

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

**SENATE.**

Friday, Feb. 17, 1911.

Senate called to order by the President.

Prayer by Rev. Mr. Dunnack of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

Petition of E. C. Merrill and 45 others of East Eddington in favor of a road around Chick hill, came from the House, by that branch referred to the committee on State lands and State roads. On motion by Mr. Milliken, tabled pending action of conference committee.

Remonstrance of E. A. Hopkins and others against any change in the present lobster law; also remonstrance of Llewellyn Elwell and seven others against same, came from the House, by that branch referred to the committee on shore fisheries. Placed on file on motion of Mr. Mayo.

Bill, An Act to amend Section 20 of Chapter 36 of the Public Laws of 1909, in relation to regulation and sale of fertilizers, came from the House, by that branch referred to the committee on agriculture. Tabled on motion by Mr. Irving.

**House Bills in the First Reading.**

Resolve for the introduction of the Hungarian partridge in the State of Maine.

Resolve in favor of Louis Mitchell, representative of the Passamaquoddy tribe of Indians.

Resolve in favor of William R. Roix.

Resolve in favor of the New England Fruit Show.

Resolve in favor of E. F. Coburn of Andover, Me.

An Act to authorize the mayor of the city of Portland to appoint commissioners of cemeteries and public grounds.

An Act to extend the charter of the Fire Insurance Company of Portland, Me.

An Act to build and repair a dyke in the town of Milbridge.

An Act to extend the charter of the Northeastern Insurance Company.

An Act to extend the charter of the Mutual Fire Insurance Company.

An Act to increase the allowance for watering tubs.

An Act to amend Section 1 of Chapter 173 of the Public Laws of 1905, relative to clerk hire in the office of the register of deeds in Kennebec county.

An Act to facilitate the identification of criminals.

An Act to repeal An Act authorizing the city of Portland to appoint a deputy sealer of weights and measures.

An Act to extend the time in which the Maine Title Guaranty Company is authorized to commence business.

An Act to prohibit the hunting of ducks and other water fowl in Saco bay, in York and Cumberland counties, by use of steam, naphtha or gasoline boats.

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

**Judiciary.**

By Mr. Gowell of York—Bill, An Act to amend Section 9 of Chapter 77 of the Revised Statutes in regard to the execution of deeds by authorized agent.

**State School for Boys and Industrial School for Girls.**

By Mr. Winslow of Cumberland—Resolve in favor of the State School for Boys.

**Agriculture.**

By Mr. Hill of Penobscot—Bill, An Act to create a Stallion Registration Board. (On motion of the same senator, tabled for printing.)

**Reports of Committees.**

Mr. Gowell, for the committee on Judiciary, on An Act to incorporate the New Sharon Water Company, reported that same "ought to pass."

Mr. Stearns, for the same committee, on An Act to amend Sections 11, 12, 14, 16 and 17 of Chapter 17 of the Revised Statutes, relating to registration of physicians and surgeons, reported a new draft under the same title and that it "ought to pass."

Mr. Farrington, for the committee on legal affairs, on An Act to provide a charter for the city of Gardiner, reported a new draft under

the same title and that it "ought to pass."

Mr. Dodge for the same committee, on An Act to provide for increasing the capital stock of the Somerset Farmers' Co-operative Telephone Company, reported that the same "ought to pass."

Mr. Foss, for the committee on claims, on Resolve in favor of John D. McDonald, reported that the same "ought to pass."

The reports were accepted and the several bills and resolves tabled for printing under the joint rules.

Mr. Dodge, for the committee on legal affairs, on An Act to establish a reformatory for women, reported that the same be referred to the next Legislature.

The same senator, for the same committee, on An Act to amend Chapter 108 of the Public Laws of 1907 in relation to records for historical societies, reported that the same "ought not to pass."

Mr. Gowell, for the committee on judiciary, on Resolve providing for the election on the Tuesday next after the first Monday in November biennially, for Governor, senators, representatives and other officers, reported that the same "ought not to pass."

Mr. Staples, for the same committee, on An Act to prevent the pollution of water supplies and their resources, reported that the same "ought not to pass."

Mr. Osborn, for the committee on School for Feeble Minded, on Resolve in favor of the sale of State lands, reported that the same "ought not to pass."

#### Orders.

Mr. MULLEN of Penobscot: Mr President: I have an order that I wish to present.

"Ordered, that the superintendent of public buildings be directed forthwith to remove the Commissioner of Agriculture from the rooms where he is now located to the rooms designated to the use of his department by the commission on enlargement of the State House."

In offering this order, Mr. Presi-

dent, I want to see if we cannot clear up a condition that is, to my mind, getting pretty bad. If the commissioners on enlargement of the State House, of which I was a member, had any authority whatever, they had authority under the terms of the resolve to provide quarters for the various State departments, and that they undertook to do, and when once designated, by putting on the doors of the rooms of the new Capitol building the names of the departments they had designated to occupy them, and it seems to me they were properly there by virtue of the resolve of the Legislature. There is only one department that is sadly out of joint, and that is the auditing department. I do not think, with all the criticism that can be heaped upon the State House Commission, that anyone would say the auditing department did not belong properly near to, contiguous to, the treasury department. That is where they should be. Mr. Gilman, at that time Commissioner of Agriculture, refused or neglected to move out when the new agricultural quarters were ready for him to move into. He did not move out, and Mr. Buckley came in later on, and I think more on a question of dignity, he thinks that the new quarters provided were not and are not sufficient for the purpose of the agricultural department. Whether they are or not, I do not undertake to say. Later there was an order passed, I presume by both branches, authorizing the committee on public buildings to reassign those departments, and I understand that the committee on public buildings, night before last, did vote to make several reassignments. Among them to take the Commissioner of Highways from where he now is, and where the State House Building Commission located him, and put him up stairs somewhere, and make several other changes. I do not think it is good, at the present time to make all these changes, and I want to express my views here and at this time. Committee hearings have been ordered and advertised throughout the entire State, to be heard, for instance, in the high-

way department rooms. If you change that the people who come here to the hearings will be more or less astray, and there is no occasion for it. Besides that, the Commission who was charged with rebuilding the State House, after a very close and long study of the situation, concluded, and believe now rightly concluded, that the highway department very shortly will become one of the most, if not the most important in the State of Maine—perhaps next to the department of State. Certainly the highway department requires more room than any other department on account of the drawing boards of large size, and on account of the maps, and sometimes quite a large number of men employed in that department, in drawing and such work as that.

Now, whether or not the State House Commission did right, or whether they had capacity enough, is quite outside of the question here. We did provide for the department of agriculture. Mr. Buckley has told me this morning that if Mr. Gilman had moved out and he had found his fixtures in the new department, it would have been all right.

Now, in the middle of this legislative session, I think that the proper thing to do is to move Mr. Buckley into the new quarters that were prepared for him, and at the end of the session, if they do not suit him, and if the Governor and Council think best, they certainly have a year and a half to move him about. The auditor does need the room at the present time where the department of agriculture is now. The treasurer needs the room where the auditor is. I would suggest, Mr. President, if this order is to have a passage, that it be sent to the House so that when we come back next Monday night we will know whether this vexed question is still before us or settled for the balance of this legislative session.

I move that the order be given a passage.

Mr. NOYES of Kennebec: Mr. President, I would say for the benefit of the senators that I put in the previous order, and tried to straighten out this

proposition here. If Mr. Buckley is removed, it will be perfectly satisfactory to the committee, and I have no objection to the order passing, although I put in the original order.

The President read the order and it was given a passage, and sent down for concurrence.

On motion by Mr. Allen of Washington, it was

Ordered, the House concurring, that when the Senate and House adjourn they adjourn to meet Monday, February twentieth, at half-past four o'clock in the afternoon.

Sent down for concurrence.

On motion by Mr. Osborn of Somerset, it was

Ordered, the House concurring, that the committee on taxation be directed to consider the question of increasing the tax on express companies and report to the Legislature by bill or otherwise.

Sent down for concurrence.

#### Passed to Be Engrossed.

An Act to amend Section 80 of Chapter 266 of the Public Laws of 1909, relating to the appropriation of money for military purposes.

An Act to amend Section 12 of Chapter 112 of the Public Laws of 1907, as amended by Chapter 69 of the Public Laws of 1909, relating to the appropriation for State highways.

An Act to authorize the improvement of Fall Brook, in the towns of Bingham and Brighton.

An Act to amend and extend the charter of the Baker and Spencer Brook Dam and Improvement Company.

An Act to regulate ice fishing in Lake Wassokeag, so-called, in the town of Dexter, in the county of Penobscot.

An Act to regulate fishing in Tom pond, so-called, sometimes called Thomas pond or Lake Keoka, in the town of Waterford, county of Oxford, with petition asking for same.

An Act to regulate the hunting of deer in Waldo county, (House Amendment A adopted in concurrence.)

An Act to prohibit trout fishing in Alder brook, in the towns of Island Falls and Hersey in Aroostook county

and in Dyer Brook in the towns of Island Falls, Dyer Brook and Merrill Plantation in Aroostook county.

An Act to repeal Chapter 150 of the Private and Special Laws of 1909, relating to fishing in the town of Durham.

An Act to regulate fishing in Crosbyville stream, so called, in the towns of Avon, Phillips, Freeman and Strong, in the county of Franklin.

An Act to provide for the trapping of bob cats, loupcevier and Canada lynx, in the townships known as Letter A and Leavitt, in the county of Aroostook, without a trapping license during open season on mink, sable, muskrat and fisher.

An Act to regulate fishing in Little Pushaw pond, so called, in the town of Hudson, county of Penobscot.

An Act to authorize the construction of a wier in the waters of Passamaquoddy bay, in the town of Perry.

An Act to incorporate the town of Stockholm.

An Act to repeal Chapter 276 of the Private and Special Laws of 1907, entitled "An Act for the better protection of shell fish within the town of Yarmouth, in the county of Cumberland."

An Act relating to the taxation of telegraph companies. (On motion by Mr. Noyes of Kennebec, tabled for printing with House Amendment A.)

An Act to amend Chapter 247 of the Public Laws of 1909, relating to the packing and branding of apples. (Tabled on motion by Mr. Hill of Penobscot.)

#### Passed to Be Enacted.

An Act to amend Chapter 481 of the Private and Special Laws of 1903, entitled "An Act to incorporate the Sebago Improvement Company."

An Act to regulate fishing in Folly pond, so called, situated in the town of York and county of York.

#### Finally Passed.

Resolve in favor of E. M. Thompson.

Resolve in favor of Richard Stuart.

Resolve in favor of James M. Benson.

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

Resolve providing for an appropriation for the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases. (Tabled on motion by Mr. Noyes of Kennebec.)

#### Orders of the Day.

On motion by Mr. Staples of Knox, Senate Document No. 80, joint resolution in favor of direct election of United States senators, with Amendment A, was taken from the table.

Mr. STAPLES: Mr. President: I find that in looking at this matter in favor of the election of United States senators, with Amendment A, I have been unable to find Amendment A. I see that Senator Winslow, who introduced Amendment A, is not present, and I do not desire to take it from the table to discuss it today in his absence. I could not intelligently discuss it without knowing what the amendment is, and I move that it be tabled and re-assigned for next Tuesday, when the senator can be here to look after it.

The motion was agreed to.

On motion by Mr. Gowell of York, Bill, An Act ratifying and confirming the sale of the railroad and franchises of the Atlantic Shore Line Railroad and incorporating same, was taken from the table.

On further motion by the same senator, the vote whereby the bill was passed to be engrossed was reconsidered, and Amendment A was adopted. Amendment A, "Section 2 to be amended by inserting after the word 'chapter' and before the words 'thirty-nine' in the fourteenth line thereof the words 'four hundred,'"

On further motion by the same senator, the bill as amended was passed to be engrossed, and sent down for concurrence.

On motion by Mr. Stearns of Oxford, Bill, An Act relating to the registration of dentists, was taken from the table, and on further motion by the same senator it was referred to the committee on legal affairs in concurrence.

On motion by Mr. Milliken of Aroostook, Bill, An Act to consolidate the management of the State juvenile institutions, was taken from the table.

and on further motion by the same senator was referred to the committee on legal affairs in concurrence.

Mr. MILLIKEN of Aroostook: Mr. President, I move to take from the table Senate Document No. 16, "An Act to authorize the York Light and Heat Company to acquire additional properties," and wish to offer Senate Amendment A to Senate Document No. 16.

"Amend Section 1 of Senate Document No. 16 by adding after the word 'imposed' in the thirteenth line the words 'and to all the provisions of Chapter 244 of the Public Laws of 1909,' so that said section as amended shall read as follows:

"Section 1. The York Light and Heat Company is hereby authorized to purchase and acquire, and to own and hold the stock, plants, property and franchises of the Agamenticus Light and Power Company, the Agamenticus Electric Light Company, the Kennebunk Light Company, and the Wells Electric Light and Power Company, and each of said companies is hereby authorized to sell and convey its said property, plant and franchise, and upon acquiring the same said York Light and Heat Company shall exercise and enjoy throughout the territory covered by the franchise of such other company or companies, all the rights, powers and privileges thereof, and shall be subject to all the duties and restrictions thereon imposed, and to all the provisions of Chapter 244 of the Public Laws of 1909.'"

I wish to say, Mr. President, that this is offered after consultation with counsel for the proponents of the bill, and its purpose is to incorporate in the charter, or this amendment of the charter, the provisions of Chapter 244 of the Public Laws of 1909. This chapter is the statute which provides that no power shall be transmitted out of the State without authority of the Legislature.

The purpose of offering the amendment is simply to put upon this charter the same provisions that the general law contains. The difference between the application of the general law to a corporation within the State and the application of the provisions in the particular of each corporation, is perhaps somewhat in dispute now. To make it certain I offer this amendment and shall offer it in every

proposed charter of the same kind asking for an extension or continuation of existing charters, on the grounds that if they regard themselves as subject to the provisions of the law of 1909 there will be no objection, as there was none in this case, to the specific provisions that the proposed extension or renewals are accepted subject to the provisions of the general law as contained in Chapter 244 of the Public Laws of 1909. If they do not regard themselves as subject to the provisions of the general law, then we ought to safeguard the interests of the State in this way.

I move that the amendment be adopted and that the bill take its second reading and be passed to be engrossed as amended.

The motion was agreed to and the bill was given its second reading and passed to be engrossed.

On motion by Mr. Stearns of Oxford, House Document No. 52, An Act to abolish the office of assistant attorney general, was taken from the table.

Mr. STEARNS: Mr. President, after consultation with some of the senators, I desire to move that the bill be reassigned for Tuesday of next week.

The motion was agreed to.

On motion by Mr. Milliken of Aroostook,  
Adjourned.

## HOUSE.

Friday, February 17, 1911.

Prayer by Rev. Mr. Gibson of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

An Act to amend section 8 of chapter 20 of the Revised Statutes relating to burying grounds, came from the Senate, having been referred in that branch to the committee on legal affairs.

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

### Senate Bills on First Reading.

An Act to extend the charter of the Central Aroostook Electric Company.