speaker, and that is that the resolve without the amendment would appear to nullify the policy of the House in regard to the appropriation for ways and bridges, and would look like a general appropriation bill authorizing the expenditure without limit or without specification as to the locality by the Governor and Council of any money available for any bridge or any highway in the State, whether it be public or private. Now, of course there may be some merit in the proposition, and of course there it, that

the State should have authority to spend some money on State bridges and on roads on State lands. This amendment is offered for the purpose of reducing the authority for the expenditure of money, limiting it to the State bridges and roads on State lands.

The amendment was adopted.

The resolve then received its two readings and was passed to be engrossed as amended.

On motion of Mr. Peters, Bill, An Act to amend Sections 34 and 35 of Chapter 16 of the Revised Statutes, relating to conveyance of pews in meeting houses to organized parishes or incorporated churches was taken from the table.

Mr. PETERS: Will the Chair explain to the House the status of the measure.

The SPEAKER: The report was read and accepted in the Senate in concurrence with the House. Later the Senate reconsidered its vote and laid the matter upon the table. Then on motion it was taken from the table and the bill was substituted for the report and came down for concurrence. It was then in the House tabled pending concurrence with the Senate on the substitution of the bill for the report. The report of the committee was that this be referred to the next Legislature.

Mr. PETERS: Mr. Speaker, I think the gentleman from South Portland, Mr. Dresser, has some explanation to make to the House in regard to this matter. I know very little about it, and it was tabled by me at his request. I have no objection to it excepting that I am told there is some merit in the bill.

Mr. DRESSER of South Portland: Mr. Speaker, that is a bill that was handed to me by A. F. Moulton, or was sent to me by mail, and in some way it got misplaced here so long that it was overlooked, so there was no notice given upon it. In the Senate the bill was substituted for the report of the committee. As I understand there was a law passed whereby parishes could convey churches, but in some way it did not allow them to convey the pews in the churches so that they could legally convey the pews in their churches,

and several different churches in the city of Portland wanted the bill passed so that they could convey the pews in their churches.

The question being on the substitution of the bill for the report,

The motion was agreed to.

The bill was thereupon tabled for printing under the joint rules.

On motion of Mr. Peters, Bill, An Act to amend Chapter 151 of the laws of 1855, relating to municipal court in the city of Biddeford, Chapter 346 of the laws of 1867, relating to municipal court in the city of Saco, and Chapter 522 of the laws of 1897, relating to Sanford municipal court was taken from the table.

The pending question being the acceptance of either report,

Mr. PETERS: Mr. Speaker, I believe the question before the House is on the acceptance of either report. I will say that I signed the minority report because I did not understand whether or not the bill as drawn would correctly carry out the wishes of the committee, or be satisfactory to the parties interested in York county. I learn that the parties interested have drafted amendments to the bill and it is to be taken up by them, and as to the changes so far as I am concerned, I have no objection. I am willing to leave it to the consideration of the House and the members of the York county delegation. I move that the minority report be accepted.

The motion was agreed to.

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

On motion of Mr. Mallett of Freeport, the House reconsidered the vote whereby Bill, An Act relating to helpless, neglected and offending children was passed to be engrossed.

Mr. Mallett then moved that the Bill be indefinitely postponed.

Mr. MURPHY of Portland: Mr. Speaker, I don't know but what I may agree with the gentleman from Freeport. However, I would much prefer that this matter be referred to the Cumberland county delega-

tion and taken up later in the day under a report from that delegation.

Mr. MALLETT: That motion is perfectly acceptable to me, Mr. Speaker.

The motion was agreed to.

On motion of Mr. Pelletier of Van Buren, An Act relating to the liability of employers to make compensation for personal injuries suffered by employes was taken from the table.

Mr. Pelletier moved that the minority report of the committee be accepted.

Mr. PETERS of Ellsworth: Mr. Speaker, I desire to say just a word upon this matter in order that the House may understand the attitude of the majority of the committee towards this matter. A Bill, the predecessor of this Bill along some of the same lines, was presented to the committee and a hearing was advertised and held. At that hearing various interests were represented and heard. After the hearing the committee voted unanimously that the Bill ought not to pass—or I will correct that statement by saying that the committee voted that the matter be referred to the next Legislature, believing that it may have had some merit. After that action was taken a substitute Bill, or a Bill in an amended form was presented to the committee, and upon that no hearing was advertised or had so far as I know. The committee submitted a divided report, the majority reporting that the matter be referred to the next Legislature, and the minority reporting "ought to pass" in a new draft. I have not had an opportunity to read the new draft as presented. I could have gone to the Clerk without doubt and copied it, but when this matter was tabled by me, Mr. Speaker, pending the acceptance of either report, I moved, and the motion was carried, that the Bill lie upon the table for printing. I have waited so far in vain for a printed copy of the Bill, and I am unable to say whether the Bill has sufficient merit so that it should pass or not. I am sure that a reading of the Bill here to the House will not enable any of us to decide whether it has merit enough to entitle it to a passage or not. I presume that the subject matter of this Bill is in many respects the same as in the original Bill. The Bill, however, appears to me to be rather crude in form and rather undigested. I believe it would be unwise for us here to pass the Bill with-

out further consideration. The Legislature of two years ago passed an employer's liability Bill, and I had some part in the passing of it. It involved some radical changes in the law of the state. We are just getting in line so that that law and the operation of it can be known and determined. To begin now and change the law again it seems to me would be unwise. It might be that after a full hearing of the matter it would be found necessary to make some modifications of the law, and very likely that may come in time. For the present it seems to me the part of conservatism to leave the present law as it is and not attempt to change it and destroy the symmetry of it in any way until we are certain that all interests have been heard and that the proposed changes are wise and expedient. And it is for that reason that I voted that the consideration of this new Bill in amended form be postponed. I shall so vote.

Mr. PATTANGALL: Mr. Speaker, this is a somewhat important measure and the new draft differs materially from the printed bill. It seems to me that in order for the House to give the matter any consideration at all the new draft should be printed. I suppose we will have one more legislative day at least, and it seems to me it would be well to have the matter laid upon the table until the new draft had been printed, and the matter can be taken up tomorrow. I move that consideration of the motion of the gentleman from Van Buren lie upon the table, and that the bill be printed and specially assigned for tomorrow.

The motion was agreed to.

Mr. Phillips of Shirley moved that resolve in favor of Louis C. Ford, W. R. L. Hatheway, Verna C. Keene, James L. Martin and C. M. Wescott be taken from the table and considered at this time because all the resolves are involved in the same subject matter.

The motion was agreed to.

The pending question being the acceptance of the report of the committee, that they be referred to the next Legislature.

Mr. Phillips moved that the resolves in each of the cases be substituted for the reports of the committee.

A division being had the motion was lost by a vote of 34 to 59.

The reports of the committee in regard to each resolve were then accepted.

On motion of Mr. Peters of Ellsworth, resolve in favor of a monument to the late Commodore Samuel Tucker was taken from the table.

Mr. Peters then moved that the resolve be indefinitely postponed.

The motion was agreed to.

On motion of Mr. Hartwell of Old Town, the rules were suspended and he introduced resolve in favor of the city of Old Town, and on further motion by the same gentleman the resolve received its two readings and was passed to be engrossed.

Passed to Be Enacted.

An Act relating to the use of automobiles in the town of Eden.

An Act to amend Chapter 40 of the Revised Statutes, as amended by Chapter 46 of the Public Laws of 1907 and Chapters 70 and 257 of the Public Laws of 1909, relating to the employment of women and children.

An Act to legalize game farming and fish farming in the State of Maine.

An Act to amend Section 40 of Chapter 47 of the Revised Statutes of Maine, relating to decrease of the capital stock of corporations.

An Act for the assessment of a State tax for the year 1911.

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

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

An Act in relation to the Belfast and Liberty Electric Railroad Company.

An Act to amend Section 13 of Chapter 117 of the Revised Statutes, as amended by Chapter 66 of the Public Laws of 1907, as amended by Chapter 195 of the Public Laws of 1909, relating to fees of witnesses before referees, auditors and commissioners specially appointed to take testimony.

An Act to consolidate the management of State institutions for the insane and feeble minded.

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

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

Finally Passed.

Resolve in favor of the Maine Insane hospital.

Resolve in favor of M. P. Colbath of Seboomok, Maine.

Resolve in favor of the Dexter Loan and Building Association.

Resolve in favor of Sullivan Newton.

Resolve in favor of the town of Chippsburg to correct error in the apportionment of the school and mill fund for 1908.

Resolve in favor of maintaining lights and buoys on upper and lower Richardson lakes.

Resolve in aid of navigation on Rangeley lake, Mooselookmeguntic lake and Cupsuptic lake.

Resolve in favor of Western State Normal school.

Resolve in favor of providing plans for school buildings.

Resolve in favor of Freeman B. Andrews of Oxford for an increase in pension.

Resolve in favor of the Maine Insane hospital.

Resolve in favor of the Sagadahoc Agricultural and Horticultural Society.

Resolve in favor of John R. McDonald.

Resolve in favor of John Holden & Company.

Resolve in favor of the town of Buxton.

Resolve in favor of Lee Normal Academy.

Resolve in favor of H. P. McKenney.

Resolve dividing the State into senatorial districts.

Resolve providing for the payment of certain deficiencies accrued prior to January 1st, 1911.

This resolve containing an emergency clause must receive 101 votes to entitle it to a passage.

A division being had, 111 voted for the passage of the resolve.

So the resolve was finally passed.

Income Tax Bill.

On motion of Mr. Mace of Great Pond the two reports of the committee on taxation on income tax bill, also resolve in regard to the national taxation of

incomes, were taken from the table.

Mr. Mace moved that the majority report be accepted.

Mr. DAVIES: Mr. Speaker, I rise to a parliamentary inquiry. I was wondering what position it left the matter in the House, assuming that the majority report had been accepted. The report comes to the House in rather an unusual form. It comes on the majority report recommending a bill, and with it a resolution which has been referred to the federal office of State. I was assuming for a moment that the majority report was adopted in the House. My question was, to find out just what condition the bill and the resolution would be in before the House assuming that the majority report was adopted in the House.

The SPEAKER: The Chair understands that this committee referred back to this House a substitute bill for the resolve relating to the taxation of incomes. If that should fail of a passage, they still desire action upon the federal bill. Both matters are before the House for consideration.

Mr. Hersey moved to reconsider the vote whereby the report was accepted.

Mr. Mace of Great Pond: Mr. Speaker, I wish to offer an amendment to House Bill, No. 755. It appears to me that the people of the State of Maine, the plain common people, are clamoring for some peace from the burdens of taxation, and the committee on taxation, after considering the matter of a federal income tax and a State income tax for 10 long weeks, beg to submit to the members of this House some of the reasons why they were influenced in recommending for your consideration the substitution of House Bill, No. 755, a State income tax. It is common belief, and as I believe the common wish, of every member of this House, and the unanimous wish, that some form of an income tax should be passed or adopted, that the plain people of the State of Maine are looking to us for relief from some of the burdens of taxation which are bearing too heavily upon them; and it is an accepted fact that the people understand, or believe they understand, that

if we pass or adopt this amendment for a federal income tax, it will become the panacea for all the evils of taxation that the burdens of taxation will be lifted from the poor throughout the length and breadth of this State and placed upon the incomes of the rich, but I believe, Mr. Speaker and gentlemen, that this is an erroneous belief. If we surrender to the national government our inherent rights and those rights are grafted into the Constitution of the United States, we can never hope to recover them again for the benefit of our citizens within the length and breadth of this State of ours. We shall be represented in the next Congress of the United States by fewer congressmen, or at least by a less percentage. The trend of population has been in the past and is now toward the great central West. And by surrendering the rights to the government of the United States to take from her citizens their hard earnings and place them in the treasury of the United States, what right can we expect that our proportional part shall ever be received into the State of Maine? Congressmen from the middle West through their votes will prevail in our great Congress. For ten weeks we considered a bill, or two bills, that would have an effect upon lessening the burdens of taxation of our own citizens. Many citizens from different sections of the State appeared before our committee and argued either for the adoption or the rejection of both federal income tax and a State income tax. We do not claim, gentlemen, that if we adopt this bill the State income tax that we keep it here at home, but we do claim that we have the power to amend and perfect it in future legislation.

Some men claim that it is in our party platform, in the platforms of both political parties in this great State of Maine. I believe, Mr. Speaker and gentlemen, that we are sent here to this Legislature, 151 members, to represent our constituents in a way that we believe will be for their benefit, that we have another duty beside the duty to our platform, that we have a duty to ourselves, that we should respect our official oaths, that we have

a duty to those poor people at home who did not have a way, who did not have a right to come here and examine the conditions for themselves, as they appeared to us, their representatives here in this Honorable Body. I believe it is not only our right but it is our bounden duty, if we believe that any other bill would be better for those people, the plain people, the people who toil upon the farms and who work in the shops, that if any bill that we could substitute to lessen or relieve them from the burdens of taxation imposed upon them by the federal government, burdens of taxation imposed upon them by an extravagant administration of State affairs, that it is not only our right but it is our duty to do so, and that we must so report according to the dictates of our own consciences; therefore, Mr. Speaker, I hope that this Legislature will adopt House Bill No. 775. It will bring relief immediately. It imposes, if you adopt this amendment, a tax of five mills upon incomes of whatever kind above \$2000. A man receiving an income of \$2500, contributes \$2.50; an income of \$3000, \$5; of \$5000, \$15, for the support of the State government; over \$5000 to \$10,000, 7½ mills of his income; from \$10,000 to \$20,000, 12 mills of his income from \$20,000 to \$50,000, 15 mills; and above \$50,000, 2 per cent. I believe that this is a step in the right direction, that the people will say that we are honest in what we profess, that this is a bill, an actual bill, not a theory; and I hope that the members of this House will adopt Bill No. 755 for a State income tax.

Mr. HERSEY: Mr. Speaker, I was elected to the Seventy-Fifth Legislature of Maine on a party platform which had the following plank, "We favor the ratification by the next Legislature of the amendment to the federal constitution as proposed by Congress relative to an income tax," and if I did not favor standing upon that plank for that legislation by this Legislature but kept my silence down to the present time and allowed my party to expect me to stand by that party plank, to favor that ratification down to the present hour, and then rise in my place and repudiate it and wish to substitute

something for that which my party had not said I had a right to substitute by any party action, I am not dealing in good faith with my political party, and if the gentleman from Great Pond or those of his political faith in this Legislature can come to this Legislature at this hour and repudiate this plank in the Democratic platform adopting the proposed amendment in the Constitution of the United States relative to the taxation of incomes, then they say that they, having a majority of this House and of this Legislature, are unfaithful and have repudiated their campaign promises. Not only that but should such a measure go through this Legislature it should meet with the veto of your Governor, for in his message he said, "The people have been promised that we will approve the proposed amendment to the national constitution authorizing the levying of an income tax. That promise should be kept." And I say, if the Governor should not veto the action of this House in repudiating the campaign promises, then he repudiates his message which he says comes from the people of Maine.

Now, Mr. Speaker, I waited in this House some time that there might be such a resolution put before this Legislature, because I understood at that time that it was the policy of certain politicians in this Legislature not to endorse the income tax amendment, to repudiate their party platform, and I did not wish them to do it. A part of my duty is to hold the Democratic party to their party platform, and also the Republicans; and any Republican in this Legislature who does not stand up to his platform in this matter is not dealing faithfully with the people; and that will apply to the Democrats also. On Feb. 2, I introduced this resolution. The gentleman from Waterville said that this matter was pending then before the taxation committee, and I referred it to that taxation committee. What did they do? They came to the Legislature with this report, with this Document No. 755, a long document, a long bill, complicated and intricate, in the last hours of the Legislature, wanting to substitute that of which the people of Maine have said nothing, of

which in party convention they have taken no action, which they have not called for, which has come in here because certain men in the State of Maine came into the lobby of this Legislature and wanted a State income tax substituted for a national one; and you asked this Legislature, without any request from your political party, without any request from the people, in the last hours of the Legislature to enact a law which I have not had time to examine, which has not been discussed in this State, not discussed in the press to any extent, which we haven't time to know whether we want it or not. Do you know whether your party wants it enacted into law or not? What action will they take in the next convention about it? Do you want to take the responsibility at this session as Democrats of saying that you are going to enact this law whether your party wants it or not? The gentleman from Great Pond says that he is willing to take the responsibility of voting as he thinks he ought to vote. That is all right. At times we must break away from our party, at times it is necessary to repudiate the party perhaps, but not very often. The times when we do it are when we start out to play politics on matters that our party never contemplated, not the great principles of both parties, because they are standing on this, for the one great principle of taxation by the national constitution.

Now, Mr. Speaker, why was this put before us? For over fifty years, yes, seventy-five years, this Nation labored under the idea that we had a right, to tax incomes in the Nation. We believed it and we acted accordingly, but it was an emergency matter only called out by war, never used on any other occasion, never contemplated to be used only in great occasions when the nation was in peril and it was called into being after seventy-five years by the late Spanish-American war. It was put up to the Supreme Court of the United States and the supreme court said that Congress had no right without an amendment to the national constitution to tax incomes in case of war, and therefore, Mr. Speaker, we have had presented to us through

Congress an amendment to the Constitution of the United States giving Congress the right to levy an income tax in case of great emergencies and in case of war, and for another seventy-five years if we enact that law and allow Congress to amend the Constitution of the United States we may never have occasion to use it. But there may be the time in this nation, in times of great stress and peril, when we may have occasion to tax incomes, and then we can use it; and that ought to pass. Your Governor said "The State still possesses the right to tax incomes if it desires to do so and as far as the nation is concerned we are simply affirming the existence of a power which it was supposed to have until very recently." Your Governor said that passing this resolve, giving our nation the authority to tax incomes, will not hinder this State from taxing incomes if they so desire. He said you ought to pass this. I believe he is right. You ought to pass this resolution. You ought not to entangle it with any other; and after you have passed it if this Democratic Legislature and the Republican minority think that they ought, without consulting their people, to enact the income tax law in the closing hours of this Legislature, that is all right. You did one part of your duty, you have kept your platform pledges. If you have gone beyond it that is your responsibility, but keep the pledge you made to the people of this State in the first instance; and I move you, Mr. Speaker, that this resolution presented by me on the second day of February, be substituted for this bill of the committee.

Mr. PATTANGALL: Mr. Speaker, evidently several gentlemen desire to be heard on this matter and it is apparent that the discussion of it cannot be concluded before the recess hour, and I move that we take a recess until 2.30 o'clock.

On motion of Mr. Deering of Portland, Resolve in favor of the town of Millinocket, was referred to the next Legislature.

On motion of Mr. Trafton of Fort Fairfield, Bill, An Act to incorporate the Rumford and Mexico Water District, was taken from the table.

The Bill received its three readings and was passed to be engrossed under a suspension of the rules.

On motion of Mr. Williamson, Bill, relating to registration of dentists, was taken from the table.

Mr. Williamson offered an amendment to the title, which was adopted, and the Bill received its three readings and was passed to be engrossed under a suspension of the rules.

The House then took a recess until 2.30 o'clock.

AFTERNOON SESSION.

The House having under consideration the State income tax bill, also Resolve in regard to the National taxation bill,

Mr. HERSEY said: Mr. Speaker, I want to add a word to what I said this morning. I made the statement that the supreme court rendered its decision on the constitutionality of the law of the right of Congress to tax incomes under the constitutional amendment at about the time of the Spanish-American war. I was mistaken about the dates. It was during the time of Cleveland's administration. It does not matter one way or the other as far as that is concerned. They simply decided that you could not tax incomes without a constitutional amendment. But I wish to add still further, Mr. Speaker, that in my opinion as a lawyer this bill pending before this House, reported from the taxation committee, **An Act to tax incomes of this State of Maine, is unconstitutional, and I cannot see for the life of me how any lawyer here can for a moment believe that it is constitutional.** It seems to me that you have got to have a constitutional amendment of this State before you can tax incomes of the State. I do not wish to accuse anybody of unfairness or of playing politics, I do not wish either to accuse the Democratic party of this Legislature of playing politics in this matter, but when this matter comes from the taxation committee under these circumstances, when a resolution asking that Congress may be authorized to vote an amendment, to submit this amendment to the national constitution, has come

before us, to have the committee report a substitute for that resolution, a State act or statute authorizing the taxation of State incomes as a State law, it seems to me this must result—you make that a substitute and you avoid your responsibility and your duty to do it. You have got a substitute, it is a State law, it goes to the supreme court, and our supreme court says it is unconstitutional, and then what have you got? You have neither got a State law for taxing incomes nor a United States law for taxing incomes. Now, my position was this. Stand up to your platform. Approve the amendment to the constitution of the United States, and then don't adopt a bill that is brought in here without a public hearing in the last hours of this Legislature without going home, without submitting it to your people, without submitting it to your party, without discussing it in your party circles, and then in two years from now if your party or my party puts into their platform that they want a State income tax, submit a constitutional amendment or ask you to do so, it is your duty and mine to do it. Until that time comes our duty is plain to stand up to our platform.

I have said all I need to say to the Republicans of this Legislature. I do want, Mr. Speaker, to say this in part to the Democrats of this Legislature. I have in my hand a clipping from the Eastern Argus this morning. I have not dared to quote from the Waterville Sentinel because the gentleman from Waterville has discredited it as Democratic authority on the floor of this House, but up to the present I have not heard that the Eastern Argus is discredited as authority for Democrats. So I read from the Argus this morning, from its editorial, and it says this: "On one point this Democratic Legislature will be open to just criticism if it fails to take the action that is expected and to which as representing the Democratic party it stands pledged, an action to which the minority as well as the majority of this Legislature stands pledged in their platform. Both parties were pledged to the ratification of the federal income tax amendment. That pledge ought to be kept by the Democratic party. That pledge was made in good faith and

it ought to be kept in good faith. It should be kept by both parties of the Legislature. If it is not kept the Democratic party will have to answer for it. With them rests the power to ratify the amendment. If they fail to do so with them must rest the responsibility." And as I said, it is up to you Democrats.

Mr. DAVIES: Mr. Speaker, with the consent of the Chair I desire to yield to the gentleman from Lisbon Falls in order that the views of the person who presented the minority report may be set forth.

Mr. PLUMMER: Mr. Speaker, in the consideration of this matter itself, for it appears to be taken for granted that we are to adopt some form of an income tax, personally I shall vote as I reported in the committee, for the ratification of the amendment to the national constitution, and the reasons for that I will give later. But there are before this body for action not necessarily the proposition of whether or not we will have a State income tax or whether we shall have a national income tax, in addition to that is the proposition of whether we will have any income tax at all. That is to say, there are three propositions before us, practically for the first time, one is that we may adopt the State income tax, the second is that we may ratify the amendment to the constitution providing for a national income tax, and the third is that we may reject them all. Now inasmuch as all these proposition are property before us it may not be improper to investigate into the question of taxation a little more deeply than has so far been done by any member speaking on this subject or even by any member of the Legislature so far, at least to any great extent.

We have at the present time as you know nationally a tariff. We have tariff taxes and internal revenue taxes. The tariff taxes bear hardly on the poor. Generally speaking, they are apportioned to the amount of sugar a man eats or the kind and quality and amount of clothing that he wears or the jewelry that he wears. Then we have internal revenue taxes which bear on different individuals somewhat in proportion to the liquor that they drink or the tobacco that they use. In the State we have a general property tax which taxes land and houses and machinery and buildings and goods,

livestock and most everything that you can think of. We have a poll tax, we have a railroad tax, we have telephone taxes, insurance taxes, a tax on savings banks, on pool and billiard rooms we have victualers licenses, we have dog taxes, and finally the proposition to put a tax on the people merely because they happen to own and operate automobiles. Now there is manifestly underlying none of these taxes any recognition of any proper principle by which they may be placed. They are merely a heterogeneous mass of indiscriminate taxes levied merely for the purpose of revenue and without regard to any idea of justice in their application. At the hearing something was said about the matter of their being fair taxes, the tax on the properties increased being a fair increase, but on being questioned those who made the statement to us were unable to say by what standard they were to determine any particular tax to be fair. They said it was fair compared with some other tax. For these reasons, Mr. Speaker, I would like to go briefly into this question and see whether there might be some standard by which we could test the validity and propriety of any tax and see whether the income tax falls within that. There are, so far as I know, only two forms of enterprises in society, and these two forms differ chiefly in respect to the method by which they collect their revenue. There are two forms. There are charitable organizations which we may say are typified by the church. There are business organizations which are typified by grocers and druggists and barbers and physicians and railroads and all that class. There is this difference in the method by which they collect the revenue and it is the principal difference between them. The charitable organization collect their funds by gifts and through solicitation. The subscribers are supposed to give according to their different means, according to the amount that they think they can afford to give, but a business collects its revenue on a business basis. It sells its services to every man, the same service at the same price, to the

high and low, to the rich and poor. Now the same is true of course of the grocer and the railroad. There is this difference in this collection of the revenue, that in the case of a charitable organization, if any man contributes so much he is only in honor bound to pay. There is no compulsion. In the case of any business organization, if any man contracts a debt he is compelled by society to pay it. Now the government falls at the present time under neither of these classes. It is a hybrid. It is neither fish, flesh foul nor good red herring. If it is a charitable organization it should pass the hat or it should take subscriptions for such amounts as people are willing to give and give voluntarily. If it is a business organization every man on every piece of property should pay for benefits received. Now there can be no question that it should fall under the head of a business organization. To a certain extent this is recognized in the imposition of our State taxes, or our town taxes. Now as to an income tax, the question was asked at the hearing of some of the proponents of it how they knew at what point they should begin to tax. It has been variously suggested; in the original bill that is before you it suggested a minimum of \$1000. The tax during the Civil War began at \$2000, and in this bill as it came in here it started at \$5000. It was a guess in each case. There was no method of computation and no reason by which any man could decide whether it should be \$2000 to \$5000. But suppose it might properly fall within that limit, between those two points; if we place it at one dollar, there is only one chance in three thousand that you would get it correctly. If you put it at \$10 there is only one chance in three hundred that you would get it correctly. If you put it at a thousand dollars there is only one chance in three of your getting it right. What kind of a tax is it which a man has to guess upon and don't know whether he guesses right when according to the lowest figure he has only one chance in three that he will guess right? Now the same holds true as to a rate. The same method of reasoning would hold as to a poll tax.

The chances are that all such arbitrary figures are unjust.

There is another objection to an income tax, that it puts a premium on dishonesty. I do not think it is any part of the business of the government to make men rich or to make them good, but it certainly should not be any part of the business of the government to put a bonus on dishonesty, to put a premium on lying and to make it an object that a man should tell an untruth. Another objection is that it applies equally to an earned or an unearned income. If a man makes two or three thousand dollars a year his tax imposed upon him is just the same as though he had an income received from land or from other wealth that has been handed down to him from his ancestors. That would appear to me unjust. I appreciate the fact that the object of those who argue in favor of an income tax is to get at the unearned increment and that is a very laudable object, but I don't think it can be attained in this way. The fact of the matter is that all earned income should be exempt, of whatever size, and all unearned income, the whole of it, should be taken, not any part of it. If we may suppose that a man may legitimately and honestly earn \$5000 and that all above that is unearned income, by what right does he keep any of it? The place to get at these things is at the bottom.

Now in spite of all the foregoing I am in favor of a national income tax for the following reasons: In the first place, my constituents favor an income tax, and I judge it is my duty here to act as I have reason to suppose they want me to, or to resign. In the next place, both platforms of the great parties in this State endorsed the income tax last summer. In the third place, it is so much better than the tariff that there is no comparison between them. The tariff falls hardest on the poor, on the man with a large family who is working hard day after day to get along. And in any tariff which has ever been framed the burden of taxation falls harder on the cheaper grades of goods. An income tax, of course, to a certain extent, or to a large extent, falls at least on those who are better able to bear it. And there is another reason urged in favor of this, that a national income tax will have a tendency to reduce large fortunes,

that it will take away from them a large part of what is called the unearned increment. As men seem to learn very little except by experience, I think it is necessary for them to pass through this stage and find out that a national income tax or any income tax can have but mightily little effect in that direction, but they must go through this before they will be willing to look deeper.

Now the reasons urged against the national income tax that I have heard in part are these, that in the first place we do not get the money back, that is, it will take away more from Maine than we will get back, that it will go out from us on irrigation schemes and so forth and one thing and another. I cannot say that that would not be true but isn't the money going there now and if it is going there now it won't make any difference on that part of it. But this is a question as to the collecting of the money not a question as to the disposition of it after it is collected; and even if the money is to go out in those ways it is better that it should go from the pockets of those who are able to pay than it is to take it from the pockets of the poor as there is no question but what the tariff and internal revenue does. Another argument against it is that Congress will waste it, that instead of reducing their taxes to correspond with this increased revenue it will increase its expenditures sufficiently to take it all up. But I think with the example that we have had in the last two years in this State in regard to expenditures, they having increased from less than three million to five million, it hardly lies with us to say that Congress might be wasteful. But it is said that the State needs the money. Yes, the State needs the money all right. But the question comes here again as to where we shall get it. If we put it on these incomes we have already, of course, a direct tax which falls to a certain extent on monopoly. If we put a part of this expense of the State onto incomes we will just to that extent relieve these other sources of revenue, we will relieve the national resources which we are trying to pay and about which we have heard so

much during this session as to giving away, we will relieve them to that extent from taxation. Now there are more and more calls, of course, for revenue. The proper remedy is so simple that we are apt to overlook it in the multiplicity of propositions that are brought forward to cure all these various ills of society. As was the case with Naaman, the leper, when he was told to bathe seven times in the Jordan. He thought the remedy was so simple that it could be of no possible use. It seemed to rob the disease of that mysterious distinction he supposed it to possess. As to these various national resources of this State, the shore privileges, the water powers, the forests, the wild lands, in them there is an ample fund for paying all these ills. The simple proposition is to get the benefit of these things by taxing them into use, and in order to tax them into use it is not necessary to add new laws, it is only necessary to abolish lots of laws that you already have. The more laws you abolish relating to taxation of that kind as to personal property and as to enterprise and business push, instead of fining men because they keep sheep, for instance, if you will abolish those taxes your taxes automatically fall on what is left. If you take them off all improvements they will automatically fall on what is left which is the natural resources.

The argument will be brought up that the State needs the money. I wish to show where this State can get the money if it needs it and can take money that belongs to it. When the State goes into the pocket of the private individual and takes any part of the production of wealth, the State is stealing, it don't make any difference what you may call it; and if the State, instead of taking what does belong to it, this common wealth of the country, the value of these lands and water power and forests and shore rights and those things, if instead of having that to pay its communal expenses, if instead of taking that it gives them to some men it merely makes paupers or beggars of them. It is said that our forefathers have given away these lands and that consequently we have no right to them. Our forefathers only gave away their right. They could not

give away our right. The right to the use of these lands is an inherent right. We have it because we are here and not because we had it from our fathers. If they saw fit to give away their rights we have no objection but they could not give away our rights. They had neither the right nor the power to do so. I wish merely to say, Mr. Speaker, that in favoring the adoption of the income tax we relieve to some extent the shoulders of the poor from the burdens of taxations. If we have a State income tax we relieve to that extent the shoulders of the wealthy, those who enjoy the privileges of the State, from the burden of taxation. I hope therefore that the motion of the gentleman from Houlton to ratify the amendment by this resolve will prevail. (Applause.)

Mr. DAVIES of Yarmouth: Mr. Speaker, I shall engage the attention of the House for just a moment before submitting the few remarks which I desire to make. May I inquire from the Chair just what the position is at the present time of these two reports?

The SPEAKER: The question before the House is on the motion of the gentleman from Houlton, Mr. Hersey, to substitute for the report of the committee, House Resolve No. 91, Resolve ratifying the proposed amendment to the Constitution of the United States giving to Congress the power to lay and collect taxes on income.

Mr. DAVIES: And the gentleman from Houlton substitutes the Resolve which he presented some time ago for the two reports?

The SPEAKER: For the report of the committee.

Mr. DAVIES: I think you very much, Mr. Speaker. If I am correctly informed the tariff Bill of 1894 which was submitted to the national congress had upon it a rider providing for a tax upon incomes of two per cent. upon all in excess of four thousand dollars. That received a passage in the national congress and soon afterwards was declared unconstitutional because it was a direct tax. Every Democratic national platform since the year 1894, if I remember correctly, has endorsed the income tax, every one; all the leaders of the Republican party since 1894 have endorsed the income tax. President Taft has endorsed it over and over again. The-

odore Roosevelt has endorsed it. The Hon. Charles Hughes has endorsed it. The platforms in the State of Maine of both the Democratic and Republican party endorsed it in the last campaign. Therefore, Mr. Speaker, can we not very safely say that there is some demand for a tax which is laid upon incomes? There has been presented to the Legislature here a Bill providing for a tax, for the State to lay a tax. To my mind, Mr. Speaker, that is very far away from the question. The amendment which was submitted by the Congress reads something like this: "The Congress shall be authorized to lay a tax upon the income from whatever source derived without respect to census or enumeration." That was necessary because the Supreme court of the United States had decreed that it was a direct tax. The substitution of the State income tax and a federal income tax are no more alike to my mind than it would be to lay a tax in this House for common schools and for a State road. They are entirely separate. The tax laid by the federal government is to relieve the tax upon consumption. We are paying the federal government every year between four and five hundred million dollars as a tax on consumption, and this tax, providing we give the Congress of the United States sufficient power to lay it, will relieve at least, Mr. Speaker, to some extent the tax upon consumption.

Now, Mr. Speaker, the proceeds which might accrue from the State tax would be for an entirely different purpose. Referring to the federal tax it is reported that the very richest woman in the world lives in a small town, in the town of Hoboken, New Jersey, and pays nothing but a small sum per week for her board. Any laborer in the State of Maine who perhaps may earn the sum of a dollar and a half or a dollar and seventy-five cents per day pays more for the support of the federal government than the richest woman in the world. Assuming that the statements which I have heard are true, I interpret that the income tax should be beneficial. Its benefits might be divided into two distinct classes. First, it would bring about a more equal distribution of wealth. I doubt very much if anybody would deny that. And secondly, it would reduce the tax upon consumption. Already twenty-six states of the Union have ratified the amendment as proposed by Congress, and I doubt very

much whether there is any matter that has come before this Legislature of the State of Maine for this year that is as important. I give to it the superlative degree as the ratification by the State of Maine of the amendment giving Congress the power to lay a tax upon incomes. The gentleman from Lisbon, Mr. Plummer, has made two objections, as I gather from his remarks. First that it makes a premium upon lying. If a man's veracity is worth no more than one or two cents on a dollar, I think the sooner we find it out the better. Our entire court system depends entirely upon the truth of the witnesses, and if you cannot trust a man to tell the truth under oath, what can you trust him for? In substance, the gentleman from Lisbon said that the tax was inquisitorial. Taxation itself pries into the private affairs of the individual, excepting the indirect tax which I believe was described by John Stuart Mill as being the tax that plucked the goose without making him cry out. The direct tax is not that kind of a tax.

We are not embarking on anything new. The principle of the income tax is not new to the United States. The principle was acknowledged by our courts for over 50 years, and immediately after the Civil War such a tax was laid and collected for over 10 years. England collected this tax. Austria collects such a tax, Italy collects such a tax. Prussia collects such a tax at the present time, and we are the only great nation, Mr. Speaker, at the present time of great resources that finds ourselves in the position of being unable to lay a tax upon incomes. In my mind it is the fairest, the most just tax that was ever proposed by a national Congress.

When this tax was submitted to the various states by our federal government it passed the United States Senate unanimously and received but 14 dissenting votes in the Congress, or in the House of Representatives. Wouldn't that indicate, Mr. Speaker, that there was a distinct sentiment that was reflected through our national law-making body? We must remember this, that there is not a laboring man today who does not through that method pay five or ten, yes, up to 15 per cent. at least of all the money that he earns for the support of the federal

government, and the man of large accumulations, if you cannot get at him through the agency of the income tax there is absolutely no way to reach him. And that is the purpose for which the Congress of the United States has submitted to the various Legislatures a resolution asking for its adoption in each State that it may have the power to lay a tax on incomes.

Mr. PATTANGALL of Waterville: Mr. Speaker, with much that has been said both by the gentleman from Yarmouth and the gentleman from Lisbon who presented the minority report of the taxation committee I am in full sympathy, but I desire to place before this House something with regard to the position which the majority of that committee took upon this question. In this first place I would like to call to the mind of every member of this House the fact that while we have heretofore regarded a national income tax as more or less of an abstract question, and have felt when we discussed it, a good deal as we feel when we discuss reciprocity, the tariff and all these various matters with which the Legislature has really nothing to do, that at this session of the Legislature the question of the national income tax becomes to us the practical question upon which we were acting. It is not a question upon which we were advising Congress to act but upon which we were to act ourselves, so that the responsibility for whatever act was taken fell directly upon us.

In past years we could lightly pass resolutions calling upon Congress to tax incomes, and feel that still the responsibility rested upon Congress, but now Congress has acted and has submitted to the various Legislatures of the states a practical question for them to solve. Not quite a year ago in June both parties held their State conventions, and in those State conventions adopted in their platforms a resolution identical in substance, if not in words, pledging both parties to support a national income tax. It makes an impression on my mind and a strong one, when both those platform pledges are recalled today, because I am of those who believe that political plat-

forms are sacred things and that one should follow them through to their limit unless dissuaded from so doing by extremely good reasons. When your committee came to consider the matter of voting for an income tax and realized that upon the vote of this Legislature and that of two or three more states depended the question of whether the United States government should be given the power to tax incomes of the citizens of this State and appropriate the result of that taxation to national expenditures, or whether we should exercise our right as a State to tax those same incomes and those same individuals and gather the money into the State treasury to be expended for our own needs, we were not sitting in the heat of a State convention, we were not hurriedly framing platforms, we were confronting business conditions. We were confronting business situations. Would the political conventions that were held last June, think you, have lightly adopted a resolution which they did in relation to the national income tax had any argument been presented to them based upon facts and backed up by reason, that a State income tax would be better for the State of Maine than the resolve which they were discussing. Did you know conditions last June as you know them now with regard to Maine? Did your Republican convention know conditions as you know them now? You know you did not. Why, in that great convention held here in the city of Augusta you heard from the words of authority that you believed that your State finances were in good shape, and the State owed nothing that it could not readily pay, and that your taxes had not been and need not be increased and that everything, so far as the State's financial conditions were concerned, was all that you could wish. You heard that statement from the man whom you were honoring with a second nomination for Governor. The statements were made doubtless on his part in good faith, made, as after events showed, without any detailed knowledge of the conditions which he should have had. We claim matters were not as they were represented to

the public. Not only that, but not until this Legislature had been in session many days was it learned about the extreme conditions in which Maine's finances had been placed by the generosity of the administration which immediately preceded this one. If those financial conditions had been known last June and had been stated to the two political conventions that met here in this city, and the conventions had been given the alternative of endorsing the national income tax or taxing incomes in order to bring money into the treasury of the State of Maine, neither you nor I know what the result would have been, gentlemen. But it is fair argument to say that it might have been different.

We know the facts. We know that the State of Maine needs, in order to do the work of charity and benevolence that Maine desires to do, every dollar that can be properly placed in taxation, every dollar's worth of property in this State. We know that we have not any money to spare. We know that the needs of the State of Maine are growing faster than her wealth is growing. We know not only that this Legislature has been forced almost to act niggardly in its economy but that our successors must do the same. We know that the expenditure of public money in Maine must be held back until a new development of business here brings more taxable property into being. And with that in view, is it not a serious question whether we should for political reasons or for any other reasons permit any part of the revenue which might come to the State treasury to be diverted into the national treasury? Believe me, gentlemen, that that committee reporting nine to one reported in good faith, examined the question with care, sought not to retard the placing of the resolve before you, worked out in good conscience what it believed for the best, pressed by no lobby, assisted by no lobby, no man coming before it to urge the State income tax and assist in framing a proper bill but one, and he actuated I believe by as unselfish motives as ever actuated a man who ever came before a Maine Legislature. We did not seek to shirk the question nor do we seek to shirk it now.

Economically I have my doubts about the soundness of any income tax proposition. But we were sitting as a committee representing a Legislature which expected and had a right to expect that a tax upon incomes, some form of a tax upon incomes, should be reported by it. We had a question before us, not what is best to do to catch votes, not what is best to do to please some fellow who is running a newspaper, not what is best to do to get the applause and the cheers of the unthinking, but what is best to do for the State of Maine, whether we should so act that a large amount of money should be diverted from our State treasury to the national treasury or whether we should so act that that money should be placed here for us to spend for our own needs. An excellent lawyer, now a judge of the supreme court of the United States, believed that this should go to the national government. True, too, the poorest laborer in the State of Maine may pay today more taxes than the richest woman in the United States. We Democrats have been saying that for years, and it is refreshing and pleasing to me to have the leading Republican of the House admit that under a system of taxation devised by his party, a system which we have been told over and over again was devised for the protection and benefit of the laborer, that the poor laborer contributes more to the cost of government than does the richest woman in the United States. I believe that condition can be remedied. I believe that it can be properly remedied. It may necessitate in its remedy the levying of a national income tax under some conditions, and no lawyer I think who has given any study to the question at all would deny but that in spite of the decision of the supreme court in the year 1905, today Congress may levy an income tax provided it observes certain limitations placed upon the levying of that tax by the national constitution. **Under these limits Congress can act.** Beyond it is it safe to say that Congress ought to go?

It was said by the gentleman from Houlton, in the course of his remarks that this was desired by Congress to use in case of emergency. Was there any emergency in the year 1904? There

was no war, and yet the tariff law of 1904 contained the income tax, which the supreme court of the United States declared to be unconstitutional. In the year 1908 when we imposed the corporation tax was there any emergency? We had gotten through the panic of 1907. The revenues of the government were paying the bills. In 1908 there was no war, and yet an income tax was proposed and would have gone through excepting that in place of it was substituted a corporation income tax and the provision that the State might enlarge the powers of Congress in this respect.

Any man who has studied passing events, any man who has read the records of Congress knows that just as soon as a sufficient number of states give the right to the national government to do it, an income tax will be passed. The gentleman from Yarmouth believes this. I believe it. It is not an emergency measure and is not so intended. It is intended to meet what its advocates believe to be a demand to remedy what they believe to be bad conditions. They advocate it as sound in times of peace, and not merely as an emergency measure. The condition is such that in those states where incomes are smaller, the newly settled states feel that by passing an income tax they can derive from the older settled portions of the country a larger amount of money to be placed in the national treasury, not to reduce the other taxes but to place other public improvements, which they are constantly calling for, within their reach, to enable them to put their irrigation schemes costing millions and millions of dollars into operation, which would no doubt be a great benefit to the country but of no direct benefit to our State, to put through their Mississippi water ways costing Heaven knows how much, partly with our money. Maine money has built up the whole West. We have let our own need go and have sent hundreds and hundreds and hundreds of thousands of dollars to the West, part of it to be employed in honest industry and part of it to be taken up by speculators who hardly gave us a chance to say good by to it. And now under a form of taxation that

same section of the country is looking for Maine money.

Now, Mr. Speaker, the gentleman from Yarmouth suggests that a tax upon incomes would relieve the tax upon consumption, and my mind travels far in the direction that his is going. If I were sure of that, if I had any evidence of it, if it fact the evidence was not to the contrary, I should feel like voting for both a State income tax to take care of our present needs and ratifying an amendment to the national constitution in order that Congress might substitute an income tax for the tariff. But the gentleman from Yarmouth meets this question frankly and sincerely, and he knows that today we have a national income tax, an income tax upon corporations, a tax which yielded the national government last year some \$26,000,000 or \$27,000,000, I do not recall which, between \$25,000,000 and \$30,000,000 I think are the correct figures. The gentleman knows that though that income tax passed Congress, it passed it as a part of the Payne-Aldrich tariff bill, a law which did not seek to reduce the tax upon consumption but rather increase it. Such a tax will not replace the tariff but added to the proceeds of the tariff will bring a larger sum, and larger still, into the United States treasury to be spent for the purposes beneficial doubtless of the whole country, but not so beneficial as I believe to the State of Maine as though we collected it ourselves and spent it ourselves. Why, last year this little State of ours, poor and in debt, with small resources, and hesitating to develop those she has, paid into the United States treasury under the corporation income tax the sum of \$160,000. Wouldn't you like to have that amount coming into the State treasury, gentlemen? Wouldn't it do us as much good, think you, here in Augusta, for us to spend as it is doing for us when we spend it out at Washington? During the little time when the income tax existed on all incomes Maine paid into the treasury of the United States for almost 11 years practically \$200,000 a year. We were a poorer State then than we are now and measured by this rule if the national income tax existed today we

would be paying from the income of Maine people to the national treasury well up to the half million dollar mark a year.

Now, Mr. Speaker, I don't know how much income the bill, House Document No. 755, would produce in the State of Maine, and nobody can tell, but it would produce something if it were passed. It would add somewhat to our income. And, Mr. Speaker, unless we ratify or a sufficient number of states ratify the amendment to the national constitution, we should be called upon to contribute that four or five hundred thousand dollars to the national government when I believe that the State of Maine is contributing all that she ought to now, to pay in large measures the expenses of the other states; for it is a fact, and no man can gainsay it, that the expenditures of our government in localities where greater influence is exerted in the national councils than in the State of Maine is way out of proportion to the amount of money spent among us.

It is said and truly said that since 1892 the Democratic national platform has declared in favor of an income tax. The Republican platforms have at times contained a limited declaration in favor of the same tax. President Taft advocated an income tax. President Taft went so far as to say in his campaign, good lawyer that he is, that they needed no amendment to the United States Constitution to levy an income tax if the law was properly drawn, and he said it over and over again. If that is true, and it would ill become me to question the word of so learned a jurist as President Taft, then the United States has the power now to levy upon incomes a tax if the law is properly drawn, not in the language of the proposed amendment but under such conditions and limitations as President Taft during his campaign thought proper. It has been said that Governor Hughes had endorsed the income tax. He has. And yet it was Governor Hughes' sole personal influence that prevented the New York Legislature from ratifying the offered amendment to the constitution of the United States. I would say, first of all, that charity begins at home. Let us care

for our own people. Let us say to those men who live in Maine and whose income is large, pay from your incomes something towards the needs of your State. Your visible property is not great, no greater than that man with moderate means. Your income is large. Take a portion of it and turn it into the State treasury under State laws and let us use it. Supposing we tried that if we found that we were wrong and if we found that it was better to confer upon the national government that power than to hold it within that State, two years from now or four years from now when the matter had been tried by a fair experiment we could reverse our action; but when we have once placed in the power of the national Congress to levy a tax upon incomes of Maine men and have spent that money in Idaho and Colorado, we have committed an irrevocable act. We cannot retract.

Now I realize that an argument has been urged on some members of the House which ought not to have been urged, and which I hope will have no weight with them, and that is that in this State income tax where there is a subterfuge, but I assure you that the committee had no such purpose in framing this report, which was framed as carefully as it could be, to enable the House to protect itself against any such schemes. If this House today should feel that it ought not to join with us in voting for a State income tax and should refuse to accept the Bill offered by the committee I would vote as quickly as any man in this House for the national Resolve, for I believe it is our bounden duty to adopt one or the other of these lines. The platform promise is a personal promise to some extent. When you redeem a promise it is not the wording of the promise, it is the spirit of it that you seek to redeem. The people of the State of Maine wanted an income tax. They believed it was one form of taxation that we could rightly go into. They believe it now. I am satisfied if the Bill and the matter could be presented to them as carefully as it will be eventually they would say to us that they would rather pay their money to the State than to the nation. But I claim that this Legislature would stultify themselves beyond limit if it failed

to pass an income tax. There is no question about that. I say now, and I am glad that I have the opportunity to say it to the members of this House, instead of going to you individually and talking it over with you that if the Legislature should decide that in its judgment it was unwise to tax incomes for the State, I will then as one of this committee gladly join with you in voting for the other Resolve. But I do ask of you more than passing consideration of the serious problem whether you want to divert a stream of money that will flow from an income tax away from your State treasury to the treasury at Washington? Do you want to adopt that policy or do you want to hold it here? It is said that you can tax incomes by both the national and State law. That is true. You can as a matter of theory and law, but as a practical matter none of us would vote to do it. Such a tax would impose too great a hardship unless the national tax was extremely small and the State tax extremely small. I would hold for the present the power of taxation of incomes wholly within the hands of the State until the State had acted upon it and until the State changed it, until we had gone through the experiments and found out whether or not it was possible for us to shift some of the burden of the laborer, the farmer, the mechanic, the small business man, and the professional man of small means, onto the shoulders of the man of greater wealth. If we found that that plan failed then our successors could condemn it. Then, if they saw fit, they could give the national government more power than it has, for I claim that though the national government had the power for 50 years and exercised it twice to tax incomes, national government never had the power which this amendment seeks to confer upon it, the power to tax incomes without limitation. I would not dare to say that upon my own standing as a lawyer. I say it on the standing and on the decision of the supreme court of the United States and on the arguments presented by Governor Hughes.

Now, gentlemen, here is a matter worthy of the most thoughtful consideration of every man in this Legislature. It is not a matter to play politics with. The committee were not divided political-

ly, they reported together. Senator Irving of Aroostook, an honest, honorable man, a Republican, reported with the majority, and I think Senator Irving is not a man of whom one would say that he would not give the matter thorough consideration. Mr. Colby of Bingham, a member of the minority party in this Legislature, reported the same way. Senators and representatives of the majority party, aside from the gentleman from Lisbon, all reported alike after having given careful consideration to the needs of the State of Maine and after having gone over the matter thoroughly they were resolved that the right thing under the existing circumstances was to bring in a State income tax bill, present it to this Legislature and let it stand or fall before its members on its merits as of today, not as of last June. We do not make laws during the hot days of June in the turmoil of a convention. We make them here during the colder time of the year, we meet not only as members of a political party but as representatives of the State when we meet in calm deliberation, coolly, quietly, each one of us thinking to use his best judgment and to that what he deems good for the State of Maine. So long as we consider every measure in that light, whether I vote for the majority or for the minority, I am satisfied, and so long as we consider every question in that light, gentlemen, we cannot go very far astray. (Applause.)

Mr. DAVIES: Mr. Speaker, I think that whatever affects the southern New England states or the middle states in some degree affects our own, and I think it is to our credit, Mr. Speaker, more than anything else that we would contribute largely to the support of the federal government providing Congress had the power to lay an income tax. The gentleman from Waterville very fairly stated my position as to the emergency. I do not look upon the measure at all as an Emergency measure. I believe that the Congress of the United States will lay a tax upon incomes just as soon as it has the authority and the power. Something has been said about the corporation tax. My views are entirely at variance the corporation tax with those of the gentleman from Water-

ville. Let me illustrate to you just what I mean. Supposing there is a dry goods store, or a dry goods shops in the city of Augusta, that store is a corporation and it has been trading from year to year so that their net profits are something like 10, 20 or 50 thousand dollars, and if it is a corporation, which undoubtedly they would be, they are taxed under the federal laws. Can there be any doubt in the minds of any of you but that the consumer pays that tax? Let me take for a moment the illustration which I previously used about the richest woman in the world. Supposing she were obliged to pay an income tax. Can there be any doubt in the minds of any of you but that that tax is to fall directly and solely upon her?

Something has been said rather facetiously about the tariff. The gentleman said he was glad to hear a Republican talking the way I did in regard to the tariff. The National platform adopted at Chicago by the last Republican convention expressed it in this manner: "The measure of difference between the cost at home and the cost of products abroad plus what? Plus a fair profit to the manufacturer." That is the wording of the National platform. I do not believe anybody can object to that. I do feel, and I feel it strongly, Mr. Speaker, that if the Congress of the United States had the power to lay a tax upon incomes it would reduce materially the tax upon consumption. I disagree entirely, fundamentally and radically with the gentleman from Waterville upon that proposition when he says that that condition would not obtain. The experience of every country in the world, so far as I have read contemporaneous history, that the cost would be reduced, and that it would be materially reduced, Mr. Speaker.

Mr. TRAFTON of Fort Fairfield: Mr. Speaker, I cannot let this matter pass by without expressing by own position in regard to it. I was elected here to this House as a Democrat. I was elected upon a Democratic platform, adopted by a Democratic State convention last June which reads as follows: "The Democratic party of Maine in conven-

tion assembled declares to the people of this State that if entrusted with power they will endorse the proposed amendment to the constitution of the United States as to the taxation of incomes."

Mr. Speaker, I ask you and I ask the gentlemen of this House if anything could be more explicit or direct than that? That was one of the articles in our State platform last summer upon which we Democrats that were elected here were elected. When we stood upon that platform we made the promise, every one of us directly to the people of the State of Maine, that if entrusted with power we would favor the proposed amendment to the constitution of the United States relative to tax upon incomes. This was not, as the gentleman from Waterville would have you think, an academic question then. That same precise question was before the convention that is before the House of Representatives today. We, the Democrats of Maine, in convention assembled, promised the people of the State that we would if entrusted with power, favor this very thing that we are talking about today. It was no academic question. It was the same question that was presented to us here today. Therefore, Mr. Speaker, I fail to see how as Democrats we can come here and vote for anything else than a ratification of this proposed constitutional amendment to the United States Constitution.

Further than that, Mr. Speaker, the Republicans of this State met in convention last summer and what did they say? They said: "We favor the ratification by the next Legislature of the amendment to the federal constitution as proposed by Congress relative to an income tax." Now, Mr. Speaker and gentlemen, how can any Republican who was elected upon that platform come here and do anything else than to ratify this amendment? Why, gentlemen, I should not defy a unanimous vote of this House of Representatives here today. How can any of us go home and face our constituents and tell them we have voted against this proposed ratification of the Constitution? I say, gentlemen, that it is our duty here today to ratify this proposed

amendment to the United States Constitution. It is our duty as Democrats, it is our duty as Republicans, and more than that, it is our duty as citizens of this great State of Maine and of this country to ratify this proposed amendment to the Constitution. Why should we allow the petty—if I may so describe it—State interest to stand in our way with this great patriotic and national question? I say it is our duty to ratify this constitutional amendment and give to the Congress of this United States this power. And, Mr. Speaker, this is no new power. This is simply ratifying the power which they have already had up to within the time of this decision of our supreme court.

Now, in regard to this State tax, is there not, gentlemen, a question in your minds as to whether the law proposed here today is constitutional under our own State Constitution? There is to my mind, and I am not a very learned lawyer, I have not made a great study of that particular question, but it seems to me from a casual observation of that question that there are grave doubts whether or not the State law is constitutional without an amendment to our State Constitution. It seems to me very much like double taxation. As far as our State is concerned, when we levy a State tax upon the property and another tax upon the income against the same individual, I don't believe under our Constitution at the present time we have that right, though I am not saying that we may not have it. They say further that it is going upon the other ground, the argument of dollars and cents which to my mind is not a strong argument in favor of this matter at all—but simply going upon that argument and allowing, if you please, that the statement of the gentleman from Waterville is correct, that the State of ~~via~~ under that proposed income tax would perhaps receive half a million dollars. It is impossible of course to say how much it would be exactly, but allowing it would be half a million dollars. Now today under our present tariff, under the present method of indirect taxation referred to by the gentleman from Yarmouth, it is estimated that the

State of Maine is paying at least eight million dollars into the treasury of the United States. Now I submit that part of that would be saved at least if we could have this federal tax upon incomes. We would at least save a part of that eight million dollars, or whatever the sum may be, that we are now paying into the United States treasury every year; and, gentlemen, it is none the less a tax because we do not know when we pay it.

Now, there is an argument here that this money if collected by the federal government will be used to the disadvantage or rather will not be used to the full advantage of the State of Maine. Gentlemen, I am not ready to admit the force of that argument. I submit that under Republican rule the State of Maine has had a fair percentage of influence in the United States Congress, and I am not willing to admit that under Democratic rule she will not have at least as much. (Applause.) Now, they have said that we do not make laws in convention. It is true we do no. But, gentlemen, we made promises in the convention, and I believe we ought to keep them, and unless gentlemen can show us some more potent reasons why we should break those promises than they have shown here today, I shall still believe it. (Applause.)

Mr. PATTANGALL: Mr. Speaker, I do not want to weary the House but just a moment. I believe as firmly in keeping campaign promises as any man that ever lived. I have read a great many Democratic platforms that contained a pretty distinct promise in favor of bringing about reciprocal relations with Canada. I have not seen that that platform promise annoyed some of my friends in Aroostook county very much of late. (Laughter.) The argument of dollars and cents appeals no more strongly to me than to other men. I presume it was an argument of pure sentiment not based upon material matters that caused several of my Democratic friends in Eastern Maine to vote for a Bill against having a law that took the tariff off of potatoes. I did not have any idea that money had anything to do with that or any hopes of making money. It was a sentimental feeling they had towards the potatoes. (Laughter.) I do not know but it may be unconstitutional under the statutes of Maine and the Constitution of

Maine to take incomes by a State law. I never heard it intimated before by anybody. I do know that several States are now taxing incomes under the State law, and I know of no provision in the Constitution of Maine that forbids it. There is nothing more true than that both parties positively pledged in their last platform that they would ratify the national income tax, and there is nothing more true also than the fact that that pledge was not discussed by anybody in either convention nor discussed on the stump in the campaign, but even had it been, I submit that new conditions and new information comes to us from time to time. I know that the information which was brought to us, sitting as a committee, with regard to the workings of the national income tax was a brand new matter to me. I can safely assert, I think, that there is not a man in this House that knew up to two or three weeks ago that the State of Maine was paying \$160,000 a year under the corporation income tax law. How many of us knew either during the campaign or at the convention or at any other time, until this matter was brought up, that Maine paid \$200,000 a year into the national treasury during war time? I do not believe any members of this House knew it.

Now you can talk all the sentiment you want to and you can talk all the platitudes you want to, but when you are taxing you are not taxing a sentiment and you are not taxing on platforms, you are taxing dollars out of people's pockets to go somewhere. If this Legislature sitting here as a Legislature, believes that it is good policy to so vote, that a few million dollars a year more or less of Maine's good money shall be sent to Washington to be spent there, it is up to the Legislature to do it. I do not care how ably Maine has been represented in Congress in the past, or how ably Maine is represented there now. I know that votes count there just the same as they count here. I know that Maine had a representation of eight members of Congress in a Congress about two-thirds as large as the one we have now where at the present time the State of Maine is pretty lucky to have a representation of four. The gentleman from Yarmouth is right and

frank and honest when he says, what every man knows who has studied this thing, that Congress will impose an income tax as soon as it gets a chance to. In other words, Congress is waiting for the chance to take a million dollars out of Maine and spend it, not in Maine, no matter how brilliant your congressmen are—we haven't got any irrigation schemes or any Mississippi waterways to carry out—but it will be spent in the West largely. Congress is waiting for the opportunity to do it. I think we ought to hesitate some time before we give them that opportunity. I glory in the patriotism of the gentleman from Yarmouth when he says that even though all the money is spent in the West, as a citizen of this great country he takes as much pride in the development of that portion of it as in the part of it near home. I note the substance of the sentiment of the gentleman and not the words. I am somewhat of a narrower and more selfish mould. I have lived to an age when I expect to spend the rest of my days here in the State of Maine. I have got by traveling much. I expect to have to spend the rest of my life here in this little State, and to get what living I can from her resources and from what expenditures occur here within her borders.

While I never expect to rise to a height where I will have income enough to be touched by any tax anybody will ever propose, I would like to see the other fellow that lives here in Maine and is making money and is going to contribute part of his money to the public good to contribute here, where I can get some benefit from it, where my children can get some benefit from it, and where your schools and hospitals can in part be supported by it; and in order to bring that about, if it can be brought about, I am as willing to forget for the moment promises of the last June convention as the gentleman from Fort Fairfield was to forget the tariff proposition in his community when he voted upon the Canadian reciprocity agreement. (Applause.)

Mr. AUSTIN of Phillips: Mr. Speaker, I never expected to stand before this or

any body of men and proclaim myself an insurgent, as against the policy of my party, but from what I have heard here this afternoon the painful necessity has come upon me to proclaim myself a Republican insurgent. I have the honor, perhaps, to contribute in a measure to the defeat of the minority party by having presided at the State convention holden here in Augusta last June. I tried to do my best and I hope that my presence had no ill effect upon the result, but something did. I have seen platforms made for years in the Republican party. I know how they are made. No man can stand here and tell me that I am going back on pledges to my constituents when I say that I have learned something and that I am not in favor or shall not vote for things that were put up to us at the midnight hours on the night before the convention and which were insisted upon there under the threat that "If those things are not put into the platform I will split the party in two by a speech."

That is the way platforms are made and have been made in the Republican party. I may say some things here that will be distasteful to gentlemen who stand on a higher patriotic plane than I do, but I want to say that both parties have been chasing lightning bugs for the last year. They started out only a few years ago chasing the initiative and referendum. Is there an honest thinking man in either party who does not curse the hour when that was written in the constitution? No. Be honest about it. I say, there is not a man. Every man knows that it is dangerous to good legislation. I tell you the honest members of both parties when they look each other in the eye will say "Damn the initiative and referendum." (Laughter.) However, the initiative and referendum is still with us, and so let that go into history.

Mr. Speaker, another lightning bug which they are chasing is the matter of primary elections. Both parties declared for it, and they say it is a great thing. Where do they start? Do they start with the men you have done business with, your representatives to the Legislature, your county candidates and county officers? No. They start at the other end and work down the line. It is a chance

for great demagoguism. I am going to predict that in 10 years from now somebody will stand up in this House and give a history of what primary election has done for Maine in selecting candidates for their party. In my opinion, Mr. Speaker, there is no bigger instrument of demagoguism put into the hands of any political party than the primary election law that is proposed at the present time by the different claimants for the people. I believe the only government which is good is the democratic form of government, properly worked into representative form of government. Get near to the people, let the people choose their representative and put them into a representative body and let that representative body make the laws. I claim that the people in a rural state like this are going to get at the best element in county conventions where they get together as they do in town meeting.

Now, coming to this matter of the income tax, I must confess that I have learned some things about taxation during my short service here in the Legislature, and I fully believe that as long as this government was amalgamated into a government of states and into a federal government, simply from the reason that the states themselves as a federation would not stand for direct taxation of the federal government and taxation by the State at the same time—I believe for that very reason, the states being amalgamated into one union, was the reason they would not stand for the two systems of taxation and is the very reason why we should keep this system of taxation out of the constitution. I am going back to my constituents, and I am going to look every one of them in the face and say that I have gone back on my party pledges. I was elected on a platform which promised ratification of the federal income tax amendment and I am willing to say that I have gone back on it simply because I thought I found out more than I knew when I attended the convention last June. (Applause.)

Mr. DAVIES: Mr. Speaker, perhaps the House will bear with me while I make a very brief statement, even at the expense of being criticized as

severely as I might be. I stand here and say that I absolutely believe in the initiative and referendum and I am more enthusiastic about it today than I have ever been before, and things have transpired in this Legislature since I have been here as a member, things have transpired here which have made me even more enthusiastic than I was six weeks ago. (Applause.) I am just as honest in my convictions for the initiative and referendum and the direct primary as the gentleman from Phillips seems to be in his opposition to it. There is no reason why I should not be. I have advocated it in season and out of season, and I sincerely hope the time will never come when I won't have an opportunity to advocate it. I believe it is the great bulwark of the people of this State and of this country.

Mr. CHASE of York: Mr. Speaker, my friend, the gentleman from Fort Fairfield, said that he was a Democrat and that he was in favor of the amendment to the national constitution, granting Congress the power to impose an income tax. Now, I am a Democrat but I am utterly opposed to any such proposition. I believe it is granting a most tremendous power to the United States government in addition to what they have now. I think the government of the United States has power enough at the present time. Something has been said in relation to the fact that an income tax was imposed by the United States government some years ago, during the war. It was a war measure purely, and no man at that time would have dared to have raised any question upon it at all, as the United States government was engaged in a war which was straining every particle of power that they had. The proposed amendment gives to Congress the right to assess and collect taxes on all kinds of incomes, from whatever source they may be acquired. There is no doubt in my mind but what Congress will use that power when they need it. I believe we should vote it here in our own State. As far as the platform of the Democratic party is concerned, I know nothing about it. I know something about how that plank was put into the

platform last summer. It is one thing to put a plank into a platform, and then it is another thing to say whether it should be done or not. As far as my knowledge of people goes I find no class favoring an amendment to the Constitution of the United States.

Mr. HERSEY: Mr. Speaker, some years ago a common man was nominated for representative to the Legislature in Illinois. He stood up in that town meeting and said "Citizens, you have nominated me for the Legislature of Illinois. I believe in the platform of the Republican party. If I go to the Legislature I shall stand for the platform and policies of the Republican party. If I am elected, all right; if not it will be all right; good night." Gentlemen, that man was Abraham Lincoln. Are we getting beyond Abraham Lincoln? Are we better men than Abraham Lincoln? I am willing to stand by Abraham Lincoln. It has been said that a national tax income would take money away from the State of Maine, and we would not see it again. Anything we pay to the national government comes back to us. We have our coast which must be protected by fortifications, it is well protected by the government, and that money comes back into Maine. You have your river and harbor bills. You have your lighthouses and your life saving stations all along the coast. You have the rural mail service through all the towns in the State of Maine. You have all these things coming back into Maine. And Maine stands by and says she will not consent to this proposition, giving the government the right to say we want to levy a tax?

Mr. DUNN of Brewer: Mr. Speaker, I wish to say just one word. I represent the Republican city of Brewer as a Democrat. I desire to say that as I have listened to the discussion here I think I have learned something. I think without doubt people can learn something by study.

Mr. COLBY of Bingham: Mr. Speaker, I have the utmost respect for my friends, the gentleman from Houlton and the gentleman from Yarmouth, and all the others who have spoken, but it seems to me that there is no harm in a man when he is entirely convinced in his own mind that one plank in the platform of his party,

whether it be Republican or Democratic, is wrong to vote against it. I have taken that stand and I am willing to stand by my decision.

Mr. AMES of Norridgewock: Mr. Speaker, I have heard a good deal said about income taxes. I believe the people of Maine want an income tax, but the question is, to whom that money shall be paid. I believe we shall fully redeem our party pledges when we vote for an income tax because I do not believe that they considered for an instant whether it should go to the United States or the State of Maine, and the question of giving it to Maine or to the United States has no bearing upon the question of redeeming our pledges.

Mr. GOODWIN of Biddeford: Mr. Speaker, my speech will be the shortest on record so far as this matter is concerned. I want to say if you do not settle this question right we will settle it right tonight because there is another Legislature going to meet here in this hall at eight o'clock. I say, after hearing the remarks of the gentleman from Waterville, in the language of Thomas C. Platt, "Me too."

The SPEAKER: The question before the House is on the motion of the gentleman from Houlton, Mr. Hersey, who moves that Resolve ratifying the amendment to the Constitution of the United States giving to Congress the power to lay and collect taxes on income, be substituted for the report of the committee. Those voting yes will vote in favor of the motion to give Congress the power to levy and collect taxes; those voting no, will vote against the proposition. The Clerk will call the roll.

YEA:—Allen of Jonesboro, Anderson, Andrews, Berry, Bisbee, Bogue, Boman, Briggs, Brown, Buzzell, Davies, Davis, Deering of Portland, Deering of Waldoboro, Doyle, Drummond, Dufour, Emerson, Farnham, Hedman, Hersey, Hodgman, Johnson, Jordan, Kennard, Kingsbury, Littlefield of Bluehill, Littlefield of Wells, Macomber, Merrill, Monroe, Morse of Belfast, Morse of Waterford, Otis, Patten, Phillips, Pike, Plummer, Powers, Quimby, Robinson of Lagrange, Scates, Sleeper, Snow of Bucksport, Soule, Trafton, Trimble, Waldron, Weston, Wheeler, Whitney, Wilcox, Williamson—53.

NAY:—Ames, Austin, Bearce, Benn, Bowker, Burkett, Campbell, Chase, Clark, Colby, Conners, Copeland, Couture, Cowan, Cronin, Descoteaux, Dow, Dresser, Dunn, Dutton, Emery, Files, Frank, Gammache, Goodwin, Gross, Harmon, Hartwell, Hastings, Heffron, Hodgkins, Ho-

gan, Kelley, Kelleher, Knight, Lambert, Lawry, LeBel, Libby, Mace, Mallet, Manter, Marriner, McAllister, McBride, McCurdy, Merrifield, Miller of Hartland, Mitchell, Mower, Murphy, Noyes, Packard, Pattangall, Perkins of Kennebunk, Peters, Pinkham, Pollard, Porter of Ma-pleton, Porter of Pembroke, Putnam, Robinson of Peru, Ross, Russell, Sawyer, Shea, Skehan, Small, Smith, Active I. Snow, Alvah Snow, Stetson, Stinson, Strickland, Thompson of Presque, Isle, Thompson of Skowhegan, Trask, Trim, Tucker, Weymouth, Wilkins, Wilson—32.

ABSENT:—Allen of Columbia Falls, Averill, Clearwater, Cyr, Fenderson, Greenwood, McCann, McCready, Newcomb, Pelletier, Percy, Perkins of Mechanic Falls, Turner, Woodside—14.

So the motion was lost.

On motion of Mr. Pattangall the amendment offered by Mr. Mace of Great Pond was adopted.

Mr. Pattangall moved that the rules be suspended and that the bill receive its three readings at the present time.

Mr. TRAFTON of Fort Fairfield: Mr. Speaker, it seems to me we are trying to pass very rapidly a bill like this without any more knowledge on the subject than this House has got. The bill was presented to the House only this morning and I do not believe there are 10 members of this House who have read the bill through. It seems to me on a subject that is going to change the entire system of taxation in this State that this is taking a very loose and very doubtful course.

Mr. PATTANGALL: I will withdraw the motion and move that the bill receive its first and second readings under the rule.

The bill received its two reading and was tabled for printing and assigned for tomorrow morning.

On motion of Mr. Perkins of Kennebunk the rules were suspended and that gentleman introduced resolve in favor of Juliette Moody, widow of Albion Moody, and on further motion by the same gentleman the resolve received its two readings and was passed to be engrossed.

On motion of Mr. Monroe of Brownville the rules were suspended and he introduced bill, An Act to authorize the treasurer of the county of Piscataquis to pay James L. Martin, Louis C. Ford, W. R. L. Hathaway, Verna C. Keene of Milo, and C. M. Wescott of Patten, their fees in the Joseph Cyr inquest, and on

further motion by the same gentleman the bill received its three readings and was passed to be engrossed.

Mr. Otis of Rockland for the committee on ways and means presented bill, An Act for the assessment of a State tax for the year 1912, and on further motion by the same gentleman the rules were suspended, the bill received its three readings and was passed to be engrossed.

On motion of Mr. Mace of Great Pond the rules were suspended and he introduced bill, An Act for the better protection of shell fish within the town of Pembroke, county of Washington, and on further motion by the same gentleman the rules were suspended, the bill received its three readings and was passed to be engrossed.

On motion of Mr. Williamson of Augusta the rules were suspended and he introduced resolve to amend the constitution with reference to the seat of government, and on further motion by the same gentleman the resolve received its two readings and was passed to be engrossed.

On motion of Mr. Colby of Bingham, Bill relating to exemptions from taxation, was taken from the table.

Mr. Colby moved that the bill be referred to the next Legislature.

On motion of Mr. Pattangall the bill was tabled until tomorrow.

Mr. Littlefield of Blue Hill moved a suspension of the rules to introduce a Bill, An Act to amend Section 8 of Chapter 112 of the Public Laws of 1907, as amended by Section 8 of Chapter 69 of the Public Laws of 1909, relating to the inspectors of State highways.

The question being on motion to suspend the rules and receive the bill,

The motion was lost.

Passed to be Enacted.

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

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

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

An Act to incorporate the Kittery Sewer Company.

An Act to amend Section 4 of Chapter

57 of the Revised Statutes relating to the organization of libraries and charitable societies.

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

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 charter.

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

An Act to increase the allowance for watering tubs.

An Act to amend Section 37 of Chapter 8 of the Revised Statutes relating to the taxation of telephone and telegraph companies.

An Act to incorporate the Clark Power Company.

An Act relating to the certificate of stock certificates.

An Act to amend Section 20 of Chapter 67 of the Public Laws of 1903 relating to the distribution of personal estate. (Tabled on motion of Mr. Williamson.)

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

An Act relating to abandoned burying ground.

An Act to amend specification one of Section 13 of Chapter 3 of the Revised Statutes, as amended by chapter 4 of the Laws of 1909, relating to the taxation of personal property.

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

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

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

An Act to amend the Revised Statutes, Chapter 34, Section one, relating to seals of notary public and validating their acts.

An Act to amend Section 115 of Chapter 15 of the Revised Statutes as amended, relating to appropriations for the normal schools.

An Act to incorporate the Hermon Water Company.

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

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

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

An Act to amend Section 1 of Chapter 173 of the Public Laws of 1905 relating to the compensation of registers of deeds.

An Act to amend Sections 49 and 51 of Chapter 9 of the Revised Statutes relating to taxes on timber and grass on public lots.

Finally Passed.

Resolve in favor of Frank H. Stirling.
Resolve in favor of the Eastern Maine Insane Hospital.

Resolve in favor of Mattanawcook academy.

Resolve in favor of the Maine school for the feeble-minded.

Resolve in favor of Holden Brothers.
Resolve in favor of the Maine Industrial school for girls for maintenance and deficiency.

Resolve in favor of the Maine Industrial school for girls for water supply.

Resolve in favor of navigation on Moosehead Lake.

Resolve in favor of the Eastern Maine Insane Hospital.

Resolve for an appropriation to prevent the spreading of glanders in plantation of Jackman, Moose River and Dennistown.

Resolve for the introduction of the Hungarian partridge in the State of Maine.

Resolve in favor of the clerk and stenographer to the committee on State Lands and State Roads.

Resolve for a State paper.

On motion of Mr. Williamson House document No. 754, relating to municipal indebtedness, was taken from the table.

Mr. Jordan of Portland offered amendment A by striking out all after the word "further" in line 18 to and including the

word "thousand" in line 22, also by striking out all of lines 43, 44, 45 and 46.

The amendment was adopted, and the resolve received its two readings and was passed to be engrossed as amended under suspension of the rules.

On motion of Mr. Pattangall bill relating to merger of electric light and power companies, was taken from the table. (Amendment B adopted and bill passed to be engrossed as amended under suspension of the rules.)

On motion of Mr. Bisbee of Rumford, bill to amend charter of the Mexico Water Company, was taken from the table.

Mr. Bisbee moved that the bill be referred to the next legislature.

On motion of Mr. Davies the bill was tabled until tomorrow.

On motion of Mr. Murphy of Portland, resolve in favor of the State normal school at Gorham, was taken from the table.

On motion of Mr. Murphy the majority report was accepted, and on his further motion the bill was referred to the next legislature.

On motion of Mr. Murphy, Resolve in favor of Farmington State normal school, was taken from the table.

On motion of Mr. Murphy the majority report was accepted, and on his further motion the resolve was referred to the next legislature.

On motion of Mr. Sleeper of South Berwick, Resolve to apportion 151 representatives among the several counties, cities, towns and plantations of the State, was taken from the table.

Mr. Sleeper offered two amendments to correct clerical errors, which were adopted, and the resolve received its two readings and was passed to be engrossed as amended under suspension of the rules.

On motion of Mr. Pattangall.

Adjourned.