

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

**SENATE.**

Friday, February 24, 1911.

Senate called to order by the President.

Prayer by Rev. Mr. Gibson of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

Bill, An Act to authorize the mayor of the city of Portland to appoint commissioners of cemeteries and grounds, passed to be engrossed by this body, came from the House, recommended to the Committee on Legal Affairs.

On motion by Mr. Milliken of Aroostook, the vote whereby the bill was passed to be engrossed was reconsidered. Upon further motion by the same Senator, the bill was recommended to the Committee on Legal Affairs in concurrence.

**House Bills in the First Reading.**

An Act maintaining guideposts at crossings of ways.

An Act to amend Sections 49 and 51 of Chapter 9 of the Revised Statutes.

An Act to incorporate the Cold Stream Dam and Improvement Company.

An Act to incorporate the Westfield Water Company.

An Act to provide for increasing the capital stock of the Somerset Farmers' Co-operative Telephone Company.

An Act relating to fees of witnesses.

An Act requiring proprietors, managers and persons having charge of establishments or places where women or girls are employed, to permit the use of chairs, stools or other contrivances for the seating of such employes, for rest when not actively engaged in duties inconsistent with such requirements, and providing penalties for the violation thereof.

An Act to incorporate the town of Merrill.

An Act to amend Section 34 of Chapter 4 of the Revised Statutes, relating to ward lines.

An Act relating to Mt. Desert Transit Company.

An Act to incorporate Carleton

Stream Dam Company. (Tabled on motion by Mr. Sanborn of Piscataquis.)

An Act to provide for a department of labor; to prescribe its powers and duties; to regulate the employment of labor; to provide for factory inspection and to prescribe penalties for the violation of this Act.

Mr. Mullen of Penobscot offered Senate Amendment A to House Document No. 251.

Mr. STAPLES of Knox—Mr. President: Will you please inform the Senate how much appropriation is asked for in that bill?

The PRESIDENT—Section 8 provided that the salary of the commissioner shall be sixteen hundred dollars, the salary of his deputy, thirteen hundred dollars, together with necessary expenses; the salary of stenographer shall be six hundred dollars.

Mr. STAPLES—Mr. President: I move that the bill and amendment lie on the table, pending printing of the amendment.

Mr. LEACH of Hancock—Mr. President: I think that bill calls for an appropriation of eight thousand dollars, where under the old method of the two separate departments, it cost ten thousand dollars.

Mr. Mullen of Penobscot, offered Senate Amendment B to the same bill. The bill, with amendments A and B, were tabled for printing on motion of Mr. Staples of Knox.

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

**Legal Affairs.**

By Mr. Mullen of Penobscot—Remonstrance of Forrest J. Martin and 28 others against An Act in relation to qualifications necessary for practicing law.

**Education.**

By Mr. Milliken of Aroostook—Bill, An Act to provide for payments from State school fund.

By Mr. Staples of Knox—Petition of L. L. Morton and 14 others of Washington for change in distribution of mill tax for schools; W. S. Irish and 14 others of Camden; H. T. Crockett

and 12 others of North Haven; Ralph W. Calderwood and 13 others of Vin-alhaven; L. I. Mack and 27 others of Warren, for same.

#### State Lands and State Roads.

Mr. Mr. Milliken of Aroostook—Remonstrance of F. W. Bowden and 59 others, voters of Clifton, against the Resolve in favor of a road around Chick's Hill.

#### Reports of Committees.

Mr. Wirslow, for the committee on Inland Fisheries and Game, on Petition of James H. Holman and 72 others to regulate fishing in Wesserunsett Stream and its tributaries, reported a bill entitled "An Act to repeal Chapter 282 of the Private and Special Laws of 1907, relating to fishing in Wesserunsett Stream and tributaries in the county of Somerset."

The same senator, for the same committee, on An Act to regulate the transportation of fish and game beyond the limits of the State of Maine for breeding, scientific and advertising purposes, reported that the same "ought to pass."

The same senator for the same committee, on An Act to regulate the number, also the number of pounds of landlocked salmon, trout, togue, and white perch, which can be taken in one day by one person during the open season, reported a new draft under the title "An Act to regulate the number, also the number of pounds of landlocked salmon, trout, togue and white perch, which can be taken or had in possession in any one day by one person," and that it "ought to pass."

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

Mr. Kellogg, for the committee on State lands and State roads, on resolve authorizing the State land agent to convey Little Island, in Southwest Harbor, Hancock county, reported that same "ought not to pass"

The same senator for the same committee, on resolve authorizing the State land agent to convey Buck and Thrumcap Islands, located in Egge-moggin Reach, reported that the same "ought not to pass."

Mr. Donigan for the committee on ways and bridges, to which was referred 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, reported that the same be referred to the next Legislature, with the recommendation that it "ought to pass."

The reports were accepted and sent down for concurrence.

#### Orders.

On motion by Mr. Mayo of Hancock, it was

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet next Monday afternoon, Feb. 27, at 4.30 o'clock.

#### Passed to Be Engrossed.

Resolve in favor of O. M. Davis of Hersey.

Resolve in favor of O. W. Cole.

Resolve in favor of Lettie Whittier.

Resolve in favor of Annie Jones.

Resolve in favor of Albion Moody.

Resolve in favor of Helen B. Hobart.

Resolve in favor of Arlington J. Day.

Resolve in favor town of Hermon.

Resolve in favor of town of Porter.  
Resolve in favor of town of Bailey-ville.

An Act to extend charter of Water-ville and Winslow Bridge Company.

An Act to extend the close time on caribou.

An Act to extend charter of the Lily Water Company.

An Act in favor of the Brewer Water Company.

An Act regulating the practice of veterinary surgery, medicine, and dentistry.

An Act relating to the relief of poor debtors.

An Act relating to compensation of clerks in office of State treasurer.

An Act to authorize Walter Hadlock and his assigns to erect, extend and maintain a wharf into the tide waters at Hadlock's Cove.

Resolve in favor of repairing a highway in town of Moscow.

Resolve in favor of John D. McDonald. (Tabled on motion by Mr. Osborn of Somerset.)

**Passed to Be Enacted.**

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

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

An Act to further enable the Sebago Lake, Songo River and Bay of Naples Steamboat Company to construct and maintain wharves along its route in the county of Cumberland.

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

An Act to facilitate the identification of criminals.

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

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

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 Guarantee Company is authorized to commence business.

**Orders of the Day.**

On motion by Mr. Milliken of Aroostook, House Document No. 39, An Act authorizing the extension of the Bangor & Aroostook Railroad, was taken from the table.

Mr. MILLIKEN: Mr. President, after consultation with the chairman of the railroad committee, I move that this bill be assigned for Thursday of next week, with the understanding that I have an amendment to offer, which I will offer Monday afternoon for printing, and will then state the purpose for which the amendment is offered.

The motion was agreed to.

On motion by Mr. Hill of Penobscot, House Document No. 127, An Act relating to the packing and branding of apples, with Amendment A, was taken from the table. On further motion by the same senator, Amendment A was adopted.

On further motion by the same senator, the bill as amended was given its second reading and passed to be engrossed.

On motion by Mr. Osborn of Somers-

et, Bill, An Act regarding the use of gasoline engines in barns for the purpose of threshing grain, with report of the committee on agriculture upon same, was taken from the table.

Mr. OSBORN: Mr. President, I now move that the bill itself be substituted for the report, and I would like, if I am in order, to make a few statements of my reason for this motion.

This bill I introduced early in the season. I was prompted to do it by certain parties in my own locality, part of them insurance agents interested in insuring farm property, agents for old-line companies, and other parties who were receiving insurance from those parties. It is a fact, I think, now quite generally understood, that permits for the use of gasoline engines in barns for threshing grain are now granted by the Grange companies that insure farm property, and it has been stated that a very few of the old-line companies do grant this permission. Yet I am informed by some of their agents that the companies do not grant this permission, so that parties who depend upon them, by the force of circumstances, for instance, are obliged to take their own risk. The circumstances are such that it is difficult for many farmers to get insurance from the farm companies. Some of these companies will not take property where it is mortgaged, and others are very careful about that, and the farmers are obliged to depend to a certain extent upon the old-line companies. It is believed that if this bill was passed there would be no trouble in getting risks insured by the old companies. I understood one reason why the bill was turned down in the first place was because that the rates might be raised, and that it would cause the rates to be raised on all classes of farm property. The bill as amended provides that any increase of rate that might occur will apply only to those granted these permits, so that only those getting permits will have to pay the increased rate. I believe there will be no increase in rates, for there has been none by those companies.

It is only for a very short time, generally one or two days, when it is necessary to have a gasoline engine in

the barn. When it does go in there is another feature of the matter that may be overlooked. You not only violate the provisions of your policy from a fire that might ensue by the use of this gasoline engine, but also from a fire that might occur from any other cause, and that is one reason why the farmer should have protection.

This is not a personal matter with me, I am insured and expect to continue to be insured in one of the Grange companies. I can get a permit, but I ask this as a matter of fairness to all parties, as I understand it. I want to say further that I am not trying to reflect upon the judgment of the insurance committee before whom this bill was heard. I have no doubt the committee looked upon it in a perfectly fair manner and reported what they thought was right as they saw it. I wish the Senate to pass upon it upon its merits.

Mr. KELLOGG of Penobscot: Mr. President, as chairman of that committee, I suppose I ought to say a word upon this matter. We had this bill before the committee twice. The senator appeared before the committee both times, as well as some of the insurance people, and in that hearing it appeared that the companies would not be willing to grant these permits unless it increased the rates on all people insured in these policies. The senator has just stated that it does not require the companies to grant these permits until the people apply for them. It was distinctly stated there by some of the farm insurance agents of the State that the companies would not bother in that way to grant permission to these men, and to men in different parts of the State. If this law is passed they would be compelled to increase their rates to cover all these risks, and the man who does not require the gasoline clause would have to pay his proportion of the insurance just the same.

Mr. President and Senators, while I am not particularly interested in this matter, I would like to see the report of the committee stand.

I move that when the vote be taken, it be taken by the yeas and nays.

Mr. FULTON of Sagadahoc: Mr. President: I would like to inquire how many of the old line companies are now insuring farm risks?

Mr. OSBORN: Mr. President: I am not able to answer that question. I do not know how many.

Mr. KELLOGG: Mr. President: For the benefit of the Senate I will say there are only five or six of the old line companies that will take any farm risks at this time.

I will state right here that I think all of the mutual companies, except in one, a York company, grant these permits now without any additional expense. The old line companies do the same, only they have certain restrictions placed on the men that ask for this permit, that these engines shall be installed in a manner acceptable to them. There is no hardship imposed upon any man who wishes to put an engine into his barn at the present time, if he complies with those restrictions.

Mr. OSBORN: Mr. President: The bill before the Senate does not take away from the companies any of these rights to impose restrictions or designate the manner in which the engine shall be handled, or anything of that sort. It does simply fix it so that all companies doing business and insuring farm property will be obliged to do the same thing that a part of the old line companies now do and that all of the Grange companies do today.

Mr. SANBORN of Piscataquis: Mr. President: This is not a personal question with me as I am also insured in a Grange company that allows gasoline engines to be placed in barns during the threshing season, but in my locality many are insured in the other companies, and while they are not afraid of fire from a gasoline engine, yet it is understood they take all chances of fire while the gasoline engine is in the barn. Many refuse to have a gasoline engine in the barn. Last fall one man went through the town and hauled a gasoline engine and a horsepower. This year there were two companies went through our town, one running a gasoline engine and the other a horsepower. Many preferred

the gasoline engine, because it does the work much better than the horse power, but knowing that they took the risk themselves the few days the gasoline engine is there, they refused to have an engine in the barn.

I hope this bill will be voted upon favorably by the Senate.

The question being on the substitution of the bill for the report, the yeas and nays were ordered.

Those voting yea were: Messrs. Allan, Dodge, Donigan, Hill, Leach, Mayo, Osborn, Sanborn, Staples,—9. Those voting nay were: Messrs. Blanchard, Boynton, Chandler, Farrington, Foss of Cumberland, Fulton, Kellogg, Milliken, Moulton, Mullen, Noyes, Stearns, Thériault,—13. Absentees: Edwards, Foss of Androscoggin, Gowell, Hamilton, Irving, Pendleton, Smith, Winslow,—8.

And so the motion was lost.

The report of the committee was then accepted and sent down for concurrence.

On motion by Mr. Stearns of Oxford,  
Adjourned.

### HOUSE.

Friday, February 24, 1911.

Prayer by Rev. Mr. Hope of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Report of the committee on agriculture, reporting in a new draft and ought to pass, Bill, An Act to amend Chapter 247 of the Public Laws of 1909 providing for the uniform grading, packing and branding of apples, came from the Senate indefinitely postponed in that branch.

On motion of Mr. Bisbee of Rumford, the report was tabled.

#### **Senate Bills on First Reading.**

An Act to incorporate the New Sharon Water Company.

An Act to amend Section 10 of Chapter 79 of the Revised Statutes, relating to the appointment and fees of masters in chancery.

An Act additional to An Act to incorporate the general conference of

Free Baptists. (Tabled pending third reading on motion of Mr. Sleeper of South Berwick.)

Subsequently Mr. Williamson of Augusta, moved that the bill be taken from the table and recommitted to the committee on judiciary.

The motion was agreed to.

An Act to grant additional powers to the Lubec Sardine Company, came from the Senate with Senate Amendment A adopted.

The amendment was adopted in concurrence.

Mr. Williamson of Augusta, moved that the matter be laid upon the table and the amendment printed.

The motion was agreed to.

An Act to provide a charter for the city of Gardiner.

An Act to abolish the Dover municipal court and the Milo municipal court and to establish the Piscataquis municipal court.

An Act to incorporate the Clark Power Company, came from the Senate amended by Senate Amendment A.

On motion by Mr. Williamson of Augusta, the amendment was tabled for printing.

An Act to amend Sections 11, 12, 14, 15, 16 and 17 of Chapter 17 of the Revised Statutes, relating to registration of physicians and surgeons.

Resolve in favor of the town of Castine.

Resolve in favor of Stockholm plantation, with statement of facts.

An Act to amend Section six, seven and eleven of Chapter eleven of the Public Laws of 1907, relating to the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases, as amended by Chapter 34 of the Public Laws of 1909.

This bill was passed to be engrossed in the House and comes back from the Senate non-concurred in and re-committed to the committee on agriculture. (Tabled on motion of Mr. Chase of York.)

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

#### **Judiciary.**

By Mr. Hogan of Portland—An Act