

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

**HOUSE.**

Tuesday, March 25, 1913.

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

Prayer by Rev. Mr. Nichols of Hallowell.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act additional to Section 41 of Chapter 49 of the Revised Statutes of Maine, relating to the organization of insurance companies.

In the Senate this bill was read twice under a suspension of the rules and passed to be engrossed.

On motion by Mr. Higgins of Brewer, the rules were suspended and the bill received its three several readings and was passed to be engrossed, in concurrence with the Senate.

From the Senate: An Act relating to the jurisdiction of the superior court in the county of Kennebec.

In the Senate this bill was read twice under a suspension of the rules and passed to be engrossed.

On motion by Mr. Newbert of Augusta, the rules were suspended and the bill received its three several readings and was passed to be engrossed in concurrence with the Senate.

From the Senate: Resolve for the appointment of commissioners to the international celebration of the opening of the Panama canal.

In the Senate this resolve was read twice under a suspension of the rules and passed to be engrossed.

On motion by Mr. Descoteaux of Biddeford, the rules were suspended and the resolve received its two several readings and was passed to be engrossed in concurrence with the Senate.

From the Senate: Resolve relating to the Penobscot tribe of Indians.

In the Senate this resolve was read

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

On motion by Mr. Davis of Old Town, the rules were suspended and the resolve received its two several readings and was passed to be engrossed in concurrence with the Senate.

From the Senate: Resolve relating to the protection of moose.

In the House this resolve was passed to be engrossed as amended by House Amendment A, and came from the Senate with House Amendment A adopted in that branch in concurrence. Later the Senate reconsidered its action and adopted Senate Amendment A.

On motion by Mr. Austin of Phillips, under a suspension of the rules, the votes were reconsidered whereby this resolve was passed to be engrossed, and whereby House Amendment A was adopted in concurrence with the Senate.

Senate Amendment A was then adopted in concurrence, and the resolve was then passed to be engrossed as amended.

**Senate Bills on First Reading.**

An Act to provide for the care and administration of trust funds and property donated for moral, religious, benevolent or educational purposes, in accordance with the intention of the donor.

An Act to amend Section 4 of Chapter 61 of the Revised Statutes, as amended, relating to marriage and the registration of vital statistics.

An Act to amend Section 2 of Chapter 250 of the Public Laws of 1909, relating to the payment of fees accruing to State institutions and departments.

An Act additional to Chapter 61 of the Revised Statutes, providing for the correction of errors in the records of births, marriages and deaths.

An Act to provide for the determination of payment of damages in connection with the building of the State bridge between the city of Old Town and the town of Milford, and the grading of the highway and approaches thereto. (Tabled pending the accept-

ance of the report of the committee in concurrence, and specially assigned for consideration on Thursday of this week on motion by Mr. Davis of Old Town.)

Resolve in favor of the official reporter of the Senate.

Resolve in favor of John W. Higgins for services as clerk of the committee on Maine School for Feeble Minded.

Resolve in favor of the Northern Maine General Hospital at Eagle Lake, for maintenance.

Resolve in favor of the Augusta General Hospital for maintenance.

Resolve in favor of Edward W. Murphy for expenses of the committee appointed by the 75th Legislature to investigate methods of distributing State school funds.

Resolve in favor of the Holy Innocent's Home for Infants at Portland, for maintenance

Resolve in favor of the State highway department, to provide for deficiencies on certain contracts for bridge construction at Old Town and to legalize the acts of the Governor and Council relating to such construction.

Resolve in favor of the Maine Insane hospital to liquidate a deficiency in certain accounts.

From the Senate: Report of the committee on ways and bridges on bill, An Act to provide for the permanent improvement of land within the limits of any highway adjoining any land not known as wild land.

In the House the report of the committee was accepted, and in the Senate the report of the committee was accepted in concurrence. Subsequently in the Senate the vote was reconsidered whereby the report of the committee was accepted, and the bill was recommitted to the committee on ways and bridges.

On motion by Mr. Scates of Westbrook the vote was reconsidered whereby the report of the committee, reporting "ought not to pass," was accepted, and on further motion by Mr. Scates the House concurred with the Senate in recommitting the bill to the committee on ways and bridges.

From the Senate: An Act to amend

Chapter 195 of the Public Laws of 1911 entitled "An Act to extirpate contagious diseases among cattle, horses, sheep and swine."

In the House the report of the committee on agriculture, reporting "ought not to pass" was accepted, and came from the Senate recommitted to the committee on agriculture.

On motion by Mr. Skelton of Bowdoin the vote was reconsidered whereby the report of the committee was accepted, and on further motion by Mr. Skelton the House concurred with the Senate in recommitting the bill to the committee on agriculture.

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

#### **Appropriations and Financial Affairs.**

By Mr. Swift of Augusta: Resolve in favor of T. M. Rollins, mail carrier of the House of Representatives.

#### **Placed on File.**

By Mr. Marston of Skowhegan: Petition of E. N. Merrill and 45 others of Skowhegan in favor of the Massachusetts ballot bill.

By Mr. Peterson of New Sweden: Petition of F. G. Creed and 25 others of Woodland in favor of distribution of State school funds according to the aggregate attendance in the common schools.

By Mr. Sanborn of South Portland: Petition of F. E. Driscoll and 35 others of Portland in favor of the Massachusetts ballot law; also petition of Anthony Dryer and 7 others for same; also petition of John C. Stewart and 14 others for same; also petition of C. F. Latham and 38 others for same; also petition of Harry M. Bigelow and 51 others for same; also petition of William H. Looney and 56 others for same.

By Mr. Higgins of Brewer: Petition of W. J. Sargent and 49 others of Brewer for same; also petition of B. B. Merrill and 18 others for same; also petition of Arthur S. Hatch and 18 others for same.

By Mr. McBride of Mount Desert: Petition of Joseph M. Small and 42 others of Mount Desert for same.

By Mr. Pendleton of Searsport: Petition of F. J. Nash and 2 others for same; also petition of Thomas M. Landers and 17 others for same; also petition of J. Franklin Anthony and 52 others for Eden for same.

By Mr. Sturgis of Auburn: Petition of J. H. Murdock and 29 others for same; also petition of Roland E. Clark and 19 others for same; also petition of Ernest E. Noble and 25 others for same; also petition of H. L. Bartlett and 17 others for same.

By Mr. Butler of Farmington: Petition of Jabez Daggett and others for same, also petition of E. W. Shackford and 41 others; also petition of Charles A. Rolfe and 21 others for same; also petition of Martin Farraday and 6 others for same; also petition of E. B. Farnsworth and others for same.

By Mr. Tryon of Pownal: Petition of D. P. Phelan and 18 others for same; also petition of Albion P. Goodhue and 18 others for same.

By Mr. Washburn of Perry: Petition of A. O. Briggs and 50 others for same; also petition of R. W. Straw and 30 others for same.

By Mr. Morrison of Corinth: Petition of G. D. Blake and 28 others for same; also petition of Jeremiah C. Galvin and others for same; also petition of Charles P. Burns and 20 others for same.

By Mr. Waterhouse of Kennebunk: Petition of Melville Woodman and 28 others for same; also petition of William H. Dwyer and 12 others for same; also petition of Clifford E. McGlaufflin and others for same; also petition of Jacob Rosenberg and 6 others for same.

By Mr. Irving of Caribou: Petition of James H. Gray and 40 others of Caribou in favor of same.

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

An Act to provide for the election of officers in cities by plurality vote. (Tabled pending its second reading on motion by Mr. Quinn of Millinocket.)

Resolve in favor of Ina A. Chadbourne.

Resolve in favor of Helen Gaffney.

#### Passed to Be Engrossed.

An Act to amend by Sections 18, 22 and 23 of the Primary Election Law, as amended by Senate Amendment A.

An Act to amend Chapter 122 of the Public Laws of 1911 relating to Corrupt Practices at Elections, as amended by Senate Amendment A.

An Act to provide for the safe keeping of indemnity bonds.

An Act to appropriate moneys for the expenditures of government for the year 1913.

An Act to amend Section 5 of Chapter 184 of the Private and Special Laws of 1891, relating to drains and sewers in the City of Portland.

An Act to create a body politic and corporate by the name of Bustin's Island Village Corporation.

An Act to amend Section 5 of Chapter 23 of the Revised Statutes relating to ways.

An Act to permit the Town of Pittsfield to obtain a pure water supply.

An Act to amend Section 1 of Chapter 93 of the Revised Statutes, relating to mortgages of personal property.

An Act to amend Section 32 of Chapter 27 of the Revised Statutes, relating to care and support of paupers.

An Act to authorize the Town of South Berwick to own and maintain an electric lighting and power plant.

An Act to incorporate the Pittsfield Water District.

An Act to amend Section 13, Paragraph 2, Chapter 9 of the Revised Statutes, relating to the Taxation of Personal Property as amended by Chapter 89 of the Public Laws of 1909.

An Act to amend Section 69 of the Revised Statutes, as amended by Chapter 41 of the Public Laws of 1905, relating to nonfeasance of duty by Sheriffs, Deputy Sheriffs, and County Attorneys. (Tabled pending its third reading and specially assigned for consideration on Thursday of this week on motion by Mr. Scates of Westbrook.)

An Act to amend "An 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 the Private and Special Laws of 1911.

An Act relating to the construction of sidewalks in the Town of Sanford.

An Act to amend Section 20 of Chapter 67 of the Revised Statutes as amended by Chapter 134 of the Public Law of Personal Estate.

An Act to establish a municipal court Laws of 1911, relating to the Distribution in the town of Readfield.

Resolve in favor of National aid for

the Improvement of Postal Roads.

Resolve for the scientific investigation of scallops and the scallop fisheries.

Resolve in favor of the Maine Industrial School for Girls for Medical Examination and Treatment with Supplies.

Resolve in favor of Mellen Tyron, Secretary of the Committee on Maine School for Feeble-Minded.

Resolve in favor of Presque Isle General hospital, Presque Isle.

Resolve in favor of the Androscoggin Anti-Tuberculosis Association. (Tabled pending its second reading and specially assigned for consideration on Thursday of this week on motion by Mr. Sturgis of Auburn.)

Resolve in favor of St. Mary's General Hospital, Lewiston.

Resolve in favor of the Official Reporter of the House.

Resolve in favor of York Hospital, in the town of York.

Resolve in favor of Maine Anti-Tuberculosis Association, Waterville. (Tabled pending its second reading on motion by Mr. Quinn of Millinocket.)

Resolve in favor of Maine Home for Friendless Boys, Portland.

Resolve in favor of Knox County General Hospital, Rockland.

Resolve in favor of the Bath City Hospital, Bath.

Resolve in favor of the Maine Institute for the Blind, Portland.

Resolve in favor of Daughters of Wisdom, St. Agatha.

Resolve in favor of Girls' Orphanage of Lewiston.

Resolve in favor of the Children's Heart Work Society of Maine.

Resolve in favor of Maine Children's Home Society, Augusta.

Resolve in favor of the Maine Eye and Ear Infirmary.

Resolve in favor of Trull Hospital Aid Association, Biddeford.

Resolve in favor of People's Ferry Company, Bath. (Tabled pending its second reading and specially assigned for consideration, on Friday, of this week, on motion by Mr. Ricker of Castine.)

Resolve in favor of Maine Mission for the Deaf, Belfast.

Resolve in favor of Webber Hospital Association of Biddeford.

Resolve in favor of Greenville Junction Young Men's Christian Association, Greenville.

Resolve in favor of the Maine General Hospital.

Resolve in favor of Woman's Christian Temperance Union, Temporary Home for Children, Gardiner.

Resolve in favor of Central Maine Association for the Relief and Control of Tuberculosis, Fairfield. (Tabled pending its second reading on motion by Mr. Quinn of Millinocket.)

Resolve in favor of Lewiston & Auburn Children's Home, Lewiston.

Resolve in favor of Temporary Home for Women and Children, Portland.

Resolve in favor of the Good Samaritan Home Association, Bangor.

Resolve in favor of the Maine School for the Deaf, Portland.

Resolve in favor of Bangor Anti-Tuberculosis Association, Bangor. (Tabled pending its second reading on motion by Mr. Quinn of Millinocket.)

Resolve in favor of Children's Aid Society of Maine, Belfast.

Resolve in favor of Eastern Maine Orphans' Home of Bangor.

#### Passed to Be Enacted.

An Act to amend Section 70 of Chapter 8 of the Revised Statutes as amended by Chapter 186 of the Public Laws of 1909, relating to the collection of inheritance taxes.

An Act relating to the assistant assessors of the city of Portland.

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

An Act to amend Chapter 119 of the Public Laws of 1911, regulating the sale of agricultural seeds, commercial feeding stuffs, commercial fertilizer, drugs, foods, fungicides and insecticides, by amending Section 9 thereof by adding two new sections thereto.

An Act to amend Section 5, An Act to provide for the nomination of candidates of political parties by primary elections.

## Orders of the Day.

The SPEAKER: The first matter specially assigned for today is bill, An Act to regulate the packing, shipping and sale of apples. The pending question is the third reading of the bill and its passage to be engrossed.

Mr. Chick of Monmouth offered House Amendment A.

Mr. CHICK: I wish to say that this amendment affects only Section 2 of the bill which is before the House pending its third reading, and relates to the classification of apples. It is practically the same as Section 2, other than it diminishes the limit of minimum size; that is, it changes, under the classification of fancy, the minimum limit from  $2\frac{3}{4}$  to  $2\frac{1}{2}$  inches, under No. 1's it changes the minimum limit from  $2\frac{1}{2}$  to  $2\frac{1}{4}$  inches; and the classification of No. 2's it changes from  $2\frac{1}{4}$  to 2 inches in diameter. I have consulted with many of the proponents of the bill and will say that the amendment has been endorsed by many of the proponents, and I move its passage.

Mr. COOK of Vassalboro: Mr. Speaker, and gentlemen of the House: In cases of total loss there is sometimes insurance. I have lost any special interest in this bill personally, for this reason: it has occurred to me that I can ship my apples to Liverpool by way of Boston with only a trifle more expense, and that when they get into Boston they are outside of the jurisdiction of the Pomological Society, and my agent there will be only too glad to re-brand them any way I wish him to. Other exporters will do the same. This will divert a large amount of shipping from the port of Portland; but I don't think that needs to worry me. A man who is in the apple business shipping apples has a good deal to worry about, without the worry of what the inspector will do to him. He wants to get his apples just as fine as he can; of course it is for his financial interest to do so; but he has to send out men—three or four in a crew—to pack in a number of different places; he cannot be with them; he must be at the car frequently, or most of the time, to receive the apples, pay the parties, make out invoices, and a lot

of other things which takes him away from his packers most of the time, and he is worrying for fear they are not packing them well enough—for fear they may get drunk and pack them any old way; and he does not want to have the additional worry that he will be fined if they do get drunk, as they frequently do, and pack them in a promiscuous way. But, as I have said before, I have lost my special interest in it, and don't care.

Mr. RICHARDSON of Canton: I wish to say in relation to this amendment as drawn by the member from Monmouth that it is perfectly satisfactory to me; in fact, I am in favor of it, because it more nearly follows the original draft of the bill which I introduced. I think the committee—I have not seen them all—but I think they have all approved this amendment offered by the gentleman from Monmouth.

The question being on the adoption of House Amendment A,

A viva voce vote being taken,

The amendment was adopted.

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

The SPEAKER: The next matter for consideration is the report of the committee of conference on Senate Document No. 17, known as the Massachusetts ballot bill, reporting that said committee is unable to agree, and the motion of the gentleman from South Portland, Mr. Sanborn, upon the same.

Mr. SANBORN of South Portland: Mr. Speaker, I do not propose to speak to any length upon this matter at the present time—

Mr. NEWBERT of Augusta: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman will state his point of order.

Mr. NEWBERT: Mr. Speaker, as I understood the action of the House the other day, and I may be in error, but as I understood the motion of the gentleman from Kittery, Mr. Mitchell, it was that the bill be tabled. Now, if that is the case, it did not table the motion of the gentleman from South Portland, Mr. Sanborn. In that case, it

seems to me that the motion to table having precedence over the motion to recede and concur, was carried, and in that particular case the motion to recede and concur has no standing before the House.

The SPEAKER: The Chair will state that the endorsement upon the report, which is the matter before the House—and also the memory of the Chair, as far as it has any bearing, although the Chair is not perfectly clear about the matter—the endorsement shows as follows: "Mr. Sanborn moved that the House recede and concur with the Senate; report and motion were tabled on motion by Mr. Mitchell of Kittery, and assigned for March 25th." The record appears to make the report of the committee and the motion both on the table and both assigned for today.

Mr. NEWBERT: In that case, Mr. Speaker, I will withdraw my point of order; and I have another point of order which I will make with the indulgence of the gentleman from South Portland, Mr. Sanborn. It is that the motion of the gentleman from South Portland, Mr. Sanborn, to recede and concur is not in order. The history of this bill, without going into the details, is about this—the Senate accepted the report, and I presume passed the bill to be engrossed; it came into the House here, and, if my memory serves me right, the House agreed with the Senate in accepting the report of the committee. On the following day or on some subsequent day the motion was made to indefinitely postpone the bill on one of its readings, which motion was carried. This action went back to the Senate, and that body having the facts, the Senate action was that the Senate insist and ask for a committee of conference. The papers then came back to this House, and the House then agreed with the Senate in the proposition for a committee of conference, insisting on its action and agreeing to the conference, and the committee was appointed; this conference reported in both branches a disagreement. Now, I submit, Mr. Speaker, that at this stage of the parliamentary procedure on this bill a motion now in this House to recede from our action, as I take it, indefinitely

postponing the bill, and to concur with the Senate in a previous action taken about two weeks ago is not in order. I do not know anything about parliamentary law, but the little reading I have done has convinced me of this, that it is made to suit the human mind, and it is made for the purpose of expediting business in an assembly like this, and it is made for the procedure of Legislative business. I submit that there have been subsequent actions since the first action of the Senate with which we are now asked to concur, over which we cannot go unless by reconsideration under a suspension of the rules. For instance, we have our indefinite postponement in this House. I submit that to get past that this House will have to reconsider under a suspension of the rules. We have our action here insisting upon our indefinite postponement and the appointment of a conference committee. Therefore I submit, Mr. Speaker and gentlemen, that in order to get by that action in this House under a suspension of the rules we will then have to reconsider; and further, the only possible action before this House this morning asking for concurrence here is the recent action of the Senate asking for the second committee of conference, and not the action in receding from our indefinite postponement and agreeing with the action two weeks remote in the Senate for the passage of the bill. I submit, Mr. Speaker, that the motion is not in order.

Mr. SCATES of Westbrook: Mr. Speaker, I have been absent for some time and for that reason do not know the condition of this bill. If I am correctly informed, as I remember the ruling of the Chair, that when the House disagrees with the Senate it is necessary to reconsider the action of the House where it disagreed with the Senate before we can recede and concur. I think that has been stated by the Chair heretofore.

The SPEAKER: Does the gentleman from Augusta, Mr. Newbert, maintain that the motion to recede and concur has not precedence over the motion to insist? The Chair thought that to be the point made by the gentleman.



Mr. NEWBERT: It may have precedence under our rules, but according to the general parliamentary procedure it is not in order for this House to go over all the other actions subsequent to the early action of the Senate and agree to that early action. I claim that we cannot get back of our indefinite postponement, and we cannot get back of our action to insist the other day; and that the only question before this House, this morning, for concurrent action is the recent action of the Senate in asking for a second conference.

The SPEAKER: Does the gentleman from Augusta, Mr. Newbert, claim that because of our action to insist the other day that a motion to recede and concur is not in order?

Mr. NEWBERT: It is not in order unless we retrace our steps one at a time, and do one thing at a time. If we are going to take a stand like this, I don't know whether any legislative actions are going to be determined in this House.

The SPEAKER: If the Chair understands, one point made by the gentleman from Augusta, Mr. Newbert, is that a motion to insist having passed, the House cannot now recede and concur. Is the Chair correct in so understanding?

Mr. NEWBERT: That is correct, Mr. Speaker, and I think the Chair understands my position, that we can concur, this morning, with the action of the Senate in asking for a second conference, but we cannot recede from our indefinite postponement of the measure and concur with the Senate in its passage of the bill because of subsequent action taken by both branches. It seems to me that I am right in this contention.

The SPEAKER: The Chair is very anxious to make no ruling which will develop to be unauthorized by the precedents, and as this matter appears to be a large and important matter, and may be a precedent in the action of the House, and possibly of the Senate, the Chair would much prefer to make a ruling later, unless the House insists.

Mr. Austin of Phillips moved that

the matter be laid upon the table and specially assigned for consideration on Thursday of this week.

The motion was agreed to.

The SPEAKER: The next matter assigned for consideration, today, is resolve for an amendment to the Constitution providing for the classification of property for the purpose of taxation. The pending question is the adoption of House amendment A.

Mr. Irving of Caribou moved that House amendment A be adopted.

Mr. IRVING: I will simply state for the information of the members who have not taken the time, or could not take the time, to inform themselves on the matter, that the proposed amendment to the original bill has been adopted by all the new States coming into the Union for the past several years, and is now in the Constitution of Virginia and Maryland. It was the sense of the committee that this would be preferable; but some opposition was raised against the classification of taxes on real estate. We have been struggling here for a number of sessions of the Legislature to get at intangible property. The Constitution as it now stands prevents the taxation of property in any other way than by equal valuation. This resolve simply gives to the Legislature power to classify. It does not, as amended, affect real estate.

I move the adoption of the amendment.

The question being on the adoption of the amendment,

The amendment was adopted.

The bill was then passed to be engrossed as amended.

The SPEAKER: The next matter in order for consideration is the matter of the reports of the committee on judiciary concerning the bill, An Act relating to the power of the board of prison and jail inspectors, majority and minority reports.

Mr. SMITH of Auburn: Mr. Speaker, I move that the minority report be accepted. To state it briefly, four years ago the Legislature passed an Act whereby the inspectors of jails and prisons were allowed to come into

any county and say what should be done in that county to the jail or prison. They came into Androscoggin, and we had our experience with them. They went to other counties and they had their experience with them. The law became so obnoxious that two years ago it was repealed, and not a single word was said in favor of the bill. This year, the prison inspectors came before the committee and asked for the re-enactment of that bill. There seems to be no reason why the State prison inspectors should come into any county and say what that county shall do, and make them do it under threat if they do not do it the State will do it and charge it to them. The people in the county who pay the bills are the ones who elect the officers, and should be the ones to determine what they will do; therefore I hope my motion to accept the minority report will prevail.

Mr. BOMAN of Vinalhaven: Mr. Speaker, I wish to say a few words in support of the remarks made by the gentleman from Auburn (Mr. Smith). A few years ago they came into Knox County and obliged the commissioner to erect a workshop. They were reluctant to do so, because of the burden upon the county, and after some consideration between the jail inspectors and the county commissioners they obliged the county commissioners to build a workshop for the jail at an expense, if I remember correctly, of about \$1000 or more. After the workshop was built they had no implements, no machinery, and nothing for the prisoners to do except to saw wood, and that is all they could set them to doing; and it seems at that time the expense of the county was altogether unnecessary. I am glad to know this Act is opposed by the minority, and trust that the report will prevail.

Mr. WATERHOUSE of Kennebunk: Mr. Speaker, I was one of the members of the committee that signed this minority report, and I did it for this reason, as I believed the several county commissioners within the several counties in the State were competent

and proper persons to determine the necessary repairs and expenses to be incurred in our several jails throughout the counties. Under this proposed bill, as I understand it, any one of the inspectors can go into a county and if the buildings, jails and workshops, do not suit their tastes they have a right to apply to the county commissioners and order these repairs made; then if these repairs are not made they (the inspectors) present the matter to the Governor and Council, and the repairs can be ordered made at the expense of the county, thus taking the whole matter entirely out of the county where I think the proper place for it is to remain. Now this particularly applies to my county for this reason—there has been an agitation for a number of years for the removal of our county buildings. Now supposing that the inspectors should go to our jail at Alfred, and it not meeting their tastes they should order a large amount of money expended, under this proposed bill they would have authority to do so, with the consent of the Governor and Council, thus controverting the wishes of a great many people in our county. I sincerely hope the minority report will be accepted.

Mr. SHERMAN of Eden: I am one of the commissioners of Hancock County, and I sincerely hope that the minority report will be accepted. In that county we have upon an average only about five prisoners, and it would indeed be a hardship if we were obliged to add a workshop. I know that has been suggested, and we have stove them off for quite a while; but sometime we shall expect them to demand that we have a workshop. I will call your attention to the fact that a bill has passed this Legislature giving the right to work prisoners upon roads, therefore the workshops will not be as necessary as they have been in the past. I sincerely hope the motion of the gentleman from Auburn will prevail.

Mr. DUNTON of Belfast: As a member of the committee signing the majority report it seems to me that something should be said, and a good

deal might be said, in favor of giving to the jail inspectors the authority asked for. The State is paying the jail inspectors to go about through the various counties and inspect their jails. They have power to make recommendations to the county commissioners. Now the bill as introduced, as I understand it, gives the right to appeal from any order that is made by the jail inspectors to the Governor and Council. Now these jail inspectors are supposed to be reasonable men; the Governor and Council are known to be reasonable men, and they would not enforce any order that would be a hardship to the counties unless the conditions absolutely demanded them. Now it seems to me that the modern thought is in the line of the reform asked for; that the people the country over are thinking more of the unfortunate ones of their communities, and are more and more working toward the reform of the criminal. It is known and admitted that there are jails in these counties that are a disgrace to the State, and that the community itself would not tolerate if they knew the conditions there. How many people are there in the cities where jails are situated that have ever gone inside the jails unless their duty calls them there? How many people know of the conditions that exist there? How many know what filth, what unsanitary conditions are to be found there? Of the cells where three or four prisoners are crowded together with no sanitary provisions whatever? These jail inspectors are in office for that purpose—to represent the people of this State who have placed those men and women there, who have taken away from them their liberty because by their acts they have forfeited it; but I submit that no unnecessary hardship should be imposed upon those from whom their personal liberty has been taken away, from those who for the good of the community are taken out from among their fellows and placed in prison, in cells. I say that no unnecessary hardship should be imposed upon them, and I say, too, that having taken from them that right of freedom to move about among their fellows the charity of the

community should follow them into their cells, and see to it that they are treated like human beings; and that is what these jail inspectors are for, and that is why they are paid to go about and inspect the jails. In order that the community may be protected, in order that the county finances may not suffer, an appeal is given to the Governor and Council in all of those cases, and it seems to me that we may safely leave this matter to the jail inspectors and the Governor and Council to determine whether a condition exists in a certain jail which should be remedied. Now this matter of workshops has been spoken of. As I understood from the jail inspectors all that was asked in any case was a place where the prisoners could get out of doors and work, or get into a building and work. Now that is a small part, it seems to me, of the things that ought to be done for these unfortunates. The jail inspectors, before the committee, stated that a yard answered the purpose. Now we want to get our ideas away from this item of it that has been enlarged upon and brought before our vision as the only thing within the range of our vision. We are looking at it as though the jail inspectors and Governor and Council were going to order new workshops in every county. Now it seems to me reasonable that anything that can be done in the line of reforming those prisoners should be done; and it seems to me that we should leave this matter with the jail inspectors and Governor and Council, as this bill provides.

The question being on the motion of Mr. Smith of Auburn that the minority report "ought not to pass" be accepted,

A viva voce vote being doubted,

A division was had and the motion prevailed by a vote of 65 to 39.

The minority report was then adopted.

The SPEAKER: The next matter for consideration is report of the Committee on Inland Fisheries and Game, to which was referred bill, entitled "An Act to provide for a resident hunter's license," reporting "ought to pass" in a new draft, entitled "An Act providing for a license for residents of the State to hunt on the wild lands of the State."

Mr. Mooers of Ashland offered House Amendment A, and on further motion by Mr. Mooers the bill together with

the amendment were laid upon the table for the printing of the amendment.

On motion by Mr. Cook of Vassalboro, report of the Committee on State Lands and Forest Preservation to which was referred "Resolve to establish a State nursery, to encourage the reforesting of waste lands of the State of Maine," reporting "ought to pass," was taken from the table, and on further motion by Mr. Cook the report of the committee was accepted.

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

On motion by Mr. O'Connell of Milford, the report of the committee on ways and bridges to which was referred "Resolve in favor of the reconstruction of the easterly span of the Old Town-Milford bridge," report "ought to pass" in a new resolve entitled "Resolve relating to the construction of the Old Town-Milford bridge," was taken from the table.

Mr. O'CONNELL: Mr. Speaker, I move that the original resolve be substituted for the report of the committee. In making this motion I wish to state that the resolve in favor of the Old Town-Milford bridge has been before the Legislature here since the 15th day of February, and it has been a long-drawn-out fight. The members of the committee have given the matter careful consideration and it has been gone over and threshed out thoroughly. I make this motion just the same as you would make it, gentlemen, if you had a case in court. I consider that an injustice has been done to the people of Old Town, Milford and Penobscot county. We have not asked this Legislature to support our bridges, but we have asked them to support their bridge. We will take care of our bridges, and all we ask you to do is to take care of yours.

We have already 33 bridges in Old Town and Milford, more bridges than any four towns in the State of Maine have got, and we allege that the State of Maine owns this bridge, and I can prove it to you. The charter for this bridge was granted in 1829; the bridge was completed in 1832, and at that time the State of Maine said that the corpor-

ation should have the right to collect tolls for 10 years. That started in 1832, and four years later they granted them the right to collect tolls for 40 years. That charter said that the bridge should revert to the State of Maine at the end of 40 years. In 1872 if the State had done its duty the State would have taken the bridge then. They let that corporation rob us for 20 years, until 1891 before the State woke up to the fact that the town was being robbed by a bridge corporation. The citizens of Old Town run toll bills amounting to \$3500, and the bridge corporation sued them. The supreme court had that case before it until 1892. This Legislature the years before that, in 1891, said that the bridge did revert to the State, and what did the State do, they immediately settled it off on the towns of Milford and Old Town provided the supreme court said the bridge had reverted to the State. In 1885 the supreme court again said that the bridge belonged to the State of Maine, and Milford and Old Town had to maintain it for 16 years.

Now what did the Legislature of 1907 do? In 1907 the Legislature of this State took the bridge over, the abutments and everything connected with it, and I defy any man in this Legislature or any man in this State House to show me that the State of Maine did not own this bridge, I don't care who the man is or where he comes from. The attorney general for the last six years said that you owned it, and I say that you own it, and the statutes say that you own it. I want to tell you, gentlemen, that Milford will take care of its own bridges; Penobscot county will take care of its own bridges and Old Town will take care of its bridges, but I want you to remember this, that Milford has 35 miles of road and 12 bridges, Old Town has 125 miles of road and 23 bridges. We do not want you to allow the State of Maine to take this step backward. The people of the State of Maine are taking over the bridges of the State. You have already a \$2,000,000 road bond proposition for the building of highways, and I ask you what the bridges are for if they are not a continuation of the highway.

I ask you if you are not satisfied that the town of Milford with its 971 inhabitants hasn't got road enough to carry,

and if you think the town of Milford ought to take over anything that belongs to this great State; and also if you people want to go back into the old stage coach methods of years ago, then it is your duty to vote this bridge out of the control of the State of Maine. In the spirit of fairness and in the spirit of progress I claim it is your duty to vote to leave the control of this bridge right where it is. I claim that the State of Maine ought to take over three or four of these bridges every year and give us people in the country a chance to struggle along. Look at this opinion of the court in the 85th Maine and give us a square deal, but do not let the State of Maine dodge this bridge.

Mr. JONES of China: Mr. Speaker, I believe in all justice and fairness that the State of Maine should take over this bridge and maintain it, and I hope the motion of the gentleman from Milford (Mr. O'Connell) will prevail.

Mr. BUTLER of Farmington: Mr. Speaker, just a word in connection with the position of your committee in regard to this Old Town bridge. The statements of the gentleman from Milford, as I understand them, are correct in regard to the history of this bridge—that it was taken over by the State by the Legislature of 1907. As we understand from the Attorney General the Legislature now in session has the same rights in regard to this bridge that the Legislature of 1907 had. We have made an appropriation, this year, for the western span of the Old Town bridge of \$33,000 in our committee; we also made an appropriation of \$45,000 for the construction of the eastern span of this bridge. It is estimated by the engineer of the State that this bridge will cost \$62,400, allowing that it is placed above the railroad bridge as it is now contemplated. I think it would cost much less money to lay it on the old piers, reconstructing these piers, and placing it below; but the committee made the appropriation of \$45,000, leaving two-thirds of the remaining expenses for the county of Penobscot, and one-third of the remaining expenses to be divided between the towns of Old Town and Milford; so you will see that the appropriations we have provided for amount to \$78,000, for this bridge. We also have damage claims which will

have to be taken care of, which will at least amount to \$7000, much more we claim—but that will make \$85,000. Inasmuch as the committee in other appropriations for bridges have placed a portion of the burden on the county and also upon the towns we can see no reason why we should make an exception in the case of this bridge. To be sure, it was taken over by the Legislature, in 1907; but, as the attorney general says that our ruling, today, is equal to the ruling in 1907, if we feel that the State should maintain the whole of this bridge that settles the issue, or if we decide that the towns and county bear a small portion of it we have the right to so determine. That was the position of the committee. I thank you, gentlemen.

Mr. SCATES of Westbrook: Mr. Speaker, I was not present when the committee reported on this bill, and do not know its condition, and I would like to ask the gentleman from Farmington according to your report what portion of the total cost of that bridge will be borne by the State, what portion by the County, and what by the town?

Mr. BUTLER: The State would pay \$45,000, according to the appropriation, which would leave a little less than \$17,000. Mind you, this is for the westerly span. The State has already appropriated the whole of the amount of \$33,000. The appropriation of \$45,000 is for the eastern span, the State already providing \$33,000 for the westerly span, leaving about \$17,400, according to the estimate, to be divided, two-thirds for Penobscot county, and the other one-third divided, according to the last valuation, between Old Town and Milford. I think Old Town's valuation is about \$3,000,000, as I remember it, and Milford's about \$600,000.

Mr. SCATES: As I understand the report of the committee, the State is to bear \$78,000 of the cost of that bridge, and \$17,000 is to be borne by the county and the different towns?

Mr. BUTLER: And in connection with that there is about \$7000 or \$8000 of land damage in regard to the change of grade that will have to be taken care of by the State, making some \$85,000 that the State will help in this bridge, to be paid for by the present Legislature.

Mr. WHEELER of Paris: Mr. Speaker, and gentlemen of the House: This is a matter that concerns citizens of other counties, because there are other bridges to be disposed of in the future. We are already disposing of some of the smaller ones at this session. I am much impressed with the argument advanced by Mr. O'Connell, the gentleman from Milford, because I believe this case has already been decided—almost finally decided—by the decisions of the court, and decided by a previous Legislature, and I, for one, am in favor of the proposition that the State should take over the bridges in good time and under the proper regulations; and certainly while we are taking care of bridges in this Legislature it would hardly seem logical that we now refuse to grant an appropriation for a bridge which does belong to the State already; and I am in favor of the motion of the gentleman from Milford.

Mr. THOMBS of Lincoln: Mr. Speaker, as a representative from Penobscot County, and a citizen of that county, this matter perhaps has more of a personal interest to me than to a great many of you gentlemen of the House living outside of that county. In order that there may be no mistaking the condition about the legal status of the bridge at the present time I wish to read just a paragraph from the 85th Maine Report that has been referred to by the gentleman from Milford. He has stated it correctly; but I wish you to hear the language of the court. After a very exhaustive opinion they say in summing up: "We are of the opinion, therefore, that the bridge, together with the fixtures, appurtenances and approaches necessarily incident thereto, reverted to the State in 1872 when the legal right of the respondent—the bridge company—therein ceased; also that the respondent's right to levy tolls against the public for passing over the bridge ceased at the same time; such was the contract between the respondent and the State in 1829."

Now, gentlemen, there is a great deal that might be said about this matter, and I presume it appeals in a different phase perhaps to each one of us. This particular thing I would call your at-

tention to, and that alone, as being the particular phase which appeals to me. In the ordinary bridge matter coming before this Legislature a town, or two towns, or possibly the county, comes in and asks the Legislature for a gratuity to help them in building a bridge which they must build in some way or other. Generally, if I am correct, those are towns that have to bear the whole expense themselves; but the Legislature feeling that on account of their being small towns, or poor, or an extremely large bridge, that they are deserving of help, and consequently in a great many cases give them something. Now, gentlemen, when you come to vote on this matter bear this in mind,—the county of Penobscot, the city of Old Town, and the town of Milford, have never had a single thing to say about this bridge. They had nothing to say about its building; it was built by a private corporation; they had nothing to say about its being taken over by the State, and now in view of all that is this Legislature going to say to them that you must bear the proportion of the expenses for repairing this State bridge that this committee on ways and bridges recommended?

Gentlemen, I hope you will not say that to the people of Penobscot county and the citizens of Old Town and Milford.

Mr. O'CONNELL: Mr. Speaker, I want to add to what I have already said that in the year 1908 the highway commissioner of Maine, Mr. Sargent, condemned these approaches and posted notices on the end of the bridge saying that this bridge was dangerous and that anyone who passed over it passed at their own risk. A bridge built in 1829, Mr. Speaker, ought to be considered dangerous in 1909.

In September of last year the bridge was considered dangerous, and the officials of Old Town notified the Governor and Council and they immediately came to Old Town, on the supposition of having looked up the law and knowing that it was a State bridge. They ordered the westerly span of the bridge to be reconstructed, and surveys for the easterly span of the bridge to be

made, and today they are putting the steel on. The result has been that we have not been consulted in Old Town or Milford from the fact that it is known to be a State bridge. It is true that it may be built cheaper in another location by about \$6000, but in going above the railroad bridge it eliminates two dangerous grade crossings. Now, if the State of Maine can eliminate two dangerous grade crossings by expending \$6000, I don't know why it is not a benefit to do so, because later on if we have to do that it will cost them perhaps five times as much.

Mr. ROLFE of Portland: Mr. Speaker, this question resolves itself in my mind into two questions. First, either the State of Maine owns the bridge or it does not. Upon hearing the evidence presented here and the facts, I feel quite confident that the State of Maine alone owns this bridge; and I believe that the members of this House today knowing those facts will not go on record otherwise than to let the State support its own.

Mr. O'Connell called for a division of the House.

The SPEAKER: The question before the House is on the motion by the gentleman from Milford, Mr. O'Connell, that the original resolve be substituted for the report of the committee, the report of the committee, as the Chair understands it, reporting in a new draft for a less amount. The gentleman from Milford, Mr. O'Connell, calls for a division of the House.

A division being had,

The motion prevailed by a vote of 116 to none.

The resolve was then substituted for the report of the committee.

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

On motion by Mr. Cook of Vassalboro, bill, An Act to amend Section 88 of Chapter 15 of the Revised Statutes, as amended, relating to school holidays, was taken from the table, and on further motion by Mr. Cook the resolve was again laid upon the table and specially assigned for consideration on Thursday of this week.

On motion by Mr. Thombs of Lincoln, the report of the committee on education reporting "ought not to pass" on resolve to aid in repairs to Mattanawcook Academy, was taken from the table.

The pending question being the acceptance of the report,

On further motion by Mr. Thombs the report was accepted.

On motion by Mr. Mitchell of Kittery, House Document No. 613, resolve in favor of the Hayes Young Women's Home in Lewiston, was taken from the table, and on further motion by Mr. Mitchell the resolve received its second reading and was passed to be engrossed.

On motion by Mr. Mitchell of Kittery, Senate Document No. 368, resolve in favor of the purchase of the Maine State Year Book for the years 1913 and 1914, was taken from the table.

The pending question being the adoption of House Amendment A,

Mr. ROLFE of Portland: Mr. Speaker I want to make a few remarks upon this resolve. I assure you, gentlemen, that whatever action you may take I will not personally try to keep this resolve before the House.

It has been the policy of the State in past years to encourage literature and art in the State of Maine. If you will grant me just a moment—back in the years 1871 the Maine Year Book was started here in this State. On page 182 of the Acts and Resolves of the year 1871, the State, if I understand it, through some office or officer bought 600 copies of the Maine State Year Book, giving the sum of 80 cents per copy, and that has been carried down through until the year 1911. In 1872 they bought 620 copies, giving \$1.25 per copy, and continuing that down to 1882, buying at that time 600 copies. In 1885 to 1892 they bought from 550 to 800 copies each year, paying the sum of \$1.50. In 1893 they bought 600 copies, and extended the time to June 1st, paying \$1.50 a copy, and continued that on until 1901, when they bought 650 copies and gave \$1.75 each. In 1902 they began by buying for the two years 1600 copies,

and paying \$2 per copy, and continued that until the year 1911, when there was no resolve passed; but they contracted with Mr. Donham for 200 copies in 1911, and 400 copies in 1912; that is, they cut down the buying of this book from 1600 copies from the years 1903 until 1910, down to 600 copies, and they bought them for \$1.50 per copy, saving to the State \$2300 during those two years, by a little competition. In 1911 the gentleman came before you with the Maine Official and Classified Directory, offering this book for that sum, and offered to deliver that book to the State of Maine on or before the first day of June; and, gentlemen, let me tell you that you have passed a resolve at this present Legislature to pay for a book that was not delivered until the very last of September or the first of October of last year. The time had elapsed and the State refused to pay the bill; nevertheless they accepted those books, and it is no more than just that they pass the resolve and pay for them. Again before your committee on libraries the two gentlemen appeared, making the offer that they will supply these books. One makes the offer that he will supply them and deliver them for \$1.25 per copy by June 1st; the other says that they cannot possibly be ready before August 1st. Now I do not wish to worry you in regard to this bill or this resolve; I simply say that you have encouraged literature in times past, and during the time that this Maine Year Book has been published you have bought 29,320 copies and have been \$44,254 to the publishers; so if you have owed in the past any duties to the publishers of this book you have at the present time, gentlemen, done all that you need to do; you have established a paying business for the publishers of the Maine Year Book. The resolve that I offer here today is simply that you may buy 300 copies of the Maine Official and Classified Directory, and also 300 copies of the Maine Year Book, for the reason that very many of you have got used to the Maine Year Book, and it is like your own home—you know every man may find it. On the other hand I think that if you were accustomed to the other book you would find that it excels the Maine Year Book greatly.

I move the adoption of House Amendment A.

Mr. CHICK of Monmouth: Mr. Speaker, I would like to state briefly the position of the committee on library in regard to this matter. Early in the session an order was introduced in the Senate, and it came into the House, directing the committee on library to receive proposals for the purchase of a sufficient number of copies of the Maine State Year Book for the various departments of the State. A little later an order was introduced in the House directing the committee on library to receive proposals from the publisher of the Maine Official Classified and Business Directory for a sufficient number of copies to meet the needs of the various departments.

The committee gave proper notice and a hearing was had on these two orders. After careful consideration it was the unanimous opinion of the committee that only one of these books should be adopted, and a resolve was framed to that effect and introduced into the House. The committee also thought it would be for the best interests of the State to adopt the Maine State Year Book, as it had in past years. The resolve called for the furnishing of 600 copies a year. This would give a sufficient number to be distributed to the various libraries throughout the State.

As a matter of economy it was thought that if one of these books was adopted that it would save duplication in many respects. The time in which this book is to be printed is August 1st. It was thought that a business directory containing information such as the Maine State Year Book contains, that it would be almost impossible to get the book out at an earlier date, because returns have come in from the various towns after they have held their annual meetings, and it would take considerable time to get the book in shape. As a member of the committee on library, I certainly hope that this amendment will not prevail.

Mr. SMITH of Auburn: Mr. Speaker, I did not intend to say any-



thing on this question; but there is one thing that has been brought out that appealed to me as one of the committee on library very strongly. It was in regard to the date the book could be gotten out. We asked one man, and he said the first of June. We asked him what he did if he did not get the returns all in, and he said he used the returns from the year before. The Maine Year Book man said they took two months longer, so as to get accurate returns every time. It seems to me the accuracy of the book is worth waiting the two months for. I asked various members which book they wanted, and the reply invariably was the Maine Year Book. I asked a number of the officials of the State House—two or three of them—and they said they wanted the Year Book. They said, "If you want to buy the Maine Classified all right" but they wanted the Year Book. In view of those statements it seemed to us that the demand was for the Year Book and that there was no call for the other.

Mr. ROLFE: I want to say in regard to the accuracy of the two books, that you will find some towns or plantations omitted from the Maine State Year Book during the last year; and if you will look the books over carefully I think you will find also that the figures given there are not absolutely accurate. During the last September election the Maine Official and Classified Business Directory was the book that was in existence and was the book that was referred to on the night of election, as the other book at that time was not in existence.

The question being on the adoption of House Amendment A,

Mr. Rolfe called for a division of the House.

A division being had,

The Amendment was lost by a vote of 39 to 56.

On motion by Mr. Rolfe the resolve was then passed to be engrossed.

On motion by Mr. Goodwin of Mexico,

Adjourned.