

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

HOUSE.

Wednesday, March 19, 1913.

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

Prayer by the Rev. Father Nelligan of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Resolve in favor of Helen Gaffney.

In the House this resolve was referred to the committee on claims, and came from the Senate in that branch referred to the committee on appropriations and financial affairs in non-concurrence.

On motion by Mr. Gordon of Biddeford the House voted to recede and concur with the Senate in its reference of the resolve to the committee on appropriations and financial affairs.

From the Senate: An Act to authorize N. F. Huston and others to build a wharf in tidewaters of the city of Belfast.

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 referred to the next Legislature in non-concurrence.

On motion by Mr. Wheeler of Paris the bill was laid upon the table.

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

In the Senate this bill was passed to be engrossed; in the House the bill was indefinitely postponed; in the Senate that branch insisted upon its former action and asked for the appointment of a committee of conference, such committee having been appointed by the President of the Senate.

Mr. Dunbar of Jonesport moved that the House concur with the Senate in the request for a committee of conference, and that a committee of conference be appointed on the part of the House.

The motion was agreed to.

The Speaker thereupon appointed as such committee of conference on the part of the House Messrs. Smith of Presque Isle, Mitchell of Kittery and Clark of Portland.

From the Senate: Ordered, that whereas the 76th Legislature has had under consideration various proposals relating to extension of the scope, work and equipment for the state school for boys at South Portland and the industrial school for girls at Hallowell, and for the establishment of a reformatory for women.

Therefore, ordered, the House concurring, that a special committee of five consisting of two on the part of the Senate and three on the part of the House, to serve without pay, be appointed to investigate these several proposals and to report to the next Legislature by bill or otherwise.

On motion by Mr. Newbert of Augusta the order was laid upon the table.

From the Senate: An Act to provide for the licensing of firemen.

In the House the report of the committee on legal affairs, reporting "ought not to pass," was accepted; in the Senate the bill was recommitted to the committee on legal affairs.

On motion by Mr. Wheeler of Paris, under a suspension of the rules the vote was reconsidered whereby the report of the committee was accepted, and on further motion by Mr. Wheeler the House voted to concur with the Senate in recommitting the bill to the committee on legal affairs.

From the Senate: Report of the joint special committee appointed under and by value of order introduced in the Senate, January 8, 1913, to investigate the causes of the high price of coal at the present time and during the past year in this state, hereby reporting that the committee has attended to its duties and that it has summoned before it many witnesses from different parts of the state for the purpose of ascertaining so far as possible all the facts bearing upon the question under consideration and submitting report and bill accompanying.

On motion by Mr. Austin of Phillips

the report of the committee was accepted in concurrence.

The bill accompanying said report, being bill, An Act to protect trade and commerce against unlawful restraints and monopolies, then received its first and second readings and was assigned for to-morrow morning for its third reading.

From the Senate: The report of the joint special committee on judiciary and legal affairs to which was referred that part of the Governor's message relating to public utilities reporting in accompanying bill, An Act to create a public utilities commission and prescribe its powers and duties and provide for the regulation and control of public utilities, reporting that the same "ought to pass."

The report was accepted in concurrence.

Senate amendments "A," "B," "B 1," "A 1," "G 1," "C," "C 1," "G," "M 1," "Z," "W" and "X" came from the Senate in that branch read, adopted and sent down for concurrence.

The amendments were adopted in concurrence.

Mr. WHEELER of Paris: Mr. Speaker, I wish to make the following motion in regard to this matter with the explanation following. I move that this bill and the amendments be laid upon the table until tomorrow morning, and by way of explanation I will say that after a conference it has seemed best to take this action so that if the House desires to offer any amendments they may be presented tomorrow morning and the bill may be finally disposed of in this House on Friday.

The question being on the motion that the bill with the amendments be laid upon the table to be considered tomorrow morning,

The motion was agreed to.

Mr. Smith of Patten introduced out of order, under a suspension of the rules by unanimous consent, the following order:

Ordered, that the time for reception of amendments to the public utilities bill, so-called, be limited to

the session of Thursday morning, March 20th.

The order received a passage.

Senate Bills on First Reading.

An Act to make the certificate of the official court stenographer sufficient authentication of a report of evidence for the law court and to prescribe the course of procedure in the courts in the event of the death of the official setnographer.

An Act relating to the organization of corporations under private and special laws.

An Act to incorporate the Androscoggin Electric Company.

An Act to incorporate the Penobscot Valley Gas Company.

An Act to amend section 124 of chapter six of the Revised Statutes, relative to canvass of votes by the Governor and Council.

An Act to amend sections 109 and 113 of chapter 15 of the Revised Statutes, as amended, relating to State normal schools and their management.

An Act relating to fraternal beneficiary associations doing casualty business only.

An Act relating to standard provisions for accident and health insurance policies.

An Act relating to fire inspector and the removal of fire hazards.

An Act to amend section four of chapter 54 of the Revised Stautes, relating to the inspection of power boats and vessels engaged in transporting passengers for hire on inland waters. (Tabled pending its second reading on motion by Mr. Eaton of Oxford.)

An Act to establish a State highway commission and to provide for an issue of State highway bonds.

Resolve for retracing and defining the lines around reserve or school lands of plantations and townships.

Resolve to establish a State nursery to encourage the reforestation of State lands of the State of Maine. (Tabled pending acceptance of the report of the committee in concurrence on motion by Mr. Cook of Vassalboro.)

Resolve in favor of the Maine Insane Hospital for purchase of a

mangle for the laundry at said institution.

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

Judiciary.

By Mr. Smith of Auburn: Act to amend Section 71 of Chapter 6 of the Revised Statutes, relating to contested elections. (Tabled pending reference to the committee on motion by Mr. Smith.)

Legal Affairs.

By Mr. Chick of Monmouth: An Act to legalize and confirm the action of the Litchfield Plains Cemetery Association at the annual meeting on the seventh day of December, 1912. (Received under a suspension of the rules by unanimous consent.)

Placed on File.

By Mr. Mitchell of Newport: Resolution of Seabiscok Grange of Newport in favor of the distribution of the State school funds according to the aggregate attendance in the common schools; also petition of Percy E. Cary of Newport and six others in favor of same.

Salaries and Fees.

By Mr. McBride of Mt. Desert: An Act to amend Chapter 165 of the Public Laws of 1905, so far as the same relates to the judge of probate of the county of Hancock.

By same gentleman: An Act to amend Sections one and four of Chapter 117 of the Public Laws of 1905, so far as the same relates to the county commissioners of the county of Hancock.

By same gentleman: An Act to amend Chapter 119 of the Public Laws of 1905, so far as the same relates to the county attorney of the county of Hancock.

By same gentleman: An Act to amend Sections one and six of Chapter 174 of the Public Laws of 1905, so far as the same relates to sheriff of the county of Hancock.

By same gentleman: An Act to amend chapter 151 of the Public Laws of 1905, so far as the same relates to the county of Hancock.

By same gentleman: An Act to amend Chapter 151 of the Public Laws

of 1905, so far as the same relates to the county of Hancock.

By same gentleman: An Act to amend Chapter 118 of the Public Laws of 1905, so far as the same relates to the clerk of courts of the County of Hancock.

Reports of Committees.

Mr. Durgin from the committee on judiciary, on bill, An Act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or credit for the payment of the same, reported that the same "ought not to pass" as the subject matter is covered by a draft of another bill now reported "ought to pass."

Mr. Waterhouse from the same committee, reported "ought not to pass" on bill, An Act additional to Chapter 11 of the Revised Statutes, relating to supplying typewriters to registers of deeds.

Mr. Connors from the committee on legal affairs reported "ought not to pass" on Bill, An Act to provide fire protection in theatres, concert halls and places of amusement in the State of Maine.

Same gentleman, from same committee reported "ought not to pass" on bill, An Act to amend section 28 of Chapter 114 of the Revised Statutes, relating to the relief of poor debtors.

Same gentleman from same committee reported "ought not to pass" on bill, An Act to amend section nine of chapter 83 of the Revised Statutes, relating to the place for bringing actions.

Same gentleman from same committee reported "ought not to pass" on bill, An Act to amend chapter 23 of the Revised Statutes, as amended by chapter 184 of the Public Laws of 1909 and chapter 156 of the Public Laws of 1911, relating to fire escapes.

Same gentleman from same committee reported "ought not to pass" on bill, An Act relating to the charter of the city of Bangor.

Same gentleman from same committee reported "ought not to pass" on bill, An Act relative to interrogatories in civil actions.

Mr. Hodsdon from the committee

on taxation reported "ought not to pass" on bill, An Act to amend subsection two of section six of chapter nine of the Revised Statutes, relating to the exemption of property from taxation. (Tabled pending acceptance of the report of the committee on motion by Mr. Sargent of Portland.)

Mr. Smith of Patten from the committee on judiciary, to which was re-committed bill, An Act to incorporate the Kingman Telephone Company, reported the same in a new draft and "ought to pass."

Mr. Folsom from the committee on public buildings and grounds reported in a new draft and "ought to pass," Resolve relative to repairs and improvements on capitol building and grounds.

Mr. Johnson from the committee on county estimates reported "ought to pass" on resolve for laying of county taxes for the year 1913.

First Reading of Printed Bills and Resolves.

An Act to incorporate the Sheepscot Valley Conservation Power Company.

An Act to amend chapter 118 of the Private and Special Laws of 1911, relating to park commissioners in the city of Portland.

An Act to amend an Act to provide for the nomination of candidates of political parties by primary election.

An Act to amend section 30 of chapter 51 of the Revised Statutes, as amended by chapter 127 of the Public Laws of 1905, as amended by chapter 92 of the Public Laws of 1907, relating to railroad branch tracks.

An Act to establish a county farm in the county of Penobscot.

An Act relating to inter-insurers and authorizing the business transacted thereby.

An Act relative to weights of certain commodities.

An Act to amend chapter 119 of the Public Laws of 1911, regulating the sale of agricultural seeds, commercial feeding stuffs, commercial fertilizers, drugs, foods, fungicides and insecticides.

Resolve in favor of screening Allen Pond in Greene in the county of Androscoggin.

Resolve in favor of the Eastern Maine Insane Hospital for money paid out.

Resolve in favor of DeForrest Keyes. The resolve received its first reading and pending its second reading,

Mr. Mitchell of Newport moved that the resolve be indefinitely postponed.

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

A viva voce vote being taken.

At this point a message was received from the Senate transmitted through

The SECRETARY of the Senate: Mr. Speaker, I bear a message from the Senate. In the Senate of the state of Maine the Governor of the state having returned to the Senate, bill entitled "An Act relating to the jurisdiction of the superior court in the county of Kennebec and to fix the salary of the judge thereof," Senate Document 118, with his objections to the same, the Senate proceeded to reconsider the vote whereby the bill was passed to be enacted, as is required in such case by the constitution of the state, and less than two-thirds of the members of the Senate having voted that the bill become a law notwithstanding the objections of the Governor, the bill has accordingly failed to become a law.

The SPEAKER: The House hears the message.

(The matter recurring upon resolve in favor of DeForrest Keyes.)

Mr. Austin of Phillips called for a division.

The SPEAKER: All those in favor of the motion of the gentleman from Newport, Mr. Mitchell, that this resolve in favor of DeForrest Keyes be indefinitely postponed will please rise and stand until counted.

A division being had 55 voted in the affirmative and 61 in the negative.

So the motion was lost.

The resolve was then assigned for tomorrow morning for its second reading.

Passed to Be Engrossed.

An Act for the better protection of automobile garage keepers and owners. (Tabled pending its third reading)

on motion by Mr. Plummer of Lisbon.)

An Act to amend Section 51 of Chapter 79 of the Revised Statutes, as amended by Public Laws of 1907 and 1911, relating to trial terms of the supreme judicial court.

An Act to incorporate the York and Oxford Railroad, as amended by Senate Amendments A, B, and C.

An Act to amend Sections eighteen and nineteen of Chapter twenty-nine of the Private and Special Laws of 1869 and amendments thereof and additions thereto, relating to the charter of the city of Ellsworth, and also making certain additional provisions affecting said sections.

An Act relative to the retirement of veterans of the Civil War in the service of the State.

An Act providing for the appointment of two delegates to a New England Railroad Conference and the payment of their expenses.

An Act to amend Section ninety-seven of Chapter fifteen of the Revised Statutes as amended relating to the appropriation for the schooling of children in unorganized townships.

An Act to amend Section 26 of Chapter 51 of the Revised Statutes, in relation to the taking of land by railroad companies.

An Act to incorporate the Farmington-Oakland Interurban Railway.

An Act to amend Section 44 of Chapter 41 of the Revised Statutes as amended by Chapter 20, 30 and 90 of the Public Laws of 1905, as further amended by Chapters 12, 35, 123 and 136 of the Public Laws of 1907, as further amended by Chapter 165 of the Public Laws of 1909 and as affected by Chapter 90 of the Public Laws of 1911, relating to the taking of smelts.

An Act to amend Section 14 of Chapter 18 of the Revised Statutes relating to Malicious Mischiefs and Trespases on Property.

An Act relating to the insurance of property owned by the State.

An Act relating to mutual fire companies transacting factory and mill insurance only.

An Act to amend Section 36 of Chapter 15 of the Revised Statutes as

amended in relation to the accurate keeping of school records and accounts.

An Act to incorporate Readfield Chamber of Commerce.

An Act to amend Chapter 66 of the Private and Special Laws of 1881, being an Act to incorporate the Island Cottage Company.

An Act to authorize the Auburn Water Commissioners to sell certain of their property.

An Act relating to Fort Kent Water Company, extending its charter.

An Act to amend Chapter 131 of the Public Laws of 1911 relating to taxing insurance in companies not authorized to do business in Maine.

An Act to provide for scientific investigation in agriculture in Aroostook county. (Tabled pending its third reading and specially assigned for consideration tomorrow on motion by Mr. Plummer of Lisbon.)

Resolve in favor of Freedom Academy Association in the town of Freedom.

Resolve in favor of Bridgton Academy, for the repair of the Buildings at said institution.

Resolve in favor of Limerick Academy, providing for the payment of aid money not received by it for the year 1904.

Resolution memorializing the Maine Congressional Delegation to favor legislation for the destruction of fish of the shark species, especially the Dogfish.

Resolve in favor of aid in constructing a bridge in the Town of Milo.

Resolve proposing an amendment to the Constitution of the State of Maine providing for the election on the Tuesday next after the first Monday in November biennially of Governors, senators, representatives and other officers now required to be elected on the second Monday of September biennially.

Resolve in favor of screening Gardner's lake, so-called, situated in Washington county.

Resolve providing for the screening of Shiloh pond in Franklin county.

Resolve in favor of screening Squaw Pond lake, so-called, in Aroostook county.

Passed to Be Enacted.

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

An Act relative to sealing milk bottles and jars.

An Act to incorporate the Harrison Water Company.

An Act repealing Sections 3 and 4 of Chapter 300 of the Private and Special Laws of 1911, entitled "An Act granting H. L. Gooch the right to maintain a dam on the East Machias river."

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

An Act to amend Chapter 173 of the Private and Special Laws of 1887, relating to the Cornish Village Improvement Society and making valid the organization of said society incorporated under said chapter.

An Act to amend Section 2 of Chapter 188 of the Public Laws of 1907, as amended by Chapter 47 of the Public Laws of 1909, relating to assessment of taxes for street sprinkling.

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

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

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

Finally Passed.

Resolve authorizing the State treasurer to procure a temporary loan for the year 1913.

Resolve in favor of the town of Forest City for aid in reconstructing bridge therein.

Resolve reimbursing the town of Hermon for money expended in support of a State pauper.

Resolve providing for aid in payment of premiums awarded by the Maine State Agricultural Society, and also repealing certain resolves in favor of said society.

Resolve authorizing the State treas-

urer to procure a temporary loan for the year 1914.

Resolve reimbursing the town of Milo for money expended for support of a certain State pauper.

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

The SPEAKER: This resolve being an amendment to the Constitution requires a vote of two-thirds of the members present, a quorum being present. Those in favor of the passage of the resolve will rise and stand until counted.

Mr. Hodsdon of North Yarmouth moved that the resolve be laid upon the table and specially assigned for consideration, tomorrow.

The motion was agreed to.

Orders of the Day.

Mr. Sprague of Islesboro moved that the rules be suspended and that he be allowed to introduce out of order at the present time, bill, an Act to authorize Marion G. Lewis and her assigns to construct and maintain a private wharf into the waters of Ames' Cove at Gilkey's Harbor in the town of Islesboro.

Mr. Jones of China objected to the reception of the bill at this time on account of order passed by the House limiting the time for reception of private bills to February 5th.

The SPEAKER: Objection having been made to the reception of this private bill, the Chair is unable to receive the bill at this time.

The SPEAKER: The first matter for consideration on the calendar is the report of the committee on taxation to which was referred bill, an Act to raise revenue for the support of the State government by a levy and collection of a tax on incomes, the committee reporting "ought not to pass." The pending question is the acceptance of the report of the committee.

Mr. Sargent of Portland moved that the bill be substituted for the report of the committee.

The same gentleman further moved that the report together with his motion

be laid on the table.

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

The SPEAKER: The next matter for consideration is bill, an Act to repeal Chapter 64 of the Laws of 1909, in relation to requirement of mufflers on motor boats. The pending question is the third reading of the bill and its passage to be engrossed.

On motion by Mr. Jones of China the bill received its third reading and was passed to be engrossed.

The SPEAKER: The next matter for consideration is bill, an Act relating to the Fort Kent Electric Company. The pending question is the first reading of the bill.

Mr. CYR of Fort Kent: Mr. Speaker and gentlemen of the House, as you noticed, I placed this matter on the table several days ago, and carried it forward yesterday over to today for the special reason and at the request of the proponent of the bill, so that we might get together and agree upon a method to provide better protection to our village corporation. As you know, this is a new draft. The original bill, Senate Document No. 8, which was introduced early in the session was practically the first of the front page of Senate Document 447. This matter is opposed by a portion of the inhabitants of the village of Fort Kent on the ground that it is infringing upon their rights as a village corporation; that they had been incorporated and doing business less than one year and during that short year had managed, against the will of the proponent of this bill, to establish a water system, and if we were left alone and not interfered with by this Act, the chances would be that in the next two years we shall establish—which we have a right to do—our own municipal electric plant. Therefore, the committee not being too favorably inclined with the first bill, as we understood it, and in view of the fact that the proponent of this measure argued that there was no sentiment in my village for a publicly owned plant, this matter was referred to a meeting in my

village; and this new draft, gentlemen, is the result of this meeting. At that meeting, prior to the vote, the proponent of this bill did promise to the inhabitants of that village that he would redraft the measure and better protect our interests as a village corporation. Now, I leave it to you, gentlemen, for your honest consideration if the attorney for the proponent of this measure is not trying to hand us down a mighty raw deal, considering the fact that we have the right to put in our own electric system, and considering the fact that this concern which now comes to you claims the right of existence under a misleading title.

Now in order to explain this to the House so that it can understand, I shall have to go back to the origin of this company. In 1911 I was a member of this House, and introduced a measure to create the Fort Kent Electric Company. This matter was referred to the legal affairs committee,—and they found an article in the Constitution—I think you will find that on page 33 of the Revised Statutes, Article four, Section 14, whereby private companies had to organize, or any company except for municipal purposes had to organize under the general law where there was no other company in existence in that territory; therefore they turned the proposition down, and the result was that the proponent of this bill organized under the general law and filed a certificate of organization on the 11th day of February, 1911. The law also says—Revised Statutes, page 51, paragraph 29—the substance of it is, that if these companies do not begin actual business within the two years time that their charter is null and void. Therefore, these people coming to you and claiming the right of existence when they have not done anything, I claim they have no right to existence unless they can come down to you and show they were in good faith. During one whole year after their organization our village had not seen fit to organize into a village corporation, and these people had the entire territory open for construction. If they wanted to create an electric power company there

was absolutely no opposition from any source whatever. They had the entire field to themselves. But, in my mind, they had absolutely no intention of creating any power in that territory, and I will submit to you some evidence to prove it. Their only reason for holding this franchise was to bar out other people. So long as our village corporation did not see fit to organize into a village corporation and take advantage of our rights granted us, in 1907, so long did these people lay idle, and did not turn a shovel of dirt for its electric system; but as soon as we had organized into a village corporation what did they do? When our assessors began to look around for power purposes, to create and generate electricity, which we had a right to do, they found a power on the stream known as the Wallagras stream. Our assessors not having any authority from the people to purchase this power, could not do it, and simply made the verbal agreement with the parties that we should call a meeting, and then the chances were we would purchase this old saw mill, and develop a system for our village. The proponent of this measure getting wise to this little power being idle and not held by anybody else, he at that time started out with \$100 and went down there and got an option on that property there. Nobody else but himself can develop it. This is absolutely the only identical thing which he has done in these two years.

Now my contentions are that these gentlemen do not intend to put in even a power; but they simply want to hold it over us or somebody else. You have probably heard in the papers of the State where that great power at Grand Falls, New Brunswick, was to be developed in the near future. There, gentlemen, is the Niagara of New England; one of the largest powers in New England. In the near future this power is going to be developed. We, as a village corporation, I am willing to admit have got no power in our village; but we have the right to create, sell and distribute electricity. Why is it not fair to presume that if we are not interfered with by this act that we can contract with that company now existing on those falls, and known as the New Brunswick Power Com-

pany, such as our neighboring town of Van Buren is doing, today—buying it at a fixed price per kilowatt, and retailing it to its inhabitants.

This company, in my mind, does not intend to put in any power; but simply wants to hold the charter until they can contract with this big proposition which will be developed in the near future at Grand Falls, and thereby compel the inhabitants of Fort Kent to buy electricity forevermore from them and pay them a bonus. I proposed to these fellows I would not make any objection to this charter being extended, provided they left out the village of Fort Kent; and I stated further that they insert a clause granting us the privilege to contract with them for power purposes at a maximum cost per kilowatt. That would be some deal. But when these people come down here saying the majority of the people favor this proposition do you think they can convince me that these people that signed these documents knew what they were signing? Do you think when people will sign a document that has a clause in it such as in line 21 of page 2 of this document,—“The award of said commissioners”—that is in case we want to buy this and we cannot agree as to price, and God knows we won't be able to agree on price—“The award of said commissioners, at not less than cost.” What does that mean, gentlemen? Isn't this handing us down a lemon. Don't this occur to you something like “head I win; tail you lose?” Suppose we want to take this over inside of eight or nine years, isn't it possible that they will have a lot of discarded machinery, old belting, and dynamos laying idle that we have got to buy, and which we absolutely have no use for? And what about the wear and tear of the pole lines.

I want to tell you, gentlemen, that there is a good deal of difference between that bill and the contract now existing between the village of Fort Kent and the water company. For the benefit of the House, if you will bear with me a moment, I will explain that we have a contract with the water company which gives us the right to purchase the system any time within 20 years at a fixed price of \$55,000. If we do not choose to buy this over in

the meantime, and want to use the water for the 40 hydrants we shall pay a rental of \$1500 a year for 40 hydrants, three watering troughs, and the use of water for our public schools. If we should decide to purchase it, and could not then agree on the price—that is, if we thought the price of \$55,000 for the system, including its reservoirs, was too high—it could then be left to three disinterested men. If we agree on the price we do not have only 90 days to float our bonds; we don't have to look around to float our bonds; the company takes our bonds at four per cent. interest. This is some deal, gentlemen, and in my opinion a fair and square deal for both parties. But when they come down, after making these propositions to these people, getting them to sign documents favoring their proposition, and come down to the House and hand such a lemon as this, do you blame me for standing opposed to this. Just think of it, gentlemen, the proposition of these people as stated before the legal affairs committee,—that they could install a system in my village for not over \$15,000. Do you suppose we cannot put it in ourselves within the next two years if we are not interfered with by this act? These very gentlemen, after being asked by the gentlemen of the committee what the prospect of returns would be, stated that at the start they could find 200 subscribers. In my opinion an average of \$25 a house is a fair average, from what I can gather from people who are paying for electricity, and especially so where there is no other company existing. Do you suppose these people are going to illuminate our street, 3½ miles, for nothing. It would not be fair to think so. They will charge us at least \$1000. In my opinion that ought to be reasonable enough. And if they do, as they want the water company to do, cover the entire territory, which is somewhere about 10 miles of streets, with their lights, I guess it would cost us something. Now add to that what power they might sell to blacksmith shops, carriage manufactories and garages, and what would the total result be? Isn't that a mighty nice paying proposition? That is the very question the committee asked them, and

they admitted it was; and stated further it wouldn't be fair to believe he would invest money in something that wouldn't pay.

I am satisfied the committee used us fair and square and with great courtesy. I am willing to state further they did not draw this bill themselves; but it was handed down to them by the attorney representing this Fort Kent Electric Company; but as other committees, having a lot of business on hand, they naturally lost track of arguments made by both proponent and opposition, and therefore thought they would let this slip by and take a chance on my defending it in the House.

Now this has placed me in an unpleasant position. I had no intention of taking part in the deliberations of this House; but I must stand for my rights.

When they come down here to this House and attempt to mislead you by even the title of this bill, isn't it only fair to assume that they are attempting to mislead and misguide the rest of our people up in that village? Why don't they ask for an extension of the charter, if they want an extension, and not ask something which grants them absolutely the same thing, only under a different title? If this company had been in good faith, while they were one full year without any opposition whatever, why didn't they begin their power at Wallagrass where they claim they have got a power now?

I move, gentlemen, that this bill be indefinitely postponed, and I hope my motion will be sustained.

Mr. THOMBS of Lincoln: Mr. Speaker, and gentlemen of the House, as a member of the legal affairs committee, and having heard the arguments pro and con in this matter, I think perhaps it would not be out of place for me to attempt to enlighten the House somewhat upon the condition of affairs as they were found to exist in Fort Kent by the committee. The gentleman, in his closing remarks, has narrowed the issue very materially here, and the question raised under his motion is whether or not the recommendation of the committee allowing the Fort Kent Electric Company to do a lighting business in Fort Kent should

be accepted or rejected.

This matter came to the committee very early in the session. We appointed a day for hearing, and, if I remember correctly, at that time the gentleman from Fort Kent appeared before the committee and informed us that he was not prepared at that time to take the matter up, and asked for a continuance, which was granted him by the committee. A little later the matter came on for hearing, and there was a very full and fair hearing, the committee considered, for both parties.

Now I do not believe, this morning, that the House is interested in all the details concerning this matter. I assure you that the committee considered it seriously, from the fact, as the gentleman (Mr Cyr) stated, that the village corporation did have a right to do a lighting business in the town of Fort Kent. If I remember correctly, the charter of this village corporation was granted somewhere back in 1907, and it was a so-called omnibus charter, carrying a great many rights like providing water, electric lights, and various other things. If I remember correctly, nothing was done, even in the way of organization under this charter, until 1911 or thereabouts. At that time they did organize, and made a contract for water. I do not consider that the water proposition has anything to do with this proposition. Up to the time that the Legislature met, this year, so far as I know—and if I am not correct in my statement the gentleman will correct me—the committee were not informed that the village corporation had ever taken any steps toward providing a lighting system for the town. In view of this fact it was quite a serious question with the committee as to where its duty laid, and while considering the matter it was suggested by one member of the committee that perhaps it might not be out of place to refer this whole matter to the people of Fort Kent themselves; let them settle it up there, and then accept their recommendation, if it was a reasonable one in the opinion of the committee, and recommend it to the Legislature. If I mistake not, the gentleman from Fort Kent, and his attorneys, agreed to this proposition, and the matter

was held in abeyance until a meeting could be held by them, and the result of that meeting was made known to the committee. I think the gentleman returned to his home and interested himself in seeing that a meeting was called for this purpose and that his side of the case was properly presented to the meeting. Now the committee thought that was a fair proposition. It was agreed by all the parties, I think, that the Fort Kent people did want electricity, and the committee did not know any fairer way than to allow the people themselves to say who they wished to furnish it. They did hold a public meeting of their village corporation, properly called I assume—at least no objection is made to that at the present time—and at that meeting the citizens of Fort Kent Village Corporation did vote to recommend to the committee that the Fort Kent Electric Co. be given some rights to light their village. As an indication of the feeling in Fort Kent I think that some 97 citizens of the village corporation voted in favor of recommending to the committee that this company be allowed to do a lighting business there, against some 55 in opposition. Now under the agreement which had been made the committee felt that it should recommend to this Legislature, in some form, some sort of legislation allowing the Fort Kent Electric Co. rights in that village. Then it occurred to the committee as to just what form that legislation should take, and the proponents of the measure were requested to present a new draft, and accordingly did so, and the committee gave it serious consideration. The gentleman is correct when he said the new draft was presented by the proponents. It is true that it was; but, gentleman, I wish to assure you that simply because it was passed to the committee and prepared by them that they were none the less careful in their scrutiny of the same, to protect the rights of both parties so far as they were able to do so.

Now I wish to call your attention, gentlemen, to the further fact that allowing this Fort Kent corporation some rights in that village to do a lighting business does not necessarily mean that the village corporation itself could not

do so if it chose. We are not taking away, as I understand it, any of their rights; although it is perfectly fair to say that probably two companies could not exist in doing that business in that town. It was urged upon the committee very serenously that the village corporation if given a little more time would do a lighting business, or put itself in a position to do so. The committee bore that in mind, and insisted that they be protected in that respect, and under Section 2 of the bill, as it is before you, this morning, the very first sentence reads as follows: "Said town of Fort Kent, or any village corporation within the limits of said town of Fort Kent, at any time within 10 years after the opening for use and service of the electric light system constructed by said Fort Kent Electric Light Co.," etc., "shall have the right to purchase." Now I submit to you that that is a little bit unusual in its reading—that charters of that kind allowing the purchase usually have fixed a stated period, sometimes 10, sometimes 15, and sometimes 20 years, and that the town, or the village corporation, has no right to purchase until the expiration of that time. The committee desired to protect this village corporation and insisted that this clause be inserted, giving them the right, if they see fit and desire to do so, to purchase the very next day after the system is complete; so that I think the gentleman (Mr. Cyr) will agree with me that if his village corporation should desire to purchase it at so early a date—and there is practically no reason why they cannot, because it appears that they are not in debt—that there cannot be at so early a date as that any material depreciation in the cost of the plant; and right along that line it might be argued by him, or the question might occur to you, as to whether or not the cost might not be boosted—might not be put up—and I think he intimates that when he says that things perhaps not entirely necessary for the running of the business might be purchased; but in answer to that I say that the Fort Kent Electric Company is not at all likely to go to the expense of buying unnecessary articles or investing a larger sum than is properly necessary, for the reason that the village corpora-

tion may never see fit to take them over, and if it does not, they then have a larger investment than properly should be made there. The committee further submits that they have in this act provided for as fair a means of determining the value of the plant, if it is desired to take it over, as can be devised; that is, that if they do not agree upon the price—the parties interested—it shall be left to a commission selected in the usual way.

The gentleman from Fort Kent (Mr. Cyr) urges that 90 days from the date when such award shall be rendered is too short a time. I do not think that the Fort Kent Electric Company, if that was the only question involved, would stickle about the length of time in which they might be paid or arrangements might be made by the village corporation for paying; but I think that is the customary time that is established for such purposes.

Now, gentlemen, as I said in beginning, the committee heard, first and last, a mass of evidence about this matter, and I think there is a great deal of it that perhaps would not properly interest the House this morning; and I submit the statement which I have already made, that the committee was justified in its action by the very recommendations that were made by the parties in interest, and that they should now abide by the decision of their own tribunal. Secondly, I submit that the committee has been fair with all parties concerned, and has fixed a fair tribunal for fixing the compensation if it is desired by the village corporation to take over the rights and franchises of the Fort Kent Electric Company.

Mr. KEHOE of Portland: Mr. Speaker, as another member of the committee on legal affairs I wish to add a few words to the well presented remarks of my brother, the gentleman from Lincoln (Mr. Thombs). This matter came before our committee in the usual manner. As my brother said, the proponents of this measure came before the legal affairs committee more than a month ago with this bill; at that time a hearing was assigned and the people represented by my brother Cyr claimed that they did not receive notice of the meeting and that it was overlooked in some way. There were other people who came, and

out of consideration for his clients we postponed the hearing, which necessitated a second trip for those people from Fort Kent. There was considerable discussion of the matter there, and they claimed that the village corporation had the power to do lighting and would like to do the lighting themselves.

Now, Mr. Speaker, I for one was very anxious and did all I could for the village corporation if they would and could go ahead and do the lighting, to give them the preference. The matter was continued to see if the village corporation would take any steps in the matter or were interested in the proposition. As the gentleman from Lincoln (Mr. Thombs) has said, the matter was referred back to the citizens of the village of Fort Kent. There were on file with the committee petitions favoring the new electric company, those petitions containing the names of 80 per cent. or 90 per cent. of the people who paid taxes in the village, and it seemed that every business man in the village excepting two had signed the petition.

Now, I have before me a petition signed by all three of the assessors of the town of Fort Kent, which I will read, and which is as follows:

To the House of Representatives in Legislature Assembled:

We the undersigned, assessors of the Fort Kent Village Corporation, hereby certify that we were duly elected assessors of said village corporation at a meeting duly called on the 14th day of March, 1913, that we are familiar with the bill now pending before the Legislature relative to the Fort Kent Electric Company, and wish to state that while said bill was pending before the committee on legal affairs, a meeting was called in said village corporation to determine the question of "whether or not said village corporation was at the present time prepared to put in a system of electric lights." that at said meeting by a vote of practically two to one said village decided not to put in system under municipal ownership, that we were present and took part in said meeting, and that the question was discussed at length, that at said meeting A. O. Robbins, president of said Fort Kent Electric Company, stated that he would have drafted in the bill pending, in favor of said Fort

Kent Electric Company, an amendment whereby said village corporation could at any time within 10 years after the completion of said electric system, take over said system, at a price to be agreed upon between said village corporation and said electric company, and that if a price could not be agreed upon, three arbitrators would be chosen to determine the price that said village corporation should pay for same, and we wish to state that the vote of said meeting was an acceptance of the terms of said Fort Kent Electric Company, and was an expression of the wish of the voters of said corporation that said company, be given the necessary authority by this Legislature to immediately begin the construction of said system; we wish to further state that at said meeting the said president of said company, stated that he stood ready at any time to sign a contract or option in favor of said village corporation whereby said electric company would obligate itself to sell so much of said system as was necessary to give said Fort Kent Village Corporation a good and efficient lighting plant for \$20,000, and we wish to state that said Fort Kent Electric Company has complied with said promise and has executed and delivered to us an option or agreement to sell same to the village corporation according to the terms and statements made by the president of said company at said meeting, and we now hold said option.

And we earnestly ask the House of Representatives to accept the report of the committee on said bill, and thus carry out the wishes of the voters of said village corporation as expressed in said meeting so that said Fort Kent village may immediately have a system of electric lights in said town.

We wish to further state that at said meeting there was the largest attendance of voters and taxpayers of any meeting yet held of said village corporation.

T. A. ST. JOHN,
F. W. MALLET,
DACITE DAIGLE,

Assessors of the Fort Kent Village Corporation.

We might perhaps have followed our own judgment in this matter, gentlemen, and refer it back again to the village corporation. We left the mat-

fer to the people once and we had their decision in the matter, and I trust that the recommendation of the committee will be followed and that the bill will receive a passage.

Mr. CROWELL of Bangor: Mr. Speaker, I am somewhat acquainted with the conditions existing in Fort Kent, and I will say that I believe most of the people up there are in favor of this proposition.

Mr. CYR: Mr. Speaker, if the House will bear with me I will endeavor to place the matter in a little clearer light. I know the gentleman from Portland (Mr. Kehoe) had no intention of misguiding by reading a statement which he claimed was assigned by the assessors. I have in my hand a statement of the assessors of the village corporation who were in office prior to March 14th. This report is as follows:

"To the Legal Affairs Committee of the Legislature of Maine:

A meeting of the Fort Kent Village Corporation was held on Friday, the 14th inst. One of the articles contained in the warrant was the following tenor: To see if the Fort Kent Village Corporation will vote to generate, distribute and sell electricity for light and heating purposes.

One hundred fifty-six persons voted, and of these 98 voted "No," and 58 voted "Yes."

It is our understanding that the committee desired a vote on this article in order that it might ascertain whether the residents of said Village Corporation desired to own its own electric light and heating system, in which event the charter asked for by the Fort Kent Electric Co. was to be denied in so far as it gave the right to do business within the limits of the Village Corporation.

We say that the vote of the meeting does not truthfully represent the sentiment of a majority of the voters of the Village Corporation, nor of those paying 73 per cent. of its taxes.

For use at this meeting a check list was prepared. It was compiled from the check list of voters used at town and State elections, limited only to

those residing within the limits of the Village Corporation, and showed:

Entitled to vote,	260
Those actually voted numbered	156

Result: Only 60 per cent. of those entitled to vote in meetings of the corporation participated in the vote.

This bears out our statement made before your honorable committee that many of our residents in the woods, a fair and representative vote could not be obtained at this season of the year. In other words 40 per cent., or almost half of our voters, were deprived, without fault of their own, of an opportunity to vote on a matter vitally affecting the public interest.

The Vote Itself: A check list was used. The Fort Kent Electric Co., which organized the opposition to the passage of the article, made use of pink colored ballots; those favoring its passage used white slips. It is possible, therefore, to establish the identity of those voting "Yes" and "No."

It was said before your committee at Augusta, by the Fort Kent Electric Co., that 85 per cent. of the largest tax payers in the Village Corporation had signed the petition in favor of granting its charter. If they did, they did not vote that way.

Following is the result of the vote from the standpoint of taxpayers, as compiled from the assessors' books:

Tax of Fort Ken Village Corporation is 56 per cent. of the tax of town of Fort Kent.

56 per cent. of \$14,578.40 is	\$8163.90
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Of this amount, those who voted "no" pay \$2205.99 or 27 per cent., a fraction over one-quarter of the total tax. Those who voted "yes" and those who had no opportunity to vote at all represent 73 per cent. of the total tax.

The theory of the Fort Kent Electric Co. before the committee seemed to be that the important factor to be urged in its favor was that it had the support of 85 per cent. of the "heaviest taxpayers," and that their wishes should be regarded rather than those of the small and poll tax payer.

The vote of the meeting showed:

Poll tax payers voting "no,"	24
Poll tax payers voting "yes,"	8

so that the Fort Kent Electric Co. has

75 per cent. of the poll tax payers, and must now argue that their votes should carry equal weight with those cast by taxpayers representing 73 per cent. of the total tax.

Of those voting "No," 14 pay no taxes at all. They were added to the village corporation voting list at the request of the Fort Kent Electric Co. for the express purpose of voting at this meeting. They represent the "floating population" class, for the most part, have never contributed a cent to the maintenance of our municipal government here, know nothing of our municipal needs, and it may be said of some of them that they care less.

It has been said before that the check list used at this meeting contained the names of those voters residing within the limits of the village corporation who have heretofore voted in town and State affairs. The charter of the corporation provides that those may vote at its meetings who are qualified to vote for governor, representatives and senators. The Fort Kent Electric Co. challenged the right of a number of those whose names were contained on the compiled list, and who had voted in previous years in State elections, on the ground that they could not comply with the Constitutional prerequisite that they must be able to read and write. Let it be remembered that these persons so challenged were not of the "floaters" class, but our own citizens and tax payers. They were prevented from voting while "floaters" exercised the franchise. When a private corporation endeavoring to exploit itself at the expense of the public, uses methods such as these it deserves and should have the condemnation of all decent men.

MISREPRESENTATION: During the progress of the meeting it was stated to the assembled voters by A. O. Robbins of the Fort Kent Electric Co., and his attorney, A. J. Nadeau, Esq., that it was impossible for the village corporation to put in its own system of electric lights because it had no power to issue bonds. We are advised by eminent counsel that it does possess that power. We have no way of know-

ing how much this misrepresentation weighed with the voters, but the party making it should not be allowed to profit thereby.

We have information, which we believe to be reliable, that in order to induce persons to come to Fort Kent to vote against the passage of this article, transportation charges were paid where necessary.

Fair and courteous explanation of the meaning of the article on the part of those favoring its passage was prevented by such abuse, insult and misrepresentation on the part of those favoring the Fort Kent Electric Co. that one speaker was forced to desist from the attempt. A. O. Robbins took part in this "rough house."

The Fort Kent Electric Co. and those actively engaged in organizing the opposition to the article, by the use of a colored ballot prepared by them, and by standing in such close proximity to the ballot box as to keep close surveillance on the voter, effectually prevented any secret ballot, and thus exercised an improper influence on those in their employ, whom it is folly to urge were thus left free to make a free choice.

Eliminating these employes, voting under surveillance, those interested in the company itself, and the "no tax payers," the majority of votes cast at the meeting were in favor of the passage of the article.

It cannot be said that the majority of the voters of the village corporation have voted against municipal ownership, and in favor of private ownership, of a public utility at a meeting at which only 60 per cent. of the legal voters are able to be present and register their convictions, where it is opposed by voters representing only 2 per cent. of the total tax of the corporation, where to encompass its defeat and to promote its own interest a private corporation brazenly challenges and prevents the voting of citizens and tax payers, who have voted for years for State and national officials, solely on the ground that they are unable to read and write, where fair and courteous debate is prevented by abuse and insult and "rough house tactics, where

the power of the village corporation to install its own system of electric lights has been misrepresented, where votes have been obtained by the payment of transportation, where votes have been obtained by the payment of transportation, and where employees are not permitted to vote under circumstances allowing them a free choice.

We enclose a copy of the check list used at the meeting. The check marks show those who participated in the meeting. The names of those voting "no" are indicated by ditto marks. The amount of tax paid by them follows the name. Those paying no tax at all are further indicated by a zero.

We stand ready to substantiate before your committee any and all facts stated by us herein, and again say that not only did municipal ownership of electric lights have no fair test at the recent meeting, but that it was impossible that it should have considering the methods used by its opponents and the further, and as we consider important fact, that almost half of the voters were unable to express any choice.

Respectfully submitted,

(Signed) J. O. MICHAUD,
First Selectman of Town of Fort Kent.

HENRY W. NADEAU,
JOSEPH H. AUDIBERT,

Assessors of Village of Fort Kent.

Mr. THOMBS of Lincoln: Mr. Speaker, the gentleman from Fort Kent (Mr. Cyr) I think perhaps unconsciously may have conveyed the idea to the House that coercion was brought to bear upon him. Such I submit to you was not the fact, I myself personally talking with the gentleman, and with his attorney, advising him what perhaps his attorney already knew, that they were not under any obligation whatsoever to pursue such a course, and that if they did so they should expect that the decision might have some weight with the committee. I think you will agree with me from what you have heard here that they did have a little "rough house" up in Fort Kent. You might perhaps change the word "little" and make it "big."

I submit to you, as I stated before, that the gentleman selected his own

tribunal, one in which he had the same opportunity as the proponents of this measure had to procure votes, and was beaten almost two to one; for that reason I think that he should now stand up and take his medicine.

Mr. PEACOCK of Readfield: Mr. Speaker, as a member of the committee on legal affairs which gave a long and patient hearing to the troubles and tribulations of the people from Fort Kent, I want to say just a word in support of our position. When this matter was presented for our determination it appeared to us that if the town of Fort Kent or the village corporation wanted electricity they ought to have it. This faction which was represented by my brother Cyr claimed to represent the Fort Kent Village Corporation. He stated to the committee that the village corporation as a body opposed the admission of the Fort Kent Electric Company into that town. We asked him for his authority, for some record of a vote wherein he and his attorneys or those representing the alleged village corporation, were commissioned to come down here and speak in behalf of the village corporation. They could not show a single scratch of a pen stating that they were authorized by the village corporation to take the position which they had taken. And so this committee, wishing to be absolutely fair and impartial, suggested that the people of Fort Kent themselves should take a vote upon this matter and by that vote the two factions, if such they are, should be content; and when the vote was taken, almost two to one, it was found that the village corporation did not want to go into the electric light business, and we felt that we were equally fair and just to all parties concerned judging by that vote.

One thing I wish to state here that has not been brought out, that the Fort Kent Village Corporation which is so desirous of going into the electric light business, as alleged by my friend from Fort Kent (Mr. Cyr), is already burdened with or will be burdened with a bonded indebtedness of \$55,000 for the installation of a water plant. These gentlemen have assured us that on top of that they wish to assume the burden of this electric

lighting plant, but after a long and patient hearing we reached the conclusion that the people of Fort Kent by their votes have settled the matter for themselves and we as a committee endeavoring to be fair and impartial should render such a decision for these people as in our good judgment should seem wise. We have done so.

In some of these petitions which were presented to us we found the names of some of these village assessors, and on the remonstrance we found the names of those same gentlemen, and so it seemed to us that that faction up there could not control itself, and came down here for our assistance. We have not tried in any way to trim our brother Cyr. No member of the committee would consent for one moment to do anything that was dishonest or dishonorable in regard to the rights of the people of the State of Maine, and we feel that in submitting this report which we have gone over so carefully and so earnestly, that this Legislature should accept our word. We have done our best and we feel it is right, and that the Fort Kent Electric Co. should be granted the right which it asks. For that reason, Mr. Speaker, I hope that the motion of the gentleman from Fort Kent (Mr. Cyr) will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Fort Kent, Mr. Cyr, that this bill be indefinitely postponed. Is the House ready for the question?

A viva voce vote being taken,

The motion was lost.

Mr. Cyr then asked for a division of the House.

A division being had,

Thirty-seven voted in the affirmative and 45 in the negative.

So the motion was lost.

The bill then received its first and second readings and was assigned for tomorrow morning for its third reading.

The SPEAKER: The next matter for consideration will be the matters which are tabled and unassigned and which come off of the table under the order adopted by the House. The first matter upon the calendar is bill, An Act relative to municipal elections

in the city of Augusta. The pending question is concurrent action with the Senate.

Mr. DUNBAR of Jonesport: Mr. Speaker, in the absence of the gentleman from Augusta, Mr. Newbert, and at his request, I move that the House recede and concur with the Senate in the reference of this bill to the next Legislature.

The motion was agreed to.

The SPEAKER: The next matter for consideration is bill, An Act to regulate the practice of professional public accounting. The pending question is the passage of the bill to be engrossed.

On motion by Mr. Plummer of Lisbon the bill was passed to be engrossed.

The SPEAKER: The next matter for consideration is bill, An Act relative to weights and measures. The pending question is the third reading of the bill and its passage to be engrossed.

On motion by Mr. Plummer of Lisbon the bill received its third reading and was passed to be engrossed.

The SPEAKER: The next matter for consideration is the 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 inexpedient.

On motion by Mr. Quinn of Millinocket the bill was laid upon the table pending the acceptance of either report.

The SPEAKER: The next matter for consideration is the report of the committee on claims, reporting "ought not to pass" on resolve in favor of Storm Wessel of Stockholm. The pending question is the acceptance of the report of the committee.

On motion by Mr. Irving of Caribou the report of the committee was accepted.

The SPEAKER: The next matter for consideration is the 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 in concurrence with the Senate.

Mr. COOK of Vassalboro: Mr. Speaker and gentlemen, I would not dare to start an Ananias Club, for if I did they would want an appropriation at once for a club house, a stenographer and typewriter and a clerk and other decorative utilities, so I have refrained from starting any such club.

This bill starts something new and carries an appropriation. We have had so far during this session applications for almost all kinds of appropriations from the building of roads to the making of Indian baskets. There is one thing in connection with teaching in the common schools that ought to be taught there and that is the teaching of the ability to say no. Quite a few of our committee ought to take lessons in how to say no. You all know how matters grow that are started here; we start something new and it looks like a very small matter, and when you get back here after a session or two you will find that it has grown wonderfully. If we could grow potatoes and onions as rapidly as our State institutions grow we should make our fortunes. This bill only calls for a little money now, it only calls for an appropriation of \$1500 a year. What would that amount to when they go out and try to catch the farmers of this State with the goods? There is just about enough appropriation asked in this measure to inspect me in good shape. That reminds me that I have been inspected. I have had a commissioner after me, and that is just what this bill provides, a sort of Sturgis commissioner. We have heard a good deal about "constituted authority." It seems to me I have seen in the last two years some reference made to "constituted authority," and that we ought to allow laws to be enforced by the constituted authorities. As I said before, I have been inspected. A year ago last Fall a young, attractive looking young man called at my place and said he was around in-

specting apples, and wanted to know if I had any apples packed. It was pretty early in the season, and so I had some of my early apples packed, and he said he would like to see how they looked. I told him that we would go down to my apple house and inspect them, and we went down and there happened to be a man in the shop with a hatchet and I asked him to open a barrel that this inspector indicated and he wanted opened it happened that he opened a barrel of greens; he looked into the barrel and asked me if they were not all right, and of course I owned up that they were all right, and that was all over with. Now just imagine, gentlemen, the folly of it, going around in that way to see if we are packing our apples right. Why don't you hire somebody to go around and see if they are making shoddy cloth right, or if they are making cotton goods right, or why don't you send a man into the region where they are manufacturing patent medicines and see if they are doing it right.

I can teach you, gentlemen, how to fix up a barrel of potatoes so that when you dig your potatoes next Fall you will be able to fix them right. Potatoes are sold in two-bushel bags in the city of Boston. The method they use in packing potatoes is called towing potatoes; you put a few potatoes in the bottom of your bag and then you put a stove-pipe in and pack your potatoes around the stove-pipe; you then remove your stove pipe and put some of your nice potatoes on top. Now, in regard to the apple industry, when it comes around to the Fall of the year and the apple harvesting and packing is going on it would take many times the amount which is provided in this bill to properly inspect the apple industry. What will the sum of \$1500 do in this respect with one man towards inspecting all the apples that are packed in this State? If you are going to inspect all the apples and are going to catch all the farmers you will want to appropriate at least \$50,000.

The apples in this State are sold by the farmers and packed by other people. Of course this is not always true, and there are exceptions to every rule;

but the bulk of the apples in Maine are sold by the farmers and packed by the men who buy them. If there is any cheating done it is the man who buys the apples who cheats. He goes into your storehouse and finds a big bin of Baldwins and he agrees to take the merchantable apples at a certain price, and he takes just what he has a mind to take. If he takes unmerchantable apples he cheats himself, and that is all there is to it.

You want to remember that we already have an apple law which has only been recently enacted by the Legislature of this State, an apple law defines the size of the apple, the size of the box, the size of the barrel and all those things. It is now on the statute books, and it ought to be on the statute books long enough to try it. What do you want to keep changing your statutes all the time for? At least, let the new law if it is working no special damage to the public, let the new law stay on the statute books long enough to try it.

Last fall I started in with the idea that there were too many apples and that I had better get mine off as early as possible. I shipped my apples and got a letter back saying that the apples were green and small and were not wanted in the market, but they netted me \$1.74 here, which was more than nice apples were worth in the winter; and the returns after that grew better, until the last orders were sold in Liverpool along about the middle of October. Now, if you have 1000 barrels of apples that you want to get into the market in season, according to this law you can pack them in four different grades, according to the different qualities, and they have to be put in there just right. You have to look your apples over and know how they should be packed, and it will cost twice as much to pack your apples in that way. In fact there never was a carload of apples packed in the State of Maine according to that law and there never will be. You can pass all the laws you wish and make all the penalties you desire, but there never will be a carload of apples packed according to that law; you cannot do it.

The present law is good enough, and it seems to me we ought to let it stay

as it is. If you pass this law next year there will be more men looking for a job, and they will come up here for a law to put an inspector in every county of this State, and they will require a salary of \$2000 a year for each of those inspectors. If you pass this law you ought to have a law to inspect cabbages or onions just as much as you should have a law to inspect apples; there is just as much reason in that proposition as there is in this. I feel confidence enough in this House to know that you will not inflict this upon the farmers of the State of Maine.

There is another point I wish to make, and that is that we are legislating for the whole State of Maine. The price of apples now is satisfactory, and there should be no legislation looking to a higher price of apples; we don't need any higher prices. We find institutions growing all over this State, hospitals and educational institutions requiring money for their support. Of course they do not all get what they want; but they want another two mills placed on the whole valuation of the State of Maine; the agricultural department will want a couple of mills on the valuation of the whole State of Maine; and where are you going to stop? If you are going to let this business increase and grow larger as it grows out from the center, where are you going to stop? The farmers in Maine do not want this appropriation. You have an agricultural department here in the State House. I claim that the farmers do not want to be taxed for these institutions. The professors from these institutions go around over the State, and I say to you that the farmers already know more than these men put in practice. Some of these fellows who go around teaching agriculture never knew anything about it themselves. The State of Maine is paying out each year a large amount of money for the purpose of publishing the agricultural reports, and how many people read them? A very few. I found one of these reports since I have been here in Augusta, and I have read one, or a part of one. I looked over this report to see what we were paying for, and I found that considerable of the stuff in there consisted of addresses of welcome. There is a bill here before the Legislature

which is intended to teach the farmers of Aroostook county how to raise potatoes. Good Lord! they know now too much, and they know too well that they are raising too many potatoes in that county. We are spreading ourselves too thin; the real valuation of the State of Maine has not gone up, but you hear it said that it is so many million more. If you put the valuation on a piece of property from \$2500 to \$3000 how much more is that property worth? The same proposition holds true in regard to the State. The valuation is not increasing fast enough for us to increase these institutions, these hospitals and schools, and all that sort of thing. I say, the farmers out on the hills of Maine do not want to be taxed for new methods in instruction in farming, and when it comes to an election they are kicking on account of the large amounts of money that we have expedited or appropriated here.

As I say, we do not want this apple law which is provided in this bill. It creates a new department, a sub-department with a salaried officer, and you are going to do anything we will need in the future many of these salaried officers. The apple business is going on all right now, and there is no market in the world where you cannot examine the apples to your heart's content before you buy them. The big houses in Liverpool are not in favor of this law. One of them says that the most attractive feature of this law is that it never will be enforced, and if that is true then let us not put it on the statute books; it will simply call for more money and let us stop it.

The SPEAKER: The Chair will ask the gentleman from Phillips, Mr. Austin, to preside for the remainder of this session, today.

(At this point Mr. Austin assumed the chair.)

Mr. Mitchell of Kittery moved that the House take a recess until half-past three o'clock this afternoon.

The motion was agreed to.

After Recess.

Mr. COOK: Mr. Speaker, if a blanket law should be passed that would be made to cover all trades so that the label on all products shall tell the truth

in relation to the goods that are offered for sale I will favor that, but I do not like to have this House pass a law that will single out the farmer; and I move that this bill be indefinitely postponed.

Mr. RICHARDSON of Canton: Mr. Speaker, this bill was introduced quite early in the session by me at the request of the Maine State Pomological Society, a society which is composed of the fruit growers of the State of Maine, comprising more than 300 members. This bill was passed upon at the meeting of that association held in Portland, last fall, and there was no objection made to it, they were unanimous in its favor; it is backed up by the Fruit Growers' Association of the State of Maine. This bill has for its purpose the raising of the standard of Maine fruit. As you all know, apples are packed generally under three grades, fancy, No. 1's and No. 2's, but unless you have a standard to know which shall constitute these different grades this has no significance, the buyer does not know what he is getting. I am very sorry that the gentleman from Vassalboro (Mr. Cook) did not discuss the bill; he has discussed almost everything else, and if I remember correctly this is the third time he has discussed the report of the commissioner of agriculture on the floor of this House; so I think that question has been pretty well discussed and I will not need to allude to it.

This bill came up before our committee for hearing, several weeks ago, and there were quite a number of fruit growers from every part of the State of Maine present, some 25 or 30 or more; we had a very lengthy hearing on the bill, and every man favored it excepting two, the gentleman from Vassalboro (Mr. Cook) and Mr. Cummings from Paris. It was evident from the remarks of the gentleman from Vassalboro (Mr. Cook) that he did not favor any bill. If I remember correctly his position at that time was that the apples belonged to the farmer and he had a right to put small apples in the middle and good ones on the ends, if he saw fit. Mr. Cummings favored some law, but he made objections to this particular bill. So we took into consideration the objections that were

made by Mr. Cummings at that time and drafted a new bill embodying his suggestions. Before we drafted the new bill we had an adjourned hearing on the old bill, and Mr. Cummings withdrew his principal objection to the new bill, which was the elimination of the 10 per cent. tolerance allowed in the old bill. Some have argued that it was impossible to pack apples in accordance with this bill which is presented. The old law allowed a 10 per cent. tolerance; but in this new draft we did not consider that a man with 1000 barrels of apples was justified in putting in 100 barrels of anything he wished.

We consulted a high authority on this subject and we were told that no court or jury would be bound to allow tolerance, which would be reasonable, and that a conviction could not be had unless it was shown that there was an intention to violate the law. In the second hearing Mr. Cummings said that he did not object to this elimination which he had objected to at the first hearing. His objection was to the manner in which the law was to be enforced. The bill provided that it should be enforced by Professor Woods, and Mr. Cummings thought it would be better to leave it in the hands of the commissioner of agriculture; and so we drafted a new bill embodying this suggestion.

The committee reported unanimously in favor of this bill and the bill was presented to the Senate and the report of the committee was accepted. The objection of the gentleman from Vassalboro (Mr. Cook) to this bill is that it carries a small appropriation. The trouble with the old bill has been that there were no teeth in it and no appropriation made by which it could be enforced; but he says the appropriation is so small that it would not investigate him even. I suppose he knows his business, and so I won't take issue with him on that point.

This apple industry is worth to the State of Maine more than \$4,000,000, and we are only asking for the sum of \$1500 to enforce the law. This law is simply aimed at the man who puts up a dishonest pack and who has given the State of Maine a black eye so far

as fruit is concerned, in comparison with other states. In some of the Western states they have a commissioner of horticulture, and in each county inspectors are appointed by the commissioner of horticulture whose duty it is to inspect the orchards. In those states wormy apples are not allowed to be offered for sale. If we had such a law as that in Maine, what chance would it have of passing this House? The State of Maine is not educated up to that point. This has been a good thing for those states, and there is no doubt it would be a great help to us.

I understand that in the markets of Liverpool and on the Continent where Maine apples are principally sold, that a barrel of apples is poured out on the floor and the purchasers buy from that sample; and it is not an uncommon occurrence for one or two large pumpkins to roll out of a barrel of apples. I know of a case where an old lantern was put in to help fill up the barrel. Now, we are trying to make a reputation for Maine fruit so that we can get better prices for it. The State of Maine is the natural home for the apple; we have here the finest land for apple growing in the world, and still we are not up in the markets; we are behind simply because we have been too long trying to sell cider apples, pumpkins and such things for first-class apples.

This law is simply aimed at the man who is using dishonest methods in the sale of his apples, but it would mean millions of dollars to the State of Maine. We simply ask that our apples be branded as to what they are and no more; I think it is a fair law, and I think it is worth something to the State of Maine; and I hope, Mr. Speaker, that the motion will not prevail.

Mr. COOK: Mr. Speaker, it is not true that our apples are selling lower than the other apples with which they come in competition. I have a chart showing the sales in the Liverpool market for the last five years, and that chart shows that Maine apples have lead all other apples of New England. Other apples of New England are called in that market Boston apples, and our apples are called Maine apples, and this chart gives the prices brought by:

the different apples from the different sections.

In the last five years the highest price brought by any apples sold in Liverpool was brought by Maine apples, and the highest price that I ever have known apples to bring in Liverpool was brought by apples which were raised by Richard Plaisted of Gardiner and shipped by Mr. Cummings, and they sold for 44 shillings, or something over \$10 a barrel. They talk about the Western apples that are raised with so much care. Half of them are sold at home for 50 cents a box, and when they are shipping them on consignment they are not getting anything for them, the expenses eat up everything; in fact, we are shipping thousands of barrels of apples out West to be consumed among those Western people.

Mr. CHICK of Monmouth: Mr. Speaker, I represent a class of towns which probably produces more apples annually than any other class of towns represented upon the floor of this House. These towns annually produce more than 100,000 barrels of apples. The town in which I reside frequently produces more than 60,000 barrels of merchantable apples in a single year. There are many people in these towns whose only source of income is derived from the apples which they produce. And I know from the conditions which exist in these towns with which I am familiar, the same conditions exist in many other localities throughout the this State.

It seems to me it is evident that if you enact a law here which will place an additional burden upon the fruit growing industry that you are placing a burden upon a great many people throughout the State, many of whom are not able to shoulder the additional burden. I claim that the bill which is proposed here will place a burden upon the fruit grower which is unnecessary. I call attention to that part of the bill under the head of "classification." There is one particular feature about this classification to which I object. I have in mind a person situated in the town in which I live who produces several hundred barrels of apples annually. He raises a class of apples which

ordinarily do not grow to the size mentioned in this classification. He has developed his orchard at considerable expense, and if this law is enacted in its present form it will discriminate against those people who raise a particular variety of apple that naturally does not grow to the size specified in this bill.

I think if you understand anything about the marketing of apples you will understand that the moment you stamp the word "unclassified" on a barrel of apples you simply stamp the word "suspicious" in the mind of the purchaser. Under the provisions of this bill I claim that many of the apples raised in this State would have to be shipped as unclassified. I also wish to call your attention to the penalty which is attached to this bill. With this fine attached I do not believe that many people would take the chance of being pulled up in this manner and being subjected to this fine, and would ship their fruit largely as "unclassified."

Congress has recently passed a law which regulates or which is designed to regulate the packing and shipping of apples, and this law as I understand it takes effect the first of next July. I would like to read some sections from this bill:

"Section 1. That the standard barrel for apples shall be of the following dimensions when measured without distention of its parts: Length of stave, twenty-eight and one-half inches; diameter of head, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches outside measurement, representing as nearly as possible seven thousand and fifty-six cubic inches. Provided, that steel barrels containing the interior dimensions provided for in this section shall be construed as a compliance therewith."

"Section 2. That the standard grades for apples when packed in barrels which shall be shipped or delivered for shipment in interstate or foreign commerce, or which shall be sold or offered for sale within the District of Columbia, or the territories of the United States shall be as fol-

lows: Apples of one variety, which are well-grown specimens, hand picked, of good color for variety, normal shape, practically free from insect and fungous injury, bruises, and other defects, except such as are necessarily caused in the operation of packing, or apples of one variety which are not more than ten per centum below the foregoing specifications shall be "Standard grade minimum size two and one-half inches in transverse diameter"; standard grade minimum size two and one-fourth inches," if the minimum size of the apples is two and one-fourth inches in transverse diameter; or "Standard grade minimum size two inches" if the minimum size of the apples is two inches in transverse diameter."

"Section 3. That the barrels in which apples are packed in accordance with the provisions of the Act may be branded in accordance with Section 2 of this Act.

"Section 4. That all barrels packed with apples shall be deemed to be below standard if the barrel bears any statement, design, or device indicating that the barrel is a standard barrel of apples, as herein defined, and the capacity of the barrel is less than the capacity prescribed by Section 1 of this Act, unless the barrel shall be plainly marked on end and side with words or figures showing the fractional relation which the actual capacity of the barrel bears to the capacity prescribed by Section 1 of this Act. The marking required by this paragraph shall be in block letters of size not less than seventy-two point one-inch gothic.

"Section 5. That barrels packed with apples shall be deemed to be misbranded within the meaning of this Act—

First. If the barrel bears any statement, design or device indicating that the apples contained therein are "Standard" grade and the apples when packed do not conform to the requirements prescribed by Section 2 of this Act.

Second. If the barrel bears any statement, design or device indicating that the apples contained therein

are "Standard" grade and the barrel fails to bear also a statement of the name of the variety, the name of the locality where grown, and the name of the packer or the person by whose authority the apples were packed and the barrel marked.

"Section 6. That any person, firm or corporation, or association who shall knowingly pack or cause to be packed apples in barrels or who shall knowingly sell or offer for sale such barrels in violation of the provisions of this Act shall be liable to a penalty of one dollar and costs for each such barrel so sold or offered for sale, to be recovered at the suit of the United States in any court of the United States having jurisdiction."

Practically all the apples in this State are shipped out of the State, and a great many of them out of the country; so far as the apple industry in this State is concerned, it seems to me it will practically come under the provisions of this law. It seems to me that laws is sufficient for the present, and it would not be of any benefit for this Legislature to pass a law which would be less forcible than this federal law, and certainly it would not be wise to pass a law that would duplicate this federal law. I certainly hope the motion made by the gentleman from Vassalboro (Mr. Cook) will prevail.

Mr. BOMAN of Vinalhaven: Mr. Speaker, I think this bill is a protection to the man who buys apples in the State of Maine. The wholesale dealer buying a car of apples pays his money for it and sells it to the retail dealer, and you and I buy it from the retail dealer. It seems to me this bill will protect all the people of Maine and they will know what they are buying. I can't see any hardship on the farmer. I claim if I buy a barrel of apples I ought to know whether I am buying No. 1, No. 2, No. 3 or No. 4, and I ought to have my choice. We don't care about the apples shipped to England; it is the apples that we use here that we want to consider, and it seems to me that we should have some protection so that we will get what we pay for.

Mr. EATON of Oxford: Mr. Speak-

er, I am in favor of this bill. I believe a law should be enacted to raise the standard of Maine fruit, and I believe that such a law would be a benefit to the whole State of Maine. I believe that we have some of the best orchard land to be found anywhere in the United States. This last fall a gentleman in my town packed 49 boxes of apples and sent them to Hartford, Connecticut, and they brought \$1.75 a box there. I think you may remember that along in the fall of the year apples in the State of Maine were only selling for about \$1.50 a barrel. I believe any law that can be put on the statute books that will allow the people of the State of Maine to get what they buy will be a good law for the whole State. I believe if a man goes out and buys a barrel of apples marked No. 1, that it should be a barrel of No. 1 apples. As far as the penalty is concerned, doesn't it say by a fine of "not exceeding \$100." Do you imagine there is any court in the State of Maine in which a man would be punished by a fine of \$100 if it was left to the court to settle. I think we should take into consideration the endeavor of the men to make a good pack, and they would do what is right. I certainly hope the motion will not prevail. I don't like to take too much of your time, and I believe that a few words said on the subject will answer the purpose just as well as by spending the whole afternoon. (Applause.)

Mr. JONES of China: Mr. Speaker, we have heard considerable about this apple question; we have heard about the good pack and the bad pack and we have heard about the lantern and the pumpkin packed in with the apples. I have seen apples packed for more than 40 years, and never have I heard of a lantern or a pumpkin being put in with apples for shipment. I don't know but what it may be true, and that matter was mentioned before the committee.

There is much in this bill that has not been touched upon. In the first place, mention has been made about the standard barrel. Under this bill we have no recourse on the manufacturer of that barrel; we have to buy

our barrels and pay from 30 cents to 40 cents for them, and if we find after that barrel is packed full of apples that it is short one-half inch or one inch, who is at fault? It comes back onto the farmer, because we have no redress or recourse on the manufacturer of that barrel, and the farmer is "in the soup," so to speak.

Something has been said here about boxes. It says a box shall contain 2350 cubic inches, or in other words that a box 18 inches by 11½ inches by 10½ inches shall be a standard box. That figures up 2173½ inches, or 176½ inches short of the required 2350 cubic inches. Who is cheated under this bill? It is in favor of the farmer, but they say the standard box must contain 2350 cubic inches, 176½ inches short. Has a single farmer come here and asked for this bill? Not a man. It has been admitted here that this association is backing this proposition, and if you want anything of this kind why not ask the people to come here and let them say what they want and what they don't want.

I am not a constitutional lawyer, but I would like to ask by what authority can the commissioner of agriculture or his deputy, as has been mentioned, enter your building unless he has the process of law and unless it is served by an officer of the law duly qualified. I do not believe your commissioner or your deputy can enter any man's building, and if he does he lays himself liable. I would be glad to submit this question to some of the lawyers of this House who may be able to argue this constitutional point, but I claim they cannot do it.

Now, we have a good law upon our statute books, and when it was placed there it was all that was asked for; and that law is sufficient to keep your pumpkins and lanterns out of the barrels; it is just as good as this proposed law. We raise good apples in the State of Maine, and the Western buyers come to the farmers and ask them what they want for their apples. They will say they want so much for them, and the buyers will take their No. 1's and No. 2's, nothing ever being said about the fancy apples or the No. 3 apples. They pack their apples to suit

themselves, the No. 2's running down as low as two inches, although they may be perfect and sound and well colored. These apples will bring a better price than the Oregon apples or any others.

I represent a section of this State where apples are grown and sold, but the people there want to sell their apples at the door and receive their money; and not be obliged to ship them. They have been fooled and humbugged out of their apples so much that they are afraid to let these fellows go from their door until they get their money, and I do not blame them. I want to say that I have a few remonstrances from my own town with the names of something over 100 men against any change in the law; and I hope when the vote is taken upon this question you will consider the farmer instead of yourselves.

Mr. YEATON of Belgrade: Mr. Speaker, and gentlemen, I simply want to say that my representative class comprises the towns of Sidney, Oakland and Belgrade; and I have heard from those towns regarding this bill. I have remonstrances here. Now you go with me for a few minutes, and you go up here in the town of Sidney, some eight or 10 miles, and we will come to a very good apple section, where they grow all the way from 100 to 2000 barrels of apples apiece. I was talking with one of the selectmen of that town, day before yesterday, and he assured me that there was not a grower in that section but what was entirely opposed to the passage of this bill. I have talked with other men, and they are also opposed to it. It was discussed in my own town, March meeting day; and with the exception of one man they were all entirely opposed to the passage of this bill. I have a remonstrance here from the town of Manchester, sent me the other day, accompanied by a letter, remonstrating against the bill. I think there was some 30 signatures of growers out there. These apple growers up in this northern section where I live are all opposed to it, and I will ask you in behalf of those men to sustain the motion of the gentleman to indefinitely postpone this bill.

Mr. KIMBALL of Bridgton: Mr.

Speaker, I have but a very few words to say on this subject. The committee had two full hearings on this question; there were fruit growers present from quite a good many districts, and, with the exception of one, there was no objection to this bill. With the shippers, with the exception of one, there was no great objection to this bill. They had a second hearing, got together and agreed upon the new draft of this bill which is before you today. I do not think that if they understand the intent of this bill that there will be anyone hurt. I hope the motion of the gentleman from Vassalboro will not prevail.

Mr. JENKINS of Wales: Mr. Speaker, I dislike very much to arise and speak before this audience; but my constituents have instructed me, and most forcibly, to oppose this bill. I hold in my hand a remonstrance of 50 staunch individuals—apple raisers, apple buyers, and apple packeds—men whom you can rely upon, and men whose voices should have some weight before their fellow citizens. I am not going into details; it is needless for me to. The gentleman from Vassalboro and the gentleman from China have outlined them to you in good, fair and intelligent shape. Now I do not wish you to understand me that I am going to argue for any dishonesty in the apple trade whatever. I believe in the angle of 90 degrees in all of our dealings. I believe that the farmer should pursue that course that will establish a reputation, so that when he sends a barrel of apples across the water, when he sends one into the market of Boston, or when a barrel of apples goes from the town of Wales to market in Lewiston, that his reputation shall be such that secures the highest price; that he shall establish confidence; and I claim that under the present law if men will be honest the law is good enough. Pack your apples as near as you can to that law, and when your barrel is packed and ready for shipment place your card in the top of the barrel, or box, or package, with your name, the class of apple, the quality, by whom raised, when packed and when sold, and if there is any fault found you can trace it back. Have it as near to 100 per cent. as you can do it. The law today gives you a 10 per cent.

fewer; that is right. The packers tell me that there is no man, unless he uses an exceeding amount of time, can pack a barrel of apples and have it 100 per cent. They tell me that perhaps it is possible by repacking and rehandling; but to conform to this law they tell me they cannot; they would have to go out of business; and raisers tell me they cannot. So, gentlemen, they have petitioned you—50 names here, representing some of the best men of our country—asking you not to pass this bill, but to move its postponement indefinitely. Gentlemen, I appeal to you as an old farmer. When I got my nomination I told them I was nothing but an old farmer; that I could not come here and do a lawyer's work; they need not expect it of me; but what I did do I would endeavor to work for the interests of the agricultural people of Maine; and what I have done I hope has not taken anything from the treasury of the State of Maine, and what I have done I hope has been in the interest of the agricultural people of this State, which supports all other industries.

Now, gentlemen, in behalf of the apple raisers of our State I earnestly plead to you that you will indefinitely postpone the bill that is now before us. I hope the motion of Mr. Cook, the member from Vassalboro, will prevail.

Mr. PEACOCK of Readfield: Mr. Speaker, and gentlemen of the House, I will not detain you but just a moment. I happen to represent a section that is very much interested in the production of apples—6000 probably raising from 60,000 to 80,000 barrels of apples in a good season; and at the request of my constituents I oppose this bill. One of my constituents said to me when I was last home, "If this bill is passed, and I have to pack apples, I have got to sit down and place before me a row of bung-holes, and as I pick up these apples I must try and see which one of the holes that apple fits, and determine whether it is 2¾, 2½ or 2¼ inches"; and he further said, "I have got a large amount of apples, and if I am obliged to comply with that law I never shall be able to get time to chop my wood."

Now I protest, in behalf of the apple growers of Readfield, Fayette,

Mount Vernon, Wayne, Vienna and Rome against the passage of this bill which places so much of a burden upon the farmer; and I want to resent the imputations also that the farmers, of my section at least, are fattening their bank accounts by putting in pumpkins, beets, or anything of that sort. I do know, from my personal observation, that within the last ten years there has been a marked increase in the grade of apples sold in my section, due very largely to the fact that the people of my section realize that the buyers demand a first-class article, and are very careful in packing their barrels and their boxes.

Gentlemen, in behalf of my constituents I hope you will indefinitely postpone the bill.

Mr. MILDON of Eastport: Mr. Speaker, and gentlemen, I am not going to detain you by discussing this question. We have heard from the gentleman from Rome, we have heard from the gentleman from Canton, we have heard from China, we have heard from Wales, and lastly we have heard from the gentleman from Readfield, Mr. Peacock. Now I ask for the previous question.

Mr. IRVING of Caribou: Mr. Speaker, this reminds me of the old-fashioned game we used to indulge in at country sewing circles, one of the forfeits of which had to be paid by going on a mission. It has got around to me, or around to Aroostook county. I do not propose to go into the merits of this bill; I simply wish to say that I have great confidence in the committee before which this bill was tried, the chairman of which is an apple grower; but the principle underlying the bill I wish to call the attention of the House to. The principle is to elevate the standard or grade of our apples upon an established plane. I call the attention of the House to the fact that this is not an innovation; this is not a bill aimed at an association; but merely in the interest of the farmer and the apple grower. I call attention to the fact that every pound of fertilizer you put upon your land is subjected to the inspection of experts, who see that

the analysis is proper. They do not trust the manufacturer; and I submit that it is probable that as much honesty, in percentage at least, exists in the hearts and lives, and the actions and doings, of the manufacturers as in other gentlemen, yet your agricultural college will not accept the analysis of the samples sent by the manufacturers, but they send into the farm buildings of the consumer, or into the warehouse of the distributor, and take from the packages samples to be analyzed, in order that they may be sure that the product is up to the analysis; and every particle of seed that is imported into this State to be used by you is subjected to the same analysis, the same inspection, and it must measure up, under penalty, to that which the shipper or packer has labelled it.

I know that if pressure had not been brought to bear upon the producers of potatoes in the county of Aroostook through the past years, to make their packages stand up to what they purported to be, the present standing of the product of Aroostook County—the Aroostook potato—would not be on such a high plane.

Now if the producer of apples and packer of apples haven't at heart their own interests sufficiently to see it, of their own volition, that their pack is clean and true today, then I say it is important for the State, in order to maintain and keep up one of its great resources, to place an obligation of law upon them to compel them to do it, and bring them into line, and so build up one of the great products of our State.

It is a matter of mighty importance to your constituents that some law—whether or not this bill may be right I am not to say—but that some method be established for packing that will impress upon the purchaser and consumer of your products that they are getting exactly what it is labelled to be.

If you will pardon me I will refer to a personal experience. When I came to this State I thought I would like to have a barrel of the celebrated western Maine apples. In conversation with a man in one of our hotels I was introduced to a grower or packer of apples and through

him purchased a barrel at his recommendation of very carefully selected apples. When I gave him my name and address he said: "You must be a relative of the president of the Northern Maine Agricultural Society, whom I know very well." I said: "I am slightly acquainted with him; he is my brother." He was delighted to see me on my brother's account. He sent me the barrel of apples. After removing the first two or three layers, the rest, if you will pardon the expression, were swill. When I saw two-thirds of that barrel of apples go into the garbage wagon I felt grateful that he did not happen to know some more of my relatives.

Mr. SKELTON of Bowdoin: Mr. Speaker, it has been brought out here in regard to the necessity of the honesty of the farmer in packing his apples. I contend that but a very small percentage of the apples raised are packed by the farmers. They are packed by the buyers and the shippers; and they are the ones who are putting the apples up in this shape and cutting down the reputation of the grower.

Mr. SANDERSON of Greene: Mr. Speaker and gentlemen of the House, it has not been my intention to say anything on this subject; but in view of certain opposition that has developed to this measure I wish in a very few words to state my position. It would seem that the fact that the proponents of this measure are not the consuming public, but the fruit growers themselves, and producers of apples, coupled with the fact that this measure in a new draft has received an unanimous report from the committee on agriculture "ought to pass," would certainly have great weight with the members of this House. I wish to call the attention of the House to a few facts which perhaps all of you may be in possession of at the present time. This law has been referred to as being too strict and setting the standard too high. This law will not prohibit the shipping from the State of Maine of one apple that is sound; while the state of Oregon has a law which prohibits the shipping from that state of any wormy apple. I believe the passage of some such law is necessary. Not long ago a leading Maine farmer re-

ceived an order for 20,000 barrels of apples, and being somewhat acquainted with the conditions in Maine, and the methods, or lack of them, used in packing, he did not attempt to secure these 20,000 barrels here in the State of Maine, but went to New York to get them, because he was too suspicious of the Maine pack. It has been stated that the present law covers all needs in this respect. Under the present law more than one-tenth of apples below the standard can be packed in any barrel and still the barrel be labelled No. 1. Also the measure as passed carries no appropriation, because it was understood at that time that federal aid would be available for the enforcement of that law. Since that time it has been discovered that such aid will not be available. The estimated cost of packing apples under the provisions of the measure now pending has been variously estimated from 45 cents to \$1 per barrel. I am able to state that one of my own constituents during the past season has packed his fruit according to standard established in this measure now pending at a cost of 15 cents per barrel.

It seems that the opinions of the opponents of this bill vary in some degree. While the gentleman from Vinalhaven contends the farmers are receiving enough for their apples now, the gentleman from China seems to disagree with him; but isn't it a fair supposition that if a higher standard is maintained that the farmer will be entitled to a better price, and the consumer will receive just as good and really better value in the goods purchased? (Applause)

The SPEAKER (pro tem): The pending question, as the Chair understands it, is on the motion of the gentleman from Vassalboro, Mr. Cook, that the report of the committee on agriculture, to which was referred bill, An Act to regulate the packing, shipping and sale of apples, be indefinitely postponed.

A viva voce vote being doubted,

Mr. Sanderson of Greene called for the yeas and nays.

A sufficient number having arisen, The yeas and nays were ordered.

Mr. SANDERSON: Mr. Speaker, I will withdraw my request for the yeas

and nays, thinking perhaps we can get an accurate expression of the House by a division.

Mr. Cook of Vassalboro then asked that the yeas and nays be ordered.

The SPEAKER (pro tem): The gentleman from Vassalboro, Mr. Cook, requests that the yeas and nays be called, so that the Chair will order a roll call. The pending question is the indefinite postponement of this bill which is now before the House. Those voting yes will vote for the indefinite postponement of the report and bill; those voting no will vote against the indefinite postponement. The clerk will call the roll.

YEA:—Benton, Boland, Bowler, Brown, Bucklin, Chadbourne, Chick, Churchill, Cook, Currier, Davis, Donovan, Dresser, Durgin, Eastman, Eldridge, Elliott, Estes, Farrar, Greenleaf of Otisfield, Hutchins, Jenkins, Jones, Lawry, LeBel, Libby, Mason, McFadden, Mitchell of Kittery, Morgan, O'Connell, Peacock, Plummer, Rolfe, Skillin, Taylor, Thombs, Tryon, Twombly, Washburn, Waterhouse, Winchenbaugh, Yeaton—43.

NAY:—Austin, Bass, Benn, Bither, Bowman, Bragdon of Sullivan, Brennan, Butler, Clark of Portland, Cochran, Crowell, Cyr, Descoteaux, Doherty, Dunbar, Duntton, Eaton, Emerson, Farnham, Folsom, Franck, Goodwin, Gordon, Greenleaf of Auburn, Haines, Hancock, Harman, Harper, Harriman, Higgins, Hodson, Hogan, Irving, Johnson, Kehoe, Kelleher of Portland, Kelleher of Waterville, Kimball, Leary, Mathieson, Maxwell, Maybury, McBride, Merrill, Metcalf, Mildon, Mitchell of Newport, Moores, Morison, Morse, Nute, Packard, Pendleton, Peterson, Pitcher, Putnam, Quinn, Reynolds, Richardson, Roberts, Robinson, Rousseau, Sanborn, Sanderson, Sargent, Skelton, Smith of Auburn, Smith of Presque Isle, Snow, Spencer, Sprague, Stearns, Stevens, Stuart, Sturgis, Swett, Thompson, Tobey, Trimble, Umphrey, Violette, Wise—82.

ABSENT:—Allen, Bragdon of York, Clark of New Portland, Connors, Gallagher, Gamache, Gardner, Haskell, Jennings, Leader, Leveille, Marston, Morneau, Newbert, Peaks, Price, Ramsy, Ricker, Scates, Sherman, Smith of Patten, Smith of Pittsfield, Stanley, Swift, Wheeler—25.

The SPEAKER (pro tem): Forty-three having voted in the affirmative and 82 in the negative, the motion does not prevail.

On motion by Mr. Richardson of Canton the report of the committee was accepted, 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 (pro tem): The next matter for consideration is order relative to Bangor & Aroostook Railroad strike, providing for a joint committee to investigate the same and report by bill or otherwise. The pending question is concurrent action with the Senate.

On motion by Mr. Irving of Caribou the House voted to recede and concur with the Senate in its action.

The SPEAKER (pro tem): 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.

On motion by Mr. Cook of Vassalboro, the resolve received its first reading and was assigned for tomorrow morning for its second reading.

The SPEAKER (pro tem): The next matter for consideration is bill, An Act to amend Section 88 of Chapter 15 of the Revised Statutes, as amended, relating to school holidays.

Mr. Benn of Hodgdon offered House Amendment A to Senate Document No. 456 to amend Section 88 by striking out of said section in lines 63 and 64 the following words, "any one of the above named holidays," and inserting in place thereof the following, "Memorial day, April thirty, Independence day, July four, Christmas day, December 25 and Thanksgiving day as appointed by the Governor and Council"; also by striking out in lines 68 and 69 the following, "upon vote of the superintending school committee of any town"; also in lines 78, 79, 80 and 81, the following, "In the absence of any vote of the superintending school committee said days, hereinafter designated shall be observed as legal school holidays with the closing of schools"; also in lines 82 and 83, the words "upon vote of the superintending school committee of any town."

The question being on the adoption of the amendment. Mr. Cook of

Vassalboro moved that the bill together with the amendment be laid upon the table and that the amendment be printed.

The motion was agreed to.

The SPEAKER (pro tem): The next matter for consideration is resolve in favor of the purchase of the Maine State Year Book for the years 1913 and 1914. The pending question is the final passage of the resolve.

Mr. Rolfe of Portland moved that under a suspension of the rules the vote be reconsidered whereby this resolve was passed to be engrossed.

The motion was agreed to.

Mr. Rolfe then offered House Amendment A, to amend by striking out in line three the words, "six hundred" and inserting in place thereof the words, "three hundred"; also by striking out in lines four and five the words "six hundred," and inserting in place thereof the words, "three hundred"; also by inserting at the end of paragraph one the following: "Also that the secretary of State be authorized to contract with the publisher of the Maine Official Classified and Business Directory for the purchase of 300 copies of said book for the year 1913; also for 300 copies of said book for the year 1914, at a price not to exceed one dollar and fifty cents (\$1.50) per copy"; also to amend further by making the word "contract" in the eighth, 10th and 17th lines thereof read "contracts."

On motion by Mr. Mitchell of Kittery the resolve, pending the adoption of the amendment, was laid upon the table for printing of the amendment.

The SPEAKER (pro tem): The next matter for consideration is report of the committee on claims, reporting "ought not to pass" on resolve in favor of Felix G. Sirois, M. D. The pending question is the acceptance of the report.

On motion by Mr. Cyr of Fort Kent, the report of the committee was accepted.

The SPEAKER (pro tem): The next matter for consideration is the report of the committee on education to

which was referred resolve to aid in repairing Springfield Normal Academy building, reporting "ought to pass." The pending question is the acceptance of the report.

Mr. Thomes of Lincoln moved that the report of the committee be accepted.

The motion was agreed to.

Mr. Thombs then offered House Amendment A.

Mr. THOMBS: Speaker, I move that the reading of the amendment be dispensed with. The committee reported in favor of \$500 for the year 1913 and a like sum for the year 1914. At the time the committee made the report it was perfectly satisfactory to me. I have since been informed by the trustees of the Academy that at a town meeting held since the committee made its report the town of Springfield has raised a considerable sum of money with the idea of placing it with any State funds that might be appropriated and doing a thorough repair job. That appeals to me as being a good business proposition. I have talked with the chairman of the committee on education, and so far as that committee is concerned, they have no objection to the change. The amendment carries the same sum of money, and the only change made it that it is made payable in the year 1913, and the needs of the building are such that the money should be available at the earliest possible time.

The question being on the adoption of House Amendment A,

The amendment was adopted.

Under the joint rules the resolve was then tabled for printing.

The SPEAKER (pro tem): The next matter for consideration is the report of the committee on education, reporting "ought to pass" on resolve in favor of Lee Normal Academy. The pending question is the acceptance of the report.

On motion by Mr. Thombs of Lincoln, the report was laid upon the table.

The SPEAKER (pro tem): The next matter for consideration is resolve in favor of Lizzie Bean. The pending question is the first reading of the resolve.

On motion by Mr. Thombs of Lincoln, the resolve received its first reading, and

on further motion by Mr. Thombs the rules were suspended and the resolve received its second reading and was passed to be engrossed.

The SPEAKER (pro tem): The next matter for consideration is the report of the committee on judiciary to which was referred bill, An Act to amend Chapter 87 of the Public Laws of 1911, in relation to employment agencies, reporting "ought to pass." The pending question is the acceptance of the report of the committee.

On motion by Mr. Descoteaux of Biddeford, the report of the committee was accepted.

Mr. Descoteaux then moved that the bill be indefinitely postponed.

A viva Voce vote being taken,

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

The SPEAKER (pro tem): The next matter for consideration is the report of the Portland Delegation to which was referred, bill, An Act relating to the assistant assessors of the city of Portland, reporting "ought to pass." The pending question is the acceptance of the report.

On motion by Mr. Violette of Van Buren the report of the committee was accepted, and on further motion by Mr. Violette the bill received its first and second readings and was assigned for tomorrow morning for its third reading.

The SPEAKER (pro tem): The next matter for consideration is bill, An Act relating to the inspection of hotels, inns and lodging houses. The pending question is the second reading of the bill.

Mr. MITCHELL of Kittery. Mr. Speaker, I did intend to detain the House a few moments in regard to this bill, but I think that every member of the House who has read it will decide with me that it is a pernicious bill. I do not want the State of Maine to advertise in other parts of the country that our hotels are so bad that we have got to put them under guardianship; and I move the indefinite postponement of the bill.

A viva voce vote being taken,

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

The SPEAKER (pro tem): The next matter for consideration is bill, An Act to regulate and establish mileage rates for the conveyance of passengers over the steam railroads within the State. The pending question is the third reading of the bill.

Mr. Mitchell of Kittery offered House Amendment A, to amend Section 1 by adding after the word "same" in the 15th line the following words, "and all lines of railroad owned, operated or leased by it."

The question being on the adoption of the amendment,

The amendment was adopted.

On motion by Mr. Mitchell the bill was then passed to be engrossed as amended.

The SPEAKER (pro tem): The next matter for consideration is the report of the committee on judiciary to which was referred bill, An Act to provide for better supervision of certain charitable and benevolent institutions, reporting "ought not to pass." The pending question is the acceptance of the report.

On motion by Mr. Marston of Skowhegan, the bill was laid upon the table.

The SPEAKER (pro tem): The next matter for consideration is the report of the committee on legal affairs to which was referred bill, entitled "An Act to amend Act to incorporate the Livermore Falls Sewer district, as amended by Chapter 441 of the Private and Special Laws of 1907 and as amended by Chapter 185 of Private and Special Laws of 1911," reporting "ought not to pass." The pending question is the acceptance of the report.

Mr. Stuart of East Livermore moved that the bill be re-committed to the committee on legal affairs.

The motion was agreed to.

The SPEAKER (pro tem): The next matter for consideration is the report of the committee on legal affairs to which was referred bill, entitled "An Act requiring safeguards for the pro-

tection of all persons employed or laboring in manufacturing establishments, and providing civil remedies for all persons so engaged, or their personal representatives, in cases where any such person may be killed or injured while employed or laboring in any manufacturing establishment which is not properly provided with the safeguards required by this act," reporting "ought not to pass." The pending question is the acceptance of the report of the committee.

Mr. Boman of Vinalhaven moved that the report of the committee be laid upon the table.

The motion was agreed to.

The SPEAKER (pro tem): The next matter for consideration is the report of the committee on library to which was referred resolve in relation to the early York county deeds, reporting "ought not to pass." The pending question is on the acceptance of the report.

Mr. BOWLER of Bethel: I move the resolve be substituted for the report; and in this connection I may say I have not acquired a reputation in this Legislature of attacking committee reports, and I hardly feel I am doing that now. A word of explanation is necessary. I presume the members of this House know something about these York deeds. They are simply the records of the transfers of real estate which took place in the State of Maine previous to the division of the counties. These records today—200 years old nearly—are preserved in the York registry of deeds in their written form. They are perused by attorneys who are looking up titles, and by people for genealogical and historical purposes, and they are becoming badly worn and defaced, and it is only a matter of time when they will have to be—in fact they need to be now—published to be preserved. As a matter of fact that State of Maine has been doing this for the past 20 years. It started in about 20 years ago to publish a volume a year of these records to preserve them.

This resolve was put in the Legislature by me, and referred to the committee on library. I think that a member of the library committee perhaps will explain the reason why this

unfavorable report was made. I understand now that the committee is not in opposition to the motion which I have made. It certainly is the business of the State of Maine to preserve these historical records. It costs about \$2000 a volume. We now have these records published down to 1737, and the State was divided into counties in 1760, so we only have about ten volumes more to complete the record. This resolve simply calls for one volume, this year, and another volume, next year, which has been the custom, as I have said, for the past twenty years. Now, we cannot afford to have these historical records, the property of the State of Maine, being made worthless by wear, and I have reason to know that they are not complete now because of the fact that they have become more or less worn by using them. I trust the motion will prevail, and that you will accept the resolve for the report.

The question being on the motion to substitute the resolve for the report of the committee,

A viva voce vote being taken,

The motion was agreed to.

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

The SPEAKER (pro tem): The next matter for consideration is the majority and minority reports of the committee on judiciary to which was referred bill entitled "An Act to amend Chapter 120 of the Private and Special Laws of 1899 relating to the establishment of a municipal court in the town of East Livermore," majority reporting "ought to pass in a new draft same title," minority reporting "ought

not to pass." The pending question is the acceptance of either report.

Mr. Smith of Auburn moved that both reports, pending the acceptance of either, be laid upon the table and be especially assigned for consideration, on Wednesday of next week.

The motion was agreed to.

The SPEAKER (pro tem): The next matter for consideration is bill, An Act to extend and amend the charter of the Brewer Water Company. The pending question is the passage of the bill to be enacted.

On motion by Mr. Higgins of Brewer, the vote was reconsidered whereby this bill was passed to be engrossed.

Mr. Higgins then offered House Amendment A, to amend by adding the following: "The rights under this act, so far as the town of Hampden is concerned, shall not obtain unless consent thereto is given by vote of the town."

The question being on the adoption of House Amendment A,

The amendment was adopted.

The bill was then passed to be engrossed as amended.

On motion by Mr. Mitchell of Kittery, unanimous consent was given and that gentleman presented out of order the following report:

Mr. Mitchell from the committee on appropriations and financial affairs reported "ought to pass" on resolve in favor of authorizing the compilation and publication of the insurance laws of Maine.

The report was accepted, and the resolve was tabled for printing under the joint rules.

On motion by Mr. Mitchell of Kittery,

Adjourned.