

# 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

**HOUSE.**

THURSDAY, March 30, 1911.

Prayer by Rev. Mr. Herrick of Lowell.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

**Senate Bills on First Reading.**

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

Resolve in favor of State House employes. (Tabled on motion of Mr. Strickland of Bangor pending its passage to be engrossed.)

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

On motion of Mr. Strickland, Resolve in favor of State House employes, was taken from the table.

Mr. Strickland submitted a new draft and moved its passage under a suspension of the rules.

The motion was agreed to.

Resolve in favor of the Board of State Assessors, came from the Senate indefinitely postponed. (Tabled on motion of Mr. Plummer of Lisbon.)

Resolve in favor of the postmaster of the House, came from the Senate indefinitely postponed.

On motion of Mr. Williamson of Augusta, the House voted to insist and ask for a committee of conference.

The Speaker appointed on the part of the House, Messrs. Chase of York, Bogue of East Machias and Davies of Yarmouth.

Resolve in favor of the erection of a suitable monument to Commodore Samuel Tucker, came from the Senate that branch non-concurring with the House in indefinitely postponing the resolve and passing the resolve to be engrossed.

Mr. Tucker of Wiscasset moved that the House recede from its action and concur with the Senate.

Mr. Davies of Yarmouth moved an amendment, that the name of Joseph Tucker be substituted for Samuel Tucker. (Laughter and applause.)

The question being on the motion to recede and concur with the Senate.

The motion was agreed to.

The resolve then received its two readings and was passed to be engrossed under suspension of the rules, in concurrence.

The House Order that, the Senate concurring, 5000 extra copies of the House Record of March 29th, be printed, came from the Senate amended by striking out the word "House" and substituting in place thereof the words "Legislative Record"

Mr. Trafton moved to amend by substituting the word "1000" for "5000."

Mr. PATTANGALL: Mr. Speaker, if the gentleman from Fort Fairfield will withdraw his amendment I will offer an amendment striking off the last three cyphers and making it five extra copies. (Applause.)

Mr. Trafton withdrew his amendment.

On motion of Mr. Pattangall the order was then indefinitely postponed.

Resolve proposing an amendment to the Constitution of Maine conferring the right of suffrage on women, came from the Senate with the majority report, "ought not to pass," accepted.

The House receded from its action and concurred with the Senate in the adoption of the majority report.

**Reports of Committees.**

Mr. Strickland from the committee on appropriations and financial affairs, on Order of the Legislature relating to payroll of the House, reported a resolve on the pay roll of the House, and that it ought to pass.

The resolve received its two readings and was passed to be engrossed under suspension of the rules.

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

Resolve in favor of Karl C. Jones, clerk to the committee on taxation. (Passed to be engrossed under suspension of the rules.)

**Orders of the Day.**

An Act relating to the common school fund. (Tabled on motion of Mr. Pattangall of Waterville.)

An Act to amend Section 113 of the Public Laws of 1909 in respect to foreign corporations. (Indefinitely postponed on motion of Mr. Williamson of Augusta.)

An Act relating to equalization of school privileges.

On motion of Mr. Jordan of Portland the report was accepted and the bill was then tabled for an amendment.

An Act relating to liability of employers.

Mr. PETERS of Ellsworth: Mr. Speaker, I don't know what the attitude of the House may be towards this proposition, but I desire to submit a few observations without taking very much time of the House because I desire to have the attitude of the majority of the committee understood by the House. This proposed law concerning the relations between employer and employee I regard as very important. It affects all industries, enterprises, all factories and all places where labor is employed in your town and in my town and in every town of the State, because anything that changes the relative status of the law regulating the relations between employers and employees vitally affect capital and labor. I find in my observations that capital is very timid. I believe if we do anything hostile, pass any drastic laws, that we are likely to interfere with the influx of capital which we so much desire, I believe in considering a matter like this we should act as much for the interest of labor as of capital. I believe their interests are identical. I believe it is for the best interests of both labor and capital that this matter be not acted upon hastily but that we consider it with great care. In my town we have some few manufacturing enterprises and we desire more, and we do not want to do anything that will in any way impede the development of the town. I believe this Bill if passed would have some tendency in that direction. I have not had time nor opportunity to analyze and study this Bill. It is not the Bill which was presented to the committee although it is a similar Bill. The predecessor of this Bill was presented to our committee and we unanimously voted to defer consideration upon it until another session of the Legislature. Subsequently this Bill was presented, and on my motion, as I supposed, it was printed two weeks ago, but it never was printed

until yesterday or day before. I have had no opportunity to study this Bill and digest it and I do not know its exact bearing on the existing law regulating relations between employer and employee. You will see by a casual examination of it that it makes some drastic changes in the law. I see that it eliminates the doctrine of contributory negligence, the doctrine of assumption of risks, of fellow servant, and I see that the limit of \$5000 which prevails under statutes of the State is removed, so that as I understand it there would be no limit to the amount recoverable by the representatives of an employee in the case of an accident happening under the purview of this law, whereas there would be a limit in some other cases where an accident happens and the employer and employee are not concerned. There are several things which appear to me to make it necessary that this Bill should receive further consideration.

I am one of those who believe that we should do something and we should steadily progress in our theory of legislation in relation to the employee, because I believe that the progress of civilization has so changed the relative conditions in regards to employer and employee that it has been in a sense left behind. I believe our laws should be gradually changed so that the laborers, that is the employee, will have different and changed rights in regards to this matter of personal liability for personal injuries. I think gradually we should change it around so that more liability rests upon the employer. I think possibly eventually this thing may be all worked out in connection with a working man's insurance law, so that while the burden may be in a sense shifted it will not be found to rest too heavily upon any one spot. Two years ago the Legislature passed an employers' liability law which was based largely upon the Massachusetts statute. It took effect of course only a year and a half ago. So far as it has come to my observation the law has worked well, but we have not had an opportunity to fully understand the operation of it. It was a law which was much desired by the representatives of the labor union at that time, and was passed in deference I think to their earnest desire that something along these lines should be done. We have had scarcely time to work that

out and to know what the result of that is going to be.

It seems to me it would be very bad policy to adopt another law within two years and change that all over. My theory is that we should make these changes very gradually. I believe to make a sudden and drastic change like this would affect business and would affect capital. I am as ready as any one at the proper time to take part in any legislation any reasonable legislation in behalf of the employee, and I should be glad to do so, but I think it would be unwise for us now and here to pass such a drastic law as this appears to be without and further consideration. And therefore I think and I urge that the report of the majority of the committee that the matter be referred to the next Legislature so as to keep the case in court as it were, and so that the propositions and these theories may be considered carefully, may prevail.

Mr. PATTANGALL of Waterville: Mr. Speaker, just a word in regard to the minority report which was signed by two members of the committee. The bill that was presented to the committee was one which had come into the Legislature, or rather it was a copy of that bill. In 1909 the Legislature enacted an Employers' Liability law on a rather different line than this one. When this bill was presented before the committee it was urged by an attorney in Augusta, Mr. Maher. Mr. Heath also presented an argument not exactly in opposition to the bill but in opposition to some features of it. The first report of the committee that was agreed upon was to refer the matter to the next Legislature, because there were some legal questions in regard to the bill which were difficult, and which presented some problems that we could hardly seem to adjust. Before that committee report had been filed the attorney who presented the bill suggested to some of the committee that if the bill could be taken back into the committee he would make some changes himself so that perhaps the bill as changed might recommend itself to us. The bill was taken back

for that purpose and modified into the draft which is now before the House. As modified, this bill applies only to corporations and companies so that the individual employer of labor would not be affected by it. I speak of that because one gentleman in the House had raised that point in conversation. It involves a considerable change in our present law. I do not understand that the bill does away with the defense of contributory negligence but it would do away if enacted into law with the fellow servant doctrine and with what is known as the assumption of risk doctrine. The fellow servant doctrine was pretty largely modified by the law of two years ago by which anyone who had control of men, possibly the foreman of a crew of anything like that, was not considered a fellow servant, but was considered a vice principal, acting in the place of his employer. This law goes further than that and removes from the defenses that are given to the employer the fellow servant defense altogether, and also as I read it, the assumption of risk defense.

Now, Mr. Speaker, this is a matter which is worthy of the attention of the House. I do not want to dwell upon it and make any extended remarks upon this subject, but it is worth consideration by the House whether we ought not to go at the present time somewhat further than the Legislature of 1909 did. As the law stands now in the bulk of cases where an accident occurs it falls upon the injured man, who as a rule, has to lose and who is the least able to bear the injury. This change in the law makes the damage fall upon the company or corporation who employs him, a practice which has so far resulted in those companies taking out liability insurance and protecting themselves by the payment of not a very large premium, so that when they pay the damages in cases of injury they did not pay it out of their own pocket, but paid it out of the insurance company. I do not know how nearly this law copies the federal statute, but in part it is a copy of the federal statute. I do not know how far this Leg-

islature on short notice and without full debate wants to go on the line of that sort of legislation. I do not believe anybody is going to refrain from going into business on account of this law because, applying only as it does to business corporations, they can insure against any liability for damage to their employes very readily. There are a number of agencies in the State only too anxious to sell that form of insurance and it is not very high priced. If the motion of the gentleman from Ellsworth prevails, and the matter was carried over to the next Legislature, of course the bill would not be before the House for amendment or for discussion. If the minority report was accepted then I should feel as though the House at some time during the day would need to and would be willing to give perhaps an hour in going over the details of the bill, which is a short one, and getting at the actual effect of each section. It is a matter upon which my opinion is worth no more than that of any other member. I simply let the House know that the majority of the committee in presenting the matter were presenting something which they believed had merit and which they believed was worthy of your consideration.

Mr. SCATES of Westbrook: Mr. Speaker, I would like to ask the gentleman from Waterville and also the gentleman from Ellsworth their construction of that word "company?" Does that mean a co-partnership or not?

Mr. PATTANGALL: Mr. Speaker, so far as I am concerned in this matter I would be willing to relieve the bill from any ambiguity on that point by writing before the word "company" the word "stock" or "joint stock," so that it would read stock company or joint stock company, or putting in any phrase that would relieve any ambiguity upon that point.

Mr. CHASE of York: Mr. Speaker, I call the attention of the House to Section 4 of this bill. In making a contract you cannot get any work done in any section of the State, outside the cities, without having it let out by contract. No contractor these days will do any work without insuring his employes. I know one contractor who did insure and he had such an accident, although it was not his

fault at all, and it was not the fault of anybody, but it ruined the insurance company. They won't do any contract work without insuring the men. Now this bill provides that when he does that even, he is liable to be sued for damages and he can set off what has been paid. I hope the minority report will not be accepted. There are several other matters in the bill to which I should have serious objection, but I only mention this one as a specimen.

Mr. PETERS: Mr. Speaker, I don't know whether the point of the gentleman from York in regard to the insurance is well taken or not. I do not believe that I would be competent to give any opinion on that point until I had had an opportunity to study this bill and its bearing in relation to the proposed legislation. I suppose that this bill abolished the doctrine of contributory negligence, but it is difficult to determine the matter at the present time and for that reason as well as others which I have urged I hope the matter will be deferred.

The pending question being on the motion to accept the majority report, which refers this matter to the next Legislature, The motion was agreed to.

An Act relating to evidence in personal injury cases.

Mr. PATTANGALL of Waterville: Mr. Speaker, I just want to say a few words upon this matter. It was a matter which was heard by the judiciary committee and that committee reported unanimously. I presented the matter to the committee very briefly, knowing that they were lawyers who would be, I thought likely, impressed with the usefulness of the bill. It was a very simple thing. It simply rearranged rules of evidence so that the burden of proof in certain lines of cases fell where a good many lawyers think it ought to fall. That is to say, in personal injury cases under our present law the burden of proof is upon the plaintiff to show that he was in the exercise of due care, that is, that he is not guilty of contributory negligence. This law arranges it so that if the defendant sets up the defence of contributory negligence he will plead it as a defence and prove it as a defence. That is the law in the United

States court. It appealed to the committee and the committee reported unanimously, and men of both parties were on that committee so that there was no partisanship, and it passed this House unanimously without debate. It went to the Senate, and I heard that it had been killed and I was a little surprised because I thought the unanimous report of the judiciary committee and the unanimous passage of this House would have some weight. In my remarks the other day I stated that this bill had been killed and had been killed by the same gentlemen who were hovering around here killing various things. One of the senators came to me and told me that the bill had not been killed and that it was on the table and was going to be taken up and taken care of all right the next day. The bill was taken care of the next day by a vote of 28 to 3 against it. Of course it would be nonsense for the House to insist and ask for a committee of conference because that would only waste a little time of the members of the House and the Senate in agreeing to disagree. I did not feel that this bill ought to die in the House without somebody saying something about it to show that it was offered in good faith and intended in good faith and had some merit, had merit enough in it to attract a unanimous report from the judiciary committee. It seems that in the Senate somebody got the idea that it was a labor measure, a very progressive and radical labor bill. It would have applied pretty well to the laboring man who got killed. I believe the bill would have passed the Senate if the Senate had acted on its own initiative and known exactly what it was doing. Notice in the vote which was, as I said, 28 to 3, or something like that, the three men who voted for it were the senator from Oxford, the senator from York and the senator from Knox, the three members of the judiciary committee.

This is a good law and I should be very willing to have the House adhere and let the matter drop from a committee of conference, satisfied that some future Legislature will pass this law. It takes a good while to get a good law through this Legislature,

through both branches and signed by the Governor, but I have no doubt but that sometime when matters work around so that the Senate will see things in the same light as a good many lawyers do, that a law such as this will be passed and it will be a god measure. At the present time, realizing the hopelessness of getting any action on the matter as it stands I move that the House adhere to its former action.

The motion was agreed to.

On motion of Mr. Plummer Resolve in favor of the Board of State Assessors, was taken from the table, and on further motion by Mr. Plummer the House concurred with the Senate in indefinitely postponing the resolve.

An Act to amend the Mexico Water Charter. (Referred to the next Legislature on motion of Mr. Peters of Ellsworth.)

An Act relating to the municipal court of Biddeford, came from the Senate indefinitely postponed in that branch.

On motion of Mr. Pattangall of Waterville the House voted to adhere.

An Act to amend Chapter 112 of the Public Laws of 1907 as amended by Chapter 69 of the Public Laws of 1909 entitled "An Act to provide for State aid for the expenditure of other public money for the permanent improvement of Maine highways or State roads.

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

A division was had and the motion was lost by a vote of 39 to 49.

The Speaker then declared the majority "ought not to pass" was accepted.

Senate Bill No. 233, came from that branch, the Senate insisting on their action and asking for a committee of conference.

The House voted to join a committee of conference.

The Speaker appointed on the part of the House, Messrs. Pattangall of Waterville, Sleeper of South Berwick and Scates of Westbrook.

**Passed to Be Enacted.**

An Act to amend Section 1 of Chap-

ter 450 of the Private and Special Laws of 1907 entitled "An Act to prohibit the throwing of sawdust and other mill waste into Bog brook and its tributaries in the counties of Oxford and Androscoggin, came from the Senate indefinitely postponed.

On motion of Mr. Andrews of Norway the House voted to concur with the Senate in its action.

An Act to provide for the State certification of teachers of public schools

An Act relating to nomination of candidates by direct primaries.

Mr. WILLIAMSON: Mr. Speaker: We have under consideration two bills relating to the nomination of candidates by direct primaries.

The first comes to us under the initiative. I understand it was drawn by the gentleman from Yarmouth, and it has therefore been usually known as the "Davies" bill.

The second was drawn by the Hon. Nathan Clifford and the Hon. Wm. M. Pennell, both of Portland and has been usually known as the "Pennell" bill.

Both bills have been drafted with care, and reflect credit upon their respective authors.

The two bills differ somewhat in the details of preparing ballots, and conducting the primary elections, but these differences are not important and I will not discuss them. Both apply the direct primary to the Governor, Representatives in Congress and to an advisory vote for United States Senators.

There the Pennell bill stops. The Davies bill goes further and applies the direct primary to State senators, county officers and representatives to the legislature. I do not believe this extension of scope wise, and I will briefly give you my reasons.

If the members of this legislature instead of meeting here to discuss laws which are proposed were called upon to vote yes or no upon them at their homes, although without opportunity of mingling together and exchanging experiences and ideas, very good results might in some cases be obtained. Upon matters like resubmission or woman's suffrage the argu-

ments for and against which are well known, we could perhaps vote as well in that way as in any other. But upon questions little known such as whether a certain charter should be granted, or a certain appropriation made, the majority of us could not vote intelligently without the advantages derived from meeting, having the question considered by a committee and discussing it if necessary on the floor of the House.

As it is with measures, so with men. From men whom he knows either by reputation or otherwise, the voter can select one in the privacy of a booth as easily and intelligently and with much greater freedom than can a delegate in a convention.

But if the voter has never heard of the men upon the primary ticket, how can he intelligently choose among them?

The direct primary does away with all nominating conventions where men meet the various candidates and each other, discuss their merits and decide accordingly.

The test of a proposed law is not how good it is in theory but how it is going to work. Many laws in theory seem flawless, which in actual practice fail miserably. A law which is founded on the premise that the action of men is automatic and makes no allowance for human interests is bound to be a failure. And so the supreme test of proposed legislation is not its theory which may be beautiful, but the question of how it will result when actually applied. It is admitted that so far as the higher officials are concerned the direct primary law has worked well elsewhere and will work well here.

Candidates for governor and for United States senators are usually well known throughout the state; candidates for representatives in Congress are known throughout their district. The people can decide upon nominees for such offices directly without the medium of a convention just as we could decide questions like that of resubmission without reference to a legislative committee, or even without assembling at all.

But how will it work as to county of-



ficers and members of the legislature?

I believe the result will be this. If the Davies or any other law applying the direct primary to county officers and legislators goes into effect, the smaller towns will be almost wholly deprived of representation. The nominees for all county officers will live in the larger cities and towns. The nominee for the legislature will live in the largest town in the class.

Under the present system of county conventions, there is a certain spirit of fairness in the distribution of offices. Seldom are two nominees on the same ticket chosen from the same city. The claims of every section receive due consideration, and the fact that a certain town has had no nominees in previous years, carries, as it should, due weight. The candidates, too, are usually present and the delegates have an opportunity to determine their fitness by personal observation.

But under the direct primary all this will be changed. Put yourself in the place of the average voter going into a booth to mark one of several candidates for county treasurer. In nine cases out of ten he will know nothing of any of them. Unable therefore to make any intelligent selection, what will determine his choice? What can determine it except the locality in which the different men reside? If one lives in the voter's town he may know him and therefore vote for him; if he doesn't know him, he votes for him on general principles, because he is a townsman.

The majority of men in Portland will therefore vote for a Portland candidate; the majority of men in Scarborough will vote for a Scarborough candidate; if they have no Scarborough candidate they are more likely to vote for the Portland man than for any one else. And so, not because the Portland man is better fitted for the office or more popular or really any better known than the Scarborough man, but merely because there are more voters in Portland than in Scarborough, the Portland candidate for county office will be nominated and the man from Scarborough or any other smaller town defeated.

Nor can this tendency in any way be corrected. If candidates from the

large cities and towns get their names on the ticket as they may easily do, the people will vote for them, no matter how much the party bosses scold or the judicious grieve. They will vote not only for one, but for every townsman whose name appears on the ticket. The attraction of a nominating plurality toward men in its own community is as strong and certain as the attraction of gravitation. Knowing the density of the population the number of nominees can be computed with almost absolute accuracy.

If the Davies bill becomes law it will be useless for the gentleman from Fayette, or the gentleman from China ever to aspire for county honors at the hands of their respective parties.

Our Kennebec county nominees will then all come from Augusta and Waterville with now and then one from Gardiner.

The county ticket in Penobscot will all hail from Bangor. The Androscoggin county commissioners may all live in one Lewiston ward. Neither Brunswick nor Westbrook will do any more county business. All will go to Portland.

But it may be said that this is all idle speculation; that no one can tell how the Davies law would work, and that perhaps it might not be so bad for the smaller towns after all.

Let us see. Human nature in New Hampshire is very like that in Maine. New Hampshire has a law applying the direct primary to county officers. There is no reason why we should not be guided by the lamp of her experience.

Last fall all the New Hampshire counties elected eight officers, a sheriff, a solicitor, a treasurer, a register of deeds, a register of probate and three commissioners.

The county of Rockingham lying next to Maine contains 37 towns. In 1900 its population was 51,118. Portsmouth had 10,637 and Exeter 4922. There are no other large towns.

Five of the nominees under the direct primary lived in Portsmouth, and three in Exeter. These two towns with 15,559 population had eight of-

ficers. The other thirty-five towns with 35,559 population had none.

In Hillsboro county the two largest cities are Manchester and Nashua. Of the seven nominees elected four lived in Manchester, and three in Nashua. One commissioner from a small town was nominated, but was defeated at the polls.

In Stratford county, Dover and Rochester are the largest cities. Dover had six nominees, Rochester two, the smaller towns none.

In Belknap county, Laconia with 8042 inhabitants is the largest city. Laconia had six nominees, all except two commissioners. Gilford, a suburb, had one, and Tilton a town of about 200 the only other nominee.

In Cheshire county, Keene with 9165 inhabitants is the largest city. The nominees for sheriff, solicitor, treasurer, two registers and one commissioner came from Keene. The smaller towns got two commissioners only.

In Merrimack county, Concord and Franklin are the largest places, Concord had five nominees, Franklin two, and the country towns which contain considerably more than half the population had to be content with one of the three county commissioners.

In short the operation of the law has been so unjust in depriving the smaller towns of representation that I understand some of our New Hampshire friends are seriously thinking of holding county conventions next year, not for the purpose of actually nominating candidates, for that is forbidden by law, but to see if they cannot devise some method to unite the people in the country against those in the cities. In self defense they seek to return as nearly as possible to the method which the gentleman from Yarmouth so earnestly urges us to give up.

The same rule can be applied to the nomination of members of the legislature by direct primaries. In the cities and towns having one or more representatives, all the candidates would be fairly well known in their respective communities, and in such cities and towns I believe it would work well.

But how will it operate in a representative district composed of several towns? Take the class so ably represented by the gentleman from Hallowell, Mr. Clearwater, and composed for the next decade of that city with 3000 inhabitants and of the towns of Manchester and West Gardiner each with about 600. Under the present system which the Pennell bill does not disturb, I presume Manchester would have one term, West Gardiner one, and Hallowell three. But if the Davies bill becomes law neither Manchester nor West Gardiner will be represented during the next ten years.

Now gentlemen, my colleague and myself represent the largest city in Kennebec county. At present the only county officers from Augusta are the clerk of courts who is a Republican, and one county commissioner, who is a Democrat. At the last Democratic county convention Augusta had candidates for nearly every officer upon the ticket. Had the Davies bill been law, some and perhaps all of them would have been nominated. But the county convention did not nominate any of them, except one State senator. The delegates thought that with the Governor and two county officers, Augusta had her share, and proceeded to distribute the nominations among the other cities and towns. If the selfish interests of my city were to determine my action, I should be for the Davies bill first, last and all the time, for it would give it a prominence in the councils of both parties entirely disproportionate to its size.

Nor am I especially in favor of the Pennell bill because it was drawn by leading Democrats. The difference between the bills is not a political one. I am opposed to the Davies bill because it will throw the nominations for nearly all the county officers, Democratic, Republican, Prohibition and Socialist alike into the cities. I favor the Pennell bill because it will not.

Our forefathers when they formulated the constitution of Maine, denied cities and towns entitled to more than one representative in this House equal representation with the classed towns according to their population. I have

never heard their wisdom in so doing questioned. This legislature has decided not to give the city of Augusta three representatives though it has more than three times the aggregate population of the towns in several of the classes. It has decided not to give the city of Rockland two representatives. I do not question its wisdom.

But it seems to me absurd to ask a legislature which has properly been so jealous of the rights of the smaller towns, to vote for a measure which in its practical effect would deprive those towns of their just representation upon the county tickets.

Two courses may be pursued as to the Pennell bill. We may enact it into law or we may send it to the people with the Davies bill as a competing measure. The legislature finally determines which method shall be taken.

I believe the Pennell bill should be enacted into law for two reasons:

First: Both parties pledged themselves to enact a direct primary law, not merely to submit one to the people.

Second: The enactment of the Pennell bill will give the people an opportunity to observe the practical operation of a primary law so that all may determine for themselves whether its provisions should be any further extended.

The Davies bill having come to us through the initiative, must unless enacted by us without change, be submitted to the people and be voted upon at the polls. If adopted by the people it will repeal the Pennell bill or any other law which we may here enact so far as its provisions are inconsistent therewith.

I trust no Democrat in this House will vote to enact the Davies bill. I hope no Republican will feel bound to vote for it, merely because it comes to us with the indorsement of the Republican members of the Judiciary Committee and is to a certain extent a Republican measure.

I hope no one, no matter what his politics may be, will vote for it at the polls unless he sincerely believes the interests of the State demand that more of the county officers and members of the legislature than at pres-

ent should be chosen from the urban and less from the rural population.

The Davies bill will, if enacted, greatly increase the advantages which a dense population already possesses over one equal in number but scattered over a wider area. Such an advantage once obtained, will never be voluntarily relinquished.

The great interest of our State is, and always will be agriculture. From its nature this pursuit can be carried on only in districts which by comparison with the cities are sparsely settled. In this legislature and among the officers of every county in the State it has a representation befitting its importance both in numbers and ability.

If we desire to limit this representation no measure can in my opinion be more effective to that end than the Davies bill. I trust therefore that it may be overwhelmingly defeated not only by our votes but by the people who under the constitution must vote either to accept it without change or to wholly reject it.

Mr. CHASE of York: I wish to ask the gentleman a question. Would not this same rule apply in case of nominations of representatives to Congress where there are two or three candidates?

Mr. WILLIAMSON: It would in a less degree, but usually men who are candidates for Congressional nominations are so well known that the voters would take the pains to intelligently choose between them. I believe the candidates of either party at the last election in the gentleman's own Congressional district could have been chosen as well under the direct primary as by conventions. On the whole the advantages of the direct primary as applied to governor and members of Congress distinctly outweigh its disadvantages; as applied to members of the legislature from classed towns and to county officers the disadvantages greatly overbalance.

Mr. DAVIES: Mr. Speaker, a word as to how it works. I wish to call attention to what one of the first gentlemen in New Hampshire said about it, the Hon. Frank S. Streeter. "Fifteen states have adopted a mandatory pri-

mary law. Its operation in New Hampshire has been so successful and so satisfactory as to command the strong favorable opinion of men originally hostile to it. If it has any enemies, which I doubt, they can have no hope of securing a repeal of this law." That was the opinion of General Streeter. Eighty per cent. of the people of the United States now choose their candidates by direct primaries. The system originated in Pennsylvania 75 or 100 years ago and has been in operation since that time; so it is no new thing. I have here the opinions of several prominent gentlemen, Governors and ex-Governors of various states, giving their opinion of the law, and all in favor of it. From nearly every state where that law is in operation testimony of a similar kind has been given as to the efficiency and practical working of the direct primary. Governor Hughes of New York called the Legislature in special session for the purpose of enacting this special primary law.

Mr. MILLER of Hartland: Mr. Speaker, I hear that the committee were divided in to three classes in regard to this matter, some doubtful about the primary law anyway, others in favor of the Pennell measure, others want to extend it to the entire nomination including the county officers. I would suggest that the Pennell law which confines it to Governor and Congressmen is the proper one for us to pass at this time. Then let us see how that works. If we like it we can continue it and can extend it; if we don't like it we can abolish it.

Mr. AUSTIN of Phillips: Mr. Speaker, I do not certainly believe that a direct primary, especially as it applies to candidates for Governor and Representatives to Congress and to United States Senator, is going to operate exclusively towards electing what you might call the real choice of the people at all times. I do not think anybody fears the choice of the people, but the question that troubles me is that it might open the door to demagoguery and the result might be that the man who had the most capital at his disposal and could advertise himself the most would be the man that would be most prominently brought before the people and therefore would be likely to win out. That is the

only objection I ever had to the primary law. I fear it will not register the honest public opinion of the voters of our State. But I believe there is a demand of the State of both parties for a primary election law, and I believe if a primary election law is to be tried in this State we had better begin at home, as near the people as we can. The candidates for our county offices and for the Legislature are known among the people of the various counties. If it is a good thing to apply to the head of the ticket it is a good thing to apply to the whole ticket, and I am heartily in favor of the Davies Bill going before the people.

Mr. PATTANGALL: Mr. Speaker, unless the Davies Bill is accepted without change by the Legislature it must be submitted to the people to vote upon. Pending that Bill going to the people to vote upon, four members of the committee have recommended a Bill which can go into effect now, under which the people will in a sense experiment with the direct primary. It seems to me it would be the part of wisdom for the Legislature to accept the majority report of the committee and give this Bill, No. 766, an immediate passage. Personally I have not become converted to the idea that a direct primary is either necessary or advisable to the people of Maine, but both political parties pledged themselves to a direct primary Bill. Since the passage of the State income tax it has been asserted that some of us violated our platform promise in respect to an income tax Bill. I think we kept the substance of that Bill; and I would dislike to see this Legislature fail to keep any of its promises. If we fail to pass any direct primary Bill we would be fairly open to a just criticism of not keeping our party promise. There are only two courses open to us I think, either to adopt the Davies Bill or the Pennell Bill. My personal preference would be strongly to adopt the Pennell Bill at the present time, and submit the other bill to the voters, and in the meantime the people will have a chance to experiment with the nomination of Governor and congressmen by direct primary law. After that they may adopt the Davies bill if they desire. In the meantime we have fairly and reasonably fulfilled our campaign promises. I hope the House will adopt the report

of the committee in favor of the Pennell bill.

Mr. Davies moved that the minority report, in favor of the so-called Davies bill, be accepted.

A division was had and the motion was lost by a vote of 15 to 76.

The question being on the adoption of Report A, "ought to pass," on the so called Pennell bill,

A division was had and the vote was accepted by a vote of 75 to 20.

Mr. Davies presented an order and moved its passage, to the effect that both measures be submitted to the electors in such manner that the people can choose between the competing measures or reject them.

On motion of Mr. Pattangall the order was indefinitely postponed.

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

From the Senate: An Act to provide for salaries and mileage of members and officers and for other expenditures incident to the Seventy-Fifth Legislature. (Read three times and passed to be engrossed under a suspension of the rules.)

From the Senate: An Act in relation to the superior court of Cumberland county, came from the Senate passed to be engrossed in that branch under a suspension of the rules.

The House concurred with the Senate in its action.

On motion of Mr. Otis of Rockland the rules were suspended and he introduced a resolve in favor of the State librarian and on further motion by Mr. Otis the rules were suspended, the resolve received its two readings and was passed to be engrossed.

On motion of Mr. Bowker of Phippsburg the House took a recess until 2 o'clock.

#### AFTERNOON SESSION.

On motion of Mr. Murphy of Portland, the House voted to reconsider the motion whereby Resolve in favor of John Bradbury was passed to be engrossed.

Mr. Murphy offered Amendment A by

substituting the words "eight dollars" for the words "four dollars."

The Amendment was adopted, the Resolve received its two readings and was passed to be engrossed as amended.

The conference report on the disagreeing action of the Legislature on two Bills relating to the distribution of the State school fund, came from the Senate.

The House adopted the report in concurrence

An Act for the equalization of school privileges.

Mr. Murphy offered Amendment A by striking out "\$50,000 in line seventeen and substituting the words "\$27,500."

The Amendment was adopted, the Bill then received its three readings and was passed to be engrossed as amended under a suspension of the rules.

Bill to provide for the payment of State funds for amount paid on account of union superintendents. (Read three times and passed to be engrossed under suspension of the rules.)

An Act authorizing the State land agent to convey a lot in Castle Hill to Samuel Maynard of Castle Hill, came from the Senate that branch non-concurring with the House in its action and asking for a committee of conference.

The House voted to join a committee of conference.

The Speaker appointed on the part of the House, Messrs. Bogue of East Machias, Libbey of Oakland, and Buzzell of Fryeburg.

An Act relating to the salary of the Judge of Probate of Cumberland county, having been indefinitely postponed in the House, came from the Senate in that branch passed to be engrossed.

On motion of Mr. Scates of Westbrook the House voted to recede and concur with the Senate in its action.

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

#### Passed to be Enacted.

An Act to incorporate the Casco Bay Water Company.

#### Finally Passed.

Resolve in favor of roads in Indian Township.

Resolve in favor of the clerk of committee on manufactures.

Resolve for a co-operation agreement

with the United States for the purpose of creating forest reserves at the head waters of the navigable stream of the State.

Resolve in favor of John Bradbury.

Resolve in favor of stenographers to the recording officers of the Senate and House.

Resolve in favor of the official reporter of the Senate.

Resolve in favor of Charles W. Hurley.

Resolve in favor of Edward W. Wheeler.

Resolve in favor of the Maine School for Feeble Minded.

Resolve in favor of the joint standing committee on ways and bridges.

Resolve in favor of Hortense K. Hopkins.

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

Resolve in favor of Charles W. Hurley.

Resolve in favor of the clerk and stenographer to the committee on apportionment.

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

Resolve in favor of the official reporter of the House.

Resolve in favor of the clerk to the committee on banks and banking.

Resolve in favor of Wilbur F. Dresser, chairman of the joint special committee on Portland bridge, for expenditures made in connection with hearing on Portland bridge.

Resolve in favor of R. H. McCready. Resolve in favor of repairing Mattawamkeag bridge.

Resolve in favor of the clerk, stenographer messenger to the legal affairs committee.

Resolve in favor of Susan E. Dumphe, widow of Charles Dumphe, late of Company G, Sixth Regiment of Infantry, Maine Volunteers, Civil War.

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

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

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

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

Resolve in favor of messenger to committee on taxation.

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

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

Resolve in favor of Wm. G. Hodgkins of Damariscotta, secretary of insane hospitals committee.

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

An Act to amend Paragraph 1, Section 42 of Chapter 15 of the Revised Statutes as amended, providing for the payment from the State school fund of amounts paid on account of union superintendents.

In the Senate this bill received its two readings and was passed to be engrossed.

On motion of Mr. Waldron of Portland, the rules were suspended, the bill received its three readings and was passed to be engrossed in concurrence.

An Act to provide moneys for the expenditure of government for the year 1911.

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

An Act to repeal Chapter 142 of the Public Laws of 1905, relating to support of alien paupers.

This bill was passed in the House, and comes from the Senate amended by Senate Amendment A.

Senate Amendment A was adopted, the bill received its third reading and was passed to be engrossed as amended in concurrence.

Resolve laying a tax on the counties of the State for the years 1911 and 1912.

Mr. HASTINGS of Auburn: This resolve was received into the House and was given its second reading on March 28. It was then sent to the Senate. The records of the Senate show that

it was received in that branch, read and placed on file in concurrence. Since that time the resolve has been lost.

The SPEAKER: Is it the pleasure of the House that a printed copy of this resolve serve as the original bill for action by the Senate?

It was so voted.

Mr. HASTINGS: Mr. Speaker, I understand now on account of the nearness to the first day of April it will necessitate an amendment, if I am informed correctly, to this bill allowing them to assess the tax in April, as this bill or the law calls for an assessment in March.

Mr. PETERS of Ellsworth: Mr. Speaker, I will state that I am having drawn a separate act which will authorize the county commissioners to make their apportionments in the month of April for the year 1911. It will probably be a separate act and should also pass under the emergency clause.

(At this point the House took a recess until 3.30 o'clock.)

#### AFTER RECESS.

The Speaker laid before the House order relative to distribution of State School funds.

This order was passed by the House.

The Senate appointed a committee of conference and the order comes before the House for the appointment of a committee of conference on the part of the House.

The Speaker appointed as such committee Messrs. Murphy of Portland, Wilson of Auburn and Wheeler of South Paris.

From the Senate: Order, the House concurring, that 300 additional copies of the Legislative Record of March 21st, be printed for use of the Legislature.

The order comes before the House for concurrent action.

Mr. Pattangall of Waterville moved that the order be indefinitely postponed.

The motion was agreed to.

Resolve in favor of H. M. Edwards, postmaster for the Senate.

This order received a passage in the House and in the Senate was indefinitely postponed.

Mr. ALLEN of Jonesboro: Mr. Speaker, the matter for compensations for the mail

carrier and postmaster of the House has been attended to through the generosity of the members of the House. Those two men have been paid and I think there is a little surplus left over. For that reason I move that we concur with the Senate in the indefinite postponement of the Resolve.

The motion was agreed to.

Mr. Peters of Ellsworth from the committee on conference on the disagreeing action of the two branches of the Legislature on Bill, An Act relating to lumbering operations, reported that the committee on conference was unable to agree, and that the committee stood six to four in favor of the repeal of the law.

The report was accepted.

Mr. Austin of Phillips from the committee on conference on the disagreeing action of the two branches of the Legislature on Bill, An Act authorizing the State land agent to sell certain property of the State at the Belgrade fish hatchery in the county of Kennebec, reported that the same ought to pass as acted upon by the House.

The report was accepted.

#### Passed to Be Enacted.

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

Mr. Williamson of Augusta moved that the House recall from the Executive Department Bill, An Act for the assessment of a State tax for the year 1911, for the purpose of offering an amendment.

The motion was agreed to.

Resolve in favor of B. H. Mayo.

This Resolve was introduced into the Senate and read twice under a suspension of the rules and passed to be engrossed.

On motion of Mr. Hastings of Auburn the rules were suspended, the Resolve received its two readings and was passed to be engrossed in concurrence.

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

This Resolve comes from the Senate with Senate Amendment B, by adding to the title the words "and highways."

The votes were reconsidered whereby this Resolve was passed to be engrossed and

whereby it received its second reading, and Senate Amendment B was adopted.

The Resolve then received its second reading and was passed to be engrossed as amended in concurrence.

Resolve in favor of the joint special committee appointed to investigate the financial condition of the State.

This resolve was passed to be engrossed in the Senate.

The resolve received its two readings and was passed to be engrossed under a suspension of the rules, in concurrence with the Senate.

The Speaker laid before the House bill, An Act for the assessment of a State tax for the year 1911, the same having been recalled from the executive department.

On motion of Mr. Williamson of Augusta the votes were reconsidered whereby this bill was passed to be enacted, passed to be engrossed and whereby it received its third reading.

Mr. Williamson offered House amendment A, to amend Section 2 by striking out the word "five" in the first line thereof and inserting in place thereof the word "six."

Mr. PATTANGALL of Waterville: Mr. Speaker, just a word of explanation. After the final appropriations were assembled and while it was found that the total appropriations for two years could be covered by 10 mills, that is, five mills for each year would cover the total appropriations, a much larger sum is necessary for the payment of bills this year than for the year 1912 owing in part to the carrying over of the bills of which we have heard so much this winter, and in smaller part, of course, to the fact that this is a legislative year and in 1912 there is no Legislature, which involves a difference in expenses of about \$150,000. The Governor and Council and the State auditor have gone over the matter with great care and it is impossible, as I understand from them, to pay this year's bills with less than a six-mill tax rate, but by doing that the tax rate might be made four mills for the year 1912. I do not think the House would care to have me go into any details and figures in order to show these facts, and neither shall I attempt to do so. It is simply a matter in which the

administration has no choice. It must raise the money; and while it is as disagreeable to me as it can be to anybody to have the tax rate larger this year, because the city which I represent here has exhausted its borrowing capacity and is obliged to assess a larger tax than we ought to during the present year, still of course we are ready to yield to the claims of necessity, and I hope the House will unanimously accept this amendment. It is necessary that this year's tax bill should carry an emergency clause because taxes are assessed before the first day of July and without an emergency clause no tax bill could operate until the first day of July; so that it will necessitate the co-operation of practically the entire House in order to carry out this necessary amendment to final enactment. I was requested by the gentleman from Augusta, who presented the amendment, to give to the House this word of explanation, and I hope there will be no opposition on the part of anybody to the acceptance of the amendment and final enactment of the necessary tax bill.

Mr. PETERS of Ellsworth: Mr. Speaker, it seems to me to be a business proposition that we raise the necessary taxes to pay bills. I understand that we have appropriated \$200,000 more for the year 1911 than for the year 1912, which, if other things were equal, would necessitate a slightly larger rate for the year 1911 than for the year 1912. I understand also that the policy of the administration is to carry over the loan of \$300,000 into 1912, and that they have figured that it can be paid out of the tax, out of the money raised for taxes in 1912. I heartily concur with that policy, because my theory is, as I believe it is of all of you, that the unpaid bills of the State should be taken care of first and the borrowed money last; and I believe we should raise the necessary amount of money to pay the bills of the State. I understood, however, that the proposition was to make the tax rate six mills for the year 1911 and four mills for the year 1912. I do not understand the amendment offered by the gentleman from Augusta covered the year 1912, reducing the rate from five mills to four mills, but I may be wrong about that.

Mr. WILLIAMSON: I will say for the information of the gentleman that this



present tax rate bill relates only to the year 1911. As soon as the tax bill for 1912 comes in I propose to offer an amendment to that reducing the amount from five mills to four mills. The bill is not in the possession of the House at this time.

The question being put on the adoption of the amendment,

The amendment was adopted.

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

Mr Pattangall of Waterville moved to take from the table, bill, An Act to amend Section 2 of Chapter 107 of the Public laws of 1909, relating to the common school fund and means of providing for and distributing the same.

The motion was agreed to.

Mr. Pattangall further moved that the matter be referred to the next Legislature in accordance with the report of the conference committee.

The motion was agreed to.

On motion of Mr. Peters of Ellsworth the rules were suspended and that gentleman introduced Bill, An Act in relation to assessment of county taxes in the several counties for the year 1911, and on further motion by the same gentleman the bill received its three readings and was passed to be engrossed.

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

The bill was passed to be enacted in the House, and comes from the Senate amended by Senate amendment A.

On motion of Mr. Strickland of Bangor the votes were reconsidered whereby the bill was passed to be enacted and passed to be engrossed and whereby it received its third reading, and Senate amendment A was adopted.

The bill then received its third reading and was passed to be engrossed as amended in concurrence.

The House then took a recess until half past four.

#### AFTER RECESS.

On motion of Mr. Andrews of Norway, the rules were suspended and he introduced a resolve in favor of Cordelia

Andrews of Oxford, widow of Freeman B. Andrews, a soldier in the Civil War. (Read twice and passed to be engrossed under suspension of the rules.)

Bill taxing incomes of the State, came from the Senate, that branch non-concurring, with the action of the House and passing the federal income tax bill.

Mr. PATTANGALL: Mr. Speaker, I think everybody in the House knows what the committee on taxation desired to do. That is, a majority of the committee. Nine of the members of that committee, after giving what study they could to the subject, believed it was for the best interests of the State of Maine that any income tax, or any tax assessed upon incomes should be so arranged that the proceeds of the tax would go into the treasury of Maine rather than in to the national treasury at Washington. I sincerely believed that and I still believe it, but there was one exigency which the members of that committee foresaw, and that was that in presenting such a bill as they did members might divide in opinion and thus both bills be defeated. Now for this Legislature not to enact a tax upon incomes would, in my opinion, be an act of absolute bad faith towards the people of the State of Maine, and I said as distinctly as I said anything the other day that if this Legislature decided that it was unwise to levy a tax on incomes the proceeds of which should go to our State government I would join with the gentlemen who opposed the bill in the committee and assist them in any way I was capable of doing ratifying the proposed amendment to the national Constitution. What I said then I meant, and the House indulged us in a hearing the other day and accepted our view in the matter. The Senate accepted that view of the matter this morning, and this afternoon after I presume some sort of a deliberation they decided that it was wrong. I see no course that this House can adopt under the circumstances except to recede in the vote taken the other day on the national resolve and concur with the Senate. (Applause.)

There is no possibility at the present time that the State income tax can be adopted. A motion to insist and call for a committee of conference would result in nothing save the loss of both bill and resolve in the two Houses. I know that a majority of the Legislature of both Houses want to fulfil the pledge that they made to the people have desired to enact an income tax, and that now to carry out the promise we did make in good faith to the people and to carry out the intention of the report of the committee, we who have thought differently from some others in regard to the matter must waive for the time being and surrender to the majority in the Senate and the minority in this House our views, submit to others, and join with them in ratifying this resolve; and I hope that my motion may prevail that we recede from our action and concur with the Senate.

The SPEAKER: The question is on House Bill 91, Resolve ratifying the proposed amendment to the Constitution of the United States giving Congress the power to lay and collect taxes on incomes. Is it the pleasure of the House that this resolve receive a passage?

It was agreed to.

The resolve then received its first reading.

Mr. Davies offered Amendment A, that the secretary of State be directed to notify the secretary of state at Washington, D. C., of the action of this Legislature.

The amendment was adopted.

The resolve then received its second reading as amended and was passed to be engrossed in concurrence.

On motion of Mr. Pattangall the House voted to concur with the Senate in the indefinite postponement of bill for taxation of incomes by the State.

On motion of Mr. Jordan of Portland the House voted to reconsider its action whereby it passed to be enacted bill in relation to expenses of the county commissioners of Cumberland county, and by further motion of Mr. Jor-

dan the bill was indefinitely postponed.

**Passed to Be Enacted.**

An Act to appropriate money for the expenditure of government for the year 1911.

This bill containing the emergency clause must receive 101 votes in its favor.

A division was had and the bill was passed to be enacted by a vote of 111.

An Act consolidating the State Water Storage Commission and the State Survey Commission and to amend certain sections of Chapter 212 of the Public Laws of 1909 creating the State Water Storage Commission and repealing Chapter 99 of the Public Laws of 1899 and Chapter 44 of the Public Laws of 1905.

An Act for the assessment of a State tax for the year 1912. (Tabled on motion of Mr. Pattangall.)

An Act relating to the collection of inheritance taxes.

**Passed to Be Enacted.**

An Act to abolish the office of the recorder of the Western Hancock municipal court.

An Act to amend Section 51 of Chapter 79 of the Revised Statutes as amended by Chapter 157 of the Public Laws of 1907 relating to terms of the supreme judicial court in Piscataquis county.

An Act authorizing the city of Portland to construct public buildings upon public grounds.

An Act to regulate the practice of embalming and the transportation of persons who have died of infectious diseases.

An Act to ratify and confirm the organization of the Yarmouth Manufacturing Company.

An Act to amend Section 6 of Chapter 9 of the Revised Statutes, relating to taxation.

An Act to more fully provide for registration of motor vehicles, licensing persons operating the same and regulating the speed thereof, regulating the amount of license and making penalties for the violation of certain provisions of this act.

An Act relating to the protection of

trees and shrubs from the introduction and ravages of dangerous insects and diseases.

An Act to amend Chapter 133 of the Private and Special Laws of 1939 relating to the use of automobiles on the island of Mt. Desert.

An Act to incorporate the Island Water Company.

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.

An Act authorizing Androscoggin county to issue bonds.

An Act to amend the charter of the Messalonskee Electric Company, now called the Central Maine Power Company.

An Act requiring street railways to file profiles of their locations.

An Act to amend Chapter 88 of the Public Laws of 1907 as amended by Chapter 138 of the Public Laws of 1909 relating to the teaching of local history and geography in the public schools.

An Act to provide for the payment of pensions granted by special resolves to the Legislature.

An Act relating to prevention of tuberculosis among cattle.

An Act relating to corporations delinquent in the payment of their franchise tax.

An Act to authorize the treasurer of the county of Piscataquis to pay to James L. Martin, Verna C. Keene and W. R. L. Hatheway of Milo and C. M. Wescott of Patten, their fees in the Joseph Cyr inquest.

#### Finally Passed.

Resolve authorizing the county commissioners of Cumberland county to receive plans for bridges.

Resolve in favor of the chairman of the committee appointed to attend the funeral of the late Hon. Amos L. Allen.

Resolve in favor of Juliette Moody, widow of Albion Moody.

Resolve in favor of the Washington State Normal school.

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

Resolve in favor of the city of Old Town.

An Act to incorporate the Young Men's Christian Association and the Young Woman's Christian Association organized or to be organized in the State, came from the Senate indefinitely postponed.

On motion of Mr. Williamson of Augusta the House receded and concurred with the Senate in its action.

On motion of Mr. Dresser of South Portland bill, An Act relating to abandoned burying ground, was recalled from the Governor, and on further motion by Mr. Dresser the bill was indefinitely postponed.

On motion of Mr. Williamson the vote was reconsidered whereby the House passed to be enacted and passed to be engrossed bill for the assessment of a State tax for 1912.

Mr. Williamson offered House amendment A by striking out the word "five" in the second line of Section 2 and inserting the word "four."

On motion of Mr. Pattangall the amendment and the bill were tabled until final action on the tax bill for 1911.

Bill granting H. L. Gooch the right to maintain a dam on the East Machias river came from the Senate amended by Senate amendment A.

The House reconsidered the vote whereby the bill was passed to be engrossed, Senate amendment A was adopted and the bill was then passed to be engrossed as amended.

Resolve in favor of the clerk, stenographer and messenger to the judiciary committee. (Read twice and passed to be engrossed under suspension of the rules.)

An Act to extirpate contagious diseases among cattle, horses, sheep and swine, came from the Senate with Senate amendments A and B.

The House reconsidered the vote whereby the bill was passed to be engrossed, the Senate amendments were adopted, the bill then received its third reading and was passed to be engrossed as amended.

An Act to amend Section 1 of Chapter 244 of the Public Laws of 1909, relating to the transmission of power beyond the con-

lines of the State, came from the Senate indefinitely postponed.

On motion of Mr. Pattangall the House voted to adhere.

(A recess was then taken until half past five.)

#### AFTER RECESS.

On motion of Mr. Strickland of Bangor the House voted to take a recess until 8 o'clock this evening.

#### EVENING SESSION.

The committee of conference on the disagreeing action of the two branches of the Legislature with regard to the resolve authorizing the State land agent to convey lot No. 9 in Castle Hill to Samuel Maynard, of Castle Hill, reported that said resolve ought to pass as amended.

The report was accepted.

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

Mr. Powers of Caribou moved to reconsider the vote whereby it was passed to be engrossed.

The motion was lost.

On motion of Mr. Pattangall, Bill, An Act for the assessment of a State tax for 1911, was taken from the table.

Mr. PATTANGALL: Mr. Speaker, as the tax is drawn it contains the emergency clause following the precedent established two years ago, and the language of the act occurring after the title and before the enacting clause is the same language that occurred in the tax act of two years ago. The members of the House and Senate have already accepted Amendment A to this act, the amendment which changed the word five in the first line of Section 2 to the word six. Now in order to give this act a passage in its present form it would require practically the co-operation of all the members in the House. The income of this State from various sources of revenue which the State has with a tax rate of five mills would yield for the year 1911 in round numbers \$4,200,000. The Legislature has appropriated a sum of money which added to the

amount of unpaid warrants that must be paid during the year totals approximately \$4,600,000. In other words, if we take up the unpaid warrants, pay the deficiency appropriation Bill which we have already passed and pay the current expenses of the year, we will expend practically \$400,000 more than our income. For the year 1912 the income of the State will be slightly larger than for the year 1911. The appropriation for 1912 will be less than for 1911 by about \$200,000. The unpaid warrants once paid are out of the way, so that they only go into the expenses of one year. The deficiency appropriation Bill, about \$335,000, if paid this year will not go into the expenses of 1912. Adding the amount of the unpaid warrants to the deficiency Bill and adding the \$200,000 of extra expense of this year over 1912 makes a difference in the expenditure of the two years of about \$900,000 which is equal to about two mills on the direct tax of the State, the valuation being approximately \$450,000,000, so that two mills makes a difference of \$900,000. Now on a tax rate of five mills for 1912 and five mills for 1911, at the close of the year 1912 the unpaid bills of the State would be paid, the temporary loan would be taken care of and some balance at least would be in the State treasury. But it seemed to those in charge of the administration of the State, and by that I do not mean anybody in the Legislature but in the Executive Department, it seems to the men upon whom the responsibility rest of administering the affairs of the State, that it would be wrong to allow the unpaid bills of this State, many of which have been now due for months, to go over into 1912, in part at least, but they all ought to be paid as soon as possible. With that in view it is suggested that a tax rate of 10 mills for the two years instead of being divided equally between the two years should be divided six mills for one year and four mills for the other, leaving about the same financial result but bringing it about quicker.

It might be said in connection with that, that even though we levied a six-mill rate now we would receive no proceeds from it until next January. Yet gentlemen will see, with a little thought, that while that is true, that six-mill tax rate would at the same time alleviate the

present financial stringency, for this reason. Your State tax on a rate of six mills would be payable next January, to be sure. At the same time during the same month you would pay to the towns the school money which is due them and the railroad and telegraph tax money which goes back to the towns and cities, a total of something like \$1,700,000. Those bills are deferred as well as is the payment of the State tax deferred, but in the meantime much of that school money and all of the telegraph and railroad taxes is paid into your treasury. In the month of June the railroads pay half of their tax; included in what they pay is a certain amount of money which will later on be paid to the towns and cities in January. The month of June the savings banks and trust companies pay their tax, and included in that tax is about \$260,000 which belongs to the common school fund. In August and September the wild land taxes are paid. About the first of September those taxes are practically cleaned up. Three hundred and seventy-five thousand dollars of the wild land tax was paid last year in the fairly early fall. A large part of that money goes later on into your school fund. If a State tax of six mills is provided for so that the school fund can be more than met with it in January, you have available money all the way from June around to November which can be used for current expenses of the State because you have the means at hand to reimburse the school fund when your town taxes are paid. So as a matter of practical finance the levying of a six mill tax rate now means making available by the first of July a sufficient sum of money to clean up those bills which have been hanging over us for some months.

With those considerations in view it was thought best by the administration that a six mill rate should be made. That was not decided on until late for just one single reason. No man could tell until within the last few hours what the appropriations would total. Changes have been made within the last few hours and those changes, massed together, have made the changes in the tax rate necessary. Now

I have no desire to even mention party names, but it appears that in spite of the counsel of certain Republicans there has been evinced a disposition on the part of a portion of the minority party to refuse to consent to the passage of this act under the emergency clause. I desire to say that the only thing that any member can accomplish by attempting to block the passage of this act is to compel an amendment to be made to it, that is all. All of the power on earth outside of the power of the majority of this House and the Senate cannot prevent the administration from having assessed upon the property of this State a tax rate which it deems wise. The reins of government are still in the hands of the majority. The gentlemen in the minority can compel us to amend by striking out the emergency clause and changing the word "April" wherever it occurs in that act to "June." Now is it worth while to compel us to do that simply to accommodate the whim of somebody who esteems himself greater than the rest of the Legislature the Governor and Council and all the administrative departments put together? The tax rate will be assessed at the rate which the majority party determine is wise. That is sure. Not even a Republican caucus can prevent it. Now I do not believe that Republicans in this House who are business men, who have come here to represent their people rather than to play politics, who are conducting business here and not a campaign for the nomination of a Governor two years from now, are going to stand in the way of legislation that they know can be accomplished, simply to cause us to place in our commitment of State taxes a different month than we have ordinarily placed there. When the Governor of Maine says to me that it is necessary for the purposes of carrying on his administration that the tax rate should be fixed at a certain rate, I am going to stand with the Governor. Two years ago we unanimously did what the Governor said was needed. I want to appeal to you Republicans who are conscientious members of this Legislature whether you want in this last day of

the session to simply force us to amend and re-enact and re-engross a tax act in order to satisfy what? Not to change the rate, for you cannot do that, but to strike out the emergency clause and commit our tax on July 1st instead of April 1st. Do you want to do it? Is it worth while to do it? Is it even politic to do it? Before I offer the amendment which I propose to offer if necessary, I am going to move the passage of this bill as it stands and trust in the good faith of the whole of this House, without regard to party, pass the act that will give this administration the necessary funds which it demands, and not force us to drive that bill through the House as we can do if you compel us to do so. (Applause.)

Mr. QUIMBY of Turner: Mr. Speaker, I don't want to be driven but I do want to say one word. I have been expecting and have been told here that the Governor was going to have that five mills for each year and I went home to my town meeting with that idea and we acted accordingly, and I am surprised at this time that they expect to put on that other mill. When I go home next Saturday and we take our valuation we expect to keep our rate as low as we can and we do not want to get too high a rate and have to raise too much taxes for our town. We have had our town meeting, we have raised extra this year to pay our debts, our bonded debt, nearly \$7000. Now I have got to go back there and assess the taxes on an increased valuation more than property is worth; and now they are going to put on another mill and make it still higher. I feel that this State, with a five-mill rate, can pay what bills it has got to pay the first year and I believe it would be better, as long as they have told us this, to keep within their statement. That is what the Governor told us, and I am going to stand by the Governor, I don't care what his politics is, he is my Governor the same as he is anybody's. (Applause.)

The question being on the motion that the bill pass to be enacted, and the bill containing the emergency clause 101 votes were necessary for its passage.

A division was had.

Mr. Pattangall of Waterville offered amendment B by striking out all after

the title and before the enacting clause, and to amend Section 3 by striking out the word "April" in the first line and inserting the word "July," amend Section 4 by striking out the word "April" in the second line and inserting the word "July" and amend said act by striking out Section 8.

The question being on the adoption of the amendment,

A division was had and the amendment was adopted by a vote of 69 to 35.

The bill was then passed to be engrossed as amended.

#### Passed to Be Enacted.

An Act for the better protection of shell fish within the town of Pembroke, in the county of Washington.

An Act to amend Chapters 8 and 9 of the Revised Statutes, relating to the duties of the State and local assessors.

An Act relative to the supervision of the business of plumbing.

An Act additional to Chapter 144 of the Revised Statutes, in relation to commitments to the insane hospitals.

An Act to amend Section 34 and 35 of Chapter 16 of the Revised Statutes relating to conveyances of pews in meeting houses to organized parishes or incorporated churches.

An Act to regulate the number, also the number of pounds of land-locked salmon, trout, togue and white perch which may be taken or had in possession in one day by one person.

An Act to incorporate the Sandy River Power & Development Company.

An Act to amend Section 55 of Chapter 51 of the Revised Statutes relating to duties of railroad commissioners.

An Act to amend the law relating to ward lines, relative to wards of cities.

An Act to confirm and make valid the organization and proceedings of the Franklin Power Company.

An Act relating to the removal of county attorneys by the Governor.

An Act to amend Section 34 of Chapter 15 of the Revised Statutes relative to election of superintendent of schools.

An Act providing a close time on wood ducks, so called.

#### Finally Passed.

Resolve in favor of the Central Maine Fair Company, and repealing

resolve in favor of Central Maine Fair Association.

Resolve in favor of the Aroostook State Normal School.

Resolve in favor of Louise C. Gartley for stenographic services to the committee on agriculture.

Resolve in favor of the clerk, stenographer and messenger to the committee on appropriations and financial affairs.

Resolve on the pay roll of the Senate.

Resolve in favor of the erection of a suitable monument to Commodore Samuel Tucker.

Resolve in favor of State House employes.

Resolve in favor of J. P. Tucker, secretary of the committee on School for Feeble Minded.

Resolve in favor of the Children's Home of Portland.

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

An Act for the assessment of a State tax for the year 1912.

Mr. Williamson of Augusta offered House Amendment A, to amend by striking out the word "five" in Section 2, Line 1, and inserting in place thereof the word "four."

The House reconsidered the votes whereby the bill was passed to be engrossed and whereby it received its third reading, the amendment was adopted, and the bill was then passed to be engrossed as amended.

On motion of Mr. Williamson resolve in favor of the State Survey Commission was taken from the table.

Mr. WILLIAMSON: Mr. Speaker, the State Survey Commission has been consolidated with the State Water Storage Commission, and its wants have been provided for under the appropriation bills, and I therefore move that the resolve be indefinitely postponed.

The motion was agreed to.

At this point the House took a recess until 10 o'clock.)

## AFTER RECESS.

### Passed to Be Enacted.

An Act to incorporate the Anson Water Company.

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

This bill containing the emergency clause must receive 101 votes to entitle it to a passage.

A division being had, 113 voted in favor of the passage of the bill.

So the bill was passed to be enacted.

An Act to appropriate moneys for the expenditures of government for the year 1912.

This bill containing the emergency clause must receive 101 votes to entitle it to a passage.

A division being had, 110 voted in favor of the passage of the bill.

So the bill was passed to be enacted.

Mr. PETERS of Ellsworth: Mr. Speaker, I desire to present a resolution which I will ask the Clerk of the House to put at the proper time, and ask that the assent of the members of the House be manifested by a rising vote. I will read the resolution, which is as follows:

"Whereas it is the sense of the House at the close of this arduous and important session of the 75th Legislature that its work has been greatly facilitated and its deliberations dignified and embellished by the able, earnest and impartial manner in which the Speaker has presided over this body; and

"Whereas, It is fitting that the sentiments of the House in this regard, as well as the strong personal feeling of respect and esteem of each member thereof toward the presiding officer, should be made a part of the permanent record;

"Therefore, Be it resolved, that the Honorable Frank A. Morey, Speaker of the House, has discharged the duties of his office in a manner both acceptable to this body and creditable to the State and that the thanks of this House be extended to him for his fearless, intelligent and honorable services

and for the courteous and considerate manner which has uniformly marked his attitude toward the individual members thereof."

Mr. Speaker, these resolutions are not perfunctory and as a matter of course, nor is the wording formal and without life, but they embody, expressed as accurately as may be, the real attitude and feelings of this body towards the occupant of the chair.

When we came together about three months ago it was under rather extraordinary circumstances. No member of the party to which you belong, Mr. Speaker, had occupied your chair within the memory of this generation. You and your party came to new duties and responsibilities. In my opinion you have grasped them firmly and handled them temperately. We on our part have been obliged to assume a new and for a long time untried road. We have acted as gracefully as might be. It has been a source of much satisfaction that we have noticed the feeling of kindly and friendly consideration manifested toward us both by the Speaker and by the members of his party. It has mitigated our lot to find that we could frequently get on common ground, regardless of the fact that we have had different theories sometimes about the method to be used in arriving at a common desired result. We came together about three months ago more or less strangers. We part, I believe, friends; and between friends as such, party lines are more or less put in the background, as they should be. The part you have played, Mr. Speaker, has been an important one. The manner in which you have discharged the duties of your office, wisely and factually, make it a pleasure for us to crystallize in the form of these resolutions our feelings and our attitude in regard to you, and the manner in which you have discharged the duties of your office. When you step down from that position, as you soon will, you will take with you I feel sure the hearty friendliness of every member of this body, and you may be sure, Mr. Speaker, that we shall not forget, nor will you, the many pleasant associations of this session, and you will have

the additional satisfaction of looking back upon a part well played. I move that the Clerk of the House submit the resolutions to the body. (Long continued applause.)

The Clerk read the resolutions, and they were given a passage by a unanimous rising vote.

The SPEAKER: Mr. Peters and Gentlemen of the House, I am very grateful indeed for this kind expression of yours and, as I believe, the spirit of friendliness that prompted the introduction of these resolutions. It was but three months ago that we came together comparatively strangers, and much to the surprise of the party to which I have belonged for years we found ourselves at the close of the election entrusted with the management of affairs during this session of the Legislature and with the management of the State for two years. Coming from all parts of the State, as you gentlemen do, sent here representing the cities and towns to which you belong, one of our early and pleasant duties was to get acquainted with each other; and as the weeks passed along, each one busy with his work and trying to discharge his own duty as it seemed to him best, I was very much pleased for one to number among my friends not only those of my own political faith but gentlemen who entertained other views than I did politically. And to the gentleman who has just introduced these resolutions, coming as they do from the minority of the House, I want to say that in many ways the minority members of this House could, if they had desired or had any disposition to do so, have placed many obstacles in the way of the presiding officer, but they did not do it. I have yet to see the first act prompted by any member of the minority party, or aided or abetted, which in any way tried to throw any obstacles in the way of the one who was chosen as the Speaker of this session. On the other hand, I have on many occasions known certainly that the gentlemen of the minority have aided and assisted, not merely remained passively quiet, but they have taken hold with a spirit of good fellowship and good will and have lightened the burdens of



the Speaker, and have done their level best to co-operate with him and the majority party in the facilitation and dispatch of business. (Applause.)

While we have been here, as I have said, for a period of nearly three months, going over the work of the session I think when you review it later and when the people of the State review it later, it will be found that much has been accomplished. I think and I know that the spirit of co-operation has prevailed, and it is generally so. I have been a member of several Legislatures here, and on our assembling here and getting acquainted, party lines began to drop to a large extent. It is only when matters of party policy come up, where you would expect division, that the line seems to be drawn and tightened; but the great dispatch of public business, the welfare of the State, those things because we are residents of the State and because we believe in the policies of the State that endear the State to us, those are just as firmly and strongly fixed in the hearts of us all, because one of the strongest, one of the deepest emotions of the human heart is the love of country, and I may say that the love of country and the love of the flag is ahead of every emotion of the human heart. (Applause.)

And so, gentlemen, our lives for three months have gone along. We have got to know each other very well. Within a few hours, gentlemen of the House, the gavel will drop for the last time and this body as a body will disperse, probably not to be reconvened again. To my mind there is always something that is rather sad when the last time comes to our meetings and we finally disband, or when the occasion takes place when men have got together, men of strong purposes, men as I said before and repeat again such as there are in this body where I can easily name a hundred men who are able to stand and debate questions with credit. I feel that there has been an unusually strong body of men in this House; and, further than that, not only strong in their intellectual powers, strong in their purposes for the State, but they are men who possess kind hearts, whose integrity of purpose marks their lives, men who have been selected and sent here at the close of an unusually hard fought campaign as representing the strong men throughout the

State, selected because of the fairness of the battle when each side was trying for the mastery, putting forth their best men, and the result is that we have a body of men in the House all of whom have been eager to do what they could do for the best interests of the State.

Now, gentlemen of the House, a word in closing. I have enjoyed presiding over the deliberations of this Body. I have enjoyed assisting what I could and noting the appearance of friendliness that has marked you all with reference to me. It has left me something that I will carry as long as I live in my heart; the memory of the friends formed here will stay on and on, as long as I live. I want to thank you for your courteousness; I want to thank you for your co-operation; I want to say to you all individually that the latch string will always be out when you are in the city of Lewiston. Come and see me, and I will be more than delighted to have you, and when the gavel shall finally fall late tonight or tomorrow, then, gentlemen, while we formally disperse, still the tie that is a tie of friendship will, I trust, remain with us all an unbroken cord, save when the silent messenger comes now and then in our midst. I thank you for your resolutions. I thank you for your vote of confidence. I thank you for your many kindly acts, and again wishing you a safe return to your homes on the morrow, trusting that during your absence no mishap has befallen you or your family in your business or otherwise, and that you may each of you have with you in your own consciousness the knowledge that you have well performed the duties for which you were sent here, I will now yield to the other business of the evening. (Long continued applause.)

Mr. DAVIES of Yarmouth: Mr. Speaker, while it is perfectly true that the exacting work required to preside over this House must of necessity have taken a great deal of ability and be actuated by a spirit of fairness, I am reminded that the clerk of this House has had duties which are arduous and most exacting. I think perhaps all of us realize the long and tedious hours that it has been necessary for the clerk to give, to keep the work in that condition so that we could do it from time to time as we have; therefore,

Mr. Speaker, I desire to offer the following resolution:

Resolved, That the thanks and appreciation of this House, for the ability which the clerk has displayed and for the kindness and assistance which he has extended to every member, be extended to Mr. Chandler C. Harvey, its clerk, and that the same be expressed by a rising vote. I ask for the passage of the resolution.

The SPEAKER: It is a pleasure for the Chair to put this resolution, and I heartily endorse every word that it contains. I know of the clerk working late into the night, sometimes as late as 3 o'clock in the morning, constant in his toil and his endeavor, doing his duties in an efficient manner and it is with great pleasure that I put the resolution. As many as are in favor of the resolution presented by the gentleman from Yarmouth will stand in their places.

The resolution was unanimously adopted by a rising vote.

Mr. WHEELER of Paris: Mr. Speaker, because of the words which have been said in the resolution relating to the honorable Speaker of this Body and because the truth of those words were felt by every member of this House, and because the sentiment which has been uttered by the clerk has received such endorsement as it has received, I take this occasion to present another resolution, and I will say that I am sure I voice the sentiment of every person when I say that we appreciate the services and kindly accommodations which we received at the hands of the assistant clerk and the other employes and officers of this House. Many of these favors do not belong to us as a matter of right, they are not strictly a part of the official duties of these officers; the accommodations have been extended to us because of the men themselves, and as such we have appreciated them and appreciate them now in the closing hours of the session. For that reason, Mr. Speaker, I ask the passage of this resolution:

Resolved, that the thanks of the House be presented to the assistant clerk and the other employes of the House for the faithful manner in which

they have discharged their duties at the present session.

The SPEAKER: It is a pleasure also for the Chair to concur in the resolution as offered by the gentleman from Paris. We know that the assistant clerk and the officers of the House have been faithful in their work. It is with pride that I feel the truth of the resolution as offered in regard to them. As many as are in favor of the resolution offered by the gentleman from Paris will rise in their places.

The resolution was unanimously adopted by a rising vote.

Mr. AUSTIN of Phillips: Mr. Speaker, I ask unanimous consent to present an order out of order. The members not only of the minority party but of the majority I think have noticed with a great deal of pleasure how much comfort our honorable Speaker seems to have taken at each session when he has been allowed to assume a sitting posture. I know his chair has afforded him great comfort during the few moments that he has been allowed to occupy it for the last few months and I sincerely trust and believe that he loves his chair as truly as I hate and despise mine. (Laughter.) I know, gentlemen and Mr. Speaker, that my breadth of beam has decreased at least six inches by compression, while the Speaker has had an opportunity to enlarge that much had he seen fit; and it gives me great pleasure, Mr. Speaker, to offer the following order:

Ordered, that the superintendent of public buildings be and hereby is authorized and directed to deliver to the Hon. Frank A. Morey the chair which he has so ably filled during the present session of the Legislature, as a memento of the regard and esteem in which he will ever be held by the members of this House.

And I move, Mr. Speaker, that the order receive a passage.

The order received a unanimous passage amidst great applause.

The SPEAKER: Mr. Austin, I am in debt again to the minority party of the House. I can assure you that I

appreciate this gift for the kindly feelings that go with it, and I must take this opportunity of saying that in accepting this chair with a great deal of pleasure it will also afford me a great deal of pleasure tomorrow morning for you to occupy the Speaker's seat and preside over the deliberations of the

morning in a place where you may be in comfort; and I extend to you now the invitation to do so. (Tremendous applause and cheers.)

On motion of Mr. Pattangall of Waterville,

Adjourned until 9 o'clock tomorrow.