

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Seventh Legislature

OF THE

STATE OF MAINE

1915

HOUSE

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

Prayer by the Rev Mr. Livingston of Hallowell.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

Senate 253: Resolve in favor of the Commissioners of Pharmacy for equipment and also for the liquidation of certain deficiencies.

Senate 267: Resolve appropriating money in favor of maintaining navigation on the Upper and Lower Richardson Lakes.

Senate 266: An Act authorizing the building and maintenance of a dyke in the town of Milbridge.

Senate 265: An Act to amend, revise and extend the charter of the Stratton Water Company.

Senate 264: An Act to authorize the Municipal Light and Power Company to decrease its capital stock.

Senate 238: An Act to amend the military law.

This bill came from the Senate amended in that branch by Senate Amendment A.

The question being on the adoption of Senate Amendment A in concurrence,

Mr. Pierce of Farmington moved that the amendment be adopted.

Mr. Plummer of Lisbon moved that the bill be laid upon the table for the printing of the amendment.

The motion was agreed to.

Senate 34: Resolve increasing the retirement pay of Thomas Clark.

The SPEAKER: The Chair lays before the House, House Doc. No. 323, bill, An Act to fix the standard weight of certain commodities not included in Section 39 of Chapter 39 of the Revised Statutes, as amended by Chapter 124 of the Public Laws of 1913, and to correct the standard weight of a bushel of dried apples and to change the standard weight of a barrel of potatoes. This bill was passed to be engrossed in the

House and sent to the Senate for concurrence; it comes from the Senate amended by Senate Amendment A.

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

On further motion by Mr. Pierce, Senate Amendment A was adopted in concurrence, and on further motion by the same gentleman the bill was passed to be engrossed, as amended.

The SPEAKER: The Chair lays before the House the report of the committee on pensions, reporting "ought not to pass" on Resolve providing a state pension for Francis H. Orrock. This report comes from the Senate re-committed in that branch to the committee on pensions.

On motion by Mr. Wilson of Levant, the House voted to concur with the Senate in recommitting the report to the committee on pensions.

The SPEAKER: The Chair lays before the House the report of the committee on ways and bridges, reporting "ought not to pass" on Resolve in favor of Sandy River Plantation, in the county of Franklin, for building a new road and bridge in said plantation. This report comes from the Senate re-committed to the committee on ways and bridges.

On motion by Mr. Wilkins of Jay, the House voted to concur with the Senate in recommitting the report to the committee on ways and bridges.

The following bills, petitions, etc., were presented, and, on recommendation of the committee on reference of bills, were referred to the following committees:

Appropriations and Financial Affairs.

By Mr. Washburn of Perry: Resolve in favor of Leo Shay, Representative of Penobscot Tribe of Indians.

Inland Fisheries and Game.

By Mr. Blake of New Gloucester: Petition of Geo. W. Quint of Gray, and 114 others, residents of Gray and vicinity, remonstrating against any change in the deer law in Cumberland County.

By Mr. Wise of Guilford: An Act additional to Chapter 32 of the Revised

Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to ice fishing in Whetstone Pond, in Piscataquis County.

Judiciary.

By Mr. Perham of Woodstock: Resolve to prevent the Attorney-General from appearing as counsel before legislative committees.

Legal Affairs.

By Mr. Fossett of Portland: An Act to provide for the publishing of private and special laws.

Penobscot County Delegation.

By Mr. Conners of Bangor: An Act to amend Chapter 191 of the Private Laws of 1913, and authorizing the county of Penobscot to borrow money for the purposes specified in said Act.

Revision of Statutes.

By Mr. Sanborn of South Portland: An Act relating to administering oaths required by law.

Sea and Shore Fisheries.

By Mr. Lewis of North Haven: Remonstrance of Elmer E. Brown and 44 others of North Haven against the proposed change in the seining law east of Whitehead.

State Lands and Forest Preservation.

By Mr. Davis of Old Town: Remonstrance against enactment of House Bill No. 238, "An Act for the prevention of forest fires," and against Senate Bill No. 99, for preservation, perpetuation and increase of the forests of the State of Maine by E. Sawyer, Jr., of Sebobeis and 22 others.

Reports of Committees.

Mr. Washburn from the committee on agriculture, on Resolve to promote, and assist the interests of poultry culture, reported same in a new draft under same title and that it "ought to pass."

Same gentleman from same committee, reported "ought to pass" on bill, An Act to amend Section 18 of Chapter 222 of the Public Laws of 1909, relating to dogs.

Mr. Ricker from the committee on education, on Resolve making appropriations for the construction of

buildings at the University of Maine, reported same in a new draft under same title and that it "ought to pass."

Mr. Washburn from committee on Indian affairs, reported "ought to pass" on bill, An Act to amend Chapter 49 of the Private and Special Laws of 1891 as relating to the policeman of the Penobscot Tribe of Indians.

Mr. Waterhouse from committee on judiciary, reported "ought to pass" on bill, An Act to amend Section nine of Chapter 83 of the Revised Statutes, relating to place for bringing actions.

Mr. Sanborn from same committee, reported "ought to pass" on bill, An Act to authorize Sebobeis Plantation to build and maintain its roads and bridges and raise money therefor.

Mr. Campbell from same committee, reported "ought to pass" on bill, An Act to change the name of the Maine Baptist Missionary Convention and to unite with it the Maine Baptist Education Society and the Maine Baptist Charitable Society.

Mr. Sanborn from same committee, reported "ought to pass" on bill, An Act to authorize the plantation of Barnard to construct its ways and bridges.

Mr. Conners from same committee, reported "ought to pass" on bill, An Act to amend Chapter 129 of the Public Laws of 1913, entitled "An Act to create a Public Utilities Commission, prescribe its powers and duties and to provide for the regulation and control of public utilities."

Mr. Waterhouse from same committee, reported "ought to pass" on Resolve in favor of Hon. D. D. Stewart of St. Albans.

Mr. Thombs from the committee on legal affairs, on bill, An Act to revise and extend the powers of the Kingman Developing Company, reported the same in a new draft under same title and that it "ought to pass."

Mr. Hanson from same committee, reported "ought to pass" on bill, An Act to incorporate the Libby Homestead Corporation.

Same gentleman from same committee, reported "ought to pass" on bill, An Act confirming the official acts of

Frank D. Fenderson acting as register of deeds for York county.

Mr. Thibodeau from committee on library, on Resolve in favor of a History of Pemaquid, in the town of Bristol, reported same in a new draft under same title and that it "ought to pass."

Mr. Michaud from committee on public health, on bill, An Act to provide for the cure and treatment of tubercular persons, reported the same in a new draft under same title and that it "ought to pass."

Mr. Perham from the committee on ways and bridges, on Resolve in favor of the town of Hebron, reported same in a new draft under title of "Resolve in favor of aid in repairing highway in the town of Hebron," and that it "ought to pass."

Mr. Besse from same committee, on Resolve in favor of assisting the town of Plymouth in the repairing and rebuilding of Long Bridge across Plymouth Pond, reported same in a new draft under title of "Resolve in favor of aid in repairing Long Bridge, so-called, in the town of Plymouth," and that it "ought to pass."

Mr. Durgain from same committee, on bill, An Act to amend Chapter 356 of the Private and Special Laws of 1883, relating to the construction of bridge over tide waters between Orr's Island and Bailey's Island, reported same in a new draft under same title and that it "ought to pass."

Mr. Cobb from same committee, on Resolve in favor of repairing road in the town of Cooper, reported same in a new draft under same title and that it "ought to pass."

Mr. Besse from same committee, on Resolve in favor of the town of Harmony for a bridge across Higgins Brook, reported same in a new draft under title of "Resolve in favor of aid in building a bridge across Higgins Brook, in the town of Harmony," and that it "ought to pass."

Mr. Cobb from same committee, on Resolve for repairing a highway in the town of Upton, reported same in a new draft under title of "Resolve in favor of aid in repairing highway in the town of Upton," and that it "ought to pass."

The reports were accepted and the several bills and resolves ordered printed under the joint rules.

Mr. Washburn from the committee on agriculture, reported "ought not to pass" on bill, An Act additional to Section two of Chapter 156 of the Public Laws of 1913, relating to the packing, shipping and sale of apples.

Mr. Ricker from the committee on education, reported "ought not to pass" on bill, An Act to amend Section 88 of Chapter 15 of the Revised Statutes, as amended by Chapter 48 of the Public Laws of 1905, as amended by Chapter 48 of the Public Laws of 1907, as amended by Chapter 190 of the Public Laws of 1909, as amended by Chapter 23 of the Public Laws of 1911, as amended by Chapter 195 of the Public Laws of 1913, relating to school holidays.

Same gentleman from same committee, reported "ought to pass" on bill, An Act to amend Chapter 177 of the Public Laws of 1909, relating to the common school fund and its distribution.

Same gentleman from same committee, reported "ought not to pass" on Resolve in favor of Nellie Fletcher, with Statement of facts.

Mr. Sanborn from the committee on judiciary, reported "ought not to pass" on bill, An Act relating to the records of instruments relating to real estate in the county of Knox now recorded in other counties.

Mr. McCarty from same committee, reported "ought not to pass" on bill, An Act to amend Chapter 215 of the Private and Special Laws of 1913, relating to municipal elections.

Same gentleman from same committee, reported "ought not to pass" on bill, An Act in addition to Chapter 93 of the Revised Statutes, relating to liens on land.

Mr. Connellan from same committee, reported "ought not to pass" on bill, An Act to establish a State board of accounts.

Mr. O'Connell from the committee on labor, on bill, An Act for the protection of life and property against loss or damage from steam boilers and steam engines operated by incompetent persons, reported that the same be referred to the committee on judiciary.

Mr. Smith from the committee on State

School for Boys and Industrial School for Girls, reported "ought not to pass" on bill, An Act amending Section two of Chapter 143 of the Revised Statutes, relating to the age at which boys may be committed to the State School for Boys.

The reports were accepted.

Majority and minority reports of the committee on education on bill, An Act to provide for the distribution of State school funds, majority report, reporting "ought not to pass," signed by Messrs. Walker, Murphy, Ames, Gallagher, Woodman, Snow, Pierce and Ricker; minority report, reporting "ought to pass," signed by Mr. Perham.

Mr. RICKER of Castine: Mr. Speaker, I move the acceptance of the majority report of this committee on distribution of State school funds. In stating by reasons for making this motion I will try to be very brief. In the beginning, in 1829 the school census basis of distribution was established which lasted until 1907. At that time there were no large manufacturing centers, or no cities of any great amount in this State. Later the cities were incorporated and there were academies, normal schools and various institutions created which changed the distribution of this fund, so that in 1907 the State gave one and one-half mills for school purposes. In 1909 another one and one-half mills was assessed on the valuation of the State in general, making three mills in all; also in 1909 the equalization fund was established, and this was done to take care of the poor schools, that it was claimed the other fund acted against. Now in addition to the money that the common schools receive, the State appropriates a sum altogether of \$2,168,000, in rough figures, and that is distributed to academies, seminaries, institutes and normal schools; also the towns sending their scholars to high schools in other towns receive a rebate from the State from that account. Now the school fund at the present time is distributed on the basis of two-thirds census and one-third population, and in the last three Legislatures of 1909, 1911 and 1913 there have been bills presented to the committees which have had this matter under consideration, and eventually the Legislature voted "ought not to pass" on every one of these bills. The

present bill makes the distribution according to the aggregate attendance. This proposition sounds very good to one reading the bill, but it does not work out in practice. Sickness alone would be the greatest enemy to this distribution on the method of aggregate attendance and that is something that could not be helped; and the town in order to receive its State aid would have to go to the previous year's record, and you can readily see that towns in one year might have a lot of money and the next year their fund would be deficient. I could present facts and figures, but I do not think it is necessary.

It is claimed that this is a Grange bill, but I hardly believe that the members of the Grange jointly favor this bill. We have here, roughly speaking, 170 petitions signed by different Granges in favor of this bill. In looking over these petitions—and I will say that these petitions were signed by the secretaries of the different Granges and not by the individual members of the different Granges, and you gentlemen who belong to lodges know that when any petitions are presented to a lodge they are as a general rule signed, and it does not make any difference how many are there, it is signed by the secretary. I have one petition here representing a Grange of 100 members, and the secretary of this Grange signed this petition, and then in red ink on the petition it says "About 50 present; vote divided." Now if that is one Grange which had a divided vote there must have been other Granges which had divided votes, although the secretary did not put it on the petition. Out of the first 50 petitions that were presented and which I looked over, over 52—over one-half of those Granges—stood to lose \$16,000. Now the members of those Granges stand for that petition, naturally, or you would think they would, but when you come to find that they lose over \$16,000 you can readily see that they would vote the other way.

Now, gentlemen, I wish to go on record as saying that I have nothing and neither has our committee anything against the Grange; we are simply for the good of the schools in general of the State of Maine; we took up all these bills and

tried to do the best we could for the good of our schools. I recognize that the Grange as a body is composed of people who are interested in the welfare of the State; we all know that the farming element is an important one in our State, and there is no reason why we should not support them as far as we can; they send representatives to the Legislature to appear for or against bills which they think are of interest to the State; and it seems to me that their motto should be "Progress for Maine," at least; but I think the individual members who are appearing for this bill are mistaken in their figures.

The 75th legislature appointed a special committee, a committee that was entirely non-partisan, to report to the 76th legislature on the matter of school distribution; the members of that committee worked without pay and they conferred with experts from all over the United States. The result of their work is comprised in Senate Doc. No. 121 of the 76th legislature. With all the powers they had and with all the evidence that was brought before them they saw no reason for any change in the bill. Your present committee has heard all the evidence they could. We gave a wide-open hearing in the Senate Chamber two weeks ago today; we talked with members individually and collectively; there were present people from all over the state. You remember there is a minority report upon this matter, but we can see no reason why this bill should be changed at the present time.

Now, who would gain if the members of this House vote to support the minority report of the committee? 81 of the representative districts would lose; 13 of the towns sending a representative would lose; 33 other towns in those representative districts would lose; only 24 would gain. I think these figures are authentic; at least they have been worked back and forth by several men who are experts in this line. At the present time it seems to me that the census and valuation principle dovetail together very well, and while we might admit that it is not an ideal

principle of distribution, that it is as good as any that has been presented to us.

I feel that I have taken considerable time of the session this morning upon this matter, and will not make any further remarks at this time, but I am going to ask, Mr. Speaker, that when the vote is taken it be taken by the yeas and nays.

Mr. PERHAM of Woodstock: Mr. Speaker, I move that these two reports be laid upon the table and be specially assigned for consideration to-morrow morning.

Mr. BLAKE of New Gloucester: Mr. Speaker, I heartily concur with the gentleman from Castine, Mr. Ricker, in regard to this bill, I consider myself a good Granger, but I wish to say that in my town of New Gloucester — —

The SPEAKER: The Chair will state to the gentleman from New Gloucester, Mr. Blake, that the pending question now is upon the motion of the gentleman from Woodstock, Mr. Perham, to lay the matter upon the table until tomorrow morning.

Mr. THOMBS of Lincoln: Mr. Speaker, the motion to assign to a day certain is a debatable question, is it not?

The SPEAKER: As to the time of assignment, as the Chair understands it. All those in favor of the motion that this matter be tabled and specially assigned for tomorrow morning, will say yes; all those opposed will say no.

A viva voce vote being taken.

The motion was lost.

Mr. BLAKE of New Gloucester: Mr. Speaker, I wish to say that if this change is made the town of New Gloucester would lose between seven and eight hundred dollars a year of their school money; and I second the motion of the gentleman from Castine, Mr. Ricker.

Mr. ST. CLAIR of Calais: Mr. Speaker, I have not entered into any figures in regard to the effect of this bill upon the amount received by the various towns throughout the State.

I presume we all know it is a fact that whatever system of distribution is adopted, some towns will receive more than others. If it is on valuation, then the wealthy towns are benefitted and the poor towns are hurt. If it is on an average attendance, the town that is more careful to get its scholars in school would get more. Now if it is on aggregate attendance, how is it going to affect the various towns? I asked the superintendent of schools what he meant by aggregate attendance—how he figured the aggregate attendance—and he told me that this was the system: If a child was in school one day, that would count as a day's attendance; that they took the attendance of every school in the town and added all the days that each scholar was in school for the year, and that would be the aggregate attendance of that town for the year. Aggregating the various towns in the State would give the aggregate attendance for the whole State. Then they take that as a divisor, and divide the school money by the total aggregate attendance, which would give the amount that each day's attendance was entitled to. Then each town would use as a multiplier the aggregate attendance of that town, and multiply that quotient, which would give the amount of money that that town should receive. Now naturally you would imagine that that would not make much difference; but there is one thing certain, it seems to me, that it is a little incentive to the various towns to get their children into school as many days as possible. That is something in favor of the bill, because this money that is expended by the State should be expended on scholars in school; not on scholars hoeing potatoes on the farm, but on the boy and girl who are in school. That is where the money should go. Personally, not having figured upon this bill to know how it affects towns, I say this: that if a town is so careless and indifferent about its schools that it is perfectly willing that the scholars shall be out of school rather than in, that town ought to be hurt, and that the town that is anxious, and the people of the town who are

anxious, that their children shall be in school ought to receive the benefit, because they have more children proportionately in school. This money is to pay for education, not for work anywhere else. Personally, were I asked how I would want the school money divided, I would say that I want it divided on average attendance. That means this: that the towns which have the highest average attendance should get the most money and it would be paid for schooling. It may not be news to you, but some years ago it came under my notice that there were towns in the State that took their school money and divided it up among themselves, and did not use it for schools at all. That was ferreted out and stopped. If you can get a law which works against that kind of business, and works for the towns and the communities that send their children to school, why it is good. The poor towns of the State as well as the towns where there are but a few children, are hurt by any system of distribution that may be devised. The equalization fund is supposed to take care of that and help the poorer towns; and it seems to me that there are two problems before this Legislature. One is to find a way to help the towns that are not able to school their children as well as the wealthy communities are. The towns of the State owe a debt to every boy and girl within the State to see that they have an education as good as is comfortable with the other needs of the State.

The other problem before this Legislature is to see to it that the money of the State which we vote for schools shall be paid for work in schools. Now that was one trouble with the school census system. Down in our own town, a number of years ago, there was a large community in which the average attendance of children in school was less than 50 per cent.; that is their children went to school half of the time. Now they were getting just as much money as another community in the town, proportionately, where the average attendance was over 50 per cent. That was not fair. The community which sent 75 per cent. of its

children to school should get more for it than a community that cares so little for its schools than it send only 50 per cent. of its children to school.

These are the problems that face the Legislature: To help the poor towns that are not able financially to have good schools, and then to see in some way if it cannot devise a means by which the money of the State of Maine, which we so generously pour out—and I want to say right here that there is no state in the Union when you take wealth and population into consideration that provides for education so generously as the State of Maine; and we want to see that the money that the State of Maine thus expends is paid for education in schools, and not for boys roaming about, not for boys working on the farm, not for boys going to sea, not for girls in stores, but for the children in the schools who are trying to get an education. (Applause).

Mr. RICKER: I would like, Mr. Speaker, to go a little further on that equalization fund matter. It started with \$20,000 until last session when it was \$40,000. This year we have under advisement in the committee raising it to \$50,000. That will help the poor towns.

Mr. SMITH of Hampden: Mr. Speaker, I received a letter the other day from the chairman of the Board of Selectmen of my town asking that when this matter came up I should say a word in favor of the aggregate attendance method of division of the school money. When over to town meeting Monday I met the Supervisor of Schools of my town, the city of Brewer and of Veazie. He stated to me that under the census method there were in his jurisdiction a mother and child both receiving money by that method, and neither of them in school. A former superintendent of the Maine schools, Mr. Stetson, stated that in his opinion it was as fair to divide the school money of the State according to the census of the pigs and cows on the farm as to divide it according to this method which had nothing to do with school and the cost of school maintenance. We do know that there has been a protest over much of this State that one of the cities of the State has used school money, appropriated by the State for general school purposes, in the

construction of streets or for whatever purpose it saw fit outside of school purposes, when a large part, or quite a part, of its scholar population was working and earning money, and not using any portion of the money that the State had voted it for the purpose of maintaining its schools. I appeal to you gentlemen for a fair division. I am a Granger, and I think I can say that this is a Granger measure. It is a State-wide organization, and the fact that one town loses a little and another gains a bit I hope does not enter into our calculations to a sufficient extent to make us for or against this bill. (Applause).

Mr. HILL of Cornish: Mr. Speaker and gentlemen of the House, I have just a few words to say upon this matter. In the first place, in 1828 the State set aside 24 townships of land to be sold and the proceeds turned into the State Treasury and it was to be known as the common school fund. Later on they sold 20 half townships and that was to be turned in and known as the common school fund. In 1872 the first mill tax was passed and that was to be assessed upon all the property in the State and turned into the State Treasury and known as the common school fund. In 1907 they raised another half mill and that was to be assessed in the same way and turned into the State Treasury to be known as the common school fund.

Now, gentlemen, I want you to bear in mind one thing, and that is that all of these appropriations which had been made up to that time were to be turned into the State Treasury and known as common school funds. The object, I will say, of that school fund was to assess property wherever it existed and distribute it among the poorer towns for the purpose of helping to educate the scholars in these towns where the towns were not able to do it themselves. Now, in 1909 they added another half mill, and that was to be assessed in the same way as all the other school funds had been assessed, and that was to be turned into the State Treasury and known as the common school fund. Then there is an equalization tax. The first was \$20,000, the next was \$27,500 and the next was \$40,000; and that was to be distributed around to help out the poorer towns according as they saw fit.

As I have said before, I want you to bear in mind that all these appropriations, even up to the last one, have been known as the school fund. On the first one it was to be distributed on the sale of the wild lands, etc., but the last one, the mill tax, was to be distributed among the several towns. In this connection I want to read to you from the report of the committee, a committee of which the Senator from Cumberland was a member and a strong advocate of the present mode of distribution of that mill tax; and they say in that report, on page 20, "Regarding the State school fund solely as an educational fund, the valuation basis is indefensible."

Now, gentlemen, I want to say here that I want to go on record as being in favor of the boy in the log cabin who should draw the same money as though he was living in a brownstone front in Portland. I do not believe, as I said before, that this was ever intended to help out any but the poor boy. The rich boys can take care of themselves. It seems to me that the committee did not approve of that method of taking the aggregate attendance, and I am willing to accept that; I want the scholars of our State to have this money as it belongs to them; and I hope when this vote is taken it will be by yeas and nays and that every member of this House will go on record whether he is in favor of the poor boy or in favor of the rich boy in the brownstone front. I want to say, further, that Mr. Graham's block on the corner of Harlow and Center streets in Bangor would draw more school money with not a scholar in the city of Bangor than would the town of Hudson in my class with every scholar they have in that town. Now if you think this is fair to the poor boy to divide it according to this method, do so. But I hope every man will stand up here and vote not to be prejudiced because he lives in a town where there is considerable wealth, but vote for the under dog in the fight, as I say.

Mr. TUTTLE of Caribou: Mr. Speaker, it seems to me that this should not be a question of whether my town gets a few dollars more than some other town; or whether some other town or city gets more than

mine. But the question is, the equal distribution of this money for the purpose for which it was raised? It was raised to educate the children of the State, not the children of any particular city or town, but the children of the State, whether they be in a poor town or a wealthy one. And it seems to me that this bill proposes the most equitable way of distribution of any that has even been proposed, and it seems to me that in a matter of so vital importance as this, we should set aside all local or self-interest and consider what is best for all.

The Granges, both Pomonas and Subordinates, in our county have been considering this school tax question for the last three or more years in their meetings, and I have attended a great many of their meetings and know whereof I speak, and I can truly say that of all the questions that ever were brought to the consideration of our granges this received the most careful consideration both in committees and in the meetings, and all were of the unanimous opinion that this bill favoring the aggregate attendance is the most just and equitable method for distributing the common school fund.

To show you that the counties that possess the wealthy villages and cities have an advantage of the poorer counties, I will cite you Aroostook county as compared with Cumberland. Aroostook County with .28 less available funds per scholar than Cumberland County is taxing itself 2-6-10 mills per dollar against Cumberland County 7-10 of one mill and if Cumberland County should pay the same rate as Aroostook County does, it would cost Cumberland \$93,368.86 more than it is now paying, and if Aroostook County should pay the same rate as Cumberland County it would save \$50,438.-68.

Mr. DRUMMOND of Winslow: Mr. Speaker, I am not a Granger and yet the town which I represent has a Grange of about 200 members, and another town in the same class has a Grange nearly as large as that. It

was attempted to have those Granges vote in favor of this bill, because it came from the State Grange, as I was informed by good authority, and both of those Granges turned down that proposition. So it is not a unanimous measure among the Granges, as I understand it. Now some mention was made about houses with brown-stone fronts. We have none of those things in Winslow, but we are a small country town; in my town this year they voted to raise \$5,000 and get what we could from the state, and if this bill is passed on the average attendance we are going to lose very nearly a thousand dollars; of course we do not like that. Our town is strongly opposed to this average attendance.

Mr. PERHAM of Woodstock: Mr. Speaker, you will remember a short time ago I asked for this matter to be laid on the table until tomorrow morning. My object in that was simply because this is a matter of State-wide importance and of State-wide interest. I felt that practically all or a large number of the people here standing in favor of the aggregate attendance method of distribution were not prepared this morning to take up this argument; in fact, we did not expect it would be forced upon us this morning as it has been the courteous custom of this body to lay matters upon the table and assign a time in the future for the consideration of practically every matter of importance that has been presented here. I simply asked that this matter be continued until tomorrow morning, realizing that the session is getting quite well advanced, and it is the furthest from my desire to hinder in any way the work of this Legislature. However, the members of this House did not see fit to grant that request, and for that reason the discussion of this very important matter has been precipitated this morning.

This matter of distribution of State school funds is a business proposition. You have listened to the remarks in regard to the State school fund, about its creation, and how it has developed from small to large proportions. It was fully explained before

our committee in relation to the last mill and a half to be used as a school fund, and how they tried to do other things with it; but we were very fortunate in having an expert constitutional lawyer with us that day, and he was evidently on hand at the time when this distribution fund was enacted; and we learned that it was the only constitutional way in which they could take care of this fund that they had assessed on all the property in the State. The State of Maine is situated a little differently from a great many of the other states; we have large values on property in our State that are not subject to local taxation for schools, roads and all that sort of thing; we also have another large class of property that does not come in and use their portion of the school money, and that is the large number of summer residents in the State of Maine, people who have come into our towns, especially the towns along the coast of Maine, who have gone into different portions of our State developing palatial summer homes, men of ability who own these homes, men of ability who come to help support the towns where they are situated. When that fund was distributed they claimed that should not go into the schools, that some did not want it, and they allowed it to be constitutional, and it was the only way they could get at that property, and for that reason it was made a school fund at that time; it is a school fund at the present time, and it must be maintained as a school fund. As a school fund the question of that value in certain localities has no just place in the distribution of this fund; it must be distributed and used for common school purposes.

Now, we find in discussing this matter that there are a lot of things which enter into it. In our hearing which was held in the Senate chamber, and which was a public hearing, we had representatives from many of the larger places where these large accumulations of property exist protesting against any change whereby the valuation method of distribution should be stricken out. Those of you who were present at that hearing

know how flat fell that argument. The question resolves itself in about this way: the State of Maine has a fund which is created for certain purposes, under the present method of distribution, and you all know the facts and figures which have been placed before the members of this Legislature, and from that we all know that certain places receive a very large amount of that money, even more than they can use for all of their common school purposes; we know of many other towns which draw large amounts of money from that town and which will raise something locally to support their schools. The rate of the amount raised locally for the support of schools in these large wealthy places runs in the fractions of a mill, from 4-10 to 7-10 or 8-10 of a mill; while in the country towns it runs from three to seven or eight mills. In my own town, for instance, it is four mills and a fraction.

Now the question is in this case, can this fund created by the State for the schooling of the children of the State—shall it be placed where the value on property lies, where the summer people come and maintain their palatial residences from all sections of the country, where they come and spend their money liberally and send no children to the schools—shall that money raised for our children go back to those towns where those people make their temporary home, or shall it go into the common schools of the State of Maine where the boys and girls of our State must receive their education?

It seems to me there can be but one answer to that question. It seems by the report of the committee that ten out of the sixteen counties would gain by this proposed change. One out of the six that loses would lose a very small amount, right around one hundred dollars as I remember it; it can not be the fact that all would be losers, as has been explained, in a great many cases; that cannot be a fact because we know by actual figures that many thousands of dollars of this school money will change places; it will go from the places of accumulated wealth,

from these large manufacturing centers where they employ a large number of people of school age in those factories,—it will go from these towns and cities where they have large private schools and it will be put into the country. Yes, I will say into the country, and I am a part of the country, and while my town from peculiar conditions under the present method according to the figures would lose slightly by the change, on general principles that money should go where the children are; it is our duty to educate the children of the State of Maine. And without going into the actual figures which are available and which are accurate and which will show that over half of the towns of the State of Maine will gain by the change in distribution, I think it is patent to this legislature that while this method may not be absolutely right it is hard to get any hard and fast rule of distribution but what will effect some sections perhaps unfairly. We shall have under our equalization fund, under either method, to take care of extreme cases; but I think it is patent to the members of this House that the change in the distribution will be more nearly just, more nearly fair and more nearly in accordance with the spirit of the times to educate the children who are called the best product of the State of Maine, and let us put this money of the State where it will do good to the children of the State.

MR. HILL: Mr. Speaker, I consider all the tables from that report foreign to the subject entirely. It is a question of scholars and distribution. I think. Our country towns are all growing smaller in population and valuation. I will cite a few towns in Penobscot County in as good a part of the county as there is. The town of Exeter in 1850 had a population of 1853; in 1910 it had 888. The town of Corinth had in 1860 a population of 1789; in 1910, 1042. In 1860 Bangor had 16,408; in 1910, 24,803. They increased one-half in population and tribled in valuation, while we have been cut in two. I was in favor of the census plan, but I will say that I think this is better than the old one.

In that same time Portland, with about 16,000 or 17,000 scholars, drew as much money as Piscataquis and Penobscot counties combined; but they had the valuation. I wish my tax was \$1,000 this year if I had the property behind it to back it up. These cities come in here and claim that they are overburdened. Is it a burden to them that they are rich, or is it against us that we are poor in our country towns? I say that when any man stands up in this Legislature, and votes to discriminate and take the property valuation, and deprive the poor boy of his rights, he is voting from selfish motives; he is not voting according to the dictates of his heart and for what is right and just for all.

Mr. McKINLEY of Jackson: Mr. Speaker and Gentlemen: I did not intend to have anything to say on this question, although it is one that I am interested in especially, until the inclination showed itself to choke the question down and not give the advocates of it a chance to make some preparation to present their side of the matter. Heretofore at this session, matters of greater or less importance have been tabled to give opportunity for preparation and discussion. Since I have been seated here for the last few weeks listening to the deliberations of this House and attending the committee hearings, there is one thing that I have noticed particularly; that when any matter of any importance came up, we have been asked to pause and see if the people outside demand that such legislation should be enacted. Now it seems to me, as I have sat here and listened to the documents read by our Clerk day after day that there has been a strong voice from the people in favor of this Grange bill. Petition after petition has been laid on our tables and read, also resolve after resolve from our Granges; and it occurred to me that the gentleman who spoke first here had an inclination to belittle these petitions and resolves, though I sincerely hope not. I will say from my own standpoint, from my own locality,

that where these petitions and resolves have been presented, they have been met with hearty approval, and the people by signing them have voiced their sentiments in regard to this question. Now, Mr. Speaker, in regard to my own town, and in regard to my own county on the present basis. Figured on the basis of last year, my own town would lose a small amount. I understand and believe that it only makes about \$120 difference in the whole county. Still, down in the town of Jackson we are assessing ourselves annually five mills to support our schools, while I understand that some of these large cities that oppose this measure are assessing themselves less than one mill. You see, gentlemen, that if this matter could be more nearly equalized it would create a stimulus for our smaller towns to extend our school weeks and to increase the number of our pupils. Those who have taken pains to figure it out find that there is where we would be the gainers, if our school money should increase in the ratio that we increase our school weeks and our number of attendants. Gentlemen, I rise to make these few broken remarks that I may go on record in this matter to the people who have kindly sent me here to represent their interests.

Mr. McINTIRE of Waterford: Mr. Speaker: I would not feel that I had done my duty if I did not stand up here and be counted as a Granger, if nothing more. Now I will not take five minutes of your time. I can tell you what it costs to educate children in the country for I have educated two. I could tell you of the abandoned farms that have been abandoned from just trying to educate the children back in the rural sections. You know it, and I do not have to tell you about it. I can tell you that if you do not give some relief, and help them out, there will be more abandoned farms. A large per cent have had to go without the advantages of education; I am going to take this stand, gentlemen, that our principle is right. It was ably set out by my good friend, Mr. St. Clair. It is the principle that we are working on, gentlemen, and

that principle is right, and right in time will prevail. Let us rise above this little petty matter of what our town is going to lose or what it is going to gain. Let us look at the principle of the thing. You all know what a turtle will do if you touch him with a stick. His head disappears—his feet, his tail, are gone; there is nothing but the shell. Let us stand on our feet and look at the principle of this thing and keep outside of the shell.

Mr. THOMBS of Lincoln: Mr. Speaker and gentlemen of the House: I have listened with a good deal of interest to the discussion regarding the matter under consideration this morning, and I am somewhat surprised at the ability and the detail with which it has been discussed by the various speakers. I must acknowledge that I am not familiar with the details of our existing school laws. To me they are rather complex. Now if there are others in this hall this morning like myself who do not understand these matters in detail, taking into consideration the arguments pro and con that we have listened to, what then becomes our duty respecting our decision in this matter? It seems to me that my duty is plain. It seems to me that I cannot conscientiously go against the report of the majority of our educational committee, which committee, as you know, is composed of men of ability, men of long experience in school matters, and whose decision, I think, is entitled to a great deal of respect and consideration from us. In addition to them long time that they have given the matter at this session, a number of the gentlemen composing this committee have had experience on the same committee in previous legislatures, and they have had the benefit of the detail and fact that has been worked out by their predecessors; and it seems to me that a committee composed of men coming from the city and from the country as well that they have arisen above the consideration of any particular locality and have given to this House this morning the benefit of their judgment as to what they deemed to be best for the interests of the whole State. Now, gentlemen, it seems to me that that is true, and I feel for one that this House this morning—unless

some gentleman is satisfied in his own mind beyond conviction otherwise that he is right in this matter—that our duty is to give to the majority report if this committee our support. I hope you will do that. (Applause).

Mr. PERHAM: Mr. Speaker, I hope that every member here will give due consideration to the majority report of this committee. I hope you will consider the facts in this case. If you are satisfied in your own minds that the majority report of this committee is right, is in accordance with the facts that have been brought out at our hearings, if you are satisfied that that is the case, why your duty is plain—to support the majority report. If, on the other hand, you are satisfied from your own knowledge, or from what information you have on hand, that the present method which they advocate retaining is not right, that it should be changed, that simple honesty and justice, and as a business proposition for this great State, call for its change, then I hope you will consider the majority report for just what it is worth. It was my good fortune—yes, and I feel it as a good fortune—to be able to put in a minority report from that committee, after hearing the case as we all heard it, after listening to the arguments that have been going on through the House for the past two weeks, and after seeing the slurs in our papers; and, if you will permit me, I would like to read you an item from a paper in one of the large cities of this State: "Nothing more unfair or unjust than the so-called Grange bill for the distribution of school funds could be imagined. If the small towns can require the cities to be taxed for their benefit to the extent proposed in this bill, they could be made to pay for all their expenses, and, except in degree, one would be no less confiscation than the other." I submit to you, Mr. Speaker and gentlemen, that that clipping from the Portland Press is entirely misleading. The small towns are not compelling the cities to be taxed for their support. The State of Maine says that every dollar of property in the State shall be taxed so many mills for the

maintenance of the common schools of the State of Maine. The fact that the city of Portland, the town of Eden, or any city or large community in the State, is so unfortunate as to have large amounts of wealth, large amounts of property taxable to the State of Maine—that is their misfortune. The fact remains that the State ordered that school fund raised, and we claim that that school fund should be used for the purposes for which it is raised. I hope, Mr. Speaker, that when this vote is taken every man will vote just as he honestly believes is right; and I would further say that this matter is of great importance, and has been considered widely throughout the State. Petitions have come in here from over 170 Granges asking for this thing, and I would say that there are many others coming in too late to be presented. I say that these people have a right to know how you and I stand on this matter. That was one of the main reasons—why I put in this minority report. If the facts in this case show that the present system is right, that it is just that certain cities shall receive all that they need and more, too, by thousands of dollars, then the people have a right to know it, know that they are wrong, and know that it is their duty to go back home and sit down and keep still, and let the large cities and the wealthy towns of this State draw everything that they need for schooling their children, with no local taxation, or a very small rate, and that we must still continue to dig and delve in the dirt to educate our children. Mr. Speaker, I move that when this vote is taken that the yeas and nays be asked for, and that every man here shall go on record and show his constituents just where he stands on this all important question.

Mr. HILL of Corinth: Mr. Speaker, if I may be pardoned another word upon this matter, I wish to say that the members of this committee of which I previously spoke were the Senator from Cumberland, Senator Murphy who lives in Portland, the largest city in Maine, Mr. Walker of Somerset, who lives in Skowhegan, the largest town in Somerset County, and Mr. Gallagher of Bangor, the largest city in Penobscot County; and

I want to say to you, gentlemen, that when that matter came up before the committee the gentleman from Portland, Mr. Murphy, not only asked questions, but he argued the case from start to finish before the committee, and what would you expect in regard to his position in the executive session of that committee? Now, gentlemen, that committee to my mind was selected at the opening of this legislature for this very bill that is before you this morning. I haven't the least doubt of it. Ordinarily I believe we should pay considerable attention to the reports of our committees, but the report of that committee, gentlemen, is not worth the price of that book.

Mr. GALLAGHER of Bangor: Mr. Speaker, possibly if the gentleman had gone further he would claim that Bangor does benefit by this distribution; on the contrary, it is my opinion that we would not benefit. The committee believed that there are some inequalities in the distribution of this fund, but they also believed that any other method proposed would present a great many more and perhaps more unfair inequalities than the bill recommended by the majority of the committee. The gentleman from Corinth, Mr. Hill, might also have gone further and named seven different members of that committee who were not from cities of large population, but I do not believe that is a fair statement to make before this House; that it is a picked committee, or to insinuate that anybody connected with this body had any such intentions. There is no doubt there are some inequalities in any distribution of this fund, the same as there would be in any other method proposed, and the inequalities may be greater in number or more unfair, and therefore I trust that the majority report of the committee may be accepted.

Mr. HILL: Mr. Speaker, if I have hurt the feelings of any members of that committee I wish to apologize, and if any of the others wish to make a confession let them come forward.

The SPEAKER: The question is

on the motion of the gentleman from Castine. Mr. Ricker, that the majority report of the committee on education be accepted. This report is "ought not to pass," and the question is on the acceptance of this report. The yeas and nays have been called for. As many as desire the yeas and nays will rise and stand in their places until counted.

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

THE SPEAKER: All those in favor of the motion to accept the majority report "ought not to pass," when their names were called, will answer yet; all those opposed will answer no. The clerk will call the rule.

YEA—Albert, Allen, Averill, Ballard, Bernier, Blake of New Gloucester, Blake of Oakland, Bonney, Bourque, Bradbury, Brown of New Sharon, Chadbourne, Clifford, Cobb, Colcord, Connellan, Corliss, Currier, Daigle, Davis, Descoteaux, Douglass, Drapeau, Drummond, Durgain, Ellis, Erskine, Fay, Fossett, Gallagher, Gilmour, Goldthwait, Gooding, Goodwin, Greeley, Greenleaf, Hanson of Saco, Hanson of Sanford, Haraden, Haskell, Higgins, Hobbs, Hodgkins, Holt of Nobleboro, Holt of Skowhegan, Leader, Lewis, Lombard, Lord, Mansir, Maxwell, McCarthy, McCurdy, Michaud, Mitchell, Morrison, Morse, Mulligan, Neilson, Newell, Noyes, Peabbles, Perkins, Picher, Pierce of Farmington, Pierce of Houlton, Plummer, Ricker, Roberts, Robinson, Russell of Lewiston, St. Clair of Rockland, Sanborn, Small, Snow, Thibodeau of Fort Kent, Thombs, Trafton, Ward, Waterhouse, Wheeler, Wilkins, Woodman—83.

NAY—Ames, Beal, Benn, Besse, Brann, Brawn, Brown of Auburn, Bussey, Campbell, Carson, Chamberlin, Clement, Coffin, Danforth, Dilling, Dutton, Edwards, Evans, Ford, Gerrish, Gould, Grant, Groaton, Greenlaw, Hart, Hill, Jameson, Jordan, Lawrence, Libby, Littlefield, McCarrison, McIntire, McKinley, Meader, Millett, Mullin, Nicholas, O'Connell, Perham, Peterson, Pollard, Ranney, Russell of Alfred, Ryder, St. Clair of Calais, Smith, Tabbutt, Tate, Tobey, Towle, Turner, Tuttle, Varney, Waggatt, Washburn, Watts, Webb Welch, Westcott, Wilson, Wise, Wyman—63.

ABSENT—Braeden, Chaplin, Connors, Harper, McNally—5.

THE SPEAKER: Eighty-three having voted in the affirmative and 63 in the negative, the House has voted to accept the majority report of the committee, reporting "ought not to pass."

First Reading of Printed Bills and Resolves.

House 548: An Act to amend Section 69

of Chapter 83 of the Revised Statutes, relating to the duration of attachments.

House 549: An Act relating to fees received by clerks of courts in naturalization proceedings.

House 550: An Act to amend Section 35 of Chapter 84 of the Revised Statutes, relating to proceedings on demurrer.

House 551: An Act to amend Section 23 of Chapter 18 of the Revised Statutes, as amended by Chapter 26 of the Public Laws of 1907 and by Chapter 40 of the Public Laws of 1913, relating to State Laboratory of Hygiene.

House 552: An Act to amend Section 7 of Chapter 211 of the Public Laws of 1913, regulating the sale of morphine and other hypnotic and narcotic drugs.

House 553: An Act to prevent milk-borne outbreaks of infectious diseases.

House 554: An Act to regulate the removal of bodies of diseased from the Guilford cemetery.

House 555: Resolve providing for an epidemic or emergency fund.

House 556: An Act to extend the charter of the Brewer Water Company, as amended by Chapter 170 of the Public Laws of 1913.

House 557: An Act to extend the charter of the Corinna Water Company.

House 558: An Act to extend the time within which the Farmington-Oakland Railway Company shall actually commence business.

House 559: An Act to extend the charter of the Bluehill Water Company.

House 560: An Act to extend the charter of the People's Ferry Company.

House 561: An Act to amend Section 2 of Chapter 29 of the Private and Special Laws of 1913, entitled "An Act authorizing the town of Caribou to accept a certain legacy."

House 562: An Act to authorize the town of Millinocket to own and maintain an electric lighting and power plant.

House 563: An Act additional to Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in Bent's pond, so-called, in the town of New Sharon, in Franklin county, and in the town of Vienna, in Kennebec county.

House 564: An Act additional to Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of

1913, relating to the use of firearms upon Megunticook lake and adjacent waters and the tributaries thereof, in Knox and Waldo counties, and upon the shores thereof.

House 565: Resolve authorizing the State treasurer to procure a temporary loan.

House 566: Resolve authorizing the State treasurer to procure a temporary loan.

House 567: An Act to amend Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in the Davis ponds, in Guilford and Willimantic, in the county of Piscataquis.

House 568: Resolve in favor of the Maine School for the Deaf.

House 569: An Act additional to Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in certain waters in Oxford county.

House 570: Resolve in favor of the Bath Military and Naval Orphan Asylum.

House 571: An Act relating to the payment of legacies.

House 572: An Act to punish escapes from jail.

House 573: An Act to amend Section 14 of Chapter 89 of the Revised Statutes, as amended by Section 1 of Chapter 186 of the Public Laws of 1907, and by Chapter 22 of the Public Laws of 1913, relating to the presentation of claims against estates.

House 574: An Act making it unlawful for persons to falsely represent themselves as deaf, dumb, blind, crippled or otherwise defective.

House 575: An Act in favor of the union of the towns of Dover and Foxcroft as one municipality. (Tabled pending its second reading on motion by Mr. Thombs of Lincoln.)

House 576: An Act to amend Section 10 of Chapter 116 of the Revised Statutes, relating to the compensation of fish wardens.

House 577: An Act to amend Section one of Chapter 380 of the Private and Special Laws of 1909, relating to the taking of lobsters and the setting

of lobster traps in the waters of Gouldsboro and other towns.

House 578: An Act to establish a close time on lobsters in certain waters of Hancock County.

House 579: An Act to repeal Special Law of 1895, Chapter 238, entitled "An Act relating to the use of purse and drag seines in the Georges River."

House 580: An Act to amend Section 25 of Chapter 47 of the Revised Statutes, relating to the returns of lists of stockholders in banks to the Secretary of State.

House 581: An Act to repeal Chapter 63 of the Public Laws of 1907, providing for filing lists of heirs in the registry of deeds.

House 582: An Act relating to crossings of rights of ways of railroads organized under Chapter 53 of the Revised Statutes.

House 583: An Act to amend Section 89 of Chapter nine of the Revised Statutes, as amended by Chapter 134 of the Public Laws of 1907, Chapter 94 of the Public Laws of 1909 and Chapter 46 of the Public Laws of 1911, relating to the choice of assessors of taxes.

Mr. Ryder of Brownville offered House Amendment A to amend Section 89 in the tenth line after the word "dollars" by adding the words "and fifty cents."

The question being on the adoption of the amendment.

The amendment was adopted, and on further motion by Mr. Ryder, the bill was tabled for the printing of the amendment.

House 584: An Act to amend Section one of Chapter 19 of the Public Laws of 1913, relating to the obstruction of drainage of public ways.

Passed to Be Engrossed

Senate 241: An Act to amend Section 2 of Chapter 51 of the Private and Special Laws of 1840, Relating to the Franklin County Agricultural Society.

Senate 242: An Act to provide for the care and maintenance of the Mt. Desert Bridge in the town of Trenton.

Senate 244: An Act to amend Section 11 of Chapter 23 of the Revised Statutes, as amended by Chapter 79 of the Public Laws of 1905, and as further amended by Chapter 143 of the Public Laws of 1907, relating to defining the boundaries of ways where the same are doubtful, uncertain, or lost.

Senate 252: An Act to amend Section 2 of Chapter 69 of the Public Laws of 1909, relative to the licensing of corporations receiving deposits from their employees.

Senate 258: An Act to prevent the aiding or abetting of the escape of inmates of the Maine School for Feeble Minded.

Senate 254. An Act to amend Section 6 of Chapter 44 of the Public Laws of 1907, relating to the discharge of inmates of the Maine School for Feeble Minded.

Senate 255. An Act to amend Section 5 of Chapter 44, Public Laws of 1907, as amended by Chapter 167 of the Public Laws of 1909, relating to commitment to the Maine School for Feeble Minded.

Senate 257. An Act to amend Section 18 of Chapter 7 of the Revised Statutes, relating to payment of interest to plantations from the funds for lands reserved for public uses.

House 483. Resolve appropriating money for the erection of monuments in memory of Benedict Arnold's expedition through Maine to Quebec. (Tabled on motion by Mr. Drummond of Winslow and especially assigned for consideration on Friday of this week.)

House 503. Resolve in aid of navigation on Sebek lake.

House 507. Resolve in aid of navigation on Rangeley Lake, Mooselookmeung Lake and Cupsuptic Lake.

House 508. An Act to make valid the annual town meeting of the town of Robbinston in the county of Washington.

House 509. An Act and petition to enlarge the powers of the Portland Female Charitable Society.

House 510. An Act to incorporate Winthrop Water Company.

House 511. An Act to enable Newcas-
tle Lumber Company to erect and main-

tain piers and booms in Big Wood Pond in Somerset county.

House 512. An Act in relation to the collecting and preserving of plans.

House 513. An Act to require certain vehicles to carry lights at night on public highways and bridges. (Tabled pending its third reading and specially assigned for consideration on Tuesday of next week, on motion by Mr. Grant of St. Albans.)

House 514. An Act to amend Chapter 30 of the Private and Special Laws of 1911, as amended by Chapter 107 of the Private and Special Laws of 1913, authorizing the Wiscasset, Waterville and Farmington Railway Company to dispose of a part of the property of said company. (Tabled pending third reading and especially assigned for consideration on Monday of next week on motion by Mr. Dutton of Bingham.)

House 515. An Act to amend Section one of Chapter two hundred and three of the Public Laws of 1903, relating to the preservation of town records of births, marriages and deaths previous to the year 1892.

House 528. An Act to create a Board of Examination and Registration of Nurses.

House 529. Resolve, for the completion of the purchase of the farm and the erection of buildings thereon of the farm purchased under the provisions of Chapter 190 of the Private and Special Laws of 1913, for the purpose of scientific investigations in agriculture in Aroostook county.

House 534: An Act to amend Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in the pool at Upper Dam and in the river from said pool to Lake Mollychunk-amunk, in the county of Oxford.

House 535: An Act to amend Section 2 of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to ice fishing in Lower Kezar pond, in the town of Fryeburg in Oxford county, and in the town of Bridgton, in Cumberland county.

House 536: An Act to amend Section 2 of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fish-

ing in Rapid river between Lower Richardson lake and Umbagog lake, and in Pond in the river, in the county of Oxford.

House 537: An Act to amend Chapter 121 of the Private Laws of 1911, relating to Board of Overseers of the Poor of the city of Portland.

House 538: Resolve, providing for a laboratory building for the State Board of Health. (Tabled pending receipt of statement of fact on motion by Mr. Plummer of Lisbon.)

House 539: Resolve in favor of Jesse Bachelder.

House 540: Resolve in favor of Harry J. Bean of Augusta, Kennebec county.

House 541: A Resolve in favor of George N. Holland of Hampden.

House 542: Resolve in favor of Frederick Brown. (Tabled pending receipt of statement of facts on motion by Mr. Plummer of Lisbon.)

House 543: Resolve in favor of George F. Phillips for State pension.

House 544: An Act to extend the charter of the Livermore & Augusta Railway Company. (Tabled pending its third reading on motion by Mr. Plummer of Lisbon.)

House 545: An Act to extend the charter of the Casco Bay Water Company.

House 546: An Act to extend the charter of the Washburn Water Company.

House 547: An Act to extend the charter of the Bowdoinham Water & Electric Company.

Passed to Be Enacted.

An Act to extend the charter of the Quebec Extension Railway Company.

An Act to extend and amend the charter of the Fairfield & Skowhegan Railway Company.

An Act to amend Section 97 of Chapter 15 of the Revised Statutes, as amended by Chapter 45 of the Public Laws of 1905, as amended by Chapter 87 of the Public Laws of 1909, as amended by Chapter 29 of the Public Laws of 1911, as amended by Chapter 162 of the Public Laws of 1913, relating to the appropriation for the schooling of children in unorganized townships.

An Act to amend Section 3 of Chapter 58 of the Public Laws of 1913, relating to the State certification of teachers of public schools.

An Act to amend Section 48 of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to hunting on Kineo Point, in Kineo in the county of Piscataquis.

An Act additional to Chapter 32 of the Revised Statutes as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in certain waters in Township No. 6, Range 2, N. B. K. P., or Forsyth Township, and in Township No. 6, Range 1, N. B. K. P., or Holeb Township, in the county of Somerset.

An Act to amend Section 2 of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing through the ice in Martin pond, sometimes called Long pond, in The Forks Plantation in Somerset county.

An Act relating to the adjustment and payment of fire losses by insurance companies.

An Act authorizing the Greenville Light & Power Company to sell and convey its properties and franchise to the Penobscot Bay Electric Company.

An Act to extend the charter of the Lincoln Light & Power Company.

An Act providing for punishment of certain offences against habitations and other buildings.

An Act to amend Section 9 of Chapter 69 of the Revised Statutes, relating to the authority of guardians of persons over 21 years of age.

An Act to amend Section 17 of Chapter 77 of the Revised Statutes, relating to proceedings if husband or wife refuses to release interest in real estate.

An Act to allow transportation companies to issue free or reduced rate transportation to their employes holding State or county or municipal offices.

An Act to amend Section 4 of Chapter 65 of the Revised Statutes, relating to proceedings of judges of probate in vacation.

An Act to amend Section 6 of Chapter 489 of the Private and Special Laws of 1901, entitled, "An Act to supply the town of Lubec with pure water."

An Act to amend Section 6 of Chapter 122 of the Revised Statutes, relating to the penalty for manufacturing or having in possession implements and materials for counterfeiting.

An Act to amend Section 11 of Chapter 123 of the Revised Statutes, relating to the reception of bribes for neglect of duty by sheriffs and other officers.

An Act to amend Chapter 104 of the Public Laws of 1905, relating to insane criminals.

An Act to amend Section 2 of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to ice fishing in Forest lake in Cumberland county.

An Act additional to Chapter 290 of the Private and Special Laws of 1911, relating to the authority of the Rumford and Mexico Water District to take land in the plantation of Milton.

An Act to establish a minimum wage for State House employees.

An Act to amend Sections 25 and 30 of Chapter nine of the Revised Statutes, relating to the taxation of the property of corporations.

An Act to Amend Section 62 of Chapter 15 of the Revised Statutes, as amended by Section 13 of Chapter 48 of the Public Laws of 1905, and as further amended by Chapter 88 of the Public Laws of 1911, providing for the tuition of high school scholars in towns having no free high schools.

An Act additional to Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to ice fishing in Passadumkeag River, in the counties of Penobscot and Hancock.

An Act additional to the charter of the Penobscot Bay Electric Company.

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

An Act to amend Section one of Chapter 35 of the Public Laws of 1911, relative to the better protection of forests along railroads from fire.

An Act to incorporate the town of Chapman in Aroostook County.

An Act to set off a part of the town of Centerville, and annex the same to the town of Northfield.

An Act to amend Section 16 of Chapter 128 of the Revised Statutes, relating to injuries to fruit gardens.

An Act to amend Chapter 31 of the Revised Statutes by including shooting galleries in the provisions thereof.

An Act to incorporate the Salisbury Cove Water Company.

An Act to equalize the salaries of the Judges of Probate. (On motion by Mr. Plummer of Lisbon, tabled pending its final enactment, and on further motion by the same gentleman especially assigned for consideration Thursday, March 11.)

Orders of the Day

The SPEAKER: The Chair lays before the House the following order: Ordered, That no bill or resolve carrying an appropriation of money shall be finally passed prior to the sixteenth day of March next, same being tabled by the gentleman from Portland, Mr. Colcord.

Mr. COLCORD: Mr. Speaker, I yield to the gentleman from Houlton, Mr. Pierce.

Mr. PIERCE of Houlton: Mr. Speaker, I have an amendment to this order which I wish to offer.

Mr. Pierce then offered House Amendment A, to amend the order by striking out the word "sixteenth" and inserting in lieu thereof the words "twenty-fourth."

Mr. Pierce moved that the amendment be adopted.

Mr. PIERCE: Mr. Speaker, it would seem to me that it would shorten the debate upon this matter if we would discuss the amendment, and then have debate if there is to be any on the entire order, if that is satisfactory to the gentleman from Brewer, Mr. Higgins.

Mr. FOSSETT of Portland: Mr. Speaker, the way the amendment is worded it would seem to me to refer to March, 1916, when it says "March next." I do not think we want to put it off as long as that.

Mr. PIERCE: Mr. Speaker, I think the point made by the gentleman from Portland, Mr. Fossett, is well taken. As the hour is getting late, I will endeavor to be as brief as possible in the matters to which I wish to call the attention of the House.

The SPEAKER: The Chair does not think the question was put upon the adoption of the amendment. Does the gentleman from Houlton, Mr. Pierce, accept the suggestion of the gentleman from Portland, Mr. Fossett?

Mr. PIERCE: Yes, Mr. Speaker.

The question being on the motion to amend the order by substituting the words 'twenty-fourth' for the word "sixteenth," and striking out the word "next."

Mr. PIERCE: Mr. Speaker, I do not wish to repeat what I said the other day in relation to the necessity and the advisability of getting the appropriations asked for at this session of the legislature all together, so that we might know what has been passed and what has not, so that we might then determine what may be the total amount of appropriations for this year and in that way determine what tax we would have in this state for the next two years. Now while it is perfectly true that the State of Maine can afford to carry on its useful enterprises and can afford to make appropriations for those objects, still I do not regard it as open to argument that the matter of taxes which we will have to pay for the next two years is a matter of interest and a matter of responsibility to every member of this House here at present, because the question of the state tax determines the amount which each municipality and which every citizen of this state has to pay.

Now, gentlemen, the income of the State of Maine is impossible to accurately determine; the amount of valuation of course we know, and if we can fix the amount of our direct state tax, and we know by that method exactly what our direct state tax is; but a large part of the revenue of the state comes from indirect taxes

the railroad tax, the savings bank tax, and the inheritance taxes, so that it is impossible to determine the exact amount of the revenue of the state. For instance, we are unable to tell what will be the amount derived from inheritance taxes. The income for the years 1913 and 1914 was \$9,850,000—this of course is in round figures—and the income for 1915 and 1916, with an increase of half a mill in the tax rate, making it a ten mill tax rate, or five mills for each year instead of five and four and a half, and allowing for the extra valuation that we have, would give \$325,000 additional for the years 1915 and 1916. Of course our business is conducted on a two-year period, because we have biennial sessions of the legislature. That makes a total of \$10,175,000 as the income of this state for the next two years. Now, out of that comes first this matter which we have been discussing here this morning, this matter which has been argued to considerable length, a matter of so much importance, in relation to the schools. The schools take out of that amount if the present law is retained, as it will probably take out under any law, whether you change the method by which it comes out or not, the total amount comes out of the State Treasury just the same, and it is \$4,075,000. Now that leaves \$6,100,000. In 1913 and 1914 it cost \$5,220,000 to maintain the state departments; and that leaves \$880,000—or pardon me, the state departments, \$2,500,000; state institutions, \$1,500,000, and highways \$600,000. I do not mean the ways and bridges, but those are appropriations fixed by law; the railroad tax which is now refunded to the cities and towns, \$360,000, and charities estimated at \$260,000; and that makes \$5,220,000, leaving a balance of \$880,000. Now out of that again comes the expenses of this legislature, estimating it from the last two years, at \$160,000, and expenses for the revision of the statutes which would make it \$190,000. Taking that out there would be \$690,000; the ordinary miscellaneous expenses, \$140,000, making \$650,000 to be appropriated among all the differ-

ent worthy projects here this winter asking for extra appropriations or new appropriations.

Now, that is all there is left out of this \$10,175,000 which looked so large, but when you actually get down to the question of appropriations that we have here it leaves you \$650,000 for the next two years. Out of that has to come all your ways and bridges and all your pensions, and you remember we have passed a pension bill here for the blind people of the State, appropriating something like \$20,000 a year, or \$40,000 for the next two years, which has got to come out of that amount. In addition to that are any new buildings which we may build at any of the State institutions, anything which we may do for the tuberculosis institutions in addition to the appropriations made two years ago; also we must consider the matter of the reformatory for women, and all those things calling for an increase of State expenditures; also the increases in salaries which have been fixed. Now, I don't know that I have any particular interest in this, but I do know that we have only \$650,000 to go around all these worthy projects, and it seems to me that in the division or the distribution of it we should be fair and right as to the different departments, and we should be fair and just to our constituents, and in order to do that it seems to me that we should get them all together and see what we are going to do with the different ones. If we go ahead and appropriate for this worthy project and that worthy project and for the next one and go on blindly, we are going to ascertain at the end of this session that we have more money appropriated than we have money to pay with; and it is for that reason that this order is introduced; it is nothing new and nothing novel; it has been brought before legislatures heretofore, and I understand it has worked out successfully. Somebody has got to pay these appropriations that we are putting through, and it is not wholly the rich men of the State, it is the individual taxpayers in the different portions of the State who will have to contribute the money to make up for these appropriations that we pass here this winter, and for that reason it is a matter of great interest to all the citizens

of this State; and it seems to me if we go ahead in an indifferent, haphazard way when we reach the end of the session we will have an excessive appropriation bill, or else we must take upon ourselves the responsibility of increasing the taxes. As I say, this is nothing new and nothing novel, and it is something which should make the members feel that unless we are careful we will be involved in all sorts of difficulties. This order is offered as a simple, workable, businesslike matter in the conduct of the business of this House, and it is only offered for that reason, and I trust it will pass.

Mr. HIGGINS of Brewer: Mr. Speaker, I appreciate very deeply the position in which my friend from Houlton, Mr. Pierce, is placed this morning; and while I agree with him in a great measure, it has been the plan of this Legislature to adjourn on or about March 27th. If this order is adopted as it is now presented to the members of this House, we all know that such an adjournment will be entirely impossible. All I have to say upon the matter is this: I would like to offer an amendment to substitute the word "eighteenth" for the words "twenty-fourth," and rather than call for a ye and nay vote I would ask for a division of the House.

Mr. PIERCE: Mr. Speaker, if I may say just a word, I have no more desire to stay here one bit longer than is necessary than any other member, and if the committees can get their reports in so that these matters may come before the House on the 18th, then this order can be disposed of very quickly and easily. I have no desire to prolong this session of the Legislature, and if the committees can get their reports in so that we can proceed by the 18th, no one will rejoice more than myself. The reason why the order is introduced with the date as the twenty-fourth is because it seems to me there is absolutely no excuse for the reports of the committees not being in by that time.

Mr. HIGGINS: Mr. Speaker, I understand that all the committees will have practically finished their hearings this week and the committee reports will be in the hands of this House the early part of next week; so that it was for

that reason that I made the suggestion that we might be able to save some time and still endeavor to adjourn on March 27th by asking for a division on the adoption of the amendment.

Mr. ST. CLAIR of Calais: Mr. Speaker, I hope the substitution of the "eighteenth" for the "twenty-fourth" will prevail. If we find on the 18th that we have to put it off for a day or two we can do it. It seems to me there is a good deal of force in the remarks of the gentleman from Brewer, Mr. Higgins, that if it is put off until the 24th we won't be able to adjourn by the 27th. I think the committee reports will be ready by the 18th.

The SPEAKER: The question is on the amendment offered by the gentleman from Brewer, Mr. Higgins, that the "eighteenth" be substituted for the words "twenty-fourth" in this order. Upon this amendment a division of the House has been called for. All those in favor of the amendment will please rise and stand in their places until counted.

A division being had, 72 voted in the affirmative and 65 in the negative.

So the amendment was adopted.

The question being on the adoption of the order as amended,

A viva voce vote being taken,

The motion prevailed and the order received a passage, as amended.

Mr. PIERCE of Houlton: Mr. Speaker, I should like to ask a suspension of the rules in order that I may introduce out of order the Resolve appropriating money to aid in the construction of a road in the town of Moscow, being the same which was previously introduced by the gentleman from Bingham, Mr. Dutton. I ask that the rules be suspended as this resolve has already been referred to a committee, and that the resolve receive its second reading and be passed to be engrossed, so that it will be in just the same standing as all the other resolves relating to ways and bridges which have been before the House, and I understand this is satisfactory to the gentlemen on the other side.

The motion was agreed to, and the House received the resolve out of order, under a suspension of the rules.

The resolve then received its first readings and was passed to be engrossed, under a suspension of the rules

Mr. POLLARD of Solon: Mr. Speaker, I would ask a suspension of the rules in order that I may introduce out of order Resolve appropriating money to aid in building a highway in Caratunk Plantation, and I further move that the resolve take the same course as the one just introduced.

The motion was agreed to and the House received the resolve out of order, under a suspension of the rules.

The resolve then received its first and second readings and was passed to be engrossed, under a suspension of the rules.

Mr. HOLT of Skowhegan: Mr. Speaker, I also ask that the rules be suspended and that I may introduce out of order Resolve appropriating money to aid in the repair of the river road in Pleasant Ridge Plantation, which was one of the three resolves originally introduced by the gentleman from Bingham, Mr. Dutton.

The motion was agreed to and the House received the resolve out of order, under a suspension of the rules.

The resolve then received its first and second readings and was passed to be engrossed, under a suspension of the rules.

The SPEAKER: The Chair lays before the House Report A and Report B from the Committee on Judiciary, to which was referred "An Act to incorporate the Kennebunk Water District". Report A, "ought to pass", and Report B, "ought not to pass"; tabled by the gentleman from Kennebunk, Mr. Waterhouse, and specially assigned for today. The pending question is the acceptance of either report.

Mr. WATERHOUSE of Kennebunk: Mr. Speaker and members of the House: The hour is getting late, and I assure you you I will not take very much of your time. This bill comes back from the Judiciary Committee on an evenly divided report, and consequently does not bring the knowledge home to you which I think the merits of the case deserve. I dare say that every member of this House has

heard of the Mousam Water Company and the Kennebunk Water District; and since the early days of this Legislature representatives and friends of the Water Company have been in the lobbies are setting forth what the Mousam Water Company has done for Kennebunk, and also the hardships which the proposed District would inflict should it be granted at your hands. The people of Kennebunk feel that they have just grievances against the Mousam Water Company, and they, as numerous other cities and towns throughout this State have done, come to you and ask for relief.

I should say just a word in regard to the location of the Mousam Water Company in order that you may have it in your minds and thus be able to act more intelligently upon the proposition. The Mousam Water Company does business in the county of York within parts of five towns; a small part of York on the west, next the town of Wells, then the town of Kennebunk, and then Kennebunkport, and it is proposed to go into a portion of Biddeford. This is an extent of some 25 miles at least, and I take it from the figures of the present water company. There are some 69 miles in local area of their pipes. Now the town of Kennebunk is situated exactly in the middle of this district, and the town of Kennebunk is a narrow town, probably not exceeding more than three and one-half miles at any place where the company does business. Each side of Kennebunk is a distance of 12 miles of the company's pipes. As I said before, there are 69 miles of pipe in the whole territory. Within the limits of Kennebunk, this narrow town, there are some 30 miles of pipe, not quite half of the total. It is this narrow portion, this 30 miles of pipe, running through Kennebunk village, Kennebunk proper, that this district asks to take over. The pumping station of the Mousam Water Company is situated practically on the line between Wells and Kennebunk. Bear in mind the situation, gentlemen, that the supply of water from the pumping station is within 100 feet of the Wells town line, with a direct

main leading through Wells and York; so that territory can be served without inconvenience should this bill be enacted. Now bearing in mind that the town of Kennebunk, as I said, is very narrow, about three miles and a half, taking the easterly course there are two mains that lead across the town of Kennebunk, one which supplies the three villages that I have mentioned, and the other a direct main, built some three years ago, leading directly into Kennebunkport and supplying that territory, built at an expense of some \$28,000, as the Water Company tells me. I cannot help feeling that at the time the mains were accepted the Water Company had in mind that this situation would probably arise and that Kennebunk at the end of their contract period would request a water district, and that, anticipating that, they built this direct main into Kennebunkport. This bill does not ask for the taking over of any of the water supply, it does not ask for taking over the pumping station, and it does not ask for taking over any of the water mains. It merely asks for the pipe within certain territory in Kennebunk.

I have brought here a few figures taken from the testimony of the president of the Water Company, and I am therefore going to assume that they are correct. I realize that figures are always dry and hard to digest; but I have made these very few, and as water company matters must necessarily deal entirely with figures, I cannot help presenting you with just a few. The total amount of indebtedness of the Mousam Water Company, and included in this are the accounts payable, is \$342,650. There is a capital stock of \$400,000, and they told us at the committee hearing that at the time of the organization of the company, \$149,300 was given away for contract work and engineers' profits. I am going to assume that that portion of the stock is the amount of water, although they told us that the stock at that time was \$35 a share. Assuming that the whole of the stock, including the water, was \$149,000, at \$55 a share, being the highest price which the company has ever received

for any of their stock, then you would have a total capitalization, including accounts payable, bonds, stock, outstanding water and all, of \$553,650. Now the president of the company—and I think his figures were very fair—stated that the value of the plant in Kennebunk is \$300,000. Taking that \$300,000 from the total bonded indebtedness and stock, and you would have left for the total capitalization, accounts, and everything else, \$253,000. Should Kennebunk be taken out you would still have a plant of \$300,000, with a total capitalization, including watered stock and all, standing merely at \$253,650; so that from a monetary standpoint I cannot see how any hardship would be inflicted upon the stockholders or the bondholders of the remaining portion of the company. In fact, should \$300,000 be paid by the citizens of Kennebunk for this district, it would wipe out every particle of the bonded indebtedness of the Mousam Water Company, would pay all of their accounts payable with the exception of \$43,650; and supposing, as I say, that the watered stock was taken out under these same figures, the present stock would be worth at least 10 dollars a share, showing that the stockholders, should the Mousam Water Company be divided, could not and would not receive any injury. So much for the figures with reference to the capitalization! The only other figures which I intend to present to you are in regard to the earnings. The gross earnings of the Mousam Water Company for the past year were \$40,672.90; the bonded indebtedness was \$15,000 in round numbers; I don't attempt to give the exact figures. The operating expenses were \$11,700, leaving a balance of \$14,941.40 for the payment of dividends, replacement fund and reserve. Dividends were paid at the rate of three per cent, or \$12,000, leaving a surplus of \$29,041.40 under the present figures of the Mousam Water Company.

Now with Kennebunk taken out we would have this situation: The income from Kennebunk is given to us as \$14,790. So with Kennebunk taken out, the total revenue of the company

would then be \$25,832.90, with operating expenses reduced, according to their figures, from \$11,000 to \$9,400, leaving a balance for bonded indebtedness and dividends of \$15,432.90. Bear in mind that if Kennebunk is taken out, the bonded indebtedness would be practically paid, so that there would be merely interest on their accounts payable; and that, as I figure it would be \$1962.25, leaving a balance for dividends of \$14,520.55, and supposing they made the dividend on their watered stock and all at the same ratio as they have been paying it, at \$12,000, you would then have a balance of \$2520.55 should the district be formed and Kennebunkport taken out. So, taking these figures either way, I do not see how the company is going to be ruined or the stockholders' interests practically wiped out. Of course it is well known to every one of you that should the Kennebunk Water District be formed, they could not inflict any hardship on the stockholders and bondholders, for under the rules of eminent domain and under the rules that apply to this bill their interests will be amply taken care of.

Now the question arises whether Kennebunk wants this district. The first reason, though probably not a legal reason, but most assuredly a strong sentimental reason, and one which I dare say influence many people in the town of Kennebunk, is this: The citizens of Kennebunk have for some time believed in municipal ownership. They have established their own municipal lighting plant, and to-day the town of Kennebunk throughout its entire length of some twelve miles is lighted as well, if not better, than any town in the State of Maine, and the citizens feel proud that they are able to do this without any expense whatever to the town of Kennebunk. They feel proud of this and I presume that is one reason that they hope that a water district may be granted to them. The second reason is in regard to the water. While the supply is probably sufficient, the water is slightly discolored, and at seasons of the year after rains it is very distasteful, and many of the sum-

mer people who come to the various resorts object most strenuously to its use, and the hotel proprietors are obliged to furnish water from springs or other sources. It also carries a large sediment, so much so that the users feel that the water is not as it should be or else it is very improperly filtered. Another serious objection which the town makes in regard to its water supply is this: At West Kennebunk there is a 6-inch main, and on that main are seven hydrants. There is a certain number of fires in this locality, and at none of those during the nineteen years the company has been doing business has anywhere near adequate fire protection been given. I would cite only one or two illustrations. At the time of our last annual town meeting preceding this one a week ago Monday, there was a fire in that locality, and the only pressure which the firemen were able to get was to open the hydrant, and take the water in buckets from it and carry it and throw it on to the building. Another instance was that of a man who told me that he was able to hold his hand over the hydrant and another man took a drink out of the nozzle. So I think I can safely say that during the nineteen years at West Kennebunk there has been absolutely no fire protection whatever. On the other hand, the Water Company has not been averse entirely to taking our \$35 for the seven hydrants that we have there, and for which we have received absolutely nothing in return. Now the company say they contemplate giving fire protection in that place; but I tell you in all fairness that they have not given it, though they have taken our money for it.

Coming down to the village of Kennebunk: There is also objection there with reference to the fire protection which they are getting. It was only this last winter that, in testing out the hydrants, two of the firemen found in the residential portion of the town that two of the hydrants were absolutely out of commission, and they could not get any water from them whatever. Had there been a fire at that time, the \$15,-

000 residence of the manager of the Water Company would certainly have been destroyed by reason of getting no fire protection whatever.

Now as I intimated there was a contract between the town of Kennebunk and the Mousam Water Company, entered into 19 years ago. At the time of the making of this contract it was provided that at the end of 20 years we could own our own system, taking it over at not less than cost value. That seemed all right, but when we came to look into our contract it appeared that there was what is sometimes called a "joker". This contract provided that the town of Kennebunk could not take over the Water Company unless they got a two-thirds vote of the town of Kennebunkport joined with them, and then all could be taken over at not less than its original cost. Well, now, the town of Kennebunk does not care to go into partnership with the town of Kennebunkport. They merely want the privilege of owning their own system. I think the figures which I have given you ought to convince you that no hardships by reason of the severance would be inflicted upon the Water Company; in fact the bill does not contemplate it, and could not contemplate it if it so desired. The history of the water districts throughout the State is briefly this: I believe that for the last ten or a dozen years, or perhaps longer, various cities and large towns have come to this Legislature asking for the privilege of supplying themselves with water. Now we are asking for that same privilege. I do not know of a single bill which has ever been turned down by this Legislature where a water district has been asked for, and I do not believe that the petition of the town of Kennebunk is going to be ignored at your hands.

The hour is late, Mr. Speaker, and I am not going to ask for a ye and nay vote! but when the vote is taken I will ask for a division of the House.

Mr. CONNELLAN of Portland: Mr. Speaker, I did not hear the gentleman from Kennebunk, Mr. Waterhouse, make any motion, and I do not know what the pending question is, but I presume he intended to move that report A of the committee, reporting "ought to pass"

be accepted; if so, I wish to speak upon that question.

Mr. WATERHOUSE: That is my motion.

Mr. CONNELLAN: Mr. Speaker, as a member of the judiciary committee and one who signed report B, "ought not to pass", in conjunction with Messrs. Pierce and McCarty on the part of the House, I feel that this is one of the most pernicious pieces of legislation in regard to the taking of a public utility ever attempted. By so stating I do not wish to cast any reflection upon the gentlemen who signed the other report. This company was chartered in 1891 to serve the towns of Kennebunk, Kennebunkport and Wells. In 1895 the charter was owned by some of the leading citizens of Kennebunk and Kennebunkport. In that year it was turned over to the gentlemen who now control it; but when it was turned over it was turned over by virtue of a contract fairly made and fairly understood so far as anybody could tell, that at the expiration of a certain time at a fair appraisal it should be turned back not to Kennebunk, not to Kennebunkport, but to the two towns of Kennebunk and Kennebunkport. And now the town of Kennebunk comes here and wishes to have that contract violated. That contract read in all fairness that the entire plant should be turned over to these two towns at a fair appraisal, and not a part of the plant.

Now, I know as well as my brother that it has been a special policy of this State in recent years to grant charters for water districts, but it has always been the case that such a charter has been granted only when it has been equitable and fair. This is a most inequitable proceeding, and I challenge my brother or any member of this House to show me a single instance where the State of Maine has ever granted a charter under such circumstances. This plant, as my brother has said, runs through Kennebunk, Kennebunkport, Wells, Fortunes Rocks, Ogunquit and Biddeford; and I wish to say that in the hearing before the committee there was a large list of remonstrances from the town of Kennebunk against this proposition. Those

remonstrances contained the names of many business men in Kennebunk, and if I am not mistaken they contained the names of the entire three selectmen of that town. In addition to that, practically the entire town of Wells was opposed to it; the mayor of the city of Biddeford came before the committee and he was opposed to it; and I think that the gentleman from Wells, Mr. Littlefield, and the gentleman from Old Orchard, Mr. Lombard, appeared in opposition.

This company takes its water from what is known as the Branch stream and that stream runs between the towns of Kennebunk and Wells; so that, so far as the stream is concerned, the source of supply comes as much from Wells as it does from Kennebunk. The company was organized to serve the towns of Kennebunk, Kennebunkport and Wells. The pumping station is now located in Kennebunk. The town of Kennebunk wishes this Legislature to give it the right to take, not the entire system, but the half of the system, to take from the middle of the system what there is and leave the straggling ends to those gentlemen who saw fit to invest their money in promoting this enterprise and have worked upon it for 18 years or more.

The total income of this system, in round numbers, is \$40,700, and from the town of Kennebunk, including the Boston & Maine Railroad station, there comes almost \$15,000 of that money. There are 70 miles of pipe, and the capitalization of the company at the rate of \$10,000 a mile would be low compared with the expense of other companies. It is claimed by these people that they have a grievance in that 57 water takes in West Kennebunk out of a total number of takers of some 1400 or 1400, I believe, who claim that they do not get proper fire service, although this company has offered and still stands ready and willing to give them what is called an electric booster pump, of exactly the same style and pattern as those used in the cities of Boston and New York at the present time. Further than that, if a small portion of the towns of

Kennebunk or West Kennebunk, object to the service given by this company, there was a law passed here two years ago which was confirmed by the people of Maine, the Public Utilities Act, under the terms of which they could go to the Public Utilities Commission and get their rights; and the judiciary committee during this present session of the Legislature have not in many instances—and I think I am correct in saying that in every instance of this sort where it was a proper matter for the Public Utilities Commission to act upon, we have referred the parties who came to us to the Public Utilities Commission. If we did not do that, we might as well abolish the Public Utilities Commission, because we would be taking from them the very thing for which they were created.

Kennebunk, if I understand correctly, has 965 water takers; and the balance of the territory served by this company consists of some 1400 water takers; there are in all 2384 takers. So that you will see that out of this compact territory they wish to take almost, but not quite, one-half. Now then, how does that leave this company if that should be done? And I mean in regard to the financial end of the proposition. The expense of operating the plant would be practically the same for Kennebunk and this corporation would lose one-third of their income, and one-half of their net income.

Now Mr. Speaker and gentlemen, after a thorough consideration of the evidence produced, and after listening to remonstrances from the town of Kennebunk, including the three selectmen of that town and a great number of the citizens of that town, including a large number of business men—after listening to the remonstrances from the town of Wells, from Biddeford Pool, Ogunquit and Kennebunkport, and they were practically all against it, we decided that if the town of Kennebunk had any grievances in regard to their water pressure—and that was all as far as I as a member of the committee could determine that they had shown—they had their right

to go to the Public Utilities Commission where, if they had any grievance, it would be speedily rectified; and I trust, Mr. Speaker and gentlemen, that report "ought to pass" will not be accepted.

Mr. LITTLEFIELD of Wells: Mr. Speaker, I wish to say a word in the interests of the water takers of my own town of Wells. You know that on all these questions in all communities there generally is a difference of opinion; but representing the water takers of old Wells, about one-third of the entire takers of the Mousam Water Company, every one of them is unanimously opposed to the division of the Mousam Water Company. I, myself, have had a little experience in this direction. Years ago, before the Mousam Water Company was formed, I was a member of a company trying to supply our end of the town with water, and you may know that we found it up-hill and rocky and could not do it. The Mousam Water Company came to our rescue, though of course not because of their love for us; they came because they thought they were going to make a dollar out of it, and they have supplied us with good water. I have a little hotel there, and I use this water entirely on the table, and almost every hotel there does the same. Every taker in Wells, every taker in Kennebunkport, and a large part of the takers, I understand, in Kennebunk itself, are opposed to this bill as brought in by my brother from Kennebunk (Mr. Waterhouse). I do not believe you want to vote against the wishes of a large majority of the water takers of the Mousam Water Company. I do not think it is necessary for me to say another word.

Mr. LOMBARD of Old Orchard: Mr. Speaker and gentlemen, I am not going to make any extended remarks upon this matter. I represent in this House the town of Kennebunkport which is interested in this matter. I am very sorry to oppose the gentleman from Kennebunk, Mr. Waterhouse, for whom I have the greatest respect. The line of this company reaches from Kennebunk to Kennebunkport, and following along the shore of Cape Porpoise, and from

Cape Porpoise to Fortunes Rocks, the latter place being a part of Biddeford. To take the town of Kennebunk out of this line would be to take the very heart out of this matter, and following the propositions of this bill they might go to the extent of claiming that Kennebunkport would form a water district and that Wells would form a water district and that they should come down here and be separated into districts. That might leave Fortunes Rocks, with 69 takers, for this company to maintain; and I suppose the gentleman from Kennebunk, Mr. Waterhouse, would claim that that would be a profitable enterprise for this company. It would be really a matter of amputation to separate the town of Kennebunk out from the balance of the plant of this company, a part which pays one-third, or produces one-third of the gross income of that company, and produces nearly one-half of the net income. As a matter of fact the expense of maintaining the plant is about \$11,000 in round numbers, and this would only reduce it \$2,000, leaving about \$9,000 to be met by Wells, Kennebunk, Kennebunkport, Cape Porpoise and Fortunes Rocks, so that as we say it would reduce the net income nearly one-half.

It is not the policy of the State to do an injustice to any body of men who may get together and build up these water companies throughout the State. The time has not yet arrived when the State of Maine can do away with our private enterprises and private capital; the matter of compensation does not enter into it at all; the matter of compensation is left to the courts, and if the company is to have all of its indebtedness it would still be divested of that portion which pays one-half of its net income; and we say if that is to be done at all, such a water district should be composed of Kennebunk, Wells and Kennebunkport, as it was anticipated when the original contract was made and made as an inducement for the company to come in. The matter has been discussed to a considerable extent and two years ago the Legislature in its wisdom formed

the Public Utilities Commission, and they have their remedy, and whenever in the wisdom of the Legislature they see fit to establish a water district to take in all these towns and take in that plant, there will be no objection from this company. I hope the motion to adopt report A, "ought to pass," will be defeated.

Mr. SANBORN of South Portland: Mr. Speaker, as one who signed Report A which it is moved to have accepted, I wish to say that it seems to me that the concern expressed by the gentlemen who represent the two wings towns here is entirely groundless. I believe they have very ingeniously been put in the position of undertaking to take the chestnuts out of the fire by the people who are really more concerned—the water company. I believe the water company have, as a matter of fact, nothing to fear, else I should not have joined in the report which I signed. The facts as I understand them to be are these: Not that Kennebunk is the heart and meat and soul of the whole thing. It only occupies that position geographically. The fact is the town of Kennebunk is an old village; its growth is complete; it is not a growing place. These two wings, made up of the summer residence localities, such as the place where my friend from Wells (Mr. Littlefield) lives, and, coming this way, Biddeford Pool—those are the places where the extensions have been recently made, and they are the growing communities. It appeared to us that it was only a question of a few years' time when that growth will be so great that the company would never know the difference, and they would be operating a larger and more profitable plant without Kennebunk than they are today with it. I want to impress on you what seems to me to be the fact, that Kennebunk is not the whole meat of it; that taking away Kennebunk does not deprive them of anything very material, and the analysis of the figures made by my friend from Kennebunk (Mr. Waterhouse) clearly bears that out. It seems that they did have a grievance against the company, and the company admitted it by saying that they have made constant efforts, and were still making efforts, to correct those difficulties.

So far as going to the Public Utilities Commission is concerned, I agree that that is a proper place to go if they elect so to do; but this Legislature never intended the Public Utilities Commission to be an exclusive remedy; only concurrent with the Legislature. I hope that the vote may be in favor of the adoption of Report A.

Mr. PIERCE of Houlton: Mr. Speaker, I want just to say a word on what seems to me the practical impossibility of making a fair estimate of damages on the part of this company upon the condemnation of that part of their property which is situated in Kennebunk and which it is proposed to take. The rule of damages in the taking of a water company under the rights of eminent domain, as I understand it, is the taking first the total value of the plant as it was, and then you take out what the ends, so to speak, would be worth. You take the value as an independent plant, out of the total value of the plant on the date of the taking, as for instance the town of Kennebunk or the water district of Kennebunk in this case. What is the taking of that property, what is the element of damage then to the company? So far it is all first rate and it sounds fine, but that damage has got to be assessed by commissioners, and I do not believe that any body of commissioners, the court, jury or any other tribunal, can make an intelligent guess on what the value of these pieces that are left would be to this company.

My brother, the gentleman from South Portland, Mr. Sanborn, is possibly correct; I hope he is, although it seems to me that in a few years there will be new subscribers coming into the Mousam Water Company; but that is not anything of which there is any guarantee, and it is a matter which nobody can tell about; there is no guarantee as far as that is concerned; and it seems to me you have this matter absolutely certain, that the award of damages made by these commissioners would not be any better than a reasonably intelligent guess. You are asking these people who put their money in there in good faith to supply these people with water. I do not know whether the water is good or not, as I do not live

there, but they have a remedy upon that question, and they can go to the Public Utilities Commission and have an order granted that this company shall maintain a filter; but you are asking these people who put their money into this plant in good faith under a contract with those towns to lose the most valuable portion of their property and take a chance of someone guessing as to what the amount of damages may be. That guess may be nothing more or less than a surmise; they may award them more than the whole property is worth, and in such a case that would not be fair; they may award them a good deal less than it is worth, and of course that would not be fair. My position is that there is no known method of procedure for the computation of damages under which in my judgment you can get a fair determination, or any tribunal known in this State or contemplated by this act, in regard to the amount of damages which may be suffered by the Mousam Water Company in the condemnation of this property.

Mr. THOMBS of Lincoln: Mr. Speaker and gentlemen, when the members of the legal affairs committee disagree upon matters of this kind I think it may be difficult for the members of the House to decide or to satisfy themselves as to what their duty is in the premises. It is with some trepidation that I advance even an opinion in this matter, and I should not do so had I not had some experience on the legal affairs committee two years ago and also at the present session, and had I not further had the privilege of hearing a portion of the hearing before the judiciary committee on the matter which we are now considering. I believe that the lay members of the House are impressed somewhat with the idea, and quite properly so, that the legislature is inclined to be very fair and reasonable upon all requests coming from the people for the municipalities to take over lighting or heating plants. I think it is the settled policy of the State of Maine to do so; but I want to say to you, gentlemen, this morning that from my experience in at least two sessions of the legislature, having had before our committee many matters of this kind, I have never yet seen a case that has in-

volved the same facts that I think this case does.

What I mean to say by that is that in almost every instance where a municipality comes in and asks to take over a public utility, they have asked to take over the entire plant. I think I am correct in saying that it was stated in the hearing by the gentlemen opposing this measure that if the municipality wanted to take this over they could take the whole of it,—they said, "Don't take this part of it and leave us the rest."

My purpose in addressing you now upon this matter is simply to impress upon you, if I may do so, whether or not this case differs from the ordinary case of this kind. And I might say, not as a member of the committee, but disinterested as far as both sides are concerned, I feel that the gentlemen who are the proponents of this bill should fairly and squarely convince you that they are right in the matter before you should vote to make such a division.

The SPEAKER: The question before the House is upon the motion of the gentleman from Kennebunk, Mr. Waterhouse, that Report A be accepted. In order that there may be no misunderstanding, the Chair will read the reports. "Report A: The committee on judiciary to which was referred 'An Act to incorporate the Kennebunk Water District,' have had the same under consideration and ask leave to report the same in new draft under same title, and that it ought to pass." Report A is signed by Senators Cole and Durgin and Representatives Campbell, Waterhouse and Sanborn. Report B, from the same committee, voted that the same "ought not to pass," and was signed by Senator Butler and Representatives Conners, Connellan, Pierce and McCarty. You have before you the divided report of this committee, five of the committee signing Report A and five signing Report B. The question, as I have stated, is on the motion of the gentleman from Kennebunk, Mr. Waterhouse, that Report A be adopted. A division of the House has been called for. All those in favor of adopting Report A will rise and stand in their places until counted.

A division being had,
The motion was lost.

Mr. Connellan of Portland then moved that Report B, reporting "ought not to pass" be adopted.

The motion was agreed to.

Mr. Higgins of Brewer moved that the House take a recess until 4.30 o'clock in the afternoon.

Mr. THOMBS of Lincoln: Mr. Speaker, while I like to do everything I can to expedite the business of the House, yet I have a committee hearing this afternoon and I certainly should desire to attend the session of the House; and I would substitute a motion to adjourn until tomorrow morning at nine o'clock.

Mr. HIGGINS: Mr. Speaker, in reply to the gentleman from Lincoln, Mr. Thombs, I would say that the most of our committee work will be finished by half past four or five o'clock, and we have several things on the calendar that it seems necessary to clean up. I think that we can hurry matters along and facilitate the business of the House by having a session this afternoon.

Mr. Gallagher of Bangor seconded the motion to take a recess until half past four o'clock.

Mr. THOMBS: Mr. Speaker, our committee will be engaged with a hearing this afternoon and afterwards will go into executive session and work until night. There are matters assigned for today that we are all interested in and matters which should receive full consideration.

Mr. HIGGINS: I would ask the gentleman from Lincoln, Mr. Thombs, if his committee could not have an executive session this evening?

Mr. THOMBS: I think, Mr. Speaker, we shall have to do that. If we have to work this afternoon and this evening too, if it is only an hour, if a session is held this afternoon, it seems to me that we would go over until tomorrow. I think we are here to do the state's business and to do it in an orderly manner, and I do not think it would make very much difference to us in regard to the work of this session.

Mr. HIGGINS: I think I will insist upon my motion, Mr. Speaker.

Mr. THOMBS: Mr. Speaker, I move that we do now adjourn until tomorrow morning at nine o'clock.

The SPEAKER: The Chair will rule that the motion to adjourn has precedence over the motion to take a recess made by the gentleman from Brewer, Mr. Higgins.

Mr. Higgins called for a division of the House upon this question.

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

So the motion to adjourn was lost.

On motion by Mr. Higgins of Brewer, the House voted to take a recess until four-thirty o'clock in the afternoon.

Afternoon Session.

The SPEAKER: The Chair lays before the House majority and minority reports from the Committee on State Prison, to which was referred "Resolve in favor of altering and enlarging the State Prison at Thomaston," majority report "ought not to pass," minority "ought to pass," tabled by the gentleman from Nobleboro, Mr. Mulligan. The pending question is the acceptance of either report, specially assigned for today. The gentleman from Nobleboro.

Mr. MULLIGAN: Mr. Speaker, I yield to the gentleman from Portland, Mr. Fossett.

Mr. FOSSETT of Portland: Mr. Speaker, I move you that the minority report be accepted in place of the majority.

Mr. FOSSETT: Mr. Speaker, In making this motion to substitute the minority report for the majority report on this bill there are many reasons. At the hearing February 11 on bill to buy land and build a new prison in some other locality there was but one man, Hon. Charles S. Hichborn of Augusta appeared in favor of it, and no one in opposition. It almost seemed to me that after the advertising which had been given it those interested looked upon it as a huge joke. A week later this bill came before the Committee for hearing. There were many from Knox County who appeared for it, and but one man, Mr. Ham, the Ex-Warden, against it. While Mathew Morrill of Gray appeared as against the present condition at the prison. This last hearing was held the afternoon that the legislature was asked to go to Portland to hear the organ in City hall. About one half of the Committee availed themselves of the opportunity and accepted the invi-

tation, so did not hear the proponents' side of the case. At the executive session the committee were told to be consistent; they would have to vote Ought not to Pass, as they had voted Ought to pass on the other bill. Every member of the Committee agreed that the sanitary conditions at the State Prison were bad and that something should be done to make conditions better. Now that is just what we propose to do at a cost not to exceed the amount asked for in this bill. Mr. Bicknell, a prominent contractor of Rockland after two weeks of correspondence with various persons and jail builders submits the following:

"To have two hundred cells, seven feet wide and eight feet deep, it will be necessary to put a sixty-eight foot wing on the prison, at a cost of \$8160. He has bids from two of the largest manufacturers of steel cells. One of them has quoted a price of \$75,000, and the other \$80,000. That is for two hundred cells.

He has taken the matter up with them by mail, and suggested to them that the entire outside of these cells be made of tool-proof steel, and the back partition of Bessemer steel, as is being done in many prisons, and he expects this will make quite a substantial difference in the above figures.

"This includes also, gentlemen, a lavatory and toilet in each cell. It proposes removing the entire stone structure inside the prison and putting steel cages in. Then he goes on:

"The material to make the necessary changes in the blacksmith shop, the building on the end, will cost \$1000. The building on the corner"—meaning a repository for carriages—"should be clapboarded and painted. The bathroom and dispensary should be in that building and make a good comfortable job. I would suggest that the work could be done by convict labor and make a saving. There are good mechanics among the convicts capable of going ahead with this plan of work.

"These figures I get from the cost of the contractor, without figuring any profit at all. There is no immediate need of repairing the wall around the present yard. That has stood for some time, and will last for a good while longer before any expenditure is needed.

"The painting will cost \$1000, changes

in the wood-shop, \$1000; fire escapes, \$1000; bath-room, \$500, and land, \$2500."

On this land proposition, he proposes the accepting of an offer of one hundred and twenty-five acres right across the street from the present site, at a cost of not exceeding that sum, which farm is available. If we desire it, there is plenty of land in Thomaston, gentlemen. In fact, the wardens in the past have had more land than they could use, or would use. There is plenty of land there, and if we wanted we could buy a strip of land a mile long up the river west of the prison from its western wall.

Now this entire expenditure would be about \$91,160 and we would have, gentlemen, a light, modern, well ventilated prison, with every work-shop in good condition, and a place perhaps not good enough for you or for me, but good enough even today for the convicts of the State of Maine.

The granite walls of the prison are in perfect condition and so is the roof. To enlarge the capacity and introduce modern construction all that is necessary is to remove one end wall, build the required addition and put in steel cells of modern design with hot and cold water in each. The boilers are in fine condition, the buildings well heated and ventilated. In addition let there be an improvement of the hospital quarters, the placing of a fire escape for the women's department and the construction of a new blacksmith shop and the renovated prison would be the equal of the best.

Another reason against making a change in location is found in the fact that Thomaston presents an ideal site. It is convenient of access by rail, and, by transfer at Rockland, three miles away, by boat. It is out of the beaten track of curiosity seekers and the community has become accustomed to the institution, whereas few towns or cities would welcome such. The cells today are 4 feet wide by 7 feet long built of cut granite not into the prison but are independent of it. The granite taken out can be used, and there is plenty of it to build the 68 foot wing. The heating apparatus is also perfect. The drainage is also perfect emptying into the tide waters. The site where the prison is located is one of the most beautiful

on the Maine coast. Repair this prison, gentlemen, and it will last the State of Maine for the next seventy-five years. And if we are ever in condition to do so, let us build a reformatory for boys too old to enter the State school for boys and for short term convicts and keep the old prison for old hardened criminals and life termers. As Senator Butler has well said in closing in the Senate:

Gentlemen, I want to say this in closing, and you have listened to me very patiently. To my mind, more important, even, than the consideration of the present removal, more important, even, than the consideration of this resolve which is pending in the House to enlarge and improve our present State prison, more important than either of these resolves, gentlemen, is something that has never yet been done in the State of Maine, and it is something that should be done in the name of humanity; and that is, instead of, when you give a liberated convict who has served his time five dollars—or the extent of your charity is ten dollars, if he lives a long way off—and a cheap suit of clothes, and start him off without any assistance, as you allow him to do at the present; do something to help him regain his lost position in society; until that man regains his full manhood and is able to look society in the face, he never will be of any value to himself or to society.

That is the crying need today, more than anything else, in my opinion, in the State of Maine.

This prison, gentlemen, has stood there for ninety-one years. Some say that the spot is unhealthy. There has been thirty-eight natural deaths in the ninety-one years, with an average of from 160 to 237 convicts. The prison can be made all right. These cells are not made into the prison. The prison is built and they can be removed the same as you would remove a piano from a house. There is no repairs on that building like putting in new sills or anything of that kind. The walls are absolutely perfect as they were when they were first built. The roof is slate and is in

good condition. I hope, gentlemen, as the bill for building a new prison, the minority report was substituted in the Senate by a vote of 20 to 7, which practically kills that bill—I hope that you will vote to repair this prison, and make the condition of these prisoners better than it is today. The whole committee voted unanimously, without a dissenting voice, that the conditions in those cells were bad. They are only four feet by seven, and when the cot is let down it gives them only twenty inches between the wall and the edge of the cot. Their slop-pails are carried in there Sundays in the forenoon and are allowed to remain until Monday morning when they go to work. The committee and every one else decided that there should be something done to make their conditions better: and I hope, gentlemen, that you will decide to accept the minority report instead of the majority.

Mr. ELLIS of Gardiner: Mr. Speaker, as a member of the State Prison Committee, I want to state my position in this matter. I signed the majority report of the committee on the bill, which carried with it a recommendation to build a new State prison in a new location in the State of Maine, which I believed then and believe today is the only business proposition for the State of Maine to carry on. I also signed the majority report on this bill, "ought not to pass"; but as the bill, which carried with it an appropriation to build a new State prison at a new location, has been defeated in the Senate, of course I realize that it is impossible to have a new State prison at this time. When our State Prison Committee made our visit to Thomaston, we looked over the ground very carefully, and made a very thorough investigation of it; and on seeing the very congested and unsanitary conditions which exist there, I felt it was time that the State of Maine did something to relieve the situation. I do not think there is a member of this House today who could go there and look into conditions as we did,

who would not say that the State of Maine should do something towards giving those poor, unfortunate men and women a better home there. I hope that the minority report of this committee will be accepted.

Mr. HIGGINS of Brewer: Mr. Speaker, I have listened with a good deal of interest to the remarks of the gentleman from Portland (Mr. Fossett) and also those of the gentleman from Gardiner (Mr. Ellis). While I quite agree with many of the things that have been said, it seems to me that this is not the year for us to do anything so far as the State Prison is concerned. This forenoon you will remember reference was made to a high tax rate, and this would simply add to the burden. I have come to the conclusion that the proper solution of this question is the appointment of a commission, to serve during vacation, to investigate the matter completely, whether a new prison, new location, or repairing the old one, or what not, and report to the next session of the legislature. I would therefore, Mr. Speaker, make an amendment to the motion of the gentleman from Portland (Mr. Fossett), that the majority report "ought not to pass" be substituted for his minority report "ought to pass."

Mr. PLUMMER of Lisbon: Mr. Speaker, I rise to a point of order. That does not seem to me to be an amendment to the motion.

The SPEAKER: The gentleman from Lisbon, Mr. Plummer, raises the point that the motion of the gentleman from Brewer (Mr. Higgins) does not seem to be an amendment to the motion of the gentleman from Portland, Mr. Fossett; and the Chair will so rule. The question is on the motion of the gentleman from Portland, Mr. Fossett, that the minority report "ought to pass" be accepted. Upon that motion a division has been called. All those in favor of the motion will rise and stand in their places until counted, and the monitors will return the count.

A division being had, 59 voting yes, and 48 voting no, the House voted to accept the minority report, and it was tabled for printing under the joint rules.

The SPEAKER: The Chair has been

informed that the original bill in this matter has been mislaid or lost.

Mr. FOSSETT: I would ask unanimous consent that the printed report be substituted for the original bill.

The motion was agreed to, and that gentleman presented the printed report.

The SPEAKER: The Chair lays before the House the majority and minority reports of the committee on temperance on bill, An Act to provide for the sale of intoxicating liquors, the majority report "ought not to pass" and the minority report "ought to pass", same being tabled by the gentleman from Portland, Mr. Fossett. The pending question is the acceptance of either report.

Mr. FOSSETT of Portland: Mr. Speaker, the bill has come back from the printer with a mistake in the printing in Section six, and I ask that the matter be laid upon the table for one week and that five hundred copies of the bill be printed.

The motion was agreed to and the bill was retabled and specially assigned for consideration on Wednesday, March 17th.

The SPEAKER: The Chair lays before the House House Doc. No. 422, bill, An Act relating to the employment of superintendents of schools, same being tabled by the gentleman from Chelsea, Mr. Meader, pending its passage to be engrossed.

On motion by Mr. Meader, the bill was passed to be engrossed.

The SPEAKER: The Chair lays before the House House Doc. No. 220, Resolve authorizing the Land Agent to sell certain lands in Plantation No. 33, tabled by the gentleman from Lisbon, Mr. Plummer, the pending question being the second reading of the resolve.

Mr. PLUMMER of Lisbon: Mr. Speaker, the resolve mentioned by the Chair and the resolve on the unassigned list, House Doc. No. 423, relate to the same parcel of land, and as the amendment which I have offered to House Doc. No. 119 is printed in connection with House Doc. No. 423. I move that we lay House Doc. No. 220

upon the table and take up House Doc. No. 423; and I will say that after the House has disposed of this matter I will make a motion with regard to the other to take the same course as is decided in this case.

On motion by Mr. Plummer, House Doc. No. 220, was tabled for further action.

The SPEAKER: The Chair lays before the House the report of the committee on labor on bill, An Act relative to the employment of women and minors, House Doc. No. 323, tabled by the gentleman from Dexter, Mr. Fay, the pending question being the acceptance of the report.

On motion by Mr. Fay, because of the fact that several people interested in this measure are in attendance at committee hearings, the report was again tabled and specially assigned for consideration tomorrow.

Mr. PLUMMER of Lisbon: Mr. Speaker, in order to dispose of the matter which I have just mentioned and get it off of the calendar, I would move to take up House Doc. No. 423 in order that the House might better understand the nature of the amendment.

The SPEAKER: If the gentleman from Lisbon, Mr. Plummer, will wait for a moment, there is one other matter on the unassigned list to be disposed of, and then the gentleman may have the floor.

The SPEAKER: The Chair lays before the House Resolve in favor of building a road around Cook Hill, in the town of Jackson, House Doc. No. 319, tabled by the gentleman from Jackson, Mr. McKinley, the pending question being the second reading of the resolve.

On motion by Mr. McKinley, the resolve received its second reading and was passed to be engrossed.

On motion by Mr. Plummer of Lisbon, House Doc. No. 423, was taken from the table, the same being Resolve authorizing the Land Agent to sell and convey a certain lot or parcel of land situated in the public lot of Dennis-

town plantation, in Somerset county.

The pending question being the second reading of the amendment.

Mr. PLUMMER: Mr. Speaker, I move the adoption of the amendment which is to be found printed on the same page in House Doc. No. 423. I will explain that the amendment proposes to lease these lands instead of selling them. The situation is this, that there is on its way and will undoubtedly be passed by this House, recommended, I think, by the committee on revision of the statutes, such change in the law as will give to the land agent control of the lands now in the possession of the State, and particularly to lease any islands that may belong to the State for cottage purposes or anything of that kind. But the situation in regard to these lots that are mentioned here on the first page of House Doc. No. 423, is that a certain parcel of land now a part of the school lot in Dennistown Plantation is settled by a party or parties who have been for years, and I think perhaps, for two or three generations—who have cleared up and whose ancestors have cleared up a part of this land, and who are now using it for farm purposes. The resolve as originally drawn provided that this land should be sold to this party and the title given. Upon that resolve the committee on State lands and forest preservation reported "ought to pass." I have offered this amendment which instead of selling him these lands would lease them to him in perpetuity at a rental to be revised once in five years, or with such frequency as may be desired, but at a rental to be revised from time to time by the land agent.

Now the situation is, with regard to the school lands of the state which have been or were set off for the use of the schools in the different sections of the State, according to an article published by the educational department of the State of Maine which says: "The reservation of 1,000 acres of land in every township commonly known as school lands, comes from an old regulation of Massachusetts adopted while Maine was still a part of that commonwealth.

"During the time the township is a plantation the care of these reserved lands is in the hands of the land agent, who is authorized to sell the wood, grass and lumber from them, turning the net proceeds of such sales into the State treasury each year, and the plantation receives from the State treasurer each year 6 per cent. interest on the fund, in addition to the regular school funds arising from the bank and mill tax.

"When the township is incorporated, however, the title to these lands passes directly to the town and the State treasurer pays to the trustees of the school fund all moneys in his hands received from sale of grass, and stumpage, and the town is expected thereafter to guard this fund carefully and honestly and to devote the income of it to the support of common schools.

"In several towns of the State this fund is still kept intact and the interest is added each year to the funds derived from other sources for the support of schools. In other towns, in order to simplify matters, the money was loaned to the town, and these towns raise, in addition to the amounts required by law, a sum equivalent to the interest on this fund.

"In still other cases the fund has been used for general town purposes, and all record of it has been either lost, or overlooked. At least they fail to raise any money for school purposes in addition to the amount required by law."

Now, gentlemen, the situation is this with regard to the lands and the timber that has been sold and where the plantations have afterwards become incorporated as towns, that the money has been paid over by the State Treasurer to the towns and it has been used—not in all cases, but in many cases it has been used, and very likely for perfectly legitimate purposes. The point of the matter is that the money has gone and it was spent by a previous generation, and according to the law, this generation must continue to raise each year enough money to pay interest on that sum which was spent by their

forefathers. If instead of selling those lands and the towns spending this money those lands had been leased, then the profits of those leases would have continued coming into the school fund from that time until now, and from now on, so far as we can say, forever; and if there had been any appreciation in the value of those lands the school fund of that town would have received the benefit.

Now as to the situation in these particular cases, I know not. Whether the land there will appreciate to any great extent is unknown; but there is this general proposition of which we are all aware, that land has not depreciated in value to any extent. Now if these particular lands referred to in this resolve should increase in value in the next 25 or 50 years, or in any length of time, then that appreciation will go to the scholars instead of to the owner of the land. It is unlikely that anybody will ever get wealthy out of the appreciation of this land, but gentlemen here know that if this State had held on to the lands that belonged to it and was now collecting the money annually from the leases or from the stumpage upon the timber that we would not have to raise any money by direct taxation; there is no question about it, and perhaps very likely we would declare a dividend. The question is whether the State now wants to establish a precedent that in future it will not dispose of any land of which it is now the owner in fee. I therefore move, Mr. Speaker, and I trust I have made the situation clear, that this bill be amended to provide that these lands shall be leased forever, with a seasonable revision of the rent to be paid by these individuals.

Mr. THOMBS of Lincoln: Mr. Speaker and gentlemen of the House: As I understand it, there are at least two matters involving exactly the same facts before the House. The particular matter in which I am interested relates to lands in Hancock county, but under similar facts. I am advised now that the gentleman

who introduced the act before the House at the present time is not desirous of pressing the matter. I simply wish to state to the gentleman from Lisbon (Mr. Plummer) and to the members of the House, that when the act concerning the lands in Hancock county is properly before the House, I desire at that time to present any argument that I may feel would be proper and right in support of the contention. I merely make this statement because the two cases are identical. I had hoped that the two matters might be considered at the same time; but I do not care to delay this one.

Mr. PLUMMER: Mr. Speaker: As I tried to explain, so far as I am informed from the Committee on State Lands and Forest Preservation, the two propositions are on all fours with each other. The same general situation exists. Of course different individuals are concerned in the separate cases, and it may be, and I think is, the case that in the case of Plantation 33 in Hancock county there may be more people who are interested in the matter who have settled there; but the question is, gentlemen, whether you will lease or sell lands in Dennistown Plantation. The question when the other bill comes up will be exactly the same question, and, if you vote to sell lands in Dennistown Plantation, I shall make no objection to selling them in Plantation 33. On the other hand, if you deem it advisable to lease them in Dennistown Plantation in Somerset county, I assume that you will also wish to lease the lands in Plantation 33 in Hancock county. However, if the gentleman (Mr. Thombs) wishes to discuss the matter at that time, I have no objection.

Mr. THOMBS: Mr. Speaker: In view of the statement of the gentleman from Lisbon (Mr. Plummer), I would move that this matter lie on the table until the other matter comes along, and that they be taken up together; because I assume that the members of the House would want to do exactly the same thing with the two matters.

The SPEAKER: The Chair will state for the information of the gentleman from Lincoln (Mr. Thombs) that the other matter referred to is House Document 220, which was on today's assignments. It was taken from the table, and re-tabled by the gentleman from Lisbon (Mr. Plummer) temporarily pending the discussion of the question which is now before us. The understanding of the Chair is that the other matter is to be taken up today immediately after this is disposed of.

Mr. THOMBS: Mr. Speaker, I would like to inquire if we can take the order so that that matter can be considered at the present time before we vote on this matter?

Mr. PLUMMER: Mr. Speaker, I think perhaps the gentleman from Lincoln (Mr. Thombs) was not present when I made my original statement. I requested the House to take up this one first because of the fact that the amendment to this Dennistown Plantation affair was printed, and I have an amendment of the same tenor which I propose to offer in regard to Plantation 33.

Mr. THOMBS: Mr. Speaker, I think a good way out of the matter would be for me to make what suggestions I might feel to make along this line, and then they might be considered in connection with the two. Gentlemen of the House, this was a matter which was called to my attention a few days ago. I am not personally or particularly interested in it, any more than I would like to see justice done between the State and those settlers upon these public lots. I am sorry that I did not hear all the remarks of the gentleman from Lisbon (Mr. Plummer), because I have no doubt that he has made a correct and accurate description to you of the circumstances surrounding these cases; but as I understand it, it amounts to this: Of course it is known to you all that in the wild land townships, or in all townships prior to organization, there is set apart a certain portion of land for school purposes, called the school lands; and not until the town is incorporated do those lands become available for school purposes. Up to that time, as I understand it, they are

in the custody of the State as trustee, which may permit the cutting of timber through the Land Agent. They are considered public lots, and all the revenue which is derived from those lands and is paid into the State treasury is kept separate, and finally upon the incorporation of the town is turned over to the officers of the town for school purposes.

Now the facts as I understand it in these cases are these: Sometime long ago, I am told as long as sixty or seventy years ago, in the Hancock county cases, settlers went on there, and under a misapprehension of the lines, or for some other reason, they inadvertently made their settlements upon these school lands. I do not think that anybody claims that they went on there knowing that they were on those lands at the time. It is to be remembered that at that time the lines were not plain, so that it was very easy for them to mistake, and they might in good faith. I think we should give them credit for that good faith in stating that perhaps they went on there thinking that they were acquiring lands from some private owner. I have not the facts, and do not state it as a fact; yet I think that it would not be unfair to assume that perhaps they went on there thinking that they had bought lands from some private owner. Now they have lived there for sixty or seventy years, and their all in this world is tied up there; they are poor people, and they have cleared up this land and built their buildings; they have reared their families there. The first settlers have died, and their children and grandchildren are living there at the present time. Now, then, in these days when private owners are surveying their lands, and when the State is rightfully displaying a greater interest in its lands for the protection of its citizens and school funds, it has been found that these people are actually upon those lands. Now it is fair for me, I think, to state to you that had these people settled upon lands held in private ownership, that this long period of residence, as open and notorious as it must have been, would probably have given them rights which the law would now respect, and the lands would be theirs by the right of adverse possession, as much as though they had purchased them; but, being upon State lands, as I understand

it no such rights would accrue to them. Therefore today you have this situation: That the State can, if it sees fit, remove these settlers; and I believe that they have not even the rights of betterments which might accrue to them if they were infringing upon lands held in private ownership. This thing has happened before in this State a great many times, and it has always been the policy of the State, in view of the mistake that was apparently made in the beginning, to be reasonable with these settlers. The State has, so far as I know, always sold the lands to these settlers for a fair value at the time of the sale. Now I want to ask you gentlemen what harm can there be at the present time if the State should make such a disposition of the lands in question? My friend from Lisbon (Mr. Plummer) does not question that the State should look well after the interests of its citizens, its lands and its property; but is it an unfair proposition, in view of the situation which exists there, and in view of these rights which I claim that these people have and ought to have, and which I think the State should respect at this time,—is it an unfair proposition from the State's standpoint if these lands are disposed of to these people for a fair valuation now? The money which is paid for these lands will go into the State treasury, and will there remain until such time as it can be properly turned over to the town. Now, then, suppose that you lease them, or suppose that you do not take any action about these! In the event of the incorporation of the town, what have you then? Lands such as these are not going to increase in value. If these people were ejected now, those farms would not grow into good timber lands for a great many years; and it seems to me that it is only fair, and carrying out a settled policy of the State, if you should now follow what I believe to have been a well founded custom in this State in these particular cases. It seems to me that the State is not being robbed of anything; in fact it seems to me that this is a question of dealing justly with these people who have gone on these lands under a misapprehension of their legal rights. I believe, gentlemen, that we ought in these cases to give these settlers a deed of their lands, and receive therefor a fair equivalent at the pres-

ent time to be held and used for the purposes for which the land is intended.

Mr. DUTTON of Bingham: Mr. Speaker, I think there has been a slight misunderstanding in regard to the position which the committee took upon these different matters. I have been informed that the six matters which came before that committee and which were turned down were not the same as these two which are now before the House. The matter of the land situated or lying in Dennistown which we ask to be sold to the present possessor or the present settlers was settled by the ancestors of those who occupy it today. They have cleared away the entire forest; there is no timber-land, no growing trees, no woodlot, but it has been all cleared away, and in the field there has been erected a home, a building such as you would ordinarily find upon any farm in our State. This land has come down to these people through two or three generations, and has been occupied by this same family, and now they find that perhaps they have not gained a title by possession; so they come here to this legislature and ask you in all fairness that you sell and convey to them in order that they may have a right and title to the land which would not be questioned.

Now, if this was a timberland lot or a lot of wild land which eventually might become of great value to the State of Maine, then I would hesitate before advocating its sale to the settlers; but where it is simply a farm, a home dear to the heart of the present owner or the present possessor. I believe it is but fair to ask that it be sold. I do not see any advantage that there may be by leasing this land to the present occupant who simply asks the same rights and the same privileges that I believe every member of this legislature would feel that he was entitled to ask from the State, and that is that the land which was toiled by his ancestors and which is dear to his heart, be now sold to him in order that he may have a title which would not be questioned by future generations.

Mr. PIERCE of Houlton: Mr. Speaker, I would not wish to add any thing here were it not for the fact that this peculiar set of circumstances covered

by these two resolves comes peculiarly within the line of my own business experience in the section in which I live. A good many people object to what they call settlers, and here is a man who has lived on land that he does not own, but it nevertheless is a fact, and all the gentlemen from the wild land counties of this State know that in years past land was not very valuable, the school lands were not very valuable, and the lands owned by private individuals were not very valuable, and the northern end of our county is full of settlements which were made by people who did not own the land; they went on there and the land owners knew they were there, and they went on and built a little house and cleared away a little field and went along and got ahead a little bit and the land owners turned around and deeded it to them not for what it was worth at the time of such deed but for what it was worth originally, say five dollars an acre; and that is the common custom among the business men in our section. The timberland owners of the State of Maine do precisely this same thing that these people are asking the State of Maine to do; they give them a deed and take back a mortgage for what it was worth as unimproved land. It is precisely the same thing that is followed in the ordinary course of business in sections where these conditions prevail; and I do not believe that the State of Maine ought to go back upon the policy which it has adopted in dealing with these men who are not business men and who are not educated men, men who do not realize that a deed is necessary, and who know nothing about looking up a title. I do not believe the State of Maine should adopt with these poor people any such measure, and I do not believe that this House of Representatives is willing to go upon record that these poor people who have been on these lands, working away on just a small piece of land where the whole thing would probably not be worth more than three hundred dollars, or anywhere near that without buildings which they have put on it. It does not seem to be right or fair that this great State of Maine should refuse to give these poor farmers a chance to own their land and have a deed of it; it does not seem to be equitable or right to

oblige those people to be content with a lease. As stated by the gentleman from Lisbon, Mr. Plummer, when they were dealing with big concerns in times past the State unquestionably made mistakes; but that is not the situation here, and it is not a matter of any great consequence, the depreciation in value of the unimproved real estate. The lands of a few settlers will not be a matter of great consequence to the people of the State or the people of these plantations, and if there is any appreciation it is going to be due solely to the hard work and the labor of the men and their wives who are living there with their families; and I sincerely hope both of these resolves will be passed without any amendment.

Mr. ST. CLAIR of Calais: Mr. Speaker, there is one thing that impresses me in connection with this matter, and that is that these people went in there and made a home and they have lived there for years and years, and why don't the State give them the land? (Applause)

Mr. THOMBS of Lincoln: Mr. Speaker and gentlemen, I want to remind you of one other thing in connection with this matter which I omitted to mention when I was speaking previously. If any of you gentlemen went out and leased a piece of land of course you would know the term for which you leased it and you would govern yourself by that term in making any improvements upon the land. That is to say, if it were a short term of course you would not improve to any great extent. Now as I understand, the amendment offered is to allow leasing annually, and I presume it is for a limited period. In the event that that amendment should be adopted, thereby curtailing the powers of the land agent to that extent so that he would only lease, I submit that the owners of the buildings upon these lands would not be in a position to make any permanent improvements and to carry forward the work on the land as they would if they owned by the land in fee. It seems to me that is a particular thing that should receive your consideration in this matter.

Mr. PLUMMER: Mr. Speaker, in regard to the point just raised I wish to state that some of the most valuable buildings in this country are built on leased land, and even upon school lands. The Chicago Tribune Building in Chic-

ago, which is located on one of the most valuable corners of that city, is built upon school land, and I think under a lease of 99 years. I think there is no specified time mentioned in the amendment, and if it is desirable to have a specified time, I would be willing to insert 1,000 years, and if the gentleman thinks that is not long enough time for a man to have so that he may make permanent improvements, I would make it 10,000 years.

To return to this case of this individual, let us see where he stands. If this man had a hundred dollars out at six per cent. it is manifest that so far as he is concerned he will be just as well off to leave his money where it is and take that six dollars and turn the money over to the State and lose the interest. Now, if he hasn't any hundred dollars and has got to go and hire it, he might just as well pay six dollars to the State of Maine annually as a ground rent as to pay six dollars to the mortgagee as interest. There is no difference as far as the financial situation is concerned; he is just as well off and he can live there just as comfortably, and his house will keep him just as warm, and he can raise just as good crops on the land as though he had the title to it; and I will agree to give him any length of time that my friends, the lawyers on the other side of the House, will say should be given to him, simply subject to the fact that he should pay whatever in the judgment of the land agent is proper to be paid; and if the gentlemen of this House have not confidence in the land agent, and if they have more confidence in the court, I will give him an appeal to the Supreme Court of this State, or to the Supreme Court of the United States, and if there is any place higher I am willing to go there.

One other point I wish to refer to, and that is in connection with his paying his ground rent. Bear in mind this fact that every title that has been granted by the State of Maine or by any state in the United States, or by any king or queen or potentate of this or any other coun-

try—bear in mind that the title has always been subject to the payment of taxes, and that every man who owns his land is subject to the payment of taxes. What is the objection to giving to these people on practically the same grounds only that he shall pay it now instead of being under an obligation to pay it at some future time? As a matter of fact and as a financial proposition, so long as there is no appreciation in the value of the land, it makes no difference to him whether it is under lease or whether he buys it; it makes this difference that if that land should increase in value that that increase goes to the scholars of the schools that shall come along in the next generation and the generations thereafter instead of going into the hands of private owners.

Mr. DUTTON of Bingham: Mr. Speaker, I want to ask the members of this House to stop and consider whether it is a fair proposition on the part of these poor farmers asking to have their land deeded to them, and I ask you if it is not fair that they should have some consideration shown to them, and if it is a reasonable proposition for a man to propose to lease for such a term as 10,000 years? Wouldn't it be just as reasonable to sell it today? I want to ask each member of this House, if you should wake up tomorrow morning to the fact that your father when he settled on his farm or on his city lot had neglected to take a deed which gave him a good title to that land, and you had just attained the knowledge that the title was question, and you had got to come to this State to have title rectified, would you consider it unjust that the legislature should grant a title which would be unquestioned for years to come? The time for the State of Maine to have considered the proposition of selling its lands was when they were disposing of their wild lands by counties and townships; and when it comes to the present day and a man whose ancestors have lived upon a little piece of land, tilled the soil and reared their children, and now that the

present owners ask to have their title to the land legalized, and are willing to pay the price for legalizing it—I want to ask you if it is not right that they should have it, instead of proposing to lease it to them for 10,000 years?

Mr. PLUMMER: Mr. Speaker, I would like to ask my friend from Houlton, Mr. Pierce, or my friend from Lincoln, Mr. Thombs, whether or not if this legislature should order to be given and signed by the land agent a title to this land describing it at length, subject to the payment of a ground rent for five or ten years, whether or not that title would be good in court?

Mr. THOMBS: Mr. Speaker, I am not authority on such long leases as that; they are very much out of my line. I do know a title that will be good in court, and that is a deed of release from the State of Maine. (Applause)

The SPEAKER: The question is on the motion of the gentleman from Lisbon, Mr. Plummer, to adopt House Amendment A to House Doc. No. 119, or No. 423 as it has been printed.

A viva voce vote being taken, the motion was lost.

Mr. Plummer doubted the vote and called for a division.

A division being had, the motion was lost by a vote of three to seventy.

The pending question being the second reading of the resolve, House Doc. No. 423.

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

On motion by Mr. Connellan of Portland, the vote was reconsidered whereby the House voted to table House Doc. No. 403, bill, An Act to fix the salaries of certain public officers.

On further motion by Mr. Connellan, the bill received its second reading and was assigned for tomorrow morning for its third reading.

On motion by Mr. Plummer of Lisbon, House Doc. No. 230, Resolve authorizing the land agent to sell cer-

tain lands in Plantation No. 33, was taken from the table.

On further motion by Mr. Plummer, the resolve received its second reading and was passed to be engrossed.

On motion by Mr. Higgins of Brewer, House Doc. 473, Resolve in favor of aid in building road in the town of Amherst, in the county of Hancock, and in the town of Clifton, in the county of Washington, was taken from the table.

On further motion by Mr. Higgins, the resolve was recommitted to the committee.

Mr. BROWN of Auburn: Mr. Speaker, if it is in order, I will take from the table House Document No. 311, "An Act to provide for the convenience of travelers on electric roads," and move that Amendment A, House Document 497, have a passage, and the motion prevailed.

Mr. BROWN: Mr. Speaker and Gentlemen: When I first presented this bill to the House, I did so because I felt that there was a necessity for it. The bill, perhaps, came in in a crude form and was looked upon rather lightly and treated as a joke. After it came back from the committee, and I got the House to accept the report, and after listening to the arguments, especially from Dr. Millett, who said that he had known of two deaths occurring directly from the inconvenience of riding on these cars without a toilet, the members of this House began to think of it more seriously, and they came to me one by one sympathizing with the bill, and saying if it was amended so as to eliminate the open cars, and have closed doors when going through the cities and villages, they felt that they could support the bill. This I readily assented to, and have drawn up what we call Amendment A. I would like to read it so that every member may understand it: "Amendment A. to Bill No. 311. Amend section one by adding after the word 'destination' in the last line of Section one the following: 'Providing that this section shall not apply to open cars, and also providing that the toilet shall be kept locked while going through cities and

villages." I now move the adoption of the amendment.

The motion was adopted, and on further motion by Mr. Brown the bill received its first and second reading, and tomorrow morning was assigned for its third reading.

On motion of Mr. Millett of Belfast, the majority and minority reports of the committee on State Prison, "Resolve in favor of the purchase of land in some suitable location and the erection thereon of buildings for a new State Prison," were taken from the table.

The SPEAKER: The pending question is the acceptance of either report. The Chair will state for the information of the House that this comes to us from the Senate as a divided report. The majority report "ought to pass" was signed by Senators Chatto and Boynton and Representatives Ellis, Leader, Brown, Tobey and Lord. The minority report on the same matter, "ought not to pass" was signed by Representatives Fossett and Welch. In the Senate the minority report was accepted and comes down for concurrent action.

Mr. Fossett of Portland moved that the House concur in the adoption of the minority report.

The motion was agreed to.

On motion by Mr. Wise of Guilford the report of the committee on inland fisheries and game, reporting "ought not to pass" on bill, An Act to amend Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in Davis Stream and Monson Pond, in the

county of Piscataquis, was taken from the table, and on further motion by Mr. Wise, the report was recommitted to the committee.

Mr. Greely of Portland moved that the report of the committee on towns on bill, An Act relating to the division of the town of Bristol, be taken from the table.

The SPEAKER: The Chair will state that that matter was tabled by the gentleman from Nobleboro, Mr. Mulligan, and under the courtesies of the House it would be the privilege of that gentleman to take it from the table. Does the gentleman from Nobleboro, Mr. Mulligan, wish to take the matter from the table this afternoon?

Mr. MULLIGAN: Mr. Speaker, I should prefer to have it assigned for tomorrow.

On motion by Mr. Mulligan the bill was taken from the table, and on further motion by the same gentleman the bill was retabled and specially assigned for consideration tomorrow.

On motion by Mr. Brown of Auburn, House Doc. No. 459, bill, An Act for the prompt payment of poll taxes, was taken from the table.

The pending question being the adoption of House Amendment A, on further motion by Mr. Brown, the amendment was adopted.

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

On motion by Mr. Thombs of Lincoln, Adjourned until tomorrow morning at nine o'clock.