

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

AUGUSTA
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1919

HOUSE

Tuesday, March 25, 1919.

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

Prayer by the Rev. Mr. Perry of Hallowell.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Communication from the Secretary of State transmitting list of public acts signed by the Governor.

In the Senate accepted and ordered placed on file. In the House ordered placed on file in concurrence.

From the Senate: Report of the committee on library on resolve to appropriate money for the purchase of the history of York, reporting that the same be referred to the next Legislature.

Comes from the Senate recommended to the committee on library.

A viva voce vote being taken, the House voted to recommit in concurrence.

Senate Bills on First Reading

Senate 104: An Act relating to the inspection of creameries, cheese factories, condensaries, or receiving stations for milk or cream.

Senate 111: An Act to amend Section 1 of Chapter 55 of the Revised Statutes of Maine relating to causes determined by the Public Utilities Commission.

Senate 166: An Act to amend Chapter 26 of the Revised Statutes, as amended by the Public Laws of 1917, relating to the registration and operation of motor vehicles.

Senate 231: An Act to provide for the support of dependents of soldiers, sailors and marines.

This bill comes from the Senate amended by Senate Amendment A. The House voted to adopt Senate Amendment A in concurrence, and the bill received its second reading as amended.

Communication from the Governor

The following communication from the Governor was received yesterday and not acted on by the House:

To the Honorable House of Representatives:

I have carefully examined House Document No. 524 "Resolve in favor of the trustees of Hartland Academy for State aid for agricultural instruction for the years 1917 and 1918" and respectfully return the same herewith without my approval.

This resolve appropriates for this academy the sum of \$500 as reimbursement for the amount which the academy failed to receive in the years 1917 and 1918 because the attendance in its course in agriculture fell below the standard required by law.

The amount of this particular resolve is not large, but its consideration involves the whole method of extending State aid to secondary schools.

The law requires the maintenance of a certain minimum attendance in an agricultural course in order to entitle the academy to special State aid for that course. To make an appropriation in one special instance where this aid was not earned in the last two years would be evidently unfair to a dozen or more secondary schools which lost their appropriations through failure to meet the requirements and which made no claim for reimbursement.

I find, moreover, that Hartland academy was granted a special appropriation of \$1000 for each of the years 1917 and 1918 over and above all the amounts provided by law, and that in filing their requests with the State auditor before November 15, 1918, the trustees asked only for the continuance of this appropriation through 1919 and 1920. The blanket resolve for aid in maintenance of academies carries an appropriation of \$1250 for each of the years 1919 and 1920 for Hartland Academy, or \$250 a year beyond the amount asked for. Now this special appropriation of \$500 is asked in addition.

Theoretically the State furnished aid to high schools and academies in proportion to the contribution which each of them is making to the educational program of the State, and while the

amount of aid per capita on the basis of average attendance is not the only basis for comparison it is one of the important factors to be considered. With the amounts provided in the blanket resolve above referred to, the State aid from all sources for 1919 for each of the academies named in the resolve will be approximately as follows for each pupil in attendance:

Hartland Academy	\$74.00
Freedom Academy	65.00
Leavitt Institute	63.00
Anson Academy	62.00
East Corinth Academy	61.00
Litchfield Academy	58.00
Oak Grove Seminary	58.00
Greely Institute	56.00
Limerick Academy	55.00
No. Yarmouth Academy	54.00
Eastern Me. Institute	53.00
Lee Academy	46.00
Higgins Classical Institute	43.00
Westbrook Seminary	42.00
Bridgewater Classical Academy	38.00
Limington Academy	36.00
St. Joseph's Academy	34.00
Monmouth Academy	33.00
Somerset Academy	30.00
Gould's Academy,	26.00
Aroostook Central Institute	23.00
Maine Central Institute	19.00

The average State aid for all high schools in the State is about \$12.60 annually per pupil in attendance and the average annual total cost of maintenance for all the high schools in the State is \$53.13 per pupil in attendance.

Therefore, in view of the fact that without this special resolve Hartland Academy will still receive more State aid per capita than any other academy or high school, an amount, in fact, actually greater by nearly 50 per cent. than the average total cost of maintenance of high schools, it would seem as if the friends of this excellent institution should be satisfied with the liberal provisions already made for them without expecting the State to make a special exceptions in their favor in the matter of State aid for agricultural courses.

(Sd.) CARL E. MILLIKEN,
Governor.

Dated at the
Executive Chamber
March 24, 1919

The SPEAKER: The question before the House is, shall this resolve become

a law notwithstanding the objections of the Governor?

On motion by Mr. Holley of North Anson the matter was tabled and specially assigned for tomorrow morning.

Passed to be Engrossed

Senate 106: An Act to amend Section 146 of Chapter 16 of the Revised Statutes, as amended by Chapter 64 of the Public Laws of 1917, relating to the appropriation for the support of normal and training schools.

Senate 203: An Act to amend Section 20 of Chapter 117 of the Revised Statutes, as amended by Chapter 179 of the Public Laws of 1917, relating to the employing of clerks and agents by the State superintendent of public schools.

Senate 234: An Act to amend Section 122 of Chapter 16 of the Revised Statutes, relating to the duties of the State superintendent of public schools, and providing for the teaching of common school subjects in the English language.

House 397: An Act to amend Chapter 294 of the Public Laws of 1917, relating to seizure and forfeiture of vehicles carrying intoxicating liquors.

House 425: An Act to amend Section 137 of Chapter 16 of the Revised Statutes, relating to the maintaining of evening schools, and to provide for Americanization and the reducing of illiteracy.

House 469: An Act to prohibit the use of trawls of more than 4000 hooks, or more than 10 nets, within certain waters.

House 470: An Act to provide aid for assistance of towns in maintaining town highways.

(Tabled by Mr. Washburn of Perry pending third reading, and specially assigned for tomorrow morning.)

House 201: An Act for the care and preservation of shade and ornamental trees.

(Tabled by Mr. Lanpher of Sebec, and specially assigned for tomorrow morning.)

House 476: An Act to amend Chapter 154 of the Public Laws of 1917 entitled An Act to provide State

aid for the construction of highways extending continuously through three or more towns.

House 478: An Act to amend Section 49 of Chapter 117 of the Revised Statutes relating to the Board of Registration in Medicine.

House 479: An Act authorizing the Penobscot Development Company to construct and maintain booms and piers in the Aroostook river in the town of Ashland.

House 480: An Act granting Bradbury Smith the right to establish and maintain a ferry between the towns of Sullivan and Hancock.

House 481: An Act to amend Section 32 of Chapter 67 of the Revised Statutes, relating to probate appeals.

House 482: An Act to amend Section 3 and Section 12 of Chapter 36 of the Revised Statutes, relating to marking packages of agricultural seeds.

House 483: An Act to authorize the payment of additional sums for co-operative agriculture.

House 484: An Act additional to Chapter 48 of the Revised Statutes, relating to the State sealer of weights and measures.

House 485: An Act to prevent and punish the desecration, mutilation or improper use of the flag of the United States of America, and of this State, and of any flag, standard, color, ensign or shield authorized by law and to make uniform the law relating thereto.

House 466: Resolve in favor of the commissioners of pharmacy of the State of Maine.

House 467: Resolve in favor of the State auditor, reported from the committee on bills in the third reading under title of

Resolve in favor of the State auditor for newspaper subscriptions for the department of labor and industry.

(Tabled by Mr. Clifford of Reed Plantation, and specially assigned for tomorrow morning.)

House 468: Resolve in favor of the board of veterinary examiners.

House 471: Resolve to continue the Resolve under Chapter 90 of the Resolves of 1917 for the North Yarmouth Academy Grant, Township No. 1, Range 4, Aroostook county.

(Tabled by Mr. Holley of North Anson, pending second reading, and specially assigned for tomorrow morning.)

House 473: Resolve in favor of the Penn Mutual Life Insurance Company of Philadelphia, Pennsylvania, for a tax credit.

House 474: Resolve in favor of the Fidelity Mutual Life Insurance Company of Philadelphia, Pennsylvania, for a tax credit.

House 475: Resolve in favor of the Provident Life and Trust Company of Philadelphia, Pennsylvania, for a tax credit.

On motion by Mr. Rounds of Portland the House voted to reconsider its action whereby House Document No. 397, An Act to amend Chapter 294 of the Public Laws of 1917, relating to seizure and forfeiture of vehicles carrying intoxicating liquors was assigned for tomorrow morning for its third reading; and on further motion by the same gentleman the bill was tabled pending third reading.

On motion by Mr. Baxter of Portland the House voted to reconsider its action whereby House Document No. 482, An Act to amend Section 3 and Section 12 of Chapter 36 of the Revised Statutes, relating to marking packages of agricultural seeds, was assigned for tomorrow morning for its third reading; and on further motion by the same gentleman the bill was tabled pending its third reading and especially assigned for tomorrow morning.

Orders of the Day

The SPEAKER: This brings the House to the matters specially assigned for today, and the Chair will take them off the calendar in their order. First is the Governor's veto message on Resolve in favor of John G. Fleming for building a highway in the town of Wiscasset, House Document No. 346, and the Chair recognizes the gentleman from Portland, Mr. Rounds.

Mr. ROUNDS of Portland: Mr. Speaker and gentlemen of the House, I would like to have that laid on the table temporarily until Mr. Perkins of Orono is here. He went to a town meeting and he should be back here about 10

o'clock. I move that it be temporarily tabled to be taken up later in the session.

The motion prevailed.

The SPEAKER: The next on the calendar is the report of the committee on agriculture referring to the next Legislature bill An Act to regulate and license operators of slaughter houses, House Document No. 325, tabled by the gentleman from Auburn, Mr. Garcelon, pending acceptance of the report. The Chair recognizes the gentleman from Auburn, Mr. Garcelon.

Mr. GARCELON: Mr. Speaker, I move that the bill be substituted for the report; and in making this motion I wish to say a word of explanation. This is an important bill. It has to do with the meats we eat, and therefore is concerned directly with the health and well-being of the people. The bill was drawn by the department of agriculture and has its full support. At the hearing before the committee, however, certain objections were raised. Admittedly the bill in its present form is incomplete, and I therefore wish to offer some amendments which I believe will remove these objections; but, Mr. Speaker, as a matter of parliamentary decision, I cannot offer those amendments unless the bill is before the House. Therefore I have moved that the bill be substituted for the report. If that is done, I propose to offer the amendments to the bill on its first reading and then have them tabled for printing, so that every member of the House may have a chance to read them. If, after consideration of the amendments, the House in its wisdom wishes to kill the bill, it can, of course, do so; but there can be no harm in allowing the amendments to be presented for consideration before you finally dispose of the matter.

Mr. GRINNELL of Exeter: Mr. Speaker, this bill was considered of sufficient importance to have two hearings. At the first hearing thirty appeared in opposition to the bill. Outside of the department only one appeared for the bill. We looked up the regulations in regard to this, and found that it came under the Pure

Food Law and is well cared for through that and the Board of Health. Consequently, after the bill had come up and had not attracted attention, we decided that it should be left to the next Legislature. Mr. Speaker, I move that the report of the committee be accepted.

Mr. FARNES of Houlton: Mr. Speaker and gentlemen of the House: It very often happens that the persons who wish to be heard on a bill are all on one side; and if you would look up the history of pure food and pure drugs legislation, you will find that the bills are invariably drawn by some department or department employee, and the people who are interested in the passage of the bills, thinking that the public servants at the State House, whoever they may be, are looking after it, do not flock to the committee hearings, because as a rule what the bill aims to do is perfectly apparent and its importance is known.

Now, the Creator gave to all of us originally, apparatus whereby we kept out of our systems dangerous food. The dog—any domestic animal—even swine—are provided by nature with an apparatus that warns them against eating unfit food. Man, in the process of development has arrived at a stage where he will pour into his meat any kind of poison that the law allows him, provided the taste to him is anywhere near pleasing, or he thinks it is pleasing; and through the mouth the diseases that take our children to the graveyard—very, very many of them—come in. Now the people who are interested in this bill thought nobody would appear against it, and the committee on agriculture was overawed, or quieted and subdued and rendered mute, because many prominent attorneys of Maine came crowding in here to oppose this bill. What is the bill? Why, the bill is to provide that the houses where animals are slaughtered shall be decent, neat and clean; to provide that where the beef hangs the house flies cannot have access. Why, when the United States took over the old French canal to build across the isthmus of Panama, the first thing the United States did was

to provide sanitary regulations, and, where the yellow fever had buried men by the thousands during the French time of construction, the United States surgeons by employing sanitary regulations have rendered the Zone the most healthful on the face of the earth; and, remember, that was done mostly by controlling a certain mosquito. The time was, of course, when we knew nothing about bacteria and knew nothing about germs. I suppose people were happier in the good old days, when a scourge struck a place and most everybody died, they said it was a dispensation of Divine Providence and they must submit to the will of the Creator, and they buried their dead. Now the days of such ignorance are passed, and everybody knows more or less about bacteria and germs, and everybody now knows that many of these seeds of disease are carried on the feet of the harmless house fly, who used to flock in numbers on the dinner table of our ancestors before we learned to screen our doors and our houses.

Now if you could have seen the array of men who went up in protest before the agricultural committee, you would have had a good deal of sympathy for the committee. They were most respectable, reputable gentlemen. Every word they said in favor of this bill they said with a mental reservation that they did not believe what they were saying, but they were getting a good fat retainer. I suppose there is no piece of beef that is any juicier to eat than a piece of beef that is rendered soft and succulent and juicy by the permeation through its cellular fibre of pus; but you, when you go to the store, you won't buy it yourself, and you do not want any hotel to serve it on the table. I suppose such beef must be soft and easy to masticate, and if it is served in the form of breaded cutlets, or ground in some sauce, it will not appear offensive.

Now there are more than 350 places in the State of Maine where animals are slaughtered for human consumption, and there are about eight of them that are sanitary and clean. It is first stated that we have got all the

law we need. They said that to the agricultural committee, and because the lawyers from great centers, representing great industries—I will not say representing great hotels—great lawyers of that type at that hearing said that there was plenty of law; and the agricultural committee has said again today that there is plenty of law. Now what does the law say? The law says that after the meat gets into the shop, you find that it is part of a diseased creature, or is filthy, decomposed or putrid or is a portion of an animal unfit for food, or a portion of an animal that died otherwise than by slaughter, that that food is adulterated and cannot be sold. But when you catch the hind quarter of one of these creatures and condemn that, you may be pretty reasonably certain that the forequarters and the other hindquarters have been sold; and, if any of you have ever had experience as a county attorney in trying to enforce the food law, you have been kept pretty busy tracing the cattle that have been condemned as being tubercular, and preventing their getting on your own breakfast table. Beef is high; it is out of sight. Why, really good cuts of nice beef-steak up in the north country are as rare as choice lobsters; but is that any reason, pray, why you should buy and have on your table diseased meat or tainted meat, or is that any reason why you should give anybody the right to use diseased meat or tainted meat? Now that is practically all the protection that we have.

Let us see what the bill asks for. It asks that everybody who runs a slaughter house for the slaughtering of cattle,—and my friend from Auburn (Mr. Garcelon) desires a chance to put amendments on to make that perfectly plain, and which will except the man who kills a creature once in a while and sells it,—that all slaughter houses shall be kept neat and decent. It asks that they shall have water in the slaughter houses; and men come in and object to it! It asks that they shall not keep hogs under the slaughter houses on piles of manure with festering and infected animal matter, and the lobby objected to that. It

asks that they shall screen the windows, and the lobby objected to that. It asks that there shall not be manure and filth on the slaughtering-bed and the lobby objected to that. It asks that the floor of the slaughter houses shall be made of concrete or something like that. It does not in the bill, but it provides that it shall be neat and decent. The only way to do is to make the floor water-tight, so that the filth shall not seep down through the floor and make a spawning bed for all the insects that crawl and creep and infest food. The time was when right next to the slaughter house was the manure heap and the hogs ran on it, and the blood and fluid from the slaughter house ran right off the slaughter-bed down into the trough where the hogs were feeding. That was the custom before we knew better. We were then taking into our houses these dangerous germs and calling them visitations of Divine Providence. What sacrilege that was! We are just beginning to learn these things. We know that most of the slaughter houses of Maine are in dilapidated buildings—old barns and warehouses in the outskirts of the town that have not been prepared as places for slaughter or places for the preparation of human food, and they have the same old kind of floor as any other old barn. Now supposing it was one of that kind, without a plank floor and without any basement, just earth, setting up on posts, and when the creatures are slaughtered the blood and other fluids run into the earth through the floor. What a condition you have under there before the fall of the year comes on and the ground freezes—what a breeding ground for filth! Or suppose that the blood and other fluid runs down into the trough and the hogs wallow around in that waste; what a condition that is, to have the flies come and light upon your little infant baby when it is put out on the piazza to sleep in its carriage. Why do you put a net over the carriage to keep the insects away? Is it because the insects would tickle her nose and wake her

up, or that the mosquitos may not sting her? No, that is not it. It is because those flies have been flying around the filth and creeping and crawling over everything that is noisome and nasty, and you do not want them to walk across your little baby's mouth, and she run out her tongue and take in the germ of enteric fever, gastritis, intestinal trouble, typhoid fever or some other powerful disease. That is why your wife does this, and this bill is aimed to protect us from that sort of infection and disease. These slaughter houses are not in the central part of the villages or cities; they are not where the people live who are careful; they are not where the sewage runs into the sewer. These slaughter houses are in the outskirts, in the lower sections of the place. They are not welcomed anywhere. They smell to Heaven. For a thousand yards on either side when the wind blows they are noisome. In that same section, gentlemen, what care is taken of the human excrement? It does not go into the sewer; it goes into a dry closet and the flies are constantly crawling over it, especially in the months of July and August. It is in such places that typhoid fever occurs, and from those places the flies come down to these slaughter houses. There are no screens in the windows and the flies come in swarm over and perch on the sides of beef that are hanging there and incidentally wipe their feet on them. Then it gets into the family and you eat it, and you have cholera morbus all through the village and you have cholera infantum and all that sort of thing.

Now all this asks is that it shall be seen so that the troughs are clean, and we are also trying to see to it that the man who runs the public eating house shall serve to his people what is clean and wholesome. Now in your town, if you are from the city, as in my town—because we happen to be near the boundary line—there is a Federal inspector who comes and inspects the carcass, and every bit of beef that is killed in my town is inspected. There is only one

slaughter house and that is provided with water that it may be kept clean and free from anything festering or rotting about it. The bill says that the men who are engaged in the slaughtering business—a Class A man shall pay a ten dollar license, a Class B man a two dollar license, and a Class C man shall not pay any fee, but he shall take a license. Then it is provided that the Commissioner of Agriculture, who issues these licenses, shall have authority over these people, and, if he comes to a man's place and finds it filthy, and he fails to clean it up, but says he will see about it, the Commissioner's man may say, "I will be back here in a couple of weeks, and if this place is not in shape, I will withdraw your license until you get it cleaned up." Now who is going to object to that? It seems to me it is entirely reasonable and proper. This bill should be allowed to get into an amendable form and allow the gentleman from Auburn (Mr. Garcelon) to have a fair draft of it printed, and then if we do not like it we will not have to enact into law. I hope the motion of the gentleman from Auburn (Mr. Garcelon) to substitute the bill for the report, so it may be printed as amended, may prevail. We can then look at it and see if this is all hot air that I have been giving you and can then vote intelligently upon it.

Mr. WASHBURN of Perry: Mr. Speaker, I feel that the position of the committee on agriculture has not been entirely made clear in this matter. There is probably no member of that committee who is willing to acknowledge that we were entirely overawed by the members of the legal profession who appeared before us. We have been, however, somewhat impressed by a great and increasing number of protests that have come to us from the country butchers. This is a matter that applies to every country butcher of any importance in the State, and the committee felt that the matter had been presented at too late a time in the session for all to be heard from and for the matter to be thoroughly understood. If all these horrible conditions exist which have been pictured to you the act should provide for the inspec-

tion of meat and not of slaughter houses. It was also our belief that the matter could be pretty thoroughly taken care of under the pure food law, the federal inspection and the local boards of health. We have no objection whatever to the gentleman from Auburn (Mr. Garcelon) being allowed to reopen the matter and to present his amendments. I simply desire to make the position of the committee plain.

Mr. RICKER of Poland: Mr. Speaker and gentlemen of the House: It was only about three weeks ago that the gentleman from Houlton (Mr. Barnes) got up and spoke against delaying a bill from going through this House. He said it was getting late in the session and everybody wanted to get home. Now he is getting up here and talking right against what he said two or three weeks ago. He wants to delay a certain bill. I consider this bill is already taken care of by a law in this statute, under Section 12: "When goods shall be deemed to be adulterated." "If in the manufacture, sale, distribution, transportation, or in the offering or exposing for sale, distribution or transportation, it is not at all times securely protected from filth, flies, dust, or other contamination, or other unclean, unhealthful or unsanitary conditions." I consider that this bill to regulate the slaughter houses is already taken care of by this law that is in the statute, because it is only up to the agricultural department now to enforce the law. If they have not been doing it, they are not carrying out their duties. It also provides penalty for adulteration or misbranding by a fine not exceeding one hundred dollars for each subsequent offense. Already the slaughter houses in this State have to operate under the pure food and drug act. They come up to the board of health under this law that is in the statute today. The agricultural department has the right to inspect all the slaughter houses in the State of Maine, but they have not been doing it and now they come with this other bill and want more authority.

The gentleman from Houlton (Mr. Barnes) said that the bill calls for a license that every man who runs a

slaughter house would have to have a license, and then when the inspector comes around, if he does not think that the provisions of the law are being carried out he will revoke the license. The bill does not say that he will give two weeks' notice. He may do it right then. What is going to be the result? These large packing houses have a lot of food on hand; they have a lot of money invested. If they are not able to continue to sell what is on hand the stuff will spoil. He also said that all the slaughter houses in the State were in old buildings. I have traveled around the State of Maine some and I have seen some of the slaughter houses that are run by the farmers. Of course you cannot expect a slaughter house in the country to have the same sanitary conditions as one in the city; but they do have water and they do keep them clean, and they have them inspected. Now the people in the southern part of the State ship a lot of their veals and meat that they slaughter to Boston or out of the State, and they have to go to the State Board of Health, get a stamp, and have it marked before it is thus sent. They are inspected by the State Board of Health. I know of houses that have been inspected and carry out the recommendations that have been made by the officers of the State Board of Health.

This bill has had two hearings which were advertised. I think at the first hearing there were around 40 or 50 people opposed to the bill, and the only proponents of it were men in the agricultural department. A week later they had another hearing, and still there was a greater number of opponents to the bill than there were proponents, only two members from the agricultural department appearing for the bill. It was brought out at the hearing that they were already subject to two inspections, and then the question was brought up whether, if this bill passed, it would not give the agricultural department a chance for another inspection; and I said in that meeting that I would not want to run any business where there was going to be two or three sets of inspectors coming around and making inspections

and recommendations as to changes, because every time they would come around they would keep you in great suspense. It was proven then that the Agricultural Department had all the authority it wanted to duly inspect without this law, and if that is the fact, why should this bill be considered any longer? I hope the motion of the gentleman from Auburn (Mr. Garcelon) will not prevail.

Mr. CHABTREE of Island Falls: Mr. Speaker, the local authorities are trying to enforce the existing laws of the State in regard to meat inspection and it has not worked out well. They tell us this morning that the matter rests upon the local boards of health. This matter has not worked out well under the laws of this State and there is very strong demand in my section of the State for a better inspection of meat. We all feel very strongly that under existing conditions we are getting a great deal of meat that is unfit, and we greatly desire that the law be amended in some way so that we may be assured of clean meat; and if these amendments proposed will help the matter, I very sincerely hope that the motion of the gentleman from Auburn, Mr. Garcelon, will prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Auburn, Mr. Garcelon, that the bill be substituted for the report of the committee, which report referred it to the next Legislature. All those who are in favor of the motion to substitute the bill for the report will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Forty-six having voted in the affirmative and 55 in the negative, the motion to substitute the bill for the report was lost.

On motion by Mr. Garcelon of Auburn, the report of the committee referring the matter to the next Legislature was accepted.

The Chair lays before the House, Resolve to appropriate money for the erection of buildings for the Reformatory for Women, House Document No. 386, tabled by the gentleman

from North Anson, Mr. Holley, pending its second reading.

Mr. HOLLEY of North Anson: Mr. Speaker, I yield to the gentleman from Skowhegan, (Mr. Smith.)

Mr. SMITH of Skowhegan: Mr. Speaker, I would like to offer an amendment at this time.

The SPEAKER: The gentleman from Skowhegan, Mr. Smith, presents the following amendment: "Amendment A to House Document No. 386, strike out in the second line the word "a" and add to the word "building" the letter "s"; strike out in the fifth line the word "a" and add to the word "building" the letter "s" and by striking out all of said resolve after the semi-colon in line seven, so that the resolve as amended, shall read as follows:

Resolved, that there be and hereby is appropriated for the erection of buildings for the Reformatory for Women in the year 1919, the sum of thirty-five thousand dollars (\$35,000), and for the erection of buildings for the Reformatory for Women, in the year 1920, the sum of thirty-five thousand dollars (\$35,000.)

A viva voce vote being taken, the amendment was adopted, and the resolve, as amended by House Amendment A, received its two several readings and was passed to be engrossed.

The Chair lays before the House, An Act relative to water supply of Boothbay Harbor, House Document No. 463, tabled by the gentleman from Portland, Mr. Allan, pending its second reading.

Mr. ALLAN of Portland: Mr. Speaker, in order that this matter may be in proper parliamentary form, I move that the bill allowing Boothbay Harbor to discontinue a part of its water system, be indefinitely postponed.

When the matter originally came before the House, on the acceptance of the report, I was absolutely unable to take any part in the discussion on account of a severe cold that rendered me hoarse and unable to speak but a few moments, in consequence of which I was unable to state what I would like to have stated at that

time, and I feel that I must ask your indulgence, your patience perhaps, for a few moments to state some of the facts that came before the committee. From the discussion that occurred here a few days ago, I gleaned that the facts were really not understood, in fact were misunderstood. I also gleaned that there was perhaps an inference of injustice in the action of the committee in making the report that they made.

Now if you will bear with me for a moment, I want to speak to you of the Public Utilities committee. Many of you are new here, and do not know how that committee was formed, or why it was formed—

Mr. BERRY of Waterville: Mr. Speaker, can not the rules be suspended and the gentleman allowed to speak from the center, so that those on this side of the House can hear his remarks?

The SPEAKER: The gentleman may speak there if he desires.

Mr. ALLAN: Mr. Speaker, I will be glad to speak wherever I may make my voice heard. I realize the situation and I am sorry for it.

The SPEAKER: If the House will be perfectly quiet, we can all hear the gentleman.

Mr. ALLAN: Perhaps if I stand here, Mr. Speaker, it may be better. I was speaking of the Public Utilities Committee. This committee was formed for a special purpose. That purpose was to consider matters relating to public utilities of this State. It was formed two years ago, and it was continued during this session of the Legislature. Three members of the former committee are now on this committee, and during the time that we have been here, we have been very much interested in these questions. Members of the committee have given considerable time and detailed study to the law and conditions arising out of these public service corporations and their relations to the general public.

Now I want to say, as regards the hearing on this matter before us, that two hearings were given which took up the greater part of two afternoons of the committee. Both sides

were well represented by attorneys. Evidence was heard and due consideration given, I trust, to every particle of evidence introduced. When we retired in executive session, we found that there were some little differences of opinion, between one or two members of the committee. We discussed it there, and after a time agreed that this report should be printed. When it came into the House, as you may remember, something was said—I do not know just what—as to the justice of the report, or some misconception on the part of some members of the committee. It was then referred back to the committee and again discussed, again considered, by members of the committee, and we then and there reached the same conclusion that we reached in the first instance.

Let me go back a little to the specific case. Boothbay Harbor came to this Legislature in 1895 and asked for a charter allowing it to take over the Boothbay Harbor Water Company and furnish its own water to the town of Boothbay Harbor. This was carried on until the year 1903 when certain things occurred to change conditions. I will try and be just as brief as I can, gentlemen. At that time, the summer business commenced to develop. Squirrel Island came into prominence. Now Squirrel Island is an island about one mile in length and three quarters of a mile wide. It lies directly south of the town of Boothbay Harbor in the bay of Boothbay Harbor looking out upon the sea. A large number of summer people had come to that island, had built a number of cottages there—perhaps 75, 80 or 100, or perhaps 125. They had obtained their own water from wells sunk in the ground on Squirrel Island, but had been unsuccessful. They had laid pipes over the island connecting their cottages with this water supply, but it was not satisfactory. What then happened? I do not know what led to the discussion, or how it happened, but Boothbay Harbor in 1903 came to this Legislature and asked for an amendment to its charter al-

lowing them to take water from Spruce Point in Boothbay Harbor to Squirrel Island, some 5,000 feet out into the sea. This they did, by extending a 3-inch water pipe from Spruce Point to the Island. After certain preliminary contracts had been entered into, there was a contract for 10 years made between the Squirrel Island Village Corporation and Boothbay Harbor relative to the supply of water to the island. This contract was to extend 10 years, and it really expired at the end of 1915. At the expiration of this contract Boothbay Harbor did not withdraw from Squirrel Island! it continued to supply its water there through 1915, 1916 and, as I imagine, through 1917 and 1918, without any direct contract with the residents of Squirrel Island, but at increased rates, and by acquiescence really of Squirrel Island people and the inhabitants of Boothbay Harbor. It does not seem necessary now to discuss this contract at all. The contract was put in evidence before the committee. This contract has been completely fulfilled, both parties lived up to it, the time expired, and it has gone by, and other factors now intervene. I do, however, want for a moment to call your attention to a few points in this case. I have not brought in any special reports or any special laws to read to you. I simply want to state the law as we understand it. It can be easily vouched for, if anybody sees fit to do it, and if I am wrong, I know that the lawyers will correct me. As we understood the law, and as I understand the general principle today, any private or municipal corporation that accepts a charter and enters into the project of furnishing water to any municipality cannot withdraw from that contract. I am speaking now of the general principle. Let me read to you for a minute just what the Public Utilities Commission of this State said when the matter was brought before them: Boothbay Harbor sought a franchise to furnish its service as a water utility to Squirrel Island and its inhabitants. It secured and accepted that franchise. It has exer-

cised it for 13 years, and is now exercising it—so far, at least, as any one knows, the last season having been completed and that of 1917 not yet opened. Squirrel Island is part of the territory included in its franchise, and it cannot now withdraw from part of it because the burdens are heavy, and retain other parts which are more desirable.”

Now at the time of this charter in 1895, it was admitted that the purpose was to obtain water at cost. To this end, a great part of its earnings were used for the simple purpose of keeping the rate low to the citizens of Boothbay Harbor. Nothing, to any extent, was laid by for depreciation or replacement, and the plant was allowed to depreciate until it could not easily perform its duties as required by the laws of this state as a public service corporation. Let me quote to you a statement by the attorney of the Boothbay Harbor people before the public service hearing in January 1917. He said: “Our accounts have been mixed and we have had some defalcations, and the books have not been properly kept, and for years they had the same officers for selectmen and water commissioners and they used whatever money they had. If the money was in the treasury, it went for town purposes and for water. The accounts were so mixed up we cannot separate them now.”

Now, gentlemen, they did not allow for depreciation at all. They went further than this; they were so negligent—I do not know as I want to say willful—that in 1906 or 1907 or thereabouts, this pipe broke. I think an anchor from a passing vessel caught it and broke it. Upon attempting to repair the pipe, what did this company do? Instead of repairing it with the same three inch pipe that was in it, they put in a loop, commencing at one end of the broken pipe, running up a few feet, crossing above eight feet, dropping down again and then connecting with the main pipe, and the pipe that they put in was a two inch pipe. Was there any reason why the pressure to the Squirrel Island people should not drop off

Was there any reason that they did not receive their water when the supply pipe had been reduced one-third by the town that agreed by contract to furnish them this water. But, gentlemen, they went further than that. The evidence showed that they received from the Squirrel Island people, we will say, from \$12,000 to \$15,000 or \$18,000 in rentals for the use of water on Squirrel Island. What did they do with this money? They did not lay aside one particle of it for depreciation, not one particle of it for replacements, but used it to reduce the general expenses of the town of Boothbay Harbor at home.

After the order of the Public Utilities Commission to replace the pipe, the town did go to work and spend part of this money in buying new pipe to add to the old one, but what was done with that pipe? That pipe today lays on the shores of Boothbay Harbor rusting and decaying, and has not been used, to my knowledge—unless it was used in increasing or repairing the pipes of Boothbay Harbor. The real issue for us to decide is this, shall Boothbay Harbor be compelled to perform its duties under the law and by the contract which it had entered into or shall it be allowed to repudiate them? In other words, shall they be allowed to give up a part of their system which does not prove profitable to them? This Legislature held otherwise in the Oxford Electric Company case. Remember, that the Oxford Electric Company in asking to be relieved from running its cars between Norway and South Paris, were operating a line that did not pay; but in this case, the line from Spruce Point, Boothbay Harbor, to Squirrel Island was, in fact, a profitable investment.

I simply submit to you these facts and I ask, is it wise and just for this Legislature to change its policy now? Should it not be consistent and take the same course, even though it is against a town instead of against a private corporation?

Mr. PERKINS of Boothbay Harbor: Mr. Speaker and gentlemen of the House, there is but one proposi-

tion in this case for this House to decide and that is whether the people of the town of Boothbay Harbor shall tax themselves to pay for the water for somebody who resides out of the town of Boothbay Harbor. Squirrel Island Village Corporation is not in the town of Boothbay Harbor. It is a part of the town of Southport. It does lie off our shores about 5,293 feet. We do not want to furnish Squirrel Island Village Corporation with water; we want them to have water but we do say in all fairness and justice to us, that they should be willing to come to the end of Spruce Point and get it. They now own their own water system on the island. We simply connect with it at the water's edge there. We do not own their plant. If this bill becomes a law, it simply means that they extend their plant across to the end of Spruce Point and we say to you, gentlemen, that the Squirrel Island Village Corporation is much more able to take care of this large expenditure of money than is the town of Boothbay Harbor. There is but one way that we can raise this money, and that is by taxation, and that means that over one-half of the people in my town, with mortgages on their homes, must be taxed to construct and maintain this pipe line. This Legislature has full authority, if it sees fit, in its wisdom, to pass this bill. There is no question as to the law. The town of Boothbay Harbor is a town. It is a public municipal corporation and this Legislature, if it sees fit, can amend this charter so that the Squirrel Island Village Corporation will take water at Spruce Point. That is all we ask. We simply ask that those people who are going to get the benefit of this water should help pay for it. The town of Boothbay Harbor is perfectly willing and is desirous of having them take that water, and give it to them at Spruce Point. We do not care what the rate is at Spruce Point. We are absolutely unable to finance the proposition and we simply ask that Squirrel Island come across the water and take it there from us. We ask you, gentlemen, to reaffirm your vote of a few days ago, and I hope that

you will vote "no" on the pending question.

Mr. MURCHIE of Calais: Mr. Speaker, I would like to inquire of the gentleman from Boothbay Harbor (Mr. Perkins), through the Chair, whether or not, in his statement that the town now sells to the Squirrel Island Corporation, he means that they sell to the corporation, or that they use the corporation's pipes to sell to the residents of Squirrel Island.

The SPEAKER: The gentleman from Boothbay Harbor, Mr. Perkins, may reply through the Chair.

Mr. PERKINS: Mr. Speaker, I would say in reply to the gentleman from Calais, Mr. Murchie, that any arrangement for distribution of that water and the method of collecting money, as has been carried on heretofore by our town, will be satisfactory to us. I have no doubt we can make satisfactory arrangements as to that. It is immaterial to us how we do it.

Mr. MURCHIE: Mr. Speaker, I do not understand that that gives this Legislature the information as to whether or not they now sell one way or the other. I have no doubt arrangements could be made on any basis; but what is the present arrangement between the town and the Village Corporation?

The SPEAKER: The gentleman from Boothbay Harbor, Mr. Perkins, may reply through the Chair.

Mr. PERKINS: The present arrangement, I will say—we understand we sell water to the people on Squirrel Island. We made the original contract with the Squirrel Island Village Corporation, and we distributed the water at Squirrel Island and we collected the money from the individuals, but our contract was always with the Squirrel Island Village Corporation.

Mr. MURCHIE: Mr. Speaker, I think that answers the question. I have just one point that I want to make before the House. I will say frankly that I am very sorry to make it. At the time this matter was under discussion the other day, it

seemed to me that there was one obvious, outstanding flaw in the argument made by the gentleman from Boothbay Harbor (Mr. Perkins). I contented myself that day with voting against it. It seems to me now, however, injustice may be done, and for that reason, I want every member of the House to know my reason for voting against the gentleman. The town of Boothbay Harbor in 1903 or 1904 entered into a contract with the Village Corporation to supply water. At the end of the term of that contract, it seems to me the town might very well have withdrawn from the service in that Village Corporation limit, because there had been no public provision of service to the individual takers. At the time of the expiration of that contract, however, the town thought it advisable to engage in public service, regardless of contract, and acting on that proposition, they continued the service, not to the Village Corporation, but to the residents, if I may call them that of Squirrel Island as individuals; and from 1915, if that is the date of the expiration of the contract, to the present time, they have been a public service corporation engaged in the supplying of water in Squirrel Island exactly as they have been a public corporation engaged in the supplying of Boothbay Harbor, or as any other company in any town is a public service company.

Now as a public service company, the Legislature of six years ago placed them under the jurisdiction of the Public Utilities Commission, and it is the duty of that commission, as I understand it, to see that every public service corporation receives a fair return for the service it renders, based upon the value of the plant represented in the investment. The town of Boothbay Harbor, as a public service company, is entitled from the residents of Squirrel Island to a fair return on the property employed in the investment, with a proper depreciation charge, and it seems to me that the thing for the town of Boothbay Harbor to do is not to come to this Legislature and ask us to establish a precedent that in future years may be used by a private corporation to get out of public

service that is not profitable, but to go directly before the Public Utilities Commission and get a rate which will pay them for the service they render and against such a procedure the village corporation has no recourse except to pay the proper rate.

Now I know we are all inclined to sympathize with the gentleman from Boothbay Harbor (Mr. Perkins) in his action. He has given us the choice between voting for a rich corporation or a poor town. In a case like that there is no question but that we all want to be with the poor town; but I want the House to consider just this one thing: That in voting on any proposition we do not want to do actual injustice to anybody, even a rich corporation.

Mr. PERKINS: Mr. Speaker and gentlemen of the House, I ask your indulgence for just a moment. When that contract expired June 1st, 1915, it has been my contention—and I am glad to see that I am agreed with by the gentleman from Calais (Mr. Murchie)—that the town of Boothbay Harbor had the absolute right to withdraw from Squirrel Island. Now what did the town of Boothbay Harbor do? Did we withdraw from Squirrel Island when our contract expired, cut the pipe and let them go without water? They came to us at that time and wanted to make a new contract, and wanted us to lay an additional pipe. We said to them, we want to furnish you the water, and we want you to come to the end of Spruce Point and get it. Had we stood squarely on our legal rights at that time and withdrawn they would have been entirely without a water supply, and I know of no place where they might have obtained one. We simply let the matter slide. We furnished them with water. We want to furnish them with water now, but because we used them right when that contract expired in 1915 we do not want now to be fined and taxed because we did so. I hope you will vote no on the pending question.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Allan, that the bill be indefinitely postponed.

A viva voce vote being doubted.

A division of the House was had.

Fifty-seven having voted in the affirmative and 59 in the negative, the motion to indefinitely postpone was lost.

On motion by Mr. Perkins of Boothbay Harbor the bill received its second reading and was assigned for its third reading tomorrow morning.

The Chair lays before the House Resolve making an appropriation for the control of contagious diseases among domestic animals, House Document No. 182, tabled by the gentleman from North Anson, Mr. Holley, pending its second reading.

Mr. HOLLEY of North Anson: Mr. Speaker, this is taken care of in the general appropriation bill, and the specific amount mentioned in the budget, if this resolve is allowed to go on, it doubles the appropriation. For that reason I move that this resolve be indefinitely postponed.

A viva voce vote being taken, the motion prevailed.

Mr. AUSTIN of Milford: Mr. Speaker, do I understand that this resolve being postponed would do away with the original resolve?

The SPEAKER: Will the gentleman from North Anson, Mr. Holley, reply to the gentleman from Milford, Mr. Austin?

Mr. HOLLEY: Mr. Speaker, I will say to the gentleman from Milford, (Mr. Austin) that in the budget there is an appropriation of \$40,000; but \$2,000 of it is taken out for administration fees, leaving \$38,000 this year for this purpose, and that amount is in the general appropriation bill which is now in. If this resolve is allowed to pass, the amount will be doubled for this particular purpose.

Mr. AUSTIN: Mr. Speaker, I have an amendment I wish to offer.

The SPEAKER: The Chair will state to the gentleman from Milford, Mr. Austin, that the House has voted to indefinitely postpone the resolve, and that amendments are not in order. It will be necessary to reconsider the vote whereby the resolve was indefinitely postponed.

Mr. AUSTIN: Mr. Speaker, do I understand the bill, as it stands now, carries the same appropriation as last year?

The SPEAKER: The Chair is of the impression that that is so.

Mr. AUSTIN: Mr. Speaker, that is all that is necessary.

The SPEAKER: The Chair will state that the bill is not in shape to be amended as it has been indefinitely postponed. In order to amend it, the vote whereby it was indefinitely postponed will have to be reconsidered. Does the gentleman make that motion?

Mr. AUSTIN: Mr. Speaker, I want to be clear on this. I am not interested in the bill at all, but what I want is for the Live Stock Sanitary Commission to have their regular appropriation. In this bill, are they getting their regular appropriation the same as they had last year?

The SPEAKER: The Chair will again ask the gentleman from North Anson, Mr. Holley, to explain the situation.

Mr. HOLLEY: Mr. Speaker, I will try to explain it. I cannot remember the amount they had last year. My friend informs me that it is the same amount as this year. If this resolve is allowed to pass, the amount will be doubled; therefore, I am asking that it be indefinitely postponed.

Mr. AUSTIN: Mr. Speaker, I will second the motion.

Thereupon the amendment was withdrawn.

Mr. BEAN of Minot: Mr. Speaker, I am of the impression that we should reconsider this vote whereby we indefinitely postponed action, and for this reason—

The SPEAKER: Does the gentleman make the motion to reconsider?

Mr. BEAN: Mr. Speaker, I would make such a motion. I would refer to Page 11 of the Governor's address and wish to read a paragraph: "I must also renew the recommendation made two years ago that some effective method be devised for preventing the sale of milk from diseased cows. It is absurd to go on enduring the loss of life in our state from tuberculosis and spending vast sums of money attempting to check and cure the disease without forbidding the sale of milk from diseased cows."

Now I would say that following along this idea we have laws which prevent the sale of milk from diseased cows, but we do not have any law now that pledges a man to find out whether his cows are diseased or not, and with that point in view, I have introduced some matters which are now pending before a committee of the Legislature and which will come up for hearing tomorrow, which provides for a law which will necessitate the finding out whether a man's cattle are diseased or not by a Live Stock Sanitary Commission. Should this matter receive favorable report and be enacted into law, your recommendation of this year, or what we spent last year, will be totally inadequate, and it has been my contention all along that this matter should simply remain without action until we find out what the House proposes to do. It seems to me this is simply a matter of justice to all concerned that this be left open until we find out what we are going to do. I think the matter of the recommendation of the Governor here is entirely in keeping, and should be looked up to.

A viva voce vote being taken, the motion to reconsider the vote whereby House Document No. 182 was indefinitely postponed, was lost.

The SPEAKER: Now is it the pleasure of the House at this time to take up out of order, by unanimous consent, a committee report which has just come in from the Senate? It is a report of the special committee to which was referred the communication from the Governor relating to the residence of the late James G. Blaine, with accompanying letter and deed, and submitting the resolve accepting the gift of the home of the late James G. Blaine from his daughter, Harriet Blaine Beale, in memory and in the name of her son, Lieutenant Walker Blaine Beale.

(For full text of Resolve, see Senate report.)

Thereupon the House voted to accept the report of the committee in concurrence.

Under suspension of the rules, the

Resolve then received its two several readings, and was passed to be engrossed by unanimous rising vote.

On motion by Mr. Rounds of Portland, it was voted to take from the table. House Document No. 346, temporarily tabled by that gentleman earlier in this session, in the absence of the gentleman from Orono, Mr. Perkins.

The SPEAKER: The Chair will state that this is the veto message from the Governor on Resolve in favor of John G. Fleming for building a highway in the town of Wis-casset.

Mr. ROUNDS of Portland: Mr. Speaker, last Friday when I made the motion to have the original contract on our desks on Tuesday, I expected at that time that we would have the original contract as it was given Mr. Fleming and signed by him and the Highway Commission. I find when I get here on Tuesday morning that we have a part of the contract. I sent to the Highway Commission for the original contract. I am confronted with this letter and I will read it, with permission of the House:
"Hon Edgar E. Rounds,

Maine House of Representatives,
State House, Augusta, Maine.

Dear Mr. Rounds:

We delivered the original contract to Mr. Grenier, superintendent of printing, with our order for the printing last Friday, and we have not seen the contract since. I do not think the printers have sent it back. The copies which the printer has furnished are made in accordance with directions of the attorney general, that is to say, I asked him if we could have the copies made in exact form that the original was made and he said it was not necessary, simply to have all of the provisions of the contract reproduced, which has been done.

Yours very truly,

(Signed) PAUL D. SARGENT,

Chief Engineer.

P. S. I have just had the Kennebec Journal on the wire and they say that they did not return it but will send it up by boy."

Now gentlemen, when I made that

motion last Friday, I made it in good faith, and I supposed we were to have that contract on our desks, but I find that certain things were eliminated in this copy that were very vital; therefore I move that this matter lie on the table until we can have the full contract so that every member can see what they are doing when we vote on this matter.

A viva voce vote being taken, the motion by Mr. Rounds that the Governor's veto message on resolve be laid upon the table, without definite assignment, prevailed.

Mr. ROUNDS: Mr. Speaker, if it be in order, I move that the original contract be laid on our desks not later than tomorrow morning.

The SPEAKER: The Chair will state that if any further action is necessary to bring that to pass, it would suggest another order from the gentleman from Portland (Mr. Rounds) that the House can act upon.

Mr. ROUNDS: Mr. Speaker, the order required a full report. We have not got it today; but the original contract has been brought to me inside of 15 minutes. I have not looked it over, so I cannot speak on all the items in that contract. I think the rest of the committee—I am only one of the committee of 10—would like to see it. I do not see why it is necessary to have another order until that order is fulfilled. Let them fulfill that order. We have asked them for something. The attorney general appeared for the State, and at that time said the State did owe John G. Fleming something, "and it is for you, gentlemen, to decide how much." We decided how much. I do not think it needs any further order, but it should lie on the table until that order is complied with.

At this point, the House voted to take up, out of order, a resolution on the official reception of the 26th Division upon its return at the port of debarkation, Boston, which has just come in from the Senate.

(The Speaker reads the resolution, which will be found in the Senate report.)

This comes from the Senate read and adopted. In the House adopted in concurrence.

By unanimous consent, the House voted to receive out of order the conference report on An Act authorizing George F. L'Abbee of Eagle Lake Plantation to maintain a dam in Wallagrass river, signed by all six members of the conference committee.

The report was read and accepted and sent up for concurrence.

The SPEAKER: Is it the pleasure of the House at this time to take up out of order, by unanimous consent, two bills carrying the emergency clause, as follows, namely: An Act to amend Section 61 of Chapter 8 of the Revised Statutes, relative to the Maine Forestry District tax; also an act defining prostitution, lewdness and assignation and providing punishments therefor. These bills having had their two several readings in the Senate and having passed to be engrossed, and having had their three several readings in the House, and having been passed to be engrossed, and having been reported by the committee on engrossed bills as truly and strictly engrossed, is it now the pleasure of the House that the bill, An Act to amend Section 61 of Chapter 8 of the Revised Statutes, relative to the Maine Forestry District tax be passed to be enacted?

A division of the House being had,

One hundred and nineteen having voted in the affirmative, and none in the negative, the bill was passed to be enacted.

The SPEAKER: On bill, An Act defining prostitution, lewdness and assignation and providing punishments therefor, all those in favor of its passage to be enacted will rise and stand until counted.

A division being had,

One hundred and fifteen voting in the affirmative, and none in the negative, the bill was passed to be enacted.

On motion by Mr. Berry of Waterville, it was voted to take from the table, majority report, ought not to pass, and minority report, ought to pass, from committee on judiciary, on bill, An Act to grant a new char-

ter to the city of Waterville, tabled pending acceptance of either report.

Mr. BERRY of Waterville: Mr. Speaker, I now move that the majority report, ought not to pass, be accepted.

A viva voce vote being taken, the motion prevailed.

On motion by Mr. Jones of Bangor, it was voted to take from the table, House Document No. 418, Resolve in favor of the Women's Reformatory at Skowhegan, tabled pending concurrence.

Mr. JONES of Bangor: Mr. Speaker, I would ask the present status of the bill.

The SPEAKER: The Chair will state that this bill was passed to be engrossed by the House on March 17, unamended. It comes back from the Senate passed to be engrossed, as amended by Senate Amendment A, and it was tabled by the gentleman from Bangor, pending further action.

Mr. JONES: Mr. Speaker, I would move that we concur with the Senate in the adoption of Senate Amendment A.

Mr. ROUNDS of Portland: Mr. Speaker, does that say "may pay" or "shall pay"?

The SPEAKER: "Shall honor and pay". Is it the pleasure of the House to adopt, in concurrence with the Senate, Senate Amendment A?

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

Mr. JONES: Mr. Speaker, I would like to offer a further amendment to the resolve.

The SPEAKER: The Chair will inquire of the gentleman from Bangor, Mr. Jones, if this amendment which he has prepared amends the original resolve or if it amends Senate Amendment A?

Mr. JONES: Mr. Speaker, it amends Senate Amendment A.

The SPEAKER: The Chair will state that if that is the situation the amendment should have been adopted before the Senate amendment. In order to get at the matter again, is it the pleasure of the House that we reconsider the vote whereby we passed the resolve to

be engrossed, as amended by Senate Amendment A?

The upon the House voted to reconsider its action whereby the resolve was passed to be engrossed, as amended by Senate Amendment A, and further voted to reconsider its action whereby it adopted Senate Amendment A.

The SPEAKER: The gentleman from Bangor, Mr. Jones, presents House Amendment A to Senate Amendment A which is as follows: House Amendment A to Senate Amendment A. Resolve authorizing the Governor and Council to pay all outstanding bills for material furnished and labor in the construction of Stevens cottage at Skowhegan for the Reformatory for Women. House Document No. 418 as amended by Senate Amendment A is hereby further amended as follows: Insert after the word materials and before the word furnished in the fourth line, and after the word material and before the word furnished in the 11th and 12th lines the following words: Or for any money advanced for the payment of any labor performed or for the purchase of any material, so that said resolve as now amended shall read as follows: The treasurer of state shall honor and pay any orders or assignments made by George H. Wilbur & Son to any person, firm or corporation for the purpose of paying for any labor or materials, or for any money advanced for the payment of any labor performed or for the purchase of any material furnished for the construction of the Woman's Reformatory to the extent of the money now in the hands of the treasurer due and owing George H. Wilbur & Son on account of such construction. And upon warrant of the Governor and Council the treasurer of state shall pay from the State contingent fund the amount of the claim of any person, firm or corporation for labor or material, or for any money advanced for the payment of any labor performed or for the purchase of any material furnished and used in the construction of the Woman's Reformatory for which no order has been made and for which George H. Wilbur & Son is liable but has failed to pay by reason of bankruptcy or otherwise is unable

to pay. And there is hereby appropriated from the State contingent fund a sufficient sum to meet the foregoing provisions.

Mr. HINCKLEY of South Portland: Mr. Speaker, I move this matter lie on the table.

The SPEAKER: Is it the pleasure of the House that the amendment just read, together with bill and Senate amendment, be laid on the table and specially assigned for tomorrow morning?

Mr. BARNES of Houlton: Mr. Speaker, may I inquire through the Chair of the gentleman from South Portland (Mr. Hinckley) if he desires the amendment printed?

Mr. HINCKLEY: Mr. Speaker, yes.

Thereupon the House voted that the amendment be tabled for printing and specially assigned for tomorrow morning.

Mr. Baxter of Portland asked unanimous consent to present out of order under suspension of the rules the following order:

Ordered, that beginning Thursday, March 27th, all matters laid upon the table, and not specially assigned, shall be taken from the table in regular order under orders of the day, at the next daily session of the House.

The order received a passage.

Mr. BARNES of Houlton: Mr. Speaker, on Saturday last we tabled a resolve in relation to discharged soldiers. The question is on the adoption of an amendment suggested, making the measure an emergency. The clause in the amendment suggested was omitted in the typewriting. I move the adoption of the amendment and the passage of the bill to be engrossed.

The SPEAKER: The clerk informs me that the record shows that the amendment was adopted. Is it the pleasure of the House that at this time the resolve be passed to be engrossed as amended by House Amendment A?

Thereupon the House voted that the resolve be passed to be engrossed, as amended by House Amendment A.

On motion by Mr. Cunningham of Patten, it was voted to take from the table, Senate Document No. 232, report of committee on judiciary, ought to pass, on bill, An Act relating to the protection of children, tabled pending acceptance of the report; and on further motion by the same gentleman, the House voted to accept the report in concurrence, and the bill received its first two readings and was assigned for its third reading tomorrow morning.

Mr. ROUNDS of Portland: Mr. Speaker, I understand that we are not liable to get the report back in season of House Document No. 346. Therefore, I would move that it be tabled until tomorrow morning, if that is in order.

The SPEAKER: The Chair feels that it would be in order to make that motion, as we can especially assign a matter on the table. Is it the pleasure of the House that the resolve in favor of John G. Fleming be specially assigned for tomorrow morning?

The House thereupon voted to retable the Governor's veto message on the resolve in question, and it was specially assigned for tomorrow morning.

On motion by Mr. Mason of Ellsworth, it was voted to take from the table Senate Document No. 188, bill An Act relating to the care of persons requiring full support or more than temporary relief, tabled by that gentleman pending consideration.

Mr. MASON: Mr. Speaker, in moving the consideration of this matter, I wish to call the attention of the House to some of the features of this bill. This bill was a Senate bill, was passed to be engrossed by the House and recalled for consideration. The title of this bill is somewhat misleading, and it is really an act to establish a county almshouse. The first section provides that only those who require full support shall come under the jurisdiction of the county district to be established under this law. That seems to be objectionable, because it will still be necessary for towns to retain their entire machinery for the support of all such pau-

pers who do not need full support. All those who are under the age of sixteen must be taken care of outside the limits of this law. Also those who need temporary or partial relief.

Another objection to this bill, it seems to me, is under Section 8 of the bill, under which a board of trustees is created, consisting of at least one trustee from each town, and in addition to that one more trustee for every additional three thousand inhabitants or fraction thereof. The trustees shall also choose a secretary, who may or may not be a member of the board.

Under Section 9 there shall also be chosen a board of six directors, who may or may not be of the board of trustees.

The board of directors under Section 14 is given authority to lease or purchase land and buildings or to alter and repair existing buildings for the use of the district.

The management and control of these matters are taken entirely out of the hands of the town and are placed under the jurisdiction of the trustees and the boards of directors. The town is to be taxed in support of the board of trustees and directors, pay all expenses in connection with the administration of this law, and have no voice in the matter itself, as I understand it. For that reason it seems to me to be further objectionable. That is made binding and compulsory upon the town to the extent that a suit at law may be brought against it, and it appears to me that there is absolutely no defense that can be made on the part of a town to that assessment. The directors and trustees have full authority to assess any amount which in their judgment they may see fit upon the towns, and the towns are obliged to pay; and I want to again call your attention to the fact that this is only one class of paupers. It does not relieve the town from the necessity of carrying on all of the present machinery for the support of the paupers other than those who need full support.

In addition to the trustees and directors, the directors, under the law, are obliged to appoint a superintendent. The superintendent is the salaried officer and must be paid at the expense of the town.

Under Section 21, in case of a dispute between the superintendent in the town interested, upon the question of whether a particular person can be supported by the district, if they cannot agree, the matter is referred to the directors, from whose decision there is no appeal.

Under Section 28, it is made a crime or misdemeanor to wilfully fail or neglect or refuse to perform any of the duties imposed upon the towns or persons by the provisions of this act, and carries with it a maximum penalty of five hundred dollars or six months' imprisonment.

It appears to me, under the provisions of this bill, that, if it becomes a law, the directors may make any regulation or rule that they see fit, and that they thereby become and have the force of law, and that a breach of them constitutes a misdemeanor or criminal act for which imprisonment or fine may be imposed.

The administration of this law will be cumbersome and expensive. I have discovered no demand upon the part of the towns, or of the citizens at large, for the enactment of this law. It appears to me to have originated among some of the departments which are anxious to have the control over affairs of this kind; and, while this law, it is true, is optional on the part of the town, it seems to me that this is an entering wedge and that it will be very easy later to amend this law so that it will not be optional, but will be obligatory and universal, that the care of our paupers will be taken out of the hands of the local authorities and put into the hands of a commission; and this appears to me to be dangerous. We are going too far upon the question of taking our local affairs and local matters out of the hands of local authorities and putting them under the control of some commis-

sion which cannot have our local interests at heart and are not acquainted with our local conditions.

There is another objection to this bill if it becomes a law, and that is the poor unfortunate who requires help. They may be, probably will be, taken away from those with whom they are acquainted, and their friends, and carried to some central or distant almshouse.

Therefore, for the reasons I have stated I am opposed to this bill, and I move that it be indefinitely postponed.

The SPEAKER: The motion before the House is the motion of the gentleman from Ellsworth, Mr. Mason, that Senate Document No. 188, bill An Act relating to the care of persons requiring full support or more than temporary relief, be indefinitely postponed.

A viva voce vote being taken, the motion to indefinitely postpone prevailed.

The SPEAKER: Is there anything further under orders of the day?

Mr. BRANN of Lewiston: Mr. Speaker, may I inquire whether this is an appropriate time to introduce a bill out of order?

The SPEAKER: The Chair will state that that can be done any time with unanimous consent.

Mr. BRANN: Mr. Speaker and gentlemen of the House: I desire at this time to present, or introduce, a bill out of order and to ask your unanimous consent for its introduction; and I want to explain briefly to you what you may perhaps consider a seeming dereliction in this late presentation of the matter. The title of the act is An Act to provide for the pensioning of firemen in the city of Lewiston who have served for 30 years or more. The city council of the city, desiring to pass some pensioning act which would be applicable to the firemen of the city, very recently passed an ordinance which provided that firemen who had served consecutively in the department there for 30 years should be retired, after hearing before the fire commission of that city, on half pay. The city

council believed that was the proper way to arrive at an act of that kind, but only last Friday this ordinance was taken to Mr. Justice Morrill for his approval, and he said to the committee who waited upon him that they had proceeded improperly; that the proper way to proceed was to amend by legislative act the charter of the city of Lewiston.

Now I want to say to you that this is absolutely a non-partisan matter. It was passed unanimously by the city council, and I have here at this time a petition of the new city council of the city of Lewiston, signed by every member of it, asking this Legislature to permit the introduction of this act at this time. Now I assume that upon an act of this kind, coming as it does with the unanimous sanction of the city council of the city of Lewiston, no particular notice or no particular hearing would be necessary; so that if unanimous consent is given here this morning to introduce this act, and the Senate tomorrow morning gives unanimous consent to introduce it, that then a hearing can be held immediately by the appropriate committee and the matter come back to the House almost within a day or two for your action.

Now I want to say this: So far as its application is concerned, so far I believe it applies to only one man now a member of the Lewiston fire department, and that man is a cripple and helpless; he is a paralytic; and it is the desire of the city council, the desire of the fire commission, to in some way provide for that man's need. Now it may be that this also will apply to other members of this department, although I have no inclination; but I do feel, gentlemen, that this is a proper measure, under the situation in which the people of my community find themselves, to receive your unanimous consent for its introduction; and I respectfully ask the members of this House to permit this very meritorious measure to be introduced.

The SPEAKER: The question of unanimous consent comes on the varying of the order of business, and is it the pleasure of the House to give unanimous consent to take up consideration of this matter at this time?

Thereupon the House voted to give the unanimous consent asked for.

The SPEAKER: Now the reception of the matter, of course, must be under suspension of the rules, and the order which provided that all matters after a certain date be referred to the next Legislature; and in order to bring the matter before the House, the gentleman from Lewiston, Mr. Brann, moves that the rules be suspended and that the bill be received at the present time and referred to a committee. This requires a two-thirds vote, being a suspension of the rules and the order. All those who are in favor of suspending the rules and the order will say aye; those opposed no.

The motion of the gentleman from Lewiston, Mr. Brann, was carried by unanimous vote. On further motion by the same gentleman, the bill was referred to the committee on judiciary.

The SPEAKER: Is there anything further under orders of the day?

Mr. BARNES of Houlton: Mr. Speaker, the last matter on the calendar, House Document No. 449, Resolve in favor of Frank Williams, administrator of the estate of Nicola DiNora.

The SPEAKER: The clerk informs the Chair that this has not yet

come back from the printer with the statement of facts.

Mr. DAIGLE of Madawaska: Mr. Speaker, I would like to inquire in relation to House Document No. 472, Resolve in favor of a highway bridge across the St. John river between Fort Kent and St. Francis, New Brunswick. It was read yesterday and I discovered an error in the title. I would inquire through the Chair, of the gentleman from Perry, Mr. Washburn, whether an amendment is to be offered and how much longer it will be delayed?

The SPEAKER: The gentleman from Perry, Mr. Washburn, may reply through the Chair to the query of the gentleman from Madawaska, Mr. Daigle.

Mr. WASHBURN: Mr. Speaker, I would say with relation to this House Document No. 472 that the typist put the wrong title upon the bill, so that instead of having a bridge for Fort Kent and one for Madawaska we have two Fort Kent resolves. We are preparing now an amendment, which I intend to present tomorrow, that will straighten the matter out.

Mr. DAIGLE: If it is presented tomorrow, Mr. Speaker, it will be satisfactory.

On motion by Mr. Maher of Augusta, Adjourned until tomorrow morning at 9 o'clock.