

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

the inhabitants of Pine Point and Grand Beach.

An Act to revise the charter of the city of Eastport.

Finally Passed.

Resolve in favor of the Bureau of Horticulture for the year 1913.

Resolve in favor of the Bureau of Horticulture for the year 1914.

Resolve in favor of the Maine Wesleyan Seminary and Woman's College for the promotion of certain practical sciences.

Orders of the Day.

On motion by Mr. Mitchell of Kittery, the rules were suspended and that gentleman was granted permission to introduce out of order the following reports:

Mr. Mitchell from the committee on appropriations and financial affairs reported in a new draft and "ought to pass" resolve in favor of the Maine Mission for the Deaf of Belfast.

Same gentleman from same committee reported "ought not to pass" on resolve in favor of the Androscoggin Anti-tuberculosis Association of Lewiston.

Same gentleman from same committee reported in a new draft and "ought to pass" in favor of the York hospital, town of York.

Same gentleman from same committee reported "ought to pass" on resolve in favor of the Hayes Young Women's Home in Lewiston.

Same gentleman from same committee reported in a new draft and "ought to pass" resolve in favor of the Webber Hospital Association of Biddeford.

Same gentleman from same committee reported in a new draft and "ought to pass" resolve in favor of Presque-Isle General Hospital of Presque Isle.

Same gentleman from same committee reported in a new draft and "ought to pass" resolve in favor of the Children's Aid Society of Maine at Belfast.

Same gentleman from same committee reported in a new draft and "ought to pass" resolve in favor of People's Ferry Company at Bath.

Same gentleman from same committee reported in a new draft and "ought to pass" resolve in favor of Children's Protective Society of Portland.

Same gentleman from same committee reported in a new draft and "ought to pass" resolve in favor of Bangor Anti-Tuberculosis Association of Bangor.

Same gentleman from same committee reported in a new draft and "ought to pass" resolve in favor of the Greenville Junction Young Men's Christian Association of Greenville.

Same gentleman from same committee reported in a new draft and "ought to pass" resolve in favor of the Central Maine Association for the Relief and Control of Tuberculosis.

Same gentleman from same committee reported "ought to pass" on resolve in favor of the official reporter of the House.

Same gentleman from same committee reported in a new draft and "ought to pass" resolve in favor of the Bath City Hospital.

Same gentleman from same committee reported in a new draft and "ought to pass" resolve in favor of the Knox County General Hospital at Rockland.

Same gentleman from same committee reported in a new draft and "ought to pass" resolve in favor of the Maine Home for Friendless Boys at Portland.

Same gentleman from same committee reported "ought to pass" on resolve in favor of the Eastern Maine General Hospital at Bangor.

Same gentleman from same committee reported in a new draft and "ought to pass" resolve in favor of the Children's Hospital of Portland.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of W. C. T. U. Temporary Home for Children at Gardiner.

Same gentleman from same committee reported in a new draft and "ought to pass" resolve in favor of the Maine Anti-Tuberculosis Association of Waterville.

Same gentleman from same committee reported in a new draft and "ought to pass" resolve in favor of Daughter of Wisdom of St. Agatha.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of the Maine Children's Home Society of Augusta.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of the Central Maine General Hospital.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of the Trull Hospital Association of Biddeford.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of the Maine School for the Deaf at Portland.

Same gentleman from same committee reported "ought to pass" on resolve in favor of the Bar Harbor Medical and Surgical Hospital.

Same gentleman from same committee reported "ought to pass" on resolve in favor of the Androscoggin Anti-Tuberculosis Association of Lewiston.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of St. Mary's General hospital of Lewiston.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of St. Elizabeth Roman Catholic Orphan asylum of Portland.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of the Girls' Orphanage at Lewiston.

Same gentleman from same committee reported "ought to pass" on resolve in favor of the Bath Military and Naval asylum of Bath.

Same gentleman from same committee reported "ought to pass" on resolve in favor of the Children's Heart Work Society of Maine at Portland.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of the Maine Eye and Ear Infirmary.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of the Eastern Maine Orphans' Home at Bangor.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of the Maine Institute for the Blind at Portland.

Same gentleman from same committee reported "ought to pass" on resolve in favor of Mellen Tryon, secretary of the committee on Maine School for Feeble Minded.

Same gentleman from same committee reported "ought to pass" on resolve in favor of the Maine General hospital.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of the Waldo County General hospital at Belfast.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of the York County Children's Aid Association.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of the Maine State Sanatorium Association at Hebron.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of the Good Samaritan Home Association at Bangor.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of the Temporary Home for Women and Children at Portland.

Same gentleman from same committee reported in a new draft and "ought to pass" on bill, An Act relating to disbursement of appropriations for institutions receiving State aid.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of commission on enlargement of the State House.

Same gentleman from same committee reported in a new draft and "ought to pass" on resolve in favor of the Lewiston and Auburn Children's Home at Lewiston.

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

Mr. Butler from the committee on ways and bridges reported in a new draft and "ought to pass" resolve relating to the construction of the Old Town-Milford bridge. (Tabled pending

the acceptance of the report of the committee on motion by Mr. O'Connell of Milford.)

On motion by Mr. Jones of China, the rules were suspended and that gentleman introduced out of order the following order:

Ordered, that the commissioners of inland fisheries and game shall cause to be printed in pamphlet form for free distribution 20,000 copies of the revision of the inland fish and game laws, the expense of the same to be paid out of the appropriation for the department of inland fisheries and game.

The order was given a passage under a suspension of the rules.

PUBLIC UTILITIES BILL.

The SPEAKER: The next business before the House is the matter tabled and specially assigned for today, being bill, An Act to create a public utilities commission, prescribe its powers and duties, and provide for the regulation and control of public utilities, together with the amendments which were offered, yesterday.

Mr. SMITH of Patten: Mr. Speaker, experience has shown that complicated matters can be handled with more freedom and with much better satisfaction in committee of the whole, and I therefore move that the House do now go into committee of the whole for the purpose of considering the public utilities bill and the amendments thereto.

The SPEAKER: The gentleman from Patten, Mr. Smith, moves that the House resolve itself into a committee of the whole for the consideration of this bill and the amendments thereto.

The Chair will state for the benefit of any members who may not be thoroughly familiar with the procedure that this is for the purpose of more informal discussion of the measure assigned for consideration today. When the House resolves itself into this committee it is the duty of the Chair to appoint a chairman. The same rules which are binding upon the House will not prevail; the yeas and nays cannot be called; the previous question cannot be moved, because discussion is free and without limit; the matter cannot be laid upon the table or

indefinitely postponed. The object, as the Chair understands it, is that the House as a committee can more informally and closely discuss the question under consideration, and when discussion ceases report the result to the House. The proceedings in the committee of the whole occupy no part of the journal of the House, simply a report of a committee when the committee rises. The gentleman from Patten, Mr. Smith, moves that the House now resolve itself into a committee of the whole. Is that the pleasure of the House?

The motion was agreed to.

The SPEAKER: The Chair will designate the gentleman from Belfast, Mr. Dunton, to take the chair at the present time.

(Mr. Dunton of Belfast at this point assumed the chair.)

In Committee of the Whole.

Mr. SANBORN of Portland: Mr. Chairman, I move that Mr. Gardiner K. Heath be designated as clerk of this committee.

The motion was agreed to.

Mr. WHEELER of Paris: Gentlemen of the House assembled in a committee of the whole: The House has seen fit to resolve itself into a committee of the whole for the purpose of a more liberal discussion of the provisions of Senate Document No. 453, and to provide itself with an opportunity to consider fairly and at length the various amendments presented to this document. In further discussion of an important measure which has been engaging the attention of the people of the State of Maine for so long a time it is proper that we look the situation in the face, and examine and discover for ourselves the reasons which exist for the enactment of legislation in relation to the control of public utilities. It has been said in some quarters that there exists no demand for further regulation of public utility corporations. It has been said in other quarters that there does exist a reason for such control, and a demand for further legislation upon the subject. Whether or not such a demand exists in the State of Maine it is for us to settle. Whether or not such a demand exists in other states of the Union has already

been settled by those states themselves. In considering this bill your committee have in mind the fact that legislation of this kind has been in existence in more than a score and a half of states in this Union. Certain of the members have said that control of public utilities was being opposed by the corporations only. I am happy in the thought, and in the sentiment, that such is not the case in the State of Maine, for I believe that there exists within our State a sentiment on the part of some of the public utility companies that they are in favor of reasonable regulation and control by statute enactment to the end, among other things, that there shall be established a certainty by which those companies can regulate and control their own financial affairs, and on account of which they will be able to go into the money markets of our country and secure for their needs the capital which they require. Capital does not readily flow into a State where the situation is so uncertain as it has been in the State of Maine for the last few years, and if this public utility bill which you are considering is all that it ought to be we shall find in the future years that the situation has been settled, and that the financial policy of our public utility corporations will be benefited. Public control of the utilities with which the public has to deal is not a new thing. It may be novel to some extent in the State of Maine; but it is not new, for it is as old as the common-law itself. Briefly we may call to mind the fact, familiar to all of us, that in ancient times under the rules of the common law, older than the civilization of this country, there existed a system of control. The miller, by the very necessities of the case, was obliged to grind the grist of any one who presented himself and was willing to pay for the service; the blacksmith in his turn was obliged to serve the public without discrimination; the physician was under the same limitation of the common law; he was obliged to serve all who applied. Those three rules of the common law—that the public utilities which I have already named should serve all who applied, and at equal rates, without discrimination—after a time were

enacted into the statute; but as business progressed, and as matters became more complicated in the history of business, we find that in the early history of our own country the courts modified the law gradually, so that we came to rely almost wholly upon competition to regulate public utilities, and that was satisfactory for a generation; but it is a matter of reason that after a time competition failed to accomplish this purpose, and conditions of monopoly arose which have made the courts ask for different legislation, and with that problem this country has been grappling for more than 35 years. Recognizing that situation various states of our Union commenced this system of public control by the enactment of statutes which related, for instance, to control of the railroads in the United States; and it is a matter of history in our country that this statutory control was not satisfactory, and we know the panics which have ensued in relation to the railroads of a generation ago. Finally one of the New England states—New Hampshire, our neighbor—enacted a statute which provided for a railroad commission; this was in 1844; and so the railroad commission, which is the pioneer in the line of public control, came into existence in New England in 1844—Rhode Island in the same year; Massachusetts in 1849; Connecticut in 1853; Vermont in 1855. Finally our own State of Maine in 1868 formed a railroad commission for the better regulation of the railroads. I believe this arrangement, on the whole, has been satisfactory so far as it has extended; but with the wonderful growth and progress in the line of electrical concerns, in the line of telegraph and telephone companies, there has arisen a demand for further control; so that we find existing in more than 30 States a broader commission, known, it is true, in some States as the railroad commission, but in many of the States known as the public utilities commission,—a commission, gentlemen, which occupies a peculiar place in our government. In part these commissions exercise the functions of the executive officers. They are the policemen of business. They enforce a strict compliance with the

regulations which should control the relations between the public and these vast corporations with which we are obliged to deal, and which are necessary at this day of civilization. Another function of these commissions is that they constitute a court. If you finally pass Document 453, you will find that we have established in Maine a commission that is also a court that stands between the most humble member of the public on one side, for the adjustment of his grievance, and the most extensive public utility corporation upon the other side, and this court is always open, and will be always open, so long as it exists, to the adjustment of any abuse of service or of rates.

I would like to disabuse the minds of everybody present, if I could do it, of the theory that the public utilities commission is a law enacted for the purpose of prosecuting the corporations which provide us with light, heat, water and transportation, because that is not the intent of the bill. This bill centers around one text embodied in the bill, that in all the relations which exist between the public and the public utilities companies this rule should be observed, that service and facilities of public utilities companies should at all times be reasonable and adequate; and, secondly, that the rates charged by the public utilities should at all times be just and without discrimination; and when you enlarge that text you will find that it provides that the public utility company occupying the field in a certain city must within reason supply the demands of that city; must extend its service until the public is accommodated, and must render its service at a rate which is fair and just to all, and without discrimination in favor of any customer on the one side and against the customer on the other.

In the few minutes that are necessary in the general discussion of the bill I would like to draw the attention of the gentlemen to a few facts in relation to the structure of the bill. As you know, there have been introduced into this Legislature two drafts of a public utility bill; one of them introduced in the Senate, following practi-

cally the lines of the Rhode Island bill, and the other introduced this House, following practically the lines of the Wisconsin bill as modified to meet the demands of our State. These two bills, as you know, were referred to the special committee from both houses. Extensive hearings were held by this sub-committee; many executive sessions were held. These bills, with a score of others, were carefully examined by the sub-committee; carefully weighed and considered, argued, and adopted, and the bill which we have reported I will say is the unanimous report of the sub-committee. I would like to say for my comrades on this committee that in each and every instance, while we have differed, and differed emphatically and honestly, we have debated the subject and have arrived in every instance at a conclusion that is absolutely unanimous. While it so happens that in the main this bill follows the line of the Wisconsin bill, in which I am a thorough believer, I know we have introduced into the draft certain provisions that have been taken from the very latest enactments in the State which are most advanced in this line of legislation. The bill provides for a commission of three at a salary and tenure of office approximating that of the supreme court justices of the State. By the definitions of the bill in Section 9, which was taken from the California bill almost in its entirety, your committee have sought to establish various lines of public utilities that would come within the scope of the bill. Most of the amendments that have been submitted in the Senate and in the House relate to this Section 9; and I will say in passing, before those amendments are taken up here, that many of the amendments which have been submitted in absolutely good faith I understand, and believe, were submitted because some gentleman had not had the time to consider the whole of Section 9, and he believed that in Paragraph 6 an amendment was necessary: but when his attention was drawn to the matter, and he read Paragraph 3, for illustration, he found these two definitions dovetail together, so that the bill al-

ready contained, in some instances, the very provisions which he was seeking to insert by amendment. In those amendments, and in all others, gentlemen, I will assure you that the attitude of the committee is that we desire, as is proper and right, the most extensive consideration of these amendments at your hands, and we have no pride of opinion about this bill. Our purpose is, like yours, to secure the best possible bill. Wherever an amendment has appeared to us to be of benefit we have been unanimous for its acceptance, believing that the work of the sub-committee could be improved upon, and we regret only that we have not more time, and you have not more time, for a more complete investigation and examination of this subject.

Section 10 of the bill, gentlemen, begins under the title of "Rates and accounting." It leads you to understand chiefly that the accounts of every public utility desiring to do business within the borders of the State of Maine are at the disposal of the commission for examination and approval. The only possible way under which a commission can regulate the rates of a public utility, and be fair to the company and fair to the public, is for the commission to have access to every single bit of information, and to the history of the company and to the business of the company; and we have endeavored to insert in this bill ample provisions for the examination and for the control of the accounts of these public corporations.

Several amendments were submitted to your sub-committee which would have a tendency to change the existing laws of the State in relation to important matters in public utilities, and I announce now, as the unanimous vote of the committee, that in all these matters we have been governed by this purpose: that we were enacting a public utilities commission bill for the control of matters as they exist now, and we have refused, except in one or two unavoidable instances, to insert in this bill any provisions of statute law which will change the existing policy of the State.

Several amendments were submitted to us in relation to railroads which personally we may believe to be desirable; but we have taken the ground that those amendments should come before this House and the Senate in separate bills by themselves; and for obvious reasons we did not consider it wise to insert in this bill a provision in relation to grade crossings, for instance, which of itself might draw down opposition on that one proposition that would have a tendency to wreck the entire bill; but we have made an exception in one or two cases, and they will be touched upon at the proper time. On Page 20 and 21 occurs Section 33, in relation to the investigation of accidents. We have changed an existing statute in this instance because we found the practice in relation to public service corporations in other states has proved it to be wise that the public service commission should have control of the investigation of all accidents on railroads or any public utility, for the sole purpose that the service of these utilities might be improved and that their appliances might be made more safe for the public and the workmen.

In Section 34 we have provided for a physical valuation to be made at the hands of the commission—a section that is brief, but important; and I believe it is remarkable that in all the list of amendments nothing has been presented which affects Section 34 in any vital point.

The original draft of the Wisconsin bill, as presented to the House, did not go to the extent that the present new draft does in relation to the approval of stocks, bonds and notes. I believe your committee made an exhaustive search and examination of more than a dozen public service bills before we agreed and approved Section 35 and the following sections relating to that title.

Section 39 contains another instance where we have departed from the existing policy of the State of Maine in our statute law, in relating to the physical connection provided for telephone lines and telegraph companies that connect the railroads. The

section is there, easy of understanding, but when we consider it we see that it is one of far reaching consequence, and probably nothing in this bill more directly affects the increased service that may be demanded of public service corporations than does that one for, in the hands of a wise commission, the public has at its disposal a remedy for transportation troubles, and telephone and telegraph companies have better connection.

Several pages of the bill, beginning with page 41 and extending as far as Section 61, relate to the machinery under which this commission will act. In some ways these sections would be more interesting to the lawyers of this body than they would to the rest of us; but, after all, those sections contain the very vital provisions of the bill, and at the risk of consuming a few more moments of your time I will draw your attention to the three provisions contained in that section. Section 41 contains the first method for setting in motion the action of this commission, for it provides that upon a written complaint against any public utility by 10 persons an investigation will be set in order. Section 46 contains the provision that the commission itself, upon its own motion, may set this machinery in order and command an investigation of a public utility; but, still further, making the bill more applicable than are the bills of some of our neighboring states, a provision was been inserted in Section 48 that a public utility itself, believing that its rates for some reason or other may be too low under existing prices or existing conditions of its commodities, the utility itself may apply to the commission for an investigation of the service and for a new adjustment of its rates; and so you will understand at once, gentlemen of the committee, that these three provisions provide for a remedy for, and for the investigation of, every conceivable possible situation.

It has been suggested in an argument before the sub-committee that under Section 41 ten persons is too large a number, and that five persons ought to have the right to go before the commission, or that one person ought to have the right to set in motion the wheels of all this machinery; but we believe that

in the hands of a wise and liberal commission the most humble citizens in our commonwealth would have the right to appear before that commission and state his grievance, and if it appeared he was acting in good faith, if it appeared that he was correctly informed as to the situation, and that his grievance was really well founded, the commission of its own motion, under Section 46, would cause an investigation to be made, and afford him a remedy.

Sections 61 to 70 provide a long and extensive list of penalties, which we believe have been made drastic enough to deter any officer or agent of any public utility from transgressing beyond the rules laid down in the body of the bill. I suppose we might differ as to how long a term of imprisonment should be provided in any given instance; but we believe we have established in all of these cases a reasonable provision in that respect. All the terms of imprisonment, or the fine, as it may be, have been simply large enough to impress upon all those interested in these matters that the law must not be violated in any particular.

In the closing sections of the bill it has been provided by your sub-committee that the railroad commission and the water storage commission should be abolished; but all the existing statutes relating to those two bodies have been transferred within the body of the public service law, and all the documents, papers, and decisions of the complicated office of the railroad commissioners are to be transferred to the commission created by document 453. While we have abolished in this bill the title of the office of railroad commissioner, and while we have abolished the title of the State water storage commission, we have detracted from their duties not one single item. The duties of those offices would be embraced within the duties of the public utilities commissioners, and there would be no loss to the State of Maine, and no hindrance to the progress of the work of those two boards because it would be continued by these commissioners. I thank you, gentlemen. (Applause.)

Mr. SANEORN of South Portland: Mr. Chairman, the committee has be-

fore it some fifteen separate amendments for consideration and for the purpose of more expeditiously carrying out our work, I move that these amendments be taken up in the order in which they refer to or affect the consecutive sections of the bill itself, reserving the right to return to any section if it is found desirable after discussion has ceased.

The motion was seconded.

The CHAIRMAN: It has been moved that we consider the various amendments in the order of their application to the section affected, instead of in their alphabetical order, and that we reserve the right to return and refer to any section passed over. Is that the pleasure of the committee?

The motion was agreed to.

The CHAIRMAN: In accordance with the vote of the committee, the Chair now lays before the committee amendment "H," to Senate Document No. 453, being House Document Number 567.

Mr. SMITH of Patten: Mr. Chairman, this amendment was proposed by a member of the House, Dr. Maybury of Saco, and while I desire to address myself briefly to a discussion of the subject, yet, if Dr. Maybury desires, I will yield the floor to him for that purpose. I make the suggestion that the Chair inquire if anybody desires to be heard in support of the amendment; otherwise I will proceed briefly to consider the matter.

The CHAIRMAN: No objection being made, you may proceed.

Mr. SMITH of Patten: Mr. Chairman, this amendment goes of course entirely to the method of appointing or electing the commissioners. It provides for the striking out of certain lines and the inserting in place thereof of the words and lines, "This Legislature shall choose three commissioners, one of whom shall be a Republican, another a Democrat and the third a Progressive, and the Legislature shall designate which one thereof shall be chairman."

The sub-committee have considered that amendment after its introduction,

and of course considered it carefully, as we had previously carefully considered the proposition embodied in the bill that the commission should be appointed by the Governor by and with the consent of the Council. We believed that to be the proper way, and I still believe so, and we decided unanimously in favor of the proposition. We supposed and do suppose and have every reason to believe that the members appointed to fill the positions of this great office will be men of the capacity and of the judgment of the judges of the Supreme Judicial Court of this State. We have provided a salary which we believe would procure such a commission. We have the most absolute confidence that the Governor of the State, whoever he might be, from time to time, would appoint to the position of a member of this commission only men who would receive the approval of the people of the State of Maine, as our Governors in the past have appointed members of the bench of the Supreme Judicial Court men of as high rank as the members of any court in any of the states of the Union. (Applause.)

Now why should we change? We are really in effect creating another great court. The method of appointment has been found sufficiently adequate and the best for the appointment of judges of the Supreme Court. When sometime hereafter we may see fit to abolish that part of our organic law which provides for the appointment of judges of the supreme court by the Governor with the consent and advice of his counsel, then we say that it would be quite time to have this apply to the present commission that we are creating. And then, too, just think for a moment, gentlemen, of the mess we would be in here—this Legislature in its closing day undertaking to select and elect three members of a commission of this sort. Do you think we could do it? Do you think we could give it careful consideration, and that by that process we would secure the best men? I assure you of this, that no man that is fit to hold the office would properly appear here as a candidate before

this body. It would be only some office seekers—men you didn't want, and that the State of Maine would not want on such a commission.

Take another provision—and I will speak of this very frankly—that one shall be a Republican, another a Democrat, and the third a Progressive. Why the whole intention has been to keep this thing out of politics. Can you imagine any better way to get it into politics than a provision of that sort? In a casual conversation the other night, as to who would be good men for this commission, I suggested three men. Now when I made the suggestion I thought solely of the men. It was not in my mind at all as to what their politics were, and after I had spoken, somebody called my attention to the fact that I had named a Progressive, a Democrat and a Republican. Now that was not in my mind at all when I named them. We have these names now—Progressive, Democrat and Republican—composed each of a large body of the citizens of this State; but parties change, and while that is the situation, today, I can say to you frankly what everybody knows, that there never has been in this country more than two great parties. Now that will be the situation in the future. The Progressives may absorb the Republicans, or the Republicans may absorb the Progressives, or both of them may absorb the Democrats and a new party be created under a different name. Now suppose that seven years hence, when the term of these commissioners expire, we wake up and find that there is no Republican party by that name, there is no Progressive party by that name, and it is lined up—I think the Democrats are as perpetual as anybody—between the party and another name—say the Independents, or the National party, or the Democratic party, and the Governor looks around, or the Legislature looks around, for the purpose of electing a commission; there is no party there called Progressive; there is no party called Republican; therefore you could not have any more

commissioners and this commission is abolished by that political situation which everybody will conceive is not at all improbable or impossible.

Now I think I have said quite enough upon that subject, and I move that that amendment proposed be rejected.

The motion was seconded.

The CHAIRMAN: The question before the committee is on the acceptance or rejection of this amendment. All those in favor of the motion to reject the amendment will say yes; those opposed will say no.

A viva voce vote being taken,

The motion was agreed to, and amendment "H" was rejected.

The CHAIRMAN: The Chair will next lay before the committee House Amendment "D" being House Document No. 563.

Mr. SMITH of Patten: Mr. Chairman, having it seems to me already sustained the commission by vote on this proposed Amendment "H," it seems hardly necessary to say much about Amendment "D" which provides that the first board shall be appointed by the Governor, and the previous amendment proposed that they should be elected by the people. I simply say in relation to this just precisely what I have said in relation to the proposition in regard to Amendment "H," and I move that this proposed amendment be rejected.

Mr. KEHOE of Portland: Mr. Chairman, my brother said that most of his argument in regard to Amendment "H" applied to this Amendment "D." A large part of his argument was that there might be a new lineup of parties in future and there might not be any Republican party or any Progressive party or any Democrat party; but there is one thing we all know, and that is that the people are always with us, we always have with us the people who vote. Now, he speaks about this being analogous to the supreme judicial court. I wish to state that in my judgment the supreme court is a court of law, while this is not a court of law; this will be a court—you may call it a court, as he states, and it will stand between the people and the great public utilities of the State.

Now what has been the condition in the past under this method of appointment by the Governor? The only board that I can think of which has been a board analogous to this new board about to be created has been the board of railroad commissioners who stand between the railroads of our State and the people of the State. Are the people of Maine, or have the people of Maine been satisfied that the board of railroad commissioners of Maine under appointment by the Governor have stood faithfully by the interests of the people of Maine? I make the statement that they have not been satisfied; they are not satisfied today. What objection can there be to allowing, after the appointment of the first commission and after the commission has been at work and is put in working order and properly started—what objection can there be to letting the people elect the new commissioners, one every two years? Do we distrust the people? As I understand it, one of the leading doctrines of the Progressive party in this last election, and I may say of all parties, is that we want to bring the government back to the people. Now I hope we have not forgotten that principle in so short a time. The people who are qualified to elect a Governor of this State are qualified to elect a board of public utilities commissioners. Surely if they are intelligent enough to elect a Governor they will be intelligent enough to elect the commissioners themselves. I cannot see any argument in that proposition. I can see an argument if it is provided that this board shall be immediately elected by the people. But this does not apply until practically after the first board has been in office, after the first board has been chosen and has started in good shape. In one way it changes the term of office, and it makes the terms of the commissioners two, four and six years. The first election by the people would be on the first Wednesday of January, 1914, and annually thereafter or every two years thereafter they would elect a new commissioner. There would always be two old commissioners on the board, and the new commissioner would be fresh from the people, and I think, with all due respect to the sub-committee—and I have no doubt they have worked faithfully and

honestly on this matter to get the best bill, that no party or no set of men can say of this matter that we cannot trust the intelligence of the people of Maine. The tendency nowadays is to elect even the United States senators by the people. I believe, and we all believe, that this will be the law in a very short time. We are talking even now about the direct Presidential vote, and everything is tending towards leaving with the people as much power as possible.

My brother speaks about keeping this matter out of politics. I don't know any better way to keep it out of politics than to leave these elections to the people, for it follows as a natural course, as a rule, that if the Governor is elected by one party naturally the selection will be made from his own party. It is possible if the matter is left to the people that they may see fit to elect a Governor of their own party, or there may be a public utilities commissioner who has done such good service that he would be selected. I think that is one of the great arguments in leaving it to the people, that it would take it out of politics. I see no good reason why this amendment should not be fairly considered by the body.

Mr. SMITH of Patten: Mr. Chairman, just one word more. We are arranging for a tribunal which is proposed to be in a way made up of experts along certain lines. Nobody has ever suggested in this State that we elect our judges of the supreme court, because it would get the judges of the court into a political scramble. You would not get the right kind of men for judges in such a scramble, and this is true of this commission as it would be true of the supreme court. You would throw the whole thing once in two years into the turmoil of politics. It is not like electing a member of the Legislature, or a State Senator, or a county commissioner, or anythink of that sort. It is to pick out by careful consideration and selection men to fill a very high office, men who would be adapted to the office.

If you get this matter into the primaries you will have a dozen or more candidates running for office, and a man of dignity, a man who is

fit to fill the position would not get into that scramble; somebody would be nominated and be elected, and he would be elected as a member of the prevailing political party; it would become purely a matter of politics. Now, that is not desirable, and it has never been deemed desirable in regard to the supreme court. There has always been a division upon the supreme bench between the two political parties. We have a provision in this bill which takes care of the proposition that the men appointed should not be partisans in any sense; the provisions of the bill have made this a non-partisan commission. We have provided in one section that nobody appointed as a member of this commission shall be a member of a party committee or anything of that sort; he shall owe no allegiance to any party; we have placed around him all the restrictions in that respect that can be placed around any man, and it seems to me that that ought to be perfectly satisfactory.

Mr. KEHOE: Mr. Chairman and gentlemen, my brother speaks about the selection and appointment of judges of the supreme judicial court by the Governor. As I said before, this is not an analogous bill or an analogous office. The judges of the supreme court are judges of the law and equity, but these men are judges of the facts. It is not a matter of argument by analogy in that case at all. He speaks about the primary, and about good men. Now if my brother intends to attack the primary system of the State, which I understand is the settled policy of all parties, I do not believe I will discuss that question. He speaks about the number of candidates and men of dignity who will not offer themselves. I do not see what authority he has for that. I believe the more men there are who offer themselves, the more choices the people will have.

He also speaks about the appointment of judges by the people and by the Governor. Now we elect our probate judges by the people, and I will ask this body if there has been any complaint about the character of our probate judges. Haven't they com-

pared well with municipal court judges who have been appointed by the Governor? So much for the danger of this thing getting into politics. Taking the supreme court judges, hasn't the appointments of the members of that bench been in politics in this State? For 50 years there were seven members of that court of one party in this State, and the minority had but one member of the bench. So I say that even the appointments of the supreme court judges which have been made by the Governor in the past have always been political appointments.

Now, as to trusting the people to even elect the judges of the highest courts. Some of the states do that now. The people of New York elect by popular vote the judges of their highest court, and I know of no body of men who are superior to the judges of the court of appeals of New York State. Their opinions are followed in all the states of the Union, including Maine, and the best states of the Union. It all comes back, Mr. Chairman to the question of whether the people are to be distrusted, whether they are not competent or honest enough to elect these public utilities commissioners, a body which is to stand between the people and the great corporations of this State, and I shall still insist that he has offered¹ no reason why this matter should not be left to the people.

Mr. SMITH of Patten: Mr. Chairman, I think I can offer one reason which ought to appeal to the gentleman from Portland, Mr. Kehoe. Supposing there are half a dozen candidates in the primaries for this office, and assuming that the great public utilities wanted to control a member of that commission. Who would they get behind, the weak man or the strong man? Of course it would be the men whom they could control rather than the men whom they could not control. Another proposition, the candidates are nominated—now I am not saying that the public utilities would do it, but they could do it—the strong public utilities would get behind the men, if they were disposed to, they would get behind the man

whom they could control on the commission, and that man would be elected.

Mr. KEHOE: In reply to that I will answer it in a Yankee way by saying, who would they get behind for Governor? (Applause) Who would the great public utilities, if there were three or four candidates for Governor, who would they get behind? It would be behind the one they wanted on their commission; and so I say, leave it to the people.

Mr. SMITH of Patten: I would suggest to the gentleman from Portland, Mr. Kehoe, that the Governor does not control the public utilities, and beside that there is a Council which has a veto power.

Mr. COOK of Vassalboro: Mr. Chairman, while I believe what has been said by my friend from Portland, Mr. Kehoe, at the same time, I believe for the success of this bill that we should stand by the committee.

The CHAIRMAN: Is there any other member of the committee who desires to be heard, and if not, is the committee ready for the question?

Mr. KEHOE of Portland: Mr. Chairman, do I understand that the yeas and nays can be called on this question?

The CHAIRMAN: They cannot.

Mr. KEHOE: Can we have a division of the committee?

The CHAIRMAN: The Chair rules that we may have a division of the committee.

Mr. KEHOE: I ask for a division of the committee.

The Chairman: The Chair will state that this committee of the whole simply recommends the adoption or rejection of these proposed amendments to the general assembly of the House. The motion before the committee is on this recommendation, whether the committee of the whole shall recommend to the House the rejection of Amendment "D," or whether it shall recommend to the House the adoption of Amendment "D." The motion before the committee is that we recommend the rejection of Amendment "D."

Mr. SMITH of Patten: Mr. Chairman, I second the request of the gen-

tleman from Portland, Mr. Kehoe, for a division of the committee.

A division being had,

Seventy-one voted in favor of the rejection of Amendment "D," and 40 against.

So the motion prevailed, and the Amendment "D" was rejected.

The CHAIRMAN: The Chair next lays before the committee Amendment "I," House Document No. 568.

Mr. SMITH of Presque Isle: Mr. Chairman, that amendment becomes ineffective, we having rejected the previous amendment, the purpose of which was to carry out the details provided by Section 1, and therefore Amendment "I" should be rejected in order to be consistent, and I move the rejection of Amendment "I."

The question being on the motion to reject Amendment "I,"

A viva voce vote being taken,

The motion was agreed to, and Amendment "I" was rejected.

The CHAIRMAN: The next matter is consideration of Amendment "C" to Section 9, being House Document No. 562.

Mr. SANBORN of South Portland: Mr. Chairman, Amendment "C" proposes to amend Section 9 of the bill in the 87th and 91st lines by inserting the words in two places "for public use." The paragraph involved in this amendment is a paragraph which defines electric plants, and it defines an electric plant as real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of electricity for light, heat or power, and all conduits, duct or other devices, apparatus, materials or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

Now, it is a fact that in this State, as has been ascertained, there are quite a few plants which would come within that definition as it stands, but who do not furnish current to the public at all, plants which are constructed as a separate corporation is, pure-

ly for the purpose of supplying current to some one mill or factory; perhaps the owners of the mill or factory are the same as the owners of the electric plant, they may be. Now there is no reason whatever for including such a plant as that in our definition or making them a public utility. Consequently, on the suggestion of parties who are interested in the matter, the committee believed that there would be no objection whatever to attaching the words, or adding the words "for public use," so that an electric plant becomes a public utility only when it is an electric plant becomes a public utility only when it is an electric plant which supplies electricity for public use, if I make myself clear; and the committee recommends, and I move the adoption of House Amendment "C."

The motion was seconded.

The CHAIRMAN: The question is on the adoption or rejection of House Amendment "C." The gentleman from South Portland, Mr. Sanborn, moves that House Amendment "C" be adopted. Is that the pleasure of the committee.

A viva voce vote being taken,

The motion was agreed to, and Amendment "C" was adopted.

The CHAIRMAN: The Chair now lays before the committee Amendment "E," being House Document No. 564.

Mr. SANBORN of South Portland: Mr. Chairman, Amendment "E," I believe, was offered by the gentleman from Portland, Mr. Kehoe, and he may desire to be heard in support of it.

Mr. KEHOE of Portland: After my experience in Amendment "D" I do not think it will make any difference. I think this is intended to be, as the common expression is, steam railroaded through this body, and I will have nothing further to say in this matter.

Mr. SANBORN of South Portland: Notwithstanding the remarks of my genial friend from Portland, I think it is entirely due to the members of the committee to have the position of the sub-committee explained on this as on all parts, that they may adopt the views of the committee or not, as they see fit.

Now I will say that Amendment "E"

is an amendment to Section 9 in the 137th line, which is a part of the paragraph defining a water company, which later on is made a public utility, and which defines as a water company every corporation, etc., "owning, controlling, operating or managing any water works for compensation within this State." Now the amendment proposed provides that the provisions of this act shall not apply to any water company owned or operated by any municipality, village corporation or water district. It is a well known fact that the public, besides being served by private corporations, is in several notable instances in the State of Maine served by municipal corporations in the matter of their water service or their light service; it may be, as it is in some cases, the city itself owning and operating the water works; it may be, as is the case of the section from which I come—Portland and South Portland—that the water supply is owned and operated by a District—not the city, but a District and a corporation by itself; and however we may differ as to the merits of that matter we have certainly had a significant instance, this winter, of the disposition of that Portland Water District to arrogate to itself an absolute determination of a feature of its service which had vitally to do with the interests of the public. Now they may in this particular case be correct; but it is thought by many of our good friends in Cumberland county that they were wholly incorrect. Now is there any reason why a Water District should not be subjected to the control of this commission, and the rights of the public, when served by a water district or a city furnishing its water supply, should not be protected by their having the right to appeal to this public utilities commission? If a public service district is always correct, and is always in and of itself amply serving the public and serving its interests, it will have nothing to fear from men of the commission, and if it is not acting in the true interests of the public I submit to the members of this committee as a fair proposition that they ought to be subject to the authority of the Public Utilities Com-

mission. I therefore move the rejection of House Amendment "E."

Mr. PLUMMER of Lisbon: Mr. Chairman, it seems to me that the amendment, taken as a whole is advisable, at least so far as relates to a municipality or village corporation; and certainly in so far as municipalities or village corporations supplying water to their own inhabitants, I think it is customary for towns and village corporations to have water commissioners, or a water commission of its own, and it certainly has within its own jurisdiction, or within its own power, the control of the rates to be charged by its own municipality or its own corporation; I will therefore move, Mr. Chairman, if it be in order, to amend by striking out in the fifth line "or water district" and substituting in place thereof "furnishing water within its own limits"; and I will reduce that to writing. I think, however, the committee understands it, and if it is to be voted down I won't take the time to write it.

The CHAIRMAN: Will the gentleman state his proposition again?

Mr. PLUMMER: My proposition is to amend House Document No. 564, in the fifth line, by striking out the words "or water district and substituting in place thereof the words "supplying water within its own limits."

Mr. SANBORN of South Portland: Mr. Chairman, on the point raised by the gentleman from Lisbon, Mr. Plummer, it is obvious that if his suggestion were carried out it would leave the public service district or water district or municipality free to charge any sum they wanted to for water furnished outside of their limits, and thereby make an absolutely undue discrimination which would be wholly subversive to the purposes of this Act. On the general proposition I might add this suggestion, that our State assessors have supervision over the assessments made by local assessors, our State Board of Health has supervision over the doings of the local boards of health, and there is no new principle involved here; but it goes further than its application to

rates. What about the matter of its finances? What about the matter of the refunding of its debts, or the issue of stocks and bonds? If a water district is free to do whatsoever it pleases without supervision they may by their improper acts or their ill-advised acts in that behalf, they might make it absolutely necessary to impose upon their constituents, so that when we come to consider the entire scope of the bill and when it comes to a matter of accidents or injuries, there is the same reason for making them subject to the control of the commission as other corporations.

Mr. PLUMMER: Mr. Chairman, in reply to the gentleman from South Portland, Mr. Sanborn, I will say that by striking out the words "or water district," it eliminates that part of the objection that he has made, if I correctly understood him.

The question being on the adoption of the amendment by striking out in the fifth line the words "or water district" and inserting in place thereof the words "supplying water within its own limits,"

Mr. Bass of Wilton seconded the motion.

Mr. PLUMMER: Now, Mr. Chairman, as I stated before, by striking out the words "or water district," leaving only the municipality or village corporation, and substituting the words as I have, "supplying water within its own limits," that leaves the rates or the general administration of the property within the control of the inhabitants, that is, of the people who are interested therein. That is to say, if my town—and no doubt any other town where they elect a water commissioner each year—in the election of those water commissioners we have the same control as the State at large would have in the election of a public utilities commission. I am convinced that the people of my town are just as competent to elect men to run their water business and to establish rates as the people of the State are competent to elect men to run the business, and the water business of the town of Lisbon, and to establish rates.

As to the comparison made by the gentleman from South Portland, Mr. Sanborn, that the State assessors had

jurisdiction over towns in the assessment of property, as I understand it, that relates only to the assessments so far as the State taxes are concerned. Well, they might possibly have some jurisdiction in the matter of the railroad valuation, at the same time they do not, I think, have jurisdiction as to the valuation of the property as a whole, so far as it relates to the assessment of municipal taxes. It seems to me it is perfectly reasonable to leave to each town and to each village corporation which supplies water only within its own limits, the power to run its business to suit itself.

The CHAIRMAN: It is moved and seconded that Amendment "E" be amended by striking out the words "or water district" in the fifth line, and inserting in place thereof the words "supplying water within its own limits." The question is on the acceptance or the rejection of this proposed amendment to House Amendment "E."

A viva voce vote being taken,

The motion was lost, and the amendment to amendment "E" was rejected.

Mr. SANBORN: Now, Mr. Chairman, if it is in order I will move that we reject Amendment "E."

A viva voce vote being taken,

The motion prevailed, and Amendment "E" was rejected.

The CHAIRMAN: The next matter which the Chair will lay before the committee is the consideration of Amendment "F," being House Document No. 565.

Mr. SANBORN of South Portland: Mr. Chairman, this amendment is of the same nature, applying to the 99th line of Section 9, which defines electrical companies; and the purpose of this amendment is to exclude from electrical companies as public utilities any electrical company owned or operated by any municipality, village corporation or lighting district. The committee considered this amendment in the same light as the former one, and it is our belief that it would be necessary to make an exception, and for the same reason absolutely and on the same ground as outlined in the matter of the other amendment; and for that

reason I move the rejection of House Amendment "F."

A viva voce vote being taken,

The motion was agreed to, and Amendment "F" was rejected.

The CHAIRMAN: The Chair will next lay before the committee Amendment "J," being House Document No. 569.

Mr. SANBORN of South Portland: Mr. Chairman, this is still another amendment of the same sort, and to make the act uniform this also should be rejected. This is applied in the paragraph defining water companies, in line 137. The amendment would exclude municipalities and water districts. The committee recommends and I move that we reject Amendment "J."

Mr. EATON of Oxford: Mr. Chairman, I would like to say that the object of this amendment is to except municipalities. I understand that there are a great many municipalities in the State of Maine, today, which have a very low water rate, and I believe that they should be allowed to have their own rates, and have them as low as they possibly can. I would like to have the privilege of asking the committee, through the chairman, if the bill as drawn would not allow the commission to assess uniform rates all over the State in regard to what might be charged for water.

Mr. SANBORN of South Portland: Mr. Chairman, I think I can set the mind of the gentleman at ease on that point, and I am very glad that it was raised. Each public service corporation when it is treated by the commission will be treated as an individual, on its own basis. Its rates will be determined solely with reference to its own ability to perform the service, and its own requirements in the way of return. In an earlier part of the bill the directions are laid down for determining the rates, based upon the value of the property, and their income, considering their depreciation, etc. It would not by any means be expected, and it could not be true under this act, that a horizontal set of rates should be imposed all over the State, either in water companies, electric companies, or anything else. For instance, an electric light-

ing plant in a small village might necessarily be obliged to charge higher rates than an electric company that supplies the city of Portland. I think we need have no fear whatever when any public service corporation, even though it be a municipality, finds itself in a position to give lower rates to the public, that the commission will require it to charge more; that would be an absurdity.

Mr. EATON: As I understand it, the reason for offering this amendment was to allow those municipalities that have the low water rate to maintain that rate as at present, and I believe they should be allowed to do so.

Mr. SANBORN: I want to assure the gentleman from Oxford, Mr. Eaton, and every other member of the committee that there is certainly, so far as any of us are aware nothing in this bill that will prevent any public service corporation or municipality from providing this service at just as low a rate as it possibly can.

The question being on the motion to reject amendment "J",

A viva voce vote being taken,

The motion was agreed to, and amendment "J" was rejected.

The CHAIRMAN: The Chair next lays before the committee amendment "B" to Section 19, being House Document No. 561.

Mr. WHEELER of Paris: Mr. Chairman, Amendment "B" is House Document No. 561, and it relates to Section 19 of the bill—practically the last sentence of that section. The last section is as follows: "The rates, tolls and charges shown on the schedules first to be filed shall not exceed the rates, tolls and charges which were in force on January first, nineteen hundred and thirteen." I suppose the gentlemen of the committee will notice, without any lengthy examination of that, what the committee had in mind. This section, as it is presented in the bill, is not a section that was contained in either one of the original drafts. It was suggested to us, and we agreed with the suggestion, that it might be well to place an early limit on that section so there would be no necessity for a utility company to

make an artificial increase in its rates between this time and the time the bill actually takes effect. In our zeal to remove temptation from the path of the public utilities we went a little too far, and we are expecting now that an amendment will be accepted to straighten out this matter. Your committee has considered the amendment and will now offer a substitute for the pending amendment, and I will explain that substitute is as follows: add to that sentence, "except that the rates, tolls and charges of utilities under the jurisdiction of the Interstate Commerce Commission shown on the schedules first to be filed shall be the rates, tolls and charges in force when this act goes into full effect." Of course it is evident to everybody now, that we suggest it, that we do not want to place anything in that section, or any other section, that shall be in conflict with the rules and regulations of the Interstate Commerce Commission, and such utilities as are already controlled by the Interstate Commerce Commission should not, of course, be interfered with; we should not attempt to interfere with them by the erroneous provision in Section 19; the provision would make considerable inconvenience if not, in fact, a conflict of authority; and so, Mr. Chairman, I move you that this committee adopt the amendment which I hold in my hand as a substitute for the pending amendment—that House Amendment "B" be amended by substituting what I have already read. I move the adoption of this substitute.

The CHAIRMAN: It is moved and seconded that House Amendment "B" be amended by substituting therefor the following. Amend Section 19 of Senate Bill No. 453 by adding at the end of said section the words, "except that the rates, tolls and charges of utilities under the jurisdiction of the Interstate Commerce Commission shown on the schedule first to be filed shall be the rates, tolls and charges in force when this act goes into full effect. The question is on the adoption of this amendment to amendment "B."

A viva voce vote being taken,

The motion was agreed to, and the amendment to amendment "B" was adopted.

Mr. Wheeler of South Paris then moved that the committee adopt amendment "B," as amended.

The motion was agreed to, and amendment "B," as amended, was adopted.

The CHAIRMAN: The Chair next lays before the committee amendment "L," being House Document No. 571.

Mr. AUSTIN of Phillips: Mr. Chairman, I rise to move the rejection of amendment "L." The subject matter of this amendment is covered by the amendment just adopted at the suggestion of the gentleman from Paris, Mr. Wheeler.

The question being on the rejection of amendment "L,"

A viva voce vote being taken,

The motion was agreed to, and amendment "L" was rejected.

The CHAIRMAN: The Chair next lays before the committee amendment "G" to Section 27, being House Document No. 566.

Mr. SMITH of Patten: Mr. Chairman, Section 27 which is sought to be amended by House Amendment "G" is what is sometimes called the protection clause, and it provides that "Corporations for the operation of telegraphs or telephones, and corporations for the operation of both telegraphs and telephones, and corporations for the purpose of making, generating, selling, distributing and supplying gas or electricity or both for lighting, heating, manufacturing or mechanical purposes, in any city or town, or two or more adjoining cities or towns within the State, or for either or any of such purposes, may be organized under the provisions of Sections 5 to 10 inclusive of Chapter 47, but no corporation so organized, person or association shall have authority, without the consent of said public utilities commission to furnish its service in or to any city or town in or to which another corporation, person or association is furnishing or is authorized to furnish a similar service."

Now, Mr. Chairman, that, with some little changes, is the statute of the State, and carries out the policy of the

State in regard to competition, on the broad basis that no company of this particular kind should go into the field already occupied, because it might result in the kind of competition, as has been the policy of the State, that would result to the disadvantage of the general public. We are not changing the policy of the State at all in that respect. We have provided, of course, that no corporation should go in to such a locality without the consent of the commission; if the commission after hearing and investigation finds that it is proper to admit a second public utility, because the first one is not giving good service or is charging exorbitant rates, or the public is not properly protected, then, upon hearing, the commission may permit them to go in.

That Section 27 of our act was accepted in the Senate, but this amendment is offered in the House, amendment "G", and it reads as follows: "But nothing in this Section shall be construed as forbidding municipalities, village corporations or lighting and heating districts from making, generating, selling, distributing and supplying gas or electricity or both, within the limits of said municipalities, corporations or districts, whether any corporation is already furnishing or is authorized to furnish a similar service within said limits or not."

Now the effect of that amendment would be to entirely nullify the provision of the Statute, and Section 27 so far as it applies to municipalities who sought to open up the field. In a way it is the same thing we have already discussed in regard to water districts. Now it occurs to the committee that there is no reason in the world why a company that has gone in at the invitation frequently of the municipality, who has its rights there, and who is doing good service, should be subjected to competition with any municipal concern, any more than any other concern. It does not appear to us to be for the interest of the public. If the public utility already there is not furnishing a good service, or is charging exorbitant rates, or is otherwise abusing its trust imposed upon it, why then a municipal company organized

would be admitted into the field, just the same as some other company might be permitted by the commission and with the consent of the commission. If you control the public utility there is no reason why you should not also protect them if they are doing what they should and ought to do. Further than that, in relation to water districts and other public utilities of this class, it has been the policy of the State for a great many years to insert into their charters a provision that the municipality might take over the plants at any time they saw fit on complying with certain reasonable conditions as to valuation and that sort of thing, so the municipality is absolutely protected. I move the rejection of Amendment "G."

The question being on the motion that Amendment "G" be rejected,

A viva voce vote being taken, the motion was agreed to, and Amendment "G" was rejected.

The CHAIRMAN: The Chair will next lay before the committee amendment "A," being House Document No. 560.

Mr. SMITH of Patten: Mr. Chairman, amendment "A" is an amendment to Section 28, and is a committee amendment. This section reads as follows: "Sect. 28. No such consent shall be granted to any person, association or corporation to operate, manage or control any public utility in any city or town where there is in operation a public utility engaged in similar service or authorized therefor until said commission has made a declaration after a public hearing of all parties interested that public convenience and necessity require such second public utility."

Now that was meant to apply to Section 27, to the kind of utilities named in Section 27, and the committee thought that that word "such" covered the whole ground, so that there might be no mistake about it; but to make it absolutely certain that it might be applied only to Section 27, this amendment was introduced by adding after the word "utility" in the third line, the words of the kind named in Section twenty-seven," making it absolutely certain and so as to remove any doubt in the matter; and I move the

adoption of amendment "A" to Section 28.

The question being on the adoption of amendment "A,"

A viva voce vote being taken, The motion was agreed to, and amendment "A" was adopted.

The CHAIRMAN: The Chair next lays before the committee amendment "K" to Section 28, being House Document No. 570.

Mr. SANBORN of South Portland: Mr. Chairman, as has been explained by the gentleman from Patten (Mr. Smith), the purpose of Section 28 is to set forth the terms upon which the consent of the commission shall be granted. The provision of Section 28 is to set forth the terms upon which the consent of the commission shall be granted. The provision of Section 28 is, they shall not give such consent until they have had a public hearing and have found judicially that public convenience and necessity require such consent to be given. This is simply to prevent the commission from granting permission unknown to parties interested, without any hearing, and ill-advisedly; and the committee feel that the amendment suggested, Amendment "K," strikes out that section entirely. If that section were struck out it would leave the commission free to grant permission to a competing company without the existing company being fairly treated. The committee feel that to be an injustice, and I move the rejection of Amendment "K."

A viva voce vote being taken, The motion was agreed to and Amendment "K" was rejected.

The CHAIRMAN: The Chair next lays before the House Amendment "M" to Section 30, being House Document No. 572.

Mr. QUINN of Millinocket: Mr. Chairman, I move that in connection with Amendment "M" we also take up at the same time Amendments "N" and "O," as they practically cover the same ground. I notice that the words "public official" is inserted in all of the three sections, and it is only to make the matter more definite that these amendments are offered; and if

the sub-committee thinks the word "person" is sufficient, I am willing to withdraw the amendments.

Mr. SANBORN of South Portland: Mr. Chairman, it is true that these three amendments, "M," "N," and "O," House Documents Nos. 572, 573 and 574, relate to practically the same subject. The members of the committee who have the documents in their hands will observe that Sections 30, 31 and 32 which would be affected by these amendments, relate to the matter of discrimination. Section 30 provides that it shall be unlawful for any public utility to demand or collect, Section 31 provides a penalty, and Section 32 relates to the provision that it shall be unlawful to solicit or receive any rebate.

The sub-committee finds itself, of course, in sympathy with the idea entertained by the gentleman from Millinocket, Mr. Quinn, but we believe and are all agreed that the words "person, firm and corporation" covers the entire situation; and so we have indicated to him that we shall move for the rejection of these amendments. For that reason I move that Amendment "M" be rejected, and with the permission of the gentleman from Millinocket, Mr. Quinn, I will make the same motion in regard to Amendments "N" and "O" in the proper order.

The CHAIRMAN: The Chair understands that the gentleman from Millinocket, Mr. Quinn, offers to withdraw these amendments.

Mr. SANBORN: I understand the amendments can be withdrawn at any time before acted upon.

The CHAIRMAN: The Chair so understands.

Mr. WHEELER of South Paris: For the purpose of making the record correct, will the gentleman from Millinocket, Mr. Quinn, withdraw his motion and allow them to be taken up one at a time.

Mr. QUINN: Mr. Chairman, I withdraw my motion.

Mr. WHEELER: Mr. Chairman, what is the parliamentary situation with reference to Amendment "M"?

The CHAIRMAN: The Chair understands that Amendment "M" is withdrawn before any motion relatives to the adoption or rejection of the amendment was seconded.

Mr. WHEELER: I think that completes the record. With this explanation of the matter I will move that Amendment "N" be rejected, and at the proper time I will make the same motion in regard to Amendment "O".

The CHAIRMAN: The Chair understands that the gentleman from Millinocket, Mr. Quinn, withdraws amendment "N", House Document No. 573, and Amendment "O", House Document No. 574, which the Chair rules is in order, no motion having been made and seconded relative to the same, which completes the business before the committee, as the Chair understands.

Mr. SWETT of Bath: Mr. Chairman, I move that the committee of the whole now rise and that the Chairman of the committee report its findings to the House.

The motion was agreed to, and the committee of the whole was then dissolved.

IN THE HOUSE.

(The Speaker in the Chair.)

Mr. DUNTON of Belfast: Mr. Speaker and gentlemen of the House, the committee of the whole having under consideration Senate Document No. 453, with the amendments thereto, entitled "An Act to create a public utilities commission, prescribe its powers and duties, and provide for the regulation and control of public utilities," begs leave to report as follows, that the following House Amendments ought to be rejected, "D," "E," "F," "G," "H," "I," "J," "K" and "L," Amendments "M," "N" and "O" having been withdrawn before any motion was made and seconded in relation thereto; and that the following House amendments ought to be adopted, "A," "B," as amended, and "C;" and that the bill, as amended, "ought to pass."

The report was accepted.

Mr. SMITH of Patten: Mr. Speaker, I move that we proceed to act upon the amendments and that the amendments be acted upon together, that is, those to be rejected be acted upon together, and those to be adopted be acted upon together.

Mr. Austin of Phillips moved that the House now take a recess until half past

two this afternoon, which motion was subsequently withdrawn.

Mr. SMITH of Patten: Mr. Speaker, I move that the House reject the amendments included in the list of rejected amendments in the report of the committee.

The SPEAKER: The gentleman from Patten, Mr. Smith, moves that the House reject as a whole Amendments "D," "E," "F," "G," "H," "I," "J," "K," "L," "M," "N" and "O," which amendments are recommended for rejection by the committee.

Mr. KEHOE of Portland: Mr. Speaker, I understand that closes consideration of amendments of the bill until the bill comes up on its first reading, and on account of the absence of a great many of the members of this House, I move that the motion and consideration of the bill, as amended, be postponed until Tuesday of next week when we will have a full attendance of the House.

The SPEAKER: The Chair assumes that the motion of the gentleman from Portland, Mr. Kehoe, is a motion to lay upon the table. Is that the way the gentleman intended to make the motion? The motion is in order.

Mr. PLUMMER of Lisbon: Mr. Speaker, I rise to a point of order.

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

Mr. PLUMMER: It having been reported that certain amendments ought not to be attached to the bill, are those amendments before the House, the report of the committee having been accepted?

The SPEAKER: The report of the committee of the whole covers these two subjects, some of the amendments recommended as ought to be rejected and others as ought to be adopted, which the Chair regards as not exactly in the same condition as an ordinary report of a committee of "ought not to pass," because it comprehends those two subjects. The Chair rules that it is in order for the House to consider the amendments, and that this brings the amendments before the House with the recommendation of the committee; otherwise it would be impossible to consider the rejected

amendments. The gentleman from Patten, Mr. Smith, moves that the House consider in their entirety the amendments recommended to be rejected.

Mr. NEWBERT of Augusta: I would like to understand if these amendments are to be considered in a blanket form or individually.

The SPEAKER: The Chair will state that under the rules the question may be divided; that is, if it is desired to consider these amendments separately, it may be done. The motion before the House, however, is the only thing the Chair can entertain upon that subject now, which is the motion that the matters be considered in their entirety. There is a way, however, for their consideration separately. The gentleman from Portland, Mr. Kehoe, moves that the matter lay upon the table, which motion has precedence of any other motion now pending. Is it the pleasure of the House that this matter be laid upon the table?

A viva voce vote being taken,

The motion was lost.

The SPEAKER: The gentleman from Patten, Mr. Smith, moves that these amendments recommended for rejection and for acceptance be considered in their entirety. Is that the pleasure of the House?

A viva voce vote being taken,

The motion was agreed to.

Mr. Austin of Phillips moved that the House now take a recess until half past two o'clock in the afternoon.

The motion was agreed to.

After Recess.

The SPEAKER: The question before the House is the proposition of the committee of the whole that Amendments "D," "E," "F," "G," "H," "I," "J," "K," "L," "M," "N," and "O" be rejected.

Mr. Smith of Patten moved that the amendments be rejected.

Mr. PLUMMER of Lisbon: Mr. Speaker, I suppose there will be no opportunity to vote on any of these amendments separately, or to offer them again.

The SPEAKER: An amendment having been rejected, the Chair sees

no way of offering it again, unless by reconsideration. Is the House ready for the question?

A viva voce vote being taken,

The motion was agreed to, and the amendments were rejected.

Mr. Smith of Patten then moved that the Amendments "A", "B" as amended and "C" be adopted.

A viva voce vote being taken,

The motion was agreed to, and the amendments were adopted.

On motion by Mr. Smith of Patten, the rules were suspended and the bill received its three several readings and was passed to be engrossed, as amended.

Mr. PLUMMER of Lisbon: Mr. Speaker, I move that we reconsider the vote whereby, yesterday, we voted to indefinitely postpone resolve in favor of the publication of the early York deeds, and I wish in this connection to make a brief statement. The gentleman from Canton (Mr. Richardson) is not here, today, but in conversation he told me that he had no objection to the publication of the deeds but that he did object to the form of the resolve, and for that reason he moved its indefinite postponement and spoke in favor of that motion. I do not wish to make any argument in favor of it because I am not particularly familiar with the situation except in a general way. I therefore make the motion that we reconsider the vote.

Mr. Newbert of Augusta moved that the motion of the gentleman from Lisbon, Mr. Plummer, be laid upon the table and specially assigned for consideration on Wednesday of next week.

The motion was agreed to.

Mr. IRVING of Caribou: For the purpose of later offering an amendment, I move that the vote be reconsidered whereby the resolve for an amendment to the Constitution providing for classification of property for the purposes of taxation, was assigned for hearing on March 25.

The motion was agreed to.

Mr. Irving then offered House Amendment A, by striking out after the word "proposed" in the third line

thereof lines four to 11, inclusive, and inserting in place thereof the following: "Section 8 of Article IX of the Constitution is hereby amended by adding to said Section the following words: 'but the Legislature shall have the power to levy a tax upon intangible personal property at such rate as it may deem wise and equitable without regard to the rate applied to other classes of property.'"

Mr. Irving then moved that the resolve and amendment be tabled for the amendment and be specially assigned for consideration on March 25.

The motion was agreed to.

On motion by Mr. Thombs of Lincoln, resolve in favor of Lee Normal Academy was taken from the table, and on further motion by Mr. Thombs the report of the committee was accepted.

Mr. Thombs then offered House Amendment A.

Mr. THOMBS: Mr. Speaker, perhaps I can explain in a few words the purpose of the amendment, and in that way save a reading of the entire amendment. I think it is fair for me to state to the House the purpose of this amendment, because it does change the report of the committee.

The original resolve as introduced by me asked for an appropriation of \$1500 for each of the next two years for maintenance for this academy, being the same sum that had been granted to this academy for the last two years. They also ask an additional sum for repairs to their dormitory building. The committee took this matter under consideration, and I think largely through my lack of experience in matters of this kind and on account of a lack of evidence which I presented before them, they reported the resolve in a new draft carrying \$1000 for each of the next two years, and cutting out completely the matter of an appropriation for repairs. I then proceeded to get some more evidence which I thought was germane to the issue and have presented it to the committee informally; so that I hope at this time that the committee is not of the same mind as it was at the time they re-