

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-Sixth Legislature

OF THE

STATE OF MAINE

1913

HOUSE.

Wednesday, March 12, 1913.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Pinkham of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Resolve for retracing and defining lines around reservations for school lots in plantations and townships, came from the Senate in that branch recommitted to the committee on State lands and forest preservation.

On motion by Mr. Marston of Skowhegan, the House voted to concur with the Senate in recommitting the resolve to the committee on State lands and forest preservation.

Senate Bills on First Reading.

An Act to ratify and confirm the organization of the Augusta Poultry Experiment Station and grant additional powers to said corporation.

An Act to incorporate the Winthrop Water District. (Tabled pending the acceptance of the report of the committee on judiciary in concurrence on motion by Mr. Sanborn of South Portland.)

An Act relating to the Fort Kent Electric Company. (Tabled pending its first reading on motion by Mr. Cyr of Fort Kent.)

Mr. CYR: Mr. Speaker, I wish to announce to the proponents of this bill that unless there is some amendment made to the bill which will be satisfactory to the people of Fort Kent, when the bill is taken from the table, I shall recommend its indefinite postponement.

An Act to amend Section 35 of Chapter 15 of the Revised Statutes, as amended, relating to management of schools and election of superintendent of schools by the superintending school committee.

An Act to amend Section 51 of Chapter 15 of the Revised Statutes, as

amended, relating to election of truant officers.

An Act to authorize the construction and maintenance of a dam and other structures in the St. Francis River.

Resolve for an amendment to the Constitution providing for the classification of property for the purposes of taxation.

Resolve providing for an epidemic or emergency fund.

The SPEAKER: The Chair will lay before the House among papers from the Senate resolve proposing an amendment to the Constitution of Maine conferring the right of suffrage on women. This resolve in the House failed on its final passage. In the Senate action was taken upon the resolve and it was finally passed. It is now returned to the House.

Mr. SANBORN of South Portland: Mr. Speaker, I don't know as I fully understand the parliamentary status of this matter, but it would seem to me, if we are to determine whether we will concur with the action of the Senate, it would be necessary to be done under a suspension of the rules and I move for that purpose that the rules be suspended.

Mr. NEWBERT of Augusta: Mr. Speaker, I have not the least disposition to discuss the resolve, and shall not—not even a word. I question seriously the right of this resolve to now be before this House. It may raise some rather difficult parliamentary question. It has been a matter of knowledge all my lifetime that when a man is dead and buried he does not walk any more. I only recall one case where a man or a woman came to life after death. It was the case of an old deacon's wife, who did not get along very well with her husband, and she died. They were carrying her out of the Methodist church, and the bearers hit the coffin against the door jamb and she sat up straight in the coffin; but a week later she died again, and when they were carrying her out the same door the old deacon followed right up and he said, "Boys, be careful and not hit that door jamb

again." But she stayed in the grave that time.

Now this matter has been thoroughly discussed in this House, gentlemen. Every member of this House has gone on record for or against the resolve. Why open the matter now? The matter was determined here a week ago today. Are we to open the door for the reconsideration of every question presented to this House—not only on the day of its passage or its denial of a passage—not only on the next day, but forever afterwards? Now in the English Parliament there is no such thing as reconsideration. In the National House of Representatives the matter is carefully guarded. I submit, gentlemen, that on behalf of proper parliamentary proceedings, and in line with the ambition that we get done here sometime before summer, this motion of the gentleman from South Portland to suspend the rules be defeated. I ask the members of this House to vote down the motion for suspension of the rules.

Mr. BOMAN of Vinallhaven: Mr. Speaker, I don't know as I am prepared to define our position in regard to this matter, but I always try to be consistent in whatever action I take in this House. I remember that, two years ago, this very same question came up in the House, and it was voted down. I think it was also defeated in the Senate.

At this point a message was received from the Senate, conveyed through its secretary, as follows:

The secretary of the Senate: Mr. Speaker, I bear the following message from the Senate. The Governor of the State of Maine having returned to the Senate the bill entitled "An Act relative to untrue and misleading advertisements," Senate Document No. 322, with his objections to the same, the Senate proceeded to reconsider the vote whereby the bill was passed to be enacted, as required in such cases by the statutes of the State of Maine, and less than two-thirds of the members of the Senate having voted that the bill become a law notwithstanding the objection of the Governor, the bill

has accordingly failed to become a law.

The SPEAKER: The House hears the message.

Mr. BOMAN, (continuing): Mr. Speaker, two years ago, as I said, this matter was voted down and we heard nothing more about it, and it seemed to be settled at that time. I voted for the resolution at that time, and I had no changed my mind, this year, when the matter was before the House; it seemed to me for that reason that that ought to settle the matter. I think we all understand the matter, and I think the expression of the House was that this matter should not pass.

The SPEAKER: The question before the House is on the motion of the gentleman from South Portland, Mr. Sanborn, that the rules be suspended and that the House reconsider its vote whereby this resolve failed on its final passage.

Mr. NEWBERT of Augusta: Mr. Speaker, I did not understand the question when it was first put to the Chair. It is my opinion that these two motions ought not to be linked together. I think it might be proper to put the question for suspension of the rules for the purpose to later move to reconsider; but I do not think the motion to suspend the rules linked with the motion to reconsider is proper. If they are so linked I shall raise the point of order that the gentleman from South Portland (Mr. Sanborn), having voted with the losing party, has no right now to make the motion to reconsider. The motion should come from the prevailing party, which was the party that defeated the resolve. I am willing to separate and have the latter motion come later for reconsideration.

The SPEAKER: The Chair will state that customarily the motions are linked together, because the motion to suspend the rules generally would be so broad that it would result in a repealing of the rule or rules; and that the Chair sees no particular objection why they cannot be linked together in this way, in which case the point of order made by the gentleman from Augusta, Mr. Newbert, would

apply to the motion to reconsider. It is true, as the Chair understands, that only those may move to reconsider who voted in harmony with the prevailing result, which, in the case of this resolve, was its failure to receive a final passage. If the gentleman from South Portland, Mr. Sanborn, voted in the negative, he had the right to move to reconsider; otherwise, not.

Mr. BOMAN: Mr. Speaker, I would like to ask a question, on what ground are we to vote upon this matter again?

The SPEAKER: Because the gentleman from South Portland, Mr. Sanborn, has moved to suspend the rules and reconsider the action of the House whereby this resolve failed on its final passage. The Chair has ruled, however, that if the gentleman from South Portland, Mr. Sanborn, did not vote in the negative he has not the right, the point of order having been made, to move for the reconsideration.

Mr. SANBORN: Mr. Speaker, in order to set myself right I will say that my intention in making the motion was simply to assist in straightening the matter out and finally disposing of the question. As a matter of fact, I think the House well knows that my vote on the previous occasion was with the losing proposition.

The SPEAKER: The Chair has ruled that under the rules of the House in this case only a member who voted in the negative on this proposition when it first came up can now move the reconsideration, and the motion of the gentleman from South Portland, Mr. Sanborn, is consequently out of order and cannot be entertained—it is not allowed to be entertained by the Chair under the rules.

Mr. SMITH of Patten: Mr. Speaker, I will inquire if the motion as made by the gentleman from South Portland (Mr. Sanborn) simply to suspend the rules for the purpose further of reconsideration could not be adopted, if the House should vote upon that as an independent proposition.

The SPEAKER: The Chair thinks that it is perfectly proper that the motion to suspend the rules can be made by anybody; it is customarily linked with another motion. The Chair is of the opinion that it is the best prac-

tice to link that with another motion, but if the House prefers to vote separately upon these matters the Chair, of course, has no objection, and will not undertake in any way to bind the action of the House. As there seems to be a disposition to separate the questions, the Chair will put the questions separately.

Mr. SMITH of Patten: Mr. Speaker, I suppose that motion may be taken by a division in order to determine whether there is the necessary number in favor of a suspension of the rules.

The SPEAKER: Does the gentleman from South Portland, Mr. Sanborn, desire to make a motion to suspend the rules, independent of the motion to reconsider?

Mr. SANBORN: I do, Mr. Speaker.

The SPEAKER: In that case the Chair will entertain such a motion. The gentleman from South Portland, Mr. Sanborn, moves that the rules of the House be suspended for the purpose, as the Chair understands it, of later entertaining a motion that reconsideration of the action of the House in regard to this resolve be had. Is the House ready for the question, as to whether or not the rules shall be suspended for that purpose. This requires a two-thirds vote. All those in favor of suspending the rules of the House for the purpose as stated by the Chair, will rise and stand until counted.

A division being had,

Fifty-five voted in the affirmative and 71 in the negative.

So the motion to suspend the rules was lost.

Mr. NEWBERT: Mr. Speaker, in order to get this matter into the graveyard, I would like to ask if a motion to adhere would be in order.

The SPEAKER: The Chair is of the opinion that the resolve in a way is not naturally before the House, as it failed on its final passage in this body.

Mr. NEWBERT: Mr. Speaker, I will ask the parliamentary question whether, if the motion can be made now to reconsider, if there is any chance for this dead woman to rise? I might want to be down town voting for myself for mayor some day, and if there is any way that we can agree that this thing

will not come up again, I would like to have that action taken.

The SPEAKER: The Chair is of the opinion that there is no way under the rules of the House or under the law by which this House can take any action whatever on this matter unless the rules of the House are suspended for that purpose.

Mr. NEWBERT: Mr. Speaker, that action might be taken any time between now and the first day of May when we adjourn.

The SPEAKER: So far as suspending the rules is concerned, it might.

Mr. HUTCHINS of Penobscot: Mr. Speaker, the Chair has ruled that a motion to suspend is not in order. Would a motion to suspend without some purpose or object stated be in order?

The SPEAKER: The Chair has stated, as the gentleman from Penobscot, Mr. Hutchins, may recall, that ordinarily the two motions are coupled together, the motion to suspend the rules and the other motion for which the rules are to be suspended; but as the House manifested a disposition to consider these matters separately, of course the Chair had no objection. Consequently the motion was put as it was, that the rules be suspended for the purpose, as stated by the Chair, for later entertaining another motion, that reconsideration be had.

Mr. BOMAN: Mr. Speaker, do I understand that this matter is to come up every day in the session and be voted upon continually?

The SPEAKER: There is no rule that the Chair knows of which either authorizes the resolve to be considered now or to be laid away. The Chair supposes that the matter will not again come before the House. The matter now lies dead, as the Chair understands it. The House can take no further action in regard to the matter, certainly, unless the rules are suspended and extraordinary action taken.

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

Judiciary.

By Mr. Sanborn of South Portland: Petition of E. M. Palmer and 39 others

of South Portland in favor of Senate Bill No. 165, providing for workmen's compensation.

Legal Affairs.

By Mr. Stuart of Livermore Falls: Remonstrance of Frank H. Hall and 50 others of Livermore Falls and Jay against the Sunday bill, House Document No. 306, giving mayors of cities and selectmen of towns permission to open the way for the desecration of the Sabbath.

By Mr. Bowler of Bethel: Remonstrance of W. C. Curtis and 35 others of Bethel, against same.

Education.

By Mr. Sherman of Eden: Resolution of Bay View Grange of Eden in favor of distribution of State school fund according to the aggregate attendance in common schools.

By Mr. Pitcher of Northport: Petition of C. M. Howes, superintendent of schools of Liberty, in favor of same.

By Mr. Sherman of Eden: Petition of Julien Emery and 11 others of Eden in favor of same.

By Mr. Morse of Rumford: Resolution of Rumford Grange of Rumford in favor of same; also petition of H. C. French and 17 others of Rumford in favor of same.

By Mr. Bucklin of Warren: Resolution of White Oak Grange of Warren in favor of same.

By Mr. Bragdon of York: Petition of H. A. Kittridge and 9 others of Wells in favor of same.

By Mr. Bowler of Bethel: Resolution of Sweden Grange of Sweden in favor of same; also petition of H. O. Saunders and 32 others of Sweden in favor of same.

By Mr. Pendleton of Searsport: Petition of R. L. Clement and 10 others of Monroe in favor of same; also resolution of Comet Grange of Swanville in favor of same; also petition of A. T. Nickerson and eight others of Swanville in favor of same; also resolution of Morning Light Grange of Monroe in favor of same.

By Mr. Farrar of Ripley: Resolution of Hartland Grange of Hartland in favor of same; also petition of A.

E. Tilton and 35 others of Hartland in favor of same.

By Mr. Bragdon of York: Resolution of Wells Grange of Wells in favor of same.

By Mr. Humphrey of Washburn: Resolution of Washburn Grange of Washburn in favor of same.

By Mr. Bass of Wilton: Remonstrance of George F. Libby and 46 others against Senate Bill No. 386, in relation to distribution of State school fund and against the passage of same.

Reports of Committees.

Mr. Mathieson from the committee on inland fisheries and game, on petition of Ed. Grant & Son Company and 54 others, reported bill, An Act relating to the transportation of fish taken in the waters of Davistown, Stetsontown, Seven Ponds Town and Moosehead Gore, so-called, in Franklin county, and that the same "ought to pass."

Mr. Sanborn from the Cumberland County Delegation, reported in a new draft and "ought to pass" bill, An Act additional to Chapter 94 of the Private and Special Laws of 1903 entitled "An Act to prevent the pollution of the waters of Sebago Lake."

The reports were accepted and the several bills tabled for printing under the joint rules.

First Reading of Printed Bills and Resolves.

Resolve in favor of an appropriation to complete the historical record of Maine men serving in the United States Navy during the war for the suppression of the Rebellion, 1861 to 1865.

Resolve authorizing the land agent to sell the State's interest in Lot No. 1 east of Fish River, in Wallagrass Plantation, Aroostook county.

Passed to Be Engrossed.

An Act to amend Chapter 6 of the Revised Statutes, relating to the regulation and conduct of elections.

On motion by Mr. Smith of Presque Isle, the vote was reconsidered where-by this bill was passed to be engrossed, and on further motion by Mr.

Smith the bill was tabled pending its passage to be engrossed.

An Act to authorize the York Light & Heat Company to furnish electricity to the inhabitants of Pine Point and Grand Beach.

An Act to amend Sections 74 and 78 of Chapter 15 of the Revised Statutes relating to Free High schools.

An Act to amend Section 16 of Chapter 54 of the Revised Statutes in relation to the sale of unclaimed merchandise.

An Act to authorize Hernando E. Allen to erect a wharf in tide waters at Starboard, town of Machiasport.

An Act requiring the report of the State Board of Health of certain occupational diseases due to poisoning or other causes.

An Act for the Improvement of Streets.

An Act to amend Chapter 40 of the Revised Statutes, as amended by Chapter 46 of the Public Laws of 1907. Chapters 70 and 257 of the Public Laws of 1909, and Chapters 55, 118 and 143 of the Public Laws of 1911, relating to the issuing of age and schooling certificates.

An Act to extend the jurisdiction of the Kennebec County Agricultural Society.

An Act relative to scaling milk bottles and jars.

An Act to authorize the Calais Street Railway Company to sell electricity.

An Act to authorize the towns of Mexico and Rumford in the county of Oxford to purchase the toll bridge between said towns erected and owned by the Mexico Brige Company.

An Act to amend Sections forty-one, forty-two, forty-three and forty-four of the Revised Statutes as amended relating to the employment of superintendents of towns composing school unions.

An Act to regulate the sale of morphine and other hypnotic or narcotic drugs.

An Act to revise the Charter of the City of Eastport.

An Act relative to Weights and Measures. (Tabled pending its third reading on motion by Mr. Plummer of Lisbon.)

An Act to extend and amend the charter of the Brewer Water Company.

An Act to authorize the extension of a wharf in tide waters of the town of Lubec in county of Washington.

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

An Act to renew and extend the charter of the Androscoggin Valley Railroad Company.

An Act to amend the charter of the Central Maine Power Company.

An Act to incorporate the Kingman Telephone Company.

An Act to extend the charter of the Lubec, East Machias and Machias Railway Company.

An Act to amend Chapter five of the Revised Statutes relating to Boards of Registration.

An Act to incorporate the Sullivan and Sorrento Electric Light and Power Company.

An Act to amend Chapter one hundred and seventy-three of the Private and Special Laws of eighteen hundred and eighty-seven, relating to the Cornish Village Improvement Society, and to make valid the organization of said Society —incorporated under said chapter.

An Act to regulate the Practice of Professional Public Accounting.

An Act relating to rebating and twisting of life, personal, accident and health insurance.

Resolve, in favor of unpaid bills on the Van Buren Bridge.

Resolve, in favor of the Maine School for Feeble-Minded.

Resolve in favor of repairing bridge in town of Amity.

Resolve, in favor of the Maine School for Feeble-Minded.

Resolve, in favor of the Maine School for Feeble-Minded.

Resolve, in favor of the Maine School for Feeble-Minded.

Resolve in favor of Jotham Stevens of Embden.

Resolve in favor of the town of Belmead.

Resolve in favor of a survey for a bridge between Madawaska, Me., and Edmundston, N. B.

Resolve in favor of aid in repairing highway in town of Grafton.

Resolve authorizing the State Treasurer to Procure a Temporary Loan for the year nineteen hundred and thirteen.

Resolve authorizing the State Treasurer to Procure a Temporary Loan for the year nineteen hundred and fourteen.

Passed to Be Enacted.

An Act to authorize a union of towns in maintaining town farms.

An Act to incorporate the Pleasant River Gulf Improvement Company.

An Act to amend Section 75 of Chapter 10 of the Revised Statutes, relating to the sale of land for taxes in incorporation places.

An Act to incorporate the Waterville Chamber of Commerce.

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

An Act to incorporate the State of Maine Fire Insurance Company.

An Act to extend the charter of the Mutual Fire Insurance Company.

An Act to incorporate the Kingfield Chamber of Commerce.

An Act to incorporate the Harvey Memorial Crittenton Home.

An Act to repeal Chapter 199 of the Public Laws of 1911 entitled "An Act to provide for the nomination of party candidates by direct primary."

An Act to incorporate the Corinna Water Company.

An Act to amend the charter of the Rumford Falls Light & Water Company.

An Act to authorize the county commissioners of Oxford county to procure a copy of volume one of the records of deeds in the western registry of deeds for said county.

An Act to enlarge the purposes of the Huse Spool & Bobbin Company.

Finally Passed.

Resolve for aid in repair of the Wiscasset Bridge.

Resolve providing a state pension for Betsey A. Dyer.

Resolve authorizing the highway commissioner to construct a suitable office or shelter for the immigrant inspector at Van Buren, and appropriating money therefor.

Orders of the Day.

On motion by Mr. Smith of Presque Isle, bill, An Act to amend Chapter 6 of the Revised Statutes, relating to the regulation and conduct of elections, was taken from the table.

Mr. Durgin of Milo moved that the bill be indefinitely postponed, and upon that motion called for the yeas and nays.

The question being on the demand for the yeas and nays,

A division was had, and a sufficient number having arisen,

The yeas and nays were ordered.

The SPEAKER: The question is on the motion of the gentleman from Milo, Mr. Durgin, that the bill be indefinitely postponed. All those in favor of the motion, upon the calling of their names will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Benton, Boland, Boman, Brennan, Brown, Bucklin, Chadbourne, Churchill, Clark of Portland, Clark of New Portland, Connors, Crowell, Currier, Cyr, Davis, Descoteaux, Doherty, Donovan, Dresser, Dunbar, Durgin, Eastman, Eaton, Eldridge, Elliott, Estes, Farnham, Franck, Gallagher, Gardner, Goodwin, Gordon, Hancock, Harriman, Hutchins, Jennings, Jones, Kelleher of Poruand, Kelleher of Waterville, Lawry, Leader, Leary, LeBel, Libby, Mason, Maxwell, Maybury, Merrill, Mildon, Mitchell of Kittery, Mitchell of Newport, Mooers, Morneau, Newbert, O'Connell, Packard, Pitcher, Price, Quinn, Reynolds, Roberts, Robinson, Sherman, Smith of Presque Isle, Snow, Spencer, Sprague, Stanley, Stetson, Stevens, Twombly, Umphrey, Violette, Winchenbaugh, Yeaton—75.

NAY:—Allen, Austin, Bass, Benn, Bither, Bowler, Bragdon of Sullivan, Bragdon of York, Butler, Chick, Cochran, Cook, Dunton, Emerson, Farrar, Folsom, Greenleaf of Auburn, Greenleaf of Otisfield, Harman, Harper, Haskell, Higgins, Hodsden, Irving, Jenkins, Johnson, Kehoe, Kimball, Marston, Mathieson, McBride, Metcalf, Morgan, Morrison, Mors, Nute, Peacock, Pendleton, Peters, Peterson, Plummer, Putnam, Richardson, Ricker, Rousseau, Sanborn, Sanderson, Sargent, Skelton, Skillin, Smith of Auburn, Smith of Patten, Smith of Pittsfield, Stuart, Sturgis, Sweet, Swift, Taylor, Thombs, Thompson, Tobey, Trimb'e, Tryon, Washburn, Waterhouse, Wise—46.

ABSENT:—Gamache, Haines, Hogan, Leveille, McFadden, Peaks, Ramsay, Rolfe, Scates, Wheeler—10.

The SPEAKER: Seventy-five having voted in the affirmative, and 66 in the negative, the motion prevails, and the bill is indefinitely postponed.

On motion by Mr. Boman of Vinal-

haven, the rules were suspended and that gentleman introduced out of order the following resolution:

Whereas Chapter 39 of the Public Laws of 1911, requires the weekly payment of wages by the State, its officers, boards and commissions to every mechanic, workman and laborer who is employed by it or them,

And whereas it has been made known to this Legislature through a communication received from the State treasurer that the State, its officers, boards and commissions are not complying with this law that mechanics, workmen and laborers so employed do not receive their pay often-er than once a month.

And whereas it is not creditable to the State, its officers, boards and commissions to disregard and nullify a law that is enforced upon others less able to comply with it,

Therefore, be it resolved that the commissioner of labor and industry be and hereby is instructed to bring this matter to the attention of the Governor with the object of having the law complied with, at least, insofar as it applies to mechanics, workmen and laborers by a monthly salary.

The question being on the passage of the resolution,

A viva voce vote being taken,

The resolution received a passage.

On motion by Mr. Farrar of Ripley, House Document No. 479, An Act relating to foreign dealers in dairy products, was taken from the table, and on further motion by Mr. Farrar the bill was referred to the committee on agriculture.

On motion by Mr. Swift of Augusta, the rules were suspended, and that gentleman introduced by unanimous consent out of order bill, An Act to amend Section 3 of Chapter 229 of the Public Laws of 1909, relating to the State Board of Arbitration and Conciliation, and on further motion by Mr. Swift the bill was referred to the committee on labor.

On motion by Mr. Boman of Vinalhaven, the rules were suspended, and that gentleman introduced by unanimous consent out of order, bill, An

Act providing for the inspection of bakeries and confectioneries, and on further motion by Mr. Boman the bill was tabled for printing pending reference to a committee.

On motion by Mr. Trimble of Calais, bill, An Act relating to the protection of moose, was taken from the table.

The pending question being the adoption of House Amendment A,

Mr. Mathieson of Rangeley withdrew House Amendment A.

On motion by Mr. Trimble, the bill then received its third reading and was passed to be engrossed.

On motion by Mr. Descoteaux of Biddeford, House Document No. 389, bill, An Act for the better protection of shell fish in the town of Kennebunkport, in the county of York, was taken from the table.

Mr. Descoteaux moved that the bill receive its third reading.

The SPEAKER: The Chair will state that these bills will be taken from the calendar in the order in which they are arranged on the calendar.

On motion by Mr. Plummer of Lisbon, the vote was reconsidered whereby bill, An Act to regulate the practice of the profession of public accounting was passed to be engrossed, and on further motion by Mr. Plummer the bill was tabled pending its passage to be engrossed.

Mr. Morneau of Lewiston moved that the rules be suspended and that he be granted permission to introduce out of order bill, An Act to amend the charter of the city of Lewiston.

Mr. SMITH of Patten: Mr. Speaker, I object to granting permission for the introduction of this bill, on the ground that it is special legislation.

The SPEAKER: This being a private act requires unanimous consent in order to be introduced at this time.

Mr. MORNEAU: Mr. Speaker, I presented this bill which is similar to a couple of bills presented some time ago, and certainly at the suggestion of the gentleman from Patten (Mr. Smith) there were two similar Acts presented some time ago, and the pro-

ponents of the bill at the suggestion of the committee on judiciary, suggested the making of a new draft. Perhaps it may have taken a little more time than it ordinarily would have taken, and I could not get it until this time. If the gentleman from Patten (Mr. Smith) does not see fit to grant permission for the introduction of this bill at this time I will abide by his ruling.

Mr. SMITH of Patten: Mr. Speaker, I will state that there were several matters from the city of Lewiston which were referred to the committee on judiciary, and the committee could not see fit to report favorably upon them. This was presented some time ago, and it was stated that they might present a new draft for our consideration. We have not heard anything about the new draft, and therefore we reported adversely on the matter and it is now out of the hands of the committee, and I do not think the matter should be re-opened at this time.

The SPEAKER: The Chair would suggest that possibly the matter might be taken care of in some way by another report from the committee. The Chair is unable to entertain the proposition of introducing this bill at the present time, owing to objection having been made.

The SPEAKER: The first matter for consideration on the calendar for today is bill, An Act to amend Chapter 489 of the Private and Special Laws of 1901, entitled "An Act to supply the town of Lubec with pure water." The pending question is concurrent action with the Senate in which branch this bill was referred to the next Legislature in non-concurrence with the House.

On motion by Mr. Trimble of Calais, the bill was tabled and specially assigned for consideration, tomorrow.

The SPEAKER: The next matter for consideration is bill, An Act authorizing the city of Bangor to supply the town of Hampden with water. In the House this bill was received under a suspension of the rules by unanimous consent and referred to the committee

on legal affairs.

In the Senate the bill was referred to the next Legislature in non-concurrence with the House.

On motion by Mr. Gallagher of Bangor, the House voted to recede and concur with the Senate in its reference of this bill to the next Legislature.

The SPEAKER: The next matter for consideration is bill, An Act to enlarge the powers and jurisdiction of the Western Somerset Municipal Court. The pending question is the third reading of the bill.

Mr. LAWRY of Fairfield: Mr. Speaker, I move that the bill be indefinitely postponed for the reason that to establish a court at North Anson at this time is unnecessary. I may be able to give the House a little light upon this question by stating something in regard to the history of this court. The court originally was established as a municipal court at Skowhegan in 1901. In 1909 the name was changed and the jurisdiction enlarged, giving Skowhegan the first Monday of every month except August at 10.00 A. M., at Madison the last Monday of every month except July at 9.30 A. M., Fairfield the second Monday of January, March, July, September and November at 9.00 A. M., and at Bingham on the second Monday of February, April, June, October and December at 1.00 A. M.

This bill calls for the establishment of six terms of court in the town of Anson, to be held in the village of North Anson. Now it would seem from the facts of the case that the business that comes from North Anson proper would not warrant the establishment of a court there at this time. North Anson is situated five miles from Bingham where they have established under the present law five terms of court, 15 miles from Bingham and five miles from Madison where under the present law there are 11 terms of court.

The records show that from the first Monday of July, 1909 to the first Monday of March, 1913, in the western Somerset municipal court there were 789 civil cases. Of those only four were entered by the attorneys of North Anson, making one a year. Now the attorneys of North Anson ask for the

establishment of a court there, and if my figures are correct as stated, the attorneys from North Anson have only had in the last four years an average of one case a year, and it would not seem at the present time as though this enlargement of jurisdiction of this court was needed.

The original law says that the court shall be in constant session for the trial of criminal cases, and the sessions thereof may be held at Skowhegan, Fairfield, Madison and Bingham, the place of hearing in all cases to be determined by the judge, so that any criminal cases would not come under the jurisdiction of the North Anson court unless the judge so decided.

The question being on the motion to indefinitely postpone the bill,

A viva voce vote being taken,

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

The SPEAKER: The next matter for consideration is bill, An Act to incorporate the trustees of the John B. Curtis Free Public Library in Bradford.

On motion by Mr. Morrison of Corinth, the bill was tabled for printing.

The SPEAKER: The next matter for consideration is bill, An Act to establish a uniform poll tax.

Mr. NEWBERT of Augusta: Mr. Speaker, I tabled this matter the other day pending consideration of the amendment offered by the gentleman from Lewiston, Mr. Plummer. My only objection to his amendment is that I believe in self-government for towns and cities. I do not believe in the uniform poll tax for any specified sum. His amendment for a two dollar uniform poll tax would otherwise be satisfactory to me, because that is the present poll tax we have in my city; we are all satisfied with that poll tax, but I shouldn't want to vote to impose this upon any town or city outside of Augusta, although I presume the gentleman from Lisbon (Mr. Plummer) will support his own amendment.

Mr. PLUMMER of Lisbon: Mr. Speaker, I did not quite catch all that was said by the gentleman from Augusta (Mr. Newbert). As far as I

understood his remarks, he had some objection to the two dollar tax.

Mr. NEWBERT: My objection was to making it uniform over the state.

Mr. PLUMMER: I have that same objection myself, Mr. Speaker, but the question before the House at the present time is not as to whether the tax shall be uniform but as to whether it shall be two dollars or three dollars. On the final disposition of the bill the question will come up as to whether the tax shall be uniform in the amount fixed by the bill at the present time, which is three dollars, or at the amount which is fixed by this amendment, which is two dollars. The question, as I say, will come on the adoption of one proposition, or on leaving the matter as it is optional with the towns, between one dollar and three dollars. It is unnecessary at the present time to discuss that question. The question now before the House, I repeat, is as to whether if we are to have a uniform poll tax, that tax shall be two dollars or three dollars.

The SPEAKER: The question before the House is on the adoption of House Amendment C offered by the gentleman from Lisbon, Mr. Plummer, which amendment is as follows, to amend by striking out the word "three" in the fifth lines of sections one and two, and inserting in place thereof the word "two." Is the House ready for the question.

Mr. PLUMMER of Lisbon: Mr. Speaker, I would like to say one more word, if the House please. I do not like in a discussion of any question to descend to the consideration of how it will affect any one, or whom it will affect. It seems to me that questions should be discussed from a broader viewpoint than that, as to whether or not a given proposition is just regardless of whether it affects me or any other member or members of the House. I argued briefly here, the other day, that a poll tax, as such, was altogether an unjust tax, and I tried to place upon the bill an amendment allowing towns the option of fixing the poll tax at \$3 or under. That amendment was defeated by the House; but I wish to submit to the House that if this proposition ever comes to

a vote of the people, which it may do if you put it at \$3,—and it may be if you put it at \$2—that the poll tax, if the people ever come to understand it, will go pretty fast by the board. I hold in my hand here a list of the separate articles of real estate, and the names and assessed valuation of land and buildings as found upon the assessors' books for the year 1912 in the town of Lisbon. This contains a list only of the assessed valuation of the real estate. There is no personal estate in there, except of some two or three corporations, which have large amounts, and which are put in, perhaps, for the satisfaction of the curiosity of the voters of the town. It will be found in looking that over that the poll tax in our town is \$2; but it will be found that any man in that town with an assessed valuation of \$2000 and under will be better off without the payment of the poll tax. That is only people who are assessed for real estate. It does not include people who are not assessed for anything except the poll tax. Now if you count all the poll tax men, and all whose valuation is under \$2000, you are going to find—if it comes to the time when men vote in their own interest—the poll tax will be disposed of pretty quickly. I have not had time to look through the whole list in this book; but in running through about two-thirds of it approximately I find, basing it on the proposition, as I say, of \$2000, but placing it under \$2000—about one-third of the book—I find in looking it over roughly that 175 names stand to gain by the abolition of the poll tax. That is, their tax will be increased a less amount if there is not any poll tax—their tax on their real estate would be increased by a less amount than they would gain by the poll tax. That is to say, a man's taxes we will say is \$40 on his property, and \$2 for the poll, which would be \$42. His tax will be approximately \$41.60 without any poll tax; that is, he stands to gain 40 cents on that proposition; and of that number that I have looked over here I find that while 85 will be found to have to pay more money, 175 will be found to pay less. Now I submit to you, gentlemen, that those who be-

lieve in a poll tax had better look around and see where you stand before you vote to fix it at \$3, instead of \$2.

The SPEAKER: The question is on the motion of the gentleman from Lisbon, Mr. Plummer, that House Amendment C be adopted. Is the House ready for the question?

A viva voce vote being taken, The amendment was lost.

Mr. Plummer then called for a division of the House.

The division being had, 19 voted in favor, and 71 against.

So the amendment was lost.

The SPEAKER: The pending question is the third reading of the bill, and its passage to be engrossed.

Mr. NEWBERT of Augusta: Mr. Speaker, I understand the bill repeals the present law which, I think, is of long standing. The present law, if I understand it, is a good law. It leaves towns and cities the right to assess a poll tax from \$1 to \$3. Now I submit that this is fair, and it is in line with, I think, all our ideas of local self-government in these matters. I do not know why the State of Maine should impose upon the city of Augusta an additional tax upon its polls of \$1. I have no desire to impose my ideas upon the town of Manchester or the city of Hallowell. If the town of Manchester says \$3, it should be \$3. If it says \$1, it should be \$1. We of Augusta say \$2, and are perfectly satisfied for it to stay at \$2. Now in line with my position upon this matter, and believing the present law to be a good law, I move that this bill be indefinitely postponed.

The question being on the motion to indefinitely postpone the bill.

A viva voce vote being taken,

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

The SPEAKER: The next matter for consideration is bill, An Act to amend the charter of the Camden & Rockland Water Company. The pending question is the second reading of the bill.

On motion by Mr. Elliott of Thomaston, the bill tabled and assigned for special consideration, on Friday of this week.

The SPEAKER: The next matter for consideration is bill, An Act authorizing the Atlantic Shore Railway to increase its capital stock. The pending question is the third reading of the bill, and its passage to be engrossed.

Mr. Mitchell, of Kittery, offered House Amendment A, to amend Section 2 by inserting after the word "issued" in the seventh line the following, "until said corporation shall have paid Joseph F. Dorr of Kittery \$700 nor."

The question being on the adoption of the amendment,

Mr. MITCHELL of Kittery: Mr. Speaker, I may be met by some of the friends of this corporation that this is an extraordinary proceeding. The occasion which calls for this amendment was extraordinary. James F. Dorr, residing in Kittery, lost his boy by the carelessness, as I understand it, of this railroad, some three or four years ago. There was some question as to the liability of the road; but that was fought out in the supreme court of New Hampshire and a verdict was rendered giving Mr. Dorr the sum of \$625, which, I submit, was a very small amount for the killing of a boy 10 years of age. Mr. Dorr used all of his worldly possessions in trying to collect this judgment; but the attorney who represented the man was a little slow, and the first thing Mr. Dorr knew this road had gone through a process of reorganization, and he has not, up to this time, been able to collect one cent. I was a member of the last Legislature, and by my silence gave consent to an act passed through the Legislature legalizing the reconstruction of this road, which removed the last barrier, so that Mr. Dorr could not collect his money. Now I have nothing to say about the merits of this bill in allowing this road to increase its capital stock a million and a half dollars; but before it does it ought to meet that obligation; and it will be no hardship to this corporation for, if you will look at the last section in this bill you will find another extraordinary procedure. That is to say, that this road shall only pay into the State of

Maine the sum of \$75 for every \$100,000 of its increased capital stock. If it should proceed under the General Law it would pay in to the State Treasury \$100 for each \$100,000 increase; so that it will save nearly one-half of the amount of this bill which I have put in here at \$700, which gives Mr. Dorr about four per cent. on his money from the time that this award was made by the supreme court of New Hampshire. Mr. Speaker, and gentlemen, I move the passage of this amendment.

Mr. SANBORN of South Portland: Mr. Speaker; I want it distinctly understood at the outset that I have not the slightest personal interest in this bill, nor have I anything more than a very slight acquaintance with the people interested in the property involved; but I do want to make perfectly clear to the House, that they may vote understandingly, just what the situation is, as it came before the committee; and I will speak only in behalf of the committee before whom the matter was heard. This feature which is involved in the amendment by the gentleman from Kittery was not before the committee. The committee only had before it the simple question of permitting this railroad company to increase its capital stock. Those who were in favor of it showed what seemed to the committee good and sufficient reasons for being allowed the privilege; and their report, if I am not mistaken, was a unanimous one that they should be allowed to increase. Now, outside of the committee room, and here in this House, we are told that there was a judgment; but I want only to emphasize a feature of the matter which the gentleman from Kittery did not emphasize, namely, that the judgment which was recovered was against another company altogether from the company that is involved in this bill. While the company was in the hands of previous owners a boy was killed; suit was brought against the then company. Now I do not even know whether that company failed,—whether they went into liquidation,—bankruptcy; I do not know what happened to them; but evidently they did not

have the property with which to satisfy the judgment. A new company has been organized who are not in any sense parties to the old proposition; in no way liable; absolutely no liability upon them. They have organized and are operating that railroad, or have come into possession of the franchise; and they are the ones who are asking for this act. Now I express no opinion whatever as to the propriety of our levying tribute on that new company to the extent of paying the other fellow's bill before they can go ahead with what they want. I express no opinion whatever upon that; that is for the judgment of this House; but I do want it perfectly plain. I want it definitely understood that when this matter was before the judiciary committee the committee had no knowledge of that phase of the subject, nor was it a phase which perhaps properly could have been before them, the question before the committee being only as to whether this new Atlantic Shore Railway ought in justice to be permitted to increase its capital stock for the further development of its property, and for the better service of the public which it does serve; so that in voting for this amendment, if you vote to adopt the amendment, it wants to be understood that you are requiring this company to pay a bill that is a proper charge against some other company or people who are now out of existence.

Mr. MITCHELL of Kittery: I want to say for the information of the House that the same officers that were operating the old road are operating the present road, and they took over the franchises and property of the other road; and I submit they should have taken over their obligation as well.

Mr. GORDON of Biddeford: As an employe of the Atlantic Shore Line Railroad, in the engineering department, I stand with the gentleman from Kittery. I know what he says is true. I know why the company reorganized. I made a statement to the general manager before I left their employ; and he told me that I knew too much. I acknowledged that I did; and I got out. I stand with him in

every particular, and I want the House to understand it.

Mr. AUSTIN of Phillips: I presume, and I have no doubt, it is the intention of the gentleman from Kittery to be entirely just; but I submit to this House, that while we may have done some peculiar things during the present Legislature, whether the Maine Legislature wants to go on record as enforcing a decree of the court of New Hampshire, or a judgment of the court of New Hampshire, upon a company which now appears to be defunct, and which was the predecessor of the present company. I submit this to the House. I have no interest, no knowledge, and no acquaintance, that I know of, with the Atlantic Shore Line Railway. It seems to me, to say the least, the proceeding would be a little irregular, and extremely out of the ordinary.

Mr. MITCHELL of Kittery: Mr. Speaker, once more I want to submit whether it is the duty of this House to protect its citizens against such corporations. Whether the decision was rendered by the New Hampshire court, or our Maine court, the fact remains the same, that this man has spent all of his worldly possessions to collect this amount, and he cannot get it. The company was reorganized so as to prevent it from paying this and other bills. Now it is a question whether this House will allow this corporation to increase its capital stock a million and a half dollars without providing for the payment of this just claim.

Mr. DUNTON of Belfast: Mr. Speaker, the case is reduced to this, as I understand it: That the plaintiff in this suit admittedly has no legal claim against this company, and therefore cannot enforce any right at law against it; also that it has no claim in equity under the equity procedure of our courts; therefore in equity it has no rights that can be enforced as law. Now the only rights that are recognized under our courts and our laws are the rights to proceed at law or in equity. It is conceded also that this railroad company is asking for nothing more than it should have. Now

we come right down to this point: shall this House place as a condition upon giving to this company what it should have, the payment of an alleged claim which has no recognition in law or in equity? In other words, shall this House use its power as a club to drive this company to pay what neither at law or in equity it can be compelled to pay, or ought to pay, before it will give to the company these rights that it asks for and admittedly ought to have?

Mr. PLUMMER of Lisbon: I would like to inquire whether this company could increase its capital stock under the railroad law, or under the general law? Is there any way of that kind?

The SPEAKER: Of whom does the gentleman from Lisbon make the inquiry?

Mr. PLUMMER of Lisbon: From anybody that knows?

The SPEAKER: The Chair will refer the inquiry to anybody who knows. (Laughter.)

Mr. PLUMMER of Lisbon: The point is this—I suppose my friend from Patten (Mr. Smith) will question my legal knowledge, and I hereby publicly state that I do not know anything about it— if this company can be authorized under general law to increase its capital stock why does it come here? If it comes here for special permission it must be disposed to accept whatever conditions we grant, or whatever conditions we impose; and if it does not like them it can then go ahead in the other way. It appears that for some reason or other, which I do not know, that the fee to be paid to the secretary of state, on condition that it increases its capital stock, is less than it would have to pay under the general law. That looks, on the face of it, a little peculiar. It may be all right, and I presume there may be an explanation for it; but, like my friend from Presque Isle, I have been in Missouri too; and I think that all of us ought to be shown in regard to these things. As I understand it, that is what we are here for.

The SPEAKER: The question is on the adoption of the amendment offered

by the gentleman from Kittery, Mr. Mitchell.

A viva voce vote being taken,
The amendment was adopted.

Mr. Plummer of Lisbon offered House Amendment B, to amend by striking out in line seven of Section three the words "seventy-five," and inserting in place thereof the words "one hundred."

The question being on the adoption of House Amendment B,

A viva voce vote being taken,
The amendment was adopted. (Applause.)

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

The SPEAKER: The next matter for consideration is bill, An Act relative to municipal elections in the city of Augusta. The pending question is concurrent action with the Senate.

Mr. NEWBERT of Augusta: Mr. Speaker, I will ask for the indulgence of the House and move that this matter be laid upon the table.

Mr. PLUMMER of Lisbon: Mr. Speaker, I do not like this undue prominence that I am getting here, but there are a good many other people, as I understand it, here in the House who are in agreement upon this proposition of allowing these matters to remain on the calendar upon which there is no hope of action. The city election in Augusta will come off next Wednesday, I think, anyway; but whether there will be a choice at that time nobody knows. If there is, this bill will be unnecessary, and at any rate the consideration of it should come up probably and get by soon enough to affect that particular election. I submit, gentlemen, as I did before, that it is useless for the state to be paying out money for printing without any apparent use. If the Legislature wants to vote to do it, of course it has the power.

Mr. NEWBERT: Mr. Speaker, I just want to say that it won't cost the state much to print that matter once more, one line. There may be some agreement reached shortly in regard to this matter, and I trust that my motion will prevail.

The question being on the motion to lay this bill upon the table,

The motion was agreed to.

The SPEAKER: The next matter for consideration is bill, An Act to incorporate the Kennebec Realty Company. The pending question is the third reading of the bill and its passage to be engrossed.

Mr. Smith of Auburn moved that the bill be laid upon the table and be specially assigned for consideration, on Friday of this week.

The motion was agreed to.

The SPEAKER: The next matter for consideration is bill, An Act for the better protection of shell fish in the town of Kennebunkport, in the county of York. The pending question is the third reading of the bill.

On motion by Mr. Descoteaux of Biddeford, the bill received its third reading and was passed to be engrossed.

The SPEAKER: The next matter for consideration is the report of the committee on claims to which was referred resolve in favor of Storm Wessell of Stockholm, reporting "ought not to pass."

Mr. IRVING of Caribou: Mr. Speaker, I expected to have some information in regard to this matter at this time, but it has not reached me, and for that reason I move that the resolve be laid upon the table, and I wish to assure the House that I will take the matter up at the earliest possible moment.

The motion was agreed to, and the bill was laid upon the table.

The SPEAKER: The next matter for consideration is report of the committee on agriculture to which was referred bill, An Act to regulate the packing, shipping and sale of apples. The pending question is the acceptance of the report of the committee, reporting "ought to pass" in new draft.

Mr. Cook of Vassalboro moved that the report be laid upon the table.

The motion was agreed to.

The SPEAKER: The next matter for consideration is bill, An Act to in-

corporate the Jackman Water, Light & Power Company. The pending question is the third reading of the bill.

Mr. MARSTON of Skowhegan: Mr. Speaker, this bill was introduced into the Senate by Senator Morey, and at that time there was an error in Section 2 of the bill. I am not certain whether Senator Morey has made a correction in the original bill or not, and for that reason I move that the matter be laid upon the table and specially assigned for consideration, tomorrow.

The motion was agreed to.

The SPEAKER: The next matter for consideration is majority and minority reports of the committee on salaries and fees to which was referred order to inquire into the expediency of "increasing the pay of the members of the Legislature, and of placing them, as regards free telephone service, on an equality with other State officials," majority reporting bill, "An Act to prohibit furnishing or acceptance of free telephone service to State officials," minority reporting legislation thereon is expedient. The pending question is the acceptance of either report.

Mr. QUINN of Millinocket: Mr. Speaker, in the new public utilities bill I think there is a provision that will cover this matter, and pending the passage of that bill I move that this matter be laid upon the table.

The motion was agreed to.

The SPEAKER: The next matter for consideration is order relative to Bangor & Aroostook Railroad strike, and providing for a joint committee to investigate the same and report by bill or otherwise. The pending question is concurrent action with the Senate.

Mr. IRVING of Caribou: Mr. Speaker, this is a matter of considerable importance, and I trust that the House will bear with me in the motion to lay it upon the table in the hope that the parties who presented the order may be present in a few days and take the matter up for consideration.

The motion was agreed to, and the order was laid upon the table.

The SPEAKER: The next matter for consideration is bill, An Act to in-

corporate the Harrison Water Company. The pending question is the third reading of the bill and its passage to be engrossed.

On motion by Mr. Morse of Rumford, the bill received its third reading and was passed to be engrossed.

The SPEAKER: The next matter for consideration is bill, An Act to ratify the organization and amend the charter of the Hiram Water, Light & Power Company. The pending question is the third reading of the bill.

On motion by Mr. Goodwin of Mexico, the bill received its third reading and was passed to be engrossed.

The SPEAKER: The next matter for consideration is resolve providing for an appropriation for the control of contagious diseases among domestic animals. The pending question is the first reading of the resolve.

Mr. Cook of Vassalboro moved that the resolve be laid upon the table.

The motion was agreed to.

The SPEAKER: The next matter for consideration is resolve in aid of constructing bridge in the town of Milo. The pending question is the first reading of the resolve.

Mr. Quinn of Millinocket moved that the resolve be laid upon the table and be specially assigned for consideration on Tuesday of next week.

The motion was agreed to.

The SPEAKER: The next matter for consideration is resolve for further instruction in forestry. The pending question is the second reading of the resolve.

Mr. Cook of Vassalboro moved that the resolve be laid upon the table.

The motion was agreed to.

The SPEAKER: The next matter for consideration is report of the Committee on Agriculture, to which was referred bill, "An Act to amend Section 8 of Chapter 195 of the Public Laws of 1911 relating to the disposition of cattle reacting to tuberculin test," reporting "ought to pass." The pending question is the acceptance of the report of the committee in concurrence with the Senate.

On motion by Mr. Richardson of

Canton, the report of the committee was accepted in concurrence, and on further motion by Mr. Richardson the bill received its first and second readings and was assigned for tomorrow morning for its third reading.

The SPEAKER: The next matter for consideration is report of the Committee on Agriculture, to which was referred bill, "An Act to amend Sections 2, 9 and 12 of Chapter 195 of the Public Laws of 1911 in relation to the control of contagious diseases among cattle, sheep swine," reporting "ought to pass." The pending question is the acceptance of the report of the committee in concurrence.

Mr. Kimball of Bridgeton moved that the report be laid upon the table and specially assigned for consideration on Friday of this week.

The motion was agreed to.

The SPEAKER: The next matter for consideration and specially assigned for today is bill, an Act to incorporate the Pittsfield Water District. The pending question is concurrent action with the Senate. In the House this bill was received under a suspension of the rules and referred to the committee on judiciary, and came from the Senate in that branch referred to the next Legislature in non-concurrence.

Mr. SMITH of Pittsfield: Mr. Speaker, this bill, together with the one next following on the calendar refer to the supply of pure water for the town of Pittsfield, and concern the health of over 2000 people. This water has been condemned by the State Board of Hygiene, and I will read you from their report. This letter or report is dated January 20, and says as follows:

"The sample from your public supply is in very poor condition. Both chemically and bacterially it shows evidence of contact with sewage wastes. Intestinal bacteria were present in 1-30 of an ounce of the water. In its present condition this water cannot be considered safe to use for drinking unless it be first boiled."

Now, Mr. Speaker, I move that the House insist upon its action and that

a committee of conference be appointed.

The motion was agreed to, and the Speaker appointed as a committee of conference on the part of the House, Messrs. Smith of Pittsfield, Marston of Skowhegan and Farrar of Ripley.

The SPEAKER: The next matter for consideration is bill, an Act to enable the town of Pittsfield to obtain a pure water supply. The pending question is concurrent action with the Senate. In the House this bill was received under a suspension of the rules, and referred to the committee on judiciary, and came from the Senate in that branch referred to the next Legislature in non-concurrence.

Mr. Smith of Pittsfield moved that the House insist upon its action and that a committee of conference be appointed.

The motion was agreed to, and the Speaker appointed as a committee of conference on the part of the House, Messrs. Smith of Pittsfield, Marston of Skowhegan and Farrar of Ripley.

The SPEAKER: The next matter for consideration is majority and minority reports of the Committee on Legal Affairs to which was referred "Resolve relating to changing date of State Election from September to November," majority reporting "ought to pass." The pending question is the acceptance of either reports.

Mr. Newbert of Augusta moved that the minority report be substituted for the majority report.

A viva voce vote being doubted,

Mr. Newbert called for the yeas and nays.

A sufficient number having arisen,

The yeas and nays were ordered.

The SPEAKER: The question is upon the motion of the gentleman from Augusta, Mr. Newbert, that the minority report be substituted for the majority report. Upon that question the yeas and nays have been ordered. Those in favor of the motion will answer yes when their names are called; those opposed will answer no. The clerk will call the roll.

YEA:—Benn, Benton, Eicher, Boland, Boman, Brennan, Brown, Bucklin, Chadbourne, Churchill, Clark of Portland,

Clark of New Portland, Cochran, Crowell, Currier, Cyr, Descoteaux, Doherty, Donovan, Dresser, Dunbar, Dunton, Eaton, Eldridge, Elliott, Estes, Farnham, Folsom, Franck, Gallagher, Gardner, Goodwin, Gordon, Greenleaf of Otisfield, Hancock, Harman, Haskell, Hodsdon, Hutchins, Irving, Jennings, Johnson, Kehoe, Kelleher of Portland, Kelleher of Waterville, Kimball, Leader, Leary, LeBel, Libby, Mason, Mathieson, Maxwell, Mildon, Mitchell of Newport, Morgan, Morneau, Newbert, Packard, Peacock, Peterson, Pitcher, Plummer, Price, Putnam, Quinn, Reynolds, Richardson, Robinson, Rolfe, Rousseau, Sanderson, Sergeant, Sherman, Skelton, Skillin, Smith of Auburn, Snow, Spencer, Sprague, Stanley, Stetson, Stuart, Swett, Thompson, Umphrey, Winchenbaugh, Wise, Yeaton—89.

NAY:—Allen, Austin, Bass, Bragdon of York, Butler, Connors, Cook, Davis, Durgin, Eastman, Emerson, Farrar, Greenleaf of Auburn, Harper, Harriman, Higgins, Jenkins, Jones, Lawry, Marston, Maybury, McBride, Merrill, Meicaft, Mitchell of Kittery, Mooers, Morrison, Morse, Nute, O'Connell, Pendleton, Roberts, Sanborn, Smith of Patten, Smith of Pittsfield, Smith of Presque Isle, Stevens, Sturgis, Swift, Taylor, Tobey, Trimble, Tryon, Violette, Washburn, Waterhouse—46.

ABSENT:—Bowler, Bragdon of Sullivan, Chick, Gamache, Haines, Hogan, Leveille, McFadden, Peaks, Ramsay, Ricker, Scates, Thombs, Twombly, Wheeler—15.

The SPEAKER: Eighty-nine having voted in the affirmative and 46 in the negative, the motion prevails, and the minority report is substituted for the majority report.

Mr. Newbert moved that the minority report be accepted.

The motion was agreed to.

The minority report was then read and accepted and ordered printed under the joint rules.

The SPEAKER: The next matter for consideration is report of the committee on claims, reporting "ought to pass" on resolve in favor of the Law Reporting Company of New York City. The pending question is the acceptance of the report.

On report by Mr. Gordon of Biddeford, the report of the committee was accepted, and on further motion by Mr. Gordon the resolve received its first reading and was assigned for tomorrow morning for its second reading.

The SPEAKER: The next matter for consideration is the report of the committee on judiciary to which was referred Bill, An Act to repeal Chapter 151 of the Private and Special Laws of 1887 and to substitute in its stead an act providing

for incorporation of Roman Catholic Parishes, reporting bill in new draft, "An Act to amend Chapter 151 of the Private and Special Laws of 1887 entitled 'An Act to create the Roman Catholic bishop of Portland and his successors a corporation sole as amended by Chapter 47 of the Private and Special Laws of 1891. The pending question is the acceptance of the report of the committee.

On motion by Mr. O'Connell of Milford, the report of the committee was accepted.

Mr. Violette of Van Buren offered House Amendment A, to amend Section 1, Paragraph 1, page two, line 21, by striking out the words "such officials or by a majority of them," and inserting in place thereof the words "two members of that church;" also to amend paragraph two, page three, lines 37 and 38, by striking out the words "such officers or by a majority of them," and inserting in place thereof the words "two members of that church;" said paragraph two, page three, is further amended by striking out in lines 50, 51, 52, 53, 54, 55 and 56 the words: "No act or proceeding of the board of trustees of any such church shall be valid without the sanction in writing of the bishop of the diocese of Portland for the time being, or, in cases of his absence or inability to act, without the sanction in writing of the vicar-general or of the administrator of the diocese in which such church is located," and on further motion by Mr. Violette the bill, together with the amendment were laid upon the table for the printing of the amendment.

Mr. O'CONNELL of Milford: Mr. Speaker, I would like to ask if I have the right to ask for the indefinite postponement of that amendment.

The SPEAKER: The Chair will state that the gentleman from Milford, Mr. O'Connell, has the right to ask for the indefinite postponement later on.

Mr. O'CONNELL: Mr. Speaker and gentlemen, it is not my purpose to say very much or to detain you but a very few moments. This bill, House Document No. 447, has been with us now about six weeks and I think that everybody interested on both sides has been here. The committee which was composed of 10 lawyers, seven on the part of the House, gave a very full hearing

on the matter. That hearing, as I remember it, was perhaps three or four weeks ago. The outcome of that hearing was that there has been an amendment offered to this bill. It is true, perhaps, that some members of the committee favored one side and some the other, but an amendment has been offered to this bill.

This amendment, as I understand it, provides that each church in the diocese of Portland, may at any time incorporate by a board of trustees composed of the bishop of the diocese, the vicar general, the parish priest and two laymen. These two laymen are to be chosen by the bishop, the vicar general and the parish priest. One of those laymen serves for one year and the other for two years, and the board of trustees may choose another layman. Now, I claim that that is absolutely fair to the church and absolutely fair to everybody concerned, from the fact that the bishop wishes, the vicar general wishes and the parish priests wish and everybody who is a member of that church wishes to choose men who have the interest of that church at heart. The best friends the Catholics have are the bishop, the vicar general and the parish priest. Those are the ones who will act for the best interests of the church.

Now this committee considered this matter carefully for two weeks, and they realize what it means, and we realize what it means. Some of you people here possibly do not care, but you want us to settle it to the satisfaction of the church involved. Now it is not going to work any hardship, but it is going to give them really what they have asked for, and it is going to give ten people perhaps in northern Maine or in southern Maine who do not want to incorporate, the privilege of staying in the corporation sole if they wish to. As I say, those are the people who are interested, and those are the people who have the interest of the church at heart, and of that reason I ask for the indefinite postponement of that amendment.

Mr. AUSTIN of Phillips: Mr. Speaker, may I ask what the pending question is?

The SPEAKER: The Chair will state

that there is no pending question. The gentleman from Van Buren, Mr. Violette, moved that this amendment be laid upon the table for printing, and, as the Chair is informed by the clerk, the Chair declared the motion carried. Consequently, the matter now is on the table for the printing of the amendment.

Mr. O'Connell moved to take the amendment from the table.

Mr. VIOLETTE: Mr. Speaker, my intention in having this amendment printed was to give a chance for members of the House to consider this new draft and the amendment.

The question being on the motion by Mr. O'Connell, that the House take this amendment from the table,

A viva voce vote being taken,

The motion was lost.

The SPEAKER: The matter lays upon the table for the printing of the amendment.

The SPEAKER: The next matter for consideration is the motion of Mr. Plummer of Lisbon to reconsider the vote whereby the bill, "An Act for the better regulation of the practice of dentistry and to reorganize the Board of Dental Examiners," was passed to be engrossed.

Mr. PLUMMER of Lisbon: Mr. Speaker, I acknowledge now that I wish to withdraw the motion to reconsider; but in so doing, if the House will permit me, I would like to make a word of explanation. The bill, Senate No. 381, "An Act for the better regulation of the practice of dentistry in the State of Maine, and to reorganize the Board of Dental Examiners," it seems to me is a vicious bill. I do not think it ought to pass; but, so far as I can observe, there is no particular interest in the matter, and the House, somehow or other, has a notion that merely by the appointment of a board of examiners in any particular line that the matter is thereby settled and there will be no further trouble—everything will be carried on honestly. I think what I shall say applies in a way, perhaps, to all of them. Not that they are any more dishonest men than the rest of us; but it is dangerous to

put an honest man in a position of power over another one. I shall quote some words that are reported to have been uttered in this room—not in the House of Representatives; but in this room—before a meeting of the Maine Medical Association. They were made, or said to have been made, by a member of the medical profession, who is said to be, by a member of this House—a gentleman in whose word I have the utmost confidence—a man of ability and integrity. This gentleman, in the journal of the Maine Medical Association, the official organ of the State and County Medical Societies, Jan. 1, 1912, is reported to have said:

"It happens to be my good fortune, or bad, as it may please, to have passed a number of these examining boards, my business being such at one time that it led me from one state to another through the Union, and I can say honestly and conscientiously to you that not in one single instance was there any justice or was there anything excepting hypocrisy. Let me tell you of one. I was called in a Western state and went up before the board. The first question they asked me was my name, of course. 'Where did you graduate?' I told them. 'Where were you born?' When I told them that, the chairman of the board looked up. Says he: 'Is that so? I was born seven miles from you,' and wanted to know if Charley Stark was still living. I told him he was. He asked for Allan Smith, and so he went on. Right in the middle of the talk he looked at the clerk and said: 'Make out the papers.' When we got through, I had the papers, paid for it of course, but the man did not know any more of my capabilities as a doctor, than he did before I went into the office, neither did the board, nor they do not, today.

"Another instance, and I will close. I went into a place—I was not to take an examination, but calling on a brother professionally, whom I knew very well. He was one of the members of the examining board of the state. Picking up some papers, I said: 'Doctor, what are these?' 'Papers of applicants.' I read them over. I will be frank to say that I could not have answered them, and

I do not think any one else could. I asked him if he thought he could answer them himself. He said no. 'I will tell you how this thing works,' he said. 'You see we went to work and we put out a set of questions that we knew no living doctor could answer, and then we got them. If any fellow comes up we know is all right, a good fellow, we say 'That is all right.' But if there is anybody we do not want, we know before he starts that his name is out.' That is just where it is. Now is that just? Is it common-sense? Is it business?"

Now, gentlemen, that is the proposition you are adopting every time you put up a board here, in my judgment; and the peculiarity of it in a way is illustrated by a law that was passed by this Legislature of two years ago. The proposition is that finally you have got to watch somebody, and you might as well watch the first man as to watch a lot of men that are in between you and him. But to get back,—two years ago, there was a bill passed in this Legislature which provided that in any town where a sewerage system existed there should be appointed, or might be appointed, an inspector of plumbing. Now this inspector of plumbing—an official appointed by the city, or by the officers of the town,—should inspect all plumbing that was done in the town, except what he did himself, and in order that his plumbing might be found to be all right, an assistant inspector of plumbing, or a deputy inspector of plumbing, was appointed, who should examine the plumbing that was put in by the inspector himself. Now consider, gentlemen; there were two men made officials to watch other people who, by the terms of the act, are determined to be either incompetent or dishonest, or both, because if they are competent they can do a good job, and if they are honest they will do a good job; and men who are either incompetent or dishonest are appointed to see that other people are honest. Now this is what all these propositions finally come to. That chapter of the laws of 1911 I cannot name; but you will find it there substantially as I have told it to you. Inasmuch, Mr. Speaker, as it

seems to be the determination of the House to furnish all kinds of boards for the examination of people who wish to come before them, so that the poor people who have to stay at home and have to work, and are incompetent to look after their own business, can be properly protected, I shall make no objection to the passage of this bill, in spite of the fact that it states in Section 13 that "Said board may revoke a certificate obtained by fraud or misrepresentation, or if the person named therein uses intoxicants or drugs to such an extent as to render him unfit to practice dentistry, or is guilty of immoral or unprofessional conduct." Those things, gentlemen, are not defined in the statute—immoral or unprofessional conduct; they are at the discretion of this board; and you are putting into the hands of this board legislative power to determine practically what are crimes, and also you give to that board practically judicial power to determine the penalty. There is also one other thing that I think—although I do not dare to assert any opinion about it, because I have been told, or the intimation has been made,

that I do not know anything about law; and I have agreed before, as I have said, that I do not—is something new in jurisprudence, outside, perhaps, of the prohibitory law, which everybody knows is a freak, and that the penalties prescribed in it are altogether outside of any rule or reason—"A subsequent conviction shall be punished by the maximum penalties prescribed in this section and the offender be required to furnish a bond in sufficient amount to deter him from further unlawful practice." Now as I have understood the case, generally speaking, in this State and in other states, a man who is sentenced to jail, State prison, or to pay a fine, when he comes out of there he is square with the State, and he has got just as good right to commit the crime again as any man has, and no more. That is all I have to say, Mr. Speaker. I will withdraw the motion to reconsider.

On motion by Mr. Pendleton of Searsport, the bill was then passed to be enacted.

On motion by Mr. Benn of Hodgdon, Adjourned.