

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

passed to be engrossed as amended in concurrence.

On motion of Mr. Sleeper of South Berwick, the rules were suspended to take from the table resolve in favor of the town of South Berwick.

On motion of Mr. Sleeper the vote was reconsidered whereby the resolve was passed to be engrossed.

Mr. Sleeper offered House Amendment A, to strike out the words "nine hundred and fifty-nine dollars and nine cents" in the first and second lines, and inserting the words "six hundred and fifty-one dollars and seventy-one cents."

The amendment was adopted and the resolve was then passed to be engrossed as amended.

On motion of Mr. True of Fortland, the rules were suspended and he presented the following order:

Ordered, That the committee on ways and means be instructed to ascertain and report to the House the rate necessary for the assessment of the State tax for the years 1909 and 1910.

The order received a passage.

Special assignment: Majority and minority reports of the committee on towns to which was referred bill, An Act to divide the town of York and establish the town of Yorktown, the majority reporting "ought not to pass," the minority reporting "ought to pass."

Mr. Chase of York moved that the House non-concur with the Senate in adopting the minority report.

Mr. MARSHALL of Portland: Mr. Speaker, just a word, I hope the House will concur with the Senate in the adoption of the minority report, and that the motion of the gentleman from York will not prevail. I know the local conditions there and I thoroughly and honestly believe that the welfare of both communities and the welfare of the county of York will be promoted by the division as the Senate has determined.

Mr. CHASE of York: Mr. Speaker, this matter was referred to the committee on towns and after a long, patient and exhaustive hearing the committee voted seven to one in favor of

the report "ought not to pass." One member of the committee, Senator Theriault, reserved the right to put in a minority report. It was laid by for several days and finally he put in as a minority report an entirely new bill covering different territory and on lines which the town of York knew nothing about. The hearing before the committee was entirely on the original draft. No intimation was made to the committee or to any person representing the town of York that there was to be a new draft, none has ever been considered by the committee, and the first intimation we had of it, the first intimation I myself had of it, was when the report was made to the Senate, so that this matter comes now before the House in this condition. They ask for a division of the town of York and they ask for a division on the simple statement of the senator from Aroostook, Mr. Theriault—not only against the report of the committee so far as it might have a tendency to bear on the original bill, but in face of the fact that the people of the town don't know one single thing about it. We are asked to divide one of the largest towns in this State, a town of 2800 inhabitants and with the valuation of almost three-quarters of a million. In the Senate I heard one of the arguments in favor of this bill and it was stated there that owing to disputes among the people and the fact that the summer people could not have what they wanted they were leaving the town, business was at a standstill and property was depreciating. I don't know how much influence that statement had on the Senate in taking this vote; I don't know as I care; but for the information of the House I want to read the State assessment, the valuation and the report of the State assessors since the Board of Assessors was established, in order to show the House wherein this town is decreasing in valuation.

In 1880 the valuation was \$716,798; in 1890 it was \$1,228,716. The first report of the State assessors was made in 1892. The valuation then was \$1,419,735; in 1894 it was \$1,622,000; in 1896 it was \$1,648,000; in 1898 it was \$1,728,000; in 1900 it was \$1,815,000; in

1902 it was \$2,101,000; in 1904 it was \$2,723,000; in 1906 it was \$2,497,000; in 1908, the valuation on which the tax will be assessed for this year and next, it was \$2,745,400. And I believe I am safe in saying, and I say it in the presence of the chairman of the York County commissioners, that at the next valuation it will rise \$3,000,000. I say this to counteract any statement which may have been made by anybody to the effect that the town is decreasing in valuation. It has been a very rapid growth in valuation, so much so that a gentleman in the State assessors' office remarked that it was a remarkable growth.

That is the condition as it is now. They ask to divide the town. They ask the House to vote to accept the statement of Senator Theriault against a majority of that committee. Somebody was kind enough this morning to lay a map on the desks, and if you will draw a line from the end of the blue line on the left of the map straight across to the letter "S" in the word "Wells," you will get the exact original line that was proposed in the original draft. The majority of the committee reported according to this blue line. That blue line runs along in what is known as the Portland road, so it leaves the residents of the town north of that line in this condition. A man living there goes out across his lawn, steps on the sidewalk and he is in another town, and when he left his door he was in the town of York.

Now, a word in relation to the way they deal with things in the town of York. The town of York as it is now, is provided with high schools and grammar schools, primary schools, town hall, poor farm, and in dividing it that to take away the high school, both grammar schools, a large part of the primary school, the town hall, the poor farm with its large and fine steam heated plant, the old jail museum, all the records of the town of York, the whole hydrant system consisting of about 75 hydrants, every United States postoffice, eight of the ten churches, two-thirds of the population and nearly two-thirds of the valuation. They take 35 miles of road and leave 105 miles in the old town of York. This original draft of the bill

was put in here on the strength of petitions signed by 57 people, some taxpayers and some not. The remonstrants consist of 382 property tax payers in the town of York. This is the condition in which they leave the town.

Now, I will say a word in relation to the subject of dispute between the different parts of the town. I was born in the town of York and have lived there a large part of the time, and these disputes that they tell about are something that I never heard of myself. Last year this section asked for a sewer. What did the town do? They voted \$5000 for a sewer. There was no question about it, no dispute about it and nobody objected. We have had other appropriations made, two of \$82,000 or \$83,000 in the last two years. The majority of these remonstrants, a large majority are citizens who live within this last arranged district, the one reported in the new draft—a majority, I say, of the 382 live in that section. They don't want this thing. The people are almost up in arms about it. I ought to know something about that town. I cannot imagine why the gentleman from Portland (Mr. Marshall) should be so persistent in looking out for York when he lives in Portland. I don't know—yes, I do know who is pushing him. That makes no difference. I am the sole representative of the town of York in this Legislature. I receive my directions from people in all part of the town. I don't represent any faction at all. Two of the selectmen live in this lower section. The chairman of the board of county commissioners lives in what was called at the hearing before the committee "below the dead line," but unfortunately in the last arrangement his house is on the other side of the line. The line runs on the north side of that road, and he lives on the north side of the road. Now, I am not going to take up the time of the House. I simply make this explanation of the matter. The town of York is an old town, a large town, only five or six years ago it celebrated its 250th anniversary, and nine-tenths of the people of the town and nine-tenths of the voters of the town, and representing I think so far as the citizens are concerned nine-tenths of the property, are absolutely and ut-

terly opposed to this whole thing.

The question being on the motion to non-concur with the Senate in accepting the minority report—

Mr. Chase of York called for the yeas and nays.

The motion was agreed to.

The SPEAKER: Those in favor of non-concurring with the Senate in accepting the minority report when their names are called will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Allen of Jonesboro, Bartlett of Eliot, Bemis, Bigney, Bogue, Bragdon, Chase of York, Cook, Doble, Donnell, Dorr, Dunn, Farnham, Ferguson, Harrington, Hines, Libby, Merrill of Durham, Orff, Pattangall, Patten, Pike, Pinkham, Pressley, Putnam, Robbins, Ross, Sawyer, Sleeper, Snow of Brunswick, Spear of Warren, Stover, Thurlough, Varney, Weld—35.

NAY:—Additon, Andrews, Bartlett of Stoneham, Beals, Beyer, Bigelow, Bisbee, Blanchard, Bowley, Bradford, Burleigh, Burse of Pittsfield, Busseil, Buswell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Colby, Cole, Conners, Coolidge, Cousins, Davies, Day, Drake, Dufour, Duncan, Edwards, Emery, Frost, Gilbert, Grant, Hall, Hannaford, Hanson, Harriman, Harris, Havey, Hersey, Higgins, Hill, Holt, Hussey, Jones, Jordan, Joy, Kavanaugh, Kelley, Lambert, Lane, Lombard, Lord, Ludgate, Mace, Marshall, McLain, Mercier, Merrifield, Merrill of Bluehill, Miller, Millett, Montgomery, Morse, Moulton, Nelson, Patterson, Paul, Pelletier, Perry, Peters, Redlon, Richardson, Sanborn, Silsby, Smith of Andover, Smith of Berwick, Snow of Scarborough, Spear of South Portland, Stackpole, Stanley, Strickland, Thompson, Tibbetts, Trafton, Trickey, Trimble, True, White of Columbia, Whitehouse, Whitney, Wing of Auburn, Wing of Kingfield—93.

ABSENT:—Allen of Richmond, Bearce of Eddington, Blake, Bourassa, Clark, Couture, Cummings, Fortier, Hamlin, Harmon, Hodgkins of Damariscotta, Hodgkins of Temple, Hyde, Moore, Nickerson, Packard, Porter, Quinn, Rounds, Smith of Biddeford, Stetson, White of Wayne—22.

So the motion to non-concur with the Senate in the acceptance of the minority report was lost.

On motion of Mr. Smith of Berwick the House concurred with the Senate in accepting the minority report.

Mr. Smith moved that the rules be suspended and that the bill take its several readings at the present time and pass to be engrossed.

The bill then received its first and second readings.

On motion of Mr. Smith of Berwick, Senate Amendment A was adopted in concurrence.

Mr. Chase of York offered House Amendment A by adding the following: "Provided, however, that this act shall not take effect until it has been first accepted by a majority of the legal voters of said town of York at a town meeting of said town legally warned and holden for that purpose at the Town house in said town, and provided further that when one such meeting has been held and such vote taken and acceptance of said act refused no other vote shall be taken for that purpose until the next annual town meeting of said town, and if said act be not then accepted by a majority of the voters present at said last mentioned meeting then this act shall be void."

Mr. MARSHALL of Portland: Mr. Speaker, I had supposed that the division of the towns was for the purpose of allowing a certain portion thereof around the seashore to go ahead and prosper and develop itself along its own lines. Now it seems that that act, according to the amendment, shall not take effect unless all the inhabitants of all the town—that is, two-thirds of the inhabitants of all the town, who now lie outside of the division as made by the House, shall vote to do it. Now do you suppose that two-thirds of those outside are going to concur in that proposition? It seems to me that this defeats the whole proposition. The new town as I understand it contains one-third of the inhabitants. The old town would still contain about two-thirds of the inhabitants, and it seems to me that the new town now should be allowed to paddle its own canoe.

Mr. CHASE of York: Mr. Speaker. I call the attention of this House to the fact that one of the witnesses, Mr. Edward S. Marshall, the man who has put up this whole job, the father of the gentleman from Portland, admitted before the committee in my hearing and in the hearing of the whole committee that a majority of the voters in the whole town were in this lower part which they want to set off. Now if the gentleman from Portland (Mr. Mar-

shall) can tell me, or dares to pretend, that those voters cannot do as they want to do under that provision, under that amendment, I would like for him to explain the reason why. I would call the attention of the House to the fact that time and again this winter during the session we have voted to give to people the right to decide for themselves what they want. We did so in the case of the county of York in the little matter of the removal of the county seat; we have done it in other cases. It was only a few days ago that a similar vote was taken in relation to the city of Portland. Now, I would like to know in all fairness, in the name of decency, what those people of York have done that this thing should be placed upon them, and why a majority of the voters should not have the privilege of deciding whether their town shall be torn in pieces or not. I want to know if there is one single particle of fairness or honor or decency among the men in this House.

MR. MARSHALL: Mr. Speaker, just a word in answer and explanation. As I understand it when the matter came before the committee there was then a line which was different from the present division. I do not know what may have been said at that hearing as I was not there, but I do know that the present line makes a radical difference in the number of population in the several towns. That is the only explanation I care to make at the present time.

MR. CHASE of York: Mr. Speaker, I would call attention to the fact that nearly all of the residents in that section, or in the old section, are in disposition. They cut off a little up here where there are no residents. It makes a little difference in the number but a very little, and it was the testimony of every witness that came before the committee that a majority of the voters were in that lower part which they wished to set off; and I again call attention to the fact that the House is considering the adoption of a bill which no committee has passed upon and which was drawn up by the gentleman from Portland.

MR. MARSHALL: Mr. Speaker, I never saw the bill until it was printed.

MR. CHASE of York: Very well, it don't make any difference any way. (Laughter.) It was drawn up and signed by the senator from Aroostook county, 400 or 500 miles away from the town of York, and he comes into the Legislature and determines that one of the largest towns in the State shall be destroyed and broken up without any hearing, practically, because this has not been before the committee at all. Now my amendment is a perfectly reasonable one and I submit it to the fairness of the members of this House; and upon its adoption I call for the yeas and nays.

The motion was agreed to.

THE SPEAKER: The question is on the adoption of House Amendment A. As many as are in favor of adopting the amendment will, when their names are called, answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Allen of Jonesboro, Bartlett of Elliot, Bemis, Bigney, Bogue, Bragdon, Burse of Pittsfield, Buswell, Charles, Chase of York, Clark, Colby, Cook, Day, Doble, Donnell, Dorr, Dunn, Farnham, Ferguson, Frost, Gilbert, Harrington, Hines, Hodgkins of Damariscotta, Jones, Libby, Lord, Mace, McLain, Merrill of Bluehill, Merrill of Durham, Miller, Montgomery, Orff, Pattangall, Patten, Pelletier, Pike, Pinkham, Pressley, Putnam, Robbins, Ross, Sanborn, Sawyer, Sleeper, Snow of Brunswick, Spear of Warren, Stackpole, Stover, Thompson, Thurlough, Tibbetts, Varney, Weld—56.

NAY:—Additon, Andrews, Bartlett of Stoneham, Beals, Beyer, Bigelow, Bisbee, Blanchard, Bowley, Bradford, Burleigh, Bussell, Campbell of Cherryfield, Campbell of Kingman, Chase of Sebec, Cole, Connors, Coolidge, Cousins, Davies, Drake, Dufour, Duncan, Edwards, Emery, Grant, Hall, Hannaford, Hanson, Harriman, Harris, Hovey, Hersey, Higgins, Hill, Holt, Hussey, Jordan, Joy, Kavanough, Kelley, Lambert, Lane, Lombard, Ludgate, Marshall, Mercier, Merrifield, Millett, Morse, Moulton, Nelson, Patterson, Paul, Perry, Peters, Redton, Richardson, Silsby, Smith of Andover, Smith of Berwick, Snow of Scarboro, Spear of South Portland, Stanley, Stetson, Strickland, Trafton, Trickey, Trimble, True, White of Columbia, Whitehouse, Whitney, Wing of Auburn, Wing of Kingfield—75.

ABSENT:—Allen of Richmond, Bearce of Eddington, Blake, Bourassa, Couture, Cummings, Fortier, Hamlin, Harmon, Hodgkins of Temple, Hyde, Moore, Nickerson, Packard, Porter, Quinn, Rounds, Smith of Biddeford, White of Wayne—19.

So the motion was lost.

Mr. Allen of Jonesboro: Mr. Speaker, there is one thing that I am very sure of, and that is that the members of this Legislature desire nothing on a question of this character so much as to do the thing which is right. I think on a question of this character which is not divided on party lines that the motive which is actuating every individual voter is to do that which is right and just. There is placed within our hands by the voters whom we represent a power which is great and a responsibility which is correspondingly great, and the shouldering of so great a power and so great a responsibility should cause each member to hesitate somewhat in the passing of a law which has or may have consequences that are decidedly far-reaching. Now it seems to me that this matter upon which we are talking and which is to be decided by our votes is a matter that may lead us to hesitate before we take a final stand. I want you to consider for just a moment what has already been brought to your attention, the fact that this proposed amendment in the form of a new draft is something which has not been before the committee. The members of the committee have had no hearing upon it. The people of the town of York have had no opportunity to express themselves on this matter; and it strikes me that from a feeling of right, from a sense of justice in the matter, that those people are not having just treatment in not having had an opportunity to come here and tell the committee what their desire is in this matter, and I think the sense of right on the part of the members of this Legislature will frown upon that sort of thing. Those people have a right to be heard, they have a right to be consulted; and in regard to this smaller section whose rights we are supposed to vote for when we vote to make a separation of this town, I am assured by my seat-mate that a majority of the people in that section do not want the town divided. Now I think even in case my seat-mate is wrong that this matter can afford to wait for a couple of years. No serious panic will take place in the town of York if we let them talk it over and think it over and report at a sub-

sequent session of the Legislature upon this matter that must be conceded of considerable importance to the people down there. I do not want to vote upon something that may cause hardship and be an injustice to the people concerned; I want to know a little more about the matter. Mr. Speaker, I move that this subject be referred to the next Legislature, and I move that when the vote is taken on the question it be taken by the yeas and nays. (Applause.)

Mr. SMITH of Berwick: Mr. Speaker, I had supposed that this matter would be a York county matter and that Washington county and Aroostook county would let it alone. The proponents of this bill come before this House in good faith. It has been threshed out, pro and con, in committee, in the lobby, in the House; we have had it under consideration now for an hour and a half. The people down there think it is of considerable importance that this matter should be settled; but, gentlemen, it can never be settled until it is settled right. Is it reasonable to suppose that the House which assembles here two years from now will be in any better position to settle the matter and settle it right than the present House? We have heard this matter talked from the time we came here and before that time. I think there is no question in the mind of any one, or in the mind of the gentleman from Jonesboro, but what every member of this House knows exactly what he is voting for; they know the conditions as well as they can know them. I have the honor to come from York county. I know something of the conditions surrounding the town of York. I know something of the conditions surrounding the proposed town of Gorges. I think that every gentleman in this House knows something concerning the town of York and can never be in any better position to know about it than they are today. It is a well known fact, to attorneys at any rate, that the matter of towns is entirely in the hands of the Legislature. They are created by the Legislature, they can be wiped out by the Legislature, they can be re-created; they are the children of the Legislature. If the Legislature

sees fit to cut off a piece from one of them they can do it; and this Legislature is as competent and as careful as any Legislature that can be elected by the people of this sovereign State, and it is casting a reflection on the honorable gentlemen of this House to ask them to shirk their responsibility and to put this over onto some other Legislature. What are we here for if it is not to settle the matters which come before us? This matter of referring, referring to the next Legislature—it seems to me that we would be endeavoring to shirk our responsibility. The matters are before us. Let us settle them, and, gentlemen, when we have settled them here they will be settled right. This House is not going to do a wrongful act knowingly. There is sufficient intelligence in this House to settle a question and settle it right; and I think the motion to refer this matter to the next Legislature should be rejected by the House.

Mr. ALLEN of Jonesboro: Mr. Speaker, I want to call attention to the fact that if the other counties would keep their hands off this question Washington and Aroostook would also be glad to follow suit. I think that the question raised by the last speaker, that the members of this House know what they are voting for, may be agreed to in one part and we may differ from it in another. We certainly know that we may be voting to divide a certain town, and I agree with all that the gentleman has said in regard to the power that we have as a Legislature; we can vote a town into existence or we can destroy that town. But the gentleman has not satisfied me as to whether we have a right, without considering the opinions and wishes of the people in that town, to perform an act so radical as that. We have no moral right to do it and all the plausible arguments that may be presented by the gentleman to the contrary notwithstanding. We have no moral right to do this thing; it is wrong.

Let me say another thing, and that is, notwithstanding the assertion to the contrary we do not know what we are voting for in this respect. We do not know what those people want down there in that town. Have you heard from them, have they said to you what they want? Is there any great injus-

tice to be done in this matter if you wait a couple of years? Are there any vital interests that are to be sacrificed? It seems to me that the very haste in this matter argues against it. There is no danger for a right cause in a little delay. The right will prevail eventually. It is only those who are in the wrong who need to hurry a thing through without looking into it carefully and testing it in its merits; and I hope that this matter will not be decided today. There will be no harm in putting it off; and I ask, Mr. Speaker, that the members waive this matter before they decide so important a question.

The question being, shall the yeas and nays be ordered—

The motion was agreed to.

The SPEAKER: All those in favor of referring this bill to the next Legislature, when their names are called, will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Allen of Jonesboro, Bartlett of Eliot, Bemis, Bigney, Bogue, Bourassa, Bragdon, Buswell, Chase of York, Clark, Cook, Day, Doble, Donnell, Dorr, Dunn, Farnham, Ferguson, Fortier, Frost, Gilbert, Harrington, Hines, Hodgkins of Damariscotta, Jones, Libby, Mace, McLain, Merrill of Bluehill, Merrill of Durham, Miller, Montgomery, Orff, Pattangall, Patten, Pelletier, Pike, Pinkham, Pressley, Putnam, Quinn, Robbins, Ross, Rounds, Sanborn, Sawyer, Silsby, Sleeper, Snow of Brunswick, Spear of South Portland, Spear of Warren, Stackpole, Stetson, Stover, Thompson, Thurlough, Tibbetts, Varney, Weld—59.

NAYS:—Additon, Andrews, Bartlett of Stoneham, Beals, Beyer, Bigelow, Bisbee, Blanchard, Bowley, Bradford, Burleigh, Burse of Pittsfield, Bussell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Colby, Cole, Connors, Coolidge, Cousins, Davies, Drake, Dufour, Duncan, Edwards, Emery, Grant, Hall, Hannaford, Hanson, Harriman, Harris, Havey, Hersey, Higgins, Hill, Hodgkins of Temple, Holt, Hussey, Jordan, Joy, Kavanaugh, Kelley, Lambert, Lane, Lombard, Lord, Ludgate, Marshall, Mercier, Merrifield, Millett, Morse, Moulton, Nelson, Patterson, Paul, Perry, Peters, Redlon, Richardson, Smith of Andover, Smith of Berwick, Snow of Scarboro, Stanley, Strickland, Trafton, Trickey, Trimble, True, White of Columbia, Whitehouse, Whitney, Wing of Auburn, Wing of Kingfield—77.

ABSENT:—Allen of Richmond, Bearce of Eddington, Blake, Couture, Cummings, Hamlin, Harmon, Hyde, Moore, Nicker-

son, Packard, Porter, Smith of Biddeford, White of Wayne—14.

So the motion was lost.

Mr. Chase of York, offered House Amendment "B," by adding the following: "Provided, however, that this act shall not take effect until it has been first accepted by a majority of the legal voters residing within the limits of the said proposed town of Gorges at a meeting of said voters legally warned and holden for that purpose at the town house in the town of York; and further provided that when one such meeting has been held and such vote taken and acceptance of said act refused a second vote shall be taken for that purpose at a meeting legally warned and holden not less than six months nor more than one year after said first meeting. If said act be not accepted at said second vote then this act shall be void. And provided further that said meeting or meetings shall be called and presided over by the selectmen of York."

Mr. CHASE of York: Mr. Speaker, when the vote is taken I move that it be taken by the yeas and nays. (Laughter).

The motion was agreed to.

Mr. MARSHALL of Portland: I move that the amendment lie upon the table.

Mr. DAVIES of Yarmouth: I should like to inquire of the gentleman from York if the entire purport of the amendment now pending is that the inhabitants, the legal voters in this new town be allowed the privilege of accepting or rejecting this matter of division—the entire purport of the amendment.

Mr. CHASE of York: That is just exactly the purpose.

Mr. DAVIES: And nothing more than that?

Mr. CHASE of York: And nothing more than that. There is not one line or one word that has any other purpose whatever. (Applause).

Mr. MARSHALL: Mr. Speaker, we have been accused of trying to rush this thing through. Now, it seems to me that it might be well to have this amendment lie upon the table. I certainly for one will take it up at the earliest opportunity. I simply want

that those interested may have an opportunity to look it over, that is all. There may be some legal, technical questions in it which do not occur to the gentleman from York or to myself.

Mr. CHASE of York: Mr. Speaker, I know the influences that are at work behind the gentleman from Portland (Mr. Marshall) and I ask this one little thing in this matter, and that is that we take this vote today. There is no earthly reason why this delay should be made now.

Mr. DAVIES: Mr. Speaker, I should like to inquire of the gentleman from York (Mr. Chase) if you are perfectly sure that the legal phase of the amendment is all right, that is, if a part of the town could vote on a matter of this kind. I ask if you have made any inquiry as to what the legal effect would be of calling only a part of the legal voters in a town together for the purpose of voting upon a specific question.

Mr. CHASE of York: Mr. Speaker, my first proposition was, the first amendment that I made which has been voted down here was, to give all the people—

Mr. DAVIES: I do not refer to your first proposition. I refer to this amendment now pending, House Amendment "B."

Mr. CHASE of York: Mr. Speaker: House Amendment "B" applies purely and simply to the legal residents within this proposed town of Gorges.

Mr. DAVIES: I understand that that is the case. My question is this, whether you have any legal right to summon the inhabitants of a part of the town to meet in town meeting for the purpose of deciding a certain question.

Mr. CHASE of York: I think we have. I offer this amendment for the purpose of giving the people in this proposed part of the town a chance to vote whether they want to be a separate town or not. I don't know how the vote can be submitted to them in any other way.

Mr. MARSHALL: Mr. Speaker: I don't object to the amendment only I want a chance to look it over and

see what the legal effect of it is. That is why I moved that the matter lie upon the table.

Mr. MONTGOMERY of Camden: Mr. Speaker: I would ask the gentleman from Portland (Mr. Marshall) if he has any question but what this Legislature can authorize any portion of the State to call a legal town meeting for such purposes.

Mr. MARSHALL: No, I have not. I don't know whether it is best that the selectmen who are so particularly hostile to this division should be the presiding officers over the meeting. I would rather see some impartial man, whether a resident of the town or not. That is one of the things that occurs to me.

Mr. BEYER of Portland: Mr. Speaker: I would like to ask if any lawyer in the House can explain how a meeting of half a town could be legally called. The amendment has the words "legally called" in it. I suppose there is a method of legally calling a town meeting, but whether that method would debar your calling half the town together and so render the original bill nugatory is a serious question. I think that should be considered.

Mr. CHASE of York: Mr. Speaker: I have in mind the case of the Kittery Water District in which the selectmen called a meeting for the purpose of accepting the charter of the Kittery Water District. It is an identical case to this. It has been through the courts too. I had it in mind when I drew this amendment. Nobody found any fault with that. The selectmen of the town called a meeting of the people in that district, they have issued the bonds to the extent of \$200,000 and the bonds have been sold and the matter has all been determined and looked over and declared to be legal and right. Now, if it is legal and right in Kittery why isn't it legal and right in the town of York?

Mr. PETERS of Ellsworth: Mr. Speaker: I rise to a point of order.

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

Mr. PETERS: My point is that debate is not in order.

The SPEAKER: The gentleman's

point of order is well taken. Discussion has proceeded by unanimous consent since the gentleman from Portland (Mr. Marshall) made the motion to lay the amendment on the table.

The question being, shall the amendment lay on the table?

The motion was lost.

The question being on the adoption of the amendment—

Mr. WING of Auburn: Mr. Speaker—
Mr. CHASE of York: Mr. Speaker: I rise to a point of order.

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

Mr. CHASE of York: I do not think that in the present condition of the matter that debate is in order.

The SPEAKER: The pending question is the adoption of House Amendment "B," which is debatable.

Mr. WING of Auburn: Mr. Speaker, as I understand the amendment the meeting has to be called according to the statute calling town meetings. The gentleman has cited the case of the Kittery Water District. If you will take your laws of 1907 and turn to page 746 you will notice that the town meeting in the town of Kittery was called in accordance with the law of municipal elections, and it strikes me that to avoid further legal difficulty with this question an amendment should be made in some form along the line indicated in the Kittery Water District case; and I hope that the gentleman from York will allow such an amendment to be made.

Mr. PATTANGALL of Waterville: Mr. Speaker, I arise for the purpose of moving the previous question. In my opinion the amendment offered by the gentleman from York is so harmless and so eminently fair that even the lobby ought not to be consulted in regard to it.

The motion was agreed to.

The question being, shall the main question be now put?

The motion was agreed to.

The question being on the adoption of House Amendment "B"—

The SPEAKER: Those in favor of adopting the amendment will, when their names are called, answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Additon, Allen of Jonesboro, Bartlett of Eliot, Beals, Bemis, Bigelow, Bigney, Bisbee, Bogue, Bourassa, Bragdon, Burse of Pittsfield, Bussell Buswell, Charles, Chase of York, Clark, Colby, Conners, Cook, Coolidge, Davies, Day, Doble, Donnell, Dorr, Duncan, Dunn, Edwards, Farnham, Ferguson, Fortier, Frost, Gilbert, Grant, Harriman, Harrington, Havey, Higgins, Hill, Hines, Hodgkins of Damariscotta, Hodgkins of Temple, Holt, Jordan, Kelley, Lambert, Libby, Lombard, Lord, Ludgate, Mace, McLain, Mercier, Merrifield, Merrill of Bluehill, Merrill of Durham, Miller, Montgomery, Morse, Moulton, Orf, Pattangall, Patten, Patterson, Pelletier, Peters, Pike, Pirkham, Pressley, Putnam, Quinn, Richardson, Robbins, Ross, Rounds, Sanborn, Sawyer, Silsby, Sleeper, Smith of Andover, Snow of Brunswick, Snow of Scarborough, Spear of Warren, Stackpole, Stetson, Stover, Strickland, Thompson, Thurlough, Tibbetts, Trafton, Trickey, Varney, Weld, White of Columbia, Whitney, Wing of Auburn, Wing of Kingfield—99.

NAY:—Andrews, Bartlett of Stoneham, Beyer, Blanchard, Bowley, Bradford, Burleigh, Campbell of Cherryfield, Campbell of Kingman, Chase of Sebec, Cole, Cousins, Drake, Dufour, Emery, Hanson, Harris, Hersey, Joy, Kavanough, Lane, Marshall, Millett, Nelson, Paul, Perry, Redlon, Smith of Berwick, Spear of South Portland, Stanley, Trimble, True, Whitehouse—33.

ABSENT:—Allen of Richmond, Bearce of Eddington, Blake, Couture, Cummings, Hall, Hamlin, Hannaford, Harmon, Hussey, Hyde, Jones, Moore, Nickerson, Packard, Porter, Smith of Biddeford, White of Wayne—18.

So the amendment was adopted. (Applause).

The bill was then assigned for tomorrow morning for its third reading.

Special assignment: An Act to increase the salary of the warden of the Maine State prison. (Assigned for Tuesday of next week on motion of Mr. Davies of Yarmouth.)

On motion of Mr. Weld of Old Town the House voted to take a recess of 20 minutes.

After Recess.

On motion of Mr. Burleigh of Augusta the rules were suspended to take from the table An Act to amend Section 2 of Chapter 22 of the Revised Statutes relating to jail sentences for maintaining a liquor nuisance.

On motion of Mr. Burleigh the vote was reconsidered whereby the bill was passed to be engrossed, and on further motion by the same gentleman the further consideration of the bill was postponed until tomorrow.

On motion of Mr. Sleeper of South Berwick the rules were suspended to take from the table An Act in amendment of Section 1 of Chapter 136 of the Revised Statutes relating to sentence in criminal cases, and on further motion by Mr. Sleeper the bill was assigned for consideration tomorrow.

On motion of Mr. Moulton of Cumberland the bill, An Act to restore Portland bridge, was taken from the table.

Mr. Moulton moved that the bill be indefinitely postponed.

Mr. Spear of South Portland moved that further consideration of the bill be postponed to Friday next.

Mr. MOULTON: Mr. Speaker, it seems to me that this matter in regard to Portland bridge might just as well be settled here as at any other time. I have consulted the representatives from the county of Cumberland and with the exception of two they are in favor of postponing this bill indefinitely; and in my opinion it should be postponed for the very reason that the city of Portland is asking the county of Cumberland to help build their bridge, and still on the other hand the county of Cumberland at the present time has about all upon her shoulders that she can stand under as well as the city of Portland. This bridge has been remodeled or repairs have been made on it within the last year amounting to about \$3000 and the county commissioners tell me that this bridge will be suitable and safe absolutely for the next four or six years and it seem to me that it would be very foolish under the circumstances to undertake to rebuild this bridge at the present time, considering the conditions of both the county and the city of Portland. I therefore move to indefinitely postpone this bill and the amendment.

Mr. SPEAR of South Portland: Mr. Speaker, I made my motion in the interests of bringing a proposition before the entire delegation of Cumberland county which I hope will meet with their approval; otherwise I will not make any motion on Friday which does not have their sanction.

The question being on the motion to postpone further consideration of the bill to next Friday—