

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

SENATE.

Wednesday, February 1, 1911.

Senate called to order by the President.

Prayer by Rev. Fr. LaReviere of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

The Order requiring all acts, resolves and orders presented by, for or in the interests of any State department, public, quasi-public or private institutions, etc., calling for an appropriation of public money, came from the House, read and passed. On motion by Mr. Milliken of Aroostook, the order was tabled.

The order in relation to extending the time for the introduction of private and special legislation, came from the House, by that Branch refused a passage. On motion by Mr. Staples of Knox, the order was tabled.

Bill, "An Act relating to the State paper," came from the House, by that Branch referred to the committee on Judiciary. On motion by Mr. Milliken of Aroostook, the bill was tabled for printing pending reference.

Bill, "An Act to amend Section 5 of Chapter 113 relating to conditional sales," came from the House, by that Branch referred to the committee on Legal Affairs. On motion by Mr. Stearns of Oxford, the bill was tabled.

Two reports from the committee on State School for Boys and Industrial School for Girls, on two resolves in favor of the Industrial School for Girls, came from the House, referred to the committee on Appropriations and Financial Affairs.

Mr. WINSLOW of Cumberland: Mr. President: I move to table these two reports, and for the reason that the committee is to visit the Industrial School this week, and we may wish to refer the resolves back to the original committee.

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

Judiciary.

By Mr. Irving of Aroostook—Bill, "An Act to incorporate the Westfield

Light & Power Company in Aroostook County."

By Mr. Irving of Aroostook—Petition of J. C. Gregory of Presque Isle and 60 others in favor of juvenile court system.

By Mr. Blanchard of Franklin—Bill, "An Act to amend Section 78, Chapter 9, of the Revised Statutes relating to appeal to county commissioners for abatement of taxes."

By Mr. Stearns of Oxford—Petition of Merrill C. Ward and 18 others of Norway in favor of the committee reported juvenile court bill.

By Mr. Gowell of York—Petition of Lucy D. Burleigh and 25 others of South Berwick, in favor of same.

By Mr. Milliken of Aroostook—Bill, "An Act to incorporate the Young Men's Christian Association and the Young Women's Christian Associations, organized or to be organized in this State."

By Mr. Staples of Knox—Bill, An Act for the taxation of steam railroads according to their actual value. (On motion by Mr. Staples of Knox, tabled for printing pending reference).

By Mr. Moulton of Cumberland—Bill, "An Act authorizing the construction of a wharf in the tidewaters of Casco Bay in the town of Cumberland."

Appropriations and Financial Affairs

By Mr. Irving of Aroostook—Resolve in favor of Jefferson C. Smith, State secretary of Y. M. C. A.

Education.

By Mr. Sanborn of Piscataquis—Bill, "An Act to empower the superintending school committee of the town of Dover to contract with the trustees of Foxcroft Academy for the education of its High School scholars in said Foxcroft Academy."

By Mr. Leach of Hancock—Resolve in favor of the East Maine Conference Seminary at Bucksport, with statement of facts.

By Mr. Milliken of Aroostook—Resolve in favor of Bridgewater Classical Academy, with statement of facts.

By Mr. Mayo of Hancock—Bill, "An Act to change the method of electing superintendents of schools." (On motion by the same senator, the bill was

tabled for printing pending reference to the committee.)

Telegraphs and Telephones.

By Mr. Kellogg of Penobscot—Bill, An Act to amend Section 12 of Chapter 55 of the Revised Statutes relating to Telephone Companies.

Interior Waters.

By Mr. Allan of Washington—Bill, "An Act to incorporate the Mopang Dam and Improvement Company."

By Mr. Sanborn of Piscataquis—Bill, "An Act to amend and extend the charter of the Dover and Foxcroft Water District."

State Lands and State Roads.

By Mr. Elanchar of Franklin—Three Petitions for an appropriation on the Dead River Road in Dallas Plantation.

By Mr. Theriault of Aroostook—Resolve authorizing the land agent to sell the State's interest in Lot 163, Township No. 18, Range 6, Aroostook county.

Ways and Bridges.

By Mr. Donigan of Somerset—Resolve in favor of repairing a highway in the town of Moscow and the Plantation of Carratunk and The Forks, with statement of facts.

By Mr. Donigan of Somerset—Petition of Ira W. Durgin and 20 others for Resolve in favor of repairing a highway in the town of Moscow and the Plantations of Carratunk and The Forks.

By Mr. Theriault of Aroostook—Resolve in favor of aid in building road in New Canada Plantation, with statement of facts.

Inland Fisheries and Game.

By Mr. Leach of Hancock—Bill, "An Act to prohibit the use of dogs in hunting partridge (ruffed grouse) with dogs in the town of Penobscot, county of Hancock, with petition attached.

Also, petition of B. B. Leach and 59 others asking for a law to prohibit shipping rabbits out of the State.

By Mr. Donigan of Somerset—Petition of George C. Jones and 27 others to regulate the fishing in Sandy stream, Mosquito bog and Moxie pond in Somerset county.

Shore Fisheries.

By Mr. Mayo of Hancock—Bill, "An

Act for the better protection of the herring fisheries." (On motion by the same senator, the bill was tabled for printing pending reference.)

Also, bill, "An Act to amend Section 96 of Chapter 4 of the Revised Statutes relating to wharves and weirs."

By Mr. Allan of Washington—Petition of 103 citizens of Robinson for the enactment of a law which shall prohibit the catching of herring in the waters of the State except by the use of permanent weirs or traps.

Also, petition of 73 citizens of Pembroke for same.

Counties.

By Mr. Mayo of Hancock—Remonstrance of the municipal officers and 304 others of Deer Isle against any division of Hancock county.

Also, Remonstrance of Fred A. Tarrey and 40 others of Stonington against same.

Also, Remonstrance of F. S. Small, chairman of board of selectmen and 32 others of Stonington, against same.

Also Remonstrance of F. H. Smith and 39 others of Sedgwick, against same.

By Mr. Leach of Hancock—Remonstrance of F. F. Smith and 72 others against same.

Claims.

By Mr. Sanborn of Piscataquis—Resolve in favor of James M. Knowles.

By Mr. Sanborn of Piscataquis—Resolve in favor of the town of Dover.

Temperance.

By Mr. Irving of Aroostook—Remonstrance of John L. Clark and Frank E. Barton of Fairfield against resubmission.

Also, Remonstrance of Howard A. Corey of Camden and 104 others against same.

Also, Remonstrance of H. H. Plummer, M. D., and 38 others of Union against same.

Also, Remonstrance of Israel Snow and 154 others of Rockland against same.

By Mr. Gowell of York—Remonstrance of Rev. O. J. Hancock and 92 others of Old Orchard against same.

Taxation.

By Mr. Osborn of Somerset—Bill,

"An Act" to amend Section 37 of Chapter 3 of the Revised Statutes relating to the taxation of telephone and telegraph companies. (On motion by the same senator, the bill was tabled for printing, pending reference.)

Aroostook County Delegation.

By Mr. Irving of Aroostook—Bill, An Act to empower the county commissioners of Aroostook county to build an office for Register of Deeds in Aroostook county.

By Mr. Theriault of Aroostook—Bill, An Act to change the Northern District Aroostook Registry of Deeds from Madawaska to Fort Kent.

Reports of Committees.

Mr. Foss, for the committee on railroads and expresses, on Bill, An Act to extend the charter of the Bridgton Street Railway Company, reported that same ought to pass.

The report was accepted. Tabled for printing under joint rules.

Mr. Foss, for the committee on railroads and expresses, on Bill, An Act relating to fenders on street cars, reported that same ought not to pass.

The report was accepted. Sent down for concurrence.

Passed to Be Engrossed.

Resolve in favor of Stephen D. Lord.

Resolve in favor of James F. Ashford.

Resolve in favor of F. G. Farrington.

Resolve in favor of F. Ray Neal.

Resolve in favor of S. C. W. Simpson.

Resolve in favor of Leon S. Lippincott.

Orders of the Day.

On motion by Mr. Moulton of Cumberland, Petition of H. P. Record and 29 others for change in law regarding testing of cattle and horses for contagious diseases, was taken from the table. On further motion by the same senator, the petition was referred to the committee on agriculture. Sent down for concurrence.

On motion by Mr. Mayo of Hancock, the rules were suspended, and he presented remonstrance of Henry W. Sargent and 34 others of Sedgwick, against any division of Hancock county. On further motion by the same senator

the remonstrance was referred to the committee on counties.

On motion of Mr. Staples of Knox, Senate Document No. 36, "An Act to amend Section 1 of Chapter 241 of the Public Laws of 1909, relating to the transmission of power beyond the confines of the State," was taken from the table. On further motion by the same senator, the bill was then referred to the committee on Legal Affairs, in concurrence.

On motion by Mr. Staples of Knox, Senate Document No. 37, "An Act to incorporate the Knox County Central Railroad," was taken from the table. On further motion by the same senator, the bill was then referred to the committee on railroads and expresses.

On motion by Mr. Donigan of Somerset, Senate Document No. 27, "An Act defining motor vehicles and providing for the registration of the same, etc." was taken from the table. On further motion by the same senator, the Senate recessed from its former action and concurred with the House in referring the bill to the committee on State lands and State roads.

MR. DONIGAN of Somerset: Mr. President: I move to recall from the committee, bill, "An Act for the ownership and maintenance of highway bridges by the State and the construction of such bridges by the State, counties and towns."

The motion was agreed to.

On further motion by the same senator, 300 copies of the bill were ordered printed, pending the hearing.

After Recess.

MR. KELLOGG of Penobscot: Mr. President:

This is the hour set apart for the memorial exercises of our late associate, Senator Mullen.

Whereas, Senator James B. Mullen of Penobscot has been removed from our midst while in the performance of public duty, be it

Resolved, that in the death of Hon. James B. Mullen, the members of the Maine Senate of the seventy-fifth Legislature recognize the loss of one of its ablest and most respected members: one who by his fidelity to pub-

lic duty, ability as a legislator, distinguished services to his State, and loyalty to his friends, attained a high position in the estimation and love of his associates.

Resolved, That this Senate cause this testimonial to his character and worth to be entered upon its records and that a copy thereof be forwarded by the secretary to the widow and family of the deceased.

(Signed)

STAPLES,
GOWELL,
KELLOGG,

Committee.

Mr. GOWELL of York: Mr. President, it seems pre-eminently fitting that we should pause in our deliberations to pay a brief tribute to the memory of our deceased associate.

It is useless, Mr. President, to attempt an eulogy on a man like Senator Mullen. The character of his life and work is the best eulogy that can be presented.

He was born 59 years ago in Oxford county and was educated in the schools of the State. At an early age he removed to Old Town in Penobscot county, the county he had the honor to represent in this Legislature at the time of his decease. He early became identified with the business interests of that county, and was often honored by his townspeople in many capacities, trusts and responsibilities. He was prominent in large business industries and for the last 10 years had been closely associated with the Legislature of Maine. He had the honor to represent the city of Bangor as a representative for two terms, and he was honored twice by being elected to membership in this body. I had the privilege of being a member of the last Legislature and met Senator Mullen frequently in our legislative duties. And if you will pardon me for a personal reference, I recall at the beginning of the last season I met Senator Mullen one morning. He came up and grasping my hand, spoke to me concerning a matter which had been of some annoyance to me. I was surprised that he should take any interest in a new member, and in something which did not come before his committee, but he said something to me and gave me

some ideas and suggestions that proved to be of great advantage to me at that time. I found that to be peculiarly characteristic of Senator Mullen. He served as a member of the committee on taxation, and his business experience, his executive ability, his knowledge of men and affairs, made him a valuable member of that committee.

I recall having spoken during the past week with one of his associates from his own county, who told me that the funeral of our deceased brother was attended by his neighbors and friends from Old Town and vicinity in large numbers, and he said that their bereavement was pathetic in the extreme. That was their method of expressing their sorrow over the loss of a personal friend. To my mind that simple tribute which the common people in his community paid to Senator Mullen, speaks more forcibly than anything we could say today.

By the decease of our brother the State has lost the services of a distinguished and loyal citizen, and we have lost the companionship of one of our best loved members.

Mr. President, I second the resolution offered by the senator from Penobscot.

Mr. STAPLES of Knox: Mr. President and fellow senators, we pause amid the turmoil of life to pay our respects to our late associate. It is well that we should do so. It was my good fortune to personally know our departed brother for a number of years. I early recognized his manliness and all of those qualities which endeared him to every member of this body and to the people. But he has departed from us. It reminds us that life at most is but a day sprung from night, in darkness lost, and that, with him it was like a shadow thrown softly and sweetly from a passing cloud, when death fell upon him.

I rejoice that I am not one of those that believe that it is all of death to die. I rejoice that I am one of those that believe that our departed brother lives today. Who is there who can say but what his spirit is hovering around us now? Who is there that will say our departed brother knows less now than he did before he passed out? I am one of those that believe that we are placed

here upon this earth to prepare for a greater and grander existence; and that injunction from the great book that "as ye live, so shall ye die, as ye die so shall ye live again," will place him today in that summerland surrounded by his friends. Yea!! Almost I feel the influence that comes from the other world. His influence will be felt upon mankind although he has departed from the body. What a grand and noble thought it is for us here to believe that this world is only a kindergarten, where we are to discipline the man—grown grander and nobler—not only for our life work here, but for the work over there. That gives us something to live for. It leads us to believe that good predominates over evil in the breasts of the majority of the human family. I am not one of those that believe in total depravity, but I believe that good is in the breast of every man, and he exercises those instincts according to the opportunities and the surroundings which he has. I am one of those that believe that we have a duty that we owe one another. If we carry out that principle of brotherly love and of goodness toward one another, just as our departed brother did, how much better we should feel; and if we do not get our reward here for any kind act that we may do, then I believe that we will get it by and by.

Oh, no! my friends, there is no such thing as death. Our brother has only passed over the river; and today I have not any doubt, is living in perpetual sunshine, gone to meet his friends that have gone before. When he bade his friends goodnight here, upon this shore, I have not any doubt that he bade those who had gone before good morning on the other. Nature, and everything teaches us the immortality of the soul. We might go into the realms of mythology; and, I have read many times of the new king of the Argus who condemned the young king to death: Just before he was executed, she that loved him so fondly, implored of him, should they meet again? He answered: "I have asked that dreadful question of the hills that look eternal, of the river that placid flows forever, of the stars amid whose fields of azure my restless spirit trod in glory.

has found no answer—all was dumb—but as I look upon your loving face, I answer, yes, we shall meet again." Whatever may be our course here, we can have no doubt that He who causes the buried acorn to spring forth in the springtime, will take care of the soul of man which is the living and the thinking part, when this casket shall refuse longer to perform its duties. Yes, our brother is gone; but, by and by when our course shall have run, we shall meet him on the other shore.

Mr. IRVING of Aroostook: Mr. President: I want to speak of my personal relationship with Senator Mullen and the beauty of his character as it was revealed to me as we worked together.

It was my good fortune upon entering the 72nd Legislature in 1905 to be appointed with Senator Mullen on the Taxation Committee. I first met him there, and as I worked in company with him trying to solve some of the problems that came before us, and noted his honesty of purpose, broadmindedness and fairness in all matters under discussion I learned to love and respect him.

His mind was clear, keen, discriminating and just. His was a lovable nature as well as always sunny, genial and kind.

He was not a politician, he was above all political trickery, but in the truest sense of the term, he was a statesman, a tireless worker. Continually working, not only for the good of his City and County, but also for the good of the whole State.

I feel Mr. President that I have suffered a personal loss in the death of Senator Mullen. His City has lost a worthy citizen. The State has lost a wise legislator. A good man has gone out from us therefore we mourn, and the few words that we utter here today cannot quite express our sorrow, nor cannot quite relieve the heartache. We shall miss him in our business life, we shall miss him in our social life, we shall certainly sadly miss him in our councils, but the memory of his true and manly life and broad and square dealings will still remain with us to help us. I trust to be truer men and better legislators. We shall miss him but we will

not forget him and as the years go by and the grasses shall be growing green and the owens blooming on the mound beneath which rests all that is mortal of Senator Mullen we will still remember his loving kindness, his worthy deeds and his upright life.

Let us emulate his virtues to such an extent, so that when the summons comes to each of us to go hence, we may be ready (as I believe he was ready) to give a good account of our stewardship and enter into our reward.

Today all that is left to us of Senator Mullen is a sacred memory. We bid him adieu. We shall see him no more in the earth life, but in (perhaps to some of us) the near tomorrow of the future I ween we will meet him and greet him and he will give us a kindly welcome into the better life in the great beyond.

Mr. MILLIKEN of Aroostook: Mr. President: As one of those in this body who had the privilege of being associated with Senator Mullen through three terms of the Legislature, before this term, I want to add my brief word of tribute to the memory of our associate and our friend.

I was among those who attended the funeral services in Bangor, as a representative of this Senate, and one feature, above all others of that service, impressed me profoundly. It was not the great gathering of the people of Bangor and vicinity; not the attendance there of the official representatives of this great State; not even the beautiful music and the impressive ritual, although those were all impressive. It was the assembling there of those plain working people who there gathered to pay their last tribute of affection and love to him who was at once their employer and their friend. As they sat there in the dimly lighted church, their rugged faces covered with line of grief, and their eye filled with unaccustomed tears, they were at once the most impressive feature of that service and the most significant tribute to his memory.

We have known many men who have been successful in business, as he was; many men who have been able to manage successfully great business affairs; we have also known men who retained

the gentle, simple, kindly spirit that he had, but how seldom, my friends, have we ever found these two things together. Too often men who succeed in business and manage successfully great affairs, lose in the process that fine spirit that was the characteristic of our friend. He was truly a great and gentle soul. Men might differ with him, but no man ever quarrelled with him, and I believe it is true of him, as it is true of very few men who took the active part in affairs that he did, that he never made an enemy.

He was our friend and associate, and life holds less for me and for all of us now that he is gone. In the words that were fittingly spoken of another, whose soul like his was great and gentle, "Let us believe that in the silence of the receding world he heard the great waves breaking on a further shore, and felt already upon his wasted brow the breath of the Eternal morning."

The resolution was given a passage.

Mr. STAPLES of Knox: Mr. President: I now move that in memory of our deceased brother the Senate stand adjourned until tomorrow morning.

HOUSE.

Wednesday, Feb. 1, 1911.

Prayer by Rev. Mr. Allen of Jonesboro.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

An Act to set off a certain estate and the inhabitants thereof from the Norway Village Corporation, came from the Senate referred in that branch to the committee on towns.

On motion of Mr. Andrews of Norway the bill was tabled for printing pending reference in concurrence.

The Speaker appointed as a committee on conference on the disagreeing action of the two branches of the Legislature on resolve relating to the Panama Canal Exposition, Messrs. Goodwin of Biddeford, Ames of Norridgewock and Kelley of Boothbay.

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