

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

SENATE.

Friday, February 10, 1911.

Senate called to order by the President.

Prayer by Rev. Mr. Allen of Jonesboro.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

Resolve in favor of screening Swan lake in the county of Waldo came from the House, by that Branch referred to the committee on inland fisheries and game. Tabled on motion by Mr. Milliken of Aroostook.

Bill, An Act to amend Specification 1, Section 13, Chapter 9, as amended by Chapter 4, Laws of 1909, relating to taxation of personal property, came from the House, by that Branch referred to the committee on taxation. Tabled for printing pending reference on motion by Senator Staples of Knox.

House Bills in the First Reading.

An Act to authorize the York Light and Heat Company to acquire additional properties.

Resolve in favor of James M. Benson.

Resolve in favor of Richard Stuart.

Resolve in favor of E. M. Thompson.

Resolve providing for an appropriation for the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases.

Resolve authorizing release of the State's interest in a ledge or reef in front of R. E. Brunnow's land near Bar Harbor.

An Act to amend Chapter 318 of the Private and Special Laws of 1909 relating to the hunting of deer in the town of Searsmont in the county of Waldo.

Resolve in favor of Lola Coly, representative of Penobscot Tribe of Indians for 1911 and 1912.

Resolve in favor of the town of Bridgton in the county of Cumberland.

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

Judiciary.

By Mr. Stearns of Oxford—Bill, "An

Act defining and limiting the expenses of supreme judicial and superior court stenographers.

By Mr. Milliken of Aroostook—Petition of E. M. Hines and 45 others of Washburn in favor of committee reported juvenile court bill.

Appropriations and Financial Affairs.

By Mr. Allan of Washington—"Resolve in favor of Charles A. Rolfe."

Inland Fisheries and Game.

By Mr. Theriault of Aroostook—Remonstrance of Fred A. McNally and 39 others of Aroostook county against close time on bull moose.

Reports of Committees.

Mr. Farrington for the committee on legal affairs, on An Act to repeal Section 2 of Chapter 148 of the Public Laws of 1905, relating to the construction of booths at polling places, reported that the same "ought to pass."

The same senator for the same committee, on An Act to provide for the purchase of supplies by the State through a system of competitive bids, reported a new draft and that the same "ought to pass."

Mr. Smith for the committee on railroads and expresses, on An Act authorizing the merger of the Somerset Railway, the Washington County Railway Company and the Sebasticook & Moosehead Railway Company with the Maine Central Railroad Company, reported that the same "ought to pass."

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

Orders.

Mr. MILLIKEN of Aroostook: Mr. President, I wish to offer the following order and move its adoption:

Ordered, The House concurring, that the committee on appropriations and financial affairs be directed to examine carefully the systems of bookkeeping, office organizations and methods of transacting business in each of the State departments with the special purpose of discovering possible economies either in number or salaries of clerks, purchasing of supplies, printing of reports or in any other particular.

Ordered further, That for the purposes aforesaid the committee be au-

thorized to employ any necessary experts, accountants, or other assistants, and be directed to report to the Legislature by bill or otherwise.

Mr. President, I have through three sessions of the Legislature advocated, with all the resources at my command, the management of the business of the State on strict business principles. It is my belief that in the business of the State, as in any other business, neither partisan feeling nor personal friendship should have any place. And through the three sessions of Legislature of which I have been a member there has been a steady progress toward that end. The fee system, for instance, has been abolished; the pass system has been abolished; the auditor's office, with its check upon all expenditures has been established, and other things have been done I need not mention here. I have no doubt there are further improvements to be made along that line, and I believe now, as I have always believed, that any such improvement when discovered should be adopted at once, and the improvement should be given to the Legislature while it is in session. I think we are all agreed about that, and that we want economies in the administration when they can be effected without injuring the business of the State. We have had some attempts at economy already, in a small way, at the opening of the session, that were perhaps well meant but would not now meet with the approval of the Legislature at this stage of the session. For instance, anyone who has tried to find a document in the document room, where they are not properly indexed, as they should be, would question whether that was economy or otherwise. But we do want, all of us, to make any change in the administration of any department that is in the interest of economy, and I believe this committee on Appropriation and Financial Affairs, composed of able men, is the best qualified committee in this Legislature to look into this whole matter and suggest to the Legislature at this session any such changes that ought to be made.

The motion was agreed to.

MR. MILLIKEN: Mr. President: I will add that I want to offer another order and again trespass upon the time of the Senate:

Ordered, the House concurring, that the secretary of the Senate be directed to pay only such bills for legislative advertising as are approved by the secretary of the committee ordering the same.

Ordered, further, that secretaries of committees be directed to approve no bills for legislative advertising unless the same are accompanied by vouchers showing that the advertising was ordered by authority of the committee prior to its publication, and was published in reasonable space and at reasonable rates.

Mr. President, I want to say that this order is not introduced with the idea of making a change or suggesting any new policy. I understand the policy outlined in this order is precisely that which the committees of the Legislature now follow. It is introduced with the idea, based on previous experience, both as secretary and as chairman of committees on my own part, that it is well to serve notice upon the newspapers, as early as possible in the session, just what the policy of the Legislature will be.

What I mean is this: It sometimes happens that newspapers publish notices not properly authorized and a bill is rendered for them at the close of the session. If the policy of the Legislature is not clearly understood, there is misunderstanding, and the newspaper publishers are human, like all of us, and look for business. I want to say that practically all of the newspapers in the State are fair and careful about this matter. I have, as secretary of a committee, often had advertisements returned to me that were received by the publisher so late, in the case of a weekly paper, that they could not be inserted in time. But there are some newspapers always found who will take advertisements out of other papers and publish them, or they will publish the advertisements in too large a space, or are inclined to charge too high rates.

I noticed one example of excessive advertising which I want to read, not

for the purpose of criticizing any committee or any newspaper, but to point out errors into which we may be led. I will read the list:

WEDNESDAY, FEB. 15.

Remonstrance of L. V. Joyce and 15 others of Swan's island against any change in the present lobster law.

Petition of Elder Davis and 45 other against a nine inch law on lobsters

Remonstrance against any change in the present lobster law by W. O. Wallace and 38 others.

Remonstrance against any change in the present law in relation to the measurement of lobsters by L. M. McDugall and 139 others.

Remonstrance of Frank Alley and 13 others of Jonesport against any close time on lobsters.

Remonstrance of Charles Smith and 42 others against any change in the present lobster law.

Petition of A. H. Botson and 67 others of Jonesport asking for a close time on lobsters.

Remonstrance of James W. Coombs and 33 others of Stonington against any change in the present lobster law.

Petition to change the measurement of lobsters by Simon A. Skellings and 125 others.

Petition of M. Mason and 39 others of Cutler asking for a close time on lobsters.

Petition of L. L. Hall and 25 others that a law be passed preventing the catching of lobsters in the waters of Jonesport and Addison from the first day of July until the first day of September of each year.

Remonstrance of E. L. Sprague and 46 others against any change in the present lobster law.

Remonstrance of L. H. Simmons and 68 others of Jonesport and Addison against any change in the present lobster law.

Remonstrance of A. G. Dolliver and 58 others of Swan's Island against a nine-inch lobster law, also against any change in the present lobster law.

Remonstrance of Ralph J. Bickford and 29 others of Vinalhaven against a close time on lobsters.

Remonstrance of H. P. Stone and 38 others of North Haven against close time on lobsters.

Remonstrance of F. R. Mitchell and 30 others of Cliff Island, and J. W. Doughty and 33 others of Bailey Island against any change in the present lobster law.

An Act to protect lobsters in the waters of the towns of Addison and Jonesport.

Remonstrances of George K. Jameson and 17 others of Rockport against a close time on lobsters.

Petition of Wm. Alley and 79 others from Jonesport asking for better protection of lobsters in the waters of Jonesport and Addison.

Petition of F. W. Flanders and 19 others of Rockport in favor of a nine-inch law on lobsters.

Remonstrance of A. A. Staples and 19 others of South Thomaston against any change in the present lobster law.

Remonstrance of J. I. Faulkinham and 23 others of Jonesport against a close time on lobsters.

Petition of J. K. Collins of Isle-au-Haut and 46 others asking that there be no change in the present lobster law.

Remonstrance of L. B. Joyce and 50 others of Swan's Island against any change in the present lobster law.

Petition of Charles Thompson and 79 others of Machiasport for the better protection of lobsters in Machias bay.

Remonstrance of Frank T. Wall and 145 fishermen of Vinalhaven against any change in the present lobster law.

Remonstrance of Woodbury Lufkin and 33 others of Hancock County against a general close time on lobsters.

J. C. HARMON, Sec.

Now, Mr. President, this particular instance is not one in which criticism should attach to anybody. It is merely a question of doubtful wisdom of advertising so many petitions and remonstrances that relate to one matter and which could be consolidated.

There have been called to my attention at this session of the Legislature instances where newspapers were publishing notices without authority from the committee, and advertising in pad-

ded space. This order is offered for the purpose of making definite what I understand is already the policy of the committee, so that there will be no misunderstanding when bills come in later in the session, when newspaper publishers might think they were entitled to pay for advertisements not ordered or authorized by the committee.

Mr. STAPLES of Knox: Mr. President, I do not at this time propose to discuss this order. I may later on deem it my duty in behalf of the committees to make some remarks in regard to it. I therefore move that the order lie on the table.

Mr. MAYO of Hancock: Mr. President, if in order, I would like to ask if this is a regular advertisement signed by the secretary or clerk?

Mr. MILLIKEN: Mr. President, I desire to state that this advertisement as published is signed by the secretary. I am not prepared to say anything further than that. I wish to emphasize that this is not offered in criticism of any committee or secretary, but merely as an instance of the unwise use of space into which we may be led if the matter is not called to our attention.

Mr. STAPLES: Mr. President, I would add to my motion that the order be printed. I think it is important as bearing upon every committee. I do look upon it as censuring the committees. I do propose to discuss it later. The motion was agreed to.

On motion of Mr. Farrington of Kennebec, it was

Ordered, The House concurring, that when the Senate and House adjourn they adjourn to meet on Monday, February thirteenth, at 4.30 o'clock in the afternoon.

Orders of the Day.

Mr. BOYNTON of Lincoln: Mr. President: I move that we take from the table Senate Document No. 77, An Act to abolish the State liquor agencies.

The motion was agreed to.

Mr. BOYNTON: Mr. President, I now move that the bill at this time

receive its two several readings and be passed to be engrossed.

Mr. MILLIKEN of Aroostook: Mr. President: While I have no opposition to offer to the passage of the bill, this seems to be the proper time for any discussion that might be appropriate. I think the bill ought not to be passed without some brief word as to the origin of the liquor agencies and the conditions which seemed to make the abolishing of the agencies wise at this time. As we all know, the liquor agency provision originated in the belief that some way should be provided for procuring intoxicating liquors for medicinal and mechanical purposes under the prohibitory law. As time went on it became evident that very few communities were availing themselves of the provisions of this act. Four years ago this matter was taken up and after some discussion in the Legislature a committee was appointed to investigate the matter before the next session of the Legislature and report. Of that committee I was a member. We attended to that duty and reported to the last Legislature. It appeared in this report that only 12 communities in the State, cities and towns, were operating agencies under the provisions of this act. It appeared that various evils had crept into the management of the agencies; particularly the indiscriminate sale of liquors in some instances, under the guise of medicinal use; and also some suggestion of possible fraud in liquor sold, in one instance at least. It was the feeling of the last Legislature that the agencies should be abolished, or some steps taken to remedy the evils. The Legislature finally decided to attempt to remedy the evils, and a bill was introduced and passed which aimed to remedy those evils. It has remedied them, to some extent, the objections to the system in regard to the kinds of liquor sold, the amount of profit and the machinery of the bookkeeping, although the liquor agent has not interpreted the law as in my judgment it was meant to be interpreted. It has not succeeded in preventing the sale of liquor to other than legitimate users for medicinal and mechanical purposes, and in my judgment that

cannot be prevented without further provision requiring the prescription of a physician. In other words, the theory of the last Legislature was that in view of the fact that only 12 communities in the whole State used this law, and that evils have arisen in those communities attendant upon its use, the system should be either amended or ended. We have not succeeded in amending it, and I am heartily in sympathy with the present proposition to end it.

Mr. STAPLES of Knox: Mr. President: I am very glad the senator has come to that conclusion, and as he represents the minority party, as I suppose, in a great measure upon the floor, it is unnecessary for me as the maker of that bill to discuss at this time the reasons why we believe it should be abolished. I think the people in this State demand it at this time, and that it is in the interest of good morals and good temperance that the law be abolished. As there is no opposition, I will not take up any time of this Senate to discuss the question of why it should be abolished.

I hope the report of the committee will be accepted.

The rules were suspended, and the bill received its two readings and was passed to be engrossed.

MR. BOYNTON of Lincoln: Mr. President: I move to take from the table Senate Document No. 76, An Act to repeal Chapter 92 of the Public Laws of 1905, entitled An Act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors, otherwise known as the "Sturgis Law."

The motion was agreed to.

MR. STEARNS of Oxford: Mr. President: It will take but a moment of the time of the Senate to explain my attitude upon this question.

I think it is entirely unnecessary for me to define to the Senate the Sturgis Law. The senators are all very familiar with it. You all know why the Sturgis Law was enacted, that it was enacted only in the interest of enforcement of the prohibitory law. This enforcement measure is now to be repealed. It is to be interred with the usual formality, instead of being

disposed of in the summary manner in which the senator from Knox proposed in the early hours of this session. Now, whatever difference of opinion we may have in relation to the merits or demerits, the success or the failure of this law as a means for the honest enforcement of the prohibitory law, there can be very little difference of opinion as to its present uselessness under conditions as they now exist. The machinery of this law must be set in motion by the Chief Executive, and since we now have a Governor, who by the very magic of his presence in the executive chair, has made the State of Maine as dry as a covered bridge, there can be absolutely no use in the law at the present time. He would not use it; he has no use for it. The enforcement commissioners have been discharged; any applicants there may have been for these places have been given leave to withdraw. And for those reasons I think that I am in favor of repealing the law, and shall vote for it.

MR. STAPLES: Mr. President, At this time I have but a word to say in regard to this matter. I was a member of this body when the Sturgis Law was born. I am very glad that I am here when it dies. I am glad that the senator from Oxford saw fit to say what he has said. I was afraid that there would not be any mourner at the funeral of the Sturgis Commission, and I think that he is not a great mourner; that he will not shed many tears because it is to be buried deep, never to be resurrected.

I will not speak of this being an infamous law, at this time because it is well-known what my position has been upon that matter from the very day it was enacted into law in this body, up to the present time. I congratulate the people of the State of Maine that one of the most infamous laws at the hands of this Legislature is to be buried, and buried deep, never to be resurrected.

On motion by Mr. Boynton of Lincoln, the rules were suspended and the bill received its two readings at this time and was passed to be engrossed.

MR. NOYES of Kennebec: Mr. President, I should like to resign, with the permission of the Senate, from the committee on labor, for the reason that I have three or four other committees and I cannot attend the hearings of this committee. I think in that case I should resign.

The request of the senator was granted, and Senator Mullen was appointed in his place upon the committee on labor.

On motion by Mr. Gowell of York,
Adjourned.

HOUSE.

Friday, February 10, 1911.

Prayer by Rev. Mr. Coons of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

An Act to incorporate the Worlds Standard Insurance Company, came from the Senate, referred in that branch to the committee on legal affairs.

On motion of Mr. Hastings of Auburn the bill was tabled.

Resolve in favor of Frank W. Bucknam, secretary of the commission of pharmacy, came from the Senate referred in that branch to the committee on appropriations and financial affairs.

On motion of Mr. Murphy of Portland the resolve was tabled for printing pending reference in concurrence.

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

Judiciary.

By Mr. Goodwin of Biddeford—An Act to amend section 40 of chapter 47 of the Revised Statutes relative to decrease of capital stock of corporations.

Also, An Act to amend chapter 113 of the Public Laws of 1909 in respect to foreign corporations.

By Mr. Williamson of Augusta—Petition of First National Bank of Portland, and others, in favor of uniformity in commercial laws.

By Mr. Cronin of Lewiston—Petition of W. H. Hines and 177 others, in favor of Columbus Day.

Legal Affairs.

By Mr. Scates of Westbrook—An Act to establish a department of fisheries and game and to consolidate existing departments.

(Tabled for printing pending reference on motion of Mr. Austin of Phillips.)

Also, An Act to consolidate the management of State Institution for the Insane and Feeble-Minded.

Also, An Act to consolidate the management of the State Juvenile Institutions.

By Mr. Williamson of Augusta—An Act to facilitate the correct recording of conveyances of real estate.

By Mr. Wilson of Auburn—An Act to repeal chapter 137 of the Private and Special Laws of 1903, relating to the charter of the city of Auburn and the creation of the Board of Public Works.

By Mr. Allen of Jonesboro—An Act to amend sections 18, 20 and 23 of the Revised Statutes of 1903, relating to the registration of dentists.

By Mr. Couture of Lewiston—Petition of Joseph E. Cabana and 60 others of Biddeford, to repeal chapter 151, Private and Special Laws of 1887, and to substitute in its stead an act providing for incorporation of Roman Catholic Parishes.

Also, Petition of Victor Beaudette and 60 others of Biddeford, for same.

Also, Petition of Rose Demars and 33 others of South Berwick, for same.

Also, Petition of Napoleon Langelier and 52 others of Biddeford, for same.

Also, Petition of Amede Valieres and 51 others of Biddeford, for same.

Also, Petition of Donatien Giguere and 112 others of Lewiston, for same.

Also, Petition of Xavier Labelle and 33 others of Biddeford, for same.

Also, Petition of Marcel Dionne and 96 others of Lewiston, for same.

Also, Petition of Joseph Gerrest and 44 others of Lewiston, for same.

Also, Petition of F. F. Beauregard and 29 others of Biddeford, for same.

Also, Petition of Paul Lamothe and 31 others of Biddeford, for same.

Also, Petition of Odule Laplante and 77 others of Lewiston, for same.

Also, Petition of Ed. Renaud and 17 others of South Berwick, for same.